

**From:** Rebecca Spore, Director of Infrastructure

**To:** Brian Collins, Deputy Leader

**Subject:** Freehold disposal of Land at the junction of West Malling Bypass & South of the London Road, Leybourne

**Decision no:** 25/00059

**Key Decision:** Yes, the decision involves expenditure or savings of over £1m

**Classification:** *Unrestricted report with exempt appendix A, not for publication under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).*

**Future Pathway of report:** Cabinet Member Decision

**Electoral Division:** Malling North, Local Member – Dodger Sian (Reform UK)

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**Is the decision eligible for call-in?** Yes

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**Summary:** This report considers the proposed disposal of Land at the junction of West Malling Bypass and land south of the London Road, Leybourne.

**Recommendations:**

The Deputy Leader is asked to consider and endorse or make recommendations on the proposed decision to agree to:

1. the disposal of Land at the junction of West Malling Bypass and land south of the London Road, Leybourne; and
2. to delegate authority to the Director of Infrastructure, in consultation with the Deputy Leader, to finalise the terms of the disposal and execution of all necessary or desirable documentation required to implement the above.

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**1. Introduction**

- 1.1 This report considers the Council's intention to sell the Land at the junction of West Malling Bypass and to the south of the London Road, Leybourne.
- 1.2 The property is located to the south of London Road and adjacent to Ashton Way, Leybourne. The site extends to approximately 4 hectares in area and comprises of agricultural land and existing woodland, enclosed by well-defined major road infrastructure and tree buffer to the north and west of the site. Located adjacent to the northern boundary are two existing residential properties.
- 1.3 The site is located within close proximity to West Malling Train Station.



1.4 Site plan below shows redline boundary for the proposed disposal, attached at Appendix B.



1.5 Exempt Appendix A which is commercially sensitive includes a full analysis of options with financials included.

## 2. Background

- 2.1 The property which extends to approximately 4 hectares is undeveloped and previously held by KCC's Growth Environment and Transport division (GET) for a road scheme and was declared surplus highways in December 2022, as it was no longer required.
- 2.2 KCC are the freeholders of the property Title Number K716157.
- 2.3 The property is currently tenanted with an agricultural business tenancy in place.
- 2.4 The site has been submitted as part of the "call for sites" to Tonbridge and Malling Local Plan Review in November 2023 and a positive pre-planning application response dated May 2025 for a development of up to 50 dwellings.
- 2.5 There are no other known KCC requirements that would require the use of this site, and it is therefore surplus to KCC requirements and is therefore being released for disposal.
- 2.6 It is proposed to dispose of the site on the open market, on an 'all enquiries' basis and any bids will be assessed against KCC's disposal policy and financial requirement.
- 2.7 The disposal value is in excess of £1m and therefore a Key Decision will be required.

## 3. Options considered and dismissed, and associated risk

- 3.1 **Reuse the site:** KCC has no operational requirement for the site.
- 3.2 **Continue to hold the site subject to the existing license in case of a future requirement:** Whilst there are minimal ongoing costs and the income is currently £1 per annum, the option for holding as an investment has been discounted as the capital receipts generated are significantly higher in the event of planning consent being granted for development and a sale on this basis. KCC has no ongoing requirement to hold the property.
- 3.3 **Disposal of the asset:** A freehold disposal will allow a capital receipt to be generated for reinvestment back into the Council's stated capital priorities as set out in the Council's Medium Term Financial Plan and support the delivery of the Council's statutory obligations.
- 3.4 **Recommended option:** A freehold disposal is the preferred option for the site, seeking offers on an 'all enquiries' basis to ensure all potential interest is explored in line with the Council's statutory duties and policies.

## 4. Marketing

- 4.1 Subject to the necessary approvals being forthcoming, KCC will appoint a suitably qualified agent in accordance with KCC's procurement processes to openly market the site in Q4 2025 on an 'all enquiries' basis to allow any interested parties to submit a bid for the site.

- 4.2 A marketing campaign to advertise the site through various media channels will be undertaken to ensure a wide audience is reached; appropriate due diligence will be undertaken on any bidders by KCC and its agent.
- 4.3 Bids will be appraised in line with the Council's legislative and fiduciary duties, and in compliance with KCC Freehold Asset Disposal Policy and any other relevant Council policies.
- 4.4 Following the formal submission of bids, these will be assessed considering:
- Ability for the purchaser to complete within the proposed timescales.
  - Overall price, any pricing caveats or exclusions.
  - Any conditionality on the proposals and the deliverability of these.
  - Deliverability of the proposals submitted, if they are reliant on the planning process.
  - Funding security.
  - Any benefit cost that may be relevant.

## **5. Financial Implications**

- 5.1 The sale of the property will result in a capital receipt which will be reinvested back into the Council's Capital Programme.
- 5.2 The disposal of the property will remove management costs associated with the site, easing pressure on revenue budgets.
- 5.3 The property is currently subject to a tenancy. There are no holding costs other than management costs and insurance costs.
- 5.4 Further financial information is set out in the exempt appendix A.

## **6. Legal implications**

- 6.1 The Council has an overarching duty under Section 123 of the Local Government Act 1972 to secure not less than best consideration in respect of property disposals. It also has a fiduciary duty to the residents of Kent.
- 6.2 External legal advisors will be appointed in consultation with General Counsel.

## **7. Equalities implications**

- 7.1 An Equalities Impact Assessment (EqIA) has been undertaken and identified no direct equalities implications arising from the disposal of the site.

## **8. Data Protection Implications**

- 8.1 As part of this approval process and in the handling of marketing/conveyancing of the site Data Protection regulations will be observed. No data or records are stored on the property.

- 8.2 A Data Protection Implication Assessment (DPIA) screener has confirmed that there are no DPIA implications and that a further DPIA assessment is not required in respect of this decision.

## **9. Other corporate implications**

- 9.1 This decision will not have any impact on other areas of the Council's work.

## **10. Governance**

- 10.1 A Key Decision is being sought in line with the constitution and the Council's governance processes.
- 10.2 In accordance with the property management protocol the views of the local Member have been sought and reported to the Cabinet Member taking the decision - no views or comments have been received.
- 10.3 Delegated authority is to be given to the Director of Infrastructure, in consultation with the Deputy Leader, to finalise the terms of any disposal and execution of all necessary or desirable documentation required to implement a decision to affect a disposal.
- 10.4 The Government has announced plans for Local Government Reorganisation (LGR), aiming to abolish two-tier government by 2028. At present, KCC has not received specific guidance from Central Government about how LGR will be implemented in Kent and Medway; further details are expected between May and August 2026. Until directed otherwise, KCC remains responsible for making decisions in the best interests of Kent taxpayers and disposing of assets it no longer requires.
- 10.5 When the exchange of contracts is approaching, the Director of Infrastructure will consider all relevant factors including financial considerations, any pending LGR decisions, and applicable legislation before finalising any contract agreements.

## **11. Next Steps and Conclusions**

- 11.1 An indicative timetable for the planned disposal is set out below:

| <b>Stage</b>                                   | <b>Timescale</b> |
|------------------------------------------------|------------------|
| Marketing                                      | Q4 2025          |
| Bid Appraisal                                  | Q1 2026          |
| Exchange of contracts                          | Q2 2026          |
| Completion of sale assuming unconditional sale | Q4 2026          |
| Completion of sale assuming conditional sale   | Q4 2028          |

- 11.2 The site has been declared surplus to the Council's operational requirements. In accordance with the Council's strategy of recycling assets to produce capital receipts for reinvestment into capital project priorities, it is recommended that this site is progressed for disposal.

## 12. Conclusions

12.1 KCC has no operational requirement to retain the site. The sale of the property will result in a capital receipt which will be reinvested back into the Council's Capital Programme and is required to support KCC's Medium Term Financial Plan. The disposal of the property will remove associated management costs associated with the property easing pressure on revenue budgets. It is recommended that the disposal of the property proceeds.

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### Recommendations:

The Deputy Leader is asked to consider and endorse or make recommendations on the proposed decision to agree to:

1. the disposal of Land at the junction of West Malling Bypass and land south of the London Road, Leybourne; and
  2. to delegate authority to the Director of Infrastructure, in consultation with the Deputy Leader, to finalise the terms of the disposal and execution of all necessary or desirable documentation required to implement the above.
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## 13. Appendices / Background Documents

- 13.1 Appendix A – Exempt Appendix A
- 13.2 Appendix B – Site Plan
- 13.3 Appendix C – Proposed Record of Decision
- 13.4 Appendix D – Equalities Impact Assessment

## 14. Contact details

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