

**Policy and Resources Committee  
Monday, 11 November 2024**

PART I

**Leavesden Country Park - Entrance Widening - Additional Fees  
(ADE)**

**1 Summary**

1.1 The purpose of this report is to outline work to date to widen the main entrance at Leavesden Country Park and the additional budget required, should members wish to progress the project to full completion.

**2 Details**

2.1 Planning permission to widen and enhance the main entrance into Leavesden Country Park was agreed at 18 April 2024 Planning Committee (23/1916/FUL).

2.2 This followed advice from the Hertfordshire County Council (HCC) Highways team prior to submitting the planning application. The HCC Highways team advised Three Rivers District Council to commission extensive road safety audits, technical drawings including visibility splay (*a drawing plan that visualises the angle and distance from which drivers emerging from an access can see and be seen by drivers proceeding along the priority road*) along with a swept path analysis (*the calculation and analysis of the movement and path of different parts of a vehicle when that vehicle is undertaking a manoeuvre*). These were all completed and formed part of the planning application.

2.3 The works to the entrance included restoration of the heritage railings, new columns and pier caps to mark the entrance, a new combined automatic vehicle height barrier and gate to improve access into the site, along with a wider entrance to improve visibility for vehicles entering and exiting the site.

2.4 The total budget allocated for this project was £191,256, which is being funded from the Leavesden Country Park S106 budget.

2.5 Following approval for the works, Officers procured a contractor and completed the required paperwork to progress the project. An initial Section 50 was submitted to Hertfordshire County Council (HCC) Highways in early August, which was paid for on 9 August 2024 and dates agreed for the work to be carried out in early September.

2.6 A Section 50 application is: *Under the New Roads and Street Works Act Section 50, licences are needed in order to lay new or maintain existing apparatus in the public highway. Any contractors who want to carry out roadwork excavations in the highway must apply for and be granted a Section 50 licence before work starts.*

2.7 However, at a site meeting on 8 August 2024, the contractor and Three Rivers District Council (TRDC) Officers identified other major road works taking place at either end of College Road. A decision was therefore taken by TRDC Officers and the contractors to delay the work to avoid additional disruption to the local community.

2.8 A further Section 50 was submitted (dated 29 August 2024) for new dates, however, this second one was rejected and the contractor advised to submit a Section 38 to HCC Highways. When questioned by TRDC officers as to the reason for the change in requirements, HCC Highways for the ensuing period failed on numerous

occasions to provide clear requirements for the progression of the application or the reasons for the change.

- 2.9 A Section 38 agreement (or S38) is: *a section of the Highways Act 1980 that can be used when a developer proposes to construct a new estate road for residential, industrial or general-purpose traffic that may be offered to the Highway Authority for adoption as a public highway.*
- 2.10 There have been ongoing discussions between TRDC and HCC officers regarding the work as TRDC officers made every effort to gain the permissions and to understand the increasing additional fees which HCC Highways wish to charge for that permission. This has been escalated to senior officer level with Lead Member input.
- 2.11 Hertfordshire County Council (HCC) have stated that they expect the following additional costs to be paid by Three Rivers District Council:

<b>Description</b>	<b>Estimated Fee</b>
Development Management Design Review Activities	£3,145
Services Support	£1,625
Construction Activities	£3,353
Stage 3 Road Safety Audit by HCC Auditors, or Stage 4 if over a year	£2,300
<b>Sub-total</b>	<b>£10,423</b>
Less Deposit paid (initial section 50 application)	£750
<b>Total outstanding balance</b>	<b>£9,673</b>

- 2.12 In addition, they have stated that a £20,000 Works Bond must be paid and will be held by Hertfordshire County Council until satisfactory completion of the works to be agreed by HCC and for the duration of the maintenance period. Should there be no issues identified by HCC, this £20,000 will be returned to TRDC.
- 2.13 To progress this project, there are 2 options for Councillors to consider outlined below.

Option 1 – Complete the project as per the original designs (Appendix A)

- 2.14 This will mean that the following areas of work will be completed:
- Installation of the pedestrian island.
  - Removal of the pedestrian path and kerb line – the pedestrian walkway is being taken back to be in line with the pier caps and newly widened entrance, along with hazard paving.
  - Tarmac overlay on new entrance – the entrance up to the highway boundary will be tarmacked and will include hazard lines for the new layby.
  - Drainage works to manage surface water onto the main carriageway (note – this was not requested by HCC during the planning stage and as such represents a further additional cost).

- Fees to be paid to Hertfordshire County Council (HCC)

2.15 Option 1 will complete the work to the approved planning application (23/1916/FUL) and will meet the expectations of the local community.

Option 2 – Complete the project within the land ownership of Three Rivers District Council (Appendix B)

2.16 This will mean that the following areas of work will be completed:

- Tarmac overlay on new entrance – the entrance up to the highway boundary will be tarmacked and will include hazard lines for the new layby.
- Drainage works to manage surface water.

2.17 This will mean that the following areas of work will NOT be completed:

- Installation of the pedestrian island.
- Removal of the pedestrian path and kerb line – this will remain in situ and mean the entrance will remain the same as the original entrance size – albeit visibility will have been improved.

2.18 The outstanding cost to complete the project for Option 1 and Option 2 is as follows:

	<b>Option 1 – Original Plans</b>	<b>Option 2 – TRDC Boundary</b>
Original Budget	£191,256	£191,256
Spend to Date	£154,486.90 (including 6-month retention fee)	£154,486.90 (including 6-month retention fee)
Cost to complete the project	<ul style="list-style-type: none"> <li>• £9,673 (HCC Highways Fees)</li> <li>• £49,793.11 (HCC approved contractor to complete the works, including drainage)</li> <li>• £2,500 (new swept path analysis)</li> <li>• £20,000 (Works Bond to be held by HCC until satisfactory completion of works to be agreed and Maintenance Period)</li> </ul>	£32,664.10 (Original contractor)  £4,000 (Drainage works to manage surface water)
<b>TOTAL COST</b>	<b>£236,453.01</b>	<b>£191,151</b>
Variance	£-45,197.01 (over budget)	£105 (under budget)

### **3 Options and Reasons for Recommendations**

- 3.1 Two options for the site are proposed, with Option 1, requiring an increased budget, being officers' recommendation to the committee. Should the committee prefer Option 2 or an alternative proposal, members may propose that the recommendations be amended.

### **4 Policy/Budget Reference and Implications**

- 4.1 The recommendations in this report are within the Council's agreed policy.
- 4.2 Option 1 is not within agreed budgets.
- 4.3 Option 2 is within the agreed budget.
- 4.4 The recommendations in this report relate to and support the achievement of the following objectives within the Corporate Framework 2023 – 2026:
- Expand our position as a great place to do business
  - Support and enable sustainable communities

### **5 Financial Implications**

- 5.1 Option 1 will require an additional £45,197.01 to complete the works. It is proposed to fund this from S106 funding, should Members wish to progress this option.
- 5.2 There is currently £749,415.29 remaining in the S106 budget: 0193 – Resv-S106 Horsefield – Abbots Langley (Op SP).
- 5.3 This fund was obtained as a contribution towards the future maintenance of the whole site (Leavesden Country Park, including The Horses' Field) following the agreement of the S106 dated 15<sup>th</sup> June 2010.
- 5.4 Utilising the budget in this way will reduce the S106 budget by £45,197.01 and therefore cannot be used on other projects within the park as outlined in the Leavesden Country Park Management Plan 2021 – 2031 (<https://www.threerivers.gov.uk/services/trees-landscape/open-space-management-plans>)
- 5.5 Option 2 will not require additional budget.

### **6 Legal Implications**

- 6.1 A section 106 dated 15<sup>th</sup> June 2010 secured the payment of monies as a contribution towards the future maintenance of the site. Officers have confirmed that there is a balance of those monies that remains unspent and that the use of those section 106 monies for the project set out in the report would be in conformity with the purpose for which those monies were given.

### **7 Equal Opportunities Implications, Staffing Implications, Environmental Implications, Community Safety Implications, Public Health implications, Customer Services Centre Implications, Communications and Website Implications**

- 7.1 None-Specific

## 8 Risk and Health & Safety Implications

- 8.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.
- 8.2 The subject of this report is covered by the Leisure and Natural Infrastructure Service Plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

### Option 1 Risks:

<b>Nature of Risk</b>	<b>Consequence</b>	<b>Suggested Control Measures</b>	<b>Response</b> <i>(tolerate, treat, terminate, transfer)</i>	<b>Risk Rating</b> <i>(combination of likelihood and impact)</i>
Increased costs	Increased budget pressure	Members to approve the additional budget required.	Treat	6
Unknown Costs from HCC	Increased budget pressure	Officers to continue to communicate with HCC and ensure all costs have been accounted for.	Treat	6
Public Perception	Reputational damage	Ensure the public are informed at all stages through notices on site and social media/website updates and are made aware of each LAs realms of responsibility in the matter.	Treat	2

**Option 2 Risks:**

<b>Nature of Risk</b>	<b>Consequence</b>	<b>Suggested Control Measures</b>	<b>Response</b> <i>(tolerate, treat, terminate, transfer)</i>	<b>Risk Rating</b> <i>(combination of likelihood and impact)</i>
Public perception	Reputational damage – public unhappy with the finished product	Communication with the local community – challenges with the site and HCC involvement. There would need to be a strong comms plan for this option.	Treat	6
Incorrect parking / vehicle movement	Cars could choose to park on TRDC land behind the pedestrian footpath at busy times, causing issues. In addition, cars may mount the kerb as the entrance size has not changed.	Paint no parking / hazard lines in this area to discourage parking.	Treat	4

8.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

<b>Very Likely</b> ----- <b>Likelihood</b> ----- ▼ <b>Remote</b>	<b>Low</b> 4	<b>High</b> 8	<b>Very High</b> 12	<b>Very High</b> 16
	<b>Low</b> 3	<b>Medium</b> 6	<b>High</b> 9	<b>Very High</b> 12
	<b>Low</b> 2	<b>Low</b> 4	<b>Medium</b> 6	<b>High</b> 8
	<b>Low</b> 1	<b>Low</b> 2	<b>Low</b> 3	<b>Low</b> 4
<b>Impact</b> Low -----► <b>Unacceptable</b>				

**Impact Score**

4 (Catastrophic)

3 (Critical)

2 (Significant)

1 (Marginal)

**Likelihood Score**

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Remote (≤5%))

8.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

**9 Recommendation**

9.1 To agree Option 1 to progress to complete the project at Leavesden Country Park, and in so doing to agree to increase the budget for this project by £45,197.01, utilising S106 funding from budget code 0193 – Reserve S106 Horsefield – Abbots Langley (Open Space).

Report prepared by: Charlotte Gomes, Head of Leisure and Natural Infrastructure

## **Data Quality**

Data sources: tender returns and contract terms

Data checked by: Lisa Cook, Leisure Capital Projects Manager

<b>1</b>	<b>Poor</b>	
<b>2</b>	<b>Sufficient</b>	
<b>3</b>	<b>High</b>	✓

## **APPENDICES / ATTACHMENTS**

Appendix A – Original Plans

Appendix B – Complete work within Three Rivers District Council Boundary