

Bath & North East Somerset Council

DECISION MAKER:	Cllr Francine Haerberling, Leader of Council	
DECISION DATE:	On or after 1 st June 2010	PAPER NUMBER 2
TITLE:	Combe Down Stone Mines Project – Reinstatement of Firs Field	EXECUTIVE FORWARD PLAN REFERENCE: E 2133
WARD:	Combe Down Ward	
AN OPEN PUBLIC ITEM		
Attachments Appendix 1 - Summary of Consultation Results Appendix 2 – Recommended option drawing		

1 THE ISSUE

1.1 Combe Down Stone Mines project planning permission conditions require a wall to be built to replace the existing chain link boundary fence to Firs Field. The wall is proposed to be built as part of the discharge of the Aftercare planning condition, subject to this decision. Following public consultation on alternative locations of the wall in relation to the existing boundary fence line of Firs Field, a decision on location is required.

2 RECOMMENDATION

The Executive member is asked to agree that:

2.1 The wall should be constructed on the line of the existing boundary fence

3 FINANCIAL IMPLICATIONS

- 3.1 The tendered cost of the wall is £81,000; this is within the existing approved capital budget. The difference in the cost of the design options (excluding the 'do-nothing' option) is insignificant.

4 THE REPORT

- 4.1 A public consultation was carried out in Combe Down in October/November 2009 specifically asking residents for their opinions on the stone wall design, options for its location and whether the existing trees along The Firs should be retained or replaced. Six options were presented. The consultation was compiled, reviewed and approved with representatives from Highways and Parks, the two Ward Councillors and Chair of Community Association. The results of the consultation were published on the project's website at the end of November 2009.
- 4.2 The majority of consultees were in favour of retaining the existing avenue of trees along The Firs.
- 4.3 A significant majority of respondents to the consultation were in favour of building the wall. Community opinion, however, is split on the location options. A small majority was in favour of building the wall 4 metres back from the existing fence-line, which would avoid damaging the existing tree roots.
- 4.4 A small number of the consultation respondents remain dissatisfied with the outcome of the vote. They consider that a wall on the fence-line is a much better solution mainly because it retains the current size of the field within the walled area, and that the wall foundation design incorporates a solution to protect the existing tree roots along The Firs.
- 4.5 Highways, Parks and Property Services have also raised some issues regarding maintenance and parking. The option with the wall set 4m within Firs Field creates a wide verge that would encourage parking on grass over the roots of trees. The LPA would accept the option of locating the wall on the existing fence line.
- 4.6 Since the results of the consultation have been published, letters of opposition about the location of the wall have been sent to John Everitt, Cllrs Terry Gazzard, Malcolm Hanney and Charles Gerrish.

5 RISK MANAGEMENT

- 5.1 The report author and Executive member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

6 RATIONALE

- 6.1 The LPA has advised that the wall was included in the planning conditions of the Combe Down Stone Mines Stabilisation Project as an enhancement in response to public wish to replace the existing fence, and is therefore required to discharge the condition

6.2 Public opinion, as gauged by the consultation (see results in appendix), is fairly evenly balanced between the design options. Construction of the wall on the existing fence line is the recommended option that satisfies the practical considerations of parking and maintenance as expressed by Council officers responsible for highways and parks.

6.3 The aim of the design option that locates the wall 4m within the field was to avoid construction damage to the root zone of the trees. The overriding concerns of the parks department was that such benefit to the trees will not be realised if parking on the wide verge so created is not policed or physically prevented. Departments responsible for highways and parks wish to avoid the additional staff and maintenance costs that would arise from this option.

6.4 In summary, building the wall along the existing fence line in such a way that protect the tree roots is the option that best addresses all the issues.

7 OTHER OPTIONS CONSIDERED

7.1 Do not build a wall and retain the existing fence instead.

7.2 Build the wall 4metres inside the existing fence line to avoid construction damage to the tree roots.

8 CONSULTATION

8.1 *Ward Councillor; Executive Councillor; Other B&NES Services; Service Users; Local Residents; Community Interest Groups; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

9 ISSUES TO CONSIDER IN REACHING THE DECISION

9.1 *Customer Focus; Sustainability; Property; Health & Safety.*

10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Strategic Director - Support Services) have had the opportunity to input to this report and have cleared it for publication.

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Background papers	<i>Planning Permission Decision Notice 03-00021-EREG03</i>
Please contact the report author if you need to access this report in an alternative format	