

Agenda item 9

Committee	Assets & Services
Month	May 2021
Report Title	Bellway Thaxted Road Saffron Walden
Report Author	Lisa Courtney, Town Clerk / Terry Frostick, Operations Manager
Attachments	Map

Purpose of Report

To inform Committee on the Public Open Space (POS) at the development site Land East of Thaxted Road (UTT/18/0824/OP) to then make an informed decision on whether or not to take it on.

Introduction

Under the terms of the S106 agreement attached to the outline application, the POS will be offered to the Town Council. Should SWTC decide not to take it on, it will go to the future Management Company. The space has not yet been formally offered to SWTC although Bellway have engaged with the Town Council at an early stage and requested our advice on this matter.

The reserved matters application (UTT/19/2355/DFO) was approved on appeal an onsite development has commenced. The reserved matters application formally defines the POS, so this is the point at which SWTC is able to consider whether or not to adopt it.

The POS

As is standard with all new developments, this site has an extensive storm drainage system running beneath the ground. Rainwater runoff from roofs and roads no longer goes straight into the sewer system because our sewer systems are no longer able to cope with the volume of water from newly constructed non-absorbent surfaces. Instead, rainwater runs into a local drainage system and flows out into an attenuation/infiltration pond. The pond is specially constructed with semi porous membrane. The pond water slowly seeps into the ground, replicating the natural process from when the site was open ground. This is a Sustainable Drainage System (SuDS).

According to the terms of the Section 106 agreement and the planning conditions for this application, the owner of the surface land assumes riparian ownership of the storm drainage system beneath the ground.

The POS for this site includes 4 ponds as well as the drainage systems beneath the surface. It also includes the landscaped areas for recreation and the playground.

It should be noted that the playground is immediately adjacent to the main through road, on a bend. This road will ultimately connect Thaxted and Radwinter Roads so is likely to carry high volumes of traffic, including buses and HGVs. SWTC and UDC Planning Committees objected to this location however the Planning Inspector found that it was acceptable.

It should be noted that much of the surface area of the POS is in fact the drainage ponds, leaving little genuine space for use and recreation by future residents. Again, SWTC and UDC Planning Committees objected to this but the Planning Inspector found that it was acceptable.

Transfer Fees

The management / transfer fee for this infrastructure is £76,681. This is to cover maintenance of all transferred liabilities for a period of 5 years. All future costs would be met from the Town Council budget.

Costs and Liabilities

Management of the POS and specially constructed entrance way banks would involve the usual landscaping and playground maintenance as well as maintenance of the hard SuDS infrastructure above and below the surface.

The above ground maintenance is familiar to SWTC and SWTC has the staff and equipment to fulfil this responsibility. In time, should repair or replacement of equipment be required (e.g., for the playground), SWTC has experience in running these projects and it is within the capabilities of SWTC to anticipate, budget and plan for this.

The same cannot currently be said for maintenance, repair and replacement of SuDS. Drains are ordinarily the responsibility of the County Council.

As an indicator of requirements, Condition 24 of the planning application reads:

24 The applicant or any successor in title (excluding plot purchasers) must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. This is in accordance with Policy GEN3 of the Uttlesford Local Plan and the NPPF.

The technical specifications of the SuDS design are available online in as part of the [application to discharge the conditions on the SuDS](#) (UTT/19/2357/DOC).

The A&S Committee must decide whether SWTC should upskill its staff to carry out the required maintenance and whether the sum of £76,681 is adequate to enable the Town Council to take on this training, as well as the liability for future maintenance, repair and eventual replacement, of the POS and the SuDS.

Should SWTC decline to take on the POS and the SuDS, they will become the property and responsibility of the future Management Company and therefore a financial liability of future residents. It would be incumbent upon the developer to adequately inform future home buyers of this aspect of their transaction and the responsibility of the future home buyers to conduct their own due diligence while purchasing.

This matter was first considered at the A & S Committee meeting in February 2021 where the following was resolved (extract from Minutes):

A & S 019-21	Public Open Space at development site Land East of Thaxted Road (UTT/18/0824/OP) Committee considered the attached report regarding the Public Open Space (POS) at the above site. According to the Section 106 agreement, the POS will be offered to SWTC or to a future Management Company. Resolved to defer any decision at this time to allow the Officers to evaluate and understand all obligations risks and costs associated with this matter and to report back to Committee in due course.
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The Town Clerk and the Operations Manager meet with a senior representative of Bellway Homes on site w/c 11th May 2021. We walked the site and discussed several matters such as how deep the Suds would be , would they be fenced, at what point would SWTC have liabilities for the connecting pipes etc. The entrance way banks are being specially created and would involve a large amount of maintenance along with many other points.

The SuDs will be of a considerable depth and will be fenced off areas in recognition that they are not truly public open spaces (ie a child could not play in there or you could not walk your dog in there). The fencing to be installed by the developer, will actively discourage access to the SuDs area in recognition that it is a deep basin which may at times be full of water.

The entrance ways (as noted above) will further be expensive to maintain as they will require routine checking and maintenance (given the considerable slope and angle of same). The Town Council would be required to check this area regularly and to remedy any structural defects, which may include replacement of steel pins and bracing plates within the structure.

Recommendation

That Saffron Walden Town Council resolves **Not** to take on the POS and associated SuDS for all of the reasons as noted above, primarily summarised as:

- (a) The cost, resourcing and knowledge required to maintain 4 x SuDS
- (b) The cost resourcing and knowledge required to maintain the entrance ways to the development
- (c) That the sum of £76,681 is an inadequate sum of money for the future maintenance of the above obligations
- (d) That SWTC objects to the location of the play area on the grounds that it considers it unsafe, although notably the planning inspector did not agree with this position

Bellway encourage the Town Council to determine this matter at the earliest opportunity so that there is future clarity and no ambiguity to future residents of their financial obligations. Early determination will allow all sales literature to clearly and plainly denote the obligations payable to any Management Company which may be established to look after the public open space.