

Key Decision Required:	No	In the Forward Plan:	No
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COUNCIL

25 MARCH 2014

REPORT OF THE CORPORATE DIRECTOR: CORPORATE SERVICES

A.1 Petition Regarding the Potential Lease of The Naze
 (Report prepared by Andy White and Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To consider a petition of 1129 signatures received by the Council relating to the potential decision on whether to grant a lease of the Naze to Essex Wildlife Trust.

EXECUTIVE SUMMARY
<p>The Council is engaged in discussions with Essex Wildlife Trust over proposals for the Naze including a new £800,000 visitor centre and improved management and educational provision.</p> <p>The Council has received a petition entitled Petition of Objection to the Leasing of the Naze. Receipt of the petition was announced at the Council meeting on 11 February 2014.</p> <p>The petition includes 1129 signatures.</p> <p>There are some inaccuracies in the cover and text of the petition.</p> <p>The Council's Constitution and procedures provide for the Council to consider petitions of more than 250 signatures and for Cabinet to determine property matters.</p> <p>The Council's Cabinet will consider responses to the statutory advertisement of the plans and whether to grant a lease at its meeting on 11 April 2014.</p>

RECOMMENDATION(S)
That Council considers the petition and whether it wishes to make a recommendation to Cabinet for consideration when Cabinet considers the responses to the statutory notice and the granting and terms for a lease to Essex Wildlife Trust.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
<p>This use of open space is relevant to the Councils priorities of:</p> <ul style="list-style-type: none"> • Reducing health inequalities and disadvantages. • Promoting healthy and active lifestyles. • Protect our countryside, environment and coast.

FINANCE, OTHER RESOURCES AND RISK
Finance and other resources

Granting of a lease would reduce the Council's costs. Essex Wildlife Trust (EWT) has proposed an annual revenue grant from the Council that would support their management of the area. These issues are matters for Cabinet's consideration and will be detailed in the report to Cabinet at a later date.

Risk

The risk highlighted by the petitioners is the perception that EWT will prevent or restrict public access to the Naze. EWT have stated that this is not their intention. This risk can be controlled using lease terms if a lease is granted.

LEGAL

The Council adopted its Petition Policy on 11 February 2014. The current petition was announced at the same meeting. In accordance with the procedure, officers have investigated the request made in the petition. Council may now consider the petition and whether to make any recommendation to Cabinet.

Determining whether to proceed with land transactions and terms for disposal or acquisition is an Executive function and is a power allocated to the Cabinet contained within the Constitution. The Council may not therefore decide whether or not to proceed with the lease or determine its terms. It should consider the petition and make recommendations to Cabinet for its consideration.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder/Equality and Diversity/Health Inequalities/Consultation/Public Engagement

Consultation/Public Engagement

A petition has been received and should be considered under the new procedure.

Ward

Walton

PART 3 – SUPPORTING INFORMATION

BACKGROUND

EWT have requested a 60 year lease in order to manage the entire area of approx. 44 ha/109 acres of Council owned land and buildings to EWT in connection with the Naze Heritage Project.

The Naze Heritage Project includes two main but distinctly separate phases: Phase 1 includes the construction of Crag Walk and has been completed. Phase 2 relates to improved educational and visitor facilities on the land at the top of the cliffs in the vicinity of the Naze Tower and the management of the rest of the site.

In May 2010 the former Leader, acting as the Community, Partnerships and Renewal Portfolio Holder, decided to initiate the Council's Property Dealing Policy in order to facilitate negotiations and discussions.

On 07 November 2013 Planning permission was granted for the construction of a visitor centre.

On 07 March 2014 HM Treasury announced a Coastal Communities Fund grant of £1,200,000 in order to construct the visitor centre.

EWT need a lease of the site for sixty years in order to draw down the grant and create a viable business to sustain the running of the facility.

Existing public conveniences on the site are very poor quality and together with the café are at risk from likely future cliff movement.

The EWT proposals would provide high quality new toilets and visitor facilities in a position that is safe from future cliff movement.

CURRENT POSITION

Discussions regarding potential future lease terms are on-going and Cabinet will consider whether to grant any lease, the terms proposed and responses to the statutory notice at its meeting on 11 April 2014.

The Council has received a petition entitled Petition of Objection to the Leasing of the Naze. Receipt of the petition was announced at the Council meeting on 11 February 2014. A copy of the cover and first page are attached as Appendix A.

The petition includes 1129 signatures. The Council's Constitution and procedures provide for the Council to consider petitions of more than 250 signatures.

There are some inaccuracies in the cover and text of the petition, which are addressed:

Cover:

<p>"... secretive plans hatched by Tendring District Council..."</p>	<p>The proposal originated with EWT. A formal decision on considering the matter was made and fully published in May 2010. The proposals have been further published including press coverage, statutory notices public consultation run by EWT and a full planning application.</p>
<p>"... to remove your rights of access for the next 100 years."</p>	<p>The requested lease is for 60 years.</p>
<p>"If Essex Wildlife gain control of the whole of the NAZE will no longer be accessible in the way you do now."</p>	<p>Both the Council and EWT have made it plain that it is not their intention to withdraw or restrict public access. Terms for the lease to secure this access are under negotiation.</p>

Petition:

<p>"... must remain as Regional open Space."</p>	<p>This is true (unless TDC and ECC agree otherwise). However the implication that the area will not remain as open space under EWT management is not correct.</p>
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The Council's Constitution provides that only the Cabinet can determine property matters. It is planned that a report seeking Cabinet's decision on whether to grant a lease and on what terms as well as the responses to the public notice at its meeting on 11 April 2014. Accordingly Council is invited to consider the petition and whether it wishes to make a recommendation to Cabinet regarding its potential decision on the lease.

INVESTIGATION

The petition clearly demonstrates that a large number of people are concerned to ensure that the Naze remains available to the public as open space for recreational use.

1,129 signatures represents around 6% of the population of Frinton and Walton 19,039*.

The petition opposes the granting of any lease, but does not specifically oppose the provision of a visitor centre.

There are some significant inaccuracies in the cover page and in the text of the petition.

EWT and TDC have both made clear statements that they do not propose to prevent or restrict public access. Following publicity related to the petition EWT have provided a Statement of Guarantees which sets out a number of reassurances concerning public access. A copy is attached at Appendix B.

Any proposed lease offers the opportunity to specify the levels of public access that must remain in place. Negotiations on these terms are under way at the time of writing.

*essexinfo.net

APPENDICES

- Appendix A – Cover page and opening page of the petition.
- Appendix B – Statement of Guarantees from EWT

YOUR NAZE NEEDS YOU!

TENDRING DISTRICT COUNCIL PROPOSED DISPOSAL OF OPEN SPACE

NOTICE is hereby given, pursuant to Section 123 of the Local Government Act 1972, that Tendring District Council intends to dispose by way of a 99 year lease of about 45 hectares of public open space at The Naze, Walton. Under the lease, the Council intends the land to be used as a wildlife and nature reserve with continued public access and for the provision of a new education and visitor centre. A plan identifying the land and the site of the proposed centre can be inspected at the address shown below or on the Council's website.

The land is open space. Any objections to the proposed disposal should be put in writing and sent, by no later than 19 December 2013 by e-mail to ✕ or to the Assets Manager, Tendring District Council, Town Hall, Station Road, Clacton-on-Sea, Essex CO15 1SE. Dated 28 November 2013.

MARTYN KNAPPETT, CORPORATE DIRECTOR.

Above notice found hidden in micro print at the bottom of P43 Walton & Frinton Gazette 28/11/2013

YOU Value The Naze you must all write and Object to the above secretive plansatched by Tendring District Council to dispose of this area and remove your rights of access for the next 100 years!

Essex Wildlife gain control the whole of the NAZE will no longer be accessible in the way you do now.

the Local Residents bought this land in 1967 as a Public Open Space, not a Nature Reserve , how dare they do this! To object you must do so in writing beforewe December if you want to stop this.

more information contact

Personal Data Redacted

✕ assets @ tendringdc.gov.uk.

Petition of Objection to the Leasing of the Naze

We the undersigned wish to formally register our strongest possible Objection to Tendring District Council's plans to grant any lease to Essex Wildlife Trust, or any other Third Party, the Regional Open Space known as the Naze - the 45 hectares noted in the TDC Public Announcement dated 28/11/ 2013.

We demand that Tendring District Council adhere to the terms of the Deeds between Essex County Council and Frinton and Walton Urban District Council (TDC are the successor Council and are consequently bound by the term of this Deed). This Land was purchased by the People of Walton, Frinton and Kirby on 06/02/1967 for it to be retained as a Regional Public Open Space, the Deed states the existing Nature Reserves are to be the only nature reserve areas the remainder must remain a Regional Open Space. TDC have managed this area well and at low cost - the undersigned wish this to continue.

Name	Address	Post Code	Signature
DALE SENCIEN	Personal Data Redacted	CO25 6JU	Personal Data Redacted
BEV SENCIEN		CO15 5DN	
JBloom		CO14 8QU	
b. glasper		CO14 8NA	
P. Warren		CO148HD	
A. HUNT		CO148BU	
L. Luff			
Colby		CO148BD	
Chuggs		CO148ABC	

Essex Wildlife Trust guarantees relating to The Naze.

1. Essex Wildlife Trust does not have and never has had any agreement nor intention to change the access of the public to the Naze.
2. Essex Wildlife Trust does not have and never has had any agreement nor intention to restrict people visiting the Naze with dogs, either on or off the lead. The Trust does encourage and support responsible dog ownership for example the Trust staff and volunteers would ask dog owners to keep their dogs under control and would ask dog owners to clear up after their dog if their dog has fouled.
3. The purpose of Essex Wildlife Trust involvement at the Naze has always been, and continues to be, to work with all the organisations in the Naze Heritage Project to deliver the following:
 - a) Construct the Crag Walk which provides an educational walkway and protects the future of the Naze Tower.
 - b) To improve the practical management of the Naze and improve the facilities and information for local people and visitors.
4. One part of improving the facilities and information is to provide an Education and Visitor Centre which includes new toilets to replace the existing toilets. The Trust will open these facilities on 363 days each year and Trust staff and volunteers will look after the facilities. To be able to deliver these facilities the Trust needs:
 - Planning permission – this has been granted.
 - Funding for the building of approx. £1.2m – this has been found.
 - A Lease agreement from the owner of the land which is Tendring District Council – the details of this lease are being discussed.
5. Another part of improving the information involves working with other organisations to provide information about the outstanding wildlife, fossils, geology, coastal processes and history that are special at the Naze and to assist with looking after this outstanding interest for the benefit of the Walton community. There is a great opportunity to improve the educational value and educational attainment of those who visit the Naze. The Trust will deliver this education to a high standard – it is one of the few organisations with the Quality Badge from The Council for Learning Outside the Classroom because of the quality of its work at other similar locations in Essex.

John Hall
Chief Executive Officer of Essex Wildlife Trust



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No 945 7459 77*