

**OFFICER DELEGATION SCHEME
RECORD OF OPERATIONAL DECISION**



TO BE UPLOADED TO THE E-MEETINGS MANAGER

Date: 25.2.14	Ref No: LS-96
Type of Operational Decision:	
Executive Decision <input checked="" type="checkbox"/>	Council Decision <input type="checkbox"/>
Status:	
<p>Title/Subject matter: Permission to dispose of 9 plots of Leisure land across the Borough which are surplus to requirements</p> <p>Addresses are listed below</p>	
Budget/Strategy/Policy/Compliance – Is the decision:	
(i) within an Approved Budget	Yes
(ii) not in conflict with Council Policy	Yes
(iii) not raising new issues of Policy	Yes
<p>Equality Impact Assessment [Does this decision change policy, procedure or working practice or negatively impact on a group of people? If yes – complete EIA and summarise issues identified and recommendations – forward EIA to Corporate HR]</p>	No
<p>Details of Operational Decision Taken [with reasons]:</p> <p>Working within the agreed scale of savings as part of the Plan for Change, this is a strategy to reduce the size of the Councils assets and therefore the responsibility and risk they bring</p> <p>The first 9 Pilot sites have been identified as being (also see attached plans) – Radcliffe Banking, R/o 16 Belmont rd, Ashcombe Drive, Radcliffe Shaw St, Gladstone St, Pine St South, Fir St, Pine St, Hark to Towler, Bury</p> <p>Site assessments have been carried out which identified the land as surplus with little community value</p> <p>Planning Policy and Property Services have been consulted in relation to the Greenspace Strategy, UDP, the local development framework and covenants within the deeds, combined comments report attached for reference</p> <p>The ward Councillors in each area have been consulted - all happy to proceed after answering some initial questions</p>	

In summary,




3 sites are protected recreational space which need to satisfy requirements under NPPF before development which could reduce the value and the potential sale, but not prevent it

2 sites are also Green Belt, wildlife corridors, river valley which need these requirements satisfied before development which could reduce the value and the potential sale, but not prevent it

5 sites have no issues

1 Site - Ashcombe Drive Walkway - The disposal of this site would contravene the Greenspace Strategy, however we could advertise it with a condition which reaffirms the status of the land as Protected Recreation Provision and states the site should remain in recreational use. However, should the site be redeveloped and replacement provision was laid out in the area of a better standard, or it was part-retained and enhanced as part of a housing scheme this could potentially satisfy NPPF requirements. This would reduce the value and the potential sale, but not prevent it

The income generated through these disposals for each individual site will be reinvested into neighbouring sites for the purposes of Self Management, Asset Transfer or other invest to save projects, business cases will be written for any plots of land valued over £10k

Decision taken by:	Signature:	Date:
Executive Director EDS		10/2/14
Assistant Director (Operations)		25/3/14
Members Consulted [see note 1 below]		
Cabinet Member		7/3/14

Notes

1. It is not generally a requirement to consult with any Members on Operational Decisions but where a Chief Officer considers it necessary to consult with the appropriate Executive Member and/or Lead Member, they must sign the form so as to confirm that they have been consulted and that they agree with the proposed action. The signature of the Opposition Spokesperson should be obtained to confirm that he/she has been consulted.
2. **This form must not be used for urgent decisions.**

Flood Risk Zones

Within areas at risk of flooding i.e. Flood Zones 2 (medium probability), 3a (high probability) and 3b (functional floodplain), the NPPF states that inappropriate development should be avoided by directing development away from areas at highest risk. Where development is necessary, this should be made safe without increasing flood risk elsewhere.

A sequential test will be required which aims to steer development to Flood Zone 1 where possible, with reference to local evidence base (the Bury, Rochdale and Oldham Strategic Flood Risk Assessment). The test is to demonstrate there are no reasonably available sites in Flood Zones 1 and 2 before development is considered within Flood Zone 3.

Other planning constraints

Some of the sites identified are also affected by other planning designations. The relevant policies are considered in turn below:

Green Belt

The NPPF contains national policy on Green Belts which seeks to prevent urban sprawl by keeping land permanently open. The construction of new buildings is regarded as inappropriate development in the Green Belt with the following exceptions:

- Buildings for agriculture and forestry;
- Appropriate facilities for outdoor sport and recreation;
- Extension or alteration of buildings that are not disproportionate additions;
- Replacement of a building in the same use which is not materially larger;
- Limited infilling in villages;
- Limited infilling/partial redevelopment of brownfield land.

Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

River Valleys

The River Valleys designation operates over the valleys of the Rivers Irwell and Roch and their tributaries. UDP Policy OL5/2 states that new buildings or change of use of buildings or land will not be permitted except where a case can be made that development would not lead to the division of the open parts of the valley into sections. Where sites are also in the Green Belt, as with Sites 3 and 4, Green Belt policies also apply (see above).

It is intended under the emerging Local Plan that the River Valleys designation will form part of a new Strategic Green Infrastructure Network, where proposals will be resisted should they result in negative impacts. Proposals that improve the connectivity and quality of the network will be supported.

Wildlife Links and Corridors

UDP Policy EN6/4 seeks to consolidate and strengthen wildlife links and corridors, and will not permit development which would adversely affect them. New development within or adjacent the corridors should contribute to their effectiveness through design, landscaping and siting and mitigation where appropriate.

The NPPF advises that local planning authorities should aim to conserve and enhance biodiversity. If significant harm to a designated site resulting from a development cannot be avoided by (i) finding an alternative site, (ii) through mitigation or (iii) via compensation as last resort, then planning permission should be refused.

BACKGROUND

Protected Recreation Provision

A number of the sites to be considered under Phase 1 are Protected Recreation Provision under Policy RT1/1 of the Unitary Development Plan (UDP). Policy RT1/1 protects sites identified as recreation space on the Proposals Map and also recreation sites created during the period of the UDP, including:

- Sites protected under other UDP recreation designation proposal policies such as Policy RT3/2 on Additional Provision in the Countryside.
- Sites identified in a recreation audit / Greenspace Strategy.

Applications for development on the above sites must comply with the requirements of Policy RT1/1, an approach which has now been updated under guidance in the National Planning Policy Framework (NPPF).

Paragraph 74 of the NPPF states that existing open space, sport and recreational land should not be built on unless:

- The land is proved to be surplus to requirements by an assessment *e.g. the Greenspace Strategy*, or
- It is replaced by better provision in quantity and quality and is in a good location or
- The replacement facility is for sports and recreational provision which outweigh the loss.

Greenspace Strategy

The Greenspace Strategy is currently being finalised for consultation and contains evidence on the quantity, quality and accessibility of open space, sport and recreation sites within the Borough. This information was collated as part of a Recreation Audit in 2012 and has been assessed according to how actual provision performs against set provision standards. Comparison against these standards has revealed that there are a number of areas which record deficits in open space, sport and recreation in terms of how much we have (quantity), what condition it is in (quality) and how easy it is to reach them (accessibility).

The Strategy considers the findings of the Audit and assessment and prioritises for action those deficiencies in Townships highlighted as 'significant' or 'major' due to funding constraints. For Townships which have excesses in the quantity of open space i.e. the existing provision is above that of the required provision, the Strategy highlights that the standards set are minimum standards and therefore any excess does not necessarily justify disposal. The NPPF requires the Council to use the assessment in the Greenspace Strategy to clearly demonstrate a site is surplus to requirements before it can be considered for other uses and therefore all the information in the strategy and other supporting strategies will be consulted before any decision is made.

Site Name	Policy Designation(s)	Greenspace Strategy evidence	Comments
Site 4 Belmont Road field	<ul style="list-style-type: none"> - Green Belt - River Valleys - Wildlife Links and Corridors 	Not in audit.	<p>The site is not Protected Recreation and therefore there are no issues in terms of recreational policy.</p> <p>However, the site must also satisfy policies on Green Belt, River Valleys and on wildlife corridors and flood risk which all restrict the possible uses of the site (see 'Background').</p> <p>Deeds not available but nothing onerous mentioned on Terrier Record Card.</p>
Site 5-9 Bury East: <ul style="list-style-type: none"> • Shaw Street • Gladstone Street • Pine Street South • Fir Street • Pine Street/Wash Lane 	None	Not in audit.	<p>The sites have no planning constraints and can proceed further through the disposal process. This does not confer planning approval and any planning application will be judged on its individual merits.</p> <p>Shaw Street - Deeds not available but restriction on alcohol stated on Terrier Record Card. Registered title states subject to any existing rights and easements.</p> <p>Gladstone Street - No deeds available but registered title only states subject to any existing rights and easements.</p> <p>Pine Street South - Usual party walls/ash pit clause.</p> <p>Fir Street - No deed record but registered title only shows subject to rights of way, drainage, pipes, conduits etc.</p> <p>Pine Street/Wash Lane - No deed record but registered title only shows subject to rights of way, drainage, pipes, conduits etc.</p>

Site Name	Policy Designation(s)	Greenspace Strategy evidence	Comments
Site 3 Radcliffe Banking	<ul style="list-style-type: none"> - Protected Recreation - Green Belt - River Valleys - Flood Risk - Wildlife Links and Corridors 	<ul style="list-style-type: none"> • Site details: Ref no. RP/RD053/00, Natural/semi-natural greenspace, Outwood, 75.33 Ha. • Quantity: Major excess of natural/semi-natural greenspace in Radcliffe. • Quality: Site – Average (44%), Radcliffe township – Poor (35%). • Accessibility: Site would still border large site of Outwood which has 1200 metre catchment area. 	<p>The site is Protected Recreation and therefore this land should not be built upon unless the requirements of NPPF Para. 74 are satisfied (see 'Background').</p> <p>There is an excess in quantity of natural/semi-natural greenspace, quality is below the required standard and there are no major problems with accessibility in the vicinity of the site. None of these issues are priorities for action in the Greenspace Strategy. Whilst there an excess of quantitative provision and low standards of quality do not necessarily justify disposal, it is considered that the loss of this site which forms part of a larger 75 Ha. site at Outwood would not be contrary to recreational planning policy objectives.</p> <p>The site must also satisfy policies on Green Belt, River Valleys and on wildlife corridors and flood risk which all restrict the possible uses of the site (see 'Background').</p> <p>Deeds not available but nothing onerous mentioned on Terrier Record Card.</p>

PHASE 1 RECREATION LAND SURPLUS – PLANNING POLICY AND ESTATES COMBINED COMMENTS (JANUARY 2014)

OVERVIEW

There are 9 sites which are currently used as recreation space that are being considered by the Operations Team for disposal. This note reviews the issues arising from the planning designations and constraints placed on these sites to help give an initial view of the order in which sites should be prioritised. The conclusions are as follows:

Site Name	Policy Designation(s)	Greenspace Strategy evidence	Comments
Site 1 Hark to Towler	Protected Recreation Adjacent a Neighbourhood Centre	<ul style="list-style-type: none"> • Site details: Ref no. RP/BY114/00, Amenity Greenspace, 0.098 Ha. • Quantity: Slight deficiency of Amenity Greenspace in Bury East. • Quality: Site – Average (51%), Bury East township – Average (57%). • Accessibility: Site within access threshold of other Amenity Greenspace sites (e.g. Gorses Quarry). 	<p>The site is Protected Recreation and therefore this land should not be built upon unless the requirements of NPPF Para. 74 are satisfied (see 'Background').</p> <p>There is a slight deficiency in quantity of amenity greenspace, quality is just below the minimum standard of 60% (Good) and there are no major problems with accessibility in the vicinity of the site. None of these issues are priorities for action in the Greenspace Strategy.</p> <p>Deeds available Site of two demolished houses. Subject to rights of adjoining owners to pass over and through back yards. Remainder of site is not owned by Council</p>

Site Name	Policy Designation(s)	Greenspace Strategy evidence	Comments
Site 2 Ashcombe Drive Walkway	Protected Recreation	<ul style="list-style-type: none"> • Site details: Ref no. RP/RD023/00, Amenity Greenspace, 0.1 Ha. • Quantity: Significant excess of Amenity Greenspace in Radcliffe. • Quality: Site – Good (73%), Radcliffe township – Good (60%). • Accessibility: Site within distance threshold of other Amenity Greenspace sites (e.g. Exeter Avenue, Sparking Clog PH). 	<p>The site is Protected Recreation and therefore this land should not be built upon unless the requirements of NPPF Para. 74 are satisfied (see 'Background').</p> <p>There is a considerable surplus of this type of informal recreation in Radcliffe, although the site performs well against all three provision standards of quantity, quality and accessibility in the Greenspace Strategy. These are minimum standards and therefore a surplus does not necessarily justify disposal. Consequently, it would be difficult to prove that the site is surplus to requirements in line with the NPPF. There are therefore issues with disposing of this site in that the eventual loss of this site would be contrary to Greenspace Strategy findings.</p> <p>We could possibly advertise any disposal with a condition which reaffirms the status of the land as Protected Recreation Provision and states the site should remain in recreational use. However, should the site be redeveloped and replacement provision was laid out in the area of a better standard, or it was part-retained and enhanced as part of a housing scheme this could potentially satisfy NPPF requirements.</p> <p>Deeds available Tunnel to Mount Sion Road crosses NE of this plot. Usual 'No Nuisance' clauses. No buildings until spec approved by vendor.</p>



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3127 315 Ashcombe Drive Walkway

