

<b>Meeting:</b>	<b>Cabinet</b>	<b>Date:</b>	<b>08<sup>th</sup> February 2017</b>
<b>Subject:</b>	<b>Westgate Leisure Area</b>		
<b>Report Of:</b>	<b>Cabinet Member for Environment</b>		
<b>Wards Affected:</b>	<b>Westgate</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Meyrick Brentnall, Neighbourhood Services Manager</b>		
	<b>Email:</b>	<b>meyrick.brentnall@gloucester.gov.uk</b>	<b>Tel: 39(6829)</b>
<b>Appendices:</b>	<b>None</b>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 To inform Cabinet on progress that has been made in respect of Westgate Park and to seek authorisation to market test interest in developing a leisure related facility in the park and to seek delegated authority to pursue a development solution.

### 2.0 Recommendations

- 2.1 Cabinet is asked to **RESOLVE** that:

- (1) Responsibility be delegated to the Corporate Director to prepare the opportunity document referred to in the report to test market interest in Westgate Park.
- (2) Authority be delegated to the Corporate Director in Consultation with the Cabinet Member for Environment and Leader of the Council to grant a lease(s) with a potential partner(s) in order to further develop Westgate Park.

### 3.0 Background and Key Issues

- 3.1 Westgate Park was once a popular area of open space with a small boating lake, pitch and putt and a well used rugby pitch with nearby clubhouse. Changing leisure interests, persistent flooding and difficult access led to its slow decline. By the turn of the century formal leisure activities had all but ceased and the site was being used by a decreasing number of casual visitors.
- 3.2 With residential development taking place on the neighbouring St Oswald's site bringing not only new clientele but also section 106 monies a master plan was drawn up and submitted to Cabinet briefing for informal comment. This included a footpath network, play equipment and an ambitious proposal for a BMX track. The BMX proposal was later dropped; however, still keen to bring new interest into the

park officers began to investigate any major development constraints with the expectation that the City Council could then gauge market interest.

- 3.3 A number of key constraints were identified, and then relevant organisations contacted to get a better understanding as to how they would limit opportunities provided by the site. These results are summarised below
- 3.4 Flooding: The majority of the site is within Flood zone 3 this will seriously restrict any uses coming forward. The elevated area to the South east is predominantly in flood zone 3a potentially allowing a wider range of uses. The NPPF technical guidance is clear in that only water compatible and less vulnerable uses should be permitted in such areas. More vulnerable and essential infrastructure should only be permitted if the exception test is passed. Flood flow is a significant issue on the site and any new structure will have to be carefully designed.
- 3.5 Land Contamination: The elevated area is a Victorian tip. A detailed Geoenvironmental assessment was undertaken as part of the BMX proposal. While hydrocarbons and other contaminants were found these can be mitigated though will of course come at a cost.
- 3.6 Highways: Gloucestershire County Council is the highway authority for Gloucester. In discussions with them they have raised concerns over the access in particular the visibility. While this can to a degree be improved they have placed a ceiling of approximate 70 daily trips to and from the site for any new use accommodating the site.
- 3.7 Network Rail. Network rail own the land under the viaduct though there is public access through it. They also have a restrictive covenant on a strip of land to the immediate south of the railway line running along the length of the railway fence.
- 3.8 High pressure oil pipe: A high pressure oil pipeline crosses the site North to South. There is a 3 metre Wayleave either side of the pipe and the Land Powers Defence Act 1958 prohibits any development and most intrusive activities within the wayleave. This includes crossing the pipeline with heavy plant. The pipeline is part of the Government Pipeline and Storage System that makes up an extensive network of pipes linking strategic airports and other predominantly military facilities to refineries. It was begun in the run up to the second world war and was expanded during the subsequent conflict and again during the cold war. In 2015 it was part privatised and is now owned by a Spanish Company specialising in pipeline management. While under state ownership it was flown over daily to ensure wayleave compliance.
- 3.9 Public Open Space Designation: The whole site is public open space. Some uses may result in a loss of POS and may therefore be subject to a statutory process. Further details are contained in the legal implications section of this report.
- 3.10 If Cabinet agree to the recommendation then an 'Opportunity Document' will be drawn up. This will outline the constraints and opportunities associated with the site, and invite developers/community organisations to come forward with potential

proposals. These will then be reported back to Cabinet with a recommended way forward.

#### **4.0 Asset Based Community Development**

4.1 The opportunity document will be open to community groups and other organisations that believe they can bring vitality and vibrancy to the park. It may be that a commercial operator partners with a community organisation to deliver more than one attraction on the site.

#### **5.1 Alternative Options Considered**

5.1 **Do nothing.** Westgate Park could carry on as existing, providing low key amenity benefit for casual visitors. .

5.2 **Wholesale disposal.** The value of the site could be realised and the site sold off in its entirety. Given the constraints the actual capital receipt may be modest and there would be significant statutory hurdles to such a proposal given its use as public open space.

5.3 Procurement exercise. Consideration was given to a undertaking a procurement exercise to find a contractor to develop the site and run whichever facilities were provided. Procurements involving land are complex and are often subject to the requirements of the Public Contracts Regulations 2015. The Council's aims for Westgate Park can still be achieved by undertaking a land deal.

#### **6.0 Reasons for Recommendations**

6.1 It is considered that the site has some interesting opportunities. It is 9 ha area of open space predominately to grass with some interesting trees and vegetation. There is a modest lake/pond in the southern part of the site. There is a surfaced car park accessed off the A417, there is also restricted managed access through the St Oswald site. There is a Victorian pumping station building adjacent the viaduct (not subject to listing). The new community of St Oswald's is currently being developed to the immediate east of the northern part of the site which will bring new clientele in to the park. Given the above it is considered that site has real potential for a leisure related use that could bring modest income/savings to the local authority and regenerate what is currently an overlooked and tired looking area of open space.

6.2 The recommendation allows officers to gauge market interest in the site and to see if there is a real desire to develop something that would benefit residents of and visitors to Gloucester.

#### **7.0 Future Work and Conclusions**

7.1 If Cabinet endorse the recommendation the opportunity document will be drawn up, this will detail potential constraints as well as opportunities associated with the site. This will be marketed and it is hoped that some potential developers/community organisations will come forward with proposals. The next steps will depend upon the interest generated. If more than one proposal comes forward (that can not be mutually accommodated on the site) then a tendering process may have to be

entered into. Either way a report will be submitted to Cabinet detailing the next steps as considered appropriate.

- 7.2 While a complex process it is concluded that it is the best way to bring a third party on board to help deliver improvements in the park in an open and transparent manner. If a realistic proposal does come forward it is likely that formal planning permission will be required. Notwithstanding this it is hoped that by the summer of 2017 some sort of proposal will have been agreed.

## **8.0 Financial Implications**

- 8.1 there are small scale costs associated with drawing up the Opportunity Document as regulators may require some up front monies before they will submit comments to us.

## **9.0 Legal Implications**

- 9.1 The Council has powers under Section 123 of the Local Government Act 1972 to dispose of land by way of a freehold disposal or by granting of leases. There is a requirement for the Council to receive the best consideration reasonably obtainable in respect of a freehold disposal or the grant of leases over 7 years.

- 9.2 As the land comprises public open space the Council will be required to advertise any proposal of the land (including by way of lease(s) and consider any objections made prior to deciding whether or not to proceed with the disposal.

- 9.3 The Council acquired the land in several parts and there are rights in favour of third parties across various parts of the land. Full details about the extent of the Council's ownership and third party rights will be provided by One Legal to officers and will be contained in the Opportunity Document.

(One Legal have been consulted in the preparation this report.)

## **10.0 Risk & Opportunity Management Implications**

- 10.1 Risks concern abortive work around preparing the documentation when there is no guarantee that a feasible proposal will come forward. These can be mitigated by ensuring actual costs are kept to an absolute minimum and that every opportunity for success is pursued.

## **11.0 People Impact Assessment (PIA):**

- 11.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

## **12.0 Other Corporate Implications**

### Community Safety

- 12.1 Parks and open spaces that are not used by members of the public are often the most threatening. Any proposal that brings legitimate activity into an open space will

increase its perception of safety and will in turn bring more members of the public into the space.

### Sustainability

- 12.2 This is a central location that would be a relatively sustainable location for a number of leisure uses, It is hoped that is a developer does come forward then there will be sustainably benefits for example biodiversity that will come in the back of any new proposal .

### Staffing & Trade Union

- 12.3 N/A

**Background Documents:** N/A