

## **REPORT ON THE CAM LOCKS OPEN SPACES SITUATION**

### **1. NOTES FROM A MEETING HELD ON FRIDAY 26 SEPTEMBER 2014**

PRESENT: Liz Jones, Parish Clerk  
Michael Williamson, Chair of Parish Council  
John Darlington, Cam Locks Management Company  
Tom Buckler, Cam Locks Management Company

This was an informal meeting to clarify outstanding questions about the management of the open spaces at Cam Locks and to discuss any possible solutions that might be proposed to the Parish Council.

Before the Cam Locks properties were developed, there was an s106 agreement dated 20th April 2007 which made provision for an "Open Space Maintenance Contribution" of £167,320 to be paid to Waterbeach Parish Council in return for taking on the management of the public open space within the development including the play area.

The Parish Council had been strongly advised by solicitors not to take on the balancing pond.

The Parish Council declined to take on management of any of the Cam Locks facilities and therefore a Deed of Variation to the S106 agreement was drawn up dated 1st September 2010.

The Deed of Variation to the S106 agreement made provision for the setting-up of a management company and the re-assignment of responsibility for the maintenance of the Open Space areas to the management company, with Morris Homes jointly liable if they failed to carry out its obligations. The Deed also removed any reference to any maintenance contribution by Morris Homes. A management company was set up, of which the majority of the property owners in Cam Locks are members and they pay an annual service charge of approximately £140 per house.

The Deed did not include the potential s106 monies originally intended for public open spaces although it was presumably intended that Morris Homes allocate a sum to the upkeep of the open spaces within Cam Locks.

The management company employs managing agents who look after the open spaces, using outside contractors.

There are 17 home-owners who are not included in this management company as their properties were purchased before the new arrangements were made and so their deeds do not include these provisions.

All the residents pay their share of the annual Parish Council precept through their council tax.

Currently Morris Homes still own the freehold of the land. The individual property deeds evidently state that the land can only be transferred to a management company.

The roads and sewers have not been adopted and Morris Homes still have responsibility for these. The Parish Council is not aware of any timescale for adoption or whether any request has been made to the County Council for adoption.

It is anticipated that houses on the new development to the West of Cody Road will have access to use the open space and playpark on Cam Locks – as indeed do all residents of the village – whilst the cost of upkeep continues to be borne by residents of Cam Locks.

This is obviously an unsatisfactory situation.

In discussion with the residents of Cam Locks, the idea has been floated that the Parish Council could take on responsibility for the Cam Locks open spaces and that the residents of Cam Locks in return would pay a lump sum to the Parish Council which they could fund from their service charges.

This would affect the Cam Locks residents financially in two ways: -

- (a) Using a management company is not cost-effective as administrative overheads are incurred which would not be needed if the monies were paid to the Parish Council.
- (b) There would be a top limit on their contribution

This would NOT necessitate the Parish Council taking responsibility for the balancing pond.

If the Parish Council were to take on responsibility for this additional work, it has been estimated that this would be about one day's work a week for one groundsman. Different equipment would also be needed as the grass spaces are uneven – something like a hover mower might be suitable.

There would need to be careful thought put into the structure of any such agreement.

## **2. INFORMATION RESEARCHED SEPARATELY BY THE PARISH CLERK IN CONSULTATION WITH SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL S106 OFFICERS.**

### **The Cam Locks development**

The Cam Locks development was subject to a s106 agreement between SCDC/CCC/Waterbeach PC/ Mr T Attle & Mr & Mrs D Attle/Barclays Bank Plc dated 20th April 2007. This agreement made provision for (among other things):

- (i) an "Open Space Maintenance Contribution" of £167,320 to be paid to Waterbeach Parish Council in return for taking on the management of the public open space within the development including the play area.
- (ii) an "Offsite outdoor sport capital contribution" of £77,338 to be used for recreational and outdoor sports facilities with the parish of Waterbeach

The section 106 agreement included a plan highlighting the extent of the public open space and this land explicitly excluded the land on which the balancing pond would be located.

The development was to be redesigned by Morris Homes to provide a different layout, which also reduced the overall housing numbers. The Parish Council took this opportunity to secure through the 'deed of variation' that the open space and maintenance contribution would not be transferred to the Parish Council. This deed of variation was signed on 1<sup>st</sup> September 2010. This deed provided for the setup of a management company as described above.

### **The Cody Road development**

The development known as 'Cody Road' has secured (among other things) the following:

- (i) an "Off-Site Sports Contribution" of £66,887.35 to be used for the provision of and improvements to off-site sports facilities serving the Site
- (ii) an "Offsite public open space contribution" of £94,764.92 to be used towards the provision and / or improvement and future maintenance of a Locally Equipped Area of Play and public open space at the proposed development at Levitt Lane or such other site serving the Development as may be agreed by the Owner and District Council
- (iii) an "Onsite open space maintenance" contribution of £20,000 (should Waterbeach Parish Council adopt the land)

A Unilateral Undertaking (a form of section 106) was also submitted to the Council during the appeal to pay a contribution of £2,500 for a "footpath link" between the Cam Locks development and Cody Road development. This is to be paid to the District Council.

Under adopted policy a development of this scale would be required to provide onsite play equipment, however, the section 106 agreement was worded intentionally to not secure this which in turn meant a greater offsite contribution than would have been the case. It can be seen from the wording of the "Offsite public open space contribution" above that there is a possibility that this contribution may be used to fund the maintenance of the open space at Cam Locks.

The specific wording of the Cody Road section 106 agreement, combined with the footpath link, demonstrates that those parties acknowledged the Cody Road residents would benefit from the open space and play area at Cam Locks, and that this would actually be encouraged, It also provided a possible solution for the Parish Council to adopt the Cam Locks open space, as money would be available for its ongoing maintenance and improvement.

The District Council have approached Morris Homes to understand what their intentions are for the open space on the Cam Locks development, and ascertain whether there is principle agreement to transfer this to the Parish Council. No response has been received to date.

### **CONCLUSION**

This report is submitted to the Planning Committee of the Parish Council for their consideration and for a recommendation in principle to be made to the next full Parish Council meeting as to whether the Parish Council should adopt the open spaces at Cam Locks subject to satisfactory funding arrangements being made.

**Liz Jones**  
**Parish Clerk**

**18 October 2014**