

EXECUTIVE BOARD MEMBER

08 SEPTEMBER 2017

Executive Board Member:	Portfolio:
Cllr. David Jenkins	Resources

Proposed disposal of land at Spring Gardens

Purpose: This potential disposal forms part of a public open space, one objection has been received. The purpose of this report is to consider that objection and whether or not the council should continue with the sale of the land.

Recommendations / key decisions required:

Cllr. David Jenkins is asked to consider the objections received from the Public Open Space Notices published in accordance with the Local Government Act 1972 Section 123(2a) and whether or not the County Council should continue with the disposal of the land.

Reasons:

The disposal of the land would reduce the Council's liability and maintenance costs and generate a capital receipt however following a receipt of objection to the notice in accordance with Local Government Act, this objection has to be considered.

Directorate Name of Head of Service: Wendy S Walters Report Author: Hazel Newman	Designation: Director of Regeneration and Policy Asset Management Support Officer	Tel No.01267 224112 WSWalters@carmarthenshire.gov.uk 01267 246252 hmarienewman@carmarthenshire.gov.uk
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Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

DECISION MADE:

Signed:

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY

Executive Board Member for Resources

8TH SEPTEMBER 2017

Consideration of objections under Local Government Act 1972 Section 123(2a) against proposed sale of public open space land

1. BRIEF SUMMARY OF PURPOSE OF REPORT.

As part of the capital receipt programme land at Spring Gardens, Carmarthen has been identified as potentially surplus and is being considered for disposal to reduce the council's liability and maintenance costs and to generate capital receipts.

The Local Government Act 1972 Section 123(2a) requires the Council to publish a Public Open Space Notice in a local newspaper for two consecutive weeks for any potential disposal that forms part of a public open space within the meaning of Section 123(2a). This gives the public the opportunity to make written objections to the proposed disposal within 28 days of the published notice.

In addition to the requirement to publish a notice, Section 123 provides that a principal Council may not dispose of the land which consist of, or form part of open space, unless before disposing of the land, consideration is given to any objections and/or representations which are made.

Such notices were published in the Carmarthen Journal and the Llanelli 24th May 2017 and 31st May 2017, inviting representations by the 28th June 2017. A copy of the notice can be seen in appendix 1

Out of the 7 sites that were included in the Public Open Space Notices, one objection was received for the following:

- Land at Spring Gardens, Carmarthen

The above site forms part of the Environmental portfolio and is surplus to the requirement of the Environment Services' needs.

Land at Spring Gardens, Carmarthen

The land is adjacent to 5 Spring Gardens, Carmarthen SA31 3LL. A plan outlining the land in red can be seen in Appendix 2.

Spring Gardens is a row of 5 properties all of which are listed buildings and privately owned.

The land adjacent to 5 Spring Gardens has been declared surplus to the Environment Services' requirements and the site is within development limits and not designated for a particular use. However development to the site may prove difficult due to access and parking.

If development was to take place there would be an effect to the settling of the listed buildings and views from the Conservation Department would have to be sought.

The disposal of the land would reduce the County Council's liability and maintenance costs and generate a capital receipt in accordance with our disposal programme.

A Public Open Space Notice was published in the Carmarthen Journal and Llanelli Star 24th May and 31st May 2017 and the closing date for objections was 28th June 2017. One public objection was received in relation to the site. This can be seen in Appendix 3

A summary of the main grounds for objections

- Resident believes there is already subsidence in the area with cracks present in gable end wall and any movement or machinery here could have a detrimental effect on his property No. 5.
- Land is used for a main side entrance which the resident claims has been in use for 30 years.
- Resident claims he has been cutting the grass for over 20 years.
- Parking is an issue due to major trunk road directly fronting the property.

DETAILED REPORT ATTACHED?

YES – Appendices 1-4

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Wendy Walters**

Director of Regeneration and Policy

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	YES	NONE	YES	NONE	YES

Legal

In accordance with the Local Government Act 1972 Section 123(2a) the Council was obliged to publish notice of its intention to dispose of open land for two consecutive weeks in a newspaper circulating in the area where the land is situated.

The Council has complied with this statutory requirement by placing adverts in the Carmarthen Journal and Llanelli Star on the 24th May and 31st May 2017. The LGA 1972 Act does not stipulate how long should be allowed for responses to be made but this Council allowed a minimum of 28 days for representation and therefore the closing dates for the objections was 28th June 2017

As well as a requirement to advertise, Section 123 provides that a principal Council may not dispose of land which consist of, or form part of open space, unless before disposing of the land, consideration is given to any objections and/or representations which are made.

By the closing date one objection was received for the site. The objection has been acknowledged by the Council and the objector was informed that the matters would be considered.

Finance

Disposal of the land would reduce the County Council's liability and maintenance costs.

The disposal of the land would also result in a capital receipt for the County Council, which will contribute towards the delivery of the Council's capital receipt programme

Risk Management Issues

Disposal of the land would reduce the County Council's risk of third party claims over the land.

Physical Assets

Meets the aims of making better use of property and generating capital receipts for the County Council

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Wendy Walters

Director of Regeneration and Policy

1. Local Member(s)

Cllr. Gareth John – No objection to sale please see Appendix 4

Cllr. Alun Lenny – Contact but no response received please see Appendix 4

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THERE ARE NONE