

Decision under Delegated Powers
To approve the adoption of public open space at Hallam Fields, Birstall.

Officer Making the Decision

Head of Contracts (Leisure, Waste and Environment)

Recommendation

That the Borough Council adopts land at Hallam Fields, Birstall – Planning Application Ref: P/00/2507/2 (see plan below, areas outlined in red).

Reason

To provide an appropriate mechanism for ensuring the maintenance of the open space to be adopted and to comply with the Section 106 agreement associated with the planning permission at the site (P/00/2507/2).

Authority for Decision

The Section 106 Agreement entered into by the Council and the developer contains provisions for the land to be adopted by the Council once certain conditions have been met. These conditions have been met.

Decision and Date

Approved 8th November 2023

A handwritten signature in blue ink, appearing to read 'Matt Bradford', is shown within a rectangular box.

Matt Bradford – Head of Contracts (Leisure, Waste and Environment)

Background

Under the provisions of the Corporate Strategy 2020 - 2024, there is a commitment to ensure that a growth in homes and infrastructure benefits residents through improved community facilities, affordable housing and superfast broadband. In addition the Corporate Plan makes a commitment to protect and enhance green and open spaces and support the creation of open spaces, encouraging healthy lifestyles through the delivery and promotion of sporting and recreational facilities.

Under Planning Application P/00/2507/2 the land for adoption was set aside as Incidental Open Space and Strategic Open Space/Structural Landscaping.

Detail

Developers have prepared and maintained the open spaces to a standard acceptable to the Borough Council. A phased approach to the adoption of open space within the development has been agreed. The remaining areas of open space (see details below) are now complete and ready for adoption.

In accordance with the Section 106 agreements, the freehold of the following Incidental Open Space is now to transfer to the Borough Council:

Areas 32, 38, 44, 53 (Incidental OS) - Area = 1,905 Sq. metres

In addition, the following Strategic Open Space/Structural Landscaping is to transfer to the Borough Council on a 125-year leasehold basis:

Areas 37, 39, 40 (green area on plan only), 42, 43, 54, 56, 57a, 58 (Strategic OS) - Area = 111,324 Sq. metres

Transfer from Jelson Homes Ltd Planning Ref: P/00/2507/2.

Developers have prepared and maintained the open spaces to a standard acceptable to the Borough Council.

Financial Implications

The Section 106 Agreement included provision of an index linked open spaces maintenance sum. On transfer of the Open Space the Council will receive £341,014.92 commuted maintenance sum from Jelson Homes Ltd.

The Council's annual maintenance cost for the areas (as detailed above and shown on plan below) now to be adopted (total of 11.32 hectares) is £23,006.56. Costs are broken down as follows:

MOS Contract Costs:

	Area	Rate (£)	Cost
Amenity Green Space - Areas 32, 37, 38, 39, 40, 42 (3500 Sq. M) and 44	9,066 sq. m	0.3987	£3,614.61
Natural/Semi-natural Open Space - Areas 42 (Orchard), 54, 57a and 58	22,633 sq. m	0.2981	£6,746.90
Children's Play Areas - Areas 53 and 42 (NEAP)	1,490 sq. m	1.3823	£2,059.63
TOTAL			£12,421.14

80,040 Sq. M of the site will be managed independently of the MOS contract. This area is predominantly meadow grassland which will be cut annually through separate agreement. Tree works will be carried out as and when required in accordance with the Council's Tree Policy. These costs will be recharged on an annual basis.

In addition, the Council's Cleansing contract costs are £10,585.42:

	Area	Rate (£)	Cost
Cleansing Contract (Task 16)	113,229 sq. m	0.0659	£7,461.79
Bin Emptying	9	347.07	£3,123.63
TOTAL			£10,585.42

Total cost per annum:

£12,421.14 MOS Variation cost + £10,585.42 Cleansing Contract Cost = **£23,006.56**

The total maintenance contribution of £23,006.56 will be paid out the Section 106 Maintenance Reserve (X837) in full in 2023/24 in accordance with the S106 agreement, which will then be used to fund future maintenance costs until the agreed funding has been spent in full.

Risk Management

No risks have been identified

Key Decision:	No
Background Papers	P/00/2507/2 Section 106 Agreement Commutated Maintenance Sum Calcs Spreadsheet Plan - P.O.S Adoption Plan – Phase 4

POS Transfer Plan

