

## Transfer of public open space at Stalham

- Summary: This report outlines a proposal to transfer public open space to Stalham Town Council to enable them to manage the site for the benefit of its community.
- Options considered: The alternative option is for the Council to retain the land once adopted.
- Conclusions: Officers are seeking to transfer public open space to Stalham Town Council, along with the commuted sum paid by the developer which is to be used for the on-going maintenance of the site.
- The Town Council are deemed best placed to manage this public open space for the benefit of its community.
- Recommendations: **It is recommended to Cabinet to approve the transfer of:**
- A. public open space North of Yarmouth Road Stalham as identified on the plan in the appendix to Stalham Town Council**
  - B. The remaining commuted sum of approximately £170,000**
- Reasons for Recommendations: To approve the transfer of land and funds as a key decision.

### LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

*(Papers relied on to write the report, which do not contain exempt information and which are not published elsewhere)*

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Cabinet Member(s) Cllr E Seward	Ward(s) affected Stalham
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## 1. Introduction

- 1.1 The Council is to take adoption of public open space located North of Yarmouth Road, Stalham as part of an agreed Planning Obligation S106 agreement dated 20<sup>th</sup> March 2013 and subsequent Deed of Variation dated 4<sup>th</sup> October 2021.

1.2 At the time of writing this report, the adoption of this land by the Council is expected to be legally completed during September 2022, along with taking receipt of the S106 monies.

1.3 This report outlines a proposal to transfer the land to Stalham Town Council once the adoption has formally completed and subject to requirements of Section 123 of the Local Government Act 1972. The Town Council are supportive of the proposal.

## **2. The Transfer Proposal**

2.1 The proposed transfer of public open space as per the shown in the appendix outlined red and blue will be transferred subject to there being no upheld objections following advertisement of the disposal.

2.2 The transfer will be for £1 following the terms of the S106 agreement and will be for a restricted land use to ensure it remains as public open space for the community.

## **3. Corporate Plan Objectives**

3.1 This proposal supports the Climate, Coast and Environment Corporate Plan objectives.

## **4. Medium Term Financial Strategy**

4.1 There is no negative impact to the Medium Term Financial Strategy with this proposal.

## **5. Financial and Resource Implications**

5.1 The land will be transferred to the Town Council with the S106 monies, equating to approximately £170,000, less any expenditure the Council has incurred with maintaining the site during its ownership.

5.2 If the site is transferred in 2 phases (red area then blue area) then the commuted sum will also be transferred in 2 parts.

5.2 The commuted sum is to be utilised for the on-going maintenance of the site for a 10 year period following the transfer to the Council.

## **6. Legal Implications**

6.1 As part of the transfer process the Council will advertise the land as required by Section 123 of the Local Government Act 1972 (as amended) considering any objections before the transfer to the Town Council can complete.

6.2 The land will be transferred to the Town Council with a restricted use as per the transfer to the Council so that the land will remain as public open space for the community.

6.3 Drainage systems within the area are to be adopted and managed by third parties as outlined in separate agreements and are not included in this transfer.

## **7. Risks**

7.1 There is a risk that the transfer does not complete and the Council retains the public open space and commuted sum for its maintenance.

**8. Sustainability**

8.1 The Town Council are best placed to manage the public open space for their community.

**9. Climate / Carbon impact**

9.1 This public open space will be a positive contribution to the community and achieving net zero objectives by increasing the current number of existing green spaces within the district.

**10. Equality and Diversity**

10.1 There are no direct impacts with this proposal.

**11. Section 17 Crime and Disorder considerations**

11.1 There are no direct impacts with this proposal.

**12. Conclusion and Recommendations**

12.1 Officers are seeking to transfer public open space to Stalham Town Council, along with the commuted sum paid by the developer which is to be used for the on-going maintenance of the site.

12.2 The Town Council are deemed best placed to manage this public open space for the benefit of its community.

12.3 It is recommended to Cabinet to approve the transfer of:

A. Public open space North of Yarmouth Road Stalham as identified on the plan in the appendix to Stalham Town Council.

B. The remaining commuted sum of approximately £170,000