

## **SURPLUS LAND – PROPOSED NEWCASTLE DEVELOPMENT PROGRAMME DISPOSALS**

**Submitted by:** Councillor E Boden, Portfolio Holder

**Portfolio:** Planning, Regeneration and Town Centres

**Ward(s) affected:** All

### **Purpose of the Report**

To explain the reasons why I am proposing that the seven sites in Tranches 1 & 2 of the Newcastle Development Programme are withdrawn from any plans to market Council-owned land for disposal and that they are withheld from the Strategic Housing Land Availability Assessment (SHLAA).

### **Recommendation**

**That the Council not proceed with any plans to dispose of the seven sites referred to in the report and that the Council advise the local planning authority to remove these sites from the Strategic Housing Land Availability Assessment (SHLAA).**

### **Reasons**

These vary from site to site and details are set out below, but primarily relate to concerns expressed by members of the public at the consultation meetings held in the wards affected and their submissions made to the Scrutiny Committee at its public meetings.

## **1. Background**

- 1.1 Over a number of years the Council has been developing a more strategic approach to managing its physical assets, consistent with national policy. There has been growing recognition of the relationship between effective asset management and the wider / corporate financial management of the authority. In simple terms the disposal of land or property that the Council has no ongoing use for can help to fund the Council's capital programme.
- 1.2 In 2010, the previous administration identified the following sites, spread across the Borough, as potentially surplus and suitable for disposal in order for the Council to fund its capital programme ambitions:
  - Land off Clayhanger Close Bradwell
  - Land off Clayton Road
  - Land at Coalpit Hill, Talke
  - Land off Pennyfields Road, Newchapel
  - Land off Shrewsbury Drive, Red Street, Chesterton
  - Land at Repton Drive, Westlands
  - Land off Winchester Drive, Westlands.
- 1.3 The planned disposal process caused a significant adverse public reaction and, when in opposition, my political colleagues and I felt it necessary to promote a more transparent review process to consider the decision(s). This resulted in a formal task and finish scrutiny process that was conducted over the summer period and concluded with a report that was considered by Cabinet on 7 September 2011. The scrutiny committee produced a detailed

report which concluded with 11 recommendations; in summary these concerns focus around the following points:

- (a) the value of green spaces within communities;
- (b) transparency of decision-making;
- (c) the process of identifying sites for disposal (including clear criteria/information);
- (d) the need for greater clarity about the processes for decision-making in respect of asset disposal and;
- (e) the method and timing of public consultation.

1.4 In response to the scrutiny committee's report the previous administration's Cabinet resolved the following:

- (a) That the Newcastle Development Programme (NDP) Scrutiny Task and Finish Group, and all those involved in supporting the review process, be thanked for their report and recommendations in respect of this matter.
- (b) That it be confirmed that no further decision be taken at this stage regarding disposal of the seven NDP sites.
- (c) That the appropriateness of development, in land-use planning terms, of the seven NDP sites along with all other surplus non-operational land belonging to the Council, be reviewed as part of the forthcoming Site Allocations Development Plan Document process.
- (d) That future versions of the Council's Asset Management Strategy incorporate an annual planned disposals programme, as appropriate, supported by the three important qualifications set out in the Report:-
  - (i) That this programme is accompanied by appropriate site specific technical information ;
  - (ii) That a clear process be established for effective community and stakeholder consultation along with a summary report of the outcome of public consultation and any related public consultation activities regarding individual sites and;
  - (iii) That clear evidence be provided of the proposal's alignment with the Council's financial capital planning process.
- (e) That officers be instructed to undertake an annual review of the progress made with implementation of the North Staffs Green Spaces Strategy and the associated action plan to ensure that objective are being met.
- (f) That Members note the information regarding the Council's transformation programme which, through its associated sub-programme plan, 'The Way We Work' and the associated emerging programme 'The Business of the Council' is concerned with the organisational structure of the Council to promote greater efficiency in the way the Council operates as well as ensuring greater accessibility for all to decision making processes.
- (g) That further Member training be provided, as appropriate, so that Members have a fuller understanding both of Asset Management and strategic policy making.

## 2. **Issues**

- 2.1 In my opinion the previous Cabinet decision did not place sufficient weight on the site-specific issues that were raised before and during the scrutiny review process. Rather than allow the planning merits of the sites to be tested through the emergent planning policy process (Cabinet resolution (c)) my belief is that the Council should satisfy itself, as land owner, about their suitability for development.
- 2.2 One or more of the following constraints was shown, through the scrutiny process, to raise significant issues in respect of all of the sites:
- (a) Adverse ground conditions, e.g. filled/made up ground; past mine / mineral extraction activities; mine shafts, methane gas, etc.
  - (b) Ecological & environmental issues, e.g. the existence of protected species such as newts, badgers, etc.
  - (c) Legal restrictions, e.g. restrictive covenants, easements for pipes, wires, sewers etc.
  - (d) Highways / access constraints.
- 2.3 I am of the view that it would be wrong for the Council to disregard this information and allow the sites to remain in the SHLAA. Whilst the latter document represents a theoretical supply of sites that are capable of being developed during the relevant plan period I am concerned that some or all of them may not be genuinely developable. I consider that specialist studies would need to be commissioned to determine the feasibility/suitability of developing the sites. Thorough public consultation would also be required, in my view, about the disposal and development of any such sites.
- 2.4 Additionally I would want to be satisfied that there are no alternative brownfield sites capable of being brought forward for development that should be prioritised above the seven Greenfield sites listed above.
- 2.5 Consequently there is insufficient justification to market the above sites for disposal at this stage and I feel that they should be withdrawn from the SHLAA so as to provide greater certainty for interested parties.

## 3. **Options**

- 3.1 Do nothing (proceed as per the Cabinet resolution(s) dated 7 September 2011) or;
- 3.2 Consider whether it is reasonable and/or appropriate to review the previous Cabinet decision in light of the preceding Scrutiny review process.

## 4. **Reasons for Preferred option**

- 4.1 In my view the Scrutiny review process highlighted issues that merit greater weight being given to them before any final decision is made to proceed with any disposal of the sites referred to above.

## 5. **Proposal**

- 5.1 That the Council not proceed with any plans to dispose of the seven sites referred to in the report and that the Council advise the local planning authority to remove these sites from the Strategic Housing Land Availability Assessment (SHLAA).

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

6.1 The careful and considered disposal of publicly owned land will help in:

- creating a cleaner, safer and sustainable Borough
- creating a Borough of opportunity
- creating a healthy and active community
- transforming our Council to achieve excellence

7. **Legal and Statutory Implications**

7.1 The Council has a statutory duty to obtain best consideration when disposing of its assets, other than where discretion is allowed by Local Government Act 1972, S123 as reinforced by the Local Government Act 2000.

8. **Equality Impact Assessment**

No direct implications arising from this report.

9. **Financial and Resource Implications**

9.1 The capital receipts from the sale of surplus sites will go towards appropriate regeneration initiatives and capital programmes, as determined by the Council.

9.2 There will be a saving in the maintenance costs associated with the sites once they are sold.

10. **Major Risks**

10.1 Failure to adequately investigate and confirm the suitability of sites for disposal, resulting in adverse financial consequences.

10.2 A failure to obtain appropriate planning consents.

10.3 Failure to engage local stakeholders in any such decisions.

11. **Key Decision Information**

An item in respect of this matter appears on the Forward Plan.

12. **Earlier Cabinet/Committee Resolutions**

The last Cabinet decision in relation to these seven sites was made on 7 September 2011.

13. **List of Appendices**

There are none.

14. **Background Papers**

None.