

Data Protection Officer  
Freedom of Information  
NW Leicestershire District Council  
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## **FREEDOM OF INFORMATION REQUEST 1075**

I write further to your email dated 26 January 2020.

Your request has been dealt with under the terms of the Freedom of Information Act 2000, explained on our [freedom of information](#) page.

Your request:

David Wilson development - land north of Greenhill Road Coalville. ( which include Bluebell Way )

I request full details of the planning requirements relating to the maintenance of the green spaces. Detailing specific work scope and extent of works and spaces maintained required under the section 106, and required to be funded by the residents.

Our response:

Thank you for your email and our previous telephone conversation regarding this matter. I can confirm that the Section 106 agreement in relation to this planning application requires the following:

### **On Site Public Open Space**

Clause 16.1.6 of the agreement states that the open space must be laid out prior to the occupation of the 65th dwelling. Clause 16.1.8 states that the owner must maintain the open space for 12 months upon notification from the district council that the open space has been laid out to its reasonable satisfaction. Clause 16.1.9 also states that following the expiry of the 12 month maintenance period the owner must obtain a Certificate of Compliance from the district council certifying that the 12 month maintenance period has expired and that the open space has been maintained to the council's reasonable satisfaction.

Clause 16.1.11 requires transfer of the open space to the district council or the district council's nominee within 28 days of the issue of a Certificate of Compliance. If the district council has rejected to take transfer of the open space then the owner must establish and ensure the existence of a management company that will accept transfer of the open space.

### **Balancing Lagoon Site**

The owner is obligated to lay out the balancing lagoon and obtain notification from the district council that it's been laid out and completed to its reasonable satisfaction under clause 16.1.17. Clause 16.1.19 then states that following the expiry of the 12 month maintenance period the owner must obtain a Certificate of Compliance from the district council certifying that the 12 month maintenance period has expired and that the balancing lagoon has been maintained to the council's reasonable satisfaction.

Clause 16.1.21 requires transfer of the balancing lagoon to the district council or the district council's nominee within 12 months of the issue of a Certificate of Compliance. If the district council has rejected to take transfer of the balancing lagoon then the owner must establish and ensure the existence of a management company that will accept transfer of the balancing lagoon.

At the present time the Council has not issued a Certificate of Compliance in respect of the On Site Public Open Space or the Balancing Lagoon. I can confirm that we have contacted the Developer in relation to this matter and have asked for details in relation to the land in question, when the areas were laid out and how long they have been maintained for. In order to keep you informed of matters on this site, I will let you know when such information is received.

I have attached a copy of the Section 106 agreement.

The supply of information in response to a freedom of information request does not confer the right to re-use the information. UK copyright law allows information supplied for the purposes of private study and non-commercial research to be used without permission. Information supplied can also be re-used for the purposes of news reporting except for in the case of photographs.

#### **GOING FORWARD**

If you are dissatisfied with the information supplied please feel free to contact me on the number above for any queries in relation to this response. Please note that in responding to further enquiries I can only comment on the information contained within this correspondence and cannot provide any further information that may pertain to an additional FOIA request.

Please remember to quote the Authority's four digit reference number given at the top of this email in any future communications.

If you remain dissatisfied following the conclusion of the above informal review, you have the right to ask for an internal review. A request for a review whether formal or informal should be submitted within two calendar months of the date of receipt of the response to your original letter and should be sent to [DPO@NWLeicestershire.gov.uk](mailto:DPO@NWLeicestershire.gov.uk) or the address above.

Further details on our appeals and complaints procedure can be found on our website [here](#).

If you remain dissatisfied following the conclusion of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at [accessicoinformation@ico.org.uk](mailto:accessicoinformation@ico.org.uk).