

## Y BWRDD GWEITHREDOL 29 GORFFENNAF 2019

**Y Bwriad i Brydlesu Tir, sef Tir Pori y Gofeb, Gwlyptiroedd a Rhandiroedd Heol Picton, Caerfyrddin, i Gyngor Tref Caerfyrddin**

### **Yr argymhellion / penderfyniadau allweddol sydd eu hangen:**

Caniatáu i Dir Pori y Gofeb, Gwlyptiroedd a Rhandiroedd Heol Picton, Caerfyrddin gael ei brydlesu i Gyngor Tref Caerfyrddin am 99 mlynedd am rent hedyn pupur.

### **Y rhesymau:**

Trosglwyddo'r gwaith o reoli a chynnal a chadw'r tir yn llecyn hamdden ar ôl cwblhau cynllun hamdden y Gwlyptiroedd / y Morfa.

Angen ymgynghori â'r pwyllgor craffu perthnasol                      NAC OES

Angen i'r Bwrdd Gweithredol wneud penderfyniad                      OES

Angen i'r Cyngor wneud penderfyniad                                      NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y Cynghorydd David Jenkins**

Y Gyfarwyddiaeth Adfywio a Pholisi

#### **Cyfarwyddwr:**

Wendy Walters

#### **Awdur yr Adroddiad:**

Katie Crane-Davis

#### **Swyddi:**

Prif Weithredwr

Syrfëwr Rheoli Asedau

#### **Rhifau ffôn / cyfeiriadau e-bost:**

(01267) 224112

WSWalters@sirgar.gov.uk

(01267) 246255

Kmcrane@sirgar.gov.uk

**EXECUTIVE SUMMARY**  
**EXECUTIVE BOARD**  
**29<sup>TH</sup> JULY 2019**

**Proposed lease of land at Monument Grazing Land, Picton Terrace Allotments and Wetlands, Carmarthen to Carmarthen Town Council**

**Background**

Y Morfa scheme, will enhance the Johnstown Wetlands area and open up land currently used for grazing to be an accessible green space through the installation of surfaced pathways, seating, planting, sculptures and interpretation boards.

This area will become a destination in its own right, providing a 'walk-to' recreational venue for locals; an outdoor classroom for local schools and a biodiversity attraction for visitors.

The County Council has successfully secured a grant of £128,000 from Welsh Government's Rural Development Programme to part fund the development of Y Morfa and the Carmarthen Gateway project.

**The Proposed Lease**

It is proposed to grant Carmarthen Town Council a 99 year lease. Under the terms of the lease, the Town Council would have responsibility for the management, maintenance and insurance of the land, shown edged red on the plan attached at Appendix 1.

The County Council's Acquisition and Disposal of Property Policy states:

*"The Council's actions in disposing of land are subject to statutory provisions, in particular to the overriding duty on the Council under section 123 of the Local Government Act 1972 to obtain the best consideration that can be reasonably obtained for the disposal of land. This duty is subject to certain exceptions that are set out in a government document, referred to in this policy as 'the General Disposal Consent'.*

*The General Disposal Consent (Wales) 2003 makes provision for the Council to dispose of land at less than full market value, known as an 'under-value'. Specified circumstances must apply as follows:-*

- a. *The Council considers that the purpose for which the disposal is being made is likely to contribute to the promotion or improvement of the economic, social or environmental wellbeing of the whole or part of its area, or any person resident or present in its area.*
- b. *The difference between the unrestricted or market value of the land to be disposed of and the consideration for the disposal does not exceed £2 million.*

*In certain circumstances, the level of capital receipt needs to be balanced with the economic and community benefits that will arise from reuse and/or development of the surplus asset. The Council may wish to sell at undervalue if it can be seen that the disposal will support regeneration priorities in terms of generating job opportunities and economic growth, and/or affordable housing. Where these situations arise a report will be presented to Executive Board making the case for a sale at undervalue where such a sale would give rise to economic, social or environmental wellbeing benefits.”*

The County Council currently receives a fee of £500 per annum for a grazing licence on part of the land, known as Monument Hill grazing land. It is proposed that on completion of the Wetlands / Y Morfa scheme, a lease will be granted to the Town Council on a peppercorn rent basis and, therefore, the £500 annual grazing fee will no longer be received. However, if the scheme is completed and no lease is granted to the Town Council, Carmarthenshire County Council will be required to manage, maintain and insure the land at its own cost, which is estimated to be approximately £6,400 per annum. The Council also would not be taking up the opportunity to collaborate with the Town Council in the delivery of the 33.64 acre recreational scheme and enable the community to take ownership of the management of the land.

It is recommended that the lease proposed to Carmarthen Town Council should be progressed, on the basis of the environmental wellbeing benefits of the scheme and given the offer from the Town Council to take on future maintenance responsibility. The transfer to the Town Council should create community buy-in and support to enhance the use of the facility. The lease would restrict use of the land to recreation purposes only.

DETAILED REPORT ATTACHED ?	NO
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# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Wendy Walters

Chief Executive

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	YES	NONE	YES

## 1. Policy, Crime & Disorder and Equalities

The project and proposed lease fulfil the majority of the Goals and Ways of Working within the Well-being of Future Generations Act. The County Council would be working in collaboration with the Town Council to provide a recreational facility that integrates with the existing community and improves people's physical and mental well-being, within a natural environment.

## 2. Legal

A lease will be prepared by the Council's Legal Section.

In addition to this, the proposed disposal of this area of open space has also been advertised in a local newspaper on the 17<sup>th</sup> and 24<sup>th</sup> April 2019, in accordance with the Local Government Act 1972, giving 28 days for any objections to be received. No objections to the proposed disposal were received.

### **3. Finance**

Carmarthenshire County Council, have secured a grant of £128,000 through the Welsh Government Rural Communities, Rural Development Programme towards the development of Y Morfa and the Carmarthen Gateway project.

Maintenance and management costs (estimated to be £6,400 per annum) will be transferred to the Town Council.

### **5. Risk Management Issues**

Insurance responsibilities will be passed to the Town Council under the terms of the lease.

### **6. Physical Assets**

In accordance with the Corporate Asset Management Plan objectives and Welsh Assembly Government guidance the transfer would facilitate a collaborative approach to the provision of community services and enable local “ownership” of the facility.

Under the terms of the lease, the Town Council will be responsible for the management and maintenance of the land.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Wendy Walters

Chief Executive

## 1. Scrutiny Committee

n/a

## 2. Local Member(s)

Local member consultation took place on Friday 27<sup>th</sup> July 2018. Cllr. Gareth John and Cllr. Alun Lenny were present at the consultation meeting along with other local members representing wards within Carmarthen.

## 3. Community / Town Council

Carmarthen Town Council will be taking the lease and have therefore been fully consulted.

## 4. Relevant Partners

N/A

## 5. Staff Side Representatives and other Organisations

Part of the land comes under Leisure and part under Property. The proposed lease to Carmarthen Town Council is supported by the Property and Major Projects Manager and the Head of Leisure has confirmed support.

## Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

**THERE ARE NONE**