



Report to Cabinet

Subject: Netherfield Lagoons

Date: 17th January 2005

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1. Purpose of the Report

To request agreement to the transfer of Netherfield Lagoons site to the Gedling Conservation Trust.

2. Background

Netherfield Lagoons were created by the pumping of silt and water from Gedling Colliery site.

In 1997 it was agreed, following the proposed restoration of the site and aftercare, that it would be transferred from UK Coal Plc to the Borough Council.

Its intended use was to allow public access for walks, bird watching and general recreation.

In September 2002 full restoration of the site was completed and the first years aftercare was entered into.

As required by the agreement with UK Coal Plc Nottinghamshire County Council has confirmed that the first year's aftercare period has been completed satisfactorily and therefore the site, in September 2003, was available for transfer to the Borough Council.

As detailed in a report to the Leader of the Council in September 2003 there were a number of issues that were delaying handover of the site to the Borough Council, all of these have now been resolved and included: -

- Results of an Environmental Assessment have been received; the assessment identifies no problems that would prevent transfer.

- Access rights to the site granted to Total Oil Ltd for maintenance of a water pipeline and electricity sub-station have been examined and it can be confirmed that no financial or other obligation is placed upon the landowner.
- The main access into the site is over land owned by British Car Auctions, however maintenance of the road lies with the owner of the lagoons.

A request for a commuted sum from UK Coal Plc towards the cost of the roadway maintenance has been refused but they have agreed to liaise with British Car Auctions to ensure that the roadway is in an acceptable condition for transfer.

During investigations into the ownership of neighbouring land to the lagoons site Borough Council officers became aware that UK Coal PLC owned land in addition to that to be transferred to the Borough.

This included land that would take the boundary of the lagoons site to the middle of the River Trent and also a triangular piece of land located underneath the railway bridge.

A plan attached at Appendix A identifies these two new pieces of land.

UK Coal Plc have informed officers that they wish to transfer these two additional pieces of land along with the lagoons site.

In order to consider this request from UK Coal Plc the following information was requested in November 2004: -

- A sub-soil report to identify any possible hidden liabilities
- Identification of the access routes to the two areas of land, including any rights of way over adjoining land.
- Full report on the state of the riverbank, identifying any potential maintenance liabilities.
- Confirmation that there is no liability attached to the land due to the existence of the railway bridge, a full title check was to be undertaken to establish what easements, rights and covenants etc. exist on the land.
- To ascertain if there were any existing fishing rights to the land adjacent to the river.

This information is still outstanding from UK Coal Plc.

Netherfield Wildlife Group has been interested in the future proposals and development of the lagoons site and at one stage agreed to take on the responsibility for managing the site on behalf of the Borough. Unfortunately insufficient signatories could be found to enter into an agreement that had been drafted.

However members of this group recently suggested forming a Conservation Trust to take ownership and responsibility for the management and development of this site.

Discussions with this group has resulted in them applying for Charitable status, this should be completed by April 2005, and would allow them to take transfer of the site into their ownership.

In order for the Trust to take ownership they would require funding and the following is recommended: -

- The £15,000 revenue budget available to Leisure Services for the upkeep of the site is made available to the Trust in the form of an annual grant, inflated each year for a ten-year period when it is reviewed. The Borough Council capital sum of £10,000 available to Leisure Services for initial works on site to make it safe for public access is paid over as a grant to the Trust.
- The commuted sum of £30,000, and available from UK Coal Plc, is made available to the Trust.

The commuted sum was established in the agreement in 1997 and therefore will have inflated by the April R.P.I. to the current date. However the full amount is subject to handover taking place one year after completion of the restoration works and requires Nottinghamshire County Council to issue a certificate confirming the years aftercare has taken place and the site is in order for handover. Also required is evidence that an Environmental Assessment has taken place.

Discussions will need to take place with UK Coal Plc to establish the amount of capital sum to be made available through this clause.

- An agreement is drawn up with the Trust detailing the Boroughs requirements for release of the grants; this will basically require public access to the site.

The Gedling Conservation Trust has indicated that they would prefer to take all of the land available from UK Coal Plc, including the river and land beyond the railway bridge, but this would be subject to a satisfactory response to the information requested by us in our letter dated 27th November 2004 to UK Coal Plc.

3. Proposal

To agree with UK Coal Plc the transfer of the lagoons and the two additional pieces of land to the Gedling Conservation Trust.

To provide capital and revenue support to the Gedling Conservation Trust as detailed in this report.

4. Resource Implications

The revenue funding of £15,000 per annum is available in Leisure Services base budgets.

The capital sum of £10,000 is also available in Leisure Services current budget.

Agreement with UK Coal Plc will need to be reached establishing the commuted sum to be made available to Gedling Conservation Trust.

5. Recommendation

- i. To agree the transfer of Netherfield Lagoons to the Gedling Conservation Trust subject to the obtaining Charitable Status.
- ii. To provide a revenue grant of £15,000 per annum, plus annual inflation based on the September R.P.I. each year, for a period of ten years.
- iii. To agree a single capital grant of £10,000 to Gedling Conservation Trust.
- iv. To ensure that, in return for grant support, public access is available to the lagoons site.

6. Equality Implications

Public access to the site to be made available.

7. Wards Affected