



The Environmental Management of Brooklands Lake

Report by the Director for Communities

1.0 Summary

- 1.1 The purpose of this report is to update the Joint Strategic Committee (JSC) on the progress made to date to determine the future environmental management of Brooklands Lake, to seek decisions regarding next steps and to release the budget to enable the project to proceed.
- 1.2 The key recommendation is that JSC release budget to support the final procurement decision by the Director for Communities in consultation with the Executive Members for the Environment as outlined in paragraphs 11.1 and 11.2. This will allow for the swift execution of the final stages of this process in order to facilitate work beginning on site at the earliest possible time.

2.0 Background

- 2.1 Brooklands Lake sits on the eastern boundary of the Borough and is a highly regarded community amenity. This was clearly evident in the wealth of public support for a programme of work to improve the current state of the lake and reduce the negative impact on the wildlife and biodiversity in and around the lake. In our recently published plan, '**Platforms for our Places**', the Councils make commitments to working with our communities to 'Steward our Natural Resources' in the long term. The proposals associated with the management of Brooklands Lake therefore not only include immediate action to dredge and support the reduction of silt into the lake, but to work with our communities to ensure the long term benefits of this asset.
- 2.2 The report presented to JSC on 6 December 2016 outlined the functions and recent history of the lake, as well as options for environmental improvements and the management of Brooklands Lake. The committee were presented with four options for consideration, all of which included the dredging of the lake, with different options for disposal, removal or retention of the silt.
- 2.3 The committee approved that officers pursue option four; *the removal of Wet Sludge and use in margin and island creation, enhancement of valley gardens to reduce impact of pollution load from the Teville Stream. The construction of reed beds and*

sludge barrier at the northern end of the lake at an estimated cost of £750,000 to £850,000 and requested that a brief and specification was drawn up to enable the project to be tendered. At this stage no final decision was made as to next steps.

3.0 Tender Process

- 3.1 The specification and brief for tender was prepared by Technical Services - Engineering team, with input and comments provided externally from the Environment Agency (EA) and internally by Legal Services, Procurement, Estates, Communications and Environment teams.
- 3.2 In line with the JSC resolution, officers continued discussions with the Environment Agency over the potential use of their Water and Environment Management (WEM) Framework to procure the Brooklands Lake environmental improvement works. It was subsequently agreed that we would use the the EA's WEM South East Minor Works Framework and South East Landscaping Framework. Seven companies are listed on the two frameworks.
- 3.4 The benefit of using these frameworks to procure these services is the reassurance that the framework supplier's proposed methods, and minimum technical, health and safety and sustainability requirements are acceptable to the EA. This significantly reduces the risk of identifying a provider who might then fall foul of EA regulations.
- 3.5 Six contractors confirmed a wish to tender and the tender opportunity was advertised on the Council's In-tend system on the 9 March 2017, with a closing date set for 19 April 2017. Four tenders were finally received via the Council's In-tend system on 19 April 2017.

4.0 Evaluation Process

- 4.1 The four tenders received (details of which are included in exempt Appendix 1) have been evaluated by Technical Services using the Most Economically Advantageous Tender (MEAT) analysis. The result being that all four companies meet the technical elements contained in the tender documentation.
- 4.2 The Environment Agency have also provided the Council with their overview on the tenders submitted. They have made no comments or observations that have led to any of the four tenders being discounted.
- 4.3 All four schemes provided viable options for :
- Long term sustainable management of the lake
 - Remodelling the profile of the Teville Stream approach to Brooklands Lake through Valley Gardens
 - Capturing the main sources of silt and pollutant inputs into the lake (silt traps).
 - Dredging the lake, recycling the dredged materials on site to form banks, islands and silt beds. This provides the most cost effective solution for dealing with the silt volumes presently contained within the lake.

- Creates and enhances habitats, providing opportunities for wildlife.
- Improves visitor experience and visual amenity for both the local community and visitors to the park.

4.4 All tenders have provided a certain level of detail regarding ongoing maintenance and costs, which will need to be checked and reviewed as below.

4.5 Subject to award of contract; all tenders have indicated the earliest commencement on site of the main works ranges between September 2017 and April 2018. This allows for site investigations, final design and Environment Agency liaison, licensing and permits.

Returned tenders indicate an on-site works programme of between 13 and 18 weeks based on their tender stage designs.

4.6 The contract administration and day to day on site supervision will be undertaken by Technical Services.

5.0 Due Diligence

5.1 The next step of the procurement process is to complete due diligence on those companies where there is a serious potential for contract award. Given that all meet the technical specifications of the tender process, the next stage will focus on those companies that present the best value for the Council in terms of overall project delivery and cost.

5.2 Due diligence will include:

- confirming the financial status of the company,
- taking up the references provided in the tender submission and
- completing further in-depth analysis of the schemes submitted.

5.3 Once the due diligence is completed and a preferred bidder is identified, a final step will need to be completed to finalise the design with the EA, which may require the supplier to make alterations to their design and increase costs. It is not anticipated that this will be significant, however it is recommended that a contingency sum is available to take into account any changes that are required, post the identification of the preferred bidder.

5.4 There will also be a requirement to finalise with the preferred bidder the future maintenance requirements for the lake and its surrounding area, once the design is formalised with the EA. This will enable an annual revenue budget to be costed for this work.

5.5 The maintenance plan will provide a structured action plan for the management of the trapped silt, using it to further remodel lake topography e.g. islands and banks. It will also detail habitat management actions i.e. reed beds and marginal vegetation in order to sustainably manage the lake into the future and maximise biodiversity.

6.0 Consultation with other Local Authorities and Agencies

6.1 Officers and Cllrs have held and continue to have meetings with other Local Authorities and Agencies who have a stakeholder interest in the lake to pursue financial contributions towards the total cost of the scheme.

7.0 Community Consultation

7.1 This project has highlighted the high value and importance of the lake to the local community, who clearly care passionately over this much loved community facility in East Worthing.

7.2 A key factor in ensuring that the lake and indeed the park is managed successfully and sustainably will be the continued involvement of the local community, in partnership with the Council, to positively shape the future management and maintenance of the park overall.

7.3 It is proposed to continue engaging with members of the local community with the ultimate aim of forming a Friends of Brooklands Park to provide a platform to achieve this aim.

8.0 Brooklands Park Management Plan

8.1 Once a final scheme is determined for the environmental improvements to the lake, officers will then be able to draft a management plan for the park to set out the Council's future aims and objectives for the park.

8.2 It is proposed to involve the local community in helping to shape the management plan to ensure that it is also in line with their own needs and aspirations for the park.

8.3 The management plan will also provide a platform detailing how the proposed investment into the environmental management of the lake will be measured in terms of the long term sustainable management of the park.

9.0 Legal

9.1 Section 1 Local Government (Contracts) Act 1997 provides that every statutory provision conferring or imposing a function on a local authority confers powers on the local authority to enter into a contract with another person for the provision or making available assets or services, or both (whether or not together with goods) for the purposes of, or in connection with, the discharge of the function by the local authority. The Council therefore has the power to contract with the successful tenderer for the work described above.

9.2 Under the Councils' Contract Standing Orders, paragraph 8.2, the Director for Communities, or their nominee, has the authority to enter into contracts under the Scheme of Officer Delegations, provided that:

- (a) There is sufficient approved revenue or capital budget to fund the proposed contract throughout its duration; and
- (b) The Procurement team has confirmed that best value has been obtained for those contracts where the value exceeds £25,000.
- (c) The procurement portal is used to carry out the procurement exercise obtain quotations or to carry out a tendering exercise unless it impractical to do so.
- (d) The Council's legal representative is consulted about:
 - The most suitable form of contract for all finance and operating leases;
 - The most suitable form of contract for any potentially complex arrangement;
 - The most suitable form of contract for all other contracts where the value exceeds £25,000; and
- (e) The key requirements detailed in standing orders are fulfilled.
- (f) The necessary notice(s) have been given in the Forward Plan of Key Decisions/28 Days' Notice and the requirements of the Member and Officer Decision making rules are complied with

10.0 Financial implications

- 10.1 There is a budget of £850,000 contained within the capital programme for this project.
- 10.2 Under the financial regulations (B16), no expenditure shall be incurred on capital projects of £150,000 or over included in the Capital Investment Programme without the acceptance by the Joint Strategic Committee of a detailed report setting out capital costs and revenue consequences, how successful investment will be measured and the anticipated completion date as outlined in paragraph 8.3.

11.0 Recommendations

That the Joint Strategic Committee:

- 11.1 Notes that the Director for Communities, in consultation with the Executive Member for the Environment, has the delegated authority to approve the final procurement and award the contract up to the value of £850,000 allocated within the 2017/18 Capital programme, subject to satisfactory due diligence checks and agreement of design with the Environment Agency.
- 11.2 Authorises the release of budget upto a value of £850,000 for the reasons as outlined in paragraph 10.2 and as required by our financial regulations (B16).
- 11.3 Approves that officers continue to pursue a reduction in the Council's costs through seeking external financial contributions towards the total costs of the scheme.
- 11.4 Approves that officers liaise with the preferred bidder to finalise the future maintenance requirements for the lake and its surrounding area to enable an annual revenue budget to be costed and agreed for the lake's on-going maintenance needs.

- 11.5 Approves that once a scheme has been authorised, for officers to continue to engage with the local community over the future environmental management and maintenance of the Lake.
- 11.6 Approves that officers take active steps to support the setting up of a Friends of Brooklands Park group.
- 11.7 Approves that once a scheme has been authorised, that officers draft a site management plan for consultation and subsequent adoption.
- 11.8 Requests a further report be brought on progress made to December's Joint Strategic Committee meeting.

Local Government Act 1972

Background Papers:

Joint Strategic Committee Report - 6 December 2016 - Environmental improvement and Future Management Options for Brooklands Lake.

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Schedule of Other Matters

1.0 Council Priority

1.1 Adopt more sustainable ways of delivering services.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 The proposed works will ensure that the Lake is managed in a sustainable manner, improving the quality of the Lake's wetland habitats will enhance biodiversity of the lake and surrounding Park.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified.

7.0 Reputation

7.1 The environmental improvements proposed for the Lake, if approved will provide long term sustainable benefits for the Lake that also meets the aspirations and needs of the local community.

8.0 Consultations

8.1 (A) Officers have consulted with representatives from the Environment Agency.

(B) Their approval for the Council to access the contractors listed on their South East WEM Framework has helped greatly in enabling the Council to engage with companies whose proposed methods would meet the EA's minimum Technical, Health and Safety and sustainability set standards.

(C) The EA has also kindly provided the Council with their overview on the submitted tenders.

9.0 Risk Assessment

9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

- 10.1 Presently in the Summer months on occasions when the blue green algal blooms, advisory notices are placed around the Lake, advising people to avoid contact with the water and to wash hands thoroughly if they do.

11.0 Procurement Strategy

- 11.1 Following consultation between the Council's and the EA's Procurement Officer's, approval was given by the EA for the Council to engage with the Contractors listed on the EA's South East Framework.
- 11.2 This enabled the Council to lawfully access the contractors through the Framework Agreement using the Council's own In-Tend procurement system to manage the tender process.
- 11.3 The EA have also provided an overview to the Council on the 4 schemes submitted.

12.0 Partnership Working

- 12.1 The Council has actively engaged in partnership working with the EA and Southern Water and also the local community to derive a sustainable way of managing Brooklands Lake in the future.