

<b>DECISIONMAKER:</b>	<b>CABINET</b>		
<b>SUBJECT:</b>	<b>SOUTHAMPTON COMMON PLAY AREA</b>		
<b>DATE OF DECISION:</b>	<b>19 JANUARY 2016</b>		
<b>REPORT OF:</b>	<b>CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT</b>		
<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>	
<b>Not Applicable</b>	
<b>BRIEF SUMMARY</b>	
The play area on Southampton Common is over 15 years old and not befitting of Southampton's premier, Green Flag Award winning, destination parks. It is therefore proposed to provide a much improved facility.	
The proposal is to provide a state of the art water and dry play area in place of the existing paddling pool and play area.	
The cost to provide such a facility is likely to be in the region of £500,000.	
<b>RECOMMENDATIONS:</b>	
(i)	To undertake a consultation for the design of the proposed Play Area at Southampton Common;
(ii)	To delegate authority to the Director, Place following consultation with the Head of Legal & Democratic Services to do anything necessary to progress the delivery of the Play Area at Southampton Common, including but not limited to entering into contracts for goods and services, obtaining consents and permissions and any other ancillary or related matters; and
(iii)	To approve the addition of up to £500,000 to the Environment & Transport (City Services) Capital Programme for the Southampton Common Play Area scheme, in accordance with Financial Procedure Rules, subject to the allocation of funding in the Capital Strategy to be approved by Council in February 2016.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	This is a key decision and before we can enter into a contract with a play area design and consultation expert a Cabinet decision is required to progress the project.
2.	Once the design phase is over, an application under section 38 of the Commons Act 2006 and a planning application will be required before the play area can be delivered. If permission is granted then authorisation to progress the project is being requested.

3.	Until the final designs have been priced it is not possible to provide an accurate figure for the total cost of the play area, the working budget is £500,000, but this may need to be adjusted once the designs are complete. If variation of the project budget is required this will be progressed under Finance Procedure Rules in accordance with the Council's Constitution.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
4.	<p><b>Option 1</b> - Use existing Section 106 developer contributions (circa £100,000) to provide a new play area adjacent to the Paddling pool.</p> <p>This would give a reasonable sized play area with moderate play value. It would be an improvement on the existing, but would fall short of providing a City wide facility of which it is an aspiration to provide for the Common. The play area would incorporate the two trees in this area for shade. The play area cost would include fencing.</p>
5.	<p><b>Option 2</b> - Spend circa £300,000 on the project and move the play facility next to the paddling pool area.</p> <p>This option would leave the paddling pool where it is, still under the management of Places for People (PfP) / Active Nation. The play area would move to the grass area to the east of the paddling pool. The play facility would be designed to accommodate the two trees and could include a moderate tree house in the design.</p>
<b>DETAIL (Including consultation carried out)</b>	
6.	It was agreed at the Cabinet Member Briefing on 16 <sup>th</sup> July 2015 that it would not be acceptable to either “do nothing” or to manage the decline of the play area at Southampton Common. Therefore, three options for the play area were further explored with Informal Cabinet on 3 <sup>rd</sup> November 2015. All involved moving the play area to a new site either adjacent to or on the existing paddling pool.
7.	All three options proposed to move the play area from its existing place to either land adjacent to the paddling pool, or to the paddling pool site itself, also utilising the land adjacent to it. The reasons for moving are that the Council would have more chance of gaining permission to fence the play area in the proposed position, this is one of the most common concerns raised about the existing play area. It would move it away from the ditch which we do receive complaints from parents about (perceived danger of children falling into it). It would open up access across the part of the Common where the existing play area is and would be closer to the Cowherds and Hawthorns Centre for toilets and refreshments.
8.	<p>The preferred <b>Option 3</b> is to spend circa £500,000 on a new play facility integrating water play and dry play onto and adjacent to the site of the existing paddling pool. The paddling pool will be decommissioned and the play area moved to the site it currently occupies. The new play facility would include state of the art water play as well as the more traditional climbing and swinging apparatus. The facility would be extended beyond the existing paddling pool footprint to include a tree house within the trees to the east. Replacing the paddling pool with water play would have the benefits of:</p> <ul style="list-style-type: none"> <li>• no further need to provide life guards</li> <li>• the facility could be open for extended periods of good weather, not just two or three months of the year</li> </ul>

	<ul style="list-style-type: none"> <li>•</li> <li>• the costs for the filtration and chlorination plant are likely to be reduced,</li> <li>• there would be no filters for newts to fall into reducing risk to the Council of breach of environmental and protected species legislation.</li> </ul> <p>There is an opportunity to provide a sustainable way to remove waste water through a reed bed system which would clean the water and return it to the ground further down the hill. This could reduce costs for waste water disposal.</p>
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## RESOURCE IMPLICATIONS

### Capital/Revenue

9.	A preliminary report has been to the Council Capital Board which set out that there is funding of £100,000 from Play Area Section 106 developer contributions, which is available to fund this project. Additional funding of up to £400,000 will be identified, as part of the Capital Strategy, to be approved by Council in February 2016. Once full consultation and design has been completed, a full understanding of the overall costs to deliver the play area will be understood. If the cost of the proposed play area is within the project budget of £500,000, 'approval to spend' may be given by the Chief Officer in consultation with the Cabinet Member and the Chief Financial Officer. However, if the cost of the project exceeds £500,000, a report will go to the Council Capital Board requesting additional funding. Any addition to the budget will require approval via the appropriate Financial Procedure Rules / Constitutional arrangements. 'Approval to spend' over £500,000 and up to £2M would require a further report to Cabinet.
10.	Once this scheme has been added to the capital programme, the project manager may spend up to £50,000 (10% of the project budget), with the approval of the relevant Chief Officer following consultation with the Cabinet Member, in advance of formal 'approval to spend' on the scheme for the purpose of scheme design and costing. It is anticipated that the cost of feasibility work for this scheme will be no more than £25,000.
11.	There would be no dedicated resource available for this project so it would be carried out within other duties of Officers within the Parks and Play Services. The Council would also look to use the Friends Group Coordinator provided by Groundwork South to build capacity around consultation, hopefully getting members of a Friends group to volunteer their time to help consult on the ideas. Regeneration projects such as this have always been considered to be outside of the SSP with Capita and therefore a consultant will be procured to provide play area design and consultation expertise which would provide the Council with all the necessary documentation to make both the Planning and Commons Act applications.

### Property/Other

12.	The 1844 Marsh Act changed Southampton Common into public recreation land. Southampton Corporation Acts of 1910, 1931 and 1971 detailed the byelaws that govern public use of The Common, vehicle use and closures for events to 50 acres and 21 consecutive days to a maximum of 60 in any year. The Hampshire Act and Law of Property Act also restrict use of the Common. Southampton Common is registered common land and therefore subject to Commons Act 2006. There is also a Special Site of Scientific
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	Interest (SSSI) in place on Southampton Common The notification of most of Southampton Common as a SSSI requires the council to cease to undertake any operations likely to damage the special interest without specific consent from English Nature in advance. There will therefore be a need to undertake an Environmental Impact Assessment as part of the design and consent procedures.
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## LEGAL IMPLICATIONS

### Statutory power to undertake proposals in the report:

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| 13. | Works on the Common of the nature proposed would require prior consent under S38 of the Commons Act 2006. This protects registered commons from being inappropriately developed. It typically takes 3 to 4 months for a simple application to be considered by the Planning Inspectorate (PINs). If objections are raised then this timescale will increase. Prior public consultation is essential to making the application so that objections are kept to a minimum however historically previous applications for the installation of the paddling pool and play areas and even like for like works restricted within existing park footprints on the Common have generated substantial public interest and a steady level of objections. Objections can result in the requirement to hold a Public Inquiry, the associated delays would affect the proposed timetable and potentially increase costs. Advance work with the known amenity and historical societies may reduce the likelihood of substantial objections but these cannot be ruled out due to the nature and sensitivity of the site. |
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### Other Legal Implications:

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| 14. | All works will be required to be procured in accordance with the Council's Contract Procedure Rules. The design, construction and management of the new play area will be subject to the provisions of the Equalities Act 2010 (including the need to equality impact assess both the proposals and the scheme design), s17 Crime & Disorder Act 2010 to design out potential for anti-social behaviour and property crime / damage and other pervasive legislation. Planning consents will be sought under the Town & Country Planning Act 1990 and associated primary and secondary legislation. |
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## POLICY FRAMEWORK IMPLICATIONS

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| 15. | There is a Council commitment to improve play areas within the Executive Commitments – 9. 'Invest in Play Equipment' Decision Ref CAB 14/15 13650. |
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<b>KEY DECISION?</b>	Yes
<b>WARDS/COMMUNITIES AFFECTED:</b>	All Wards
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	None

### Documents In Members' Rooms

1.	None
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<b>Equality Impact Assessment</b>		
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>		<b>Yes/No</b>
<b>Privacy Impact Assessment</b>		
<b>Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.</b>		<b>No</b>
<b>Other Background Documents</b>		
<b>Other Background documents available for inspection at:</b>		
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>	
<b>1.</b>		
<b>2.</b>		