

## **BRECKLAND COUNCIL**

### **Report of the Executive Member for Economic and Commercial to the Cabinet: 12 May 2009**

**Author: Zoe Footer, Land Management Officer**

#### **BRECKLAND COUNCIL-OWNED LAND AT CORONATION TERRACE, CASTON**

##### **1. Purpose of Report**

- 1.1 This report seeks Cabinet approval for the transfer of two areas of Breckland Council-owned land at Coronation Terrace, Caston to Caston Parish Council at nil consideration to be retained as amenity areas for the benefit of the community.

##### **2. Recommendations**

- It is recommended that the Cabinet:
- 2.1 approve the transfer of two areas of Breckland Council-owned land at Coronation Terrace, Caston to Caston Parish Council at nil consideration subject to the imposition of a restrictive covenant restricting the use of these areas of land to amenity purposes only and that the legal costs associated with such transfer(s) be borne by Caston Parish Council.

**Note:** In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

##### **3. Information, Issues and Options**

###### **3.1 Background**

- 3.1.1 In October 2008 Breckland Council received a request for the transfer of two areas of Breckland Council-owned land at Coronation Terrace, Caston to Caston Parish Council (areas shown edged in red on the attached plan). Caston Parish Council requested that these areas of land be transferred to them at nil consideration as these areas are to be retained as amenity areas for the benefit of the community.
- 3.1.2 Following consultation with officers of Breckland and the local ward representative(s), a notice was displayed on site for a period of 14 working days to invite offers of interest or representations/objections from local residents.
- 3.1.3 Members of the Capital and Asset Management Working Group considered the consultee comments at their meeting held on 7 January 2009. The Group felt that as the site had no development potential and the Council were incurring annual maintenance costs, the Group agreed that a report should proceed to the Council's Cabinet with a recommendation of approval.

###### **3.2 Issues**

- 3.2.1 Following consultation with the Council's District Valuer, the market value for this land, to be retained as amenity, is in the sum of £1,950.00 plus VAT.

###### **3.3 Options**

- 3.3.1 That these two areas of Breckland Council-owned land at Coronation Terrace, Caston be transferred, at nil consideration, to Caston Parish Council, subject to the

imposition of a restrictive covenant restricting the use of these areas to amenity purposes only and that the legal costs associated with such transfer(s) be borne by Caston Parish Council.

3.3.2 That these two areas of Breckland Council-owned land at Coronation Terrace, Caston be transferred, at or above the District Valuer's valuation, to Caston Parish Council, subject to the imposition of a restrictive covenant restricting the use of these areas to amenity purposes only and that the legal costs associated with such transfer(s) be borne by Caston Parish Council.

3.3.3 That these two areas of Breckland Council-owned land at Coronation Terrace, Caston be sold on the open market; thus receiving a minimum income of £1,950.00 plus VAT.

3.3.4 That these two areas of Breckland Council-owned land at Coronation Terrace, Caston remain within Breckland Council's ownership.

#### 3.4 Reasons for Recommendation(s)

3.4.1 The Parish would like these areas to remain as green space for the village use. The Parish Council are currently planning a village enhancement scheme with new plant's, bins etc. If these areas of land could be included it would provide a welcoming entrance into the village.

3.4.2 If approved, the Parish Council will be responsible for future maintenance of these areas.

### 4. Risk and Financial Implications

#### 4.1 Risk

4.1.1 I have completed the Risk Management questionnaire and can confirm that risk has been given careful consideration, and that there are no significant risks identified associated with the information in this report.

#### 4.2 Financial

4.2.1 Proforma B attached.

### 5. Legal Implications

5.1 Breckland has identified that disposal at nil consideration to Town and Parish Council's will provide the Council with additional benefits for the community.

5.2 Part 6 of the Annex to the Local Government Act 1972 may apply to the sale of these areas of land. Under Section 123 (2), General Disposal Consent (England) 2003 the land can be disposed of for "the promotion or improvement of social well being"....."providing the consideration for the disposal does not exceed two million pounds".

### 6. Other Implications

- a) Equalities: no, implicit within process
- b) Section 17, Crime & Disorder Act 1998: implicit within process
- c) Section 40, Natural Environment & Rural Communities Act 2006: no implications to the best of our knowledge
- d) Human Resources: none
- e) Human Rights: no specific human rights implicit within process

**7. Alignment to Council Priorities**

7.1 The matter raised in this report falls within the following council aims and associated priorities::

- Building Safer and Stronger Communities – Promote a sense of community belonging and pride

**8. Ward/Community Affected**

8.1 Templar.

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Key Decision Status (Executive Decisions only):

Non key decision

Appendices attached to this report:

Site plan

Proforma B