 <p><b>Lee Valley Regional Park Authority</b></p> <p><b>LEE VALLEY REGIONAL PARK AUTHORITY</b></p> <p><b>EXECUTIVE COMMITTEE</b></p> <p><b>26 APRIL 2018 AT 11:00</b></p>	<p><b><u>Agenda Item No:</u></b></p> <p><b>6</b></p> <p><b><u>Report No:</u></b></p> <p><b>E/557/18</b></p>
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**PROPOSED DISPOSAL OF FORMER LEADALE KENNELS  
SITE, NAZEING NEW ROAD, NAZEING**

Presented by the Director Corporate Services

**EXECUTIVE SUMMARY**

Members will be aware of the Land & Property Strategy adopted at the Authority meeting on 19 January 2017. As part of this Strategy the Member Land & Property Review Working Group, together with officers, have identified a number of sites which may potentially be deemed as no longer required for Park purposes and considered for potential disposal. The site at the former Leadale Kennels (shown edged in red on the plan attached as Appendix A to this report) is 0.43 hectares (1.06 acres) in area and was acquired with a view to increasing and connecting the Authority's open space in the Nazeing Marsh area. Members are asked to declare the site as no longer required for Park purposes and therefore surplus to Authority requirements and authorise steps to be taken to dispose on the open market.

**RECOMMENDATIONS**

- Members Approve:
- (1) to declare the site shown edged red on Appendix A to this report as no longer required for Park purposes and surplus to Authority requirements; and
  - (2) subject to (1) above to authorise that the site be disposed on the open market and any provisionally agreed terms reported back to Members for approval.

**BACKGROUND**

- 1 The site shown edged red on Appendix A to this report was acquired in May 1997 for a sum of £11,000 and was formerly known as Leadale Kennels. The land has been left unmanaged and consists of a mixture of scrub and grassland. Due to its limited area and its relative isolation from other larger areas of Authority owned open space the land has not been opened for public access and has been fenced since acquisition. Part of the site has previously suffered from encroachment by the owner of the property to the north, known as Leadale, who then applied to the Land Registry for adverse possession. The Authority successfully defeated the claim brought by the applicant in 2015.

- 2 The site is 0.43 hectares (1.06 acres) in area and is one of a number of sites considered by the Member Land & Property Review Working Group for potential disposal as part of the Authority's Land & Property Strategy adopted in January 2017. The site was originally purchased as part of a policy to increase the Authority's open space in this particular area known as Nazeing Marshes. The land shown hatched blue on Appendix A to this report and adjacent to the kennels site was recently brought to market by agents acting for the landowners, Tarmac, in 2017. With our current ownerships adjacent to the Tarmac site, including the kennels, in mind the Authority made a bid to purchase this land but unfortunately was unsuccessful.
- 3 The development potential of the kennels site is limited by a number of factors:
  - part of the site is designated as Green Belt with the whole site located in flood zone 3, the highest risk as designated by the Environment Agency;
  - Restrictions in the title include the prevention of residential development of the site, the 2.5 metre access from the highway to only be used for maintenance of the site and no third party rights to be granted over the same access.

These restrictions on title are in favour of the owner of Leadale and act along with the planning restrictions as encumbrances to the site's development potential and therefore its potential value on the open market.

- 4 Due to several factors, the site's relative isolation, the fact the site is unsuitable to be open for the public to enjoy and the unsuccessful bid for the adjacent Tarmac site, it is considered that the kennels site is no longer required for Park purposes and is now surplus to Authority requirements. It is proposed that the site be put into the hands of local agents to advise on marketing and to place the property on the open market inviting offers for the freehold interest.

## **ENVIRONMENTAL IMPLICATIONS**

- 5 The Authority is aware from historic investigations by external consultants that adjacent land is former landfill and contaminated. Although the kennels site has not been specifically investigated it may also suffer from contamination. It is known that surface contamination resulting from the demolition of the former kennels buildings may be an issue for any potential purchaser.
- 6 The site is designated as Landscape Investment area in the adopted Park Plan (2000) which reflects its poor landscape qualities which would require considerable improvements.

## **FINANCIAL IMPLICATIONS**

- 7 The capital receipt achieved on any proposed disposal will be included as part of the capital programme funding plan to support the overall programme going forward. Members would also need to give such approval to apply to the Secretary of State for this purpose under S22 of the Lee Valley Regional Park Act 1966 (the Park Act).
- 8 The Authority's interests will be protected financially from any future increase in value of the land edged red on Appendix A to this report by an overage provision inserted in any proposed terms of sale. The Authority will bear its own

costs in the proposed marketing of the site and legal completion of the documentation.

### **HUMAN RESOURCE IMPLICATIONS**

- 9 There are no human resource implications arising directly from the recommendations in this report.

### **LEGAL IMPLICATIONS**

- 10 The Authority is able to dispose of any area of land whether in whole or in part when it is no longer required for Park purposes. This must be a properly applied test under Section 21 of the Park Act and all of the facts should be taken into consideration when making a decision to dispose of land. If Members make this initial decision then officers will market the site and a report will come back to Members outlining any offers received and requesting a decision for disposal. Any disposal will require a formal Member decision under Section 21 of the Park Act and Members will again consider the circumstances at the time of that decision and subject to Member approval the Authority will also be required to obtain consent from the Secretary of State. Under Section 22 of the Park Act the Authority is required to obtain approval for the use of any capital receipt obtained under Section 21 of the Park Act.
- 11 The Authority sought written advice from Counsel on its powers to dispose of its property interests for the purposes outlined in its Land & Property Strategy. Members should note that in some cases it may be necessary to take more specific legal advice based on the circumstances of the disposal. This will be considered again when the report requesting a decision to dispose of this land is brought back to Members. At the time of writing this report officers consider that the advice from Counsel is sufficient. It confirms that the Authority can sell land that is not currently required for any of the Authority's functions. This report sets out that there is no current requirement for this land for any of the Authority's functions. It will be necessary to confirm this again at the point a decision is taken for disposal.

### **RISK MANAGEMENT IMPLICATIONS**

- 12 There are risk management implications arising directly from the recommendations in this report. It is possible the site suffers from a degree of contamination although no specific investigations confirming this have been carried out. Any disposal of the area edged red in Appendix A to this report would however reduce any of the Authority's potential liability in this respect.

### **EQUALITY IMPLICATIONS**

- 13 There are no equality implications arising directly from the recommendations in this report.

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### **BACKGROUND REPORTS**

Corporate Land & Property Strategy

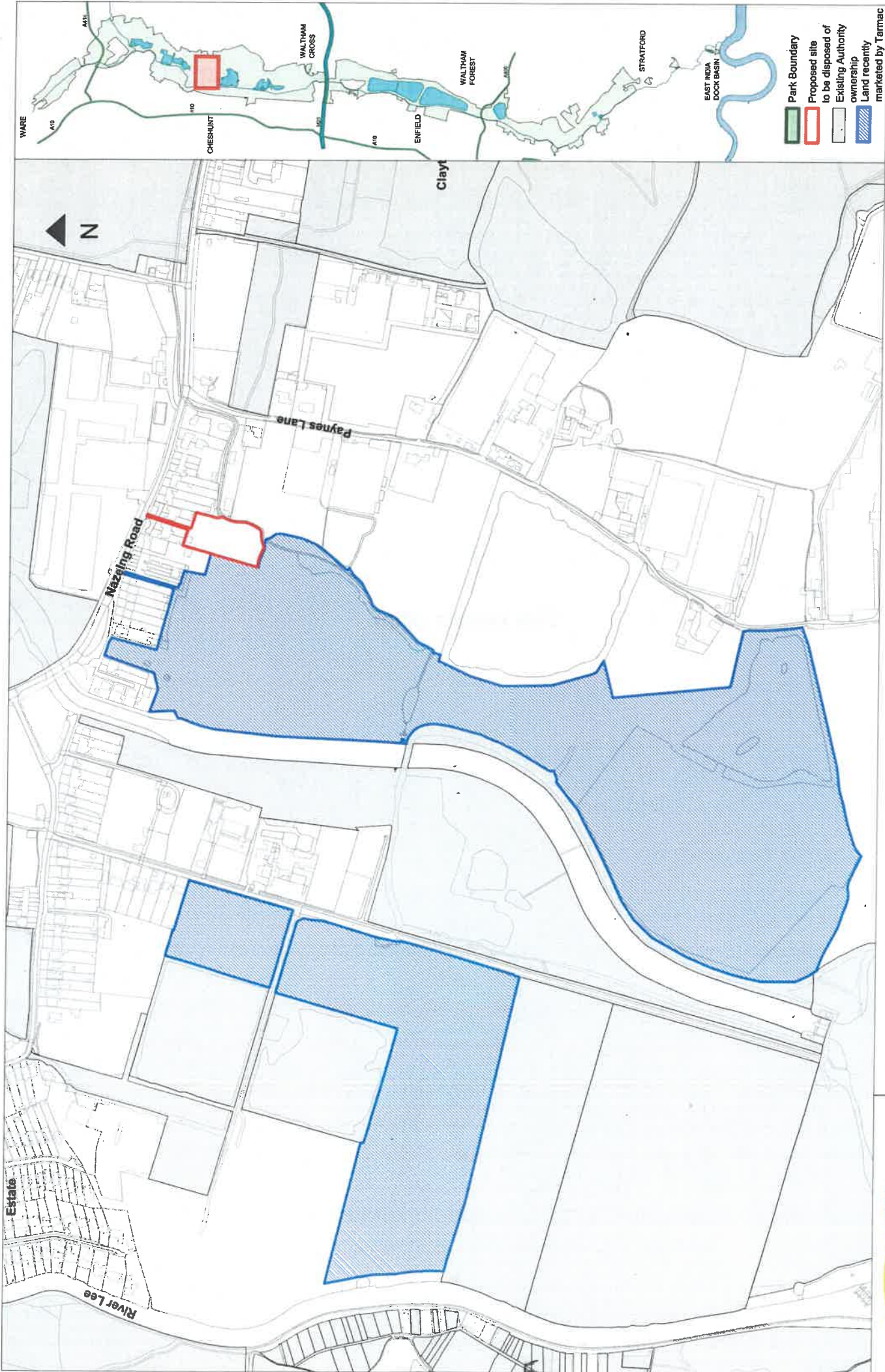
19 January 2017

**APPENDIX ATTACHED**

Appendix A            The site to be considered for disposal is shown edged in red

**LIST OF ABBREVIATIONS**

the Park Act            Lee Valley Regional Park Act 1966



**Appendix A - Proposed disposal of former Leadale Kennels site, Nazeing New Road, Nazeing**

NTS @ A4  
04.04.18

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