

PAPER NO. 2

REPORT TO THE EXECUTIVE MEETING OF 7 MARCH 2016

Meeting: Executive

Date: 7 March 2016

Subject: Request from David Wilson Homes for Harborough District Council to acquire a Public Open Space at Wistow Road, Kibworth Harcourt

Report of: Mark Perris, Corporate Assets Manager

Portfolio Holder: Councillor Phillip King; Financial & Commercialisation

Status: Decision

Relevant Ward(s): Kibworth

1. Purpose of the Report

1.1. To consider the request from David Wilson Homes for the District Council to acquire the Public Open Space at Wistow Road, Kibworth Harcourt.

2. Recommendations:

2.1. **That the Executive agrees not to pursue the land acquisition as requested by David Wilson Homes.**

3. Summary of Reasons for the Recommendations

3.1. To avoid further long term burden to the Council's budget.

4. Key Facts

4.1. David Wilson Homes have requested that Harborough District Council acquire the public open space at Wistow Road, Kibworth Harcourt associated with the development.

4.2. There is a s. 106 agreement relating to the land, however, there is no obligation to "acquire" the land.

4.3. In the event that the District Council agreed to consider a transfer of the land, there are a number of factors to consider;

- a. The land is not currently in an adoptable standard, and any acquisition would have to be subject to David Wilson Homes meeting the minimum requirements prior to the land being transferred.
- b. If the land were transferred, the commuted sum payable is £55,214.50 per hectare of land transferred subject to uplifts as identified in the s.106 agreement dated 19th May 2005. The land extends to a total area of approx. 1.257ha. The commuted sum for maintenance would be £69,425.67 plus RPI uplift from 19 May 2005 to the date of transfer.

As such, there could be a cost to the District Council in terms of ongoing Revenue post year 15, and possibly Capital expenditure.

4.4. Options

- a. To accede to the request from David Wilson Homes, and seek to negotiate a transfer of the land, subject to Council approval. This would require a budget to be created for the ongoing maintenance, and in the current financial climate this would have implications, albeit a commuted sum of £69,425.67 plus RPI uplift would be received covering a 15 year period.
- b. To advise David Wilson Homes that the District Council does not wish to pursue an acquisition due to the long term cost implications.
- c. The public open space has been offered to Kibworth Harcourt Parish Council in the event that the District Council decides not to acquire the land but this has been declined. As such, this option is not currently available.

5 Legal Issues

- 5.1 In the event that the Council wished to pursue an acquisition, the recommendation would need to be referred to Council for a decision. There would be a requirement for legal work to complete the transfer.

6 Resource Issues

- 6.1 There are potential financial implications for the Council if it pursued an acquisition.

7 Equality Analysis Implications/Outcomes

- 7.1 No specific implications arising as a result of this report.

8 Risk Management Implications

- 8.1 The main risk is associated with the financial implications of pursuing an acquisition.

9 Consultation

9.1 The ward members have been made aware.

10 Options

10.1 The options are outlined in 4.4 above.

11 Background Papers

11.1 None.

Previous report(s): None

Information Issued Under Sensitive Issue Procedure: No

Ward Members Notified: Yes

Appendices:

Appendix A - Plan