

REPORT TITLE: PUBLIC OPEN SPACE AT KINGS BARTON

15 JUNE 2023

REPORT OF CABINET MEMBER: Cllr Kathleen Becker, Cabinet Member for Inclusion and Engagement

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WARD(S): ST BARNABAS

PURPOSE

To inform the Forum of the proposed management arrangements for the public open space at Kings Barton that falls within the town wards.

RECOMMENDATIONS:

That the Town Forum notes:

1. The proposed management arrangements for the public open space at Kings Barton that falls within the town wards.
2. That Cabinet in July will be asked to approve the transfer of open space terms and the schedule of payments that will be made by Cala.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Tackling the Climate Emergency and Creating a Greener District
- 1.2 The land comprises areas of grassland, swales and detention basins, shrubs and a number of established and newly planted trees which will remain and be protected under the management arrangements described in the report.
- 1.3 Living Well
- 1.4 The Kings Barton development includes a network of high quality and easily accessible open spaces which are important for the health and wellbeing of the local community.
- 1.5 Your Services, Your Voice
- 1.6 Management of this open space by the parish council empowers and enables local people to have more direct control and a greater say in how their local open spaces are managed and maintained.

2 FINANCIAL IMPLICATIONS

- 2.1 The s106 agreement requires Cala Homes to provide a reasonable sum for the future maintenance of the land. In principle agreement has been reached on a schedule of payments that will be made by Cala over the life of the development, with approval of the terms to be sought from Cabinet in July 2023. The s106 agreement requires the transfer of funds by the developer at the same time as the land to which it relates. The exact sum is unknown as it will increase in line with inflation and the dates of future land transfer are uncertain, but the total maintenance sum for the whole development will be more than £2.5M.
- 2.2 The majority of the open space falls within the Parish of Headbourne Worthy, but a proportion falls within St Barnabas ward, in the area of land shaded orange on the Plan at appendix 1. The exact total area of this land is unknown at this stage as some of the phases are yet to be designed in detail, but it is likely to represent approximately 3% of the total open space provision at Kings Barton. A proportion of the £2.5M+ sum for future maintenance will be linked to this land, based on the rate per square metre of land that Cabinet will be asked to approve in July. Based on the estimated 3% of open space, this would equate to a sum of £75k or more.
- 2.3 Under the proposed arrangements, the appropriate proportion of the maintenance sum would be transferred to HWPC each year to meet the costs it incurs in maintaining the land. This would continue until such time as a Community Governance Review determines the long-term governance arrangements for the area.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The open space at Kings Barton is being laid out by the developer Cala Homes and will be transferred to the appropriate body at no cost, in accordance with a s106 agreement linked to the planning permission. This includes parcels of open space land within the area shaded orange on the Plan at appendix 1, which is within St Barnabas ward and will therefore be transferred to the City Council.

4 WORKFORCE IMPLICATIONS

- 4.1 Should this land be retained by the council, it would be maintained via the grounds maintenance contract. By transferring responsibility for the land to the parish council, the work involved in overseeing and monitoring this maintenance does not become a responsibility of the contract monitoring team in Environmental Services.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 The open space has been secured at nil cost through an s106 agreement between the council and the developer to meet the needs of the new community.
- 5.2 The council's 'Open Space Assessment', a supporting policy document to the Local Plan, identifies the land as protected open space, which would see the land remain as accessible public open space in perpetuity.
- 5.3 It is proposed that the freehold of the open space land within the town ward of St Barnabas is transferred to the town account, but that management and maintenance responsibility for the land is passed to Headbourne Worthy Parish Council to be managed along with all other amenity open space at Kings Barton.
- 5.4 These arrangements would remain in place until the outcome of a future Community Governance Review, which would determine the future ownership of land and assets within the area.

6 CONSULTATION AND COMMUNICATION

- 6.1 The proposals for management and maintenance of open space at Kings Barton have been developed through ongoing dialogue with Headbourne Worthy Parish Council. The parish council resolved to agree to these proposals at its meeting on 22 May 2023.
- 6.2 Cala Homes is also aware of the intention to transfer management and maintenance responsibility to Headbourne Worthy Parish Council.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 A management plan and/or maintenance schedule will be made available for the site by the developer, and this will be passed the parish council who will undertake management in substantial accordance with this plan.
- 7.2 The land will remain as protected open space through the S106 legal agreement and Local Plan and will continue to function in such a way as to deliver benefits for both wildlife and people. In addition, the site provides a range of other environmental services including flood attenuation, carbon capture and urban cooling.

8 PUBLIC SECTOR EQUALITY DUTY

- 8.1 An EQIA has been completed, which highlights potential in open space provision and management for discrimination on the basis of age, gender or disability. However, mitigation measures are in place to ensure these are managed and addressed. A copy of the EQIA can be found at appendix 2.

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None required.

10 RISK MANAGEMENT

10.1

Risk	Mitigation	Opportunities
<i>Financial Exposure</i> WCC does not have sufficient funds to meet maintenance cost.	Funds are available through s106 and will be ring fenced for this purpose.	
<i>Exposure to challenge</i>		
<i>Innovation</i>		
<i>Reputation</i> That there may be a need for the parish council to seek advice in the management of the site.	The council will provide support at the outset to the parish council to ensure they have all the necessary tools to undertake effective and	Council reputation is enhanced through successful transfer and empowerment of the parish council.

	efficient management of the site.	
<p>Achievement of outcome</p> <p>That the parish council fails to maintain the land to the expected standard.</p>	<p>The council will provide support at the outset to the parish council to ensure they have all the necessary tools to undertake effective and efficient management of the site.</p> <p>A maintenance schedule will be provided to the parish council, which will form part of the terms of the agreement and ensure the site continues to be effectively managed.</p>	<p>The parish council's ability to respond to local need/demand ensures the open space is managed more effectively.</p> <p>This council can focus its resources on securing and delivering new areas of open space as they become available through the development management process.</p>
<p>Property</p> <p>That the land owned by this council is not maintained to the expected standard.</p>	<p>A maintenance schedule will be provided to the parish council, which will form part of the terms of the agreement and ensure the site continues to be effectively managed.</p> <p>The legal agreement will contain conditions related to the rectification of any poorly maintained land.</p>	<p>The parish council's ability to respond to local need/demand ensures the open space is managed more effectively.</p> <p>This council can focus its resources on securing and delivering new areas of open space as they become available through the development management process.</p>
<p>Community Support</p> <p>That the parish council does not have or does not retain support of the community.</p>	<p>Ongoing discussion at parish meetings and development forum ensures community awareness.</p> <p>The council to provide advice where necessary.</p>	<p>There is a likelihood of greater community involvement in the site and increased sense of ownership.</p>

<p>Timescales Delay in decision and completion of the agreement.</p>	<p>Fallback position is initial maintenance rests with WCC.</p>	<p>Previous discussion has allowed the parish council to fully prepare for the transfer.</p>
<p>Project capacity Additional council time required if transfer is prolonged.</p>	<p>Council officer work programme to accommodate possible additional time.</p>	

11 SUPPORTING INFORMATION:

- 11.1 Once complete, the Kings Barton development will comprise 2,000 new homes, along with a range of amenities including 24 hectares of recreational and public open space. The vast majority of the development sits within the Parish of Headbourne Worthy, with a small parcel of land sitting within the town ward of St Barnabas (shaded orange in appendix 1).
- 11.2 The site was granted outline consent by the Secretary of State on 2nd October 2012 ref. 09/02412/OUT and was subject to a number of conditions and two s106 Legal Agreements (WCC and HCC).
- 11.3 The s106 sets out a number of options for the future management and maintenance of the open space land and a report will be considered by Cabinet in July to determine the most appropriate option. The recommendation is likely to be for the freehold of the open space land within the Parish of Headbourne Worthy to be transferred from Cala Homes to Headbourne Worthy Parish Council, along with the associated maintenance sum, for management in perpetuity as public open space. This mirrors arrangements in much of the parished district and gives the local community more control and influence over the management of its open spaces and for it to be able to enhance the area going forward, in a way which better meets local needs.
- 11.4 There is a small amount of public open space land within the area shaded orange in appendix 1 that is within St Barnabas ward and will therefore be transferred to the City Council, along with a share of the commuted sum for open space maintenance that is proportionate to the size of the land. This land comprises areas of grassland, swales and detention basins, shrubs and a number of established and newly planted trees. Part of this land falls within phase 1a and will be ready for transfer to the council in the coming months.
- 11.5 In the event that Cabinet approves the transfer of the freehold of the majority of the open space to Headbourne Worthy Parish Council, it has offered to also

take on management and maintenance responsibility for the land within St Barnabas ward. The primary reason for the parish council's offer is to simplify open space management and bring all amenity land under a single management regime. There would be additional advantages in not having multiple contractor teams visiting the site to maintain different pieces of land, which would be less cost-efficient and also confusing to residents and other stakeholders.

- 11.6 The long-term governance arrangements for the area have not yet been decided and it is likely that this will not be resolved until 2025 or 2026. This will be achieved via a Community Governance Review and after that review is completed, there will be a need to review these open space maintenance and management arrangements and possibly to make new arrangements that reflect any changes.
- 11.7 It is therefore proposed that the City Council enter into a management agreement with Headbourne Worthy Parish Council in relation to the maintenance of open space at Kings Barton that sits within St Barnabas ward. This agreement would also see a proportion of the commuted sum paid to the parish council which is to be used towards the maintenance of the land. The agreement would be for a period of between 2-3 years and would be reviewed once the outcome of the Community Governance Review is known.

12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 The default option for management and maintenance of open space land within any of the town wards is for responsibility to sit with the City Council and be managed as part of the Town Account budget. This could be done but would mean an additional maintenance regime being introduced for land at Kings Barton. This would be an inefficient use of resources, as the council's grounds maintenance contractor IdVerde would be required to visit the site to maintain this relatively small amount of land, when other contractors were already visiting the site. It would also be simpler for residents to know that all open space issues at Kings Barton were the responsibility of the parish council.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:- None

Other Background Documents:-

S106 agreement - [09_02412_OUT-S106 Barton Farm final executed agreement 080311-257106.pdf \(winchester.gov.uk\)](#)

APPENDICES:

Appendix 1: Site plan

Appendix 2: Equality impact assessment

