

SURREY COUNTY COUNCIL
CABINET MEMBER DECISION



DATE: 29 OCTOBER 2024

REPORT OF CABINET MEMBER: NATALIE BRAMHALL, CABINET MEMBER FOR PROPERTY, WASTE, AND INFRASTRUCTURE

LEAD OFFICER: DIANE WILDING, DIRECTOR OF LAND AND PROPERTY

SUBJECT: SURPLUS DECLARATION AND DISPOSAL OF LAND PARCELS A & B, BURPHAM COURT FARM, CLAY LANE, GUILDFORD

ORGANISATION STRATEGY PRIORITY AREA: GROWING A SUSTAINABLE ECONOMY SO EVERYONE CAN BENEFIT/ TACKLING HEALTH INEQUALITY/ ENABLING A GREENER FUTURE/ EMPOWERING COMMUNITIES

Purpose of the Report:

This report seeks approval from the Cabinet Member for Property, Waste, and Infrastructure, in conjunction with the Leader and Deputy Leader to approve:

- i) The surplus declaration of the landholdings known as Parcels A & B at Burpham Court Farm, Clay Lane, Guildford to facilitate its disposal.
- ii) An unconditional disposal to Guildford Borough Council (GBC) on the terms as outlined in the attached Part 2 report.

Recommendations:

It is recommended that the Cabinet Member for Property, Waste, and Infrastructure:

1. Declares Surrey County Council's (The Council) landholdings comprising Parcels A & B at Burpham Court Farm, Clay Lane, Guildford formally surplus to operational requirements (in conjunction with the Leader and Deputy Leader).
2. Approves the freehold disposal of Parcels A & B to GBC as outlined in the Part 2 report.
3. Delegates authority to the Director of Land & Property in consultation with the Executive Director of Environment, Property and Growth, to finalise the best value transaction and conclude all associated legal agreement documentation.

Reason for Recommendations:

Cabinet has previously endorsed rationalisation of the surplus estate and to enable disposals.

The assets comprise two nominal parcels of landlocked land, to be transferred to GBC to facilitate improved estate management and husbandry, and delivery of a SANG (suitable alternative natural greenspace).

Executive Summary:

Surrey County Council land parcels:

The Council own two small parcels of land within the boundaries of Burpham Court Farm, owned by GBC. These parcels totalling 0.12ha (0.3 acres) are identified as Parcels 'A' & 'B' hatched red on the plan below. In addition, there are two further strips of land (shaded green) adjoining Parcel A of 0.027 ha (0.066 acres) whose legal Title is not currently registered, but which would be added to Parcel A if Land Registry determines ownership between the parties.

The parcels originally formed land adjoining a highway, which were subsequently stopped up on land known as Jacobs Well Road. The parcels were released from highway need and use by the County Engineer in November 1984 (Parcel A) and in May 1985 (Parcel B).

Both parcels are landlocked and can only be accessed over GBC's adjoining farmland. The parcels are not fenced and have been used for grazing for a substantial period as part of the surrounding Farm.

Burpham Court Farm:

The Council has had no previous property interest in Burpham Court Farm; it is currently owned by GBC and understood to be managed by Surrey Wildlife Trust.

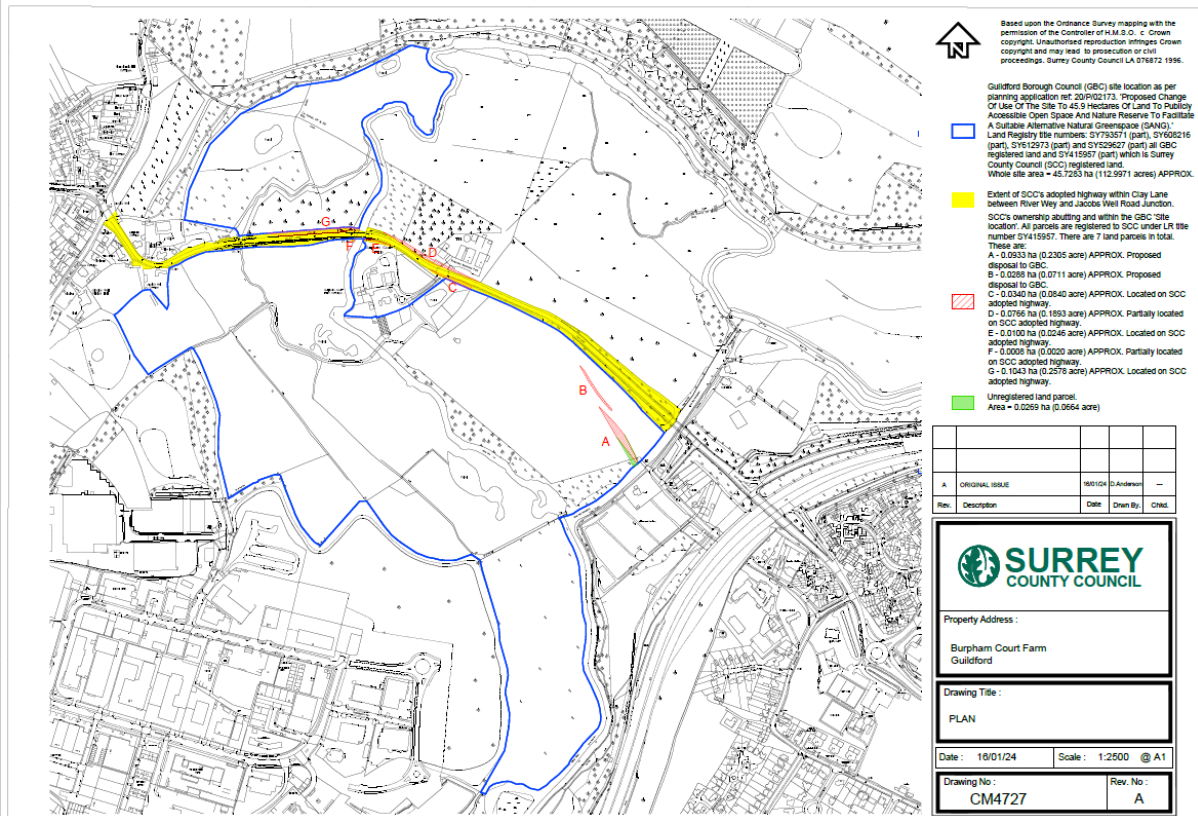
GBC is seeking to support delivery of a new nature reserve at Burpham Court Farm, as part of its wider Weyside Urban Village proposition. This is for a residential led development of 1,550 homes on approx. 30 ha (74 acres) to include new employment & commercial space, in association with 45.9 ha of land across its holdings at both Burpham Court Farm and north of Clay Lane. The scheme was approved in principle by the GBC's Local Planning Committee in October 2021.

This approval was subject to planning conditions which included creation of Suitable Alternative Natural Greenspace (SANG) and a Nature Reserve. The SANG is necessary to provide both mitigation for their Weyside Urban Village proposals as well as support their Biodiversity Net Gain (BNG) obligations.

GBC's proposals could proceed without the need for the Councils land parcels, however GBC would like to formalise ownership and seek transfer of the small parcels.

Conclusion:

The Council's property consultant, Bruton Knowles, has confirmed that the freehold transaction of Parcels A & B supports best value in accordance with the requirements of Section 123 of Local Government Act 1972, based on the transfer value as noted in the Part 2 report.



Consultation:

- Natalie Bramhall, Cabinet Member for Property, Waste, and Infrastructure
- Asset Strategy Board
- Local Member (Worplesdon Division - Keith Witham to be advised)
- Simon Crowther, Executive Director Environment, Property and Growth
- Diane Wilding, Director of Land and Property
- Colin Galletly, Assistant Director, Estates
- Property Panel
- Finance, SCC (Louise Lawson and Rachel Wigley)
- Legal Teams, SCC (Kara Burnett, Property Legal Team)

Risk Management and Implications:

| | Risk Description | Mitigation |
|---|----------------------------------|---|
| 1 | Planning permission | GBC is fully responsible for funding and securing their own consent for Weyside Village proposal |
| 2 | GBC withdraw | The landholding could be retained or remarketed (say by way of auction) but notably could be subject to an adverse legal possession claim by GBC. |
| 5 | Delay to Project or Non delivery | GBC will be fully responsible for its consent, delivery, and long-term management of the land |

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| 6 | Net Zero Carbon (NXC) targets | GBC will deliver housing schemes to their own planning policy and design standards, which include NZC targets |
| 7 | Site/ground conditions | The transfer is unconditional and subject to contract only |

Financial and Value for Money Implications:

There is no immediate revenue running cost impact of this decision, as neither parcel has been generating income.

The recommended disposal to GBC is compliant with Section 123 of Local Government Act 1972, in terms of ensuring the Council obtains best value upon sale.

Section 151 Officer Commentary:

7. The Council continues to operate in a very challenging financial environment. Local authorities across the country are experiencing significant budgetary pressures. Surrey County Council has made significant progress in recent years to improve the Council's financial resilience and whilst this has built a stronger financial base from which to deliver our services, the cost-of-service delivery, increasing demand, financial uncertainty and government policy changes mean we continue to face challenges to our financial position. This requires an increased focus on financial management to protect service delivery, a continuation of the need to deliver financial efficiencies and reduce spending in order to achieve a balanced budget position each year.
8. In addition to these immediate challenges, the medium-term financial outlook beyond 2024/25 remains uncertain. With no clarity on central government funding in the medium term, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority, in order to ensure the stable provision of services in the medium term.
9. The proposal in this report supports the wider strategy for asset rationalisations and the capital receipt supports the funding of the capital programme, as assumed in the Medium Term Financial Strategy. Furthermore, there is no impact on revenue running costs for these pieces of land. As such, the Section 151 Officer supports the recommendation.

Legal Implications – Monitoring Officer:

1. This paper seeks Cabinet Member approval to (i) declare land at Burpham Court Farm surplus to operational requirements and (ii) approval of the subsequent disposal of the land to GBC.
2. Under Section 123 of the Local Government Act 1972 (LGA 1972), local authorities have the power to dispose of land in any manner they wish, subject to the disposal being for the best consideration reasonably obtainable. In pursuing any options to dispose, the Council should ensure that the price for any such disposal is 'market value' to comply with s123 LGA 1972. The recommendation to dispose of land at Burpham Court Farm would fall within the definition of a disposal under the LGA 1972.
3. The Cabinet Member has been asked to formally declare the asset as surplus to operational requirements at recommendation 1. For any such declaration, all relevant guidance and the Council's internal processes must be followed.

4. The Cabinet Member will want to satisfy themselves in considering this business case that any costs incurred represents an appropriate use of the Council's resources in line with the fiduciary duties to local residents in utilising public monies.
5. Legal advice should be sought at all relevant stages to ensure the Council meets its obligations.

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| Equalities and Diversity: |
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A full Equality Impact Assessment is not needed as this proposed disposal does not impact adversely on any specific parties, but a sale is seen as a benefit for the wider community given it supports the future opportunity to deliver a nature reserve and open space provision. The potential implications for the following Council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

| Area assessed: | Direct Implications: |
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| Corporate Parenting/ Looked After Children | None arising from this report. |
| Safeguarding responsibilities for vulnerable children and adults | None arising from this report. |
| Environmental sustainability | The GBC proposal for Weyside Urban Village will include land for Suitable Alternate Natural Green Space and Bio Net diversity gain to which these small parcels can contribute if the scheme is brought forward. |
| Compliance against net-zero emissions target and future climate compatibility/resilience | A property disposal has no specific implications. Future development if pursued falls within GBC planning and Net Zero Carbon policy frameworks otherwise supported by the Council. |
| Public Health | None arising from this report other than enabling open space and recreation for the future. |

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| What Happens Next: |
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The formal approval and surplus declaration will enable a disposal to GBC to be concluded, and legal papers are well advanced to conclude matters.

Report Author:

Christopher Duke, Acquisitions & Disposals Manager, Land & Property

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