	REPORT TO CABINET TO BE HELD ON 16 MAY 2017
	Key Decision Yes Forward Plan Ref No 7
Corporate Priorities: Council Place	Cabinet Portfolio Holders Cllr H Mallory

REPORT OF: DIRECTOR (NE) – 17/099

WARDS AFFECTED: SEAMER

**SUBJECT: DISPOSAL OF LAND ADJACENT TO BURTON
 RIGGS NATURE RESERVE, SCARBOROUGH**

RECOMMENDATION (S):

Cabinet is recommended to:

- (i) approve, in principle, the freehold disposal of land at Burton Riggs, Scarborough totalling approximately 0.53 acres as outlined red in the attached plan (Appendix 1);
- (ii) approve a marketing and disposal budget of £6,000 to be funded from the Capital Development Reserve;
- (iii) note that a further report will be presented to Cabinet for final approval following the conclusion of the marketing exercise.

REASON FOR RECOMMENDATION (S):

- (i) To achieve a capital receipt from the sale of the site to be used to assist the Council in meeting its corporate objectives;
- (ii) To comply with the Council's Constitution;
- (iii) To facilitate development of the site.

- (iv) To fund the marketing of the site

HIGHLIGHTED RISKS:

- Failure by Cabinet to agree to the sale.
- Failure to sell the site after marketing.
- Planning Permission is not granted for development on the site.

The above scenarios would mean that the Council would not receive a capital receipt and no development would take place.

1. INTRODUCTION

- 1.1 The subject site lies adjacent to Burton Riggs nature reserve, which is managed and owned by the Yorkshire Wildlife Trust (the Trust). The Trust has a right of vehicular access over the rear of the subject site. Apart from the right of way the site is currently vacant, overgrown and not used.
- 1.2 The site is located in a prominent location off the A64, one of the main arterial routes into Scarborough. The site benefits from direct access off the A64 by way of a roundabout, which also provides access for McDonalds restaurant, Morrison's supermarket and the Business Park.

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 Whilst a capital receipt will assist in the delivery of the Council's Corporate Aims and Priorities this is specifically so in respect of:

Place – high quality planning and development.

Council – ensure our services provide value for money and secure best use of our assets.

3. BACKGROUND AND ISSUES

- 3.1 Until recently this land was leased to the Trust for 20 years from the 17th October 1994. The lease was protected by the Landlord and Tenant Act 1954 which enabled the Trust to obtain another 20 year lease of the land if they so wished.
- 3.2 Although the Trust had exclusive use of the site they were only using it for access into their nature reserve to the south west of the site. It was therefore mutually agreed that their protected lease be surrendered but a permanent (non-exclusive) right of way granted to the Trust to the south west of the site so that the public could still have access into the nature reserve. This has now

been done and the right of way is indicated by way of the green shaded area in Appendix 1.

4. CONSULTATION

4.1 Consultation has taken place with the Planning Authority. The site is currently not zoned and lies outside of development limits.

5. ASSESSMENT

5.1 Apart from the existing right of way the site is not utilised, having being left as scrub land for a number of years.

5.2 The site would be marketed by way of a tender exercise and be advertised both locally and nationally in an attempt to attract as much interest as possible.

5.3 The site lies outside of the designated development limits in the Local Plan and therefore any chosen developer would need to consult with the Planning Authority in order to achieve a planning consent.

6. IMPLICATIONS

Policy

6.1 The content of this report is in accordance with the Council's policy framework.

Financial

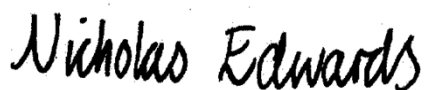
6.2 At present there are no financial implications arising from the report. However, as the proposal develops a further report will be presented to Cabinet outlining the financial implications.

Risks

6.3 The key risks have been identified in Appendix 2.

Legal

6.4 There are no legal implications at this stage of the proposal.



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Director

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Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1	May 2017	<p>Cabinet do not agree to market the site.</p> <p>Failure to sell the site after marketing is carried out.</p> <p>Planning Permission for any proposed development is not forthcoming.</p>	<p>The site is not developed and is left as scrubland.</p> <p>A capital receipt is not achieved.</p>		B2	A1	BW	Move to market the site by formal tender ASAP.

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
		Likelihood				

Likelihood:

- A = Very Low
- B = Not Likely
- C = Likely
- D = Very Likely
- E = Almost Certain

Impact

- 1 = Low
- 2 = Minor
- 3 = Medium
- 4 = Major
- 5 = Disaster