

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

22 OCTOBER 2019

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

**SECTION 123 (2A) LOCAL GOVERNMENT ACT 1972: DISPOSAL OF
LAND AT FORGE INDUSTRIAL ESTATE, MAESTEG**

1. Purpose of report

- 1.1 The purpose of this report is for Cabinet to decide whether or not the above Council owned land, which is classed as public open space, should be made available for disposal.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate priority:

- Smarter use of resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background

- 3.1 A request has been received from an existing business based on the Forge Industrial Estate, Maesteg, to purchase a parcel of Council owned land to facilitate the construction of addition factory space.
- 3.2 Following negotiations with the prospective purchaser, a purchase price for the parcel of land has been agreed. The land (see plan Appendix 1) comprises of a triangular shaped flat site within a larger triangular plot, which is mainly grassed with small trees and shrubs towards its wider southern boundary and measures 448 sq m (0.11 acres).
- 3.3 It should be noted that as the subject land forms part of a wider area of green space, there will be no detriment as a result of the loss of the small parcel of open space.
- 3.4 The prospective purchaser has indicated the sale of land and its proposed use will facilitate the creation of 10 new full time posts. Without the land, the company has indicated that any future expansion would need to take place at their Suffolk operation as opposed to Maesteg.

- 3.5 One of the legal steps required is for the Council as land owner to consider whether or not the land constitutes public open space and if so, to publish its intention to dispose of this land, freehold or leasehold.

The definition of public open space under:

- the Public Open Spaces Act 1906 means ‘ ..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 a garden or is used for purposes of recreation, or lies waste and unoccupied..’.
 - the Town and Country Planning Act 1990 definition of “open space” means ‘ any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.
- 3.6 In common with many Council owned sites which have been sold, the land at Forge Industrial Estate is considered to constitute public open space and therefore in accordance with statutory requirements the proposal to dispose of it needs to be advertised.
- 3.7 In accordance with Section 123 (2A) of the Local Government Act 1972, the Council has advertised its intention to dispose of “Land at Forge Industrial Estate, Maesteg” (see attached plan in Appendix 1), by way of Notice for two consecutive weeks on 13th June 2019 and 20th June 2019 in the Glamorgan Gazette. The Notice required any objections to the proposed disposal of the public open space to be made in writing no later than 15th July 2019.

4. Current Situation

- 4.1 Following the publication of the notices, one objection has been raised by an individual.
- 4.2 The individual objected to the proposed sale on the grounds of claiming to have a stake in the subject land, being the heir and owner of the Dunraven Estate and the Dunraven Company Estates land.
- 4.3 A legal title search has revealed that the land was purchased by Maesteg Urban District Council from The National Coal Board in January 1968 (with Bridgend County Borough Council being a successor in title).
- 4.4 The objector has no legal claim on the land, therefore the claim is both unfounded and unsubstantiated.

5. Effect upon policy framework and procedure rules

- 5.1 None

6. Equality Impact Assessment

- 6.1 There is no requirement to undertake an Equality Impact Assessment for property disposals.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment based on the 5 ways of working has been considered and there are no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed disposal of land at Forge Industrial Estate, Maesteg.

8. Financial implications

- 8.1 The capital receipt generated from the sale of this site could contribute towards the Council's capital programme.

9. Recommendation

- 9.1 That Cabinet, having considered this Report and the objection received in response to the Notices published in accordance with Section 123(2A) of the Local Government Act 1972, authorises the disposal of land at Forge Industrial Estate, Maesteg.

Zak Shell
Head of Operations – Community Services
Communities Directorate

Contact officer: Fiona Blick
Strategic Asset Management and Investment Manager

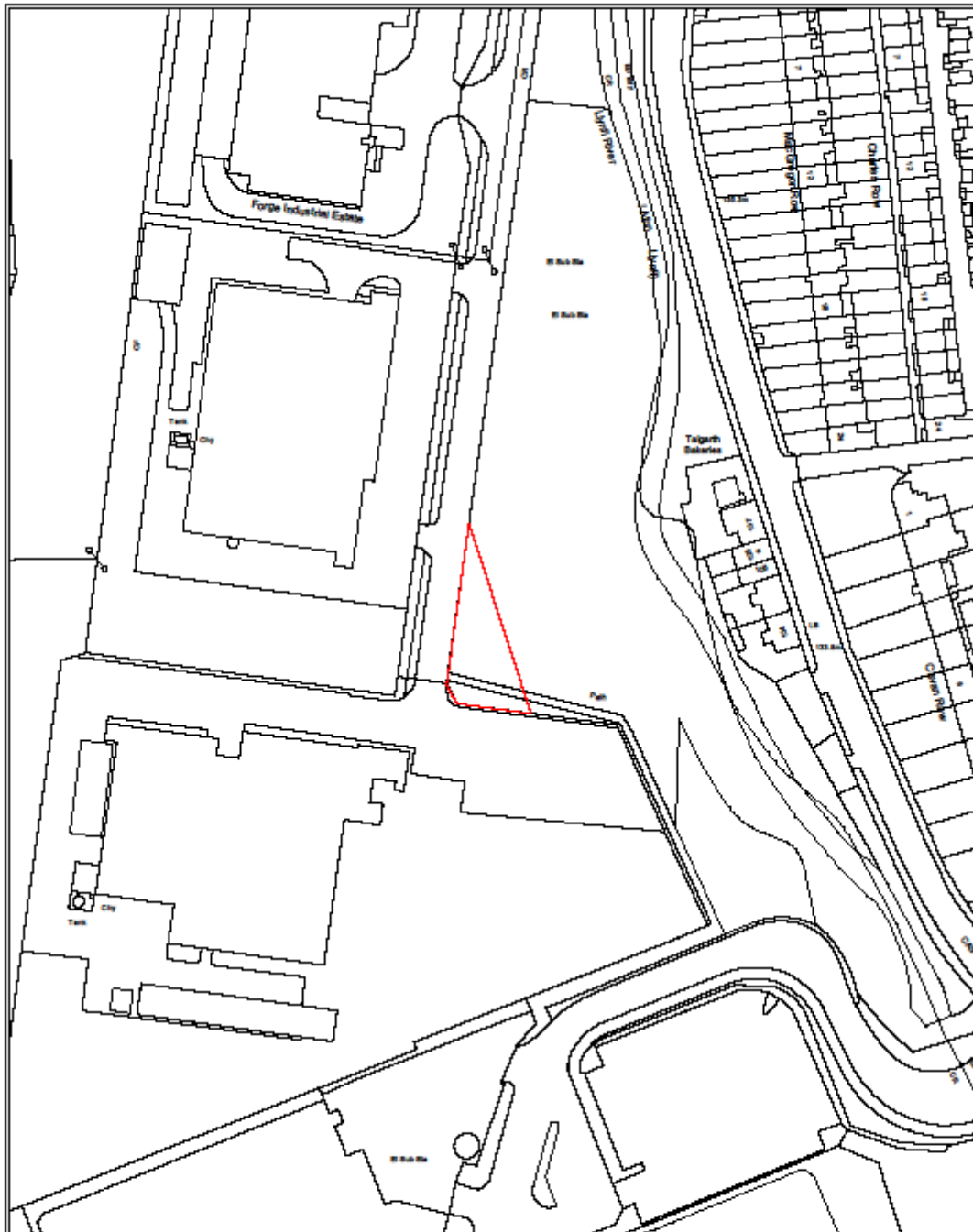
Telephone: (01656) 642702



Email: Fiona.blick@bridgend.gov.uk

Postal address: Ravens Court offices, Brewery Lane, Bridgend address>

Background documents:
None

Appendix 1
Plan of Proposed Land Sale



 <p>BRIDGEND COUNTY BOROUGH COUNCIL</p>	<p>COMMUNITIES DIRECTORATE</p> <p>MARK SHEPHARD Corporate Director - COMMUNITIES</p> <p>Civic Offices Angel Street Bridgend CF31 4WB Telephone (01656) 643643</p>	<p>Land at the Forge Industrial Estate Maesteg</p> <p>Plot generated by : WTP Reference : Land at Forge Industrial Estate</p>	 <p>Scale 1 : 1250 @ A4 Date 05/11/2018</p>	<p><small>©Crown Copyright and database right 2018. Ordnance Survey 100023402. Aerial Imagery: Cities Revealed aerial photography copyright The GeoInformation Group 2011. Copyright Getmapping plc. Countrywide Council for Wales, ©Crown Copyright and database right 2011. Ordnance Survey 100016813 Forestry Commission, ©Crown Copyright and database right 2011. Ordnance Survey 100025496</small></p>
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Appendix 2
Photographs

