

Banbury Town Council

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Date: 26 January 2012

Dear Caroline

Re: Amendments to Section 106 Agreement – Bankside Development

Thank you for giving me the opportunity to comment on this issue, which is one of fundamental importance to the Town Council. We do understand the dilemma facing the Planning Authority, where it is being charged with delivering a quota of new housing but is coming up against developers who say they cannot afford to pay the up front commuted sums required for future maintenance. However, our experience of this model operating in other areas is that it is not sustainable, and that the local authority is left to pick up the pieces, without a commuted sum, if/when the management company folds. Our newly appointed Recreation & Amenities Manager has previous experience of this happening in East Hertfordshire on a number of sites (Bishop Stortford; Buntingford and Sawbridgeworth).

Leaving aside the arguments over future sustainability of the model, we would question how the open space provision operated under a management company and funded so directly by its residents can be anything other than a gated community, with facilities only available to residents and providing no benefit to the town generally. It has long been the case that, with the hope value of residential development attached to land around our towns, the only way local councils can deliver essential infrastructure such as allotments, sports pitches or cemetery provision is through the Section 106 process. There have been previous discussions between the Leader of the Town Council and the former Strategic Director, John Hoad, around the provision of allotments at Bankside. Will not the scope for providing a contribution to the wider infrastructure of the town be much reduced under a management company model?

If this model is established it would also be the case that residents who purchased these properties would be paying to support the green infrastructure of other housing estates through their Council Tax whilst also funding their own via an Estate Rent charge. This would seem inequitable to residents of this development, who would no doubt be pressing for a rebate in their Council Tax bills, but so far as I am aware there are no provisions for removing these properties from the Council tax base calculations?

Grounds maintenance operations within Banbury are already extremely complex. With Oxfordshire being a three tier County areas of public open space can already be under the management regimes of the town, district or county councils or even Sanctuary Housing. The general public already find it difficult to identify the responsible body and introducing a further element of open space maintained by a management company can only add to this confusion.

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If this model is to become the norm for the maintenance of future open space land in the area it will also be the case that the Town Council would be unable to benefit from the economies of scale that would result from managing a larger portfolio of land.

We do not as yet have details of how any management company would be structured. Would the intention be that it would be a commercial enterprise or some form of public interest company? Initially when the District Council's housing stock was transferred into housing association management (Charter) there was an equal number of Board Members representing the tenants, the council and the community at large. However, with subsequent incorporation into larger bodies the level of influence that local councillors could have over matters affecting housing conditions in their neighbourhoods was inevitably reduced. Over 50% of our precept is given over to maintaining the town's parks and open spaces and as a local council, we could not support proposals which significantly reduced the role of the "local councillor".

In conclusion, the Town Council would be very much opposed to a "management company" model, notwithstanding that the freehold ownership of the open spaces might remain with a public authority. The day to day management of the land would clearly be taken out of the hands of the local council and this would run contrary to the Government's general thrust towards a greater role for local councils, through the delegation of services, in the Localism Act.

I hope these comments help to reinforce the District Council's initial rebuttal of the proposals put forward by the developers, and that the Planning Authority feels able to maintain this stance.

Yours sincerely

Mark Recchia
Town Clerk