

EPSOM COMMON LOCAL NATURE RESERVE – PATH RESTORATION CAPITAL PROJECT

Report of the: Head of Place Development
Contact: Stewart Cocker
Urgent Decision?(yes/no) No
If yes, reason urgent decision required: N/A
Annexes/Appendices (attached): None
Other available papers (not attached): Capital Bid - Leisure Committee Bid 6 2012/13

REPORT SUMMARY

A report requesting permission to use up to £85,440 of external funding received from the developers of the former West Park Hospital for the restoration of the circular bridleway on Epsom Common Local Nature Reserve. Specifically, in relation to the Oil Pipeline Agencies requirement for the fuel pipeline to be protected where the restored bridleway and the entrance to Stew Ponds Car Park cross the pipeline.

RECOMMENDATION (S)

That the Committee:

- (1) Approves the use of up to £85,440 of external funds received from the developers of the former West Park Hospital for bridleway restoration on Epsom Common: specifically to pay for the protection of the fuel pipeline that runs across Epsom Common Local Nature Reserve.**
- (2) Notes that Internal Audit has been commissioned to conduct reviews of Contract Management and Project Management, and that this project will be considered by them as part of that review.**

Notes

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 The restoration of the circular bridleway on Epsom Common Local Nature Reserve addresses all six Key Priorities, and is identified in the 2005-2015 management plan agreed by the Leisure Committee as Council policy. The project also assists in delivering a sustainable community strategy.

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2 Background

- 2.1 Providing good public access on to Epsom Common is both central to this Council's initial motivation for purchasing Epsom Common in the 1930's (to afford an area for free air and exercise) and is, today, an essential aspect of managing what is a nationally important site for nature.
- 2.2 During the 1970's a 4 km circular hard surfaced bridleway was constructed to help cater for the access needs of pedestrian's and horse riders. Damage caused by horses to the grass paths was not only undesirable but was a source of friction between walkers and riders. The new route became known as the 'Winter Horse Ride'. In conjunction with connecting wide grass summer horse rides, the route delivers a very effective network of paths and bridleways that help protect the Common's more fragile habitats.
- 2.3 By 2000 the bridleway surface was worn out and in a number of wet locations patchwork repairs were carried out. It was recognised that the restoration of the surface was a major and costly undertaking and in 2005 the aim of restoring the hard surfaced tracks was included in the 2005-2015 Management Plan. In 2007 in co-operation with the City of London (Ashted Common) 1 km of the circular bridleway was restored using an inert sandstone material (Fittleworth Stone) and this provided an effective trial for the restoration of the remaining bridleway.

3 Current Project

- 3.1 In 2012 a project was submitted to restore the bridleway. The project proposed a scheme phased over three years to reduce inconvenience to users within a budget of £126,000. The project was to be funded from S106 contributions and set for commencement in 2012/13.
- 3.2 In March 2012 Officers were approached by the West Park Hospital Developer, Linden Homes, and Surrey Country Council (SCC) wishing to explore the possibility of taking up an idea put forward in 2008 to restore the bridleway on Epsom Common running parallel to Christchurch Road.
- 3.3 This was in lieu of the requirement on them to widen the public footway in Christchurch Road which was proving to be problematic for a number of reasons e.g. the need to take common land, the commons status as a Site of Special Scientific Interest, a listed wall at Christchurch, services locations and the need to move hundreds of metres of ditch and bridleway on the Common.

Phase 1

- 3.4 Agreement was reached in principle for the developer to pay for the restoration of the bridleway from Stew Pond Car Park to Christchurch with agreement to construct a new hard surface path on existing grass paths from Stamford Green Road. This would provide an alternative route for cyclists into Epsom and a significant improvement to one of the busiest and wettest entrances on to Epsom Common. The developers indicated that they wanted to proceed immediately with what Officers then determined would be Stage 1. This did not transpire to be the case and the project was effectively delayed by a year.

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Phase 2

- 3.5 In 2013/14, in view of the developers delay, Officers decided to progress Stage 2 of the project from the Wells Road entrance to Ashted Common. By September 2013, having suffered a serious delay due to staffing issues in the Projects & Procurement Team, it became clear that the dry weather window for bridleway restoration had closed and the project was again delayed by a further year.
- 3.6 In addition, the developer, having already sought quotes for Stage 1, requested in summer 2013 that the Council contract the Stage 1 works and that they would contribute to the Council's costs with a sum of £75,440, a figure that resulted from their own tendering exercise. Officers were agreeable to this approach. However, it was made clear to the developers that the Council would not accept this as a final settlement without first seeking quotes and being satisfied that the offer would fully cover the costs of the Stage 1 works.

4 Latest position

- 4.1 In 2014/15, in view of the delay and the need to spend the S106 funds, it was decided to seek quotes for carrying out the restoration of all three stages together.
- 4.2 The budget remained at £126,000 but in the knowledge that the developers £75,440 could be called upon if required. During summer 2014 a series of delays, including the need to obtain permissions from the Oil Pipeline Agency, meant that again the opportunity to carry out works in dry weather was missed. The Council was also made aware by the Oil Pipeline Agency that we may be required to install protection for the fuel pipeline both during and after the bridleway restoration.
- 4.3 A positive outcome of the delays was that a Sandstone aggregate approved by Natural England as inert had just become available locally, at a reasonable cost, which was a much more affordable material. Three quotes were received from contractors at the end of 2014 ranging from £96,880 to £193,750.
- 4.4 The decision was taken to go with the lowest quote as the contractor had a good reputation for path construction works across Surrey including in Epsom & Ewell (Hogsmill Local Nature Reserve) and was a preferred contractor for Surrey County Council. In addition Officers knew that this contractor had experience in laying sand stone aggregate paths. This decision also took account of the possible significant extra cost of protecting the pipeline.
- 4.5 In February 2015 during the course of arranging permissions with the Oil Pipeline Agency (OPA) to restore the bridleway where it crosses the oil pipeline, the Council was informed that it would need to install concrete protection over the pipe if it intended to continue driving vehicles on the restored surfaces and across the pipeline.

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- 4.6 The bridleways provide essential access on to Epsom Common enabling the Council to manage the site therefore we have little choice but to comply as we would become fully liable for any damage to the pipeline that could incur in future. In addition any damage to the Site of Special Scientific Interest carries the risk of unlimited fines from Natural England.
- 4.7 The Council was then requested to excavate over the pipeline at the crossover points to check for any existing protection at its own cost. This work was completed at the end of March 2015 by our appointed contractor under supervision from the OPA at a cost of £2,000.
- 4.8 The work confirmed no protection was present. The Council was also informed that only Oil Pipeline approved contractors could be used to construct the pipeline protection. In April the Council received the following provisional quotes ranging from £22,000 to £96,500.
- 4.9 This indicated that the cost of protecting the pipeline looked likely to send the total cost of the project above the agreed budget figure of £126,000 and require use of the developers £75,440.
- 4.10 As this was an unforeseen cost when the developer obtained quotes in June 2015 they agreed to pay a further £10,000 towards the cost of constructing the pipeline protection which is a significant and welcome contribution and means the developer external funding rose to £85,440. It should be noted that the Council received a six month temporary permit to cross the pipeline with protective steel pressure plates in place at a cost of £1,600 which lasts for six months from May 2015.
- 4.11 The need to install the pipeline protection meant that consent had to be sought from Natural England and whilst consent was received promptly in June 2015, the Council was advised by Natural England that it would also need to seek Secretary of State Permission from the Panning Inspectorate due to the sites common land status. Attaining consent is a prolonged process taking several months and this is currently being progressed by the Council's Legal and Estates Team.
- 4.12 Works on bridleway restoration commenced on the 5 May 2015 and, aside from the need to install the pipeline protection and make good the sections of bridleway over the pipes, the work was completed on 19 June this year.
- 4.13 The works included some reasonable contract variations to cover several additions, improvements and omissions that became apparent during the works. These included extra plastic drainage pipes and the replacement of existing and blocked pipes with new plastic pipes and extra wooden posts to secure the Christchurch Road entrance. Significantly, preparation works revealed that the condition and profile of the base layer was very poor and required a very significant increase in materials and labour to make good resulting in the restoration of the bridleway surface costing the full agreed budget of £126,000.

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- 4.14 Consequently, with no remaining funds in the agreed budget Officers now need to seek approval to use a part of the developers £85,440 to pay for the cost of the pipeline protection and the subsequent restoration of the bridleway and Stew Pond Car Park surfaces.

Table 1 - Estimated Costs of protecting the pipeline

Estimated cost of works £	Contractor	Work
66,300	OPA approved contractor	Concrete protection inclusive of 10% contingency
16,500	Earthbound Services	Reinstatement works inclusive of 10% contingency
2,200	Costain (OPA contractor)	Supervision of pipeline works
85,000		

5 Proposals

- 5.1 That the Committee approves the use of up to £85,440 of external funds received from the developers of the former West Park Hospital for bridleway restoration on Epsom Common: specifically to pay for the protection of the fuel pipeline that runs across Epsom Common Local Nature Reserve.

6 Financial and Manpower Implications

- 6.1 There are no specific manpower implications for this report.
- 6.2 **Chief Finance Officer's comments:** The cost of this scheme has exceeded the original budget approved by this Council of £126,000 by £85,440. External funding has been identified to fund the additional cost of the scheme, but as a result, these funds will be made unavailable to fund other potential projects. Due to the significant increase in the initial cost of the scheme, internal audit will be undertaking a review of the procurement process for this project.

7 Legal Implications (including implications for matters relating to equality)

- 7.1 **Monitoring Officer's comments:** concur with the Chief Finance Officer's comments.

8 Sustainability Policy and Community Safety Implications

- 8.1 The project provides off road cycle routes and good quality access to local countryside, contributing to encouraging alternative means of transport and health and wellbeing. At the same time it affords protection to fragile habitats by encouraging the majority of visitors to remain on the high quality routes provided.

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9 Partnerships

- 9.1 This project has involved the Council's valued long term partners, the Epsom Common Association and the City of London (Ashtead Common) who have supported this project in various ways by for example, informing local residents via newsletters and agreeing to allow an arm of newly restored surface to link with an existing bridleway on Ashtead Common.

10 Risk Assessment

- 10.1 If the Council does not provide protection for the pipeline, it has been informed by the Oil Pipeline Agency that it would become fully liable for any damage to the pipeline that could incur in future. In addition any damage to the Site of Special Scientific Interest carries the risk of unlimited fines from Natural England.

11 Conclusion and Recommendations

- 11.1 The restoration of the circular bridleway on Epsom Common Local Nature Reserve is an important aim of the existing management plan. This has essentially been achieved on the ground in 2015 but unfortunately delivering the project has taken longer and proved more costly than hoped with significant extra costs associated with providing protection for the fuel pipeline where the bridleway and Stew Pond Car Park entrance cross the pipeline.
- 11.2 In 2008 it became known that the West Park Hospital developer's requirement to improve the public footway alongside Epsom Common was problematic. This resulted in the developers initially providing external funding of £75,440 for the restoration of the bridleway on Epsom Common and the new path from Stamford Green that links to the bridleway.
- 11.3 In January 2015 a contractor was appointed and work to restore the bridleway commenced in May 2015 and was completed by mid-June 2015 with the exception of the short sections where the bridleway crosses the fuel pipeline. The extra cost of protecting the pipeline has now been confirmed and does as anticipated, mean that the project exceeds the original budget of £126,000.
- 11.4 As this was an unforeseen cost when the developer obtained quotes in June 2015 they agreed to pay a further £10,000 towards the cost of constructing the pipeline protection which is a significant and welcome contribution and means the developer external funding has risen to £85,440.

WARD(S) AFFECTED: Stamford