



PLANNING COMMITTEE NORTH

Title of Report:

Woods Meadow Country Park Update

Meeting Date

11 August 2020

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Is the report Open or Exempt?

Open

1. Introduction

- 1.1 Following a request of the Committee, a report was presented to the Planning Committee North meeting on 09 June 2020 providing an update on the S106 Agreement for the Woods Meadow development. Several queries were raised at that meeting and the purpose of this report is to provide a further update in respect of all matters raised and developer responsibilities in respect of the Country Park. One other issue, relating to the former Fat and Bone Factory, was also raised.

2. Introduction and background to the Country Park

- 2.1 The concept of a Woods Meadow Country Park was established in the early 1990 's and a Draft Development Brief for the development was prepared in July 1993. Paragraph 1.3 of the Draft Development Brief states:

The brief covers the 46 acres of the housing allocations H5.1 and H5.2 within the Lowestoft and North Waveney Interim Local Plan (LNWILP). It incorporates 26 acres of additional housing which would be released in connection with the provision of a large country park area to the north (of about 50 acres), giving an overall potential development area of 72 acres in total.

- 2.2 Outline planning permission for a mixed-use development comprising of approximately 800 houses, neighbourhood shopping centre, community hall, primary school, play areas and country park was granted in July 2013 subject to conditions and a S106 Agreement.
- 2.3 The S106 Agreement required the transfer of the Country Park land to the Council prior to the occupation of the first dwelling. However, Phase 1 of the development (246 dwellings) was completed in 2018 without the country park land having been transferred to the Council.
- 2.4 An application for Phase 2 of the development (DC/17/1680/ARM) was submitted in May 2017 and considered by the Planning Committee in November 2017. A decision on the application was deferred as Members expressed concern over the lack of progress and timescales for the transfer of the country park land to the Council as required by the S106 Agreement.
- 2.5 The application returned to Planning Committee in January 2019 as by that time the transfer of the country park land to the Council was nearing completion (the delay was due to land contamination issues which are explained in more detail below). Delegated authority to approve the application was granted subject to the completion of the country park land transfer to the Council and the resolution of surface water drainage issues. The country park land was transferred to the Council in February 2019 and the application was approved in October 2019.

3. Delivery of the Country Park

- 3.1 The Council's Delivery Manager for the Country Park has set out the position as of June 2020 as follows:

Background

- 3.2 The piece of land at Woods Meadow was transferred to Waveney District Council as part of a Section 106 Agreement with Persimmon Homes in February 2019. With the transfer comes a contribution to the development and maintenance of the park for amenity purposes for 10 years.
- 3.3 The transfer has taken a long time to come to fruition due to the issue of an area of former landfill adjacent to the northern boundary of the country park, a small part of which actually encroaches into the country park. The Council's Environmental Health Officer needed to be satisfied that any potentially contaminated land within the country park area could be satisfactorily mitigated before the land was transferred to the council.

- 3.4 A main issue with regards to the former landfill site was whether it was causing or contributing to significant pollution of controlled waters (ie ground water). Persimmon Homes finally completed groundwater monitoring in late 2018 to the standard that Environmental Health could determine that there is no significant contamination in the soil groundwater and that there is no need for remediation.
- 3.5 The second issue concerned soil spreading across much of the country park land by Permission. It was not clear whether this soil was from Phase 1 works or Phase 2 and the Environmental Health Officer required reassurance that there was no soil from a contaminated source on the Country Park land.
- 3.6 Persimmon provided details of the amount of soil spread over the country park land, the amount that came from the Phase 2 land and copies of haulage tickets to show that Phase 1 soil has been transported off site. This information was reviewed by the Environmental Health Officer who was of the view that on balance the evidence provided is sufficient to demonstrate that any contaminated soil has been disposed of elsewhere than the country park. Furthermore, the soils will have been mixed and diluted and it is highly unlikely that any of the soil is not fit for use in the country park.

Size

- 3.7 The transfer of land occurred on the 28 Feb 2019. The title number of the country park land with the Land Registry is SK396495. The value stated as at 4 September 2019 was £104,000.
- 3.8 The S106 from 2013 did not set a size for the country park, although Oulton Parish Council highlight that Persimmon stated this would be 50 acres in initial discussions. The actual size that has been transferred is 48.8 Acres. The Parish Council were subject to discussion on this during the transfer period and were present with a representative from Persimmon when the park was measured out. There is, however, a chance that more land could be transferred over, as Persimmon and Suffolk County Council are in disagreement about the boundary land at the school, leaving a strip of no-man's land adjacent to the country park that could come over to ESC (**attachment A**).

Footpaths, Cycleways and Fencing

- 3.9 Footpath 7 crosses the country park. Persimmon Homes are currently putting in a diversion order to move this and it is important to note that they should not carry out any permanent building work over the routes of the existing footpaths until the public path diversion order has been made, confirmed and has taken effect. (**see attachment B for layout**)
- 3.10 ESC cannot make any progress on this public path order until up to date application form have been received from Persimmon, which has not yet been forthcoming.
- 3.11 The issue of the cycle lane was subject to a meeting between officers and Persimmon earlier this year. The cycle lane is going ahead with its original route

where it is adjacent to the phase 2 inside the Park but will then run inside the phase 3 development to avoid detracting further from the park.

- 3.12 County are also keen to use their S106 funding to create a cycleway below the country park, to join with Mobbs Way.
- 3.13 Fences have now been installed delineating the Parks southern boundary, eastern boundary and around the Soakaway. It was noted that Persimmon Homes did not co-operate in moving their heras fence so the fence on southern boundary could not be completed, due to the security style bolts on the fence. An update on 9th July from Persimmon notes that more co-operation has been forthcoming and they are now working with the country park warden to move the fencing.

Management of the Park

- 3.14 Waveney Norse entered into a ten-year agreement to take over the management of the country park through their countryside ranger team. A dedicated staff member (Countryside Officer) works part time to manage the park and carry out a range of duties to ensure its upkeep (from July 2019). Ringfenced monies are available for staffing, grass cutting, general maintenance and any development works, such as tree planting and footpath building.

The KPIs for the management of the park include:

- Ongoing community consultation and communication with the parish council, local school and local residents – including attending meetings, providing updates and holding / attending events, writing articles for newsletters and any other relevant reports.
- Develop a management plan for the park from the initial community consultation and undertake the development of the site from this plan
- Maintenance of the open space for amenity land
- Identification and recording of species on the site and seek to protect any red-book species
- Ensure that H&S is adhered to
- Carry out visitor satisfaction surveys etc, monitor visitor numbers and types of usage
- Ensuring that any reports are written and issues highlighted with the correct procedures
- Set up and manage a volunteer scheme for the park

- Create and maintain the agreed footpaths and signage infrastructure
- 3.15 Some of the issues that Members raised at the Planning Committee meeting on 9 June 2020 are addressed in this briefing note. Further comment from officers in response to issues raised are as follows:

4. Notification of the transfer of the Country Park land

- 4.1 The minutes of the November 2019 meeting state, in part, the following:

The Committee supported the proposal that the developer should not commence works until the country park land had been transferred and it was important to make sure the Parish and County Councils were aware when the transfer had taken place.

The Planning Development Manager confirmed that the recommendation in the report advised approval once the delivery of the country park had been satisfactorily resolved. She confirmed that all Planning Committee Members could be advised when the transfer document had been signed.

- 4.2 As will be noted above the Parish Council were involved in discussions prior to the transfer. The Countryside Officer has advised officers as follows:

I have ensured that Oulton Parish Council has been made aware of any developments re. the Park that I know of.

- 4.3 The Council's Delivery Manager has provided the following additional comments on this matter:

Oulton Parish Council were kept in the loop through the process during my involvement in the transfer, knew as soon as it had transferred and indeed took part in the staking out of the site. Since we now own the park, the Countryside Officer has done a sterling job in informing both the PC and local residents of what's happening.

- 4.4 However, officers acknowledge that Planning Committee Members were not advised when the transfer had taken place. Legal matters associated with the transfer of the land did take longer to resolve than was originally envisaged. Officers can therefore only apologise to Members for failing to notify them when the transfer had been completed.

5. Size of the country park

- 5.1 Officers have looked carefully at the size of the country park and based on the land transfer plan, the area that has been transferred to the Council amounts to some 48.8 acres. Whilst it is acknowledged that this is below the 50 acres that was originally expected there is no breach of the S106 Agreement. As noted above, the S106 Agreement from 2013 does not set a size for the country park but refers to an

area outlined on a plan “or such smaller area as may be agreed by the District Council”. The country park is largely in accordance with the plan in the S106 Agreement. Furthermore, there is no breach of the outline planning permission as this also does not specify a size for the country park.

- 5.2 It is also considered that the size of the country park is in general conformity with the guidance in the Draft Development Brief 1993 which stipulates an area of about 50 acres (see above).
- 5.3 Notwithstanding the above it is likely that the final size of the country park will be closer to the expected 50 acres for the following reasons:
- 5.4 Firstly, there is some 0.75 acres of land immediately to the south of the country park and adjacent to the primary school intended as a community resource car park serving both the country park and the community centre. The primary school will also be free to use it for drop offs. The Council has not yet taken ownership of this car park but will do when the road to it is complete and formally adopted by the Highway Authority. As this carpark will be ancillary to the country park it is considered reasonable to include it in the overall size of the country park. The carpark will come under a car park order allowing 4 hours of free parking for anyone.
- 5.5 Secondly, as will be noted above, there is a chance that approximately 0.1 acres of land adjacent to the primary school could be transferred to ESC (see attachment A).
- 5.6 The additional carpark land and strip alongside the school would take the overall country park area to approximately 49.5 acres.

6. Pegging out of the Country park

- 6.1 With regards to the pegging out of the country park the Countryside Officer has confirmed:

The sites borders are well defined by other property, footpaths etc. The site was pegged out along the border with phase2 and phase 3 Persimmons developments and the area set aside for the Community Centre.

- 6.2 However, as noted above in the Delivery Managers comments (para 3.13), Persimmon Homes have not yet removed some of the security fencing although Persimmon are working with the country park warden to move the fencing.

Update 14 July 2020: Persimmon Homes have confirmed that the heras fencing has been removed which will allow the warden to complete the fencing along the southern boundary of the country park.

7. Concern that the Country Park is being eroded at the edges

- 7.1 The approved layout plan for phase 2 of the development shows a cycle path running in an east-west direction immediately to the north of the housing and curving up into the southernmost part of the country park (**see Attachment C**). The cycle path is critical for connectivity to not only country park itself but the primary school and beyond. Cycle paths are features that are not uncommon within parks and can help to encourage visitors and enhance their experience of them.
- 7.2 As will be noted above Footpath 7 has to be diverted through the country park. Initially this was to have been delineated as a mown grass route. However, to aid accessibility into the country park Persimmon Homes have agreed to provide a hard surface along the entire length of this route. Suffolk County Council Public Rights of Way have confirmed that Persimmon have included a hard surface in their diversion application.
- 7.3 Such a hard surface path will aid accessibility into the country park for wheelchair users and less mobile visitors who otherwise may not have been able to visit. This is an enhanced provision that was not originally envisaged by the Countryside Officer and which is considered to compensate for the slight encroachment of the cycle path into the country park, notwithstanding the fact that the route of the cycle path within the country park is approved.

8. Site of the former Fat and Bone Factory

- 8.1 There are known land contamination issues at the site including large volumes of buried fat and there is a condition on the outline planning permission requiring the submission of a detailed remediation method statement prior to any development on the site. To date Persimmon Homes have carried out significant investigation of the site to further characterise and delineate the contamination present. However, a detailed RMS has yet to be submitted. Until the detailed RMS is submitted and agreed by the Environmental Protection Officer no development on this site can place and Persimmon Homes are aware of this.

9. Conclusion

- 9.1 The Country Park land was transferred to the Council in February last year and since July last year good progress has been made on its implementation. A Countryside Officer works part time to manage the park and carry out a range of duties to ensure its upkeep. The management of the country park will be an ongoing project in consultation with the local community. Key objectives include the creation and maintenance of a welcoming country park that is accessible by all and to transform the arable land into biologically diverse habitats creating an oasis for wildlife.

- 9.2 The expectation from the 1993 Draft Development Brief was that the size of the country park would be approximately 50 acres although this was not stipulated in either the S106 Agreement or the 2013 outline planning permission. The actual size has been calculated as some 48.8 acres although it is possible that the Council will acquire additional land in the future.
- 9.3 Fencing has recently been installed along the southern boundary of the country park. The land is now in the ownership of the Council and a dedicated Countryside Officer in post which will enable the country park to evolve over time into an informal open space that will be of benefit to the welfare and health of local residents and visitors alike.

RECOMMENDATION

That the report be received.

APPENDICES

Appendix A	Left over land
Appendix B	PRoW Amendments
Appendix C	Phase 2 Approved Layout

BACKGROUND PAPERS

See Planning Application reference DC/01/0977/OUT