
**Decision Session : Cabinet Member for
Leisure, Culture and Tourism**

15 July 2013

Report of the Assistant Director (Communities, Culture and Public Realm) and the Head of Asset and Property Management

Proposed Lease of Additional Land to York Racecourse

Summary

1. York Racecourse Committee holds a 95 year lease of parts of the Knavesmire / Micklegate Stray from December 2010. The area exclusively occupied is approximately 20 acres and the Racecourse has applied to the Council to take into their lease an additional one third of an acre of the Knavesmire to permit the construction of improved facilities. Planning consent has been obtained for these works, but the Council is obliged to advertise the proposed disposal of additional open space for public comment, and this report is to put before the Cabinet Member the results of the public consultation accordingly.
2. The Cabinet Member is asked to approve that the lease extension should proceed.

Background

3. In January 2013 the Racecourse applied for Planning Consent for the following improvement works to their facilities which necessitated the expansion of their lease area by the one third of an acre now being considered:-

“Demolition of the existing north western perimeter wall, saddling boxes etc and construction of a new pre-parade ring and winning enclosure, erection of a new perimeter wall, saddling stalls and associated equine facilities including vets’ accommodation, and the provision of a replacement path and associated landscaping.”

4. Planning and Conservation Area consent was given for these works on the 18 of April 2013 reference 13/00090/FUL.
5. As well as providing new and improved facilities, the new pre-parade ring will enable the horses to be kept away from visitors to the Racecourse and be retained on the Racecourse side of the pedestrian entrance points. This will improve public safety. The additional part of the Knavesmire that would need to be enclosed by the Racecourse to do these works is shown by red verge on the attached plan, and the new replacement access to the Knavesmire for the public and the Council is hatched in purple.
6. Because the one third of an acre, verged red, is held for open space purposes, the proposed incorporation of this into the Racecourse lease must be advertised as a disposal of open space under the provisions of Section 123 to the Local Government Act 1972. This matter was published in the York Press on 14 and 21 May 2013 and any public comments or objections were invited by 11 June 2013.
7. The following responses were received:
 - (a) A letter of objection from Mr H of Dringhouses who has questioned whether the disposal accords with the Micklegate Strays Act of 1907.
 - (b) An email on behalf of the Ramblers concerned at the apparent loss of footpath access to the Knavesmire.

Analysis

8. In response to the letter from Mr H, in consultation with the Head of Legal Services it is confirmed that the Micklegate Stray Act 1907 does permit the Council to lease such parts of the Stray as may be necessary for racing purposes, in Section 17. It should be noted that Mr H may wish to address the meeting.
9. In respect of the comment from the Ramblers concerning the footpath access to the Knavesmire, also used for maintenance and access to the sports pitches, it is confirmed that a replacement access will be provided before the existing is closed, and this is the route hatched purple on the attached plan. A reply has been sent to this effect, and any further communication will be reported.

10. During the consultation for the planning application earlier this year, a positive public meeting was held by the Racecourse and no written objections were received during the planning process. Officers believe that the works are reasonably necessary for the proper and safe management of the Racecourse and that the one third of an acre applied for to extend the lease is the minimum necessary for implementation.

Consultation

11. The responses to the public advertisement have been circulated to Ward Members, the Cabinet Member for Corporate Services and to the senior officers responsible for the management of the Strays. No objections to proceeding with the lease have been received from Members and Officers. The result of the public consultation is reported above in paragraph 7, ie one objection and one comment.

Council Plan

12. The investment by the Racecourse in this proposed development would contribute towards one of the Council's priorities, to Create Jobs and Grow the Economy.

Implications

13. Implications arising from the report are as follows:
 - **Financial** – there are no material financial implications: A small additional rent would be obtained for the Council, to be approved by the Head of Asset and Property Management.
 - **Human Resources (HR)** – there are no HR implications.
 - **Equalities** – there are no Equalities implications. The proposed works will improve safety at the Racecourse for all.
 - **Legal** – there are no legal implications. Documentation will be dealt with in house.
 - **Crime and Disorder** – there are no crime and disorder implications.
 - **Information Technology (IT)** – there are no IT implications.
 - **Property** – There are no material implications in proceeding with this lease extension.

- There are no other implications arising from this small lease extension.

Recommendation

14. It is recommended that the Cabinet Member approves the extension of the lease of the Racecourse by one third of an acre in order to incorporate the proposed works and improvements under Planning Consent 13/00090/FUL, after due consideration of the objections and comments received.

Reason: So that the proposed investment by the Racecourse in its facilities at York may proceed in order to retain the status of the facility and to and improve public and equine safety.

Contact Details

Authors:

David Baren
Commercial Property
Manager
Tel No (01904) 553306

Philip Callow
Head of Asset and
Property Management
Customer and Business
Support Services
Tel No. (01904) 553360

Chief Officer:

Charlie Croft
Assistant Director (Communities,
Culture and Public Realm)

**Report
Approved**

Date
24/6/
13

Ward Affected: Micklegate

Specialist Implications

Officer(s) : None.

For further information please contact the author of the report

Background Papers:

The public advertisement for the disposal of open space and papers attached thereto.

Annex

Plan