

LAND AT JENKINS NECK WOOD, SHACKLANDS ROAD, BADGERS MOUNT

Cabinet - 6 December 2018

Report of Chief Finance Officer

Status: For Recommendation to Cabinet

Also considered by: Finance Advisory Committee - 15 November 2018

Key Decision: Yes

Executive Summary: This report provides an update on the proposed disposal of surplus property assets at Jenkins Neck Wood, Shacklands Road, Badgers Mount

This report supports the Key Aim of Value for money

Portfolio Holders Cllr John Scholey, Cllr Peter Fleming

Contact Officer Andrew Stirling, Ext 7099

Recommendation to Finance Advisory Committee: That the Committee considers the options outlined in the report and recommends to Cabinet their preferred option for the disposal of surplus land at Shacklands Road, Badgers Mount.

Recommendation to Cabinet: That

- a) Cabinet considers the options outlined in the report and any recommendations from Finance Advisory Committee and agree a preferred option for the disposal of surplus land at Shacklands Road, Badgers Mount; and
 - b) delegated authority be given to the Head of Economic Development and Property to agree detailed Heads of Terms for the disposal of any parts of the land that are agreed to be sold subject to (a) above.
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Reason for recommendation: Disposal of surplus and underperforming assets will generate capital receipts that can be reinvested in higher performing assets in accordance with the Council's approved Property Investment Strategy.

Introduction and Background

- 1 The Council owns an area of woodland, amounting to approximately 12.5 acres, in Badgers Mount adjacent to the M25 motorway. This land lies outside of the areas of woodland managed by the District Council as an amenity for the public. The land is shown on the attached plan. The

woodland surrounds two cottages and a small depot and yard used by the District Council to manage the woodland in the area. It is proposed to retain the depot, yard and some adjacent land.

- 2 Part of the woodland has been sold on a long lease to the owner of 1 Shacklands Cottages and is shown cross hatched on the attached plan. The owner has enquired about acquiring the freehold of the land they already hold the long leasehold interest on. They have also asked about re-arranging the entrance to their property and the Council's adjacent depot and yard. This would entail the formation of an alternative access into the depot and the disposal of a small area of land to the adjoining owner.
- 3 The owner of the property, Sunnyside, has expressed an interest in acquiring the area of woodland, amounting to approximately 4 acres, shown hatched, on the attached plan. There was also interest in 2015 from the owner of No.2 Shacklands Cottage in acquiring land between their property and the motorway.
- 4 The woodland provides a visual and aural screen between the adjoining properties and the M25 motorway. The woodland is the subject of a Tree Preservation Order, which covers the whole site and it is also classed as Ancient Woodland.
- 5 The Cabinet considered this matter at their meeting on 3rd December 2015 and resolved: 'That the Council enter into discussions with Badgers Mount Parish Council for a period of 6 months for the disposal of surplus land at Shacklands Road, Badgers Mount and authorise the Head of Economic Development and Property to agree detailed Heads of Terms'.
- 6 Badgers Mount Parish Council were subsequently contacted and resolved at their meeting on 15 December 2017 to respond to the District Council in the form of the letter attached at Appendix B to this report.
- 7 The Parish Council's position is set out in paragraph 5 of their letter, reproduced here in full:

“BMPC therefore believes it is imperative that the woodland remains in public ownership. If SDC is unwilling to safeguard the woodland itself in perpetuity, then BMPC would be prepared to enter into discussions with SDC with a view to the ownership of the woodland being transferred to BMPC for a nominal sum. In this manner SDC would be relieved of the financial burden of maintaining the woodland in future. BMPC is aware that other tracts of woodland have been transferred in this manner (for example by KCC) into ownership by other parish councils, and BMPC believes this could possibly be the best route forward”.
- 8 The Parish Council also refer to FM Conway's proposals for future development of their site, which is set out in a letter from FM Conway to the Parish Council and attached at Appendix C. The site, reference HO150, is included within the “New Housing and Mixed Use Sites for Consultation” appendix to the draft Local Plan. There is a suggestion that any development

of the site could be linked to the formation of Trust to hold the areas of woodland that surround it for the future. The timetable for the development of the FM Conway site remains unclear at this stage.

Options

- 9 The Council can either retain the land and the contingent liabilities in its ownership or transfer the land to another party or parties, including the contingent liabilities, by way of a long leasehold interest. The use of a long lease allows the permitted uses of the land to be clearly defined.

There are 4 options open to the Council with regard to the land that would not be retained:

- A transfer of part to the owner of Sunnyside by way of a long lease. This is not without future risk to the maintenance of the woodland, notwithstanding the Tree Preservation Order and use of suitable restrictions within the leasehold interests. The same could apply if there is further interest from No.2 Shacklands Cottages.
- A transfer of the whole to the Parish Council for a nominal consideration by way of a grant of a long leasehold interest. Any transfer would be subject to the Tree Preservation Order and suitable restrictions within the long leasehold interest.
- A transfer of the whole to a Trust linked to any future development of the FM Conway site. This would enable all of the woodland to be managed as one entity. Any transfer would be subject to the Tree Preservation Order and suitable restrictions within the long leasehold interest.
- The first option, transfer of part or parts, will leave residual land and this could either be retained by the Council or offered to the Parish Council or Trust.

The request from the owner of 1 Shacklands Cottage to acquire the freehold of the land they already hold on a long lease would dilute the degree of control over the use of the land.

Conclusions

- 10 The proposals to vary the entrance to the depot and dispose of an area of land to the adjacent owner will benefit both the District Council and adjacent owner through separating access to the depot from the frontage of the neighbouring property.
- 11 The Parish Council have requested that consideration is given to a transfer of the whole woodland to them to safeguard its ownership. They have requested that this is at a nominal sum. The future management and maintenance liabilities would be passed through to them.

