

WYRE FOREST DISTRICT COUNCIL

CABINET

23rd June 2009

Access-Land adjacent to Puxton Marsh SSSI

	OPEN
SUSTAINABLE COMMUNITY STRATEGY THEME	N/A
CORPORATE PLAN AIM:	A Well Run and Responsive Council
CABINET MEMBER:	Councillor Anne Hingley
HEAD OF SERVICE:	Caroline Newlands, Head of Legal & Corporate Services
CONTACT OFFICER:	Jane Alexander 01562 732712
APPENDICES	None

1. PURPOSE OF REPORT

- 1.1 To consider a request from the Owners of land adjacent to Puxton Marsh SSSI to vary the route of the Council's access over their land onto the SSSI.

2. RECOMMENDATIONS

- 2.1 **That the Director of Legal & Corporate Services in consultation with the Director of Community & Partnership Services receive delegated authority to enter into a Deed of Variation to revise the route of the access to Puxton Marsh SSSI to enable development of the land adjoining the SSSI to take place.**

3. BACKGROUND

- 3.1 On 29th September 1998 land at Puxton was transferred to the Council by A & J Mucklow & Co. Ltd. ("Mucklows") pursuant to an agreement under Section 106 of the Town & Country Planning Act 1990 in connection with Planning Consent WF833/95 for use by the Council as a Local Nature Reserve ("LNR"). Mucklows implemented Planning Consent WR833/95 but did not continue with the development.
- 3.2 The transfer to the Council granted the Council rights of way over land retained by Mucklows to gain access to the LNR. The right of way was granted "over the roads and footpaths constructed or to be constructed" on the retained land of Mucklows but also over specific roadways shown hatched brown on the plan attached to the transfer.
- 3.3 Since 29th September 1998 the Council has been managing the LNR and have gained access to the LNR across only a short length of accessway off Puxton Drive between house numbers 56 and 58.

4. CURRENT POSITION

- 4.1 With the exception of the accessway between Numbers 56 & 58 Puxton Drive, none of the roadways have been constructed by Mucklows.
- 4.2 Subject to completion of a new Section 106 Agreement, Mucklows have applied for a new planning consent for their land (Planning Application 09/0066/FULL). The new scheme will require revisions to the road layout from that originally proposed under consent WF833/95.
- 4.3 Mucklows have approached the Council to request a variation to the transfer deed to reflect the new road layout.

5. ISSUES FOR CONSIDERATION

- 5.1 The new development will provide 73 dwellings with a minimum of 14 of them being affordable housing. The development will also provide contributions towards education and bus infrastructure.
- 5.2 The new development has been approved, subject to the completion of a Section 106 agreement, by the Council's Planning Committee.
- 5.3 Unless a variation can be agreed, the development cannot proceed as approved.
- 5.4 Officers will ensure that the existing access between 56 & 58 Puxton Drive will remain in addition to the right to use the roads and footpaths to be created as part of the proposed development of 73 dwellings.

6. RISK MANAGEMENT

- 6.1. The Council will still have access to the LNR so there is no risk to the Council that access will be lost.

7. CONCLUSION

- 7.1 To enable development pursuant to planning application 09/0066/FULL a Deed of Variation is necessary to revise access to reflect the newly proposed estate roads.

8. CONSULTEES

- 8.1 Conservation & Countryside Officer

9. Background Papers

- 9.1 Transfer deed dated 29th September 1998.
- 9.2 Planning Application is respect of application 09/0066/FULL.