Committee:	**Scrutiny**	**Agenda Item**
Date:	**25 September 2017**	**2**
Title:	**Land at De Vigier Avenue, Saffron Walden**	
Author:	Peter Snow, Democratic and Electoral Services Manager	Item for decision: yes

Summary

1. The Cabinet decided on 7 September 2017 to approve the disposal of land at De Vigier Avenue, Saffron Walden previously set aside as public open space.

2. The decision has been called in by Councillors Asker, LeCount and Light for review by the Scrutiny Committee. The reasons for call in are set out in the situation section below.

3. The role of the Scrutiny Committee is to consider the decision and decide whether it should be confirmed or referred back to the Cabinet for reconsideration.

Recommendations

4. To determine whether the decision taken by the Cabinet to dispose of land at De Vigier Avenue, Saffron Walden is correct or should be referred back to the Cabinet.

Financial Implications

5. See attached report.

Background Papers

6. See the attached report for details of background papers.

Impact

7.

Communication/Consultation	See attached report
Community Safety	See attached report
Equalities	See attached report
Health and Safety	See attached report
Human Rights/Legal Implications	See attached report

Sustainability	See attached report
Ward-specific impacts	See attached report
Workforce/Workplace	See attached report

Situation

8. The following valid call in request has been received for consideration by the Committee:

I, Heather Asker and fellow Councillors, Barbara Light and Garry Le Count wish for Scrutiny Committee to receive the following as a call in item.

'Agenda item for Cabinet decision regarding Land at De Vigier Avenue, Saffron Walden'

The decision was reached that UDC should not pass the land over to SWTC to be managed as an open space, nor would it manage the land itself as an area of open space, as had been agreed under a Section 106 agreement.

We believe this decision is wholeheartedly wrong, insensitive and purely financially driven and should be revoked.

Background:

UDC has made no effort whatsoever to make said piece of land an open space to be used, in particular, by the residents of De Vigier Avenue.

It has left the area fenced off and allowed to become un-usable

THIS LAND WOULD HAVE BEEN HANDED OVER TO THE COUNCIL IN A FULLY USABLE CONDITION. THE S106 AGREEMENT STATES THAT THE:DEVELOPER WILL "GRADE, LAY OUT AND SOW (IT) WITH GRASS SEED………….. AND REMOVE ALL BUILDING MATERIALS AND REFUSE…………… AND ENSURE THAT THERE IS SUFFICIENT TOPSOIL………….. FOR THE PURPOSE OF A PUBLIC OPEN SPACE"

The residents have noted areas of planting carried out some 29 years ago, when the land was first made over to UDC and since then, all sorts of wildlife that have now made this area their home

REFERENCE IS MADE TO A WILD-LIFE SURVEY, BUT ITS FINDINGS AND METHODOLOGY WAS NOT MADE AVAILABLE TO CABINET WHEN THE DECISION WAS MADE

SWTC has documentation dating back to 1986(?) referencing S106 and has offered to adopt the area and manage as a proper open space for use by the public.

In his comments at Cabinet, Cllr Simon Howell made several references to the 'valuable contribution to the Council' of the sale of the land, but makes no mention of how much.

HE ALSO MADE NO STATEMENT AS TO WHAT COMPENSATION (IF ANY) WOULD BE MADE AVAILABLE TO THE RESIDENTS OF DE VIGIER AVENUE IN RETURN FOR THE LOSS OF THIS LAND

9. The original report submitted to the Cabinet on 7 September 2017 is attached for consideration.

10. Reference was made at the Cabinet meeting to three ecological reports commissioned by the Council. These are, respectively, an ecology report, a botanical assessment and a badger survey, and they are all attached to the original report.

Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
See attached report	See attached report	See attached report	See attached report

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.