



**South  
Cambridgeshire  
District Council**

<b>Report to:</b>	Cabinet – Monday, 11 July 2022
<b>Lead Cabinet Member:</b>	Cllr Bill Handley, Lead Cabinet Member for Communities
<b>Lead Officer:</b>	Jeff Membery, Head of Transformation, HR and Corporate Services

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## Recreation Area, Lynton Way, Sawston: Lease Arrangements

### Key Decision

1. No – this is not a key decision

### Recommendations

2. It is recommended that Cabinet agrees to implement a new 99-year lease with Sawston Parish Council relating to land owned by South Cambridgeshire District Council (SCDC) at Lynton Way, Sawston (see Appendix A).

### Reasons for Recommendations

3. Sawston Parish Council seeks to deliver substantial investment at the site, which is currently leased from SCDC, using Section 106 monies (including a new cricket pavilion) in accordance with the intended purpose of the land (which is for recreational use), and in line with Planning regulations and requirements. It is felt that a review of the lease arrangements would ensure long-standing benefit for the local community of these investment plans.

### Details

4. Sawston Parish Council has requested that SCDC review the existing arrangements between the two parties with regard to recreation land at Lynton Way, Sawston (see Appendix B for location maps).
5. The existing lease was agreed in 1978 and has 44 years remaining. A record of the lease is noted on the Land Registry and in files at both Sawston Parish Council and SCDC. However, neither the original nor copy of the lease could be located following an audit of the Council's deeds or enquiries raised with the Land

Registry.

6. Sawston Parish Council originally sought to purchase the Freehold to the land, which is not in line with the Council's Community Asset Transfer Policy. Following informal feedback from SCDC on its Community Asset Transfer Policy, the Parish Council subsequently asked SCDC to consider surrendering and granting a new long-term lease to them, in order to provide the Parish Council with security to allow further substantial investment to the land but also to allow them greater control and management of the future use of the land.

As the freehold title of the land is held by SCDC, any arrangements must be reviewed in line with the Council's Asset Transfer policy, approved at Cabinet on 6 May 2020.

7. Paragraph 7, C of the policy states, '*The Council will generally only transfer a leasehold interest. The lease will set out what has been agreed between the Council and the applicant regarding future provision of services from the property. The maximum length of lease will be 99 years, although leases may be for a shorter period. Only in exceptional circumstances will the Council consider leases for a longer period. Extensions to leases can be considered on a case-by-case basis*'.

It is felt that the transfer of the freehold would be non-compliant with the Council's Asset Transfer Policy and that it would be more appropriate to grant a new 99-year lease, in line with the policy, to regularise the Parish Council's existing use of the land. The Parish Council asked SCDC to consider whether a longer lease could be considered.

## Options

8. Cabinet could decide to:
  - i. Agree to surrender the interest in the existing missing lease and grant a new 99-year lease to Sawston Parish Council to regularise the existing management of the land – recommended option
  - ii. leave the existing lease in place, with 44 years remaining.
  - iii. offer a new lease over a different term but not less than the 44 years remaining.
  - iv. Agree to surrender the interest in the existing missing lease and agree to transfer the freehold to Sawston Parish Council.
  - v. treat this as an exceptional case and agree to a new lease longer than 99 years (subject to the requirements of the Asset Transfer Policy, which requires such a disposal to be advertised)
  - vi. defer a decision until a later date, pending further information.

## Implications

9. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered: -

### Financial

10. In accordance with the Council's Asset Transfer Policy, the land has been valued (see Appendix B). The valuation stands at £214,000, which means a Cabinet decision is Non-Key

### Consultation responses

11. Section 123 (2A) Local Government Act (LGA) 1972 specifies that: *"(2A) A principal council may not dispose under subsection (1) ... of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them."*
12. A two-week advertisement was placed in the Cambridge Independent from 25/5/2022 to 7/6/2022 about the intention to dispose of the asset in order to meet the requirements of the LGA. No comments were received.
13. The Clerk at Sawston Parish Council has been informally consulted on draft Heads of Terms for a 99-year lease, based on the Council's asset transfer policy. However, changes can be made to the draft lease based on Cabinet's final decision. The lease would then need to be formally considered by Sawston Parish Council then signed by both parties.

### Alignment with Council Priority Areas

14. Modern and Caring Council: This proposal allows Sawston Parish Council to grow their sports provision and secure facilities for the benefit of the local community.

## Background Papers

SCDC Asset Transfer Policy -

[Agenda for Cabinet on Wednesday, 6 May 2020, 9.30 a.m. \(moderngov.co.uk\)](#)

[Printed minutes Wednesday 06-May-2020 09.30 Cabinet.pdf \(moderngov.co.uk\)](#)

## Appendices

Appendix A – Maps of Lynton Way, Sawston, Recreation Ground

Appendix B – Valuation Report

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