

## **A & S February 2021 / Agenda Item 5**

### **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.

The reserved matters application (UTT/19/2355/DFO) has recently been approved on appeal, which means that development is likely to commence shortly. 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 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.

## **Recommendation**

That SWTC declines to take on the POS and associated SuDS.

**Appendices:** Map of POS (ponds highlighted pink)