

Section 104 Agreement at Gedling Phase 2 to the benefit of Keepmoat Homes

Background:

The land surrounding Gedling Country Park has been divided between numerous landowners with significant housebuilding occurring and ongoing in the area. GBC holds the Country Park as well as smaller parcels of land which surround it.

Keepmoat Homes are looking to develop the land shown below which sits to the South of Gedling Country Park:



Through ownership of Gedling Country Park, GBC retains the ownership of the parcel which sits to the North of this development area. The sewerage work in question will cross GBC owned land at approximately the area shown circled red on the below:



To facilitate development, Keepmoat Homes are required to enter into a Section 104 agreement with the Local Water Authority, in this case Severn Trent. This is a legal agreement between a developer and a water company where the developer agrees to build sewers to a specified standard, and the water company agrees to adopt and maintain those sewers once they are completed.

Part of the arrangement between Keepmoat and Severn Trent would require that sewerage pipes and infrastructure be installed to cross a small section of GBC land to connect into an outfall beyond GBC's ownership. Because of this, GBC have been entered into the agreement as the adjoining owner to cover the possibility of any of the works proposed being constructed outside of the ownership boundary of Keepmoat. GBC are also a party to the agreement for the purposes of acknowledging and consenting to the arrangements made between the Developer (Keepmoat) and the Undertaker (Severn Trent).

GBC as the Adjoining Owner shall have no liability under the provisions of this Agreement in relation to the construction and future maintenance or repair of the Works. GBC would however be agreeing to allow access to and over the land to carry out any maintenance or repair on the sewerage infrastructure.

Legal Services have been involved in discussions with the relevant parties and are happy with the nature of the agreement and that there is not a risk to the Council position. For reference, I have included the proposed agreement as well as the site planning showing the scope of proposed works.

As the agreement would be to the benefit of Keepmoat Homes, they have agreed to cover a fair portion of the Council's Legal and Surveyor fees in reaching the agreement.

Request for approval

Legal Services have already been consulted and are happy that there is sufficient cover within the draft agreement to protect the Council position. With this in mind, and given the agreement to cover the Council's costs, it is requested that approval is granted to enter into the S104 agreement, as per the draft provided.