

**TO: EXECUTIVE
24 JANUARY 2017**

**LONDON ROAD (STRONGS HEATH) LANDFILL SITE, PART DISPOSAL
Director of Corporate Services**

1 PURPOSE OF REPORT

- 1.1 To consider an offer for part of the Strong's Heath Landfill site, which could support a larger housing scheme when joined with neighbouring land. This offer was unsolicited and would be subject to a successful planning application.

2 RECOMMENDATIONS

- 2.1 **That the Chief Officer: Property is authorised to negotiate and conclude a sale subject to 2.2 that is in accordance with the general terms set out in section 5.**
- 2.2 **That the agreement to the sale of at least 3 of the other Berkshire Authorities is requested, pursuant to the Berkshire Unitary Authorities land agreement following creation of the Unitary Authorities.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 Bracknell Forest has received an unsolicited, subject to planning, offer of £400,000 for 0.98 ha of the site. This piece of land is not part of the former landfill area of Strong's Heath site but is adjacent to it. The Council has a duty to consider this offer.
- 3.2 Under the terms of the land transfer from the former Berkshire County Council to the Berkshire Unitary Authorities, Bracknell Forest BC is the freeholder of this land and responsible for the maintenance of the site, at the joint cost of the Unitary Authorities, and is required to obtain the agreement of at least 4 of the 6 Berkshire Unitary Authorities to any sale.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not to sell and retain this as part of the whole site, but accept the risk of legal action as detailed in the Restricted Annex B.
- 4.2 To consider an open market sale along with the remainder of the site and accept the risk set out in Restricted Annex B.

5 SUPPORTING INFORMATION

- 5.1 Bracknell Forest Council owns the freehold of land at London Road which includes the former public waste site. A plan of the land and the area subject to the offer, which may be subject to change and final agreement, is attached. (Annex A).
- 5.2 The inter authority agreement of 31 March 1998, on the cessation of Berkshire County Council, provides that the site is to be disposed of when it is expedient to do so. The responsibility and shared liability for this site continues in perpetuity in the absence of any disposal.

Unrestricted

- 5.3 All authorities must meet the statutory obligations of best consideration for the sale of any asset. However, there are some provisions under a statutory instrument to dispose of land and property for less than best consideration (up to £2m in value) on certain grounds; environmental reasons are one such ground.
- 5.4 The owner of adjoining land to the Strongs Heath landfill site has been working on a planning application for the land they own. The scheme on their land is for up to 60 housing units. They have approached the Council to purchase the land shown on the plan extending to approximately 0.98 ha (to be agreed), to improve the access and flow around their development, and they are working to increase the number of units by 6 by developing the combined sites. The combined site may seek access off Longhill Road and will provide an overall lower density which is likely to increase the overall values per unit. However, this is entirely subject to planning permission.
- 5.5 The proposed purchase of the Council's land is subject to planning permission and no discussions have been made as to the acceptability of any development scheme in the context of the land sale.
- 5.6 The offer from the developer to purchase this area of land is attractive. The Chief Officer: Property with external valuation support, also believes the total offer does represent best consideration, in light of the information set out in Annex B.
- 5.7 The current offer also proposes a bentonite wall (costing around £1.37m) being installed by the developer around the boundary to prevent against contamination. This is in addition to the £400,000 purchase offer. The developer also agrees an indemnity against any compensation claim on their land.
- 5.8 Within the terms of the agreement with the Berkshire authorities, they all share the ongoing responsibility for the monitoring, control and cost of managing the land as well as any risks. The joint authorities also share any capital receipts (and costs).
- 5.9 The value of the indemnity being proposed by the developer, whilst significant, cannot be quantified because there are no current claims and a claim in the future whilst potentially valid cannot be ascertained at the present time.
- 5.10 It is recommended that this offer from the developer is accepted.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Legal advice has been sought and is included in the exempt Annex to this report.

Borough Treasurer

- 6.2 The financial implications arising from the disposal of the site are summarised in the supporting information. Whilst the capital receipt is not substantial, especially where shared between the six Berkshire authorities, if the sale reduces exposure to future significant, unquantifiable, financial risks the transaction is supported by a sound business case.

Chief Officer Planning and Transportation

- 6.3 The area of land in question falls outside of settlement and is currently identified as land in the countryside. The site is covered by woodland and as such this provides a wooded setting to Longhill Road. The trees are not covered by a Tree Preservation Order but do create a constraint to development of this site. As the Council cannot currently demonstrate a five year supply of housing, an additional six units would need to be considered under the “presumption in favour of sustainable development” which is set out in the National Planning Policy Framework (NPPF).

Chief Officer: Environment and Public Protection

- 6.4 Comments are incorporated in the report and the Restricted Annex B.

Equalities Impact Assessment

- 6.5 N/A

Strategic Risk Management Issues

- 6.6 The Council currently manages the gas migration under licence from the Environment Agency. There is an annual cost of circa £270k of which Bracknell Forest Council's share is £37k.

7 CONSULTATION

Principal Groups Consulted

Berkshire Chief Executives to be consulted.

Method of Consultation

Meeting to be held.

Representations Received

To be reported subsequently.

Background Papers

Annex A – Site Plan

Annex B – Confidential supporting information

Contact for further information

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