

Report to: **Lead Member for Resources**

Date: **13 December 2016**

By: **Chief Operating Officer**

Title of report: **Land at Lewes Road, Streat**

Purpose of report: **To seek Lead Member approval to declare this property surplus to Council requirements and transfer for nil consideration to facilitate a bridleway creation**

RECOMMENDATIONS

The Lead Member for Resources is recommended to:-

- 1. declare the property surplus to Council operational requirements; and**
 - 2. delegate authority to the Chief Operating Officer to agree the terms in line with s. 123 of the Local Government Act 1972 and transfer the property to facilitate a bridleway creation.**
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1. Background Information

1.1 The land was gifted to the Council in 1937 for the purpose of improving the Highway. The improvement scheme was not carried out but East Sussex County Council (ESCC) retained the gifted land.

1.2 Other than to facilitate the creation of a bridleway, the land has no future use or benefit for the Council on its own, particularly due to the nature of the land and its shape and location.

1.3 There is widespread evidence, both within ESCC and locally, to support the creation of a bridleway - primarily on safety grounds as, if the path can be created, walkers, equestrians and cyclists will be able to avoid a section of the B2116, which has no footway at this point.

1.4 The proposed bridleway lies within the South Downs National Park area and its creation is supported by the South Downs National Park Authority, who have offered a £3,000 contribution to any necessary physical works.

1.5 The creation of a bridleway is also supported by the Westmeston Parish Council, Streat Parish Meeting and local Footpath Conservation Society – a local volunteer group. Both the South Downs and East Sussex Local Access Forums also support the creation of a bridleway. A Local Access Forum is an independent statutory group of access experts who provide impartial advice to local authorities. A letter of support for the creation of the bridleway has been provided by the Mid Sussex Area Bridleways Group, a copy of which is available in the Members Room.

1.6 In terms of ESCC strategy, the intended bridleway is listed as BV50 in the Rights of Way Improvement Plan (RoWIP) 2007-2017, and the completion of it would help meet the objective of 'Aim 3' in the RoWIP which is to improve safety and convenience; closing obvious gaps in the Right of Way network. The RoWIP is a statutory document listing improvements that could be made to the path network in East Sussex.

1.7 Whilst ESCC could retain the land and dedicate a bridleway along it, the best value option is considered to be the transfer of the land to the adjacent owner, with the dedication of a bridleway closer to the highway boundary. This scenario would still create a bridleway for the public, whilst providing the landowner with a more practical operational area for their farming business.

1.8 Due to the adjacent land being used for stock, it would be necessary to fence the proposed bridleway to reduce the potential for conflict with path users. The adjoining land owners have agreed in principle to bear the cost of the appropriate stock fencing and hedging required along the bridleway bordering their land (estimated to be around £5,000 for material and installation).

2. Supporting Information

2.1 The land is shown hatched black on the attached plan at Appendix 1 and comprises of 2.95 acres of grazing land.

2.2 An internal consultation with all Council Services has concluded there is no operational requirement for this property.

2.3 The Local Member has been informed and has no objections to disposing of this property.

2.4 A valuation has been carried out which estimates that the value of this land on the open market would be £10,000 - £12,000 but does note that it would be a difficult property to achieve full value, due to it being surrounded by land within private ownership.

3. Conclusion and Reason for Recommendation

3.1 It is recommended that this property be transferred to the adjacent landowner for nil consideration on the basis that the buyers covenant to dedicate land as a bridleway. The proposal is shown on the plan at Appendix 2. The buyers would further carry out accommodation works to the value of £5,000.

3.2 It is recommended that the freehold of the land is transferred for nil consideration as ESCC is still able to carry out its statutory duties and functions in terms of bridleway maintenance as well as fulfil strategic objectives that are necessary and desirable.

3.3 ESCC would, under the terms of the Highway Act 1980, be statutorily responsible for maintaining the surface of the bridleway. However, given the location and local geology, any future maintenance burden is expected to be minimal. The adjoining land owners would, likewise, become responsible for maintaining the adjacent fences and hedges.

KEVIN FOSTER
Chief Operating Officer

Contact Officer: Kate V Nicholson, Assistant Estates Surveyor,
Tel. No. 01273 336 487 Mob: 077100 65485
Email: kate.nicholson@eastsussex.gov.uk

Local Members: Councillor Jim Sheppard

Background Documents: None