

Epsom Common Local Nature Reserve High Pressure Fuel Pipeline Protection

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| Head of Service/Contact: | Ian Dyer, Head of Operational Services |
| Urgent Decision?(yes/no) | No |
| If yes, reason urgent decision required: | N/A |
| Annexes/Appendices (attached): | None |
| Other available papers (not attached): | None Stated |

Report summary

A report requesting an additional budget of £36,000, funded from S106, for the protection of the high pressure fuel pipeline on Epsom Common Local Nature Reserve.

This follows a request by the Oil Pipeline Agencies for the pipeline to be protected, where it is crossed by paths used by vehicles, including at the entrance to Stew Ponds Car Park.

Recommendation (s)

That the committee approves the use of up to £36,000 of S106 funds to add to the existing budget for the protection of the high pressure fuel pipeline that runs across Epsom Common Local Nature Reserve.

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

- 1.1 The protection of the high pressure fuel pipeline means that vehicles can safely cross the pipeline ensuring the Council can continue to safely and effectively manage Epsom Common Local Nature Reserve, as identified in the 2016-2116 management plan agreed by the former Leisure Committee as Council policy. This also addresses the Councils' key priorities and assists in delivering a sustainable community strategy.

2 Background

- 2.1 Providing good public access on Epsom Common is 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 also an essential aspect of managing what is a nationally and internationally important site for nature.

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- 2.2 During the 1970's a 4km circular hard surfaced bridleway was constructed to help cater for the access needs of pedestrians and horse riders and to reduce conflict over damage caused by horses to grass paths. The route became known as the 'Winter Horse Ride' and along with connecting wide grass summer horse rides delivers a very effective network of paths and bridleways that help protect the commons more fragile habitats and are critical in providing access to manage the site. Much of the route follows public rights of way and crosses both high pressure fuel and gas pipelines in a number of locations.
- 2.3 As part of the recent project to restore the circular bridleway in 2015, the fuel pipeline agency (CLH) were contacted and informed that whilst re-surfacing was taking place there would be heavy vehicles crossing the pipeline. Their response was to request that the pipeline required protection at all points where hard surfaced tracks carrying vehicles (including regular Council vehicles such as 4x4's and tractors) crossed the pipeline. This was unanticipated and a significant change in policy on the part of the agency as the pipeline has been in place since the Second World War with no prior requests for protection. However, if the Council chose to ignore the request it would be fully liable for any damage/repairs. The Site of Special Scientific Interest (SSSI) designation for much of Epsom Common further re-enforces the necessity of installing protection, as damage to an SSSI can result in unlimited fines being imposed by Natural England.
- 2.4 As a result of this shift in policy, there were insufficient funds in the budget for the bridleway restoration project carried out during 2015 to pay for the pipeline protection, which required the installation of buried concrete bridges over the pipeline in five locations. Consequently, during the restoration work temporary steel plates were hired and placed over the pipeline in two of the locations most frequently used by vehicles.
- 2.5 The project to restore the bridleway (c2012) attracted financial support from the West Park Hospital Developer Linden Homes. in lieu of their requirement to widen the public footway in Christchurch Road which faced innumerable hurdles e.g. the need to take common land, the commons status as a SSSI, a listed wall at Christchurch, services locations and the need to move hundreds of metres of ditch and bridleway on the common.
- 2.6 Agreement was reached, with the approval of Surrey County Council approval, with the developer to pay EEBC £85,440 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, thus providing an alternative route for cyclists in to Epsom and providing a significant improvement to one of the busiest and wettest entrances on to Epsom Common.

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- 2.7 The money from Linden Homes was separate from the budget for the bridleway restoration and consequently separate permission was sought from the Strategy and Resources Committee in 2015 to use the £85,440 to install the pipeline protection. A tendering process was carried out using the approved list of contractors provided by CLH and an order was placed.
- 2.8 Unfortunately, the project has become protracted for several reasons including a need for suitable ground conditions and most importantly an originally very low quote that we persisted with until it became clear late last year we had to retender. The work has been retendered in 2018 and the lowest quote received from a Pipeline Agency approved contractor is £96,000 not including the cost of re-instating the bridleway surfaces. The quoted cost of restoring the excavated bridleway surfaces above the pipeline is £9,750. However, a significant £9,250 contingency is also needed to cover repair of possible damage that could be caused by heavy machinery using the lengths of path required for access. An additional £3,000 is also charged by the pipeline operator for supervision of the pipeline protection works.
- 2.9 The need to install pipeline protection within an SSSI and on common land does require consent to be sought both from Natural England and also Secretary of State Permission from the Planning Inspectorate due to the sites common land status. Planning Inspectorate consent is in place during 2018 and consent from Natural England will be sought when a date for the commencement of work has been set.

Table 1 - Estimated Costs of protecting the pipeline

| Contractor | Work | Estimated cost (£) |
|---|---|--------------------|
| Pipeline Welding Contract services (OPA approved contractor) | Concrete protection inclusive of 10% contingency | 96,000 |
| Earthbound Services | Path Reinstatement works inclusive of contingency | 19,000 |
| CLH (OPA contractor) | Supervision of pipeline works | 3,000 |
| | Total | 118,000 |

3 Proposals

- 3.1 That the Committee approves the use of up to £36,000 of S106 funds to pay for the protection of the fuel pipeline that runs across Epsom Common Local Nature Reserve.

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4 Financial and Manpower Implications

- 4.1 The total budget requirement is £118,000, as set out in Table 1.
- 4.2 There is a remaining budget of £82,560 already allocated to the project from the original £85,440 developer contribution approved in 2015 (£2,880 has been spent on temporary protection for the pipeline). Therefore, the budget gap is £35,440.
- 4.3 It is proposed to fund the £35,440 from uncommitted and unrestricted S106 funds held for 'Open Spaces', and seven agreements have been identified which could be utilised.
- 4.4 **Chief Finance Officer's comments:** *The S106 funds identified above are currently available for use. If members approve the additional funding, this will utilise almost all remaining 'Open Space' S106 funds. The use of S106 funds is due to be reviewed at the next Capital Member Group meeting.*

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

- 5.1 Any expenditure of sec 106 monies must be in accordance with the terms of the original agreement between the parties for the expenditure of those monies.
- 5.2 **Monitoring Officer's comments:** *None for the purposes for this report.*

6 Sustainability Policy and Community Safety Implications

- 6.1 This project addresses a range of sustainability issues most importantly ensuring the ability of the Council to manage Epsom Common Local Nature Reserve effectively which requires the use of vehicles both for maintenance and safety purposes. Ensuring a well-managed open space that affords access to local countryside, improves health and wellbeing and the protection of fragile habitats. High quality open spaces have a positive effect on the local economy attracting businesses and individuals to live, work and operate in the Borough.

7 Partnerships

- 7.1 This project is being assisted by on-going partnerships with Natural England with regard to consenting the works and the Epsom Common Association and their ability to keep their membership informed.

8 Risk Assessment

- 8.1 If the Council does not provide protection for the pipeline, they have been informed by the Oil Pipeline Agency that they 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.

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- 8.2 The use of collected Section 106 monies for unanticipated projects such as this improvement carries a degree of risk. Normally the Borough Council would seek to deploy S106 monies towards infrastructure improvements that are geographically related to the development from which they are drawn. That approach fully mitigates a potential scenario of a developer questioning the use of their monies for unrelated or distant improvements. In this case, the proposed improvements are geographically distant from contributing developments although all are within 5Km. Consequently to mitigate this risk the Borough Council must clearly set out the strategic importance of the proposed improvements. Specifically, these improvements to Epsom Common will benefit individuals and communities across a significant catchment area that extends beyond the administrative boundaries of the Borough.

9 Conclusion and Recommendations

- 9.1 Installing protection to the fuel pipeline will ensure that the Council can continue to manage Epsom Common in a cost effective manner through the use of vehicles which greatly enhances efficiency. Consequently, it is recommended that permission is given for £36,000 of S106 funds to be released and added to the already agreed budget to enable works to proceed during summer 2018.

Ward(s) affected: Stamford Ward;