

Delegated Officer Report

Asset File No:	Part of 1601
Legal Fees £ :	NA
Surveyors Fees £ :	NA
Decision Maker:	Paul Clifford, Director of Economy
Date of Decision:	19th December 2022
Subject:	Public Open Space Stage 1 Report Snipe Clough
Report Author:	James Tolan, Principal Regeneration Officer James.tolan@oldham.gov.uk

Reason for the decision:

This report recommends that land at Snipe Clough be advertised advising of the Council's intention to dispose of public open space.

Any objections to the proposed disposal of the public open space received will be contained in a future Stage 2 report with further recommendations.

Land within Council ownership comprising c 1 acre at Snipe Clough is categorised as Public Open Space.

The subject land has been identified by Northern Roots (Oldham) Limited's masterplan as being required to deliver a bike hub open to the Public and an important part of this project's themes around outdoor activities as approved by January 2019 Cabinet.

Northern Roots (Oldham) Limited will require a long lease classed as a Council disposal of the subject land to progress these project themes.

In accordance with the Council's Land and Property Protocols before a long lease (disposal) can be considered, the Loss of Public Open Space protocol is required to be followed.

Under the Council's Property Protocols decisions to dispose of open space are made in two stages.

The first stage (subject) report is to recommend disposal of the land in principle, subject to the advertising in an appropriate publication of the proposed disposal and allowing time for objections.

The second stage (future) report will make recommendations for disposal or retention of the land having regard to any objections, which have been received to the proposed disposal.

Summary:

The purpose of the report is to recommend that the Council progress a Stage 1, Loss of Public Open Space regarding c 1 acre at Council owned Snipe Clough (see appendix 1).

The January 2019 Cabinet Report for the Northern Roots Project identified Snipe Clough as an area that can be developed to provide 5 project themes as follows:

- i. Food Growing
- ii. Functional Production
- iii. Sports
- iv. Outdoor activities and
- v. Woodland discovery

Since the 2019 Cabinet Report the Northern Roots business plan has developed further which has led to the incorporation of the project to Northern Roots (Oldham) Limited classed as an external third party to deliver the project.

Northern Roots (Oldham) Limited have advised that an important pre-requisite of their project delivery will be for the Council to grant a long-term lease of the land within Council ownership at Snipe Clough.

Before the Council can consider the grant of a long-term lease it will need to follow its Land and Property Protocols where land has been identified as Public Open Space.

The definition of open space contained in the Open Spaces Act 1906 Section 20 advises that “any land, whether enclosed or not, on which there are no buildings or of which not more than one twentieth part is covered with buildings and the whole or the remainder of which is laid out as garden, or is used for the purposes of recreation, or lies waste and unoccupied.” Under this definition the subject land at Snipe Clough can be categorised as Public Open Space.

In accordance with that definition, it is considered that the subject land is Public Open Space and under the Local Government Act 1972, and its own Property Protocols the Council is required to advertise the intention to dispose of the land and then consider any objections to the disposal which may be made.

Any comments and objections received will be considered in a future Stage 2 report with recommendations on whether the land can be disposed.

To note as and when the remainder of this project progresses further Public Open Space reports will be progressed in relation to other themes which Northern Roots are intending to deliver on other parts of Snipe Clough.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1: The Council not to consider the disposal of open space.

This approach would mean that the Council would continue to be responsible for the land and deny the Council from seeking a partner to deliver important themes around delivering outdoor activities which will benefit the community.

Option 2: The Council to follow its Property Protocols with a stage 1 loss of Public Open Space report which would allow the matter to be advertised with comments and objections

received and reported on in a further Stage 2 report.

Consultation :

Council members representing Alexandra will be consulted during this stage 1 process and their comments incorporated into the future Stage 2 report.

Recommendation(s):

Option 2: The Council to follow its Property Protocols with a stage 1 loss of Public Open Space.

Implications:

*What are the **financial** implications?*

There will be a revenue costs associated with advertising the potential loss of Public Open Space of about £100, which will be met from within the existing Corporate Landlord revenue budget. Any other financial implications will be detailed in future reports.
(James Postle)

What are the **procurement** implications?

Not applicable

*What are the **legal** implications?*

Where land comes under the definition of 'public open space' in Section 336(1) of the Town & Country Planning Act 1990 then, in accordance with Section 123 (2A) of the Local Government Act 1972, the Council may not dispose of it unless before doing so, it gives notice of its intention to be advertised on two consecutive weeks in a newspaper circulating in the area in which the land is situated. The Council must consider any objections lodged before making a decision either for disposal or retention of the land having regard to those objections.

The Council's Land and Property Protocol states that decisions to dispose of public open space must be made in two stages. The first stage report is to recommend the disposal of the land in principle subject to the advertising of the proposed disposal and allowing time for objections.

The second stage report will make recommendations for the disposal or retention of the land having regard to any objections which

have been received to the proposed disposal.

This report is a first stage report.

The relevant process set out in the Council's Land and Property Protocol must be followed.

(Rebecca Boyle, Group Solicitor, Corporate)

Ward Councillor Comments?

Ward Councillors will be consulted as part of this process and their comments will be described in our Stage 2 report.

*What are the **Human Resources** implications?*

Not applicable

***Equality and Diversity Impact Assessment** attached or not required because (please give reason)*

Not applicable as this relates to a loss of Public Open Space Stage 1 report. Comments received will be contained within a stage 2 report.

*What are the **property** implications*

Property comments are as described in the report.

(Rosalyn Smith, Estates)

Risks:

The Council is leasing the land to a charitable entity for which it is the solitary shareholder. As such with this lease and also in its future dealings with the charitable body the Council needs to follow due process and retain appropriate oversight of the entity to ensure its risks as the shareholder are managed. At present the proposals in this report do not appear to change the risk profile in relation to the Snipe Clough Land (which is in part an old Landfill Site) of the Council.

(Mark Stenson).

Co-operative agenda

None. The report relates to due process in accordance with the Councils' Property Protocols and hence there are no impacts on the Council's co-operative agenda.

(Amanda Richardson).

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

There are no background papers for this report

Report Author Sign-off:	
James Tolan	
Date: 19th December 2022	

Please list and attach any appendices:-

Appendix number or letter	Description
Appendix 1	Loss of public open space, coloured blue

In consultation with Paul Clifford, Director of Economy

Signed :



Date:

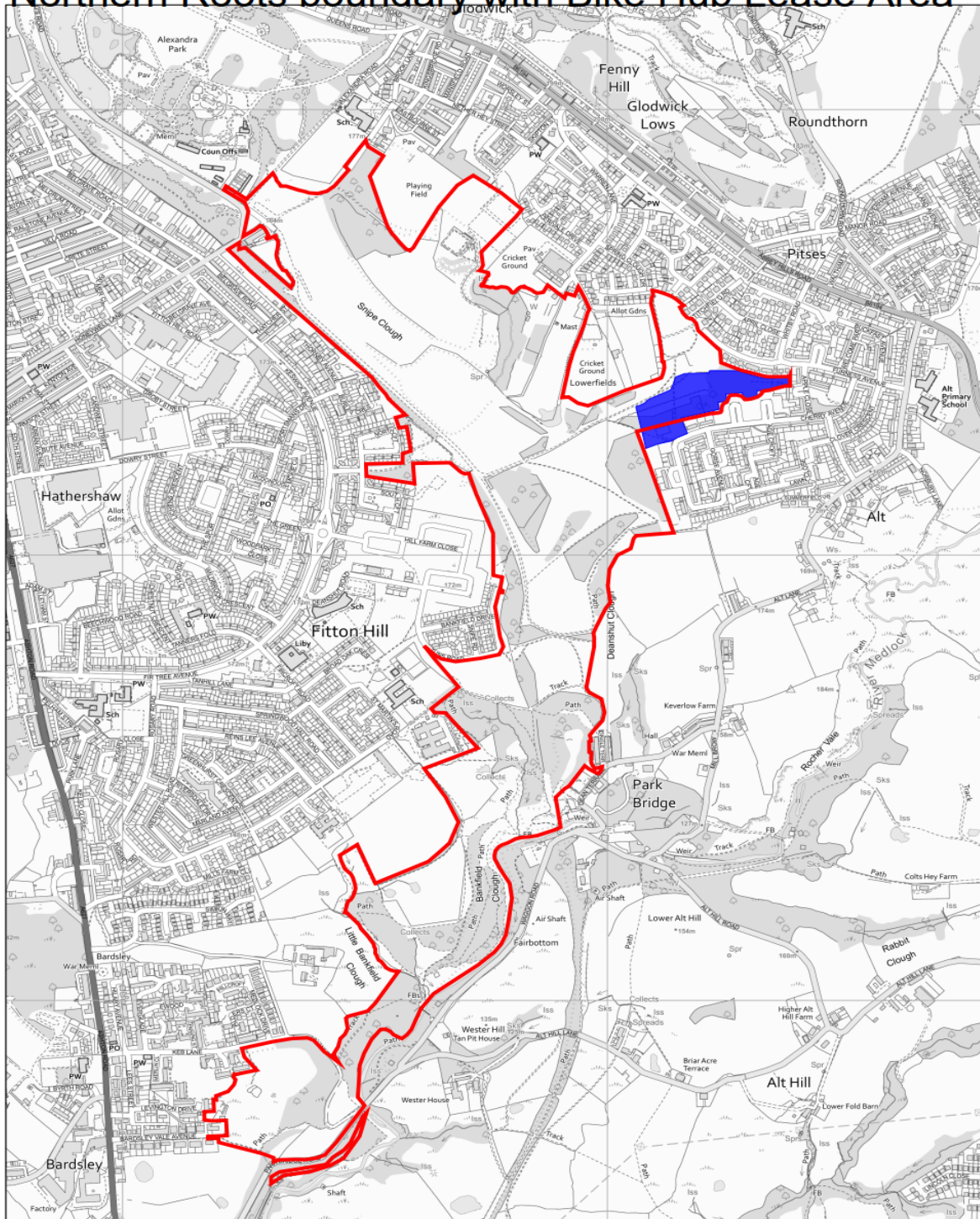
20/12/22

Appendix 1 –

Area of land Coloured Blue within Council ownership and subject to Loss of POS Stage 1 report for proposed Bike Hub as described in this report.

Red boundary shows the larger Northern Roots boundary.

Northern Roots boundary with Bike Hub Lease Area



Drawn by:	JW
Division:	
Drawing no:	
Date: 14/12/22	Scale: 1:8000

Oldham Council
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West Street
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OL1 1UH

