

**Committee Name:** Cabinet

**Committee Date:** 12/01/2022

**Report Title:** Managing assets (non-housing)

<b>Portfolio:</b>	Cllr Paul Kendrick
<b>Report from:</b>	Executive director of development and city services
<b>Wards:</b>	<b>Bowthorpe</b>
<b>Open Public Item</b>	

### **Purpose**

To consider the disposal of the land identified in this report.

### **Recommendation:**

To approve the disposal of the land as outlined in the report.

### **Policy Framework**

The Council has three corporate priorities, which are:

- People living well
- Great neighbourhoods, housing, and environment
- Inclusive economy

This report meets the 'greater neighborhoods' corporate priority.

This report addresses the mobilize activity and investment that promotes a growing, diverse, innovative, and resilient economy strategic action in the Corporate Plan.

This report helps to meet the Business and the local economy recovery theme of the COVID-19 Recovery Plan.

## **Report Details**

### **Background**

1. Norfolk County Council have contacted Norwich City Council to request that the grassed areas alongside the path known as Mayfly Way be transferred to them. This is to upgrade it to a cycle way from Dereham Road to and just beyond Chapel Break Road (to the rear of Thurlby Road). The grassed area in question is held under the General Fund and is owned by Norwich City Council. The land is outlined in red within Appendix 1.
2. The photograph at Appendix 2 shows part of the area in question. It is currently a grassed area that runs behind industrial units on Francis Way, Robberds Way, and part way behind residential properties on Thurlby Road.
3. The leases to these units allow access over the land in question via the rear doors in the units. This access will remain once the work is done.
4. Part of the land to be transferred is subject to an access licence to allow the licensee to enter the land to keep the shrubs tidy. This can be terminated with a months' notice. There is no revenue with this licence.
5. Norfolk County Council would like to widen the current path, where possible and create a cycle path. This would then become public maintainable highway, releasing Norwich City Council of any maintenance liability going forward.
6. Norfolk County Council have offered nil capital receipt for the land. There is negligible value in the land.
7. If Norwich City Council did not approve the transfer, then Norfolk County Council has the option to compulsory purchase the land.

### **Consultation**

8. The portfolio holder for Resources has been briefed on this case at this stage.

### **Implications**

#### **Financial and Resources**

9. There has been no income from the land and as such no income would be lost as part of the disposal. Transferring the land to Norfolk County Council would remove any maintenance responsibility.

#### **Legal Implications**

10. By virtue of section 123 of the Local Government Act 1972 the city council has the necessary statutory powers to dispose of its land. This section also states that on a disposal, the council are under a statutory obligation to obtain the best consideration that can reasonably be obtained for the land.

11. NPS consider the land to have a negligible value so a disposal for nil consideration would not be an undervalue.
12. If any part of the site consists of open space land, section 123(2A) of this Act states that the council must follow certain statutory requirements to advertise the disposal of the said areas of open space land.
13. Open space is defined in the Town and Country Planning Act 1990 as land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. If it's not held for such purposes, it can be disposed of without the need to advertise the sale. The land is not designated open space in the local plan as such does not need to be advertised.

### **Statutory Considerations**

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	No material implications.
Health, Social and Economic Impact	This will make it safer for cyclists and pedestrians. Keeping cyclists off the main roads and giving them a defined lane away from pedestrians. .
Crime and Disorder	No material implications.
Children and Adults Safeguarding	No material implications
Environmental Impact	This may promote the use of cycles to the industrial units and surrounding area.

### **Risk Management**

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
Rear doors of the units are blocked during the works.	Health and safety issue	Ensure access is maintained at all times.

### **Other options considered**

14. Doing nothing is not an option given the compulsory purchase order option. This will support a transport for Norwich initiative.

### **Reasons for the recommendation**

15. The land in question is an unused grassed area. Norwich City Council has the maintenance liability on the land. Transferring the land would eliminate

this liability and will allow the County Council to deliver significantly improved cycling and walking infrastructure in the area.

16. Conditions and covenants will ensure that the access is maintained for all the units affected.

**Background papers:** None

**Appendices:**

1. Site plan – land subject to transfer
2. Image of part of the land in question

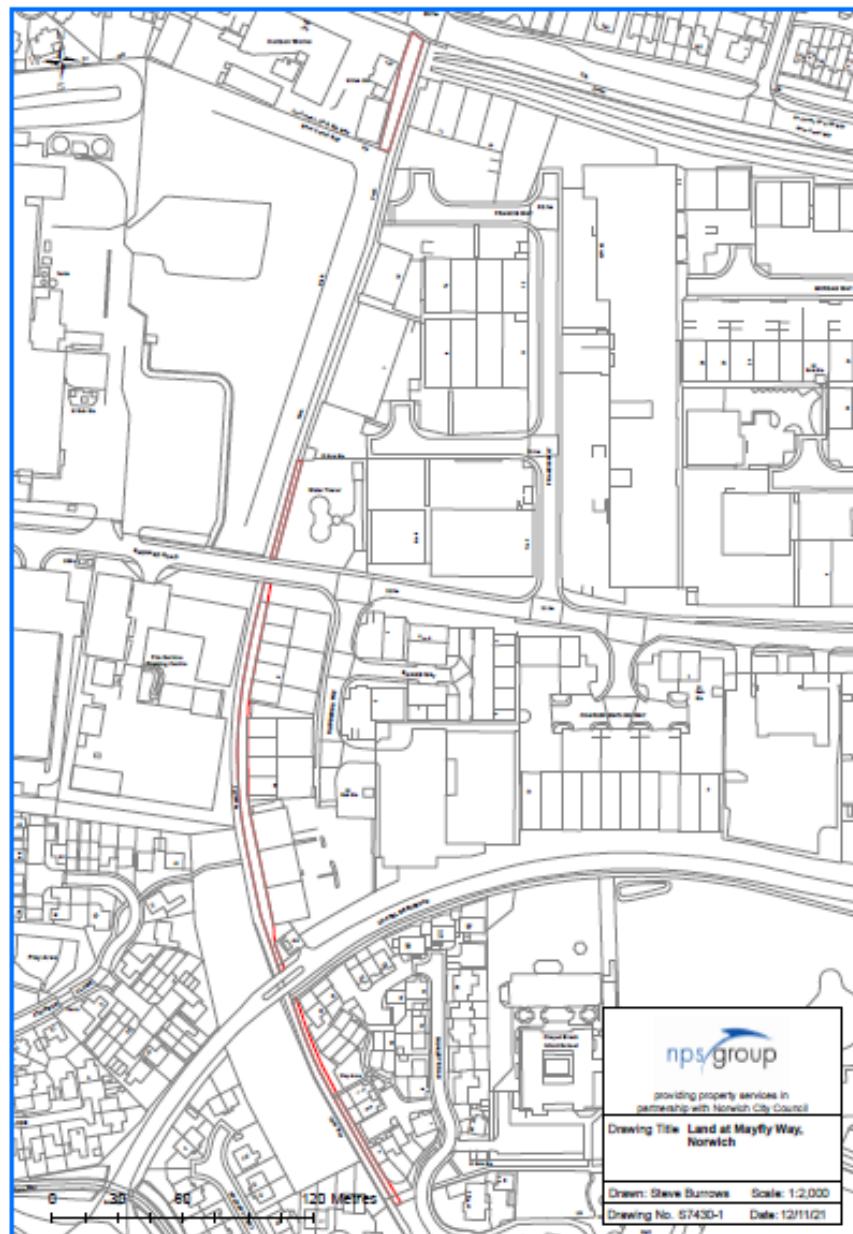
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**Appendix 1: Site Plan – land subject transfer outlined in red**



**Appendix 2: Image of path and proposed cycle path (grassed area)**

