

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT & REGULATORY SERVICES MANAGER

TO: West Craven Committee

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FOR INFORMATION

**LAND TO THE SOUTH EAST OF LONG ING LANE, BARNOLDSWICK
(RAIKES HILL AND RAIKES WOOD CLOSE)**

PURPOSE OF REPORT

To inform Committee of the latest action being taken in respect of this site.

HISTORY

- (1) A Breach of Condition notice was served on the developer of this site on 10th December 2021 giving 3 months for the contractor to submit details of the construction details of the communal parking areas, phasing timescales and enter into a Section 38 agreement with the highways authority, LCC.
- (2) We contacted LCC in April and received confirmation that the S38 agreement had been put in place and they expected the final surfacing to take place by the end of May 2022. As a result the enforcement case was closed as the situation was under the control of the Highways Authority.
- (3) In November 2022 it was reported to us that this work had still not been completed. We were advised by an employee of Avant Homes in December 2022 that the S38 was still in draft stage and had never been agreed upon. LCC still maintained there was a S38 in place.
- (4) We asked Avant Homes to communicate directly with LCC. From this we received an email advising they now confirm that there is no S38 agreement in place. They confirmed it is still in the draft phase and has not been signed off although they were under the impression it had been.

REASON FOR THE DELAY

- (1) LCC informed us that there is an outstanding Section 104 agreement that needs to be agreed upon before the S38 and the final surfacing can be carried out.
- (2) The S104 agreement is set up for the Water Utilities for the adoption of the sewers.

- (3) We have been informed that there is a problem with the sewers from this site and this is the reason the Utilities company have not accepted the S104 agreement. We have contacted the Utilities company asking for information regarding this and are still awaiting a response.
- (4) Until the underground works have been accepted, the final surfacing of the road cannot take place.

ACTION

We are currently trying to get the correct information from United Utilities regarding the S104 agreement to determine if this does or does not have an impact on the S38 so the final road surfacing can be applied.

A court date has been set for the 23rd March 2023.