

This Report will be made public on 2 February 2024

Report Number **C/23/88**

To: Councillor Jim Martin, Leader of the Council and Portfolio holder for Otterpool Park and Planning Policy
Date: 5 February 2024
Status: Non key decision
Responsible Officer: Andy Blaszkwicz, Director, Housing & Operations
Cabinet Member: Councillor Jim Martin, Leader of the Council

SUBJECT: PRINCES PARADE PROJECT – HOARDING REMOVAL

SUMMARY:

This report provides an update on progress at Princes Parade including a high-level summary of the Contaminated Land Assessment carried out by the Councils Environmental Consultant following the decision to remove the hoarding at the Princes Parade site.

An open tender process has been carried out to seek quotations for the removal of the hoarding and installation of permanent site perimeter fencing. Details from the tender exercise are provided for three different fencing options. The benefits and risks of each option alongside the budget required is discussed.

RECOMMENDATIONS:

1. To receive and note report C/23/88.
2. To agree that the hoarding at Princes Parade be utilised at Otterpool Park LLP as outlined in Section 4 of this report.
3. To consider the options set out in section 4 of this report and confirm whether officers should proceed with Option 2a, 2b or 2c.
4. To approve the full budget requirement of either £70k (Option 2a), £80k (Option 2b) or £170k (Option 2c) from the existing NG19 Princes Parade project capital budget for the installation of permanent site perimeter fencing at Princes Parade as outlined within this report.
5. Provide a contingency budget of £20K and delegated authority to the Director of Housing and Operations to authorise any additional works required to cover any unexpected events or issues which require a variation to the contracted works.
6. To approve that a £10k sum be allocated from NG19 for financial year 24/25 to cover any initial repairs following vandalism in the first year, followed by an annual revenue budget from financial year 2025/26 onwards for repairs and maintenance of the fencing.

1. BACKGROUND

- 1.1 On 14th December 2022 (report C/22/73) Cabinet agreed that option B be pursued to “do just the necessary works to implement the planning permission”. Budget was made available and works were progressing in line with that direction.
- 1.2 Following the election of the new administration in May 2023, the new Leader instructed Officers to pause works on the Princes Parade site pending a public consultation, and consider the removal of the hoarding and termination of any remaining contracts in place associated with the Leisure Centre development project.
- 1.3 Cabinet report (C/23/16) was approved by Members at the July 2023 meeting. The recommendations that were agreed were:
 1. To receive and note report C/23/16.
 2. To agree that the environmental and cost estimate reports are funded from the existing Princes Parade implementation budget for 2023/24, in order that the implications of removing the hoarding are fully understood.
 3. To authorise the Director of Housing & Operations to terminate any unnecessary contracts outlined in section 4 of the report and negotiate exit fees.
 4. To agree that as the analysis concludes, the Leader with consultation with the portfolio holders for finance and for communities, will consider a report which will outline the implications, required actions, costs and budget available to remove the hoarding and consultation next steps.
 5. To note that a further report will be prepared for Cabinet in due course following the public engagement on the options for the future use of the site.

2. ONGOING WORK

2.1 ***Termination of contracts***

All unnecessary contracts are now terminated for the leisure centre project including Utilities, and refunds have been received for any works that have not been carried out. The Land Agent fees have been negotiated and payment made for works carried out have been paid.

2.2 ***Seapoint Canoe Centre***

Officers are having ongoing discussions with the Seapoint Canoe Centre on their future proposals for the Seapoint Centre, and these discussions will continue as their intention is still to construct a new facility at Princes Parade in the future.

2.3 ***Play area and car park***

Essential repairs have been carried out to the play area, and an assessment of the play equipment has been carried out. The play area surfacing has been topped up with new wood chip material. The play equipment will be maintained in this location until further public consultation has been carried out and the future

for the site is known. Unsafe equipment will be removed if required for health and safety reasons. The car park is due to have repairs to the surface carried out in the spring by the Council's Buildings and Engineering team.

2.4 ***Brownfield Land Release Fund (BLRF)***

One Public Estate have been informed that the Princes Parade leisure centre project will not be proceeding, and arrangements have been put in place for the return of the £2M BLRF grant received by the Council.

2.5 ***Environmental and Cost Estimate Reports***

Following the Cabinet decision taken in July 2023, Officers have been working towards removing the hoarding at Princes Parade.

Idom Merebrook Limited environmental consultants were commissioned to carry out a Contaminated Land Assessment (CLA) which included reviewing the recent site investigation data for Princes Parade in the context of 3 proposals for the possible use of the site:

- i) Unrestricted public access to the whole site,
- ii) A fenced, rewilded site with limited public access along existing paths, and
- iii) A mix of rewilded areas and dedicated areas for recreation such as a new play area and informal sports areas.

2.6 ***Procurement Exercise***

On receipt of the CLA report, Officers have undertaken a procurement exercise on the Kent Business Portal to obtain prices from the open market for the removal of the hoarding and the installation of site perimeter fencing to restrict public access. The tender exercise was carried out in place of a cost estimate report as this was seen as better value for the Council and enabling prices from the market to be sought.

Bidders were requested to submit prices for two Lots. Lot 1 was for the removal of the existing hoarding, and Lot 2 was for the supply and installation of the site perimeter fencing. The results from the tender exercise are outlined in Section 4 of this report.

3.0 **Summary of the Contaminated Land Assessment**

3.1 When assessing contaminated land, materials from the upper 0.5m of soil are considered relevant to ingestion, dust and dermal contact pathways. To assess the potential risks to health, all previous ground investigation data from this depth was considered. The results have been compared against precautionary screening levels for local authority maintained public open space/parkland style land.

3.2 Contamination at the Princes Parade site includes Polyaromatic Hydrocarbons (PAH), and Asbestos, identified in asbestos containing materials and as loose fibres. Approximately 20% of the samples failed the assessment criteria for some PAH compounds, and asbestos was detected in approximately 25% of all soil samples in the upper 0.5m of soils.

- 3.3 The CLA report summarises that active recreational activities such as walking through the site would not trigger a risk from exposure to PAH's, however, static recreational activities such as picnicking or playing, may present an increased risk depending on localised concentrations of PAH found at higher levels within the soil.
- 3.4 Inhalation of dust containing asbestos fibres is possible where bare dry soils are present and the ground is disturbed causing asbestos fibre release. The risk is currently largely controlled by soil moisture and maintaining vegetation cover to the site. Both active and static recreational activities have the potential to produce dust through the disturbance of dry bare soils, and the risk increases further if open access was to be allowed to the site, as potential for ground disturbance would increase.
- 3.5 The site as it currently stands, being fenced from public access and vegetated, removes the potential for the creation of a pathway from the contamination to potential receptors through soil disturbance. With the hoarding in place the risk to health would not be expected to have potential to be classed as contaminated land under Part 2A of the Environmental Protection Act. If the hoarding was to be removed and open access allowed, this would trigger a requirement to have the site reassessed as the potential for soil disturbance would significantly increase.
- 3.5 Any fencing that is to be installed around the site perimeter should be suitable for deterring access to both humans and pets. If access to the site is to be considered at a future time, then remedial measures and further site investigations as outlined in the CLA would be required to inform decision making.

4. Summary of tender responses and additional requirements for the hoarding removal and site perimeter fencing installation

4.1 *LOT 1 – Hoarding Removal*

During the tender period, a request from Otterpool Park LLP (OPLLP) to reuse the hoarding materials from Princes Parade was received. This option was explored with the OPLLP Team and it was considered financially beneficial for the Council to reuse the hoarding at Otterpool Park and withdraw Lot 1 from the procurement process.

It is proposed that the hoarding will be transported to Otterpool Park and reused to prevent public access to the Council owned vacant buildings, with any unused materials stored and utilised in the future when construction work commences. Council Officers will work with the OPLLP to ensure that the works are planned simultaneously with the Contractor awarded the Lot 2 works, and that the Princes Parade site is kept secure at all times.

4.2 *LOT 2 – Site Perimeter Fencing*

Prices for 3 different types of boundary fencing including 1.2m stock, 1.2m chestnut pale, and 1.8m metal mesh fencing were requested in the tender specification.

There are benefits and risks for each of the 3 fencing types and these are outlined below.

Option 2a – 1.2m Stock Fencing	
Benefits	Risks
<ul style="list-style-type: none"> • Financially this is the least expensive option for installation in terms of both materials and labour. • Materials are readily available for repairs. • Existing in-ground posts on the site can be utilised where already installed. • Visibly this is the least obtrusive fence and will allow permeability of the site boundaries for wildlife. • Minimise contaminated material being excavated on site as method of installation will only require removal of material at strainer posts. • Harm to Royal Military Canal Scheduled Ancient Monument will be reduced by minimal removal of materials and less obtrusive appearance. 	<ul style="list-style-type: none"> • Timber posts have limited life span and will need replacing in the future. • Easily vandalised and may have higher ongoing maintenance costs to keep carrying out repairs/replacement. • The height of the fencing may not provide a significant barrier for people to be able to access the site. • Risk that humans could still access the site and come in contact with the contamination present.
Option 2b – 1.2m Chestnut Pale Fencing	
Benefits	Risks
<ul style="list-style-type: none"> • Can be installed in similar timescales to stock fencing. • Materials are readily available for repairs. • Existing posts may be able to be utilised where present on site. • The construction of this fencing may provide a greater deterrent to preventing access than the stock fencing. • Minimise contaminated material being excavated on site as method of installation will only require removal of material at strainer posts. • Harm to Royal Military Canal Scheduled Ancient Monument 	<ul style="list-style-type: none"> • This fence visually has a less permeable appearance to options 2a and 2c. • This option is more expensive than the Stock fencing due to the materials required within its construction. • The height of the fencing may not provide a significant barrier for people to be able to access the site. • Risk that humans could still access the site and come in contact with the contamination present. • Timber posts/pales have limited life span, and will need replacing in the future.

will be reduced by minimal removal of materials and less obtrusive appearance.	
Option 2c – 1.8m Metal Mesh Fencing	
Benefits	Risks
<ul style="list-style-type: none"> • Increased height will act as greater deterrent to human access to the site, in turn decreasing likelihood of harm to health from contact with the contamination present on site. • Longer lifespan of materials. • Vandalism of the fence would be less likely due to more robust materials and metal posts. • Less Officer time and cost to maintain following installation. • Green colour may have less visual impact on the site as would blend in with surrounding vegetation. 	<ul style="list-style-type: none"> • Most expensive option for installation. • Coastal environment may cause materials to deteriorate quicker in this exposed location. • Visually this fencing would have more impact especially along Princes Parade road, due to its height and density of materials. • Would cause most harm to the Scheduled Ancient Monument due to installation methods and requirement of post installation. • Greater amount of contaminated material would need to be excavated for installation. • Risks to health of operatives would increase during installation requiring additional PPE/monitoring.

4.3 **Historic England requirements**

Consent is required from Historic England to carry out works that fall within the Royal Military Canal Scheduled Ancient Monument boundary that are not authorised under the Council's existing standing consent. A meeting has been held with Historic England in which their Officer advised that an application for consent for the fencing works would be required once the Method Statement from the appointed Contractor is received by the Council.

The northern boundary of the site falls within, or within close proximity of the Scheduled Ancient Monument, and as such the appointed Contractor will be expected to comply with all Historic England's requirements for working within the Scheduled Monument Boundary. It is likely that an Archaeological watching brief will be required for any excavation works in this location and a budget cost for this has been included in the project costs outlined in section 5 below.

4.2 **Ecology requirements**

Lloyd Bore Ecologists have been consulted regarding the works and a quotation has been received for an Ecologist to be present on site when the works are

required to be carried out in the vicinity of the badger sett. Initial advice from Lloyd Bore is that works can proceed without any further ecology requirements, however Officers will ensure that they are further consulted prior to works commencing on site. A budget cost for the Ecologist has been included in the project costs outlined in section 5 below.

5. OPTIONS/RESOURCES & TIMELINE

5.1 Project Costs

To date £6,450 has been authorised from NG19 for Idom Merebrook to produce the Contaminated Land Assessment, tender specification, and to support officers with the tender quality analysis of the Bidders submissions.

Costs for the works are outlined in the table below. Officers request authorisation to allocate budget from the existing NG19 Princes Parade capital budget to proceed with the works.

A maintenance and repairs budget of £10,000 is requested to be made available from the NG19 budget until 31 March 2025 following the installation of the fencing. This sum is only to be used to attend to any initial damage and vandalism that may occur. This budget will not be carried forward past 31 March 2025. For the financial year 2025/6 onwards, an annual ongoing maintenance budget of £5,000 is requested to allow for ongoing repairs maintenance and renewal of the fencing as required.

Costs

Ecologist	£5,000
Archaeological Watching Brief	£10,000
Hoarding Removal	£0
Site Perimeter Fencing:	
• Option 2a – Stock Fencing	£50,000
• Option 2b – Chestnut Pale Fencing	£60,000
• Option 2c – Metal Mesh Fencing	£150,000
Site clearance/tidy – Skip and labour to clear site of materials left from the Leisure Centre works.	£5,000
Project Contingency	£20,000
Total budget estimate for the works (including contingency):	
• Option 2a	£90,000
• Option 2b	£100,000
• Option 2c	£190,000
Repairs and Maintenance budget - 2024/25	£10,000
Repairs and Maintenance budget - ongoing annual budget from 2025/6.	£5,000

5.2 Programme of proposed works

The programme of work varies depending on which fencing option is chosen. Initial project plans submitted by the preferred bidder indicate a programme of between 6 and 12 weeks for the fencing works. Officers will work closely with the contractors to minimise the time spent on site.

The works are proposed to start on site in mid-February 2024. Please note that the programme is subject to Scheduled Monument Consent being granted for the works falling within the Scheduled Ancient Monument boundary.

6. RISK MANAGEMENT ISSUES

6.1 A summary of the perceived risks follows:

Perceived risk	Seriousness	Likelihood	Preventative action
Historic England refuse to grant consent for the fencing works within the Scheduled Monument Boundary	High	Low	To ensure FHDC Officers work with Historic England and the preferred bidder to provide a compliant and comprehensive method statement for fencing installation ensuring no harm to Royal Military Canal. Make adjustments to fencing installation as required by Historic England. Allowance made for Archaeological Watching Brief if required by Historic England.
Ecology prevents works on site.	High	Medium	Ecological watching brief has been appointed to be present on site whilst fencing works are being undertaken. Officers will continue to consult with the Ecologist throughout duration of the works.
Resident objections or protest to the fencing installation	Medium	Low	Continued public communication to inform of the works taking place. Comms team kept up to date of works in progress.
Unexpected contamination encountered whilst installing fencing	Medium	Medium	All excavated waste to be dealt with as contaminated by contractor, samples sent for testing if required, and results reported to FHDC. Appropriate PPE

			worn by contractors at all times. Contingency sum allowed to deal with this scenario.
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7. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

7.1 Legal Officer's Comments (EC)

There are no legal implications arising directly from this report.

7.2 Finance Officer's Comments (DL)

An amount of £300k has been allocated from the Princes Parade capital budget to cover the work to remove the hoarding and replace with fencing.

7.3 Diversities and Equalities Implications (GE)

There are no equality and diversity implications directly arising from this report.

7.4 Climate Change Implications (OF)

There is likely to be some climate implications because of this and measures should be incorporated to reduce the potential impact from the following: greenhouse emissions from construction, waste disposal and air pollution. The proposed option chosen should therefore be subject to a climate impact assessment.

8. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting.

Andy Blaszkowicz Director Housing & Operations
 Telephone: 01303 853714
 Email: andy.blaszkowicz@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

Appendix 1 – Contaminated Land Assessment, Princes Parade.