

# East Herts Council Report

## Executive

**Date of meeting: Tuesday 3 October 2023**

**Report by:** Councillor Sarah Hopewell – Executive Member for Wellbeing

**Report title:** Hertford Castle Grounds Improvement Project - NLHF Award

**Ward(s) affected: Hertford Bengoe; Hertford Castle;**

**Summary** – A project to make improvements to Castle Grounds, Hertford has resulted in the successful award of a grant from National Lottery Heritage Fund (NLHF). This report outlines the work already carried out to achieve this and how the project will now progress in partnership with the Town Council. It explains the necessary commitment of resources and funds by the Council implied by acceptance of the grant.

### **RECOMMENDATIONS FOR EXECUTIVE:**

- a)** To accept the terms and conditions of the grant
  
- b)** To approve the proposals to fund the initial development phase of the project with a £20,517 contribution submitted in the Council's Capital Programme for 2023/24

### **1.0 Proposal(s)**

- 1.1 That Executive consider, the terms and conditions of the grant awarded by NLHF and

1.2 investment of the match funding contribution.

## **2.0 Background**

2.1 The Council has been progressing through a programme to make improvements to its major parks. Those already completed include Hartham Common in Hertford, Pishiobury Park in Sawbridgeworth and both Southern Country Park and Castle Park in Bishop's Stortford. This has required the development of detailed Greenspace Action Plans (GAP) to consult with users, explore needs and designs and create action plans to deliver the agreed improvements.

2.2 The Town Council share ownership and responsibility for the grounds with the Council and in December 2019 confirmed their willingness to work in partnership to complete and deliver a plan for Hertford Castle Grounds. They hosted a consultation event in February 2020 to secure public support and inform final modifications.

2.3 The GAP included an ambition to apply for Lottery funding to help deliver the recommended actions.

2.4 An Expressions of Interest (EIO) was submitted to NLHF and accepted in March 2022.

2.5 A full application was then developed, submitted in February and subsequently approved by Lottery in June 2023.

2.6 The project has been developed with considerable support from the Countryside Management Service as part of the programme of works that we employ them to deliver each year. It includes a wide range of improvements that will make a real

difference to this green space, creating a much better understanding of its rich history, improving access and increasing biodiversity. As a very brief outline this will include:

- Completing the replant of the shrub borders in a regency style
- Refurbishing the Ashley Webb shelter incorporating a space for all to sit and enjoy the park
- Conserving and improving visibility of the historic curtain walls
- Strategic lighting to highlight important features
- Installing a cantilever walkway from the town centre along the riverbank and wrapped around the base of the ancient monument (initially developed as part of the theatre project)
- Removal of the fencing around the historic motte, enabled by the new walkway
- Removal of vegetation around the motte to further increase its prominence
- Continuing the installation of interpretation boards introducing visitors to the park's history
- Replacing bridges to improve access and enhance the landscape
- Improving parking arrangements and in so doing, the appearance of the gatehouse
- Improving habitats along the river
- Creating opportunities for wildflower meadow and more tree planting
- Relocating and improving the play area
- Bringing art into the landscape
- Finding ways to engage more effectively with the community and creating active links with other local initiatives including the new theatre

2.7 The Lottery application (appendix 1) summarised the project ambitions:

“Our vision is to transform the park into a safer and more welcoming gateway to the historic town of Hertford with a distinctive and coherent identity which recognises the site’s historic, cultural and natural heritage as well as its amenity value, and to ensure the future protection of this heritage by engaging visitors and local communities with its importance.

### **3.0 Reason(s)**

3.1 The award provides funds to fully develop and cost these ideas with survey and consultation work to inform the designs, ensuring that the works will meet the needs of the community and visitors to the space. Lottery then make a final assessment of the project to consider approval of a further grant to deliver the works. Both East Herts and the Town Council are obliged to make a financial contribution to both stages of the project.

3.2 The full value has been estimated within the grant application and is split into two phases; the development phase and the delivery phase. The first round “Development” involves consultation and preparatory design and costing works. The second round “Delivery” involves the final design works and installation of improvements on the ground.

3.3 The level of contributions have been approved by Head of Strategic Finance & Property and detailed in the grant notification letter (appendix 3):

	<i>Full estimated costs</i>	<b>Council Contribution</b>	<i>Value of Grant</i>
Development Stage 1	£383,340	<b>£41,034</b>	£342,306
Delivery Stage 2 (estimated)	£2,806,270	<b>£210,000</b>	£2,596,270

East Herts Council are funding 50% of the Development contribution; £20,517 with Hertford Town Council who are funding the balance.

3.4 The Council commits to the defined NLHF contribution through the Permission to Start document for this first Development Phase of the project in order to receive that initial grant. NLHF explain in the Grant Notification Letter that a Development Grant does not guarantee that we will receive a Delivery Grant. They receive more requests for Delivery Grants than they can support and will only be able to fund the strongest high-quality bids, so our Delivery Phase Application will still be in competition for funding. The total costs of our project may change during our Development Phase, but if there is any significant increase in our grant request in the Delivery Phase Application this may have an impact on their judgement of the value for money our project offers.

3.5 The local authority contribution for the Delivery phase, should we make a successful application, would be supported by section 106 funding. A further report will seek formal approval from Council to proceed. Each authority would be required to contribute up to £76,000 (£152,000 in total) depending upon the final delivery budget and the level of section 106 funding available. The full budget listed by NLHF includes allowances for

contributions in kind such as volunteer and staff time. It also includes estimated contributions from other third parties such as the Environment Agency. These are not included in the above “cash” amounts.

3.6 The Grant Notification Letter (Appendix 3) sets out the principal elements of the Approved Purposes to which the grant is intended to be applied. It confirms the improvements to the park which the project aims to achieve.

3.7 It is a condition of the offer that the Council demonstrates the necessary authority is in place to accept the terms of the grant.

3.8 The ‘general power of competence’, introduced by the Localism Act 2011, gives local authorities ‘... power to do anything that individuals may do’ subject to any pre-commencement restrictions or any post-commencement restrictions which expressly apply to the general power of competence, to all of the authority’s powers or to all of the authority’s powers but with exceptions that do not include the general power.

3.9 Acceptance of the Grant from NLHF for the intended purpose falls within the general power of competence and is not subject to any, relevant, pre or post-commencement restrictions.

3.10 NLHF summarise the detailed application and clarify the objectives they require in order to meet the terms of the grant.

These Approved Purposes are as follows:

- Secure Scheduled Monument Consent, Flood Risk Activities Permit (FRAP), and any other relevant consents for works to trees and structures.

- Recruit Project Manager ensuring it is delivered on time and to budget.
- Recruit Community Engagement Officer to liaise with stakeholders; run youth, nature and geophysical events; and develop Activity and Interpretation Plans.
- Update condition survey of the historic structures in the grounds.
- Develop all documents for Round 2 submission.
- High visibility acknowledgement of the National Lottery Heritage Fund.
- Take proactive measures to be inclusive, remove barriers to access and reach new and diverse audiences through the delivery of this project.
- Undertake a feasibility study to determine the most appropriate style of fish pass for the Hertford Castle weir as conditioned by the Environment Agency.
- Develop detailed designs for the cantilever walkway, bridge, play area and Ashley Webb Shelter.
- Deliver youth nature events through the summer/autumn for schools or wider public.
- Undertake Geophysical surveying and associated public event.
- Undertake consultation with stakeholders (Environment Agency, Middle Lea Catchment Partnership, Wildlife Trust etc) and the wider public to inform delivery phase proposals.

3.11 The period of the development phase has been extended after some preliminary discussion with NLHF. Submission to the delivery phase is therefore programmed currently for September 2025. A three to four month gap in the programme allows NLHF to assess before confirming whether to offer a Delivery Grant.

The length of the delivery phase will be determined by findings from the development phase but is not expected to be less than two years. Projected completion could therefore be achieved by 2028.

#### **4.0 Options**

4.1 Accept the conditions of the Development Phase grant and potentially benefit from more than £2.5 million investment by NLHF to make some discernible improvements if successfully accepted to the Delivery Phase.

4.2 Manage Castle Grounds to its current reasonable standard and await other options in the future to improve this major park.

#### **5.0 Risks**

5.1 The Council will be required to comply with the terms set out by NLHF (Appendix 2). Any breach of those terms is likely to result in a requirement that the grant be repaid in full. The approved purposes for which the grant is being paid must be completed within the agreed timescales.

5.2 The Council will be required to apply for a Green Flag Award for the park in the year immediately following completion of the Delivery Phase capital works and then take all steps necessary to retain the Green Flag Award for a defined period. There are some cost and resource implications to this condition but they are not found to be excessively demanding in the context of this project. The application fee is currently £369 per annum. The development phase will identify a sustainable approach to maintaining the flag into the future. Grounds maintenance regimes will be budgeted for but these are not anticipated to be more than the current cost of maintaining this high-profile park. A community group will need to be established and supported



through the existing arrangements in place with both authorities. Friends groups such as those already in place in some of our parks contribute significantly through volunteer hours and their direct links with the community.

5.3 It must be noted that the Stage 2 Delivery Phase remains a competitive process and to be successful, a high quality and convincing bid, demonstrating the delivery of the concept plan and activities outlined in Stage 1, will be required. There will be the opportunity to refine the detail of the proposals during the development phase. Any potential changes will be fully discussed with NLHF to reduce any risk to the Stage 2 outcome and ensure the scheme continues to deliver the Lottery criteria and demonstrates value for money.

## **6.0 Implications/Consultations**

### **Community Safety**

No

### **Data Protection**

No

### **Equalities**

No

### **Environmental Sustainability**

6.1 The project aims to make improvements to habitats in the park. The river will be restored to provide globally rare chalk river habitat. If possible, it will be desilted and the banks will be reprofiled to restore the extent of the Scheduled Ancient Monument (SAM) and create more gradual slopes to establish a

riparian zone. Installing berms and gravel would create flow diversity and a more natural riffle-pool sequence. The grassland to the west of the river will be enhanced with areas of wildflower meadow and tree planting where the existing playground is. A modification will also be considered to allow fish passage across weir if this can be achieved without increasing flood risk.

## **Financial**

6.2 The risks of committing to the grant are defined in the report. The Council has experienced additional and unprecedented risk from projects developed in recent years. Issues relating to Brexit, the pandemic and the war in Ukraine have seen rapid and unpredictable price increases along with unstable supply chains. Whilst some observers advise these issues are reducing, we will need to build precautionary strategies into the project.

6.3 The Council can of course decide not to accept prices at tender stage if they increase dramatically following estimates at the Development stage but this can be challenging once the Delivery phase is reached and public expectation is raised. NLHF have been extremely supportive during the recent Castle Park project in Bishop's Stortford by increasing their grant to help cover gaps but this has also required additional contributions by the partnering authorities.

6.4 Precautions might include Tenders being asked to price different options, delivering a "silver standard" and a "gold standard". Estimated budgets would be set at the anticipated "gold standard" but, as final prices come in, and even once awarded, the Council could agree an option to revert to the "silver standard", should price increases exceed budgets.

6.5 Winning bidders can be asked to agree to purchase and stockpile the bulk of their materials, particularly those with volatile prices at the beginning of the contract, effectively “locking in” to prices at that point.

6.6 There is no simple answer to protecting any project from price rises but it will certainly be considered a priority as plans are developed.

6.7 From a positive perspective, this project does not include such a high level of building construction works as the Castle Park project which is where the price increase issues were predominantly experienced.

### **Health and Safety**

No

### **Human Resources**

No

### **Human Rights**

No

### **Legal**

No

### **Specific Wards**

No

## **7.0 Background papers, appendices and other relevant material**

- 7.1 1. Copy of bid submission
2. NLHF terms of conditions of grant
3. The Grant Notification Letter

**Contact Member**

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