



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

# Officer Delegated Decision

24<sup>th</sup> February 2025

Richard Wyles – Deputy Chief  
Executive & S151 Officer



## Disposal of Land at Cherry Tree Park, Off Church Street, Market Deeping, PE6 9AL.

To grant approval to dispose of land in SKDC's ownership at Cherry Tree Park, Off Church Street, Market Deeping, PE6 8AL.

### Contact

Gareth Dawkins – Corporate Property Team

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| <b>Decision made by:</b>      | Richard Wyles – Chief Finance Officer & S151 Officer  |
| <b>Decision:</b>              | To grant approval to dispose of the freehold of land in SKDC's ownership at Cherry Tree Park, Market Deeping  |
| <b>Public or Exempt:</b>      | This report is not exempt from publication; however, appendices 1 and 3 are exempt from publication   |
| <b>Reasons for exemption:</b> | The public interest in maintaining the exemption in appendix 1 outweighs the public interest in disclosing the information because it contains financial information relating to confidential negotiations with a third party and the Council must be able to undertake such negotiations without thereby putting confidential items in the public domain if it is to maintain the confidence of third parties in undertaking dealings with the Council |
| <b>Conflicts of interest:</b> | No  |
| <b>Policy compliant:</b>      | Yes   |
| <b>Details of delegation:</b> | The Deputy Chief Executive is authorised under at Part 3 (c) for Delegated Powers to Officers, item 26 Property (Including land) to Dispose of General Fund Assets:   |

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|  | To dispose of General Fund Assets up to a value of £2 million, exclusive of any applicable VAT, subject to legal and valuation advice |
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## 1. Implications

### *Finance*

- 1.2 There are no specific financial comments arising from this report. There will be ongoing maintenance savings for the Council as it will no longer be responsible for the grounds maintenance of the open space.

Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer

### *Legal and Governance*

- 1.3 The Deputy Chief Executive has the authority to dispose of General Fund Assets.

Legal Implications Reviewed by: James Welbourn, Democratic Services Manager and Deputy Monitoring Officer

## 2. The Purpose of the Report

- 2.1 To seek authority for the Council to transfer the freehold of land at Cherry Tree Park, Market Deeping, PE6 8AL, as detailed in ***Exempt Appendix 1 -Heads of Terms*** and ***Appendix 2 -Site Plan***.

## 3. Available Options Considered

- 3.1 Option 1) To proceed with the Transfer as detailed in the attached in ***Exempt Appendix One - Heads of Terms***.
- 3.2 Option 2) To leave the land in the Council's ownership.

## 4. Preferred Option

- 4.1 Option 1) To proceed with the Transfer as detailed in the attached in ***Exempt Appendix One - Heads of Terms***.

## 5. Reasons for the Decision(s)

- 5.1 Cherry Tree Park is located within close proximity to the Town Centre.

- 5.2 The Park comprises, a landscaped area within which sits a play area. To the rear of the site is an area of tarmac, currently unused but formerly, it is understood, to have been a school car park. The site can no longer be directly accessed from the road and is therefore land locked. **Appendix 2 – Site Plan.**
- 5.3 The area and play equipment are currently maintained at the Council’s expense; transfer of the land will would see these costs met by the new owners and would also see the site maintained within the Community.
- 5.4 Unlike SKDC, the new owners would be better placed to obtain grant aid for future improvements to the Park.
- 5.5 It is intended that the future use of the site will be restricted to its current purposes.
- 5.6 A valuation of the site has been undertaken on both a restricted and unrestricted basis and is attached as Following a valuation undertaken of the site, it has been proposed the land to be sold at the price as detailed in the **Exempt Appendix 3.**
- 5.7 In line with Section 123 of the Local Government Act 1972, when disposing of public open space, the Council must advertise its intention in a local newspaper for two consecutive weeks and consider and objections before a final decision is taken on making a disposal. The advertisements have now been placed, and no objections have been made to the proposal.
- 5.8 The fees for the valuation and advertising costs of the consultation are being charged to the purchaser in line with the attached **Heads of Terms.**

## 6. Consultation

- 6.1 Consultation under Section 123 of the Local Government Act 1972 has now been completed.

## 7. Appendices

- 7.1 **Exempt Appendix 1 – Heads of Terms**
- 7.2 **Appendix 2 – Site Plan**
- 7.3 **Exempt Appendix 3 – Valuation Report dated 13<sup>th</sup> February 2025.**

A handwritten signature in black ink, appearing to be 'R. J. G.', is written over a faint circular stamp.

Signed by:

Dated: 24 February 2025