

## Rother District Council

**Report to:** Cabinet

**Date:** 28 June 2021

**Title:** Disposal of Land adjoining Pages Gap, Bexhill-on-Sea

**Report of:** Ben Hook

**Cabinet Member:** Councillor Dixon

**Ward(s):** Bexhill Collington

**Purpose of Report:** To obtain authority to dispose of part of the freehold land adjoining Pages Gap as public open space, as required under the Local Government Act 1972.

**Decision Type:** Key

### Officer

**Recommendation(s):** It be **RESOLVED:** That:

- 1) by virtue of Section 123(2A) of the Local Government Act 1972 (as amended), the Council gives formal notice of its intention to dispose of part of its landholding at Pages Gap, South Cliff, Bexhill as public open space;
- 2) any objections received to the Public Notice to be reported back to Cabinet for further consideration; and
- 3) subject to the above, authority be delegated to the Chief Executive to sell the land on terms and conditions to his satisfaction.

### Reasons for

**Recommendations:** To generate a capital receipt and reduce future maintenance liabilities.

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### Introduction

1. Pages Gap consists of a sloped pathway from South Cliff, opposite its junction with Pages Avenue, leading down to the splash deck fronting the beach. The path itself is a ramped access of sufficient width to accommodate small vehicles, with a separate railed footpath alongside. Either side of the path are banked verges covered in vegetation. The path was originally constructed in 1964 as a trackway to provide a winched access to the seafront for wheelchair users.
2. Pages Gap is owned and managed by Rother District Council (RDC). Whilst not a public right of way, it is used by the public to access the beach and also occasionally by emergency services.

## Proposal

3. The owners of the adjoining property at 43 South Cliff have made an offer to purchase part of the freehold land adjoining the footpath. The area they are seeking to acquire comprises the verge to the west of the path, approximately 7m in width and shown edged blue in Appendix A. For avoidance of doubt, this does not include the ramped pathway nor the separate railed footpath alongside it.
4. The offer is made subject to contract and formal valuation. The sale will be a direct transfer of the freehold between RDC and the owners of 43 South Cliff.
5. The owners of 43 South Cliff have made it clear that their intention is to build a double storey side extension to be used as a separate annex. The offer is not however conditional on obtaining planning permission.
6. The offer is subject to no objections being made from the Public Notice advertisement which is a requirement under Section 123 of the Local Government Act 1972. This advertisement will need to be placed within a local paper for two consecutive weeks.
7. An external Red Book valuation will be instructed by RDC to ensure that the offer represents Best Value for the Council.

## Financial Implications

8. There will be costs associated with transfer of this land. This will include officer time and legal costs. In addition, the cost to advertise the disposal in the local press will be approximately £1,000 for two weeks as well as approximately £1,000 for an external Red Book valuation.
9. It is understood that there will be a small saving on future maintenance of the verge. The property does not provide a source of income.

## Alignment with the Environment Strategy

10. Although the verge provides some habitat for wildlife, it is of no special ecological significance. Loss of green space is contrary to the principles of the Environment Strategy however, Members may wish to consider if and how any capital receipt would be earmarked and whether to allocate towards future Environment Strategy Capital Projects.

## Conclusion

11. The verge is not accessible from any other properties and is surplus land abutting the pathway with a maintenance liability. The offer is not conditional on planning consent. Therefore, it is recommended that the Council sells the freehold part of land in question on terms and conditions to the satisfaction of the Chief Executive.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	Yes
Crime and Disorder	No	Consultation	Yes
Environmental	Yes	Access to Information	No

Sustainability	Yes	Exempt from publication	No
Risk Management	Yes		
Chief Executive:	Malcolm Johnston		
Report Contact Officer:	Ben Hook		
e-mail address:	<a href="mailto:ben.hook@rother.gov.uk">ben.hook@rother.gov.uk</a>		
Appendices:	A – Site layout and description		
Relevant Previous Minutes:	N/A		
Background Papers:	N/A		
Reference Documents:	N/A		

# Appendix A

