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## Staffing Matters & Urgency Committee

18 December 2008

Report of the Director of City Strategy

### Land Purchase

#### Summary

- 1 Members are asked to approve, subject to approval by the Executive, the purchase through the general capital programme, of a field at Harewood Whin which has come onto the market and is an option for a replacement of the Beckfield Lane Household Waste Recycling Centre (HWRC).

#### Background

- 2 As part of the policy prospectus for 07/08, Members, via the group leaders, agreed that options relating to Beckfield Lane HWRC should be considered largely because of the position of the site within a residential area and the traffic congestion associated with the site.
- 3 Members also agreed to further development of the feasibility study to determine the most suitable location for the replacement facility and the detail design and cost for that facility. That work on site selection is complete and shows that Harewood Whin is an option to fulfil Members expectations to replace the Beckfield Lane HWRC.
- 4 A new facility would fulfil the objectives of providing an improved service for the west of the City by having longer opening hours and be able to operate to modern health and safety standards.

#### Consultation

- 5 As part of the consultation on the Issues and Options of the Allocations for the Development Plan Document (DPD), two sites at Harewood Whin were included for comment. See Annex C and D for details. During the feasibility study for an alternative for Beckfield Lane HWRC it became evident that the available land area at Site A has been very much restricted by the volume of Landscaping required to screen Harewood Whin Landfill Site. Also the access to this site, from the B1224 Wetherby Road, would not be easy to develop safely, due to its proximity of bends in the road. For these reasons that option has not been considered further.

6 The feedback from the DPD consultation has raised some issues and a selection of the types of comments made as part of the Allocations Issues and Options is summarised below:

- There are some comments that preference should be given to Option A as it does not effect the Flood Zone. Whilst it is too early to confirm at the moment, it is felt that the design of the HWRC scheme, Option B, could accommodate mitigation measure with respect to flooding issues.
- There is an aspiration to link Rufforth to the Outer Ring Road with a cycle track and a study is ongoing to explore this. One of the consultees raised the issue of safety for cyclists as the roadside edge of the field in question could be a potential route for this cycle track. Purchase of the field now would give the Council the potential to fulfil that aspiration because within the design of the proposed HWRC space would be allocated for the route of the cycle track and safe crossing to the access road into the HWRC.
- A concern was raised about the potential for queues to build up on the B1224 caused by traffic waiting to enter the HWRC. Officers had already recognised this as an issue and it is intended that within the design of the new HWRC a long off highway stacking lane would be provided within the site to accommodate queuing traffic. Whilst on the highway, the B1224 will be widened to accommodate a right-turn lane for vehicles to stand in, allowing Wetherby bound traffic to continue moving.

## **Options**

### Option 1 Do nothing

7 Members could choose to wait for the completion of the feasibility study to see what the full cost of the solution to the replacement of Beckfield Lane HWRC is and then make a decision as to what action to take.

### Option 2 Purchase the field.

8 Members could take the opportunity that exists at the moment to purchase the field and hold it in reserve for the potential development of the West of York HWRC.

## **Analysis**

### Option 1 - Do nothing

9 If Members choose this option there is the real potential that the existing owner will sell the field to another party and should Members wish, in future, to progress the HWRC scheme then the field may not be readily available. The Council may at best be faced with a delay due to having to negotiate to

secure the field at a premium rate, or as a last resort by Compulsory Purchase Order, or at worst it may fail to acquire the land.

#### Option 2 - Purchase the field and hold it in reserve.

- 10 By choosing this option Members would have the field available to construct the project in, should all the other planning and environmental assessments and processes achieve satisfactory outcomes. It would remove the potential concern about needing to resort to compulsory purchase order, and hence time delay etc, which may be needed to acquire the land. If however the development does not proceed then the field could be disposed of and all or part of the costs recovered.

### **Corporate Priorities**

- 11 Corporate Priority Number 1 is to decrease the tonnage of biodegradable waste and recyclable products going to landfill. A contribution to this priority would be made by improved facilities over and above that of the existing Beckfield Lane HWRC.
- 12 Corporate Priority Number 10 is to improve our focus on the needs of customers and residents in designing and providing services. This would be achieved by providing a more accessible, and easier to use facility.
- 13 Corporate Priority Number 12 is to improve the way the council and its partners work together to deliver better services for the people who live in York. This would be achieved by consulting with contractors on optimisation of facility design, and continuous monitoring of contractor performance.

### **Implications**

#### **Financial**

- 14 See confidential Annex E for details.

- **Human Resources (HR)**

- 15 There are no HR implications relating to this decision.

- **Equalities**

- 16 There are no Equality implications relating to this decision.

- **Legal**

- 17 The Authority has power, under s120 of the Local Government Act 1972, to purchase land by agreement, or compulsorily under s121 of the Act. If the land is to be purchased by way of a Compulsory Purchase Order, the process and risks referred to in confidential Annex E would need to be considered.

- **Crime and Disorder**

18 There are no Crime and Disorder implications relating to this decision.

- **Information Technology (IT)**

19 There are no IT implications relating to this decision.

- **Property**

20 An officer from Property Services has met the field owner to discuss possible terms for the land acquisition. We are advised that there is another party interested in acquiring part of the land for agricultural use. The owner wants to sell quickly and provisional agreement has been reached on a purchase price for the freehold. See confidential annex E for details.

21 Until the land is required for use by the Council the landowner would continue to occupy it on a grazing licence paying the current market rate which can be terminated on short notice.

22 When the design of the HWRC is complete, it is forecast that there will be a proportion of the field unused which could either be disposed of or let for agricultural use to offset some of the above mentioned costs.

23 It is noteworthy that if the Council elects not to purchase the field at the moment, but subsequently decides it wants to progress the HWRC it would have the power to compulsory purchase the land, but this carries risks and should only be considered as a last resort.

## **Risk Management**

24 There are a number of risks which relate to this report:

25 **Planning Permission:** As the feasibility study of the project is not yet complete it is not possible to indicate the likelihood of the scheme receiving planning permission. If it did not then there is a risk that the field could not be resold to recover the full costs originally expended. The proposed site is located within the Green Belt. Policy GB1 in the City of York Draft Local Plan and paragraph 3.4 of PPG2 (Green Belts) outlines a list of purposes which are appropriate development in the Green Belt. This proposal does not specifically correspond with any of these uses, therefore the applicant must be able to justify a 'very special circumstances' argument, as outlined in paragraph 3.2 of PPG2. It must be demonstrated that the harm to the Green Belt is clearly outweighed by the need for the development in that location. An assessment of potential sites must have been carried out, including both non-Green Belt and other Green Belt sites. Work has been carried out to view other urban and Green Belt sites, and that study will be considered by the Executive.

26 **Compulsory Purchase Order:** If members decide not to purchase the field now, but subsequently review that position in light of the outcome of the

feasibility study, the then owner may not be a willing seller and the Council would have to follow the CPO route. This would be open to challenge and the difficulty would be to prove that this site is the only one suitable in the area for the facility. The Council would have to draft the CPO and advise the parties affected and inform the Secretary of State (SoS). However, if there were any objections the SoS would call a public inquiry and the Council would have to prove that the site in question was the only one suitable in the western area of the city. It should be noted that without the site featuring in an adopted development plan CPO is likely to be difficult. It could therefore be a time consuming and expensive exercise with no guarantee of success.

- 27 **Financial:** Should members choose to proceed with the development of a HWRC to serve the west of York, at Harwood Whin, it could have a net cost in the order of £2.4m. This would be confirmed following a detailed appraisal of the project. See confidential Annex E for other details.

## **Recommendations**

- 28 Members are asked to approve the purchase of the land, costs as detailed in Annex E, at Harewood Whin from the general capital programme, subject to this option being approved by the Executive as the preferred option for detailed appraisal, and hold it in reserve as an option for the development of a Household Waste Recycling Centre to serve the west of York.

Reason:

To secure the land so it is available, if required in the future, for the construction of a Household Waste Recycling Centre, should that project come to fruition.

## Contact Details

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**Report Approved**



**Date** 15/12/08

### **Specialist Implications Officer(s)**

Legal – Quentin Baker  
Financial – Ian Floyd/Patrick Looker  
Property – Philip Callow/Paul Fox

**Wards Affected:** *List wards or tick box to indicate all*

**All**

**For further information please contact the author of the report**

### **Background Papers:**

Report to the Executive on 9 September 2008 “Waste Update”

### **Annexes:**

Annex A Not used.  
Annex B Plan of Preferred Option.  
Annex C LDF Plan of Harewood Whin showing Option A.  
Annex D LDF Plan of Harewood Whin showing Option B.  
Annex E Confidential Data.