

Committee:	Cabinet	Date:
Title:	Requests for s106 funding for footway improvements, Stansted Mountfitchet	Thursday, 10 January 2019
Portfolio Holder:	Portfolio Holder for Environmental Services	
Report Author:	Jeremy Pine, Planning Policy/Development Management Liaison Officer jpine@uttlesford.gov.uk	Key decision: N

Summary

1. This report is about two requests for the use of S106 funding for footway improvements in the parish of Stansted Mountfitchet.
 - Essex Wildlife Trust wishes to provide an all year round accessible lakeside path at the Aubrey Buxton Nature Reserve, which is located north of Stansted Mountfitchet.
 - Stansted Mountfitchet Parish Council wishes to resurface the public right of way which runs along the western boundary of Foresthall Park from Foresthall Road to Stoney Common.
2. The Trust advises that increases in visitor numbers have worn the existing pathways, making them inaccessible at times and having a detrimental effect on neighbouring pond habitats. The Trust puts part of the increase in patronage down to local housing growth, and needs £9,500 to undertake the work.
3. The Parish Council has taken on the responsibility for maintaining the right of way. The public right of way is used by schoolchildren and commuters, but the surface is currently bare earth and becomes impassable in the wet and in winter months. The Parish Council needs £11,977.20 for a local contractor to undertake the work.
4. In both cases, the money would be drawn from the remaining community facilities pot associated with Foresthall Park, which currently stands at about £41,000. The Trust's request was withdrawn from an earlier Cabinet agenda so that local member consultation could be carried out. This has now been done. Local members have also been consulted on the Parish Council's request.

Recommendations

5. Following local member consultation, Cabinet is recommended to approve the release of £11,977.20 to Stansted Mountfitchet Parish Council from S106 funds to secure the improvement works to the Foresthall Park right of way.
6. Following local member consultation, Cabinet is recommended not to approve the request from Essex Wildlife Trust. The Council should assist the Trust in identifying other possible sources of funding.

Financial Implications

7. The funding requested will be drawn from ring fenced funds available for this purpose. There are no other financial implications arising from this report.

Background Papers

8. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Letter from the Essex Wildlife Trust to UDC Planning dated 22/03/18 plus updated budget and funding breakdown.

Email and enclosures from Stansted Mountfitchet Parish Council dated 12/07/18.

Impact

- 9.

Communication/Consultation	Consultation with local members has been carried out.
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	The S106 agreement sets out the Council's obligations.
Sustainability	An all year round accessible path would improve the Reserve's habitat, particularly for pushchair and wheelchair users. The improvements to the Foresthall Park right of way would make it more usable during inclement weather.

Ward-specific impacts	Improved nature reserve facilities and footways in Stansted Mountfitchet.
Workforce/Workplace	N/A

Situation

Essex Wildlife Trust

10. The Aubrey Buxton Nature Reserve was originally the pleasure park to Norman House, and is 24 acres in extent. It has 6 ponds in total, woodland and wildflower meadows. The Reserve was donated to the Trust in 1976.

11. A recent increase in visitor numbers is putting strain on the existing pathways, which are becoming extremely worn, muddy and sometimes inaccessible. In winter, visitors try to walk around the muddy areas and the increasingly exposed tree roots, exacerbating the problem.

12. This project would provide a hardened surface with boardwalk in places to avoid further tree root damage. The path would be 363m in length, with sections being re-routed to take visitors and dogs away from areas at most risk from disturbance.

13. The Trust has advised that it would try to fund a project such as this from landfill community tax funding, but as there are no landfill sites in the vicinity there is no eligibility in this instance. The Trust has also approached a number of private grant-making Trusts whose charitable objectives are most relevant to this project. The Trust has received two positive replies (see below), but these do not cover the total funding required for the project.

14. The Trust has recently secured contributions of £5,000 from the Banister Charitable Trust and £2,000 from the Stansted Airport Community Fund, although the latter has to be spent within a year. The Trust's request is for the release of £9,500 of S106 funds from the remaining community facilities pot at Foresthall Park in order to fill the current funding gap. A cost breakdown has been provided by the Trust, which provides for project consultancy work, excavation and levelling works and the laying of all-weather surfaces.

15. Whilst this is a worthy project, local member consultation has resulted in concerns that the site is remote from Foresthall Park (about 2km away) and suggestions that the Trust is well-resourced. As only limited funding remains

in the pot, there are further concerns that this project should not be a priority. Accordingly, it is recommended that Cabinet does not approve the release of £9,500 from the community facilities pot at Foresthall Park to fund the works. It is further recommended that the Council should assist the Trust in identifying other possible sources of funding.

Stansted Mountfitchet Parish Council

16. The Parish Council has taken over maintenance of this right of way, which runs down the west side of Foresthall Park north from Foresthall Road to Stoney Common. The current surface is un-made and becomes impassable in wet conditions and in winter. The Parish Council states that the right of way is used locally by schoolchildren and commuters.

17. The Parish Council has obtained two very similar quotes for the necessary work, which would involve surface scraping and resurfacing in layers consisting of crushed concrete and dust fines. The work would be carried out to a length of 610m and a width of 1m.

18. This is also a worthy project, for which there is support following local consultation. The consultation raised a concern that the right of way would not be resurfaced to its entire current width (1.6m), making it difficult for people to walk side-by-side or to pass each other. There was a further concern that bare earth remaining at the side of the right of way could result in eventual vegetation encroachment. These concerns have been put to the Parish Council, which has replied saying that the route of the path is not straight and varies in width along its length. The Parish Council does not think that it would be appropriate for a rural path to have wooden edging. The Parish Council's contractor has surveyed the existing path and has confirmed that the specified path is achievable without any problems. It is recommended that Cabinet approves the release of £11,977.20 from the community facilities pot at Foresthall Park to fund the works.

Risk Analysis

19.

Risk	Likelihood	Impact	Mitigating actions
None	None	None	None

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.