

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.

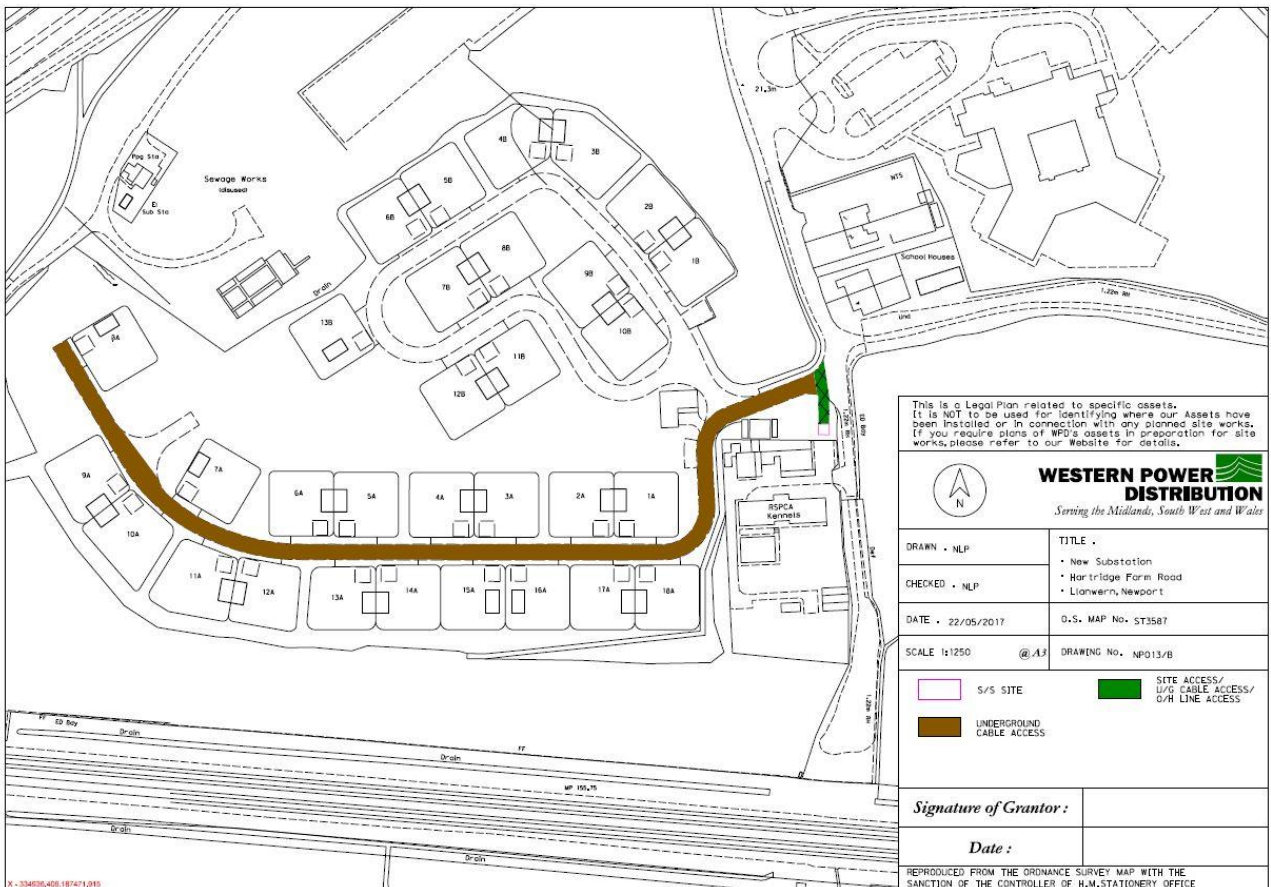
17. Consultation

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



This is a Legal Plan related to specific assets. It is NOT to be used for identifying where our Assets have been installed or in connection with any planned site works. If you require plans of WPD's assets in preparation for site works, please refer to our Website for details.

WESTERN POWER DISTRIBUTION
Serving the Midlands, South West and Wales

DRAWN - NLP	TITLE -
CHECKED - NLP	• New Substation • Hartridge Farm Road • Llanwrn, Newport
DATE - 22/05/2017	O.S. MAP No. ST3587
SCALE 1:1250 @ A3	DRAWING No. NPD13/B
S/S SITE	SITE ACCESS/ U/G CABLE ACCESS/ O/H LINE ACCESS
UNDERGROUND CABLE ACCESS	
<i>Signature of Grantor :</i>	
<i>Date :</i>	
REPRODUCED FROM THE ORDNANCE SURVEY MAP WITH THE SANCTION OF THE CONTROLLER OF H.M. STATIONERY OFFICE	

X - 334830,455,187471,095
PLEASE NOTE This plan ONLY shows assets owned by Western Power Distribution. Electricity assets owned by DNO's (Independent Network Operators) MAY be present in this area.