

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
RECORD OF EXECUTIVE / CHIEF OFFICER DECISION**

This form should be used to record key and other decisions made by individual Portfolio Holders and key decisions made by Chief Officers. The contact officer will ensure that the signed and completed form is given to Democratic Services as soon as reasonably practicable after the decision has been taken.

Unless permission has been obtained from the Chairman of Council and the Chairman of the Scrutiny and Overview Committee that this decision be treated as a matter of urgency under Rule 12.19 of the Scrutiny and Overview Committee Procedure Rules, this decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless called in under Rule 7 of the Budget and Policy Framework Procedure Rules or Rule 12 of the Scrutiny and Overview Committee Procedure Rules.

Portfolio	Strategic Planning Portfolio Holder's Meeting
Subject Matter	Northstowe Phase 1 Allotment Land and Orchard Land
Ward(s) Affected	Longstanton
Date Taken	Friday, 26 May 2017
Contact Officer	Gemma Barron, Head of Sustainable Communities and Wellbeing 01954 713340 (gemma.barron@scambs.gov.uk)
Date Published	Friday, 26 May 2017
Call-In Expiry	Monday, 5 June 2017
Key Decision?	No
In Forward Plan?	No
Urgent?	No

Purpose / Background
<p>1. The Northstowe Phase 1 S106 Agreement (schedule 9, part 1, paragraph 8 and part 2) states that Gallagher Longstanton Limited (“Gallagher”) must, no later than the occupation of any dwelling, serve written notice on SCDC offering to transfer the Allotment Land and Orchard Land to SCDC. SCDC has 60 working days in which to respond to the offer.</p> <p>2. Should SCDC decline the offer or not respond to the offer within 60 working days Gallagher can offer to transfer the land to an “Alternative Body” (which is quite widely defined in so far as it includes any (other) body or organisation reasonably created by or on behalf of Gallagher or reasonably nominated by Gallagher “ (to be approved by SCDC following an agreed approval process).</p> <p>3. Should SCDC or an Alternative Body not exchange contracts within the time period set out in the S106 Agreement Gallagher would be able to provide the land for an alternative use as open space and Gallagher would not be required to lay out and construct the Allotments.</p> <p>4. Gallagher is required to complete the Allotments in accordance with a specification to be agreed (not exceeding an agreed cost cap of £25,000) prior to the occupation of 100 dwellings.</p> <p>5. There is a mutatis mutandis provision in relation to the Orchard Land replicating the provisions for the Allotment Land.</p> <p>6. Definitions of the Allotment Land and Orchard Land can be found in the S106 Agreement.</p>

The Allotment Land is 1.4 hectares in size and the Orchard Land is 0.18 hectares in size.

7. Written notification was sent to SCDC dated 10 April 2017. The Council must respond to the offer by 5 July 2017.
8. Gallagher are required prior to transfer (but not prior to offer) to ensure the Allotment Land is connected to the drainage measures for the rest of the Development unless they have previously demonstrated to SCDC that the Allotment Land is sufficiently free draining and suitable for such use so that additional drainage measures are not required. In relation to the Orchard Land Gallagher likewise have to demonstrate that the relevant land is sufficiently free draining and suitable for orchard use so that additional drainage measures are not required.

Declaration(s) of Interest

Record below any relevant interest declared by any executive Member consulted or by an officer present in relation to the decision.

None

Dispensation(s)

In respect of any conflict(s) of interest declared above, record below any dispensation(s) granted by the Council's Standards Committee.

None

Consultation

Record below all parties consulted in relation to the decision.

Other Portfolio Holders have also been consulted because the decision may also impact on their areas of responsibility.

Other Options Considered and Reasons for Rejection

Option 1: To reject the offer of the Allotment Land and Orchard Land at Northstowe Phase 1.
Reason for Rejection: The balance of risk was considered and it was felt that the greatest risk, of possibly losing the land for its intended use, was of such importance that this option was rejected. The Council still has the option of passing the land onto a parish or town council or alternative body in the future.

Final decision	Reason(s)
To agree to the transfer of Allotment Land and Orchard Land from Gallagher to South Cambridgeshire District Council.	<ol style="list-style-type: none"> 1. The possibility of losing the Allotment Land and Orchard Land in the future is considered too greater a risk to take. 2. SCDC could pass the land onto a parish or town council or alternative body in the future. 3. SCDC already manages and maintains a number of allotments across the district (32 plots across 13 sites). 4. The Allotment Land and Orchard Land could be used to provide opportunities for early community development projects and supports the principles of the Healthy New Towns work.

Signed	Name (CAPITALS)	Signature	Date
Portfolio Holder	Signed copy available upon request from Democratic Services		

Chief Officer	(democratic.services@scams.gov.uk)
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Further Information
<i>None.</i>