

**TO: THE MONITORING OFFICER
(TOM CLARK, SOLICITOR TO THE COUNCIL)**

**RECORD OF ACTION TAKEN BY A CABINET MEMBER
UNDER DELEGATED POWERS**

Subject: Formal Transfer of Open Space at the Limes, Lindfield	
Cabinet Member: Cllr John Belsey- Cabinet member for Environment & Service Delivery	
Has the Cabinet Member received a report prior to making the decision?	Yes
In the case of a key decision where the Cabinet Member has received a report, please state the date a copy of the report was made available to the Chair of the relevant Scrutiny Committee and placed in the public domain:	N/A
Record of decision taken:	
Date of decision: 11th October 2019	
Statement of reasons for making the decision: To formally adopt public open space at the Limes, Lindfield, in accordance with the s106 Agreement	
Alternative options considered and rejected: None	
Code of Conduct Interest of Cabinet Members? N/A	
Is the decision to be protected from call-in? (i.e if any delay would seriously prejudice the Council's or the public's interest) - see Scrutiny Procedure Rule 14 (M)	No
If so, please state:	

Signed:



Cabinet Member

This record must be forwarded immediately to the Monitoring Officer (TC) and copied to the relevant Cabinet Member.

For Monitoring Officer

Date of publication of Member Information Service Bulletin	
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Date of decision can be implemented (on the Thursday after publication of the Member Information Service Bulletin, unless already protected from call-in)	
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REPORT TO CABINET MEMBER FOR ENVIRONMENT AND SERVICE DELIVERY

FORMAL TRANSFER OF OPEN SPACE AT THE LIMES, LINDFIELD

REPORT OF: Assistant Chief Executive
Contact Officer: Robert Anderton, Divisional Leader – Commercial Services and Contracts
Email: robert.anderton@midsussex.gov.uk Tel: 01444 477374
Wards Affected: All
Key Decision No

Purpose of Report

1. To request that the Cabinet Member for Environment and Service Delivery approves the transference of open space land at the Limes Lindfield from the Owner, Barratt Homes, to the Council. The area comprises the New Planting Area and the Play Area shown edged red on the attached plan at Appendix A

Summary

2. Pursuant to the s.106 Agreement dated 14th January 2009 The Owner is required to lay out the Plantation Area and equip the Playing Area in accordance with approved details and pursuant to the planning permission 08/02903/FUL.
3. The Second Schedule of the Agreement contains provisions for the transfer of a number of pieces of land including the areas mentioned above. Since the completion of the Planting works and the Play Area, the Owner has maintained and attended to the upkeep to the reasonable satisfaction of the Council and has complied with all obligations under the terms of the Agreement.
4. On adoption of the land a commuted sum for the future maintenance of the land is payable by the Owner to the Council as follows:
 - (a) The New Plantation Area £78,551 to be increased by a percentage equivalent to the increase in the General Retail Index Price
 - (b) The Play Area £53,045 in line with the Councils land adoption calculation rates and SPD applicable at the date of the transfer.

Recommendations

5. The Cabinet Member for Environment and Service Delivery is recommended to:
 - I. Authorise the adoption by the Council of the freehold interest in the land on the North Side of Newton Road at Nil consideration using its powers under section 120 of The Local Government Act 1972 to acquire the land for the benefit, improvement or development of the area, and;
 - II. authorise any further terms and conditions that the Councils solicitor may recommend in order to protect the Council's position, and such other matters necessary to bring the matter to completion.
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Background and Proposals

6. The s.106 Agreement contains an open space provision with details of the layout, landscaping, timing and future maintenance to be provided pursuant to the Agreement which includes;
 - The New Planting Area: planting a new woodland comprising native tree and shrub species, erecting permanent field fencing on the north eastern boundary, cultivation and seeding of the new meadow area either side of the drainage ditch, constructing a surface water balancing pond adjoining the ditch in the southern section and;
 - The Play Area: an area of not less than 600 Sq. metres which the Owner is to lay out and equip in accordance with the play equipment standards.
7. Pursuant to the Agreement the Council is to adopt the land and The Owner will on Completion of the transfer to the Council pay the commuted sum for the future maintenance of the same.
8. The opportunity is now available for the Council to formalise the transfer of the freehold title of the parcel of land. The land has been confirmed suitable for transfer. Upon transfer, it will fall into the Landscapes portfolio and the grounds maintenance contract will be varied to manage the land.

Risk

9. There is a risk that the Play Area may fall into disuse in future, and may accommodate vandalism and anti-social behaviour in the area.
10. If the cost of maintenance rises in the future due to inflation, the Council may have to find means of covering any shortfall in the commuted sum.
11. By their nature, play areas carry an intrinsic level of risk. To manage this, the Council will incorporate this site into its routine playground maintenance inspection regime.

Financial Implications

12. Following adoption, the Council will incur ongoing costs in connection with the management of the land; however, the payment of the commuted sum is intended to cover these costs.
13. The Owner is responsible for the Council's acquisition costs.

Legal Implications

14. As with all decisions concerning the exercise of statutory powers the Council there is a risk of judicial review. However, this risk is considered to be minimal as all proper processes have been followed.

Background Papers

- S. 106 Agreement dated 14th January 2009

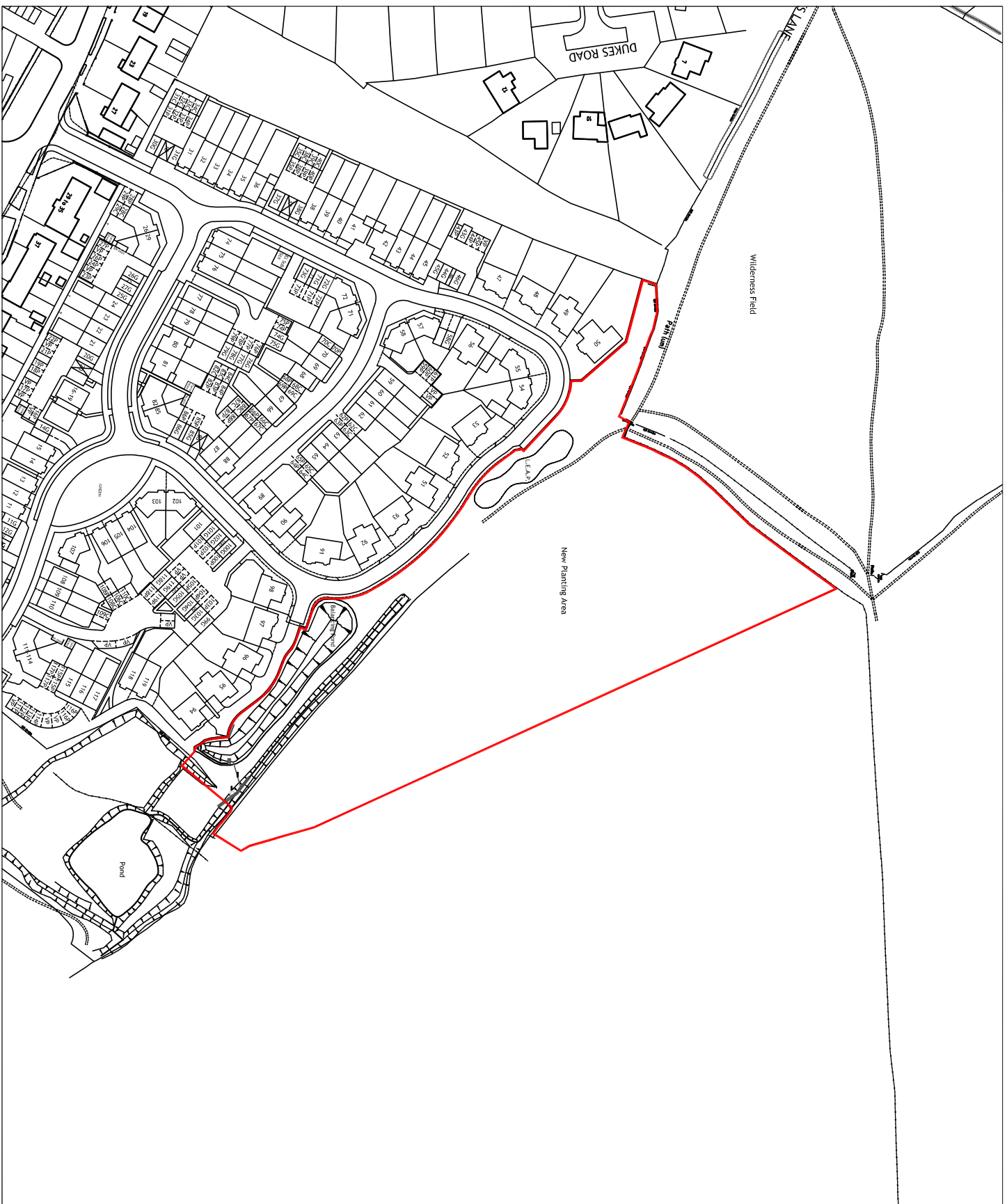
I agree to approve the transfer from Barratt Homes to the Council of open space land at the Limes Lindfield comprising the New Planting Area and the Play Area shown edged red on the attached plan at Appendix A

A handwritten signature in black ink, appearing to read "John Belsey". The signature is written in a cursive style with a large, looping initial 'J'.

Signed:

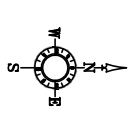
**Cllr John Belsey
Cabinet Member for Environment & Service Delivery**

Date: 11th October 2019



LEGEND
 — Freehold boundary

NOTES
 The origin and orientation of the survey grid is arbitrary.
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REV	DATE	DESCRIPTION	BY	APPROVED
A	28.11.12	ISSUED		
Barratt Southern Counties Barratt House, Walnut Tree Close Guildford, Surrey GU1 4SW				
Project Name				
The Lines Lindfield				
Drawing Name				
Plan 1 New planting area				
Drawn By	Date of first issue	Barratt Southern Counties DTS No.	Rev	
AJ	17.09.12	4552	GE	Com 12 A
Checked By	DTS size	Scale		
A3	A3	1:1250		