

Report to Leader of the Council

Subject: Advertisement of disposal of Public Open Space

Date: 24th July 2023

Author: Property Services Manager

Wards Affected

Killisick

Purpose

To seek approval to advertise the notice of the Council's intention to dispose of public open space land at Killisick Lane in accordance with s.123 (2A) of the Local Government Act 1972.

Key Decision

This is not a key decision.

Recommendation(s)

THAT the Leader of the Council:

1) Agrees to advertise the notice of the Council's intention to dispose of public open space land at Killisick Lane and shown on the plan at Appendix 1, in accordance with s.123 (2A) of the Local Government Act 1972.

1. Background

1.1. The land at Killisick Lane, owned by the Council comprises three smaller parcels of land adjoining other land owners' property.

1.2. The Council's land is shown edged red on the attached plan at Appendix1.

1.3. The land is currently left uncultivated, and is quite overgrown in parts. It is predominantly used by dog walkers, and then mainly only around the edges of the site. The two privately owned parcels of land that adjoin the Council's land are very similar in condition and use.

- 1.4. The land is adjacent to other residential estates, some well-established, the other currently under construction. To the North of the site is Dorkett Head Quarry which will over time revert back to open space once the quarry work is completed. To the west is another parcel of land which the Council own The Hobbucks Local Nature Reserve a nature reserve.
- 1.5. The Council's land is currently classed as public open space under the Local Government Act 1972 ("the Act").
- 1.6. The Council previously submitted a Report to Leader seeking consent to advertise which was approved on 4th August 2022. The Council therefore proceeded to advertise the land for disposal.
- 1.7. A subsequent Report to Leader was then submitted and approved on 2nd September 2022 which stated that the Council would not dispose of the land at Killisick Fields following public advertisement and consultation. This allowed the Council some more time to consider the future of the site following the responses of the consultation.

The Council understands that since the decision not to dispose of the land at Killisick Fields a neighbouring landowner has marketed their interest. Therefore the Council has reviewed its position and are reconsidering their options for disposal of the land to safeguard and enhance the adjoining Hobbuck's nature reserve. The Council also wishes to ensure that a comprehensive form of development is achievable, in accordance with the Local Planning Document (LPD) and the Development brief for the three sites to the north east of Arnold Supplementary Planning Document (SPD).

- 1.8. Prior to any formal decision to dispose of the site and approval of the method of disposal in line with the Council's Rules for Dealing with Land and Buildings, in accordance with s.123 (2A) of the Local Government Act 1972 ("the Act"), the Council is required to give notice of its intention to dispose of the land, thereby giving the public and stakeholders the opportunity to comment on any such disposal prior to any formal decision being taken.
- 1.9. The notice of intended disposal must be advertised for two consecutive weeks in a newspaper circulating in the area in which the land is situated. The Council must then consider any objections to the proposed disposal.
- 1.10. If approved, the notice would be advertised in the Nottingham Post in line with the Act.

2. Proposal

- 2.1. It is proposed that approval is given to advertise the notice of intention to dispose of the public open space land at Appendix 1 in line with the Act.
- 2.2. This will give the opportunity for anyone to raise any comments/objections to the disposal at a formative stage, prior to any subsequent formal consideration of disposal and the method of any such disposal.
- 2.3. The normal practice is for the advertisement to run in the Nottingham Post in accordance with the Act, however notice will also be published on the Council's website and on site.

3. Alternative Options

- 3.1. At this stage, no formal decisions have been taken in relation to disposal of the land at Appendix 1, however, any such considerations cannot be undertaken until the notice required by the Act is advertised.
- 3.2. Failure to give notice would be contrary to legislative requirements and would mean no disposal of the site could be considered.
- 3.3. The notice also gives the opportunity for any objections to a proposed disposal to be considered prior to any final decision being taken in respect of the site.

4. Financial Implications

- 4.1. The costs of advertisement can be met from existing budgets. The wider financial implications of any prospective disposal or otherwise will be considered as part of any future determinations around the site.

5. Legal Implications

- 5.1. The Local Government Act 1972 section 123 (2A) requires any intended disposal of open space land to be advertised, as set out in the report.
- 5.2. It is a statutory requirement, it also enables early consideration of any objections/comments on disposal.

6. Equalities Implications

- 6.1. There are no direct equalities implications arising out of this report.

6.2. The notice will be advertised as detailed in this report in an accessible format.

7. Carbon Reduction/Sustainability Implications

7.1. There are no direct carbon reduction/sustainability implications arising out of this report.

8. Appendices

8.1. Appendix 1 – Site Plan

9. Background Papers

9.1. None

10. Reasons for Recommendations

10.1. To comply with requirements of the Local Government Act 1972 in relation to the disposal of public open space land.

Statutory Officer Approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer