

AGENDA ITEM: 7

SUMMARY

Report for:	Cabinet
Date of meeting:	22 January 2013
PART:	1
If Part II, reason:	

Title of report:	HEMEL EVOLUTION - JELLICOE WATER GARDENS		
Contact:	HERITAGE LOTTERY FUND BID Cllr Terry Douris, Portfolio Holder for Planning and Regeneration Author/Responsible Officers: James Doe, Assistant Director, Planning, Development and Regeneration Claire Covington, Strategic Planning and Regeneration Officer		
Purpose of report:	 To report the outcome of the Stage 1 Heritage Lottery Fund Parks for People bid for the restoration of the Water Gardens. To update members on the financial commitment required to support a Stage 2 Parks for People bid. To seek approval to prepare a Stage 2 Parks for People bid with match funding required, profiled from 2012/13 onwards. 		
Recommendations	 That Cabinet notes the successful outcome of the Stage 1 Heritage Lottery Fund Parks for People bid for the restoration of the Water Gardens, including an award of £106,000 to support the preparation of a Stage 2 bid. That Cabinet approves the preparation of a Stage 2 Heritage Lottery Fund (HLF) Parks for People bid, as outlined in the report, to secure funding to support a programme of approximately £3.3 million for restoration and intervention works to the registered Jellicoe Water Gardens. 		
	3. That Cabinet notes the requirement to provide match funding of up to 30%, and Capital Strategy Steering		

	Oroun's recommendation to Ochinat of COOT FOO to		
	Group's recommendation to Cabinet of £997,500 to support the total project at both development and implementation phases at Stage 1 and Stage 2. 4. That Cabinet delegates the decision on the submission date for the Stage 2 bid to the Assistant Director of Planning, Regeneration and Development.		
	5. That Cabinet approves the recruitment of a part time (15 hours per week) Community Engagement Officer for an initial two year period to promote and facilitate community involvement in the Water Gardens.		
	6. That Cabinet notes the need for additional revenue contribution required to support the implementation of works at Stage 2 and an ongoing commitment to operate the Gardens to high levels of maintenance and management.		
	7. That Cabinet approves the proposed project governance structure including the establishment of a project board, comprising the Portfolio Holders of Environment and Sustainability, Residents and Regulatory, and Planning and Regeneration and other service officers.		
	8. To delegate authority to award the contract for the Stage 2 consultants to the Assistant Director of Planning, Regeneration and Development.		
Corporate objectives:	The restoration of the Water Gardens as part of the regeneration of Hemel Hempstead Town Centre has been identified as a priority for the Council.		
Implications:	<u>Financial</u>		
·	All capital and revenue costs associated with the restoration of the Water Gardens and community development work can be included within the project costs up to five years after the grant decision notice is received.		
'Value For Money Implications'	The Stage 1 bid included development costs of £152,000 to prepare the proposals up to Stage 2. As part of the Stage 1 pass, the HLF has awarded £106,000 towards this programme, with a contribution of £43,250 being made by Dacorum Borough Council. This can be attributed to the capital costs of the project.		
	The development costs include funding for the Community Engagement Officer for 9 months. It is anticipated that the Stage 2 bid will include a further 15 months of funding for this post, after which it would be added to Dacorum Borough Council's establishment costs.		
	A Stage 2 bid of £3.3 million is proposed to the Heritage Lottery Fund to cover capital and revenue costs to December 2018 (based on an August 2013 submission). It is proposed that a minimum of 70% of the costs will be sought from HLF as		

part of the bid, with a contribution from Dacorum Borough Council of up to 30%. In November 2012, Capital Strategy Steering Group approved funding of £997,500 to support the total capital project costs for both Stage 1 and Stage 2. An additional allowance to the HLF bid of £95,000 has been included as a contingency for the Gardens to meet the requirements of the Water Framework Directive within a sensitive scheme acceptable to English Heritage. This may include works beyond the Registered Garden to improve the sustainability of the River Gade through the town centre or to provide off-site mitigation measures. In addition to the deployment of officer time from the establishment budget, a revenue commitment will be required both during the implementation phase and after project completion from January 2019 onwards. These have been profiled across the project period are set out in appendix 2 of the report, but will centre on horticultural expertise, the community engagement officer and related activities, and running costs for the proposed community building. From January 2019 onwards the current estimate at today's prices would be £61,100 per annum. Value for Money Through Heritage Lottery Funding, there is the opportunity to secure significant capital funding for major restorative works set within a community development project. The HLF has awarded a 70% contribution towards developing the Stage 2 bid. An up-front investment of £43,250 will be required from Dacorum Borough Council to support the preparation of a high quality Stage 2 bid in what is a very competitive bidding process. A Risk Assessment was completed as part of the Hemel Risk Implications Restoration Water Gardens Project Hempstead Implementation Document. An equality impact assessment has been completed as part of Equalities the Hemel Hempstead Water Gardens Restoration Project **Implications** Implementation Document. None Health And Safety **Implications Deputy Monitoring Officer:** Monitoring Officer/S.151 The Deputy Monitoring Officer has no comments to add to the Officer Comments report. **Deputy S.151 Officer** The capital bid for this project was approved by the Capital

	Strategy Steering Group (CSSG) at its November meeting, and the cost profile has been included in the 5-year Capital Programme to be recommended to Cabinet in February as part of the 2013/14 budget-setting process.
	The potential ongoing revenue costs arising from the project cannot be approved in advance of the budget-setting process for the relevant year. However, the costs will be incorporated into the Medium Term Financial Strategy (MTFS) and will therefore contribute to the Council's future savings target.
	Notification of potential future revenue costs within this report does not exempt their subjection to the same scrutiny process as would be expected for any growth bid within the Council. This scrutiny will be undertaken as part of the budget-setting process for the year in which the revenue budget would first be required. For example, we would need to address to what extent the maintenance and management costs identified could be absorbed within existing Council services.
Consultees:	David Austin, Assistant Director, Neighbourhood Delivery Chris Taylor, Group Manager Strategic Planning and Regeneration Mike Evans, Group Manager, Commercial Property and
	Assets
	Fiona Webb, Assistant Team Leader, Development Management (Conservation and Design)
	Cllr Terry Douris, Portfolio Holder for Planning and Regeneration
Background papers:	Hemel Hempstead Town Centre Masterplan Draft Report 2012 Heritage Improvement Study Report to Cabinet 29 November 2011 Report to Cabinet 24 July 2012
	Water Gardens Study, Hemel Hempstead – Report by Allies and Morrison Urban Practitioners and The Landscape Partnership, October 2011
	Water Gardens Design Development Report 2012 (HTA Consultants)

Background

- 1. On 29 November 2011 Cabinet agreed to support in principle a submission to the Heritage Lottery Fund Parks for People programme in August 2012 to secure funding for restoration works to the Water Gardens. The regeneration of the registered Jellicoe Water Gardens and surrounding area is a key aspect of the Hemel Hempstead Town Centre Masterplan, and would provide a high quality community space for residents and visitors, and act as a catalyst for the wider regeneration of the town centre.
- 2. As a Registered Park and Garden designed by the foremost 20th century British landscape architect Geoffrey Jellicoe, the Water Gardens is a strong candidate for Parks for People. Jointly funded by the Heritage Lottery Fund (HLF) and the Big Lottery Fund, this programme offers grants for projects that regenerate designed public parks of national, regional or local heritage value. Applicants must demonstrate the following criteria:

- The community values the park as part of its heritage
- The park meets local social, economic and environmental needs
- The parks management actively involves local people.
- Increasing the range of audiences
- Conserving and improving the heritage
- Increasing the range of volunteers
- Improving skills and knowledge through learning and training
- Improving management and maintenance
- 3. A budget provision of £20,000 was made to progress the Stage 1 bid and HTA Landscape Design was subsequently commissioned to prepare the outline proposals and supporting documents.
- 4. The Water Gardens Design Development Report Draft was prepared to support the Stage 1 bid and included a concept plan for the restoration proposals, which was presented to Cabinet on 24 July 2012 and is attached as Appendix 1. The proposals for the Water Gardens were designed to demonstrate the HLF's requirements and to achieve Dacorum's aspirations for the Gardens to be a valued and vibrant community space, in keeping with its historical significance.
- 5. In order to achieve the Parks for People criteria, the restoration scheme included the following proposals which would result in an additional revenue commitment being made by Dacorum Borough Council.
 - A new community building to act as a focus for community activity both within the Gardens and for the wider town centre, also housing new public toilets aiding the redevelopment of the Market Square. The building, and displaced parking usage, can be accommodated within the Water Gardens south car park without a loss of income. For the longer term, the facility could be leased to a suitable operator and the Heritage Lottery Fund has indicated that it would look favourably on a partnership with a social enterprise organisation.
 - A part time Community Engagement Officer funded for two years through the project, and subsequently added to the establishment. This role will be to support the development of the Friends group, involve the community and stakeholders in the development of the plans, and develop links between the Water Gardens and other organisations, including local schools.
 - A full time skilled gardener post dedicated to work in the Gardens to ensure high horticultural standards are achieved. This post would initially be funded for 5 years through the bid and then added to the establishment costs.
- 6. To date there have been two papers approved by the Council, one at Cabinet in July 2012 and one by Capital Strategy Steering Group in November 2012. At the meeting on 24 July 2012 Cabinet approved the submission of a Parks for People Stage 1 bid for the restoration of the Water Gardens as demonstrated through the Water Gardens Design Development Report Draft. A total programme of works of up to £3.5 million was proposed to cover capital, revenue and development costs to December 2018 (based on an August 2013 Stage 2 submission). This included match funding by Dacorum Borough Council of up to £1,050,000 to support the bid on a 30% basis. The

report highlighted the need for an ongoing revenue commitment to operate the Gardens to high levels of maintenance and management during and after the completion of the project. The net impact on the revenue budget is detailed in appendix 2. The revenue costs of a new community building, public toilets, community involvement and learning opportunities were estimated at £61,100 per annum at current prices.

- 7. The bid documents were subsequently completed and submitted to the Heritage Lottery Fund in August 2012. The bid detailed development costs of £152,000 to prepare the proposals up to Stage 2 submission and a Stage 2 bid of £3,301,550. It sought a 70% (£2,417,000) contribution of total project costs from the Heritage Lottery Fund leaving a maximum exposure to Dacorum Borough Council of 30%.
- 8. In November 2012, Capital Strategy Steering Group approved funding of £997,500 towards the restoration of the Water Gardens as match funding to the bid. With a total project cost of £3,548,050, this set Dacorum Borough Council's contribution at 28% and within the 30% contribution reported to Cabinet on 24 July 2012. The project costs and financing are detailed in appendix 2.
- 9. A key issue to be resolved prior to Stage 2 is the Environment Agency's concern that the restoration will not comply with the European Water Framework Directive, which requires all river basins to achieve good ecological and chemical status by 2015. The River Gade is currently ranked as of 'moderate' status, with the aim of achieving 'good' by 2015. For the Water Gardens the Environment Agency has advised that measures to provide fish passage will be required. A series of fish bypass channels is proposed to the side of each of the four weirs in the Gardens, to enable fish to travel upstream. The weirs are part of the original fabric of the Gardens and were carefully designed by Jellicoe to provide both sound and visual interest for visitors. An initial joint meeting has been held with the Environment Agency and English Heritage to discuss how a sensitive scheme can be designed which would be appropriate to the historic environment of the Water Gardens. An additional allowance to the HLF bid of £95,000 has been included within the £997,500 capital funding as a contingency for these works. A thorough assessment and understanding of the hydrology of the River Gade through the town centre will be required, to include flow data to assess viability and there may also be the need to consider off-site mitigation works. The £95,000 contribution has been kept separate to the HLF bid at present, to provide flexibility for improvements to be sought beyond the registered Water Gardens area. The River Gade assessment together with recommendations for improvements may also help lever in some additional external funding.
- 10. In December 2012, Dacorum Borough Council was informed that the initial bid had been successful. A copy of the notification letter is included as Appendix 3 and includes confirmation of the £106,000 award by the HLF to support the project to Stage 2 submission, with £43,250 match funding being contributed by Dacorum Borough Council. The HLF has currently made the development funding available until March 2014, with a further extension available, providing opportunities for the Stage 2 submission to be made in either August 2013 or February 2014.
- 11. The works required up to Stage 2 are detailed below, and include specialist site surveys and preparation of design proposals to RIBA stages C and D.

- Full conservation management plan
- Topographic survey
- Condition and structural survey of concrete structures
- Updated arboricultural survey
- Ecological survey
- Hydrological survey
- Landscape design proposals
- Architectural proposals for new community facility
- Interpretation strategy
- Consultation programme
- Development of Friends Group
- Preparation of activity plan
- Visitor surveys
- Preparation of monitoring and evaluation plan
- Updated management plan
- 12. A copy of the draft programme and timescales for the HLF project which was submitted as part of the Stage 1 bid is included as Appendix 4. This was based on an August 2013 submission date and was prepared prior to the negotiations between the Environment Agency and English Heritage. The next focus will be on procuring the consultants for preparing the Stage 2 bid, including the option to extend the contract to continue through the delivery phase if the bid is successful. Procurement has advised that through the OJEU open tender process, the earliest timescale in which a consultant's contract could be awarded is April. In order to have the consultants in place as soon as possible, this report seeks delegated authority for the appointment as detailed in recommendation 8. The additional surveys and design work required to resolve the Water Framework Directive and procurement of consultants to undertake the River Gade assessment will put pressure on the overall programme, and as a result February 2014 is a more realistic timescale for Stage 2 submission. The HLF's deadline between Stage 1 and Stage 2 bids is 27 months. The revised project timetable will need to be agreed with the HLF before permission to start the development phase is given. A meeting will be held with HLF's monitoring officer assigned to the Water Gardens project to discuss the project programme and subject to Cabinet's approval, advise on the most appropriate time to submit the Stage 2 bid. An HLF agreement is a long term commitment by both Dacorum Borough Council and the HLF with a grant contract period of 25 years. New staffing costs can be included within the bid for up to five years, which is reflected in the draft programme.
- 13. Although Stage 1 approval has been achieved, Stage 2 remains a competitive process and to be successful a high quality and convincing bid, demonstrating the delivery of the concept plan and activities outlined in Stage 1, will be required. There will be the opportunity to refine the detail of the restoration proposals during the development phase. Any potential changes will be fully discussed with the HLF to reduce any risk to the Stage 2 outcome and ensure the scheme continues to deliver the Parks for People criteria and demonstrates value for money.
- 14. The Parks for People programme is jointly funded by the BIG Lottery Fund, and as a result actively involving the community and increasing the range of audiences are key outcomes. As part of preparing the Stage 1 bid, a Friends

- of the Water Gardens group has been initiated. Expanding their role and activities will be the responsibility of the new Community Engagement Officer post. It is anticipated that the group will be an important stakeholder to the project and actively involved in the preparation of the Stage 2 bid.
- 15. It is proposed to establish a governance structure for the project moving forward to Stage 2. A Water Gardens Restoration Project Board will be formed with the Portfolio Holders of Environment and Sustainability, Residents and Regulatory Services, and Planning and Regeneration, plus service officers. Developing the Stage 2 bid will be the responsibility of the Water Gardens Restoration Steering Group, comprising officers from Planning and Regeneration, Environmental Services, Commercial Assets and Property Development, and Financial Services. To ensure the support of key partners it would be helpful if the Environment Agency and heritage interests were represented at both levels.

Appendix 1

Water Gardens Restoration Proposals Concept Plan



The Water Gardens - Restoration Concept Plan





Appendix 2

Project costs

Financing	Development costs to	Delivery
	Stage 2 submission	costs
Heritage Lottery Fund	£106,000	£2,311,000
Dacorum Borough Council	£43,250	£859,750
Increased management	-	£107,700
and maintenance funding ¹		
Volunteer time ²	£2750	£23,100
Total	£152,000	£3,301,550

¹ This figure relates to additional management and maintenance activities by Clean, Safe during the period of the HLF contract which has been included within the bid costs.

2 Under the Parks for People programme volunteer activities can be attributed a cash value and included within the bid costs.

Net impact on revenue budget (based on an August 2013 submission)

2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
£260	£20,620	£26,620	£60,935	£61,265	£61,100

Appendix 3

21 Dec 2012

Our Ref: PP-10-08247

Fiona Webb
Assistant Team Leader - Conservation & Design
Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Hertfordshire
HP1 1HH

Hemel Water Gardens

Congratulations! Your application has now been assessed, and I am delighted to inform you that the Heritage Lottery Fund and Big Lottery Fund have decided to award a first-round pass. I am also pleased to confirm that we will offer you a development grant of up to £106,000.00 one hundred and six thousand pounds (70% of the total eligible development work cost of £152,000.00) towards the development of your proposals.

Part 1 of this letter sets out how we will work with you during the development phase of your project and what you need to do to develop your second-round application.

Part 2 deals with the legal aspects of the development grant that we are offering. It refers to the standard terms of grant that you accepted when you signed the declaration on the application form.

Part 3 advises you on next steps.

Part 1 - How we will work with you

What does a first-round pass mean?

A first-round pass means that your project meets our published criteria for funding and we believe it has potential to deliver high-quality benefits and value for Lottery money. Your application will have been in competition with other supportable projects, so a first-round pass is recognition that we value your proposals and want to have the opportunity to assess them in detail at the second round.

A first-round pass does not guarantee that you will receive a grant. We receive more requests for grants than we can support, and your second-round application will still be in competition for funding. The total costs of your project may change during your development period, but if there is any significant increase in your grant request at the second round this will have an impact on our judgement of the value for money your project offers.

Your project's development phase

You will need to develop your project in line with the proposals set out in your application and the key points to be addressed during the development phase set out below. Please contact Sylvia Collier to arrange a start-up discussion for your development phase early in the New Year, when we will agree a timetable for progress reporting, grant payment requests and for your second-round submission. Your second-round application can be sent in as soon as you have completed your development work and we have signed off your completion report on the development grant. This normally takes up to 18 months, but exceptionally 2 years. The deadline for us receiving your second-round application is 28 February 2015. If we have not received your full second-round application by then, your first-round pass will have lapsed and you will need to start a new first-round application if you wish us to consider your project again.

Keeping in touch

The key points that need to be addressed in the working up of a second-round bid are outlined in the second round guidance and may include other requirements notified to you during the development phase.

During the development phase we will ask you to report on progress against these and on how you are doing in preparing the documents that you need for your second-round bid. This will help us to understand how well your plans are advancing and alert us to any issues affecting the timing of your second-round submission.

We will undertake a formal review of your progress when you have developed outline costs and got quotes or tenders. This will usually be when your outline proposals are ready (RIBA stage C). Following this review, we will normally ask you to continue developing your project to the second round. Exceptionally, if your proposals have changed a lot, or your costs and grant request have increased significantly, and we consider they no longer represent value for money, we will ask our Board to consider your project again. If this is the case, we may reject your application at this point.

We will appoint an external monitor to carry out project management monitoring of your development phase on our behalf. We will let you know their name and responsibilities when they are appointed. S/he will become your main point of contact with HLF during your development phase.

Please read the attached 'Managing your grant' guidance. This forms part of the standard terms of grant for our development grant and requires you to:

- obtain our permission to start your development;
- submit progress reports at a frequency agreed between us when we have our start up discussion;
- request your grant;
- provide a completion report when you have finished the development work;
- procure goods, works and services in accordance with EC procurement regulations.

The forms that you will need for requesting permission to start, requesting your grant and reporting your progress and completion should be **accessed and submitted via your online account** (https://forms.hlf.org.uk/officeforms/HLF_Projects.ofml), in the same way that you supplied your application form. If you do not have an online account, send hard copies of your forms to your Grants Officer.

Part 2 - The legal section

Grantee: Dacorum Borough Council

Address:
Civic Centre
Marlowes
Hemel Hempstead
Hertfordshire
HP1 1HH

Project Reference Number: PP-10-08247

Development Grant

The attached appendix 1 sets out the principal elements of the development work to which the Heritage Lottery Fund (HLF) has agreed to contribute, along with the anticipated partnership funding.

Please be aware that if you spend less on your development work than the approved development budget, we will reduce the final grant payable. Any reduction will be in proportion to HLF's grant contribution.

Standard terms of grant

We will pay you the grant subject to you complying with our standard terms of grant which formed part of your application; the additional grant conditions (if any) set out below; and with the conditions and requirements set out in 'Managing your grant'.

Additional grant conditions

In addition to our standard terms of grant, you must observe the following additional conditions in respect of the development work:

None

Grant expiry date

You must complete the development activities and documents by 28 February 2014.

Duration of the terms of grant

The standard terms of grant and the additional grant conditions (if any) will last for 10 years from the date of this letter.

The following documents define the development work for which the grant is offered:

- 1. This letter
- 2. Your application dated 31 August 2012.
- 3. Documents submitted by you in support of your application

Withdrawal of the grant

We may withdraw the grant if:

- You have already started your development work before we have given you our permission to do so, in accordance with the standard terms of grant.
- You do not start the development work within 12 months of the date of this letter.
- For capital projects only, your project does not pass the review at RIBA stage
 C. If your project is rejected at this point, we will withdraw the remainder of the development grant.

Part 3 - Next steps

The following documents accompany this letter:

- 'Managing your grant' setting out our monitoring requirements and including a set of standard forms for you to complete during the course of your development phase
- EU Procurement Regulations guidance
- 'How to acknowledge your grant' guidance
- Introduction: Announcing your grant to media
- Picture this tips on taking photos
- Template photo call notice
- Template press release first-round pass including development funding

Permission to start

We will only give you our permission to start the development phase when certain pre-conditions, defined in the 'Managing your grant' guidance, have been satisfied. These include evidence concerning partnership funding, and the existence of a robust project management organisation and plan. For us to pay your grant requests by bank transfer (BACS), we need to see a copy of a recent bank statement (within the last three months), or a cheque or a paying-in slip for the relevant account, showing the bank's name and address.

Sylvia Collier will look forward to receiving your Permission to start the development phase form within 20 working days from the date of this letter or as soon as possible thereafter. However, if you have any difficulties in meeting this deadline, please let her know.

Publicity

It is important to publicise your award to local media so that lottery players know where their money has gone. However, you must keep your award confidential until we have discussed and agreed your publicity plans. We will publish the fact that you have been awarded a development grant on our website within 10 days of the grant being awarded. Your grant officer can assist you with queries about publicity and the media and I have enclosed a template press release which you may find helpful to issue to media once your publicity plans have been agreed.

Please also contact your grant officer as soon as possible to agree the most appropriate location and nature of HLF acknowledgment for your development phase grant. You must make sure you include our logo on any information you produce about your development work, for example, on public consultation or fundraising information or materials. You must also include our logo on all designs or plans you produce, on all specialist reports or surveys, and on all tender documents that are funded by our grant. Please refer to the enclosed 'How to acknowledge your grant' quidance which explains how to do this.

We wish you every success with your development phase, and look forward to receiving regular updates.

Please contact your grant officer if you have any queries arising from this letter.

Robyn Llewellyn Head of Heritage Lottery Fund East of England

Enc

Appendix 4

Draft Programme

HLF Draft Programme ¹	Start	Finish
1 HLF Milestones	05/12	12/13
Prepare HLF Stage 1 bid	05/12	08/12
Stage 1 approval	12/12	12/12
OJEU Procurement of Consultants	12/12	02/13
Stage 2 Application	03/13	08/13
Stage 2 Submission	08/13	08/13
Stage 2 Approval	12/13	12/13
2 Project Development	03/13	08/14
Site surveys, structural, landscape, hydrology, ecology	03/13	03/13
Design Stage C and D	03/13	08/13
Stage 2 submission	08/13	08/13
Design Stage E and F	12/13	03/14
Tender documentation	03/13	04/14
PQQ procurement of Contractor	01/14	02/14
Evaluate and shortlist	03/14	03/14
ITT	04/14	05/14
Evaluate and select	05/14	07/14
Standstill period	07/14	07/14
Appoint Contractor and mobilisation	07/14	08/14
3 Construction Programme	08/14	08/16
Start on site	08/14	08/14
Construction	08/14	08/15
Contractor Maintenance period	08/15	02/17
Contract completion	08/16	02/17
4 Water Gardens resources	05/15	05/19
Appoint Gardener	05/15	07/15
Gardener	07/15	05/19
5 Community Engagement	03/13	04/19
Community Engagement officer	03/13	03/15
Volunteer plan/activities and training	03/13	04/19
Friends Group/activities and community events	03/13	04/19

¹ The draft programme submitted to the HLF was based on an August 2013 Stage 2 application. A February 2014 submission will add a further six months to the project programme.