

Title: Additional funding requested from existing S106 monies for paddling pools project

Lead Officer: Sally Watts

Portfolio Holder: Councillor Will Roberts

Wards of the District directly affected: Leamington Clarendon Ward (Victoria Park) and Warwick Saltisford Ward (St. Nicholas Park).

Approvals required	Date	Name
Portfolio Holder	08/01/25	Councillor Will Roberts
Finance	14/01/25	Andrew Rollins
Legal Services	14/01/25	Kathryn Tebbey
Chief Executive	14/01/25	Chris Elliott
Director of Climate Change	14/01/25	Dave Barber
Head of Service(s)	08/01/25	Marianne Rolfe
Section 151 Officer	14/01/25	Andrew Rollins
Monitoring Officer	14/01/25	Graham Leach
Leadership Co-ordination Group	14/01/25	
Final decision by this Committee or rec to another Cttee / Council?	Yes	
Contrary to Policy / Budget framework?	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	Yes – confidential appendix	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No	
Accessibility Checked?	Yes	

Summary

With funding in place for the replacement and improvement of the St Nicholas Paddling Pool and Victoria Park Paddling Pool, we are seeking authority to use existing S106 contributions to increase the budget value to fulfil the project as set out in previous reports.

Recommendations

- 1) That Cabinet to note the progress made on the project thus far.
- 2) That Cabinet agree to the use of existing S106 funding to increase the maximum budget for the replacement of the paddling pool of St Nicholas Park, Warwick and Victoria Park, Leamington Spa with improvement to the surrounding area, provided in the confidential appendix for all costs for the construction of the project.

1. Reasons for the Recommendation

- 1.1 Following an assessment of the condition of the paddling pools at St Nicholas Park and Victoria Park it was agreed by Cabinet on the 8th of February 2024 Cabinet meeting to replace the paddling pools and to improve the surrounding areas within the fenced paddling pool area.
- 1.2 Authority to proceed with the project to refurbish and enhance the paddling pool in St Nicholas Park, Warwick with the intention to procure alongside Victoria Park, Leamington Spa for economies of scale and benefits of project management was granted by Cabinet on 4th September 2024.
- 1.3 The official quote for the project to replace the paddling pools at Victoria Park and St Nicholas Park has been sent by the contractor on the 12th December 2024 with increased prices which would result in the total project budget being higher than previous understood as well as utilising all of the contingency in the scheme.
- 1.4 The design is a significant positive change for the areas and would like to progress in terms of design, timescales and confidence in the contractor to deliver the project effectively. However, the costs have increased- in part due to needing more plant in the Victoria Park paddling pool than was originally scoped for which includes an extension to the outbuilding to house a second filtration tank needed due to the size/ surface area of the pool. The cost of both new paddling pools are generally higher than originally anticipated in park due to the size of the paddling pools and the number of children they can accommodate, especially at peak times, and the necessary equipment needed to accommodate this level of usage.
- 1.5 Once the pricing is agreed the final contract can be completed and contractors secured and scheduled in to begin on site. We are intending to proceed with the contract for pool replacement scheme including surfacing and small scale waterplay irrespective of the outcome of this Cabinet. However, if the additional monies are agreed by this Cabinet, a 2nd stage will be added which will consist of additional waterplay apparatus for a better water play experience, UV sterilisation units and a small increase in project fees to support the Green Space team in project delivery.

- 1.6 Working with the supplier and since the September Cabinet report, officers have made the following progress:
- Agreed that a direct award from framework is the preferred procurement route for the project
 - Undertaken specialist survey for drainage and trees to get a completed design for the project
 - Had an initial design for the pool and the plant equipment designed for each site which includes ramped access, surfacing requirements, and guidance regarding materials and design
 - Discussed designs and themes for waterplay as part of the design of the paddling pool design
 - Looked to value engineer the scheme with reduced surfacing around Victoria ark due to the significant footprint of the fenced area to reduce surfacing costs
 - Revised the plant equipment specification to remove the salt-water system given the other options preferring to include a UV sterilization system given the level of activity and number of children in the pool.
- 1.7 We are looking to continue to meet the timeframe to open both paddling pools in May 2025, however it remains tight.

Secured Funding

- 1.8 The existing project budget would mean we could afford to install the paddling pool, surfacing, and some water play. It would also mean we could install some water play features (low level only) seating and shade shelters in both schemes.
- 1.9 The proposed additional budget would allow for extra water play equipment to be installed and for the UV sterilisation unit on each site to be installed. The UV sterilization unit cleans the water using ultraviolet light which means less chemicals are needing to be added, and the water is cleaner. The UV sterilization units are not essential, and many paddling pools and splashpads pools operate without them, however in terms of surety and future proofing they are recommended by the designers as well as the colleagues from the Sports and Leisure team in the Council who work on the relevant contracts for swimming pool maintenance.
- 1.10 On both sites the additional monies can be found in existing S106 available monies. A Section 106 payment open space contribution (£786,000) relating to the development at Montague Road is available.
- 1.11 For Victoria Park, an amalgamation of various older S106 payments are available for spending in relation to the site.

2. Alternative Options

- 2.1 An option would begin to value engineer the scheme to the budget and exclude the extra water play items and the UV sterilisation unit.

- 2.2 Alternatively, to alter the scheme to exclude new benches and shade provision in the paddling pool area to pay for some – not all- of the additional cost of the water play and UV sterilization units. However, this would have the risk of losing the funding agreed from King Henry VIII Endowed Trust and not gaining the previously agreed benefits within the paddling pool setting.

3. Legal Implications

- 3.1 The Council will ensure legal advice is obtained throughout the plan's delivery including anything applicable to procurement laws, planning, legal agreements, and consents.
- 4.1 There are legal implications when determining the financially sensitive Appendix to the report to the extent that the discussions on those appendices should be treated as confidential under (paragraph 3 under Local Government Act 1972 - Schedule 12A After the Local Government (Access to Information) (Variation) Order 2006).

4. Financial Implications

- 4.1 The value of both the services and works required to implement the project above below the relevant UK thresholds of the Public Contract Regulations; however, all procurements will be undertaken in accordance with the Council's Code of procurement Practice.
- 4.2 All costs given have been provided in an official quote; however, the significant cost means it could not be met with the existing Green Space budget. The Victoria Park element was agreed within funding as a one-off capital expenditure and St Nicholas Park paddling pool can be funded by S106 funding and the grant opportunity.
- 4.3 In line with the Public Open Space SPD (Supplementary Planning Document), off-site contributions must identify specific local existing or planned off site spaces.
- 4.4 The S106 contribution for Green Space relating to Montague Road development has been paid following occupation of the 60th dwelling on the site. This is to be added to the existing available S106 monies for the area including the park bring the total available to £891,000 available for the improvements identified within the local area including in St Nicholas Park.
- 4.5 Cumulatively, these S106 monies had been earmarked already for significant projects such as a new play area in St Nicholas Park which is identified in the play area improvement program as requiring replacement due to the age of the play equipment and the play value it offers. However, the additional cost requested would not be so significant as to alter the goals for the area.
- 4.6 In regard to the S106 contributions relating to Victoria Park, these consist of amalgamated contributions in the relevant area. Utilising these unallocated sums of money will not affect any current or forecasted projects and awaiting use. These are unallocated sums of money which had not been allocated.

5. Corporate Strategy

- 5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation.

Delivering valued, sustainable services

- 5.2 The need to repair the paddling pools has been agreed by Cabinet and this element reflects the rising prices as well as the need for more plant equipment which is not only additional costs but need to increase the footprint of the outbuilding which has increased costs beyond the contingency of the project, which is evident when the medium- and longer-term prospects of the existing pool are considered and the opportunity to improve the existing facilities to make it less resource intensive is welcomed.

- 5.3 In order that the Council can continue to focus its efforts and activities on the needs of its residents, communities and businesses, this priority will be underpinned by ensuring continued demonstration of financial sustainability through the medium term. The intention of the project is to undertake it in one action rather than having to revisit which could incur additional costs to the Council.

- 5.4 The paddling pools are key contributors in the success and vibrancy of the parks and meeting the public needs and aspirations within the park setting.

Low cost, low carbon energy across the district

- 5.5 The Council is committed to find ways to reduce energy consumption and bills for Council assets and as part of the specification the cost/benefit analysis is part of the assessment and inbuilt into the procurement process. The value used for water and energy is difficult to accurately quantify at present given the whole site approach to services within the park.

- 5.6 Currently, the plant equipment in the pools is not working effectively at either site, needing to be used extensively to manage the deficiencies in the pool design. The proposed replacement would be designed to meet the requirements of the site, which would improve functionality.

Creating vibrant, safe, and healthy communities of the future

- 5.7 The paddling pools are a key factor in the experience of families using parks in the district. They afford the opportunity for water play in a safe controlled environment, they allow for social interaction within the district as well as opportunity to become stronger, fitter, and healthier community through play.

6. Environmental/Climate Change Implications

- 6.1 The new plant equipment associated with the replacement pool will lead to greater efficiencies, energy savings, and reduce the Council's use of chemicals.

7. Analysis of the effects on Equality

- 7.1 The paddling pools provide a significant free to use play provision in the district and are a key draw for families to use in warm weather as a no cost play activity.

8. Data Protection

- 8.1 There are no data protection implications of the plan.

9. Health and Wellbeing

- 9.1 Parks and green spaces are supported by Warwick District Council as being a key contributor in ensuring health and wellbeing for their residents. The facilities in the park impact the frequency and duration of visit to the open space. There are wider benefits in terms of children learning and enhancing key skills including social, emotional, cognitive, and physical skills within play settings.
- 9.2 There are links between the quality of open space and active lifestyles and sports participation which link to the core tenets of wellbeing and living a healthy life which underpin the value in the variety and quality of the facilities in the park.

10. Risk Assessment

- 10.1 The parks, and in turn the facilities within the park, including the paddling pools, represent WDC supporting the wellbeing and quality of life for residents. The reduction in the scope and intention of the scale of the project could spread a perception that there is a lack of support for public facilities despite recent investment in sport and activities in the district. The paddling pools offer of play is different to swimming pools and other leisure facilities given the lack of user cost and it therefore provides a different type of provision in the district for leisure.
- 10.2 The work undertaken so far with the contractor has seen the costs rise and contingency in the project no longer being present in the budget forecast. Having undertaken survey work and working with an experienced contractor provides a level of surety, however the lack of contingency does mean that the project has limited scope if costs rise further.
- 10.3 There will be substantial monies remaining in the remaining S106 pot to cover these it is at risk of delivery of other projects as set out in the report as being of benefit to the local area. If the budget went over this new amended value, then we would need to seek Cabinet advice again on how to proceed.

11. Consultation

- 11.1 Consultation will be undertaken as part of the planning process and engaging with stakeholders in terms of managing the work and any impacts of the development on operations in the parks such as car parking, leisure services and operations in the park.
- 11.2 As outlined in the Cabinet report it remains the officer's plans to conduct a customer survey of St Nicholas Park to understand the issues, concerns and desires of park users.

Background papers: [None](#)

Supporting documents:

[Report for Cabinet Meeting on 8th February 2024](#)

[Report for Cabinet Meeting on 4th September 2024](#)