



**Report To:** Henry Bingham - Portfolio Holder for Assets and Strategic Planning

**Date:** 29 November 2024

**Subject:** River Welland Lease Spalding town centre

**Purpose:** Decision to enter into Regulating Lease with Crown Estate in order to provide habitat improvement areas on the River Welland

**Key Decision:** No

**Portfolio Holder:** Henry Bingham – Portfolio Holder for Assets and Strategic Planning

**Report Of:** Andy Fisher - Deputy Chief Executive, Programme Delivery and Assistant Director, General Fund Assets

**Report Author:** John Mullen, External Funding Officer

**Ward(s) Affected:** Spalding Castle and Spalding St John's

**Exempt Report:** No

### Summary

Spalding river channel within the town centre area provides an opportunity to install habitat improvements for flora and fauna that provide both improved bio-diverse habitat and create visual enhancements to an area of the river channel neglected over time. In order to provide the lead partner capacity to deliver improvements, the custodians of the river estate (the Crown Estate) have requested that the Council enter a lease agreement to provide requisite terms for the project to be taken forward and set the terms over a 10-year period for the project to be in place.

### Recommendations

1. Approve the Council entering into a Lease with the Crown Estate in order to provide agreed terms for East Mercia Rivers Trust to install habitat improvements on the River Welland at Spalding.
2. Delegate to the Deputy Chief Executive, Programme Delivery and Assistant Director, General Fund Assets to agree a suitable and sufficient Lease with the Crown Estate

that enables the improvements to be undertaken whilst protecting the Council's position.

### **Reasons for Recommendations**

The project sits under a Council-led partnership responsible for overseeing the town centre improvements in Spalding with the river enhancement project being a key part of this programme of works.

The lease provides Council with the legal right to install environmental improvements to the river Welland at Spalding on behalf of a wider partnership funded by the National Lottery Heritage Fund. The draft terms of the lease have been negotiated and in principle agreement reached for this project to proceed and therefore also retain external grant funding that is approved to support the scheme through the delivery and management phase via East Merica Rivers Trust.

### **Other Options Considered**

Do nothing – Under this option, the riverside improvements will not proceed. The Crown Estate has placed a requirement on the Council to enter to a regulation lease on the land upon which the biodiversity improvements will take place, in order for the project to proceed. Under this option, the funding of circa £20,000 provided by the National Lottery Heritage Fund for the project would be returned to the funder.

## **1. Background**

- 1.1 A key aim of the Council led Spalding Town Centre Improvement Programme (TCIP) approach has been to utilise external funds and working in and with partnerships to support projects that will provide built and natural public realm improvements within Spalding Town Centre. The Spalding Reconnected: Historic Town and Riverside project is grant funded by National Lottery Heritage Fund, and is an example of one such project, where a range of partners have come together to deliver benefits that sit under the Council's ambition to effect change in the town through enhancement and improvement of key infrastructure. The river Welland habitat improvement project falls within the overall programme of projects and seeks to provide natural habitat installations along the river channel currently within the ownership of the Crown Estate.
- 1.2 In order to gain permissions from Crown Estate (who are the current custodians of the river estate at Spalding) and to be in a position to achieve delivery of this project, the Crown Estate have placed a requirement on the Council to enter to a regulation lease on the land upon which the biodiversity improvements will take place. All other options have been explored, but a regulation lease is the only option acceptable to the Crown Estate. The Lease agreement has been drafted and draft terms agreed for the Council to provide the legal right for partner bodies to enter onto the river estate and install habitat improvements.

## **2. Report**

- 2.1 The report seeks formal agreement enter into a Regulating Lease between the Council and the Crown Estate, to provide for the current and future habitat improvement activity on the River Welland. It also provides for East Mercia Rivers Trust as a Spalding Reconnected Project partnership organisation to enter onto the river Welland to install flora habitat as part of the Spalding Reconnected project. The river Welland at Spalding Town centre is under the stewardship of the Crown Estate.
- 2.2 The River Welland improvement scheme developed as a project by the East Mercia Rivers Trust working alongside the Environment Agency is grant funded via the National Lottery Heritage Fund. It is being delivered on under and on behalf of the Spalding Reconnected partnership programme. The Crown Estate have requested that the project is underpinned by the terms of a lease in order to set out both the practicalities of delivering the scheme on Crown Estate property and the future basic terms for the Council working in partnership to ensure the project is supported throughout the lifespan of the lease. This is the only approach that the Crown Estate is prepared to consider in order to enable the necessary activity to take place on their land.
- 2.3 The Councils Strategic Property Manager and legal advisors have negotiated the final detail of the lease to provide the terms of the lease to provide sufficient legal cover to agree the activities relating to installation of bio-diverse materials and plants to improve habitat and encourage a more green and pleasant environment for the town and its visitors.

## **3. Conclusion**

- 3.1. The proposed lease and agreement of terms will allow for Council to work with partnership bodies to ensure delivery of the River Welland habitat enhancements. The recommendation to provide authority for Council to enter into a Lease with the Crown Estate supports the partnership work that has been forged with the East Mercia Rivers Trust and Environment Agency, and enables it to effect the works in order to support improvement projects for the town centre and riverside in Spalding under the National Lottery Heritage Funded Scheme.
- 3.2. In order to safeguard the delivery of the project, coupled with the external funding which is supporting the project, it is recommended that the report recommendations are approved.

## **Implications**

### **South and East Lincolnshire Councils Partnership**

The Spalding Reconnected Project support the wider SELCPs Sub Regional Strategy, especially in respect of support the environment and supporting the vibrancy of our market towns. River enhancements to the River Welland will support the visual appeal and vibrancy of Spalding, including its town centre. Enhancing the river Welland in Spalding is a consistent theme of public engagement within the town.

### **Corporate Priorities**

The Spalding Reconnected Project support the wider SELCPs Sub Regional Strategy, especially in respect of support the environment and supporting the vibrancy of our market towns. River enhancements to the River Welland will support the visual appeal and vibrancy of Spalding, including its town centre. Enhancing the river Welland in Spalding is a consistent theme of public engagement within the town.

### **Staffing**

None

### **Workforce Capacity Implications**

None

### **Constitutional and Legal Implications**

The report will see the authority enter into a regulating lease with the Crown Estate, in order to enable access to land where the East Mercia Rivers Trust will seek to install biodiversity enhancements into the river sidings. These are in the form of 'coir roll habitats which will grow to provide additional flora. The Council are aware that the lease implications under the reinstatement clause with the Crown Estate require the Council to return any work carried out on the Riverbank to previous condition. This is a minimal risk and is very unlikely to require any remedial work but nonetheless, remains a risk for the authority should the Crown Estate flag that any reinstatement work is required

### **Data Protection**

None

### **Financial**

None

### **Risk Management**

The risks associated with the authority entering into the proposed lease are set out above.

### **Stakeholder / Consultation / Timescales**

The river improvement scheme forms part of a wider partnership project: Spalding Reconnected, that seeks to reconnect the built and natural heritage of the town to the river and encourage pride in both. The Project Board and wider Project Advisory Board have been supporting with stakeholder input and advice on projects that fall within the Spalding Reconnected scheme being led by South Holland District Council. The East Mercia Rivers

Trust have been engaging with local schools and volunteer groups to deliver projects that support the river habitat and to therefore to achieve the projects aims. The Spalding Reconnected Project is supported by National Lottery Heritage Fund and as such agrees to specific timescales for projects to deliver to in order meet funding guidelines.

### **Reputation**

None

### **Contracts**

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### **Crime and Disorder**

None

### **Equality and Diversity / Human Rights / Safeguarding**

None

### **Health and Wellbeing**

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### **Climate Change and Environmental Implications**

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### **Acronyms**

None

### **Appendices**

Appendix 1 Images of Coir rolls in position

None

### **Background Papers**

*No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report*

### **Chronological History of this Report**

*A report on this item has not been previously considered by a Council body'*

### **Report Approval**

Report author: John Mullen, John.mullen@sholland.gov.uk

Signed off by: Andy Fisher, DCEX Assets

Approved for publication: Cllr Henry Bingham, PFH Assets