

**Report to:** Lead Member for Resources and Climate Change

**Date of meeting:** 14 December 2021

**By:** Chief Operating Officer

**Title:** Disposal of East Sussex County Council's freehold interest of Open Space Land at Woollard's Field, Brighton

**Purpose:** To agree (i) County Council land at Woollard's Field, Brighton is to be declared surplus to operational use and (ii) to agree to the disposal of the Council's freehold interest for a nil capital receipt

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## **RECOMMENDATIONS**

*The Lead Member for Resources and Climate Change is recommended to:*

- 1) Declare the asset known as Open Space Land at Woollard's Field, Brighton (the Site) surplus to the County Council's requirements;**
  - 2) Approve the disposal of the County Council's freehold interest in the Site to achieve best value in accordance with section 123 of the Local Government Act 1972 and the obligations of the section 106 agreement; and**
  - 3) Delegate authority to the Chief Operating Officer to determine the detailed terms of the disposal and to ensure the legal documents are in place to transfer the land as outlined in a previously signed 106 agreement.**
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## **1 Background**

- 1.1 East Sussex County Council (ESCC) seeks to declare surplus this asset which is no longer required for operational purposes. The plan showing the area is at Appendix 1.
- 1.2 The asset forms part of larger site at Woollard's Field, the majority of which has been used to construct and operate The Keep.

## **2 Supporting information**

- 2.1 ESCC and Brighton and Hove City Council (BHCC) as local planning authority entered into a Section 106 Agreement dated 17 January 2011. This was a requirement for the Council obtaining planning permission for adjoining land. The County Council agreed, as detailed in Schedule 8 of the S106 Agreement, to transfer the Open Space Land for Nil consideration to BHCC (see Appendix 2).
- 2.2 The land now needs to be declared surplus in order for the section 106 agreement obligations to be enacted. The land will be safeguarded for community use as public open space.
- 2.3 The land will be utilised by BHCC as a Community Orchard and as public open space being within the wider site of the "The Keep" archive facility used by the County Council, BHCC, and University of Sussex and has now been operating since 2013.
- 2.4 The County Council has no operational use for the area known as Land at Woollard's Field and BHCC will be responsible for the ongoing upkeep of the community orchard.

### **3 Conclusion and reasons for recommendations**

- 3.1 It is recommended that the Lead Member agree to declare the asset known as Open Space Land at Woollard's Field, Brighton (the Site) surplus to the County Council's requirements.
- 3.2 It is also recommended that the Lead Member approve the disposal of the County Council's freehold interest in the Site to achieve best value in accordance with section 123 of the Local Government Act 1972 and the obligations of the section 106 agreement.
- 3.3 It is further recommended that the Lead Member delegate authority to the Chief Operating Officer to determine the detailed terms of the disposal and to ensure the legal documents are in place to transfer the land as outlined in a previously signed 106 agreement.

#### **PHIL HALL**

##### **Chief Operating Officer**

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#### LOCAL MEMBERS

None

Background Documents: none

Appendix 1 – Plan of land

Appendix 2 – copy of S106 agreement