

HERITAGE, CULTURE AND LEISURE COMMITTEE

5 September 2017

Is the final decision on the recommendations in this report to be made at this meeting?

No

Disposal of Land at Hayle Place, South Ward

Final Decision-Maker	Heritage, Culture and Leisure Committee
Lead Head of Service	Head of Regeneration and Economic Development
Lead Officer and Report Author	Jason Taylor, Leisure Manager
Classification	Public
Wards affected	South Ward

This report makes the following recommendations to this Committee:

1. That the two parcels of land to the north of Hayle Country Park (as shown in Appendix 1) be declared as surplus to operational requirements.
2. That a Public Notice, pursuant to Section 123 of the Local Government Act 1972, be placed in a local newspaper in order to consult local residents.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all. Respecting the character and heritage of our borough.

Timetable

Meeting	Date
Corporate Leadership Team	15 August 2017
Heritage Culture and Leisure Committee	5 September 2017

Disposal of Land at Hayle Place, South Ward

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides the committee with information to enable them to take a decision as to whether to declare as surplus to operational requirements two parcels of land to the north of Hayle Country Park.
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2. INTRODUCTION AND BACKGROUND

- 2.1 Hayle Place Country Park was provided as open space as part of the Section 106 Developer contribution from the 'Land at Hayle Place' development, which was agreed in 2008.
- 2.2 A master plan for the site was produced by the developer in consultation with Valley Conservation prior to the country park being laid out.
- 2.3 The site was passed over to the Hayle Park Nature Reserve Trust in 2014. The trust was established prior to this in 2013 and is formed of three parties, these being Maidstone Borough Council (MBC), Valley Conservation and Tovil Parish Council.
- 2.4 MBC owns two parcels of land to the north of Hayle Place Country Park. These are shown edged in blue in the transfer plan shown in Appendix I
- 2.5 Parcel 1 is known as Mount Ararat Woodland and comprises of mature mixed coppice. It is approximately 8,500m² in size.
- 2.6 Parcel 2 is a triangular piece of land of approximately 4,450m² in size. It consists of park land with a number of mature trees on it. In the initial S106 document for 'the land at Hayle Place', it was agreed in the 'disposals plan' that this parcel of land would be transferred from MBC to become part of the Hayle Park Nature Reserve managed by the Hayle Park Nature Reserve Trust. A surface water storage lagoon was built in the south of Parcel 2, which it has been agreed will be retained by MBC.
- 2.7 Both of these parcels of land fall within the larger Loose Valley Conservation Area. The Hayle Park Nature Reserve Trust has agreed to take both of these parcels of land to be managed for conservation. Disposing of these parcels of land would transfer the maintenance responsibility to the Hayle Park Nature Reserve Trust.
- 2.8 It is suggested that these parcels of land could be transferred via a lease to The Hayle Park Nature Reserve Trust.
- 2.9 Currently a 'Maidstone Borough Council Policy on Disposal of Property' is in the process of being adopted. It was approved by Policy and Resources Committee on 25th July 2017 and will be submitted to full council for approval on 27th September 2017. It sets out the Council's policy to dispose of council owned land and buildings ("Property") if certain

circumstances and criteria are met.

- 2.10 The section in the policy document which relates to open space states that "On occasions, it might be beneficial to both the Council and the community, to dispose of a small or discrete area of open space. For example, this might be a strip of unused land which is currently open space, but is required to enable a development of a larger area of land; or it might be an area of open space which could benefit the community if the Council transferred it to a third party. In all such circumstances, the Council will have regard in its decision to the Council's Parks and Open Spaces 10 Year Strategic Plan 2017 – 27, which itself ties in with other policies, such as the Local Plan and The Economic Development Strategy."
- 2.11 Regarding the two parcels of land to the north of Hayle Place Country Park that this report is recommending as being declared as surplus to operational requirement, it is believed that they are " area[s] of open space which could benefit the community if the Council transferred it to a third party."
- 2.12 The method of disposal which will be recommended for these two parcels of land as detailed in the 'Maidstone Borough Council Policy on Disposal of Property' is leasehold disposal. This is described in the policy as "A leasehold disposal is the sale of an interest in the land for a number of years. The Council retains the freehold of the Property".
- 2.13 The Policy on disposal gives more detail on this saying "The Council will use leasehold disposal if a Property is suitable for disposal, but there is a benefit to the Council in retaining freehold title, for example to ensure that the Council's responsibilities in relation to the land are maintained in perpetuity. The Council will usually only dispose of Property to Parish Councils, community groups etc, by way of leasehold disposal. Any leasehold disposal, for any length of term, including short tenancies, would exclude security of tenure under the Landlord and Tenant Act 1954. This prevents the tenant from "holding over" and continuing in the tenancy at the end of the leasehold period and also enables the Council to terminate the tenancy at the end of the leasehold period."
- 2.14 The approach set out in this report in relation to the two parcels of land at Hayle Place is therefore consistent with the proposed new policy. Until the new policy is approved, Heritage, Culture and Leisure Committee cannot approve the disposal of the land. However, as in this case the land is worth less than £100,000, disposal can in any case proceed under officer delegation following advertisement of the proposed disposal as recommended in this report.

3. AVAILABLE OPTIONS

- 3.1 Declare both parcels of land as surplus to operational requirements.
- 3.2 Do not declare both parcels of land as surplus to operational requirements.

- 3.3 If the committee does decide to declare the land as surplus to operational requirements then a Public Notice pursuant of Section 123 of the Local Government Act 1972 would be placed
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Officers recommend that both of these parcels of land are declared as surplus to operational requirements.
- 4.2 The reasons for this recommendation are that Hayle Park Nature Reserve Trust has the skills, experience and resources to manage these open spaces for conservation to a higher level than MBC.
- 4.3 Both parcels of land will form part of the Loose Valley Conservation Area so should be maintained to the highest levels.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 A number of local ward councillors have links with the Hayle Park Nature Reserve so have been involved in discussions regarding the disposal of these two parcels of land.
- 5.2 Consultation will be through the publication of the Section 123 Notice.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Following the placing of a public notice, pursuant with Section 123 of the Local Government Act 1972, the final decision on disposal of the land will be taken either by Policy and Resources Committee or the Chief Finance Officer under delegated authority if appropriate.
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7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Keeping Maidstone Borough an attractive place for all.	Head of Regeneration and Economic Development.
Risk Management	Any risk associated with this land is reduced if the responsibility is passed to Hayle Park Nature Reserve Trust.	Head of Regeneration and Economic Development.
Financial	There will be a very minimal saving in maintenance costs if this land is transferred	Section 151 Officer & Finance Team

Staffing	There will be no staffing implications.	Head of Regeneration and Economic Development.
Environmental/Sustainable Development	Both of these parcels of land will be maintained to a higher level for conservation once transferred to Hayle Park Nature Reserve Trust	Head of Regeneration and Economic Development.
Asset Management	The responsibility for managing this asset would transfer to a third party.	Head of Regeneration and Economic Development.

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix I: Hayle Place Nature Reserve Plan Transfer Plan

9. BACKGROUND PAPERS

None