

**Committee:** Cabinet

**Agenda Item**

**Date:** 26<sup>th</sup> March 2013

**13**

**Title:** Transfer of UDC land to Takeley Parish Council

**Portfolio Holder:** Cllr Chambers

Item for decision

## Summary

1. This report seeks Members consideration of the transfer of UDC land at the Morells Green residential estate for nil value to Takeley Parish Council together with a payment of £30,000 for the maintenance of the land.

## Recommendations

2. That the land is transferred to Takeley Parish Council together with a payment of £30,000.

## Financial Implications

3. The Council will be losing a capital receipt if the land is transferred for nil value. The land has been valued by the Council's registered valuers Wilks Head and Eve at an open market value of £15,000. A sum of £30,000 for the maintenance of the land has been previously paid to UDC as part of a S106 agreement with Barratt Eastern Counties.

## Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Valuation report prepared by Wilks Head & Eve dated 12<sup>th</sup> March 2013.

## Impact

- 5.

|                            |  |
|----------------------------|--|
| Communication/Consultation | Notice of the proposed disposal of public open space at the site of the former Barkers Tanks has been given in accordance with the requirements of Section 123(1) and (2A) of the Local Government Act 1972. |
| Community Safety           | None   |
| Equalities                 | None   |

|                                 |                                   |
|---------------------------------|-----------------------------------|
| Health and Safety               | None                              |
| Human Rights/Legal Implications | Land ownership to be transferred. |
| Sustainability                  | None                              |
| Ward-specific impacts           | Takeley and The Canfields         |
| Workforce/Workplace             | n/a                               |

## Situation

6. The land forms part of the open space provision associated with the residential development of the former Barkers Tanks site. The land consists of two parcels (appendix 1). The eastern parcel is located at the intersection of Chapel Fields and The Pastures and comprises of grassland and shrubbery. This parcel has a site area of approximately 0.08ha. The western parcel is located to the South-West edge of the estate and comprises a balancing pond, play area, and grassland. This parcel has a site area of approximately 0.22ha.
7. £30,000 has been previously paid to UDC by the developer as part of a S106 agreement for the management and maintenance of the open spaces.
8. The Takeley Parish Council have agreed to take the land and maintain it as public open space subject to the payment of £30,000 for the maintenance of these areas.
9. It is considered that the transfer at nil costs is the best outcome for the Council and rests ownership and maintenance of the land with the local Parish Council who are in a better position to oversee and maintain the land.

## Risk Analysis

10.

| Risk   | Likelihood                         | Impact                                    | Mitigating actions  |
|--|------------------------------------|---|---|
| Takeley Parish Council decline to take over the land | 1) Little risk due to negotiations | 2) ongoing maintenance requirement on UDC | Detailed discussions have been undertaken with the Parish Council and remedial work undertaken to ensure that then land will be accepted. |

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1: Location plan (areas to be transferred marked in green).

