

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

**To:** Peter Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

**Subject:** Disposal of land adjacent to Stourmouth Road, Preston CT3 1HP

**Decision no:** 24/00107

**Key Decision:** Yes

**Classification:** **Unrestricted report with exempt appendix A**, *not for publication under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 - Information relating to the financial or business affairs of any particular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:** Sandwich – Local Member Sue Chandler (Conservative)

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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 adjacent to Stourmouth Road, Preston CT3 1HP.

**Recommendations:**

The Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services is asked to consider and endorse or make recommendations on the proposed decision to agree:

1. the disposal of land adjacent to Stourmouth Road, Preston CT3 1HP; and
2. delegate authority to the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to finalise the terms of the disposal and execute all necessary or desirable documentation required to implement the above.

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**1. Introduction**

- 1.1 This report addresses the Council's intention to sell land adjacent to Stourmouth Road, Preston, which comprises approx. 0.028ha (0.07 acres).
- 1.2 The land is located on the west side of Stourmouth Road in a rural area just to the north of Preston Village. It comprises a narrow strip of grass verge.
- 1.3 Exempt Appendix A includes more detailed and financial information which is considered commercially sensitive.
- 1.4 A site plan is attached at Appendix B.

## **2. Background**

- 2.1 The land formed part of a 26-acre (approx.) site which KCC acquired in 1936 for the purpose of providing Small Holdings under the Agriculture, Small Holdings & Allotments Acts. The vast majority of this land has been disposed of in various transfers during the intervening period. The remaining land was appropriated to Highways in 1981 for a Highway Improvement Scheme which never came to fruition and that part identified in Red on the plan at Appendix B was formally declared surplus by Highways on 12 July 2023. It was subsequently declared surplus to all KCC requirements on 10 August 2023.

## **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 vacant in case of a future requirement:** It is a grass verge; it has no current or future use by either Highways or any other KCC service.
- 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 and support the delivery of the Council's statutory obligations and eliminate any holding costs associated with the property. This is the recommended option.

## **4. Financial Implications**

- 4.1 The sale of the property will result in a capital receipt which will be reinvested back into the Council's Capital Programme.
- 4.2 The disposal will remove any holding costs associated with the site, easing pressure on revenue budgets.
- 4.3 Further financial information is set out in the Exempt Appendix A.

## **5. Legal implications**

- 5.1 The Council has an overarching duty under s123 of the Local Government Act 1972 to obtain not less than best consideration in the disposal of property assets and it also has a fiduciary duty to the residents of Kent.
- 5.2 External legal advisors have been appointed in consultation with General Counsel.

## **6. Equalities implications**

- 6.1 The Key Decision to be taken by the Cabinet Member does not relate to a service delivery or change.
- 6.2 An EqIA has been undertaken and has not resulted in any implications which might impact upon a disposal of the Council's interest; a copy of this is attached at Appendix D.

## **7. Data Protection Implications**

- 7.1 As part of this approval process and in the handling of the disposal of the site, Data Protection regulations will be observed.
- 7.2 A Data Protection Implication Assessment (DPIA) screening has confirmed that there are no DPIA implications and that a (further) DPIA assessment is not required in respect of this decision.

## **8. Other corporate implications**

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

## **9. Governance**

- 9.1 A Key Decision is being sought in line with the Constitution and the Council's governance processes. The views of the local Member in accordance with the property management protocol will be sought and will be reported to the Cabinet Member before a Key Decision is taken.

## **10. Next steps and Conclusions**

- 10.1 Subject to the necessary approvals being forthcoming, KCC will instruct Solicitors and Surveyors to prepare and execute a disposal strategy to affect a disposal in accordance with adopted KCC Freehold Property Assets Disposal Policy its statutory and fiduciary obligations.
- 10.2 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.

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## **Recommendations:**

The Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services is asked to consider and endorse or make recommendations on the proposed decision to agree:

1. the disposal of land adjacent to Stourmouth Road, Preston CT3 1HP; and
2. delegate authority to The Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to finalise the terms of the disposal and execution of all necessary or desirable documentation required to implement the above.

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## **12. Appendices**

- 12.1 Appendix A – Exempt Appendix A
- 12.2 Appendix B – Site Plan
- 12.3 Appendix C – Proposed Record of Decision
- 12.4 Appendix D - Equalities Impact Assessment

### 13. Contact details

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