

Regeneration and Property Committee	
Meeting Date	March 2023
Report Title	Land at Brielle Way, West Minster, Sheerness – Declare Surplus
EMT Lead	Emma Wiggins Director of Regeneration and Neighbourhoods
Head of Service	Joanne Johnson Head of Regeneration, Economic Development and Property
Lead Officer	David Johnson MRICS Interim Property Services Manager
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. To declare the Land at Brielle Way surplus and delegate to the Head of Regeneration, Economic Development and Property to market the property and agree terms for a freehold disposal. 2. That authority is delegated to the Head of Regeneration, Economic Development and Property in consultation with the Head of Mid Kent Legal Services to complete the necessary legal formalities to affect a freehold sale of the land at Brielle Way

1 Purpose of Report and Executive Summary

- 1.1 It is government policy that local authorities should dispose of surplus and under-used land and property wherever possible. This report recommends disposal of the Council owned land (as shown edged and hatched black on the attached plan (Appendix I).
- 1.2 The site is allocated in the Swale Borough Local Plan for employment development and has been vacant for a number of years having been marketing in 2010 with no interest and then subject to a proposal, subject to planning, in 2013.
- 1.3 The Planning for the 2013 proposal has been closed and the freehold sale is no longer progressing with that party.
- 1.4 The Council owned land is surplus to its requirements and a disposal of the asset for a beneficial use would reduce the Council's liabilities, generate a capital receipt and while promoting economic development.

2 Background

- 2.1 The site, which extends to approximately 3.4 acres, was marketed by Harrisons Chartered Surveyors between 2010 and 2013, during which time they obtained the previous Subject top Planning Proposal.
- 2.2 The site was allocated for employment development in the adopted Swale Borough Local Plan 2008 and again for Employment Allocations in the Adopted Local Plan for Swale 2017. Despite this the site has remained vacant and undeveloped.
- 2.3 The site is part of an area subject to slum clearance in the 1970's. The cleared land was improved in the mid 1980's with government grant assistance to provide extensive infrastructure and site reclamation work. There was various interest and proposals for the site during the 1990's which did not proceed. The most southerly part of the original site was purchased by Sheppey Industries and has remained undeveloped.
- 2.4 Following an earlier marketing campaign in 2004 an offer was accepted subject to planning permission. A subsequent planning application for non-food retail warehouse and business unit mixed use development was refused by the Secretary of State having been called in. The developer then withdrew from the purchase.
- 2.5 A further subject to planning offer was received in 2013 from Sheppey Industries, owners of the adjoining site, who proposed to purchase the site for the development of a business park of predominantly small units.
- 2.6 Exempt - Appendix 2.
- 2.7 Sheppey Industries submitted a planning application in May 2015 for both the site in their ownership and the Council's site under planning application 15/503464/OUT for "Outline application for 7650sqm of B1 (light industrial/high tech) and B8 (trade counter distribution and/or storage and distribution) across a 3.7 hectare site, consisting of 2 B1 buildings and 2 B8 buildings with associated landscaping, parking, bike stand, delivery area, sustainable drainage, soft buffers for noise and light and addresses the national cycleway that crosses the site at present. (all matters reserved)".
- 2.8 The Council's Planning department notified Sheppey Industries' agents in September 2022 that the planning application 15/503464/OUT was being closed due to lack of progress, under The Town and Country Planning Act 1990 Article 40(13).
- 2.9 Exempt - Appendix 2
- 2.10 Exempt - Appendix 2
- 2.11 It should be noted that the sale of this site on a subject to planning basis or an unrestricted freehold basis will not guarantee the development of the site for a beneficial use. If the Council wishes to ensure development on this site it would need to either enter into a joint venture or undertake the development itself.

3 **Proposals**

- 3.1 To declare the Land at Brielle Way surplus and delegate to the Head of Regeneration, Economic Development and Property to market the property, negotiate a sale and agree terms for a freehold disposal.
- 3.2 That authority is delegated to the Head of Regeneration, Economic Development and Property in consultation with the Head of Mid Kent Legal Services to complete the necessary legal formalities to affect a freehold sale of the land at Brielle Way

4. **Alternative Options**

- 4.1 Option 1. Do nothing and retain the assets.

The Council will require to commit to the capital expenditure in maintaining the site and dealing with unauthorised incursions and fly tipping on the site. This option is considered to be financially unviable for the Council and generates no positive economic or financial gain for the Council or its residents.

Option 2: Redevelop, The Council intends to develop the site for another beneficial use.

The asset could be assessed and there is the opportunity for planning gain potentially for housing or commercial redevelopment. Redevelopment of the site poses a substantial risk and cost due to the planning constraints affecting the site and is considered financially unviable for the Council to undertake.

5 **Consultation Undertaken or Proposed**

- 5.1 None undertaken or proposed.

6 **Implications**

Issue	Implications
Corporate Plan	The proposal supports Renewing local democracy and making the Council fit for the future by disposing of surplus land and achieving, if possible, a capital receipt, or reducing ongoing liabilities.
Financial, Resource and Property	<p>The proposal looks to reduce the Council's on-going liability for maintaining and insuring the site and the ongoing costs in dealing with unauthorised incursions and fly tipping. The costs of dealing with fly tipping is estimated to have been in excess of £10,000 in the last 12 months.</p> <p>The proposal will generate a significant Capital Receipt.</p>

Legal, Statutory and Procurement	Any proposed disposal will be for the best consideration reasonably obtainable in accordance with section 123 of the Local Government Act 1972.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix 1: Site Plan
- Appendix 2: Exempt items

8 Background Papers

None