

Committee: Finance and Admin

Agenda Item

Date: 16th September 2010

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Title: Land at Churchfields, Ashdon

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Item for decision

Summary

1. This report asks the Finance and Admin Committee to transfer land/play space currently in the Council's ownership to Ashdon Parish Council at nil value.

Recommendations

2. To transfer land/play space currently in the Council's ownership to Ashdon Parish Council at nil value, subject to agreement being reached that the Council would be entitled to 50% of the capital receipt achieved in the event of subsequent resale by the parish council of the land, in whole or in part, to a third party.

Financial Implications

There are no costs associated with the recommendation

Background Papers

3. 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.

Committee report to Development Control Committee, 11th June 2008
Emails between Officers, Ashdon Parish Council and Cllr Chamberlain,
Member for Ashdon

Impact

- 4.

Communication/Consultation	The Parish Council chairman requested that land be transferred to the Parish Council as per minutes 11/06/08
Community Safety	Play equipment has to be inspected by ROSPA to ensure safety and insured by the Parish Council.
Equalities	None
Health and Safety	Play equipment has to be inspected by ROSPA to ensure safety and insured by

	the Parish Council.
Human Rights/Legal Implications	Advice has been sought from Legal
Sustainability	None
Ward-specific impacts	Ashdon
Workforce/Workplace	None

Situation

5. The land being discussed is in the District Council's ownership, a report went to Development Control Committee in 11th June 2008 and approval given for the land to be transferred to the Parish Council with the condition that they enforced the S106 Agreement ensuring that satisfactory completion of the necessary works was carried out.
6. The Parish Council have since gained funding from various bodies to provide play equipment on the site and this is being used by the local children of Ashdon.
7. This report is asking Members to approve the transfer of the land to Ashdon Parish Council at nil value as agreed at Development Control Committee on 11th June 2008.
8. The S106 Agreement requires the land to be laid out as a play area. However, to cover the possibility that circumstances may change over time and the land may be sold on by the parish council, claw back arrangements for any capital receipts should be considered.

Risk Analysis

9.

Risk	Likelihood	Impact	Mitigating actions
Parish Council do not agree to terms of transfer	2 – The Parish Council has been pressing to take ownership of the site and has since gained grants for the equipment based on ownership.	3 The Council would need to pursue the satisfactory completion of the works.	Negotiations with the parish council

	<p>The 50% claw back of capital receipts in the unlikely event of future disposal is an equitable arrangement.</p>		
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- 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.