

KINGSGROVE
W A N T A G E



ST.MODWEN

Q&A – Kingsgrove Maintenance Contribution for Open Space and Site Drainage System ('Open Space/SUDS Maintenance Contribution')

This note will cover the Open Space/SUDS Maintenance Contribution and how it relates to the Service Charge at Kingsgrove in Wantage. It is prepared by St. Modwen to provide information and answer questions raised by residents at Kingsgrove.

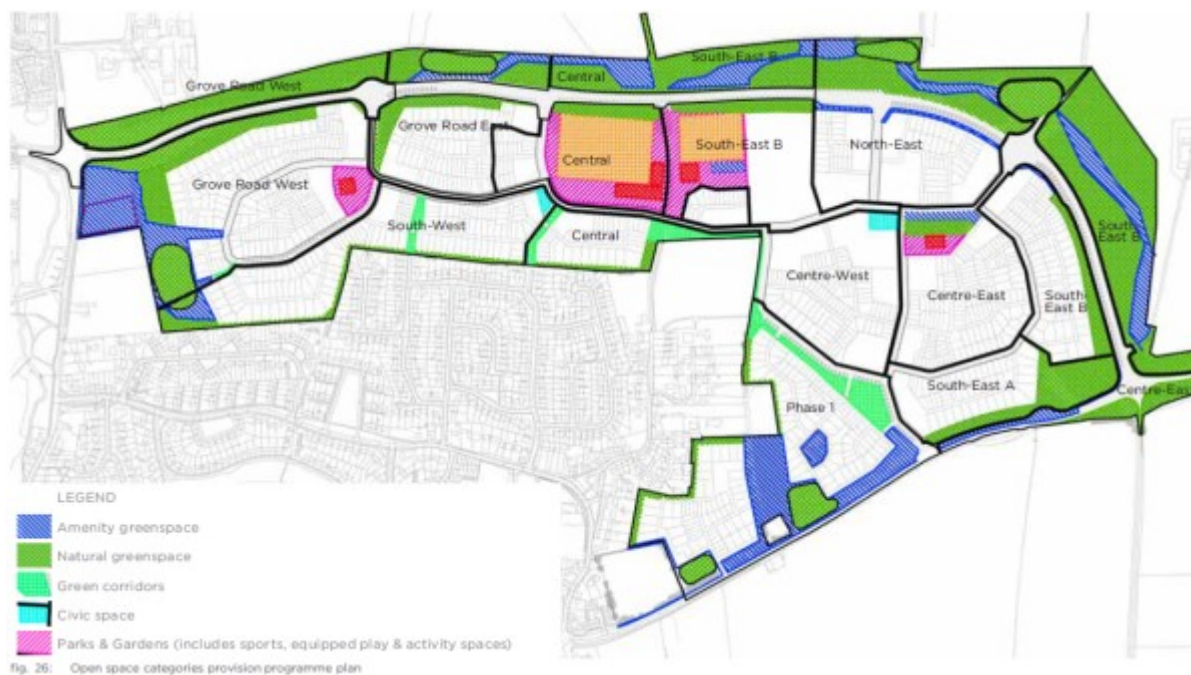
April 2023

1. What is the Open Space/SUDS Maintenance Contribution?

The outline planning permission granted to St. Modwen by Vale of White Horse District Council provides in the S106 for a financial contribution towards the ongoing maintenance of the completed Open Space and SUDS at Kingsgrove. This is known as the 'Open Space/SUDS Maintenance Contribution' ('Contribution').

The Contribution can be used for the purposes of maintaining and managing the Open Space and Site Drainage System (referred to as 'SUDS').

In the S106 agreement, Open Space is defined as 'those areas of amenity green space, natural greenspace, green corridors, civic space and parks and gardens as shown on the drawing titled 'Figure 26' (see figure below)'.



Site Drainage System is defined as 'the drainage system for the Site excluding any part designed only to provide drainage for a single property and any highway drainage infrastructure'. It includes infrastructure such as the sustainable drainage basins and swales provided across the development and shown indicatively on the figure below.



The Contribution can only be used towards the areas which have been signed off by the Vale of White Horse District Council ('VoWH') as 'completed'. By completed we mean provided in accordance with the planning permission and fit for its intended purpose.

Once an area is agreed as completed St. Modwen can either lease the land to the Manco straight away or elect to manage the area prior to lease. St. Modwen can appoint the Manco to manage the area on their behalf.

The Contribution cannot be used towards any areas that are yet to be completed. It also cannot be used for replacement of failed trees, or landscaped areas planted as part of the development that become damaged, destroyed or diseased within 5 years of completion of the relevant area.

2. What is a S106 agreement?

A S106 is a legal agreement between a Local Authority and a developer or landowner which is linked to a planning permission. The agreement will set out planning obligations which the developer/landowner must carry out to mitigate the impacts of the development, for example provision of affordable housing or payment of financial contributions. A S106 agreement can be varied through a Deed of Variation.

You can find more information on the Kingsgrove planning application, S106 legal agreement and Deed of Variations (DoV) here: [Planning Application P13/V1764/O \(whitehorsedc.gov.uk\)](https://www.whitehorsedc.gov.uk/planning-application-p13/v1764/o)



3. How much is the Contribution?

The total Contribution is £4,014,503.10 (Index Linked). This is split, pro rata, across the 34 hectares (ha) of open space. The pro rata instalment which is available to spend on ongoing maintenance is £117,690.83 for 1ha.

The Contribution can be utilised by whoever takes on the management of these areas.

4. How is the use of the Contribution monitored?

For transparency, and in accordance with the S106 reporting requirements, how the Contribution is applied to different areas of open space and SUDS, and how it is spent, is reported to the VoWH in an annual Statement of Expenditure in May each year. The first of these will be 31st May 2023.

The Statement of Expenditure includes a plan showing the areas inspected and approved as completed by VoWH to date, the hectareage of completed areas to which the Contribution applies and associated pro rata Contribution, and expenditure incurred in the period which is potentially recoverable from the Contribution.

5. Who can use the Contribution?

The Contribution is allocated to whoever takes on management of the open space and SUDS areas. The majority of these areas will be managed by Kingsgrove Estate Management Company Limited (the 'Manco') and as a result the Manco will be able to receive income from this Contribution.

6. Will all of the Contribution be allocated to Open Space/SUDS maintenance?

In accordance with the terms of the S106 agreement, when the final area of Open Space/SUDS is agreed as completed, St. Modwen will agree a final Statement of Expenditure of the Contribution with the VoWH. This will include any final payments to be made in respect of open space and SUDS maintenance, and any part of the Contribution paid to third parties who have taken on management and maintenance of the open space (e.g. the town council).

If there is any Contribution remaining unspent this would be paid by St. Modwen to VoWH to be used for Affordable Housing.

7. How does the Contribution affect the residents' service charge?

The annual Statement of Expenditure sets out what has been spent on management and maintenance of completed open space and SUDS areas in the previous 12 months. This can be up to 5% of the pro rata instalment for the areas that are completed, unless otherwise agreed with the VoWH. Once the Statement of Expenditure is agreed with the VoWH the agreed value of the Contribution which can be utilised for the completed area can be transferred to the Manco.

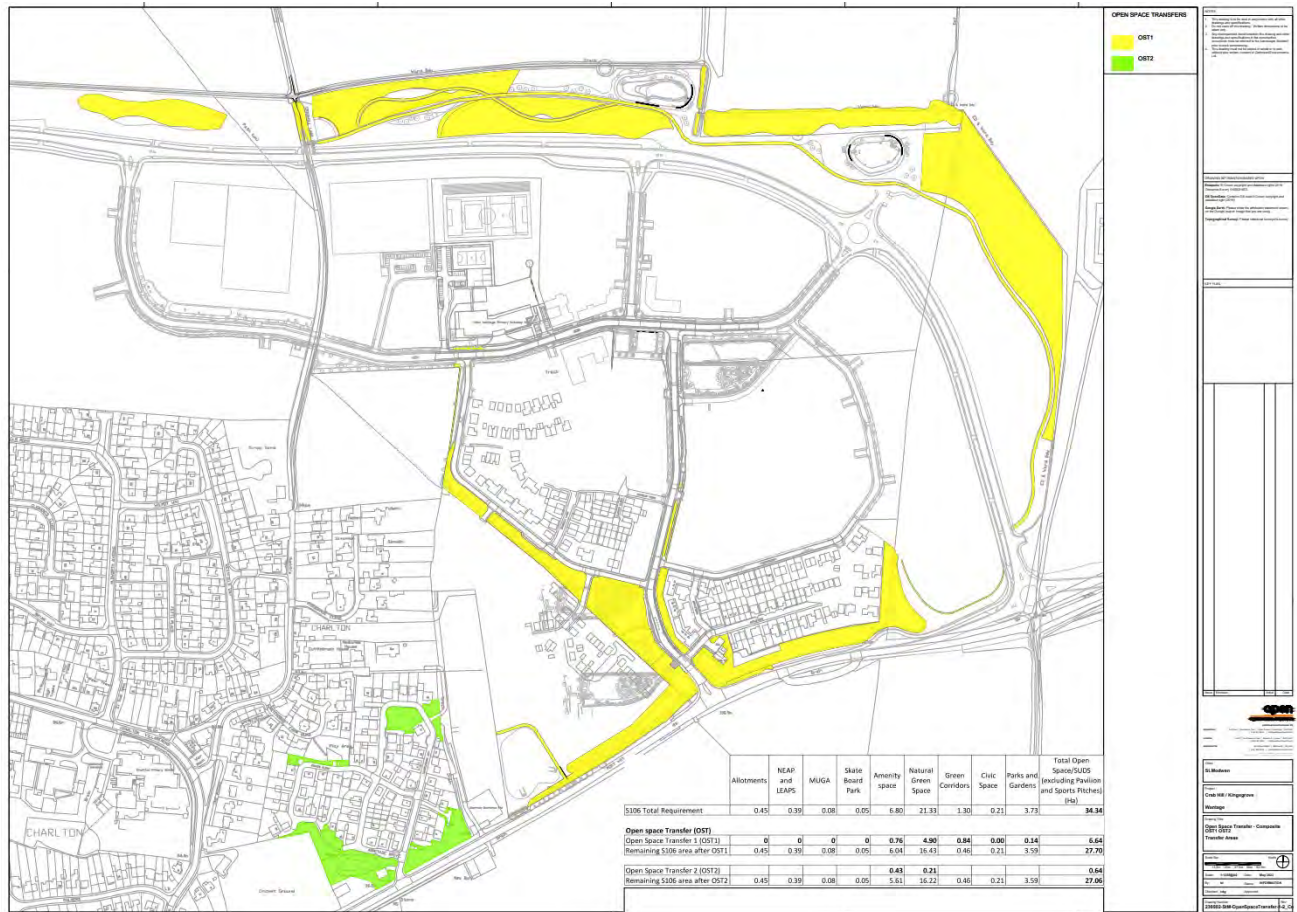
All of the Contribution income which is received by the Manco during each service charge year (1st Dec to 30th Nov) will be displayed in the annual Kingsgrove service charge accounts as additional income.

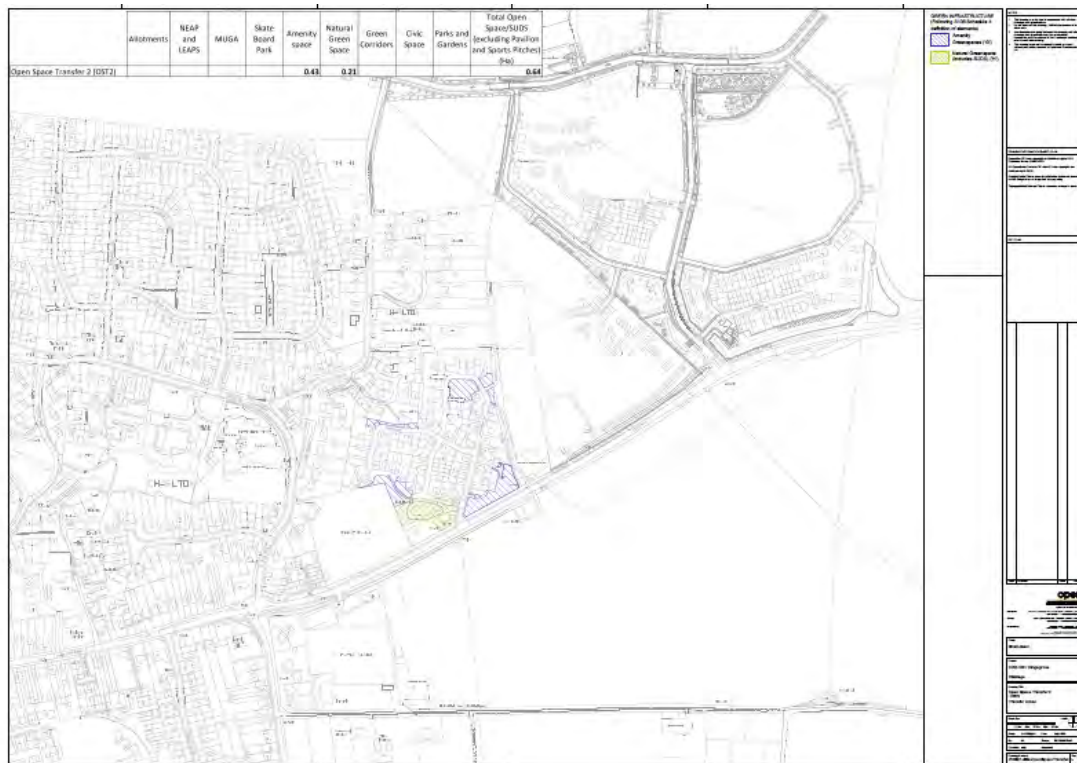
Should any Contribution income lead to an overall surplus of income over expenditure, any surplus will be credited back to all property owner's service charge account, to offset against their first invoice post-credit.

As per the Estate Service Charge Deed, which each property owners signs when they purchase their property, the annual crediting of any surplus will be based on each properties service charge apportionment (i.e. bedroom numbers).

8. What open space/SUDS has been signed off by the VoWH as complete to date (April 2023)?

The areas shown on the plans below were agreed as complete with the VoWH on the 23rd June 2021. The Contribution can therefore be used to contribute towards the costs of maintaining and managing these areas from that date. The areas shown below are being managed on behalf of St. Modwen by the Manco.





On the 12th May 2022 the Deed of Variation to the original S106 agreement was signed, part of which formalised the process for how the Contribution could be spent.

Following the signing of the Deed of Variation last year, the first annual Statement of Expenditure is due to be submitted by the 31st May 2023. This will establish how much of the Contribution can be utilised for the maintenance and management of the completed areas for the period prior to 31st May 2023. This first statement will cover the period from 23rd June 2021 to 31st May 2023, however future statements will be annual, as set out in question 4.

9. How does the reconciliation work in respect of 2022 annual accounts?

St. Modwen's first Statement of Expenditure is due to be submitted to VoWH on the 31st May 2023.

Once this expenditure has been signed off by VoWH, any Contribution relating to expenditure incurred in advance of 30th Nov 2022 will be included as additional income in the 2021/22 service charge accounts, and any surplus will be credited back to residents in around June 2023. This exercise will be repeated each year.

10. Why are residents paying for maintenance of an area which is open to the public?

The open space and SUDS areas are provided as part of the Kingsgrove development as public open spaces for all to use and this principle is established in the original S106 agreement. All the areas were offered to Wantage Town Council for management, as required in the s106. The Town Council are not obliged to take on these areas for management. Where there are spaces that are not taken



on by the Town Council, the s106 requires that a Manco is established to ensure future ongoing management and maintenance of these areas.

Where appropriate St. Modwen is working closely with other stakeholders to find potential operators/managers of some of these open spaces. For example, St. Modwen is engaging with the Town Council in respect of the Orchard and Allotments, and Wantage Town Football Club in respect of taking on management and maintenance of the sports pitches, MUGA and pavilion building/store.