



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Special Cabinet

At: Council Chamber - Guildhall, Swansea

On: Friday, 28 February 2020

Time: 10.00 am

Chair: Councillor Rob Stewart

Membership:

Councillors: M C Child, R Francis-Davies, D H Hopkins, A S Lewis, C E Lloyd, S Pritchard, J A Raynor, A H Stevens and M Thomas

Also Invited: E J King & A Pugh

Webcasting: This meeting may be filmed for live or subsequent broadcast via the Council's Internet Site. By entering the Council Chamber you are consenting to be filmed and the possible use of those images and sound recordings for webcasting and / or training purposes.

You are welcome to speak Welsh in the meeting.

Please inform us by noon, two working days before the meeting.

Agenda

Page No.

1. **Apologies for Absence.**
2. **Disclosures of Personal and Prejudicial Interests.**
www.swansea.gov.uk/disclosuresofinterests
3. **Announcements of the Leader of the Council.**
4. **Public Question Time.**
Questions must relate to matters on the open part of the Agenda of the meeting and will be dealt with in a 10 minute period.
5. **Councillors' Question Time.**
6. **Sale of Land at Gower View Road – Gwyn Faen Farm.** 1 - 8

** Call In Procedure - Subject to Pre-Decision Scrutiny: This decision is exempt from the Authority's Call In Procedure as "the decision has been subject to Pre-Decision Scrutiny and there is no material change in relevant information / evidence".*

**** Call In Procedure - Urgency:** *This decision is exempt from the Authority's Call In Procedure as "either the Head of Paid Service, the Section 151 Officer or the Monitoring Officer certifies that any delay likely to be caused by the Call In Procedure could seriously prejudice the Council or the Public Interest including failure to comply with Statutory requirements".*

Next Meeting: Thursday, 19 March 2020 at 10.00 am



Huw Evans
Head of Democratic Services
Thursday, 20 February 2020

Contact: Democratic Services - Tel: (01792) 636923

Agenda Item 6.



Joint Report of the Cabinet Member for Delivery and Performance and Cabinet Member for Homes, Energy and Service Transformation

Special Cabinet – 28 February 2020

Sale of Land at Gower View Road – Gwyn Faen Farm

Purpose:	To request consent to dispose of surplus land at Gwynfaen Farm, at best consideration, for a sum in excess of delegated authority limits.
Policy Framework:	Asset Management Plan 2017-2021
Consultation:	Housing, Access to Services, Finance, Legal and Education.
Recommendation(s):	It is recommended that: <ol style="list-style-type: none">1) Cabinet having considered the verbal report outlining the response to the public open space statutory consultation process approve the disposal of the land.2) Subject to the approval of recommendation 1, authority is delegated to the Director of Place in conjunction with the Cabinet Member for Delivery and Performance and the Cabinet Member for Homes, Energy and Service Transformation to negotiate the final Heads of Terms and to take all necessary actions to finalise the disposal.3) Authority is delegated to the Chief Legal Officer to enter into any documentation necessary to complete the transaction.
Report Author:	Richard John/Carol Morgan
Finance Officer:	Jayne James/Ben Smith
Legal Officer:	Debbie Smith
Access to Services Officer:	Rhian Miller

1.0 Introduction

- 1.1 Swansea Council owns the freehold of approximately 3.74 acres of Housing Revenue Account (HRA) land known as Land at Gwynfaen farm, Gorseinon.

This site adjoins a larger Welsh Government land holding of approximately 12 acres. Outline planning consent for residential development was granted over the combined sites in April 2010.

- 1.2 Subsequent to the grant of outline planning consent Swansea Council and the Welsh Government entered into a Joint Venture, (JV) agreement, to promote and sell the combined land for residential development.
- 1.3 Two Registered Social Landlords (RSLs), working collaboratively and with potential grant funding from the Welsh Government to make the development carbon neutral, have requested to be allowed to purchase the land at the combined sites at market value in order to develop 145 housing units, with the stated intention for 59% of the units to be affordable across the development.
- 1.4 An independent valuation provided by the Valuation Office Agency has established the market value of the land and, under the terms of the JV, Swansea Council's share would exceed the delegated authority limit of half a million pounds. Consequently Cabinet approval is needed to dispose.
- 1.5 Further negotiations will be necessary prior to disposal to agree some additional contract terms to include overage provisions to protect the Council in the event that a more lucrative, higher density development is built; the payment of this Council's Legal and Estates fees; the resolution of issues surrounding encroachment and vehicular access over a service lane behind Gower View Road which represents an ongoing liability to the Council if retained. Swansea Council wishes to include an agreement based on sharing profit or loss based on expenditure on abnormal site costs associated with the development however, WG will not agree this.
- 1.6 As the land is deemed to be public open space a statutory consultation process is underway and will conclude prior this report being considered by Cabinet. The response to the statutory consultation will be collated and a verbal report presented to Cabinet in order that Cabinet can have regard to any objections raised, prior to making any decision on whether it is appropriate to dispose of the land on the terms outlined within this report.
- 1.7 A plan showing the Swansea Council land outlined in red is included as **Appendix A.**

2.0 Background to the Joint Venture Agreement

- 2.1 On 18th February 2011, the Council of the City and County of Swansea and the Welsh Ministers entered into a Joint Venture, (JV) agreement, the primary purpose of which was to secure a comprehensive residential development in accordance with the outline planning consent. The JV also details the agreed apportionment of all site promotion costs and the final capital receipt, between the parties.

- 2.2 In 2016, the RSL's collectively approached Welsh Government and Swansea Council for grant and strategic support to develop the site. The RSLs commissioned a masterplan proposal and submitted it for consideration in May 2018.
- 2.3 The scheme has strategic support from the Housing department for the purposes of grant funding and it is included in the Programme Development Plan for Social Housing Grant. It has been allocated Innovative Housing Programme funding by Welsh Government to use modern methods of construction and the application of innovative technologies and design features to create new homes with minimal energy costs. It will provide affordable homes in an area of housing need. The scale and innovative nature of the site will give Welsh Government and Swansea Council opportunity to meet key strategic objectives.
- 2.4 It has been agreed as part of the land disposal that Swansea Council will acquire a number of affordable units onsite which will become council housing stock for social rent. As part of the JV, the HRA will receive a capital receipt from the HRA land disposal. This receipt will be used towards the cost of acquiring 8 social rented flats at 42% of WG Acceptable Cost Guidance (ACG) figures. In addition to this, Housing has requested to acquire 4 houses for social rent at build cost plus land value. This supports the Council's More Homes Strategy by delivering additional council homes.

3.0 General Issues

- 3.1 The Director of Place certifies that he is satisfied that the property represents a reasonable proposition for sale at the provisionally agreed price. Also that it is prudent and appropriate to dispose of the land to the RSLs in the absence of open marketing.

4.0 Equality and Engagement Implications

- 4.1 The Council is subject to the Public Sector Equality Duty (Wales) and must in the exercise of their functions have due regard to the need to:
- Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above. An EIA screening form has been completed with the outcome being that a full EIA was not required (**Appendix B**).

- 4.2 Wellbeing of Future Generations (Wales) Act 2015. This disposal will generate additional housing including a higher percentage of affordable housing than is required under current planning guidance. It is considered

that this will be to the benefit of current and future citizens of Swansea. Also the realisation of a capital receipt will allow the Council to acquire affordable homes for social rent in an area of high need.

- 4.3 Any future development will of course be subject to normal planning procedures.

5.0 Financial Implications

- 5.1 In accordance with current policy, the capital receipt, net of costs owed to Welsh Government for promotion of the site under the terms of the joint venture agreement, will return to the HRA.

- 5.2 The HRA will then use the remaining capital receipt to acquire the homes which will become Council homes for social rent.

6.0 Legal Implications

- 6.1 If there has been no marketing of the land then the Council's Land Transaction Procedure Rules state that the Director of Place or his nominee must determine that only one party could acquire the interest. For this particular transaction it could be determined that in all the circumstances it is prudent and appropriate to sell by private treaty in view of the fact that this offer has been made directly to and approved by Welsh Government. The proposed offer meets the objectives of the Joint Venture, directly benefits the HRA and supports the Council's More Homes Strategy. The Council will need to be satisfied from a state aid perspective that the transaction represents a disposal at market value.

- 6.2 Under S.123 of the Local Government Act 1972, the Council has a duty to obtain best consideration reasonably obtainable on a disposal. The Director of Place confirms he is satisfied that the current offer represents the best price likely to be achieved in the current market and has been independently assessed as representing market value.

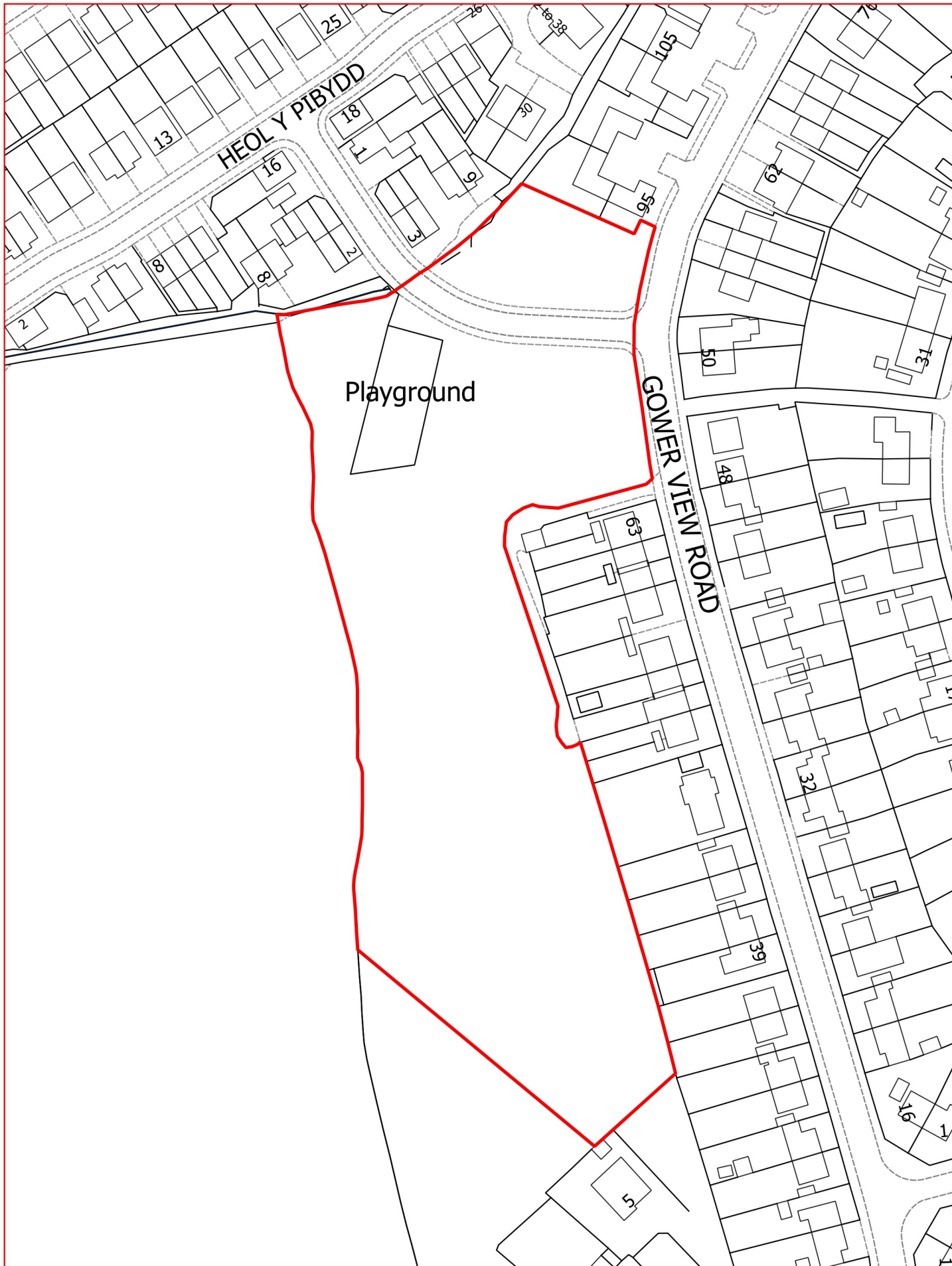
- 6.3 Where land is deemed open space, the Council is required under S.123 to advertise the disposal of the land in the local newspaper for two consecutive weeks and to give full and proper consideration to any objections made to it by members of the public. The key issue for the Council is to balance any adverse consequences of the loss of open space, having regard to the objections received, against the advantages of disposing of the land.

Background Papers: None.

Appendices:

Appendix A: Plan

Appendix B: EIA Screening Form



Equality Impact Assessment Screening Form

Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact your directorate support officer or the Access to Services team (see guidance for details).

Section 1

Which service area and directorate are you from?

Service Area: Corporate Property

Directorate: Place

Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(b) Please name and describe below

Disposal of land for residential development:

Swansea Council owns the freehold of approximately 3.74 acres of Housing Revenue Account (HRA) land known as Land at Gwynfaen farm, Gorseinon. This site adjoins a larger Welsh Government land holding of approximately 12 acres. Outline planning consent for residential development was granted over the combined sites in April 2010.

Subsequent to the grant of outline planning consent Swansea Council and the Welsh Government entered into a Joint Venture, (JV) agreement, to promote and sell the land for residential development.

Q2(a) WHAT DOES Q1a RELATE TO?

Direct front line service delivery	Indirect front line service delivery	Indirect back room service delivery
<input checked="" type="checkbox"/> (H)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)

(b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?

Because they need to	Because they want to	Because it is automatically provided to everyone in Swansea	On an internal basis i.e. Staff
<input type="checkbox"/> (H)	<input checked="" type="checkbox"/> (M)	<input type="checkbox"/> (M)	<input checked="" type="checkbox"/> (L)

Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Children/young people (0-18) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other age group (18+) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community cohesion →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Equality Impact Assessment Screening Form

Q4 HAVE YOU / WILL YOU UNDERTAKE ANY PUBLIC CONSULTATION AND ENGAGEMENT RELATING TO THE INITIATIVE?

- YES NO (If NO, you need to consider whether you should be undertaking consultation and engagement – please see the guidance)

If yes, please provide details below

The land is deemed public open space and consequently, the statutory 2 week consultation process has taking place and a verbal report will be presented to special cabinet on the 28th February to be considered in conjunction with the report.

Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?

High visibility <input type="checkbox"/> (H)	Medium visibility <input type="checkbox"/> (M)	Low visibility <input checked="" type="checkbox"/> (L)
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(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION?
(Consider the following impacts – legal, financial, political, media, public perception etc...)

High risk <input type="checkbox"/> (H)	Medium risk <input type="checkbox"/> (M)	Low risk <input checked="" type="checkbox"/> (L)
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Q6 Will this initiative have an impact (however minor) on any other Council service?

- Yes No **If yes, please provide details below**

It will provide additional Council Housing for rent.

Q7 HOW DID YOU SCORE?

Please tick the relevant box

MOSTLY H and/or M → HIGH PRIORITY → EIA to be completed
 Please go to Section 2

MOSTLY L → LOW PRIORITY / NOT RELEVANT → Do not complete EIA
 Please go to Q8 followed by Section 2

Q8 If you determine that this initiative is not relevant for a full EIA report, you must provide adequate explanation below. In relation to the Council's commitment to the UNCRC, your explanation must demonstrate that the initiative is designed / planned in the best interests of children (0-18 years). For Welsh language, we must maximise positive and minimise adverse effects on the language and its use. Your explanation must also show this where appropriate.

This land is being developed therefore it will be subject public consultation as part of the Planning Application Consultation process. The proposal will enable a scheme which will provide much needed affordable housing built using innovative technologies and design features to create homes with minimal energy costs. The council will be gain new affordable homes to rent. There appears to be no obvious Welsh Language implications.

Equality Impact Assessment Screening Form

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

Screening completed by:
Name: Richard John MRICS
Job title: Disposals Surveyor
Date: 07/02/2020
Approval by Head of Service:
Name: Geoff Bacon
Position: Head of Service
Date: 07/02/2020

Please return the completed form to accesstoservices@swansea.gov.uk