

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Monday, 25 April 2022</b>
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	Disposal of Land at Murch Road, Dinas Powys for Community and Recreational Uses
Purpose of Report:	To seek authority to dispose of land by virtue of a long lease to Dinas Powys Community Council at Murch Road for community and recreational uses.
Report Owner:	Executive Leader and Cabinet Member for Performance & Resources
Responsible Officer:	Chief Executive
Elected Member and Officer Consultation:	Local Ward Members Head of Regeneration and Planning Interim Head of Finance/S151 Officer Strategic Estates Manager Principal Lawyer Operational Manager Neighbourhood Services
Policy Framework:	This is a matter for Executive Decision
Executive Summary:	
<ul style="list-style-type: none"> <li>• Over the past three to four years, the developer of the former St Cyres Lower School site located at Murch Road, Dinas Powys, (Barratts David Wilson) has been constructing new private and affordable homes. A key part of the development is an area zoned for community and recreational uses (edged red in Appendices A and B). The Community and Recreational Zone (CRUZ) extends approximately 7.4 acres and has been partly used as a temporary site compound by the developer during the construction of the new homes.</li> <li>• In accordance with the sale contract, the freehold interest of the Community and Recreational zone is to be transferred back to the Council following the completion of various works including releveling and reseeding. It is proposed to dispose of this area of land to Dinas Powys Community Council by virtue of a long leasehold interest for the purpose of facilitating community and recreational uses for the benefit of the local community.</li> </ul>	

## **Recommendations**

1. THAT authority be granted to the Chief Executive to dispose by virtue of a 99 year lease at a peppercorn rental (at less than best consideration pursuant to the General Disposal (Wales) Consent 2003) the zone of land edged red in Appendices A and B for community and recreational uses.
2. THAT, subject to recommendation 1 being agreed, authority is granted to the Monitoring Officer/Head of Legal and Democratic Services to prepare, execute and complete all legal documentation required to facilitate the lease to Dinas Powys Community Council.

## **Reasons for Recommendations**

1. To facilitate the disposal by virtue of a long lease the community and recreational use zone to Dinas Powys Community Council.
2. To enable the preparation, execution and completion of the legal aspects of the disposal.

## **1. Background**

- 1.1 During the early master planning process and engagement with the local community it was identified that there was a need for a larger than average allocation of community and recreational space on the development.
- 1.2 The former St Cyres Lower school site was declared surplus during 2012 in accordance with Cabinet Minute C1841. Subsequently the site was marketed as a mixed-use development opportunity for residential use and community and recreational uses. The site was disposed during 2016 to housing developer Barratts David Wilson with legal completion of the land transaction achieved during 2018 (Cabinet Minute C2195 refers). Over the past three to four years the housing developer has been redeveloping the site delivering a range of new private and affordable homes.
- 1.3 At the heart of the master planned housing development is an area of land zoned for community and recreational uses (edged red in Appendices A and B). The zone extends approximately 7.4 acres and has been partly used as a temporary construction compound by the developer during the construction of the new homes.

## **2. Key Issues for Consideration**

- 2.1 The community and recreational use zone covers approximately 7.4 acres and in accordance with the sale contract between the Council and Barratts David Wilson the freehold interest of the zone is due to be transferred back to the Council.
- 2.2 Following completion of the transfer of the land referred to in 2.1 above, it is proposed to dispose by virtue of a 99-years lease at a peppercorn rental, the community and recreational use zone (edged red in Appendices A and B) to Dinas

Powys Community Council. The proposed long lease will permit the land to be used by the Community Council for community and recreational uses. The Community Council will be responsible for the full repair and maintenance of the zone.

- 2.3** Just over 2 acres of the community and recreational uses zone is constrained by ecology and dormouse habitat. The Council's ecologist has been working closely with the community council providing guidance regarding the management and protection of this part of the site. The proposed lease will require the Community Council to be responsible for managing the protected areas of ecology/habitat in a manner which complies with the Wildlife and Countryside Act 1981.
- 2.4** The proposed land disposal to Dinas Powys Community Council was considered by the Insight Board during March 2022.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The proposal to dispose by virtue of a long lease the community and recreational use zone to Dinas Powys Community Council will accord with the five ways of working as follows:
- a) Involvement – the mixed-use development of the former St Cyres Lower School Site including the proposed community and recreational uses zone was the subject of community consultation as part of the statutory planning process;
  - b) Collaboration – the project has involved working closely with the local Community Council;
  - c) Integration - the community and recreational uses zone was carefully integrated within the heart of the master planned housing development following consultation of the Design Commission for Wales;
  - d) Prevention – the project aims to protect the ecology and dormouse habitat on part of the land. It also protects the land for community and recreational uses for the benefit of the local community;
  - e) Long Term – the disposal of the zone to the local community council by virtue of a long lease ensures the long term management of the land and its protection for community and recreational uses for the benefit of the local community.

### **4. Resources and Legal Considerations**

#### **Financial**

- 4.1** The proposal is to dispose the community recreational use zone by virtue of a long leasehold interest at a peppercorn rental.
- 4.2** Dinas Powys Community Council will be responsible at their own cost for repairing the community recreational uses zone.

- 4.3** A land valuation by consultants in March 2022 reveals the market value of the freehold interest of the land is £70,000 or for a lease the market rental would be approximately £7,000 per annum.

**Employment**

- 4.4** Not applicable.

**Legal (Including Equalities)**

- 4.5** The Council has powers under Section 123 of the Local Government Act 1972 to dispose of land (whether by freehold sale or lease) but cannot ordinarily dispose of any land for less than the best consideration that can be obtained except with the specific consent of the Welsh Ministers or unless the Council can rely on the General Disposal Consent (Wales) 2003
- 4.6** The general consents can be relied on if the Council considers that the purpose for which the land is to be disposed of is likely to contribute to the promotion of economic well-being; and /or social well-being and/or environmental well-being of the whole or any part of its area, or all or any persons resident or present in its area and the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2m.
- 4.7** The Council is satisfied that given the leasehold disposal would restrict the use of the land to that of community and recreation, a peppercorn rental only would be applicable and the lease to the Community Council for this consideration will not represent an undervalue of greater than £2 million. Furthermore, the disposal will fit within the Council's well-being powers.
- 4.8** Under the general consent the Council is required to inform its auditors within 28 days of a decision to dispose of land, where reliance is placed on the general consents.

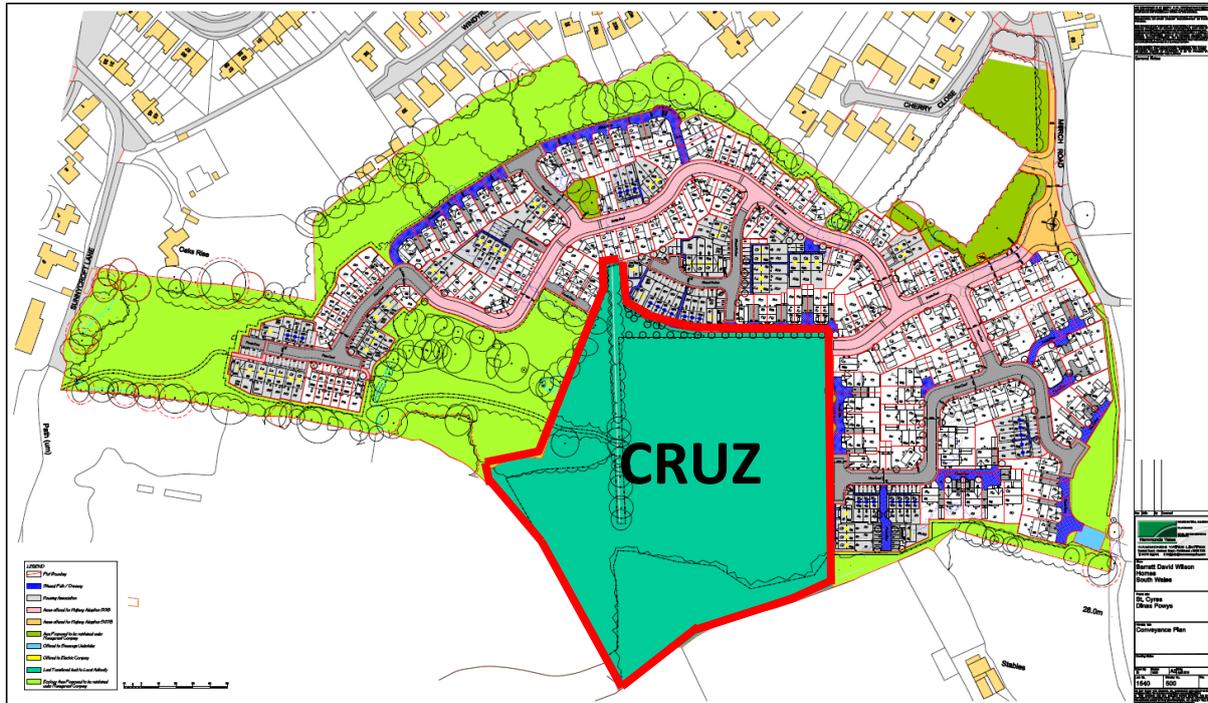
**5. Background Papers**

None.

# APPENDIX A

## Master Plan of the Mixed-Use housing development and Community and Recreational Uses Zone (indicatively edged red)

Redeveloped former St Cyres Lower School, Murch Road, Dinas Powys



Not to Scale

## APPENDIX B:

### Plan of boundary of Community and Recreational Uses Zone (indicatively edged red)

