



**REPORT of
LEAD LEGAL SPECIALIST**

**to
STRATEGY AND RESOURCES COMMITTEE
12 JUNE 2025**

TRANSFER OF FOUNDRY LANE CAR PARK BURNHAM-ON-CROUCH

1. PURPOSE OF THE REPORT

- 1.1 For the Council to consider the transfer of the car park at Foundry Lane, Burnham-on-Crouch to Burnham-on-Crouch Town Council ("Town Council").

2. RECOMMENDATIONS

- (i) That the Committee agrees for the Council to transfer Foundry Lane Car Park, Burnham on Crouch to Burnham-on-Crouch Town Council for consideration of £1;
- (ii) That a restriction is placed on the land to ensure that any future use is only for car parking to ensure that no commercial development of the land can take place.

3. SUMMARY OF KEY ISSUES

- 3.1 Maldon District Council ("MDC") has been approached by the Town Council to request the transfer of ownership of the car park at Foundry Lane Burnham-on-Crouch ("Car Park") be transferred to the Town Council. Please see attached plan (**APPENDIX 1**) showing the location edged in red.
- 3.2 The Town Council has committed to keep the Foundry Lane car park free of charges to the public in line with their policy at Providence Car Park.
- 3.3 Following the suggestion that the Doctors Surgery may be moved local residents staged a protest against moving the surgery. The NHS has since confirmed that the surgery will be staying at Foundry Lane and is working with the surgery to look at improvements which could be made.
- 3.4 The Town Council has been in discussions with the Doctors Surgery and the NHS in relation to expanding and improving the healthcare facilities adjacent to the carpark. Owning this car park would allow the Town Council to support the provision of health facilities in Burnham-on-Crouch and if appropriate utilise the car park for this purpose.
- 3.5 Land Ownership / Use**
- 3.5.1 The Council purchased the Car Park in 1982 for 50p. The Car Park is centrally located and is used by residents to attend the doctor's surgery adjacent to the car

park as well as to visit the amenities of the town. There are currently no restrictions on the use of the land.

- 3.5.2 The Car Park currently provides free parking to the residents of Burnham-on-Crouch.

3.6 Financial Position

- 3.6.1 The Council receives no income from the Car Park.
- 3.6.2 The Council has an ongoing maintenance responsibility for the car park. The Car Park was resurfaced in 2024 at a cost of circa £75,000.
- 3.6.3 The Land is valued in our assets register as having a value of £78,500.

3.7 Legal Position

- 3.7.1 The Council is the registered owner of the land. It can therefore transfer ownership to any third party.
- 3.7.2 The Council has a legal obligation to obtain best value when disposing of land. Section 128(1) of the Local Government Act 1972 allows for the Council to sell land at less than market value where the sale will help to secure the promotion or improvement of the economic, social or environmental well-being of its area.
- 3.7.3 The Council can place a restriction on the land under s33 of the Local Government (Miscellaneous Provisions) Act 1982 that only allows for the land to be used for specific purposes. This was previously used for the transfer of the Providence Car Park to Burnham Town Council in 2012. Any restriction would prevent the land being used for any other purpose other than a car park.

4. CONCLUSION

- 4.1 The car park is a Council asset and while it has a value it is a cost liability; in that we have a responsibility to maintain the car park but receive no income from it.
- 4.2 Due to the size and location of the car park there are no commercial options which would suggest a future income or use of the area which would be financially beneficial to the Council.
- 4.3 The Town Council has experience of managing and maintaining other car parks for public use and passing this asset to the Town Council will ensure it remains in local control now and in the future.
- 4.4 Transferring the ownership for less than the market value can be justified as the transfer will allow for the Car Park to be managed at a local level for the benefit of the Burnham Community. It would promote the economic and social wellbeing of the area by allowing free car parking to continue to encourage the use of local shops and facilities as well as ensuring ease of access to the medical facilities adjacent to the site.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

5.1 Supporting our communities

- 5.1.1 The transfer of the car park will allow the ownership to remain with an authority whose purpose is to support the residents of Burnham on Crouch.

6. IMPLICATIONS

- (i) **Impact on Customers** – The change in ownership would have no direct impact on customers as the car park will remain as a car park in local government control.
- (ii) **Impact on Equalities** – None all residents will be able to access the car park as it is free to all.
- (iii) **Impact on Risk (including Fraud implications)** – None.
- (iv) **Impact on Resources (financial)** – There will be no ongoing maintenance costs so will mean a reduction in costs to Maldon District Council.
- (v) **Impact on Resources (human)** – None the legal work can be carried out in house.
- (vi) **Impact on Devolution / Local Government Reorganisation** – The transfer of the car park will ensure that this asset will be available and maintained by the Town Council who will still exist following Local Government Reorganisation.

Background Papers: Plan of Site (**APPENDIX 1**)

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