

17 December 2012

Agenda Item: 10(c)

**REPORT OF SERVICE DIRECTOR TRANSPORT, PROPERTY &
ENVIRONMENT****COMMERCIAL / EMPLOYMENT SITE (3.6 HECTARES), TOP WIGHAY
FARM, ANNESLEY ROAD, HUCKNALL - SALE BY CONDITIONAL
CONTRACT****Purpose of the Report**

1. To approve the terms for the sale of an 3.6 hectare (8.8 acres) commercial/employment site by conditional contract

Information and Advice

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 Some information relating to this report is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972.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 confidential Exempt Annex.
3. At its meeting in September 2012, Finance and Property Committee approved the selection of a "preferred development partner" to work with the Council to deliver the development of part of the allocated commercial / employment site at Top Wighay Farm, north of Hucknall.
4. One objective in selecting a preferred developer at this stage was to allow a period of exclusive negotiations with the selected party to finalise the complex contractual terms for the conditional land sale to the developer. Those negotiations have now taken place and terms are agreed [subject to Committee approval]. These terms and conditions will allow solicitors to be instructed to conclude contracts with the development partner. Once this has occurred, the development partner will be in a position to bring forward a planning application for the development of the site in the joint names of the developer and the County Council.
5. The proposed terms of the conditional land contract are outlined in the Exempt Annex.
6. For information, targeted marketing has now commenced to find a development partner for the first of the residential development sites at Top Wighay Farm and a Report will be presented to a future meeting of the Committee on the terms of that disposal. It is likely that a planning application for this first phase housing development will run broadly in parallel with the forthcoming application for the development of the commercial site. Future phases of residential development land

will be brought to the market against a planned timetable aimed at matching likely developer demand for the release of sites.

Other Options Considered

7. The selection objectives for the choice of preferred developer were outlined in the Report to Committee in September 2012, along with summaries of the various development and financial proposals submitted by each interested party.
8. The complex inter-relationship between commercial sensitivity, planning permission and land values makes a conditional contract the only realistic way forward for the sale of this site. Other methods of disposal, for example via auction, would not yield best value for the County Council.

Reason/s for Recommendation/s

9. To ensure the disposal of part of the commercial site. Approval of the terms will allow appointment of solicitors, to work towards early exchange of contracts.

Statutory and Policy Implications

10. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That the terms of the conditional contract for the sale of the site be approved.

Jas Hundal

Service Director – Transport, Property & Environment

For any enquiries about this report please contact: Ian Brearley 07775 541 641

Constitutional Comments (SSR 3-Dec-2012)

11. This decision falls within the scope of decisions that may be approved by the Finance and Property Committee. The Council is required to obtain the best price that is reasonably obtainable for the sale of land under S123 of the Local Government Act, 1972, failing which it must comply with the General Disposal Consent Order. These are matters which the decision makers must be satisfied before approving the recommendation.

Financial Comments (CS 28.11.12)

12. As reported earlier, this development should ultimately lead to significant capital receipts, which in turn would be used to help fund the Capital Programme.

The potential value of this particular area is contained within the exempt appendix. At this stage it is envisaged that the developers would incur the upfront costs for off-site highways and infrastructure etc. However, should it be later deemed more appropriate for the County Council to procure these directly then formal approval and funding for this outlay would be required. In this scenario, the County Council's capital receipt would increase and the net financial benefit would be broadly the same.

Provision will need to be made for any statutory compensation.

Background Papers

13. None.

Electoral Division(s) and Member(s) Affected

14. Ward(s): Newstead
Member(s): Cllr Chris Barnfather

File ref.: /IB/SL/
SP: 2347
Properties affected: 00077 - Top Wighay Farm