

**PROPOSED SALE OF SITE AT MILE AND LANGLEY
NURSERY, CROOKED MILE, WALTHAM ABBEY**

Presented by the Deputy Chief Executive

EXECUTIVE SUMMARY

In November 2017 (Paper E/526/17) Members agreed that in principle at that time the Mile & Langley Nurseries site (shown edged in red on the plan attached as Appendix A to this report) was no longer required for Park purposes. The site lies in the north of the Park and was acquired as part of the larger 56 hectare area of land known as the Wake Estate in 1969. At the same time officers were also given the go ahead to proceed with marketing the site.

Prior to going out to the open market and following external advice, officers submitted an application for an outline planning consent for residential development to seek to maximise the potential capital receipt in order to achieve best consideration for the Authority.

The application was refused by Epping Forest District Council in 2020. In May 2021 (Paper E/728/21) a report was presented to Executive Committee to approve the Authority entering into a Section 106 agreement as part of the planning appeal process which would be required if the appeal was successful. Members were also asked to note the progress and again it was highlighted that the land was potentially no longer required for Park purposes but that this would be subject to confirmation as part of a future Member decision.

Following the appeal process, outline planning consent was granted and Members are now asked to approve that the Mile and Langley site comprising of 4.1 acres is no longer required for Park purposes and consider it suitable for potential freehold disposal.

RECOMMENDATIONS

- Members Approve:
- (1) to declare the site shown edged red on Appendix A to this report as no longer required for Park purposes and therefore surplus to Authority requirements;
 - (2) the freehold sale of the site based on the terms

as set out in the Part 2 report (Paper E/773/22) on this agenda;

- (3) delegation to the Deputy Chief Executive to make any non-material changes to the terms set out in this report;
- (4) subject to (2) above an application be submitted under S21 of the Lee Valley Regional Park Act 1966 to the Secretary of State for consent to the disposal of an interest in land; and
- (5) subject to (2) and (4) above, the signing and sealing of all necessary legal documentation

BACKGROUND

- 1 The site shown edged red on Appendix A to this report was acquired as part of the larger 56 hectare area of land known as the Wake Estate in 1969. The sites known as Mile and Langley Nurseries were used as glasshouse businesses at the time of acquisition and have continued to be leased out commercially throughout the Authority's ownership albeit for different uses than originally. This site has therefore never formed part of the adjacent open land and consequently has never been open to the public or been used for any Park related purposes.

Officers identified the site as part of the Land and Property Review in 2017 where all of the Authority's landholdings were reviewed. This site was identified by officers and considered by the Land and Property Working Group as potentially being no longer required for Park purposes and Members approved in November 2017 (Paper E/526/17) for the site to be marketed.

- 2 Prior to going out to the open market and following external advice officers submitted an application for an outline planning consent for residential development to seek to maximise the potential capital receipt and to ensure the Authority could achieve best consideration. The application was refused by Epping Forest District Council (EFDC).
- 3 The planning refusal was subsequently appealed by the Authority and in October 2021 the appeal was allowed by the planning inspector. Planning consent was granted by EFDC for a residential development of up to 52 dwellings including 40% affordable housing subject to conditions.
- 4 The planning inspector described the site as currently used for commercial purposes, occupied by two separate businesses, a range of both permanent buildings and temporary single storey structures are located within the site with associated hardstandings, outside storage and parking areas. The inspector also noted that aside from the hedges and trees on the boundaries, and between the two commercial uses, the site is generally devoid of vegetation.
- 5 In March this year Montagu Evans were instructed by the Authority to undertake exploratory marketing of the site. The site was openly marketed via an informal tender process commencing in March 2022, with advertising in the property press (Estates Gazette) on 26 March 2022 and 9 April 2022, as well as direct contact with targeted parties known to Montagu Evans and others that had shown interest in the site to the Authority. The site was also widely marketed via

Montagu Evans' LinkedIn and social media platforms. A bid deadline of 13 May 2022 was set.

- 6 Offers were invited on an unconditional (subject to contract only) basis but with appropriate site sell on, sales revenue and planning overage proposals. On the initial bid deadline of 13 May 2022 a total of 19 offers were received for the site (all unconditional on planning). The level and quantity of offers received highlighted that an open and fair marketing process was achieved.
- 7 The outcome of the marketing exercise and the potential disposal terms have been set out in the Part 2 report.

ENVIRONMENTAL IMPLICATIONS

- 8 The site has at no time been incorporated into any open space and has been subject to the commercial leases mentioned in the report. The planning inspector's view has also been noted in paragraph 4 of the report.

While there are no direct environmental implications for the Authority as a result of the sale of the land, any subsequent development may have an impact on the surrounding Authority land by way of changes in but not limited to drainage, or noise and light pollution. It should though be noted that the purchaser is bidding on the basis of existing permitted planning uses. If an application were made to change the planning uses or pursue development that required planning permission, the Authority will use its role as a planning consultee to ensure that any development of the subject land includes safeguards to protect wildlife and vegetation on its land.

FINANCIAL IMPLICATIONS

- 9 Should it be agreed that the land is surplus to the Authority's requirements and disposed of then the Authority will receive a capital receipt.

The Authority is able under The Local Authorities (Capital Finance and Accounting) Regulations, to use capital receipts to meet the costs directly related to disposal, up to a value equivalent to 4% of the capital receipt.

The net capital receipt achieved on the disposal can be included as part of the capital programme funding plan to support the overall programme going forward.

HUMAN RESOURCE IMPLICATIONS

- 10 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 11 There are legal implications arising directly from the recommendations in this report. The Authority is able to dispose of any area of land whether in whole or in part when it is no longer required for Park purposes. This must be a properly applied test under Section 21 of the Lee Valley Regional Park Act 1966 (the Park Act) and all of the facts should be taken into consideration when making a decision to dispose of land. Any disposal will require a formal Member decision under Section 21 of the Park Act and Members are being asked to make that

decision in the Part 2 report (Paper E/773/22). The Authority will also be required to obtain consent from the Secretary of State. Under Section 22 of the Park Act the Authority is required to obtain approval for the use of any capital receipt obtained under Section 21 of the Park Act.

RISK MANAGEMENT IMPLICATIONS

- 12 There are no risk management implications arising directly from the recommendations in this report although it should be noted that the Authority continues to hold land that is not potentially required for Park purposes and with the existing uses do not fall under the Park's remit for leisure, sports and recreation.

EQUALITY IMPLICATIONS

- 13 There are no equality implications arising directly from the recommendations in this report.

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APPENDIX ATTACHED

Appendix A Plan showing land to be declared as no longer required for Park purposes

ABBREVIATIONS USED

EFDC Epping Forest District Council
the Park Act Lee Valley Regional Park Act 1966

PREVIOUS COMMITTEE REPORTS

Executive	E/728/21	Langley and Mile Nurseries Planning Appeal – Section 106 Agreement	27 May 2021
Executive	E/526/17	Proposal to Dispose of Site at Langley & Mile Nursery, Crooked Mile, Waltham Abbey	23 November 2017
Executive	E/507/17	Langley & Mile Nurseries, Crooked Mile, Waltham Abbey	22 June 2017



Appendix A - Land at Langley and Mile Nurseries, Crooked Mile, Waltham Abbey

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Produced by: Corporate GIS (AAB)
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