

Agenda Item No: 8
Report To: Cabinet
Date of Meeting: 11th July 2019
Report Title: Conningbrook Lakes Country Park Masterplan
Report Author & Job Title: Len Mayatt. Cultural Projects Manager
Portfolio Holder Cllr. Peter Feacey
Portfolio Holder for: Culture, Tourism & Leisure



Summary: This Report seeks Cabinet endorsement for the draft masterplan for Conningbrook Lakes Country Park (***refer Appendix A which will follow separately***) and to approve the proposal to place the draft masterplan on the Council's consultation portal for six weeks and commend the delivery of the park for the benefit of the community subject to relevant funding coming forward.

Key Decision: YES

Significantly Affected Wards: Kennington, Little Burton Farm and North Willesborough

Recommendations: **The Cabinet is recommended to:-**

- I. Note the contents of this report and endorse the draft masterplan;**
- II. Authorise officers to place the draft masterplan on the Council's consultation portal for a period of six weeks;**
- III. Delegate authority to the Head of Culture, Tourism and Leisure, in consultation with the Portfolio Holder for Culture, Tourism and Leisure to make any minor changes to the draft masterplan following the authorised consultation period;**
- IV. Agree an approach to paying back previous forward funding spend from the expected £2,054,727 S106 funding for the country park as described in paragraph 2 of the Report;**

Policy Overview: Corporate Plan. Priority 3: Active & Creative Ashford. Priority 4: Attractive Ashford

Financial Implications: £2,054,727 S106 contribution is due to be paid to the authority between 2019 and 2024 for the delivery of key infrastructure elements of the park. The cost of early access works borne by the Council is to be repaid from the S106 contribution at a time to be determined. However, it may be necessary for further forward funding to move the project forward. Subject to Member approval and relevant planning

permissions which may come forward, further S106 contributions may become available to support the delivery of the masterplan at a later date.

Legal Implications The council holds a long term lease on the majority of the park. Therefore, the landlord's support for the principles of the proposed masterplan has been sought. Before finance can be released for spending in the park, confirmation will be required that the proposed works are complicit with the appropriate S106 agreements.

Equalities Impact Assessment See Attached

Other Material Implications: NO

Exempt from Publication: NO

Background Papers: -

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Report Title: Conningbrook Lakes Country Park Masterplan

Introduction and Background

1. This report updates Members on the positive progress made on producing a draft masterplan for the Country Park and seeks Members endorsement of the draft plan as attached in Appendix A. Such endorsement is key to enable officers to put in place an appropriate project delivery programme in conjunction with the available S106 funding for the park and support consideration of any further possible contributions in the future.
2. It should be noted that the cost of initial early access works undertaken to make the park available to the public in 2015, will need to be repaid. Those works cost approximately £500,000. It is proposed that as appropriate S106 payments are received by the Council for the park (refer paragraph 10) and work to deliver the park progresses, the forward funded sum is repaid at a time that does not adversely affect the delivery programme for the park. This approach allows the park to be developed to meet demand and repayment of funds to the Council.
3. Members are reminded that Conningbrook Lakes Country Park is designated as a Strategic Park in the Council's Open Space Strategy (2017 – 2030). As such it provides a unique opportunity to capture the essence of Ashford's rich rural heritage and strong natural environment on the edge of the main urban area.
4. A Strategic Park fulfils a number of functions by providing a mix of passive, active and recreational facilities and opportunities for residents and visitors alike to enjoy. The draft masterplan aims to create sufficient space within the park to balance the needs of all users, while protecting the rich natural environment.
5. The conservation area of the park is managed in accordance with an agreed Management Plan (2016 – 2020) by Kent Wildlife Trust. While that plan concentrates on the conservation area of the park, it's overall aim is reflected across the whole park and is summarised as;

'To maintain Conningbrook Lakes Country Park as an important area for wildlife and as a public amenity for present and future generations to enjoy. Where possible to extend the size of the reserve and link to other conservation areas.'

Current Position/ Proposal

6. The park is currently designated into two main zones. The larger land area (and two smaller lakes) is the conservation zone which is managed by Kent Wildlife Trust. The second zone is the leisure/activity zone which is managed by Ashford Leisure Trust and includes the main lake where sailing opportunities are provided by the Royal Cinque Ports Sailing Club and fishing on the lake is managed by Mid-Kent Fisheries.
7. Since planning permission was granted for the Country Park in 2014, various works have been completed to enable limited use of the park. This has resulted in a basic access road, new permanent concrete slipway, temporary storage facilities and an aeration system being installed in the lake. This work has enabled the public to access the site and for the organisations noted above to deliver services for the park users.

8. All of those organisations and stakeholders work with local schools and community groups to encourage use of the facilities currently on offer and to participate in positive and healthy activities throughout the park.
9. One of the aims of the draft masterplan is to develop the temporary facilities listed above and provide them on a permanent basis along with a new children's destination play area, picnic areas, access paths, signage, interpretation, public art, country park car parking, new access road, enhanced conservation/landscaped areas and changing facilities. The last element will require partnership funding to complete it.
10. Funding for the proposed works in the Country Park is being provided by the enabling housing development that is currently under construction on land immediately adjacent to the main lake (H1). The first houses in that development are now occupied and the initial S106 contributions for the country park will be paid to the Council over the coming months. The S106 agreement allows for payment to the Council when 10 dwellings are occupied to a total contribution of circa £2,054,727. Within this payment is the need to repay the Council's previous forward funding of circa £500,000 as referred to in paragraph 2 above.
11. In order to enable the main infrastructure in the park to be completed, an overarching masterplan is required that maps out the locations of the various elements identified in the 2014 planning permission and other related proposals that have come forward since first use of the park commenced in 2015. The masterplan includes a schedule of how the S106 funding can be spent on the various elements and an indicative timetable for delivery of the various works (Scheduling Section).
12. Within the masterplan there is a section that includes options for incorporating other features within the park at a later date, subject to further funding and final approval being secured at the relevant time. Those features have been included in this masterplan for consideration and to illustrate how the park could look in the future if all elements are incorporated. If Members agree to retain those elements in the masterplan at this stage, each element could be delivered as and when appropriate finances become available.
13. Those features include an opportunity to consider providing a high ropes climbing facility to be managed by the operators of the Julie Rose Stadium and to develop a relationship with a partner organisation to provide an activity centre. If the latter opportunity is pursued it could be located on land currently owned by KCC within the boundary of the Country Park and would be subject to a full business case being developed. The provision of a high ropes facility would also be subject to a full business case being produced and approved by Members.
14. There is an option to incorporate the land owned by Kent County Council within the park if an activity centre is not developed. If this option is pursued, it would allow more space for sympathetic landscaping to be undertaken and provide valuable leisure space within the country park that park users could enjoy. An appropriate agreement would be required with Kent County Council to enable the park to be extended into the land in their ownership.
15. The draft masterplan provides space for a public house/restaurant to be located within the park as originally proposed within the 2014 planning permission. Work to secure the provision of such a facility is currently being undertaken by the Council's Regeneration and Projects Service and will be subject to separate approvals being considered and granted by the Council. However, space has been allocated within the draft masterplan for the facility to be provided if a suitable agreement is reached with a developer and operator.

16. Looking ahead and meeting potential future demands for quiet recreational space from a growing population, the draft masterplan proposes consideration be given to expanding the country park to the east beyond the river Stour into area that is currently cultivated, arable land. Such a proposal would need to be fully scoped, costed and agreed with the land owners but is included within the draft masterplan as an option for future consideration. Subject to further funding being secured, there are options for providing extra footpaths at key locations within the park as well as more signage, interpretation and more pieces of play equipment for example.
17. The draft masterplan has been produced in response to various stages of consultation that has been undertaken (as detailed in paragraph 25 below) and reflects the different aspirations and requirements of the various users, stakeholders and operators.
18. Cabinet Members are asked to endorse the spending of £2,054,727 S106 funding for the delivery of the masterplan works as those funds are received by the Council to facilitate the works noted in paragraph 9 of this Report.

Implications and Risk Assessment

19. If the draft masterplan is adopted, it will enable the Council to embark on a delivery plan for completing the park over the next five to seven years as funding becomes available and agreements are reached with appropriate stakeholders and partners.
20. Risks attached to this project relate to the available funding for the works and the content/style of the park itself. If the housing market slows and S106 contributions for the park are not forthcoming it will not be possible to complete the works unless alternative funding can be secured. It is noted that current house sales are progressing well, so the risk is currently considered to be low. However, it is understood that the housing market can be volatile and subject to external influences that could cause the current positive position to change.
21. There is a balance to be struck between the passive and active recreational opportunities that have been identified in the consultation process. It is important that the guiding principles of the 2016 Management Plan noted in paragraph 4 above are retained and built facilities are limited to those considered to be essential to enhance the park.
22. Members are also asked to note that reaching a final agreement with Kent County Council on incorporating all or part of their land into the park, either as leisure land or for an activity centre, could require considerable resource to complete in terms of Officer and Member time.

Equalities Impact Assessment

23. Members are referred to the attached Assessment. The key issues arising are ensuring the park is available to people with limited mobility, that adequate suitable car parking is required, surfaces are robust and easily identifiable and that play provision has a range of equipment available to children with different abilities. It will also be necessary to ensure clear information and signage is made available in different mediums and styles and is not restrictive.

Consultation Planned or Undertaken

24. It should be noted that considerable public consultation was undertaken prior to the creation of the country park and the submission of the original planning application for the park in

2014. That consultation helped to describe the overall ambition and intent for the park. Further consultation has taken place on the draft masterplan during 2018 and 2019 which has helped to shape the plan that Members are being asked to consider. This has included:

- A stakeholder workshop at the Julie Rose Stadium, including ward members and park users
- Consultation with the Victoria Park and Conningbrook Park Advisory Committee during 2018 and 2019
- Further consultation with individual stakeholder groups
- Consultation with Ashford Access Group
- Meetings with Lake and Country Park users
- Discussions with the Council's Cabinet Members and Management Team.

25. It is proposed that if the draft plan is approved by Cabinet, the final document will be placed on the Council's Consultation Portal for a period of six weeks for further feedback and comment, with any notable amendments incorporated in the final masterplan in consultation with the Portfolio Holder for Culture, Tourism and Leisure.

Other Options Considered

26. During the production of the draft masterplan, alternative layouts and designs have been considered. These have been amended and fine-tuned in response to the feedback from consultation sessions undertaken.

27. As part of that process early consideration was given to a proposal for introducing an indoor tennis facility adjacent to the Julie Rose Stadium. Such a facility would require considerable investment and a full business case being developed for consideration by Members before a decision on its viability and suitability was reached.

28. However, while initial work indicates that such a facility could prove to be financially viable, in response to concerns raised about the potential impact on the country park, it is proposed that more detailed work is undertaken to find an alternative location for the facility and a more detailed business plan is produced along with a suitable funding strategy before a decision on this proposal is taken forward. Therefore, it is not proposed to include such a facility within the bounds of the country park at this time.

Reasons for Supporting Option Recommended

29. The Victoria Park and Conningbrook Park Advisory Committee has helped to steer this project and supported officers in the development of the draft masterplan, alongside the Cabinet and other key members. This support for the development of the plan has been crucial in producing the final version of the plan.

30. Having submitted the original planning application in 2014 and commissioning Allen Scott, Landscape Architects to complete the draft masterplan in 2018, the Council has committed to completing the delivery of the country park for the benefit of local residents and visitors to the Borough.

31. The draft plan represents a flexible and sympathetic plan for delivering the park which reflects the parks significance to the Borough by providing a balanced mix of passive and active recreational facilities, with opportunities to enhance the natural habitat further included in the proposal.

Next Steps in the Process

32. If members are minded to support and endorse the draft masterplan, the plan will be placed on the Consultation Portal as noted above.
33. At the end of the six week consultation period an appropriate delivery plan and suite of projects will be developed to enable the park to be completed as funds become available to the Council. Those plans will be subject to the normal approval process via the Council's project management procedures.
34. Further consideration on the delivery of the elements listed in paragraphs 13, 14 and 16 will be made as and when suitable funds become available from other developments and sources.
35. Consideration of the proposed pub/restaurant in paragraph 15 above is subject to a separate Report being presented to Cabinet.

Conclusion

36. Conningbrook Lakes Country Park is recognised as a highly valued and important strategic open space in the Borough. It is imperative that the work to complete the park is commissioned in the near future so that the park can be delivered and enjoyed by the widest possible audience.

Portfolio Holder's Views

37. "I fully endorse this exciting project as it will supply a fantastic recreational facility for the residents of Ashford as well as provide a unique opportunity to enjoy the rich natural environments that the park has to offer." Cllr Peter Feacey.

Contact and Email

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Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Armed Forces Community

9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.

10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:

- Current serving members of the Armed Forces (both Regular and Reserve)
- Former serving members of the Armed Forces (both Regular and Reserve)
- The families of current and former Armed Forces personnel.

Case law principles

11. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or

service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Len Mayatt Cultural Projects Manager
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	Review of the masterplan for Conningbrook Lakes Country Park and delivery of a suite of infrastructure and improvement works a cross the park.
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	11 th July 2019
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>To ask Members to endorse the draft masterplan for Conningbrook Lakes Country Park and approve the release of S106 funding at the appropriate time, which is designated for the park, to enable the park to be completed and made fully available for the community to use.</p> <p>The Country Park will be available for all residents of the borough.</p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	<p>Considerable public consultation was undertaken prior to the submission of the original planning application and opening of the country park in 2014. That consultation helped to describe the overall ambition and intent for the park. Further consultation has taken place on the draft masterplan during 2018 and 2019 which has helped to shape the plan further that Members are now being asked to consider.</p> <p>It is proposed that if the draft plan is approved by Cabinet, the final document will be placed on the Council's Consultation Portal for a period of six weeks for further feedback and comment, with any notable amendments incorporated in the final masterplan in consultation with the Portfolio Holder for Culture, Tourism and Leisure.</p> <p>The consultation and design work completed to date has highlighted significant levels of interest in the Country Park from current and potential users. There is a requirement to ensure the park is available for all members of the community regardless of age, gender or ability. Therefore, there needs to be a range of easily accessible, stimulating, active and passive recreational opportunities within the park.</p>
Consultation: <ul style="list-style-type: none"> • What specific consultation has occurred on this decision? • What were the results of the consultation? 	Prior to starting work on the draft masterplan officers and the appointed consultants have reviewed the documentation, consultation and relevant management plans completed to date. Further consultation then took place as described below to refine plans and proposals so that the draft masterplan could be completed.

<ul style="list-style-type: none"> • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<ul style="list-style-type: none"> • A stakeholder workshop at the Julie Rose Stadium, including ward members and park users in September 2018. • Consultation and discussion with the Victoria Park and Conningbrook Park Advisory Committee during 2018 and 2019 • Further consultation with individual stakeholder groups in 2018 and 2019 • Consultation with Ashford Access Group in 2018 • Meetings with Lake and Country Park users 2018 and 2019 • Discussions with the Council’s Cabinet Members and Management Team in 2018 and 2019 <p>While proposals were brought forward for the country park and its future layout and design, no major issues were highlighted which would adversely affect people with protected characteristics, other than ensuring there is good quality access, surfaces, equipment, parking and promotional material as described above. The design team will continue to liaise with user groups to ensure adequate provision is made within the park.</p>
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Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	Medium	Positive
Middle age	Medium	Positive
Young adult	Medium/High	Positive
Children	Medium/High	Positive
<u>DISABILITY</u> Physical	Medium	Positive
Mental	Medium	Positive
Sensory	Low	Positive
<u>GENDER RE-ASSIGNMENT</u>	None	Neutral

<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	Neutral
<u>PREGNANCY/MATERNITY</u>	None	Neutral
<u>RACE</u>	None	Neutral
<u>RELIGION OR BELIEF</u>	None	Neutral
<u>SEX</u> Men	None	Neutral
Women	None	Neutral
<u>SEXUAL ORIENTATION</u>	None	Neutral
<u>ARMED FORCES COMMUNITY</u> Regular/Reserve personnel	None	Neutral
Former service personnel	None	Neutral
Service families	None	Neutral

Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.	N/A
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Is the decision relevant to the aims of the equality duty?	
Guidance on the aims can be found in the EHRC's Essential Guide , alongside fuller PSED Technical Guidance .	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	Yes
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

Conclusion: <ul style="list-style-type: none"> Consider how due regard has been had to the 	Due regard has been made to the equality duty, throughout the development of the draft masterplan and will continue during the delivery phase
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<p>equality duty, from start to finish.</p> <ul style="list-style-type: none"> • There should be no unlawful discrimination arising from the decision (see guidance above). • Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified. • How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported? 	<p>There will be no unlawful discrimination arising from the decision</p> <p>The proposal meets the aims of the equality duty as all sections of the community including those with protected characteristics will benefit from the enhancements to the park</p> <p>Monitoring of the policy, procedure or decision and its implementation will be undertaken and reported by the stakeholder group</p>
<p>EIA completion date:</p>	<p>11th June 2019</p>