

Report Audit Trail

CONSULTATION

*This is important as it shows that consultation has been undertaken in the preparation of the report and provides a quick reference point for specific comments, whilst the report will not be publishable if these areas have not been completed by the named persons below. **You must liaise with and receive sign off from the relevant Cabinet Member(s).***

Name/Position	Portfolio/Ward/ Directorate	Date Sent	Date Received	Comments in para:
Councillor Tony Brown & Councillor Maggi Clark	Cabinet Member for Keppel Ward Cabinet Member for Keppel Ward & Chair, Overview and Scrutiny Management Board	25/07/23	02/08/23	No further comments
Paul Woodcock	Assistant Chief Executive/ Strategic Director for Regeneration and Environment	Click here to enter a date.	Click here to enter a date.	
Simon Moss	Assistant Director, Planning, Regeneration & Transport	Click here to enter a date.	Click here to enter a date.	
Jonathan Baggaley, Finance	Finance and Customer Services - GF	23/08/23	23/08/23	Para 6.2
Lesley Tattersall, Legal Services	Legal Services	23/08/23	29/08/23	Para 7.1
Jonathan Marriott	Head of Asset Management	19/07/23	19/07/23	Amendments and comments made to report and appendices
Tim Hartley	Strategic Asset Manager	23/08/23	23/08/23	Minor comments and amendments made

John Crutchley, Human Resources	Assistant Chief Executive's Office	15/06/23	21/06/23	N/A – no HR implications
Karen Middlebrook, Procurement	Finance and Customer Services	15/06/23	20/07/23	N/A
Steve Eling Equalities	Assistant Chief Executive's Office	23/08/23	24/08/23	See attached equalities Screening
Louise Preston, <i>Climate Change</i>	Regeneration and Environment	15/06/23	16/06/23	See Attached Carbon Impact Assessment

REPORT APPROVAL TRACKING

Equalities	Initial Screening completed and included with report	YES	13/02/23
	Full Assessment completed and included with report	NO	N/A
Carbon Impact Assessments	Carbon Impact Assessment completed and included with report.	YES	13/02/23
Background information MANDATORY: Insert headings for a few main public documents you have used or referenced to write this report. This is a legal requirement. For Cabinet reports, insert hyperlinks . Do not list private documents. This item is attached as no hyperlink to this report.			
Appendices	Appendix 1 Equality Analysis Appendix 2 Carbon Impact Assessment Appendix 3 Site Plan Appendix 4 Exempt Summary of Negotiations		
Cabinet Member Approval You should retain an email confirming the Cabinet Member approval for your records. Strategic Directors should not authorise reports unless Cabinet Members have given sign off	YES/NO (delete as appropriate)	Click here to enter a date.	
Report Authorised by Strategic Director	YES/NO (delete as appropriate)	Click here to enter a date.	
Report Authorised for publication by Chief Executive	YES/NO (delete as appropriate)	Click here to enter a date.	

Public Report with Exempt Appendices
Delegated Officer Decision

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 19 July 2023

Report Title

Land at Wentworth Road, Thorpe Hesley

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Kerri Piper

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Ward(s) Affected

Keppel

Report Summary

In 2020, Asset Management were contacted by the Coal Authority (CA) seeking to enter discussions regarding purchasing a portion of the land as it has been identified as a suitable location for a water treatment scheme. The land has no formal tenancy arrangement in place but is currently occupied by a farmer. The farmer has been notified of the process. The CA and the Council agreed to use the District Valuer to determine the value of the land required.

The CA have powers of compulsory purchase under the Coal Industry Act 1994, where the purchase is required for the purpose of preventing or mitigating the effect of a discharge of water from a coal mine, especially where the discharge is likely to cause pollution or serious harm to human health. The CA would rather purchase by agreement rather than utilise its CPO powers, and therefore authority is sought to approve the disposal of the site.

Recommendations

1. That the Assistant Director for Planning, Regeneration and Transport approves and negotiates the vacant possession and disposal by agreement of the land identified within Appendix 3, in consultation with the Council's Section 151 Officer and the Cabinet Member for Jobs and the Local Economy.

List of Appendices Included

- Appendix 1 Equality Analysis
- Appendix 2 Carbon Impact Assessment
- Appendix 3 Sale Plan
- Appendix 4 Exempt Summary of Negotiations

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

N/A

Council Approval Required

No

Exempt from the Press and Public

Yes or No? If yes, use text below.

A partial exemption is sought for Appendix 4 of this report under Paragraph 3 (Information relating to the financial or business affairs of any person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this Appendix 4 contains sensitive commercial information relating to a transaction between a number of parties including the Council.

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information because releasing the commercial information of the parties financial affairs could jeopardise the transaction and ultimately the development of a much needed development site.

Land at Wentworth Road, Thorpe Hesley

1. Background

- 1.1 The Council own the freehold title of the land which had been let under an Agricultural Holdings tenancy to a farmer, Mr Shenton. In 2019 it came to light that an informal assignment of the holding had occurred when the current farmer sought to formalise his agreement with the Council.
- 1.2 The size of the site is 12.13 acres (4.91 hectares). Circa 50% of the land is farmed with the remainder being left to be shrub and woodland. There is one Tree Preservation Order (TPO) on the site.
- 1.3 In 2020 Asset Management were contacted by the Coal Authority (CA) seeking to enter discussions regarding purchasing a portion of the land held under the tenancy as it had been identified as a suitable location for a water treatment scheme. This treatment scheme is a passive scheme whereby a large area would be used as a pond planted with reeds, that possess water purifying attributes.
- 1.4 Asset Management initially suggested that the CA could consider entering into a lease rather than to purchase the land, but preferred to purchase as the intention is to keep the passive treatment system in place into perpetuity.
- 1.5 Asset Management initially instructed the District Valuer (DV) to value the site, though through this valuation expired whilst the CA considered the scheme.
- 1.6 The CA then decided to reengage with Asset Management, so an updated valuation was obtained from the DV, paid for by the CA. The CA have agreed to purchase at the revised valuation and are keen to proceed.

2. Key Issues

- 2.1 The current occupant of the land, a local farmer, whilst not currently farming the land, does not hold a signed agreement despite farming the land for several years. The farmer has been notified of the requirement to vacate as part of the process.
- 2.2 There is an element of mutual benefit between the CA and the Council in the fact that the CA have identified this area as being potentially exposed to water contamination from underground aquifers transporting minerals to the surface, which can enter the watercourses.
- 2.3 The CA have powers of compulsory purchase under the Coal Industry Act 1994 where the purchase is required for the purpose of preventing or mitigating the effect of a discharge of water from a coal mine and the discharge is likely to cause pollution or serious harm to human health.

3. Options considered and recommended proposal

3.1 **Option 1 (Preferred Option)** - that the sale is agreed so that the CA can subsequently develop the water treatment project at the land value determined independently by the District Valuer

3.2 **Option 2 – That the sale is not agreed.** The CA will then subsequently utilise its CPO Powers which will then result in additional costs to the CA resulting in the same outcome to the Council.

4. Consultation on proposal

4.1 All local ward members were consulted on the proposal to dispose of this land.

5. Timetable and Accountability for Implementing this Decision

5.1 Once the report has been submitted and approved, the Assistant Director of Legal Services will be instructed to negotiate and complete the necessary legal documentation.

6. Financial and Procurement Advice and Implications

6.1 There are no direct procurement implications arising from the recommendations detailed in this report.

6.2 The capital receipt from the sale of this property is identified in the exempt Appendix 4 attached to this report. The Council's policy for use of general fund Capital Receipts is set out and approved as part of the Council's annual Budget and Council Tax Report.

7. Legal Advice and Implications

7.1 Other than as already identified and detailed in this report and Appendix 4 there are no direct legal implications arising from the subject matter of this report.

8. Human Resources Advice and Implications

8.1 There are no direct HR implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no direct implications for Young People and Vulnerable Adults arising from this report.

10. Equalities and Human Rights Advice and Implications

10.1 There are no direct implications for equalities or human rights arising from this report.

11. Implications for CO2 Emissions and Climate Change

11.1 A Carbon Impact Assessment Form is attached in Appendix 2.

12. Implications for Partners

12.1. None.

13. Risks and Mitigation

13.1 None.

14. Accountable Officers

Simon Moss, Assistant Director – Planning, Regeneration & Transport
Tim Hartley, Strategic Asset Manager
Kerri Piper, Estates Surveyor, Estates Team

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Robert Mahon	Click here to enter a date.
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	Click here to enter a date.

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