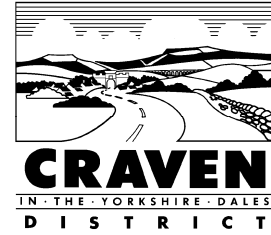


## Policy Committee – 22 July 2014

### Rectification of land ownership issue



#### Report of the Director of Services

Ward affected: Gargrave and Malhamdale

#### 1. **Purpose of Report**

- 1.1 To seek approval to rectify the land ownership of Gordale Scar, Malham.

#### 2. **Recommendations**

- 2.1 Members are recommended to authorise the Director of Services to transfer ownership of Gordale Scar, Malham, from Craven District Council to Kirkby Malhamdale Parish Council.

#### 3. **Report**

- 3.1 Gordale Scar forms an impressive and well known natural limestone ravine located in open countryside, around 1.5 km north east of Malham. Access is by way of a footpath from the northern side of Gordale Lane.
- 3.2 The land is of an irregular shape and extends to approximately 5.26 hectares.
- 3.3 The site is registered as a Village Green and is within the Yorkshire Dales National Park (YDNP). The land is classed as being within Open Upland, on the YDNP Local Plan.
- 3.2 Large sections of the land form steeply sloping areas of screed or rough pasture, sloping down to Gordale Beck in the bottom. The northern section includes a waterfall and the limestone cliffs overlooking this are understood to be over 100m high. A popular public footpath leads in a roughly north south direction, up through the scar and walkers scramble over the rocks adjacent to the waterfall, following this path.
- 3.3 Various agencies and organisations related to preservation of the Dales continue to be involved in management of the scar.
- 3.4 The District Valuation Service have valued the land at a Market Value of £30,000.

4 **Implications**

4.1 **Financial Implications**

4.2 Although the Council doesn't generally undertake maintenance at Gordale Scar, transferring the freehold interest in the land to the Parish Council will take away any future maintenance and insurance liability from the Council.

4.3 **Legal Implications**

4.4 The property is held by the Council for the purposes of the Local Government Act 1972. The Council has the power to dispose of land, for the best price that can reasonably be obtained, under section 123 of the Local Government Act 1972 and the General Consents issued by the Secretary of State in support of that section. The Council can dispose of land at an undervalue, under the General Disposal Consent 2003, where it considers that it will help to secure the promotion or improvement of the economic, social or environmental well-being of its area.

4.5 Although the Council is registered as owner at both the Land Registry and in the register of Town or Village Greens, pursuant to section 8(3) of the Commons Act 1965, the Council's records indicate that this ownership registration is incorrect. Kirkby Malhamdale Parish Council should have originally been registered as the owner under section 8(5) of the 1965 Act. This was taken up with the registration authority, North Yorkshire County Council, but was not pursued as there was very little scope to make amendments to the register under the Commons Act 1965.

4.6 The Council could apply to North Yorkshire County Council again in October this year when replacement legislation, section 19 of the Commons Act 2006, is implemented. To correct the mistake however, the Council is proposing to simply transfer ownership to the Parish Council now and the Parish Council can then apply to register the transfer at the Land Registry and apply to update the owners name and address shown in the register of Town or Village Greens maintained by the County Council.

4.7 Before transferring the property, as it consists of public open space, the Council would have to comply with section 123 (2A) of the Local Government Act 1972 and advertise the intention to transfer the property, for two consecutive weeks in the local newspaper and consider objections.

4.8 **Contribution to Corporate Priorities**

4.9 Transferring the land to the Parish Council would fall within the Corporate Priorities of Working with Communities and also Financial Resilience.

4.10 **Risk Management**

4.11 Due to the size and nature of the rock face in relation to the location of the public footpath, there is some potential for accidents due to falling rocks.

4.12 Transferring the land to the Parish Council will remove the liability for future maintenance and public liability insurance on the site, from the Council.

4.13 It is understood that the Parish Council has made enquiries regarding the insurance requirements for the land and that they are happy to proceed.

5 **Consultations with Others**

5.1 Legal Services, Finance Management and Risk/Procurement & Insurance.

6. **Access to Information : Background Documents** –

6.1 None

7. **Author of the Report**

7.1 Andrew Whelan, Estates Surveyor; telephone 01756 706485;  
email [awhelan@cravendc.gov.uk](mailto:awhelan@cravendc.gov.uk)

Note : Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

8. **Appendices**

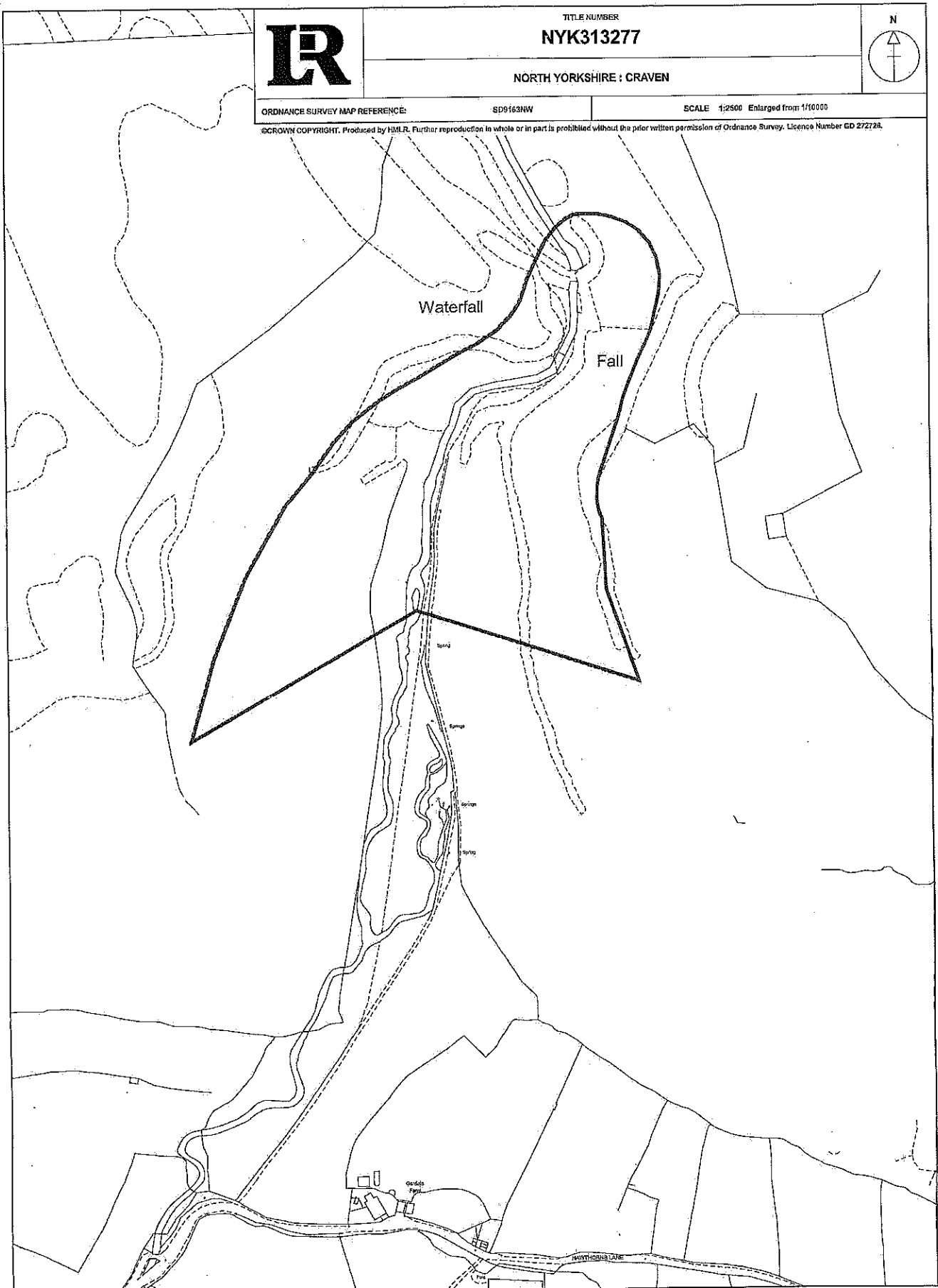
8.1 Appendix A photographs

8.2 Appendix B location plan

Appendix A



Appendix B location plan - not to scale and for identification purposes only



This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - *Title Plans*.  
 This official copy shows the state of the title plan on 19 October 2005 at 9:33:16. It may be subject to distortions in scale.  
 Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.  
 Issued on 19 October 2005.  
 This title is dealt with by the York District Land Registry.

