



**REPORTS FOR DECISION BY THE
CABINET MEMBER FOR COMMUNITY AND LEISURE SERVICES**

Date Issued: **22 September 2011**

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A Record of Decision will be issued following the conclusion of 5 clear working days from the date of issue of the Report

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Agenda Item 1

MAIDSTONE BOROUGH COUNCIL

CABINET MEMBER FOR COMMUNITY AND LEISURE SERVICES

REPORT OF ASSISTANT DIRECTOR REGULATORY AND ENVIRONMENTAL SERVICES

Report prepared by Jason Taylor

Date Issued: 22 September 2011

1. DISPOSAL OF OPEN SPACE AT PENHURST CLOSE, GROVE GREEN

1.1 Issue for Decision

- 1.2 To consider the leasing of public open space at Penhurst Close to Boxley Parish Council to enable them to plant a community orchard to celebrate Her Majesty Queen Elizabeth II Diamond Anniversary in 2012.

2 Recommendation of the Assistant Director Regulatory and Environmental services

- 2.1 That the Cabinet Member agrees to declare this land surplus to operational requirements and authorises the Director of Change, Planning and the Environment to place a public notice pursuant to Section 123 of the Local Government Act 1972 in respect of the disposal of open space at Penhurst Close, Grove Green, as shown in **Appendix 1** and that any objections and representations which might be received in response to the advert be considered by the Cabinet Member for Community and Leisure Services prior to a recommendation being made to the Cabinet Member for Corporate Services.

- 2.2 That the Cabinet Member for Corporate Services be informed of the decision.

- 2.3 That if no objections are received to the advertisement that the disposal be agreed and the area shown edged in red in **Appendix 1** be leased to Boxley Parish Council.

3 Reasons for Recommendation

- 3.1 A working group has been set up by Boxley Parish Council to look into the planting of an orchard to celebrate Her Majesty Queen Elizabeth II Diamond Anniversary in 2012, and Boxley Parish Council felt that the MBC land at Penhurst Close would be an ideal location. The proposed orchard would consist of a traditional mixed species Kentish orchard run on strictly organic principles and utilising standard trees rather than the fashionable dwarf

stock.

- 3.2 The Parish Councils key guiding theme would be re-enforcing a cultural and landscape character that has all but been lost from the Parish, introducing year round semi-natural beauty into an increasingly urbanised area, providing a refuge for quiet relaxation and re-connection with nature and provide a habitat for the increasingly rare wildlife associated with traditional orchards (there is a UK Biodiversity Action Plan for traditional orchards).
- 3.3 The Parish Councils working group has agreed that it will be an orchard to reflect/celebrate the history of what is now Grove Green residential area.
- 3.4 Should Maidstone Borough Council agree to lease this land to Boxley Parish Council the site including the new orchard and existing play area would remain open to the public, and be maintained as such by the Parish Council.
- 3.5 It is recommended that the land, including the play area, be leased to Boxley Parish Council at a peppercorn rent, with a lease covenant that the land will remain as publicly accessible open space and also that the play area must continue to be maintained to the current standard.
- 3.6 As the land is designated as open space it has to be advertised that a potential disposal is being considered. It is suggested that if no objections are received that the Cabinet Member agrees to the disposal.

4 Alternative Action and why not Recommended

- 4.1 Alternative action could be to not lease this land to the Parish Council. This is not recommended as Boxley Parish Council is proposing a good scheme which will enhance the local area and improve the open space for local residents.

4.2 Impact on Corporate Objectives

- 4.3 The priorities and objectives in the Strategic Plan 2011 – 15 that the disposal and planting of the community orchard will have an affect on are:

4.4 For Maidstone to be a decent place to live;

4.5 And continues to be a clean and attractive environment for people who live and work in the Borough.

5 Risk Management

- 5.1 There is a risk that the Parish Council could decide to gate the site or restrict public access to this open space. It will be written into the lease that the site must remain as publicly accessible open space.

6 Other Implications

6.1

- 1. Financial
- 2. Staffing
- 3. Legal
- 4. Social Inclusion
- 5. Environmental/Sustainable Development
- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

X
X

6.2

Financial

There will be no major saving to Maidstone Borough Council, but the Parish Council will take on the responsibility of maintaining and inspecting the site, including the play area.

6.3

Legal - A lease agreement would have to be drafted by the Legal Section

7

Background Documents

7.1

None

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

Is this an Urgent Key Decision? Yes No

How to Comment

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

Cllr John Wilson

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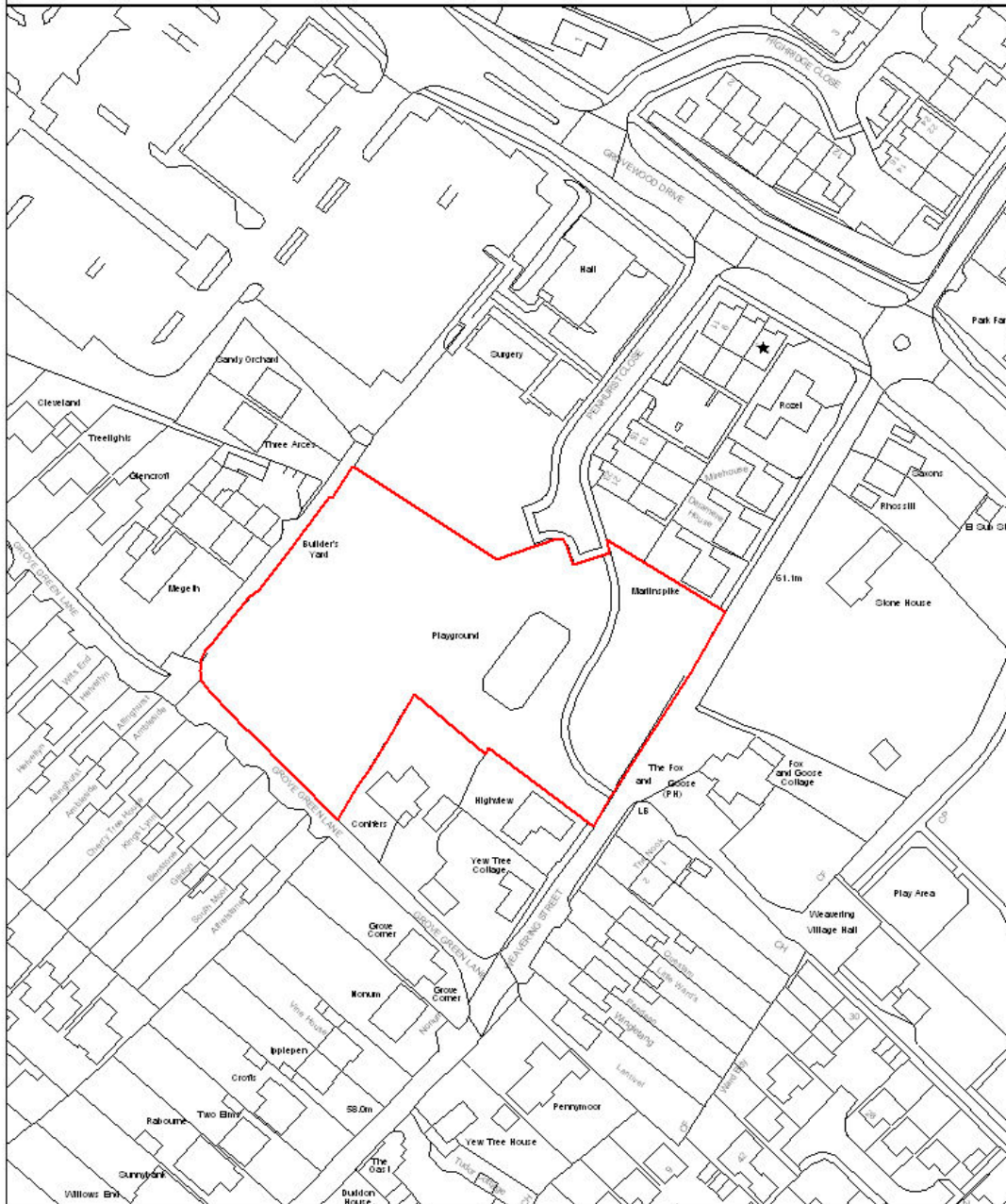
Parks and Leisure Manager

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Appendix 1

THE MAIDSTONE BOROUGH COUNCIL



Land at Penhurst Close, Maidstone



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