

Overview and Scrutiny Committee

Thursday, 8th December,
2022

MINUTES

Present:

Councillor Bill Hartnett (Chair), Councillor Joanna Kane (Vice-Chair) and Councillors Salman Akbar, Imran Altaf, Tom Baker-Price, Sid Khan and Timothy Pearman.

Also Present:

Councillor Peter Fleming (Portfolio Holder for Environmental Services) – (on Microsoft Teams)

Officers:

Guy Revans, Michael Birkinshaw, Michael Rowan (on Microsoft Teams), and Carl Walker

Democratic Services Officers:

Jo Gresham and Mat Sliwinski

81. APOLOGIES AND NAMED SUBSTITUTES

Apologies for absence were received from Councillors Chalk and Clayton.

82. DECLARATIONS OF INTEREST AND OF PARTY WHIP

Councillor Kane declared that she had previously expressed clear and publicised views on the proposals to be discussed under Minute Item No. 85 (Pre-Decision Scrutiny – Appropriation of Land off Ipsley Church Lane for Planning Purposes) and as such her participation in the discussion and vote on this matter could be construed as predetermination. Councillor Kane indicated that due to this she would not be taking part in the rest of the meeting.

Councillor Kane subsequently left the room and took no further part in the meeting.

Chair

83. MINUTES

The minutes from the Overview and Scrutiny Committee meeting held on Thursday 20th October 2022 were submitted for Members' consideration.

RESOLVED that

the minutes of the Overview and Scrutiny Meeting held on Thursday 20th October 2022 be approved as a true and correct record and signed by the Chair.

84. PUBLIC SPEAKING

The Chair introduced the public speaking item and explained to the Committee that several public speakers had registered to speak either in person or had prepared statements to be read out before the Committee.

The Chair explained to Members that a written statement had been received from Ms. J. Lovell, made on behalf of herself and two other residents, Dr. E. Soady and Mr. I. Soady. Therefore, nine minutes would be allocated for this statement to be read out by the Democratic Services Officer present. Her statement was delivered as follows:

"I make this statement on behalf of myself, Mr and Dr. Soady and we represent the hundreds of people, including their children, who can't be here but will be detrimentally impacted should this appropriation go ahead to allow what is a BUILD DEVELOPMENT.

Talk to anyone on social media, on the street, in the park, in the meadow, they will all say "IT'S A DONE DEAL ". And yes, it is as far as the ruling incumbent councillors are concerned. That is evidenced in their committees in pursuit and it's no secret this is the site they want, and this is the site they shall have.

So, the officer seems to me to be saying that apart from the loss of open space no other argument is valid because they have planning permission. [By the way that's OUTLINE planning permission.] So as a cemetery is a topology of open space there won't be any loss, end of.

Let us be absolutely clear on this. Let's talk about the reality.

This is for a BUILD DEVELOPMENT of a new from scratch forever expanding operational cemetery. Entrance gates running into a

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large carpark area. Lanes off to accommodate the hurst. Ancillary buildings to accommodate the digging/maintenance equipment and toilets. And once it's began other buildings associated with burials will no doubt be granted permission. The continuation of digging up of graves, with or without headstones, headstones up or down. No time to elaborate more but you will have the reality of a cemetery in your focus tonight.

Let's be absolutely clear of what this land is now here today. A UNIQUE part of Arrow Valley Park South, part of the park given over in trust by Redditch Newtown Development Corporation for pleasure. It is an established, well-loved, and used semi natural area close to our urban homes. This has been acknowledged by a council solicitor in a response to my complaint.

As committed members of Overview and Scrutiny you will have outsourced that the high value and use of this piece of parkland for enjoyment of recreational pursuits is proven and weighted heavily.

From as high as the national government policies, including Public Heath England, and National Planning Policy Framework. Even the Inspector of State declared the council could not allocate Arrow Valley Park as land for the development of plan because of its great importance for recreational needs. Down to Worcestershire Green Infrastructure Framework to your own policies.

You will be aware of the recent allocation of 85k from the national government levelling up parks fund. This is an allocation based on the evidence that Arrow Valley Park is in one of the deprived parts of England for RECREATIONAL SPACES WITHIN WALKING DISTANCE of homes. The idea is to keep and make more not to take away!

So please question why the officer is seemingly adamant that this build development is exactly the same thing as a park.

On financial argument, is it the publics fault bereavements was allowed to go ahead to spend 60k on a planning application before public and council consultations and now use as a reason to go ahead with appropriation regardless of argument because of it being cited as a waste of public funds if not granted.?

On their land hectarage argument, question the arguments and the maths given by the officer regarding taking this park land away because there is adjacent and wider park land.

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It's not just a question of hectares. It's a question of accessibility and quality, how it best serves the public.

Question the figure of area given for the maths against the figure on planning amended area. Why that takes in the surrounding public highways paths, woody areas which is included for planning but excluded from this appropriation with the same drawing.

Question the figures for the adjoining and whole park and used in the maths calculation.

For example, In the immediate vicinity there is the vast GKN works buildings and land, and private residences Mill cottage stables of no public access.

We share the park with the wildlife, and they are entitled to open grass land, scrub, and ponds which are off limits to humans and rightly so and cover much land in the immediate vicinity.

Immediately below is wild goose playing fields, predominantly in use football fields and BMX/skatepark waiting for expansion.

Also, hectareage of the whole park, for example, the 2 ½ mile stretch of river runs within the park and the lakes and we cannot, as yet walk on water.

These provable points along with others I have no time to list, but you will find, will seriously change the maths, and turn in the public's favour the need of this piece of park for recreation needs.

As committed members of o and s you will have accessed the public's representations summarised in this report for fairness.

You will have found a detailed submission from a highly qualified town planning consultant which has seemingly been dismissed as irrelevant.

There is no time to mention all but for the record tonight particularly pertinent point made by this qualified open space consultant.

That the fact of the open space needs assessment has been proven as woefully out of date and inadequate for 2022 and thus renders the Public Open Space quotes in this report as unsound. Make no mistake, this piece of park is wholly valuable in provision for Matchborough ward and indeed people come from in particular Winyates, Church Hill, Woodrow, Greenlands to make use as well as visitors alike due to its regional status.

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Other pertinent points made by the public, also appears missing including a record of a petition of over 400 legitimate signatures and some with comments. Also missing or dismissed much of my own, Dr and Mr Soady. What other points in public submissions have been dismissed or ignored as well?

This council, with its transient members of today, have a duty to make decisions now that will not prevent future generations from having the same opportunities.

The planning statement of Intent is relevant here. The intention of wider space allocation for each grave, of including natural burial area as well as the statutory inclusion of all faith domains and their rights of burial which includes separation allowances and open for everyone, anyone in and outside Redditch.

Also, relevant the geo report, the declaration of the parkland in this site contains bands and deposits of impenetrable siltstone. Also ground water issues in parts and environmental restraints.

These facts will seriously detrimentally skew the number of graves per hectare of land as declared by bereavements for future years' worth of graves, which after all, GRAVES are the point, it's already a wildlife haven...What then.? when this meadow is filled, the PRESEDENT IS SET for the taking of yet more parkland from the adjoining parkland.

This piece of our precious park will just become the gateway to the ever-consuming need for burial land as the population grows with its diversity of people's needs and rights to burial. A park already insufficient for today's needs, especially highlighted by Covid.

What choice will the future councillors have to justify the plus £1million this council will have spent on the gateway other than continue it?

There are alternative sites that are not parkland available now thereby not causing such major impacts on the people now and the future for their need of this park for pleasure.

And just to finish please

I believe this present council leadership will, to coin a phrase, "WILL HAVE TO BE GOING SOME" to argue in law that an operational cemetery outweighs an existing open grassland meadow, scrub, wood, and ponds in terms of wildlife, biodiversity, and climate change.

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And “BE GOING SOME EVEN MORE”, to argue in law, an operational cemetery is a place of enjoyment, fun among the graves, and therefore there will be no loss of this well-loved, valued, much needed, easily accessed, high quality, historic piece of park, heavily used for enjoyment for the benefit of our mental and physical wellbeing, in recreation as is OUR RIGHT!

Thank you.”

The Chair subsequently welcomed Mrs. E. McMahon to the meeting, who was invited to speak to the Committee.

Her speech was delivered as follows:

“Good evening

My name is Eileen McMahon

I would like to state my opposition to the Council’s proposed appropriation of the land at Ipsley Meadow for the purpose of a cemetery.

Ipsley Meadow as part of the Arrow Valley Park offers valuable open recreational space and to quote the Council’s website: “is protected as a green space where the management of the park is taken very seriously to ensure it is stewarded and improved for future generations.”

The Arrow Valley Park as a whole is a well loved, highly valued Community Asset, used daily throughout the seasons by the whole community and beyond.

We are all aware of the growing need for fresh air and open recreational spaces in order to support good mental health and wellbeing; places for sport, walking and other physical activities or just as an open space for social interaction. We need more spaces like Ipsley Meadow not less.

Furthermore, there needs to be good safe access for pedestrians to enter Ipsley Meadow from Ipsley Church Lane. I am very disheartened that the public footpath number 621 (C) which runs parallel to the lane has been blocked for many years, making pedestrians walk up the road with moving traffic on the steep and narrow lane. I am aware that the issue of the blocked footpath has been raised previously by Redditch Ramblers with the County Council. I am a member of the RAMBLERS’s Association.

I urge you to please protect and improve access to Ipsley Meadow for all of the reasons outlined.

Thank you”

85. PRE-DECISION SCRUTINY - APPROPRIATION OF LAND OFF IPSLEY CHURCH LANE FOR PLANNING PURPOSES

The Chair introduced this item and explained that it was not possible for Officers to provide the Committee with the copies of all 60 letters of objection on the grounds of the loss of recreational space due to time and resource constraints. The Bereavement Services Manager clarified that a sample of the objections would be read out in the course of the Officer presentation.

The Bereavement Services Manager presented a report on the appropriation of Land off Ipsley Church Lane and explained that this report was due to be considered by the Executive Committee on the 13th December 2022, which would decide whether to proceed with the appropriation of land off Ipsley Church Lane for planning purposes under section 122 (2A) of the Local Government Act 1972.

It was explained that the planning decision notice dated 26th April 2022 provided for a change of use and entrance subject to various conditions. This permission was to create a modern cemetery using the open space and biodiversity in such a way as to ensure the wider ecology would be enhanced.

The land in question was designated primary open space and remained so even with the change of use permission. Therefore, appropriation of the land for planning purposes was required and the authority had the power to do this under section 122 of the Local Government Act 1972. As the land was open space this power fell under sub-section 2a of section 122 of the Act due to its recreational use.

The Bereavement Services Manager clarified the steps that the Council had taken thus far to lawfully proceed with the process of appropriation proposal. The Council was required to advertise its intention to appropriate in a newspaper with circulation in the local area. The adverts were placed on 16th, 23rd and 30th of September – the third date was added as in the first week an incorrect email address had been included in the advert. This satisfied the minimum requirements for advertising the intention to appropriate.

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The Council also had to consider any objections to the proposed appropriation. To discharge this requirement there was a period of six weeks allocated for making representations, from 16th September to 28th October 2022.

It was highlighted that, following this process, should the Council decide to appropriate this land it was released from any trust for the enjoyment of the public imposed by section 164 of the Public Health Act 1875 or the Open Spaces Act 1906.

The Bereavement Services Manager explained that the report before the Committee detailed the planning designations of open space and primarily open space used within the change of use application.

The details of the objections received were summarised and it was noted that 69 people objected to the appropriation, of whom 68 objected by email and 1 person objected by letter. The objections were categorised into 14 categories, with categories 2-14 having been dealt with via the planning application of 13th October 2021. Thus, in granting the permission the planning authority had satisfied itself that these matters were compatible with the use of the site and were not matters for consideration in this appropriation process.

The loss of recreational space was the outstanding objection that had to be considered in the appropriation process. Under the 60 objections recorded in this category the objections related to the use of space for such activities/reasons as walking with family, dog walking and mental health.

The Bereavement Services Manager clarified that the site being considered for appropriation amounted to 4.60 hectares and was surrounded by a further 55 hectares of open space within 1 kilometre from the centre of the site. As a result of the circa 60 hectares available to the public in this area, the appropriation of this land equated to 8 per cent of the land, leaving 92 per cent of the land still available for recreational use.

Across the wider Arrow Valley Park there was approximately 364 hectares with a wide range of facilities compatible with its use as a leisure and recreation facility. In this respect the appropriation of this land equated to 1.3 per cent of the overall available land, leaving 98.7 per cent available.

The Bereavement Services Manager also explained the biodiversity and environmental implications of the proposed appropriation. Members were advised that if appropriation was to be approved for

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this land, the land would still be classed as open space under the legislation. As such it would be included in the Parks & Open Space Strategy and, consequently, the biodiversity and environmental recommendations stemming from that Strategy dating September 2022 would be followed. These recommendations were reiterated to the Committee as follows:

- Recommendation 1 required a better understanding of the biodiversity of the open spaces within the Borough.
- Recommendation 3 required a clear approach to Biodiversity net gain and provision of a measurable approach to the management of the land.
- Recommendation 5 required identification of further carbon capture and natural capital gains.

The Bereavement Services Manager stated that a commitment to enhance biodiversity on the site and the wider local area had been made via the planning process and there were conditions attached to the planning permission for the land off Ipsley Church Lane to the effect of enhancing biodiversity.

Following the presentation, Members made a number of observations and asked a number of questions of Officers, which were answered as follows:

- Officers stated that it was the intention for the public right of way to remain through the land off Ipsley Church Lane following the completion of the cemetery.
- Officers stated that the Council's parks team could investigate the issue of blocked public right of access around or adjacent to the site on land off Ipsley Church Lane. One of the Members updated the Committee stating that the public footpath in question had been blocked by a local resident and the matter had been reported to the relevant ward councillor.
- Some Members observed that change of use to a cemetery would result in some restrictions to public access and enjoyment of the current site such as restrictions to the opening hours. A definition of open space in section 336 (1) of the Town and Country Planning Act 1990 was quoted by a Member as 'any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground' and it was noted that this definition implied that an in-use burial ground would thus not be classed as open space.
- Officers commented that completion of the cemetery and change of use of land to cemetery would not change the

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designation of the land as open space under the National Planning Policy Framework or the relevant planning legislation as cemeteries remained open space in legal planning terms. Some Members commented that they disagreed with this.

- It was added that for Abbey Cemetery there was available for public access with restrictions to vehicular access only. It was the intention to provide a similar level of public access to the Ipsley Church Lane
- Some Members complained of the high water table on the land off Ipsley Church Lane, which would make burial at the site difficult in the winter season.
- Some Members also expressed concern that the use of part of the site for cemetery would be incompatible, in that it was a site of mourning, with the use of the rest of the area as a park and recreation area for enjoyment. Other locations were mentioned as more suitable for expansion of cemetery facilities.
- Some Members also added that they wished to read all 60 objections pertaining to loss of recreational space in full by Members before a decision on the matter was made by the Executive.
- With regards to paragraph 7.1 of the report, Officers clarified that the appropriation of the land would not have any impact on the Council's strategic purposes as there was evidence that there were other places within 1km radius of the land that would satisfy the public's need for open park space for enjoyment.

In the course of discussion, and based on the concerns outlined above, Councillor Khan put forward the following recommendation:

“That Overview and Scrutiny Committee notes that Members have not been able to read the 60 letters of objection meaning that the Committee has insufficient information to enable proper scrutiny of this very important decision. The Overview and Scrutiny Committee therefore requests that the Executive Committee defers making the decision on this matter until all the letters have been provided to Members of the Overview and Scrutiny Committee for consideration at the next available meeting.”

The Committee subsequently discussed in detail this recommendation and Officers explained that consultation on the proposed appropriation was open to all residents as the intention to appropriate was advertised in a newspaper with circulation in the local area, the Redditch Standard, and it was open for anybody to respond.

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In stating the support for the proposed recommendation, some Members reiterated that it was important for Members to have the full content of the objections available before a decision could be made on the matter. It was also stated that there should be greater consideration given to alternative sites.

In stating their opposition to the proposed recommendation, some Members argued that the objections received had been sufficiently summarised in the report and by Officers at the meeting to allow Members to scrutinise the matter and it was stated that as there was a total of 60 objections to the appropriation on the grounds of loss of recreational space out of the Redditch Borough population of circa 86,000, the level of objection was not proportionate enough to justify delaying the Executive Committee in making a decision on this matter.

Some Members also argued that given the existing burial space in the borough was estimated to only provide enough burial space for another two years, it was imperative that new burial space was found. Lastly, it was argued that it was not feasible to expand the Abbey Cemetery as it was next to an ancient scheduled monument and during the planning process it was reported that Worcestershire Archives and Archaeology Service would object to any expansion of the Abbey Cemetery. Works to enable the expansion of the Abbey Cemetery without disturbing the ancient monument were thought to incur costs that would not deem the expansion of the site value for money.

The recommendation proposed by Councillor Khan was put to the vote and on being put to the vote this recommendation proposed was lost.

Councillor Baker-Price then proposed the following recommendation:

“That it be recommended by the Overview and Scrutiny Committee that the Executive Committee resolve that the Land off Ipsley Church Lane as detailed in appendix 1 be appropriated under section 122 (2A) of the Local Government Act 1972 for planning purposes”.

On being put to the vote this recommendation was carried.

RECOMMENDED that

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the Executive Committee resolve that the Land off Ipsley Church Lane as detailed in appendix 1 be appropriated under section 122 (2A) of the Local Government Act 1972 for planning purposes.

The Meeting commenced at 6.30 pm
and closed at 7.42 pm