

Agenda



Cabinet Member for Assets & Member Development

Date: Monday, 9 October 2017

Time: Not Required

Venue: Not Required

To: Councillors M Whitcutt

Item	Wards Affected
1	<u>Usk Road/ Tram Road</u> (Pages 3 - 10)
2	<u>Ellen Ridge Substation</u> (Pages 11 - 16)

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Report

Cabinet Member for Assets & Member Development

Part 1

Date: 9 October 2017

Subject Land at Usk Road / Tram Road

Purpose To seek approval of the Cabinet Member for Assets & Member Development (Deputy Leader) regarding the disposal of the above Council owned Land.

Author Housing and Assets Manager

Ward Caerleon

Summary The Council is freehold owner of the subject land. Two applications have been received from adjoining property owners, seeking to acquire the land. The land is within an identified Flood Plain and at present likely to only be of an agriculture nature. Disposal of the two portions of land with the adjoining owners and making the remainder of the site available on a long lease on suitable terms would provide income to the Council and avoid future management and maintenance costs. This disposal will have no impact on the level of open space available in the ward but would support education in the area of agriculture.

This option will generate a capital receipt, produce revenue income and transfer maintenance and management costs from the Council.

Proposal To dispose of the land on terms to be agreed by the Head of Law and Regulation.

Action by Newport City Council and Newport Norse

Timetable Immediate

This report was prepared after consultation with:

- Estates Team Leader, Newport Norse
- Estates Portfolio Officer, Newport Norse
- Property Services Manager, Newport Norse
- Strategic Director - Place
- Head of Regeneration, Investment and Housing
- Housing and Asset Manager
- Head of Finance – Chief Finance Officer
- Head of Law and Regulations – Monitoring Officer
- Head of People and Business Change

Signed

1. Background

- 1.1 The subject premises (identified edged on the plan appended to this report), is owned freehold by the Council. It extends to approximately 5.57 acres and was acquired in 1986, as part of a wider land assembly process.
- 1.2 The land is undeveloped and comprises rough ground with an uneven surface. There is no record of the land ever having been used by the Council or previous owners.
- 1.3 It is not possible to walk safely across the land, due to the extent of vegetation present, especially brambles and semi-mature trees. Japanese knotweed is on at least one part of the land. This has been treated by spraying on several occasions but to date that treatment has not eradicated the problem.
- 1.4 In the current LDP, the land is located outside the Settlement Boundary and classified as Countryside. Acceptable development therefore is likely to be of an agricultural nature that is appropriate in scale.
- 1.5 In addition, the land is within an identified Flood Plain.
- 1.6 It is highly unlikely therefore, that it would be possible to obtain planning permission on the land for built development, such as residential or industrial uses.
- 1.7 Similarly due to the condition of the land as outlined above it has not been included in the assessment of open space as part of the ward profile supporting the Wellbeing and Future Generations Act. Therefore the disposal being proposed will have no impact of the formal and informal open space available in the ward.
- 1.8 Due to the location of adjoining land ownerships, the adopted Highway and the Afon Lwyd, the site is "landlocked" (that is, it is not possible to access the site without crossing land owned by others).
- 1.9 The owner of "Glen Haven" has approached the Council requesting to purchase the land. He states this is firstly to extend his garden but also to provide opportunity for his son, who is a graduate of agricultural college, to utilise the land for a range of agricultural uses. These uses would appear to be appropriate, given the planning position. There is a shortage of younger persons in agriculture and farming and this proposal will help provide a stepping stone to support someone into agriculture and farming as a longer term career in the professional side of agriculture or farm management if the opportunity arises.
- 1.10 Following discussion, it is proposed to manage the arrangement by selling the freehold of the land up to the broken black line and make the remainder of the site available on a long lease. This documentation would incorporate restrictions into the freehold disposal, limiting the use of the land. Should circumstances change and a more valuable use become feasible, development could only proceed by negotiating the removal or variation of the Council's covenants, thereby enabling the Council to manage future development proposals.
- 1.11 Coincidentally, the owner of 3 The Willows has requested to purchase a sliver of land approximately 2-3m wide along the length of the shared boundary to the subject land. This is illustrated on the plan accompanying this report. The land is requested for use as an extension to the garden.
- 1.12 In view of the circumstances of this case, especially access issues, it would be appropriate to deal exclusively with these adjoining owners, as special purchasers of the land.

2. Financial Summary

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs					Disposal will offer small revenue savings in maintenance and management costs. Disposal will generate a capital receipt and rental income.
(Income)					
Net Costs (Savings)					
Net Impact on Budget					

3. Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to dispose of the asset will result in no capital receipt to the Council	H	L	Disposal should be actively pursued by all parties	NCC and Newport Norse
Risk of knotweed spreading	M	H	Continue treatment until disposals completed	NCC
Risk of deterioration in the condition of the land	L	M	Proceed with the disposals	NCC and Newport Norse

* Taking account of proposed mitigation measures

4. Links to Council Policies and Priorities

- 4.1 Corporate Asset Management Plan – 2012 to 2017
Property Rationalisation Programme
Medium Term Revenue Plan (MTRP)

5. Options Available and Considered

- 5.1 Decline the requests to purchase and continue to manage the subject land as currently.
- 5.2 Agree to dispose of the land and offer long term lease option on terms to be agreed by the Head of Law and Regulation.

6. Preferred Option and Why

- 6.1 Agree to dispose of the land and offer long term lease option on terms to be agreed by the Head of Law and Regulation.
- 6.2 This option will generate a capital receipt, produce revenue income and transfer maintenance and management costs from the Council and may offer an educational development opportunity in the field of agriculture.

7. Comments of Chief Financial Officer

- 7.1 This area of land is of no strategic or economic value to the Authority, so a disposal would be beneficial by generating a modest capital receipt to be reinvested in the capital programme. In addition, the potential revenue maintenance and management costs associated with the site would be eliminated, whilst at the same time maintaining a modest revenue income stream via lease rental. There would be no impact on the LDP in terms of available open space in the Authority's boundaries as a result of the proposed action. There is also the added benefit of encouraging agricultural educational use.
- 7.2 Capital receipts are a corporate resource and are therefore not hypothecated outside Cabinet. They are regularly reported to Cabinet in the Capital Programme monitoring reports. Decisions on their use is a Cabinet decision, taking into account the wider funding issues around the Council's capital programme. Receipts earmarked to 21C School's programme (which attracts WG match funding) have reached the minimum required levels for Band A and are now being used in forecasting the funding envelope for the new medium term capital programme being developed.

8. Comments of Monitoring Officer

- 8.1 This proposal is within the Council's powers as landowner. If the purchaser wishes to use the land as a domestic garden then it is likely that planning permission would be required for a material change of use of land.

9. Comments of Head of People and Business Change

- 9.1 The land in question is not classified as open space and is unsuitable for development being on a floodplain, outside of the settlement boundary and having constrained access. Development plans indicate that land use would be restricted to agriculture. As the land use is of limited strategic value, is not accessible open space and would remain undeveloped the impact of the proposed disposal on wellbeing is limited and can be supported.

10. Comments of Cabinet Member

- 10.1 The Cabinet Member has approved the report.

11. Local issues – Comments of Ward Members

11.1 Councillor Gail Giles

I agree with the preferred option (6.1 and 6.2) which 'will generate a capital receipt, produce revenue income and transfer maintenance and management costs from the Council and may offer an educational development opportunity in the field of agriculture.'

- 11.1.1 In addition it also ensures there will be no housing development on this land as 'Development plans indicate that land use would be restricted to agriculture. As the land use is of limited strategic value, is not accessible open space and would remain undeveloped the impact of the proposed disposal on wellbeing is limited and can be supported.'

11.2 Councillor Jason Hughes

On the basis that the preferred option 6.1 and 6.2 will “generate a capital receipt, produce a revenue income and transfer management costs from the council as well as support the potential for education’ I am able to agree subject to the imposed restrictions limiting use to agricultural use on what is deemed as land limited in its strategic value The preferred option is likely to enhance the wellbeing of the specified area. I am therefore able to support the preferred option.

11.3 Councillor Joan Watkins

On the face of it I cannot see why this proposal cannot go ahead particularly if it will continue with an agricultural purpose.

12. **Comments from Non Executive Members**

Councillor Tracey Holyoake

I agree to the preferred option 6.1 and 6.2 will “generate a capital, produce a revenue income and transfer management costs from the council as well as support the potential for education.’ Additionally it also ensures there will be no housing development on this land as ‘Development plans indicate that land use would be restricted to agriculture. As the land use is of limited strategic value, is not accessible open space and would remain undeveloped the impact of the proposed disposal on wellbeing is limited and can be supported. I agree subject to the imposed restrictions for agricultural use. The preferred option is likely to enhance the wellbeing of the area. I therefore support the preferred option.

Councillor Charles Ferris

I wish to support the disposal of the two parcels of land at the Usk Road Tramway, to the two adjoining residents. Hopefully their acquisition will give the residents, one of whom has lived there for many years, a greater security of tenure.

13. **Scrutiny Committees**

13.1 N/A.

14. **Equalities Impact Assessment and the Equalities Act 2010**

14.1 The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

15. Children and Families (Wales) Measure

- 15.1 Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

16. Wellbeing of Future Generations (Wales) Act 2015

- 16.1 The report sets out the opportunities for this site in its current condition and the opportunities the proposal provides without having a negative impact on any future sustainable development. Because of the proposed use intended for the land it will provide an educational opportunity within the field of agriculture.

17. Crime and Disorder Act 1998

- 16.1 Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

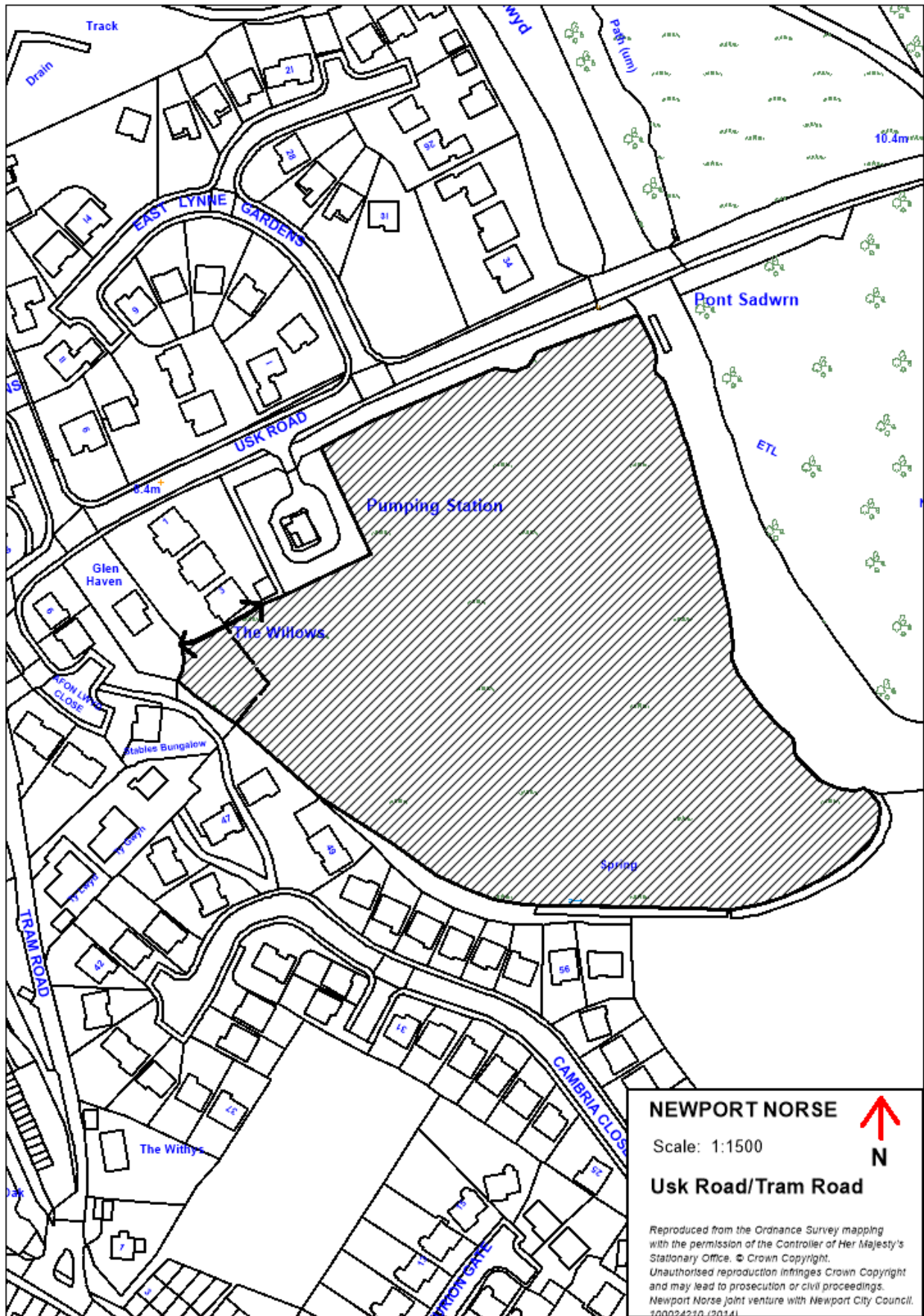
17. Consultation

- 17.1 Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

18. Background Papers

- 18.1 Site plan attached.

Dated: 9 October 2017



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Report

Cabinet Member for Assets and Member Development

Part 1

Date: 9 October 2017

Subject Ellen Ridge Substation

Purpose To seek approval from Cabinet Member for Assets and Member Development to declare part of the Ellen Ridge site as surplus to housing requirements and then to agree to dispose of the area required for the substation site by way of a long lease to Western Power Distribution.

Author Housing and Assets Manager

Ward Ringland

Summary The Ellen Ridge site has been appropriated for housing purposes, as a permanent Gypsy and Traveller site. In order for this development to proceed Western Power Distribution need to put in a substation on site to serve the development.

Proposal To declare part of the site as surplus, from housing use, and to then agree to dispose of the area required for the substation site by way of a long lease to Western Power Distribution.

Action by Newport City Council, supported by Newport Norse.

Timetable Immediate

This report was prepared after consultation with:

- Estates Portfolio Officer, Newport Norse
- Associate Director of Property Services, Newport Norse
- Strategic Director - Place
- Housing and Asset Manager
- Head of Law and Regulations – Monitoring Officer
- Head of Finance - Chief Finance Officer
- Head of People and Business Change
- Partnership, Policy & Involvement Manager

Signed

1. Background

- 1.1 In August 2016 Newport City Council granted planning permission for the development of a permanent Gypsy and Traveller site comprising of 35no pitches, including site office and community centre on the site at Hartridge Farm Road, now known as Ellen Ridge.
- 1.2 In order to deliver this development it is necessary for Western Power Distribution to install on site a substation to deliver power for the site. The substation will principally serve Ellen Ridge, but will also serve the neighbouring properties.
- 1.3 Western Power Distribution will require a 99 year lease for the substation and will pay Newport City Council a rent of £40 per annum. This will be subject to 5 yearly rent reviews. The relatively nominal rent is due to the substation primarily servicing the Council development. The parcel of land required for the substation will need to be declared surplus to operational housing requirements in order to be released for disposal.
- 1.4 This report therefore seeks approval from Cabinet Member for Assets & Member Development to declare part of the Ellen Ridge site as surplus and then to agree to dispose of the area required for the substation site by way of a long lease to Western Power Distribution.
- 1.5 There are no staffing issues arising from this proposal.

2. Financial Summary

- 2.1 There are no financial implications. The Council will benefit from a small rental income annually.

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs				£40 per annum	
(Income)					
Net Costs (Savings)				0	
Net Impact on Budget				0	

3. Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Permission for lease not granted	H	L	Consider report and approve lease of land to Western Power, otherwise the proposed development could not take place.	Newport City Council

* Taking account of proposed mitigation measures

4. Links to Council Policies and Priorities

- 4.1 The Housing Wales Act 2014 places a statutory duty on Local Authorities to ensure that accommodation needs for Gypsies and Travellers are properly assessed and any identified need is met. Newport City Council Local Development Plan (adopted January 2015) identified under policy H16 that land is allocated for permanent Gypsy and Traveller residential accommodation at Hartridge Farm Road.

5. Options Available and considered

- 5.1 Take no action.
- 5.2 Declare part of the Ellen Ridge site as surplus to operational housing use and agree to dispose of the area required for the substation site by way of a long lease to Western Power Distribution.

6. Preferred Option and Why

- 6.1 Declare part of the Ellen Ridge site as surplus to operational housing use and agree to dispose of the area required for the substation site by way of a long lease to Western Power Distribution on terms to be agreed by the Head of Law and Regulation.

7. Comments of Chief Financial Officer

- 7.1 The declaration of this area of land as surplus to operational use and the granting of a long lease on it is necessary for the provision of power supply to the site and is an essential part of the project to provide a suitable site for the community. There is no other suitable use for this part of the site that would prevent the proposed option to be the most favourable.

8. Comments of Monitoring Officer

- 8.1 The proposed action is in accordance with the Council's statutory powers under Section 123 of the Local Government Act 1972, to dispose of land by way of the grant of a long lease. Because the required lease for the sub-station is for a term of more than 7 years, it is classed as a deemed "disposal" and, therefore, the lease has to be at market value and the area of land has to be declared surplus to Council requirements for WPD to be granted exclusive occupation. However, the sub-station is primarily required for the purposes of the Gypsy and Traveller site development and the rental terms reflect this.

9. Comments of Head of People and Business Change

- 9.1 This report relates to the provision of essential infrastructure for the gypsy traveller accommodation at Hartridge Road Farm by way of the lease of part of the site to Western Power Distribution. This will allow the installation of a substation which will allow the development to proceed. Whilst the site is currently allocated for housing, the proposed use would meet the purposes of providing pitches to accommodate members of the travelling community. As such this contributes to National wellbeing goals including cohesive communities, a more equal Wales, a healthier Wales and prosperous Wales.

10. Comments of Cabinet Member

- 10.1 The Cabinet Member has approved the report.

11. Local issues – Comments of Ward Members

- 11.1 Cllr Laura Lacey - No comments to add to the report.

12. Scrutiny Committees

12.1 N/A

13. Equalities Impact Assessment and the Equalities Act 2010

13.1 The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

14. Children and Families (Wales) Measure

14.1 Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

15. Wellbeing of Future Generations (Wales) Act 2015

15.1 The largest of the issues that are covered by the Wellbeing and Future Generations Act 2015 has already been covered in the previous years leading to a planning application for this particular site. A comprehensive assessment of every available site taking into account all pros and cons resulted in this particular site being the only one available. Considerable consultation and negotiation has taken place though given the subject of providing accommodation for Gypsies and Travellers much was of a negative nature. This site was already allocated as land for housing development. This report provides for necessary appropriation of land from housing to general property to create the lease to allow the provision of a substation to continue with the sustainable development of pitches for this minority community.

16. Crime and Disorder Act 1998

16.1 Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

17. Consultation

17.1 Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

18. Background Papers

18.1 Site Plan attached.

Dated: 9 October 2017

