

Report to:	Cabinet	Date: 04 September 2024
Subject:	Objections to the proposed disposal of Public Open Space – Land off Manchester Road/Radcliffe Road, Bury	
Report of	Leader and Cabinet Member for Strategic Growth	

Summary

1. The report provides details of the objections received to the proposed disposal of Public Open Space (POS) of land off Manchester Road/Radcliffe Road, Bury
2. The extent of the land concerned is shown edged red on the plan contained within Appendix 1 to this report.

Recommendation(s)

3. Cabinet is asked to consider the responses received to the consultation and resolve to proceed with the disposal of the POS as shown edged red on the attached plan in Appendix 1.

Reasons for recommendations

4. The approval of the disposal of the POS will make the land available for the Council to dispose of for a new specialist education provision.

Alternative options considered and rejected

5. Not to proceed with the disposal of the land and for it to remain as POS which would then mean that another site will need to come forward for a new specialist educational provision.

Report Author and Contact Details:

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Background

6. This report refers to a plot of land off Manchester Road/Radcliffe Road, Bury as shown edged red on the plan shown in appendix 1. The land comprises of

an area of approximately 15,364 square metres. This is approximately 30 percent of the overall Redvales site.

7. The land is managed by the Council's Leisure Services and is currently vacant.
8. Sections 123(2A) and 127(3) of the Local Government Act 1972 and section 233(4) of the Town and Country Planning Act 1990 ('the 1990 Act') require a local authority wishing to dispose of open space under those powers to advertise its intentions in a local newspaper for two consecutive weeks and to consider objections.
9. Notices advertising the intention to dispose of POS were placed in editions of the Bury Times on 8 February 2024 and 15 February 2024 with a closing date for objections of 7 March 2024. Local Ward Councillors were informed that the advertisements were to be placed in the Bury Times on 7 February 2024.
10. 55 Objections have been received to the disposal of the POS and are included within the Background Papers at the end of this report. Appendix 2. Some objections contain the same wording but are received from different objectors.

Summary of Objections

11. Many of the objections relate to the future use of the site and are not relevant to this decision which is solely to approve the disposal of the POS. These range from flooding, wildlife, flora, fauna, noise, access, unsuitable site, increased litter from pupils and visitors, sewers, rights of way, parking, devaluation of neighbouring properties and Biodiversity Net Gain.
12. Any future proposals to build on the site will require planning permission and there will be the opportunity for the public to make comments on any proposals that come forward at this stage. These issues will therefore fall to be considered at the planning stage.
13. There are several objections from members of the public who use the POS for formal and informal recreational activities such as walking, playing sports and gatherings. There will, therefore, be an impact on those members of the public who have the ability to use the land taken away. However, as set out at paragraph 6 of this report, the POS proposed to be disposed of comprises a small part of the Redvales site. The majority of the Redvales site will remain open space for members of the public to use for recreation purposes.
14. One of the objections is raised from a volunteer at the football club who previously had an agreement to use this land.

The remaining section of the playing field is currently used by a football club.

15. Members are requested to consider the objections and balance the loss of Public Open Space for members of the public who use it for recreational purposes against the wider public benefit of the need for specialist education provision.

Links with the Corporate Priorities:

Please summarise how this links to the Let's Do It Strategy.

16. Local – if this site progresses it will provide new specialist educational provision which is much needed within the borough.

Equality Impact and Considerations:

*Please provide an explanation of the outcome(s) of an initial or full EIA and make **specific reference regarding the protected characteristic of Looked After Children**. Intranet link to EIA documents is [here](#).*

17. Not applicable as the POS notices are a procedural requirement. Any future disposal would be subject to a future cabinet report.

Environmental Impact and Considerations:

*Please provide an explanation of the Environmental impact of this decision. Please include the impact on both **Carbon emissions** (contact climate@bury.gov.uk for advice) and **Biodiversity** (contact c.m.wilkinson@bury.gov.uk for advice)*

18. Not applicable as the POS notices are a procedural requirement. Any future development would be considered as part of a planning application.

Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
Opportunity Potential for alternative use, including a new specialist educational provision facility will be provided.	If site is not disposed of, consideration for further uses.

<p>Risk The transfer of the land does not proceed.</p> <p>The land does not receive planning permission.</p>	<p>Undertake all due diligence and identify issues at an early stage and work proactively with all parties to ensure completion within an agreed timeframe.</p> <p>Work with all parties to identify issues at an early stage to ensure that a satisfactory planning permission is obtained.</p>

Legal Implications:

19. The Council may not dispose of any land which is public open space unless it has advertised the proposed disposal in accordance with Section 123 of the Local Government Act 1972. In reaching a decision on whether to dispose of land which is public open space, the Council must consider and take into account all objections and representations received in response to such advertisements. This involves balancing the benefits off the disposal of the land against any losses suffered by the members of the public that use the open space for recreational purposes who will have their ability to use the land taken away.

Financial Implications:

To be completed by the Council's Section 151 Officer.

20. There are no financial implications for consideration in respect of this report.

Appendices:

Appendix 1 – Red edged plan

Appendix 2 – Public Open Space Objections

Background papers:

Please list any background documents to this report and include a hyperlink where possible.

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
POS	Public Open Space