

RURAL, ECONOMIC & ENVIRONMENTAL AFFAIRS COMMITTEE

11th JANUARY 2017

REPORT OF HEAD OF CENTRAL SERVICES AND HEAD OF REGULATORY SERVICES

REQUEST FOR ACCESS TO THE COUNTRY PARK

1.0 PURPOSE OF REPORT

- 1.1 To provide Members with an update on the request from Persimmon Homes for footpath access from their new housing estate off Scalford Road, Melton Mowbray into the Country Park.
- 1.2 For Members to consider what policies the Council should adopt for such requests for access into the Country Park.

2.0 RECOMMENDATIONS

2.1 That the Committee:

- (i) Notes the findings of the report (Appendix B) and instructs that the developers are informed of its preferred option, (Option 1b)**
- (ii) Notes the further work being carried out to identify the best locations for future access points to the Country Park**

3.0 BACKGROUND

- 3.1 The Council granted planning permission to Persimmon Homes North Midland on 30th January 2014 for the Scalford Road, Lodge Farm development. The development includes 91 dwellings of which 36 are affordable homes. The approved plans include a pedestrian link up to the boundary of the Country Park at the East of the Site as shown on the site Plan attached as Appendix A. The plans also show construction of balancing ponds in the east part of the site alongside the footpath.
- 3.2 The Planning Permission anticipated **potential** for access being created to link the new development and the Country Park, however it does not require nor give any assurance that the connection would be acceptable, or suggest that permission would be forthcoming to make such a connection, nor does it give any details on the specification or the proposed link into the Country park.
- 3.3 The Council has received approaches from residents who had purchased properties on the new Persimmon Estate with an understanding that the footpath would link into the Park. They were concerned that the link had not been created and they do not have access into the Country Park. They have been informed that Persimmon have only recently (2016) made an approach to the Council to provide access.
- 3.4 At a Friends of the Country Park meeting on the 10th March 2016 several concerns were raised about the issues of gaining direct access from the estate into the park, there was by this point in time a gap at the park end of the estate that appeared to encourage attempts to access the park at an unauthorised point where important

woodland vegetation and wildlife were being disturbed. This has subsequently been fenced off.

3.5 The area has been surveyed by an independent ecologist to consider the optimum route for such a connection to be made, areas to be avoided and any provisions that need to be made to facilitate a favoured route. These are included in a report attached as Appendix B. The preferred option is considered to be a route running east from the end of Persimmon's development, which would cross a field (in third party ownership) and enter the Country Park at a wooded area, where it would link to an existing informal path network.

3.6 It is recommended that this route is promoted to Persimmon on the provisos that:

- The rights to cross the third party field is agreed with the party concerned by the developer
- All of the measures described in the ecologists report are carried out
- An annual sum is paid to the Council for providing this access onto the Country Park .

3.7 As Members are aware, the Melton Local Plan (Pre Submission draft) proposes housing on 3 sides of the Country Park and applications in this vicinity. It is anticipated that similar requests for access will be made and, from a planning perspective, this is considered to be good practice which complies with the NPPF (access to leisure facilities and healthy lifestyle opportunities). With this in mind a report similar in terms to that commissioned for Persimmon has been commissioned for the wider Country Park seeking advice on:

- The impact on biodiversity issues of the prospective routes – both directly if a path was to be formed and also if disturbance to wildlife was caused in close proximity to its route
- Whether one route other has significant advantage over other(s)
- The optimum (least harmful) route to follow
- What measures, if any are practical, should be incorporated into a connection in order to prevent or mitigate any harm.

This report will inform future approaches for access and ensure the most valuable biodiversity assets in the Park are protected. It would also result in a limited number of access points, again with a view to minimising disturbance to the Park and its biodiversity value

4.0 **POLICY AND CORPORATE IMPLICATIONS**

4.1 The responsibility for creating and funding the indicated links into the Country Park rests with the developer. The Council will not object to receiving future developer applications for access into the Country Park , however such applications will require the developer to undertake appropriate consultation and prepare suitable feasibility and costings, ecological and safety studies to enable the Council to properly consider the individual merits of any such application.

5.0 **FINANCIAL & OTHER RESOURCE IMPLICATIONS**

5.1 The Council has on this occasion funded an ecological study at a cost of £1000 to identify the optimum route into the Country Park and undertaken consultation with the Friends of the Country Park.

0 **LEGAL IMPLICATIONS/POWERS**

6.1 The Council can grant a wayleave or easement to provide access into the Country Park from adjacent housing developments and a suitable route has been identified for the developer to implement.

6.2 There is no obligation for the Council to create an access into The Country Park. Purchasers on the new Estate who consider that the developer had indicated to them that there would be an access link from the footpath will be advised to raise this matter with the developer/ house builder .

7.0 COMMUNITY SAFETY

7.1 There are no direct links to community safety arising from this report.

8.0 EQUALITIES

8.1 The access would need to be accessible for all including wheelchair users and people with other access issues.

9.0 RISKS

Very High A				
High B		2		
Significant C		3		
Low D		1		
Very Low E				
Almost Impossible F				
	IV Neg- ligible	III Marg- inal	II Critical	I Catast- rophic

Risk No.	Description
1	Complaints from residents on the new housing estate that access to the Country park is being prevented by the Council.
2	The developer decides not to make the connection into the Country park because of costs etc and they have already sold the majority of the properties on the development site.
3	The Council incurs costs in investigating and approving access that is not covered by developers

10.0 CLIMATE CHANGE

10.1 There are no climate change issues directly arising from this report.

11.0 CONSULTATION

11.1 ,Friends of The Country park were consulted on the original proposals.

12.0 **WARDS AFFECTED**

12.1 All wards are affected.

Contact Officer: David Blanchard Corporate Property Officer, Jim Worley Head of Regulatory Services

Date: 24th December 2016

Appendices:

A: map of the area

B: Bio Diversity assessment

Background Documents: