

**2 November 2021****Agenda Item: 10****REPORT OF THE SERVICE DIRECTOR, INVESTMENT AND GROWTH****SALE OF LAND AT FAIRHAM PASTURES, CLIFTON****Purpose of the Report**

1. To seek approval to the sale of land at Fairham Pastures, Clifton to Homes England.

**Information**

2. This report contains an exempt appendix, which is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) (Information relating to any individual and the business affairs of a particular person (including the authority holding that information). 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, disclosure of this information would prejudice the parties commercial interests.
3. Homes England and Clowes Developments are jointly promoting development of a large mixed development sustainable urban extension adjacent to Clifton in Rushcliffe. The development will provide up to 3,000 dwellings, a local centre, 50 acres of employment land and school facilities. Outline planning consent for the masterplan was achieved in May 2019.
4. As part of the highway infrastructure works subsequently undertaken to support the development Nottingham Road had been realigned by the promoters providing a staggered junction and this has left County Council land which formerly formed part of the highway available for inclusion in the development site. The land is indicated edged black on the attached plan. Homes England has approached the Council with a view to purchasing this land which amounts to approximately 0.67 acres to include in their sale of their first phase in a multi-phase scheme to a housing developer. The current highway status of the land will need to be stopped up prior to any development taking place.
5. Terms have therefore been agreed as outlined in the exempt appendix to this report. The land coloured grey includes the route of the realigned highway and some land which may be surplus to highway requirements and may form part of a later negotiation when proposals for bringing the plot adjacent to that come forward.
6. Sale to Homes England on a directly negotiated basis would be a departure from the Councils usual policy of disposing of property on the open market. However, the circumstances of this site mean that it is of limited marketability and value on the open market, but the capital receipt can be maximised by sale to the adjacent owner for inclusion in their development site.

Through this method of sale, the Council is able to negotiate a special purchaser bid in excess of market value through sale to adjacent owner.

7. As the proposed sale is a disposal to a single party the Council needs to ensure that this is consistent with the requirements of section 17.5.5 of the Council's Financial Regulations. Therefore, the Group Manager, Legal Services and Section 151 Officer have been consulted in respect of this proposed transaction and whether it is appropriate to proceed.

### **Other Options Considered**

8. The County Council could retain the land but it would become a maintenance burden. The land is not marketable on the open market.

### **Reasons for Recommendation**

9. Sale to Homes England to achieve a significant capital receipt and enable the site to be brought forward for development is considered the preferred route forwards.

### **Statutory and Policy Implications**

10. 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.

### **Financial Implications**

11. The proposed sale will bring in a capital receipt to the Council.

### **Implications for Sustainability and the Environment**

12. The land will be integrated into the development of a sustainable urban extension.

## **RECOMMENDATION**

- 1) It is recommended that Committee approve the sale of the freehold interest with vacant possession of 0.67 acres of land at Fairham Pastures, Clifton on the terms outlined in the exempt appendix to this report.

**Matthew Neal**  
**Service Director, Investment and Growth**

**For any enquiries about this report please contact:** Neil Gamble, Group Manager, Property Asset Management, Tel: 0115 9773045

### **Constitutional Comments (CJ 20/10/2021)**

13. The recommendation falls within the remit of Economic Development and Asset Management Committee under its terms of reference. As a private treaty disposal to a single party / special purchaser, in accordance with 17.5.5 of the Council's Financial Regulations consultation must

be undertaken with the Group Manager, Legal Services and Section 151 Officer as to whether it is appropriate to proceed.

### **Financial Comments (GB 04/10/2021)**

14. The report states that the disposal terms maximise the capital receipt. In line with the Council's current policy, the capital receipt will be used either to fund on-off costs of transformation or will be set against the principal of previous years' borrowing.

### **Background Papers and Published Documents**

- None

### **Electoral Division(s) and Member(s) Affected**

- Leake and Ruddington: Councillors Reg Adair and Matt Barney