

September 2nd

Dear Resident,

Roads on the Chetwynd Barracks development (residents meeting Wednesday September 22nd)

I am writing to you about a matter which I believe you will be well familiar with. As your MP I have made a number of enquiries about the unfinished roads in your area and as a result am holding a residents meeting on Wednesday September 22nd at 7.30 in The Village Hotel. I hope you will come along.

I should first explain that I am calling the area “Chetwynd Barracks development” as this is the name given to the area by Broxtowe Borough Council, and for reasons which I hope will become obvious I think it is important we use their name for the area.

I would like to thank everyone who has contacted me about the unfinished roads and the park area; as a result I have met with the Head of Legal Services at Broxtowe Borough Council and made other enquiries.

What now follows is the short version! The Ministry of Defence sold a very large parcel of land some time ago and it was intended the land would be used to build new homes. Some of that land was bought in 2004 by Cofton a large “regeneration company” and the planning authority, Broxtowe Borough Council granted outline planning permission for the development of many hundreds of homes.

The plan was that Cofton would go on to sell parcels of the land to individual builders who in turn would apply for detailed planning permission from Broxtowe to build houses. Meanwhile, Cofton would retain ownership of the “spine roads” – the main roads on the development serving these parcels of land. Cofton also retained ownership of some of the land; some parcels of land were subject to an agreement that Cofton would make them into “public open spaces”. The park off Sherman Drive was made good by Cofton and transferred to the Council in the late 1990’s. The other piece of land should have also been turned into an open public space but as you know it has been all but abandoned and is overgrown and unsightly.

In normal circumstances the planning authority would consider the various planning applications and also carry out their duties to make sure that agreements were made with the relevant developers concerning all manner of matters. One such matter is the roads on the development.

Normally, the owner of any road in a development builds the road to an agreed standard so that it can be “adopted” by the local authority who then takes responsibility for its maintenance. This is a well established process and is governed by statute and is as follows.

The planning authority serve a notice on the developer/ builder and they indicate whether they will either (a) put aside a lump sum of money to be used towards the end of their work on the land to make good the roads to the agreed standard ready for the local authority to adopt or (b) make an agreement (called a Section 38 agreement) with all the interested parties that they will each put aside an agreed proportion of the cost of making the roads up to the agreed standard.

Accordingly, in 2004 Broxtowe Borough Council served a notice on Cofton concerning the spine roads; Cofton informed Broxtowe they intended to be part of a section 38 agreement and named the builders who would also be parties to the agreement. Broxtowe then had to draft an agreement and sign up all the parties. This takes some time – many sets of solicitors, plans etc but this is standard stuff for any local authority. Indeed at the same time as Broxtowe were sorting out the s.38 for the spine roads they were also discussing and granting planning permission with the very same builders for the parcels of land they had bought from Cofton's. And of course they were also reaching agreements with those builders in relation to the roads on their individual developments.

Negotiations also continued with Coftons regarding the land they retained ownership of.

In 2007 there was still no Section 38 agreement in relation to the spine roads. Broxtowe started to take legal action but unfortunately one of the builders had "lost" all the papers which delayed matters yet further.

By 2009 there was still no Section 38 agreement. Meanwhile hundreds of houses had been built and sold; some households had now been without a proper road for years. In February 2009 Cofton went into administration.

A little over a year later your former MP collected a petition on the issue and the state of the roads attracted some publicity. The petition was not presented to either the Borough or County Council. However, it became clear the builders/developers will not enter into a Section 38 agreement with Cofton because they are in administration, even though I am told the builders have, in effect, put aside the money to make up the roads. I have also been told that not all the spine roads are owned by Cofton – for example, some parts are still owned by the Ministry of Defence.

As your MP I want to end this stalemate ; I firmly believe the situation is intolerable and has been allowed to continue for far too long. I am very concerned that it appears your Borough Council may be, in part or in whole, responsible for the situation but I am not looking simply to point the finger of blame – we have to move forward and get the roads built.

- I have written to the builders and to the administrators of Cofton. I hope to report back with all or any responses at the residents meeting on Wednesday September 22nd. I will post a copy of the letters on my web site www.anna4broxtowe.com
- On September 6th the cabinet of Broxtowe Borough Council meets to discuss the future of the "open space". The proposal is for the Council to adopt the land in its current state as they do not believe there is any prospect of enforcing the agreement they made with Cofton. It is "unfortunate" the Council did not enforce the agreement some considerable time ago before Cofton went into administration but we are where we are.
- I am meeting the Chief Executive of Broxtowe Borough Council when she returns from leave to discuss all the above.
- I have been working with your County Councillor, Richard Jackson who has responsibility for Highways on Nottinghamshire County Council and I am grateful for his assistance and that of his officers at the County Council (Richard is also a Broxtowe Borough Councillor).
- My enquiries are continuing in relation to the sale of the land by the Ministry of Defence, plans for the area going back to the early 1980's and details of the outline planning

permission granted to Cofton's in or around 2004. Again, I hope to have more information at the meeting.

I am calling a residents meeting not only to keep you fully informed but also to discuss how we can get the roads built. I appreciate I should not be pessimistic but I doubt all the builders will volunteer to "stump up" the money though I would be happy to be proved wrong! I strongly suspect we will have to make considerable efforts to get the roads finished.

If you cannot come to the meeting or you need any more information or want to contact me then please do using the details below.

With best wishes,



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