

DECISION NOTICE

Notice is given that the following decision has been taken under the Provisions set out in the Council's Constitution

Decision maker: Cabinet Member for Regeneration

Date: 14 August 2017

Decision in the matter of: Freehold Transfer of Allotment Sites in Crewe to Crewe Town Council and Grant of Easements

Decision: That the Portfolio Holder

- 1 agrees to the rectification of all of the title numbers CH562085, CH498284, CH562197, CH562605, CH563125, CH563728 and CH564009 excluding the two allotment sites (shown on plans C and G) from Crewe Town Council to Cheshire East Council. This will be formalised by way of a Consent Order made between Cheshire East Council and Crewe Town Council, which shall be submitted to the Tribunal and will (once accepted) conclude the current proceedings;
- 2 provides authority to enter into a Settlement Agreement and following the above rectification, to formally transfer the freehold titles to the remaining 7 allotments sites (listed in paragraph 2 of Appendix 1 to the report) to Crewe Town Council and to grant and reserve rights as part of those transfers and to enter into easements (in respect of the allotment sites where the freehold ownership will not be rectified by the Tribunal) for the benefit of Cheshire East Council's retained land and to grant rights for the benefit of those allotment sites (shown on Plans C and G attached); and
- 3 provides authority to deal with any other legal documentation required to formalise the agreement reached between the parties for the purpose of registering Cheshire East Council's and Crewe Town Council's land ownership, rights granted and for concluding the current proceedings with the Tribunal.

Background: The Cabinet Member had previously considered the matter at a meeting on 13 March 2017. Two of the allotment sites considered in that report – Hulme Street and Ford Lane, have been nominated and accepted as Assets of Community Value (pursuant to the Localism

Act 2011 and the Assets of Community Regulations 2012) and in order to protect the status of those sites restrictions have been lodged at the Land Registry to prevent a disposal of the sites other than in accordance with the statutory provisions.

Cheshire East Council and Crewe Town Council had previously drafted and agreed a Consent Order to dispose of the proceedings at The Property Chamber, Land Registration, First-tier Tribunal and a Settlement Agreement to transfer the freehold of the allotment sites only to Crewe Town Council immediately after the Land Registry rectification had taken place. The pending restrictions for the two Assets of Community Value sites will prevent the immediate transfer back to Crewe Town Council of those two sites, which was agreed as part of the Settlement Agreement.

The parties have agreed that that the freehold ownership of the two allotment sites registered as Assets of Community Value shall upon conclusion of the proceedings with the Tribunal remain with Crewe Town Council, with the remaining land within those title numbers and the title numbers not including the Assets of Community Value sites to be rectified by the Tribunal, with the result of the returning the land to the freehold ownership of Cheshire East Council.

Background Documents:

Background documents can be viewed by contacting the report author

Approved:

Signed
Councillor Don Stockton, Cabinet Member for Regeneration

Date:

14 August 2017

Advising Officer:

Signed