

CABINET MEMBER DECISION



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Decision:

That approval is granted for the acquisition of a further area of open space land at Exeter Street, Bourne, PE10 9NJ contained within Title Number LL208985.

(1) Details of Decision

To seek approval for the final area of open space land on Exeter Street, Bourne, contained within a Section 106 Agreement can be adopted and maintained by the Council going forward.

(2) Considerations/Evidence

The developer of the Exeter Street development in Bourne, was obliged, under a Section 106 Agreement dated 19th December 2001 to transfer the land shown on the site plan to the Council.

The Council completed the transfer of seven areas of open space in February 2025. The subject land was held back due to concerns due to a potential contingent liability from possible tree root damage to an adjacent property.

The Council have been approached again by the developer Barratt & David Wilson Homes North Midlands who have confirmed that the trees have now been removed, thus taking away the potential risk of damage to any adjacent properties.

Under the terms of the Section 106 Agreement, the developer was obliged to make a payment of £60,000 towards future maintenance costs for all eight areas of land. This sum was paid in full when the first seven areas of land were adopted.

The developers are covering the Council's reasonable legal fees in this matter.

(3) Reasons for Decision:

Adopting the land would mean the Council taking on the contingent liability for future claim for tree damage to an adjacent property.

Refusing to adopt the land is not considered to be reasonable and would leave the Council in breach of its overall obligation to adopt, as contained

within the S.106 Agreement.

Conflicts of Interest

(Any conflict of interest declared by any other Cabinet Member consulted in relation to the decision to be recorded).

None

Dispensations

(Any dispensation granted by the Monitoring Officer in respect of any declared conflict of interest to be noted).

None

Decision taken by:

Name: Councillor Richard Cleaver
Cabinet Member for Property and Public Engagement

Date of Decision: 20 May 2025

Date of Publication of Record of Decision: 20 May 2025

Date decision effective (i.e. 5 days after the date of publication of record of decision unless subject to call-in by the Chairman of an Overview and Scrutiny Committee or any 5 members of the Council from any political groups):

29 May 2025