

### Record of officer decision

<b>Title:</b>	The none reservation of mineral rights by the council in relation to the sale contract of lot 2e
<b>Date of decision:</b>	10 November 2017
<b>Decision maker:</b>	Director of Economy, corporate and communities
<b>Authority for delegated decision:</b>	Cabinet decision of 3 October 2016 item 42 recommendation (8)  to take all operational decisions necessary to implement the [disposals programme] and, following consultation with the relevant cabinet member and section 151 officer, to conclude sales.
<b>Ward:</b>	Queenswood
<b>Consultation:</b>	The cabinet member and section 151 officer were consulted on 5 <sup>th</sup> and 23 <sup>rd</sup> October 2017, and were supportive of the decision.
<b>Decision made:</b>	To agree the non-reservation of mineral rights by the Council in relation to the sale contract of Lot 2e
<b>Reasons for decision:</b>	<p>The policy requirement is that any disposal of areas of land identified as containing mineral deposits of commercial value should be subject to the council retaining mineral rights.</p> <p>In August 2015, the council carried out a desktop survey of the mineral deposits in that area and identified two areas where they may be economically viable sand and gravel mineral deposits. Neither of these two areas is within the boundary of Lot 2e. A copy of the desktop report is attached. A further report was concluded in December 2015 following the intrusive survey, also attached.</p> <p>Lot 2e has been sold with the benefit of planning permission for conversion of the redundant buildings to form 4 dwellings plus the existing 2 dwelling already on site. This site is also immediately adjacent to other residential property.</p> <p>On the basis of the existing mineral reports and the current site, the site does not contain mineral deposits of commercial value and the residential use of the site in itself would potentially be a barrier to any planning permission submitted in favour of any mineral extraction.</p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	<p>Risks The proposed bidder in relation to Lot 2e implements a mineral extraction. This is extremely unlikely given the recommendations of both reports.</p> <p>Finance The site has been marketed on the basis of the planning permission of residential use and the level of accepted bid reflects this.</p> <p>Legal This would require an excepted contract change in this sale contract.</p>

	<p>The standard clause that the council reserves mineral rights will remain in all other contracts, unless there are any additional decisions to this one and the council can show evidence that there are no deposits of commercial value.</p> <p>Equality</p> <p>There are no negative impacts identified from the approval of the recommendations.</p>
<b>Details of any alternative options considered and rejected:</b>	Remain with the standard contract clause, the risk is that this is not acceptable to the preferred bidder and the sale will not exchange or complete.
<b>Details of any declarations of interest made:</b>	None

Signed.....



.....

Date: 10 November 2017