



Arun District Council
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Mr Sean Havis,
Planning Manager
Barratt David Wilson Homes (Southern Counties)
Compton House,
The Guildway,
Old Portsmouth Road,
Guildford, GU3 1LR

17 September 2024

By email to [REDACTED]

Our Ref: Y/92/17/OUT

Please ask for:
Simon Davis
Directorate of Place
Direct Dial: 01903 737874

Dear Mr Havis,

PROPOSED TRANSFER OF OPEN SPACE TO YAPTON PARISH COUNCIL

I write in response to your email dated 25 July 2024 in which you stated that Barratt David Wilson Homes (BDW) are very close to transferring the land known locally as the 'Sheep Field' to Yapton Parish Council but that you have noticed that the s106 agreement (dated 30 May 2019) currently only provides the ability to transfer to either the Management Company or to Arun District Council).

You have therefore requested that a Letter of Comfort be issued by Arun DC to confirm that this transfer is acceptable, and that Arun DC would not enforce against the transfer of the land to Yapton Parish Council instead.

The 'Sheep Field' land is that bound by the site access road on its north-western side, an established hedge on its south-western side, by Main Road on its north-eastern side and by nos. 1 & 2 Canal Cottages to the south-east. It formed part of the whole POS area for the development site.

Part 8 of the Third Schedule of the s106 says that the Owner should either engage a Management Company or transfer the Public Open Space (POS) to the Council with a commuted sum. The commuted sum is worked out at £13.51 per square metre (subject to the indexation clause within the s106). If the Council does not want to have the POS transferred to it the offer will lapse, and the Owner will need to maintain the POS themselves.

However, this commuted sum is only required to be paid if the Council is being given the land. The s106 defines the Council as the District Council (i.e. Arun) and Yapton Parish Council are separately defined as a Parish Council. Therefore, the commuted sum requirement is not applicable where the land is transferred to the Parish Council.

Part 8.1 also requires submission of a Public Open Space Scheme prior to commencement of development of a phase in which the Public Open Space is to be provided. Section (c) of

the definition of the Open Space Scheme within the s106 sets out the parameters for the management and maintenance of the POS. It introduces some flexibility as follows:

“a management and maintenance plan for any of the Open Space to be provided at the Development, including details of whether the areas in question can be transferred to or managed by an Owner, a Management Company or some other body or organisation;”

On this basis, there is scope to transfer the ‘Sheep Field’ POS area to the Parish Council, provided this is subject to a management and maintenance plan, which shall be approved by the Council.

The Council agrees that the developer can therefore transfer part of the open space known as the ‘Sheep Field’ to Yapton Parish Council and Arun DC would not enforce against this transfer.

A management and maintenance plan for the POS as a whole has already been agreed and confirmed by Arun District Council through Y/20/22/AOO as approved on 08 April 2022 (refer to “Landscape and Ecological Management and Maintenance Plan” Ref JBA 19/291-LMP1). We would ordinarily expect this document to be adhered to. However, it is noted that there is no provision within the s106 to seek an amendment to this plan and if the Parish Council wish to undertake a different management regime, then we would not seek to enforce against this.

I trust this is clear, but should you have any queries relating to this matter then please do not hesitate to contact me by phone (01903 737874) or email (simon.davis@arun.gov.uk) to discuss.

Yours sincerely,

A black rectangular box redacting the signature of Simon Davis.

Simon Davis MRTPI
Principal Planning Officer