

FAIRFORD LEYS RIVERINE CORRIDOR

1 Purpose

- 1.1 The purpose of this report is to provide an update on the Council's adoption of the Riverine Corridor on Fairford Leys under the terms of the related S106 Agreements.

2 Recommendations

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| 2.1 | Members are required to note the position and comment on any proposals going forward. |
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3 Supporting information

- 3.1 Outline planning permission for the Fairford Leys development was granted in 1992. Common with such large scale development, S106 Agreements were drawn up to ensure development, infrastructure and open space came forward in a managed and timely manner. A key element of the development was the provision of a Riverine Corridor through the development.
- 3.2 The position set out in the S106 Agreements is that AVDC was not required to take responsibility for any part of the Riverine Corridor until five years after the final section was completed. The final landscaping was completed in March 2006 so adoption could take place from March 2011 onwards. Given the size of the area, transfer of the Riverine Corridor was proposed to be split into seven phases.
- 3.3 Starting with the first three phases encompassing the centre of Fairford Leys, AVDC worked with the Consortium's Consultant to try and prepare plans which would satisfy Land Registry requirements. The Council also undertook it's own detailed tree survey as the one provided by the Developers was inadequate.
- 3.4 Due to the complexity in resolving title discrepancies for the three phases and the limited time Land Registry searches remained valid, the advice was to focus on completing just Phase 1 initially.
- 3.5 By early 2013, the Phase 1 Transfer had been signed/sealed, the land was in an acceptable condition and we were ready to complete. However, it was then discovered that a Certificate was required relating to a restriction imposed by the Ernest Cook Trust when the land was sold to Taylor Wimpey. The Ernest Cook Trust would not issue this Certificate until the final tranche of Highways had been adopted by Buckinghamshire County Council (BCC) – which at this time was still outstanding .
- 3.6 BCC Highway adoption did not complete until June 2015, leading to a significant delay in progressing the Riverine adoption. The Ernest Cook Trust were also seeking to alter the land included within Phase 1 creating fresh legal work. As a result of this HB Law are still awaiting responses from Taylor Wimpey before they can agree any revised Transfer documentation. Once this has been resolved satisfactorily, any outstanding works can be undertaken allowing adoption by AVDC. The opportunity is then available to move onto the next phases.
- 3.7 When this development started, the Council had a process whereby the majority of open space land would be adopted by the Council. As noted above this was endorsed in the S106 agreement signed with the planning

permission. The blanket adoption of open space land by the Council is no longer seen as an essential requirement as long as the land is provided to an approved standard. The Council now allows Developers to approach the local Parish Council or set up management companies to adopt or oversee future maintenance of these areas. This is the position with Berryfields MDA and something currently being looked at on Buckingham Park.

- 3.8 In this context, Coldharbour Parish Council have expressed a strong interest in taking on the future management of the Riverine Corridor and already carry out much of the maintenance which is currently Taylor Wimpey's responsibility.
- 3.9 The S106 Agreement does not include any provision for a commuted sum payment for the future maintenance of the Riverine Corridor
- 3.10 AVDC and Coldharbour Parish Council have discussed the possibility of passing future responsibility of this area to the Parish Council, however, until such time that the land is transferred to AVDC we are not able to transfer on to the Parish Council.

4 Resource implications

- 4.1 Adoption of the Riverine Corridor creates a significant financial obligation to the Council in terms of maintenance of the land and repair of the footpaths and bridges that cross the corridor.
- 4.2 The Council set aside a sum from the original Taylor Wimpey receipt for the purposes of investment, in order to generate an investment return, the proceeds of which could be used to fund the maintenance obligations.
- 4.3 Unfortunately, interest rates have remained stubbornly low over the past 7 years and so the income stream derived from the investment has not amassed to a significant sum. Currently, the sum held by the Council for the maintenance obligations is £850,000.
- 4.4 If Coldharbour Parish Council wished to accept responsibility for the Riverine Corridor and the Council was minded to transfer it, then the Council might also wish to consider whether it was prepared to transfer some or all of the sums held to the Parish Council.

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Background Documents	none