

Rother District Council

Report to	-	Cabinet
Date	-	4 November 2019
Report of the	-	Executive Director
Subject	-	Land at the Salts, Rye

Recommendation: It be **RESOLVED:** That having carried out the necessary procedures under Section 123 of the Local Government Act 1972 and having taken account of objections received, the Executive Director be permitted to proceed with the disposal of the land by way of a 25 year lease at a peppercorn rent to Rye Amenity Community Interest Company and other terms and conditions to the satisfaction of the Executive Director.

Head of Service: Ben Hook
Lead Cabinet Member: Councillor Prochak

Background

1. At its meeting on 3 September 2018, Cabinet authorised the commencement of procedures in order to provide for the disposal of an area of land at the Salts, Rye to Rye Amenity Community Interest Company (CIC) and turning it into a 'managed wildflower meadow' Appendix 1, (Minute CB18/21 refers).
2. The land in question is represented by the red line on the plan attached within Appendix 2 and currently lies within Rye Salts under the management of the Council's Neighbourhood Services Team.
3. The land is classified as Open Space and it has been necessary for the Council to formally advertise the fact that Rother District Council intends to dispose of the land. A Notice under Section 123 of the Local Government Act 1972 has been advertised in Battle, Bexhill and Rye Observer for a period of two successive weeks. As a result of this advertisement, four letters of objection to the disposal of this land have been received, contained within Appendix 3.
4. The objections primarily reflect the following:
 - a. Unsightly meadow and control of weeds in adjacent spaces.
 - b. Long-term maintenance of the meadow and its sustainability.
 - c. Lack of consultation.
 - d. Lack of detail with regards to the lease.
 - e. Public access.
 - f. Setting a precedent for future disposals.
5. In terms of the objections, these can largely be dealt with in the lease between the Council and Rye Amenity CIC.

6. The Council has an existing policy and history of devolving assets and the consultation carried out followed the procedures laid out in Section 123 of the Local Government Act 1972.

Recommendation

7. It will be for Members to consider the disposal of the land against the objections as lodged.
8. The Council has carried out the necessary procedures under Section 123 of the Local Government Act 1972 and taken account of objections received. It is therefore recommended that the Executive Director be permitted to proceed with the disposal of the land to Rye Amenity CIC by way of a 25 year lease at a peppercorn rent and other terms and conditions to the satisfaction of the Executive Director.

Dr Anthony Leonard
Executive Director

Risk Management Statement

The above report forms part of the relevant procedures that need to be carried out under Section 123 of the Local Government Act 1972. The Council needs to properly consider the objections lodged in order to minimise the risk of a challenge of maladministration or a judicial review.

In terms of the lease and management of the area, any risks are mitigated by the fact that the Rye Amenity CIC have clearly demonstrated they can responsibly manage activities.

Rother District Council**Agenda Item: 6.4**

Report to	-	Cabinet
Date	-	3 September 2018
Report of the	-	Executive Director
Subject	-	Land at the Salts, Rye

Recommendation: It be **RESOLVED:** That:

- 1) the proposed disposal by lease of land at the Salts, Rye be advertised on 2 consecutive weeks as required by Section 123 of the Local Government Act 1972; and
 - 2) subject to completion of this process, a lease be granted to Rye Amenity Community Interest Company for a term of 25 years at a peppercorn rent and other terms and conditions to the satisfaction of the Executive Director.
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Head of Service: Joe Powell**Lead Cabinet Member: Councillor Ganly**

Introduction

1. Rother District Council (RDC) has been approached by Rye Amenity Community Interest Company (CIC) with a view to taking on an area of land at the Salts, Rye (shown on the map in Appendix A).
2. Rye Amenity CIC currently holds a 25 year lease to operate the two allotment sites in Rye (Love Land and South Undercliff) and these have been well managed since the CIC took over the operation.

Discussion

3. The area in question was formerly a putting green, but there are no longer any holes etc. present and it has not been used for that purpose for a number of years. The wider ground is popular with dog walkers and strollers.
4. This Council has already undertaken some improvements to the land with the installation of picnic benches etc. These appear to have been received favourably as a useful addition to that area of the Salts in general and used quite regularly by locals and visitors alike.
5. Rye Amenity CIC has considered a plan to further enhance that area of the Salts, with the longer term aim of making it more attractive for locals and visitors, while also improving its environmental benefits. The proposal is to turn the land into a 'managed wildflower meadow' or 'managed perennial meadow'.

6. Rye Amenity CIC believe this would not only be an attractive and eye-catching addition to the Salts but would also have a positive environmental impact for the town by attracting all sorts of wildlife, particularly butterflies and insects, while providing a much needed food source for pollinators. Their research also tends to suggest that they might be able to attract funding to undertake the project from external stakeholders.
7. The plan includes retaining the current picnic benches in situ and they may even be added to if the need proves to be high enough.
8. If the initiative is successful, there is the potential for RDC to complement it by changing the current grass maintenance regime in part of the surrounding area. This would be a matter for discussion with the CIC and Rye Town Council at a future date.
9. Due to the length of the proposed lease, the Council would be required to go through a formal process of disposing of public open space requiring an advert to be placed in the paper for a 2 week period.

Conclusion

10. The granting of a lease to Rye Amenity CIC is in line in with RDC's policy of devolving assets to local groups and the recommendation is supported by both the Ward Members.

Malcolm Johnston
Executive Director

Risk Assessment Statement

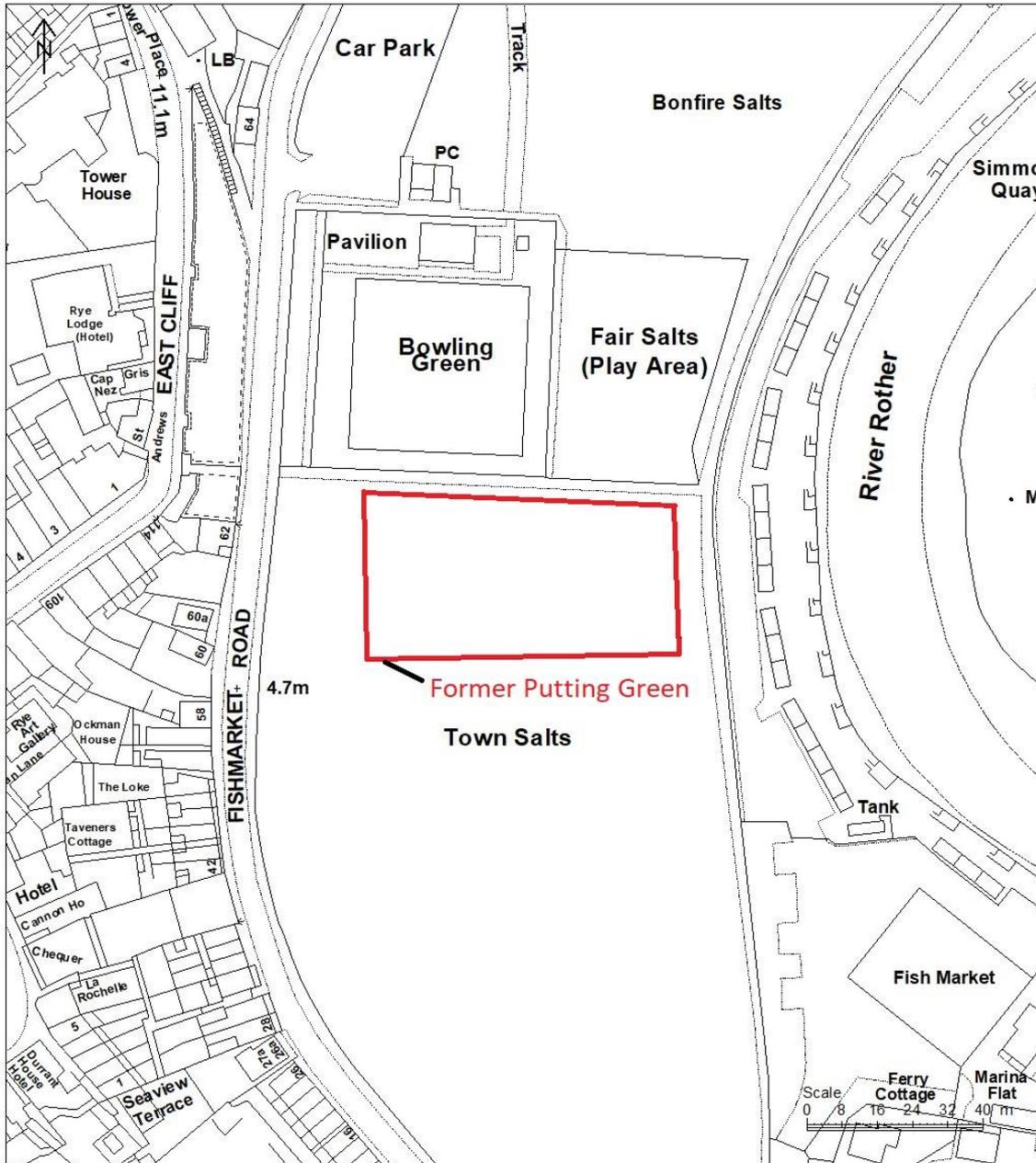
Any risks associated with this report are mitigated by the fact that the Rye Amenity CIC have clearly demonstrated they can responsibly manage activities.

ROTHER DISTRICT COUNCIL SERVICES DIRECTORATE Housing and Community: Neighbourhood Services	Site Ref./Drawing No. _____ Map Reference: TQ9220SW Date: 13/08/2018 Scale: 1:1500
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Title: Former putting green at Rye Salts	Drawn: RO	Survey: _____
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<p>Rother District Council</p>	<p>Asset Register</p>
 <p>Rother District Council</p>	<p>Former Putting Green at Land at the Salts, Rye</p>
<p>Dr Anthony Leonard, Executive Director, Rother District Council, Town Hall, Bexhill-on-Sea, East Sussex TN39 3JX</p>	<p>Plan: Scale: 1:1250 Date: 16/05/2019</p>
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ON BEHALF OF RYE CONSERVATION SOCIETY

Whilst the initial concept may be superficially attractive we have grave concerns as to the practicality and suitability of the proposal for the following reasons.

1. An area of unmown grass meadow in the middle of a flat grass playing field will look inappropriate.
2. Visitors will wonder why that 'bit hasn't been cut'.
3. Does the Rye Amenity CIC have the expertise and the day-to-day and long-term personal with commitment to maintain such a project.
4. Neither the Town Council nor interested bodies such as the Bowls Club, have been consulted about this project which will be a prominent feature in a highly visible part of the setting of the historic core of Rye.
5. Details of the proposed leasehold arrangements have not been made public together with any conditions relating to future use of the property and it's up keep.
6. How will there be control of weeds and seeds contaminating adjacent green open spaces.
7. How will access to the area by locals and visitors be controlled/affected.

We are concerned that this disposal albeit on a lease to a third party sets a precedent for future sale and carving up of the Salts into separately owned plots for all sorts of activities. We believe that any change to the Salts is a matter for the whole community which in this instance has not been adequately consulted.

INDIVIDUAL RESPONSE

I read on www.ryenews.org about the proposal of Rye Amenity Community Interest Company applying to take over the putting green area on the Salts with the intention of creating a 'wild flower meadow with picnic area'.

I am concerned that this will create a smaller area to be used by the public, and that the wild flowers and grasses may be alien to this Salts area and cause interference to the bowls lawn.

That the area now can be used for picnics with seating and tables and is used as an area already for families to use e.g. playing cricket, as it's an area not used by dog walkers. The whole of the Salts has already over the years been carved into 'spaces' children's play area and bowls green. Which means the Bonfire/Circus/Fair area is separate when once it was an overall space of calm.

I do not know if the area of the wild flower meadow is a sustainable size for the project...more like a back garden type of using wild flowers.

Also I read there was a social media canvas, but I was not aware of as I do not engage in Twitter, Facebook etc.

So many residents of Rye may not have had the chance of getting information.

I think this decision needs more information to be a sound judgement at this time.

INDIVIDUAL RESPONSE

Please note my Objection to the proposed disposal advertised under the above reference on the following grounds:

Inadequate consultation with the local community

The Notice is dated 24th May and objectors' replies are required in writing by 7th June. It is unreasonable and therefore undemocratic to expect this Notice to be read in the local press and acted upon in such short space of time.

Further, the terms of the intended disposal have not been published.

Although some prior discussion may have been held with Rye Town Council, the Town Clerk confirmed on Tuesday 28th May that no copy of the Notice had been received. There has been no opportunity therefore for the Town Council to consider the matter in detail.

Purpose of intended disposal

The purpose as stated is to turn the land into a 'managed wildflower meadow' or 'managed perennial meadow'.

It is objected that implementing this will damage the integrity of the Town Salts, in particular the open access, physical and visible across the whole area. Without knowledge and discussion of any constraints to be imposed upon the purchaser, there are concerns about:

1. future deemed permitted development such as the erection of a shed to house gardening equipment;
2. Denial of access to the public during the period prior to the various wildflower seeding times;
3. Control of weeds and seeds contaminating adjacent green open spaces;
4. Setting a precedent for future possible disposals of what is a publicly available amenity for Rye's residents and visitors.

Democratic process requires that the citizens of Rye are properly consulted upon the use to which the Salts are put and the manner in which they are maintained. The intended transferee may have the best intentions in the world and diligently promise to fulfil its responsibilities, but it cannot easily be obliged at law to do so. I have great respect for the integrity and enthusiasm of the present members of the Rye Amenity CIC, but the guarantee of future good management cannot be assured.

Moreover, the disposal of any one part of the Salts to a third party sets a precedent for a future sale and to the carving up of the whole entity into separately owned plots, perhaps for commercial gain. This should not be countenanced.

The essence of the Salts and their enjoyment lies in their openness, physical and visual and their unfettered access by residents and visitors alike. Any alteration to their character is a matter for the whole community.

INDIVIDUAL RESPONSE

Please find below an objection to this application, and in particular the lack of consultation. Given the short notice and paucity of information, it has been impossible for residents to determine the merits or otherwise of this proposal. It should be paused until Rye has voted on its Neighbourhood Plan later this month, upon which a proper consultation should take place, in conjunction with Rye Town Council.

I am writing to object to the proposal to dispose of land on the Town Salts in Rye.

Summary

The proposed 're-wilding' of this area may - or again may quite possibly not - be a sensible idea. However there has clearly been an unseemly haste in this disposal, which has risked disenfranchising residents from the process. Additionally, the fact that this disposal is being rushed through only days before Rye holds a referendum on its Neighbourhood plan, in which such amenities of course feature prominently, is a matter of concern. Moreover it appears that Rye Town Council has not been consulted. For these reasons alone, not to mention possible specific objections, the process should be paused for fuller consultation.

Specific objections:

The process has been undertaken at 2 weeks notice, with minimal publicity, leaving residents little opportunity to become informed or to submit objections. Despite living within three minutes walk of the area, I would have known nothing of the proposal, had the local online newspaper not drawn attention to potential concerns over it.

What little information is provided on the Rother website omits crucial details to inform residents, for example about the leasehold status of the disposal. Nor does it address questions that residents might reasonably wish to be addressed about the proposed future use, including but not limited to the following:

- the obligations to the lessee to maintain the space in good condition, or to maintain its accessibility to the public at all times of year.
- whether they are prohibited from any construction, such as sheds, on the land.
- whether they will be responsible for collecting litter dropped by visitors, and if so, how that responsibility will be enforced.
- whether any environmental assessment or guidance has been sought to ensure that the proposed planting is sustainable, and will properly represent the natural environment of the Salts area.
- whether any proper assessment of this area as a amenity has been conducted. That is to say, the area is at present a perfectly satisfactory area for picnicking. What assurance is there that it will continue to be as safe, accessible, and attractive in its future use? (Will for instance signage be permitted, and if so of what size; could visitors be at increased risk of tick-borne infections from the long grasses?)
- Has any assessment of the visual impact when viewed from above on Hilder's Cliff been conducted? (Presently the Salts are present a homogeneous expanse of green, which could be disrupted by the re-planting, especially if it were allowed to discolour from drought).
- Has there been due diligence on the ability of the future lessees to fulfil any of their obligations?