

Report for: ACTION
Item Number: 4i



<b>Contains Confidential or Exempt Information</b>	<b>NO – Part 1</b>
<b>Title</b>	Agreement to Lease Woodland in Ascot, adjacent to Allens Field from Sunninghill Fuel Allotments Trust
<b>Responsible Officer(s)</b>	Kevin Mist, Head of Leisure Services – 01628 796443
<b>Contact officer, job title and phone number</b>	Kevin Mist, Head of Leisure Services – 01628 796443
<b>Member reporting</b>	Cllr. E. Quick
<b>For Consideration By</b>	Cabinet sitting as the trustees of the RBWM Recreation Trust
<b>Date to be Considered</b>	24 July 2014
<b>Implementation Date if Not Called In</b>	Immediate
<b>Affected Wards</b>	Ascot and Cheapside, Sunninghill and South Ascot
<b>Keywords/Index</b>	Allens Field SANG lease

<p><b>Report Summary</b></p> <ol style="list-style-type: none"> <li>1. The area of woodland adjacent to Allens Field is suitable for accreditation as Suitable Alternative Natural Greenspace (SANG). It is proposed to call the woodland - Hathaways Wood in memory of a recently deceased local resident Mr. Percy Hathaway. The woodland is owned by the Sunninghill Fuel Allotments Trust (SFAT), it is adjacent to Allens Field and the Ascot Recreation Ground. Its lease to the RBWM Recreation Trust would allow the development of significant numbers of linked recreational walks and possible cycle tracks.</li> <li>2. Negotiations have been undertaken with SFAT and there is broad agreement to lease the land to RBWMRT to enable the site to open as public open space and manage it accordingly to promote public access, subject to final details.</li> <li>3. The principle of designating Hathaways Wood as a SANG has been accepted by Natural England.</li> <li>4. A lease of Hathaways Wood to the RBWM Recreational Trust rather than RBWM would still serve the purpose of securing open space in Ascot but would allow RBWM to reduce associated acquisition legal costs.</li> <li>5. There is no cost to the RBWM Recreational Trust for the lease other than an agreement for RBWM to pay SANG levies to the SFAT over the course of the lease</li> </ol>
---

<b>If recommendations are adopted, how will residents benefit?</b>	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
1. Residents will have access to a new area of public open space in the Ascot area.	1 Sept 2014

--	--

## 1. Details of Recommendations

**RECOMMENDATION:** That the Cabinet sitting as the Trustees of the Royal Borough of Windsor and Maidenhead Recreational Trust agree to lease the land known to be known as Hathaways Wood, from the Sunninghill Fuel Allotments Trust for the period of up to 99 years for the payment of a minimum £5,000 (indexed) in SANG contributions per dwelling collected as SANG payments, subject to final agreement with SFAT.

## 2. Reason for Recommendation(s) and Options Considered

Hathaways Wood is an important area of Open Space in the south of the Borough where open space is at a premium. The agreement to accept the lease by the RBWM Recreational Trust allows for the transaction to be completed between 2 charitable trusts at no cost to the Borough.

The council has agreed to pay SFAT a fee of £5k for every dwelling permitted in the area, up to the maximum SANG capacity. The £5k will be adjusted by inflation, subject to a minimum level of £5k. Indexation will commence from the starting point of the uptake of the SANG capacity. The contribution will be sought from developers in the area and be payable on commencement of their development. Contributions will be passed by the council to SFAT for use for their charitable purposes in the local community.

The council will continue to receive additional CIL contributions for other community infrastructure projects according to the usual calculations.

The creation of the SANG and approval of the agreement to lease will facilitate development in the area.

Option	Comments
Do not agree for the RBWMRT to lease the Hathaways Wood from SFAT	This would result in no additional open space made available to residents in the south of the borough
Approve a lease between RBWM and SFAT	This would result in additional open space becoming available to residents in the south of the borough at a cost of £120k in stamp duty land tax
Approve the lease between the RBWMRT and SFAT <b>This is the recommended option</b>	This option will ensure the residents of the south of the borough will have a new area of open space available to them at no cost to residents.

### 3. Key Implications

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
Hathaways Wood opens to the public	2/08/2014 Onwards	1/09/2014	26/08/2014	21/07/2014	1/09/2014
Number of Visitors to Hathaways Wood	<30	30 - 59	60-89	90<	1/09/2015

### 4. Financial Details

#### a) Financial impact on the budget

There is no additional cost to the capital budget in 2014/15 from the lease

	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
	Capital £000	Capital £000	Capital £000
<b>Addition</b>	nil	nil	nil
<b>Reduction</b>	nil	nil	Nil

	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>
	Revenue £000	Revenue £000	Revenue £000
<b>Addition</b>	0	0	0
<b>Reduction</b>	0	0	0

Any additional revenue and capital costs to improve and maintain Hathaways Wood would be derived from SANG (Suitable Alternative Natural Greenspace) funds. Payments for the provision of a SANG are not required by S106 or CIL regulations but as a mitigation method on the granting of planning permission. S106 and CIL regulations are the mechanism local authorities currently have to collect contributions from developers. Such payments will be still required in order to grant planning permission regardless of the method of collection.

Where the council is unable to collect contributions via s106 or CIL arrangements developers would not be able to commence work . Development in the area would then re commence once a legal vehicle was in place to enable the council to collect the SANG contribution.

### 5. Legal Implications

The objects of the RBWM Recreational Trust encompass a wide variety of Leisure and open space facilities including to provide, or assist in providing facilities for recreation or other leisure time occupation. The lease of Hathaways Wood to the RBWM Recreational Trust is an appropriate acquisition for the Trust and is in accordance with its aims and objectives.

Terms in the lease would ensure that the contribution to SFAT would only be payable should it be collected by RBWM as a SANG payment.

## 6. Value For Money

All funding of improvements to Hathaways Wood will be paid for from SANG/CIL funds from developers.

## 7. Sustainability Impact Appraisal

Hathaways Wood is an area of wet woodland with a good mix of trees, grasses and other wetland flora and fauna. Use of the land as a SANG will ensure that the site is maintained and improved as an important ecological and leisure resource.

## 8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
Development in the Ascot area does not reach anticipated levels and section 106 monies fail to materialise	no	The agreement with SFAT is based on actual developments commenced, with no guaranteed minimum total payment	yes
Delays in the Introduction of Community Infrastructure Levy	no	payments for the provision of a SANG are collected via CIL , if the CIL levy can not be collected then development in the area can not proceed.	Yes

## 9. Equalities, Human Rights and Community Cohesion

n/a

## 10. Staffing/Workforce and Accommodation implications:

No increase in staffing levels is required

## 11. Property and Assets

The lease for Hathaways Wood would rest with the RBWM Recreational Trust.

## 12. Any other implications:

Cabinet endorsed the designation of Allen's Field as a SANG and approved the Borough Council to enter into a 99 year lease of the land at its meeting on 27 October 2011.

## 13. Consultation

No formal consultation required, however local members have been consulted.

## 14. Timetable for Implementation

Cabinet approval to accept lease	July 2014
Hathaways Wood opens formally to public	July 2014
Developers begin paying CIL/SANG funds	Expected 2024 (depending on rate of development activity in the area)

## 15. Appendices

n/a.

## 16. Background Information

None

## 17. Consultation

<b>Name of consultee</b>	<b>Post held and Department</b>	<b>Date sent</b>	<b>Date received</b>	<b>See comments in paragraph:</b>
<b>Internal</b>				
Cllr Burbage	Leader of the Council		22/7/14	
Maria Lucas	Head of Legal Services	10/6/14	10/06/14	
Alan Abrahamson	Finance partner			
<b>External</b>				

## Report History

<b>Decision type:</b>	<b>Urgency item?</b>
Key decision	No

<b>Full name of main report author</b>	<b>Job title</b>	<b>Full contact no:</b>
Kevin Mist	Head of Leisure Services	01628 796443

Appendix A – Plan of Lease Extension

