
LAND AT JACKEY BAKERS SPORTS FIELDS

To: **Cabinet : 23rd March 2006**

Main Portfolio Area: **Commercial Services / Development Services**

By: **Jennifer Seeley, Corporate Director**

Classification: **Unrestricted**

Ward: **Northwood**

Summary: This report outlines the proposed disposal of an area of public open space and its replacement by a slightly larger area. It seeks delegation jointly to the Cabinet Member for Commercial Services and Cabinet Member for Development Services to consider responses to public consultation and determine if the land swap should go ahead.

For Decision

1.0 Introduction and Background

- 1.1 In 1997 the Council signed a joint venture agreement with Rosefarm Estates (RFE) for the purpose of developing Euro Kent Business Park. The JV Agreement between TDC and RFE, briefly, provides for both parties to contribute land holdings and services to the JV. TDC contributed 40 acres of land for commercial development and 40 acres for sports / recreation use and RFE contributed 60 acres. This agreement has not delivered the development anticipated and officers have been looking at the options for ending the Joint Venture so that the 40 acres of land owned by the Council returns to the Council's control and developed by other means.
- 1.2 A report was presented to Cabinet on 14th April 2005 which set out the issues and the position from which the final negotiation was to take place. Since that decision, officers have been working to secure a draft agreement to bring about a negotiated conclusion to the Joint Venture.
- 1.3 Under the agreement part of the Jackey Bakers sports land (Plot 2) is to be swapped for a slightly larger plot currently under option to Rosefarm (Plot 1). This Plot 1 will then be converted to form part of the Jackey Baker's sports land. The Council is committed to retaining sports field at the current level. This transfer gives up about 31,323 m² of Jackey Bakers for 34,464 m² of agricultural land, so there is no less public open space. However the configuration may mean that there is a loss in the number of pitches.
- 1.4 Under the draft agreement TDC can continue to occupy the land in Plot 2 as sports land for up to 12 months. Thereafter RFE will give 3 months notice if they wish to develop it.

2.0 Public Consultation

- 2.1 Under section 123 of the Local Government Act 1972 the Council is required to advertise any intentions to dispose of open land. Plot 2 is intended to be transferred to RFE, and as this plot is open land currently being used for leisure, the Council has had to advertise the propose transfer to RFE in the local newspaper and invite members of the public to make objections to the proposed transfer. The Council has to consider any such objections received before agreement to the final transfer. This applies even though the land transferred is being replaced with a larger area.
- 2.2 An advert was placed in *Thanet Extra* on 8th March 2006 to run for two weeks to alert residents to the proposals and invite comments. Consultation responses are due by 5th April 2006.
- 2.3 In order for the decision to be reached on the main Eurokent project as soon as possible, it is recommended that the consideration of any responses or objections be delegated to the Cabinet Member for Development Services (as having responsibility for land holdings) and the Cabinet Member for Commercial Services (as having responsibility for sports provision). These Members are not, and have not been, involved in the main joint venture discussions.

3.0 Options

- 3.1 Require a Cabinet report on the response to the consultation. This is not recommended as it will significantly delay any final decision on the Joint Venture (the next scheduled Cabinet meeting being 18th May 2006).
- 3.2 Agree to the delegation of the decision jointly to the Cabinet Member for Development Services and the Cabinet Member for Commercial Services.

4.0 Corporate Implications

4.1 Financial

- 4.1.1 There are no financial implications in this report itself as it is only concerned with the consideration of responses to the consultation.

4.2 Legal

- 4.2.1 Under section 123 of the Local Government Act 1972 the Council is required to advertise any intentions to dispose of open land and invite members of the public to make objections to the proposed transfer which the Council must consider before undertaking the final transfer.

4.3 Corporate

- 4.3.1 There has been some public interest in the Joint Venture, and there is some public sensitivity around public open space and sports field provision.
- 4.3.2 The issue of the proposed land swap has been rehearsed in public as part of the planning applications for developments on the Eurokent site, and as part of the Local Plan

5.0 Recommendation(s)

- 5.1 That the decision on whether to dispose of this public open space, in exchange for a larger area of public open space, be delegated jointly to the Cabinet Member for Development Services and the Cabinet member for Commercial Services.**

6.0 Decision Making Process

- 6.1 This recommendation does not involve the making of a key decision, and is not shown within the Forward Plan.
- 6.2 This recommendation is within the Council's Budgetary and Policy Framework and the decision may be taken by Cabinet.
- 6.3 The decision may be subject to the call in process.

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Background Papers

Planning files re Eurokent Local Plan Working papers held in Council Offices Exempt report: Cabinet 14 th April 2005
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