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**WEST PARK**

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**Responsible Cabinet Member(s) - Councillor Lee Vasey, Leisure Services Portfolio**

**Responsible Director(s) - Cliff Brown, Director of Community Services**

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**Purpose of Report**

1. To inform Cabinet of the proposed arrangements for management of West Park, which is due to open to the public in spring 2005.

**Information and Analysis**

2. West Park is due to open to the public in spring 2005. This will be the first major public park to open in Darlington in the last 100 years. This report details how the park will be managed and maintained in order to maximise the developers commuted sum and to enhance the facilities.

**Background**

3. Development at West Park covers 49 hectares of land between the Cockerton and Faverdale areas of Darlington, bounded by the A68 and adjacent to the A1 (M). It consists of mixed tenure residential developments located to the north and west of a reclaimed former chemical works site and tip. The remediation of the former chemical works site and tip has been carried out by the developer, Bussey & Armstrong and this will comprise 13 hectares of open space, to be adopted by the Council as 'West Park'. Other components of the wider development project include a new psychiatric hospital for County Durham and Darlington Priority Services NHS Trust, the new Alderman Leach Primary School, local shopping and community facilities and sustainable transport provision.
4. The park is at the heart of the development and has been designed to sustain three rare species of fauna found on the site as well as providing a major recreational asset for Darlington.

**Management Arrangements**

5. Community Services will be responsible for the overall management of the park in conjunction with the Countryside Management team from Development and Environment.

6. A commuted sum of £270,000 has been secured by way of a Section 106 planning obligation with the developer to maintain the new park by providing an annual income stream of £27,000pa. The park will be mainly landscaped as a countryside area and provision will include informal paths and grassed recreational areas.
7. In addition to the commuted sum, the developer is inserting a clause in each of the purchase deeds relevant to all new private housing that requires households to pay an annual charge of £50 on an index linked basis. This levy income is for the purpose of providing additional funding for the future management and maintenance of the park. When all of the properties have been developed and sold, it is expected that this charge will result in an annual income of £30,000. This will be in addition to the annual commuted sum of £27,000.
8. It is proposed that the Council and the developer work in partnership with the County Durham Foundation, who will collect the levy payments and that a *Friends of West Park* group be formed to assist with the management and distribution of the levy income. County Durham Foundation will charge 10% of the levy income received to cover their administration costs.
9. In order to set up the *Friends of West Park* group, it is suggested that it comprise the Portfolio Holder for Leisure, Assistant Director – Environmental Services, the Countryside and Rights of Way Officer, a representative from the County Durham Foundation and developer and up to five local residents. Whilst the *Friends of West Park* group would be responsible for allocating any surplus resources from the annual levy funds, they would receive appropriate guidance from Council officers.
10. In terms of gaining maximum advantage from the revenue sources, it would be preferable if the commuted sum and levy payments were used together so that they could jointly fund a dedicated Park Ranger Service to manage the facility on a day-to-day basis and also a level of maintenance not otherwise achievable.
11. The Park Ranger Service would maintain the park in accordance with a specification that has been developed between the Council and the developer, while providing security, assisting with the promotion of biodiversity and generating educational awareness. Also to develop volunteer networks to assist with maintenance and the general development of the park therefore bring added value to the project.
12. If agreed, a tender would be developed and advertised for this work. It is anticipated that charitable organisations, such as the Tees Forest and the Ground Work Trust would be interested in tendering for this work.

### **Legal Implications**

13. This report has been considered by the Borough Solicitor who comments as follows:

14. 'The adoption and future maintenance of the open space at West Park is a Council obligation under the provisions of a planning obligation made with Bussey & Armstrong Projects Limited in early 2002. The obligation did not require transfer and adoption of the land until full and satisfactory remediation of the land had taken place. As this remediation is now reported to have taken place and the open space prepared for recreational uses, it is appropriate for the Council to consider how a high standard of maintenance can be best achieved.
15. The proposals outlined in this report promise a high level of future maintenance which the residents of the houses in the vicinity of the new park are likely to appreciate. I am satisfied that the Council has the powers necessary to take part in such arrangements. The Council would have no powers to compel the payment of the envisaged levy (which would be collected by the County Durham Foundation). It will be important when budgeting for works whose costs are proposed to be met out of the commuted sum and the levy that the amounts available from the levy are known with some degree of accuracy, and are available to the Council. If the levy is not so productive as envisaged, or the sums are not available, there could be shortfalls which need to be met from accelerated application of the commuted sum.'

### **Section 17 of the Crime and Disorder Act 1998**

16. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **Council Policy Framework**

17. The issues contained within this report do not represent change to Council policy or the Council's policy framework

### **Decision Deadline**

18. For the purpose of the 'call-in' procedure this does not represent an urgent matter

### **Recommendation**

19. It is recommended that Cabinet approve the proposal to manage West Park on the basis set out in the report.

## **Reasons**

20. To ensure management arrangements are in place when West Park opens for use by the public.

**Cliff Brown**  
**Director of Community Services**

## **Background Papers**

No Background papers were used in the preparation of this report.

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