



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Non-key Decision

20 December 2023

Councillor Ashley Baxter

Leader of the Council and Cabinet Member for
Finance and Economic Development



Acquisition of Land at Garden Close, Grantham, NG31 9EF.

To seek approval to the acquisition of open space land contained within Title Number LL258383 at Garden Close, Grantham, NG31 9EF.

Report Author

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Approved for publication:

Councillor Ashley Baxter, Leader of the Council and
Cabinet Member for Finance and Economic
Development

07 February 2024

Recommendation (s) to the decision maker (s)

- 1 The Leader of the Council (and Cabinet Member for Finance and Economic Development) to approve the acquisition of open space land at Garden Close, Grantham, NG31 9EF contained within Title Number LL2583832.

1 The Purpose of the Report

- 1.1 To seek authority to take a transfer of an area of public open space contained within Title Number LL2583832.
- 1.2 The developer of the Garden Close (off Beacon Lane) development in Grantham, was obliged, under a Section 106 Agreement dated 12th November 2013 to transfer 2200m², in a position to be agreed with the Council, as formal public open space. Appendix Two shows the extent of the LEAP, a formal Transfer plan will be prepared.
- 1.3 The land in question, was developed by Yelcon Homes.
- 1.4 The development was completed in 2019 and the land in question was used for the creation of a LEAP (Local Equipped Area for Play). The equipment was purchased and installed by the developer. The location of the LEAP is shown at Appendix One.
- 1.5 Since completion, the land and equipment have been maintained by the developer who is now very keen to have the adoption process completed.
- 1.6 The Section 106 Agreement contained provision for the developer to pay a commuted sum of £38,500 for future maintenance of the land.

2 Available Options Considered

- 2.1 The Council is legally bound to take a transfer of the land. Whilst this can be delayed in the event of the developer not having fulfilled its obligations, ultimately a transfer is required to take place.
- 2.2 Any other course of action aside from taking a transfer would leave the Council in potential breach of its legal and contractual obligations.

3 Preferred Option

- 3.1 To acquire the land in accordance with the terms of the Section 106 Agreement

4 Reasons for the Recommendation (s)

- 4.1 The recommendation is made since it is in line with the Council's legal and contractual obligations in this matter and the land is already maintained by the Council.

5 Financial Implications

- 5.1 The report sets out the financial implications arising from this proposal. The commuted sum will be used to fund the ongoing grounds maintenance costs and associated maintenance costs of the play equipment.

Financial Implications reviewed by Richard Wyles, Deputy Chief Executive and s151 Officer.

6 Legal and Governance Implications

6.1 Legal Services Lincolnshire will be instructed to deal with the documentation and formalities of the acquisition.

Legal Implications reviewed by: Graham Watts, Assistant Director of Governance and Monitoring Officer

7 Equality and Safeguarding implications

7.1 There are none. These are areas of public open space adjacent to housing.

8 How will the recommendations support South Kesteven District Council's declaration of a climate emergency?

8.1 There are no direct benefits to the Council in tackling Climate Change, but the transfer will ensure that the land remains permanently greenfield.

9 Appendices

9.1 Appendix One – Transfer Plan

9.2 Appendix Two – Plan of LEAP

10 Background papers

None.

Report Timeline:	Date decision due to be made	13 February 2024
	Call-in deadline	20 February 2024
	Date decision effective (subject to call-in)	21 February 2024