

## Report of the Executive Manager, Transformation and Operations

### Cabinet Portfolio Holder for Economic and Business Councillor A Edyvean

#### 1. Summary

- 1.1. The Nottingham Society of Model and Experimental Engineers Ltd (NSMEE), Ruddington has been operating a model railway at the Nottingham Transport Heritage Centre in Ruddington for many years.
- 1.2. NSMEE would like to extend the existing model railway utilising some land at the adjacent Rushcliffe Country Park. Heads of terms have been agreed with the NSMEE and the lease then needs the approval of Cabinet as it is in effect a disposal (albeit on a leasehold basis) of land classed as open space.

#### 2. Recommendation

It is RECOMMENDED that

- a) Cabinet approves, in principle, the lease of the land (indicated in the red line are on the attached plan) to NSMEE for a period of 21 years (with breaks)
- b) Cabinet agrees to an advertisement in the Nottingham Post of the proposed lease, and any objections received are then considered by the Portfolio Holder for Business and Economy prior to the Council formally enacting the lease.

#### 3. Reasons for Recommendation

- 3.1. The Nottingham Society of Model and Experimental Engineers Ltd (NSMEE) was founded in 1929 and is one of the longest established societies in the UK. From humble beginnings, its membership is now in excess of 235, whose interests span the many branches of model engineering as well as horology (the art and/or science of measuring time). The society now has its permanent home within the Nottingham Transport Heritage Centre (in Ruddington) and actively participates in the work of the centre alongside its Great Central Railway colleagues.
- 3.2. NSMEE has been actively looking to extend the model railway for some time and has been working with Rushcliffe Borough Council to develop its plans. (Previous Cabinet Holder for Community, Cllr John Cottee was actively involved.) The lease will allow for construction of an 800ft extension loop at the eastern end of the existing ground level 7 ¼” gauge track onto part of Rushcliffe Country Park. The area of land that the track would extend around

is a largely tree covered area adjacent to the current track, which is not currently accessed by the public so there would be minimal impact on visitors to the park. In addition, the NSMEE would actively manage the area of woodland which will be beneficial for its future health and quality. It is largely made up of self-seeding native species which would benefit from some thinning and more active management. NSMEE have taken advice from the Nottinghamshire Wildlife Trust on this aspect of the scheme and will not do any works to trees within the nesting period.

#### **4. Terms of the Agreement**

- 4.1. NSMEE will pay Rushcliffe Borough Council a small annual fee for leasing the land for the railway extension, following the completion of the extension.
- 4.2. Minor trees may be removed during construction and to create a clear channel either side of the new track, to be agreed on site. Consideration is to be given to the bird nesting season. Completed works must be inspected and certified by an appropriately qualified independent agent.
- 4.3. Post and rail fencing to be erected by the Lessee (NSMEE) adjacent to the footpath on Mere Way, with lockable gates at the Heritage Centre/Country Park boundary, style to be agreed by both parties but to be in keeping with existing fences. At the end of the lease term, the Lessee to return the land to its original state, including removing the track and ballast, making good the access road and removing fencing and gates.
- 4.4. The Lessee may remove minor trees to create the railway and these do not need to be replanted upon reinstatement. The Lessee will use their reasonable efforts to open during weekends from April to October and school holidays and bank holidays.
- 4.5. The lease term will be 21 years with a break clause at or after five years by either party serving 18 months' notice at any time. Rent reviews will be at 5 yearly intervals and will take into consideration whether the NSMEE is operating the line on a commercial basis.

#### **5. Local Government Act 1972 and the Council's Asset Disposal Policy**

- 5.1. Section 123 of the 1972 Local Government Act requires that where a disposal of land which is either open space (in and of itself) or is part of open space is proposed, notices must be published in two consecutive weeks in a local newspaper (eg Nottingham Post), and any objections received be considered.
- 5.2. The intended lease (of the parcel of land shown in Appendix A) of 21 years is long enough to be a disposal caught by the act. For the purposes of the act, the definition of "open space" is any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.
- 5.3. Under the Council's Disposal and Acquisition Policy for Land and Buildings, any disposal of land where there is a requirement to advertise the disposal of open space land under Section 123(2A) of the Local Government Act 1972 is a Cabinet decision.

5.1. RBC leases the country park from Nottinghamshire County Council on a long lease and Nottinghamshire County Council is supportive of the sub lease to the NSMEE. RBC's lease requires that prior written consent is sought from Nottingham County Council and the Secretary of State for Defence, firstly to the proposed sub-letting itself, and secondly to any major earthworks or alterations to the terrain within the demise.

## 6. Risk and Uncertainties

6.1. Any objections to the proposed disposal (as advertised in the Nottingham Post) will need to be considered by the Portfolio Holder who will be advised by the Executive Manager for Transformation who is the Council's Corporate Property Officer.

6.2. Any excavation works by the NSMEE will need the consent of Nottinghamshire County Council as the freeholder of the site, and the consent of the Secretary of State for Defence, who currently have a charge over the site.

## 7. Implications

### 7.1. Finance

There will be a small rental income from the lease of this piece of land. Each party will cover their own legal costs.

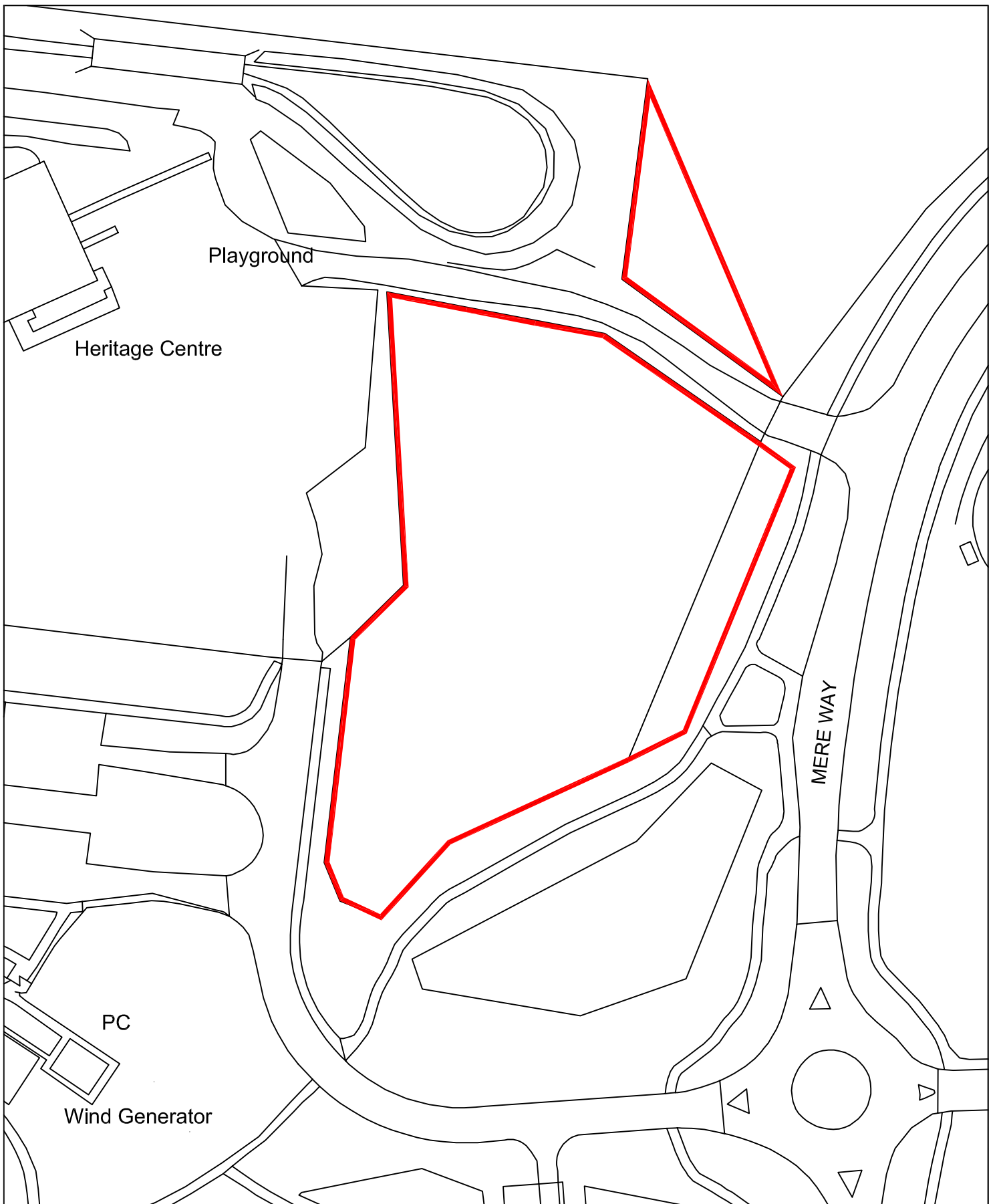
### 7.2. Legal


Legal implications relate to the disposal of a piece of open space and are covered in the body of the report.

### 7.3. Corporate Priorities

The Council has a priority to maximise its assets and this scheme will support the enhanced use of a part of the Country Park which is not currently utilised. The scheme would support the Heritage Railway site maximise its potential as a visitor attraction.

<b>For more information contact:</b>	Katherine Marriott Executive Manager 0115 914 8291 <a href="mailto:kmarriott@rushcliffe.gov.uk">kmarriott@rushcliffe.gov.uk</a>
<b>Background papers Available for Inspection:</b>	None.
<b>List of appendices (if any):</b>	<b>Appendix A</b> – Plan of the land to be leased by NSMEE



 <b>Rushcliffe</b> Borough Council	Property Services Rushcliffe Borough Council Rushcliffe Arena Rugby Road West Bridgford Nottingham NG2 7YG Tel. 0115 981 9911 Fax. 0115 914 8452	Project <b>Extension to Miniature          Railway Rushcliffe Country          Park</b>	Date <b>Dec 2017</b>	Project officer	
		Drawing title <b>Redline Plan Accompanying          Lease</b>	Scale <b>1:1000</b>	Drawn <b>TP</b>	Checked
			Reference	Rev.	