

Discussion Document for the Purchase of the Kingsfield Public Open Space (POS) and 2 Plots offered as community land.

Preamble

The developer of the Dawes Lane Kingsfield site has offered the Town Council 3 plots of land comprising the POS to the north and south of the new Dawes Lane development of 100 properties, including 2 plots of land for community use. .

Land details

- Sheet 1 attached shows land which comprises of 2 parts, firstly, CL1 and CL2 totalling 1.73 acres and, secondly, public open space (POS) of some 11 acres.
- Sheet 2 attached shows the strip of land to the south of the housing development (part of the 11 acres)
- CL1 is being offered to WMTC at a nominal £1.00 fee as a piece of open land that has the potential to be leased for future development. There are no current plans for this area (0.73 acres) but it has been suggested that it could be used as a sports facility (padel court?), a doctors' surgery or community swimming pool.
- CL2 is also being offered to WMTC at a nominal £1.00 fee, with the intention of using this area (1.00 acre) as an overflow carpark for the Glebe. It will be situated immediately adjacent to Glebe 2 where there are currently 2 rugby pitches, football pitches and a cricket pitch. Access to Glebe 2 will be via a pedestrian entrance in the top NW corner. The aim of the overflow carpark will be to relieve the congestion on match days that currently takes place on the roads surrounding the Glebe.
- If CL1 and CL2 are not taken over by WMTC they will revert to POS.

The land both north and south of the housing development will be laid out by Mersea Homes in accordance with the existing plans and will only be taken over by another party as a when the trees and landscaping is established. This estimated at between 3 and 4 years' time.

The initial options for who takes over the POS were -

- Colchester City Council
- A management company owned and funded by the owners of the 100 properties
- West Mersea Town Council (WMTC).

In the intervening period Colchester City Council has declined taking on the land.

Outline of the salient points and developments.

Flexibility and Control

- **Integrated Management:** Assuming WMTC accepts ownership of the land comprising CL1 and CL2, then taking ownership of the adjacent POS provides the potential flexibility to adjust the sizes of CL1 and CL2 according to future needs. For instance, if CL1 needs to be enlarged, the adjacent dog walking area within the POS could be repurposed. Without ownership of the entire site, such changes could be problematic. Dependant on the change envisaged the Council would consult with the public; planning permission may be required according to the circumstances.

Financial Considerations

- **Nominal Purchase Price:** The purchase price of the POS is set at £1.00, with all reasonable legal costs covered by Mersea Homes. The community land comprising CL1 and CL2 is also set at £1.00.

Management Plan

- **S106 Agreement and Deed of Variation (DoV):** There is a Landscape Management Plan for the POS, an overview of which is attached. A draft DoV will be compiled by solicitors if the decision on the land purchase is taken in principle. This is the time when modifications can be made. WMTC solicitors to ensure that no obligations fall to WMTC other than the maintenance of the POS, CL1 and CL2 as outlined in Andrew Hasting's report.

Competence and Experience

- **WMTC's Maintenance Capabilities:** WMTC currently maintains approximately 52 acres of open spaces, including cemeteries, Glebe sports fields, Willoughby carpark, Broomhills open space, Reymead Wood and field, Youth field, Legion field, school gardens and play area, sensory garden (Barfield Road), SSSI area Coast Road, and allotments. These areas include over 300 trees and extensive hedging. Our estate is actively managed by a combination of outside contractors for grass cutting and hedge maintenance, and our ground staff for additional tasks such as grass cutting, tree maintenance, and ditch work.

Additional Responsibilities (POS)

- **Expansion of Maintenance Contracts:** The addition of approximately 11 acres of POS, primarily grass with around 80 trees, hedges, wetlands, and wildflower areas, would be incorporated into existing contracts for grass cutting, hedge work, and tree maintenance.

- **Minor Ongoing Costs:** Minor ongoing costs include emptying two dog bins, which would be added to our annual contract with Colchester City Council, and litter picking by our ground staff, with an estimated annual combined cost of £800.
- **Watering Requirements:** Should there be a need to water plants and saplings in the early years would be carried out by our ground staff using our bowser. The cost of water would be minimal. Labour costs are included in the costs estimate.

Sustainable Drainage System (SuDS)

- **Maintenance Responsibilities:** The POS features a Sustainable Drainage System (SuDS), essentially a pond. WMTC would be responsible for maintaining the swales and grassed areas, but not the pipes feeding the SuDS or carrying away surplus water. There are no filter drains involved in this system.

Estimated Costs (based on 2025 figures)

- Arriving at the costs for grass cutting and tree/ hedge work is a little difficult given that we are working solely from plans, however, based on the latest schedule from the Landscape Institute estimates have been received from our two current contractors looking after our trees and grassed areas. The intention is that Kingsfield, should we take it on, will be added to the existing contract, so giving us some economy of scale.
- The estimates from our 2 contractors, plus a sum for emptying the dog bins (using our current contract with CCC), plus a sum for litter picking (using our current staff), plus a sum for our groundstaff carrying out routine work (as laid out in the schedule referred to above) we arrive a figure of between £10,900 and £13,000. The difference between the lower and higher figure depends on the number of grass cuts needed and the degree of watering needed.
- This estimate relates to the Public Open Space, if we add in the maintenance of CL1 and CL2 (should we take them on) the costs will increase by a minimal amount given that we would use our own staff and equipment to cut the grass. If either CL1 or CL2 (or both) are left as meadow land then the costs will be even lower.

Precept considerations

If we now take the maximum estimate of £13,000 this would represent, based on this year's budgeted expenditure of £720,118, an increase 1.8%. This would not necessarily go straight to the precept as there are many variable factors that determine the precept. In reality budgets are structured in line with inflation except when planned one-off capital schemes are involved.

If, however, the £13,000 did go straight to the precept then based on the 2025/6 precept an increase of £13,000 in expenditure would result in an annual increase of £3.93 for a band D taxpayer (7.5p per week). It should be noted that in 3 – 4 years' time that the precept will be spread between many more properties (possibly up to 300) thus reducing the precept percentage increases for individual households.

Public Consultation

In order to comply with the Council's financial regulations a public consultation was posted on our website, Facebook page and by E-newsletter on the 15th October 2024. It read –

- *West Mersea Town Council has the opportunity to purchase land for the consideration of £1.00, comprising some 11 acres, to the north of the Dawes Lane property development (plus a small strip to the south), for use as public green open space. This area includes trees, hedging, and open grassland which will provide further recreational space and support our wildlife. The estimated maintenance cost will be in the region of £14,400 per annum, allowing this investment to protect and benefit present and future generations. Plans of the area are below. (The 2 plans were included showing the POS and CL1 & CL2)*

Result of the Public Consultation

Following the release of the above an article appeared in a local paper on the 20th October which presented a number of issues in opposition to the proposed purchase. The basic facts surrounding the background to the purchase were essentially correct but the article did contain statements that, perhaps inadvertently, misled the public into drawing the wrong conclusions. The following is taken directly from the article –

- *“the cost of this land also includes the loss – to the residents of West Mersea - of the S106 monies in respect of this open space”*
- *“The proposed costs of maintaining this open space beggars belief...They lack credibility, they just don't stack up, and will be to the detriment of the upkeep of other open spaces.....”*
- *“The origins of this proposal were a secret meeting between the developer and two Councillors: Cllr Weaver and Cllr Powling, and the Clerk”*

The Council did not respond to the article but has assessed the responses which were 20 in favour of the purchase and 62 against. A cross section of the views are given below.

- *“...I am not happy that the Council and all Mersea residents should take on this “offer” and commit to the long term maintenance of the site, also, along the way, apparently losing all the S106 monies that would otherwise be due to come.”*
- *“I understand the site has major drainage constructions and these are not negligible. The ongoing maintenance of this site will likely be far more than just the cost of mowing the grass and cutting back the trees, because of the need to also clean and maintain the hidden substructure.”*
- *“I can see no upside whatsoever for the Town! What are we really gaining that we do not already have?”*
- *“..... together with the loss of S106 monies”*

- *“We would like to change our support of the Council purchasing this land at Dawes Lane development to an objection having read all the facts we feel misled”*
- *“The developers have an obligation to maintain the land at their expense and not the tax payers”*
- *“In my opinion there is nothing to gain by it being purchased and will put additional strain on already limited funds”*
- *“I agree that it is a purchase well worth it for the future protection of the open space for all of us”*
- *“To me this is a no-brainer. Please buy the land and protect it for our children and grandchildren”* Subsequently we received the following –
- *“Please ignore my previous email if it is true that if you proceed we will lose the S106 monies”*
- *“I think it benefits all of us for the Council to own more public spaces. It saddens me read comments on FB which are misleading and selfish”*

See Appendix “A” for complete list of comments received.

For the record the Council must state that there has been no loss of S106 money. The following is due to be distributed –

- £223,895 to the West Mersea Community as stated within the S106 agreement. (Currently being held by Colchester City Council)
- £31,992.72 to WMTC for recreational purposes as stated in the S106 agreement.

The £223,895 is the final figure whilst the lower figure of £31,992 has not yet been passed across from the developer, and remains index linked. £73,106 has been paid directly to the NHS for healthcare facilities and £12,558 for habitat regulations mitigation. .

The maintenance sums quoted in the original costings have been checked and have come in under those stated initially. They are shown in section “Estimated Costs”, above.

Benefits to Ownership

- Taking land into public ownership protects it from future development that may run counter to public opinion.
- It allows for future opportunities that may not be envisaged at this stage.
- The potential flexibility to adjust the scope of CL1 and CL2 according to future circumstances.

Conclusions Drawn from the Public Consultation (in respect of the POS).

The public consultation helps to polarise the issues – essentially, having stripped out the references to S106, we have 2 contrasting viewpoints –

1. WMTC should not take on additional responsibilities when a Management Company and the residents of Dawes Lane development would otherwise carry the cost.

2. Bringing the land into public ownership protects it from future housing development and potentially opens up opportunities that serve more widely the residents of Mersea.

The situation is complicated by the community land CL1 and CL2 which is separate to the POS and has also been offered to WMTC. Details are covered under section "Land Details" above. The Council needs to consider if it wants to secure the land or not. There are definite opportunities open to the Council in owning the land and it could be argued that owning the adjacent POS gives the potential for alternative schemes at some point in the future.

The Council needs to consider whether it wishes to decline purchasing any land at all or acquiring part, or all, of the land on offer.

There would seem to be 2 proposals to consider –

1. To acquire CL1 and CL2 for a nominal £1.00
2. To acquire the POS, with associated responsibilities, for a nominal £1.00

The Council expects to make a decision at the Council Meeting on the 10th April, having first displayed this document and attachments on our website for a number of weeks.

Attachments-

1. Plan showing CL1 and CL2 and POS to the north of the housing development.
2. Plan showing POS to the south of the housing development.
3. Overview of land management/maintenance prepared by Andrew Hastings.
4. Appendix "A" showing all the individual responses from the public consultation.

