

## **Report to Leader**

**Subject:** Advertisement of disposal of strip of Land at the Northern Portion of Killisick Lane

**Date:** 02/07/2025

**Author:** Property Services Manager

### **Wards Affected:**

Coppice

### **Purpose**

To seek approval to advertise the notice of the Council's intention to dispose of a small strip of 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:**

**Approval is granted to advertise the notice of the Council's intention to dispose of the small strip of land at Killisick Lane and shown on the plan at Appendix 2, in accordance with s.123 (2A) of the Local Government Act 1972.**

## **1 Background**

- 1.1 On 5<sup>th</sup> October 2023, Cabinet agreed to dispose of the Council owned land at Killisick Lane as shown in Appendix 1. This land consisted of a number of parcels either side of the bridleway also known as Killisick Lane.
- 1.2 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.

- 1.3 This process was followed for the whole disposal site (as outlined at Appendix 1). As part of the process of disposing of this land, it has come to light that a section of Killisick Lane, joining two parcels of Council owned land to the east and west of the lane, which was previously unregistered and not within the Council’s ownership at the time of the previous disposal decision, could be registered into the Council’s ownership. This additional parcel is shown at Appendix 2.
- 1.4 The Council’s Legal Services has now completed registration of the section of Killisick Lane shown in Appendix 2 bringing the land into the Council’s ownership and joining the land on the east and west sides of Killisick Lane. This parcel was not under Council ownership at the point that the process of the Act was followed to advertise the previously approved disposal.
- 1.5 Because of this, and due to the land parcel forming a portion of the overall proposed disposal area, it is necessary and prudent for the Council to follow 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.
- 1.6 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.
- 1.7 If approved, the notice would be advertised in the Nottingham Post in line with the Act.
- 1.8 The Council 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). This would only be achievable by incorporating the land parcel shown at Appendix 2 as part of the wider disposal process.

## **2 Proposal**

- 2.1 It is proposed that approval is given to advertise the notice of intention to dispose of the land at Appendix 2 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 for residents to access and review. A copy of the Notice will also be available at the Council Civic Centre.

### **3 Alternative Options**

3.1 Failure to give notice would be contrary to legislative requirements and would mean no disposal of the site could be considered.

3.2 Prior approval was given on 5<sup>th</sup> October 2023 for disposal of the three land parcels of open space land at Killisick Lane. To facilitate this, further steps to advertise the further open space parcel shown at Appendix 2 would be required.

### **4 Financial Implications**

4.1 The costs of advertisement can be met from existing budgets. The wider financial implications of any prospective disposal has already been considered as part of the October 2023 approval process.

### **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/Environmental Sustainability Implications**

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

### **8 Appendices**

- 8.1 Appendix 1 – Killisick Lane Disposal Area
- 8.2 Appendix 2 – Killisick Lane Parcel to be Advertised
- 8.3 Appendix 3 – Equalities Impact Assessment

**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 land held by the Authority.

**Statutory Officer approval**

**Approved by:**

**Date:**

**On behalf of the Chief Financial Officer**

**Approved by:**

**Date:**

**On behalf of the Monitoring Officer**