



ACQUISITION AND DISPOSAL OF LAND POLICY

1 Introduction

Goring-on-Thames Parish Council is committed to developing its landholding for the benefit of its residents. From time to time opportunities may arise which will enable the council to acquire land, through donation, purchase, or lease. The council may also decide to sell, or lease land should opportunities which benefit residents, arise.

As custodians of the parish land for future generations such opportunities will be carefully considered however decision making in this regard will be firmly predisposed towards retaining parish land in most instances.

The council will be especially disinclined to dispose of land when, if developed, there might be negative impacts on the well-being of residents, the environment and the character of the parish as a whole including those areas in close proximity to the land in question.

Any acquisitions or disposals will be to support the aims of our Neighbourhood Plan, the Council's vision and/or residents.

2 Considerations in all circumstances

The Parish Council will need to consider and take into account the following:

1. That Government legislation (as detailed in this document) is understood and used as a basis for decision-making.
2. To consider best value for the public purse.
3. To consider how they will demonstrate that maximum consideration has been given to the disposal or sale of land.
4. To consider that land cannot be disposed of for less than it is worth without the consent of the Secretary of State so knowing the value of the land is important to establish in the first instance.
5. To consider an open and transparent bidding process where required and certainly when there is more than one party interested in the disposal.
6. To consider how and when they will advertise the disposal or sale.
7. To consider what the land is currently appropriated for.
8. To consider if the land falls within the exceptional reappropriations and disposals guidance.
9. To consider if such a disposal promotes economic, social or environmental wellbeing, with a limit of £2million between the unrestricted value and the disposal value. If not, the parish council could not dispose of the land without the permission of the Secretary of State and in any case would need to know the value of the land prior to considering any disposal, if for no other reason than to formally confirm the council are not breaching the £2million limit. The council would need to contact either the District Valuer or a Land Consultant/Agent for a valuation.



10. To consider on a case by case basis the valuation of the land – the council could instruct and pay for the District Valuer or a Land Consultant/Agent to value the land.
11. To consider on a case by case basis and ask the proposed purchaser to pay for the valuation as this may demonstrate a commitment. The prospective purchaser would need to be fully informed however, that the final decision to dispose or sale of land would rest with the council as the Corporate Body, so in paying for the evaluation there is no guarantee a disposal of land for example by sale or swap would take place.
12. To consider if the land has recently been valued and proper advice already taken.

3 Section 1 – Acquisition Of Land

The Parish Council are happy to look at ways in which to increase their portfolio of parish council owned land/open space for the benefit of the community.

Opportunities to obtain further land can come from Developers or via the District or County Council. This land/open space is normally gifted to the parish council in most cases for the benefit of the community.

Where land is identified as open space not owned by the Parish Council but is not currently being maintained to the standard that we would hope. The council will often look to see if there is anything that can be done to improve the area in the first instance by contacting the owner.

3.1 Procedure for acquiring land

1. Any request to acquire land for the use of public open space will be added to the next available parish council agenda by the clerk.
2. The clerk will produce a report to council setting out the proposed acquisition, what the land is currently appropriated for, details of the current owner and what proper advice if any is recommended that the council should consider for example, to obtain a land valuation, budget and delegation to the Clerk will be by resolution of the council for this activity.
3. The Clerk will also request a resolution as to how the residents are to be informed and consulted.
4. The clerk will also request a resolution from the council to make contact with the current owner to gauge their intention for the land and to establish its history for example, has it been used for storing toxic substances, are there any hazards, ponds etc, and to ask if the council could obtain the land for the benefit of the community.
5. Once the clerk receives information from the current owner a report will be completed to council for their next Parish Council meeting. This will detail if a land acquisition is an option and under what terms. The clerk will ask the council for an indication as to whether the council still wishes to proceed to the next stage, i.e. to acquire the land by resolution.



6. If the council do not wish to continue with a sale at this stage the process will stop, and the current owner will be informed that the parish council does not wish to proceed with the acquisition of the land.
7. If the council still wish to acquire the land, there is a need at this stage for the council to consider the future cost and upkeep of the land, the clerk will write a report for council for their next meeting.
8. If the council still wish to acquire the land, they will consider employing a Solicitor, the clerk will ask the council for a resolution to contact a Solicitor to deal with the acquisition of the land.
9. The council will then formally decide at the meeting whether it wishes to confirm its intention to acquire the land based on the solicitor's advice.
10. Once the formal resolution is made that the land is to be acquired, the clerk will request delegated authority to deal with the administrative matters of the acquisition through to its legal conclusion along with the Solicitor.

4 Section 2 – Disposal Of Land

The Parish Council will not actively seek to dispose of land unless there are sound justifications to do so. The Parish Council values its land/open spaces as part of the fabric of the village and in most cases the monetary value of the land cannot match the amenity value to local residents..

4.1 Procedure for disposing of land, whether by approach or choice

1. The request/proposal will be added to the next available Parish Council agenda by the clerk.
2. The clerk will produce a report to council setting out the proposal, what the land is currently appropriated for and what proper advice is recommended that the council should consider for example a valuation of the land and/or instructing a Land Agent.
3. In the first instance, a valuation of the land is required, budget and delegation to the Clerk will be by resolution of the council.
4. Once the clerk receives the valuation a report will be completed to council for their next parish council meeting. This will detail the proposal to dispose, the intended use once disposed and the price of the land. The clerk will ask the council for an indication as to whether the council still wishes to proceed to the next stage, i.e. to establish by resolution the council's intention to dispose of the land by way of a sale as set out in the report.
5. If the council do not wish to continue with a sale at this stage the process will stop, and the prospective buyer will be informed that the parish council does not wish to proceed with the sale of the land.
6. If the council still wish to sell the land, the council will then formally decide at the meeting whether it wishes to confirm its intention to sell the land based on the valuation, the nature of the proposed use of the land, any objections received and any other factors the council considers relevant.
7. Once the formal decision in principle to dispose of the land is made, the council will follow the process below.



4.2 Disposal Methods

When it comes to selling land, there are a variety of different methods and strategies the Parish Council could use to achieve the highest price and best value for the community. One of these options is to work with a Land Agent and the Parish Council will rely upon professional advice.

After the decision in principle to dispose of the land is made the following process will be followed:

1. advertise the intention to dispose of the land for two consecutive weeks in a local newspaper and on the Parish Council website, notice boards and Facebook page inviting any objections to be submitted to the clerk.
2. Once the deadline for responses has passed the clerk will draw up a further report to council ready for their next meeting, including any objections submitted (redacted under GDPR) or confirm that no objections have been received.
3. The council will then formally decide at the meeting whether it wishes to confirm its intention to dispose of the land based on the valuation, the nature of the proposed use of the land, any objections received and any other factors the council considers relevant.
4. Once the formal resolution is made that the land is to be disposed, including price the clerk will request delegated authority to deal with the administrative matters of the lease, swap, sale etc, through to its legal conclusion along with the appropriate solicitors

4.3 Disposal Criteria

The Council will be inclined to dispose of land when one or more of the following apply:

1. the financial advantage for the parish meets the financial tests described above.
2. the council's current or future liability for maintenance and repair outweighs the current or future amenity the land provides for residents.
3. disposal facilitates broader projects which the council deems to be for the benefit of residents.
4. disposal allows other recognised charitable or not for profit organisations to consolidate landholding for the public good. e.g. Woodlands Trust, Canals and Waterways, National Trust etc.
5. the parish land provides no current discernible amenity to residents nor uncommon environmental advantage for flora or fauna.
6. the value of the land is unlikely to increase beyond inflation, taking into account current market forces, foreseeable additional local developments and national initiatives.
7. disposal will contribute to the vision of the council, goals of the agreed Neighbourhood Plan and/or the councils' medium-term planning objectives.

The Council will be disinclined to dispose of land when one or more of the following apply:



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1. the land's location and current condition add visual amenity.
2. the land has potential to provide opportunity for sport, leisure, or recreation activities
3. the land contributes to the environmental distinctiveness of the area.
4. the land or and its current condition adds to the cultural and heritage dimension of the landscape.
5. the land currently provides useful access routes to residents.
6. acquisition of the land by a third party is likely to facilitate land use which conflicts with the principles established in the Council's Neighbourhood Plan or South Oxfordshire District Council Local Plan

These lists are for guidance purposes and not exhaustive

5 Review

The Acquisition and Disposal of Land Policy was approved for use at the meeting of the Parish Council on 12th June 2023, it shall be reviewed once per council term or unless legislation dictates.

Signed:

Dated: 12th June 2023

Cllr C Ratcliff , Chairman of the Council