



# OVERVIEW AND SCRUTINY COMMITTEE

**Thursday, 20th December, 2012**

**7.00 pm**

**Town Hall, Watford**

Publication date: 12 December 2012

## **CONTACT**

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Sandra Hancock in Legal and Property Services on 01923 278377 or by email to [legalanddemocratic@watford.gov.uk](mailto:legalanddemocratic@watford.gov.uk) .

Welcome to this meeting. We hope you find these notes useful.

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# COMMITTEE MEMBERSHIP

Councillor A Khan (Chair)

Councillors J Aron, N Bell, K Collett, S Greenslade, K Hastrick, M Hofman, R Martins and S Rackett

## AGENDA

### PART A - OPEN TO THE PUBLIC

1. **APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **CALL IN: AN UPDATE REPORT ON THE WATFORD HEALTH CAMPUS.**  
(Pages 1 - 66)

The following decision taken on 3 December 2012 by Cabinet has been called in:

#### An Update Report on Watford Health Campus

The reason for call-in, agreed by 3 Members, is as follows –

“To question the Cabinet decision that Farm Terrace should be included to make the Campus viable.

To question why alternative sites other than Farm Terrace were not explored and recommended?

In light of the Government’s autumn statement to ask that ‘PFI 2’ be investigated for funding for the Health Campus.

To question the consultation process as members of the Farm Terrace Group and others complained about the information or lack of it that they were given.”

The following documents are attached –

- (A) Report of the Watford Health Campus Development Director presented to Cabinet
- (B) Appendix A to the report – Land relating to the Health Campus
- (C) Appendix B – Description of Outline Planning Permission
- (D) Appendix C – Summary of legal structure
- (E) Appendix D – Kier proposals options A and B
- (F) Appendix E – West Hertfordshire Hospitals NHS Trust (WHHT) provision
- (G) Appendix F – Letters from Chairman of WHHT and Jan Filochowski
- (H) Appendix G – Equality Impact Analysis
- (I) Extract of the Cabinet minutes on 3 December 2012
- (J) Proforma requesting the call-in of the decision signed by Councillors Nigel Bell, Jagtar Singh Dhindsa and Mo Mills
- (K) Call-in procedure to be followed

Members of Overview and Scrutiny Committee will also receive the Part B report as presented to Cabinet.

#### **4. DATES OF NEXT MEETINGS**

- Tuesday 15 January 2013 (For call-in only)
- Wednesday 23 January 2013
- Thursday 7 February 2013 (For call-in only)

**Report to:** Cabinet  
**Date of meeting:** 3 December 2012  
**Report of:** Watford Health Campus Development Director  
**Title:** Watford Health Campus Update Report

This report is late as negotiations to reach financial close have continued right up until production of the report.

### 1.0 SUMMARY

1.1 This report seeks Cabinet's approval for the Council to establish a joint venture vehicle with Kier Project Investment Ltd (Kier). In addition, approval is sought for the entering into:

- a development agreement between the Council and the joint venture vehicle;
- a Campus agreement between the Council, the joint venture vehicle and West Hertfordshire Hospitals NHS Trust (WHHT); and
- arrangements in respect of land equalisation between the Council and WHHT.

The joint venture vehicle will be in the form of a limited liability partnership, known as a Local Asset Backed Vehicle (LABV) as explained in the report and background papers. The detailed terms remain subject to finalisation of negotiations.

1.2 For many years the Council and other partners, most notably WHHT, have been working to deliver the Watford Health Campus. In June 2011 the Council in conjunction with WHHT issued an OJEU notice to procure a Private Sector Partner (PSP) for the Campus. In September Kier Project Investment Ltd, a wholly owned subsidiary of Kier Group Plc was selected as preferred bidder. Negotiations with Kier have proceeded well and this report is seeking Cabinet approval to enter into a Joint Venture with Kier and other necessary legal agreements with that joint venture vehicle and WHHT subject to the conclusion of final terms, which Cabinet is asked to delegate to the Managing Director in consultation with the Portfolio Holder for Property.

1.3 The report outlines Kier's masterplan for the Campus development which will be confirmed at financial close. The masterplan and LABV Business Plan will continue to evolve post financial close. The commercial details of the transaction are covered in further detail within the Part B report. As part of funding the scheme, the Council has successfully been allocated £6m from the Growing Places funding, the implications of which are covered in this report.

1.4 This report also reviews the options for inclusion of the Farm Terrace allotments into the Health Campus.

1.5 The main reasons for considering the relocation of the Farm Terrace allotments are that it would:

- i) provide space for the re-provision of the hospital on the Watford site.
- ii) improve the viability of the Campus scheme and speed up the development of the site.

- iii) secure more much-needed family housing.
- iv) provide for a better designed Campus scheme to be developed of sufficient size to make a greater overall improvement for residents of West Watford.
- v) remove the impact on the amenity of allotment holders. By relocating the site it avoids significant disruption and the impact of pollution that they will otherwise be subject to over the duration of the Campus development.

- 1.6 The main contrary arguments for retaining the allotments, which have been expressed by the Farm Terrace Group through engagement, are:
- They are of benefit to local people, where many homes do not have sizeable gardens for production of food;
  - They should be a feature of the redevelopment, given that it is a Health Campus, where the production of food for use by the hospital could be a positive outcome;
  - They contribute to the local biodiversity of West Watford;
  - They are an important part of the heritage of the area;
  - Relocation would be a distance away and disturb/inconvenience allotment holders.

- 1.7 Relocation options have been identified, with a recommendation that Paddock Road would be the most suitable location for the majority, with some relocations as well to Holywell allotments.

- 1.8 This report weighs up the issues and concludes that the Farm Terrace allotments are appropriated for the use of the Campus, and that Paddock Road is prepared for the relocation of allotments. Importantly, it is also recommending that the Council requires the revised masterplan for the Campus to include community gardens and to work with residents and volunteers from the Farm Terrace allotments to support a community run initiative as outlined in the report. This report also supports the proposed Town-wide allotment investment strategy which would make improvements to all allotment sites.

## 2.0 **RECOMMENDATIONS**

The Cabinet is recommended to:

- 2.1 agree to the Council establishing a limited liability partnership (LLP) LABV, for the purpose of the regeneration of the Health Campus site, subject to the satisfactory conclusion of final negotiations with Kier. The LABV will be set up by the entering into a Members' Agreement under which the LABV will have two members, the Council and Kier, each with an equal 50% interest. It is further recommended:
- to make a contract award to Kier once any necessary negotiations have concluded and commitments confirmed;
  - to issue standstill letters to both bidders who submitted a Best and Final Offer (BAFO) bid in compliance with the Public Contracts Regulations 2006 notifying them of the decision to award a contract to Kier;
  - that the LLP name to be proposed to Kier for agreement is the Watford Health Campus Partnership; and

- that provision is made that WHHT, when it is a Foundation Trust, can become a member of the LABV, subject to the terms and conditions being reviewed by the Cabinet at the time of their application.

- 2.2 delegate to the Managing Director, in consultation with Portfolio Holder for Property, authority to agree the final form of legal agreements to be entered into by the Council (and by the LABV), including;
- the Members' Agreement by which the Council and Kier will establish the LABV (including the governance arrangements for the LABV, financial arrangements, and business planning process);
  - the Development Agreement between The Council and the LABV by which Campus land will be drawn down for development by the LABV pursuant to the grant of exclusive rights of development to the LABV over Council owned land in the Campus;
  - the Campus Agreement between the LABV, Council and WHHT, by which the participation of WHHT in the Campus development is to be regulated and the joint commissioning and payment of Campus wide infrastructure (primarily the Access and Link Road) dealt with;
  - land equalisation between the Council and WHHT;
  - the Development Management Agreement to be entered into between the LABV and Kier, who will be providing the development management services to the LABV;
  - and all other associated agreements and documents by which the LABV is to be established and the Campus is to be delivered.
- 2.3 agree that the masterplan as described in this report will be the basis for further work of the LABV and a firm foundation for the preparation of the LABV Business Plan. For such a Business Plan to be brought forward to the Cabinet for formal approval in 2013.
- 2.4 authorise the Managing Director to agree the final form of the legal and commercial terms of the drawdown of Growing Places Funding in so far as they are consistent with the terms described in this report.
- 2.5 confirm the appointment of the following Directors of the Partnership Board of the LABV:
- Managing Director
  - Head of Strategic Finance
  - Head of Planning
- 2.6 delegate to the Managing Director the appointment of Council representatives to the Operations Board of the LABV.
- 2.7 decide that the whole of the Farm Terrace allotment site be appropriated for the Watford Health Campus scheme in view of the considerations and issues outlined within this report and that the relevant application to the Secretary of State for Communities and Local Government is made.

- 2.8 propose that space is included for community gardens within the amended proposed masterplan to enhance the overall offer of the Campus scheme and to retain the benefits of community gardening on the site.
- 2.9 proceed with the preferred option to relocate the Farm Terrace allotments. This to include all reasonable measures to enable allotment holders to be able to transfer to a new plot (following discussions with the Council) at the earliest possible opportunity and that the land at Paddock Road being allocated to allotments is formally designated as statutory allotments.
- 2.10 direct officers to prepare revised terms of reference for the Farm Terrace Group to work with the council on the details of the relocation including a framework for meeting individual requirements so that like for like re-provision is offered to existing Farm Terrace allotment holders where reasonable and possible to do so.
- 2.11 decide that relocation compensation for Farm Terrace allotment holders is offered, at a minimum as required under Section 10 of the 1922 Allotments Act, namely for any crops and manure applied upon the land, the value of manure applied and for disturbance, which equates to one year's rent, as well as allowing the removal of any crops or structures on the plot.
- 2.12 recommend to Council that the Council's proposed capital budget for 2013/14 give detailed consideration to provision for the allotment investment strategy.
- 2.13 direct the Campus team to work with volunteers from the Farm Terrace group to further develop the community garden concept, and report back to the Cabinet when the revised allotment strategy comes forward for agreement.
- 2.14 note the conclusion from the Equality Impact Analysis (Appendix G).

**Contact Officer:**

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**Report approved by:** Manny Lewis, Managing Director



### 3.0 INTRODUCTION

3.1 The Watford Health Campus has had a long history, with its genesis from the Cardiff Road Industrial Estate regeneration project and NHS led strategy to deliver improved acute healthcare in West Hertfordshire. Since 2002 the two projects have worked together to create and deliver a combined vision for the area from Vicarage Road where Watford Football Club (WFC) and Watford General Hospital (WGH) are situated down to Wiggshall Road as located on the map in Appendix A.

3.2 Following the development of a large number of options a preferred masterplan was prepared which achieved outline planning permission in June 2008 as described in Appendix B. Central to this masterplan was the building of a new hospital in a position to the south of the existing hospital most likely through the Private Finance Initiative (PFI). It became apparent that PFI funding would not be available to build and operate the hospital and therefore the Campus initiative became stalled.

3.3 In early 2010 a comprehensive review of options for the scheme took place including modelling a number of scenarios and a way forward was agreed at the 7<sup>th</sup> June 2010 Cabinet. It was believed a scheme could be made viable, however, the report recognised that there were significant obstacles for the scheme, including that one of the better development sites required the hospital to move and that WHHT would need to find significant funding as its contribution to site wide infrastructure for the scheme.

It was agreed at the June 2010 Cabinet that the Council would lead, on behalf of the partnership, the detailed work to tender for a development partner with the preferred vehicle being a corporate joint venture in the form of a Limited Liability Partnership, as explained more fully in this report. This report updates the Cabinet on the development of the Campus project and seeks approval to enter into a joint venture with Kier.

### 3.4 SELECTION OF PREFERRED BIDDER

3.4.1 The June 2012 Cabinet report reviewed the progress of the procurement process. The procurement was being conducted under the Public Contracts Regulations 2006 using the negotiated procedure, whereby bidders entered into a process where they put forward proposals and negotiated in competition before selection of a preferred bidder. Cabinet duly authorised the Council's Managing Director in consultation with the Portfolio Holder for Property to select the preferred bidder in accordance with the published evaluation criteria.

3.4.2 The OJEU process facilitated two strong Best and Final Offer (BAFO) bids, which led to the appointment of Kier as preferred bidder at the beginning of September. Evaluation of bids was based on the "most economically advantageous" principle, with detailed selection criteria drawn up in conjunction with the Major Projects Board and agreed with the Portfolio Holder. Distinguishing features of the Kier bid included meeting the employment aspirations for the site; value for money assessment in the supply chain i.e. no automatic appointments within the supply chain, and a better overall financial offer.

3.4.3 The Health Campus team have spent the last three months taking forward

negotiations for the creation of the joint venture and the delivery of the Health Campus scheme. Both processes are nearing completion, hence this report back to Cabinet and the seeking of authority to enter into the various legal agreements and close the preferred bidder stage.

The Campus team believe that the Council and Kier have reached sufficiently agreed positions on the financial, commercial and legal arrangements for completion (as described more fully in the Part B report) to seek this authority from Cabinet. Further detailed work will need to be done, and hence the recommended delegation to the Managing Director in consultation with the Portfolio Holder for Property.

Secondly, the Health Campus masterplan and business plan being prepared for financial close is capable of being delivered and meets the Council's objectives. Following financial close the masterplan and business plans will continue to evolve as described later in this report.

- 3.4.4 Prior to financial close, the Council will issue standstill letters to both bidders who submitted a BAFO bid in compliance with the Public Contracts Regulations 2006. These letters will notify the bidders of the Council's decision to award a contract to Kier, as well as all other information required by those Regulations. The letters will be issued electronically. A ten day standstill period will apply between the date of the letters and when financial close can occur (and when contracts will be entered into), to allow for any challenges to be made. Provided that there are no challenges, the Council will proceed to financial close.

### **3.5 LEGAL AGREEMENTS**

- 3.5.1 At financial close a number of legal arrangements will be entered into.

The Council and Kier will jointly establish the LABV (as described below), as a limited liability partnership. Accordingly, a Members' Agreement will be entered into on the basis that the LABV is a 50/50 joint venture.

The Council will enter into a Development Agreement with the LABV. This agreement will regulate (against the LABV Business Plan) the means by which land is to be brought forward for development and ultimately drawn down by the LABV (which could be through individual subsidiary development vehicles of the LABV).

The LABV is unlikely to directly employ staff – but will contract for services under a Development Management Agreement entered into with Kier, who will provide those services.

In order for WHHT to work with Kier directly rather than always through the LABV, a Collaboration Agreement will be entered into between WHHT and Kier. The Council is not party to this agreement.

It will be necessary for the Council, WHHT and the LABV to enter into a Campus Agreement. This agreement will regulate how Trust land may be brought forward for development, and the agreement to jointly pay for site wide infrastructure, principally the road. There is a further description of the principles of the Campus Agreement

later in this report.

Finally, there needs to be a legal agreement between the Council and WHHT to deal with land equalisation, the mechanism by which the land ownerships are valued and how capital receipts and costs are to be shared.

Please refer to Appendix C for a further description of how the legal agreements and LABV will operate. The Campus Part B report outlines further the significant commercial issues within these legal arrangements.

### **3.6 LOCAL ASSET BACKED VEHICLE LABV**

3.6.1 As previously reported to Cabinet in June 2012, Team Nabarro (comprising of Nabarro (legal), Grant Thornton (financial) and Drivers Jonas (chartered surveyors) conducted a substantial analysis of the alternative vehicles for delivering the Campus. The conclusion was that a corporate joint venture should be established in the form of a Limited Liability Partnership – with the Public Sector pledging its land ownership as equity to the new vehicle and the private sector matching the value of that land with a financial contribution. This kind of structure is typically known as a Local Asset Backed Vehicle, or ‘LABV’.

Major Projects Board and Council officers recommended to the June 2012 Cabinet that as the Campus is complex, likely to need adaptation, requires funding from public and private sources and requires significant leadership from the public and private sectors a LABV be entered into.

3.6.2 A LABV arrangement involves establishing a long term joint venture vehicle whereby typically, the Council investments through land contributions are matched by the private sector partners finance. Typically, a LABV is:

- a limited liability partnership (LLP), which will provide tax transparency, i.e. the taxes will be paid by the parent bodies not the vehicle;
- a 50:50 vehicle owned by the public sector and the joint venture private sector partner, with 50:50 deadlock on decisions (meaning that all decisions must be unanimous). Provision will be made in the Members' Agreement to avoid deadlock situations arising by, for example, including escalation arrangements;

The LABV structure allows for the agreement of a multi-year business plan and criteria for the approval of projects and land draw downs.

3.6.3 The purpose and long term objectives of the Council in establishing the LABV are enshrined in the legal documentation and pre-agreed LABV Business Plan. It is proposed that the LABV company name is the Watford Health Campus Partnership. Its initial focus will be the Health Campus; however, it has the potential to help regenerate other land in Watford. One of the activities for the LABV Board to consider post financial close is the branding of the LABV and the Campus itself, the resulting strategy will be reported back to the Council.

3.6.4 The LABV will be controlled by two Boards drawn equally from its members. Upon formation the proposal is to have three representatives on each Board from the Council and three from Kier. It is proposed that the Watford representatives for the Partnership Board are:

- Managing Director
- Head of Strategic Finance
- Head of Planning

And that the Managing Director be given delegated authority to appoint the three representatives to the Operational Board.

3.6.5 In addition to the two Boards and responsible for the day-to-day operation of the LABV will be with the Campus Development Manager and their team. This is a Kier appointment, and is contractually controlled by the LABV through the Development Management Agreement.

There will be a delegation policy agreed at the outset of the establishment of the LABVI which will set out at what level within the LABV decisions will be taken.

The following key decisions are reserved to the Council and Kier (as “Members”), and will come to the Cabinet for approval including:

- LABV Business Plan including procurement policy and variations to the Business Plan;
- alterations to the scope of the Business;
- declaring any distributions in respect of profits, assets or reserves;
- alteration of authorised or issued capital;
- variations to the LABV agreement;
- making any loan;
- appointment of auditors;
- disposing of a substantive part of the LABV

Within the Part B report is the current proposed delegation policy of the LABV.

3.6.7 In terms of equity both parties to the LLP contribute a nominal amount of £1 at completion. It is envisaged that Kier would contribute cash in the scheme, and the Watford would contribute its land and, on terms to be agreed, cash to deliver the scheme.

Profits and losses will be shared between the parties in accordance with the amount of equity injected.

This is explored more fully in the Part B report.

3.6.8 The Council is entering into the LABV to predominately enable regeneration, economic growth and other outcomes having a benefit for Watford Health Campus, the town as a whole and its residents.

3.6.9 The Council has statutory authority to set up and be a member of the LABV under Section 1 of the Localism Act 2011, being the general power of competence. In addition, the Council has statutory power to dispose of land, and undertake development activity under other statutes, namely:

- Sections 120-123, Local Government Act 1972
- Section 227, Town and Country Planning Act 1990
- Section 233, Town and Country Planning Act 1990
- Local Authorities (Land) Act 1963.

In relying on the general power of competence, the Council will need to be satisfied that there are no statutory restrictions which limit the Council's ability to participate in the LABV or enter into these arrangements, of which there are none. The Council also needs to be satisfied that the LABV has not been formed for a commercial purpose, either now or going forward. As explained elsewhere in this report, the purpose behind the Council's participation in the LABV is not a commercial purpose but:

- to enable regeneration, economic growth and other outcomes having a benefit for Watford Health Campus, the Council as a whole and its residents;
- to unlock land value and establish a means for land disposal which will deliver higher and accelerated returns to the Council, over and above those which it might have otherwise achieved;
- to meet planning policy objectives, for example in the Council's emerging core strategy; and
- that the vehicle will not seek to trade, meaning that it will not compete for business with other businesses of a similar kind, through the acquisition of land or otherwise.

The Council remains subject to its duty to obtain best consideration on the disposal of land, and the financial and accounting rules to which the Council is subject will continue to apply to any dealings between the Council and the LABV.

- 3.6.10 Kier and WBC have committed to WHHT that they would be able to join the LABV when they become a Foundation Trust. To remain a public private partnership this is likely to mean that the Council would give up part of its share in the LLP. A report at the time when WHHT is seeking membership would be brought to Cabinet to discuss the proposals and ensure that the Council's interests would be protected.

### **3.7 KIER'S WATFORD HEALTH CAMPUS MASTERPLAN**

- 3.7.1 The objective of the Campus is to deliver a major mixed use development providing a new quarter for West Watford which seeks to provide new housing, jobs and community facilities and a significantly enhanced new acute hospital. This quarter should be integrated seamlessly within the existing surrounding neighbourhoods, and will enhance the local services and amenities for the current local communities in West Watford.

Specifically we wanted prospective Private Sector Partners to provide us with a Masterplan and associated LABV Business Plan that:

- retained Watford General Hospital in Watford, and supported the provision of new facilities;
- regenerated redundant land;
- provided new jobs for future employment areas and during construction;
- a neighbourhood centre including retail facilities; community facilities;
- improve access to open space; and
- provide new homes.

In terms of design and sustainability we wanted bidders to ensure that the new development should:

- where possible provide good physical, social and economic links into the existing West Watford community;
- be of high quality design making the most of opportunities for energy

- conservation, renewable energy provision and water recycling;
- add to open space for recreation to further promote the health of the community; and
- provide local employment opportunities and affordable and key worker housing to promote a viable community and a local economy with a reduced reliance on private transport.
- 

### 3.7.2

Kier prepared a number of masterplan options. For approval at Cabinet Kier has submitted Scheme A and Scheme B, with and without the use of the Farm Terrace Allotments, which form an appendix to this report (Appendix D). The decision as to whether to include the Farm Terrace allotments is discussed in the next section of this report. In summary Kier's proposals are:

Land Use	Kier sq. m/ No.
Hospital	Hospital left flexible for expansion
Retail A1/ A2/ A3	2,090 (Phase 2 foodstore – footprint); 2,131 (Phase 6 retail boulevard); 1,115 (Phase 7 retail hub) 93 (Phase 4 – A3) TOTAL 5,429
D1 (nursery, health clinic)	669sq. m (crèche – footprint) A Health Club.
C1 (hotel)	3,623 (footprint, 4 storey) 100 beds
WHHT B1 Office	3,484sq. m (B1 Trust offices – footprint, 2 storey)
Other Office, R&D and industrial	7,418sq. m (B1c and B2 – footprint 1 storey) 3716 (B1 – footprint, 2 storey) 1,585 (B1c and B2 – footprint, 1 storey) 5,923 ((B1) WHHT expansion – footprint) TOTAL 18,642
Residential C3	Circa 600 over 15+ years. Not including Farm Terrace Allotments
Car parking – first three zones/ phases	550 WHHT visitor multi-storey car park (MSCP), Kier are currently updating this in light of WHHT needs, and may bring forward a larger multi-storey car park or retain some car parking down on Cardiff road. TOTAL 1,705
No of Jobs, described by bidder (FTE)	1,672

### 3.7.3

Strong features of Kier's submission are:

- the flexibility for the future provision of hospital facilities on the Campus site as illustrated in Appendix [E];
- a willingness to fund and deliver speculatively light industrial units, office accommodation for WHHT and other potential users. Kier's proposals allow for the phased hospital and office space;
- critical mass in terms of retail and food offer on the Hub.

### 3.7.4

Kier was evaluated as having excellent green and sustainability proposals for the Campus site. They have identified a set of targets that they will meet and a sustainability implementation plan which provided assessors with the confidence that

Kier has a strong methodology for meeting them. Kier has used the BREEAM communities scheme to look at their current proposals, this looks at site wide sustainability themes and is designed to put in the ground work to enable a number of BREEAM for individual buildings credits to be awarded once the more detailed scheme is developed. A more detailed review will take place at the outline planning stage.

- 3.7.5 Kier's green infrastructure and public realm proposals are strong. The Watford Health Campus team would want to ensure that these proposals, or variations to them, are integral in the revised planning application for the site. Maintaining viability will be a key determining factor. Proposals include:
- creation of a hub boulevard and plaza on the Vicarage road frontage down the site including 'Spanish Steps';
  - Colne Riverside Park. This would restore and enhance the riverside corridor, with the potential to include a café near the new lakeside.

Enhancing the access to the green space being improved is of critical importance. Cycle and footways are introduced with a dedicated 'sky bridge' over the Croxley rail link and river. Kier will involve local stakeholders and groups to evolve these green proposals.

- 3.7.6 Kier's proposals have up to 656 dwellings, with 546 flats and 110 houses. Following discussions with the Watford BC Housing, Kier has increased the percentage of 2 bedroom apartments as part of the mix. The Health Campus is one of the designated locations for significant housing provision within the council's Core Strategy due to its location in close proximity to transport hubs and local amenities. Delivering Watford's housing targets is a challenge which this level of housing will help us meet. The amount of residential assists the scheme's viability, and the development will benefit from the river setting.

The Environmental Agency (EA) has reviewed Kier's proposals. Cognisant of the current pollution risk of Cardiff Road and the level of contamination, it appears they are supportive of the development in the flood plain as long as the proposals include flood mitigation, which is focussed in a dug out lake. The EA require that there is separation from the river to the lake (which was not taken into account in the 2007 proposals). This will reduce the available level of flood mitigation. Officers, therefore, remain concerned that the full provision of the housing numbers will be capable of delivery.

- 3.7.7 Kier is making firm commitments to work with local firms during the construction phase of the project. Specific commitments include:
- identifying how goods and services can be split so that local SMEs can deliver the work;
  - advertise locally for contracts; and
  - support for firms in bidding for work.

The LABV will establish a jointly agreed Five Year Corporate Responsibility Plan to communicate, review and evaluate delivery of employment, skills and community-focused activities. This will include the appointment of a co-ordinator to develop the plan and Kier will implement a Procurement Charter and an Equality and Diversity Charter for adoption by the LABV and its supply chain. Kier has produced specific targets for:

- training and work experience;
- employment opportunities;
- skill development;
- helping young people find work; and
- promoting construction as an industry.

These will be monitored as KPIs and form part of the development management services provided by Kier.

3.7.8 A key area of focus in the negotiation process to appoint the Private Sector Partner was how best value assessments and value for money was incorporated in the supply chain. A procurement process for the LABV has been agreed. This will see the LABV tendering for significant construction and consultancy appointments using a best value approach and involving WBC/WHHT officers in the process as appropriate. An 'Employer's Agent' will be appointed to monitor procurement and appointment processes, and to certify activities who will have a duty of care to the LABV and to the Council.

3.7.9 The Part B report reviews scheme viability and returns to the Council in more detail. Without the allotments our advisors believe that the scheme is viable. However, as discussed within the next section, there is not a significant level of comfort. Officers believe we have enough confidence to close financially with Kier and move forward on the detailed work. We would wish to retain the features of the scheme that are central such as green infrastructure, sustainability, employment and new homes and, therefore, one of the reasons for recommending inclusion of the allotments is that it provides added confidence to the council that the quality of these features will be retained rather than compromised because of viability pressures.

It is recommended that the masterplan is in an acceptable position to evolve the first LABV masterplan and business plan.

3.7.10 Upon financial closure the LABV would appoint multi-disciplinary consultants to prepare the detailed design for the road and continue to prepare the masterplan and LABV business plans. It is expected to bring forward detailed planning application for the road in Spring 2013, and commence delivery at the end of the year. The bridge over the new Croxley Rail Link is programmed to be delivered by the end of 2014.

### **3.8 WHHT**

3.8.1 WHHT is a full member of the Senior Management Group that provides strategic direction and management of the Campus project on behalf of WHHT, the Council and WFC. WHHT and the Council are jointly paying the cost of managing the development of the Campus from March 2011 including the procurement of a private sector partner.

3.8.2 WHHT has initiated work on its Strategic Outline Case for the provision of its clinical strategy. The assumption that they are now making is that acute treatment will remain at Watford and secondly that re-delivery of its hospital facilities will be in phases.

3.8.3 WHHT has a number of objectives from the procurement of a Private Sector Partner for the Campus. Notably:



- Financial offer for the sale of land for the delivery of the Campus;
- joint funding of the site wide infrastructure;
- suitable delivery mechanisms including value for money and transparency in the supply chain for the delivery of the site wide infrastructure;
- a masterplan that meets the joint vision as described in Section [5 above], specifically that future proofs the delivery of new hospital facilities on the Vicarage road/Campus site and enhances the environment for staff, visitors and patients;
- potentially sharing the costs of a Combined Heat and Power (CHP) facility between WHHT and the LABV. This would be sensible from the LABV prospective as CHP is the cheapest means of delivering the Campus energy sustainability targets for the Campus. Therefore one of the urgent tasks for the LABV is to prepare a business plan for energy sustainability and commercial terms to negotiate with WHHT for a joint CHP plant.
- a solution for the car parking at the hospital, as with the redevelopment of the Cardiff Road will take away the current low cost staff car parking for the hospital; and
- new office facilities to improve efficiency and effectiveness of the administration functions of WHHT.

At this stage the LABV is seen as the facilitator for the acute services re-provision of the hospital.

3.8.4 Any business case incurring over a £3m impact to WHHT, until it makes Foundation Trust Status, requires Strategic Health Authority approval and must meet with the NHS Estate Code requirements. WHHT and the WHC team believe that good progress has been made to secure agreements to the land equalisation/sale of land to the Campus, joint funding of the site wide infrastructure and preparation and agreement for an Outline Business Case to enable WHHT to deliver a new multi storey car park on the Campus.

3.8.5 As outlined in the section below WHHT make clear that they want the Council to consider bringing in the Farm Terrace allotments into the Campus scheme. This then provides them with confidence to know that acute services can be re-provided for on the Watford site.

### **3.9 FARM TERRACE ALLOTMENTS – BACKGROUND**

3.9.1 Farm Terrace is the allotment site located in the Vicarage ward of Watford, directly behind Watford Football Club. It is 2.63 hectares in size. There are 128 plots ranging in size from 3 poles to 10 poles (a 10 pole plot is 250m) on the allotment. A number of plot holders have several plots, with 9 households having 20 or more poles. The majority of Farm Terrace tenants live in West Watford although there are a number who live in other areas of the town and one that lives outside the borough.

3.9.2 Cabinet agreed in June 2012 that options for Farm Terrace allotments be considered in light of the emerging Campus scheme. The original scheme, that has planning permission, did not utilise Farm Terrace allotments, and when Watford BC issued the initial tender documents, the allotments were not included. However, in light of feedback from the potential developers considering the scheme, the requirement to look at the three options for the allotments was raised. These options to comprise:

- retain the allotment site, although the impact of the Campus scheme would necessitate certain changes to the site including to current access arrangements
- retain 50% of the allotments, with consideration being given to relocation to an alternative site or sites; and
- relocate 100% of the allotments, again with consideration being given to relocation.

### **3.10 ALLOTMENT ENGAGEMENT AND CONSULTATION**

3.10.1 At the Cabinet meeting in June, a commitment was made to engage with all allotment holders to provide opportunities to share their views on the future of allotments within the borough. This commenced with a meeting for all allotment holders on 17 July, with over 100 allotment holders in attendance. At this meeting, and through subsequent communications, allotment holders who expressed an interest were invited to get involved through two working groups:

1. A Farm Terrace Group – focusing on the future of the Farm Terrace allotments as part of the wider Watford Health Campus scheme.

The meetings so far have covered:

- explanation by the Watford Health Campus team as to the current status of proposals and the project;
- discussion with the West Hertfordshire Hospitals NHS Trust to clarify why the Trust needs part of the allotment site for the future hospital; and
- a participative session to enable the group to understand the Health Campus site more fully and explore alternative development scenarios for the Campus. This exercise suggested a number of alternative development scenarios for the Campus and hospital. The Campus team and Kier have reviewed the proposals and some such as potential location of a hotel will be considered further. However, the central problem of re-providing the hospital was not solved.

2. An Allotment Stakeholder Panel – looking at the Council's Allotment Strategy, an acceptable quality standard for allotments and the level of investment needed to achieve this standard across all sites in the borough.

The meetings so far have covered:

- Current issues of concern to allotment holders;
- The 'model' allotment and how this might relate to Watford;
- Priorities for potential investment and improvement.

3.10.2 A joint meeting of these two groups took place on the 7 November 2012. Kier provided an update of their Watford Health Campus proposals including masterplan proposals if there was 0%, 50% or 100% usage of the allotments by the Campus (as detailed in section 3 below). A report was presented on relocation options and the investment strategy for improving all allotments across Watford was covered. A representative from the National Society for Allotments and Leisure Gardeners (NSALG) was present. Farm Terrace allotment holders in attendance raised a number of issues in terms of the masterplan for the Campus, which are considered within this report.

3.10.3 Following this meeting, a letter was sent to all current Watford allotment holders

apprising them of the areas covered by the meeting and bringing them up to date on the current situation and next steps. This was also circulated to councillors and to the NSALG. Allotment holders were invited to feedback on the issues raised in the letter. At the time of publishing this report, only one response has been received.

### **3.11 THE RATIONALE FOR RELOCATION AND THE RESPONSE**

3.11.1 The main reasons for considering the relocation of the Farm Terrace allotments are that it would:

- i) Provide space for the re-provision of the hospital on the Watford site.
- ii) Improve the viability of the Campus scheme and speed up the development of the site. In part as the allotments are out of the flood plain and are more easily developed.
- iii) secure more much-needed family housing.
- iv) provide for a better designed Campus scheme to be developed of sufficient size to make a greater overall improvement for residents of West Watford.
- v) Remove the impact on the amenity of allotment holders. By relocating the site it avoids significant disruption and the impact of pollution that they will otherwise be subject to over the duration of the Campus development.

Each of these is explained in more detail below.

3.11.2 West Hertfordshire Hospitals NHS Trust (WHHT) has prepared a number of different options for the re-provision of their facilities at the Vicarage Road site; see attached maps in Appendix E. The Trust's clear preference is to move south of their current facilities, see attached letters from the previous CEO and the Trust Chairman in Appendix F. This puts them in a more prominent position at the top of the hill, good access to car parking and ensures that the hospital is integrated into the Campus. It provides for less cramped facilities and re-providing south of their existing buildings is a far easier prospect than constructing new facilities literally in the middle of their current site. The 2007 plan of moving down and towards Willow Lane is now not feasible due to the need to rebuild the hospital in phases and the location of a 'surge ward' to the back of WHHT's Acute Assessment Unit (AAU) building in response to high levels of demand for patient care. Hence, to move down the slope it would have to move south easterly and occupy part of the allotment space.

3.11.3 The viability of the current scheme (not including Farm Terrace allotments) is not strong. With a scheme of c£350m a viability of a scheme below £10m gives significant cause of concern. Using a Treasury discount rate there is a positive value to the scheme, however, when this is risk adjusted a Net Present Value to the public sector of minus £1.3m results (source Grant Thornton). To deliver the scheme, as described in the Part B Health Campus report additional monies required for the scheme include a Watford BC and WHHT contribution of £16m (£8m WHHT, £6m Growing Places funding guaranteed by Watford BC, and £2m Watford BC) for essential infrastructure. The current value of the Cardiff Road industrial estate is only circa £8m.

The Part B Cabinet paper covers the financial position in more detail, however, this report recognises that, on financial grounds, the delivery of the Health Campus scheme is still challenging for the Council. However, Watford BC is primarily undertaking this investment to facilitate the retention of a major hospital in this location, secure employment, provide places for people to live and improve the

urban area of West Watford, with access to high quality green space and neighbourhood shops. Hence the recommendation to move ahead with the scheme because of the regeneration benefits.

With the inclusion of the allotments the land value increases by an estimated £7m (which includes a contingency to pay for relocation and improved and extended allotment facilities at Paddock Road). The allotment land is outside the flood plain and not contaminated, hence it is more easy to develop and gain approval from the Environment Agency. Its inclusion would mean a significant improvement in value of the scheme overall. A scheme of circa £350m with only a small net land value, creates significant nervousness from investors, the improved viability will improve the scope to attract external funding and future occupiers. It obviously improves the financial return to the Council and, as it is not contaminated, the allotment site will pull forward the pace of redevelopment.

- 3.11.4 Construction activity on the Campus, including delivery of new hospital buildings, will take place over at least a ten year period. Despite the best endeavours of the Campus developers, there will be noise and other pollution that will impact on the existing allotments. Moving tenants at the start of the development programme will create disturbance in the short term, but results in a safe place for current and future allotment holders. In addition, the development of the new access road into the hospital will necessitate the entrance way to the east of the allotments being closed, and traffic would only be able to enter the site from Occupational Road if the allotments were retained.
- 3.11.5 There is limited potential on the current Campus site to deliver houses as housing development is restricted within the flood plain. The allotments are out of the flood plain and therefore more housing versus flatted development can be delivered if the allotments could be built on. If the entire allotment site was available for housing around 120 family houses could be delivered of which 42 would be affordable. This has a significant advantage in terms of delivering a new sustainable community to West Watford as it allows a better mix of family homes and apartments in the area. If 50% of the allotments were available around 60 units would be provided, of which 21 would be affordable. Retaining 50% of the allotments would reduce proportionately the values described in 3.11.3 above and similarly diminish the overall quality of the scheme. There is also the risk that as the development proceeds, there may be further pressure to consider the remainder of the allotment site, and it is better to deal with the issue of the whole plot now.
- 3.11.6 The current allotment site takes up a large area comparative to the Campus site and has a high security fence round it. The retention of the allotments would detract from the delivery of a future high quality development and would limit access to the green space by other residents or future users of the Campus as they create a 'barrier' at the northern part of the site. Part of the objectives of the Campus is to create an improvement in the quality of the wider environment and the perception of West Watford; retaining allotments would impede the quality of the development on the Campus to achieve that.
- 3.11.7 The main contrary arguments for retaining the allotments, which have been expressed by the Farm Terrace Group through engagement, are:
- They are of benefit to local people, where many homes do not have sizeable

gardens for production of food;

- They should be a feature of the redevelopment, given that it is a Health Campus, where the production of food for use by the hospital could be a positive outcome;
- They contribute to the local biodiversity of West Watford;
- They are an important part of the heritage of the area;
- Relocation would be a distance away and disturb/inconvenience allotment holders.

3.11.8 Allotment holders and officers present at the engagement workshops have discussed the potential of the allotments to provide improved benefits to a wider number of residents and to some patients at the hospital by promoting health, well being and encouraging use of vegetables. As the allotments are currently set up they do not provide this scope for community gardening.

### **3.12 RELOCATION OPTIONS**

3.12.1 Watford BC employed Community First Partnership Ltd (CFP) to review potential options for relocating the Farm Terrace allotments. Under current allotment legislation, there is a requirement to re-provide any statutory allotment land so that overall provision within the local authority area is unaffected. CFP's full report is available as a published background paper.

3.12.2 CFP has delivered a very thorough analysis. A desktop review of all green spaces south of Cassiobury Park was undertaken, and included public and private sites and sites just outside of Watford BC boundary close to Farm Terrace.

3.12.3 CFP created a short-list of relocation sites for further consideration. Options were rejected on the basis of being too small, other land uses and high sports value. Key criteria used included:

- distance to Farm Terrace Allotments and centre of demand;
- current land use;
- known soil quality;
- potential number of plots;
- water and flood risk; and
- likely timescale of availability.

3.12.4 The results were, in order of CFP's recommendations:

1. Holywell Allotments (distance 0.5 miles)
2. Paddock Road (distance 1.2 miles)
3. Oxhey Park Sports Ground (subject to the new road alignment) (distance 0.4 miles)

3.12.5 The recommendations from the consulting team in terms of relocating were:

- 1 To redevelop Paddock Road option covering 2.56 hectares, which equates to more than existing Farm Terrace site.
- 2 Consider accommodation of an estimated 15 plots at Holywell Allotments.

Oxhey Park was not prioritised given the uncertainty of the Link road alignment, and it does not remove the impact of construction pollution on the allotments and could

not be re-provided at the start of the programme.

There are significant advantages to the Paddock Road site. With existing allotments at this site, the combination would provide sufficient critical mass, subject to affordability, provision could be made for toilet and other facilities including consideration of communal space. The estimated costs for relocation are circa £700,000 for Paddock Road and £100,000 (depending on size of plots) for the Holywell allotment site. Officers therefore believe the Council would be in a position to offer relocation to existing tenant holders and provide a net increase of allotment space if the Farm Terrace allotments were relocated.

3.12.6 The Council's aim is to facilitate relocation, if possible, by Winter 2013. This, however, would be dependent on a number of factors that are, at present, unknown. These include:

- length of time taken for a decision by Secretary of State
- extent of work required at the Paddock Road site, in particular, to bring the identified land to an acceptable standard for allotment gardening. This would involve areas such as ground preparation, site infrastructure (e.g. pathways), fencing and signage.

These issues are not expected to be an obstacle for relocation, but may affect timing.

### **3.13 OTHER RELOCATION CONSIDERATIONS**

3.13.1 If Cabinet decides to relocate Farm Terrace tenants, the following recommendations are also proposed:

- i) Like for like replacement where reasonable and possible. A number of Farm Terrace Allotment holders have multi plots, rented out in previous more generous times.
- ii) That allotment holders are fully involved in the relocation process and, where possible, their needs are met.

### **3.14 INVESTMENT OPTIONS**

3.14.1 The wider consultation on a revised allotment strategy (supported by the Allotment Stakeholder Panel) has identified the requirement to improve security, an increase in facilities such as fencing improvements, toilets, water provision improvements and firmer action on non cultivated plots. In terms of the improving facilities and security, the main priorities were:

- improving boundary protection through hedges/fences;
- provision of toilets;
- communal areas;
- water provision; and
- improved access.

3.14.2 Allotment site surveys have been carried out by the Parks and Open Spaces Team and potential costs developed for all sites based on needs of each site and outcome of stakeholder panel discussions. A provisional sum of circa £830,000 has been calculated to meet these improved allotment standards which would include toilets, fencing, access improvements, vacant plot clearance, compost bins. Funding would come from Watford BC's annual capital budget setting process. Although there is not a direct connection, as indicated above, the viability of the Health Campus scheme does improve if the Farm Terrace allotments were included and, therefore, the capital returns to the Council would be improved, providing greater resources for

the Council's priorities. Hence a recommendation from this report would be to prioritise this investment if the Farm Terrace allotments were brought into the Campus scheme.

### **3.15 COMMUNITY GARDENS**

- 3.15.1 Through the engagement with allotment holders, the concept of offering a community garden as part of the revised scheme was raised. This would have the scope for growing vegetables / fruit and maintaining biodiversity on this area of the site. Having explored this concept in more detail, officers believe that this could form part of the Health Campus. These would be community run facilities designed with growing areas, raised beds, storage areas, fruit growing areas and a workshop area for training sessions. This would need to be purpose built (at least in part) by the developer to dovetail with their masterplan. An example of this concept is provided in the 'edible estates leaflet' that is provided as a background paper to this report.
- 3.15.2 There are a number of national examples and guidance documents to support the concept of a community garden. It could be run alongside a 'Healthy Living Proposal', which could be linked, in conjunction, with the hospital, to encourage patients to take more exercise and eat sensibly, by volunteering at the facility and taking part in workshops. Food might even be grown for sale locally - A Growing Trade is a guide for community groups growing food to sell. This Local Action on Food report highlights the commercial opportunities for community grown food and showcases initiatives that are doing it already. An example of this concept is provided in an extract from this report in the background papers for this report.
- 3.15.3 There is support offered for an initiative such as this, for example, the Federation of City Farms and Community Gardens (FCFCG- <http://www.farmgarden.org.uk/farms-gardens>) a registered charity which supports, represents and promotes community-managed farms, gardens, allotments and other green spaces, creating opportunities for local communities to grow. It has established a Community Interest Company as a means of promoting new ways of working, assisting local authorities. Supported by Nesta <http://giving.nesta.org.uk/project/growing-together> a government funded innovation foundation, the FCFCG has set up 'Growing Together' which aims to unlock land for community growing use and support the development of hundreds of sustainable community growing projects, through a new model of finance-raising <http://vimeo.com/44451107> (a short video of the project). A proposal on this concept would also support social cohesion - bringing people together to make their neighbourhoods a better place and learn new skills. The Government's Social Action Fund also funds a national project run by Sustain called The Big Dig (<http://www.bigdig.org.uk>).
- 3.15.4 Ultimately the success of an initiative like this will depend on the enthusiasm and commitment of volunteers. A number of Farm Terrace allotment holders have indicated their willingness to participate. If successful then it could also help to integrate the old communities around the Campus with the new homes being built on the Campus. It will require more work, from the LABV/Kier masterplanners to find an integrated solution and from allotment holders and other volunteers, but if successful would add to the brand of Health Campus and to the branding of the venture. Financially there would be a need for seed money to support a voluntary group establish itself and apply for funds which could be catered for under the existing Health Campus budget.

3.15.5 The option review detailed below does highlight the issue of an impact on the biodiversity of redeveloping the Farm Terrace allotments. This has to be considered in the context that the Campus would be cleaning up contaminated land on Cardiff Road and the old EEDA site and making accessible green space round the River Colne. The allotment site is not openly accessible green space. Nevertheless, it is recognised that if the Farm Terrace allotment land was utilised in the Campus then this would impact on the amount of green space being re-provided in the Campus. Therefore, producing community gardens would improve the balance and add to the biodiversity being established in the Campus site. Officers are, therefore, recommending that a community garden concept is introduced into the Campus development. It has to be emphasised that this is not a direct replacement of Farm Terrace allotments which will be relocated as described.

### 3.16 OPTIONS APPRAISAL

#### 3.16.1

	Advantages	Disadvantages
1. Retain Farm Terrace Allotments	<ul style="list-style-type: none"> <li>• Removes need for relocation, with associated disturbance</li> <li>• Retains positive impact of allotments to biodiversity</li> <li>• Retains the legacy of community gardening on the site</li> </ul>	<ul style="list-style-type: none"> <li>• Allotment holders will be disturbed during Campus construction and allotment gardening disrupted</li> <li>• Reduced potential for delivery of new hospital facilities in Watford</li> <li>• Viability of the Campus not improved, leaving risk of delivery</li> <li>• Limits potential to make a substantial new quarter in West Watford including family homes</li> <li>• Forgoes opportunity to create significantly improved Paddock Road facility.</li> </ul>



	Advantages	Disadvantages
2. Take 50%, reserved mostly for future use of the hospital	<ul style="list-style-type: none"> <li>• Facilitates delivery of new hospital</li> <li>• Reduced relocation disruption that would arise from full 100% redevelopment – fewer tenants affected</li> <li>• Reduced impact on bio-diversity</li> </ul>	<ul style="list-style-type: none"> <li>• Remaining allotment holders will be disturbed during Campus construction and allotment gardening disrupted</li> <li>• Viability of the Campus not significantly improved, leaving risk to overall delivery.</li> <li>• Still limits potential to make a substantial new quarter in West Watford including family homes</li> <li>• Relocation of some allotment holders, but lacks critical mass</li> <li>• Risks continued pressure to incorporate remainder of the allotments</li> </ul>
3. 100%	<ul style="list-style-type: none"> <li>• Facilitates delivery of new hospital</li> <li>• Improves viability of Health Campus scheme</li> <li>• Increases opportunity to deliver family housing</li> <li>• Increases opportunity for better designed new community in West Watford</li> </ul>	<ul style="list-style-type: none"> <li>• Loss of current allotment site for tenants</li> <li>• Disturbance to allotment holders due to relocation</li> <li>• May impact on biodiversity</li> </ul>
4. Take 100% of Farm Terrace allotments, but introduce community gardens within the new scheme	<ul style="list-style-type: none"> <li>• Advantages as for Option 3.</li> <li>• Re-introduces the concept of home grown food back into the scheme</li> <li>• Reflects the heritage of the area</li> <li>• Would be able to target overall improvement of bio-diversity</li> <li>• Provides for community gardening closer to this area of West Watford</li> </ul>	<ul style="list-style-type: none"> <li>• Most of the disadvantages as per no. 3</li> <li>• This would be a harder task for the developer and Masterplan to deliver</li> <li>• Reliant on fostering a strong community of volunteers</li> </ul>

### **3.17 POTENTIAL COMPULSORY PURCHASE ORDER**

- 3.17.1 The Cabinet agreed in June for officers to acquire by agreement and make preparations for the use of compulsory purchase powers. A process of land referencing is taking place to identify those with legal interests within the Campus area and negotiations have commenced with those with legal interests within the Campus.

Watford's Economic Development Manager is providing assistance to those businesses that will be impacted in the Cardiff Road Industrial Estate in terms of relocation.

It is intended for officers to return to Cabinet in 2013 with a report on the legal procedures required to progress the Scheme as the Campus's progresses its detailed work on the scheme including planning applications.

### **3.18 Growing Places Funding**

- 3.18.1 Officers have discussed with the Local Enterprise Partnership the terms and conditions for the £6 million offered by the LEP in the delivery of the Campus. The terms are still to be finalised but the main principle is that no interest will be charged, but the LEP would wish the Council to guarantee to pay back monies that are drawn down for delivery. The LEP/Council can mutually agree to change this position.

## **4.0 IMPLICATIONS**

### **4.1 Financial**

- 4.1.1 The financial implications for the Council are amplified in the Part B report to the Campus.
- 4.1.2 The Head of Strategic Finance comments that the financial viability of the Campus scheme is very marginal and this is due to significant infrastructures costs/ flood alleviation and generous provision of open space community areas. The Council has already made a considerable investment in land assembly.
- 4.1.3 The proposed relocation of the allotments will provide the Council with a small financial viability cushion after generous provision for the relocation of Farm Terrace and a comprehensive upgrade to all other allotment areas is included within the Capital Programme. This provision to be considered by Cabinet on 21 January 2013 (and obviously subject to any decisions this evening).

### **4.2 Legal Issues (Monitoring Officer)**

- 4.2.1 Nabarro are the Council's legal advisors and they continue to provide advice on the complex legal negotiations with Kier, the entering into the LABV and the continued progression of the potential Compulsory Purchase order. They have inputted into this paper and supporting documents. Further detailed advice is amplified in the accompanying part B report.
- 4.2.2 The Head of Legal and Property Services comments that, if Cabinet agree to the recommendation to appropriate the whole of Farm Terrace allotments to the Health

Campus scheme, an application will need to be made to the Secretary of State for Communities and Local Government to remove its designation as allotment land. Under the Section 8 of the 1925 Allotments Act there is a statutory requirement to re-provide 'adequate provision' for those displaced by selling or disposal of statutory allotment land and must be comparable in terms of size, accessibility and convenience and in a condition comparable or superior to that of the existing allotments.

### 4.3 Equalities

4.3.1 A draft Equality Impact Analysis (EIA) with specific reference to the impact on the allotment holders has been developed in conjunction with this report and is attached at Appendix G. Members need to consider the analysis and in particular note that the proposed mitigation measures are reflected in the recommendation to Cabinet. The EIA conclusion is that: 'Considering the information within this report and both the positive and negative impacts together, this analysis shows that, should Farm Terrace allotments be incorporated into the Watford Health Campus scheme, the overall impact on the Watford community is positive.

This is because the benefits of releasing the land will have a positive impact on all Watford residents (as well as on people from outside the borough whose main access to health facilities is at Watford General Hospital), outweighing the potential negative impacts identified. In addition, opportunities have been identified to mitigate the potentially negative impacts.'

The EIA will continue to be updated as this element of the Health Campus scheme progresses

### 4.4 Potential Risks

A full risk register for the Campus is kept under formal review on a monthly basis. Highlighted risks are as indicated below.

Potential Risks	Likelihood	Impact	Overall score
Delay in concluding agreement on financial closure with the preferred bidder	1	4	4
Concluding arrangements with WHHT including their contribution towards the site wide infrastructure	2	5	10
Loss of Growing Places funding	1	5	5
CPO procedures not correctly followed	1	5	5
Delays in gaining planning permission (which will impact delivery of road infrastructure in particular)	2	4	8
Change in Economic stability/ situation leads to difficulty in delivery.	2	4	8

Potential Risks specific to allotment decision	Likelihood	Impact	Overall score
Secretary of State does not agree to decommissioning Farm Terrace allotment land for inclusion in the overall scheme	2	4	8

Relocation site after further work proves unsuitable	1	4	4
Costs of relocation escalate. (Contingency has been included)	2	2	4
Insufficient or lack of community support for community gardens	2	3	6

#### 4.5 **Sustainability**

4.5.1 A sustainability protocol exists for the Campus, and Kier as the Prospective Private Sector Partner reviewed their proposals against this protocol. Kier's submission at BAFO scored highly, and their commitments are being captured within the LABV Business Plan that will form part of the Campus legal agreements.

4.5.2 A sustainability workshop on the Health Campus was run on 16 October 2012. This was presented by the Kier consultants who are specialists in this area. Council officers, members and stakeholders including allotment holders attended and contributed to the discussions. The Campus proposals were well supported by the audience.

4.5.3 There was some discussion at this workshop as to how allotments as a form of community gardening contribute to sustainability and how this might be included in the masterplan and the scheme going forward. These views have been incorporated into the report and included in the recommendations on community gardens.

#### Appendices

Appendix A: Land relating to the Health Campus.

Appendix B: Description of Outline Planning Permission

Appendix C: Summary of legal structure

Appendix D: Kier proposals – options A and B.

Appendix E: West Hertfordshire Hospitals NHS Trust (WHHT) re-provision

Appendix F: Letters from Chairman of WHHT and Jan Filochowski

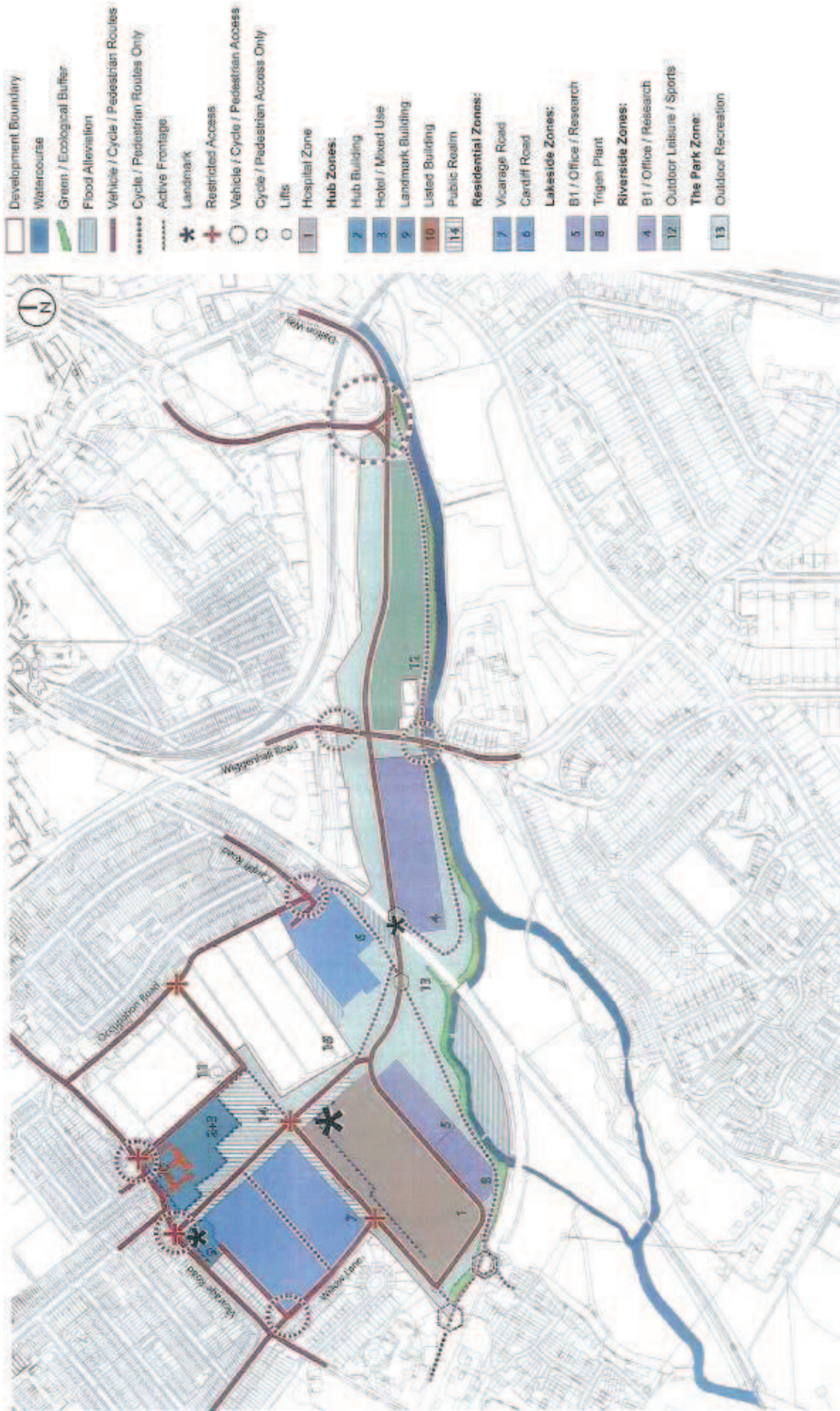
Appendix G: Equality Impact Analysis

#### Background Papers

1. Farm Terrace Allotments – Potential Relocation to Alternative Sites (CFP report)
2. Edible Estates Initiative Information For Stakeholders
3. Extract from a growing trade report



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Title: Development Framework  
 Reference: AVAL1000-DF-002  
 Date: May 2008  
 Scale: 1:5000 @ A3



# STRATEGIC LAND USE SCHEDULE

Development Zone	Floorspace Maximum sq. m	Appropriate Uses (with maximum floorspaces where applicable)											Building Height Maximum (m)		
		Hospital	Residential	A1/A2/A3	Clinic / Creche	Civic / Education	Leisure	Hotel	B1	B3	CHP	Car Parking (Maximum)			
1	74,000	✓												1,500	30 m (86 m AOD)
2 and 3	19,720		✓	✓ (max. 5,005 sqm)	✓	✓	✓							415 (zone 2, 3, 9, 10)	12 m (80 m AOD)
4	8,500													140	12 m (63 m AOD)
5	4,800													80	12 m (67 m AOD)
6	11,540		✓											150	14 m (64 m AOD)
7	35,000		✓											200	16 m (86 m AOD)
8	2,500													-	12 m (67 m AOD)
9	2,880		✓	✓ (max. 750 sqm)	✓									See Zone 2	10 m (78 m AOD)
10	2,600				✓									See Zone 2	As existing
12	N/A									✓					N/A
13	N/A									✓					N/A
14	N/A									✓					N/A

Title: Development Parameters Zones 1-10 and 12-14  
 Reference: AVAL1000-DF-003  
 Date: May 2008







## WATFORD HEALTH CAMPUS

### SUMMARY OF LEGAL STRUCTURE

#### 1. INTRODUCTION

The purpose of this Report is to briefly summarise the legal structure envisaged for the proposed Local Asset Backed Vehicle (LABV), and to highlight some of the key commercial features of the arrangements to be entered into.

The overall structure is summarised in the attached diagram.

The **key parties** are as follows:

- 1.1 **Watford Borough Council (WBC)** – in its capacity as land owner;
- 1.2 **The Private Sector Partner (PSP)** – being Kier Project Investment Ltd;
- 1.3 **LABV** – being the Watford Health Campus vehicle established by WBC and the PSP, and being a corporate entity in its own right;
- 1.4 **Possible Development Subsidiaries (DEVCO)** – being subsidiaries of the LABV, established to undertake some of the development zones;
- 1.5 **The Supply Chain** – being the PSP's contracting and professional team supply chain, through which day-to-day activity will be carried out;
- 1.6 **West Hertfordshire Hospitals NHS Trust (WHHT)** – WHHT in its capacity as landowner and potential occupier or recipient of works/services from the LABV or PSP.

#### 2. OVERVIEW OF STRUCTURE

- 2.1 It is contemplated that WBC and the PSP will jointly establish the LABV as a limited liability partnership. Accordingly, a Members Agreement will be entered into on the basis that the LABV is a 50/50 joint venture.
- 2.2 On establishment of the LABV, WBC will enter into a Development Agreement with the LABV. This agreement will regulate (against the LABV Business Plan) the means by which land is to be brought forward for development and ultimately drawn down by the LABV (in some cases to individual DEVCOs).
- 2.3 The LABV will be thinly capitalised and unlikely to directly employ staff – but will contract for services under a Development Management Agreement (DMA), entered into with a company in the PSP's group of companies.



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- 2.4 In order for WHHT to utilise the PSP in future, it is envisaged that a Collaboration Agreement will be entered into between WHHT and the PSP, through which WHHT is able to access services; the purpose of the Collaboration Agreement being to regulate the process by which such arrangements are made in the future but without automatically committing WHHT to doing so.
- 2.5 Finally, WBC, the LABV and WHHT will enter into a Campus Agreement. This agreement will regulate how Trust land may be brought forward for development, drawn down, and any land equalisation (i.e. as to the value of land) dealt with. In addition, this agreement will establish a governance structure, via a Campus Forum, which is consistent, and therefore not in conflict, with the LABV Business Plan.

### **3. MAIN PROPOSALS WITHIN EACH AGREEMENT**

Taking each of the main agreements in turn:

#### **3.1 Members Agreement**

Key features:

- Establishes the LABV as a corporate entity and frames its objectives;
- Regulates the business activities of the LABV, and its corporate governance arrangements – through a Partnership Board and Operational Board, established on a 50/50 deadlocked basis;
- Sets out the means by which capital and finance is to be brought into the LABV, including how the respective contributions of the Council (land or cash) and PSP (cash) are treated;
- Has arrangements for delegation of decision making by the LABV, under a formal delegation policy;
- Provides the framework for business plans of the LABV;
- Governs the distribution of profits by the LABV;
- Governs the establishment and incorporation of any development subsidiary;
- Has provision for termination and exit;
- Makes provision for an infrastructure business plan and the draw down of Growing Places Funding and NHS funds.



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### 3.2 **Development Agreement**

Key features:

- Gives the LABV exclusive rights in relation to the development of the Campus, subject to conditions, and generally subject to satisfactory performance (against key performance indicators);
- Sets the pre-conditions against which land (i.e. zones) may be drawn down for development, e.g. as to Planning, Funding and Viability;
- Regulates the terms of any land transfer;
- Has provisions for regulating the delivery of Campus-wide infrastructure;
- Includes provisions to regulate the delivery of the road by the LABV.

### 3.3 **Development Management Agreement (DMA)**

Key features:

- Appoints the PSP to provide specified professional services and/or contracting services to the LABV;
- Has arrangements in respect of value for money (benchmarking, mini-competitions, and open book);
- Places an obligation on the PSP, in the provision of services to the LABV, to comply with milestones, key performance indicators (KPIs), and other targets set by the LABV (as captured by the LABV Business Plan);
- Has reporting arrangements;
- Sets the payment terms (i.e. the fees payable by the LABV to the PSP, including any deductions in respect of non-performance or failure to meet KPIs).

### 3.4 **Collaboration Agreement**

Key features:

- Establishes how the PSP will provide services required by WHHT;
- Has a staged process under which the PSP will develop proposals back to WHHT, including as to pricing;
- Regulates the basis on which WHHT and PSP (or its Supply Chain) is to enter into contracts.

### 3.5 **WBC/WHHT/LABV Campus Agreement**

Key features:



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- Regulates the participation of WHHT in the Campus project;
- Enables WHHT to participate in decisions being made the LABV via a Campus Forum;
- Sets out the Business Plan approval steps;
- Governs the terms on which WHHT may bring forward developments for the Trust and the NHS approval steps;
- Governs the basis upon which WHHT land may, subject to business case approval, be introduced to the LABV for development;
- Establishes the mechanism for land equalisation;
- Sets the agreed basis for payment and/or repayment of key infrastructure costs.

#### **SUMMARY**

These arrangements will establish the LABV and put in place a commercial structure for land to be brought forward for development on the Campus site. In essence, the LABV will enjoy the exclusive right to develop the Campus site but subject to a number of checks and balances. As a member of the LABV, the Council will participate in decision-making and share in the risks and rewards of the joint venture.

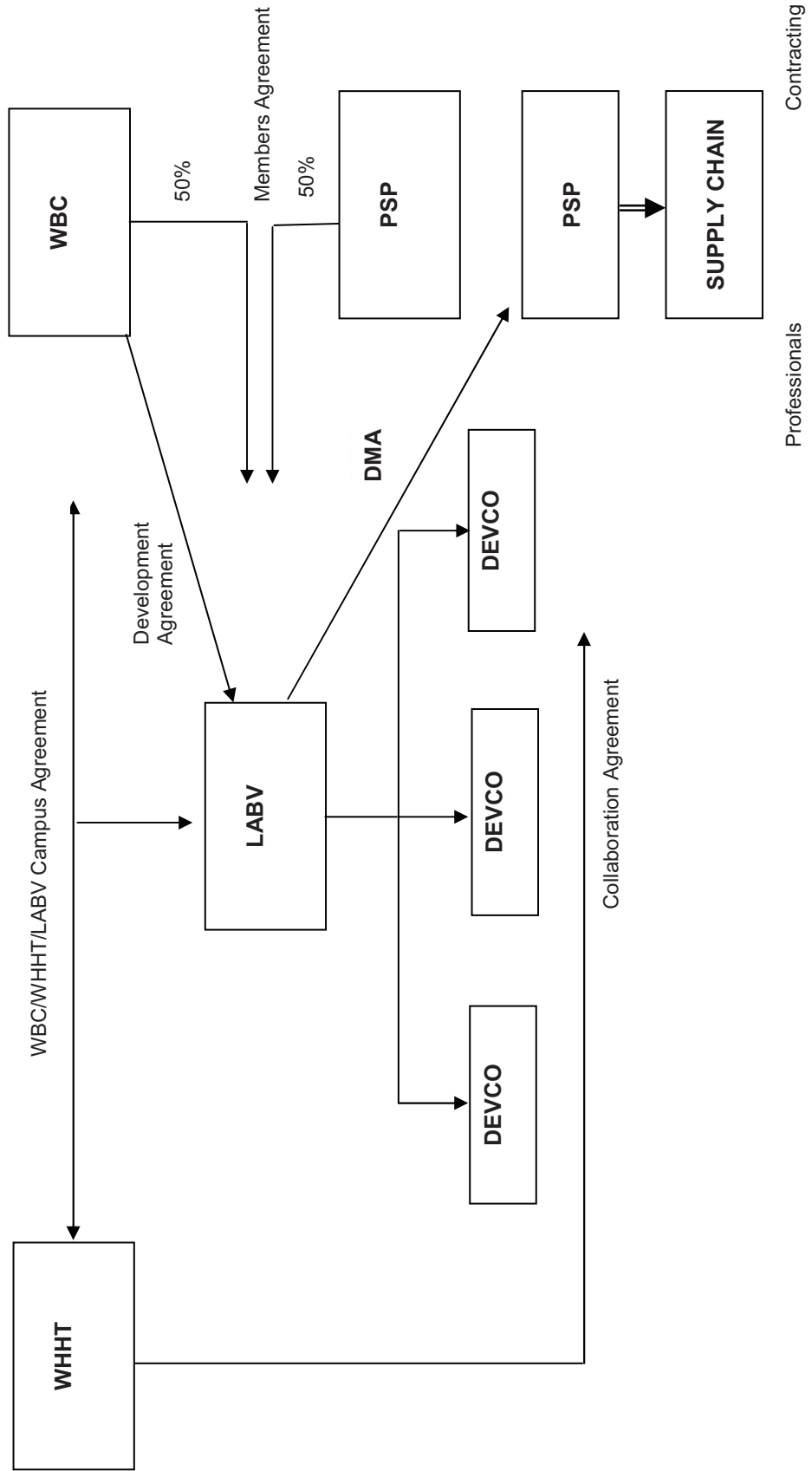
WHHT will be a party to these arrangements, and will actively participate in decisions. Accordingly, the agreements made with WHHT will involve commitment on its part to the extent that these have had necessary approvals. Together, these agreements will create the framework for WHHT involvement in the Campus.

**Nabarro LLP**

November 2012



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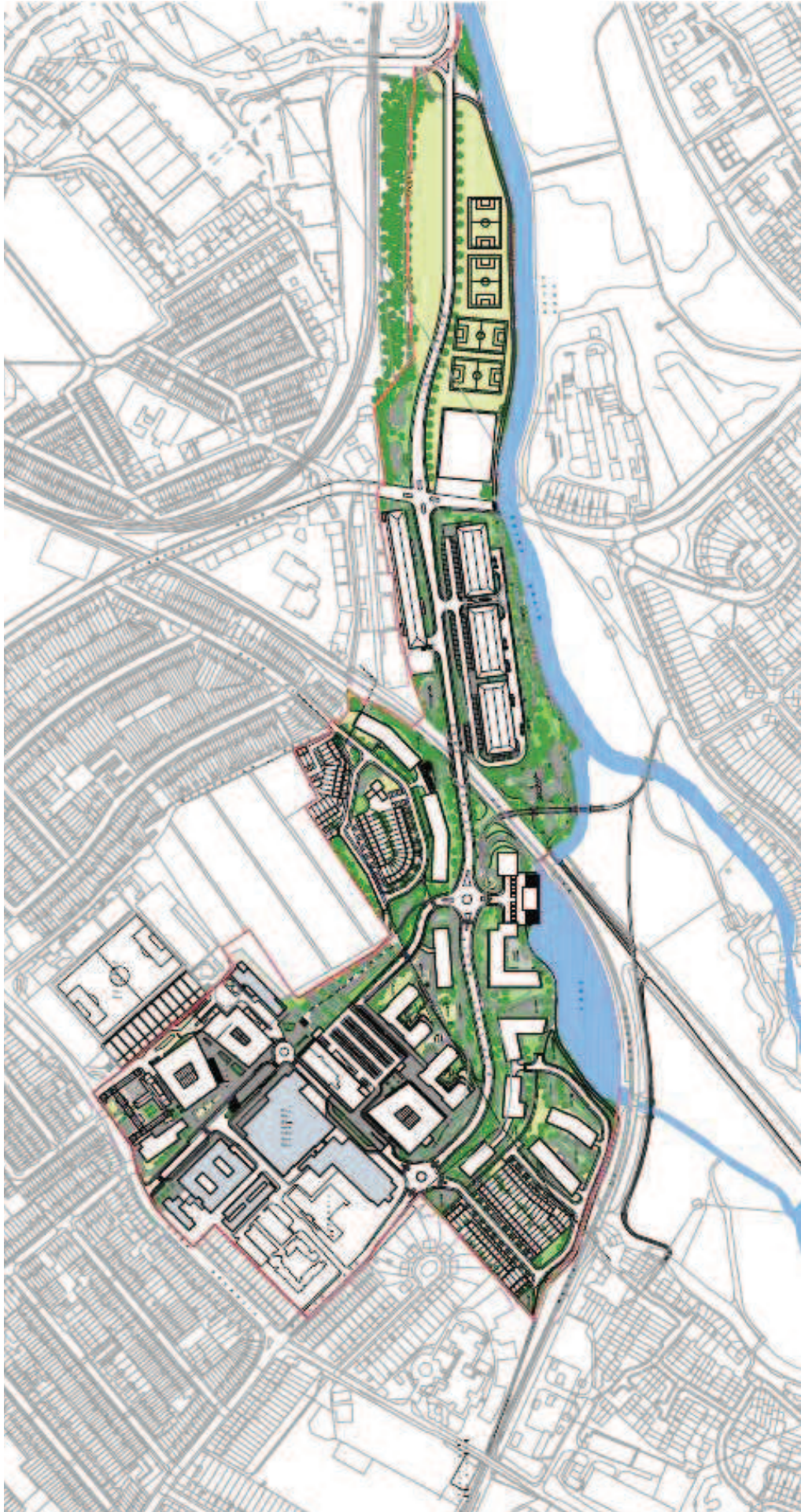


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# Scheme A

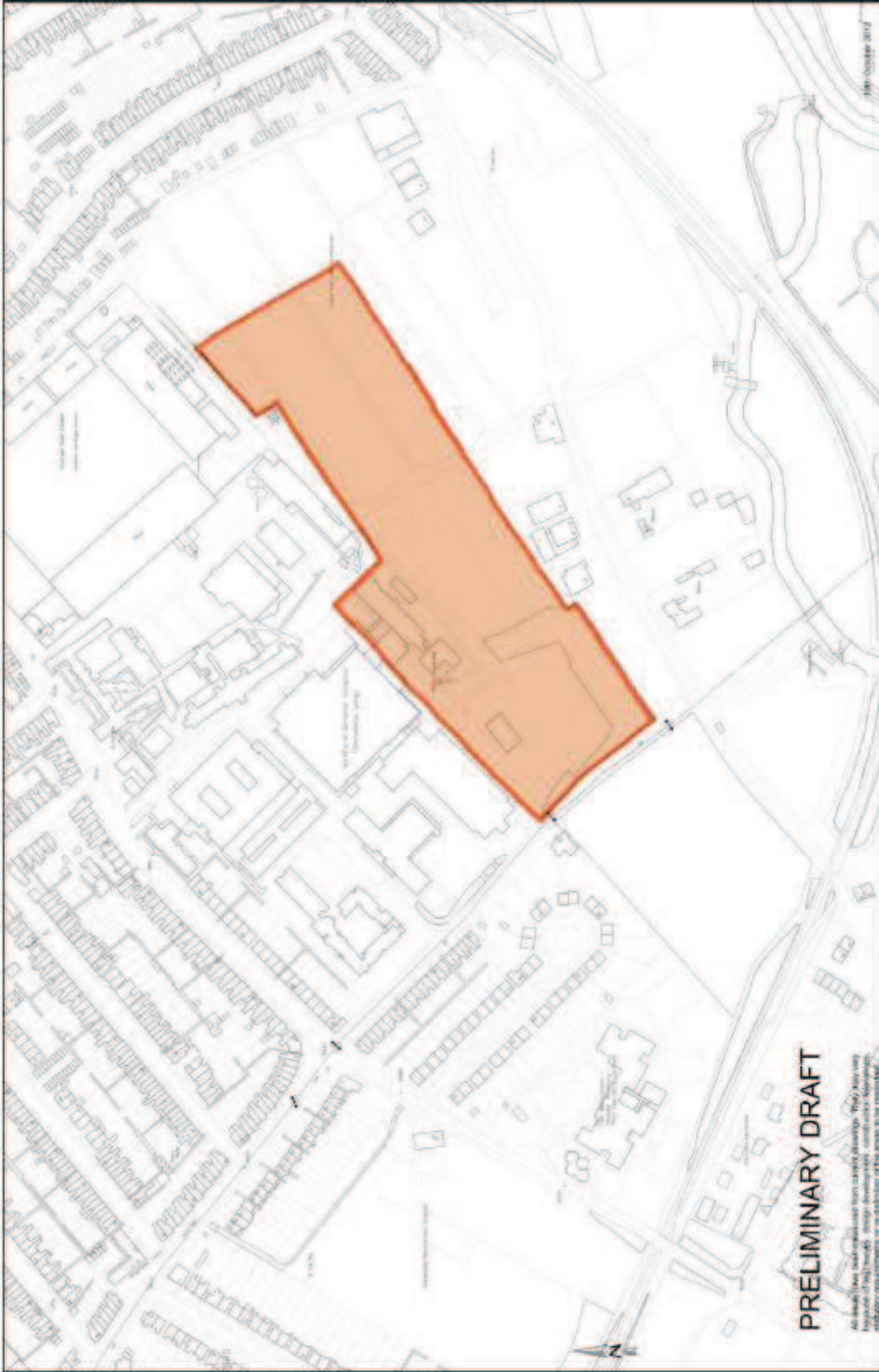


# Scheme B





# Hospital relocation: Option 1



tp bennett

Hospital Expansion - Option 2

Watford Health Campus

# Hospital relocation: Option 2

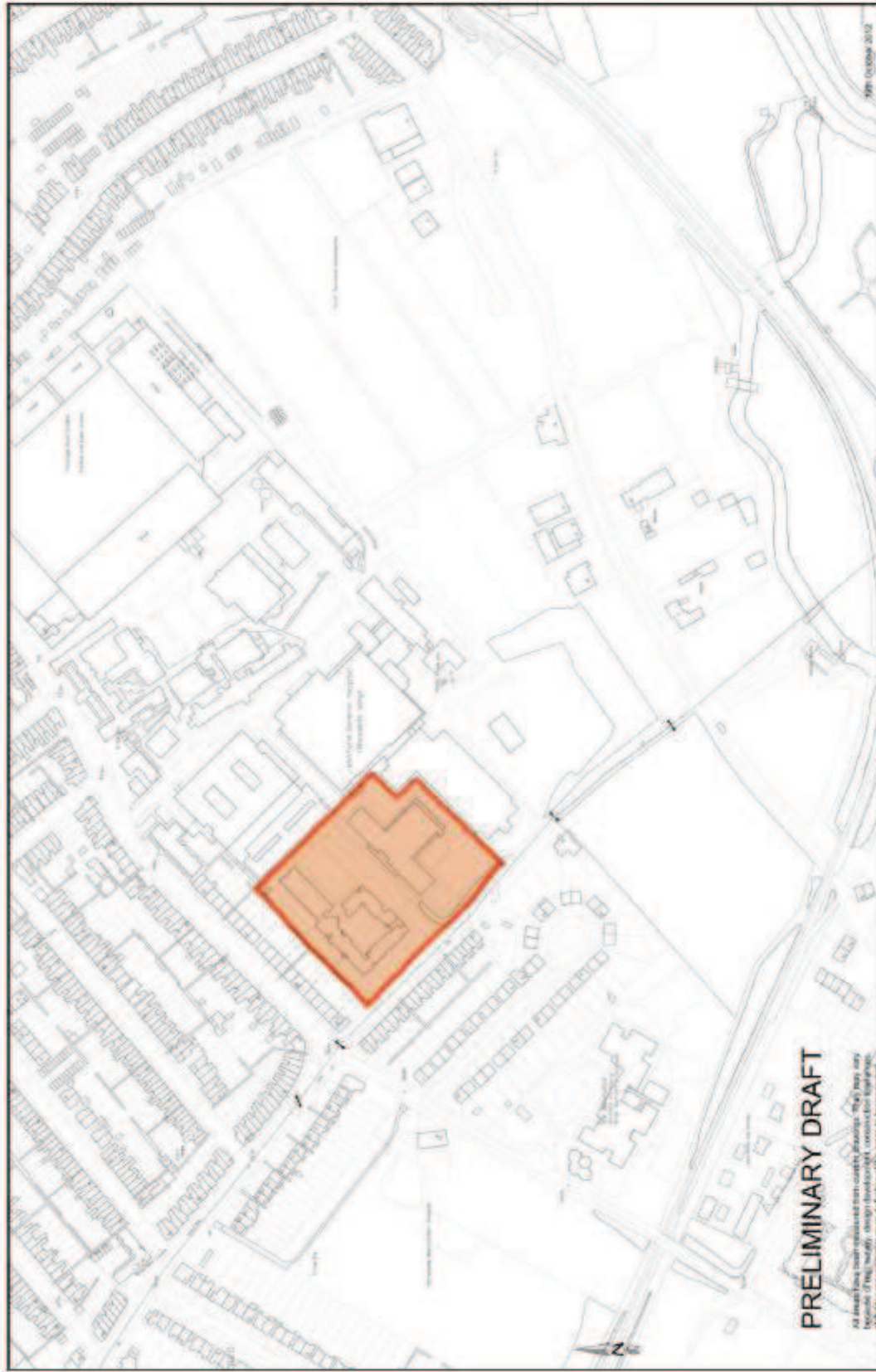


Watford Health Campus

Hospital Expansion - Option 3

tp bennett

# Hospital relocation: Option 3



**PRELIMINARY DRAFT**

All drawings have been prepared from computer drawings. They may vary from the original drawings. The drawings are for information only and are not to be used for construction purposes. All rights reserved. © 2012 tp bennett

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West Hertfordshire Hospitals   
NHS Trust

Trust Head Office  
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Vicarage Road  
Watford  
Hertfordshire  
WD18 0HB  
Tel: 01923 436368

Mayor Thornhill  
Watford Borough Council  
Hempstead Road  
Town Hall  
Watford  
Hertfordshire  
WD17 3EX

16 October 2012

Dear Dorothy,

I understand that at its meeting on 17 October the Council will discuss the Watford Health Campus and in particular the potential inclusion within the proposed development of the land presently allocated for use as garden allotments.

At the centre of the Health Campus is Watford General. At present, the buildings occupied by our hospital are in poor state and not appropriate for twenty first century medicine: and I know that like me you are committed to ensure that the people of West Hertfordshire receive the best possible environment for their health care.

The agreed strategy of the Trust Board is to develop the new hospital in a phased fashion, as funds become available, and to deliver facilities appropriate to a modern, state of the art, District General Hospital.


Kier's innovative plan will provide the opportunity to deliver one of the new hospital buildings on top of the underground car park. This will connect with the new road which will provide a direct link between the new hospital and the existing motorway network. I am delighted and excited by this. However, this will not be adequate to provide for the full needs of the new hospital at Watford and of course there is additional complexity as we need to offer full services to our patients whilst our redevelopment is underway. Therefore, it will be imperative that the option of additional land is available to provide for the facilities required by our patients and in my view it will be most difficult to achieve this without the contribution of part of the land presently allocated to the farm terrace allotments. In light of this, I would wish to support the Council in giving full consideration to the patients' needs in reaching its decision to consider this for hospital use.

I should add that I am aware of your commitment to provide alternative allotment facilities within the locality and equally supportive of the attention to detail with plans for green open space, the well being agenda and sustainability.

In my experience, opportunity to build a new hospital is rare in the extreme and we should do all that we can to ensure that the our new healthcare facilities in Watford are fully fit for purpose now and for the foreseeable future.

With kindest regards.

Yours sincerely

A handwritten signature in black ink that reads "Thomas Hanahoe". The signature is written in a cursive style with a large initial 'T'.

**Professor Thomas Hanahoe**  
**Chairman**  
**West Hertfordshire Hospitals NHS Trust**

**Dear Editor,**

I am writing to you because we are seeing a huge increase in people coming to A&E, in fact 600 more patients each month compared to last year. These people are coming from Watford and the surrounding areas, as well as from further afield.

I must now say thank you to our incredibly dedicated staff, who have worked tirelessly in the face of huge pressure to maintain our performance and excellent clinical standards. Some of our patients' experience of A&E has not been good during this incredibly busy time and for that I am sorry. With the support of NHS Hertfordshire and Herts Valleys Clinical Commissioning Group we are increasing the hospital's capacity with new state of the art mobile bedded units and we'll have a new 36-bedded unit by the end of the year. We've also improved the way in which we treat and admit patients using a new Clinical Decision Unit. I want to reassure everyone that the Trust is managing to cope with the extra people coming to use our services and patient safety has not, and will not, be affected.

Our inpatients, people who are admitted to a bed and stay overnight, are telling us that we've made significant improvements and that their overall experience of our hospitals is good. Recent weeks have tested our ability to provide the same positive experience in A&E.

NHS Hertfordshire has a very good GP Out of Hours service which can be contacted outside of normal GP surgery hours on 03000 33 33 33 or visit [www.wheredoigo.org.uk](http://www.wheredoigo.org.uk). They will help people decide which NHS service is right for them.

Now, looking ahead to the future, the Trust is a committed partner in the delivery of the Watford Health Campus. This scheme will transform the current hospital site, creating green open spaces, tranquil water frontage and welcoming public spaces. Eco friendly buildings will also help create a much more accessible healing environment. We are working hard to fulfil our vision for a modern general hospital for Watford, potentially in a phased approach. We already have £7m for a new access road to the hospital and not only that, the 'Croxley Rail Link' will extend the Metropolitan Line to a new station nearby. Emergency and normal access to the site will be dramatically improved.

Most readers will know, and understand the land around the hospital and the slope of the site, which doesn't help when trying to piece together the Campus 'jigsaw'. Using the current allotment sites would really help the future redevelopment of the hospital and make its delivery more certain. But remember this is not just about the hospital. The Campus also creates jobs for local people, affordable homes and other benefits for Watford and we should be and indeed are, working together to make it happen.

Yours sincerely

**Jan Filochowski**

**Chief Executive, West Hertfordshire Hospitals NHS Trust.**





# Equality Impact Analysis

<b>Title of policy, function or service</b>	Watford Health Campus Farm Terrace Allotments options appraisal
<b>Lead officer</b>	Manny Lewis
<b>Person completing the EIA</b>	Kathryn Robson
<b>Type of policy, function or service:</b>	Existing (reviewed) <input type="checkbox"/> New/Proposed <input checked="" type="checkbox"/>
<b>Version</b>	v.01- November 2012

## **Background**

This analysis considers the potential impacts, both positive and negative, of the options appraisal for Farm Terrace allotments. This options appraisal has arisen in response from work being undertaken to progress the Watford Health Campus scheme.

The overall objectives of the Watford Health Campus scheme are:

- To deliver a flexible, sustainable and market facing masterplan
- Delivering high quality homes
- Create employment opportunities and regeneration within West Watford
- Enhance patient, staff and visitor experience by:-
  - Improving accessibility to green open space,
  - Upgrading car parking facilities
  - Delivering new access roads and infrastructure
  - Providing expansion zones for the new hospital.
- Provide private sector expertise and finance
- Realising land value to help improve patient and staff experience

In September 2012, the Watford Health Campus partnership (Watford BC and West Hertfordshire Hospitals NHS Trust [WHHT]) appointed Kier Project Investment Ltd as the preferred private sector partner to support the delivery of the Campus. Since this time work has been ongoing to arrive at financial and legal agreement between the partnership and Kier in order to take the Campus to the next stage of delivery – appointment of Kier as approved partner, the establishment of the joint venture partnership (known as a Local Asset Backed Vehicle – LABV) and the development of a masterplan that will go forward for planning approval,

Through the work taken to reach this stage of the Health Campus scheme, the requirement to consider the inclusion of some, or all, of the Farm Terrace allotments has arisen. Farm Terrace allotments were not included in the original outline of the Campus site that was presented to potential developers. However, at a relatively early stage, potential private sector bidders identified the possible need for the allotments within the scheme as a significant issue. This was in terms of ensuring the proposed masterplan was market facing / financially viable and that there was adequate space within the site to deliver aspirations for family homes and hospital expansion. The latter has since been reinforced by WHHT – in terms of its requirements for sufficient space in which to re-provide hospital facilities and services.

At this stage, approval was sought from Watford BC's Cabinet (June 2012) to undertake an options appraisal for including into the Campus site:

- None of the allotments
- 50% of the allotments
- 100% of the allotments

Agreement was given with a commitment to engage with allotment holders (with a dedicated group for Farm Terrace allotment holders) throughout the appraisal process. A decision on the appraisal is to be made by Watford BC's Cabinet in December 2012.

This Equality Impact Analysis (EIA) will be developed further once the outcome of the Cabinet decision is known. At this stage, therefore, the EIA is considering the potential impact of the Farm Terrace allotments options appraisal on the people in the groups or with the characteristics protected in the Equalities Act 2010.

These are:

1. Age
2. Disability
3. Gender Reassignment

4. Pregnancy and maternity
5. Race
6. Religion or belief
7. Sex (gender)
8. Sexual Orientation
9. Marriage and Civil Partnership

The analysis also considers how we can achieve the positive effects and reduce or mitigate the negatives.

## **Farm Terrace Allotments**

### **Background**

Farm Terrace is the allotment site located in the Vicarage ward of Watford, directly behind Watford Football Club. It is 2.63 hectares in size. There are 128 plots ranging in size from 3 poles to 10 poles (a 10 pole plot is 250m) on the allotment. A number of plot holders have several plots, with 9 households having 20 or more poles. The majority of Farm Terrace tenants live in West Watford although there are a number who live in other areas of the town and 1 that lives outside the borough.

### **Farm Terrace and the Watford Health Campus Scheme**

The main reasons for considering the relocation of the Farm Terrace allotments are that it would:

- i) provide space for the re-provision of the hospital on the Watford site.
- ii) Improve the viability of the Campus scheme and speeds up the development of the site.
- iii) secure more much-needed family housing
- iv) provide for a better designed Campus scheme to be developed of sufficient size to make a greater overall improvement for residents of West Watford.
- v) remove the impact on the amenity of allotment holders. By relocating the site it avoids significant disruption and the impact of pollution that they will otherwise be subject to over the duration of the Campus development.

### **Potential impact**

The options being considered for the allotments comprise:

- retain the allotment site, although the impact of the Campus scheme would necessitate certain changes to the site including to current access arrangements
- retain 50% of the allotments, with consideration being given to relocation to an alternative site or sites; and
- relocate 100% of the allotments, again with consideration being given to relocation.

All options will have an impact on Farm Terrace tenants, although to different degrees.

### **Engagement with allotment holders**

A comprehensive programme of engagement has been undertaken to support this element of the Watford Health Campus project.

At the Cabinet meeting in June, a commitment was made to engage with allotment holders to provide opportunities to share their views on the future of allotments within the borough. This commenced with a meeting for all allotment holders on 17 July, with over 100 allotment holders in attendance. At

this meeting and through subsequent communications allotment holders who expressed an interest were invited to get involved through two working groups:

1. A Farm Terrace Group – focusing on the future of the Farm Terrace allotments as part of the wider Watford Health Campus scheme.

The meetings so far have covered:

- explanation by the Watford Health Campus team as to the current status of proposals and the project;
- discussion with a West Hertfordshire Hospitals NHS Trust representative to clarify why the Trust needs part of the allotment site for the future hospital; and
- a participative session to enable the group to understand the Health Campus site more fully and explore alternative development scenarios for the Campus.

2. An Allotment Stakeholder Panel – looking at the council’s Allotment Strategy, an acceptable quality standard for allotments and the level of investment needed to achieve this standard across all sites in the borough.

The meetings so far have covered:

- Current issues of concern to allotment holders;
- The ‘model’ allotment and how this might relate to Watford;
- Priorities for potential investment and improvement.

A joint meeting of these two groups took place on the 7 November 2012. Kier provided an update of their Watford Health Campus proposals including masterplan proposals if there was 0%, 50% or 100% usage of the allotments by the Campus. A report was presented on relocation options and the investment strategy for improving all allotments across Watford was covered. A representative from the National Society for Allotments and Leisure Gardeners (NSALG) was present.

Following this meeting, a letter was sent to all current Watford allotment holders apprising them of the areas covered by the meeting and bringing them up to date on the current situation and next steps. This was also circulated to councillors and to the NSALG. Allotment holders were invited to feedback on the issues raised in the letter. To date only one response has been received.

## **What we know about Farm Terrace Allotment Holders**

The most recent information we have on Watford allotment holders overall is from a 2011 survey.

This was sent to all allotment holders and so the results are not specific to Farm Terrace tenants.

### **Allotment Tenant Profiles**

1. **Sex**  
Male - 57%    Female - 43%
2. **Ethnicity**  
White British - 95%    Other - 5%
3. **Disability**  
16% have a disability
4. **Age**  
16-24 years - 1%    25-34 years - 5%    35-44 years - 15%    45-54 years - 19%  
55 – 59 years - 12%    60-64 years - 14%    65+ years - 34%

The most notable result was that 95% of allotment holders are White British. Watford's population overall is around 75% White British. This has been noted by the service and one of the recommendations for the emerging Allotment Strategy will be to promote allotments in a way that ensures all parts of the community are aware of the availability of allotments across the borough and the potential benefits of allotment gardening.

In terms of Farm Terrace allotment holders, 30 completed the survey in 2011, which provided the following information. In addition, we have been able to do an analysis of plot holders by sex from our records of 8 November 2012:

### **Farm Terrace Allotment Tenant Profiles**

1. **Sex**  
Male - 51%    Female - 49%
2. **Ethnicity**  
White British - 90%    White other - 7% (1 not answered)
3. **Disability**  
13% have a disability
4. **Age**  
16-24 years - 3%    25-34 years - 13%    35-44 years - 17%    45-54 years - 17%  
55-59 year – 1%    60-64 years – 20%    65+ - 27%

These figures indicate higher:

- Percentage of people with disabilities using Farm Terrace allotments than the Watford population overall
- Percentage of White British users of the allotments than the Watford population overall
- Percentage of 60+ users of the allotments higher than the Watford population overall

### **How will the council ensure equality is promoted through the outcome of the options appraisal**

1. **eliminate** discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
2. **advance** equality of opportunity between people who share a relevant protected characteristic and people who do not share it
3. **foster** good relations between people who share a relevant protected characteristic and people who do not

The Watford Health Campus scheme will impact on Farm Terrace allotments, whichever option is agreed by Cabinet. (The recommendation to Cabinet in December is to incorporate all the Farm Terrace allotment within the Health Campus scheme but at this stage of developing this EIA no decision has been taken).

Therefore, steps will need to be taken to continue engaging with current tenants to understand the effect on each of them individually as the Campus scheme progresses. This will need to include building an understanding of any impact in terms of equality.

## **1. Positive impacts**

Should the decision be taken to include some or all of the Farm Terrace allotments in the Health Campus scheme, the following positive impacts have been identified:

- **the delivery of Watford Health Campus objectives overall will be facilitated**

The delivery of the Watford Health Campus scheme will have positive outcomes for the community as a whole, including those members of the community with protected characteristics. It will certainly improve access to:

- health facilities within the borough
- open public space, which is easily accessible for all
- affordable housing, which is likely to be of particular benefit to people with families and within the age group when family homes are needed
- jobs and employment, which will benefit those of working age

- **opportunity to improve the quality of allotment plots where re-provision has been identified**

Re-provision of allotments at other sites within the borough would allow for improvement to some aspects of the facilities currently provided at Farm Terrace. Issues that would impact on protected characteristics, such as suitability for tenants with a disability would be taken into account and designed into re-provision

- **community gardening concept**

This has been highlighted as an initiative that could be considered within the Health Campus scheme, given the additional space within the site overall that would be generated by the use of Farm Terrace allotments.

Although not a replacement for the allotments, a fundamental aspect of community gardening would be to design it in such a way that promotes inclusion and strong community links. This would support fostering good relations between protected characteristics as outlined in the Equality Act 2010.

- **consideration given to individual needs and requirements**

If required, discussions will take place with each current allotment holder on their specific needs and requirements. This will include understanding requirements in terms of protected characteristics – for example how best can a disability requirement be accommodated if relocation is necessary.

- **review promotion of allotments in light of emerging Allotment Strategy**

This will support the promotion of allotments across the Watford community (not just in relation to Farm Terrace)

**Recommendation 1: the Council will need to ensure that effective promotion is considered within the Allotment Strategy and associated action plan**

## **2. Negative impacts**

In relation to the impact of the Watford Health Campus scheme on Farm Terrace allotment holders, there are some negative impacts that can be identified.

- **Access impact**

If relocation is required it might be more difficult for tenants with a disability or older tenants to travel to a site further from home. We know from national research that people with disabilities and older people are less likely to drive and are more dependent on public transport than other groups in the community. In order to mitigate any potential impact, we would need to consider these issues on an individual basis with each allotment holder.

**Recommendation 2: given that the equality information we have indicates there are issues that might impact on tenants (particularly in terms of disability and age) the Council will work with current Farm Terrace tenants to mitigate potential impacts where possible. This will be particularly relevant when considering relocation options and people's ability to travel to alternative sites**

- **Fostering good relations**

The presence of the allotments on the site has helped support community relationships and spirit over the years. The loss of the site might impact on community relations. However, the recommendation would be to include an alternative form of community gardening on the Health Campus site overall. This would provide an excellent opportunity for the existing and the new community that will be emerge from the development to enjoy open space / interaction through growing food etc.

## **3. Overall conclusion**

|  
Considering the information within this report and both the positive and negative impacts together, this analysis shows that, should Farm Terrace allotments be incorporated into the Watford Health Campus scheme, the overall impact on the Watford community is positive.

This is because the benefits of releasing the land will have a positive impact on all Watford residents (as well as on people from outside the borough whose main access to health facilities is at Watford General Hospital), outweighing the potential negative impacts identified. In addition, opportunities have been identified to mitigate the potentially negative impacts.

**Recommendation 3: to update this EIA in light of developments on the Health Campus scheme and when new information / data received**

**The table summarises potential positive impacts and ways in which they can be ensured**

<b>Positive Impact</b>	<b>Protected characteristics</b>	<b>Ways to ensure the positive impact</b>
<p>Contribution made to the delivery of Watford Health Campus project, particularly in terms of additional space to enable expansion and re-provision of Watford General Hospital, the delivery of more family homes on the site and financial viability of the scheme overall.</p> <p>This will benefit Watford and the wider community – the facilitation of new and better Hospital facilities will have a positive impact on all protected characteristics.</p>	<p>All</p>	<p>The Health Campus is now entering the stage where contractual commitments are entered into to establish a LABVI. This and the work going forward will involve developing a masterplan that delivers the objectives and aspirations of the Health Campus scheme.</p> <p>An overall Equality Impact Analysis will be developed as part of the emerging masterplan. This will ensure that the equalities duty will be considered within the scheme and before it is considered for planning approval.</p>
<p>Opportunity to improve the quality of allotment plots where re-provision has been identified</p>	<p>All – particularly for those with a disability / mobility problems</p>	<p>Ensure that work carried out on re-provision takes equalities issues into account.</p>
<p>Community gardening concept to foster good community relations</p>	<p>All</p>	<p>Consideration to be given within masterplan as it is developed.</p>
<p>Consideration given to individual needs and requirements</p>	<p>All</p>	<p>Ensure discussions with each allotment holder to identify any equality issues to be addressed if relocation is required.</p>
<p>Promotion of allotments across the community</p>	<p>Ethnicity</p>	<p>Work with community to understand if there are any barriers to engaging in allotment gardening and what might support greater take up amongst the non White British community.</p>



**The table summarises potential negative impacts and ways in which they can be removed or mitigated:**

<b>Negative Impact</b>	<b>Protected characteristics</b>	<b>Ways to mitigate the negative impact</b>
Access impact	Disability Age	As for positive impact - consideration given to individual needs and requirements. If relocation is needed then issues that might impact on ongoing access to participating in allotment gardening need to be identified and mitigated where possible.
Fostering good relations	All	Ensure that the Health Campus masterplan considers how to create opportunities for building good community relations through best use of open space and possibly community gardening.

## **Monitoring the review**

This analysis will be reviewed as part of the development of the Sports Facilities Strategy.

**This EIA has been approved by:**

**Manny Lewis**

**Date 27.11.12**

## **Extract from the Cabinet minutes – 3 December 2012**

### **43. AN UPDATE REPORT ON WATFORD HEALTH CAMPUS**

Cabinet received a report of the Health Campus Development Director seeking approval to establish a joint venture vehicle with Kier Project Investment Ltd. The report also outlined Kier's masterplan for the Campus development to be confirmed at financial close and reviewed options for the inclusion of the Farm Terrace allotments into the Health Campus.

The Mayor introduced the report and explained that it represented a key milestone in the delivery of the Health Campus. She added that it was of great credit to Watford that in this difficult economic climate, the Council had a scheme that would bring investment to Watford not only through the private sector in Kier but also through the Hertfordshire LEP. This demonstrated a great sign of confidence in the Town and the Council.

She said that whilst it gave her no pleasure to have to consider the future of the Farm Terrace Allotments, she was equally very clear that safeguarding the future redevelopment of the hospital was a very high priority.

Members were asked to note that a report containing commercially confidential information was to be considered in Part B of the Agenda and that decisions taken in Part A would only be in principle at this point and subject to the discussions in Part B.

She introduced Professor Hanahoe, Chairman of the West Herts Hospital Trust and Louise Gaffney, Director of Strategy & Infrastructure from the Trust. She then invited the Health Campus Development Director to give a short PowerPoint presentation. The presentation went through the master plan and covered issues such as the proposed governance arrangements; the reasons why the allotments should be included; alternative allotment provision; the proposal to create community gardens and the programme for the scheme.

Members were then invited to ask questions.

Councillor Rackett referred to land use and that fact that when the original plan had been considered at the Development Control meeting they had been advised that the road through Oxhey Park was a crucial dynamic. Now it was being said that the Farm Terrace Allotments were crucial. He was concerned that an increasing amount of green assets were being traded to support the scheme and asked for reassurance that the Council would not be asked for more parcels of land at a later stage.

Councillor Bell also spoke about land use and the fact that the scheme would still be considered viable without the use of Farm Terrace allotments albeit without the same level of comfort. He asked why Willow Lane allotments could not be used as an alternative as he could not see why the need to build a "surge ward" to the back of the Acute Assessment Unit should make any difference especially as the building was being carried out in phases.

In response to Councillor Rackett's point, the Managing Director explained that the scheme would bring more green space into use by utilising industrial and contaminated land. There would actually be a net increase in the amount of green space. Connectivity and access would also be enhanced. He added that the footprint for the plan was fixed with the exception of Farm Terrace allotments and that there were no plans to extend further. The scheme was about regeneration; it was not financially or profit driven.

In response to Councillor Bell's points, he said that without the Farm Terrace Allotments the scheme was "just viable" but that once the negative impact of risk factors were included the viability was negative, minus £1.3m, which resulted in a marginal scheme.

He invited the Health Campus Development Director to explain the situation relating to Willow Lane.

The Director advised that the proposal was to use Willow Lane for affordable housing. The Willow Lane site was not as valuable to the Hospital as it was on a slope and the earlier plan of moving down and towards Willow Lane was now not feasible due to the need to rebuild the hospital in phases and the location of a 'surge ward' to the back of WHHT's Acute Assessment Unit. To move down the slope it would have to move south easterly and occupy part of the allotment space.

Professor Hanahoe was invited to address the meeting. He explained that the Trust was a very large organisation catering for over half a million residents and substantial facilities were required to provide an effective service. Following a strategic re-structure of the Trust in 2006 the hospital's performance had improved dramatically particularly in respect of its acute management. The ongoing issue however, was trying to provide a 21<sup>st</sup> century hospital in 19<sup>th</sup> century facilities. When the building of the new Hospital was first proposed it was to be financed through PFI which was no longer available, hence the proposal now to develop the Hospital on a multi phased basis.

The plan included £7M to provide a new road from the motorway direct to the hospital and £3M for a combined heat and power plant. Infrastructure would be provided as needed and car parking underneath buildings. The hospital would, however, require a certain amount of de-canting whilst work was underway and this would not be possible without the facilities to move from one location to another. The footprint of the site without the allotments would make this very difficult and expensive and reduce the amount of flexibility required as the building work was taking place.

He concluded by advising that, once Foundation Trust status was achieved, there would be the facility for the Trust to borrow funds on the open market.

Councillor Dhindsa commented that, in his view, the consultation process had been very poor and patchy. He had attended the sessions and observed that residents had struggled to get the right information. Some information had only been obtained following the submission of a Freedom of Information request. He said that the allotment holders had asked to see the plans but these had not been forthcoming. He had also noted that Cabinet Members did not attend any of these meetings and that only one Cabinet Member had actually visited the site.

The Mayor responded that regular meetings had been held with the allotment holders. She added that there was a difference between listening and agreeing: Whilst it was important to listen to views it was not always possible to act on them.

Councillor Crout advised that anyone who was concerned about the level of consultation should refer to the minutes of the meetings which were very full and demonstrated that residents had had their say.

The Head of Community Services provided details of the number of meetings that had taken place with the allotment holders and stakeholders' group. She added that it had been made clear in the engagement process that there was no final master plan at that stage but that the purpose of the meetings was to ensure their views were fed in.

The Managing Director rebutted Councillor Dhindsa's view about consultation. He referred specifically to an exercise where allotment holders had been given the opportunity to study the proposals and discuss how use of the land could be revised along with the various planning options. Kier had also presented the master plan for discussion at a joint meeting.

The Mayor advised that the actual planning process would be much more detailed and that currently it was an evolving process. She added that the views of the allotment holders had been accounted for throughout.

Councillor Bell referred to the issue of borrowing for the Hospital and the fact that this could not happen until a Foundation Trust was established. He asked when that was likely to be and whether the Council was being asked to fund the NHS.

Professor Hanahoe stressed that this was not the case and that the application for Foundation Trust status was presently with the Department of Health. It was anticipated that this would be received in 2013. He added that the re-phasing of the Hospital and Campus scheme was not dependent on the Hospital achieving Trust status and if it were not achieved the Hospital would seek funding through other routes.

Councillor Rackett commented that it had been said the allotments were needed for financial reasons to make the scheme viable but now they were hearing that they were required for de-canting for the Hospital. He asked what other options would have been considered had the allotments not been available for this purpose.

Professor Hanahoe responded that it would not be possible for other NHS bodies to provide these facilities as there was a limited amount of land. If the allotment land were not available the scheme would be a lot more expensive and difficult to undertake.

In response to a question from Councillor Bell regarding the proportion of health facilities and other provision on the allotment site the Development Director advised that the ratio was 2/5 hospital and 3/5 rest of Campus.

The Managing Director added that whilst safeguarding the provision of a new hospital was crucial so was the rest of the scheme in terms of providing new homes and jobs.

Louise Gaffney advised that whilst re-using the existing structure could have been an option the aim was to develop new modern facilities and plan for the future.

Councillor Khan commented that the Master plan appeared to show houses on the allotment site but that Professor Hanahoe had now referred to its use for de-canting. He asked whether other land could be used for housing, such as the depot.

The Development Director explained that they were seeking to deliver a scheme for the Campus which was viable, well designed and fit for purpose. For example, they wanted a mix of housing - not just flats - and sustainable infrastructure and green space as recognised in the Council's Core Strategy.

Councillor Sharpe (Portfolio Holder for Planning) responded to the Councillor's question about other sites, specifically the Depot. The Depot was currently used for the refuse collection service so a replacement site would have to be found if this area were used for housing. The Council had used derelict sites for housing but there was not much land still available. He added that not developing housing as part of the Health Campus would compromise its viability. He also referred to the Council's Core Strategy and the fact that it had always been clear that the Campus site would involve housing. He reminded Members that the proposals had been discussed at the all party Planning Policy Panel.

Councillor Khan responded that the use of the Farm Terrace allotments had not been discussed at the Planning Policy Panel in the context of housing provision.

Councillor Rackett asked whether an independent Environmental Impact Assessment would be carried out to demonstrate that the Council had weighed up all the environmental concerns.

The Development Director confirmed that a full environmental assessment would be procured. He advised that the proposal to include community gardens had come out of the consultation exercise and was intended to enhance the bio diversity of the site.

Councillor Dhindsa spoke about the shortage of homes in Watford but commented that West Watford was already an overdeveloped area. There were problems with car parking, lack of gardens and green space. He considered that there were other sites which could be looked at. He also made the point that Paddock Road was too far for the Farm Terrace Allotment holders to transfer to.

The Mayor responded to Councillor Dhindsa's point about the provision of new housing. She referred to the Core Strategy and said that every ward took its share. Councillor Sharpe reminded the Councillor of a number of sites which the Council had developed in other wards over recent years including Cassio Metro, Willow Grange, Leggatts Campus, Water Board site etc. He added that there had been a series of all Member meetings to discuss the Councils' Planning Policy and it had always been made clear that the Campus site would include housing.

Councillor Meerabux expressed concern about the loss of the Farm Terrace allotments in terms of short and long term health care. He also commented on the

impact on the already declining insect population and on those residents who currently enjoyed a view overlooking the allotments. He stressed that in his view the allotments did have a health care value and once lost they would be gone forever.

The Mayor responded that this was why the provision of an alternative allotment site was important. She added that Watford was overprovided for in terms of allotment provision and that anyone who applied was likely to be allocated one. The Campus site would provide considerably more green space and provide areas which people could actually visit – unlike the allotments which were not used as public open space. Use of the allotments allowed for lesser density and would create a more attractive site for people to live, work and visit.

The Mayor stressed that if the scheme were not viable then Kier would walk away. She accepted that there were still many unanswered questions and that it was incumbent on her to make sure answers were given. She said that following a lot of soul searching she had concluded that using the allotments was the right thing to do, This was a unique, once-in-a-life-time opportunity to create homes, jobs and a new hospital for the town.

The Mayor again reminded Cabinet that these resolutions were being made in principle at this point subject to the discussions in Part B. (minute number 45)

RESOLVED:

that Cabinet:

1. agrees to the Council establishing a limited liability partnership (LLP) LABV, for the purpose of the regeneration of the Health Campus site, subject to the satisfactory conclusion of final negotiations with Kier. The LABV will be set up by the entering into a Members' Agreement under which the LABV will have two members, the Council and Kier, each with an equal 50% interest. It is further recommended:
  - to make a contract award to Kier once any necessary negotiations have concluded and commitments confirmed;
  - to issue standstill letters to both bidders who submitted a Best and Final Offer (BAFO) bid in compliance with the Public Contracts Regulations 2006 notifying them of the decision to award a contract to Kier;
  - that the LLP name to be proposed to Kier for agreement is the Watford Health Campus Partnership; and
  - that provision is made that WHHT, when it is a Foundation Trust, can become a member of the LABV, subject to the terms and conditions being reviewed by the Cabinet at the time of their application.
2. delegates to the Managing Director, in consultation with Portfolio Holder for Property, authority to agree the final form of legal agreements to be entered into by the Council (and by the LABV), including:
  - the Members' Agreement by which the Council and Kier will establish the LABV (including the governance arrangements for the LABV,

- financial arrangements, and business planning process);
  - the Development Agreement between The Council and the LABV by which Campus land will be drawn down for development by the LABV pursuant to the grant of exclusive rights of development to the LABV over Council owned land in the Campus;
  - the Campus Agreement between the LABV, Council and WHHT, by which the participation of WHHT in the Campus development is to be regulated and the joint commissioning and payment of Campus wide infrastructure (primarily the Access and Link Road) dealt with;
  - land equalisation between the Council and WHHT;
  - the Development Management Agreement to be entered into between the LABV and Kier, who will be providing the development management services to the LABV;
  - and all other associated agreements and documents by which the LABV is to be established and the Campus is to be delivered.
3. agrees that the masterplan as described in this report will be the basis for further work of the LABV and a firm foundation for the preparation of the LABV Business Plan. For such a Business Plan to be brought forward to the Cabinet for formal approval in 2013.
  4. authorises the Managing Director to agree the final form of the legal and commercial terms of the drawdown of Growing Places Funding in so far as they are consistent with the terms described in this report.
  5. confirms the appointment of the following Directors of the Partnership Board of the LABV:
    - Managing Director
    - Head of Strategic Finance
    - Head of Planning
  6. delegates to the Managing Director the appointment of Council representatives to the Operations Board of the LABV.
  7. decides that the whole of the Farm Terrace allotment site be appropriated for the Watford Health Campus scheme in view of the considerations and issues outlined within this report and that the relevant application to the Secretary of State for Communities and Local Government is made.
  8. proposes that space is included for community gardens within the amended proposed masterplan to enhance the overall offer of the Campus scheme and to retain the benefits of community gardening on the site.
  9. proceeds with the preferred option to relocate the Farm Terrace allotments. This to include all reasonable measures to enable allotment holders to be able to transfer to a new plot (following discussions with the Council) at the earliest possible opportunity and that the land at Paddock Road being allocated to allotments is formally designated as statutory allotments.



10. directs officers to prepare revised terms of reference for the Farm Terrace Group to work with the council on the details of the relocation including a framework for meeting individual requirements so that like for like re-provision is offered to existing Farm Terrace allotment holders where reasonable and possible to do so.
11. decides that relocation compensation for Farm Terrace allotment holders is offered, at a minimum as required under Section 10 of the 1922 Allotments Act, namely for any crops and manure applied upon the land, the value of manure applied and for disturbance, which equates to one year's rent, as well as allowing the removal of any crops or structures on the plot.
12. recommends to Council that the Council's proposed capital budget for 2013/14 give detailed consideration to provision for the allotment investment strategy.
13. directs the Campus team to work with volunteers from the Farm Terrace group to further develop the community garden concept, and report back to the Cabinet when the revised allotment strategy comes forward for agreement.
14. notes the conclusion from the Equality Impact Analysis (Appendix G).

ACTION: Health Campus Development Director

#### **44. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED:

that, under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of the item there would have been disclosure to them of exempt information as defined in Section 100(1) of the Act for the reasons stated in the reports.

#### **45. UPDATE ON WATFORD HEALTH CAMPUS (PART B REPORT)**

Cabinet received a report of the Health Campus Development Director providing further details on the commercial, legal and financial arrangements and an overview of the main areas that required work up to and after financial close that may affect the masterplan and/or financial viability.

The report also covered the funding of the site wide infrastructure and the land equalisation relationship with West Hertfordshire Hospitals NHS Trust (WHHT).

The Managing Director and the Health Campus Development Director responded to number of questions from Cabinet and non Cabinet Member present at the meeting.

RESOLVED

1. that Cabinet endorses the recommendations in the Part A report in light of the information within this report.
2. that the recommendations as set out in the Part B report be agreed.

ACTION: Health Campus Development Director

# CALL-IN OF EXECUTIVE DECISIONS

To: Head of Legal and Property Services

We the undersigned call-in the following key decision:-

Title: Item 43 and the Report recommending the setting up a Joint Venture finance Vehicle with Kier and the inclusion of the 'Farm Terrace allotments' into the Health Campus.

Date Decision taken 03/12/12

Reason for Call-In:

(e.g. cost/consultation/policy/lack of clarity/other options)

Please feel free to state reasons more fully on the back of this form

To question the Cabinet decision that Farm Terrace should be included to make the Campus viable.

To question why alternative sites other than Farm Terrace were not explored and recommended?

In the light of the Government's autumn statement to ask that 'PFI 2' be investigated for funding for the Health Campus.

To question the consultation process as members of the Farm Terrace Group and others complained about the information or lack of it that they were given.

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**NB:** If no reasons are given the Overview and Scrutiny Committee WILL NOT consider your request for call-in

Signed: 1. Councillor Nigel Bell

2. Councillor Jagtar Singh Dhindsa

3. Councillor Mo Mills

Date: 10/12/12

**Note:** Call-In does not include

- Urgent decisions of the Cabinet
- Decisions referred by the Cabinet to Council
- Decisions previously Called-In

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**PROCEDURE FOR DEALING WITH CALL-IN BY THE  
OVERVIEW AND SCRUTINY COMMITTEE**

The protocol for dealing with call-in was agreed by the Co-ordination & Call-in Committee at its meeting on 10 July 2002 and amended by Council at its meeting on 19 July 2006. Following Council's agreement to a revised scrutiny structure at Annual Council on 25 May 2011, call-ins are considered at Overview and Scrutiny Committee. It was agreed that as a convention the Vice-Chair, a member of the opposition, would chair this part of the meeting, or in his/her absence another member of the opposition on Overview and Scrutiny Committee.

The following procedure will be adopted at the meetings where a call-in decision is being considered.

- The Member who requested the call-in to present their case (including if they have already given advance notice any members of the public to speak if appropriate).
- The Scrutiny Committee and the Mayor/portfolio holder or officer whose decision is being questioned can ask questions of the Members requesting the call-in.
- The Mayor/portfolio holder/ officer to present the case for the Cabinet to explain the reason behind the decision.
- The Scrutiny Committee and the Member requesting the call-in can then question the Mayor/portfolio holder/ officer.
- The Scrutiny Committee will then deliberate and make its decision.
- If the Scrutiny Committee ratifies the Cabinet decision it can be implemented immediately.
- If the Scrutiny Committee decides to refer the decision back to Cabinet for re-consideration it will be required to send written notice of the reasons to the Head of Legal and Property Services within 3 working days of the meeting who will forward it to the original decision taker and the Mayor.
- Cabinet must give not less than 7 working days notice to the Head of Legal and Property Services and the Chair and Vice-Chair of Overview and Scrutiny Committee of the date and time it intends to re-consider its decision.
- Any member of the Overview and Scrutiny Committee is entitled to attend the meeting at which Cabinet re-considers the decision, unless they have a personal and prejudicial interest in the matter being discussed.
- Cabinet will be free to take whatever decision it sees fit on re-consideration and the decision will not be open for further call-in except as provided in the Overview and Scrutiny Procedure Rules, paragraphs 13.11 – 13.17 of the Constitution (page DVi7/8).
- A member who has a personal and prejudicial interest in the matter being called in will not be able to be a party to the call-in request, neither will they be able to participate in the call-in meeting.

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