Question to the Cabinet Member for Planning, Regeneration and City Deal

Should a developer fail to comply with a legally binding Unilateral Undertaking, what remedies are available to a Local Authority?

Background to the question.

During a Planning Appeal by Morris Homes on Land off Wateringpool Lane, the developer offered a Unilateral Undertaking. The Planning Inspector gave this considerable weight in the decision, and the Unilateral Undertaking was given on the 6th of March 2012.

The Third Schedule (public open space) of the Unilateral Undertaking, contains the following paragraph at 1.2 *Not to occupy or permit the Occupation of any Dwellings without first having submitted to the Council for approval a comprehensive landscaping scheme of the open space including details of the timing of the provision of such open space and thereafter to lay out and maintain the Open Space in accordance with such approved scheme.*

The approved Landscape Plan contains a '*Schedule of Implementation'* which states '*The landscaping works shall be carried out within 12 months from the date when building works are complete'*

The building works were completed last year, shortly before Christmas, and the landscaping work is not yet finished. Should the landscaping not be completed by the New Year, the developer may be in breach of their legally binding Unilateral Undertaking.

Mr Edward Clayton