

# Report



## Cabinet Member for Assets, Equalities and Member Development (Deputy Leader) and Cabinet Member for City Services

---

### Part 1

Date: 1 October 2019

**Subject** Land off Lliswerry Road, Newport

**Purpose** To seek approval from the Cabinet Member for Assets & Equalities (Deputy Leader) and Cabinet Member for City Services to reappropriate the land from City Services to Regeneration Investment and Housing and to dispose of a parcel of land.

**Author** Housing and Assets Manager

**Ward** Alway

**Summary** The subject land, owned by the Council, is adjacent to a site under redevelopment by Pobl. Access and circulation arrangements for the new development would be improved by incorporating the Council's land into the scheme.

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

**Action by** Head of Regeneration, Investment and Housing and the Head of Law and Regulation.

**Timetable** Immediate

This report was prepared after consultation with:

- Strategic Director - Place
- Head of City Services
- Head of Regeneration, Investment and Housing
- Head of Finance – Chief Finance Officer
- Head of Law and Regulation – Monitoring Officer
- Head of People and Business Change
- Housing & Assets Manager
- Associate Director of Property Services, Newport Norse
- Associate Valuation and Estates Management, Newport Norse

**Signed**

## Background

The land forming the subject of this report is approximately 0.1 acres in extent, as shown edged on the attached plan. The approximate width the parcel is marked on the second plan.

Pobl has acquired the adjoining land in order to undertake a significant redevelopment of the area. This will provide long term improvements to the environment at this location. The site assembly includes the former Ladyhill Centre, which was transferred by the Council in 2011 for nil consideration (but subject to an undertaking to carry out demolition works).

The former Ladyhill Day Centre and former public house have been demolished to prevent the risk of damage by vandals and to improve public safety. A scheme involving the provision of affordable housing is under preparation, which will integrate with the surrounding communities. A planning application will be submitted shortly.

As the scheme design has evolved, it has become clear that access to and circulation around the site could be improved by incorporating the Council's land into the development proposals. The Council's collaboration therefore has been sought, in making its land available. Currently, the Council's land is proposed to be involved in the scheme for use as access, parking provision and open space provision.

The Council's land currently comprises part of the public highway. It may therefore be necessary for the purchaser to arrange for the highway to be stopped up, to facilitate the proposed use. Pobl is aware of the position.

The Head of City Services has been consulted and has no objection to the disposal proceeding.

## Financial Summary

|                                 | <b>Year 1<br/>(Current)<br/>£</b> | <b>Year 2<br/>£</b> | <b>Year 3<br/>£</b> | <b>Ongoing<br/>£</b> | <b>Notes<br/>including budgets heads affected</b>  |
|---------------------------------|-----------------------------------|---------------------|---------------------|----------------------|--|
| <b>Costs<br/>(Income)</b>       |                                   |                     |                     |                      | <b>Disposal will produce a capital receipt of around £27k and offer small savings in maintenance and management costs.</b><br><br><b>Costs associated with the transfer should be recovered.</b> |
| <b>Net Costs<br/>(Savings)</b>  |                                   |                     |                     |                      |  |
| <b>Net Impact<br/>on Budget</b> |                                   |                     |                     |                      |  |

## Risks

| <b>Risk</b>   | <b>Impact of Risk if it occurs*<br/>(H/M/L)</b> | <b>Probability of risk occurring<br/>(H/M/L)</b> | <b>What is the Council doing or what has it done to avoid the risk or reduce its effect</b> | <b>Who is responsible for dealing with the risk?</b> |
|---|---|--|---|--|
| Failure to dispose of the assets will result on-going maintenance and | H   | M-L  | Seek to manage the appropriation expeditiously  | Newport CC and Newport Norse                         |

|  |   |   |   |                              |
|--|---|---|---|------------------------------|
| management costs   |   |   |   |                              |
| Affordable housing units are not delivered in the optimum manner | M | L | Land should be transferred to the appropriate Housing Association | Newport CC                   |
| Risk of compromising redevelopment proposals                     | H | L | Newport Norse will continue to monitor the appropriation          | Newport Norse and Newport CC |

## Links to Council Policies and Priorities

- Asset Management Plan
- Housing Strategy
- Local Development Plan

## Options Available and considered

The Council could:

1. Retain the current uses and management arrangements.
2. Agree to dispose of the subject land.

## Preferred Option and Why

Agree to dispose of the subject land.

This will facilitate an improved scheme and generate a capital receipt.

## Comments of Chief Financial Officer

Disposal of this freehold will benefit the Council by the realisation of a capital receipt, which is reinvested into the Council's overall capital programme, disposal of the land will also remove any maintenance liabilities.

## Comments of Monitoring Officer

The Council as landowner has powers to dispose of land pursuant to Sections 122/123 of the Local Government Act 1972 if the land is surplus to requirements. Land can be re-appropriated for general asset management purposes and can be disposed of on the open market. There is a duty to secure the best price reasonably obtainable unless the general disposal consent applies. In this case as the land is to be sold to assist a redevelopment of adjoining land this needs to be reflected in the purchase price.

It is noted from the Report that some of the land concerned is highway land. This means that the public have the right to pass and repass over the land unless and until all public rights are extinguished. To achieve this, to enable development to occur, statutory powers would need to be used. The Council is able to apply to the Magistrates Court under the Highways Act 1980 for a stopping up order. This is discretionary and various factors need to be considered such as whether the highway is used, whether the land is necessary for safety reasons (visibility, for example) and also amenity issues. Alternatively an application can be made under the Town and Country Planning Act if extinguishment is necessary to enable a planning consent to be implemented. This is also a discretionary power. It is not clear from the Report whether the land is needed as part of the highway and therefore whether any potential application either under the Highways Act or under the Town and Country Planning Act is likely to be successful. Another factor which needs to be considered is whether any public utility apparatus needs to

be re-sited. Further consideration needs to be given to these issues before any sale proceeds. Also, the manner in which the land was acquired has to be considered in relation to any highway land.

There are statutory notice requirements if any part of the land to be sold has been used as public open space.

### **Comments of Head of People and Business Change**

From an HR perspective there are no staffing implications arising from this report.

Details of how this proposal has considered the sustainable development principle (long term, prevention, integration, collaboration, involvement) of the Well-being of Future Generations (Wales) Act 2015 is included in the appropriate section of the report.

### **Comments of Cabinet Member**

Cabinet Members have been briefed on the report.

### **Local issues – Comments of Ward Members**

We the Councillors of the Alway Ward are in favour of the council disposing of the land, as shown in the documentation, in order that the site can be suitably and properly developed for the future residents of the City.

### **Scrutiny Committees**

Please include a record of any consultation with scrutiny committees. Please add here details of any consultation and the outcomes.

### **Equalities Impact Assessment and the Equalities Act 2010**

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.

### **Children and Families (Wales) Measure**

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.

### **Wellbeing of Future Generations (Wales) Act 2015**

The sustainable development principle can be seen flowing through the body of the report as the initial driver in itself is the long term provision of housing that is affordable for the residents of Newport. The development of this site is playing its role in preventing the gap between house prices and the average income from excluding more people from accessing homes. Affordable housing forms part of the

Council's Housing Strategy and achieving the well-being goals. To dispose of this section of land will bring natural collaboration and involvement with both internally and externally interested parties

### **Crime and Disorder Act 1998**

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.

### **Consultation**

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

### **Background Papers**

Site Plans attached.

Dated: 1 October 2019



