

Report to: Lead Member for Resources and Climate Change

Date of meeting: 14 December 2021

By: Chief Operating Officer

Title: Former Household Waste Recycling Centre (HWRC), Station Road, Forest Row.

Purpose: To declare surplus land at Station Road Forest Row and agree the disposal of the former Forest Row HWRC together with land forming Station Road, Forest Row

RECOMMENDATIONS

The Lead Member for Resources and Climate Change is recommended to:

- 1) Declare the access road known as Station Road, Forest Row surplus to the Council's requirements.**
 - 2) Agree to the disposal of the access road known as Station Road and the former Forest Row Household Waste Recycling Centre ('the Property') in accordance with s.123 of the Local Government Act 1972.**
 - 3) Delegate authority to the Chief Operating Officer to agree the terms of the disposal of the Property to the preferred purchaser and to take all actions necessary to secure the disposal, at best value in accordance with s123 of the Local Government Act 1972 and the Localism Act 2011; and**
 - 4) Delegate authority to the Chief Operating Officer to offer the sale to the party that has submitted the next highest offer if for any reason the sale to the preferred purchaser stalls or cannot complete.**
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1 Background

1.1 Cabinet approved the closure of the Forest Row Household Waste and Recycling Centre ('HWRC') in June 2018. The site was subsequently decommissioned, and the waste permit for the HWRC was surrendered in 2019. The former HWRC was declared surplus to operational requirements by the Lead Member for Resources and Climate Change in October 2020. In addition, authority was given to engage with interested parties to identify a future user/owner for the site. The location of the former HWRC site can be seen at Appendix 1.

1.2 The land known as Station Road, Forest Row, which serves as an access road to the Forest Row HWRC site is not required by East Sussex County Council ('the Council') following closure of the HWRC, but nevertheless has to be maintained by the Council at its own cost. As Station Road is not considered to form part of the adopted highway, it sits outside of the Council's Highway Maintenance Contract and therefore incurs an annual maintenance cost to the Council. The location and extent of the access road known as Station Road is shown in Appendix 2.

1.3 Local authorities are obliged to maintain a list of assets of community value in their area. In East Sussex, the five district and borough councils maintain the lists for their respective areas. An asset of community value ('ACV') is land that has been nominated by a community group or parish council and which the local authority considers has community value on the basis that the primary current or recent use of the land furthers the social well-being or social interests of the local community.

1.4 The former HWRC site was nominated by Forest Row Parish Council ('FRPC') as an asset of community value and is now listed as such by Wealden District Council under reference 19007. The Localism Act 2011 does not place any restriction on what the owner of an ACV can do with the property after it has been listed. However, under s.95 of the Localism Act 2011, a person who

is an owner of land included in the local authority's list of ACVs must comply with a number of conditions before entering into a relevant disposal of the land. The Council therefore cannot enter into a relevant disposal of the Property unless each of the following conditions are met:

- 1.4.1 The Council has notified Wealden District Council in writing of its wish to enter into a relevant disposal of the Property;
- 1.4.2 either:
 - 1.4.2.1 an interim moratorium period of six (6) weeks beginning with the date on which Wealden District Council received notification of the intended disposal has ended without Wealden District Council having received an offer for the Property from any community interest group; or
 - 1.4.2.2 a full moratorium period of six (6) months beginning with the date on which Wealden District Council received notification of the intended disposal has ended; and
- 1.4.3 the relevant disposal takes place within a period of eighteen (18) months from with the date on which Wealden District Council received notification of the intended disposal.

Any purported disposal of the Property without complying with these requirements will be ineffective.

1.5 A notice has been served by the Council to Wealden District Council in accordance with s.95 setting out the intention to dispose of the Property. This was received by Wealden District Council on 17 September 2020. The end date for the interim moratorium was 29 October 2020. The end date of the full moratorium was 17 March 2021. The relevant disposal must therefore take place within the eighteen (18) month period from receipt of the notice, namely by no later than 17 March 2022.

2 Supporting information

2.1 Under s.123 of the Local Government Act 1972, when disposing of land, the Council must ensure that the consideration achieved for the disposal is not less than the best consideration that can reasonably be obtained. The Property was advertised for disposal in August and September 2021, as part of a competitive, transparent, non-discriminatory, and unconditional bidding process designed to establish the best consideration and use of the Property. The Property was marketed by a local estate agent on the open market, with both sites being offered together as a single property.

2.2 The property marketing was well received in the marketplace, with four commercial / business sector offers and a single community offer being submitted. Detailed information on the offers received is contained in the Exempt report later in the agenda.

2.3 Up to the date of publication of this report, ninety (90) postcards have been received by the Leader of the County Council, Councillor Glazier, and fifty-eight (58) by Councillor Bennett as Lead Member for Resources and Climate Change, asking that the Council support a sale to the offer from the community organisation. An example of the postcards can be seen at Appendix 3. The postcards contain a range of comments in support of the sale of the site to the community organisation and full details of all the postcards have been seen by the Lead Member for Resources and Climate Change. A short video has also been made: [Forest Row Recycling Centre campaign video - YouTube](#).

2.4 The Council has reviewed the offers from the prospective purchasers and an analysis has been undertaken to understand the wider economic and community benefits reflecting the Council's Community Asset Transfer policy. In assessing the offers, the Council has taken into account the requirement for it to secure Best Value in accordance with Section 123 of the Local Government

Act 1972. The preferred purchaser has been identified based on an analysis of their proposal against the objective criteria, as outlined in the Exempt report later in the agenda.

2.5 The Lead Member is asked to note the supporting information set out in the Exempt report later in the agenda which supports the recommendations set out in this report.

3. Conclusion and reasons for recommendations

3.1 The former HWRC site has already been declared surplus to requirements. With the closure of the former HWRC site in Forest Row, the Council no longer has an operational need for the access road known as Station Road. The majority of the road is not adopted highway and so including this land in the proposed disposal of the former HWRC site will save the Council the ongoing maintenance liability for the road. The disposal of the Property will provide a capital receipt that will contribute to the Council's capital programme and will reduce revenue liabilities relating to the management and maintenance of these assets.

3.2 The Lead Member is therefore recommended to declare the access road forming Station Road, Forest Row surplus to the Council's requirements and agree the disposal of the freehold of the former HWRC site and land forming Station Road, and to authorise the Chief Operating Officer to agree the terms of the disposal in line with the preferred offer.

3.3 As set out above, the priority period under s.95 of the Localism Act 2011 expires on 17 March 2022. The Lead Member is therefore recommended to authorise the Chief Operating Officer to take all steps necessary to secure the disposal of the Property by 17 March 2022 for the best obtainable consideration in line with s.123 of the Local Government Act 1972, including if necessary, to negotiate with the next placed offer if for any reason the sale to the preferred purchaser stalls or cannot complete.

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