



**Policy, Finance &
Development
Committee**

27 October 2015

**Matter for
Information**

Title: **Adoption of Open Spaces In Oadby**

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1. Introduction

This report updates members on the position of adoption of the open spaces in Oadby, Woodlands Ward, as identified in a report to this committee on 22 July 2014.

2. Recommendations

That Members note:-

- 2.1.** The position on the disposal of each of the open spaces identified in the report to this committee on 22 July. In particular, to note that the open space at Florence Wragg Way is in the process of being transferred to the Council by way of gift.

3. Information

- 3.1.** The report to this committee on 22 July set out that as part of an update of the Council's land ownership records across the Borough, it had come to the attention of the Legal team that there were several open spaces in the Oadby Woodlands Ward that were currently being maintained by the Council, despite not being owned by it. It was highlighted that the maintenance of these open spaces by the Council without the benefit of formal ownership presented several issues in terms of liability.
- 3.2.** The above report noted that the sites comprised wholly or partly of trees and wooded area but at this early stage gave no further detail. See attached plan at Appendix 1.
- 3.3.** The committee resolved "that delegated authority be given to the Legal Team to make contact with the respective owners of the open spaces in Oadby Woodlands Ward and a further report with costs and ongoing costs is brought to a further meeting."
- 3.4.** By March 2015, the Legal team had established the original developers as having ownership of the sites as follows:-
- i) land known as Half Moon Spinney (marked 1 on the plan) – Jelson's and the 3 listed below owned by Taylor Wimpey
 - ii) land known as Florence Wragg Way, grassed area (marked 2 on the plan)
 - iii) land known as Beaufort Spinney (marked 3 on the plan)
 - iv) land known as Fox Hollow Spinney (marked 4 on the plan)

In discussions with the developers, both were willing to gift each piece of land to the Council but would not agree to the payment of a commuted sum as they claimed the Council had been maintaining the open spaces for the past 30 years. (By this time, alternative arrangements had been made for future ownership and management of Fox Hollow Spinney). In view of the significant amount of large, old trees, within the Spinneys' the legal team identified the adoption of such would over the years result in increasing maintenance difficulties and costs. In addition, it appeared that the Council's grounds maintenance team had not actually been maintaining these sites, other than the grassed area at Florence Wragg Way. Senior Management Team deferred the report proceeding to the committee meeting in March 2015 on the basis that further clarity was needed both on maintenance issues and realistic costings for ongoing maintenance.

- 3.5** In the meantime, without further negotiations, the remaining 3 open spaces were put up for auction. When it became known that the land at Florence Wragg Way at which there is Council maintained play equipment, was being auctioned, the Director of Services negotiated with the developer's agents and Solicitors for this to be withdrawn and the land transferred to the Council by way of gift. The Council has always been maintaining the site and play equipment so there are no additional costs to be borne by the Council. The spinneys' at Beaufort Way and Half Moon Spinney were both sold at auction.
- 3.6** The additional resolution of the committee on 22 July 2014 for a reconciliation exercise to be undertaken to identify a strategy for dealing with similar open spaces across the Borough in consultation with the Greening of the Borough Working Group will take place in 2016.

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Background Papers:

Report to Policy Finance and Development Committee of 22 July 2014

| Implications | |
|---------------------|--|
| Financial (JD) | The revenue costs of ongoing maintenance are already included in the General Fund budget |
| Risk (AC) | CR5 effective utilisation of assets |
| Equalities (AC) | None |
| Legal (AC) | The transfer of the land will give certainty to liability issues. |