

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4447

Author:

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Department:

Growth and City Development

Contact:

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Subject:

Sale of part of Sellers Wood Farm Nottingham

Total Value:

exempt (Type: Capital)

Decision Being Taken:

To declare 48.21 acres of agricultural land being part of Sellers Wood Farm, Nuthall Nottingham surplus to the Trading Account and approximately 17.82 acres including 4.82 acres of Sellers Wood surplus to the Leisure Portfolio and make the freeholds available for disposal. Noting no alternative operational, regeneration, community or other requirements have been identified.

To delegate authority to the Corporate Director of Growth and City Development in conjunction with the Director of Economic Development and Property to agree the method and terms for the sale of the freehold interest as set out in the exempt appendix.

To delegate authority to the Director of Economic Development and Property to agree any necessary internal land swap between portfolios, a deed of overage, revised agricultural leases and any rights of way, easements or wayleaves that may be required to achieve a disposal.

To delegate authority to the Director of Economic Development and Property to agree the acquisition of a small parcel of land at the entrance to High Wood Cemetery in order to widen the entrance from the adopted highway.

The receipt will be held as a Corporate Capital Receipt and used in accordance with the Capital Strategy.

Reasons for the Decision(s) The land to be sold forms part of the Trading Account and Leisure Portfolios, and is currently let to the same tenant farmer under a Farms Business Tenancy drafted under legislation contained within the Agricultural Tenancies Act 1985. The Council's assets are landlocked and cannot be accessed for development.

An approach has been made to the adjoining land owner who benefits from a road frontage to enquire if they were interested in a joint marketing exercise or acquisition of the Council's land to add to their land bank. The adjacent land owner is a national house builder and has made an unconditional offer to buy the land outlined in the attached plan off market to add to their land bank for future development.

The Leisure land is currently strategically held for the future expansion plans of the High Wood Cemetery. It is therefore proposed to replace the land being lost by sale (marked B on the attached plan) by transferring a roughly equivalent area of Trading Account land (marked A on the attached plan) to Leisure. This has been agreed in a meeting held on 27 July 2021 with the Head of Public Realm.

The proposed purchaser owns the land adjacent to the Cemetery entrance and has agreed to transfer a small part of its ownership for a nominal sum to enable the cemetery entrance to be widened at some stage in the future.

Briefing notes documents: Approximately 48.21 acres 2 part of Sellers Wood Farm.pdf

Other Options Considered: Not to sell the land: this option has been rejected as an offer and suitable terms have been agreed with the proposed purchaser. There is no investment reason to retain a low-income investment of this nature. See published documents.

Background Papers: The committee plan showing the land swap and proposed land to be acquired.

Unpublished background papers: Committee plan with Ownership.pdf

Published Works: DDM 4228 - Sale of Various Agricultural Assets dated 25 May 2021

Affected Wards: Citywide

Colleague / Councillor Interests: None

Any Information Exempt from publication: Yes

Exempt Information:

Description of what is exempt:

The exempt appendix which contains valuation information and the expected capital receipt.

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it contains information regarding valuation, future overage and expected capital receipt. To make this information publicly available could prejudice the council's position.

Documents exempt from publication:

Sellers Wood Farm.docx, Exempt Appendix Sellers Wood Farm.doc

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

None

Equality:

EIA not required. Reasons: This report does not contain proposals for new or changing policies, services or functions, or decisions about the implementation of policies developed outside of the administrative boundary of Nottingham City Council.

Relates to Council Property Assets:

Yes

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

30/11/2021

Advice Sought:

Legal, Finance, Property, Other: Eddie Curry(eddie.curry@nottinghamcity.gov.uk)

Legal Advice: From the information provided by the author of the report and on further discussion there are no significant concerns with the following transactions;

- 1) The sale of land will be subject to negotiation, agreement and completion of formal documents agreed between the parties. There will also be a clawback restriction in favour of the seller;
- 2) The variation of the agricultural lease will be subject to negotiation, agreement and completion of formal documents between the existing parties; and
- 3) The purchase of land shall be subject to negotiation, agreement and completion of formal documents agreed between the parties.

Advice provided by Joanne Backhouse (Senior Solicitor in the Legal Conveyancing team) on 20/10/2021.

Finance Advice: This advice is exempt from publication and is contained within an exempt appendix Advice provided by Susan Tytherleigh (Senior Finance Manager) on 11/11/2021.

Property Advice: Property Services are the authors of the decision which is supported. The transaction allows the Council to fulfill its requirements operationally whilst seeking a substantial capital receipt for a small loss of revenue. The decision has passed through the Asset Rationalisation process and has been supported by the Corporate Asset Management Group and Asset Rationalisation Board. Advice provided by Beverley Gouveia (Disposals & Development Manager) on 11/11/2021.

Other Advice: The proposed land swap and sale of land at Highwood Cemetery is agreed by the Public Realm Service subject to any future development taking due consideration for the Biodiversity on the site and how the development will take into consideration and mitigate any negative impacts on the adjacent SSSI Sellers Wood site. Detailed Biodiversity surveys and landscape mitigation plans will need to be carried out and agreed prior to any development taking place.

Advice provided by Eddie Curry (Head of Public Realm) on 05/11/2021.

Signatures

David Mellen (Leader/ PH Strategic Regeneration Communications)
SIGNED and Dated: 23/11/2021
Sajeeda Rose (Corporate Director of Growth & City Development)
SIGNED and Dated: 23/11/2021