

Hello my name is Julian Oxley this is Jackie Prescott, Gilli Speakman and Andrew Omond.

We are a working group of the Meanwood Valley Partnership representing Weetwood, Far Headingley and Meanwood residents. We are focused on solving the problems at Highbury Cricket Club and the Highbury Works site which is in disrepair. Trees are crashing through adjoining garden fences, the Meanwood Valley Trail is collapsing into Meanwood Beck and the former cricket pitch and pavilion are in ruin.

We have recently applied to the Charity Commission to set up Highbury Works Community Trust, a new Charitable Incorporated Organisation, and it is our intention to take ownership of the site, to restore it and to run it for sport and recreation in Meanwood.

We are asking for Council's help with the current land owners, Country and Metropolitan Homes now Avant Homes, who have neglected the land and are in breach of their Section 106 agreement. We note High Royds Residents Association are also experiencing difficulties with this developer under their Ben Bailey Homes brand.

We engaged Avant Homes earlier this year. In February we walked the site with one of their Directors showing him the damage trees are causing to the beck walls. We understood a survey by Eastwood Engineers was carried out and we were told remedial works would start in May.

That didn't happen. Notably a proposal to build more houses on the site was vehemently rejected by the community at about the same time. Avant have told us they are keen to offload their Meanwood liability and would make bare minimum repairs if a community Trust were to make them a cash offer.

We have spoken with local schools, cricket clubs and residents and we believe there is a viable business case for such a Trust. However a cash offer on top of additional costs to clear the site, restore the beck walls, renovate the pavilion, inspect the dam and regrade the cricket pitch present considerable cost challenges.

There are also issues from incomplete obligations and breached covenants in the Highbury Works Section 106 agreement which we believe runs with the land and would be contractually binding on the trust were it to take Title.

We have shared with Planning Services legal advice from our solicitors that addresses these issues and the limitations of the agreement. Their argument is that because no deadline to perform the obligations was specified, the *cause of action* cannot have accrued. Meaning Avant Homes are still bound to the Section 106 covenants, both positive and negative.

Avant Homes are required by the agreement to landscape and dedicate two plots as public open space, to annually inspect and repair as necessary the culvert and mill pond dam and to pay approximately sixty thousand pounds to the Local Authority for improvements and maintenance.

There is also an on-going and effectively permanent obligation to ensure the cricket pitch is only used as such and the land owner should not do, cause or permit anything that prevents this. The fence Avant have erected and their rental of the land for horse grazing are breaches of the covenant which the Local Planning Authority can enforce by injunction. Broomfield St. Chad's junior cricket team are in need of a playing field.

On the original Highbury Works application the planning officer noted the plans were overdeveloped and permission was only granted in pursuance of the Town and Country Planning Act 1990 in which it is stated that;

Planning Permission is subject to the completion of the Section 106 agreement and without which planning permission would not be granted; and that the Developer agrees to be bound by and observe and perform the covenants agreements conditions and stipulations.

Avant have not completed these obligations despite agreeing to them and benefiting from the planning approval they enabled.

We ask the executive to therefore support our initiative and direct Planning Services to notify Avant Homes they are in breach of the Highbury Works Section 106 agreement. To enforce compliance or to carry out the obligations at Avant's expense. To instruct Avant Homes to remove the infringing trees along the Highbury Works boundary and to make appropriate repairs to the walls of Meanwood Beck. As a responsible partner to the City we think they would want to do this at their earliest convenience.

We also ask the Local Authority to consider a future Section 106 variation enabling the public open spaces and associated maintenance costs to be passed to Highbury Works Community Trust.

Thank you for hearing our deputation.