INTRODUCTION

TPM were approached by Oldham Council to prepare a landscape value and amenity report for Lower Memorial Park Failsworth. The land is held by the Council under a charitable trust run by Oldham Council members. This is land set aside for the recreational leisure of local residents with permissive pedestrian access throughout with a formal entrance and footpath network running through the site from Broadway down to the Moston Brook waterway.

The Council has been a partner in the development of the adjacent site which it sold to Bellway Homes Ltd and has facilitated the land allocation for the development site, also arranging for a land swap which took odd parcels of land re-arranging ownership to make sense of the final boundaries for the housing allocation and recreational space. The land swap comprised of a piece of land from the Lower Memorial Park land being swapped with land (in Council Ownership) required for the development of the former Lancaster Club site. (see figure 1)

Planning consent was granted by the Council for the development of the former Lancaster Club site to deliver 148 new homes which included the construction of an attenuation pond on the charity park land as well as permission to run a foul drainage connection across the land.

As part of the development of the former Lancaster Club, Bellway Homes have now constructed a drainage attenuation basin and relocated top soil on part of the adjoining Lower Memorial Park Trust/Centenary Fields land.

A complaint has been received from a Member of the Friends of Moston Brook group concerning the works taking place and the condition of the land as a result of the works.

It is alleged that:

- There have been procedural omissions in relation to the granting of an easement over part of the land to include the construction and laying of an attenuation basin and drainage pipes and the dumping of top soil from the neighbouring playing field;

- There has been a loss of amenity to the land caused by the aforementioned works and that this should be remedied through the gifting of additional land to the Lower Memorial Park;

- There is a concern that members of the local community feel aggrieved with the size of the attenuation basin and the placing of the topsoil;

- There is a concern that the attenuation pond as built is unsafe for children.

This report has been conducted by a qualified landscape architect and has been informed by meeting with the local authority and contractor and visiting the site and conducting desk top research as required.

The report seeks to answer the allegations set against the council / trustees in the following way:

- To consider the baseline landscape position both before and after the land swap and planning approval/development;
- To consider the amenity and landscape value of the site before and after the formation of the attenuation pond, drainage easements and topsoil spread; and
- To consider what risk the attenuation pond may form for the future users of Moston Brook.

BACKGROUND AND PLANNING POSITION

The land over which the attenuation pond and topsoil spread are located falls within land that appears to be denoted as Green Corridor and Other Protected Open Land. To the south of this lies land which is not designated in the Local Plan and has been allocated for housing (currently under construction by Bellway Homes)

The original planning permission for 148 homes was granted as an outline permission which indicated the need for a sustainable drainage solution for the site through the creation of an attenuation pond.

The reserved matters application dealing with this matter was approved in May 2016 with an accompanying drainage plan and sections indicating the location, size and depth of the attenuation pond and the proposed drainage connections running to and from this feature. A legal granting of easement document was drawn up dated May 2017 which sets out the areas that will be maintained to manage this SUDS system for the future (essentially the land containing and running above the attenuation pond and drainage pipes enabling access to maintain these features once the land has been returned to use as part of the park) see figure 2.

The proposals for the attenuation pond were accompanied by a landscape and planting proposal that will be executed as part of the Bellway Homes development.

CONSIDERATIONS

The proposals for an attenuation pond as part of a SUDS system for the housing site have been part of the planning proposals from the outset and have been consulted on as part of the normal planning procedure due to such a scheme. As such, both the size, scale and nature of this feature were apparent from 2015 when the original outline application was approved and then further clarified with regards to detail on the submission and successful approval of the reserved matters relating to the attenuation pond, the drainage connections and landscape restoration of these areas following their construction. (see figure 3)

Comments concerning this feature in relation to the Lower Memorial Park suggest that there was broad agreement that the design of the attenuation pond would bring added habitat diversity to the park.
The drainage pipes lie buried beneath the ground and following construction are not visible. The easement areas that subsequently are legally provided for in 2017 are a direct consequence of the approval of the housing site and the approval of the drainage reserved matters. This is necessary to enable the management of these areas remain the responsibility of Bellway Homes and do not fall on the trustees of the park. As such, this arrangement is a benefit to the park ensuring that this land, although returned to the park as open land with some additional ecological benefit, does not incur additional costs to the running of the Lower Memorial Park.

The land, when returned to the park and landscaped as the approved drawings (see figure 3) will remain as open land and continue to fully comply with the relevant policies that concern the land as designated as Other Protected Open Land and Green Corridor.

The spreading of topsoil over the land does not alter the openness of the land, nor does it prevent the land from functioning as part of the park in a similar manner as it has done in the past. Re-profiling of the topsoil may improve the visual appearance of the area and enable a smoother transition from lower areas to those over the mound, this is work that can be easily included as part of the final landscape works over this area.

RECOMMENDATIONS AND CONCLUSION

The topsoil areas should be re-profiled to feather down the edges of the mound to better blend this into the existing topography of the land. This should be then included into the final landscape remediation works for all the area and seeded/planted accordingly to return the land to a semi natural state.

The works of and in relation to the attenuation pond and topsoil spread do not lead to any conflict with the planning status of the former Lancaster Club site and Lower Memorial Park and the land is capable of being returned to the park without any undue financial burden arising from either the need to remediate elements of the land or through the need to maintain these features in the land in the future.

LANDSCAPE BASELINE – SITE PRIOR TO DEVELOPMENT

The site area for the land held by the Council as charitable trustee of the Lower Memorial Park lies to the south of Oldham town centre to the west of Broadway (road) and to the south of Moston Brook.

The landscape setting is one in which Moston Brook runs through an urban townscape with large sections of the watercourse culverted south of the site towards Manchester and north towards Oldham town centre. The Brook runs through a partially wooded valley setting which is designated as an open space area by Oldham Council as part of the Moston Brook Green Corridor. It also falls within Oldham Council’s other protected open land Policy area which seeks to maintain open land that is not designated Green Belt, open or free of development.
PUBLISHED LANDSCAPE ASSESSMENT

Oldham Council has assessed landscapes within their boundaries through a character assessment dated 2009. In this Moston Brook and the site are held within an area determined as Urban and no further assessment is made.

LOCAL LANDSCAPE

The landscape is a locally valued amenity and wildlife resource providing both natural, semi natural and formal areas of recreation space. This is recognised through its status as other protected open land and as part of the Green Network and Open Spaces of both Oldham and Manchester.

ACCESS

Public access is gained via a formal entrance off Broadway and through the Moston Brook land itself via a public footpath that runs from where Moston Brook travels beneath Broadway travelling west and south towards the Bellway Homes development. The footpath follows the course of the Brook within the lower valley and no formal footpath connections link either the new housing development site or the land over which the attenuation pond, drainage easements and topsoil spread have occurred.

All other access across the site is via permissive paths which include links through the more formally organized recreational space to the north of the attenuation pond and topsoil spread. As part of the land swap deal with the Council and the Lower Memorial Park, steps have been formed running down from these permissive access areas to the formal right of way alongside the Brook.

The site of the attenuation pond and topsoil spread was an area covered in species poor modified grassland or marsh grass.

LANDSCAPE VALUE

The Landscape Institutes Guidelines for Landscape and Visual Impact Assessment 3rd edition (GLIVIA) give, in box 5.1, various factors that may be relevant in the assessment of landscape value.

Box 5.1 considers the following factors in assessing whether a landscape is valued: Landscape quality/condition/ Scenic Quality; Rarity; Representativeness; Conservation Interests; Recreation Value; Perceptual Aspects; and Associations.

In considering whether the works constitute a loss of value to the land one must first consider the baseline position from which the land has been taken.
Prior to the development the land comprised open land primarily covered with species poor grassland and/or marsh grass. This is set in the wider landscape of the Moson Brook corridor which includes areas of woodland and wetland associated with the Brook as well as grassland areas with some species diversity in specific locations.

The condition and quality are good-ordinary with the land concerned playing its part in a local wildlife and recreational corridor.

The scenic quality of the Moston Brook corridor is mixed with urban areas being a regular part of the setting and views. The area of topsoil spread and the attenuation pond lie in an area strongly connected to local housing, the busy Broadway road, allotment areas and the new housing development. Although a green corridor through an urban area the park and land do not score highly with regards to scenic quality.

The land and the Lower Memorial Park are not representative of a broader landscape typology although they do play a role as part of the Green Infrastructure Network for Manchester and Oldham.

The land and park are not protected through any statutory designation or wildlife protection such as an SBI and have no dedicated heritage or conservation value.

The Memorial Park has a recreational value but this is through limited formal rights of way relying on informal, permissive access across the whole area.

The perceptual and associative aspects of the land are limited as the area of topsoil spread and attenuation pond was previously open grassland with no specific features or associations of note. Previously the land was used as a tip site with waste still present below the surface.

Although the Lower Memorial Park has local value it scores only moderately with regard to the GLVIA3 test for landscape value. The land under consideration plays a role in this local value but is not distinguishable from any other part through any specific feature, element or characteristic.

**CONSIDERATIONS**

Following the construction of the attenuation pond and associated drainage and the spreading of topsoil the land will remain within a green corridor set within an urban area and no notable change to the broader landscape character of Oldham or the Moston Brook corridor will occur.

The land will continue to act locally as an open area of land with an enhanced ecological value, within the Lower Memorial Park.
Access will be possible as before across open land with improvements to the formal path network in the park completed as part of the landscape and remediation works connected with the Bellway Homes development, the land swap and the formation of the attenuation pond on park land. The only barrier to free movement will be the attenuation pond itself but this does not lead to any loss of a recognised routeway.

Re-grading of the topsoil mound with the feathering of edges and contours will help blend the soil into the existing contours and enable free movement across this area.

The landscape value of the land is local and moderate. The creation of the attenuation pond adds a feature of potential ecological value which is of benefit rather than dis-benefit.

**RECOMMENDATIONS AND CONCLUSION**

The topsoil areas should be re-profiled to feather down the edges of the mound to better blend this into the existing topography of the land. This should be then included into the final landscape remediation works for all the area and seeded/planted accordingly to return the land to a semi natural state.

There will not be any loss of landscape value as a consequence of the completed and remediated attenuation pond and topsoil areas, nor will there be any loss of access. The potential for recreation use across the land post mitigation appear broadly the same as before the development.

The works have led directly to improvements to access and path routes in other areas of the park and to an uplift to the habitat and ecological value of the land through the introduction of the attenuation pond.

**POND SAFETY**

The attenuation pond is designed to hold water only during flood events and for most of the year will remain largely dry with a wetland area at the base of the hollowed out space. There is a limited risk during such periods of flooding commensurate with that of any open area of water, and is in combination with the relatively steep sided banks to the pond.

The attenuation area is not part of a path route or connecting trail and as such is not an area where access is directed.

Attenuation ponds such as this are common features in both housing areas and other developments such as schools. Where access is enabled or unavoidable these areas are sometimes fenced with a simple post and rail fence, this has the double benefit of indicating restricted access to areas prone to flooding and of preventing disturbance to areas of possible future bird nesting and other wildlife habitats.
Although not presenting a large risk to safety, the addition of a boundary post and rail fence would dissuade access and protect an area of future wildlife potential from disturbance. This would be weighed against the loss of access to these areas within the park.

Maintenance could be enabled through the addition of a locked gate within the post and rail fencing.

**SUMMARY AND CONCLUSIONS**

This report sought to answer allegations from members of the Friends of Moston Brook Group through interrogating the following:

- Consider the baseline landscape position both before and after the land swap and planning approval/development;

- Consider the amenity and landscape value of the site before and after the formation of the attenuation pond, drainage easements and topsoil spread; and

- Consider what risk the attenuation pond may form for the future users of Moston Brook.

**Landscape Character**

The landscape character of the wider area and more locally the Moston Brook corridor will not be altered through the works. Following completion of the landscape proposals the landscape will return to being a part of the wider Moston Brook green corridor with additional habitat and ecology potential offered through the construction of the attenuation pond.

**Access**

Access across the site prior to the works was open and permissive and non-formal with no defined path routes or footpaths. Following the completion of the landscape proposals there will be a small reduction in the potential area accessible by the public due to the attenuation pond but this is offset by the gains to ecology. The drain connections, easements and topsoil mounding will not prevent access as enjoyed prior to the work commencing. Further grading of the topsoil mound will allow for easy movement over this area and assist in helping this additional ground blend in appearance into the existing landscape of rough grassland and marsh grass. The key routeways through the site will be unaffected and the wider works and land swap have enabled improvements to this path network.

**Landscape Value**
The landscape value attributable to the land is limited to local influence and moderate in scale. Following the completion of works the area of land covered by topsoil and attenuation pond will be returned to a state and landscaped so as to play a full role in maintaining the local value to the wider park and Moston Brook Corridor.

**Pond Safety**

The pond as it stands is designed to hold water only over very limited periods of time and for the majority of the year will have no standing water with a lower level likely to remain wet and plated with wetland plants to exploit this. The sides of the pond are relatively steep and, although a low risk, the potential remains for this to become a high risk feature during periods of flooding. The introduction of a post and rail fence around the pond area would substantially reduce this risk and improve the habitat potential for the area, lessening disturbance.

**Recommendations and Conclusion**

The assessment has highlighted two areas where further work would be beneficial in reintegrating the land back into the Lower Memorial Park and Moston Brook corridor, these are:

1. The topsoil areas should be re-profiled to feather down the edges of the mound to better blend this into the existing topography of the land. This should be then included into the final landscape remediation works for all the area and seeded/planted accordingly to return the land to a semi natural state.

2. The benefits and dis- benefits of fencing off the attenuation area with a timber post and rail fence should be considered, or other landscaping could be considered to create a natural barrier.

The works and remaining easements and maintenance/management requirements, although an inconvenience while under construction, are capable of being returned to the wider park without any notable impact upon either the landscape character, landscape value or recreational amenity and opportunities that the land formerly offered. On completion of the proposed landscaping measures and the suggested further improvement works, the land areas can be integrated back into the Moston Brook corridor and play a full role in its position as open recreational land and green corridor for the benefit of local residents.

I can find no justification for any level of dis-amenity to justify the Council requiring to further transfer land over to the Lower Memorial Park trust as compensation.

In summary and conclusion therefore, it is my view and advice to the Charity Trustees that in order to adequately compensate the Charity for the loss of amenity regarding the attenuation pond and also for the value attributable to the facility to place the topsoil the Trustees should
consider implementing steps 1 and 2 above. It is not necessary in my view to gift additional land to the Charity.

APPENDIX

FIGURE 1 – Land Transfer Plan

FIGURE 2 – Approved Drainage Easements Plan

FIGURE 3 – Approved Attenuation Pond and Planting Plan Details
Appendix 1

Lancaster Club

Legend
- Green: Land in Trust control to become under Oldham Council control.
- Blue: Land in Oldham Council control to become part of Trust.

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Oldham Council