



s c r u t i n y

OVERVIEW AND SCRUTINY

A REPORT OF THE TASK AND FINISH GROUP

NEWCASTLE DEVELOPMENT PROGRAMME

July 2011

VERSION 1.0 22nd July 2011

Newcastle Under Lyme Borough Council

5. Conclusion

- 5.1 This Task and Finish Group endorses the rational offered by the Council that that through the disposal of greenfield sites it aims to:-
- Provide a range of housing to meet local needs
 - Enable further regeneration within the borough
 - Generate capital funding for future investments
- 5.2 This Task and Finish Group accepts the rational offered by the Council that it has a duty to dispose of surplus assets and that it is legally entitled to do this as landowner. The Council is required to achieve "best consideration" and may only dispose of assets subject to fulfilling any statutory requirements that apply.
- 5.3 This Task and Finish Group accepts that funding generated from such disposals is then reinvested in Council Services and capital projects.

- 5.4 This Task and Finish Group accepts the rationale offered by the Council that the strategic decision to minimise building in the rural area and exclude development in the green belt will result in the development of more viable urban greenfield sites as the supply of brownfield sites diminishes.
- 5.5 This Task and Finish Group accepts that there is a large amount of green space in Newcastle but believes that semi-natural areas or amenity greenfield sites need to be given more significance and value and that closer scrutiny of the disposal of green space is required before such action is taken with more consideration given to the surrounding infrastructure and wider community. It is important to the borough's urban areas that existing green corridors and greenfield sites are kept intact for the wellbeing of residents and communities, who see them as amenity land for their use and benefit. If the Council does not identify or take into account the development of greenfield sites there is a risk that there will be piecemeal development that may destroy the open aspect of the borough as well as alienating its residents.
- 5.6 The Task and Finish Group accepts the evidence from Sally Orton Chairman of West Midlands Parks Forum and Head of Service Dudley Metropolitan Borough Council that the Green Space Strategy meets recognised standards. However it is the opinion of this Group that in a borough such as ours that more extensive consultation should have taken place which would have developed more awareness of community feeling towards green space issues. The Strategy should be updated and regularly monitored to reflect community feeling towards amenity green spaces together with changes in social and economic influences which place greater value on the location and accessibility of local amenity green spaces. For example transportation costs are becoming a barrier to accessing parks and other facilities outside of immediate neighbourhoods.
- 5.7 The Task and Finish Group believes that because the press and public were excluded from Cabinet and Council meetings when these sites were discussed this has led to public concerns about transparency and the motivations for the decisions taken. From the public's point of view it appeared that the full Council had determined the matter and that any consultation following was of limited value.
- 5.8 The way in which the seven sites were included in the Newcastle Development Programme decision making process was flawed because full Council took the decision to proceed with the proposed disposals without requesting officers to produce a detailed report on the viability of the disposals and the potential risks associated with the process. The Council decided to proceed with the proposed disposal of the Talke Street on the grounds that it was surplus to requirements. Notwithstanding that the SHLAA is a guide to development in the borough it described the site as a valuable green area in October 2010. The Council needs to ensure that it is being consistent across its strategy working.

- 5.9 There is a clear distinction between the need for the Council to have a capital planning process which identifies surplus assets for disposal and/or alternative sources of funding such as grants or borrowing to fund Council's Capital Programme and its role as a strategic planning authority in which it is also a significant landowner. The Council therefore needs to clarify roles and responsibilities for making decisions in respect of the disposal of assets. A clear and transparent process is needed that is understood by Councillors, Officers and residents.
- 5.10 The approach to the consultation process regarding the disposal of the sites was flawed. Firstly no consultation took place before the decision was made. Secondly to begin consultation six months after a decision has been made was too long and it is the view of this Task and Finish Group that the consultation that did take place was ineffective and the Council failed in its objective of engaging local communities in how the sites might be developed.
- 5.11 It is therefore a challenge to the Council to meet the requirements of national and local strategies in respect of planning, housing and open spaces through the sale of greenfield sites given the extent of the financial and operational difficulties confronting the Council and the depth of public opposition to the sale of greenfield sites to support and stimulate economic growth and redevelopment.
- 5.12 Members must therefore be given a full range of alternative options that include not just greenfield sites or brownfield sites but all buildings and property that the Council might dispose of. The Council should develop a disposal strategy and separate programme that takes in greenfield sites, brownfield sites and buildings and property. In doing so the Strategy must set out the process for assessing the potential implications of such disposals. This will enable Members to take informed and reasoned decisions and ensure that any disposals, whether they be greenfield sites, brownfield sites or buildings and property are done so in a sustainable manner that will protect and enhance the quality of rural and urban areas of the Borough.
- 5.13 An Asset Disposal Strategy must make it clear to the public and members the process followed by the Council in determining sites for disposal.

6. Recommendations

The recommendations of The Task and Finish Group are set out below.

The Task and Finish Group support the aims and objectives of the Council to

- Provide a range of housing to meet local needs
- Enable further regeneration within the borough
- Generate capital funding for future investments

The Task and Finish Group accepts that the council has a duty to manage assets prudently and to dispose of those which are surplus whilst achieving 'best consideration'

However the Task and Finish Group believe that the Newcastle Development Programme and the processes associated with it need to be reviewed. The reasons for this are:-

- i) The reports approved by full Council in July 2010 and Cabinet in December 2010 appeared to lack sufficient information for sound and informed decisions to be made.
- ii) Members did not take the opportunity to refer the reports back for further scrutiny and risk assessment of their implications until February 2011.
- iii) The Councils strategic reports in this matter appear contradictory and therefore misinformed local communities.
- iv) The Council appeared to take no action to inform residents or other parties until after the decision to move forward had been taken and as a consequence the communication stream was ineffective.
- v) The Council has not given sufficient evidence that the key factors considered for the selection of the seven sites chosen for the Newcastle Development Programme were followed or applied.

The Task and Finish Group therefore recommends that Council ask the Cabinet to:-

1. Clarify and continue to monitor what housing is required in the borough, both aspirational and social, and identify numbers of units and timescales to bring them forward.
2. Review and keep up to date the Green Space Strategy to ensure that it remains fit for purpose and in particular reviews the community value and location of amenity green spaces such as the seven sites identified for disposal with a view to protecting the quality of rural and urban areas of the borough.

3. Produce for approval by full Council a sustainable asset disposal strategy and programme for the Councils greenfield land, brownfield land, buildings and property based on detailed assessments of the viability of the sites proposed.
4. Agree that having adopted a sustainable asset disposal strategy that the Council as a landowner submits its proposals for inclusion in the SHLAA before any decision of Cabinet on the proposed disposal of a site for redevelopment.
5. Agree that for each proposed disposal a detailed assessment of the site will be prepared for Cabinet by Executive Management Team involving matters such as ownership, covenants, contaminated land, wildlife and infrastructure will be prepared before the Cabinet agrees in public to an 'in principle decision' to possibly dispose.
6. Agree that where an 'in principle decision' is made that a robust public consultation process is undertaken with not only residents immediately adjacent to the site but those from the wider neighbourhood and that such a consultation process will include the opportunity to examine in detail the potential nature and development of the site.
7. Agree that the Cabinet then receive a further report on the outcome of the public consultation process before making a final decision on the disposal prior to asking officers to submit any planning applications
8. Submit a report to full Council on the form and extent that such a public consultation process would take so that that the process for community engagement and involvement in the disposal of assets can be approved by all Members.
9. Accept that the Council failed to properly consult on the disposal of the seven sites and failed to properly consider the validity of each of the seven sites, or to seek this information from officers before taking the decision.
10. Agree that In the light of the reasons given by the Task and Finish Group for a review of the Newcastle Development Programme the proposed disposal of the seven sites should not be progressed until the above recommendations have been taken into consideration and the Council has adopted an asset disposal strategy and the Council has had the opportunity to review all Council owned land and property assets.
11. Ensure that the Member Training and Development Programme provides Councillors with adequate knowledge and skills to be able to make decisions around land and asset disposals and cross strategy decisions.