

KENT COUNTY COUNCIL - RECORD OF DECISION

DECISION TAKEN BY

Mr Gary Cooke, Cabinet Member for Corporate and Democratic Services

DECISION NO.

14/00057
(previously 12/02036)

Unrestricted

Subject: Sale of Access Rights to Area F1, Discovery Drive, Village 2, Kings Hill

Decision:

As Cabinet Member for Corporate and Democratic Services I hereby agree the sale of access and service rights to Area F1 across land owned by Kent County Council at Kings Hill and delegate authority to the Director of Property and Infrastructure Support to enter into all necessary related contracts and agreements on behalf of Kent County Council.

Background:

Kings Hill is one of Kent's flagship mixed use developments and is subject to a strong and long running development partnership between KCC and Liberty Property Trust UK. The Kings Hill development provides a proven and essential source of income to KCC through annual distributions generated by the effective disposal of residential development land.

The Land known as Area F1 lies adjacent to the Kings Hill development but outside of the Partnership's ownership, however KCC through the Kings Hill Partnership owns and controls the only appropriate land required to access the area and therefore develop it.

The Kings Hill Development Partnership has anticipated the development of the F1 site for over 12 years and has accordingly made provisions for it in terms of the necessary infrastructure and services.

The landowner of Area F1 has now selected a housebuilder to take forward a consented residential scheme for 48 family houses on the site (ref:13/00910/RM).

The sale of access and service rights across KCC land is required in order to enable the scheme to progress. The process for negotiating access rights to neighbouring developments is set out in case law such as Stokes v Cambridge 1961, however each agreement is unique with a number of factors taken into consideration.

A payment has been negotiated based on existing precedents and taking into account the various unique factors that have enhanced the development value of the area. This figure is considered to demonstrate Best Consideration within s123 of the Local Government Act.

Consultation and Communication

Local Member consultation has taken place and the decision has been discussed and endorsed by the Policy and Resources Cabinet Committee.

Financial Implications

The sale is to exceed £1million. Further financial information is contained within the exempt report that is not for publication and should be considered by the decision maker alongside this report.

Legal Implications

The sale of access rights will bind the purchaser to the standard terms used in most other recent Kings Hill land disposals; these ensure a consistent approach to build quality and protect the long term best interests of the development.

Equality Impact Assessments

Through this decision no policy, procedure or service is being updated, removed or created and therefore there are no equality impacts.

Sustainability Implications

There are no sustainability implications involved with the sale of access rights.

Reason for decision:

The sale of access rights are in line with the adopted disposal strategy at Kings Hill. The sale will enable new homes to be built and result in a significant financial contribution to the Kings Hill Partnership.

Cabinet Committee recommendations:

The Policy and Resources Cabinet Committee at its meeting of 11th July 2012 endorsed the decision to be taken by the Cabinet Member to authorise the sale of access and service rights. It was considered that the decision had been taken following that meeting but an oversight occurred and the process was not completed. There are no significant changes to the proposals since members considered it but all members will be given a further opportunity to comment before the decision is taken and any comments will be included within the information to which the cabinet member has regard on taking his decision.

Any alternatives considered:

The alternative option would be to not grant access rights to Area F1. This would result in land with planning permission remaining undeveloped and new family and affordable housing not being built.

Any interest declared when the decision was taken and any consequent dispensation granted by the Proper officer:

None

Background Documents: None

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signed

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Date