

**Committee Name and Date of Committee Meeting**

Name of Committee – 08 June 2026

**Report Title**

Disposal of land at Worrygoose Lane, Whiston

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

Yes

**Executive Director Approving Submission of the Report**

Judith Badger, Executive Director of Corporate Services

**Report Author(s)**

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**Ward(s) Affected**

Sitwell

**Report Summary**

The purpose of the report is to seek Cabinet approval for the disposal of the Council's freehold interest in land at Worrygoose Lane, Whiston and to delegate authority to the Service Director Property and Facilities Services to complete all matters necessary to give effect to that disposal.

The land is surplus to the Council's requirements and is required to unlock a wider residential development identified in the Local Plan. An Option Agreement relating to the disposal has already been entered into and exercised. This report therefore seeks Cabinet approval to regularise the governance position and to determine whether the disposal should now proceed.

The decision is in relation to the disposal of a Council owned asset, taken in accordance with the Council's property and financial governance arrangements.

**Recommendations**

That Cabinet

1. Approve the disposal of the Council's freehold interest in land at Worrygoose Lane, Whiston, as per the attached plan in Appendix 1.
2. Delegate authority to the Service Director Property and Facilities Services to carry out and complete all necessary and related activities to give effect to the

disposal, including completion of legal documentation and receipt of all monies due to the Council, net of any fees or charges due.

### **List of Appendices Included**

- Appendix 1 Plan and Photo of site
- Appendix 2 Legal & Financial information (exempt)
- Appendix 3 Part A - Initial Equality Screening Assessment
- Appendix 4 Carbon Impact Assessment (CIA640)

### **Background Papers**

None

### **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No

### **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 as it contains information relating to the financial and business affairs of the Council and third parties, together with legal advice and risk assessment concerning a live commercial transaction. It is therefore exempt from publication under Paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972

## **Disposal of land at Worrygoose Lane Whiston**

### **1. Background**

- 1.1 The Council owns a narrow strip of land at Worrygoose Lane, Whiston, which is surplus to operational requirements and sits between the adopted highway and adjoining privately-owned land. The land is required to provide lawful access to a residential site allocated within the Council's adopted Local Plan and therefore represents a ransom strip, without control of which the wider site cannot be developed.
- 1.2 Following engagement with the adjoining landowners and the developer, the Council obtained independent valuation advice from the District Valuer to establish the value of the Council's land as a ransom strip. This valuation informed subsequent negotiations and provided assurance that the terms ultimately agreed reflect market value, taking account of relevant abnormal development costs.
- 1.3 During the course of negotiations, a number of offers were made by the developer and adjoining landowners. At one stage, all offers were withdrawn while alternative options for accessing the site were explored, resulting in a period of limited engagement with the Council. At a later stage, a change in developer and a refreshed commercial approach led to negotiations being re-opened and ultimately concluding in a final agreed offer of £4.5m for the Council's land.
- 1.4 To facilitate the transaction, an Option Agreement was entered into between the relevant parties, setting out the agreed commercial terms and the mechanism by which the adjacent landowners could require the transfer of the Council's land direct to the developer within a defined timeframe.
- 1.5 The Option Agreement was entered into by officers prior to the disposal being formally considered and approved by Cabinet. This report therefore seeks Cabinet approval to regularise the governance position and to determine whether the disposal should proceed.
- 1.6 Notice under the Option Agreement was served on 21 April requiring completion by 6 May, which has now passed. While this position has contractual implications for the Council, this does not diminish or fetter Cabinet's ability to determine whether the disposal should proceed. Cabinet is being asked to consider and determine the disposal notwithstanding the contractual position. Should Cabinet resolve not to approve the disposal, the Council will be required to address and manage the resulting legal and financial implications.
- 1.7 The disposal forms part of a linked transaction. While the Council entered into the Option Agreement with the adjoining landowners, the Council's land will, in accordance with the terms of the Option Agreement, be transferred to Miller Homes, once all monies due to the Council have been received.

1.8 The disposal enables the realisation of value from a Council-owned asset and also enables delivery of a wider residential development, including affordable housing, as already identified within the Council's Local Plan and wider objectives to deliver new residential and affordable residential across the Borough.

## **2. Key Issues**

2.1 The land is in Council ownership and is surplus to operational requirements.

2.2 The land provides the only practical means of access to a residential site allocated through the Local Plan.

2.3 Independent valuation advice has been obtained from the District Valuer.

2.4 An Option Agreement relating to the disposal has been entered into and exercised.

2.5 Approval secures a capital receipt of £4.5m for the Council.

2.6 As the contractual completion date of 6 May has passed, the Council must actively manage the contractual and financial implications associated with non-completion pending Cabinet's decision. This position is relevant to timing but does not alter Cabinet's ability to approve or refuse the disposal.

## **3. Options considered and recommended proposal**

3.1 Option 1 – Approve the Disposal (Recommended)

3.2 Approve the disposal of the Council's land at Worrygoose Lane and delegate authority to the Service Director Property and Facilities Services to complete the transaction.

3.3 This option:

- Regularises the governance position in respect of the existing Option Agreement;
- Unlocks a Local Plan housing site;
- Secures a significant capital receipt for the Council; and
- Enables delivery of affordable housing and wider residential development, as part of the Council's objectives to deliver new residential and affordable residential across the Borough.

3.4 Option 2 – Do Not Approve the Disposal

3.5 Retain the land in Council ownership.

3.6 This option would:

- Forego the agreed capital receipt;
- Prevent delivery of affordable housing and wider residential development;
- Require the Council to address any contractual implications within the Options Agreement;
- Not enable the Council to meet its strategic obligations under the Local Plan.

#### **4. Consultation on proposal**

4.1 Consultation was undertaken on the development of the overall site as part of the formal Planning Process. Formal consultation has also taken place as part of the development of the Council Local Plan in bringing this site forward within the Plan for future Housing development.

#### **5. Timetable and Accountability for Implementing this Decision**

5.1 Should Cabinet approve the disposal, it is expected the matter will be completed as soon as possible following approval. This report seeks approval to dispose of the land to the developer as they have exercised the Option Agreement.

#### **6. Financial and Procurement Advice and Implications**

6.1 This report recommends disposal of land, and the financial implications of this decision are covered in the exempt Appendix 2. Should Cabinet accept this recommendation, the Council will receive a £4.5m capital receipt. This will be utilised in line with the Council's Flexible Use of Capital Receipts Strategy 2026/27 which was approved as part of the Council's Budget and Council Tax Report 2026/27.

6.2 Further confidential financial advice is contained within Appendix 2.

#### **7. Legal Advice and Implications**

7.1 As specified in the body of this report, an Option Agreement relating to the land has already been exchanged and exercised. Cabinet approval is required to authorise completion of the disposal. Failure to proceed would require the Council to manage the resulting contractual implications.

7.2 In exercising its powers to dispose of land, the Council is required to comply with its statutory obligations under Section 123 of the Local Government Act 1972 to achieve best consideration, unless specific consent applies. The proposed disposal has been informed by independent valuation advice and the commercial terms have been structured to support compliance with these statutory requirements. Cabinet is therefore required to be satisfied that the disposal represents an appropriate exercise of the Council's powers and is consistent with its duty to secure value for the authority when disposing of land.

7.3 Approval of the recommendations would provide the necessary authority for officers to complete the disposal in accordance with the Council's Constitution, and to exercise the delegated powers set out in this report.

7.4 Further confidential legal advice is contained within Appendix 2.

## **8. Human Resources Advice and Implications**

8.1 There are no Human Resource implications associated with sale of the land at Worrygoose Lane.

## **9. Implications for Children and Young People and Vulnerable Adults**

9.1 There are no Children and Young People and Vulnerable Adults implications associated with the sale of the land at Worrygoose Lane.

## **10. Equalities and Human Rights Advice and Implications**

10.1 There are no Equalities or Human Rights implications with the sale of the land at Worrygoose Lane. Impact Assessment completed (Appendix 3.)

## **11. Implications for CO2 Emissions and Climate Change**

11.1 The land that is identified for disposal is not of significant size to impact on any elements of Climate, Carbon Impact or Bio-diversity as part of the Council's goal of achieving Net Zero by 2030 (Council Operations) or 2040 Borough Wide targets.

## **12. Implications for Partners**

12.1 Approval of the disposal enables the delivery of a wider residential development by the appointed developer and adjoining landowners, in line with the Council's adopted Local Plan. Completion of the transaction provides certainty for those partners and enables the progression of the consented scheme.

## **13. Risks and Mitigation**

13.1 If Cabinet does not approve the disposal of the land at Worrygoose Lane, the Council will be unable to complete the transaction and would forego a capital receipt of £4.5m.

13.2 *Mitigation:*  
Cabinet approval of the disposal enables completion of the transaction and receipt of the agreed capital sum.

13.3 If the disposal does not proceed, the development of a residential site allocated in the Council's adopted Local Plan would be prevented. This would delay housing delivery, including affordable housing, and undermine the implementation of the Local Plan at this location.

- 13.4 *Mitigation:*  
Approval of the disposal enables delivery of the allocated site in line with adopted planning policy.
- 13.5 The Option Agreement relating to the Council's land has been exercised and the contractual completion date of 6 May has passed. Continued non-completion exposes the Council to contractual consequences, including the potential accrual of interest or other costs, which increase the longer the position remains unresolved.
- 13.6 While this position does not fetter Cabinet's ability to determine the outcome, it represents a growing financial risk to the Council.
- 13.7 *Mitigation:*  
Cabinet determination of whether the disposal should proceed provides clarity and, if approved, enables prompt completion to minimise further exposure.

**14. Accountable Officers**

Tim Hartley, Head of Property

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	John Edwards	15/05/26
Executive Director of Corporate Services (S.151 Officer)	Judith Badger	13/05/26
Service Director of Legal Services (Monitoring Officer)	Phil Horsfield	13/05/26

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