

Report to: Lead Member for Resources and Climate Change

Date of meeting: 3 September 2024

By: Chief Operating Officer

Title: Proposed disposal of Land at Sandrock Hall Bends, The Ridge, Hastings

Purpose: To consider the responses to the public notice of the Council's intention to dispose of land at Sandrock Hall Bends, Hastings and to decide if a Promotion Agreement should be entered into.

RECOMMENDATIONS

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

- 1) Note the summary of the responses to the public notice of the Council's intention to dispose of the site as set out in paragraph 2.3 of this report;
- 2) Agree to the Council entering into a Promotion Agreement;
- 3) Approve the disposal of the site in accordance with s123 of the Local Government Act 1972; and
- 4) Delegate authority to the Chief Operating Officer to:
 - (a) agree the terms of any future sale to achieve best value for the site in accordance with s123 of the Local Government Act 1972; and
 - (b) take all actions necessary to give effect to the recommendations in this report.

1 Background

- 1.1 On 24 November 2015 the Lead Member for Resources approved the acquisition of, the land at Sandrock Hall, Hastings (also known as Sandrock Hill) and concurrently declared such land to be surplus to the Council's requirements and authorised the Chief Operating Officer to negotiate terms for the disposal of the property. The supporting information stated that any disposal was to be for a minimum net capital receipt of £19,000 and that best consideration would be achieved, in accordance with s123 of the Local Government Act 1972. The report stated that Hastings Borough Council (HBC) wished to acquire the land at that time; however, the disposal to HBC did not occur.
- 1.2 The East Sussex County Council (ESCC)-owned site, circa 2.28 acres, is formed of a strip of land connecting two points of The Ridge, Hastings. A footpath (which is a designated public right of way) runs through part of the ESCC-owned site. A plan showing the ESCC-owned site is included as Appendix 1.
- 1.3 The ESCC-owned site forms part of a larger site that has been allocated in Hastings Borough Council's adopted Local Plan 2011-2028 (adopted 2015), Policy SH1. It has a net allocation of 80 residential units. The guidance given in the Local Plan regarding development proposals is comprehensive, with a focus on protection of green space and trees. Any scheme is to include affordable housing provision of 40%, with 2% of the total number of new homes to be fully adapted dwellings for wheelchair users - [Hastings Borough Council: Development Management Plan - Section Three - Site Allocations \(Cont'd\) \(planvu.co.uk\)](#).
- 1.4 It is also allocated in the draft Local Plan (Site Reference HL19), with an indicative capacity of 140 dwellings stated. The guidance has been reduced, along with the site area and affordable housing requirement - [HL19 | New Local Plan | Hastings Borough Council](#). It now states that any development on this site should:

- Provide 25% affordable housing requirement in line with policy SP2.
 - Take account of Southern Water's underground infrastructure in the design of the layout of the site. Easements would be required, which may affect the site layout or require diversion, and these should be clear of all proposed buildings and tree planting.
 - Take into account the impact of development on the Grade II listed lodge.
 - Avoid or mitigate any impact on the adjacent woodland and St Helens Wood Local Wildlife Site and Local Nature Reserve.
- 1.5 A plan showing the site allocation in the Local Plan and Draft Local Plan is included as Appendix 2 to this report.
- 1.6 The Council has worked with adjoining landowners to consider how the entire site could best deliver the number of housing units allocated in the Local Plan, while protecting the character of it. It is recognised that any development of the site will need to consider the protection of open space and ecological impacts, in addition to mitigating against flood and infrastructure impacts.
- 1.7 To bring forward the entire site, as identified in the Local Plan, as one development opportunity, a Promotion Agreement has been considered. A Promotion Agreement is a contract between the landowner(s) and the land promoter. The land promoter is a company with the expertise (and finance) to obtain planning permission for a site.
- 1.8 A draft Promotion Agreement has been prepared between the four relevant landowners, in addition to the chosen land promoter. The Council is one of the landowners, with another being HBC. The other two parties are a Charitable Trust and private individuals.
- 1.9 If planning permission is granted by HBC, the land promoter would then typically market the site to seek a purchaser and the site would be sold if suitable terms are agreed by all parties. For all four landowners, this would result in a capital receipt for each owner, however a capital receipt will not be received until the site is sold.
- 1.10 The Chief Operating Officer approved entering into the Promotion Agreement on 6 October 2023 under delegated authority; however, the Council has not completed the agreement as at the date of this Lead Member decision-making meeting. Once the Promotion Agreement is entered into, there is no option for the Council to withdraw the land unless agreed deadlines for planning consent and a future sale are not met. As such, whilst the Promotion Agreement itself is not a disposal, it is a contractually binding agreement that will compel the Council to sell the land when the conditions are met.

2 Supporting information

- 2.1 There is a statutory duty imposed by s123(2A) of the Local Government Act 1972 to advertise a proposed disposal of Public Open Space and to consider any objections made. In accordance with this duty, the Council gave public notice of the intention to dispose of the ESCC-owned land prior to entering into the Promotion Agreement. A notice was placed in the Hastings Observer for two consecutive weeks on 24 November 2023 and 1 December 2023, giving a deadline of 8 December 2023 for objections to be made.
- 2.2 Approximately 250 written objections were received. The Council also received subsequent responses once the deadline for comments passed in December 2023. The Council has collated all the responses following the notice that was placed in the Hastings Observer and all responses were replied to by the Council as soon as possible after receipt. Correspondence has been sent to each person that contacted the Council, to notify them of the date of this Lead Member meeting and to advise that a decision is to be made.

2.3 Broadly, the objections were in relation to any future development of the whole wider site, rather than to the disposal of the ESCC-owned land specifically. The general theme of the objections is summarised below:

- There is a public footpath running through (part) of the site which is considered to be well-used, particularly to avoid the Ridge which is a busy road;
- The Ridge is a busy road and there is concern that further development will cause further congestion which will impact on the emergency vehicle access to other parts of Hastings;
- The environmental impact of building on greenfield sites;
- Existing flooding/sewerage issues in Hastings would be worsened by further development;
- There would be an impact on infrastructure, such as GP surgeries, dentists and schools;
- The development of 140 homes is considered to be an over-development of the site;
- There are too many new homes in Hastings that are not selling, and upper and lower tier councils should do more to ensure these homes are occupied;
- Development of brownfield sites should be favoured over development of greenfield sites;
- A disposal would be supported by respondents, but on the sole basis that the ESCC-owned site is sold with a covenant on the land that it must be maintained as an open space, with the woodland and ecological aspects being preserved in perpetuity.

2.4 Following the deadline of 8 December 2023, Members have been consulted on the options available to the Council, along with HBC. The following options were considered:

- **Option 1:** Enter into the Promotion Agreement. This ensures that the Council is actively bringing housing development sites forward in line with the Hastings Local Plan and provides an opportunity to enhance the open green space. In addition to this, the Council is ensuring that the best consideration for the site can be received, in line with its obligations under s123 of the Local Government Act 1972. There will be a robust planning process, where HBC as the local Planning Authority will ensure that matters raised by local residents, as set out in paragraph 2.2 above, will be considered as part of the public consultation stage of the planning process, once a planning application has been submitted for approval. Matters such as Local Plan Policy compliance, drainage, access, development density, design and affordable housing provision, environmental and highways impacts will be considered during such a planning process before any development scheme is granted planning permission. The County Council will then look to explore if a community asset transfer disposal for the land to be retained for green/open space is feasible, assuming planning permission is secured for the housing development in line with the Promotion Agreement.
- **Option 2:** The Council does not enter into the Promotion Agreement, but instead explores a disposal of the ESCC-owned site by way of a community asset transfer with a restriction to be placed on the title to ensure that the use of the site is restricted. HBC and the two private landowners would then decide if to proceed with a Promotion Agreement in respect of their land holdings only.

2.5 In addition to the development considerations outlined in the Local Plan and Draft Local Plan, the Promotion Agreement also stipulates that an area of the Promotion Land of at least 0.635 ha (1.569 acres) in size is to be designated for use as amenity land and/or open space and/or woodland and/or sustainable urban drainage.

- 2.6 It is recommended that the Lead Member approves Option 1 – for the Council to enter into the Promotion Agreement. The Promotion Agreement is included in an exempt report, outlined in a later agenda item. The agreement contains commercially sensitive terms between all four landowners and the land promoter.
- 2.7 Once the Promotion Agreement is entered into the Council will work with HBC and the other parties to the Agreement to explore if a transfer of part of the Promotion Land (to be designated for use as amenity land and/or open space and/or woodland and/or sustainable urban drainage) can be transferred back into Local Authority ownership or offered to the local community at the appropriate time, after development of the site. This may be a consideration under future planning obligations.

3 Conclusion and reasons for recommendations

- 3.1 The Council has considered the outcome of the responses from members of the public concerning the intention to dispose of the site. These are summarised in the report and the Lead Member is recommended to note the feedback. It is, however, considered that entering into the Promotion Agreement provides the best opportunity to bring forward housing development sites locally, in accordance with the Local Plan. In addition to this, there will be an improvement upon the existing open space provision, with an area of at least 0.635ha in size to be designated for use as amenity land and/or open space and/or woodland and/or sustainable urban drainage as part of any development of the site.
- 3.2 The Lead Member for Resources and Climate Change is therefore recommended to approve entering into a Promotion Agreement and to agree the subsequent disposal of the site in accordance with s.123 of the Local Government Act 1972.
- 3.3 To facilitate an effective and efficient process, the Lead Member is also recommended to delegate authority to the Chief Operating Officer to agree the terms of the Promotion Agreement and then to comply with and give effect to the provisions set out therein including but not limited to agreeing the terms of any future sale of the ESCC-owned site to achieve best value in accordance with s123 of the Local Government Act 1972. The Lead Member is also recommended to delegate authority to the Chief Operating Officer to take all actions necessary to give effect to the recommendations in this report.

ROS PARKER Chief Operating Officer

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LOCAL MEMBERS

Councillor Peter Pragnell – Ashdown and Conquest
Councillor Sorrell Marlow-Eastwood – St Helens and Silverhill

BACKGROUND DOCUMENTS

Copies of all responses received
Copy of notice placed in the Hastings Observer.