



REPORT TO EXECUTIVE

PORTFOLIO AREA: ENVIRONMENT AND INFRASTRUCTURE

Date of Meeting: 24th September 2007

Public

Key Decision: No

Recorded in Forward Plan:

No

Inside Policy Framework

Title: TRANSFER OF LAND AT FAUGH, CARLISLE

Report of: THE DIRECTOR OF COMMUNITY SERVICES

Report reference: CS 63/07

Summary:

This report concerns the transfer of a parcel of land at Faugh, near Brampton, from the ownership of the City Council and into the ownership of Hayton Parish Council, for the consideration of £1.00.

Recommendations:

That the Executive approves the transfer of the parcel of land identified in this report into the ownership of Hayton Parish Council for the consideration of £1.00.

Contact Officer: Mr Phil Gray

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Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1. BACKGROUND INFORMATION AND OPTIONS

1.1 Site history

As a condition of planning consent for a housing development in the village of Faugh in the 1990s, the developer entered into a voluntary agreement to transfer an area of amenity land to Carlisle City Council. The agreement further stipulated that the land would then transfer to Hayton Parish Council for future maintenance as a public open space.

1.2 Site description

The land in question, shown hatched on the attached plan, was planted with a mixture of native trees in 1994. These have established well since planting and now form a diverse young woodland. A picnic area has been established in a central clearing, and the site is well-used by local people for dog walking and informal recreation. An information board at the entrance provides a welcoming point of reference for visitors.

1.3 Way forward

Despite the fact that the development was completed in 1994-95, the land transfers have remained incomplete until now. The transfer from the developer to the City Council was finally concluded on 17 July 2007.

1.4 In accordance with the original agreement, it is now timely that the final legal event is completed with the transfer of the land to Hayton Parish Council, and this report seeks agreement from the Executive for this to take place.

1.5 Options

Given that the Council entered into an agreement as part of planning consent, there are no realistic options that can be considered.

2. CONSULTATION

2.1 Consultation to Date.

2.2 Consultation proposed.

3. RECOMMENDATIONS

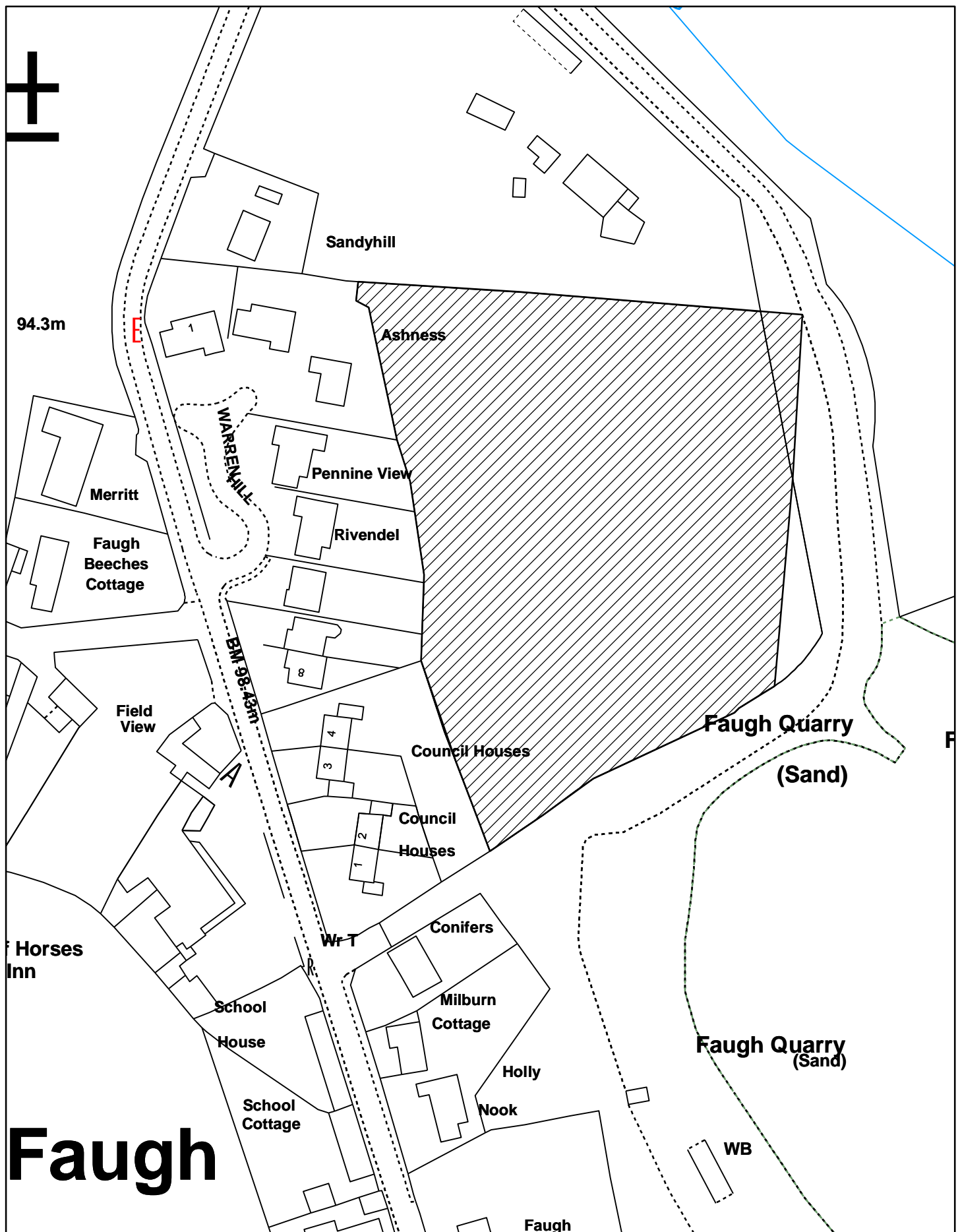
- 3.1 That the Executive approves the transfer of the parcel of land identified in this report into the ownership of Hayton Parish Council for the consideration of £1.00.

4. REASONS FOR RECOMMENDATIONS

- 4.1 To complete the legal transfer of this piece of land to Hayton Parish Council in accordance with the original planning conditions.

5. IMPLICATIONS

- Staffing/Resources – N/A
- Financial – This area of land was transferred to the Council under a planning agreement dating back to the 1990's with the expectation that the land would transfer to Hayton PC once the housing development was completed. Unfortunately this transfer did not take place upon completion of the scheme in 1994/95 and this report is rectifying that omission. The piece of land is not included within the Council's asset register and does not generate any income for the authority. However the Council could be liable for any maintenance costs and insurance claims if the transfer does not proceed in accordance with the terms of the original agreement.
- Legal – Fulfils the Council's legal obligation under the terms of the original planning consent.
- Corporate – N/A
- Risk Management – See attached Risk Register
- Equality and Disability – N/A
- Environmental – Potential positive impacts as the site will be managed by the local community for benefit of people and wildlife.
- Crime and Disorder – N/A
- Impact on Customers – Positive – provide the local community with an asset.



Site Plan, Land at Faugh

Land shown hatched. Site Area = 1.1152 Ha (2.7545 Acres) approx

Scale: 1:1,250 **Date:** 27/07/2007

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**Civic Centre
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RISK REGISTER – TRANSFER OF LAND AT FAUGH

Event	Risk	Impact	Risk Prevention
1. Council fails to carry out agreed transfer	1. Council is in breach of legally binding agreement	1. Council faces legal action. 2. Council reputation is damaged	1. Complete transfer as agreed
2. Maintenance costs incurred if transfer is delayed	1. Additional demands on existing Council resources	1. Negative impact on customer service overall	1. Complete transfer as quickly as possible
3. Public liability claims against Council while land is in its ownership	1. Financial risk 2. Reputation of Council as a reputable landowner	1. Increased insurance costs	1. Green Spaces team make site checks 2. Complete transfer as quickly as possible