

Report



Cabinet Member for Assets, Equalities & Member Development (Deputy Leader)

Part 1

Date: 23 August 2018

Subject Disposal of Land at Usk Way, Newport

Purpose To seek approval from the Cabinet Member for Assets, Equalities & Member Development (Deputy Leader) to declare the land at Usk Way surplus to Council's requirements and dispose of it to the neighbouring land owner.

Author Housing and Assets Manager

Ward Pillgwenlly

Summary Newport City Council have received a request to purchase a small parcel of land at Usk Way. This parcel of land was originally acquired under Compulsory Purchase Powers in connection with the delivery and construction of the SDR road. The owner from whom the land was acquired would now like to purchase the land back as it wasn't utilised as part of the scheme.

Proposal Dispose of land at Usk Way, Newport on terms to be agreed by Head of Law and Regulation.

Action by Head of Regeneration Investment and Housing.

Timetable Immediate

This report was prepared after consultation with:

- Housing and Assets Manager
- Principal Engineer, Streetscene
- Strategic Director – Place
- Head of Law and Regulations – Monitoring Officer
- Head of Finance – Chief Finance Officer
- Head of People and Business Change
- Associate Director of Property Services, Newport Norse

Signed

Background

A number of years ago land was acquired from a local landowner (Mr John Collingbourne) under Compulsory Purchase Powers in order to facilitate the delivery and construction of the then new SDR Road in Newport. The scheme progressed and on completion of the construction of the new Road a small parcel of land was left as it was not required.

The land has therefore been left unused for a number of years, although the Council has an obligation to maintain the land. The parcel of land is approximately 67 square metres and consists of a grassed area of land immediately adjacent to the Highway. In the long term this land will not benefit the Councils long term needs,

The Council (via Newport Norse) has received an application from Mr John Collingbourne via his agents, enquiring if the subject land could be purchased back.

The subject land is a thin strip of land of little significance, it would not have use to any other purchasers due to its size and location. Therefore, it would be commercially sensible to sell the land to Mr Collingbourne for inclusion in the neighbouring land and achieve a capital receipt, which would also remove the maintenance liability for the Council in going forwards.

In our opinion, marketing the Land to other parties would not generate any offers.

The applicant has offered a sum of £15,115 to purchase the land back. This is the same amount that the Council paid for the land back in 2010 under its Compulsory Purchase Powers. There is legal precedent that when land is not used following Compulsory Purchase that the landowner can purchase it back. This is known as "Critcheldown rules".

Disposing of this parcel of land will relieve the Council of its ongoing maintenance liabilities and generate a capital receipt.

There are no staffing implications.

Financial Summary

- This proposal will release the Council of maintenance liability going forward. The cost savings however would be minimal due to the small size of the parcel of land.
- If the sale progresses this would realise a capital receipt for the Council.

Risks

There are no risks associated with this transaction.

Links to Council Policies and Priorities

Property Rationalisation Programme
Medium Term Revenue Plan (MTRP)

Options Available and considered

- Take no action
- Dispose of land to Mr Collingbourne on terms to be agreed by Head of Law and Regulation.

Preferred Option and Why

Dispose of land to Mr Collingbourne on terms to be agreed by Head of Law and Regulation.

Comments of Chief Financial Officer

Disposal of this land will benefit the Council by the realisation of a small capital receipt, particularly as it is of no economic or strategic value to the authority. The elimination of any maintenance liabilities is an additional benefit.

There is a base 'target' for capital receipts in the new 5 year Capital Programme and capital receipts are used to meet this target.

Comments of Monitoring Officer

The proposed action is in accordance with the Council's statutory powers to re-appropriate and dispose of surplus land in accordance with sections 122 and 123 of the Local Government Act 1972. The land was originally compulsorily purchased for the construction of the SDR, but is now surplus to requirements. Under the Critchell Down Rules, there is an obligation to offer back to the original owner any CPO land that is not required for the purposes of the original scheme. Because the Council acquired the land by way of a notice to treat and notice of entry, title to the land was not vested automatically under a General Vesting Declaration and the transfer agreement with the owner precluded any obligation to sell back any part of the land. However, the general principles of Critchell Down would still apply and, therefore, if the land is not required for operational purposes by the Council and is surplus to highway requirements, then it should be offered back to the original landowner. Under section 123 there is a general obligation to secure the best price reasonably obtainable for the land, but a transfer back at the equivalent value paid under the CPO would satisfy this requirement, given that the land has little or no intrinsic value for any other purchaser.

Comments of Head of People and Business Change

There are no staffing implications arising from this report.

Asset management is a key area for consideration as part of the Well-being of Future Generations Act. The decision to dispose of this land will secure its long term future, be of benefit to the resident and local community and ensure sustainability of the land. The report has considered the five ways of working and the decision contributes to a number of well-being goals including a prosperous Wales and a Wales of cohesive communities.

Comments of Cabinet Member

Cabinet Member has been briefed on the report.

Local issues – Comments of Pillgwenlly Ward Members

Cllr T Holyoake - I am happy for this land to be sold back to Mr Collingbourne, due to the precedent previously set.

Scrutiny Committees

N/A

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users.

In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

The author has given consideration to the Act throughout the background of the report. The resale of land to the original owner is clearly the way forward and will secure its long term use. This way the small parcel of land will form part of the neighbouring business / property. This will also remove any future maintenance liabilities for the Council and prevent the land being left unused.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

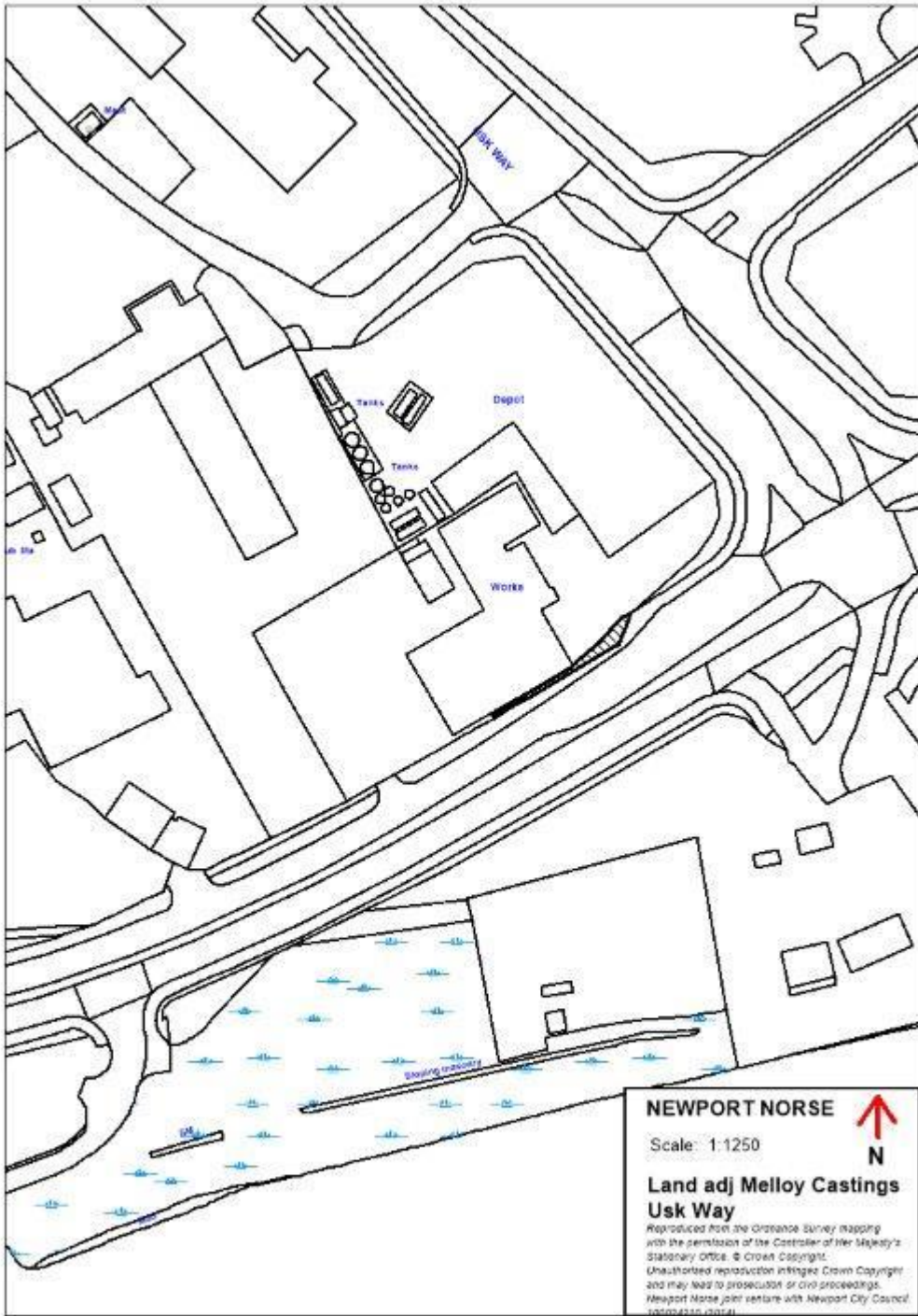
Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

Site plan

Dated: 23 August 2018



NEWPORT NORSE ↑
Scale: 1:1250
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Land adj Melloy Castings
Usk Way
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