

BRECKLAND DISTRICT COUNCIL

Report of: Paul Hewett – Executive Member for Contracts & Assets

To: Cabinet – 4th January 2021

Author: Fiona Culshaw – Land Management Officer

Subject: Breckland District Council owned Land along Croxton Road, Thetford

Purpose: To consider transferring Breckland District Council owned land at Croxton Road, Thetford to Norfolk County Council at nil value for the purpose of creating a public cycleway.

Recommendation(s):

1. To allow the transfer of Breckland District Council owned land along Croxton Road, Thetford to be transferred to Norfolk County Council at nil value for the purpose of creating a public cycleway.
2. That authority to finalise the terms and conditions of the transfer and to complete the same be delegated to Strategic Property Manager and Executive Member for Assets.

1.0 BACKGROUND

- 1.1. Norfolk County Council approached Breckland District Council early 2020 to review the areas along Croxton Road, Thetford which are in BDC ownership.
- 1.2. The areas in Breckland District Council ownership and the extent of land required by Norfolk County Council were established, part of the land that is being recommended for transfer currently incorporates a commercial lease which will need to be varied to allow the transfer therefore the decision in the report is subject to removing the commercial lease on that part of the transferred land, please see accompanying plans for details.
- 1.3. Subsequently discussions have been undertaken to establish the boundaries of the areas in question, including some agreement on Breckland District Council not retaining small strips of land which would be impossible to maintain in Breckland District Council ownership, Norfolk County Council have agreed to take on more than they require in these instances.
- 1.4. Norfolk County Council have already requested an early entry agreement - at their own risk - prior to this report to Cabinet to enable them to undertake preparatory work on the land in question.
- 1.5. All legal costs will be covered by Norfolk County Council for the transfer of the land, and for the Commercial Property variation of the lease to a third party.
- 1.6. This Norfolk County Council project is part of a number of measures being funded by the Local Enterprise Partnership from their Growth Deal which aims to improve sustainable transport and promote non-motorised transport such as walking and cycling.
- 1.7. The proposed improvement aims to provide a dedicated off-carriageway cycle/pedestrian facilities from the Thetford Academy.

2.0 OPTIONS

2.1 **Option 1:** Agree to transfer Breckland District Council owned Land along Croxton Road, Thetford to Norfolk County Council at nil value.

2.2 **Option 2:** Refuse to transfer the Breckland District Council land along Croxton Road, Thetford to Norfolk County Council at nil value and ask for the full value of the land which based on District Valuers general land valuation would be £1562.

3.0 REASONS FOR RECOMMENDATION(S)

3.1. In considering the Options members should consider whether the reasons outlined have enough weight in this case to agree the nil valuation and should consider the legal advice in 5.1.1. The Council can legally and under its constitution and adopted policy give an interest in land below valuation – however under the Disposal Consent it is for the Council to determine whether the undervalue provides an appropriate '*promotion or improvement of the economic, social or environmental well-being of its area*'. Consequently, reductions in fees would normally be considered where there are wider economic, social or environmental benefits to the community. In this case a publicly available cycleway is of benefit to both cyclists and other road users, and the wider community.

4.0 EXPECTED BENEFITS

4.1 The provision of a designated cycleway on a very busy road, which would improve road safety for motorists, cyclists and pedestrians.

4.2 Health benefits to the community by encouraging cycling rather than car use.

4.3 A decrease in car dependency could have a positive environmental impact on the area.

5.0 IMPLICATIONS

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

5.1 Constitution & Legal

5.1.1 Legal advice confirms that legally the Council can dispose of an interest below the market value and secondly what the considerations are under the relevant act for justifying disposal of an interest below value. The legal advice is as follows:

Section 123 of the Local Government Act 1972 allows district councils to dispose of land in any manner they wish, however such a disposal must normally be for the best consideration reasonably obtainable. This would normally be the open market value.
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Secretary of State consent is required for any disposal which is at an undervalue. Secretary of State consent has been granted by virtue of the General Disposal Consent 2003. This Disposal Consent gives district councils consent to dispose of land less than best consideration where the council considers that it will help to secure **the promotion or improvement of the economic, social or environmental well-being of its area**. Any under value must not exceed £2,000,000.

5.1.2 **Corporate Asset Management Strategy:** The Council's Disposal Protocol in its adopted Corporate Asset Management Strategy states that 'The Council will seek to ensure best value for all disposals' and 'disposals will be at the best price available in the open market or ensuring appropriate agreed community returns'. This is always subject to the act and the Council's constitution.

5.1.1 **Constitution:** The disposal of an interest in land below a valuer's option is an executive function delegated to Cabinet committee. It cannot be delegated to a Cabinet member as the delegation to a Cabinet member for the disposal of an interest in land includes the provision that this should not be less advantageous than a qualified valuer's valuation.

5.2 Corporate Priorities

5.2.2 The decision in this report supports the following Corporate Priorities:
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Our Council

5.3 Financial

5.3.1 The calculation for the value of the land was provided in a report submitted by the District Valuer in which a market value is placed on surplus land parcels per square metre according to the size of the designated land. The total sqm for these separate land parcels is 328.8sqm and the total valuation on this area of surplus land is £1562.

5.4 Reputation

5.4.1 In considering this decision members should consider that the benefit to the community as a whole for a cycleway would reflect positively on Breckland District Council.

5.5 Stakeholders / Consultation / Timescales

5.5.1 Ward Representatives have been consulted.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 Thetford Priory

7.0 ACRONYMS

7.1 n/a

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Key Decision: No

Exempt Decision: No

This report refers to a Discretionary Service

Appendix 1 – Plan of land to be transferred