

**REPORT RELEASED INTO THE PUBLIC DOMAIN BY**  
**POLICY & FINANCE COMMITTEE – 31.03.22**

**POLICY & FINANCE COMMITTEE**  
**24 JUNE 2021**

This report contains information which is likely to reveal the identities of individuals and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings which are categories of exempt information under Schedule 12A of the Local Government Act 1972 Paragraphs 2 and 5 which the Committee has the power to exclude the press and public if it so wishes.

**RECOMMENDED that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 2 and 5 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

It is considered that the need to treat the information in this report as exempt outweighs the public interest in disclosure because of possible need to take legal action and to protect the names of individuals involved.

**LAND TO THE SOUTH SIDE OF MOOR LANE, SOUTH CLIFTON**

**1.0 Purpose of Report**

1.1 To update Members on the current position in respect of land to the south of Moor Lane South Clifton (the Land) and to seek authorisation for proposals in respect of the Land.

**2.0 Background Information**

2.1 The Land has been the subject of a longstanding planning enforcement case. In November 2018 Committee agreed for the Council to purchase the Land from the Crown, which held the Land following the bankruptcy of the previous owner. Budget provision of £58,150 was allocated for purchase, site clearance and legal costs. In April 2019 Committee agreed that, following purchase, the Council could offer to lease the land to the Parish Council, for a minimum sum of £450 a year.

2.2 The Council was mindful that if the occupiers of the Land were evicted, any equipment removed might simply be transferred to other land in the area which the occupiers either owned or leased. It was suggested that a pre-emptive injunction could be applied for, to prevent consequential planning breaches on other land. It was estimated that the costs of an injunction would be approximately £5,000 to £6,000. The likelihood of success was considered unknown.

2.3 The Land was finally transferred to the Council in July 2020, for a purchase price of £5,000. The Land is subject to a covenant that it must be used for agricultural purposes only and that no buildings should be erected on it.

- 2.4 The occupiers have been notified that the Council has taken ownership of the Land and proceedings have been instigated to formally seek possession through the Courts. There has been some delay with the court proceedings due to Court Closures and subsequent backlog due to the Pandemic. A hearing is due to take place in July 2021. Legal Services has been in correspondence with solicitors for one of the occupiers. They have confirmed to vacate the site and have been removing property which has been stored there. To date no property is known to have been moved to other land in the area.

### **3.0 Proposals**

- 3.1 There is no evidence that property has been moved from the Land to another site in breach of planning control. It is now considered that the chances of success in obtaining an injunction, are low. It is therefore proposed that the Council does not apply for an injunction after all. The budget allocated for this can instead be used for site clearance/security, with any unspent monies returned to reserves. Any future breach of planning control could be dealt with in accordance with established procedures.
- 3.2 Once the occupiers have fully vacated the site, voluntarily or otherwise, it will be necessary to ensure the site is secured to prevent trespass by any other party. The site is currently bound by hedgerows and trees to the majority of boundaries with the formal access currently secured by a gate. It is not known if the gate will be removed or not when the site is vacated. The proposal is to secure the site with concrete blocks in front of the gate (or access if it is removed) and within the site, but ensuring roots are not harmed, to dig a trench all the way round preventing vehicular access. Signage will likely be erected to advise the site is owned and monitored by the Council, giving contact information. Consideration is also being given to CCTV cameras.
- 3.3 From the historic use of the site (storage and breaking of vehicles as well as burning of unknown materials), it is anticipated that there might be some land contamination, particularly to the eastern parcel of land. It will therefore be necessary for a contamination assessment to be undertaken. The survey will be required prior to the site being secured as digging the trenches could cause disturbance. Any contamination identified will need to be evaluated to understand any mitigation that might be necessary to provide ground conditions appropriate for an agricultural use.
- 3.4 As some time has passed since South Clifton Parish Council expressed an interest in leasing the land, the Parish has been updated on the current position and asked to confirm if it still wishes to enter into a lease. It is hoped a verbal update can be given at the meeting.

### **4.0 Equalities Implications**

- 4.1 The public sector equality duty is taken into account in relation to possession proceedings where appropriate; the Council is not aware of any equalities implications in this case.

### **5.0 Digital Implications**

- 5.1 None

## **6.0 Financial Implications (FIN21-22/3091)**

- 6.1 The original budget that was approved was £58,150. To date the Council has incurred £12,686 in costs in relation to the purchase and costs in relation to the site clearance. This therefore leaves £45,464 of budget available for the remainder works that need to be carried out. It is anticipated that the proposals identified above can be accommodated within the remaining budget.
- 6.2 In terms of the lease through to the Parish Council, the Council will receipt an annual rental income of approximately £450 in respect of the lease period.

## **7.0 RECOMMENDATIONS that:**

- (a) the Council does not seek a pre-emptive injunction for sites near the Land which are owned or leased by the current occupier of the Land;**
- (b) to note that the Land will be secured by provision of concrete boulder(s) at the entrance and trenches dug within the site or other appropriate means;**
- (c) to note that the Council will undertake a land contamination survey and any remedial action necessary to provide soil appropriate for an agricultural use; and**
- (d) the Council offers the Land to the Parish Council on a lease arrangement at an agreed rent for agricultural use. If the Parish Council declines this offer the Council will seek to lease the Land at market rent for agricultural use.**

## **Reason for Recommendations**

**To conclude this long ongoing matter in a proportionate and cost-effective way, that gives the appropriate level of assurance to local residents about the future use and security of the Land.**

## **Background Papers**

Policy & Finance Committee report 29 November 2018 (exempt)

Policy & Finance Committee report 4 April 2019 (exempt)

For further information please contact Lisa Hughes on Ext 5565.

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