



OPEN REPORT GOVERNANCE & RESOURCES COMMITTEE

Governance & Resources Committee - 22 November 2022

Asset Management Plan - Land Holdings Review

Report of Director of Regulatory Services

Report Author and Contact Details

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Wards Affected

Bradwell;

Tansley;

Darley Dale;

Masson

Report Summary

This report represents the fourth phase of an ongoing review of the Council's land and property assets in accordance with the Asset Management Plan. This phase of the Land Holdings Review covers 4 sites across the District in which expressions of interest have been received for Community Asset Transfers.

Recommendations

1. That Site no. 1, Grey Ditch Bradwell is transferred to Bradwell Parish Council on the terms outlined in Appendix 1 of this report as a Community Asset Transfer of the freehold title.
2. That Site no. 2, Knabhall Lane, Tansley is transferred to Tansley Parish Council on the terms outlined in Appendix 1 of this report as a Community Asset Transfer of the freehold title.
3. That Site no. 3, Allotments and adjoining land at Church Road, Darley Dale is transferred to Darley Dale Town Council on the terms outlined in Appendix 1 of this report as a Community Asset Transfer of the freehold title.
4. That Site no. 4, Tennis Court and Bowling Green, Matlock Bath be transferred to Matlock Bath Parish Council on the terms outlined in Appendix 1 of this report as a Community Asset Transfer by way of long lease.
5. That it is noted that the disposal in 1, 2, 3 and 4. above (either by lease or freehold title transfer) comprise an undervalue transaction permitted under the General Disposal Consent 2003.

6. That each party will bear their own legal costs in respect of site 1, 2, 3 and 4.

List of Appendices

Appendix 1 - LAND HOLDINGS REVIEW PHASE 4 BY PROPERTY

Background Papers

None applicable

Consideration of report by Council or other committee

Not applicable

Council Approval Required

No

Exempt from Press or Public

No

Report Title

1. Background

- 1.1 The Asset Management Plan (AMP) 2019 -2023 is intended to set out the Council's strategic approach to the management of its land and property and to provide a framework within which property asset decisions can be made in support of the Council's corporate aims and objectives.
- 1.2 The Asset Management Plan recommends to support and enable Community Asset Transfer of land and buildings where appropriate.
- 1.3 This the fourth of a number of phases of reports consider the future arrangements for surplus land and buildings across the District.

2. Key Issues

- 2.1 Phase 4 of the Land Holdings Review covers 4 sites in which queries or expressions of interest have been received for Community Asset Transfers. Following consideration of planning, legal and estate management factors, together with operational requirements, recommendations are made regarding whether the sites should be retained, allocated for a particular use or sold and the terms which would apply.
- 2.2 An appraisal of each site has taken place comprising advice on any planning constraints, legal restrictions and maintenance liabilities/costs.
- 2.3 Site no. 1 comprises a 0.05 Ha site which is believed to have been left over from an affordable housing development. Bradwell Parish Council has requested the freehold transfer to use the land as a community project. It is recommended that this is agreed as a freehold Community Asset Transfer on the terms set out in Appendix 1.
- 2.4 Site no. 2 comprises a 0.2 Ha site off Knabhall Lane, Tansley. The site has been vacant and unused for a couple of years and due to its remote location it is unsuitable for an operational use and may be of some ecological value. Tansley Parish Council has requested the freehold transfer to use as a community project to further protect and enhance its ecological value. It is recommended that this is agreed as a freehold Community Asset Transfer on the terms set out in Appendix 1.
- 2.5 Site no. 3 comprises 1.2 Ha of land part leased to Darley Dale Town Council as allotments and the remainder as open grass land. The allotment land has been well maintained and a popular with residents to the point it needs to be extended. Darley Dale Town Council has requested the freehold transfer to use as allotments. It is recommended that this is agreed as a freehold Community Asset Transfer on the terms set out in Appendix 1.
- 2.6 Site no. 4 comprises two parcels of land, the Bowling Green and Tennis Court sites comprising 0.1 Ha and 0.1 Ha respectively. The sites are currently leased to Matlock Bath Parish Council. To help apply for grant money to help develop these facilities MBPC has requested a longer lease. It is recommended that it is agreed that a lease of 25 years on each parcel be granted as a Community Asset Transfer on the terms set out in Appendix 1.
- 2.7 The results and recommendations for the four sites are summarised in Appendix 1 together with plans of each site.

3. Options Considered and Recommended Proposal

- 3.1 Not applicable

4. Consultation

- 4.1 Ward Members and the relevant Town/Parish Council have been consulted on the proposed disposals and any comments received will be reported to the meeting.

5. Timetable for Implementation

- 5.1 On approval instructions will be issued to work towards transfer.
- 5.2 It is anticipated that transfers and leases will be completed in the first quarter of 2023/24.

6. Policy Implications

- 6.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

7. Financial and Resource Implications

- 7.1 While the disposal of these sites will not generate significant sale proceeds, the proposed Community Asset Transfers will each remove a liability for future maintenance. The financial risk is assessed as low.

8. Legal Advice and Implications

- 8.1 Provided that the proposed sites look to satisfy the Asset Management Plan (AMP) 2019 -2023 as detailed at clause 1 of this report;
- 8.2 It is recorded on each proposed transaction that relevant restrictions should be included so that the lands are protected in the future for community use.
- 8.3 Provided that the appropriate legal processes are followed with on the proposed disposals of each site as a community asset transfer then the risk for the proposed transaction is assessed as low.

9. Equalities Implications

- 9.1 None applicable

10. Climate Change Implications

- 10.1 There are no significant climate change impacts of the recommendations on the report.
- 10.2 The transfer of the sites in recommendations 1-3 are likely to have a positive climate change impact, depending on the subsequent actions of the Town and Parish Councils involved. In each case the indicative plans

of the Town and Parish Council seek to improve or retain the natural capital on site.

11. Risk Management

- 11.1 Provided Council policies in regard to disposals of property assets are followed the management risk is considered low.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	08/11/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	07/11/2022
Monitoring Officer (or Legal Services Manager)	Kerry France	10/11/2022