



## Report to High Wycombe Community Board

<b>Date:</b>	27 October 2021
<b>Title:</b>	<b>Petition report: Children's Play Area Maintenance, The Pine Trees</b>
<b>Author and/or contact officer:</b>	Sophie Payne / Andy Sherwood / Chris Steuart
<b>Ward(s) affected:</b>	Abbey Ward
<b>Recommendations:</b>	<p>That the Community Board:</p> <ol style="list-style-type: none"><li>i. notes the feedback from the High Wycombe Town Committee in relation to the Petition.</li><li>ii. notes that officers have, as requested, held further discussions with the developer, which have confirmed that the developer will not provide a commuted sum.</li><li>iii. notes that the officer response to the Petition remains therefore that the children's play areas in open spaces 7a and 7b at the Pine Trees should be maintained by and remain with the developer's management company, which will maintain other elements of the site; and,</li><li>iv. considers whether to (a) approve that response or (b) refer the matter to the Cabinet Member for Culture and Leisure for consideration, who will take into account the views of the Board and the Town Committee in considering a decision on the adoption of the play areas/open space.</li></ol>
<b>Reason for decision:</b>	<p>It is not financially sustainable for the Council to take on the maintenance of play areas/open spaces in new developments without a 'commuted sum' being paid by the developer to cover the associated costs. This is in line with the Council's policy as set out in its Planning Obligations Supplementary Planning Document. Follow-up discussions with the developer, Taylor Wimpey, have</p>

confirmed that they will not provide a commuted sum to the Council for the maintenance and management of the spaces.

## 1. Executive summary

- 1.1 The purpose of this report is to provide an update on the meetings and discussions that have taken place in response to a petition received by Buckinghamshire Council in February 2021, as detailed below:-

**Title:** Childrens Play Area Maintenance , The Pine Trees

**Statement:**

We the undersigned petition the council to Reconsider its decision of denying support for the maintenance of the children's play areas on the Pine Trees estate for the safety and wellbeing of the children of this community.

**Justification:**

This is a petition for the local council to support and maintain the children's play areas on the Pine Trees estate as part of the council tax revenue they now receive from this relatively new housing area.

It has been suggested this area may be covered by a Maintenance Company, to which households already pay a fee. This may incur increased charges to all households on the estate.

A: This is not fair on households that do not use the area.

B: The areas are close to the school and open to public access, so not confined to the local residents.

C: The local council is already receiving further revenue from the council tax collections of the new estate.

## 2. Content of report

- 2.1 Following an initial discussion of the petition at the High Wycombe Community Board meeting on 14 July 2021, it was agreed that the matter should be referred to the High Wycombe Town Committee for further consideration.
- 2.2 A report was presented to the High Wycombe Town Committee meeting on 28 July 2021. The printed draft minutes of that meeting are set out below:

***"PETITION REPORT - PINE TREES DAWS HILL***

*The Board considered a petition which requested that 'the Council reconsider its decision of denying support for the maintenance of the children's play areas on the Pine Trees estate for the safety and wellbeing of the children of the community'.*

*The petitioners wished to see the maintenance of the play area as part of the council tax revenue received from this housing area. It had been further suggested that this area may be covered by a maintenance company to which households already paid a fee and which could incur increased charges to all households on the estate. The presenter also asked that the Special Expenses budget also be explored as a possible option for the maintenance of the play area.*

*The officer recommendations had determined that maintenance for the area by the Council was not financially sustainable and that a commuted sum would need to be*

*paid by the developer to cover the associated costs. This was in line with council planning policy.*

*In considering the petition, at the Community Board meeting, some Members had expressed their concern over covering the cost from the Special Expenses budget, as he (sic) felt that the residents within his ward would not wish to contribute an additional cost towards the maintenance of facilities in a similar estate to their own. Following a brief discussion, it was agreed that the High Wycombe Town Committee would be best placed to consider the petition. Members agreed that the matter needed to be resolved and progressed quickly thereby bringing the play area back into use.*

*Members views were sought prior to the Board considering its own response to the petition at a future meeting.*

*The Presenting Officer provided detailed information on the background.*

*Members concurred in that swift action needed to be taken but that there was a wider long term issue which needed to be addressed with regards to access to play areas. A strategic overview needed to be adopted to ensure that organisations were held to account and that the Council had the appropriate control to enable it to have adequate facilities in place.*

*A Member proposed that Bucks Council, Planning and Legal Services establish discussions with Taylor Wimpey regarding the S106 payment which was silent in the 2013 Planning application about any commuted sum payable to the council for the management and maintenance of both the play area and parkland.*

*Following members' deliberations it was RESOLVED: That*

*(i) Officers consider initiating a discussion with Taylor Wimpey with a view to agreeing in principle a commuted sum for an appropriate period.*

*(ii) The report be noted and referred to the High Wycombe Community Board for its further consideration."*

- 2.3 Since this meeting was held, Taylor Wimpey have opened up the play areas and they are now in use.
- 2.4 In line with the request from the Town Committee, discussions commenced with Taylor Wimpey to ascertain full details relating to the open spaces to be maintained, in order for officers to calculate and understand the potential costs involved in any transfer of the open spaces, and thereby the level of commuted sum that would need to be negotiated. (The appropriate commuted sum period was considered by Buckinghamshire Council to be 25 years, in accordance with current policy).
- 2.5 In August, officers wrote to Taylor Wimpey with a number of questions and points of clarification. Some of these are still outstanding at the time of writing and therefore it is difficult to provide an entirely accurate figure for the maintenance costs;

however based on the information already available and a further site visit, officers estimate this could reach in excess of £1m over a 25-year period.

- 2.6 On 26 August 2021, email correspondence was received from Taylor Wimpey advising that:

*“Following an internal review we have concerns in regards to your proposals for a commuted sum to take the open space at Daws Hill from Taylor Wimpey West London.*

*The current S106 allows the transfer for the open space to be handed over to either the council or the management company and does not require a commuted sum to be paid for either. Taylor Wimpey West London will not be able to entertain a commuted sum route for the handover of the open spaces if this is the actual proposal from Buckinghamshire CC.”(sic)*

- 2.7 A meeting was held on 8 September 2021 involving representatives from Taylor Wimpey and appropriate officers of Buckinghamshire Council from Culture, Sport & Leisure, Planning and Legal Services to discuss the issues. At that meeting, Taylor Wimpey confirmed they would not be able to provide a commuted sum which was in accordance with policy; they advised they might be able to secure approval from the Taylor Wimpey Board for a goodwill gesture, however this would be for a nominal amount.
- 2.8 In the absence of any prospect of a suitable level of commuted sum, the officer response to the Petition therefore remains that the children’s play areas in open spaces 7a and 7b at the Pine Trees should be maintained by and remain with the developer’s management company, which will maintain other elements of the site. Given the wider financial pressures described in the previous reports to the Community Board and Town Committee, the Council is not in a position to adopt additional open spaces and play areas linked to new housing developments without an appropriate level of financial contribution from the developers to use towards managing and maintaining these.

### **3. Other options considered**

- 3.1 Contact with the highways team has confirmed that there is no potential for any highways funding within the legal agreement for the site to be redirected to open space.
- 3.2 There are insufficient funds within the High Wycombe Town Committee Special Expenses budget to cover the ongoing cost of the maintenance of these new play areas and open spaces, and limitations on how that budget can be allocated would prevent its use for this purpose in any event. In order to raise additional funds, the Town Committee would need to make a recommendation to Cabinet and then onto Council to raise additional funding through Council Tax which would, if approved, be

passed on to all residents in the area. Further, a special resolution of the Council would also be required to add this particular play area to the list of items capable of being funded by special expenses. Officers note the concerns raised by a Member of the High Wycombe Community Board at the meeting on 14 July 2021 *“over covering the cost from the Special Expenses budget, as he felt that the residents within his ward would not wish to contribute to an additional cost towards the maintenance of facilities in a similar estate to their own”*. Officers concur with this view; and there would also be concern that this would set a precedent for other similar open spaces created by developers, especially considering the levels of housing growth expected across the county.

- 3.3 The only other option available would therefore be to agree to the transfer to the Council of the play areas/open spaces without any commuted sum from the developer. As set out in the original petition response to the Community Board, this would not be financially sustainable; it does not align with the approach set out in the Council’s Planning Obligations Supplementary Planning Document, and risks creating a difficult precedent/inconsistency with other developments in the local area.

#### **4. Next steps**

- 4.1 The Community Board may either approve the officer response to the Petition, or refer the matter to the Cabinet Member for Culture and Leisure for consideration, who will take into account the views of the Board and the Town Committee in considering a decision on the adoption of the play areas/open space.

#### **5. Background papers**

- 5.1 Report provided for High Wycombe Community Board meeting on 14 July 2021.
- 5.2 Report provided for High Wycombe Town Committee meeting on 28 July 2021.
- 5.3 Details of the planning application 13/05799/FULEA and associated documents, including the S106 agreement and the Open Space Management Plan, are available on the Council’s website.

