



Report of Land and Property
Report to Director of City Development
Date: March 2020
Subject: Land between 216 & 218 Halton Moor Avenue (Waterloo Sidings)

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name(s) of ward(s):	Temple Newsam
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If relevant, access to information procedure rule number:	10.4.3
Appendix number:	1

Summary

1. Main issues

- Network Rail own a 16.77 acre (6.79 ha) allocated housing site known as Waterloo Sidings in Halton. The Council own land adjacent to the site on Halton Moor Avenue that provides access to the Waterloo Sidings site.
- The combined sites were marketed by an appointed agent and a buyer has been selected.
- On 24th May 2019 the Chief Officer Asset Management & Regeneration approved the terms of a tripartite land sale contract for the combined land holdings between the Sellers Network Rail and the Council and the Purchaser identified within the confidential appendix.
- The sale was conditional upon obtaining satisfactory planning permission. As a result of two pre application enquiry meetings and the granting of a Tree Preservation Order over a grouping of self-seeded trees on a large proportion of the site (granted following the initial pre application enquiry), the scheme has been subject to substantial redesign. The scheme revisions have led to a requirement to amend the originally approved terms.
- Sale term revisions have been negotiated and it is recommended that the revised terms are approved.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- Disposal of the site will generate a capital receipt to support the Council's Capital Programme that covers a wide range of Council Policies and City Priorities.
- The unlocking of the Waterloo Sidings residential development site supports the Best Council Plan 2019-20 priorities of promoting inclusive growth and meeting housing need.

3. Resource Implications

- The sale of the site will realise a capital receipt and remove the responsibility for maintenance from the Council

Recommendations

- a) It is recommended that the Chief Officer Asset Management & Regeneration approves the revised sale terms of a tri partite land sale contract for the combined land holdings between the Sellers Network Rail & the Council and the Purchaser identified within the confidential appendix.

1. Purpose of this report

- 1.1 The purpose of the report is to recommend that the revised terms of the tri partite land sale contract are approved.

2. Background information

- 2.1 The background information is contained within a previous report and confidential appendix on the subject dated May 2019.

3. Main issues

- 3.1 The tripartite land sale agreement is conditional upon the purchaser obtaining satisfactory planning consent. Prior to exchange of contracts, a pre application enquiry meeting was held and a proposed scheme was shared with the attending Officers.
- 3.2 Shortly after the first pre application enquiry meeting a Tree Preservation Order (TPO) was placed on a large proportion of the site. The order applied to a grouping of self-seeded trees on an area of the site considered most suitable for development.
- 3.3 The scheme was redesigned to accommodate the TPO grouping as far as it was economically viable to do so.
- 3.4 The revised scheme was presented at a second pre application enquiry meeting and it is this revised scheme that forms the basis of the revised sale terms.
- 3.5 One of the proposed tree loss mitigation strategies is the planting of additional trees on the Council owned land to the north west of the railway line. This land is vested with Parks & Countryside and such works will be subject to approval by Communities & Environment Directorate. The Parks & Countryside department have been consulted regarding the tree planting proposals and in principle are agreeable.
- 3.6 For Information

- 3.7 Running alongside planning revisions and sale negotiations has been a piece of work that has considered alternative site drainage proposals. With input from Regeneration, Planning and Flood Risk Management Officers.
- 3.8 The purpose of this work is to seek an off-site financial contribution from the developer towards planned flood risk alleviation schemes within the affected area in lieu of onsite attenuation provision. The principle being that, rather than each new development site introducing its own water storage and attenuation solutions, that the cost of such works is used to fund planned large scale flood alleviation schemes that have area wide benefits.
- 3.9 With regard to the subject site, this would allow the discharge of surface water from the development site directly into the Wykebeck, with contributions being made towards the Wykebeck Phase 2 flood alleviation scheme works.
- 3.10 Work on this is ongoing and will continue throughout the Planning Application. It will be led by Planning, Regeneration, and the Flood Risk Management Team and would be subject to relevant modelling surveys and approvals.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Temple Newsam Ward Members were contacted on the 3rd November 2017 regarding the sale of the Council land to Network Rail in order to unlock the site for the delivery of housing.
- 4.1.2 A response from Councillor Helen Hayden and Councillor Michael Lyon was not received. Councillor Debra Coupar was fully supportive of the sale of the Council land to Network Rail for the purposes of housing delivery.
- 4.1.3 Ward Members, including the newly elected Councillor Nicole Sharpe, were contacted again on the 16th May 2019. No responses were received.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 There are no equality, diversity, cohesion and integration issues arising from a sale of the subject site.

4.3 Council policies and the Best Council Plan

- 4.3.1 Disposal of the site will generate a capital receipt to support the Council's Capital Programme that covers a wide range of Council Policies and City Priorities.
- 4.3.2 The unlocking of the Waterloo Sidings residential development site supports the Best Council Plan 2019-20 priorities of promoting inclusive growth and meeting housing need.

Climate Emergency

- 4.3.3 The site is subject to a collection of self-seeded trees which have been considered worthy of protection via a TPO. The grouping of trees affected by this order will be retained as far as it is economically viable to do so and will be subject to consultation with Tree Officers throughout the planning application process. Other onsite trees outside of the TPO will be retained where possible. Any tree loss will be mitigated by offsite planting and managed by condition of planning consent.

4.4 Resources, procurement and value for money

- 4.4.1 The sale of the site will realise a capital receipt and remove the responsibility for maintenance from the Council.

4.5 Legal implications, access to information, and call-in

- 4.5.1 Under Part 3, Section 3E(g) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of the Executive in relation to Asset Management.
- 4.5.2 The Chief Officer - Asset Management and Regeneration, Head of Asset Management, Head of Land and Property and Deputy Head of Land and Property have authority to take decisions in relation to Asset Management as delegated in the Director of City Development's sub delegation scheme.
- 4.5.3 The proposal constitutes a Significant Operational Decision and is therefore not subject to call in.
- 4.5.4 The Head of Land and Property confirms that the proposed method of disposal set out above is the method most likely to result in the Council achieving the best consideration that can reasonably be obtained under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985).
- 4.5.5 The information contained in the Appendix attached to this report relates to the financial or business affairs of a particular person, and of the Council. This information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information was obtained through inviting of best and final offers for the property/land then it is not in the public interest to disclose this information at this point in time as this could lead to random competing bids which would undermine this method of inviting bids and affect the integrity of disposing of property/land by this process. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties would have access to information about the nature and level of offers which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of this transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time. It is therefore considered that this element of the report should be treated as exempt under Rule 10.4.3 of the Access to Information Procedure Rules.

4.6 Risk management

- 4.6.1 Risk Management issues are contained within the Confidential Appendix.

5. Conclusions

- 5.1 It is concluded that the revised terms of a tri partite land sale contract for the combined land holdings of Network Rail and the Council be approved.

6. Recommendations

6.1 It is recommended that the Chief Officer Asset Management & Regeneration approves the revised sale terms of a tri partite land sale contract for the combined land holdings between the Sellers Network Rail & the Council and the Purchaser identified within the confidential appendix.

7. Background documents¹

7.1 Report to Director of City Development dated May 2019 consisting of both a report and a confidential appendix.

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.