



To: Clare Blair
Report by: Toni Ainley
Relevant scrutiny committee: Environment Scrutiny 5/10/10
Wards affected: Trumpington (nearest ward)

Byron's Pool Fish Pass Project Urgent Decision

1. Executive summary

- 1.1 Officers have been working on the delivery of phase 2 of the Byron's Pool LNR Biodiversity project funded by Housing Growth Fund (HGF) monies received from Cambridge Horizons.
- 1.2 This project was approved as part of Year 2 and 3 HGF funded Biodiversity Projects associated with Local Nature Reserves and City Wildlife Sites (overall project value £251,500) at Environment Scrutiny Committee on the 23rd June 2009 (09/ENV/50).
- 1.3 Monies have been allocated to facilitate the delivery of biodiversity improvements in areas of housing growth. A number of biodiversity and access enhancements have been made at Byron's Pool Local Nature Reserve (Phase 1) using Year 1 HGF monies.
- 1.4 The Byron's Pool Fish Pass Project (Phase 2) will enable fish to negotiate the existing weir on the River Cam by providing a fish pass consisting of a small weir and natural looking bypass channel following the line of an existing ditch. The project aims to improve the habitat for amphibians by deepening four existing amphibian pools.
- 1.5 Year 3 HGF projects must be claimed for and completed before 31st March 2011.
- 1.6 Mott MacDonald, a fish pass specialist company, has been employed to design the fish pass, run the tender and award the contract for construction on behalf of Cambridge City Council. The Contract with the construction contractor will be between that contractor and the Council.

- 1.7 A number of problems outside the control of Cambridge City Council have delayed the delivery of the project.
- 1.8 £53,000 of Year 2 and 3 HGF monies have been used so far to enhance a pond, improve access and on site interpretation and pay for the Byron's Pool Family Fun Day, which attracted over 1000 people to the reserve. Further monies have been used to pay for Mott MacDonald's consultancy fees and planning application fees associated with the fish pass. A further £12,000 has been allocated for the delivery of biodiversity enhancements on the Hobson Conduit.
- 1.9 The overall estimated contract value (c.£100,00) may exceed the HGF monies remaining (£70,000), subject to the tenders received.
- 1.10 To facilitate the delivery of the project it is therefore proposed that an options clause be included in the tender documents. This would in effect break the project into separate lots and allow us to pick and choose which lots would be contracted when – this would be by the exercise of the appropriate option(s) specified in the contract. Each lot would be a meaningful deliverable in its own right. If the overall cost is within the remaining funds, then the overall project would be completed.
- 1.11 Section 106 funding totalling £240,198 from Trumpington Meadows and Glebe Farm developments, of which half will be released on the commencement of the building of the first dwellings, has been secured for ecological mitigation at Byron's Pool LNR. This could be used to fund uncompleted options (not completed using HGF monies).
- 1.12 Officers will submit a report to asset management group and Environment Scrutiny Committee to seek approval for the use of these Section106 funds when they become available.
- 1.13 There is potential that additional funding from the Environment Agency and other interested parties can be secured so that the project can be contracted in its entirety at the outset, which is likely to reduce the overall cost.
- 1.14 Cambridge City Council will lose the HGF monies allocated for this project if it is not completed by the 31st March 2011.

2. Recommendations

The Executive Councillor is recommended:

- 2.1 To approve an options clause in the tender documents to facilitate delivery of all, or options of the project, subject to tenders received and the overall contract value, using the remaining Housing Growth Fund monies.

3. Background

- 3.1 On the 23rd of July 2009 Cambridge Horizons informed Cambridge City Council that the original allocation of £251,500 may be cut and work was to be suspended on the delivery of the projects until further notice. It was not until the 4th January 2010 that they confirmed that Communities and Local Government Department had cut the SW Cambridge Habitats and Access project initial allocation of £251,500 to a new allocation of £135,000 for the period 2009-11. They also indicated that any remaining funding should be allocated for projects where housing growth was imminent.
- 3.2 Officers worked hard to seek alternative funding for committed projects and to deliver the Fish Pass Project (phase 2) within the constraints of the new funding allocation. Subsequently the funding remaining for the fish pass construction after other elements of the Biodiversity Project had been delivered, was greatly reduced.
- 3.3 Consent for the fish pass was refused by the Environment Agency in March 2010. Following advice from the Environment Agency the design has been modified and an application for consent re-submitted
- 3.4 A planning application has also been submitted to South Cambridgeshire District Council (as the development site falls within their administrative boundary).
- 3.5 The delivery of the project is subject to Environment Agency consent and Planning Permission being granted.
- 3.6 The project had been delayed due to disputed additional costs claimed by Mott MacDonald. This has now been resolved.
- 3.7 The timescale for delivery (construction) of the project is constrained by winter flooding, the likely disturbance to amphibians and the HGF delivery deadline. The window for construction is Mid-November 2010 to end of January 2011. If delayed beyond this time subsequent phases can't be started until September 2011.

- 3.8 An open tender process is proposed. Known companies specialising in environmental river restoration projects will be made aware of an advertisement to be placed on Cambridge City Council's website.
- 3.9 To allow sufficient time for preparation of tenders, as stated under Cambridge City Council's procurement rules, and to complete the project within the constraints listed above, officers intend to issue the tender advert by end of August 2010.

4. Implications

- 4.1 Loss of HGF monies allocated for this project if it is not completed by the 31st March 2011.
- 4.2 Cambridge Horizons would need to grant permission to use the HGF monies for alternative project which falls within the criteria for funding allocation. It is unlikely that a new project can be developed and procured within the remaining timescales.
- 4.3 Loss of officers time on the delivery of the project.
- 4.4 Payment to Mott MacDonald for their services and for additional work to carry out the tender process beyond agreed timescales.

5. Background papers

These background papers were used in the preparation of this report:

Record of decision (09/ENV/50) Year 2 and 3 Housing Growth Biodiversity Projects

Byron's Pool Fish Pass- Planning Application Design and Access Statement

6. Appendices

None

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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