

North Devon Council

Title of Decision Requested: Appropriation of Seven Brethren Short Stay Car Park

Decision requested by decision maker: In accordance with section 122(1) Local Government Act 1972, to appropriate the land at Seven Brethren, formerly used as a short stay car park and the land formerly used as a leisure centre, no longer being required for such purpose as a new short stay car park and a new leisure centre has been provided, to development land.

1. BACKGROUND / REASONS FOR THE DECISION REQUEST

- 1.1. Pursuant to a Design Build Operate and Maintain (DBOM) contract with Parkwood Leisure dated 10 December 2019, the Council has built a new leisure centre, the Tarka Leisure Centre at another location at Seven Brethren in Barnstaple. This has resulted in the decommissioning of the previous North Devon Leisure Centre which is currently empty and boarded up.
- 1.2. The DBOM contract also involved the creation of a new short stay car park close to the new Tarka Leisure Centre removing the need for the previous short stay car park which served the North Devon Leisure Centre.
- 1.3. On 7 December 2022 the Council entered into a Development Agreement for Lease with Tarka Living Ltd for the development of the Seven Brethren site, including the demolition of North Devon Leisure Centre.
- 1.4. To allow this to proceed the short stay car park and North Devon Leisure Centre land needs to be appropriated to development land in accordance with s.122(1) Local Government Act 1972.

2. FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state whether there are sufficient funds within the agreed budget. If there are insufficient funds please state how the decision will be financed).

- 2.1. None. The short stay car park has been re-provided.

3. ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED?

- 3.1. Not appropriating the land for this purpose would enable the North Devon Leisure Centre to remain in position and the short stay car park land to be used as a short stay car park. This would prevent development of the land at Seven Brethren and it is clear that the land is no longer needed for these purposes because the leisure centre and short stay car park have been re-provided elsewhere on the Seven Brethren site.



4. ANY CONFLICT OF INTEREST DECLARED?

4.1. N/A

5. DISPENSATION IF GRANTED

5.1. N/A

6. BACKGROUND PAPERS

The following background papers were used in the preparation of this request
(The background papers are available for inspection and kept by the author):

6.1. Development Agreement for Lease in relation to land at Seven Brethren
Bank, Barnstaple, Devon dated 7 December 2022

6.2. DBOM Contract dated 10 December 2019

7. CONSULTATION UNDERTAKEN (Please note all who have been consulted on
this decision):

7.1 Legal Services, Estates, Car parks.

8. OFFICER REQUESTING DECISION TO BE TAKEN: (please insert name and
job title): Simon Fuller, Senior Solicitor and Monitoring Officer

9. NAME OF DECISION TAKER: SarahJane MacKenzie-Shapland, Head of Place,
Property and Regeneration (please insert name and job title):

10. DATE DECISION TAKEN: 29th March 2023

11. APPROVED BY DECISION TAKER: Yes

12. DECISION TAKER'S COMMENTS:

This decision is in line with the requirements of the project. The old leisure centre and old short stay car park are no longer required for these purposes as they have been re-provided elsewhere on Seven Brethren. This decision to appropriate the use of this land will enable their use for development purposes.