

CABINET – 9 DECEMBER 2014

115 LAND DISPOSALS AT MANOR DRIVE, UPTON AND AT KERR'S FIELD, PASTURE ROAD, MORETON

Councillor Adrian Jones introduced a report by the Assistant Chief Executive which sought approval for the disposal of land at Manor Drive, Upton following the Court's decision to uphold the termination of the tenancy. The report also provided an update on the proposals to relocate Upton Park Pony Owners' Association from Manor Drive, Upton to alternative land known as Kerr's Field which was located off Pasture Road, Moreton.

The report also sought approval to enter into an Agreement for Lease/Lease of land at Kerr's Field, Pasture Road, Moreton shown in the report for indicative purposes edged in red on Plan 2 annexed to the report for the relocation of the Upton Park Pony Owners' Association.

In addition, approval was required for the land shown edged red on Plan 2 to be appropriated for planning purposes under Section 237 of the Town and Country Planning Act 1990. Appropriation occurred where the Council held land for one particular purpose and it made a declaration that it was going to hold it for a different purpose. The site was held as open space, as part of the North Wirral Country Park, which was designated as a Countryside Recreational Site on the UDP Proposals Map.

The Cabinet was informed that section 122 of the Local Government Act required the Council to advertise the intention to appropriate open space as shown red on Plan 2 for two successive weeks in a newspaper circulating in the area. Section 123 of the Local Government Act required the Council to similarly advertise any proposed disposal of open space land. Any objections needed to be notified to the Council for consideration prior to such appropriation or disposal.

The Cabinet was therefore requested, subject to there being no objections as referred to in the paragraph above, to approve the appropriation and disposal of the land shown edged in red on Plan 2 and to approve the appropriation and grant of an Agreement for Lease/Lease of land. It was further proposed that any objections be considered by the Director of Universal and Infrastructure Services in consultation with the relevant Cabinet Member who would then have delegated authority to determine the appropriation and disposal.

The Chief Executive informed that he was agreeable to call-in being waived so that the asset could be disposed of in a timely manner.

Councillor Phil Davies informed that the Upton Park Pony Owners Association was long established and it was important to deal sensitively with its requirements. He hoped the resolutions met the concerns that had been expressed.

RESOLVED: That

- (1) the land off Manor Drive, Upton known as Fernbank Farm be declared surplus to requirements and officers be instructed to dispose of the land in accordance with S123 Local Government Act 1972;**
- (2) the area of land known as Kerr's field shown edged red on Plan 2 be declared surplus to requirements and it be agreed that, subject to there being no objections to the disposal of the land at Kerr's field referred to in paragraph 1.4 of the report, an Agreement for Lease and a 99 year Lease of the land be granted at an agreed rent to be negotiated by the Director of Universal and Infrastructure Services and the Head of Legal and Member Services and upon terms satisfactory to the Council;**
- (3) Cabinet agrees, subject to there being no objections to the disposal of the land at Kerr's field shown edged red, be appropriated for planning purposes;**
- (4) any objections received, following the public notices of the intended appropriation and disposals, shall be considered by the Director of Universal and Infrastructure Services in consultation with the relevant Cabinet Member who shall have delegated authority to determine the relevant appropriations and disposal of land at Kerr's field;**
- (5) approval be given for works to be undertaken at the alternative site Kerr's field, off Pasture Road, Moreton, subject to planning approval;**
- (6) in the event that possession of the land at Manor Drive, Upton be not given by the Upton Park Pony Owners Association by 13 February 2015, approval be given to the enforcement of the court order after 14 February 2015; and**
- (7) in order for the asset to be disposed of in a timely fashion the decisions be not subject to call-in.**