

DECISION TAKER: Councillor Kelsie Learney - Cabinet Member for Housing & Asset Management

REPORT TITLE: WEST OF WATERLOOVILLE MAJOR DEVELOPMENT AREA, TRANSFER OF LAND TO NEWLANDS PARISH COUNCIL

7 MARCH 2022

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WARD(S): DENMEAD

#### PURPOSE

To obtain approval for the transfer of 16 ha of open space at Wellington Park Waterlooville (see plan of open space at appendix 1) and the remainder of the maintenance sum, currently £1.4m, from Winchester City Council to Newlands Parish Council.

#### RECOMMENDATIONS:

1. That the council transfers 16 ha of open space at Wellington Park (shown on plan at appendix 1) to Newlands Parish Council.
2. That the council transfers the £1,396,459.04 open space maintenance sum to the parish council.
3. That the council delegates to Service Lead - Legal to action the above.

## IMPLICATIONS:

### 1 COUNCIL PLAN OUTCOME

- 1.1 Transferring this open space to the local parish council empowers and enables local people to have more of a say in how their local parks and open spaces are managed and maintained.

### 2 FINANCIAL IMPLICATIONS

- 2.1 The 16 ha of open space at Wellington Park, Waterloooville was laid out by Taylor Wimpey in 2016 and transferred to the council in 2017, with a sum of £1.5m for its future maintenance, in accordance with a s106 agreement linked to the planning permission. In the intervening years, while the council has been maintaining and enhancing the site, the sum has been reduced and the fund now stands at £1,396,459.04. Transferring ownership of the open space to Newlands Parish Council will relieve the council of the financial responsibility of having to maintain the site in future, as the parish council will be making their own maintenance arrangements.

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

If this transfer is authorised, as recommended, then legal ownership of the open spaces on the site will transfer from the council to Newlands Parish Council. The responsibility for maintaining these open spaces as publically accessible, open and unenclosed areas, in accordance with the s106 agreement, will run with the land and be transferred from the council to the parish council under an appropriate legal arrangement.

The transfer of land will involve additional officer time to draw up the necessary documentation to transfer the land and commuted sum to the parish from WCC.

### 4 CONSULTATION AND COMMUNICATION

- 4.1 The transfer of the open space to Newlands Parish Council is being undertaken in consultation with the parish council. The parish council has agreed to accept a transfer of the land and the accompanying £1.4m maintenance sum and recognises that this will provide it with an opportunity for more control over how the open spaces within its jurisdiction are managed.

### 5 ENVIRONMENTAL CONSIDERATIONS

- 5.1 If the open space is transferred to NPC then the local environment will benefit from a more empathetic & responsive approach to landscape maintenance.

### 6 EQUALITY IMPACT ASSESSEMENT

- 6.1 An Equality Impact Assessment can be found at Appendix 2. This found that the transfer of open space and £1.3m to Newlands parish Council will have no effect on communities or individuals on the basis of their race/gender/disability/sexual orientation/age or religion.

## 7 RISK MANAGEMENT

- 7.1 Not transferring the open space to the parish council would mean a loss of opportunity for local management.

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<b>Financial Exposure</b> <i>WCC do not have sufficient funds to transfer</i>	Ensure funds are ring fenced	
<b>Legal</b> <i>Appropriate legal arrangements cannot be completed</i>	Ensure appropriate legal arrangements are agreed.	
<b>Innovation</b> N/A	N/A	N/A
<b>Reputation</b> <i>That Newlands Parish Council struggle to manage the site</i>	Natural Environment and Recreation Team will provide support at the outset to Newlands Parish Council to ensure they have all the necessary tools to undertake effective and efficient management of the site	
<b>Achievement of outcome</b> <i>That the transfer is undertaken successfully</i>	WCC will provide full support to ensure this is achieved	Parish Council has an opportunity to develop the open spaces as it wishes
<b>Property</b> N/A	N/A	N/A
<b>Community Support</b> <i>That the Parish Council do not have support of the community</i>	WCC to provide advice where necessary.	
<b>Timescales</b> <i>The transfer of land is</i>	WCC officers to ensure	

<i>prolonged</i>	the process is successful	
<b>Project capacity</b> <i>Additional WCC time required if transfer is prolonged</i>	WCC officer work programme to accommodate possible additional time	
<b>Other</b> N/A	N/A	N/A

## 8 OTHER KEY ISSUES

8.1 There are no other key issues.

## 9 SUPPORTING INFORMATION:

9.1 Planning permission for the Wellington Park site (ref: 05/00500/OUT) was accompanied by a s106 legal agreement which obliged the developer, Taylor Wimpey, to lay out and provide 16 ha of public open space and sustainable urban drainage features, as supporting infrastructure to the new major development area, and transfer it all to the council on completion. There was no other transfer option at the time. Newlands Parish Council had not yet been formed.

9.2 However, a transfer to the council was never seen as a sustainable long-term arrangement and it was anticipated that there would in due course be a new parish council for the development area which would use the opportunity for more local maintenance and control of the site's open space facilities, using the remainder of the commuted sum and the new parish precept. So, the recommended option being proposed is that the council should, without delay, transfer the open space at Wellington Park to the newly formed Newlands Parish Council. The parish council will be able to supplement the commuted sum for maintenance (£1.4m) with the parish precept.

## 10 OTHER OPTIONS CONSIDERED AND REJECTED

10.1 The alternative option is that the council does not transfer the land to the parish council and continues to maintain the public open space at Wellington Park, but this has been discounted for the reasons set out above.

10.2 Moreover, it is now being recommended by officers that the council should not become the default recipient or transferee of new residential on-site open spaces, where those open spaces could be more appropriately managed by a local parish council or a resident management company. A discussion paper on this topic and the recommended policy was considered by ELB in January 2021.

BACKGROUND DOCUMENTS:-

Previous Cabinet/Committee Reports or Cabinet Member Decisions:-

N/A

Other Background Documents:-

None

APPENDICES:

Appendix 1- Scaled plan showing location and extent of the open space it is proposed to transfer from the council to Newlands Parish Council.

Appendix 2 Equality Impact Assessment.