

CHESHIRE EAST COUNCIL

Cabinet Member for Procurement, Assets and Shared Services

Date of Meeting:	22 March 2010
Report of:	Assets Manager
Subject/Title:	Proposed Disposal of Land as Part of Stopping Up Order at The Bield, The Green, Nantwich.
Portfolio Holder:	Councillor Peter Mason

1.0 Report Summary

- 1.1 The purpose of this report is to inform the Portfolio Holder of the intention to dispose of former Highways land at The Bield, The Green, Nantwich. The land is shown hatched on the attached plan for identification purposes and is adjacent to an area of land recently stopped up in accordance with Section 116 of the Highways Act 1980.

2.0 Decision Requested

- 2.1 That approval is given for the proposed land disposal in favour of Mr and Mrs Banks upon terms to be formalised by the Assets Manager & the Borough Solicitor.

3.0 Reasons for Recommendations

- 3.1 The area of land is considered surplus to Cheshire East Borough Council requirements. The land originally formed part of the A51 until the construction of the Nantwich ByPass in the early 1990's. Since the opening of the Bypass in 1991, the land has been used solely as the vehicular access to The Bield and has been subject to occasional fly tipping.

4.0 Wards Affected

- 4.1 Chomondley Ward

5.0 Local Ward Members

- 5.1 Cllr Rachel Bailey
Cllr Margaret Hollins
Cllr Wilfred Stanley Davies

6.0 Policy Implications including

Climate change - Health

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

None.

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

As result of the proposal land sale The Borough Council will obtain a Capital Receipt in addition to the avoidance of any future liabilities resulting from the site.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 None

10.0 Risk Management

10.1 The disposal of the land will eliminate any future Cheshire east Borough Council liability.

11.0 Background and Options

11.1 An application was originally received from Mr and Mrs Banks, The Green, Reaseheath to stop up an area of Highway land adjacent to their dwelling in 2008. Worleston and District Parish Council fully supported the proposal and believed that it would prevent fly tipping and help keep the Parish tidy. The stopping up order was subsequently granted by the Magistrates Court on the 25 November 2009.

11.2.1 Mr and Mrs Banks have made an approach to The Borough Council with a request to purchase a small plot of land which is located immediately adjacent to the stopped up land. It would not be appropriate to advertise the land on the market due to its location within the middle of the former highway. Once authority has been granted to proceed then negotiations will be progressed with Mr and Mrs Banks.

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