



CABINET REPORT

Report Title	St Crispin Section 106 - Transfer of Land to the Council
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AGENDA STATUS:

PUBLIC

Cabinet Meeting Date:	23 rd September 2009
Key Decision:	YES
Listed on Forward Plan:	YES
Within Policy:	YES
Policy Document:	NO
Directorate:	Environment & Culture
Accountable Cabinet Member:	Councillor Trini Crake
Ward(s)	West Hunsbury

1. Purpose

- 1.1 Under the terms of a Section 106 Agreement dated 12th November 2002, the developer is required to transfer to Council eight areas of open space within the St Crispin's development.
- 1.2 Currently six areas of the above eight areas of open space have been identified as ready for transfer to the Council. Those six areas are as follows:
 - 1.2.1 Church Gardens (site 1)
 - 1.2.2 Wood east of Phase 1 including Play area NW (site 2)
 - 1.2.3 Village Green (site 4)
 - 1.2.4 Green west of school (Site 5a,b,c,&d)
 - 1.2.5 Berry Wood (site 10)
 - 1.2.6 Maintenance of open space to the west edge (site 3)
- 1.3 A map is attached at Appendix One that shows the various sites as referred in this report.

1.4 The purpose of this report is to seek agreement to accept the transfer of the land as described above.

2. Recommendations

2.1 It is recommended that Cabinet agree to accept the transfer of the following areas of open space as per the Section 106 Agreement for St Crispin, Northampton, to the Council:

- Church Gardens (site 1)
- Wood east of Phase 1 including Play area NW (site 2)
- Village Green (site 4)
- Green west of school (Site 5a,b,c,&d)
- Berry Wood (site 10)
- Maintenance of open space to the west edge (site 3)

3. Issues and Choices

3.1 Report Background

3.2 The terms of the Section 106 Agreement for St Crispin, Northampton specifies monies and land to be provided by the developer, Taylor Wimpey for the provision of and maintenance of the following:

3.2.1 Provision of a Community Centre

3.2.2 Provision of football pitches, changing rooms, toilets and play area within the main park

3.2.3 Several areas of open space, including Berry Wood

3.2.4 Lease of land to the Cricket and Bowls Club, and

3.2.5 Contribution to Upton Park

3.3 The developer deposited £2.8m with the Council in 2006, which satisfied the financial obligations under the Section 106 Agreement. The Agreement includes both capital and revenue sums for the provision and maintenance of the above facilities. The details of the funding regime are at Appendix 2.

3.4 The Council only becomes responsible for the areas of open space within the Agreement on completion of the legal transfer of the land. The developer is now seeking to have the land transferred as soon as possible. The areas of open space as stated at 1.2 are now in a satisfactory condition as to enable the transfer to be completed.

3.5 It is anticipated that the remaining areas of open space will be transferred in two further phases within this financial year. The Council should only agree to accept a transfer when these areas of open space are in a satisfactory condition and this is currently being agreed with the developer.

3.6 Issues

3.7 The total commuted sums for the areas of open space as 1.2 amount to £385,230.59. This sum has been identified for the maintenance of the land.

3.8 The land is in a fit state for transfer.

3.9 The developer has been maintaining the land for a year more than specified by the agreement.

3.10 Choices (Options)

3.11 Under the Section 106 Agreement the Council must accept the transfer the land.

4. Implications (including financial implications)

4.1 Policy

4.2 This Agreement is being managed by the St Crispin S106 Project Team formed in January 2009. This is a multi disciplinary team including officers from Legal Services, Neighbourhood Environment Services and Regeneration & Development. The recommendations of this report are in line with the work of this project team.

4.2 Resources and Risk

4.3 The developer has been maintaining these areas of open space for one year more than specified within the Agreement and they are now pressing for the land to be transferred. Delay to this transfer could see the developer reduce or stop maintaining the areas of open space. This could result in additional expenditure to the Council to then undertake remedial works to bring the areas back up to standard.

4.4 As stated at 3.7 the commuted sum for maintenance of the land is £385,230.59, broken down as follows:

S106 Ref	St Crispin Development – Open Spaces to be transferred to the Council in phase One	Commuted sum £
H154	Church Gardens (site 1)	57,355.30
H138	Wood East Phase 1 including –	16,137.52
H139	Play area NW (site 2)	97,397.81
H141	Village Green (site 4)	16,200.17
H158	Green, west of school site (Site 5 a, b, c & d)	9,369.60
H1553	Berry Wood (Site 10)	188,770.19
H156	Maintenance of Open Space to west edge	61,611.91
	TOTAL	446,842.50

4.5 Legal

4.6 Transfer of the areas of open space as at 1.2 as per the Section 106 Agreement between the Council, Northamptonshire County council and Wilcon Homes Midland Ltd,(now Taylor Wimpey) signed 12th November 2002.

4.6 Equality

4.7 There are no equality issues related directly to this report, however further transfers of the remaining land and the associated obligations will have an impact and EIA's will be undertaken as a result.

4.7 Consultees (Internal and External)

4.8 For this first phase of land transfer there are no external consultees, however the work in respect of the remaining phases of transfer will require public consultation in the implementation of the schemes contained within the agreement.

4.9 Consultation with ward Councillors and the Portfolio Holder for the Environment has taken place.

4.10 How the Proposals deliver Priority Outcomes

4.11 The transfer of the open spaces contributes towards the Council's priority one, Safer, Greener, Cleaner Communities, and specifically to provide good quality open spaces and parks.

4.12 Other Implications

4.13 None

5. Background Papers

5.1 Section 106 Agreement in respect of St Crispin, Northampton (not attached to this report)

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