

Meeting:	Cabinet
Date:	23 rd October 2008
Subject:	Wood Farm, Wood Lane, Stanmore
Key Decision:	Yes
Responsible Officer:	Andrew Trehern, Corporate Director of Community and Environment
Portfolio Holder:	Cllr David Ashton, Leader and Portfolio Holder for Strategy, Partnership and Finance Cllr Tony Ferrari, Portfolio Holder for Major Contracts and Property
Exempt:	No
Enclosures:	Appendix 1 – Site Plan Appendix 2 Leaders letter dated 11/08/08 Appendix 3 Cabinet report 15/10/02

Section 1 – Summary and Recommendations

This report sets out the reasons for the proposal to take a surrender of 2 existing agricultural leases and transfer the Freehold of approximately 3.5 acres for an enabling residential development of 10 houses- the area to be determined in due course by reference to the ultimate enabling residential planning consent

Recommendations:

Cabinet is requested to:

- (1) Authorise the Corporate Director, Community and Environment to consider and rule on the objections received in connection with the proposed disposal of the land outlined in this Report following the statutory advertising under section 123 (2A) Local Government Act & Section 5 Green Belt (London and Home Counties) Act 1938.
- (2) Subject to satisfactory resolution of the above objections to:
 - (a) Authorise officers to apply for the consent of the Secretary of State to the proposed

disposal under Section 5 of the Green Belt (London and Home Counties) Act 1938;

(b) Approve the disposal of the Freehold land at Wood Farm, Wood Lane, Stanmore shown hatched green on the attached plan at the best consideration reasonably obtainable, on terms to be negotiated by the Corporate Director, Community and Environment;

(c) Approve the surrender of the existing two agricultural leases at the Wood Farm site contemporaneously with the Freehold transfer; and

(d) Approve the designation of the balance of land currently subject to those two agricultural leases of the Wood Farm site as a country park and nature reserve

Reason: (For recommendation)

To enable Stanmore Country Park to be extended by approximately 69 acres out of which 10 acres would be added to Pear Wood. In addition, it will generate a capital receipt for the Council, giving value for money in line with the Council's Corporate Priorities (P11) and the Vision for delivering Value for Money. In particular, Capital has a revenue benefit as it reduces the need to borrow and will assist with reducing the predicted shortfall in 2009/10

Section 2 – Report

2.1 Introduction

2.1.1 The report proposes the acceptance of the surrender of 2 agricultural leases and the disposal of the freehold of approximately 3.5 acres of Wood Farm to enable the extension of the existing Stanmore Country Park and, in addition, to create a protected nature reserve. The proposal will also generate a capital receipt for the council. This will give value for money in line with the Council's Corporate Priorities (P11) and the Vision for delivering Value for Money. In particular, the receipt of Capital has a revenue benefit as it reduces the need to borrow and will assist with reducing the predicted shortfall in 2008/9 (11.3).

2.1.2 For the avoidance of doubt, this report deals only with property issues and does not in way attempt to pre judge any planning applications which may subsequently be made.

2.2 Brief History

2.2.1 Wood Farm covers approximately 72 acres and is agricultural land within the Green Belt. The Council owns the freehold but the land is subject to 2 leases to Stanmore Dairies Limited at a total rental of £454pa .One lease covers the northern 43 acres as delineated in red on the attached plan. The remaining 29 acres delineated in yellow on the attached plan, are held under an annual agricultural tenancy in perpetuity. There is no public access to any of this land.

- The farm had been used for tipping soil and rubble for agricultural land improvement works until the mid 1990s under a waste disposal licence. However, a considerable amount of illegal tipping took place and the land was then subject to a restoration plan in accordance with section 39 (5) of

the Environmental Protection Act 1990 under the control of the Environment Agency. Compliance was also monitored by agricultural consultants Bidwells on behalf of the Council.

- The Environment Agency accepted a surrender of the waste management licence (STA070EAWML80064) from Stanmore Dairies Limited and issued a certificate of completion in respect of the restoration works on the 6th November 2006.
- A report to Cabinet on the 15th October 2002 recommended that, subject to receipt of planning consent in respect of an enabling residential development and the approval of the Secretary of State, the proposal to dispose of the freehold of part of the Wood Farm required for residential development be approved on the basis set out in the report, with the remainder of the land contained within the 2 leases being surrendered back to the council.
- As the land is Green Belt, it is necessary to obtain a disposal consent from the Secretary of State. As part of this process it is necessary to advertise the notice under Section 5 Green Belt (London and Home Counties) Act 1938. As a result of the publication of the notice dated 11th June 2008 (relating to the disposal of Green Belt land and open space), the Council received 404 letters of objection. The Leader of the council sent written responses to 375 letters of objection on the 11/08/08 2008 (see copy attached). A formal response from the Corporate Director Community & Environment will be sent to all 404 correspondents, subject to Cabinet approval of this Report.
- The size of the farm and the state of the land following restoration are such that it is no longer considered economically viable for its existing agricultural use.
- Much of the site is designated as a site of Importance for Nature Conservation but not the area abutting the road (part of which is proposed for 10 residential units) as set out in the 2004 Unitary Development Plan

2.3 Options considered

1. **Take a surrender of the 2 agricultural leases and sell the Freehold of approximately 3.5 acres subject to grant of planning consent. The precise area of land to be defined by reference to the planning consent for the enabling residential development.**

A contemporaneous surrender of the 2 leases and the transfer of the land for residential development would enable

- A) the extension of the existing Stanmore Country Park by circa 69 acres. This would facilitate full public access to this area of Green Belt currently forming part of Wood Farm over which no public access is currently available;

- B) provision to be made for a wildlife refuge with limited access –circa 45 acres- to be established by combining Pear Wood with the existing agricultural land approximately 10 acres in the area adjacent to the corner of Wood Lane and Brockley Hill; The circa 10 acres is part of the 69 acres referred to in A
 - C) the costs of the creation of the wildlife refuge and extension to the country park to be met by the existing tenant Stanmore Dairies Limited;
 - D) the payment of a substantial capital sum to the council in respect of the freehold transfer for the enabling residential development
2. **Negotiate the surrender of the 2 agricultural leases without a Freehold transfer of part for residential development**
- A) Stanmore Dairies have indicated that they are not interested in surrendering their 2 leases and would therefore retain the agricultural leases;
 - B) If the tenant did agree to surrender the leases, the Council would be faced with costs in the region of £900,000 to carry out the works necessary to enlarge the country Park and create the wild life refuge. No budget exists to fund this work.
 - C) The Council would lose a substantial capital receipt.
3. **Do nothing and leave the site as it is under the 2 agricultural tenancies**
- A) The council would lose the opportunity to receive a capital receipt and create the wild life reserve and extension to the country park
 - B) The public would lose the opportunity to have access to a substantial area of Green Belt.

2.4 Recommendations

- 2.4.1 That the Council proceeds with Option 1, restoring an area of Green Belt, extending the country park, opening up to public access an outstanding walk and recreation area linking up to Wood Lane as well as creating a protected nature reserve. The majority of the area of freehold land, which would be transferred for 10 houses, see attached plan area hatched green- is already built on and /or covered in concrete yards. The Council would also receive a substantial capital receipt.

2.5 Financial Implications

- 2.5.1 The council would receive a substantial capital receipt.
- 2.5.2 The council would lose annual revenue of £454 representing the current income from the 2 agricultural leases.

2.6 Risk Management Implications

Risk not included in directorate risk register.

- 2.6.1 Planning consent for the residential enabling consent is not granted

- 2.6.2 The Secretary of State does not grant a disposal consent under the Green Belt (London and Home Counties) Act 1938
- 2.6.3 The Council is unable to agree satisfactory terms with the tenant Stanmore Dairies limited.

2.7 Legal Issues

- 2.7.1 The Council has the power to sell the property under S123 Local Government Act 1972 provided it secures the best consideration reasonably obtainable, subject to securing the consent of the Secretary of State under Section 5 of the Green Belt (London and Home Counties) Act 1938

2.8 Performance Issues

- 2.8.1 The disposal of this property forms part of the Council's Disposal Programme that is targeted with generating £30m of capital during 2008/09, The disposal of this property forms part of this programme contributing to the target of £30m. Options 2 and 3 do not maximise the potential value for money
- 2.8.2 The recommended option will enable Stanmore Country Park to be extended by approximately 69 acres of which circa 10 acres would be added to Pear Wood. This will contribute to our achievement of an LAA target.

NI 197 Improved local biodiversity - active management of local sites PSA 28

LAA Priority	National Indicator	Baseline	2008/09	2009/10	2010/11
Increase environmental sustainability	Improved local biodiversity - active management of local sites	61%	61% 0 sites	70% 2 sites moved into positive management	83% 3 sites moved into positive management (total 5 sites)

The recommended action will also take forward our Corporate Aspirations of
 A place, which promotes the well being of its communities
 A place where the Council provides value for money services.

and take forward the Corporate Priority of
 C5. Improve the way we work for our residents

- 2.8.3 In addition it will generate a capital receipt for the Council, giving value for money in line. In particular, Capital has a revenue benefit as it reduces the need to borrow and will assist with reducing the predicted shortfall in 2009/10. This proposal will therefore contribute to improving the Councils' Use of Resources Score - in particular

KLOE 1.2 The organisation plans its finances effectively to deliver its strategic priorities.
and

KLOE 3.1 The organisation is making effective use of natural resources.

Section 3 - Statutory Officer Clearance

Name: ...Sheela Thakrar.....	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date:3/10/08.....		
Name: ...Hugh Peart.....	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 3/10/08		

Section 4 – Performance Officer Clearance

Name: Anu Singh	<input checked="" type="checkbox"/>	On behalf of Divisional Director (Strategy and Improvement)
Date: ...26/09/08		

Section 5 - Contact Details and Background Papers

Contact: Philip Loveland-Cooper – SP Strategic Property Ext: 2877/020 8424 1877 or
Email: - Philip. Loveland-Cooper@Harrow.Gov.Uk

Background Papers:

None