

AGENDA ITEM NO. 7.4.

WYRE FOREST DISTRICT COUNCIL

CABINET MEETING
16th February 2006

Acquisition of Wooded Land at QEII Gardens, Bewdley

OPEN	
COMMUNITY STRATEGY THEME	Greater Learning and Participation
CORPORATE PLAN THEMES:	Enhancing Cultural Life
KEY PRIORITY:	Community Facilities and Resources
CABINET MEMBER:	Councillor John Campion
RESPONSIBLE OFFICER:	Head of Cultural, Leisure and Commercial Services
CONTACT OFFICER:	Andrew Dickens 01562 732900
APPENDICES	Plans 1 and 2

1. PURPOSE OF REPORT

- 1.1 To seek the Cabinet's approval to acquire land at the QEII Gardens in Bewdley and if necessary dispose of land at Bone Mill Quarry, Stourport on Severn.

2. RECOMMENDATION

That the Cabinet is asked to **DECIDE** that:

- 2.1 the Head of Cultural, Leisure and Commercial Services, in consultation with the Cabinet Member for Finance and Corporate Affairs and the Head of Legal and Democratic Services, be authorised to agree terms on a freehold basis or on a long leasehold basis with Worcestershire County Council to acquire land at QE II gardens as shown on Plan 1.
- 2.2 if the freehold land swap option be considered the most advantageous option then the Head of Cultural, Leisure and Commercial Services be authorised to agree that the land shown hatched on Plan 2 be disposed of to the County Council for the improvement of their household waste transfer site.

- 2.3 the Head of Legal and Democratic Services be given delegated authority to complete the transaction by which the Council acquire either the freehold or take a long leasehold interest in land at QEII Gardens in Bewdley as shown on the Plan 1 and if necessary dispose of land at Bone Mill as shown Plan 2.**

3. BACKGROUND

- 3.1 It has long been a desire of Wyre Forest District Council to acquire the wooded area of land adjacent to QEII Gardens.
- 3.2 Currently, this land is fenced off, as the trees are unsafe. Local people have for many years, asked to be able to access the land.
- 3.3 The area is 2,800m² and has approximately 150 trees and is shown on the attached plan. The Liveability Fund has provided approximately £14,500 in the form of a grant and this will be used to make the trees safe and to create a woodland walk (a timber edged-wood chip path). Bluebells, snowdrops and other suitable plants will be planted.
- 3.4 This area will be maintained in the future by Wyre Forest District Council, as part of the maintenance regime for the whole of the QEII Gardens.

4. ACQUISITION PROPOSALS

- 4.1 The land at present is shown as Urban Open Space in the Adopted District Local Plan. It is proposed to acquire the land on this basis and incorporate it into the QEII Gardens. However, the County Council who currently own the land have asked that in future this Council consider extending off street residents parking in Bewdley. This would require a further capital investment by this Council which would have to be considered in future years' budgets.
- 4.2 It is was intended to negotiate a long-term lease at a peppercorn rent. However, the County Council have suggested a land swap in which this Council would receive the land at QEII Gardens and in return the County Council would receive land at Bone Mill Quarry, Stourport on Severn for the extension to the Household Waste Site. The Council could proceed on either of these options, depending on the terms agreed with the County Council.
- 4.3 Should the land swap be agreed as the most advantageous way forward then the Head of Cultural, Leisure and Commercial Services is asking for authority to dispose of land Bone Mill which is currently identified as surplus.
- 4.4 In either case if the Council agreed, in the future, to fund part of the land be converted for residents car parking then that would enhance the

value and an additional premium would then fall payable to the County Council to reflect the increase in value. The premium would be set at the market valuation for car park land to agreed by an independent valuer at the time of first completion.

5. FINANCIAL IMPLICATIONS

- 5.1 Neither a peppercorn lease nor a land swap has any ongoing financial effects for the Council to consider.
- 5.2 Also as the cost of the required tree and maintenance work to incorporate the land into QEII Gardens will be funded from grant aid from the Liveability Fund there are no additional financial implications to this Council.
- 5.3 The ongoing cost of maintenance will be subsumed into the maintenance of the QEII Garden's funds that are already included within the Council's budget.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The Council has the statutory power to acquire and manage public open spaces, therefore there are no legal or policy implications for the Cabinet to consider in this case.
- 6.2 Should the Council wish to pursue the residents' parking scheme in the future then planning permission and a capital programme provision would be required.

7. RISK MANAGEMENT

- 7.1 There are no risks associated with the acquisition of the land. However, when managing the land as open space onto which the public are invited the Council must exercise its duty of care to minimise any third party claims.

8. CONCLUSIONS

- 8.1 The Council has the opportunity to acquire the wooded land in the ownership of the County and incorporate it into QEII Gardens. The works associated with incorporating the land can be funded from Grant Aid from the Liveability Fund and therefore the financial effect on the Council has been minimised. It is therefore concluded that the Cabinet should be recommended to proceed with the acquisition.

9. CONSULTEES

CMT