

 <b>EXECUTIVE</b> <b>1<sup>st</sup> June 2017</b>		<b>Agenda Item No.</b> <b>6</b>
<b>Title</b>	Abbey Fields Footpath Improvements - Feasibility Study	
<b>For further information about this report please contact</b>	Andrew Jones (01926) 456830 <a href="mailto:Andrew.jones@warwickdc.gov.uk">Andrew.jones@warwickdc.gov.uk</a>	
<b>Wards of the District directly affected</b>	Abbey	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	See above	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	No
Not applicable.	

<b>Officer/Councillor Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive	31 <sup>st</sup> March 2017	Chris Elliott
CMT	26 <sup>th</sup> April 2017	Chris Elliott, Bill Hunt, Andrew Jones
Section 151 Officer	26 <sup>th</sup> April 2017	Mike Snow
Monitoring Officer	30 <sup>th</sup> March 2017	Author
Head of Service	26 <sup>th</sup> April 2017	Rob Hoof
Portfolio Holder(s)	15 <sup>th</sup> May 2017	Councillor Thompson
<b>Consultation &amp; Community Engagement</b>		
To be undertaken with: Historic England; Kenilworth Town Council; The Parochial Church Council; Friends of Abbey Fields; The Kenilworth Civic Society; Kenilworth History & Archaeology Society; An Archaeologist from Archaeology Warwickshire; Natural England; Sensory Trust		
<b>Final Decision?</b>	Yes	

## **1 SUMMARY**

- 1.1 The report recommends officers undertake a feasibility study of improvements to a specific path in Abbey Fields and should the outcome of that study prove positive, works are commissioned to undertake those improvements.

## **2 RECOMMENDATIONS**

- 2.1 That Executive agrees that officers should consult and engage with all interested parties to determine the feasibility of improving the footpath in Abbey Fields, Kenilworth as identified at Appendix A.
- 2.2 That subject to agreeing recommendation 2.1, Executive agrees to £55,000 (estimated costs plus 10% contingency) being released from the Community Projects Reserve to undertake the improvements but should the cost be more than this, authority is delegated to Deputy Chief Executive (AJ) and Section 151 Officer, in consultation with the Portfolio Holders for Neighbourhood Services and Finance, to agree additional funds up to a total maximum of £100,000.

## **3 REASONS FOR THE RECOMMENDATIONS**

- 3.1 Abbey Fields is set in the valley of the Finham Brook and enjoys views of the historic town and Kenilworth castle. Grassy slopes, a lake, historic buildings and veteran trees recall Abbey Fields' past as the farmland of St Mary's Abbey, whose ruins adjoin the park. Because of its important heritage, Abbey Fields is a Scheduled Ancient Monument (SAM).
- 3.2 Running from Kenilworth High Street, a footpath of approximately 260m extends to an area which includes the swimming pools, play area and tennis courts. With a drop in levels of 11m (36 ft) from High Street to the area described above, the majority of the drop occurs in the first 60m. The footpath has been highlighted by park users as in need of improvement. It has also been reported that the path is difficult to negotiate for those with mobility and sensory impairment and those with prams or wheelchairs.
- 3.3 There may well be constraints imposed on any improvements as the area is designated as a SAM which imposes severe restrictions on any ground disturbance earthworks and excavations. Any new pathway proposals and/ or alterations to the existing path would require the prior permission of Historic England.
- 3.4 Although there is no specific legislation on the Disability Discrimination Act compliance of pathways and outdoor access (Building Regulations are only applicable to Buildings and immediate site access) there is a number of published guidance on the issue:
- Historic England:- *Easy access to Historic landscapes.*
  - The Country Side Agency (now Natural England):- *By all reasonable means: Inclusive access to the outdoors for disabled people.*
  - Sensory Trust:- *Creating accessible and engaging outdoor experiences.*
- 3.5 The Sensory Trust guidance is in particular useful as this gives specific recommendations for gradients, length and rest areas. A principle point in this

guidance is that gradient and length of slope must be considered together. At times a slightly steeper gradient over a shorter distance may be more acceptable than a gentle one over a longer distance. Sustained gradients of more than 1 in 20 must be interrupted by level rest areas at maximum distances of 30 metres.

- 3.6 Given the status of the site in question, there are many organisations that will need to be consulted during the feasibility study. Officers propose to engage and consult fully with those interested parties and only proceed with the works should there be a consensus as to the way forward. Deputy Chief Executive (AJ) will be responsible for leading the consultation in collaboration with the Portfolio Holder for Neighbourhood Services.
- 3.7 An initial estimate of costs indicates that to remove and relay the existing footpath increased to 1.2m wide is c£25,000.00. Should the consultation determine that an additional graded route, to meet the needs of those with mobility problems is required, then this is estimated at c£25,000.00
- 3.8 If the scheme was to proceed, location of a new route and groundworks involved would require detailed design, consent from Historic England and quotations for work to be obtained. Consequently whilst officers have been able to provide an estimated cost based on an initial idea for footpath improvement, it is not possible to say at this point definitively what would be the cost of the improvements. Therefore recommendation 2.2 proposes a degree of latitude thereby enabling work to progress if considered appropriate.

#### **4 POLICY FRAMEWORK**

- 4.1 The Council's Sustainable Community Strategy (SCS) has five thematic priorities and three cross-cutting priorities areas. The recommendations in this report are consistent with the strategy as they ask Members to agree
- 4.2 Underpinning the SCS is the Council's Fit For the Future (FFF) Change Programme which consists of three strands:
- Service - Delivering customer focused services by: using customer measures, helping to build trust, continuously improving, understanding our customers, and using systems thinking.
- 4.3 Extant Local Plan (1996-2011) Policy SC4, Supporting Cycle and Pedestrian Facilities, protects identified routes but allows for any development that provides benefits in terms of encouraging cycling and walking where these outweigh any adverse impacts.  
Policy DAP11 Protecting Historic Parks and Gardens, resists development that risks the historic structure, character, principal components and setting of such spaces. Abbey Fields is included in the Local Register of parks and gardens where the planning authority will consult Warwickshire Gardens Trust where an application is made which affects the open space.
- 4.4 The emerging Local Plan (2011-2029) Policy HS2, Protecting Open Space, Sport and Recreation Facilities, protects open spaces from changes of use and development, only permitting development where the proposal is of sufficient benefit to outweigh any loss.

Whilst Abbey Fields remains in the Local List of parks and gardens in the new Local Plan, the Inspector has deleted the supporting policy in the Main Modifications, currently out to consultation.

## **5 BUDGETARY FRAMEWORK**

- 5.1 The balance on the Community Projects Reserve is currently £319,000. Agreeing to the recommendations in this report could potentially reduce the balance to £264,000.

## **6 RISKS**

- 6.1 The permission to undertake the works cannot be assumed as Historic England strictly controls such activity and similar requests in the past have been refused. This would apply also to any proposed widening and improvements to the existing path.
- 6.2 There are many organisations with an interest in Abbey Fields. The process of engagement and consultation may reveal bona-fide reasons why improvements should not take place.

## **7 ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 No alternative options to embarking on a comprehensive consultation process were considered.