



## DECISION OF DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

DECISION No. 16/17 DE 50

**SUBJECT:** Transfer of Open space at Wookey Close Nailsea No 4  
LS042029 to North Somerset Council from Persimmon Homes

**DETAILS;** A Section 52 Agreement dated 28<sup>th</sup> July 1976 was made between Comben Land Holdings Limited (1) The County Council of Avon (2) & Woodspring D.C. (3). These spaces were laid out by Comben Homes in the late 70's and are now in the ownership of Persimmon Homes, who have asked us to take them on. There is no mention of any transfer of public open space land in the text of the Agreement, nor has it been specifically indicated on the plans within the Agreement. Cllr Jan Barber has long campaigned for their adoption as they are paved areas but no party has been responsible for their maintenance.

These sites have been verbally approved for adoption, but remain maintained by the developer as no commuted sum has yet been paid. Persimmon Homes have now lifted extensive areas of paving and grassed the spaces to the satisfaction of our Grounds Maintenance Officer Ed McKay. Persimmon has also agreed to pay commuted sums upon transfer, so officers recommend taking over the land. However there are no specific provisions for adoption in this s106 Agreement. In the absence of anything else, additional authority to progress this land transfer is required to enable the Transfer Deed to be sealed.

The area to be adopted is shown on the attached plans, shown enclosed by red lines and shaded green. The sites comprise four public open spaces labelled Parcel 1 to 4 on the plans off Wookey Close, Nailsea.

These drawings have been the subject of a SIM search by Persimmon and the land is all within the ownership of Ideal Homes Anglia Ltd. (now Persimmon). None of the boundary fences or walls will be part of the transfer.

**Note:** The developer is to pay the commuted sum immediately prior to land transfer which will not be completed until the sum is paid.

**DECISION:** That officers be authorised to proceed with taking a transfer of the land, upon payment of the agreed commuted sum to cover future maintenance.

**Reasons:** there are no specific provisions for adoption in this s106 Agreement. In the absence of anything else, additional authority to progress this land transfer is required to enable the Transfer Deed to be sealed. This will ensure future maintenance can be secured.

**Other Alternatives Considered:** The areas of land remain with Persimmon, but with the risk that maintenance is inadequate and they continue to deteriorate and potentially, as with similar spaces elsewhere attract anti-social behaviour.

Signed.....*R.D. Willmott*.....on behalf of the Director of Development and Environment and in accordance with Decision No 10/11 DE 174.

Dated.....*21st JULY 2016*.....