Agenda Item 8
Forward Planning
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Report

Report subject: Transfer of recreation land from developers to parish councils.
Report to: Western Area Committee
Date: 16th August 2007
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Report Summary:

The purpose of the report is to draw councillor's attention to an issue that has arisen with Mere Parish Council, but has implications for the rest of the District.

The parish have refused to adopt a children's play area associated with a recent residential development in the village. A report will have to be taken to Cabinet to agree a way forward, and this report is being brought to the area committees for information and so that the committees' comments can be passed to Cabinet for consideration.

Background

Councillors should be aware that any new residential development that is granted planning permission, recreational open space is negotiated under policy R2. For developments of less that 10 houses, a commuted sum is normally taken, which is in turn given to the parish / town councils when an appropriate scheme is put forward.

On larger developments of over 10 dwellings, it is normally expected to provide children's play areas on site, and usually a commuted sum is made for the Youth / adult element to be spent on improving or enhancing facilities off site, unless it can be provided on site.

Parish councils are involved in the process, and it is the norm that once the facility has been provided (be it a children's play area or a football pitch) the parish council adopts the space and maintains it thereafter. If a facility has been provided, there is always a maintenance sum, which is passed onto the parish.

The maintenance figures are normally calculated on the annual cost of maintaining the facility, grossed up using a multiplier. The current multiplier is 23 so if the annual costs of maintaining a play area are £1000 then this is multiplied by 23 to give a capital sum of £23,000.

Mere parish council

An issue has arisen in Mere parish, whereby the parish council is unwilling to adopt a toddlers play area on the Huntsgate development (policy H13B in the local plan, land at Clements Lane). There is a matter of principle here that councillors need to consider carefully, so that a precedent is not set that other parish councils may follow.

The parish is unwilling to adopt the play area, as it is unhappy with the grass surfacing that has been provided. The parish stated in a letter to the councils development control case officer that it would accept responsibility for the play area, providing that it is surfaced with low maintenance safety surfacing (not grass).

The view of this council's Parks Manager is given the type of play equipment provided, grass is an appropriate surface in the playground. There is no basis from a safety point of view to require the developer to provide an alternative surface, and the developers have had a post installation inspection carried out By RoSPA in May 2006. It is for this reason that grass was agreed to be an appropriate surface by the case officer, as it would have been unreasonable to demand anything more.

A site visit was carried out with the Chair and Clerk of Mere parish council, the council's Parks Manager and a forward planning officer, in order to see if there was a way forward. The Parks Manager informed the parish that the surfacing was acceptable, and that based on his experience with the play areas he maintains in Salisbury, grass in the height of summer would only have to be cut fortnightly, dropping to 3 weekly in the autumn, and not at all in the winter.

There is a maintenance sum associated with this development (£10,000) and as a way forward, officers suggested to the parish that it could use a proportion of this money to install the surfacing of its choice.

The matter was discussed at the parish meeting in January which resolved not to adopt the area or to use the commuted sum for the safety surfacing.

In the planning legal agreement (section 106), there is an obligation on this council or its nominee (Mere parish council) to accept transfer of the play area within 2 months of receiving the safety certificate. The agreement also states that the council or its nominee will covenant to use the toddler play facility as a children's play area.

If the parish will not adopt the play area, then the obligation falls back on the District Council. Although there is a £10,000 sum for the maintenance, but this sum was calculated on the understanding that the parish would carry out the maintenance of the play area. If it had been known that the responsibility would lie with the District Council then the figure would have been amended to reflect the travelling time that would be needed. Based on this approach, the maintenance figure would have been £19,200.

If Councillors are minded to take on the maintenance of the Huntsgate play area, the additional £9,200 should be made available from the R2 money available to Mere Parish.

The principle

There are serious principles of issue at stake on this matter. If the planning case officer are to negotiate these facilities on behalf of communities, there needs to be some acceptance that the bodies that usually provide the facilities will adopt and maintain them. If councillors choose to accept the transfer of the land at Mere, this may weaken the Councils position with other parish / town councils who may also chose not to adopt a play area, for whatever reason. It is also against the council's current policy of devolving local services wherever possible to the relevant Parish / Town councils.

This situation is the exception, rather than the rule as the majority of parishes accept their obligations and the commuted sums that come forward with them.

If the District Council is to take on the transfer and maintenance of play areas in the parishes, then it could be argued that any off-site commuted sums collected should not go to the parishes. This could undermine policy R2 of the local plan, as there is a deficiency across the district in recreational open space. If we do not collect R2 it in the parishes that are unwilling to adopt open spaces, the situation could be made worse.

In order that this situation does not arise in the future, it is proposed that a memorandum of understanding be drafted and issued to all parishes for them to sign. The memorandum would give both the district council and the parishes some comfort that the play areas and other provided facilities will be adopted and that the relevant funds will be available to the parishes to spend. If parishes are unwilling to sign up to the memorandum, then at the application stage any maintenance figures will be calculated to reflect the fact that the District Council may have to maintain it, and any recreation facilities that are provided

Recommendation

A That councillors firmly endorse the principle of parishes signing up to a memorandum of understanding and recommend to cabinet that legal services draft the memorandum, and the memorandum be circulated to all parishes.

B In respect of Mere Parish Council that councillors recommend to Cabinet one of the following options:-

i) Accept the transfer of the children's play area at Huntsgate, Mere, with the additional £9,200 to be taken from the parishes available R2 Funds; or
ii) Accept the transfer of the children's play area at Huntsgate, Mere, with the additional £9,200 to be found from other council budgets. There is no money within existing budgets available for this purpose; or
iii) Delay the transfer and ask Mere parish Council to reconsider its position.

Background Papers:

Implications:
Legal: There will be officer time needed to draft the memorandum of understanding.
Financial: If option b ii) is chosen then there is no money within existing budgets available for this, therefore if this option is pursued then there would either have to be an increase in Council Tax - or reduce reserves – accordingly.
Personnel: If options bi) or ii) are chosen then there will be implications for the parks department, with staff having to maintain and inspect the play area on a regular basis.
Environmental: None.
Human Rights: None at this stage.
Council's Core values: Excellent Service; Fairness and Equality; open, learning
Council and a willing partner; communicating with the public; supporting the disadvantaged.
Consultation Undertaken: with internal departments.
Parishes Affected: All.