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**Report to Cabinet Sub Committee Acting as Trustees for  
Lower Memorial Park Failsworth**

## **Lower Memorial Park Failsworth**

**Trustees:** Cllr Fielding, Cllr Roberts and Cllr Shah

**Officer Contact:** Emma Barton – Director of Economy

**Report Author:** Ben Hill – Principal Regeneration Officer  
**Ext.** 5261

**Date:** 14<sup>th</sup> December 2020

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### **Reason for Decision**

To report on the key findings of the consultation exercise at the Lower Memorial Park Failsworth requested by the Trustees.

### **Executive Summary**

In February 2019, pursuant to a mandated instruction from the Charity Commission, the Trustees requested officers to carry out a consultation exercise on their behalf to consider the landscaping proposals put forward by Bellway Homes Ltd and the findings and recommendations of a Charity Land report on the Trust land.

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- to mitigate the loss of amenity of the deposit of soil on the Lower Failsworth Memorial Land;
- to consider options for the attenuation basin;
- to consult on the future use of the park; and
- to consult on a proposal for the Council to gift additional land, adjacent to the Memorial Park, to the charitable trust.

The officers have carried out the consultation exercise and the narrative in the body of this report informs the Trustees of the outcome of the consultation process.

### **Recommendations**

The Trustees are requested to:

- Note the outcome of the consultation;
- Consider the Options set out in Section 3; and
- Instruct officers of the council accordingly.

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## Cabinet Sub Committee Acting as Trustees for Lower Memorial Park, Failsworth

### 1 Background

- 1.1 In February 2019, the Trustees resolved that consultation be carried out to seek the views of residents and stakeholders of the findings and recommendations of a Charity Land report on the Trust land and landscape proposals put forward by Bellway Homes. The consultation was also required to consider options for the use of the adjacent area of land which currently belongs to Oldham Council and suggestions for the future use of the Park in general.
- 1.2 A full copy of the report and minutes can be found at Appendix 1. The Trustees resolved that:
1. The dialogue with the Charity Commission be noted and the disclosure be authorised of the decision of the Charity Commission as and when required.
  2. The contents of the independent architects' s amenity report be noted and the disclosure be authorised of the report and consultation with the Friends Group and local residents and wider members of the public on the following:
    - The recommendations in the independent landscape architects report listed in paragraph 2.3 of the report, and
    - The proposal to transfer additional land to the charitable trust for the Lower Memorial Park Failsworth.
- 1.3 A summary of the independent landscape architects reports main findings are:
- The spreading of the 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.
  - 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 work should be 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 drain connections, easements and topsoil mounding will not prevent access as enjoyed prior to the work commencing.
  - The key route ways through the site will be unaffected and the wider works and land swap have enabled improvements to this path network.
  - Following the completion of the 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 of the wider park and Moston Brook corridor.
  - 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.
- 1.4 As the proposals were developed, there were several delays as the landscaping plans were amended and improved to provide a comprehensive response to the issues set out above. The consultation was then further affected by the lockdown

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period associated with the coronavirus pandemic: however with emerging legislation a safe consultation exercise was confirmed and deployed.

1.5 The consultation specifically sought views on:

**A. Landscape proposals for a site within Lower Failsworth Memorial Land edged red at Appendix 2.**

The consultation sought to inform residents and stakeholders of the findings and recommendations of a Charity Land Report on the Trust land and the landscaping proposals put forward by Bellway Homes. Bellway Homes were granted planning permission by Oldham Council and the Trustees to construct an attenuation drainage basin on the Trust land to collect excess surface water from the residential estate of Lancaster Gardens. The land levels on the Trust land have been altered due to deposition of soil from the former sports pitches of the Lancaster Club. The report considered these issues and views were sought on landscaping and safety

**B. Options for the future use and ownership of the adjacent area of land edged blue at Appendix 2 which currently belongs to Oldham Council.**

The future ownership of the adjacent land fronting Broadway has been considered by the Failsworth Trustees and Oldham Council and formed part of the consultation

**C. The Trustees also sought views and ideas on how the Memorial Land & Park can be used and developed in the future.**

A copy of the questionnaire can be found at Appendix 3.

- 1.6 The consultation commenced on Wednesday 16<sup>th</sup> September 2020 and closed on 10<sup>th</sup> October 2020. A site visit, opportunity to look at the landscape plans and proposals and discuss matters with staff took place on Saturday 3<sup>rd</sup> October. This was held by pre-booked appointments only to be compliant with Covid-19 rules and restrictions.
- 1.7 Around 500 letters with an online link to the questionnaire were hand delivered to households living near the park including residents at Lancaster Gardens, Park Avenue, Broadway, Mather Street, Dalton St, Dean St and Ward Street.
- 1.8 Information was circulated on Facebook and local groups and stakeholders were informed directly. These included Moston Brook Friends Group, volunteers, Moston Brook Partnership & contacts on the Moston Brook email database; Park users at Lower Memorial Park including bowling clubs; Broadway allotment members; Failsworth & Hollinwood District Team; and Ward Members.

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## 2 Current Position

2.1 Response rates and feedback were high with 99 questionnaires being completed via Survey Monkey and 30 completed paper questionnaires returned. 16 people attended the event on 3<sup>rd</sup> October, despite the horrendous weather conditions.

2.2 The findings have been carefully analysed by officers and the key findings and recommendations are as follows:

- The landscaping proposals were supported by 38 out of 92 respondents however 21 responses thought they were poor/inadequate or not good enough.

A sample of responses included:

*'Very positive proposals that will be a big improvement to the area'*  
*'I like the sound of a wildflower meadow. Much better than I expected'*  
*'Look manufactured rather than part of the surrounding scenery'*  
*'Very basic'*  
*'Could go further'*  
*'Wrong'*

- Better footpaths/accessibility (20/108) and improvements to planting proposals & more trees (17/108) were identified as suggestions to improve the landscaped area.

Comments included:

*'There needs to be discussions with the Trust, Moston Brook Project and partners with input of relevant expertise on the most suitable treatment and management of the area of deposited topsoil'*

*'Good quality enduring paths giving access to all who want to enjoy the natural beauty of the area'*

*'Trees and plants that support wildlife (in keeping with Moston Brook).'*

- 111 wanted the area along Broadway to become part of the Trust and 18 did not.
- Half of respondents (59/119) wanted this area to remain as a naturalised area. Access improvements to the park were identified (13/119). 19 wanted it to be used for housing.

Comments included:

*'Used for free family and community events. More investment. More protection. More nature. More wildlife. Bird houses, Insect hotels. Hedgehog sanctuary'.*

*'More housing, ideally family or affordable'.*

*'It should protect it from development and prevent Memorial Land from being 'boxed in'. Access should be created from Broadway to further open up the Land visually and practically, and all-weather paths installed to connect it to the rest of the Memorial Land'.*

- 61 out of 154 responses wanted some type of barrier around the attenuation basis. 34 also requested safety/warning signage.

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Comments included:

*'Natural barriers of left as it is with lots of reeds and water planting to determine soft borders to the edges. Signs also.'*

*'Kept as natural as possible while being safe.'*

*'The basin should be safe for the public with natural barriers and safety signs.'*

- Common themes which were raised for the future of the park included better quality/more footpaths, improved access points to the park, more benches and bins and better signage and information on the land.

Comments included:

*'Better footpath links and recreation opportunities for youngsters.'*

*'We need to do everything we can to preserve these open spaces for our communities and the local wildlife.'*

*'To be kept as green space and protected.'*

*'Some benches/seating around the area. Information about the land and examples of wildlife that may be seen in the area, on boards or leaflets perhaps.'*

*'The area is dead land which needs renovation, it looks awful! More family housing is a must'.*

*'Grateful for the community events and volunteers who fight for us'.*

*'Would be good to have better access from Broadway'*

- Overall, the consultation response rate showed that the formal park is well loved and appreciated by residents with 48/80 requesting that the formal park is kept as it is/requires no further changes.

A full summary of the consultation responses can be seen at Appendix 4.

### **3 Options**

#### **3.1 Options for Landscaping and Future Works**

Option 1a – Complete the landscaping and works to the attenuation basin to include signage and naturally created barriers as soon as possible. Request that as further proposals on the future of the park are developed they include new and improved pathways and access points into the park, more benches and bins be provided and include improved signage and information on the land.

Option 1b – Do not carry out the landscaping and works to the attenuation basin and leave the area as it is.

#### **3.2 Options for Additional Land**

Option 2a - Request the Council to transfer the land adjacent to Broadway (classified as Other Protected Open Land (OPOL) in Planning terms) into the Trusts remit. This option would require a formal approval/decision from the Council.

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Option 2b – For the additional land to remain in the ownership and control of Oldham Council.

## **4 Financial Implications**

- 4.1 There are no direct financial implications arising from this report. Any future decisions will require further financial scrutiny and comments. (Jit Kara)

## **5 Legal Services Comments**

- 5.1 In February 2019, pursuant to a mandated instruction from the Charity Commission, the Trustees requested officers to carry out a consultation exercise on their behalf to consider the landscaping proposals put forward by Bellway Homes Ltd to mitigate the disamenity of the deposit of soil on the Lower Failsworth Memorial Land; to consult on the future use of the park and also to consult on a proposal for the Council to gift additional land, adjacent to the Memorial Park, to the charitable trust. The officers have carried out the consultation exercise and the narrative in the body of this report informs the Trustees of the outcome of the consultation process.
- 5.2 There has been some delay in carrying out the consultation exercise owing to the delay in the delivery of meaningful landscaping proposals by Bellway Homes Ltd and the outbreak of the Covid Pandemic which interrupted the planned consultation timetable. The Charity Commission has been kept informed of the reasons for the delay and apprised of the recent consultation exercise and awaits the outcome.
- 5.3 The nature of a public consultation exercise was defined by Lord Woolf MR in *R v North and East Devon HA ex p Coughlan* [1999] where he set out three essential features:
- “to be proper, consultation must be undertaken at a time when proposals are still at a formative stage;
  - it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; and
  - the product must be conscientiously taken into account when the ultimate decision is taken.”
- 5.4 The Trustees are invited to consider the consultation exercise which was carried out in their name and the feedback from the consultees. They are to have due regard to the points of view raised by the local residents and interested parties and as a result, make an informed decision having taken into consideration all of the comments made. The full list of comments is appended to this report together with a summary of the comments. Options have been presented to the Trustees for their consideration. However, it is up to the Trustees to decide how they wish to respond to the consultation exercise and instruct officers accordingly.

(Elizabeth Cunningham Doyle)

## **6. Co-operative Agenda**

- 6.1 Not applicable.

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<b>7</b>	<b>Human Resources Comments</b>	
7.1	Not applicable.	
<b>8</b>	<b>Risk Assessments</b>	
8.1	Not applicable.	
<b>9</b>	<b>IT Implications</b>	
9.1	Not applicable.	
<b>10</b>	<b>Property Implications</b>	
10.1	Outlined above in the body of this report.	(Bryn Cooke)
<b>11</b>	<b>Procurement Implications</b>	
11.1	Not applicable.	
<b>12</b>	<b>Environmental and Health &amp; Safety Implications</b>	
12.1	Outlined above.	
<b>13</b>	<b>Equality, community cohesion and crime implications</b>	
13.1	Not applicable.	
<b>14</b>	<b>Equality Impact Assessment Completed?</b>	
14.1	No	
<b>15</b>	<b>Consultation</b>	
15.1	A view has been sought from an independent barrister on the merits of the proposal and this will be circulated to Trustees before the meeting.	(Ben Hill)
<b>16</b>	<b>Key Decision</b>	
16.1	Not applicable.	
<b>17</b>	<b>Key Decision Reference</b>	
17.1	Not applicable.	
<b>18</b>	<b>Appendices</b>	
18.1	Appendix 1 – Trustees Report Pack – Feb 2019 Appendix 2 - Plan of Lower Memorial Park Trust Land and Additional Land Appendix 3 - Copy of Questionnaire Appendix 4 – Summary of Consultation Responses	

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19     **Background Papers**

Consultation Responses can be seen by contacting Ben Hill at [ben.hill@oldham.gov.uk](mailto:ben.hill@oldham.gov.uk)



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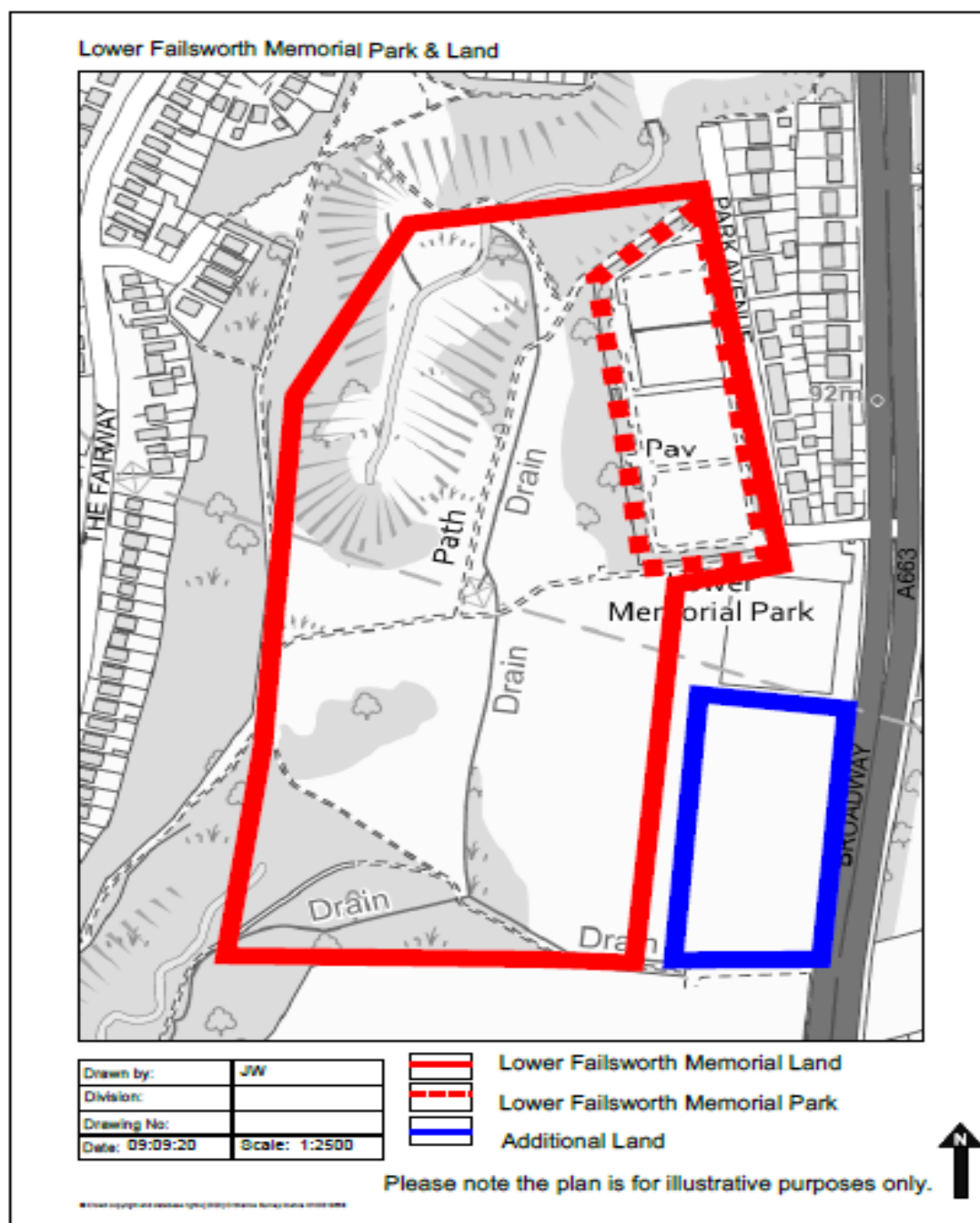
## **Appendix 1 – Trustees Report Pack – Feb 2019**

(refer to attached document)

## Appendix 2 – Plan of Lower Failsworth Memorial Park Trust Land and Additional Land



**Oldham**  
Council



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## Appendix 3 – Questionnaire: Lower Failsworth Memorial Park and Land Consultation

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### Lower Failsworth Memorial Park Trustees want your views.....

Question 1 (a) What do you think about the landscape proposals?

(b) Do you have any other suggestions for this area?

Question 2 (a) Do you think the land along Broadway should become part of the Lower Failsworth Memorial Park Trust?      Y      N  
Why?

b)

b) What would you like to see happen to this land if it does become part of the Trust?

Question 3) How do you think the Attenuation Basin should be treated?  
(For example the basin could be fenced off, natural barriers using soil could be created, safety signs could be erected or it could be left as is.)

Question 4) Are there any other changes you would like to see the Park and Land in the future?

Question 5) Do you have any other comments you would like to make about the Park and Land?

Please confirm your interest in the site (please circle or underline)

I am an Oldham resident      Y      N

I am a member of a local community group with an interest in the site      Y      N

I am a member of the Moston Brook stakeholder group      Y      N

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## **Appendix 4: Consultation Summary**

(refer to attached document)

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