

Title: Tachbrook Country Park

Lead Officer: Ruth Hýtch / Chris Elliott

Portfolio Holder: Cllr W Roberts

Wards of the District directly affected: Myton and Heathcote and Bishop's Tachbrook

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>	7.11.24	Cllr W Roberts
<b>Finance</b>	7.11.24	A Rollins/D Dabasia
<b>Legal Services</b>		
<b>Chief Executive</b>	7.11.24	C Elliott
<b>Director of Climate Change</b>	7.11.24	D Barber
<b>Head of Service(s)</b>		See above
<b>Section 151 Officer</b>		See above
<b>Monitoring Officer</b>	7.11.24	G Leach
<b>Leadership Co-ordination Group</b>		
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	Yes N/A Information report	
<b>Contrary to Policy / Budget framework?</b>	No/Yes	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	No/Yes Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	N/A/	
<b>Accessibility Checked?</b>	Yes/No	

## **1. Summary Why Overview & Scrutiny Committee asked for the report**

1.1 This report for Overview and Scrutiny Committee is part of its ongoing programme of scrutinising the Council's key projects. This report informs the Committee about Tachbrook Country Park in respect of:

- Purpose of the project
- Timeline for delivery
- Governance of project
- Budget
- Skills being in place to deliver
- Project risks
- One Change to Improve Performance

## **2. What the project is being delivered**

### **2.1 Purpose of the Project**

2.1.1 The origin of the Tachbrook Country Park was set out in the adopted Local Plan for Warwick District covering the period 2011 to 2019. As a designated green space, it supports a large expansion of the urban area of Whitnash/Warwick and Leamington where several thousands of homes have been planned and many are now built.

2.1.2 The Country Park concept was for an area of almost 50 hectares (over 100 acres) to:

- Provide a permanent green edge to the expanded urban area.
- Offer a significant amenity area for the many new residents.
- Address an identified green space deficit in the southern area of Leamington and Whitnash.
- Create the potential for enhancement of the biodiversity of the district.
- As now to be modified it will also enable an off-road pedestrian/cycling route to a new secondary school form much of the new development.

2.1.3 The proposal will offer a range of features and habitats including wetland features and habitats, allotments, a refreshment centre and car parking as well as extensive footpaths and some cycling provision. The park has planning permission with outline permission for the refreshment centre.

2.1.4 In September 2020 the Project Board agreed that there will be two distinct phases to the project. The current approved plan is attached as Appendix A. The vision and objectives were updated to incorporate some land additions and future potential. (See Appendix B).

Phase 1 - land delineated within the Local Plan for use as a country park and land already secured by WDC for the same usage. This will form the basis of the planning for a country park. Also included – Oakley Grove School development due to it containing agreed shared community facilities, linked to the country park.

Phase 2 - proposals for new physical links and facilities for the country park, including potential land additions to the site, community facilities associated with it, commercial opportunities to support future site maintenance and transport links.

## **2.2 Key project components**

- 2.2.1 The delivery of the scheme is based upon securing land free via Section 106 agreements connected with the development of adjoining sites for housing and financial contributions from those developments toward the cost of construction and maintenance also via Section 106 agreements. This has made it relatively easy to secure agreement to the land and money being transferred but harder as to when that transfer would happen.
- 2.2.2 The land necessary for the country park falls into 4 ownerships (see attached plan and summary at Appendix C).
- 2.2.3 Planning permission for the scheme was granted in November 2022. This followed a public consultation exercise on the draft masterplan which received over 1000 online comments. The proposal enables a stronger local community element in that the freehold will be owned by the parish council and there will be a long leasehold back to the District Council. This transition was re-confirmed in by the Council Executive on 11<sup>th</sup> February 2021 having been approved in principle in November 2018. A Memorandum of Understanding was later agreed with the Parish Council in June 2023.
- 2.2.4 The practical steps necessary for the delivery of the country park are:
- Assemble multiple land ownerships committed for the ownership of Warwick District Council to create a cohesive site through land transfers. (Relates to the stated Local Plan area, 2ha of woodland and shared facilities at Oakley School).
  - Obtain full planning permission to ensure the use of the site is established as a country park.
  - Ensure a cohesive set of community facilities is created, in parallel with the development of the proposed Oakley Grove School that will be adjacent to the country park.
  - Create site infrastructure in accordance with the agreed masterplan.
  - Ensure that the delivery provides opportunities for later enhancement of the site remain open throughout this delivery stage.
  - Open the site as a facility for the residents.
- 2.2.5 Progress to date is:
- One transfer completed on 19.03.24.
  - One transfer is agreed and awaiting full legal completion.
  - One transfer is agreed subject to some final confirmation from the owner. Weekly chasing is taking place to move to full legal completion.
  - One element of the site is planned for a date after construction has commenced. Negotiation of the terms of transfer is substantially complete. Final arrangements will include the agreement of a s106 agreement.
  - Further agreements relating to easements, site infrastructure, access to the site and details relating to agreed use of the community facilities (Community Use Agreement) are ongoing (currently 3 in total).

- Planning permission granted 25 November 2022. Detailed planning permission for the refreshment centre will be submitted once final design and cost evaluations have been completed and budget approved.
- Provision of the facilities agreed via s106 agreement. More detailed points of the Community Use Agreement are being agreed and awaiting legal completion.
- Contract for final design and discharge of pre-commencement planning conditions in final stages of agreement and will allow for a detailed specification leading to the appointment of a main works contractor.
- Future site enhancement has been accommodated via its incorporation in the design of the site masterplan.
- The country park will open in two geographical parts once the main construction has completed. The final (central) geographical part is due to be completed later in conjunction with a third-party stakeholder.

2.2.6 The scheme has also been materially affected by some external interventions.

Two of note are:

- i) the change made to the boundary of the scheme in conjunction with the proposal to accommodate the new Secondary School at Oakley Wood Road and some additional housing. This enabled a change to the extent and geography of the scheme meaning its southern tip is now very close to the northern tip of the village of Bishop's Tachbrook. It will also allow for the country park to act as an off-road route to school for many of the new homes in the area and to the village. The school scheme will also offer some car parking for the country park and another access point off Quercus Way.
- ii) Severn Trent Water are proposing a new sewer within the country park area to the immediate west of the Secondary School meaning that WDC works cannot start until that is complete. These works are provisionally scheduled to start in January 2025 and complete in May 2025.

This has required more time than originally anticipated and of course resource time from officers and the Project Board.

2.2.7 Subject to the land transfers being completed this year the timeline for the scheme going forward is now as set out in the project plan attached as Appendix D to the report.

## 2.3 **Governance of Project**

2.3.1 The current Project Board is chaired by a representative of Bishop's Tachbrook Parish Council, reflecting the local community involvement approach for this scheme given the Parish Council is the intended freeholder of the country park. It meets monthly and reviews and directs risk, performance and key project decisions. It is constituted as follows:

- Parish Council Representative, Bishops' Tachbrook (Chair) – voting role
- Neighbourhood Portfolio Holder, WDC Cllr – voting role
- Planning and Place Portfolio Holder, WDC Cllr – voting role
- Bishop's Tachbrook Ward Cllr, WDC – voting role
- Chief Executive, WDC (Project Sponsor) – voting role
- Programme Manager, WDC

Project Manager, WDC

Principal Accountant (Projects), WDC (Finance)

Marketing and Communications Officer, WDC (Communications and Media)

Strategic Procurement and Creditors Manager (Procurement)

Green Space Manager (Green Spaces)

## 2.4 **Budget**

2.4.1 Obtaining land for the scheme has not incurred any cost other than officer time and legal resource as the land transfers have been secured free via Section 106 agreements.

2.4.2 Project financial resources have been provided via the various Section 106 agreements, with most of the income already received. There are at least two other s106 agreements anticipated, with some income still also awaited from agreed items. The funds obtained in total to date are £3.97m.

2.4.3 The current budgetary forecast is shown in Appendix E. The table currently shows a projected shortfall of £502k. The original forecasts were pre-Covid-19 and have been affected adversely by both time and the escalation of construction costs generally in the post-Covid period. When compared to original build estimates, as the land assembly has progressed, costs not directly related to the country park construction have risen e.g. unanticipated professional fees to negotiate a quid pro quo arrangement requested by one of the developers; redesign due to boundary changes from the original anticipated land take; additional surveys in relation to drainage. It is also to be noted that the current projected shortfall excludes additional anticipated costs detailed in paragraph 2.4.5.

2.4.4 This position has been under active consideration and mitigation to this is proposed by:

- Seeking grant funding from STW's Community Fund
- Seeking restoration of interest lost on received s.106 agreements
- Seeking use of some CIL from Bishops Tachbrook Parish Council
- Seeking other grant aid and appropriate use of other WDC funds

2.4.5 In addition whilst costings relate to the final country park design, there are two main areas that are yet to be fully costed. These are the final refreshment centre build for which full planning consent is yet to be obtained and the main access to the country park from the now Quercus Way.

2.4.6 Once all these points are costed, this will be reported back to Cabinet for consideration and setting out funding options, including any specific grants or external funding that have been obtained.

## 2.5 **Skills being in place to deliver**

2.5.1 The project team have key skills relevant for this project. The scheme is not simply the planting of an area of land; it involves land assembly, engineering design, commercial understanding, financial forecasting and budgeting, negotiations with various bodies and an understanding of planning process and powers. That is quite a range of skills and experience to deploy. Additional

skills and expertise have been bought in as necessary. However, the project team skills or more importantly capacity had to be brought in for the project inception. Challenges that have arisen along the way have related to availability of time from support services e.g. legal; and from the contracted consultants.

## 2.6 **Project Risks**

2.6.1 The risk register attached at Appendix F is updated each month and reviewed by the Board. Key elements relate to the project design, construction phase, impact of other landowners, handover and maintenance and the introduction of the refreshment centre. Some key challenges are set out in the risk register.

### 2.6.2 What's working well

Partner arrangements - Although the project remains within the aegis of the Council's decision-making procedures, it has been a positive impact on the project to include the Parish Council as the site's ultimate owners as a key part of the Project Board throughout its work.

Planning consent - Full planning permission has enabled the wider project considerations to be addressed and formally approved within the wider design.

### 2.6.4 Could Work Better

Land assembly - Despite legal agreements being in place, ground conditions have impeded their completion e.g. Council not able to accept land until specific liabilities have been resolved by the developers; developers have sold their portfolios before completion made. Whilst negotiations are well advanced, land assembly specifically in relation to the geographically central part of the park will continue beyond the commencement of its construction. These are also linked to identifying the final income elements of the project's financial structure. This issue also relates to the planning conditions imposed and the respective timings. For example, developers were able to walk away from the site with homes completed before they had to complete the SuDS. This is a learning point and has been reflected in the most recent planning decision illustrating the opportunity to learn and adapt.

Design completion/procurement - Some elements of the design remain outstanding because of ongoing changes made by adjacent landowners. Multiple redesigns of parts of the concept have had to take place throughout because of decisions made outside of the Council's control. A learning point from this is that in future concept designs would be worked up more efficiently following full land assembly and not in parallel though this may not always be possible.

Physical site access challenges - The site has always been challenging in terms of appropriate physical access for both construction and operational usage, particularly in terms of what the Council can control directly. This has meant considerable additional expert attention has been needed to address these points. This aspect of the site will continue to be challenging throughout its lifetime. It is a key learning point that the assessment of key site needs, such as access, need to undergo due diligence at the beginning of the concept design process.

STW sewerage works - The Council has achieved some cooperation in relation to the impact of the route for a new rising main sewer on the approved country park planning permission but the impact of the build will need to be reviewed.

Potentially the design and planning consent will need to be further altered once STW has completed its works. Statutory financial compensation in respect of the works will be limited. Discussions are ongoing around additional arrangements to address losses to the project construction e.g. grant allocation from STW.

## **2.7 One Change to Improve Performance**

- 2.7.1 Ideally, land assembly should be secured before attempting to commence design & construction. There are 3 parts to this:
- Practical due diligence of land e.g. adequate access, ransom strips, other links, contamination etc.
  - Plan against a settled cohesive site i.e. finish project #1 which is about land assembly. Include site management pre-construction in total anticipated costs. Project #1 requires a different set of professional skills to achieve.
  - Practical delivery i.e. project #2 create a final full design in the knowledge that construction will be possible immediately after. This is the time to promise via comms rather than against a less tangible vision.
- 2.7.2 However, this approach is the ideal. If put in practice on this project WDC would still be doing land assembly as the STW land will not yet come forward. In addition, there must be the potential to seize opportunities. If that had not happened in this case, then the land alongside the new secondary school would not have been available and indeed the land for the secondary school would not have been available. The challenging lesson is to be able to discuss and assess the realities that are thrown up during a project's lifetime and amend course as needed.

## **Appendices**

**Appendix A – Tachbrook Country Park Masterplan**

**Appendix B – Visions and objectives 2020**

**Appendix C – Land Ownership Summary and Plan**

**Appendix D – Project Plan November 24**

**Appendix E – Budgetary Forecast**

**Appendix F – Risk Register November 24**