



**OPEN REPORT
GOVERNANCE & RESOURCES COMMITTEE**

Governance & Resources Committee – 16 February 2023

ASSET MANAGEMENT PLAN - LAND HOLDINGS REVIEW

Report of Director of Regulatory Services

Report Author and Contact Details

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Wards Affected

Dovedale & Parwich

Doveridge & Sudbury

Wirksworth

Ashbourne South

Report Summary

This report represents the fifth 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 5 sites across the District in which expressions of interest have been received for Community Asset Transfers.

Recommendations

1. That Site no. 1, Land at Pasture Gate, Thorpe is transferred to National Trust on the terms outlined in Appendix 1 of this report as a Community Asset Transfer of the freehold title.
2. That Site no. 2, Doveridge Bowls Club and Site no. 3, Doveridge Pond and adjoining land be transferred to Doveridge 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. 4, Part Fanny Shaw Recreation Ground, Wirksworth be transferred to Wirksworth Regeneration and Development CIC on the terms outlined in Appendix 1 of this report as a Community Asset Transfer by way of long lease.
4. That Site no. 5, Part of Shawcroft car park, Ashbourne be transferred to Ashbourne Royal Shrovetide Football Committee 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 all the disposal in this report (either by lease or freehold title transfer) comprise undervalue transactions permitted under the General Disposal Consent 2003.
6. That each party will bear their own legal costs in respect of each disposal.

List of Appendices

Appendix 1 - LAND HOLDINGS REVIEW PHASE 5 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

ASSET MANAGEMENT PLAN - LAND HOLDINGS REVIEW

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 fifth of a number of reports consider the future arrangements for surplus land and buildings across the District.

2. Key Issues

- 2.1 Phase 5 of the Land Holdings Review covers 5 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 0.04 Ha site which was previously used as a car park adjoining the, now surplus, public conveniences. It is registered as a village green and provides access to a residential property to the rear and for the National Trust land at Thorpe Cloud. National Trust are interested in a transfer of this land. 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 0.4 Ha site accessed from Hawthorn Close, Doveridge. The site has been managed by Doveridge Parish Council and has the bowling club and other community activities on site. Doveridge Parish Council has requested the freehold transfer to use as a community asset. 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 a 0.6 Ha site accessed bounded by Church Lane, Park Crescent and Cook Lane in Doveridge. Doveridge Parish Council has requested the freehold transfer to use as a community asset to enhance its offering and encourage wildlife. 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 0.2 Ha of land which forms part of Fanny Shaw Recreation Ground. It is currently leased to Wirksworth Regeneration and Development CIC as a skate park and this would renew their current lease to allow the refurbishment of the skate facility. It is recommended that this

is agreed as a Community Asset Transfer by long lease on the terms set out in Appendix 1.

2.7 Site no. 5 comprises a small area (two parking spaces) of land within Shawcroft car park to allow a new plinth to be erected for the turning up of the Shrovetide Football. It is recommended that this is agreed as Community Asset Transfer by long lease on the terms set out in Appendix 1.

2.8 The results and recommendations for the 5 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 With the exception of site no. 5 which is to be completed immediately after approval it is anticipated that transfers and leases will be completed in the second 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 It is recommended that sites 1, 2 and 3 be transferred at peppercorn consideration, that sites 4 is to be transferred as a new 25 year lease at peppercorn rent, on similar terms to the current lease though modernised to account for changes in legal requirements and that for site 5 there a transfer as a new 25 year lease on key terms as set out in Appendix 1. As Community Asset Transfers, all of these are undervalue transactions. In all cases each party will be responsible for their own legal and surveying costs.

7.2 While these are undervalue transactions, that will only generate income at a peppercorn (if requested), the proposed Community Asset Transfers will each remove a liability for future maintenance.

7.3 The financial risk is assessed as low.

8. Legal Advice and Implications

8.1 The proposed disposals 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 on each of the proposed disposals then the legal risk 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 3 are likely to have a positive climate change impact, depending on the subsequent actions of the Parish Council involved. The Parish Councils seek to improve or retain the natural habitat 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	
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	01/02/2023
Monitoring Officer (or Legal Services Manager)	Kerry France	