



Pennington and Lymington Lanes Society (PALLS)

Protecting the distinctive character of our lanes

pennandlylanes@gmail.com

24th January 2020

Caroline Godfrey,
Town Clerk Lymington and Pennington Town Council
by email: info@lymandpentc.org.uk

Dear Ms Godfrey,

Pedestrian Links – Access through Woodside Park

I refer to the report which was considered by Full Council (agenda item 8) of the Town Council on 8th January 2020 concerning the above subject.

We were surprised that you did not have the courtesy to advise us that this report was being considered bearing in mind the previous representations we have made to the Town Council on behalf of our 700 members and the discussions that Mr Potts and I had with you, Louise Young and Councillors Corbridge, Sutherland, Dunning and Penson at a meeting on 29th October 2019. We understand that the report was only available some 10 minutes before the meeting and the title of the report is inaccurate and, in our view, also misleading as it does not relate to its actual content. Why did the title of the report not accurately refer to its contents; namely creation of pedestrian access across Forest Gate Gardens amenity land and link from Local Plan Strategic Site 6 to Woodside Park?

It is of course open to you to enter into a Statement of Common Ground (SOCG) and one was referred to at the Local Plan Examination (indeed you confirmed to us at our meeting on 29th October 2019 that the agent for Cicero Estates wrongly informed the Inspector at the Examination in June 2019 that they already had your agreement in principle to both the Forest Gate Garden access and also the Woodside Park access, when they did not.) Your report to Full Council states that the Local Plan inspectors have requested an SOCG; this is incorrect. The inspectors confirmed this to PALLS via the Programme Officer in a letter dated 17th July 2019 which also stated that 'detailed transport issues are a matter for the Planning Application stage.' Please advise who approached the Town Council to request the SOCG and provide a copy of the correspondence.

The plans put forward by the site promoters at the Local Plan Examination did include reference to pedestrian links. They were not considered in any detail by the inspector who indicated, as noted above, that highways matters were for later consideration. We would like you to clarify whether your report and proposed SOCG cover a new pedestrian connection into Woodside Park from Ridgeway Lane opposite the existing field gate leading to Strategic Site 6. This is unclear from the plans attached to the draft SOCG.

Paragraph 5 of the SOCG attached as Appendix A incorrectly quotes paragraph 9.78 of the submission draft plan (document SD01). This actually states that 'The main pedestrian access towards the town centre should be provided via Woodside **Lane** and Forest Gate Gardens.' The accompanying plan indicates a footpath via the field access from SS6 to Woodside Park but this is inconsistent with the text. The recently published modifications have not changed the above wording. Your report makes no reference to the engineering operations that would be required to facilitate such a pedestrian access nor to the link which would be required between the footpath proposed around the edge of the rugby pitch and Ridgeway Lane. It would appear that the Town Council has failed to consider the impact of the scale of the works the footpaths would require including the provision of services, lighting and the severe impact on the existing mature tree screens, both on the southern edge of Forest Gate Gardens amenity land and also on the eastern side of Ridgeway Lane where the link would

necessitate the removal of part of an ancient oak hedgerow and significant engineering works because of the significant bank between Woodside Park and Ridgeway Lane opposite the proposed pedestrian route from SS6.

We are surprised that the legal advice referred to is not within the report and there is no record within the report of its contents. We also understand that members were not given sight of the legal advice before coming to a decision. Please forward to us a copy of the legal advice referred to within the report. Please also confirm the decision reached on item 8 and confirm which Councillors declared an interest in the report and what interest was declared.

We are aware that a right is reserved across the amenity land south of Forest Gate Gardens for emergency purposes only, with or without vehicles. At present this is facilitated at the northern part of the amenity land by a gate; however there is currently no provision for vehicular access between the amenity land and the land to the south – some 30 years after the right was agreed and so far as we are aware the right has never been exercised.

The Town Council published a statement on their website in November 2017 which says the amenity land to the south of Forest Gate Gardens 'would not be available for any purposes of housing development' and this commitment is still on your website. Why was your published position not referred to anywhere within the report to Full Council and why is the Town Council now proposing to break its promise?

Please also advise whether the agreement attached to the report has been signed and, if so, whether it is identical to the one presented at committee – if the signed copy varies, please advise what those changes are.

We note that Cicero Estates/land owners have agreed to pay the Town Council a sum of £75,000 if SS6 is included in the approved Local Plan and within six months of the date of planning application approval. Please advise what planning consent would trigger this payment as you refer in your report to 115 units – the deposit draft Local Plan identifies 104 but there are other iterations of the proposed development showing different numbers within the site promoter's documentation to the Examination.

Is the sum of £75,000 the only remuneration that the Council expects to receive for the granting of a formal right to create a footpath between SS6 and Forest Gate Gardens across the Amenity land and the creation of both a footpath within Woodside Park and a link across a mature oak hedgerow into Ridgeway Lane?

Whilst we acknowledge that the proposed use for pedestrians accords with Open Space use, we do not consider that the Council is under a legal obligation to grant pedestrian rights across its land. The Forest Gate Gardens amenity land could continue to be accessed by pedestrians from Forest Gate Gardens and the new footpath at Woodside Park can be accessed from the car park at Ridgeway Lane and pedestrian access at Rookes Lane where access points already exist, and indeed from within the park. We therefore believe that Para 2.5 of your report is misleading as people do not have a right to create *new access points* into public open space – this would have to be by agreement with the Town Council who could refuse to grant such rights because the Park/Amenity land can readily be accessed from existing entrances. We also do not see how a covenant which provides for an emergency access only can be used to justify the creation of a permanent new access point into the Forest Gate Gardens amenity land. We have asked you to provide us with a copy of the legal advice obtained which appears to state that the Council **has** to grant new access rights across its land and cannot resist such requests.



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I look forward to your response and to receiving the information requested as soon as possible. I would be grateful if you would forward this to the councillors below. I have not included Councillors White nor Smith as they have both previously declared an interest in SS6 – however if you deem it appropriate that they should receive this letter please let me know.

Yours sincerely,

Mr Bruce Tindall, Chair
Pennington and Lymington Lanes Society

cc Jack Davies, Pennington Ward Councillor
 Andrew Gossage Pennington Ward Councillor
 Martina Humber, Pennington Ward Councillor
 Colm McCarthy, Pennington Ward Councillor
 Anne Corbridge, Mayor
 Alan Penson, Chair Policy and Resources
 Barry Dunning, Chair Amenities