

**Committee: Environment**

**Agenda Item**

**Date: 19 January 2010**

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**Title: Amenities at Saffron Green**

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Item for decision

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### Summary

1. A petition has been received from residents in the locality who are frustrated by the delay in the adoption of the public areas at Saffron Green. This report updates Members on the facilities provided under a Section 106 Agreement by Countryside Properties. The required amenities are a Multi Use Games Area (MUGA), changing facilities, car park and a senior football pitch.

### Recommendations

1. That progress to this point be noted and,
2. Members recommend to the Development Control Committee that the S106 agreement is amended to allow an early transfer of the land for provision of a football pitch in exchange for sufficient funds being awarded to Saffron Walden Town Council by Countryside to permit construction of a quality pitch.
3. That upon transfer of funding for the above, immediate, acceptable condition transfer of the MUGA, changing facilities and car park be expedited direct to Saffron Walden Town Council for it to develop the football pitch and take responsibility for all these facilities in perpetuity.
4. The commuted sum for these amenities is transferred to Saffron Walden Town Council.

### Background Papers

2. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.  
s. 106 agreement  
Petition from residents of Saffron Green

### Impact

- 3.

Communication/Consultation	A dialogue with Countryside has been ongoing.
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Community Safety	Some vandalism is currently occurring on site
Equalities	None
Finance	Some costs have already been incurred to gain independent expert advice on the pitch provision. Funds received from Countryside to develop the pitch will be transferred to SWTC.
Health and Safety	If the pitches are provided to the standard specified the risk on unwarranted injury is managed.
Human Rights	None
Legal implications	Countryside will require an amendment to the s.106 agreement to release it from its obligations to carry out work in return for payment of a sum of money. This will be the subject of a report to Development Control Committee.
Sustainability	None
Ward-specific impacts	Saffron Walden
Workforce/Workplace	None

## Situation

4. The facilities are generally in acceptable quality accepting that remedial works will need to be undertaken to rectify any damage that may have occurred before the date of transfer. The area where a football pitch is to be provided is not in an acceptable condition and although drainage has been installed the surface is not fit for purpose.
5. There is no advantage in adopting the other facilities until a way forward has been found for the provision of the football pitch. The developer continues to bear the cost of the facilities until point of transfer incentivising him to address the outstanding issue of the pitch provision.
6. Officers from both the developer and the District Council are working to achieve an early transfer. In principle this requires the developer to provide a sum of money to the District Council sufficient for specialist contractors to construct a pitch to the required specification.

- 7 District Council officers have commissioned expert advice to prepare a specification which has in turn been provided to the developer and three specialist contractors for quotation.
- 8 Quotations have been returned and shared with the developer to aid them in allocating a sum to the pitch provision.
- 9 At the time of writing this report consideration is being given by the developer and an offer to provide a sum to develop a pitch rather than handing over the sites in their fully developed condition is awaited.
- 10 Informal discussions with Saffron Walden Town Council confirm that it is keen to take on early responsibility for the facilities and manage the construction of the pitch, to avoid any unnecessary delays the transfer from the developer to Saffron Walden Town Council would be simultaneous.

## Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
We have never transferred land that has been in unacceptable condition before.	2 Unanticipated costs may arise	2 Budget impact on District or/and Town Councils	Contactors quotations need to be inclusive of all specified works. The developer will need to offer a sum to cover the quoted cost of construction of the pitch.
That the developer rejects this way forward	2 Developer may prefer to develop the pitch as originally required.	2 Community may feel this is not progressing.	The amenities remain unadopted until the pitch is in acceptable condition for transfer.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.