

REPORT TO THE MEETING OF THE EXECUTIVE

PORTFOLIO: ENVIRONMENT

REPORT FROM THE HEAD OF ENVIRONMENTAL SERVICES

**SUBJECT: CHERRY ORCHARD JUBILEE COUNTRY PARK –
PHASE 2 DEVELOPMENT**

1 DECISION BEING RECOMMENDED

- 1.1 To approve the initial stage of phase 2 of the proposed development of Cherry Orchard Jubilee Country Park. These works are detailed in appendix A of this report.
- 1.2 To approve the Supplementary Estimate for the Capital Programme of £36,300 for 2008/09 and recommend additional items in the Capital Programme of £100,700 in 2009/10 and £78,500 in 2010/11.
- 1.3 Members' views are invited on the long-term proposals for the re-development of the park. In particular:-
 - The use of a limited part of the land subject to an agricultural tenancy for the grazing of cattle.
 - The construction of a visitor centre, toilet facilities, car park and highway access.

2 FORWARD PLAN REFERENCE No: 13/08

3 REASONS FOR RECOMMENDATION

- 3.1 In March 2000, Council approved the business plan for the creation of a country park in the Roach Valley. The identified objectives were to create a countryside experience that would:-
 - Provide access to the whole of the site for all sections of the community, but especially for those groups with accessibility issues.
 - Retain the open space and natural contour of the land.
 - Remove the intensive agriculture from the Valley.
 - Increase the ecological importance and biodiversity of the site in a managed way.
- 3.2 The Council purchased 100 acres of arable farmland in the Roach Valley in 2002, adjacent to Blatches Farm. Over the next five years the site has started to become an established country park with six new woodlands, a lake, bridleways and open meadows with an abundance of wildlife throughout.

- 3.3 On 7 November 2007 the Executive Board authorised the purchase of land to the east and west of the existing Park, if necessary by compulsory purchase. Further land acquisitions were subsequently authorised, including New England Wood, an ancient semi-natural woodland.
- 3.4 On 23 April 2008, the Executive Board authorised the Head of Legal Services to negotiate an agricultural tenancy on two fields to the south of the park. The precise nature of the future agricultural activity has yet to be determined, but is discussed in this report.

CURRENT SITUATION

- 3.5 The compulsory purchase of the land to the east and west of the existing park was considered at a Public Inquiry on 12 August. The only relevant objection considered was that made by a gun club, those objections previously made by the land owners having been withdrawn. On 17 October the Secretary of State confirmed these Compulsory Purchase Orders without modification.
- 3.6 The land to the west of the existing park, including New England Wood, is now in Council ownership. At the time of writing this report, the Head of Legal Services advises that considerable progress has been made with the acquisition of the land to the east, adjacent to Cherry Orchard Way. Exchange of contracts took place on 6 November and completion is set to take place on 19 November.
- 3.7 The Head of Legal Services is in the process of negotiating the agricultural tenancies.
- 3.8 These acquisitions will bring the total area of the park to over 230 acres (93 hectares) and will allow for the required vehicular access, car park and visitor facilities, together with considerably more capacity for the open space to cope with the eventual expected visitor numbers. Many of the proposed infrastructure works identified in this report can only be achieved with external funding over a period.
- 3.9 In developing the final proposals, officers have been mindful of the public consultation undertaken last summer in *Rochford District Matters* and on our Website. Members may recall that these results were presented last year. Officers have recently completed a further round of consultation with Area Committees, having refined the proposals for specific areas within the park.
- 3.10 It is suggested that the basic sequential order for the next stages of this development should be as follows:-
- Safety and security works
 - Groundwork and site preparation
 - Tree planting and habitat creation

- Engineering works and wetland creation
 - 1st stage low impact facilities (orchard creation, picnic area, etc.)
 - 2nd stage low impact facilities (way-marked surfaced routes, information boards, benches, etc.)
 - 1st stage high impact facilities (road access and car park)
 - 2nd stage high impact facilities (visitor centre and toilets)
- 3.11 The exact timing and design of each area will be finalised as the development proceeds; flexibility must be retained to reflect the availability of external funding.

INITIAL STAGE

- 3.12 Between November 2008 and March 2010 it is proposed to undertake the following works:-
- Both areas east and west will be cleared of all dumped materials.
 - Access to each area secured and all boundaries (where necessary) reinstated, controlled and protected.
 - All vegetation in both areas will be cut to ground level.
 - Both areas will be ploughed, harrowed and disc rolled.
 - Three sections of hedgerow in land to the east will be removed.
 - Sections of three field boundaries on the land to the east will be re-graded to allow visitor access.
 - All trees on or adjacent to both areas inspected and all potential dangerous/hazard trees removed.
 - The stream will be cleared of all blockages and vegetation encroachment, where required.
 - The site preparation, fencing and subsequent planting of 7 new woodlands throughout the park (see attached drawings at Appendix A), a total of 36,000 trees, (the biggest single planting project of its type in Essex this winter).
 - Ditch clearance/reinstatement, where required.

- Mowing regime on self sown areas to establish species rich meadows/grasslands (ongoing for the five-year period).
 - An organic grazing pasture will be established.
 - The construction of service compound.
- 3.13 A project plan covering the next two financial years is shown in Appendix A, together with estimated costs. Members' views are sought on these proposals.
- 3.14 The tree planting proposed, as part of the initial works, will be fully funded from grant aid comprising grants from the Forestry Commission and the Essex Community Foundation. The acceptance of these grants has already been approved by the Portfolio Holder for Environment.
- 3.15 Community tree planting events have been arranged to celebrate our new land acquisition. The events on 27 and 28 November will be attended by local schools and those events on Sunday, 30 November and Sunday, 14 December will be open to the public.
- 3.16 The opportunity will also be taken to update our information brochures, publicity material and signage in order to promote the access points and existing car parking facilities. These include access via Edwards Hall Park and Blatches Chase.

FUTURE DEVELOPMENT

- 3.17 The future proposals for the country park are shown in Appendix B. This includes the creation of a wetland habitat on land to the west of the existing park. Officers are currently investigating the availability of grant aid from the Environment Agency to fund this work.
- 3.18 As discussed earlier, the provision of the high impact facilities cannot be achieved without external funding. It is anticipated that these will include the vehicular access from the B1013, car park, visitor centre and toilet facilities.
- 3.19 A condition attached to the Change of Use planning consent requires a ghosted right turn be provided for any access from the B1013. (Estimated cost £250,000) Recently, however, the Highway Authority has agreed to reduce its requirement to a left-in, left-out arrangement. (Estimated cost of £130,000.) The provision of a car park is estimated at £85,000.
- 3.20 There is every prospect, however, that vehicular access can be secured through the Joint Area Action Plan (JAAP) as part of the development of the airport and surrounding environs. The published proposals for both the medium and high growth options identify the possibility of a roundabout on

Cherry Orchard Way either adjacent to the retail park or Cherry Orchard Lane. Either option would provide the necessary vehicular access at no cost.

- 3.21 Clearly from the proposals identified earlier in this report and the need to provide a natural woodland barrier between the country park and the urban area our preference would be to enter the site adjacent to Cherry Orchard Lane. The potential timescale for these highway works could extend until 2012. Allowances have been made in the tree planting arrangements to accommodate this access with minor modification.
- 3.22 Officers are in communication with Eon with regard to the removal and burial of the power lines on the land to the east. The presence of the overhead lines poses some safety concerns and would restrict the overall design of the park.
- 3.23 With regard to the visitor centre, architects have been commissioned to prepare an outline design proposal. Costs have been estimated at £945,000 and further details will be available at the meeting. Clearly with these outline plans we are in a very strong position to bid for external funding.
- 3.24 Unfortunately, our submission to Thames Gateway earlier this year for Parklands funding was not successful this time around. Officers do, however, remain optimistic about the potential for funding from the European Union and other public bodies.
- 3.25 With regard to the natural landscape, one of the proposals is to utilise the two fields subject of the agricultural tenancy for grazing of beef cattle at a low density. We have been invited to submit a grant bid to Natural England to undertake the necessary preparation works.
- 3.26 Officers have identified an organic farmer who is prepared to underwrite the costs of ground preparation works for the two fields, one for grazing the cattle and one to provide winter feed.
- 3.27 The management and care of the cattle would be the responsibility of the cattle farmer, together with insurance issues and other risks. The alternative would be to leave both fields for the cultivation of organic hay that would then be harvested by the farmer concerned at no cost to the Council. If no cattle are present, however, the availability of grant aid may be reduced.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 There is a concern that the park is not readily accessible and is not widely used by the public at present. Suggestions have been made that a temporary car park should be constructed on the land to the east, adjacent to Cherry Orchard Way. This would enable the public to have temporary access through the existing gated route off the B1013.

- 4.2 The reason that this had not been pursued is due to the likely cost of such access, given the planning consent and the conditions attached, the possibility of an improved access as a result of the works undertaken through the JAAP, the poor condition of the land in terms of its composition and level, the elevated risk of intrusion onto the land and the need for the new landscaping and planting to become established. It will take at least three years to transform the existing arable fields into open meadows that can accept visitors. It is considered that any temporary arrangement would compromise the recovery of the land and that during the interim period there would be little of value in terms of the countryside experience.
- 4.3 The view has been expressed by some members of the local riding fraternity that the current bridleway, adjacent to Blatches Farm, should be extended to link in with the private livery stable near the New England Wood.
- 4.4 It is known that the new areas of land to the west including New England Wood have experienced considerable damage due to use by horses and motorised vehicles. Following careful consideration of this matter, there is, however, no opportunity for a circular route. Such a proposal would result in damage to the ancient semi-natural woodland and furthermore, without substantial fencing, there is a significant risk of further damage to soft landscapes. No offer of any funding has been volunteered by the private stables concerned.
- 4.5 Separately, we have also received representations from adjoining land owners about damage caused by significant trespass, particularly to their crops. This concern was also raised at the time of the original planning consent.
- 4.6 It is considered, therefore, that no further provision for horse riding should be provided in New England Wood or the adjacent land at this stage.
- 4.7 A further option that has been considered but rejected was to establish an arms length management company to operate the country park. This would have had the advantage of being able to attract additional grant aid of £3,000 per year over the fifteen year term of Forestry Commission grant. At this time it is considered that the establishment of an arms length company does not provide a sufficient financial incentive, given the disadvantages involved. This decision may need to be re-considered depending upon future availability of external funding.

5 RISK IMPLICATIONS

- 5.1 The recent acquisition of land to the east and west of the existing park brings with it land owners' liabilities. Officers have already undertaken a safety audit and identified urgent work required to remove hazards and prevent trespass by motor vehicles, etc.

- 5.2 Officers have also negotiated with the landowner to access the site and address urgent issues as soon as contracts have been exchanged.
- 5.3 In terms of project risks, the proposals are highly dependent upon the availability of grant aid. Early decisions were taken on Forestry Commission funding due to strong indications that this level of funding will not be available in future years. This project plan will be delayed if we are not successful in securing grant aid.
- 5.4 At this stage it is only practicable to accurately predict outcomes over the next eighteen months of this project. It is proposed to update Members on the details of this project and the availability of external funding on an ongoing basis.
- 5.5 Other project dependencies include the availability of staff resources and the necessary capital funding.

6 ENVIRONMENTAL IMPLICATIONS

- 6.1 This project provides a significant opportunity to enhance the environment in terms of increased biodiversity and, in particular, the creation of habitats for plants and animals. This is demonstrated by the availability of grant aid from Natural England and the Forestry Commission.
- 6.2 The proposal for cattle will provide the opportunity to secure farm assurance accreditation from the RSPCA (Freedom Food) to be directly associated with activities on our land. This will be required under the terms of the Licence Agreement issued to the farmer.
- 6.3 The planting of 36,000 trees will provide a significant positive contribution to our carbon footprint. The visitor centre as proposed will have a zero carbon footprint and be largely constructed from materials sourced either on site or from our own woodlands.

7 RESOURCE IMPLICATIONS

- 7.1 Staffing resources to manage this key corporate project are to be identified following a review of priorities within Environmental Services.
- 7.2 Following a value for money assessment it has been determined to directly employ additional staff to undertake a significant proportion of the manual work. It is proposed that this will be funded as technical assistance against capital expenditure over the five year implementation of Phase 2. Additional savings have been made in being able to utilise products from our own woodlands.
- 7.3 Grant payments of £16,000 are to be provided by the Essex Community Foundation and £42,000 from the Forestry Commission in 2008/09. An ongoing grant payment of £1,500 is to be provided by the Forestry Commission over the next 15 years.

- 7.4 A grant of £15,000 is being sought from Natural England to fund the creation of grazing pasture for the organic cattle in 2009/10. The remaining costs, including the rent charged for the agricultural tenancy, will be fully funded by the organic farmer. The only other funding requirement is the land agents' fees, which will be funded from existing budgets.
- 7.5 Subject to receiving the grant aid referred to above, the net capital requirements are £36,300 for 2008/09, £100,700 for 2009/10 and £78,500 for 2010/11. (See Appendix C, attached). This can be financed as part of the existing Capital Programme. The allocation for 2008/09 would be treated as a Supplementary Estimate in the Capital Programme so that works can commence now. The allocations for 2009/10 and 2010/11 would be confirmed as part of the Budget process for 2009/10 onwards.

8 LEGAL IMPLICATIONS

- 8.1 As the additional land is acquired the Council will assume all of the land owner obligations. Action will be taken to address urgent health and safety issues.

I confirm that the above recommendation does not depart from Council policy and that appropriate consideration has been given to any budgetary and legal implications.

SMT Lead Officer Signature: _____

Head of Environmental Services

Background Papers:-

None.

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If you would like this report in large print, braille or another language please contact 01702 546366.

			Timescales																																									
			2008														2009														2010													
Task No.	Subject	Cost	w/c 3rd Nov	w/c 10th Nov	w/c 17th Nov	w/c 24th Nov	w/c 1st Dec	w/c 8th Dec	w/c 15 Dec	w/c 22nd Dec	w/c 29th Dec	w/c 5th Jan	w/c 12th Jan	w/c 19th Jan	w/c 26th Jan	w/c 2nd Feb	w/c 9th Feb	w/c 16th Feb	w/c 23 Feb	w/c 2nd Mar	w/c 9th Mar	w/c 16th Mar	w/c 23rd Mar	w/c 30th Mar	w/c 6th Apr	w/c 13th Apr	w/c 20th Apr	w/c 27th Apr	May	June	July	August	September	October	November	December	January	February	March					
2008/09																																												
1	Secure front and side access at land.																																											
2	Purpose built gate. Reduction in access width	£	3,500																																									
3	Removal of dumped materials - various locations across the site	£	1,500																																									
4	Preparation of tree planting areas	£	500																																									
4	Planting of stock/trees etc																																											
	Trees	£	17,000																																									
	Planting	£	3,000																																									
5	Safety hazard management - All areas of land to East & West	£	2,500																																									
6	Fencing of planted areas/gates etc																																											
	Materials	£	17,000																																									
	Labour	£	16,000																																									
7	Stream bank management	£	2,800																																									
8	Removal/management of dangerous trees/hedgerows etc	£	12,000																																									
9	Ditch works	£	4,500																																									
10	Temporary Signage	£	2,000																																									
11	Flail	£	2,000																																									
12	Field banks removed (embanked) areas	£	3,500																																									
2009/10																																												
13	Construction of service compound	£	58,000																																									
14	Prepare rest of site. Areas A + D	£	4,000																																									
15	Preparation of the two potential grazing areas - funded by farmer	£	-																																									
16	Fencing of grazing areas																																											
17	Materials	£	5,700																																									
	Labour	£	3,000																																									
18	Mowing/grass establishment to create species rich meadows	£	3,500																																									
	Weed control around all newly planted trees																																											
19	(mowing and chemical management)	£	6,000																																									
2010/11																																												
20	Costruction of wetland	£	25,000																																									
21	Burial of power lines	£	50,000																																									

Cherry Orchard Jubilee Country Park

Indicative Proposals Phase 2 Development

Item 7
Appendix B



7.10



INTRODUCTION

Over the last 6 years Rochford District Council has created Cherry Orchard Jubilee Country Park on 100 acres of former agricultural land in the Roach Valley. (Highlighted Red Boundary)

The Country Park has been a great success with its six new woodlands, lakes, brideways, open meadows and an abundance of wildlife throughout.

The next phase of development is the expansion of the country park to the West, along the Roach valley and to the East to connect with Cherry Orchard Way (B1013). (Highlighted Blue Boundary)

This Phase 2 development will take place over the following five years.

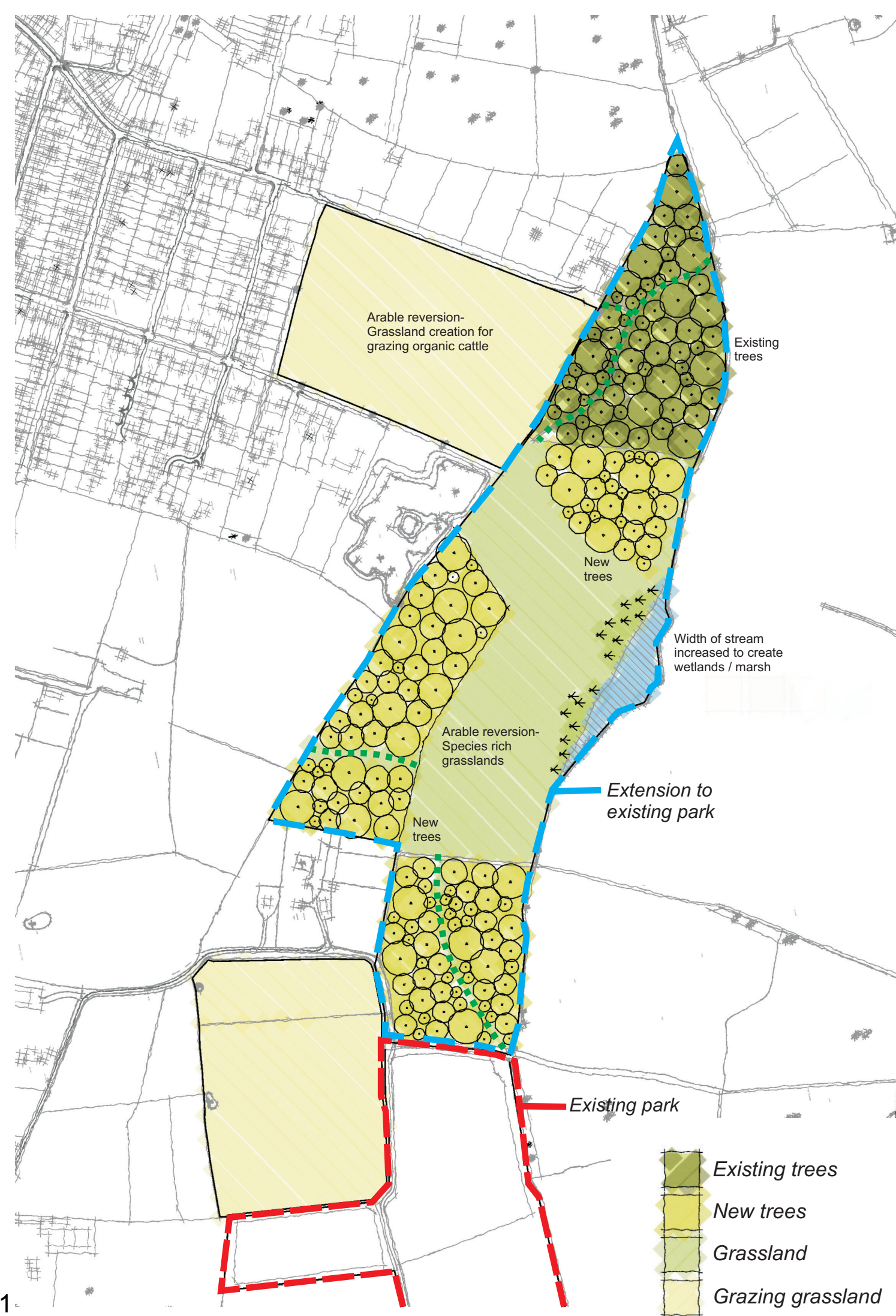


— Farm Business Tenancy

“Far too many people have no connection with the countryside, the food it produces, the wildlife it supports and the wonderful landscapes that it contains.

The Cherry Orchard Country Park will be the connection to all of these experiences and more. Visitors of all ages, abilities and interests will be involved in a living viable countryside.

The Country Park will be a sustainable accessible environment where wildlife recreation and agriculture can all flourish”



Item 7 Appendix C

Financial Summary

Cost of works 2008/09 Financial Year	£	87,800
Technical Assistance	£	6,500
Total	£	94,300
 Essex County Council Grant	£	16,000
Forestry Authority Grant	£	42,000
Total Grants	£	58,000
 2008/09 net requirement	£	<u>36,300</u>
 Cost of works 2009/10 Financial Year	£	83,700
Technical Assistance	£	20,000
Total	£	103,700
 Forestry Authority Grant	£	1,500
Total Grants	£	1,500
2009/10 net requirement	£	<u>100,700</u>
 Cost of works 2010/11 Financial Year	£	75,000
Technical Assistance	£	20,000
Total	£	95,000
 Forestry Authority Grant	£	1,500
Natural England Grant (not confirmed)	£	15,000
Total Grants	£	16,500
2010/11 net requirement	£	<u>78,500</u>