

**Plot 3 Peckfield Industrial Estate, Phoenix Avenue, Roman Ridge Road, Micklefield LS25 - Derelict Land Grant Award no.YH/N4720/152/1**

Date: 16 November 2021

Report of: Head of Asset Management

Report to: Chief Officer Asset Management and Regeneration

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

**What is this report about?**

**Including how it contributes to the city's and council's ambitions**

- The disposal and development of the subject site (shown as plot 3 on the attached plan) supports the Council's housing needs assessment for the provision of a site at Peckfield to accommodate housing need for members of the travelling show-people community as identified in the adopted Site Allocation Plan.
- The disposal also contributes to the discharge of financial liabilities held by the Council in respect of Derelict Land Grant (DLG) repayments due from the sale of land at Peckfield under DLG award no.YH/N4720/152/1.
- The Council acquired the former Peckfield Colliery many years ago for redevelopment for employment uses from the former British Coal and utilised DLG monies provided by the predecessors to Homes England. The total sum received and the outstanding balance to be repaid is detailed in the confidential appendix.
- The Council is contractually obligated to market the sites at Peckfield to seek best value and to utilise the receipts received firstly to discharge the DLG, and then, where any residual receipt remains for this to be split between the Coal Authority (as successor to British Coal) and the Council substantially in favour of the Coal Authority.
- A number of sites have been disposed of by way of long leases however the remaining land (shown as plots 1, 2 and 3 on plan) has been mothballed for a number of years pending longstanding, but now shelved, government proposals for a regional park and ride facility and for the relocation of Micklefield Station.
- The remaining plots (plots 1, 2 and 3) are now available for disposal and a number of parties are already in discussions with the Council.
- As part of the Council's Site Allocations Plan process however a part of the site (plot 3) shown on the attached plan has been re-allocated from employment use to that of providing

a residential site for travelling show people to address the needs of six travelling show people families and storage of related fairground rides and equipment.

- This arose from the identification, through the SAP process by the Planning Authority, of housing need, for the needs of an identified family as detailed within the confidential appendix. The allocation is to address that specific need. Recognising that this need may change over time the use of the site is proposed to transact on the basis of very restrictive covenanting limiting use and explicitly requiring that use be strictly in accordance with the planning consent received and any management plan forming part of it.
- This site exists to meet an identified personal need and if that occupier vacates the site they are in effect taking their need with them unless a revised needs assessment shows that there is unmet need. This specific situation obviates any need to consider disposal or marketing on the site on the open market.
- As the reallocated use does not accord with the terms of the land transfer from the Coal Authority or the DLG the Council has been in protracted discussions with both parties regarding the change of use in the SAP process.
- The change of use has now been resolved in principle with both organisations confirming support for the proposal on the basis outlined in the confidential appendix and seeking ratification to the proposal through their respective board. The Coal Authority is in dialogue with their solicitors regarding formalising the consent to the change of use from that contained within the original transfer of the land to the Council.
- This report seeks authority to those proposed sale terms to enable completion of the transaction (once formal board approvals are received from Homes England and the Coal Authority) and for the financial consideration detailed, once realised by the Council on sale completion, being released directly to Homes England as further part re-payment of the DLG as required under its terms of award.

## **Recommendations**

- a) It is recommended that the terms as outlined in the confidential appendix to this report are approved for the disposal of the subject site (plot 3) and that the financial consideration realised be authorised for release to Homes England, as contractually required, under the terms of the original DLG award no: YH/N4720/152/1.

## **Why is the proposal being put forward?**

- 1 The subject site has been allocated in the Council's adopted Site Allocations Plan (SAP) for the provision of a site to accommodate the personal housing needs identified of identified travelling show people's families. Consideration of the site's allocation for this purpose took place under the SAP, a process completed following a public enquiry, modifications and formal adoption by the Council in 2019.
- 2 In line with national guidance for planning for Travelling Showpeople the Council is required to identify a need for plots and allocate sufficient land to meet that need. This process is not usual as it applies to a very small population where it is possible to identify named

individuals in need. Working with the Showpersons Guild for the Core Strategy (2014) the Council identified a very small need - some of which was already satisfied by two sites in the District. The outstanding need arose specifically from a family who had local links, working in Leeds, but living there temporarily. Therefore at the evidence base stage of need identification it was possible for this to be a specific personal need for the family of the party identified within the confidential appendix and his extended family/associates. It was for that need that the Site Allocations Plan sought to find and allocate a site for Travelling Showpeople. No other sites were suggested to the Council and in order to increase the chances that the Plan would be found sound it was necessary to use Council land to meet this need – as has been the case in many local authorities regionally and nationally.

- 3 The party identified and his family / associates detailed in the confidential appendix were identified as living temporarily in Leeds on an unauthorised site and in need of a formal plot so as to carry out their business within the District. This was done in line with national guidance and in liaison with the Travelling Showmen's Guild. It was scrutinised at Independent examination by an Inspector appointed by the Secretary of State.

#### What impact will this proposal have?

##### Wards Affected:

Have ward members been consulted?

Yes

No

- 4 The proposal, once implemented, will address identified housing need for six families within the travelling show-people's community.

#### What consultation and engagement has taken place?

- 5 Ward Members have been consulted on the proposed site disposal and have expressed a desire that any use of the site use be restricted to named members of the Travelling Showmen's Guild. The Site Allocation Plan however identifies the site for use more broadly for travelling show-people and advice received indicates that membership of the Travelling Show-people's Guild has reduced in recent years so that any restriction on use by reference to this group would be restrictive beyond the SAP allocations intentions for more generic use. Ward Members have been advised that the use of the site is to be controlled strictly through covenants to be imposed as detailed in the confidential appendix to this report and through conditioning of any planning consent for the site which will limit occupation to that of travelling show-people, following a legal definition, and will require the submission of a management plan to govern the use of the site. The Sites Allocations Plan process was the subject of public consultation and a public enquiry prior to adoption.

#### What are the resource implications?

- 6 The site disposal will generate a capital receipt however pursuant to the requirements of a Derelict Land Grant award made to the Council to reclaim the site the receipt is required to be paid to Homes England as part repayment of that award.

#### What are the legal implications?

- 7 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.
- 8 The Chief Officer Asset Management and Regeneration, Head of Asset Management 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.
- 9 The proposal constitutes a Significant Operational Decision and is therefore not subject to call in.
- 10 The Chief Officer Asset Management and Regeneration confirms that in their opinion the terms offered to the Council represent the best consideration that can reasonably be obtained under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985).
- 11 The information contained in the appendix 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 relation to certain companies and charities. It is considered that since this information was obtained through one to one negotiations for the disposal of the land/property referred to then it is not in the public interest to disclose this information at this point in time. Also the release of such information would or would be likely to prejudice the Council's commercial interests in relation to and undermine its attempts to dispose by agreement similar properties in the locality in that owners of other similar properties would be aware about the nature and level of consideration 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 available from the Land Registry following completion of the purchase 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.

### **What are the key risks and how are they being managed?**

- 12 The disposal is proposed on the basis that planning consent for the proposed use of the site, with conditions, is achieved. The subject site has been allocated through the formal SAP process for the use intended and therefore, subject to detailed design considerations, the risk of that consent not being received is considered minimal.
- 13 Discussions with planning officers indicate that no other use is available under the SAP and therefore the potential for lawful alternative uses does not exist. A combination of restrictive covenants and planning controls through any approved planning consent is considered to be the optimal approach available to control the use and manage risk of a use which departs from that proposed. The proposed terms reflect the need for a planning consent to be obtained and the site developed in accordance with that consent prior to completion of the land transfer.

### **Does this proposal support the council's 3 Key Pillars?**

Inclusive Growth       Health and Wellbeing       Climate Emergency

- 14 The proposal to dispose of the site supports the residential needs of the travelling show-people in accordance with the Council's Site Allocations Plan and supports corporate housing policy objectives.

## **Options, timescales and measuring success**

### **a) What other options were considered?**

15 The subject site is designated under the adopted Sites Allocation Plan only for the purposes identified in this report and has no alternative potential uses available through the planning allocation so restricting the use of the site for any other uses. The Council has obligations under the original transfer of the Peckfield Estate from the (former) British Coal and under the terms of a DLG award made to the Council, to dispose of the sites and to maximise value from disposals of land at Peckfield to both repay the DLG and British Coal' successor (the Coal Authority). Details of these obligations are contained within the confidential appendix.

### **b) How will success be measured?**

16 The proposal output will be successfully achieved upon grant of full planning permission for development of the site to accommodate non-permanent residential buildings for six extended families and storage for fairground equipment and vehicles, development for that use and completion of the land transfer.

### **c) What is the timetable for implementation?**

17 Implementation will be commenced upon approval to the proposal of this report.

## **Appendices**

18 Confidential appendix 1 - detailing transaction terms and further financial background.

19 Site plan no.17803/K.

## **Background papers**

20 None