

Westbury Area Board

4th April 2019

Penleigh Park Recreation Ground, Westbury - Update

Introduction and Background

1. The main issue of this report is to provide an update on the action taken to ensure that Persimmon fulfil their S106 Agreement obligations to transfer an unadopted section of land to Wiltshire Council. The transfer to the Council would also include a one off financial contribution towards the maintenance of the land.
2. The green open space is known as Penleigh Park Recreation Ground. It is located off Oldfield Road and is adjacent to a former Council estate known as Penleigh Park that was built after WWII. Penleigh Park housing estate was subsequently demolished some years ago and replaced with a new housing development on Phoenix Rise and Wyvern Walk etc.
3. The Recreation Ground continued to be run by West Wiltshire District Council then Wiltshire Council but around 2000 the western end of the recreation ground was divided off when Oldfield Road was extended towards the new Leigh Park estate. The S106 agreement for Leigh Park requires a strip of land to be added to what is left of Penleigh Park Recreation Ground to compensate for the land already taken away. This is the section of land under discussion with Persimmon which still needs to be transferred to Wiltshire Council.
4. The northern half of the recreation ground belongs to Wiltshire Council and was designated a town green in the early 2000s. It is included in the Highways and Streetscene grass cutting contract.
5. The Area Board, at its meeting held on 7 June 2018, received a verbal update from Cllr Hawker about the unadopted section of land, and noted that discussions between the Council and Persimmon were ongoing.

Latest Position

6. Legal Services have sent a letter to Persimmon outlining where Persimmon have not complied with the S106 agreement and providing them with 3 months to respond. In the event of no response, the Council would be taking action down the litigation route to seek a final resolution to this matter.

Recommendation

7. The Area Board are asked to note the latest position and to receive a further update once the deadline for a response from Persimmon Homes has been reached.

Author: Stuart Figini, Senior Democratic Services Officer
Legal and Democratic