

Land Disposal Options

Report of the Finance and Resources Portfolio Holder

Recommended:

- 1. To the extent that such actions fall outside existing delegations, that the Head of Property and Asset Management in consultation with the Finance and Resources Portfolio Holder, the Head of Legal and Democratic Services and the Head of Finance and Revenues be authorised to appoint professional advisors to assist in establishing options for the disposal of the assets set out in this report.**
- 2. That the funding, set out in paragraph 7.1 of the report, for the professional fees required to finalise disposal options be approved, and be financed from the Regeneration Reserve.**

SUMMARY:

- The sites referred to in this report are occupied for agricultural purposes. Their potential, alternative uses offer greater returns to the Council.
- This report recommends formulating disposal options for the two sites if the allocations are made so that this will contribute towards evidence in the Local Plan process that the delivery of development can be better demonstrated.

1 Introduction

- 1.1** This report considers the options available to the Council for the disposal of two pieces of land that the Head of Property and Asset Management (PAM) considers to be surplus to requirements.

2 Background

- 2.1** The sites set out in this report have been included within the Test Valley Borough Council Strategic Housing and Economic Land Availability Assessment (SHELAA) for possible inclusion within the Council's Local Plan.
- 2.2** Including a site within the SHELAA does not mean that the sites will be acceptable or allocated for development; that will ultimately be a decision for Council.
- 2.3** The Council's recommended timetable for the Local Plan 2040 is set out within the Local Development Scheme. The Regulation 18 Part 2 document was approved by Council on 17 January 2024 and consultation will commence on 6th February 2024. This is, therefore, an opportune time for confirming that these sites can be considered for disposal.

- 2.4 Given the potential benefits of providing capital receipts, helping to meet the Borough's housing needs and contributing to the Borough's Gypsy and Traveller need on sustainable sites, there are clear merits in confirming the sites are available for disposal and progressing disposal options for consideration.

3 Bailiff's Bottom, Andover

3.1 Introduction

The wedge-shaped site (see Annex 1) is located close the junction of the A303 and the A3093 (see Annex 2) and is approximately 28 acres in size.

Currently, the site is used by a local farmer.

The site was transferred to Test Valley District (Borough) Council on reorganisation in 1974 by Andover Borough Council.

3.2 Background

In 2007/8 the Council sold a strip of land to Persimmon Homes for them to build a roundabout to service what is now Picket Twenty from the A3039. This in turn provided access to the Council's retained land.

As part and parcel of establishing disposal options, it is recommended that the Head of PAM explores options with relevant third parties so that any opportunities or issues which they present can be included in the disposal options for consideration.

3.3 Recommended Approach - Progression Towards Disposal

1. Approving steps towards disposal would aid the case to demonstrate that the site is deliverable as part of the housing allocation in the Local Plan process.
2. A full legal title check will be carried out so that the Council understands any issues that need to be resolved before any disposal process begins.
3. As this is a site that the Council has been advised has significant value as a potential development site, it is important that development and legal advice is procured to consider issues such as adjoining owners including accesses, implications of different sale methods, timing, negotiation position etc. This will help inform the most beneficial form of disposal.

- 3.4 An assessment of the cost of the initial advice is set out in the Financial Implications section, below.

- 3.5 A further report will be brought to Cabinet with disposal options, once formulated.

4. Bunny Lane, Timsbury

4.1 Introduction

The site is approximately 7.6 acres and Annex 3 attached shows the site. Its location is shown on Annex 4 between the villages of Timsbury and Braishfield. The site is adjacent waste facilities and agricultural land.

4.2 Background

The Council-owned site was formerly a landfill site. Currently the site is grassed and for grazing with the licence currently being renewed.

Consideration was given to allocating the site as a gypsy and traveller site location at the time of the adoption of current local plan, but this did not progress. As set out above, the site has now been put forward for consideration for allocation as a Gypsy and Traveller site in the developing local plan.

4.3 Recommended Approach - Progression Towards Disposal

1. It is recommended that movement towards disposal will:

- aid the case to demonstrate that the site is deliverable as part of the housing allocation in the Local Plan process.
- make an inroad into the shortage of Gypsy and Traveller sites within the proposed Local Plan.

2. Input into the disposal/operational options is from the Hampshire County Council Gypsy and Travellers Officer so that how the site will be delivered is clearly understood. This will establish whether there is the potential for value to be derived from a transfer.

5. Options

5.1 The options for consideration are:

5.2 Option 1 – Approve the recommendations set out in this report, which, subject to the approval of Council funding, will result in a fully informed set of disposal options for consideration and future decision-making.

5.3 Option 2 – Not approve the recommendation to move towards disposal.

6. Options Appraisal

6.1 For the reasons set out above, the development of disposal options for both sites is recommended.

6.2 Given the complexities of the Bailiff's Bottom site, it is recommended that professional advice is obtained, and discussions held with any relevant third parties in order to arrive at a set of disposal options which will inform future decisions.

6.3 Both potential disposals would contribute positively towards the Council's financial position, housing and Bunny Lane will improve Gypsy and Traveller site provision.

6.4 Therefore Option 1 is the recommended option.

7. Resource Implications

7.1 The initial costs are expected to be as follows:

Initial studies (ground, ecology, geophysical, utility capacity etc)	£20,000
Development Advice (strategy, initial negotiations, viability etc)	£50,000
Total	£70,000

If it is decided to sell Bailiff's Bottom additional costs for detailed development and legal advice will need to be considered.

7.2 The Council has established an earmarked reserve to fund activities related to the regeneration programmes in Andover and Romsey. The professional advice identified in this report would help facilitate a land disposal, the proceeds of which are expected to be a key pillar of the funding strategy for those programmes.

7.3 Therefore, it is considered appropriate that the regeneration reserve is a suitable source to meet the costs identified in this report. The Head of Finance and Revenues has confirmed that there is a sufficient balance on the reserve to accommodate this.

7.4 The costs of disposal of Bunny Lane are not expected to be significant and this will most likely be dealt with by internal resource and existing budgets.

8 Legal implications

8.1 The Council has power to dispose of land pursuant to section 123 of the Local Government Act 1972 ('the Act'). The Council is required by the Act to dispose of land only for the best consideration reasonably obtainable. Disposal at undervalue may be permitted by General Disposal Consent (England) 2003 or authorised by the Secretary of State.

9. Risk Management

9.1 Following the receipt of the advice outlined above an assessment of risks of identified actions will be provided as part of a further report to Cabinet.

9.2 No significant risks exist of taking the actions proposed in this report.

10. Equality Issues

- 10.1 Disposal of the Bunny Lane sites for Gypsy and Traveller usage would positively provide additional pitches for the Gypsy and Traveller community, which may be protected under the Equality Act 2010.
- 10.2 Consideration of any equality issues which arise in relation to potential disposal options will be addressed when bringing those options forward for further consideration. Equality Impact Assessments will be completed when necessary.

11. Conclusion and reasons for recommendation

- 11.1 It is recommended that funding is approved to enable disposal options to be compiled for the two sites discussed in the report which will form the basis for decision-making on future disposal options.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended within the meaning of paragraph 3 of Paragraph 12A of the Local Government Act 1972 as amended.			
No of Annexes:	4	File Ref:	N/A
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