

REPORT OF THE LEADER OF THE COUNTY COUNCIL**DISPOSAL OF BAILEY'S FIELD, NEWARK****Purpose of the Report**

1. To seek approval for the sale of a 2.03 Ha (5 acre) site at Bailey's Field, off Barnby Road, Balderton, Newark on terms detailed in the exempt appendix.

Information

2. Some information relating to this report is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972. Having regard to the circumstances, on balance the public interest in disclosing the information does not outweigh the reason for exemption because divulging the information would significantly damage the Council's commercial position. The exempt information is set out in the exempt appendix to this report.
3. Bailey's Field was originally used as the playing fields for the former Magdalene School and is indicated edged black and hatched on the attached plan. Since the closure of that school, the land has been disused (for over 12 years) and is surplus to the operational requirements of the Council. The land is some 2.03 hectares but is accessed by a very narrow track from Barnby Road. This access is too narrow for any form of development to be contemplated via that route, without the purchase of additional (third party owned) land.
4. For this reason the Council has worked with adjoining land owners in seeking to promote the development of our respective land holdings in a coordinated manner and in November 2016 Committee previously approved the sale of Bailey's Field as part of a joint initiative with adjoining owners to a housing developer. The adjoining landowners land is indicated hatched grey on the adjoining plan. The terms of sale were subject to the purchaser achieving planning consent for their proposed residential development and this sale collapsed with their inability to gain planning consent, finally at appeal in December 2019.
5. The original proposed developer approached the landowners once more in May 2020 with a view to negotiating amended terms for entering into another contract to purchase subject to planning consent being achieved. They propose making a new planning application which addresses the issues raised at the appeal hearing which would mean there will no longer be any housing development on London Road, no development will take place near to the eastern boundary and they will comply with Newark and Sherwood District Council's affordable housing policy.

6. The purchaser holds an option over the adjoining land to the west which is considered to be the only suitable option for water attenuation due to the topography of the site and without this any other developer would be unable to bring the site forward for development.
7. The Council has engaged with the adjoining landowners in sole negotiations with the proposed purchaser and has not marketed the site more widely. This is due to the limited access (as previously described), the proposed purchaser's detailed knowledge of the site and its issues, and their current option over water attenuation land without which the site is undevelopable. In accordance with Financial Regulations, the Council's Group Manager (Legal Services) and the Section 151 Officer (Service Director, Finance Infrastructure and Improvement) have been consulted regarding the circumstances of the disposal and have agreed that it is appropriate to proceed on this basis. This analysis is supported by an independent valuation of the site by independent chartered surveyors which confirms the view that the sale proceeds represent best consideration to the Council.
8. Terms have therefore been agreed as outlined in the exempt appendix to this report.

Other Options Considered

9. Retention of the land: this land is not required for any operational purpose of the Council and is surplus to requirements. It can therefore be sold to generate a capital receipt.

Reason/s for Recommendation/s

10. The site is land locked and is not suitable for any development on its own. Working with a developer will secure a significant uplift over its existing value. The existing developer has an option agreement on the only land suitable for the development site's water attenuation and has a full understanding at what is now required to achieve a successful planning application. To generate a potential capital receipt to the Council from the sale of a surplus site.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

- 1) That approval is given to the sale of the land known as Bailey's Field, off Barnby Road, Balderton, Newark, on terms detailed in the exempt appendix.

Councillor Mrs Kay Cutts MBE
Leader of the County Council

For any enquiries about this report please contact: Matthew Neal, Service Director,
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Constitutional Comments (CJ 25/02/2021)

12. The recommendation falls within the remit of Policy Committee under its terms of reference. The Council is under a statutory obligation when disposing of land or buildings to obtain the best price reasonably obtainable on the open market, therefore members should satisfy themselves of this. If the Council has any retained land the effect on the value and use of it must be considered.

Financial Comments (CT 04/03/2021)

13. The financial implications of this report are contained within the Exempt Appendix. The report states that independent chartered surveyors have confirmed the view that the sale proceeds represent best consideration to the Council. In line with the Council's current policy, the capital receipt will be used either to fund transformation costs or will be set against the principal of previous years' borrowing.

Background Papers and Published Documents

- None.

Electoral Division and Member Affected

- Newark East Councillor Stuart Wallace

File ref.: SK/SB/90020/new

SP: 3787

Properties affected: 90020: Newark Playing Fields