



Report of the Cabinet Member for Investment, Regeneration & Tourism

Special Cabinet – 9 January 2020

Foreshore Sites - Public Consultation and Procurement Responses Summary and Next Steps

Purpose:	To summarise the responses received from the Councils Public Consultation regarding the development potential of five foreshore sites and establish how to proceed next.
Policy Framework:	Asset Management Plan 2017/2021
Consultation:	Access to Services, Finance, Legal
Recommendation(s):	It is recommended that: <ol style="list-style-type: none">1) The site known as Part of Llangland Bay Tennis Courts is disposed of via a long lease on the most appropriate terms.2) Any development of the site known as Land Adjacent to the West Cross Inn is no longer to be considered.3) Any development of the site known as Land at the Skate Ramp is to undergo further consideration and due diligence.4) The potential to develop the site known as Land at Sketty Lane Car Park is to be investigated further with a view to marketing in 2020.5) The potential to develop the site known as Blackpill Lido to be investigated further with a view to marketing in 2020.6) Further decisions to progress are to be delegated to the Director of Place and Cabinet Member for Investment, Regeneration & Tourism
Report Authors:	Geoff Bacon / Lewis Hinds
Finance Officer:	Ben Smith
Legal Officer:	Debbie Smith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 A PIN (Public Information Notice) was published via the Sell2Wales website in May 2019 asking for expressions of interest with regard to the potential development of 5 foreshore sites.

These sites were;

- Part of Langland Bay Tennis Courts.
- Land adjacent to West Cross Inn.
- Land at the Skate Ramp.
- Sketty Lane Car Park.
- Blackpill Lido.

Plans identifying the sites can be seen in **Appendix A**.

- 1.2 Very basically, responses to the PIN notice showed a demand to commercially develop the sites if planning would allow.
- 1.3 Whilst the PIN notice was live, Swansea Council also invited the public to put forward their views via its website. The responses can be seen in the attached appendices.
- 1.4 Very generally, the majority of responses appear to be against any large-scale commercial development of the sites and expressed a desire for improvements to existing facilities. With, for example, the provision of more public toilets ,lighting along the promenade, more bike parking, widening of the promenade, more public furniture, more free or cheap leisure facilities such as a skate park and outdoor swimming pool. Keeping views of mumbles from the main road and as much open space as possible also appeared to be of a high priority.
- 1.5 That said, the potential for some sensitive development was acknowledged for some of the sites and without large public subsidy the private sector will be needed to enable the majority of any improved facilities.
- 1.6 No development is guaranteed at this stage but it is felt that further investigation is warranted to see if private development can both improve services and raise income whilst being as sympathetic to the natural environment as possible. Any development will be subject to further consideration and due diligence through the marketing process or Community Asset Transfer policy if appropriate. Any proposal will also be subject to statutory assessments through the planning process.
- 1.7 Each site will be dealt with more specifically below with a very broad comment on the public responses received and the recommended next steps.

2 Findings

2.1 Part of Langland Bay Tennis Courts

2.1.1 Public Response - Generally public responses were for improved leisure facilities, but, the potential for some small-scale commercial development to enable such improvement was acknowledged.

2.1.2 Next Steps – Appoint an agent to advertise the site as available For Sale or To Let on a long leasehold basis (i.e. a long lease for a capital sum or yearly rent) as soon as possible. A long lease at a rent will be the preferred option. The site will be marketed on the basis that any proposed development will be required to provide and maintain new public toilet facilities and that the Council would like to see a mix of commercial and leisure facilities included. However, offers on any basis are welcome for consideration. There are some legal issues over St Johns occupation of a Hut on the site which could cause some delay.

2.2 Land adjacent to West Cross Inn

2.2.1 Public Response - Strong public opinion against any development and the obstruction of the view from the Mumbles Road.

2.2.2 Next Steps – to withdraw this site from any further development discussions.

2.3 Land at the Skate Ramp.

2.3.1 Public Response – Mumbles Community Councils desire to build a fairly large-scale skate park on this site has been fairly well publicised and a number of supporters made clear their desire for an improved skate park in the Mumbles area in the public consultation. There were also some responses to say that they were unsure if this was the most appropriate location for an enlarged skate facility. The skate park proposal aside responses were mixed between leaving it as open space and the possibility of some very small scale development if something is to be done.

2.3.2 Next Steps – Mumbles Community Council have submitted a pre-application planning enquiry for the proposed skate park and are in the process of submitting a full planning application along with confirmation from the Council that they can have a long lease of the site at a peppercorn rent.

2.3.3 Although the construction of a skate park by Mumbles Community Council within their ward appears to be well supported, if this site is the most suitable location is less clear. There is no car parking, shop or public toilets nearby. The site also adjoins a busy main road and for safety the design of the park would include a boundary feature to separate the park from the road. This will obstruct the view, which is one of the main

reasons the public responses received objected to the development of the area. Therefore, Cultural Services are to engage with Mumbles Community Council and carry out a full due diligence exercise to ensure that the proposal is practical and sustainable in the long term. A full review of all possible sites within the relevant area is also to be undertaken to ensure the best location is identified.

If the site is not identified as the best place for the proposed skate park then other possible development options can be explored in further detail with the creation of some potential design briefs through consultation with planners.

2.4 **Sketty Lane Car Park**

2.4.1 Public Response – Mixed responses for and against development but the potential for some sympathetic development acknowledged.

2.4.2 Next Steps – Begin more detailed investigation into potential design briefs with planners with a view of bringing to market sometime next year if appropriate.

2.5 **Blackpill Lido**

2.5.1 Public Response – Mixed responses for and against development. Majority of suggested development was for improved leisure facilities.

2.5.2 Next Steps – Begin more detailed investigation into some potential design briefs with planners to establish if some development that is complementary to the existing facilities is possible.

2.6 The summary of the public responses are very general and this report is to be read in conjunction with the responses received which can be found in **Appendix B and C**.

3. **Equality and Engagement Implications**

3.1 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 and 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.

3.2 A EIA Screening form was completed for each of the foreshore sites with development potential (**Appendix D**) with an outcome indicating a full EIA report is not required as there are no equalities and engagement

implications at this stage. There will be an opportunity for further consideration of the Equality Impact of any potential development once more detail proposals for individual sites emerge. Any potential development will be subject to further due diligence and also detailed statutory assessments through the planning process.

4. Financial Implications

4.1 The proposals set out options which include future potential capital receipts and rental income, exact amounts will be dependent upon subsequent market interest and will be reported separately as the proposals progress.

4.2 In accordance with current policy, the capital receipt generated from any disposal arising from these proposals will contribute towards the Council's overall capital receipt target and will not be allocated for any other specific purpose.

5. Legal Implications

5.1 The Local Government Act 1972 section 123 gives a local authority the power to dispose of land held by it in any manner it wishes provide that the local authority achieves the best consideration that can reasonably be obtained except where the disposal is for a short tenancy (the grant of a term not exceeding seven years or the assignment of a term which has not more than seven years to run) or the local authority has the consent of the Welsh Ministers.

5.2 The question of whether or not a Local Authority has achieved best consideration for the disposal of land can be controversial. The case law has shown that the consideration which a local authority receives in order to achieve best consideration must have an economic or monetary value. There is no particular process to be followed but there does need to be evidence to show that best consideration has been assessed and is being achieved, for example, through independent valuations or market sale.

5.3 The Welsh Ministers have issued a general consent for disposals of land under section 123 for less than best consideration. This allows a local authority to dispose of land for less than best consideration if it considers that the disposal will contribute to the promotion or improvement of the economic, social or environmental well-being of its area and the extent of the undervalue is no more than £2m. This consent can be very useful for regeneration initiatives or other projects which will be of benefit to the local area.

5.4 Under Section 123 of the Local Government Act 1972 before disposing of any land that constitutes public open space, the Council is required to advertise the disposal in the local newspaper for two consecutive weeks. The public then have an opportunity to send written objections to the proposed disposal, with any objections being considered by the Council

prior to the disposal proceeding. The Council will be open to legal challenge if the correct legal process is not followed in order to discharge the requirements of section 123 LGA 1972 and/or if it fails to give full and proper consideration to any written representations/objections.

- 5.5 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: Plans

Appendix B: Foreshore Site Public Consultation Responses

Appendix C: Bay Development Public Consultation Responses

Appendix D: EIA Screening Forms