



## Joint Report of the Cabinet Members for Investment, Regeneration & Tourism and Delivery & Operations

Cabinet - 21 January 2021

### Proposed Lease to Mumbles Community Council under the Community Asset Transfer Policy

<b>Purpose:</b>	To seek approval to negotiate and agree Heads of Terms and enter into a lease with Mumbles Community Council for land at Llwnderw for the purpose of constructing and managing a new skate park on the site.
<b>Policy Framework:</b>	Asset Management Plan 2017-2021 Community Asset Transfer Policy 2017 Creating an Active and Healthy Swansea
<b>Consultation:</b>	Legal, Finance, Property and Access to Services.
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet considers the outcome responses from the consultation process under the public open spaces legislation that was undertaken in respect of the land identified in appendix A (site plan). A full copy of the responses received, and each of those that Object, Support or provide a Neutral comment has been provided as Appendix G, with a high level summary provided within the body of this report.  2) Cabinet approves the proposed disposal of the land to Mumbles Community Council at a level of undervalue being acceptable to Cabinet and based on advice of the Director of Place. Authority is delegated to the Director of Place to negotiate and settle the terms of the proposed lease of the land identified in Appendix A (Site Plan) and authority is delegated to the Chief Legal Officer to finalise the legal documentation;  3) Cabinet agrees for improvements be made to the site in line with the associated planning permission reference 2019/2345/FUL granted on 13 <sup>th</sup> February 2020 for a replacement Skatepark at West Cross Skate Park Mumbles Road Blackpill Swansea.
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## **1.0 Background**

- 1.1 Mumbles Community Council (MCC) have made a request to acquire Council owned land under the community asset transfer policy. The land is located on Mumbles foreshore, (referred to as Llwynderw) and it is MCCs intention to build a new concrete skatepark to replace the current half-pipe owned and managed by the Council, as their preferred site.
- 1.2 MCCs preferred site was granted planning permission (2019/2345/FUL) on 13<sup>th</sup> February 2020 for a replacement skatepark.
- 1.3 At the Councils request, MCC have subsequently commissioned a site options appraisal by an external consultant which concluded that on balance of positive and negative factors the proposals may have for each particular site, Llwynderw, would be the most favourable site out of all 3 appraised sites.
- 1.4 The area of land requested is owned by Swansea Council and is maintained by Parks Operations from within the Waste Management service. The site was initially identified as 'Land around the Skatepark, West Cross' by Swansea Council in the PIN notice, which sought expressions of interest from potential interested parties on a number a key bay sites. The area of land to be developed is 748 sq.m, however MCC will become fully responsible for maintenance of the development, plus surrounding areas (2.5 acres) for the duration of the lease.
- 1.5 MCC have prepared a business plan which provides detail on the full cost of the development, ongoing management and maintenance costs, along with sinking fund provisions for lifecycle costs.
- 1.6 The Council undertook a public open space statutory consultation process publishing its intention to dispose of the land identified within Appendix A (site plan). Cabinet must have regard to the outcome of the consultation process prior to making any decision on the proposed disposal, in particular any comments made in support or opposition of the proposal including any potential mitigation measures. A full copy of the response to the statutory consultation process has been included as Appendix G, along with a summary provided with this report.
- 1.7 The Council has undertaken a valuation of the proposed area of land identified in Appendix A.

## **2.0 Business case and plan**

- 2.1 MCC have submitted a request to take on full responsibility for the land edged red in Appendix A, for the purposes of constructing a 748 sq.m

concrete skatepark which will replace the current steel construction ramp. MCC are requesting to take on full repairing, maintaining and service provision of all elements within the demise area, including all associated grounds maintenance and cleansing, which have been detailed within the Business Plan (and supporting annexes 1-8) at Appendix B.

- 2.2 As a result of the lease, all day to day responsibilities and decisions will rest with MCC, and only future changes or permission that fall outside of the agreed lease terms will necessitate approval from the Council as the landlord.
- 2.3 The Community Council would become responsible tenants for the purposes of the arrangement and would utilise contractors to carry out day-to-day operational tasks and fulfil their obligations. They would commission specialists to check and maintain the skate park itself. MCC would be responsible for ensuring all proper insurances, contractual and procedural arrangements were in place to fully indemnify the Council under the Lease.
- 2.4 MCC have engaged Maverick, a renowned design and build Skatepark company having built over 100 Skateparks in the UK including the iconic Concrete Waves Skatepark in Newquay and locally in Penarth, Haverfordwest, Aberdare, Mountain Ash and Porthcawl.
- 2.5 It is proposed that Maverick will be appointed Contractors and Project Managers, covering all aspects of the design, development, build and maintenance of the site from pre-planning through to on-going inspections and maintenance once the build is complete.
- 2.6 The Skatepark design has been developed over 18 months period to ensure that all relevant and interested stakeholders and users had an opportunity to input into it through public meetings and consultations and questionnaires and surveys. The facility will also incorporate BMX uses as a result of consultation with UK Olympic BMX team.
- 2.7 The design also includes full disability access with advice from the Wheelchair Motocross World Champion. Whilst this has added to the cost, it is noted that MCC were committed to ensuring that the Skatepark could be used by all ages and abilities as well as providing a world class facility in keeping with the iconic location.
- 2.8 The siting has allowed for most of the Skatepark to be set below the site line from Mumbles Road, thus minimizing the impact.
- 2.9 Maverick have undertaken comprehensive surveys of the site including Geotechnical, Topographical, Trees, Ecology, Flood Risk, and continue to finalise the SUDS strategy to ensure that the site is suitable for the planned design and build. These formed part of the planning

requirements and conditions which will be monitored for compliance through the usual processes. Build timescale is approx. 16 weeks.

- 2.10 Following construction, the wider site will be landscaped with grass and wildflowers and will be protected from the road by a hawthorn hedge fronting a 1.2m fence extending the full length of the site. This will prevent and ensure that users are not tempted to be dropped off outside the site by preventing people accessing it directly from the road.
- 2.11 The skatepark itself will be constructed from free form spray concrete with - in certain areas - narrow (25mm box section) galvanised steel edging to prevent chipping and it will be finished in a neutral and light grey colour but with flashes of colour for aesthetic purposes.
- 2.12 The site will be enhanced by a drinking fountain, picnic table seating, and footpaths with wheelchair accessible chicane entrances on the promenade entrances.
- 2.13 Including costs borne through the planning and preconstruction phases already undertaken , the construction cost is in excess of £350k, which will be fully underwritten or funded by MCC with no required funding from the Swansea Council.
- 2.14 MCC will continue to seek grant funding through the National Lottery People and Places Fund. If successful, this could reduce the MCC funding commitment by £232k.
- 2.15 MCC has committed to covering ongoing maintenance cost up to £12,698 per annum for annual maintenance including the provision of an annual £6,700 sinking fund representing 2% of build costs for major refurbishment/rebuild (expected minimum 25 years life).
- 2.16 The construction will be guaranteed for 15 years and the design is covered by a £2m professional indemnity insurance. Contractors will conduct an annual condition survey and will respond quickly to any reports of damage.
- 2.17 During the first six months of use and on-going during the summer months, when visitor numbers will be at their highest, MCC contractors will undertake weekly inspections which will be formally recorded. During the winter months, these will revert to monthly.
- 2.18 The main maintenance costs relate to minor repairs, graffiti removal and annual deep cleaning. With grass-cutting, landscape maintenance and bin emptying make up the remainder of the costs. Swansea Council have quoted for associated services to be delivered under paid for contract as part of the wider promenade maintenance.
- 2.19 To minimize MCC's annual commitment, a variety of income streams will be sought to contribute to the ongoing costs associated with the

operational running of the facility. However, any shortfall in income to cover the full cost of £13,945.67 per annum, (£19,945.67 in year 1) will be met from MCC annual budget of the Community and Social Well-being Committee, or the MCC contingency fund.

- 2.20 Estimated costs for SuDs and Swales maintenance have been provided as an annual sum of £1.3k per annum, payable by MCC to Swansea Council. At the time of reporting MCCs appointed skatepark designers and contractors are working with the Councils Senior Engineer (SuDS approval body) to finalise requirements for build and future maintenance.
- 2.21 SuDS permissions form a critical part of the necessary approval process and are informed through planning process. Therefore any decision to lease the land and permit the development would be subject to a satisfactory sustainable drainage solution being provided by MCC and their contractors and signed off by the SuDS approval body.
- 2.22 Sponsorship opportunities and events are the most realistic opportunity for MCC to raise income, and potential revenue per year has been estimated at £6.6k which would cover half the total operating cost.
- 2.23 The skate park will add to the infrastructure of facilities within Swansea that contribute to the physical and mental well-being of children and young people. Access to opportunities to participate in physical activity is a critical part of the Well Being of Future Generations act and Swansea Public Service Boards contribution objective of “A Healthier Wales”.
- 2.24 The Skate Park will be open access, participants will be able to use the facility at no cost which removes the financial barrier and promotes the goal of “A More Equal Swansea”. This type of facility and activity tends to be very attractive to children and young people who may not be engaged in more formal sports and would provide a positive contribution to Welsh Governments recommendations for regular physical activity as part of a healthy and active lifestyle.
- 2.25 Furthermore, the successful implementation of the proposal and long-term lease holding and associated management of the site by MCC will provide the following benefits;
  - Community cohesion through the ownership, involvement and interest in local facilities.
  - Partnership working with the community in managing and safeguarding important and valuable community assets and attractions to the destination.
  - Investment in modern, fit for purpose and high quality skateboarding facilities which the Council has not budgeted to provide or fund directly.
  - Increased access to local informal sporting and recreational opportunities for all ages and abilities

- Access to funding opportunities not available to Swansea Council.

### **3.0 Options appraisal**

3.1 Following the decision on MCC's planning application to build a concrete Skate park at Llwynderw, West Cross, the Council sought a further body of work that would provide assurances that could be considered at the relevant time.

3.2 This was further noted in the Cabinet Report relating to 'Foreshore sites' on 9th January; 'Cultural Services are to engage with Mumbles Community Council and carry out a full due diligence exercise to ensure that the proposal is practical and sustainable in the long term. A full review of all possible sites within the relevant area is also to be undertaken to ensure the best location is identified. If the site is not identified as the best place for the proposed skate park then other possible development options can be explored in further detail with the creation of some potential design briefs through consultation with planners.'

3.3 To assist in the refinement of options for MCC to consider, the Council's Placemaking and Strategic Planning section carried out a high level planning appraisal of 10 Council sites as options for review that could potentially accommodate the proposed scheme. The findings of the High Level Appraisal identified particular sites, having regard to the relevant planning and placemaking issues, that Planning Officers considered had potential for further exploration. A copy of the report is included as Appendix C.

3.4 The High Level Planning Appraisal identified a total of 3 sites that warranted further consideration in addition to the MCC preferred site at Llwynderw. These sites were further refined to 2 additional sites, as the land to the 'South of the Junction' was not available at this time as it formed part of a longer term consideration to improve the wider Blackpill site.

Including the MCC preferred site at Llwynderw (site option 1), the sites appraised were;

- Llwynderw (site option 1)
- Land to South of Blackpill Lido (site option 2)
- Land at Underhill Park (site option 3)

3.5 MCC were asked to undertake an evaluation and comparison of the above sites by an independent consultant using a broad set of criteria, which were further refined and grouped, as below.

- Access
- Environmental & Site Considerations
- Design Suitability
- Construction Considerations
- Safety, Amenities & Visibility

- Community & User Support
- Planning Considerations

- 3.6 MCC commissioned DMW Architects & CL Planning who were provided the brief, along with the high level planning appraisal from Swansea Council, and information from MCC and their chosen skate park supplier Maverick on the design and size requirements.
- 3.7 DMW Architects & CL Planning have published a report that is intended to provide an unbiased and comprehensive appraisal of the 3 wheeled sports areas identified in 3.4 which formed part of the brief. Whilst the essential considerations and environmental impacts of adding a skatepark to an area remain consistent, the intrinsic nature of a proposed skatepark area, its users, and the community surrounding it are unique and have been factored into the appraisal document. A copy of the full report is available as Appendix D.
- 3.8 Summary conclusions of Appendix D report by DMW Architects & CL Planning are as follows:

**Site Option 1 – *Llywnderw***- The existing skatepark at Llwynderw currently forms a well-located hub for the Swansea skate community. The site has numerous positive factors making it a suitable location with potential to further enhance the Blackpill activity area. Re-use of a current site and existing facility is wholly appropriate and considered more sustainable than creating a new skatepark over existing greenspace. Through the planning process, it has already been demonstrated that the site has gained a majority of support from both community and skatepark users.

**Site Option 2 - *Land to the South of Blackpill Lido***. This site has numerous positive factors making it a good contender for the most appropriate location. However, it is considered that being so near the consented site and so similar in comparative characteristics, that to proceed with a new application would expend needless cost and time to ultimately provide the same offer. The development of this site would result in the loss of open green space which would not occur with site option 1.

**Site Option 03 - *Land at Underhill Park***- Due to the potential negative factors associated with construction of a concrete skatepark in this quiet location in relatively close proximity to residential properties with limited screening it is considered it would not be appropriate in this setting. With constrained access, concerns over a relationship with the children's play park and being located slightly away from shops and facilities, this site would be least favourable.

- 3.9 Having reviewed the summary findings of the consultant's report, the Council's Placemaking and Strategic Planning Section have confirmed that DMW Architects & CL Planning have taken the level of analysis to

the necessary detailed stage to assess the material factors affecting the suitability and deliverability of the development, and that the findings are generally consistent with those in the High Level Planning Appraisal in Appendix C.

- 3.10 Of the three sites evaluated by the independent consultant and in consideration of the balance of positive and negative factors the proposals may have for each particular site, it concluded that:

*Site Option 01 – Llwynderw, would be the most favourable site out of all 3 appraisal sites.*

- 3.11 It should be noted that from the report, it indicates that there little difference in physical characteristic between site option 1 (Llwynderw) and site option 2 (land south of Blackpill), with exception of their current use and designations. Site option 2 is closer to the main services and facilities, such as public toilets, shop, café and parking.
- 3.12 The report highlights a main difference between the two sites is that planning permission has already been obtained at site 1 with work and cost borne by MCC. The characteristics between site 1 and 2 are so similar, as is their proximity to each other, and that to proceed with a new planning application and associated site surveys would incur needless expense and delay to ultimately provide the same offer.
- 3.13 Some of the key factors for Underhill Park being the least preferred option related to potential conflicting uses with the nearby childrens play park and loss of green space that has been used previously for sports training, although it confirms that this area is not a formal pitch for sport.
- 3.14 Potential drainage and accessibility issues were highlighted in relation to the Underhill park site, together with potential issues that could be foreseen that may cause nuisance to nearby residents. A recent planning approval for café and artificial pitches provides evidence that proposed changes within the park are possible, but noting the identified suitable greenspace location would be adjacent to the properties on Newton Road, and overlooked by properties on Llangland road and potential for noise and anti-social behaviour.
- 3.15 The report does not provide detail as to whether consultation was undertaken with Mumbles Community Association (MCA) who have Council support to enter into a long lease for Underhill Park and are therefore a key stakeholder. However, in this context, it must be considered that MCC are separately supportive of the Underhill Park scheme and have provided certain levels of underwriting in support of the community asset transfer from the Council.
- 3.16 Overall, the report concluded an overriding preference for site 1 at Llwynderw noting a number of key characteristics including its existing use, planning consent and accessibility from nearby parking and facilities



at Blackpill. Whilst noting potential noise impact on nearby residents, and safety of users with a nearby road. Fundamentally, these issues were dealt with as part of the planning consent conditions and will have to be mitigated appropriately.

- 3.17 There clearly a strong preference within the skating community for the current location (site option 1) through the consultation undertaken and this is well supported by virtue of the fact that this site has an accepted and historical use for skating over a number of years.

#### **4.0 Property Implications**

- 4.1 To enable MCC to confidently invest in the facilities without fear of the useful life of those investments being cut short and to give the parties involved the ability to apply for grant funding for the maximum number of grants available, a 25 year lease is considered appropriate in this case.

- 4.2 The lease will require the access to the surrounding land and skate park to remain as a public open space, that the facilities are maintained to a high standard and require that any further alterations will require the Councils consent.

- 4.3 Given the above terms a peppercorn rent for the length of the term is considered appropriate and to be best value given the proposed use. However, disposal at a peppercorn rent is considered to be at an undervalue when considering all possible uses and disposal options. Market Rent for the property under its current use is considered to be negligible. So, to establish the estimated maximum amount of undervalue the Valuation Office Agency was instructed to undertake a Valuation of the property and placed a value of £87,500 on the freehold interest. A full copy of the Report can be found in Appendix E. However, as the freehold interest in the land is not to be disposed of the opportunity to achieve a maximum figure will not have been removed, just pushed into the future.

- 4.4 The above mentioned terms are non-negotiable therefore Cabinet approval is sought for these terms and to then authorise the Director of Place to negotiate and settle the other detailed terms of the proposed lease (and thereafter any required Deeds of Variation) and to instruct the Chief Legal Officer to finalise the legal documentation.

- 4.5 As the land is deemed to be public open space, a statutory consultation process has been undertaken and the responses collated and provided within Appendix G so that Cabinet can have regard to any objections raised, prior to making any decision as to whether it is appropriate to dispose of the land on the terms outlined within this report.

- 4.6 The Council is required under s123 to advertise the disposal of the land in the local newspaper for two consecutive weeks and to give full and proper consideration to any objections. The key issue for the Council is to balance any adverse consequences of the loss of open space, having

regard to the objections received, against the advantages of disposing of the land.

- 4.7 A notice of disposal was advertised within the local newspaper, online and within the public notice board at the Civic Centre for a minimum of two week period from 8<sup>th</sup> December 2020, with responses accepted until 31<sup>st</sup> December 2020.
- 4.8 One Hundred and Fifty Seven (157) responses were recorded throughout the consultation period. 90% of these responses were from respondents within Swansea, and 10% being from outside the area. The Swansea based respondents lived across a number areas within Swansea, and not contained solely to the Mumbles Community Council boundaries.
- 4.9 Responses have been categorised and grouped as having a view to either;
- ‘Support’ the proposed disposal of land
  - ‘Object’ to the proposed disposal of land
  - ‘Neutral’, neither support or an objection could be determined from the response
- 4.10 A summary of the responses by these categorisations are presented in Table 1 below, (% rounded up/down)

Table 1

Support	148	94%
Object	8	5%
Neutral	1	<1%

- 4.11 Those that Object to the proposal, Seven (7) of them were lodged by respondents within Swansea, and One (1) from a respondent living elsewhere. Of the 148 that Support, 133 were from Swansea respondents and 15 from those living elsewhere.
- 4.12 Cabinet must fully consider the detail of the comments contained within Appendix G, which presents all of the recorded responses in full. The respondents’ personal information has been redacted under GDPR.
- 4.13 In summary, the responses in Support (148) featured some of the following themes;
- Respondents noted the health, wellbeing, good mental and physical fitness benefits of a skate park;
  - Potential to create a positive ethos within the skating community, with young adults teaching young children, and it builds self-esteem and a sense of belonging.
  - Tourism is seen as a positive attribute to the development of a skate park particularly by the non-Swansea respondents from other parts of the UK;

- The skate park is seen as something people of all ages can get involved with noting that it is family friendly, suitable across wide age group, including those with disabilities.
- The popularity of skateboarding as a pastime is highlighted , as well as its inclusion in the next Olympics;
- The social aspect of a skate park is also brought up in responses;
- The development of the skate park will result in the reduction of instances of skateboarders using non-specialised areas (e.g. Castle Square).
- The location considered suitable with easy access, especially to those with mobility issues, determining a general view that the site and location is suitable for such activities.

4.14 In summary, the responses that Object to the proposal (8) featured the following themes;

- The site is considered unsuitable by some respondents as it is a general place of beauty and considered loss of green space;
- Some support for the proposal but in a different location.
- The lack of drop-off point or parking facilities and toilets is a concern;
- The potential increase of traffic and young people and anti-social activity is seen as detrimental to the area and a safety and safeguarding concern.
- Mumbles Community Council using the money raised via its precept for this project is not supported
- The lack of perceived benefits for the local area was highlighted.

4.15 In making its decision, Cabinet should specifically consider whether the objections have been more generally dealt with as part of the due diligence exercises, and are also matters that have already been considered and dealt with within the planning conditions under 2019/2345/FUL which was granted in 2020.

4.16 Overall there is a clear overwhelming level of community support for the project; with a small number of objections for the disposal of the land for the purposes of a skate park development.

## **5.0 Equality and Engagement Implications**

5.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

If this proposal is agreed MCC will improve and enhance the facility provision at the existing skatepark to enable them to further develop opportunities for the local community of all ages, particularly children and young people and with an enhanced offering for those with disabilities. There will be significant improvement in provision and opportunities as a result of the improvements. Access will remain fully open to the public, free of charge including protection and improvement to the wider green space that will surround the new facility.

The only change to current provision is that the MCC will have the responsibility for the areas within the demises. Casual usage will not change or be adversely affected, and in the long term is anticipated to significantly increase, through improved participation and access and enjoyment of the area in general.

MCC have actively worked with the local community, skaters and worked with other groups who regularly use the facility and the proposals are well advanced and known within the general public and media.

The areas within this screening where a High impact was scored, can be further explained below:

### **Children and Young people and any other age group**

The work by MCC and their chosen contractor have specifically targeted a broad range of users and potential user group through the consultation phase and designed the proposed skatepark with their needs in mind. The current skate facility is a standard halfpipe, which requires competence and skill to ride, and is not generally suitable for young learners or novice riders.

The newly proposed skate park significantly enhances the offer. Whilst there is opportunity for the most proficient riders to significantly progress and enjoy the sport, the inclusion of more shallower and alternate areas within the design ensures that riders of all abilities, and those on skateboards, scooters, BMX and other wheeled sports can enjoy the benefits of the renewed offer. It is therefore a much more versatile and balance offering to the current provision.

It should be noted that facilities such as these are not solely aimed at older children and young teenage boys. Wheeled sports arenas attract users from every demographic including wheelchair users who can interact on positive and equal terms with other users. Popularity of scooters remains high enables first time skatepark users to explore the use before moving onto skateboards, BMX bikes or inline skates. There is also a vibrant scene within the UK for more mature users who have recently rediscovered skating with the advent of high quality wheeled

sport arena provision and finding people in their forties and fifties riding with such a skatepark is not unusual.

The skate park will add to the infrastructure of facilities within Swansea that contribute to the physical and mental well-being of children and young people. Access to opportunities to participate in physical activity is a critical part of the Well Being of Future Generations act with a direct link to A Healthier Wales.

### **Community cohesion and Social inclusion/Poverty-**

The Skate Park will be open access, participants will be able to use the facility at no cost, which removes the financial barrier and promotes the goal of "A More Equal Swansea". This type of facility and activity tends to be very attractive to children and young people who may not be engaged in more formal sports and would provide a positive contribution to Welsh Governments recommendations for regular physical activity as part of a healthy and active lifestyle.

### **Disability**

Consultation has been developed over 18 months to ensure that all interested parties - residents, skateboard groups, and local schools had an opportunity to input into it through public meetings and consultations and questionnaires and surveys. MCC were also able to incorporate BMX facilities taking advice from a member of the UK Olympic BMX team and full disability access with advice from the Wheelchair Motocross World Champion.

The scheme is extremely visible to the people of Swansea and the key stakeholders, and given the previous planning application and work undertaken to date. The local media has maintained watching brief over the developments. As a result, a decision by the Council on the Community Councils proposal and request for the land carries a reputational risk given the time it has been discussed over and the visibility of the project. The Council requested MCC to complete an additional body of work so the matter can be considered.

The process undertaken in preparing the business case has demonstrated that the views and impact on protected groups have been taken into consideration and directly informed the proposals as outlined above.

Following the completion of the public open space statutory consultation, there were no fundamental issues presented that suggest that the proposal would disproportionately have an impact upon those groups that share protected characteristic and therefore a full EIA is not required in this instance.

## **6.0 Financial Implications**

- 6.1 Agreement of a lease to the Community Council would preclude the Council from the possibility of securing the future sale and capital receipts from this site.
- 6.2 The current annual costs for the Parks service in relation to the land at Llwynderw where the existing skatepark is located is in the region of £2,000 per annum;
- 6.3 The Council does not receive a direct income from the site, as it is open access and free of charge.
- 6.4 There will be additional financial income to the Council from MCC paying an annual figure of up to £4,500 to the Council for the grounds maintenance, cleansing services and drainage maintenance. There will also be a saving in day-to-day maintenance and cost of inspecting the current skate equipment, along with a longer term saving at the point that the existing equipment would need to be replaced.
- 6.5 Therefore there will be a net saving to the Council of approximately £6,500 per annum, including saving and new income. This will be set against current savings targets within the MTFP.
- 6.6 There will be no additional long term revenue or capital financial commitment required by the Authority for any new facilities provided by the Community Council, as this will be the responsibility of the Community Council from the date of the lease.
- 6.7 The Council has received a detailed business plan from MCC which outlines the associated costs and responsibilities that will be transferred to MCC. The information contained in the business plan have been reviewed. Known future costs and estimates are considered as a robust indication of future likely costs to MCC, and can be taken forward order to inform a decision by the Council. However noting that costs are likely to change over the proposed lease period, and therefore accepts that MCC would need be in a position to cover additional in future, which MCC have confirmed.

## **7.0 Legal Implications**

- 7.1 Section 123 of the Local Government Act 1972 and the Council's Land Transaction Procedure Rules set out in the constitution apply to this disposal. Under s123 LGA 1972 a local authority has the power to dispose of land held by it in any manner it wishes provided that the local authority achieves the best consideration that can reasonably be obtained except where the disposal is for a short tenancy (less than 7 years) or the local authority has the consent of the Welsh Ministers. Under the Council's constitution the responsibility of determining in what

manner the land will be disposed of in order to obtain best consideration lies with the Director of Place.

Under the General Disposal Consent (Wales) Order 2003 the Welsh Ministers have issued a general consent for disposals of land under s123 for less than best consideration. This allows a local authority to dispose of land for less than best consideration if it considers that the disposal will contribute to the promotion or improvement of the economic, social or environmental well-being of its area and the extent of the undervalue is no more than £2m.

- 7.2 There are specific powers and requirements for the disposal of land held by a local authority for planning purposes, housing, allotments, open space and school playing fields.

Where the land is deemed open space, the Council is required under s123 to advertise the disposal of the land in the local newspaper for two consecutive weeks and to give full and proper consideration to any objections. The key issue for the Council is to balance any adverse consequences of the loss of open space, having regard to the objections received, against the advantages of disposing of the land.

- 7.3 The property has not been advertised on the open market. The Council's constitution specifies that if there has been no marketing of the Land or only one person has indicated an interest to purchase there can be no such disposal of land except where it is determined by the Director of Place or his nominee that there is only one party who could acquire the interest because of the physical, legal or other characteristics of the land and that it is appropriate to sell by private treaty. In this particular case the land is public open space/playing fields for community use and consequently is of limited interest to the market generally. Therefore, the Director of Place is satisfied that the characteristics of the land dictate that there is realistically only one party who would be interested in acquiring this land and that it is prudent and appropriate to sell by private treaty.

- 7.4 The lease documentation will contain all the relevant provisions to protect the Council's interest.

**Background papers:** None

**Appendices:**

Appendix A - Site Plan

Appendix B - MCC Business Plan and supporting annexe 1-8

Appendix C - High level planning appraisal

Appendix D (also Annex 1) - Post planning review of proposed wheeled sports area (DMW Architects & CL Planning)

Appendix E - Valuation Office Agency Report

Appendix F - EIA Screening

Appendix G - Open Space Consultation responses