

REQUEST FROM EAST AREA COMMITTEE 17.12.09

“The East Area Committee makes a formal request to the Chair of the Planning Committee and to the Director of Environment and Planning that the CB1/Station Area development's S106 agreement is reviewed in light of the recent situation regarding Ashwells.”

RESPONSE by the DIRECTOR OF ENVIRONMENT & PLANNING

On 18 November 2009 the Planning Committee resolved that the Section 106 Agreement for CB1 should be completed in accordance with a comprehensive list of Heads of Terms and a package of on-site mitigation measures and commuted sums.

The package of measures and commuted sums is based on a committee report supported by Planning Committee on 15 October 2008. This earlier report addressed planning obligations in the light of scheme viability, and set out the Heads of Terms for the Section 106 Agreement. The ‘planning obligation package’ had been the subject of much negotiation between officers and the applicant prior to the October 2008 meeting and these negotiations had continued since that date. It is important to note that, despite the national economic situation, the applicant has not sought to revisit scheme viability and that the mitigation measures that were being offered as set out in the Heads of Terms have remained unchanged. The negotiations since October 2008 relate principally to the phasing of the development, the timing of the delivery of mitigation measures and the funding mechanisms for the provision of new public infrastructure.

The recent acquisition of the majority of assets of Ashwell Property Group plc, including CB1 land, by Brookgate Limited does not alter the position with respect to the Section 106 Agreement. Section 106 Agreements are legally binding obligations on land and continue in force even if landownership changes. In any event the Ashwell negotiating team remain in place in the continuing discussions with Brookgate Limited and the City Council has been advised that Brookgate are prepared to sign the S106 Agreement in accordance with the package previously reported to Planning Committee.

In the light of the review set out above my view is that the Section 106 Agreement should be completed and signed in accordance with the resolution of Planning Committee on 18 November 2009.

RESPONSE by the CHAIR OF PLANNING COMMITTEE

I endorse fully the view of the Director of Environment and Planning as set out above. The complex negotiations relating to this major planning application are being conducted very professionally and effectively by planning officers of the City Council in fulfilment of the decisions of the Planning Committee. That position and process has not been altered by what is referred to in the question posed by the East Area Committee as “the recent situation regarding Ashwells.”

14 January 2010