

# SALISBURY CITY COUNCIL

## Report

**Subject** : Transfer of land at Rowbarrow and Odstock Road from Bellway Homes to the City Council  
**Committee** : Extra Full Council  
**Date** : 18 July 2023  
**Author** : Annie Child, City Clerk

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### 1. Introduction:

- 1.1. This paper introduces a proposal that Salisbury City Council (SCC) accepts a transfer of land from Bellway Homes at Rowbarrow and Odstock Road and introduces the related s106 agreement concerning grounds maintenance at the site.

### 2. Background:

- 2.1. The land under consideration is the subject of Planning Application No. 20/00337/FUL <https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z000014ev35AAA/2000337ful> which councillors may wish to review in advance of the meeting.
- 2.2. The proposal is to “*Erect 86 dwellings together with garages, car barns, and refuse/cycle stores. Lay out gardens and erect means of enclosure. Creation of new vehicular access to Odstock Road. Lay out internal roads, including drives and pavements. Provision of associated public open space, play areas and landscape planting*”.
- 2.3. The City Council’s response to this planning application is shown here: <https://development.wiltshire.gov.uk/pr/s/web-comment/a073z00001JeCVkAAN/salisbury-city-councils-comment>
- 2.4. In accordance with Standing Orders para 33.2.I only Full Council can approve the acquisition of land.
- 2.5. The land will be transferred to SCC without charge, and SCC have requested that Bellway Homes covers any legal costs incurred by SCC relating to this land transfer.
- 2.6. The houses on this site will increase the tax base of this council.

### 3. Proposed s106 Agreement:

- 3.1. The s106 Agreement will be between Wiltshire Council (WC) and Bellway Homes.
- 3.2. SCC been party to its development as the potential final owner of the land and the body who could be responsible for its maintenance.
- 3.3. The draft S106 contains a clause which allows WC to nominate SCC to take on the maintenance of this land should SCC wish to do so.
- 3.4. The alternative is for a management company to take on the management of this land.
- 3.5. SCC have calculated costs of maintenance and forwarded this figure to WC and Bellway Homess. This cost will be included in the final s106 agreement. A draft of the agreement is attached to this report. It is WC’s practice to only share

standardised clauses with parties outside to the agreement, and this is why there are not figures and other details shown in this outline draft.

- 3.6. These costs of this grounds maintenance were developed taking into account the Landscape & Ecological Management Plan and Soft Landscape Management & Maintenance Plan which form part of the planning application's suite of documents. Costs have been provided for 20 years. After this time, the responsibility for maintenance will remain with the City Council, but the s106 funding will no longer be available to fund this work having been spent over the previous 20 years.
- 3.7. The transfer of s106 funds from WC to SCC will be managed by a side agreement which is a subsidiary document to the main s106 agreement.
- 3.8. The timing of the transfer of these funds and the responsibility will be dependent on the completion of houses on the site. WC will manage this process and no funds, and no responsibility will transfer to the City Council until agreed milestones have been reached in the development of the site.
- 3.9. The transfer of the land will not be finally signed off until SCC is confident the s106 agreement is as previously agreed, including the calculated sums.

#### **4. Supporting Papers:**

- 4.1. The following supporting papers are available:
  - 4.1.1. Draft s106 outline agreement (Doc 91479).
  - 4.1.2. Map of the site (Doc 91478).
  - 4.1.3. Rowbarrow Bellway Development Grounds Maintenance (Doc 91475) .showing SCC's Parks Manager's calculation of grounds maintenance costs.
  - 4.1.4. Soft Landscape Management and Maintenance Plan (Doc 91476).
  - 4.1.5. Landscape And Ecological Management Plan (Doc 91477).

#### **5. Recommendations:**

It is recommended that:

- 5.1. The Council agree to the transfer of land from Bellway Homes to the City Council as set out in this report.
- 5.2. Note that if there are any significant changes to any aspect of this transfer and the maintenance of this land, that additional reports will be brought to Full Council for their review of this decision, as required.
- 5.3. Note the draft s106 agreement and agree that final approval of any side agreement related to this agreement will be conditional on the side agreement being in line with previous agreed sums.

#### **6. Implications:**

- 6.1. **Financial:** As outlined in the report.
- 6.2. **Legal:** As shown in the report.
- 6.3. **Personnel:** Once the s106 funding is received, additional grounds maintenance staff will be required to deliver the required services at this site
- 6.4. **Environmental Impact:** This land will be managed in accordance with the Landscape and Ecological Management Plan and Soft Landscape Management and Maintenance Plan which are circulated with this report.
- 6.5. **Equality Impact:** No issues currently identified.