

Public Report with Exempt Appendices
Cabinet

Committee Name and Date of Committee Meeting

Cabinet – 16 September 2024

Report Title

Land off Far Field Lane, Wath upon Dearne

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

Yes

Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

Report Author(s)

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Ward(s) Affected

Wath

Report Summary

The purpose of this report is to seek approval for the disposal of land off Far Field Lane, Wath Upon Dearne to Barratt David Wilson Homes and acquisition of land from the Fitzwilliam Wentworth Estates (FWE) to replace statutory allotments.

Recommendations

That Cabinet authorise the Assistant Director of Property and Facilities Services to negotiate and agree the terms and conditions of the proposed disposal and acquisition shown on the plan at Appendix 1 in consultation with the Cabinet Member for Transport, Jobs, and the Local Economy.

List of Appendices Included

- Appendix 1 Disposal and Acquisition Plan
- Appendix 2 Exempt Summary of Negotiations
- Appendix 3 Equality Screening Assessment
- Appendix 4 Carbon Impact Assessment

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

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 2** under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this Appendix 2 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 to create housing growth.

Land off Far Field Lane, Wath upon Dearne

1. Background

- 1.1 The Council and the Fitzwilliam Wentworth Estate (FWE) both own land off Far Field Lane, Wath Upon Dearne, which is allocated for residential development, referenced H97 in the Local Plan. FWE are the majority landholder of this allocation. (See Appendix 1).
- 1.2 The Council ownership (marked red on Appendix 1) is a smaller section of the total developable area and is currently restricting access to any development of the site. Non-binding discussions have taken place between FWE, the Council and Barratt David Wilson Homes to consolidate the land and for FWE and the Council to directly sell to Barratt David Wilson Homes.
- 1.3 Whilst there is no exclusive right to sell to Barratt David Wilson Homes, they have gained planning permission, at risk, and it is advised by the Councils Property Team that the direct sale would be the most advantageous to all parties in terms of value and broader outputs and priorities for the Council.
- 1.4 The Council and FWE would reserve the right to negotiate with other parties if a more advantageous opportunity was brought forward.
- 1.5 The site has planning permission, and this is for 269 homes (RB2001/1686). The site is close to local services, existing public and private housing estates and public transport services. Therefore, the site complies with several key Core Strategy policies within a highly sustainable location.
- 1.6 The Council's land (Appendix 1, edged red) is currently categorised as a statutory allotment site which has been vacant for more than 30 years. There is no demand for the provision of allotments on this site and as such the site is surplus to the Councils requirements.
- 1.7 There is an active application with the Secretary of State to request the removal of this statutory status. It should be noted that there is a large area of the adjacent statutory allotment site off Avenue Road that can provide for future local allotment demand if needed.
- 1.8 The Allotment Alliance and Allotment Society have both been consulted, and whilst they do not have any objection to this proposal (and do not wish to retain this unused site), they wish to see the future of another allotment site known as Sandymount allotments, having a statutory status, securing further future provision in the area.
- 1.9 The Council currently lease the Sandymount allotments from FWE (Appendix 1, edged orange), and the Council then sub-let the site for allotment purposes. Presently, this site has no statutory protection and requires investment to bring it up to a better standard. Future Investment

will be subject to a full review of the land by the Allotment Society.

- 1.10 To support the future of the Sandymount allotment site, this investment will require a long-term lease arrangement to be put in place as part of this transaction; the Council has agreed, subject to Cabinet approval, to acquire the long leasehold or freehold of the site from the FWE (value within exempt Appendix 2), with the aim of this site becoming a statutory allotment. This has been dealt with as part of the wider transaction alongside the formal negotiations and disposal process.
- 1.11 Accordingly, the split of the overall sale price proceeds and the acquisition of the Sandymount allotment site has been negotiated by the Council and then verified by the District Valuer to ensure best value has been achieved. Details are included at the exempt Appendix 2.

2. Key Issues

- 2.1 The consolidated proposals to sell the site to Barratt David Wilson Homes will facilitate the comprehensive development of the whole site, which will maximise housing growth.
- 2.2 The Council's purchase of the freehold / long leasehold title of the Sandymount allotment site from the FWE will protect the future of the site and provide it with statutory status.

3. Options considered and recommended proposal

3.1 Option 1

Dispose of the site by private treaty to Barratt David Wilson Homes (Barratt Developments plc), as detailed in the report. The value of the land transactions have been verified by the District Valuer to ensure that the Council achieves Market Value and Best Consideration.

3.2 Option 2 (alternative should Option 1 not be possible)

If the verified District Valuer terms and conditions are not met or the FWE or Barratt David Wilson Homes are not in agreement to proceed on this basis and the proposed sale falls through for any reason, a second option would be to sell the site on the open market.

4. Consultation on proposal

- 4.1 Local ward members have been fully consulted on the proposals at the time of writing this report.
- 4.2 The proposed development has been through full public consultation via the planning application process on this site (Reference RB2021/1686).

5. Timetable and Accountability for Implementing this Decision

- 5.1 Option 1 is the best option for the Council to expedite the disposal of the site by private treaty sale / option to purchase (in tandem with the Fitzwilliam Wentworth Estate) to the same developer as this will ensure a comprehensive housing development for the Borough.
- 5.2 The Council will also twin track the acquisition of the Sandymount allotment site from the FWE. Once the negotiations are completed, the FWE will also make its own final recommendation to its Trustees to obtain its decision on this disposal.
- 5.3 If the Council approves the Assistant Director Property and Facilities Services to conclude and dispose of the site, Legal Services will be instructed to complete the sale and the necessary legal documentation.
- 5.4 The disposal / option to purchase is effectively an unconditional sale, given that all the site constraints have been identified and planning consent has been obtained. It is noted that the planning consent to build new homes is subject to a condition that the statutory protection must be released on the current allotment site and the obligation to obtain Secretary of State consent is with the Council as such action has been taken to de-risk it via consultation and pre-agreed ways forward with key stakeholders.

6. Financial and Procurement Advice and Implications

- 6.1 As a land transaction, 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 and the acquisition amount is identified in the exempt Appendix 2 attached to this report.

7. Legal Advice and Implications

- 7.1 Other than already identified and detailed in this report and Appendix 2, there are no substantive legal implications arising from the subject matter of this report. Officers have taken steps to ensure compliance with the Council's best consideration obligation and Section 23 of the Local Government Act, 1972.

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 4.

12. Implications for Partners

12.1 None.

13. Risks and Mitigation

13.1 There is a risk that this matter could be challenged by another potential purchaser as this is a proposed direct sale to a national developer. Accordingly, the split of the overall sale price proceeds and the acquisition of the Sandymount allotment site has been verified by the District Valuer to ensure best value has been achieved.

13.2 Insertion of the usual option to buy back the site if it remains undeveloped is not possible in this instance as it will negate the structure of this deal. This is an acceptable risk to enable this site to be sold and developed out given the complexity of the deal.

14. Accountable Officers

Tim Hartley, Strategic Asset Manager

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp OBE	02/09/24
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	16/08/24
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	22/08/24

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