



DEVELOPMENTS

R2 Developments
Estate Office
Lovesby Farms
Lovesby
LE7 9DD
13 September 2021

Melbourn Parish Council Clerk
Melbourn Community Hub
30 High Street
Melbourn
SG8 6DZ

Planning Application Ref: S/2424/18/FL

Development: Erection of 22 dwellings together with associated open space, landscaping, highway and drainage infrastructure works

Address: 36 New Road, Melbourn, Royston, SG8 6BY

S106 Planning Obligation Agreement 25th April 2019

**Offer to Transfer the Local Area of Play and Public Open Space to the Parish Council under
THE SECOND SCHEDULE – PART II: LAP
PART III: On-Site Public Open Space (POS)**

On behalf of R2 Developments LTD (“the Applicant” and “the Owner”) regarding the development subject to the above planning application at 36 New Road, Melbourn (“the Property”), and pursuant to THE SECOND SCHEDULE – Part II and Part III of the S106 Planning Obligation Agreement dated 25th April 2019, please accept this letter as a formal offer to transfer the ownership of the Local Area of Play and On-Site Public Open Space to the Parish Council, as shown on the attached plans (sent by email).

The Parish Council is welcome to decline the offer to transfer, whereby the obligations to maintain and own the LAP/POS would remain with the developer and the management company.

Should the Parish Council accept the offer, the Owner/Developer would still be required to maintain the LAP/POS for a minimum period of 12 months (after notice of Practical Completion) to fulfil the maintenance obligations in establishing the landscape planting under Para. 1.3.

The Owner/Developer will also be required to pay the Parish Council's reasonable and proper legal costs in relation to the transfer, as well as any SDLT.

The transfer would also trigger payment of the Local Area of Play Maintenance Contribution to the Parish Council from the Owner/Developer.

Offer Terms

The terms of the offer are defined within Part II Para. 1.13 of the agreement:

1.13 The LAP/POS shall be transferred on the following terms:

1.13.1 In the case of the transfer to the Parish Council, upon payment of consideration of £1 (one pound) and subject to the following: -

- (a) payment of the Local Area of Play Maintenance Contribution;
- (b) such transfer shall contain a restrictive covenant expressed to be for the benefit of the freehold of the remainder of the Property and each and every part thereof to the effect that the LAP/POS shall not be used for purposes other than public recreation in perpetuity; and
- (c) free from encumbrances (other than those disclosed at the date of the Agreement) together with all necessary rights of access and easements.

The Parish Council is invited to either accept or decline this offer. Should the Parish Council not accept within **30 days of this offer**, then under the terms of Part II: Para 1.12 the LAP/POS will be transferred to a Management Company (subject to written approval of the council) but always provided that fall-back arrangements are in place in plot documentation for the owners each of the Dwellings to be responsible for a proportionate part of all costs associated with on-going maintenance of the LAP/POS.

Yours sincerely

R2 Developments

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