

 Executive – 3 December 2014		Agenda Item No. 9
Title	Tachbrook Country Park	
For further information about this report please contact	Daniel Robinson Nick Corbett David Anderson	
Wards of the District directly affected	Warwick South and Bishop's Tachbrook	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No (If No state why below)
This will follow when the detailed design of the Country Park is undertaken.	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	19.11.14	Chris Elliott
Head of Service	19.11.14	Tracy Darke
CMT	19.11.14	Chris Elliott, Bill Hunt, Andrew Jones
Section 151 Officer	19.11.14	Mike Snow
Monitoring Officer	19.11.14	Andrew Jones
Finance	19.11.14	Mike Snow
Portfolio Holder(s)	20.11.14	Les Caborn, Dave Shilton
Consultation & Community Engagement		
The principle of the proposal for the Tachbrook Country Park has been the subject of consultation through the Local Plan process. However, consultation on the detailed content and layout will still need to be undertaken once Councillors have given officers a direction as to whether they wish to take it on.		
Final Decision?		No
Suggested next steps (if not final decision please set out below)		
Further reports on funding and on the specifics of the content of the proposed park.		

1. **Summary**

- 1.1 The purpose of this report is to seek Executive approval for the Council to be prepared to acquire the ownership of land to the south of Harbury Lane for the purposes of a Country Park. It is anticipated that the Council will raise approximately £2.3m for the installation and maintenance of Tachbrook Country Park through Section 106 (S106) planning agreements. A study commissioned by Officers confirms that the anticipated S106 contributions will be sufficient for installation of the park and subsequent maintenance for a period of 13 years. A further report is suggested regarding the funding profile and the detailed content of the proposed park.

2. **Recommendation**

- 2.1 That Executive agree to acquire land currently controlled by Gallagher, as shown on the plan in Appendix 1, for the purposes of a Country Park.
- 2.2 That Executive agree to the principle of acquiring further land, identified for use as the Country Park, as this comes forward. It is anticipated that this will follow the extent of the boundary set in the Publication Draft Local Plan, however this will be subject to further refinement and negotiation through the planning process.
- 2.3 That the Executive consider a future report to agree the precise content of the proposed park and on the relevant capital and revenue funding necessary for the proposed Country Park.

3. **Reasons for the Recommendation**

- 3.1 Policy DS13 of the Publication Draft Local Plan identifies land for a Country Park between the southern edge of new development sites off Harbury Lane and Bishop's Tachbrook. The Country Park will address identified deficiencies in access to the countryside and natural green space in this area; act as a strong green buffer to prevent further urban encroachment; provide for a range of recreational activities; and improve the ecological value of the area.
- 3.2 A number of planning applications for the identified housing allocations within the Publication Draft Local Plan have already been submitted, and some have been determined, within the Southern Development Area. The Council has sought to secure infrastructure needs identified in the Local Plan and Infrastructure Delivery Plan, including the Country Park, through S106 contributions.
- 3.3 In particular, on 19 August 2014, the Planning Committee resolved to approve the application for 785 houses at Lower Heathcote Farm subject to a S 106 agreement being signed. This S106 agreement was signed on 19 September 2014. The key obligations in the S106 relating to the proposed country park are set out at Appendix 2. This agreement obligates the applicant, Gallagher UK, to make an offer to the Council for land for a Country Park for the sum of £1 prior to the commencement of development. The Council then has 30 working days to determine whether it wishes take up this offer. If it chooses not to do so, the land would remain under the control of Gallagher, whereby they will submit proposals for a Country Park in due course. Based on discussions officers have had with Gallagher the land likely to be offered is that shown on the plan in Appendix 1 which amounts to 19.9ha (49.2 acres).

- 3.4 The S106 agreement signed for the above scheme, along with others already agreed in the Southern Development Area, includes £768 (index linked) per dwelling (including affordable housing) towards the provision and maintenance of the Country Park. The Council expects that all development within the Southern Development Area will contribute this amount through S106 agreements and, in total, it will amount to approximately £2.3m.
- 3.5 A planning application from the owners/developers of the remainder of the land south of Harbury Lane and which includes the remainder of the proposed country park is likely to be submitted by early January, officers have been informed. Should that application be approved then it is likely that similar provisions relating to the country park would be incorporated within any S106 agreement. Consequently a decision in respect of the land forming part of the Gallagher application will set a precedent for how the Council needs to respond on the other part of the proposed country park.
- 3.6 There are two considerations for members to make on this matter.
- 3.7 Firstly, to consider whether the forecast S106 funding is enough to deliver a country park. To help determine this issue, a high level exercise was commissioned. Plans at Appendix 3 provide a visual indication of what the Country Park could look like. The key point is that the findings from the work undertaken by consultants confirms that it is possible to deliver and maintain for a 13 year period a Country Park based on the Section 106 receipts likely to be received. Like other parks and open spaces secured through section 106 agreements, maintenance is costed for a period of 13 years.
- 3.8 The study sets out those elements 'essential' to a country park such as walking and cycling paths, grassland areas and further woodland and tree planting. Consultants have also suggested costs for both 'desirable' and 'aspirational' elements of a country park. These desirable and aspirational features are beyond the scope of the anticipated S106 receipts but could in future be developed if additional funding from other sources was secured. Section 6 of Appendix 3 outlines other potential sources of funding that could be sought for those desirable and aspirational elements suggested and also to help with the ongoing maintenance of the park after the 13 year period. These sources include sponsorship; subscriptions and donations; commercial opportunities such as concession; Forestry and Countryside management schemes and funding bodies.
- 3.9 Although the evidence suggests that a country park based on essential elements could be delivered using the S106 funding, public consultation on the precise content and layout would be needed before moving toward any implementation of a scheme. This would both be determined by and would determine the level of funding necessary, capital and revenue. This would be subject to a further report.
- 3.10 Secondly, is the issue of when would the park need to be delivered and is that achievable. The criteria set out within the S106 in relation to the Gallagher planning application (W/14/0661), specifies that the transfer must be upon occupation of the 400th dwelling, and then the Council must ensure the land is used as a Country Park within five years of this transfer or the land must be returned to the existing owner, (see Appendix 2). Effectively the Country Park has to be brought into use in some form between the completion of the 400th

house being built and 5 years later. This is clearly difficult to be precise as it will be dependent on the rate of house building locally but it is reasonable to assume that the transfer date might not be for 3 years from now.

- 3.11 The availability of funding via the S106 agreements is also more difficult to determine since it is also related to the rate of house building locally. There may be a time gap between when funding is available and when it needs to be spent. As a consequence it is suggested that ahead of expenditure being incurred on creating the Country Park or maintaining the land, a report should be brought back to the Executive to agree for the relevant capital and revenue budgets and funding thereof at the same time as agreeing the precise content of the park following public consultation. This would allow officers more time to work out issues of forward funding or of phasing any works in line with the availability of funding.

4. Policy Framework

- 4.1 The Council has allocated land in the Draft Local Plan (April, 2014) for a Strategic Urban Extension, with a Country Park, to the south of Royal Leamington Spa, Whitnash, and Warwick, which will provide approximately 3000 new homes in garden town settings. The Council has presented its vision for sustainable housing growth in its approved document, "Garden Towns, Villages and Suburbs, a prospectus for Warwick District, (May, 2012)".

4.2 Fit for the Future

Adopting a proactive and coordinated approach to delivering housing growth and related infrastructure such as the Country Park will enable a positive contribution to be made towards the Council's 'Fit for the Future' policy, and specifically its vision for making Warwick District a great place to live work and visit.

5. Budgetary Framework

- 5.1 Developer contributions of £768 per dwelling for all 3,000 homes in the Southern Development Area (i.e. the Strategic Urban Extension) are being sought via Section 106 agreements. This will generate funding of £2,304,000 between 2014 and an estimated completion of all housing by 2029.
- 5.2 It is expected that the bulk of housing will be completed within ten years, and as such most of the developer contributions towards the Country Park will be collected within ten years. It is not possible to forecast the future performance of the housing market with certainty, but discussions with developers suggest the sites within the Strategic Urban Extension are amongst the most marketable in the West Midlands and so the risk of them not being developed is mitigated by their attractiveness to the market.
- 5.3 The S106 funding has been set at a level sufficient to meet the cost of creating a basic new Country Park, including maintenance costs for 13 years, based upon figures provided by Warwickshire County Council's ecology service.
- 5.4 It is unlikely that there will be sufficient capital to deliver the Country Park within 5 years without some form of forward funding. This is a situation faced by a number of types of infrastructure that are necessary to deliver the Southern Development Area. Work is currently being undertaken on behalf of

the Council by the Local Government Association to assess forward funding options. Upfront funding if necessary would present an additional cost to the Council in terms of borrowing or lost investment interest which will need to be accommodated within the Council's future revenue budget. Equally, the works to create the park could be phased in line with the availability of S106 funding.

- 5.5 Appendix 2 outlines in detail the Capital and Maintenance costs necessary to deliver the Country Park. The headline summary of these costs is listed below for the "essential" scheme as funded by the Section 106 contributions. These costs have been produced by the Council's consultants, Red Kite, who are experienced in developing country parks, and the figures, which are based upon today's costs, have been checked by the Council's Greenspace Manager:

Capital Items	£1,200,393
Contingency (5%)	£60,019
Professional Fees (10%)	£120,039
Total Capital Costs	<u>£1,380,451</u>

Maintenance	£57,686
Annual Management Fee	£6,000
Contingency	£7,568
Total Annual Maintenance Costs	£71,524
13 Year Maintenance Liability	<u>£859,271</u>

<u>Total</u>	<u>£2,239,722</u>
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- 5.6 If the Country Park is considered a newly established priority for the Council it may require revisiting the priorities established in the adopted Green Space Strategy and the current improvement programme. The revenue funding to be provided as part of the S106 contributions is calculated to fund 13 years revenue costs. Any revenue costs above the estimate and beyond year 13 will be an additional cost to the District Council. A further report on the content and on the financing and phasing of any works is therefore essential.

6. Risks

- 6.1 The risks associated with the Council not acquiring the land for the Country Park are that delivery will then fall to the developers of three separate sites, increasing the risk of an uncoordinated approach, delays, and a quality that does not match the standards the Council aspires to.
- 6.2 If the Council does acquire the Country Park, there will be financial risks associated with this. These include:-
- that development does not come forward at the pace anticipated, this would result in section 106 receipts being delayed and would require the Council to borrow for a longer period
 - Increased interest rates
 - Increased costs of the capital works
 - Increased costs in the maintenance costs above those allowed for
 - Running costs beyond year 13
 - Public/member aspirations being above the essential scheme which is to be funded by the S106 contributions.

7. Alternative Option(s) considered

- 7.1 As referred to above, the Section 106 agreement signed between the Warwick District Council and Gallagher provides for Gallagher to propose a scheme for a Country Park and to lay it out. However, on this basis the land would not transfer to the Council but remain in private ownership. This would mean that the Council has less control over the design and use of this element of park. Furthermore, it may prove more difficult to ensure a Country Park is planned for in a cohesive way across all existing land ownerships. In addition it would be managed by a private management company. Past experience of management companies indicates that they do not always manage green spaces to the standards to which the Council aspires.

8. Background

- 8.1 A forum has been set up of the landowners and developers in the Strategic Urban Extension area, chaired by Warwick District Council's Chief Executive, to facilitate a collaborative approach between developers and the Council in delivering the new garden settlements.
- 8.2 The Council has been successful in securing the assistance of ATLAS through a bid to the Large Sites Infrastructure Programme and ATLAS have committed to working on the project in support of a collaborative approach.
- 8.3 Planning permission has now been granted for over 2000 homes within and abutting the strategic urban extension and applications for over 1000 more homes are expected. Work has begun on site, with a scheme by Barratt Homes in partnership with Gallagher UK, being implemented north of Harbury Lane.
- 8.4 However, there are still a number of challenges to be overcome as the Council attempts to secure a comprehensive masterplan approach to the development of individual strategic sites, and to implementing major items of community infrastructure, including the Country Park, alongside the building of new homes.
- 8.5 By delivering the Country Park the Council will be supporting a collaborative approach and it will be assisting in the creation of an aspirational environment.