

**REPORT ON**  
**LAND AT OADBY COUNTRY PARK**  
**OADBY, LEICESTERSHIRE**

**EXECUTIVE SUMMARY**

This report seeks to review and compare two options available to the Council.

Overall our opinion is that if the Council were to purchase the whole site, it will cost too much to maintain and therefore leasing part of the site is the better option.

**1. INSTRUCTION**

Andrew Granger & Co. were asked to prepare a report on land lying to the East of Oadby, as shown in **Appendix 1**.

The Council are seeking an opinion on whether the purchase of the land rather than to follow the original terms of the s.106 is the best option and the future costs of maintaining the land.

The Council entered into a planning obligation agreement, (s. 106 agreement) for development of land now known as Pipistrelle Way/The Pastures, Oadby. The agreement was completed on 17<sup>th</sup> May 2001.

In accordance with the s.106 agreement, the Council was to lease an area of open space land for 125 years, hatched purple, as shown in **Appendix 2**. The Council was to be granted a tenancy at will over land coloured red on the plan and a deed of easement would be granted over the access track coloured brown, use of the carpark coloured blue and further access to the leased area coloured green on the plan in Appendix 2.

It is understood that a commuted sum of £408,000 would also be transferred to the Council for the maintenance of the land within the lease.

However, the Council have the option to purchase the leased area plus other land, which is edged red, as shown in **Appendix 3**. Part of the above commuted sum would be used to purchase the land.

This report seeks to review and compare these two options.

**2. LOCATION**

The site is located to the east side of Oadby and accessed off Bluebell Close, which leads off Florance Wragg Way, as shown on the enclosed attached plan in **Appendix 1**.

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The Council have two options, to lease part of the land or to purchase the whole site.

In order to access the leased land, a deed of easement is proposed to be granted to the Council during the length of the lease, to use and access the accessway to the carpark, to use the circular carpark and to be given access from the carpark to the leased area.

A Tenancy at Will is proposed to be granted to the Council, for a piece of land to join together either end of the leased area. However, the tenancy can be terminated at anytime by the Landlord, providing not less than six months notice is given. This area is coloured red on the plan in **Appendix 2**.

### **3. LEASED AREA**

#### **3.1 DESCRIPTION AND USE**

The Council have the option of leasing an area of land for a term of 125 years at an annual rent of one peppercorn (if demanded). Access to the land is via a stone track off Bluebell Close, which leads to a circular carpark. The land extends to approximately 16.47 acres (6.66 ha) as shown hatched purple on the enclosed plan in **Appendix 2**, as follows:

##### **3.1.2 Woodland**

There is one small block of woodland, approximately 1.57 acres (0.63 ha) to the west of the flood relief basin.

##### **3.1.3 Other land**

The remaining land within the lease borders two pasture fields. Parts of the land are planted with trees and shrubs varying in age and height. The ancillary land is approximately 14.90 acres (6.03 ha).

There are three public footpaths, which cross the land.

## **4. WHOLE SITE**

### **4.1 DESCRIPTION AND USE**

The area being offered to the Council for purchase extends to 55.05 acres (22.27 ha) or thereabouts and is shown edged red on the plan in **Appendix 3**.

The whole site consists of a carpark, flood relief basin, balancing ponds, two pasture fields, woodland and other land.

Access to the land is via a stone track off Bluebell Close, which leads to the circular carpark.

Photographs of the land are in **Appendix 4**.

#### **4.1.1 Carpark**

The carpark is circular in shape with an island of trees in the centre and surrounded by further trees and shrubs. The carpark is accessed via a stone track which is accessed off Bluebell Close, which in turn is accessed off Florence Wragg Way.

#### **4.1.2 Flood Relief Basin**

The basin is to the west of the carpark and covers approximately 2.87 acres (1.16 ha). The basin at the time of inspection was holding water and reeds. The basin is currently not fenced off from public access.

There are residential properties nearby to the basin. The ground level of one bungalow is lower than the rim of the basin. Therefore if the basin becomes full of water and starts to overflow, this would then affect these properties.

#### **4.1.3 Balancing ponds**

There are two balancing ponds which are separate from the flood relief basin and located by Bluebell Close, as shown in Appendix 3. Neither had standing water at the time of inspection and were covered with grass. They were fenced or partly with post and rail fencing.

#### **4.1.4 Pasture Fields**

The majority of the land consists of two pasture fields extending to 26.5 acres (10.74 ha). The fields are dissected by a hedgerow. Within the southern field there are old disused buildings, believed to date from the 1940's. The fields are bounded by hedgerows and trees and bushes.

We understand these fields are rented out by the current owner to accommodate horses.

4.1.5 **Woodland**

There is one small block of woodland, approximately 1.47 acres (0.59 ha) to the west of the flood relief basin.

4.1.6 **Other land**

This land circles the two pasture fields, surrounds the carpark, flood relief basin, two balancing ponds and borders the houses off The Pastures.

Parts of the land are planted with trees and shrubs.

There are three public footpaths and one bridleway crossing the land.

There is a small triangular shaped piece of grassland to the south east of the flood basin.

**5. CURRENT CONDITION OF THE WHOLE SITE**

Apart from the two pasture fields and a small area of grass near Bluebell Close, the whole site looks overgrown, untidy and neglected.

There are areas of brambles, the majority of grass has not been cut for a number years. Hedgerows are over grown and becoming trees. The south western boundary, parts are suffering from fly tipping.

The brook running through the centre of the whole site is becoming overgrown, with a collapsed bridge and fallen tree branches preventing the natural flow of water.

The flood basin is at present a serious health and safety problem, which will require fencing off from the public.

The access track to the car park from Bluebell Close has developed several potholes. The carpark surface is wearing away and will require resurfacing at some point soon.

## **6. MAINTENANCE**

### **6.1 Access track and Carpark**

At present there is no means to control of access to the carpark, (i.e gates) and it is understood that the carpark occasionally is the target of fly tipping as well as other anti social behaviour. Therefore it is recommended that gates and fencing is erected to secure the site when closed to the public.

The access track and carpark are surfaced with type 1 scalpings. The track currently has a number of pot holes and these holes will need to be filled in. As the carpark is continued to be used by the public, the surface will continue to deteriorate from wear and tear and will need to be resurfaced at some point in the near future. The best solution would be to resurface the carpark and access track with tarmac.

Another point the Council needs to consider, who will open and close the gates, in respect of the opening and closing hours of the Park.

#### Best Solution:

Likely cost to resurface the access track and carpark with tarmac.  
Cost £54,000.00

### **6.2 Flood Relief Basin**

It is understood that local residents have blocked the outfall weir to allow the water level to rise in the basin, in order to stock it with fish.

The rear upper grill of the weir appears to have minor damage. The spacings of the vertical metal pillars may be spaced too far apart, allowing children to get inside the weir.

Normally, the water in the basin should be allowed to drain way into the connecting brook, by the weir. The solution would be to pump the water out and then employ speicalist contractors to make a new hole in the weir wall to allow future water to drain away, into the brook and to repair the upper grill.

The weir needs to be cleaned out and the rear upper grill to be repaired and strenghtened.

The basin should be fenced with perimeter fencing to prevent public access with a vehicular gate installed to allow access for machinery for annual maintenance.

Warning notices and life rings should be installed at the perimeter of the site.

Long term maintenance of the basin would include regular grass cutting of the banks and within the basin itself. The outfall weir may become blocked from time to time from leaves and vegetation as well as the possibility of residents causing blockages. The boundary fence, preventing public access, may be targeted by vandels with the aim of getting into the basin.

The land in between the bungalow and the basin should be 'banked up' in order to prevent the property from being flooded in the future.

**Best Solution:**

Fence the perimeter of the flood relief basin, which is likely to cost £20,000.

**6.3 Balancing ponds**

The smaller of the two ponds was only partially fenced. Post and rail fence will need to be continued along the edge adjacent the residential parking area, to match the existing fence line. The grass and vegetation will need to be regularly cut throughout the year.

**6.4 Pasture Fields**

The fields are currently grazed by horses. Access to the land is via a track leading from carpark.

The land would be unsuitable for an arable farmer, due to the nature of the land and access. Therefore grazing would be the most suitable.

The location of the land, which is urban fringe, may be a problem, when trying to attract a suitable grazier. From our experience you are more likely to attract graziers who do not maintain the land in good order.

Should the Council decide to let the land for grazing then they could expect to receive an income of approximately £60 - £100 per acre, per annum, depending on the type of livestock on the land.

It will not be possible for the Council to claim for the Basic Payment Scheme on the land because they are already claiming the maximum eligible amount allowed within the scheme rules at Brocks Hill Country Park.

The condition of the buildings are not known and what hazards may lie within or that surround them. For the long term the best solution would be to demolish them.

It is not known if there is asbestos on or around these buildings. An asbestos survey will determine this fact. If asbestos is found then specialist contractors

will be required to remove it, which depending on the quantity, could be very expensive.

Maintenance of the boundaries will also need to be considered. The hedges will need to be cut annually and the fences will need to be kept good condition. It would be possible to insist the grazier of the land to maintain the hedges and fences. However, this usually depends on the type of agreement in place.

In order to gain suitable access to the land to the north of the fields, it would be advisable to install a gate in the boundary of the field.

There are rumours that the pasture fields may have WW2 ammunition and unexploded WW2 bombs.

#### Best Solution

To fully establish if there is any WW2 ammunition and bombs in the two fields.

Undertake an asbestos survey of the old buildings, demolish the buildings and return the site to agricultural land.

### 6.5 **Woodland**

The small block of woodland would require a tree survey to be undertaken in order to establish which trees need to be felled from a safety point of view as there are neighbouring gardens on the south side, which back onto the wood and public access to the north.

The woodland is not large enough to generate grant income or income from selling timber.

At present access to the woodland is difficult. Therefore an access would need to be created.

Future maintenance will include possible tree surgery works and fencing to prevent public access.

#### Best Solution

Fence off the site to prevent public access. Cost: £8,000.00

### 6.6 **Other Land** (Leased area – 16 acres. Whole site – 21 acres)

The majority of the grassland is over grown and in need of regular maintenance. The paths which circle the fields through the ancillary land have trees and shrubs, which are beginning to over hang the paths. The

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vegetation will need to be cut back in order to allow a safe passage for the public, together with the grass.

A purpose built tarmac path would need to be created circulating the pasture fields, in order to allow easy access, particularly disabled members of the public and for emergency vehicles.

The trees that are on the land vary in size and age. Again, a tree survey should be undertaken.

A number of houses off Windrush Drive have created accesses from their gardens onto the land on the south western boundary. Ideally these need to be blocked off to prevent the residents from having rights over the land. However, the question should be asked to ascertain if permission has been granted to the residents enabling the direct access.

The route for the bridleway was well maintained giving easy access for horses and their riders.

The small triangular piece of grassland to the south east of the basin appeared to be maintained. However, accesses into resident's gardens appeared to have been created. Again, the question needs to be asked, if permission has been given for these accesses.

**7. OTHER MATTERS**

Do the Council want to install a new play area for children? It is understood there are already 2 play areas in the locality.

Do the Council want to install lavatories and somewhere for the public to eat and drink?

At present access for emergency vehicles is very poor.

At present there is not enough storage space to keep the new machinery which would be required to maintain the land. Therefore the Council need to consider where the machinery can be kept. If a new building is required, then this will be a further capital expense.

The stone path from the carpark heading towards the pasture fields, although used by the public is not part of the access route as defined in the deed of easement. Therefore if the Council are to lease the site as per the original lease plan then the deed of easement routes need to be altered.

The Council need to have regard to their objectives when thinking about the site. Does the Council want to just give public access as per the lease or is complete control of the whole site desired.



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The Council need to have regard to their budgets when assessing the maintenance costs for leased area or the whole site.

The Council need to consider the extra cost of insurance and would someone patrol the site during the daytime.

Who will open and close the gates for access to the land.

**LEASED AREA**

If the Council were to only take the leased area, then they would receive a sizeable commuted sum of £408,000, in which to help maintain the site.

However, taking the £408,000 in a straight line basis over the 125 year period of the lease, it provides the Council with a sum of £3,264.00 per annum for the ongoing maintenance of the Country Park. However, the Council would need to potentially find further funds to meet the ongoing maintenance costs.

**WHOLE SITE**

If the Council were to purchase the whole site, we understand that part of the commuted sum of £408,000 will be used for the purchase price. The agreed price is £235,000. This would leave a commuted sum balance of £173,000 for the future maintenance of the whole site. A very small income would be gained from letting the pasture fields for grazing.

The Council have been offered a commuted sum for the lease area only. However, if they were to take on the whole site, then the commuted sum should be higher to reflect the extra maintenance costs involved. Have the Council considered this.

The Council needs to establish where or not they have enough spare funds once the commuted sum has been used for the ongoing maintenance and improvement of the site.

From a planning perspective it shows on the adopted policies plan 2013 that the site should be used for recreational purposes. Therefore, it would appear that the long term aim from the Council is not to develop the land further. Therefore the Council would not benefit from future development windfalls.

The biggest liability for the whole site is the flood relief basin, which will require some investment in order to protect the public. There is also a risk should the basin fill completely with water that could flood nearby housing. A large sum would need to be spent to fence off the basin.

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**8. CONCLUSION**

The figures prepared seem to show that a large capital sum would need to be spent regardless if the Council lease or purchase the land. Our opinion is that the Council should not pursue the purchase of the whole site as it would be too costly and to only proceed with the lease.

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**APPENDIX ONE**  
**LOCATION PLAN**  
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**APPENDIX TWO**

**LEASE PLAN**

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**APPENDIX THREE**

**WHOLE SITE PLAN**

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**APPENDIX FOUR**  
**PHOTOGRAPHS**  
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**APPENDIX FIVE (A) & (B)**

**A - BREAKDOWN OF ANTICIPATED COSTS IN THE LATTER PART OF 2015 (LEASED AREA)**

**(AT PAGE 24)**

**B - BREAKDOWN OF ANTICIPATED COSTS IN THE LATTER PART OF 2015 (WHOLE SITE)**

**(AT PAGE 25)**