# Cartwright Gardens Community Liaison Group’s Appropriate Statement Upon the Open Space Operational Management Plan v04

# Scope of Document

## Section 106 Requirement

The Section 106 agreement (S106) signed between the Owners of the Garden Halls in Cartwright Gardens, The University of London and the Worshipful Company of Skinners, and Camden Council on the 28th November 2013 sought, among other things to have established a Cartwright Gardens Community Liaison Group (CLG), which would be consulted on four plans developed by the University and their consultants. These plans are: (1) The Construction Management Plan (CMP) (2) The Open Space Operational Management Plan (OSOMP) (3) The Student Management Plan (SMP) and (4) The Summer Use Management Plan (SUMP).

Paragraph 4.7.1 (i) places a responsibility upon the Owners to form the CLG of 10 persons “… who have a direct interest in the management of Cartwright Gardens and to include a ward councillor, Local Residents, hotel owners (from among those premises directly fronting Cartwright Gardens), local business or business organisations and local community groups.”

Paragraph 4.7.1 says “Four weeks prior to the submission to the Council for its written approval, drafts of the final versions of …[the Plans]… to be made available to the Community Liaison Group so as to allow input into said Plans and to allow for the preparation of an appropriate statement by the Community Liaison Group ….”

Paragraph 4.7.1 (ii) requires the Owners to appoint a Liaison Officer to organize and attend all meetings of the CLG.

Paragraph 4.7.1 (v) places the responsibility upon the owners to keep accurate, written minutes of each CLG meeting, recording discussion and any decisions taken by the CLG.

## Context in which Statement has been developed

On the 9th April 2014 members of the CLG were notified by the Liaison Officer that the University had submitted the CMP Version 03 to the Council for their consideration. This they have described as a rolling process of submissions to test Council reaction in order that they may respond. On 19/05/14 they issued OSOMP v04, which took on board some of the points made in preceding CLG meetings.

 Mindful of paragraph 4.7.1 of the S106 the members of the CLG drafted their Appropriate Statement based upon OSOMP V03 and has now incorporated the changes made in OSOMP V04. This is for Council Officers to consider along side the plan submitted by the University.

The CLG met on three occasions prior to the submission of OSOMP V03 to the Council. While the CMP and OSOMP were on the agenda of the first meeting of the 5th February 2014 neither were formally presented to the CLG because all the time was taken by procedural matters connected with its formation.

A particular bone of contention was whether the University were or were not members of the CLG. The sense of the meeting was that they were not since S106 (4.7.1 vi) makes reference to majority voting on recommendations to the owner, and it would be senseless for an unspecified number of University representatives to do anything other than vote for what they have just proposed to the other members; moreover it is clear that the formation of the CLG is to make an input into plans provided by the University and again it would be senseless for an unspecified number of University representatives to make an further input to what they have already proposed. The University did not accept this and the meeting minutes of the 5th February prepared by the Liaison Officer reflect neither the discussion nor the sense of the meeting which was that University representatives were without the Community Liaison Group. This was the first of several disputes between the CLG and the Liaison Officer over the fullness and accuracy of the minutes. Thus this Statement is prepared by the voting members of the CLG.

Hard copies of the two Plans were simply distributed at the 5th February meeting. However, the University made clear at the first meeting that it was in a hurry to proceed and set the 21st February 2014 for written submissions by individual members of the CLG.

The CLG members, solicitous of development concerns confronting the University, did their best to respond within the time limit set by the University. The University was duly appreciative of those efforts made under the time pressures. Many members were able to respond within the deadline but some did not. It was particularly challenging for those who felt they needed to discuss the two plans with the people they represented. Moreover, much in the Plans was of a technical nature and the only expertise available was from those who had designed the Plans in the first place.

In the absence of a formal presentation of each Plan the replies from CLG members were either proposed alternatives or clarification of meaning. As a result of the latter it was impossible to formulate a response on many issues until a clarification had been received. So version 2 of the CMP and OSOMP reflected the University’s response to these individual queries and comments without the benefit of collective discussion and certainly before CLG members had been able to come to grips with all that was involved.

The second CLG meeting held on the 19th March 2014 was held among complaints of insufficient advance notice of the meeting and circulation of the Revised CMP and OSOMP – now version 2. Version 2 of both plans comprised track-changes to the text and a tabular presentation of issues raised by individual CLG members (alternative proposals and requests for clarification). CLG members thanked the University and its contractors for this helpful documentary presentation. Much of this meeting was devoted to discussing CMP V02 and only a brief amount of time was devoted OSOMP V02.

The OSOMP was more fully discussed at the third meeting on 31st March 2014. The Liaison Officer’s minutes of this meeting were also disputed by CLG members, but this now has been resolved. Following this meeting OSOMP V3 was produced, submitted to the Council and tabled for discussion at the 16th April 2014 CLG meeting. Appendix C tabulates matters raised by CLG members and the Universities responses. CLG members commented upon the OSOMP V03, prompting a revised OSOMP V04.

## Aim of the Statement

Given that the Council already has OSOMP V03 and OSOMP v04, that the minutes of the meetings have been a source of difficulty, and the S106 permits CLG members to submit an Appropriate Statement, CLG members have decided in their Statement to summarize the outstanding issues that in the view of voting members have not been resolved satisfactorily or at all. Such a Statement should not be read that CLG members are unappreciative of the efforts made by the University in adapting its Plans.

CLG members feel this is a clearer and more reliable statement of their views on OSOMP V04 than may be gleaned from the somewhat rambling accounts contained in the tabular representations of exchanges contained in Appendix C.

Not all CLG members were necessarily expected to share the views of other members on all issues. Where one or more members constitute a minority view, their perspective has been recorded adjacent to the relevant majority text.

## Organisation of the Statement

The Statement opens with a discussion on the enforceability of OSOMP V04. CLG members have not been able to give enough thought to this issue, given the break-neck speed required of a fledging group to respond to versions of OSOMP at the same time as the CMP. We, therefore, invite Council Officers, when reading OSOMP V04, to consider whether it is effective for enforcement purposes.

The rest of our Statement proceeds through the report from first page to last raising issues where relevant. Thus what is commented upon first should not be assumed to be the most important from the perspective of CLG members. We think this format is the most helpful as a working document for officers and councillors.

The S106 (2.8) defines the OSOMP as a package of measures to be adopted by the Owners to secure access to the Gardens for the lifetime of the Building and whose continuing management is undertaken by the Owners in consultation with the CLG. The same section then lists elements that the plan should include. The University has taken these elements as section headings in OSOMP V04. These headings are also used to address our outstanding issues.

# Appropriate Statement on OSOMP V03

## Enforceability of the OSOMP within the S106

When OSOMP is approved by the Council, it will not be integrated within the S106 but is referenced by it. CLG members are unclear whether a breach of the OSOMP also represents a breach of the S106. To remove doubt we invite the Council to insert in the OSOMP V04, and any subsequent versions, words that make it clear that the parties to the S106 regard a breach of the OSOMP as a breach of S106.

Determining a breach is assisted by precise phrasing of the OSOMP so that obligations being assumed by the Owners are clear. CLG members are not lawyers but invite the Legal Officer of the Council to review and amend the text where necessary to provide the clarity that would simplify the determination of a breach. CLG members fear that loose phrasing of the OSOMP might lead the Council to tell any complainant, including the CLG, that the document is so vague that the success of any legal action would be too slim to justify the legal or administrative costs.

The S106 is also weak and unclear on the mechanism that should be followed, say by CLG members, to bring a breach to the attention of the Council. CLG members wish to see specific channels defined for a complaint of breach and, since the Council is a party by extension to the OSOMP, what processes it will follow to investigate and remedy any breach. The process of formal complaint, investigation and remedy should be inserted in OSOMP V04 and any subsequent version.

## Issues with OSOMP v04

### Introduction

OSOMP V03 included for the first time a set of key objectives missing from V02, which CLG members welcomed. For some reason, these have been removed from OSOMP V04. The CLG consider that such a statement serves a useful purpose in providing principles against which future management of the Gardens may be held to account, as may any future proposed change in objectives. While it is true that there was an element of repetition between Section 1 in OSOMP v03 and subsequent sections, we think a mission statement under the original headings should be reinserted; it need not be the same V03 text. Those headings were:

• A welcoming place for all visitors

• An environment that is healthy, safe and secure

• A well maintained and clean space

• A place where the principles of sustainability and biodiversity are encouraged

### Section 1:

### Details of the Physical Measures of Construction (p4-6)

Access Routes (p4): No mention is made of the fate of the current garden gate on the South West of the Gardens, which historically has provided key access for the Hotels. CLG recommends removing the gate and seamlessly continuing the railings.

**Access Routes (p4**): OSOMP V04 while acknowledging that the new footway is subject to a separate public consultation goes on to claim that it would lead to improved accessibility. This sentence should be removed. The consultation will decide whether it is an improvement

**Public Open Space - Bench Design (p4):** CLG has had limited discussion of the Benches to be used in the Gardens. The Planning Officer relied heavily upon the Secure by Design report on the Gardens compiled for the application process, which recommended as a security device that the benches should discourage dwelling in the Gardens. The CLG has limited expertise on this matter but notes that the benches used in Marchmont Community Gardens are attractive and incorporate arm rests that would prevent people reclining on the benches. Camden Parks Department should be asked to warrant that both the Marchmont benches and the proposed Chaplet are likely to deter dwelling in the gardens. If they conclude the benches are equal in this regard then the CLG has a preference for the Marchmont benches.

**Notice Boards (p5**): The Introduction in OSOMP v3 (p4) referenced a notice on unacceptable activities in the Gardens. This has been removed in OSOMP v4 and needs to be re-inserted on page 8. Reference to this notice should be re-inserted, and the notice should be on **all** gates.

**Root Protection Area (p5):** Appendix A does not indicate the RPAs as claimed and the OSOMP should be supplemented with one that does.

**Genera Request to Officers**: The remainder of this section in the OSOMP contains technical provisions upon which CLG members do not have the expertise to comment. Officers should therefore report that they are satisfied that proposed physical measures soft landscaping are adequate for purpose and meet the claims made for them.

### Section 2:

### Maintenance of the Public Area (p7-9)

**General Point to Officers – Garden Standards for the Future**: The University to date has had an indifferent track record in maintaining the Gardens.

CLG Members asked for the Service Level Agreement (SLA) between the University and UPP to be included as an appendix. This was agreed by the University (see Minutes 30th March 2014), but at the 16th April meeting the University argued that the SLA was confidential. However, OSOMPv04 now includes in Appendix D the Service Element of the SLA, and for this the CLG is grateful. Some CLG members have seen a confidential draft of a SLA, though not necessarily that intended for Cartwright Gardens but nevertheless illustrates its structure. For each Service Element a performance measure is set and a sampling regime established to verify performance. The absence of a performance level undermines the purpose of requesting SLA details to be included in the OSOMP. The Service Elements helpfully describes the general tasks to be performed but alone leaves the standard of performance of these tasks undefined. Generally the Service Elements do not describe how frequently tasks should be performed. We therefore seek that **the performance measure** is also included in Appendix D. We also note that, except for provisions for padlocking the main gates at night, there is nothing in the SLA which obliges the University’s halls operator (UPP at present) to enforce security or deal with **unsocial and anti-social behaviour**. It is therefore unclear by what mechanism the University proposes to discharge the expectation of the Council in providing a robust strategy. If UPP staff is not doing this, who is? Camden should ensure this matter is clarified.

Finally, while reference is made to the existence of the SLA in Appendix D (p 8), its function is unresolved in OSOMPv04. The line referencing Appendix D on page8 should therefore read: “ Appendix D contains the outputs of the service level agreement which shall define the minimum level of maintenance and garden management that shall be provided. The CLG should be given notice and be consulted on any changes to the SLA.”

**General Point to Officers – Behaviour in the Gardens - Risks**:

The majority of the CLG has strong reservations about opening the gardens to the public given the risks of anti-social behaviour in the area, the lack of investigation of these risks by either the Council or the Owners and as a consequence the adequacy of the provisions to maintain good order in the gardens given its private legal status.

Several CLG members have a direct involvement in other community commitments that affords them a sound view of behaviour problems in the area. Some of these are quoted verbatim.

***Bob McIntyre (Chairman CLG):*** *I would like to highlight that there appears to have been no suitable and sufficient risk assessment of Anti Social Behaviour within Cartwright Gardens should the proposal to open the Gardens to the public go ahead. At the moment there is little ASB in the gardens as they are closed to the public but open to local residents, including students.*

*1. The Area around Cartwright Gardens was until January this year, one of 2 neighbourhood "dispersal areas" due to high incidence of ASB.*

*I quote from a report into ASB in the immediate vicinity of CG prepared by PC Dylan Belt in October 2013: "This area has seen problems with rough sleeping, begging and alcohol related ASB around St Pancras Church and Judd Street Open Space, and youth related ASB involving drug use around the Thanet Street Area and public order related behaviour in the Flaxman Terrace Area... These issues have been repeatedly raised at public forums and are documented by police and other partners working within the Community Safety Partnership"*

*2. There is a particular alcove on Thanet Street at the rear of the RNIB building, where drug and alcohol use is rife, night and day. Were I  a gambling man I would bet on the offenders moving from Thanet street into the gardens if the gardens were open and any seating areas provided (however uncomfortable).*

*3. Cartwright Gardens sits right on the midpoint between 3 rough sleeper/ drug user/ vulnerable adult hostels, 1 on Argyle Walk, 1 on the corner of Hunter St/Tavistock Place and 1 on Endsleigh Gardens. These establishments, while being essential to aid the protection and rehabilitation of their clients are also, unfortunately, centres for drug dealing and use and the Gardens being open would present a convenient forum for dealers and users.*

*In summary, I am most concerned that opening the Gardens to the public will encourage is placement of ASB from the surrounding area into the Gardens. There does not appear to be any robust process for ASB in the proposed Open Space to be dealt with within the framework of the draft "Open Space Management Plan" submitted by the Developers.*

*Please note that I do not speak on behalf of the Kings Cross Safer Neighbourhoods Team, but as a local resident , business owner and member of the SNT.*

This statement received support from several members.

***Steve Cowan (CLG member) writes***: *As a local resident and as a King's Cross Safer Neighbourhoods Panel member, I can confirm that there are long established problems of such behaviour in Flaxman Terrace, Sandwich Street and Thanet Street. In the latter, the problem mentioned in Dylan Belt's October 2013 report of youth ASB at the rear of the RNIB building, is cyclical: it reduces over winter months, but picks up again during spring and summer, continuing into autumn; I mention this lest the comparatively low incidence of reports in recent months is mistakenly taken as an indication that the problem has ceased permanently.  I might add that similar problems often occur at the western end of Hastings Street, on and around the steps of the N.U.T. building.

Since all the above locations are close to Cartwright Gardens, it is reasonable to expect that, without effective precautions, the Gardens themselves will become vulnerable once open public access is given.  It may well be, to quote Dylan Belt, " ... that opening the Gardens to the public will encourage displacement of ASB from the surrounding area into the Gardens." But I think it also a realistic fear that, without robust precautions, the Gardens might become a magnet for ASB perpetrators from elsewhere, thereby increasing ASB, some of which migrates from the Gardens to the surrounding streets, to the detriment of everyone in the neighbourhood.*

***Debbie Radcliffe (CLG alternate member) supporting Bob McIntyre says*** *“[I agree] the need to properly assess the potential for vandalism and anti-social behaviour once the gardens are available for all. We need to be convinced that there will be a sufficiently robust mechanism in place for quick and efficient enforcement if / when incidents occur.  One doesn't want to be too restrictive or condemnatory of other people's life styles, but we do need to think about who might wish to congregate in the gardens, once they are "open to the public".*

*As a local resident who regularly walks or cycles past both Cartwright Gardens and Argyle Square, the difference in character between them is noticeable - despite the fact that the upgrading of the gardens in Argyle Square is a huge improvement on what it used to look like. A group of street drinkers monopolising a bench for hours, however harmless, might be seen as intimidating to a young girl wanting to eat her lunch in peace or an elderly person wanting to read a paper in the sunshine.  Or might not.  The ambiance and the reputation of the gardens as being a "safe" place to visit is fundamental to the success of the gardens. Which is why retaining the four tennis courts is so important.*

*I personally feel that it is the quality of the landscaping, the fact that the bins are emptied regularly and the overall “look" of the place is what makes people respect the space, which is why the ongoing funding for maintenance is so crucial.  Once a garden starts to look run down, people feel that it 'doesn't matter' and anything goes. If the CLG becomes the long-term "guardians" of the Gardens, we have to have the power - through this plan - to ensure the quality of the space is retained. And that there is enough money in the pot, provided by the University, for planting, security and day today maintenance..*

We also note that Camden Council's Anti Social Behaviour Unit as being an area of high incidence of youth crime and is also known for being associated with gang activity, though this is not widely known.

***Paul Cockle and Gajan Raj*** have via the Cartwright Gardens Garden Committee consistently sought to draw the Council’s attention to these risks and the peculiar vulnerability of small hotel businesses to them. The Hotels have felt sufficiently aggrieved by the failure of the Council’s processes leading to the planning decision to refer the matter to the Local Government Ombudsman, who has yet to report.

***Ricci de Freitas (CLG member)*** of the Marchmont Association takes the view that the area is on the up, that the risks of anti-social behaviour are small and their consequences may be managed.

The majority view, including others not quoted, is of considerable anxiety and that the extant anti-social behaviour has not been recognized by either the Council or the Owners, as a consequence OSOMP v04 makes inadequate provision to counter it. Indeed the CLG invites both parties to demonstrate that a robust and effective security plan can be devised in these circumstances particularly where the ownership of the gardens remains private.

**General Point to Officers – Behaviour in the Gardens - Measures**:

OSOMP V04 makes it clear that Gardening rather than Security staff will be responsible for dealing with anti and unsocial behaviour. If this is agreed by the Council then it should be reflected in the SLA. However, the use of gardeners rather than security staff is a weak measure. The plan to train gardeners to approach the public to secure good order, still means that inexperienced staff are being asked to handle a risky task, whilst engaged in another for which they are actually qualified. The outcome, whether out of fear or absorption in something else, is to either not intervene at all or intervene late when the matter is harder to handle.

OSOMP V04 (p8) that staff “…will not have powers to fine, apprehend or prosecute offenders” rendering the Acceptable Behaviour Notices (see Notice Board comment) practically unenforceable. The situation arises because the Gardens are private but open to the public, so public bye-laws cannot be applied, and filing civil suits would be a risible response. Ground staff will “… complete incident, noise and accident reports as required” and liaise with the “emergency services” (i.e. phone the police). CLG members have been given authoritative information that in another nearby square, which has problems with anti and unsocial behaviour to the detriment of residents and businesses, the Gardener is reluctant to bear witness, for fear of reprisals. The CLG has asked the University whether it will be a requirement for their staff or sub-contractors to bear witness to unsocial and anti-social incidents upon pain of dismissal. They replied they cannot enforce this where fear of intimidation might arise. Without some requirement, the temptation to look the other way seems too strong.

Despite the commitment by the University to an opening and closing patrol by their security staff and 5 patrols by gardening staff during opening hours(not mentioned in the SLA, where it should), it still seems to the CLG that for the vast majority of time, there will be no university staff in the gardens. Reliance upon the public to report anything other than the grossest transgressions to the police, is a frail security mechanism.

The University have turned down the CLG’s suggestion of CCTV in the gardens as inappropriate. This operates in Argyle square, but in fairness and despite police focus on the area, the difficulties still persist in the square to the detriment of local businesses. Moreover the extensive tree cover in Cartwright Gardens may limit the effectiveness of CCTV.

Camden’s Planning Officer’s report on the Planning Application accepted “*The need for a robust strategy and clear and effective management of the building and open gardens and of users and residents is obvious*”. It is the CLG’s view that displaying Acceptable Behaviour Notices (dropped from OSOMP v04) that are unenforceable, perhaps making an incident report providing it does not lead to adverse consequences for the person writing it, or just telephoning the police – assuming they appear in time to do something about it – is neither a robust nor effective strategy.

The CLG ask both the University and the Council to rethink their present inadequate position on safety and security in and around the gardens and to produce a strategy that is both “robust” and “effective”. If it is not possible this needs to be acknowledged. Two courses of action are available to the S106 parties. Either they agree not to open the gardens to the public, particularly as the amenity space has been so reduced by the maintenance of 4 tennis courts or implement S106, para 4.5.5 (d) to close the open space to the public until viable measure to promote good order are likely to prevail.

**Section 2 Specific Points - (p7-8)**

**Litter Bins (p7):** Replace “ bins will be appropriately distributed” with “bins will be distributed as shown in Appendix A”.

**Dogs (p8):** Insert at the end of the sentence terminating in “from all areas.” – “Where dog owners do not comply it shall be the responsibility of the ground staff to remove dog waste.”

**Programme of Life Cycle Costings (p8):** We know from CLG discussion with the University that they will have a ring-fenced sinking fund designed to cover the life-cycle costs of maintaining the refurbished gardens to a standard established by the Service Level Agreement. CLG members require the University to include in OSOMP V04, the sum and source of funding of the ring-fenced sinking fund that the University agrees it shall operate. Such a sinking fund would be the outcome of life-cycle costings. CLG members require that such costings include all provisions for security discussed above and fully meet the terms of the SLA. In addition the CLG requires that annual accounts are kept, showing all income and expenditure (including draw down from the sinking fund), and that these accounts are circulated to CLG members. The fear is that while the University may commit to service standards, they may not make adequate provision for it. UK banks had quite detailed regulatory requirements to cover their liabilities but in the end made inadequate provision.

It is essential for the future operation of the CLG remit, not only to have task commitments reflected in the SLA but the corresponding resource commitment. The CLG would need to satisfy itself that resources are adequate to meet the SLA requirements and that future years are not being robbed to pay for nearer-term requirements. There is always the risk that the University may seek to dilute future SLA standards because it cannot or will not make the resources available. Moreover, the site could be sold, and it is essential that the SLA requirements and funding provisions transfer to the new owners. CLG members need to be alert to this possibility and so require the above financial information.

### Section3:

### Securing public access to the Public Areas (Tennis Access)(p10)

No Comment

### Section 4: Securing public access to the Public Areas (Daytime Access) (p10)

See above General Points to Officers - Behaviour in the Gardens.

### Section 5: Charging Mechanisms (p10-11)

**Definition of Local Resident Qualifying for Discounted Court Fees (p11):** The CLG has not had time to discuss the definition of Local Resident for this purpose. The S106 definition is regarded as imperfect as it embraces the Marchmont Association, whose geography apparently extends as far as the Grays Inn Road. Moreover, that definition omits residents of Cartwright Gardens itself for no justifiable reason. The CLG therefore proposes that occupants of the following streets be granted the discounted court fee: an area bounded by the Eastern sides of Upper Woburn Place and Woburn Place, Bernard Street, the Western side of Hunter Street and Judd Street, and the Southern side of Euston Road.

### Section 6: Management and the Method of Granting permission to private events (p15)

**General Point – Events**

Some CLG members are concerned that private events in the Gardens might encourage anti-social behaviour; others see that they might fulfil a community role. The anxiety is compounded because much turns on the nature of the Event Plan that will be required of those booking the gardens and its format is not specified in sufficient detail.

This section of OSOMP V04 has not been discussed very much. There is a need for some guiding principles on who may book, how access is controlled to ensure there are no gatecrashers, how disturbance is minimised to residents and local businesses.

Expertise is required to gauge what is the safe maximum number of visitors for types of events (e.g. audience style, cocktail style, dance style, marketplace style, political rally, etc). Are there to be noise limits? University summer parties currently held in the Gardens do not appear to have caused much disturbance but what is the situation with orchestras and heavy rock bands.

There appear to be no ground rules that would prevent the University monopolizing the 8 event slots as they are the people who would entertain an event application in the first instance.

Below there are some more detailed requests regarding event plans.

**CLG Involvement (p12):** OSOMP V04says the CLG is to be notified two weeks before the Event is “allowed to proceed” and approval is to be given in consultation with the CLG and University. OSOMP v4 has inserted “consultation” in replacement of “conjunction”, giving the CLG a weaker role. The CLG recommend that the Event Plan and any subsequent clarifying exchanges with the Organisers are submitted to CLG members two weeks prior to the meeting to consider approval jointly.

If there is to be no joint Approval of Events, then there needs to be a restriction on the number of events that the University can claim. The limit of 8 events (5 daytime, 3 night-time) allows the University to monopolize the slots. The Owners need to propose a satisfactory check on this possibility. These should also include rules to prevent discriminatory pricing.

**Section 7: Notice Board and Website**

The provision in OSOMPv03 proscribing unsocial and anti-social behaviour needs to be returned here in OSOMPv04. Similarly the reference on the Notice Board to a local history account included in OSOMPv03 should be resurrected in OSOMPv04.

**Section 8: Community Liaison Group**

Insert in the fourth paragraph afer “The CLG will continue to be consulted on the management of the Gardens on an ongoing basis” the words “as required by the S106.”

**Appendix A: Design Drawings**

This is blank but should be the same as the corresponding appendix in OSOMPv03 with the addition of the root protection areas (RPAs)

**Appendix B: List of Plants and Wild Flowers**

No Comment.

**Appendix C: Community Liaison Feedback**

This is blank but in any event this Appropriate Statement substitutes for the content.

**Appendix D: Service Level Agreement Extract**

See Main text for discussion of SLA.

**11.1.7**: No machinery should be used in the garden prior to 9:00am and on Sundays prior to 10:00am.

**11.1.10**: The code on the tennis court gates must be changed monthly. The Owners need to explain what measures they will take to ensure that only those who have made a proper booking play on the courts.

**11.1.11**: Reference to the 5 intra-day patrols is absent from the text and needs to be inserted.