

**DISPOSAL OF LAND AT LOWCA AND EGREMONT**

**EXECUTIVE MEMBER:** Cllr N Williams  
**LEAD OFFICER:** Mrs S Borwick  
**REPORT AUTHOR:** Mr C A Lloyd, Business Development Manager

**Summary:** This report advises members of recommendations for the sale of two pieces of land surplus to Council requirements, and seeks approval of sale. Appendix A provides details of valuations, offers and costs.

|                        |   |
|------------------------|---|
| <b>Recommendation:</b> | That Executive approves the sale of land at less than valuation for the reasons given, with delegated authority given to the Head of Finance and Business Development in consultation with the Head of Legal & Democratic Services to agree Heads of Terms. |
|------------------------|---|

**Impact on delivering the Corporate Plan:** Capital receipts will be obtained to be used to support Council services.

**Impact on other statutory objectives (e.g. crime & disorder, LA21):**

**Financial and human resource implications:** Disposal at less than valuation is contrary to general Asset management Plan guidance, although there will be exceptions, such as other balancing factors that Members are asked to take into account in this instance.

**Project & Risk Management:** Current procedures used, including for consultation and seeking approvals.

**Key Decision Status**

- **Financial:** None  
- **Ward:** None

**Other Ward Implications:** None

**1. INTRODUCTION – EGREMONT (See Appendix B for plan).**

- 1.1 The Council owns a small piece of land that is located at the Southern end of the existing cemetery at North Road, Egremont. To the rear of the land there is a small market garden. The owner of the market garden approached the Council to ask if the Council would sell this piece of land.
- 1.2 The Council property agent Capita consulted with officers, members and adjacent owners for views. The Egremont Town Council objected to the sale for market garden purposes on the

grounds that this would be prejudicial to the operation of the cemetery (the Town Council having an interest as operator of the Cemetery). Two responses were provided by officers stating 'no objections'. Taking the Town Council views into account Council officers then asked the Town Council if it wished to make an offer to purchase the piece of land and an offer was made.

- 1.3 The Council Valuers Capita had previously valued the land. An offer has not yet been sought from the market garden owner.
- 1.4 Executive is asked to consider disposal of the piece of land to the Town Council at less than valuation, on the basis that it will be incorporated into the cemetery and for the same use
- 1.5 The reasons for this request include taking into account the community facility and benefit provided by the cemetery, and a need to retain an appropriate frontage to the full length of the roadway in front of the cemetery area.
- 1.6 Details of valuation, offer and costs are provided in Appendix A.

## **2. CONCLUSIONS**

- 2.1 Executive is asked to approve the sale of this piece of land, adjacent to Egremont Cemetery to the Egremont Town Council.

## **3. INTRODUCTION – LOWCA (See Appendix C for plan)**

- 3.1 The Council has been approached by the owner of land at Lowca. The request was for the Council to sell adjacent land for garden purposes to improve the proposals to build two properties on the land already owned by the applicant.
- 3.2 A valuation of the land was made by the Council Valuers Capita and this was agreed with the vendor.
- 3.3 During the enquiries before contract the purchaser became aware that there was a mine shaft on this property, and although Capita had noted this in their files, it appears that the information was not provided in writing to the purchaser. Once the purchaser became aware of this he asked for his offer to be reconsidered. He obtained prices from engineering consultants for capping off the mine, which, subject to detail design, would have a substantial cost.
- 3.4 Council officers checked with the mining surveyor and undertook some physical investigations on site but whilst the shaft is identified on the mining plan it was not possible to physically determine precisely where it is located within the site, and its condition.
- 3.5 When the Council purchased the land it agreed that it would cap the mine if it sold the land and this obligation continues. By including the requirement in the sale the Council will satisfy this requirement.
- 3.6 Through discussion with the purchaser a revised offer was made with the proviso that the offer would be put to the Council Executive for consideration, and that if the sale is approved the purchaser will employ a consultant and contractor to locate the mine shaft, design and install a suitable cap at his own expense within an agreed period after purchase. The land will only be used for garden purposes and this will be included in the heads of terms. There are also some other diversions and rights of way involved which will need to be dealt with.

- 3.7 It is considered that this piece of land is not expected to be required for any Council purpose within the foreseeable future. Under the circumstances and taking into account the misunderstanding over provision of information, it is considered to be to the Council's benefit to dispose of this land at the lower price which will enable the land to be brought into use, improving the local appearance, the disposal also enables the mine shaft to be capped removing an outstanding future obligation upon the Council if the land is not sold.
- 3.8 Details of valuation, offer and costs are provided in Appendix A.

#### **4. CONCLUSIONS**

- 4.1 Executive is asked to approve the sale of this piece of land at Lowca.

#### **List of Appendices**

Appendix A – Land at Egremont

Appendix B – Land at Lowca

#### **List of Consultees:**

Corporate Team  
Mr M Jepson, Head of Legal & Democratic Services  
Mrs S Borwick, Head of Finance & Business Development  
Mr P Sutton, Senior leisure facilities manager  
Councillor N Williams  
Cllr S Meteer  
Cllr E Woodburn  
Cllr M Woodburn  
Cllr B Dixon  
Cllr W Metherill  
Cllr W Young