

Meeting: Cabinet	
Meeting Date	2 March 2016
Report Title	Dolphin Barge Museum - Option agreement for Land transfer to Swale Borough Council from Essential Land and a proposed new lease to the Dolphin Barge Museum
Portfolio Holder	Councillor Mike Whiting, Cabinet Member for Localism, Sport, Culture and Heritage
SMT Lead	Kathryn Carr, Director of Regeneration
Head of Service	Anne Adams, Head of Property Services
Lead Officer	Peter Binnie
Key Decision	No
Classification	Open
Forward Plan	Reference number:
Recommendations	1. That Cabinet delegates authority to the Head of Property in consultation with the Cabinet Member for Finance and the Cabinet Member for Localism, Sport, Culture and Heritage to draw down land on the Wharf site in Sittingbourne under an option agreement with Essential Land to be used for a new Dolphin Barge Museum
	2. That Cabinet delegates authority to the Head of Property in consultation with the Cabinet Member for Finance and the Cabinet Member for Localism, Sport, Culture and Heritage to enter into a new 125 year lease with The Dolphin Barge Museum for Land on the Wharf Site in Sittingbourne to be used to construct, maintain and operate a new Dolphin Barge Museum.

1. Purpose of Report and Executive Summary

- 1.1 This purpose of this report is to seek member's approval to execute an option agreement for the Council to obtain Land to site B as shown in blue at appendix (i) at the Wharf site in Sittingbourne from Essential Land (the owners) at no cost to the Council. The option agreement also includes a right of access to construct and use a 3m wide access road across the adjacent site as shaded in blue.
- 1.2 The report also seeks member approval to enter into a 125 year lease with the Trustees of the Dolphin Barge Museum for them to construct, manage, maintain and operate a barge museum on the site for the duration of the lease.

2. Background

- 2.1 As part of an original Section 106 agreement for the development of the Wharf and Mill sites in Sittingbourne there was a provision for an area of the Wharf site to be landscaped to provide a waterside park and then transferred to the Council with a commuted sum for maintenance.
- 2.2 Negotiations between Essential Land and the Council's planning department resulted in the Planning Committee resolving that the original section 106 could be varied due to viability and when in due course the deed of variation is entered into any obligation to make a payment to the Council or provide a landscaped water park will be removed though the applicant remains willing to transfer the land to the Council.
- 2.3 The Dolphin Barge Museum has submitted a planning application that has now been approved and has funding from an insurance claim to construct a new barge museum on the site.
- 2.4 The Dolphin Barge Museum is negotiating with two contractors to fix a price for the construction and subject to agreeing costs and satisfying planning conditions are in a position where it can start construction in the very near future.
- 2.5 The Council's Legal team have negotiated an option agreement with Essential Land for the draw down of land for the Dolphin Barge Museum including for an access agreement across the remaining land. See appendix (i) for land to be transferred shown as site B edged in blue and the agreed 3m wide access road shown shaded in blue.
- 2.6 It is intended that the land will be drawn down by the Council and then subject to a 125 year lease between the Council and The Dolphin Barge Museum.
- 2.7 The Dolphin Barge Museum will be responsible under the lease for the cost of construction and the ongoing operation and maintenance of the Museum and the associated land including all DDA and Health and Safety requirements.

3. Proposals

- 3.1 That Cabinet delegates authority to the Head of Property in consultation with the Cabinet Member for Finance and the Cabinet Member for Localism, Sport, Culture and Heritage to draw down land on the Wharf site in Sittingbourne under an option agreement with Essential Land to be used for a new Dolphin Barge Museum
- 3.2 That Cabinet delegates authority to the Head of Property in consultation with the Cabinet Member for Finance and the Cabinet Member for Localism, Sport,

Culture and Heritage to enter into a new 125 year lease with The Dolphin Barge Museum for Land on the Wharf Site in Sittingbourne to be used to construct, maintain and operate a new Dolphin Barge Museum.

4. Alternative Options

4.1 Not to draw down the land or enter into a lease – This is not recommended because, after taken time to explore other sites, there are no alternative sites available to the trustees of the Dolphin Barge Museum and they have a satisfactory planning consent for this site. The project is being partly funded from an insurance claim and the Insurers are pressing for them to start construction and have given them a deadline of one month from planning consent to have a construction contract in place or they will lose the insurance money and the project would fail.

5. Consultation Undertaken or Proposed

5.1 The project has been discussed at the Swale Museums Group and the Green Grid Partnership which are supportive. The Barge Museum has also consulted with the Heritage Lottery Fund.

6. Implications

Issue	Implications
Corporate Plan	This project supports the Council’s corporate priorities for a borough and community to be proud of and will start to regenerate a derelict site and revitalise part of the waterfront to the Wharf site.
Financial, Resource and Property	The full cost of the project will be met by the trustees of the Barge Museum. The creation of the Barge Museum will not compromise the wider site or any future aspirations for the land as it is a small portion of currently unused land which is unallocated.
Legal and Statutory	The Council’s Legal Department have prepared the land option agreement and they will be responsible for drawing up the lease documents.
Crime and Disorder	No specific implications have been identified at this stage.
Sustainability	The new Barge Museum will be a starting point in the regeneration the Wharf site.
Health and Wellbeing	The most significant Health and Safety issue will be in relation to potential flooding of the site and this has been dealt with under the planning permission. Management of the waterfront site and health and safety measure will be included in the lease.

Risk Management and Health and Safety	No specific implications have been identified for the Council at this stage.
Equality and Diversity	No specific implications have been identified at this stage, and a full impact assessment will need to be carried out by the Trust..

7. Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Site Plan

8. Background Papers

8.1 None