

Report to: Cabinet



Date of Meeting 28 October 2020

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## Seaton Jurassic Phase 2 & Seaton Wetlands Link Project

### **Report summary:**

This report sets out proposals for a new landscaping and interpretation project focussing on the themes of wildlife, nature and climate change that will form a second phase to Seaton Jurassic. The project is one of the project interventions identified in the Seaton Wetlands Link Project that was reported to cabinet in January this year. The project is being led by Devon Wildlife Trust, tenant and operator of Seaton Jurassic.

The report proposes that the council enters into a lease with DWT for land that is situated adjacent to the existing Seaton Jurassic external space, and will include some car park land and some grassed landscaping area. (Site A on the plan at appendix 1). This space will be pay to enter and will adjoin the existing Seaton Jurassic garden area. Other land will be included within this project covering interpretation relating to Seaton Wetlands that will be free to access (Site B on appendix 1).

It is proposed to grant a lease to DWT for site A to facilitate this project. The lease would be co-terminus with the existing lease to DWT for the Seaton Jurassic building, and is proposed to be at nil value.

DWT are applying for external funding to support this project and it is a requirement of the funding application that DWT have entered into Heads of Terms with relevant landowners prior to submission of the funding application. The deadline for their funding application is 31 October.

Further details are provided in the body of the report below.

The report also provides an update on the other intervention projects for the Seaton Wetlands Link Project and seeks authority to enter into negotiations to acquire 2 small parcels of land to facilitate the circular walk that will lead up to the Wetlands from Seaton Jurassic and the Underfleet car park.

### **Recommendation:**

That Cabinet approves

1. That delegated authority be given to the Service Lead for Place Assets & Commercialisation in consultation with the Portfolio Holder for Economy and Assets and the Strategic Lead for Finance to:
  - a) enter into Heads of Terms in substantially the same, or a similar form of those shown at appendix 6, with Devon Wildlife Trust for the lease of Area A on the plan attached at appendix 1.
  - b) enter into a Management Agreement with DWT for the shared management and maintenance of Area B on the plan attached at appendix 1

- c) enter into an Agreement for Lease (and associated Lease) with DWT for Area A on the attached plan,
- d) enter into any other relevant documentation that arises as a consequence of varying the existing legal documentation with DWT for Seaton Jurassic
2. To remove that part of the council's existing car park shown cross hatched red on the plan attached at appendix 1, from its Parking Places Order, in order to facilitate the grant of the agreement referred to in 1c above.
  3. That delegated authority be given to the Service Lead for Place, Assets & Commercialisation to enter into negotiations and to acquire land to provide access into and out of the Sheep's Marsh site in Seaton, in consultation with the Portfolio Holder for Economy and Assets and the Strategic Lead for Finance.
  4. That the council provides a letter of support to accompany DWT's funding application to the RDPE for this project.
  5. That members decide on whether they wish to instruct officers to replace some or all of the 18 lost car parking spaces as detailed in section 4 of the report.

### **Reason for recommendation:**

To facilitate the delivery of one of the Seaton Wetlands Link projects/interventions that was identified within an earlier cabinet report in January 2020 and enable DWT to apply for external funding to support delivery of this project. To facilitate delivery of a second of the project interventions that will enable access in and out of Sheep's Marsh.

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Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment
- Finance
- Strategic Planning
- Sustainable Homes and Communities

### **Financial implications:**

The financial details are contained within the report. The loss of car parking spaces is estimated at an annual loss in income of £10,000 and members are asked to consider replacing lost spaces at an estimated cost of £12,000 to £15,000 (this would be a recommendation to Council). In relation to Land purchases identified in the report a total capital budget was approved in 2019/20 of £98,000 – Seaton Jurassic Access from Wetlands.

### **Legal implications:**

It is noted that the Agreement for Lease ('the Agreement') is not to be put in place until DWT have obtained planning permission for Areas A & B. The Agreement should be made conditional on removal of that part of Area A shown cross hatched red on the plan in Appendix 1, from the Council's Parking Places Order. In other words, the grant of the lease to DWT should be

conditional on this aspect, as well as DWT obtaining grant funding. The prescribed statutory procedure for varying the Council's Parking Places Order could take circa 3-4 months to conclude. The Agreement should also provide for varying any existing documentation in place with DWT of the main Seaton Jurassic (Phase 1) development, so that the lease of Area A is effectively subject to the same arrangements. It is noted that each party is to be responsible for their own costs (including advertising fees) associated with documenting these proposals. The wording of the various documentation is to be agreed between Legal Services & Place, Assets & Commercialisation.

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk; There is a risk that DWT do not secure RDPE funding for this project. If this is the case, DWT will apply for other funding. The council will not be entering into the lease with DWT until both a planning permission and sufficient funding has been secured.

**Links to background information** [Seaton Wetlands Link Project, Cabinet report January 2020 Appendix 3 – Masterplan of Link Project Interventions](#)

**Link to [Council Plan](#):**

Priorities (check which apply)

- Outstanding Place and Environment
  - Outstanding Homes and Communities
  - Outstanding Economic Growth, Productivity, and Prosperity
  - Outstanding Council and Council Services
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## Report in full

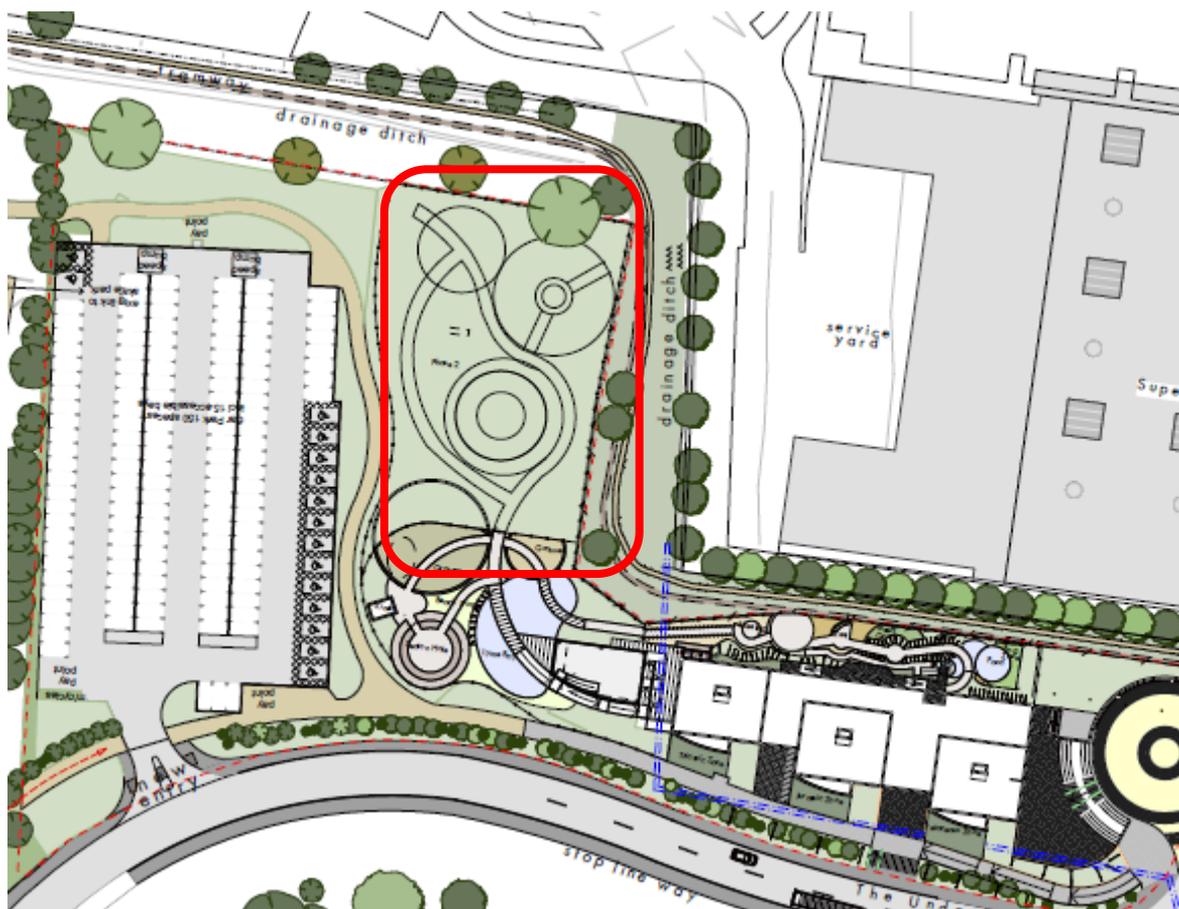
### 1. Background.

- 1.1 Officers reported to cabinet in January 2020 with details of a masterplan for a number of linked project interventions, that if delivered would create a circular route between Seaton Jurassic, Seaton Wetlands and Seaton Tramway. It illustrated these interventions on the plan shown at appendix 3 and in the schedule at appendix 4 and identified that further details on these projects would come forward in due course, seeking necessary approvals for delivery
- 1.2 This report provides detail on project no. 6 and seeks approval to progress this project working with Devon Wildlife Trust.
- 1.3 This report also provides an update on projects no. 2 and 3 and seeks approval to negotiate with a local landowner(s) to acquire land that will deliver access into and out of Sheep's Marsh.

### 2. Seaton Jurassic Phase 2.

- 2.1 The original planning application for the Seaton Jurassic project granted in 2013, included a larger outdoor area that extended across part of the car park and into the grass area adjacent to the tramline as outlined in red in the plan illustrated below. This

was not delivered at the time that Seaton Jurassic was being built due to budget constraints. DWT are now in a position to progress this part of the project and have prepared proposals for an extension to their outside space.



- 2.2 DWT propose to work with the council's Countryside Team to create a community and visitor offer that highlights Seaton's natural heritage, the urgent issues of climate change and address our disconnect with living with nature. This will help raise awareness of these issues and go towards fulfilling the objectives of the Council Plan to address climate change and the current ecological emergency.
- 2.3 The proposed works include 2 separate areas, Site A and Site B, as shown on the plan at appendix 1. Site A will be on land that is situated adjacent to the existing Seaton Jurassic external space, and will include some car park land (although not as much as in the original 2013 planning permission) and some grassed landscaping area. This space will be pay to enter (through the Seaton Jurassic main ticketed offer) and will adjoin the existing Seaton Jurassic garden area. Further details on the proposals are included at Appendix 2.
- 2.4 The design of site A, will focus on the theme of Living Seas and Living Landscapes. The "Living Seas" zone will offer interpretation and play to highlight the special qualities of the Axe Estuary Marine Conservation Zone and the work of beavers on the River Otter. The "Living Landscapes" will feature tunnels to resemble setts or burrows.
- 2.5 Site B lies to the east of the car park and the skate park, incorporating some of the existing "picnic area" as shown on the plan attached at appendix 1. This area will be free to access by pedestrians directly from the car park. Its theme will be Living with Nature which is a focus for the Wildlife Trusts nationally currently. This area will be designed in collaboration with the Countryside Team ensuring that the information and

interpretation elements highlight the successful visitor offer at Seaton Wetlands, and encouraging people to visit them.

- 2.6 A path will lead visitors from these attractions up towards the northern end of the site where it is hoped that in the future, an access point will lead across into the Sheep's Marsh site which is a new area of wetlands that is being developed by the Countryside Services Team. This path will be fully DDA (Disability Discrimination Act) compliant. This access point is covered in more detail in section 6 below.

### **3. Planning Application, Consultation and Funding Application**

- 3.1 DWT have submitted a planning application that covers both sites A and B and this application was validated at the end of September. It is expected that this application will be determined before the end of the calendar year at the December planning committee.
- 3.2 DWT will be running a consultation process at Seaton Jurassic from the 12 October and through the half term holiday.
- 3.3 DWT are seeking a funding contribution for the project from the Rural Development Programme for England (RDPE). The deadline for their funding application is 31 October. As part of the application they need to demonstrate that they have both:
  - a) entered into Heads of Terms with the landowner for any land they do not own, and
  - b) submitted a planning application that will be determined by the end of the calendar year.
- 3.4 DWT will seek to offer the "in-kind" contribution of the council land as match funding in the funding application, depending on the funding application guidance.

### **4. Loss of Car Parking Spaces and Financial Impact**

- 4.1 The use of Site A will result in a loss of 18 car parking spaces to the council (which equates to approximately £10,000 p.a.) The Underfleet car park currently offers 106 spaces and the Underfleet overspill car park offers 68 giving a total of 174 spaces. This will therefore reduce to 156 spaces. There is an option to replace some/all of these spaces. It should be noted that collectively there will still be more parking spaces than there would have been in the original planning permission of 2013, due to the addition of the overspill car park. As a capitalised sum, the loss of car park spaces is calculated at £100,000. This is what DWT will use as a match funding sum from the council, in their application if they are able to do so.
- 4.2 In 2018 the income for the calendar year for the main Underfleet car park was £87,668. For the overspill car park, open from March to October only, the income was £24,388.
- 4.3 The plan at appendix 5 illustrates how 18 spaces could be incorporated into the western edge of the grassed picnic area. This could be provided using a grasscrete material, similar to the overspill car park. The cost of providing these would be in the region of £12,000 - £15,000 plus vat assuming internal delivery by colleagues within the Engineering Service. If the work was outsourced the cost would be higher.

- 4.4 Councillors might like to deliver some or all of these replacement car parking spaces and are asked to consider this and instruct officers accordingly.
- 4.5 In order to facilitate the grant of the lease agreement to DWT, it will be necessary to remove that part of the council's existing car park shown cross hatched red on the plan attached at appendix 1, from its Parking Places Order.

## **5. Seaton Jurassic Phase 2 - Legal and Management Arrangements.**

- 5.1 It is proposed that the council grants a lease to DWT for Site A. This would be co-terminus with the existing lease to DWT for the Seaton Jurassic building. It is proposed to offer the land at nil value representing the council's contribution towards the project Draft Heads of Terms have been agreed in principle with DWT for entering into a lease of Site A. These are provided at Appendix 6. Approval is sought to enter into these.
- 5.2 It is proposed that the council and DWT will enter into an Agreement for Lease if and when a planning permission has been granted for the site. This means that the Agreement for Lease does not need to be conditional upon planning permission. The Agreement for Lease will be conditional up on funding being secured. Once funding is secured the council will then be committed to entering into a lease with DWT as set out in the Heads of Terms.
- 5.3 It is proposed that the council enters into a Management Agreement with DWT in respect of the management and maintenance of Site B. It is proposed that DWT will be responsible for all of the installations and features, including pathways, shrubs, trees and fences that they install onto Site B. The council will remain responsible for any existing trees, shrubs and fences and for cutting the grass.

## **6. Access to Sheep's Marsh.**

- 6.1 Officers have also been considering two other projects identified in the Seaton Wetlands Link Project. This is the acquisition of land adjacent to Sheep's Marsh (projects 2 and 3 on the plan at appendix 3). By acquiring this land, this will enable some of the circular walk to be created which will link Seaton Jurassic through to Seaton Wetlands via the Sheep's Marsh site, which is itself the subject of an intervention project being led by the Countryside Services team (project 1 on the plan at appendix 3).
- 6.2 Officers have now received valuation advice in relation to the two parcels of land required and propose to make an offer to the landowners. This report recommends that delegated authority is given to officers to proceed with making an offer in consultation with the Portfolio Holder for Economy and Assets.
- 6.3 An existing budget is available to progress with the purchase and delivery of this access route.
- 6.4 The missing link will then be the land that Devon County Council are seeking to acquire to form part of the Stop Line Way cycle route (shown as project no. 5 on the plan at appendix 3).

## **7. Update on Other Seaton Wetlands Projects.**

- 7.1 Given the Covid-19 outbreak this year, work has been delayed on the council's project (project 1 at appendix 3) to create the Sheep's Marsh wetlands. It is intended to bring a

report to cabinet within the next 2 to 3 months with a further update on this and the other Seaton Wetlands Link Projects.