

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	DEPUTY LEADER AND CABINET MEMBER FOR FINANCE DECISION MEETING
Subject	Transfer of Land at Fortey Road, Northleach to Northleach with Eastington Town Council
Wards affected	Northleach
Accountable member	Cllr Mike Evely, Deputy Leader and Cabinet Member for Finance Email: mike.evely@cotswold.gov.uk
Accountable officer	Andrew Turner, Business Manager for Assets and Council Priorities Email: andrew.turner@publicagroup.uk
Report author	Meriel Gould Estates Officer Email: meriel.gould@publicagroup.uk
Summary/Purpose	To consider the transfer, with a dowry, of Land at Fortey Road to Northleach with Eastington Town Council.
Annexes	Annex A – Plan Annex B – Heads of Terms
Recommendation(s)	That the Cabinet Member agrees to the transfer of the land known as Land at Fortey Road, Northleach owned under titles GR343929, GR343865, GR343840, GR343824 and part of GR343802 to Northleach with Eastington Town Council with a dowry of £10,000.
Corporate priorities	<ul style="list-style-type: none"> • Delivering our services to the highest standards • Helping residents and communities access the support they need for good health and wellbeing
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Heritage and Design Team

1. BACKGROUND

- 1.1 The Council owns the freehold to the land at Fortey Road, Northleach as shown on the plan at Annex A which comprises mainly woodland. The land has a public right of way running across it and has been used for many years for public amenity. The land was purchased by Northleach Rural District in 1947 and through the local government reorganisation in 1974 became the property of Cotswold District Council. Terms have been agreed with Northleach with Eastington Town Council for a transfer of the land to them as shown at Annex B.
- 1.2 The Council's scheme of delegated authority gives the Cabinet Member responsible for assets authority to agree disposals of land at values between £50,000 and £250,000.

2. MAIN POINTS

- 2.1 Over the years officers have been asked to look at ensuring that the woodland is preserved for public use. Local management of the land would be more beneficial by giving scope for the community to become involved with how the land is used now and in the future. Community stewardship should increase public use of the land.
- 2.2 Discussions have taken place with the Town Council and terms have been agreed for the land to be transferred to them with a one off payment of £10,000 to cover future maintenance.
- 2.3 Large scale tree works were carried out in 2021 ensuring the land was in a satisfactory state before a transfer could be proposed and which will help the Town Council with their plans to make the land more accessible to the public. The Town Council wish to continue with restoration work and plan to make part of the woodland part of the green link around Northleach for the benefit of the public.
- 2.4 It is likely that the Town Council and local groups would be in a better position to be able to access grant funding for the land than the District Council.
- 2.5 Transferring the land to the Town Council will remove the Estates Team and Heritage Design Teams' future management responsibilities much of which consists of tree maintenance.
- 2.6 The land is not considered to be suitable for housing development as that would result in the loss of woodland within the Cotswold AONB, however the Council will retain a small part of this land adjacent to 2 Fortey Road, as a potential housing plot which is shown edged blue on the plan at Annex A.

3. FINANCIAL IMPLICATIONS

- 3.1 Tree works were completed by the Council in 2021 which included some tree felling, thereby minimising the need for major works over the coming years. Taking into account this work that has already been carried out and looking at previous costs the Council's Tree Officer estimated that it will cost £1000 each year to maintain the land.

- 3.2 The land would be transferred with a one off payment of £10,000 to the Town Council to cover future maintenance responsibilities for the next 10 years. The payment will be funded from a forecast underspend on the 2022/23 'tree works' heritage and design' revenue budget with any shortfall in funding to be provided via the Council's Priorities fund.
- 3.3 Grounds maintenance and tree maintenance costs will be removed from the Council's responsibilities once the transfer has been completed.
- 3.4 The land is categorised for Finance purposes as a Surplus Asset and the Net Book Value is £61,000. This value is for accounting purposes and represents a notional market value. The Transfer imposes restrictions on the use of the land for public amenity woodland and therefore a market value price would not be appropriate. The transfer of this asset at nil value is not recognised as a loss under local government statutory accounting requirements and will have no impact on the Council's General Fund.

4. LEGAL IMPLICATIONS

- 4.1 The Council has the power within the Local Government Act 1972: General Disposal Consent (England) 2003, which considers the sale of land for less than best consideration to dispose of any asset at less than best consideration, without the requirement for approval from the Secretary of State, at up to £2 million below open market value if it can justify the undervalue by the virtue of other benefits either social, environmental or economic.

This proposed transfer is justified in two ways:

- (i) the benefit of local management and other benefits as detailed in the report;
 - (ii) the fact that the use of the land is restricted and therefore the value is restricted. Any removal of this restriction in the future would require payment of a premium to the Council
- 4.2 In addition the land does not have any restrictions on the registered title or planning designation as 'open space' therefore it is not believed that an advertisement under s123 LGA is required
 - 4.3 Covenants will be imposed in the Transfer restricting how the land can be used, including not using the land for any other purpose other than amenity woodland.
 - 4.4 Rights will be reserved over the land in favour of the land to be retained including the right to connect, repair and maintain all necessary service media to the land that is being retained for potential development.
 - 4.5 The Transfer will restrict the use of the £10,000 payment for the purposes of future maintenance of the land only and should the Town Council dispose of the land any remaining unspent balance will have to be returned to the Council.

4.6 If the Town Council decides to sell the land then it will have to give the Council the first right of refusal to purchase the land back.

5. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

5.1 The Transfer to the Town Council will enable more local management and public use as well as opportunities for biodiversity enhancement.

6. RISK ASSESSMENT

6.1 The risk of the Town Council using the land for uses other than public amenity is mitigated by the proposed covenant on use.

7. ALTERNATIVE OPTIONS

7.1 The Council could choose to retain the land and maintain it at a cost of approximately £1000 each year for the benefit of the local community but without local input the community may choose not to engage with the space as if it were managed locally.

8. CONCLUSIONS

8.1 In order to reduce the Council's costs, preserve the land for public amenity and enable the land to be managed locally and more effectively the proposal to transfer to the Town Council is recommended.

9. BACKGROUND PAPERS

9.1 None