

# **Guildford Borough Council**

Report to: Executive

Date: 12 June 2024

Ward(s) affected: Bellfields and Slyfield, Burpham

Report of Director: Julian Higson, Strategic Director Housing and Environment

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Report Status: Open

## **Riverside - Nature Reserve SANG improvement**

### **1. Executive Summary**

- 1.1 This report seeks approval to carry out a capital project for replacement and improvement of the access infrastructure at Riverside Nature Reserve and Parsonage Water Meadows, and to create additional staff resource of one Project Manager Post for project delivery.
- 1.2 Riverside Nature Reserve is a designated Suitable Alternative Natural Greenspace (SANG) to avoid increased recreational pressure on the Thames Basin Heaths Special Protection Area (SPA) resulting from new housing development.

- 1.3 This mitigation is required for the Council to comply with the Conservation of Habitats and Species Regulations 2010 by providing alternative recreation areas that provide a similar experience to the SPA.
- 1.4 The estimated project cost of £1,133,500 will be funded from financial contributions from developers that are collected to deliver new SANG sites, improve existing SANG land, provide infrastructure and site maintenance and cover staff costs associated with management. The project will include access and site improvement to the SANG to enable additional use of the site.
- 1.5 The report outlines the need for the project to improve existing infrastructure and facilitate increased visitor numbers. These pressures provide a challenge managing visitor conflicts, safe access to natural green space, naturally occurring changes, whilst retaining the site's natural character in line with SANG guidelines, GBC Countryside Vision, and the Environment Act 2021.
- 1.6 The existing boardwalk on Riverside Nature Reserve is a key piece of SANG infrastructure that requires replacement as a matter of urgency. Parts of the existing boardwalk are currently closed for Health & Safety reasons.
- 1.7 Officers also seek to improve access for firefighting equipment to mitigate increased wildfire risks.
- 1.8 Proposed works comprise of re-designing and replacing the existing boardwalk and improving pathways, signage, and seating, following recommendations from an access audit commissioned in 2020. Officers propose to include public consultation during the project.
- 1.9 The project aims to ensure that the Council fulfils its duties under the Occupiers Liability Act 1957, the Equality Act 2010, and the Environment Act 2021.
- 1.10 Officers recommend that the Council approves the capital expenditure and to create additional staff resource for project delivery.

## **2. Recommendation to Executive**

To recommend to full Council at its extraordinary meeting on 17 June 2024 the approval of:

- 2.1. Capital expenditure of £1,133,500 from existing development contributions to improve SANG capacity and improvement of the SANG access infrastructure at Riverside Nature Reserve and Parsonage Water Meadows, and
- 2.2. an additional staff resource of one Project Manager Post for project delivery.

## **3. Reasons for Recommendation:**

- 3.1. Officers consider the project proposal the most efficient option to maintain SANG capacity to mitigate the recreational pressure resulting from the developments the SANG contributions have been collected from.
- 3.2. The project will deliver necessary works to achieve health and safety compliance under the Occupiers Liability Act 1957.
- 3.3. The delivery of the project will provide added benefits to the Council by demonstrating compliance with the public duties for biodiversity under the Environment Act 2021 and the duties under the Equality Act 2010.

## **4. Exemption from publication**

- 4.1. No

## **5. Purpose of Report**

- 5.1. This report seeks approval to carry out a capital project for replacement and improvement of the SANG access infrastructure at Riverside Nature Reserve and Parsonage Water Meadows, and additional staff resource of one Project Manager Post that is needed to deliver the project.

5.2. This project will be funded from existing SANG contributions collected through S106 contributions.

## **6. Strategic Priorities**

6.1. This proposal supports the following strategic priorities through the provision of SANG in the Local Plan:

- provide and facilitate housing that people can afford,
- make every effort to protect and enhance our biodiversity and natural environment.

6.2. Health and Safety Compliance under the Occupiers Liability Act 1957.

6.3. The proposal supports Guildford's Strategic Countryside Vision 2017 – 2027.

## **7. Background**

### **Introduction**

7.1. This report outlines the current pressures on Riverside Nature Reserve SANG, including increase in visitors, ageing infrastructure, and retaining a natural character in line with SANG guidelines and GBC Countryside Vision.

7.2. These pressures provide a challenge managing visitor conflicts, safe access to natural green space and naturally occurring changes, and duties under the Environment Act 2021.

7.3. The Parks Development team is seeking to utilise existing SANG funding to replace the ageing infrastructure and use this opportunity to update the site for improved accessibility and increase in visitor numbers.

### **Background and Issues**

7.4. Riverside Nature Reserve is a designated Nature Reserve for its wetland, woodland and grassland habitat.

- 7.5. The site was declared a SANG in 2012, providing better access and funding for infrastructure. Since visitor counters were installed in 2014 visitor numbers have more than doubled to approx. 350,000 per year. The site received its first green flag accreditation in 2016.
- 7.6. SANG sites are provided as alternative natural sites to reduce visitor pressure on the Thames Basin Heaths SPA.
- 7.7. The provision of SANG is required under the Conservation of Habitats and Species Regulations 2010.
- 7.8. Over the years, continued infrastructure improvements have been carried out, including a large boardwalk through the fen, a new bridge, upgraded paths and bespoke accessibility gates.
- 7.9. To act as SANG the provision needs to be in perpetuity to comply with the Habitat Regulations. It is the Parks Team's ambition to continue providing a high quality natural green space that fulfils its role as accessible nature reserve in line with the Council's Countryside Vision 2017 -2027. This ambition is in line with the duties from the Environment Act 2021 and supported by existing agri-environment funding schemes.
- 7.10. Please note further background on the nature conservation value on the site in Appendix 2.

### **Opportunities and Challenges**

- 7.11. The SANG receive S106 contributions for access and site improvement projects.
- 7.12. The existing boardwalk at Riverside Nature Reserve requires replacement as an increasing number of sections have deteriorated beyond repair and had to be closed for safety reasons. The boardwalk replacement is necessary to provide sufficient length of walking routes in order for the site to perform the function of a

SANG. We propose to use recycled plastic to improve the lifespan of the boardwalk.

- 7.13. The Parks Team commissioned an access audit for the site in 2020 which provides the basis of the present project proposals to improve accessibility.
- 7.14. Officers expect the increase in visitor numbers at Riverside Nature Reserve to continue.
- 7.15. The site experienced wildfires for the first time in 2022 that affected the traffic using the A3. There are currently access constraints for firefighting equipment.
- 7.16. The proposed project will provide a joined-up approach for on site improvements and address complaints and safety concerns about existing path surfaces.
- 7.17. A review of the site access infrastructure provides an opportunity to continue implementing accessibility improvements for the site to become a flagship example for access to nature, and to review the site layout to reduce vandalism and arson.
- 7.18. Works include improvement of paths, provision of better signage, seating and rest areas and internet promotion of the site.
- 7.19. Project delivery at Riverside Nature Reserve is impacted by additional challenges such as
  - Frequent number of serial complaints from a small number of individuals
  - Vandalism, illegal fishing, fires
  - Fluctuating weather conditions and water levels impact on quality of the nature reserve and its management
- 7.20. Parsonage Water Meadows is an extension to the Riverside SANG. Providing better access in line with SANG criteria will greatly improve

the accessibility to nature close to Guildford Town Centre and reduces the visitor pressure onto Riverside Nature Reserve.

### **Constraints**

- 7.21. There is currently not sufficient capacity to deliver a project this scale at this time in addition to various other Council SANG (Tyting Farm, Burpham Court Farm) and Private SANG (6 sites) being developed.
- 7.22. There is an urgency for an immediate large-scale investment to replace the ageing boardwalk at Riverside, that needs to take into account seasonal restricted works access.
- 7.23. Officers recommend carrying out a public consultation as part of the project delivery due to high public interest, and existing user conflict.

### **Project Proposal**

- 7.24. Officers ask for approval to carry out a capital project as outlined below.
- 7.25. Parks Development proposes utilising the existing SANG contributions for Riverside Nature Reserve and Parsonage Water Meadows to carry out the following project proposals:
- 7.26. The project is expected to take 3 years to complete.
- 7.27. Detailed project proposals and cost estimates are provided in Appendix 1.
- 7.28. The Parks Team intends to create one Project Officer staff resource: To allow the team to deliver their work on SANG provision to ensure that the required mitigation is delivered in line with the contributions that have been collected to mitigate the impact of development that has been delivered in the Borough.

- 7.29. The Project Officer will lead on the delivery/ liaison of the following proposals:
- 7.30. Outline design of the new boardwalks, path improvements and seating: To provide basis for consultation and work specification and accommodate expected change in visitor movements.
- 7.31. Public consultation on boardwalk proposals and conservation management: To allow public input in the boardwalk design and gain support/ local identity for the Local Nature Reserve. To address user conflicts between urbanising the site and managing a nature reserve in line with the duties under the Environment Act 2021 and the Council's Countryside Vision.
- 7.32. Procurement of Boardwalk Replacement and external works.
- 7.33. Permits, Site information and visitor management during infrastructure works.
- 7.34. Project management, contractor supervision during constructions and works co-ordination with in-house routine site management and conservation grazing.
- 7.35. Update of conservation management plan: To provide rationale for the purpose of the site, its ecosystem services, local nature recovery network and practical site management.
- 7.36. Liaison with Major Projects Team linking Riverside Nature Reserve into Weyside Urban Village development.
- 7.37. Environmental baseline assessment: To inform future site management.
- 7.38. Develop proposals for access improvements at Parsonage Water Meadows which is an extension of the Riverside Nature Reserve SANG.



## 8. Consultations

- 8.1. The Lead Councillor for Environment and Climate Change supports the project.
- 8.2. The Assistant Director: Planning Development is aware and in support of the project to ensure the Council fulfils our obligations under the Habitats Directive.
- 8.3. Views were sought from HR, Finance, Legal and Development Control. No issues have been flagged.

## 9. Key Risks

- 9.1. Table 1 Key Risks:

Key Risk	Impact	Proposed mitigation
Time delay	<ul style="list-style-type: none"><li>• Infrastructure failure increases safety risk and cost for temporary repairs</li><li>• Reputational impact</li><li>• Legal impact: Insufficient provision of accessible SANG in case of boardwalk closure</li></ul>	<ul style="list-style-type: none"><li>• Sufficient resourcing as proposed</li><li>• Robust stakeholder consultation</li></ul>
Opposition to project	<ul style="list-style-type: none"><li>• Time delay</li><li>• Reputational impact</li><li>• Increased cost to address issues</li><li>• Legal impact: Insufficient provision of accessible SANG, compliance with Environment Act 2021, the Habitat Regulations and the grant of planning permissions where mitigation is needed.</li></ul>	<ul style="list-style-type: none"><li>• Resourced Stakeholder liaison</li><li>• Robust rationale for project and decisions</li></ul>

Key Risk	Impact	Proposed mitigation
Cost increase	<ul style="list-style-type: none"> <li>• Additional contributions maybe required to deliver the project.</li> </ul>	<ul style="list-style-type: none"> <li>• Employment of project officer to manage project scope change and public liaison</li> </ul>
Insufficient resourcing	<ul style="list-style-type: none"> <li>• Unable to carry out the project within required timescale.</li> <li>• Impact on delivery on other projects that require delivering at the same time.</li> <li>• Legal impact: Insufficient provision of accessible SANG and compliance with Habitat Regulations and the legal basis on which planning permissions were granted.</li> </ul>	<ul style="list-style-type: none"> <li>• Use of ringfenced SANG contributions to provide appropriate resources</li> </ul>
Failure to recruit	<ul style="list-style-type: none"> <li>• Insufficient resource for delivery of this project, and impact on other Parks projects</li> </ul>	<ul style="list-style-type: none"> <li>• Pay scale setting and length of contract</li> </ul>
Interlink with other projects (WUV, Greenways)	<ul style="list-style-type: none"> <li>• Change in Project scope and consequently cost and timetable.</li> <li>• Potential impact on quality of the site as SANG and Nature Reserve.</li> <li>• Legal impact on compliance with Habitat Regulations and Environment Act 2021.</li> </ul>	<ul style="list-style-type: none"> <li>• Employment of project officer to provide sufficient resource for engagement.</li> <li>• Robust consultation and decision making on direction of site management.</li> </ul>

## 10. Financial Implications

10.1. The financial resources for this project will be provided by the SANG contributions for Riverside Nature Reserve and Parsonage Water Meadows. The SANG budget is made up from developer SANG tariffs and based on the estimated lifetime management cost of the SANG. The budget includes periodically replacement of infrastructure.

10.2. The following costs provide an estimated range. Redesigning the boardwalk at Riverside Nature Reserve will achieve significant savings compared to a complete replacement.

10.3. Total Project Cost £1,133,500

10.4. Staff cost (Estimate, subject to grading): £135,000

10.5. Total cost Riverside Nature Reserve: £606,000

Consultation and consents	£14,500
Boardwalk replacement	£400,000
Surfacing	£112,000
Signage, benches, bins	£29,500
Conservation grazing invisible fencing	£3,000
Ditches and drainage	£35,000
BNG assessment	£12,000

10.6. Total cost Parsonage Water Meadows £392,500

Consultation and consents	£24,500
New boardwalk, raised causeway	£350,000
Signage, benches	£12,000

10.7. The current SANG Budgets in the holding accounts are:

Riverside Nature Reserve	£967,256
Parsonage Water Meadows	£2,117,709

Total SANG fund available: £3,084,965

- 10.8. Both sites' SANG capacity are fully allocated to housing and will not receive any further SANG contributions over the SANG lifetime.
- 10.9. The SANG contributions received and the accrued interest are developer contributions for the provision of mitigation to the impact of housing development on the Thames Basin Heaths SPA.
- 10.10. The Project is estimated to use £1,133,500 of the existing funds. The remainder of the SANG funds (£1,951,465) including its interest are required for the future management of the Riverside and Parsonage Water Meadows SANG sites in "perpetuity".
- 10.11. Revenue implications: The routine site management activities are carried out by the existing Countryside Warden Team. This project will provide longevity of site infrastructure and aims to reduce repairs and vandalism. There is no significant impact on day-to-day nature reserve management requirements.

## **11. Legal Implications**

- 11.1. The recommendations in this report aim to ensure continued provision of SANG. This mitigation is required for the Council to comply with the Conservation of Habitats and Species Regulations 2010 to protect the Thames Basin Heaths SPA from visitor pressure.
- 11.2. The Environment Act 2021 (ss102 and 103) strengthens the biodiversity obligations set out in the Natural Environment and Rural Communities Act 2006 ('NERC Act') by requiring Local Authorities to enhance, as well as conserve biodiversity, through the exercise of its functions, identify actions it can take to conserve and enhance biodiversity and have regard to the Local Nature Recovery Strategy and relevant Natural England strategies.
- 11.3. The Occupiers Liability Act 1957 imposes a duty on the Council to take such care as is reasonable in all the circumstances to ensure visitors safety in respect of dangers due to the state of the premises as a result of things that have or have not been done.

11.4. Under the Equality Act 2010 the Council has had regard, in accordance with Natural England's SANG guidelines, to accessibility and safety for vulnerable groups. It is considered that the recommendations will generally increase the public good for all groups and will hopefully encourage their use thereby fostering good relations between all community groups, including those with protected characteristics.

## **12. Human Resource Implications**

12.1. Officers propose to create one Project Officer staff resource for a three-year period to deliver the project. This staff resource would be funded through the contributions to deliver SANG.

12.2. The Project Officer Resource is required to ensure the is sufficiently resourced to achieve delivery without impacting on other strategic parks projects, SANG delivery and Biodiversity Net Gain Delivery.

## **13. Equality and Diversity Implications**

13.1. The duty under Equality Act 2010 has been considered in the context of this report. The proposals are considered to have a positive impact due to the opportunities to secure and improve accessibility to Riverside SANG. An Equality Impact Assessment has been carried out and is attached as Appendix 4.

## **14. Climate Change/Sustainability Implications**

14.1. Sustainability has been considered in the context of this report. The proposals are considered to have a positive impact due to provision of SANG in proximity to the new development reducing the need to travel to the SPA, updating the Conservation Management Plan for Riverside Nature Reserve and assessing Biodiversity Net Gain opportunities.

## **15. Summary of Options**

15.1. Implement the proposal:  
Officers recommend utilising Section 106 contributions to resource and deliver the project proposal to ensure the continued provision of

SANG that fulfils the requirements in the Council's Thames Basin Heaths Special Protection Area Avoidance Strategy 2017.

Reasons: To ensure current arising site safety issues and increasing visitor pressures are addressed for the future.

To ensure SANG fulfils its function to mitigate the impact of recreational pressure resulting from housing development on the Thames Basin Heath Special Protection Area.

To implement a strategic approach that links access improvements into Weyside Urban Village development and provide an exemplar Nature Reserve locally.

15.2. Do essential safety works only when they occur:

Officers consider that this approach would put the Council at risk of not providing mitigation in perpetuity in accordance with the reason for the payment of the contributions and would not mitigate the recreational pressure resulting from development.

Reason: Significant infrastructure replacement is currently required to fulfil the Occupiers Liability Act 1957 and SANG requirements representing approximately 90% of the cost estimate.

Officers consider this approach would carry a risk of insufficient resourcing to deliver the infrastructure replacement in the required timescale, putting the Council at risk of repayment of developer contributions.

15.3. Do nothing:

Do nothing will eventually require the Council to close sections of the SANG for safety reasons resulting in non-compliance with the Habitats Directive, and risk of developers seeking repayment of contributions.

## **16. Conclusion**

16.1. Officers recommend that the Council approves the capital expenditure of these developer contributions and create additional staff resource for Project delivery.

16.2. The project will replace and improve the infrastructure at Riverside Nature Reserve and Parsonage Water Meadows.

- 16.3. The infrastructure replacement is intended to future proof the site as safe and accessible SANG in line with existing Council Policies and the Habitat Regulations.
- 16.4. The project aims to ensure that the Council fulfils its duties under the Occupiers Liability Act 1957, the Equality Act 2010 and the Environment Act 2021.
- 16.5. There is an urgency to replace the existing boardwalk that forms an integral part of the site's access route.
- 16.6. Site improvements take into account:
- Continued increase in visitor numbers,
  - Improved accessibility to the site and addressing, recommendations in the access audit carried out in 2020 with the aim to become a local flag ship site for accessibility to nature,
  - Improve access to deal with wildfire risk,
  - Maximising potential Local Nature Recovery opportunities.
- 16.7. Officers propose to use the Project Officer resource to enable public consultation on the project.

## **17. Background Papers**

None.

## **18. Appendices**

Appendix 1: Riverside Nature Reserve/ Parsonage Water Meadows Infrastructure Improvement plan

Appendix 2: Riverside Local Nature Reserve Rationale for Conservation Management

Appendix 3: Riverside Nature Reserve Photos

Appendix 4: Riverside Equality Impact Assessment 2024.