

This Report will be made public on 4 July 2023

Report Number **C/23/16**

To: Cabinet
Date: 12 July 2023
Status: Non key decision
Responsible Officer: Andy Blaszkowicz – Director, Housing & Operations
Cabinet Member: Cllr Jim Martin – Leader of the Council

SUBJECT: PRINCES PARADE HOARDING - NEXT STEPS

SUMMARY:

This report seeks Cabinet approval to allocate funds from the existing Princes Parade implementation budget to scope out the steps required to remove the hoarding from the site.

This report also informs Cabinet of the associated immediate actions that need to be addressed following their express desire to re-scope the place-shaping activities on the site.

REASONS FOR RECOMMENDATIONS:

The new administration has expressed their desire to remove the site hoardings as soon as practicable, and to consult with the community and their representatives on the end-uses for the Princes Parade site. As a first step officers need to procure the necessary technical input to report on the ground conditions to specify the actions and costs required to remove the hoardings to re-open part / all of the site to the public.

RECOMMENDATIONS:

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.

1. BACKGROUND

- 1.1 In December 2022 cabinet agreed to pause the Princes Parade project and just to do the necessary works to implement the planning permission (C/22/73).
- 1.2 In May 2023, the new administration immediately made their intentions clear to “save” the site and the Leader subsequently agreed (report A/23/02) to the submission of a non-material amendment application to the LPA to extend the implementation date by 3 years. This extension of time provides opportunity for the new Administration to reconsider options and allow engagement with the community and their representatives on the future uses of the site before further formal decisions are made.
- 1.3 The Administration has also made it clear that they would like the hoarding removed as soon as practicable. As the council is aware that contaminants exist it is not immediately possible to remove the hoardings without fuller consideration of how the site can be made safe for public access, or partial access.

2. REMOVAL OF HOARDING

- 2.1 To inform the next steps an environmental consultant will need to be procured and commissioned to analyse the existing ground conditions at Princes Parade informed by the recent investigations for the leisure centre project. The scope of that work will consider two broad options for opening up the site:
 - i) full public access; or
 - ii) site partially fenced with a chestnut-pale type fence for example, with only the existing footpath through and around the perimeter of the site made available.
- 2.2 A cost estimate report carried out by a quantity surveyor will need to be instructed from the budget and will form part of the work following receipt of the environmental report.
- 2.3 The ground conditions report, including necessary costed actions, will importantly include a risk assessment to advise the Council on the remediation and mitigation of contamination necessary in order to meet the requirements of Part IIA of the Environmental Protection Act 1990.
- 2.4 The cost of the consultancy work (Environmental Consultant and Quantity Surveyor) outlined above (paragraphs 2.1-2.3) can be accommodated within the current approved budget for the implementation of the planning permission for Princes Parade as agreed in Report C/22/73. To date £157,940 has been spent from the £250,000 budget approved for 2023/24 leaving a figure of £92,060 available to carry the necessary works.
- 2.5 A quotation for removing the hoarding was obtained in December 2022 and the estimated cost was £100K. At that time the company who installed the

hoarding stated that they would be prepared to buy back the hoarding from the Council at 15% (£47K) of the original purchase cost. This quotation will need to be updated as the hoarding is now older and in a worse condition than at the time of the quotation.

- 2.6 Budget would also need to be made available if chestnut-pale type fencing is to be installed around part or all of the site. All works would need to be procured in line with the council's procedures should this be the supported course of action.
- 2.7 Permission from Historic England will need to be obtained for any of the new fence structure that is within the boundaries of the Royal Military Canal. Consent is required to erect fencing within the scheduled monument area and for any activity or excavations greater than 100mm depth within the scheduled monument boundary.
- 2.8 An Individual Decision Notice report will be prepared for the Leader with consultation with the portfolio holders for finance and for communities, which will outline the implications, required actions, costs and budget available to remove the hoarding and erect a new fence.
- 2.9 It is anticipated that costs associated with the removal of the hoarding and erection of a new fence will be met from the existing capital budget.

3. FUTURE OPTIONS & PUBLIC CONSULTATION

- 3.1 Following the immediate work outlined in section 2, officers will then work closely with Members to prepare an engagement plan to consult with the public for the future use of the site. These proposals will be detailed in the Individual Decision Notice Report prepared for the Leader as set out in paragraph 2.8.
- 3.2 In due course when the initial work has been completed and the Council has feedback from the community a further report will be brought back to Cabinet to consider the future options for the site.

4. FURTHER CONSIDERATIONS

- 4.1 The following immediate consequences of reconsidering the uses of the Princes Parade site are outlined below. Cabinet is advised that until such time that formal decisions are made, the full financial implications of the wider capital project spend to date remains unclear.
- 4.2 **Southern Water** – Southern Water have delayed their programme on site by 12 months, but still have works currently programmed to commence at Princes Parade in October 2023. They are currently storing pipes elsewhere on behalf of the Council at a cost of £1,704.23 a month until the contract is terminated. This contract will need to be terminated and a settlement figure negotiated.
- 4.3 **UKPN** – Termination of the contract will have price increase implications for any infrastructure that may be required if future electrical capacity is required

to the site. In the absence of any clear plan, this contract will need to be terminated.

- 4.4 **Land Agent** - Agent fees will be due for work to date carried out on behalf of the Council to negotiate the sale of land to the Developer at Princes Parade and South Road. These are circa 1% of the agreed purchase costs - £98,500 for Princes Parade and £61,450 for South Road. Officers will negotiate the fees payable with the land agent.
- 4.5 **BAM and Faithful & Gould Contracts** – These are currently on hold and will need to be terminated.
- 4.6 **Housing Developer** – The developer will need to be formally advised that the Council is reviewing its intentions for the site. The developer has a current live reserved matters application with the Local Planning Authority which has incurred significant cost to them.
- 4.7 **Seapoint Canoe Centre** – The council will need to formally advise the Seapoint Canoe Centre (SCC) that it is reviewing its intentions for the site. There will be implications if the concrete platform and retaining wall as part of the Princes Parade project is not provided. This will have consequences for Seapoint Centre as the concrete foundations will not be constructed for their proposed new building. The SCC's accommodation was also temporarily relocated within the site but connections to water and electricity have not been provided, meaning the old containers are unable to be disposed of until the new containers are connected. This situation will need to be resolved and it may have financial implications for the council to consider.
- 4.8 **Hythe Pool** – ongoing maintenance requirements will need to be assessed and considered against budget assumptions in the MTFS. Budget implications will be included as part of the next steps considerations.
- 4.9 **Seapoint play area** – the timber play area is reaching the end of its life and the play equipment requires replacement. This was due to be replaced as part of the wider Princes Parade project and is classed as a Priority Play Area in the Council's Play Area Strategy. There is currently no budget set aside for this outside of the wider Princes Parade budget and the implications will be considered as part of the next steps considerations.
- 4.10 **Seapoint Car Park** – the car park surface requires maintenance, a new parking meter is required to be brought into line with meters across the district that accept card payments, and EV charging points will need to be installed (works currently on hold awaiting the new car park construction). Again, the budget implications will be considered as part of the next steps considerations.
- 4.11 **Brownfield Land Release Fund** – the grant of £2m will need to be returned to government if the site is not released by the council for housing. This will be considered as the options for the future of the site are considered, and government colleagues advised accordingly.

5. RISK MANAGEMENT ISSUES

5.1 A summary of the perceived risks follows:

Perceived risk	Seriousness	Likelihood	Preventative action
Implications of the Environmental Protection Act are not fully understood	High	Medium	Commission independent environmental report to understand the level of remediation required in order to open the whole / part of the site for public access.
Options for future use of the site not affordable by the Council	High	High	Employ a cost consultant / Quantity Surveyor to cost the recommendations of the Environment Report and consider associated cost implications.

6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

6.1 Legal Officer's Comments (NM):

There are no legal implications arising directly from this report. However, as set out in the report, there are consequences in terminating the project and Legal Services will assist as and when required with the various points raised.

6.2 Finance Officer's Comments (DL):

The cost of the consultancy work (Environmental Consultant and Quantity Surveyor) outlined in this report (paragraphs 2.1-2.3) can be accommodated within the current approved budget for the implementation of the planning permission for Princes Parade as agreed in Report C/22/73. To date £157,940 has been spent from the £250,000 budget approved for 2023/24 leaving a figure of £92,060 available to carry the necessary works.

6.2 Diversities and Equalities Implications (GE):

There are no equality and diversity implications directly arising from this report. Any future decision on the use of the site will be subject to public engagement with the community at the appropriate time.

6.4 Climate Change Implications (OF):

There are no climate implications arising from this report however reports and proposals arising from the ground conditions survey to be carried out will need to be assessed for any climate implications as applicable.

7. 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 and Operations

Telephone: 01303 853684

Email: Andy.Blaszkowicz@folkestone-hythe.gov.uk

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

None.