

**REPORT OF THE LEADER OF THE COUNTY COUNCIL****PROPOSED DISPOSAL BY WAY OF 999 YEAR LEASE OF OLLERTON COLLIERY EAST AND WEST TIPS AND SHIREBROOK COLLIERY TIP****Purpose of the Report**

1. To seek approval to Ollerton Colliery East and West Tips and Shirebrook Colliery Tip being let on 999 year leases to Forestry England on the terms detailed in this report.

**Information**

2. On 13<sup>th</sup> November 1997 The Council acquired 8 colliery sites from the Coal Authority in what became known as the 'British Coal Deal'.
3. The un-restored spoil heaps were transferred to the Council with a dowry of £14m; with the Council undertaking the design work and undertaking the restoration of the sites on behalf of the Coal Authority and according to the approved Mineral Planning Consents.
4. The un-restored spoil heaps at Ollerton and Shirebrook were both reclaimed according to the same prescription by NCC Landscape and Reclamation Team, using civil engineering contractors. All of the restoration costs were paid out from the dowry from the Coal Authority.
5. Once the tips had been shaped to achieve final landform, and the slurry lagoons (from coal washing) capped and sealed - the colliery shale was de-compacted by excavator to a depth of 500mm and lime added to reduce the acidity of the colliery shale. 500mm of 'soil' (mainly sands and sub-soils) was then tipped over the de-compacted shale and dug again to mix the soil and shale and achieve the final finished levels. Given that the soils were of poor quality, in those areas where trees were to be planted sewage cake was also added to provide nutrient for the trees to grow.
6. A network of surfaced forestry grade tracks (to provide future access for harvesting vehicles) were constructed and the tree plots fenced to provide the young trees with protection against rabbits.
7. Trees were planted by hand and maintained annually to reduce competition by weeds.
8. Both Ollerton and Shirebrook were planted with broadly the same species of trees: Approximately 80% was Corsican Pine, a fast-growing conifer species well suited to the Sherwood area. The remaining 20% was comprised of native broadleaf species including oak, birch, ash, hawthorn and hazel; with willow and alder planted in the wetter areas. All are able to cope with poor soil conditions.

9. The mix of species was chosen with the Corsican Pine to be managed as a commercial tree crop to provide an income stream for the Forestry Commission to manage the sites going forward; and native species to be managed for their biodiversity and visual amenity. Large areas of grassland and extensive wetlands were also created as part of the final restoration.
10. Grassland areas were sown with a simple native wildflower or grass seed mix, with the impoverished nature of the soils helping to control growth and allowing a flowery sward to develop in many places, as well as reducing the need for grass cutting.
11. To date four of the sites have been leased to Forestry England, but with Cotgrave Country Park being retained by the Council to be managed as a Country Park. As a result of planning and other land related issues the completion of the leases for Ollerton (East and West) and Shirebrook were delayed.
12. Formal Approval is required to enable the completion of the leases for Ollerton Colliery West Tip, Ollerton Colliery East Tip and Shirebrook Colliery Tip.
13. Currently, Forestry England provide a dedicated Community Ranger for both Ollerton (East and West) and for Shirebrook. The Rangers work with local groups from the community and run a range of volunteer conservation projects on the three sites, undertake regular facility checks, litter picks and provide a site presence and point of contact. It is likely that Forestry England would withdraw their support should the leases not proceed.
14. The Council do not have the capacity or resources necessary to provide the level of support currently dedicated to these sites by Forestry England, and therefore the level of community engagement and visitor amenity would be significantly reduced.
15. Ollerton Colliery Pit East and Ollerton Colliery Pit West currently have a very basic twice yearly maintenance programme, although this is not sufficient to maintain the sites adequately long term.

If these sites were retained the minimum expenditure is likely to be:

#### Shirebrook

- Annual maintenance of £3000 (bare minimum required)
- Re-active maintenance of £4500 (based on last two years expenditure plus likely tree safety works)

#### Ollerton

- Actual annual twice yearly maintenance c. £2500 (bare minimum required)
- Re-active maintenance £4000 (based on last two years expenditure plus likely tree safety works)

16. In addition, given that the sites are now reaching 20 years since restoration there will be an increasing requirement to replace site name boards, gates, barriers, bridges and maintenance of approximately 15km of forest road.
17. The Council is responsible for ensuring the safety of the public using these sites; there will be the ongoing requirement to regularly inspect and react to any

maintenance requirements to ensure the safety of visitors - a significant commitment of officer time. Expenditure on replacement and repair will only increase as fixtures and fittings reach the end of their natural life. Once the leases are completed these responsibilities will transfer to Forestry England.

18. The proposed 999 year leases have been negotiated on a one to one basis with Forestry England without recourse to the market. The Council's financial regulations allows the matter to be dealt with in this way provided that special circumstances exist that identify there is only likely to be one potential party to enter into the transaction. Forestry England is a major land owner in Nottinghamshire and manage land for Forestry, biodiversity, carbon sequestration and the benefit of the public of Nottinghamshire. They already provide Rangers who are involved in a range of diverse volunteer and conversation events with schools and local community groups.
19. Under S.17.5.5.2 of the Council's Financial Regulations the Service Director Place and Communities has sought approval from the Section 151 Officer and Group Manager of Legal Services to the proposed 999 year lease being by private treaty.
20. The Council has an obligation under s123 Local Government Act 1972 to obtain the best price reasonably obtainable for the disposal of its assets. The proposed terms are considered to represent best value to the Council. The sites are reclaimed tips and therefore have severe constraints around any future development. At present the liabilities associated with the sites outweigh any value that could be attributed to them and they are considered to be of nil value. In addition, there are restrictions on the leases regarding future use resulting in no development potential and little commercial value.
21. In addition to the above, under Section 123 of the Local Government Act 1972, there is a requirement to advertise the proposed 999 year leases due to the sites being designated as Public Open Space. Members of the public are then able to comment on the proposal.
22. Forestry England will be taking on full responsibility for all aspects of sites including insurance, repair, management and all other liabilities except land slip and deep drainage issues. Forestry England will maintain access and provide recreational and sporting facilities for the public at nil cost. Therefore, the transaction will also secure the long term use and future of the sites and protect public open space for generations to come.
23. The following heads of terms have been provisionally agreed subject to contract and formal approval

Lessor:	Nottinghamshire County Council
Lessee:	Forestry England
Term:	999 years
Premises:	Ollerton Colliery East Pit, Ollerton Colliery West Tip and Shirebrook Colliery Tip
Use:	For the management of trees and supply of timber pursuant to the

	Forestry Act. To conservation and enhancement of natural beauty. Provision of recreational and sporting activities including facilities for walking, cycling, horse riding and fishing by the public. Open space for public recreation, conservation management and commercial forestry purposes.
Rent	£1.00 per annum if demanded
Other Matters	No development of the site. Only to be use for the uses specified.
Costs	Each party to cover their own costs.

### Other Options Considered

24. The Council to continue managing the sites

### Reason/s for Recommendation/s

25. To remove the maintenance liability from the County Council and allow Forestry Commission to manage the sites as public open space and preserve its conservation interest.

### Statutory and Policy Implications

26. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### RECOMMENDATION/S

- 1) To approve disposal, by way of 999 year lease, of Ollerton Colliery East and West Tips and Shirebrook Colliery Tip to Forestry England on terms detailed in the report, subject to consideration by the Corporate Director Place (in consultation with the Chair of Policy Committee) of any representations received from the public to the advertised disposal of these public open spaces.

**Councillor Mrs Kay Cutts**  
**Leader of the County Council**

**For any enquiries about this report please contact:** Derek Higton, Service Director Place and Communities, Tel: 0115 9773498

### Constitutional Comments (CEH 3/12/2019)

27. The recommendations fall within the remit of Policy Committee under its terms of reference. [CEH 03.12.19]”

### **Financial Comments [RWK 18/12/2019]**

28. The report proposes the disposal by lease of a number of tips. The annual maintenance costs for the tips are set out in paragraph 15 of the report and are estimated to be a minimum of £14,000 per annum. If disposal of the tips is approved the responsibility for maintaining the tips will be passed to the lessee and the County Council will no longer need to fund these costs.

### **Background Papers and Published Documents**

- None.

### **Electoral Division(s) and Member(s) Affected**

- Electoral Division(s): Ollerton, Warsop  
Member(s): Councillor Andy Wetton, Councillor Mike Pringle