

**PUBLIC CONSULTATION AND INFORMATION SHARING MEETING REGARDING  
PROPOSED TRANSFER OF LAND FROM BLOOR HOMES TO THE PARISH COUNCIL**  
**Tuesday 29 June 2021, 7pm via Zoom remote meeting platform**

**Attendees:** Cllr Oyebola Bello, Cllr Ian Charlton, Cllr Brian Forster, Cllr Virginia Grant (chairman), Cllr Linda Pearce, Cllr Steve Smith, Cllr Dianna Swale, Cllr David Warr, Cllr David Weeks, Sarah Bates (parish clerk), District Cllr Eric Batts, County Cllr Juliette Ash, Liz Howlett (parish council solicitor), Emily Harvey (senior planning manager, Bloor Homes), c. 40 members of public

**Purpose of meeting:** to inform residents of the decision facing the parish council with regard to transfer of public open space from Bloor Homes and the attendant implications, to hear questions and points of view.

**Background:** S106 legal agreement drawn up between Bloor Homes and Vale of White Horse regarding the public open space on the Kingston Park development, which obliges the developer to offer the land to the parish council in return for a sum of money to be used for its maintenance. A discharge of conditions relating to the maintenance of the development has been produced by Bloor Homes as required by the Vale's Planning Department. The parish council was not involved in this, and the Vale has confirmed it must be viewed as a missions statement.

Chairman opened the meeting to give a brief outline of the situation regarding the proposed transfer of public open space at the Kingston Park development from Bloor Homes to the parish council.

Liz Howlett, solicitor to the parish council went over her report provided for the parish council (Appendix A) which outlines the background of the proposed transfer, which is linked to a section 106 agreement with associated payment of monies to the parish council for the parish council which was made between Bloor Homes and the Vale of White Horse District Council. Any decision made by the parish council will be long term and have resource implications. A full inspection of the site and equipment will be needed and required rectifications made before any transfer is agreed.

Any areas not taken by the parish council will be managed by a management company and in any event this will include the roads, pavements and street lighting. The management company is paid for by fees taken from Kingston Park property owners. Questions raised as to how the management company will be held accountable by the residents.

Liz Howlett advised that if the council wishes to request changes to the local areas of play which have been provided on the open space by Bloor that this is done soon.

Emily Harvey, senior planning manager for Bloor answered questions raised in advance from residents but outlined the situation from Bloor Homes' perspective: what is already in place cannot now be changed, however what hasn't been built can be looked at. Asserted that swales are common place and will provide examples of other developments which include them that have been adopted by the parish council. Bloor does not run social media for residents so any queries should be sent via the sales office.

Questions raised in advance of the meeting and answered by Emily Harvey:

1. Clarification requested on demarcation of which areas would be managed by the management company and which the parish council. Answer: conveyance plan to show this, to be sent through to clerk. Plans on the parish council website show areas proposed to be transferred in detail.

2. Who will be responsible for litter picking on hard surfaces? Answer: management company.
3. Is there a bulb planting plan? Answer: to be shown on approved landscape plan.
4. Will the play equipment come with warranties? Answer: Bloor were only obliged to create local areas of play (LAPs) but decided to equip them as a balance to the parkour which is part of the discharge of conditions and to be installed on the central area and is likely to be for older children and adults. Bloor bought land with planning permission. To make changes to equipment need a conversation re parkour at the same time.
5. Will all RoSPA recommendations following inspection of the areas be carried out? Answer: Landscape audit will take place and changes made where necessary (e.g. dead trees replaced).

**Questions raised during the meeting:**

How can swales be regarded as public open space? Answer: large developments are required in planning law to use sustainable urban drainage systems (SUDs) which tend to include swales. This complies with Vale's policies.

How will the management company work, and be held accountable by the residents? Emily Harvey (EH) to provide answer.

What happens if the parish council does not accept the transfer? EH to provide answer

Could the swales and attenuation ponds be split from the rest of the public open space, which was acknowledged as an option. EH to provide answer

What will happen if the parish council doesn't take the open spaces in terms of cost to residents from the management company? EH to provide answer

Is the play equipment installed in the LAPs is mounted on steel blocks: EH to obtain method statement.

Cllr Forster asked if the sum offered in the S106 agreement includes sufficient to cover repair and maintenance of the swales? County Cllr Ash requested information on swales on other new developments around the UK that could inform the parish council's decision, and to obtain cost comparisons from elsewhere. EH to provide details of other developments where this is the case.

Cllr Charlton asked whether Thames Water could take responsibility for the swales, but Emily Harvey confirmed that this would not be the case.

Cllr Warr: expressed concern regarding safety of swales and liability and level of maintenance required for them. View was expressed by a resident that these represent a private drainage system that becomes the responsibility of the parish council.

Documents relating to the proposed transfer can be found on the parish council's website at [www.kbsparishcouncil.org.uk](http://www.kbsparishcouncil.org.uk)

## **Appendix A**

### **Report to Kingston Bagpuize with Southmoor Parish Council**

#### **Transfer of ‘Public Open Space’ and ‘Play Areas’ on the Bloor Homes development of land to the east of Witney Road**

##### **Summary**

Outline planning permission reference P15/V1808/O went to the Vale of White Horse District Council’s Planning Committee on 13<sup>th</sup> January 2016 and was granted in June 2016 for the residential development of 280 dwellings on land to the east of Witney Road, Kingston Bagpuize, OX13 5FZ.

Bloor Homes wishes to transfer to the Parish Council the Public Open Space on the development.

##### **Background**

The development comprises a mix of dwellings (1 to 4 bed), 40% affordable housing provision, associated infrastructure, landscaping open space and amenity space.

There is a Planning Agreement with the Vale dated 29<sup>th</sup> June 2016 but the Parish Council were not a party to this agreement and are not bound by it. Paragraph 2.8 of the Fourth Schedule of the Planning Agreement explicitly envisages the Parish Council **not** taking the Public Open Space, or Parkour facility, and provides for the Management Company taking over responsibility for these.

In addition to the residential development on the site, there is an area of land to be transferred to the Parish Council to enable the provision of community facilities on site. It is currently proposed that this land would be used in connection with a new scout hall. The contribution towards the construction of the hall, which was requested by the Parish Council, was refused on the grounds it was “not justified”.

The green infrastructure plan that accompanied the application showed different types of open space including a main area of open space in the centre of the site. This central area is to include the Parkour facility. In terms of other landscape features, a 3.2m high bund has been constructed along the north and north west boundary of the site. This is required to protect the housing along the northern and north western edge from noise generated by vehicles on the A420 north of the site and the roundabout at the intersection of the A420 and A415.

## **The Public Open Space**

A plan is attached showing the community use site, the site for the Parkour facility and the other areas of Public Open Space. Public recreational space is required to be not less than 15% of the total area of the development. It took until 29 March 2021 to obtain from Bloor a plan showing in detail precisely what areas they wanted to transfer including the overlay detailing drainage swales and other features.

If the Public Open Space were to be transferred in two stages, then this would reflect the different stages of the housing development. The two tranches represent the western two thirds and then the eastern third of Public Open Space on the development. Most of the Public Open Space is on the perimeter of the development. This means it impacts directly on the visual amenity of the village. The land through to the large area in the middle of the development does not affect the visual amenity of the village but could be a significant asset to the village.

## **Financial implications**

A maintenance contribution of £464 709 (index linked) is payable to the Parish Council (via the Vale) to assist with the ongoing maintenance of the land to be transferred. This was an estimated generic 'Public Open Space' maintenance cost for 20 years at £26.57 m<sup>2</sup>. It has not been costed against the Landscape Management and Maintenance Plan produced by Bloor Homes (provided to the Parish Council in November 2019).

There is a litter picking and dog bin contribution for the Parish Council of £54 in respect of each dwelling which amounts to £15 120 index linked

**Ultimately (after the estimated 20 years that the maintenance contribution is supposed to cover), the cost of maintaining everything that is transferred will fall on all the residents of Kingston Bagpuize with Southmoor via the precept.**

**This is the crux of the decision for the Parish Council. Should the Public Open Space be a resource enjoyed by, and paid for, by the whole village or should it be only for the residents of the estate?**

## **Play Areas**

There are four play areas planned on the development. They are all intended for younger children currently. The Parish Council could negotiate so that one (or more) could be suitable for older children (up to age 12) or reduce the number to two better-equipped areas as the apparatus on the one finished area does not appear either particularly robust or engaging. The Vale are happy this would be a non-material amendment.

There will need to be regular Health and Safety inspections of all four areas and appropriate insurance in place. This has resource/financial implications. The parish council currently pays £640 per annum for outsourced quarterly inspections for the playground and recreation ground. Monthly inspections are carried out by councillors. Should council members be unwilling to increase the remit of their

inspections to the Bloor play areas, public open space and swales these would need to be outsourced with the corresponding cost implications.

### **Parkour facility**

There is a contribution of £20 000 towards fees to design the facility which is to comprise at least five pieces of parkour. It is to be no less than 400 square metres. There is a £52 800 maintenance contribution for the facility. That sum was based on generic costing for maintenance, litter and cleansing at £6.60 sqm for 20 years.

There is to be some public art on this site and the design of this is to be agreed between Bloor and the Parish Council. Public art is defined as 'a sculpture, statue or other artistic representation or artwork including street furniture, paving, hard and soft landscaping and/or architectural detailing'. **Responsibility for driving and overseeing the project lies with the Vale of White Horse District Council.**

### **Site for community use**

This is to be provided in a 'Serviced Condition' for community use. This means roads, sewers, gas, water, electricity and telecommunications to the boundary of the land enabling it to be developed.

*Bloor Homes have made a proposal to the parish council in which they request permission to use the site for community use for parking for their contractors between July 2021 and May 2022 for which they will pay the parish council £10,000. The action group for the young persons' centre has submitted a planning application (following a pre-app consultation) for the community building which includes access from Oxford Road but funding is not yet in place and they are happy for the parish council to accept Bloor's offer.*

### **Headwalls of drainage ditches**

These are a particular concern. Ongoing maintenance of the vegetation is not a problem. The concerns are health and safety and flooding. The Royal Society for the Prevention of Accidents (RoSPA) have carried out a sustainable urban drainage scheme safety review which made a number of recommendations (though no deadline or assignment of responsibility was noted). Bloor believe the recommendations have been actioned but not all work has been completed so a further inspection and actioning of any resulting recommendations will be required before the parish council accepts the transfer.

The suggested maintenance schedule supplied by Bloor is attached which sets out the recommended maintenance actions and frequency.

### **Timing of transfer**

The Parish Council can choose to take the Public Open Space land in two tranches, or in one transfer when the development is completed, or it can choose not to take the Public Open Space at all. The Vale would prefer the Parish Council to take responsibility for it.

A full landscape audit would be required before taking any transfer with any issues raised made good by Bloor prior to transfer. If Bloor do not respond to the request to make good issues raised then the Vale have confirmed they will support the Parish Council in ensuring all issues are resolved satisfactorily and in accordance with planning conditions (this includes replacing trees for up to 10 years from planting).

### **Ongoing maintenance of Public Open Space**

There are three ways to do this:

1. Outsource to grounds maintenance contractor using procurement process in Standing Orders
2. Recruit staff directly to carry out the maintenance.

Note that whether it is an external contract, or directly employed staff, there are resource implications for the Parish Council.

### **Negotiations with Bloor**

The Parish Council, represented by the Chairman, the Clerk and the Chairman of the Planning Committee have met with the Vale of White Horse District Council planners. The Vale of White Horse considers it to be in the long-term interests of the village for the Public Open Space to be maintained by the Parish Council. The alternative is that the Management Company takes responsibility for these areas.

### **The Management Company**

The Management Company will be responsible for the roads, drains and street lighting regardless of the Parish Council's decision on the Public Open Space. **It is therefore critical that a Residents' Association formed from people buying houses on the new estate manages the ongoing relationship with the Management Company for all these matters.**

The Parish Council has tried to find out more about the governance of the Management Company and how the relationship with the residents would work in practice. The Parish Council has been provided with generic templates so far.

### **Conclusion**

This report is presented to the Parish Council for decisions as to how it wishes to proceed.

The Parish Council needs to consider whether it wishes:

1. to take on all, some, or none of the Public Open Space on the Bloor Homes development subject to detailed negotiations on the terms and timing.
2. to take the Public Open Space in two tranches, or at the completion of the development (the section 106 provides for it to be transferred before 118 of the general market dwellings are occupied).
3. to seek to amend the plans and negotiate for one (or two) of the four play areas to be for use by older children (up to the age of 12).
4. to take responsibility for the headwalls to the drainage ditches.

5. To agree to Bloor making temporary use of the community site until May 2022 for the sum of £10,000.

If the Parish Council decides to take the transfer of the Public Open Space it needs to decide if it will:

1. Put out to tender a grounds maintenance contract
2. Recruit staff directly to manage the Public Open Space

Liz Howlett

Solicitor acting for and on behalf of Kingston Bagpuize with Southmoor Parish Council

June 2021