

To: Chair and Members of the
Communities Scrutiny Committee

Date: 1 October 2020

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Dear Councillor

I refer to this agenda for the meeting of the **COMMUNITIES SCRUTINY COMMITTEE** to be held at **10.30 am** on **MONDAY, 5 OCTOBER 2020** in **VIA WEBEX** and enclose the following report(s).

PLEASE NOTE: DUE TO THE CURRENT RESTRICTIONS ON TRAVEL AND THE REQUIREMENT FOR SOCIAL DISTANCING THIS MEETING WILL NOT BE HELD AT ITS USUAL LOCATION. THIS WILL BE A REMOTE MEETING BY VIDEO CONFERENCE AND NOT OPEN TO THE PUBLIC.

**Agenda Item
No**

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act 1972.

5 URGENT MATTERS: REVIEW OF CABINET DECISION RELATING TO DISPOSAL OF LAND ADJACENT TO YSGOL PENDREF, DENBIGH
(Pages 3 - 22)

To consider a report by the Scrutiny Co-ordinator (copy attached) which seeks the Committee, based on written and verbal information provided, to review the Cabinet's decision of 22 September 2020.

Yours sincerely

G Williams
Head of Legal and Democratic Services

MEMBERSHIP

Councillors

Mabon ap Gwynfor
Brian Blakeley
Rachel Flynn
Tina Jones
Merfyn Parry
Anton Sampson

Glenn Swingler
Andrew Thomas
Graham Timms
Cheryl Williams
Huw Williams

Voting Co-opted Members for Education (Agenda Item No. 4 only)

Kathleen Jones

Neil Roberts

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Report to	Communities Scrutiny Committee
Date of meeting	5 October 2020
Lead Member/Officers	Councillor Julian Thompson-Hill/Mark Dixon, Housing Development Officer/Mair Jones Principal Valuation and Estates Surveyor
Report author	Rhian Evans, Scrutiny Co-ordinator
Title	Review of Cabinet Decision relating to disposal of land adjacent to Ysgol Pendref, Denbigh

1. What is the report about?

- 1.1 The report is about a review under the Council's Scrutiny 'call-in' procedure of a decision on 'Disposal of Land Adjacent to Ysgol Pendref, Denbigh ' taken by the Cabinet on the 22nd September 2020.

2. What is the reason for making this report?

- 2.1 A notice of a 'call-in' was submitted by 5 non-Cabinet councillors in accordance with the Council's Constitution. The notice called for a review by one of the Council's Scrutiny committees into a decision of the Cabinet relating to the disposal of land adjacent to Ysgol Pendref in Denbigh.

3. What are the Recommendations?

- 3.1 That the Scrutiny Committee, after considering the information in this report, appendices and the representations made today, decides whether to refer the decision on the disposal of land adjacent to Ysgol Pendref in Denbigh, taken on the 22 September 2020, back to Cabinet for further consideration.
- 3.2 That if Cabinet is requested to reconsider its original decision, the Scrutiny

Committee identifies the reasons for the review and any recommendations it would like Cabinet to consider.

4. Report details

4.1 On the 22 September 2020 Cabinet considered a report on 'Disposal of Land Adjacent to Ysgol Pendref in Denbigh' (copy attached at Annex A).

4.2 At the conclusion of its discussion Cabinet resolved to:

“(a) approve the disposal of land adjacent to Ysgol Pendref, Denbigh outlined in red on the plan (Appendix A to the report) which is surplus to Council requirements on the open market for residential development and delegates authority to the Lead Member for Finance, Performance and Strategic Assets to approve the final sale, and

(b) confirms it has read, understood and taken account of the Well-being Impact Assessment (Appendix B to the report) as part of its consideration.”

4.3 The Council's 'call-in' procedure defines a process for Scrutiny to exercise its statutory powers to review or scrutinise executive decisions, and to request that the decision-maker reconsiders a decision that has been taken, prior to it being implemented.

4.4 Cabinet's decision was published on the 24 September. The 'call-in' procedure allows non-Cabinet councillors 5 working days in which to submit a notice of 'call-in'. Councillor Glenn Swingler submitted a notice of 'call-in' electronically on 30 September. This request was supported (via individual e-mails) by four other non-Cabinet councillors, namely Councillors Gwyneth Kensler, Paul Penlington, Arwel Roberts, and Rhys Thomas.

4.5 The reason stated on the request for 'calling-in' the decision is:

“1: This is more land owned by Council being sold for a quick fix to fill budget holes.

- 2: Upper Denbigh has up to 300 houses being built on the NWH (North Wales Hospital) site and more (mostly) unaffordable housing is not required.*
- 3: The land is presently farm land. We should be encouraging more people into farming. We don't yet know the effects of Brexit on food security and now would be a foolish time to dump this land.*
- 4: Although it mentions the land not being suitable for a new build for Ysgol Pendref it was only a very, very short time ago Cabinet agreed to the new 21st century schools programme and to commence a scoping exercise. Has that been completed already?*
- 5: Once land belonging to the people has been sold to private enterprises there is no going back. How are cabinet certain the land will not be needed in the future.*
- 6: We must surely be building more social housing.”*

- 4.6 After considering the Cabinet’s decision and the representations made at today’s meeting, Communities Scrutiny Committee must decide whether the decision should be referred back to Cabinet. The Scrutiny Committee should provide its reasons for doing so and any information it wants Cabinet to consider. These would be considered by Cabinet at its next available meeting and Cabinet should demonstrate that appropriate consideration is given to the Scrutiny Committee’s recommendations.
- 4.7 Cabinet will have the options to change or re-affirm its original decision.
- 4.8 If Communities Scrutiny Committee decides that Cabinet’s decision should not be referred back to Cabinet, then the original decision can be implemented immediately.

5. How does the decision contribute to the Corporate Priorities?

- 5.1. See Cabinet report dated 22 September 2020 (Annex A).

6. What will it cost and how will it affect other services?

6.1. See Cabinet report dated 22 September 2020 (Annex A).

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. See Cabinet report dated 22 September 2020 (Annex A).

8. What consultations have been carried out with Scrutiny and others?

N/A. This report has been prepared under the provisions and timescales of the Council's constitution for a 'call-in' of a Cabinet decision

9. Chief Finance Officer Statement

9.1. See Cabinet report dated 22 September 2020 (Annex A)

10. What risks are there and is there anything we can do to reduce them?

10.1. See Cabinet report dated 22 September 2020 (Annex A)

11. Power to make the decision

11.1. Section 21(2) and (3) of the Local Government Act 2000

11.2. Sections 7.2.1 and 7.25 of the Council's Constitution

Report to	Cabinet
Date of meeting	22 nd September 2020
Lead Member / Officer	Councillor Julian Thompson Hill Lead Member for Finance, Performance & Strategic Assets
Report authors	Mair Jones, Principal Valuation and Estates Surveyor Mark Dixon, Housing Development Manager
Title	Disposal of land adjacent to Ysgol Pendref, Denbigh

1. What is the report about?

1.1 The report is about selling the Council's freehold interest in a field which was formerly part of the Council's Agricultural Estate and which is adjacent to Ysgol Pendref, Denbigh to enable the construction of new homes. The field extends to 2.82 ha (6.97 acres).

2. What is the reason for making this report?

2.1 Because the market value of the land with vacant possession is estimated to be greater than £1,000,000, the decision has to be made by Cabinet to comply with the Council's constitution.

3. What are the Recommendations?

3.1 The recommendation is that Cabinet approves the disposal of land adjacent to Ysgol Pendref, Denbigh outlined in red on the plan in Appendix A which is surplus to Council requirements on the open market for residential development and delegates authority to the Lead Member for Finance, Performance and Strategic Assets to approve the final sale; and

3.2 That Cabinet members confirm that they have read, understood and taken account of the Well-being Impact Assessment in Appendix B as part of the consideration.

4. Report details

4.1 The field to which this report relates had formerly been part of the Council's Agricultural Estate but came back in hand - subject to short term tenancy provisions, with a view to it either being developed or sold at a later stage. The land is currently used for grazing and is let under a short term arrangement.

4.2 The field was allocated for residential development in the current Local Development Plan under policy BSC1 (Building Sustainable Communities - Growth Strategy for Denbighshire). A Site Development Brief was adopted as Supplementary Planning Guidance by the Council's Planning committee on 15th March 2017.

4.3 This field together with another smaller one adjacent to Tan y Sgubor were appropriated to the Council's Housing Revenue Account. Contractors will be starting work on building 22 houses for social rent to be retained by the Council on the Tan y Sgubor site this autumn. Because of the number of new homes which can be accommodated on the larger field and the desirability of being able to offer a choice of different housing types and tenures to meet identified needs in the Denbigh area, it would be more appropriate for the larger field to be sold to enable its development to be progressed by a party external to the Council but with the expectation that 20% of the homes provided would be built as affordable units and offered for sale to the Council in the first instance at a price determined in accordance with the adopted Supplementary Planning Guidance for affordable homes.

5. How does the decision contribute to the Corporate Priorities?

5.1 The Council's Corporate Plan includes a priority to ensure that everyone is supported to live in homes that meet their needs. The Housing Strategy approved by the County Council at its meeting on 1st December 2015 includes an action to review both Council and Housing Revenue Account landholdings to determine their suitability and availability for affordable housing development and establish a clear programme for delivery. This decision will contribute towards the delivery of the Corporate Plan and Housing Strategy by enabling a developer to build new homes including a proportion which are affordable to address the need for this type of accommodation in this location.

6. What will it cost and how will it affect other services?

6.1 There will be costs associated with the disposal incurred by the Council's own valuers and solicitors, and external agents appointed to deal with the sale. These will be met from the capital receipt generated by the sale.

6.2 The impact of the subsequent development upon the environment will be assessed through the Planning process.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1 The main conclusions of the assessment are that the proposal will have a positive impact on all of the well-being goals through the provision of new homes suitable for people who acquire protected characteristics which are situated in a location which will enable them to access services on foot or by cycling and which will minimize the risk of fuel poverty amongst residents as a consequence of their energy efficiency; it will have a positive impact on the economy by contributing towards the vitality of shops and services in Denbigh town centre and through supply chain opportunities and the acquisition of new skills as a consequence of the creation of apprenticeships; it will increase community cohesiveness by improving the attractiveness of a previously undeveloped area and providing access to community leisure facilities for residents; and it will have a positive impact upon biodiversity through habitat improvements; and it will promote the use of the Welsh language through the use of bilingual signage and Welsh street names.

8. What consultations have been carried out with Scrutiny and others?

8.1 The Site Development Brief was the subject of consultation with the public and specialist consultees and the proposal has been presented to the ward members and the Denbigh Member Area Group. The land was considered by the Council's Modernising Education team as a possible candidate site for the construction of a new school but was rejected.

8.2. The Asset Management Group supported the disposal of this land at its July meeting and recommended that Cabinet should approve the disposal.

9. Chief Finance Officer Statement

9.1 The proposal to support this disposal of land is in line with the Council's Priorities and Policies and is therefore supported. The additional funding generated which will help reduce

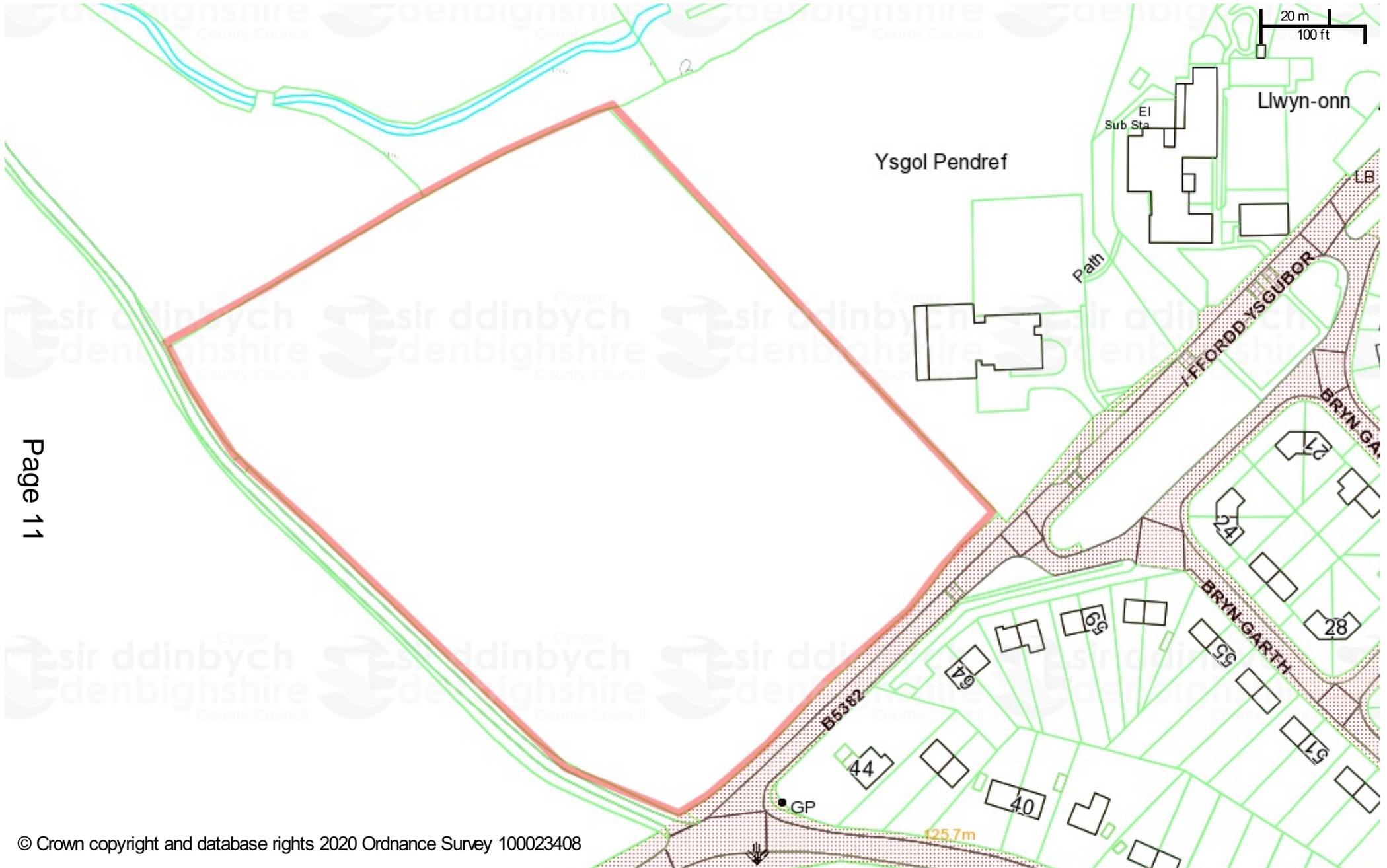
the borrowing requirement of the Capital Plan is particularly welcome during a time when Council finances are stretched.

10. What risks are there and is there anything we can do to reduce them?

10.1 The risk of not obtaining the best price for the land and the highest proportion of affordable homes on the development will be mitigated by the appointment of specialist agents to handle the sale.

11. Power to make the decision

11.1 Section 123 of the Local Government Act 1972 gives the Council the power to dispose of land.



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APPENDIX A - Land adjacent to Ysgol Pendref, Denbigh

Scale: 1:1500

Printed on: 8/9/2020 at 12:16 PM

Proposed disposal of land adjacent to Ysgol Pendref, Denbigh.

Well-being Impact Assessment Report

This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	672
Brief description:	The proposal involves the disposal of land adjacent to Ysgol Pendref, Denbigh to enable the construction of new homes to be made available in a range of tenures.
Date Completed:	08/09/2020 12:50:43 Version: 1
Completed by:	Mair Jones
Responsible Service:	Facilities, Assets & Housing
Localities affected by the proposal:	Denbigh,
Who will be affected by the proposal?	Prospective tenants and owner occupiers seeking new homes
Was this impact assessment completed as a group?	Yes

IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

Score for the sustainability of the approach

★★★★ (4 out of 4 stars) Actual score : 30 / 30.

Implications of the score

We can apply the five ways of working to improve the sustainability of our approach.

We can prevent problems occurring in the long term by developing assets which enable people to live in their own homes for longer by providing affordable homes which meet the Lifetime Homes Standard as part of the development thereby improving community resilience. We can improve the resilience of our infrastructure by providing homes on developments where drainage has been installed to reduce flood risk. We can ensure our proposal is embedded and sustained by making provision in our housing stock business plan for the future maintenance of the Council homes on the development.

We can prevent problems occurring by creating an inter-generational community where tenants can help each other and be less reliant on public services.

We will link our proposal to other corporate priorities by supporting people's independence and minimizing carbon emissions and improving habitats on the development site. We will help to deliver the Local Development Plan by providing more affordable homes on land which has been allocated for this purpose.

We will collaborate with the chosen developer to deliver affordable homes which meet identified needs in the Denbigh local housing market area which includes the Denbigh Upper/Henllan ward.

The community has been involved in developing the proposal through engagement in the consultations which took place prior to the adoption of the development brief for the site and there will be a further opportunity for community involvement during the pre-Planning application consultation.

Summary of impact

Well-being Goals

A prosperous Denbighshire

A resilient Denbighshire

A healthier Denbighshire

A more equal Denbighshire

A Denbighshire of cohesive communities

A Denbighshire of vibrant culture and thriving Welsh language

A globally responsible Denbighshire

Positive

Positive

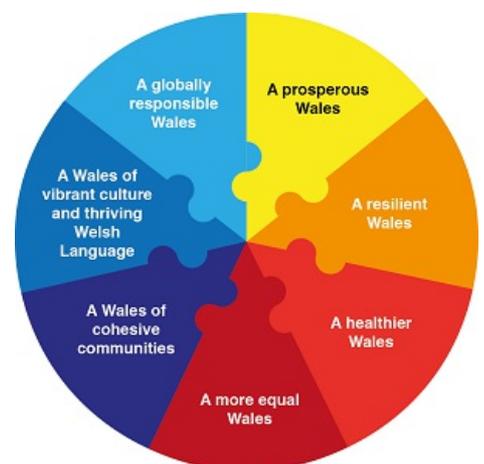
Positive

Positive

Positive

Positive

Positive



Main conclusions

The main conclusions of the assessment are that the proposal will have a positive impact on all of the well being goals through the provision of new homes suitable for people who acquire protected characteristics which are situated in a location which will enable them to access services on foot or by cycling and which will minimize the risk of fuel poverty amongst residents as a consequence of their energy efficiency; it will have a positive impact on the economy by contributing towards the vitality of shops and services in Denbigh town centre and through supply chain opportunities and the acquisition of new skills as a consequence of the creation of apprenticeships; it will increase community cohesiveness by improving the attractiveness of a previously undeveloped area and providing access to community leisure facilities for residents; and it will have a positive impact upon biodiversity through habitat improvements; and it will promote the use of the Welsh language through the use of bilingual signage and Welsh street names.

Evidence to support the Well-being Impact Assessment

- We have consulted published research or guides that inform us about the likely impact of the proposal
- We have involved an expert / consulted a group who represent those who may be affected by the proposal
- We have engaged with people who will be affected by the proposal

THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

A prosperous Denbighshire

Overall Impact	Positive
Justification for impact	The overall impact of the proposal is positive because it will help to minimise carbon emissions through the provision of energy efficient homes; it will help to minimize flood risk through the introduction of surface water drainage to the area; it will help to develop the county's economy by enhancing the vitality of the shops and services in Denbigh town centre; and it will help to raise skills levels by enabling the provision of training in the construction sector.
Further actions required	Positives can be maximised by requiring that the design includes the highest levels of energy efficiency which are feasible; by enabling businesses to promote the services available in the town centre to new residents; and by the provision of new skills to apprentices involved in the construction of the new homes. The negative can be maximised by ensuring that the potential additional demand for childcare provision in the area is taken into account in the annual assessment.

Positive impacts identified:

A low carbon society	The proposal will lead to the construction of new homes which will require limited amounts of energy for their operation thereby minimizing carbon emissions from energy generation.
Quality communications, infrastructure and transport	The proposal will improve infrastructure through the installation of surface water drainage to land where this has not been provided previously thereby minimizing flood risk.
Economic development	The proposal will help to enhance the vitality and viability of the shops and services in Denbigh town centre by enabling more households to live in the town thereby increasing demand and improving their profitability.
Quality skills for the long term	The proposal will help to provide quality skills for the long term through the provision of training and job opportunities in the construction sector through the adoption of a "Local Employment Strategy" for the development.
Quality jobs for the long term	Not applicable
Childcare	Not applicable

Negative impacts identified:

A low carbon society	None
Quality communications, infrastructure and transport	None
Economic development	None

Quality skills for the long term	None
Quality jobs for the long term	None
Childcare	The provision of additional family housing could lead to increased demand for increased pressure on childcare provision.

A resilient Denbighshire

Overall Impact	Positive
Justification for impact	The overall impact of the proposal is positive because residents will be provided with facilities to recycle more waste; biodiversity in the urban environment will be enhanced through the inclusion of soft landscaping in the development; residents of the development will be able to access town centre shops and services without having to travel by car thereby saving fuel; and it will improve flood risk by providing surface water drainage for the site.
Further actions required	The landscaping and planting will compensate for any loss of habitat and will be of better quality.

Positive impacts identified:

Biodiversity and the natural environment	Not applicable
Biodiversity in the built environment	The proposal will enhance biodiversity in the built environment through the inclusion of landscaped areas and planting in the development.
Reducing waste, reusing and recycling	The proposal will help to encourage recycling by residents through the provision of locations for the different bins required on each plot.
Reduced energy/fuel consumption	The proposal will reduce fuel consumption by enabling people to live near town centre shops and services thereby reducing the need to travel by car.
People's awareness of the environment and biodiversity	Not applicable
Flood risk management	The proposal will reduce flood risk through the installation of surface water drainage on the site.

Negative impacts identified:

Biodiversity and the natural environment	Construction on a previously undeveloped area could potentially result in the loss of habitat.
Biodiversity in the built environment	None
Reducing waste, reusing and recycling	None
Reduced energy/fuel consumption	None

People's awareness of the environment and biodiversity	None
Flood risk management	None

A healthier Denbighshire

Overall Impact	Positive
Justification for impact	The overall impact of the proposal is positive because the health and well being of residents will be improved by being able to access shops and services in Denbigh town centre and open space provided on site, and participation in leisure opportunities will be increased access to health care will be improved by locating new homes close to existing facilities.
Further actions required	Positives can be maximised by town centre services and leisure facilities promoting awareness of their offer to new residents.

Positive impacts identified:

A social and physical environment that encourage and support health and well-being	The proposal will encourage and support health and well being by providing homes which are located near shops and services in Denbigh town centre which can be accessed by pedestrians or by cycling and through the provision of open space for recreation on the development.
Access to good quality, healthy food	Not applicable
People's emotional and mental well-being	Not applicable
Access to healthcare	The proposal has the potential to improve residents' access to healthcare by providing new homes within easy reach of the primary health care facilities in Denbigh town centre.
Participation in leisure opportunities	The proposal has the potential to improve participation in leisure opportunities through the provision of new homes close to facilities such as the playing field at Cae Howell and within easy travelling distance from Denbigh Leisure Centre.

Negative impacts identified:

A social and physical environment that encourage and support health and well-being	None
Access to good quality, healthy food	None
People's emotional and mental well-being	None
Access to healthcare	None

Participation in leisure opportunities	None
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A more equal Denbighshire

Overall Impact	Positive
Justification for impact	The overall impact is positive because the well being of people with protected characteristics will be improved by the provision of affordable Lifetime Homes and because poverty will be reduced by providing energy efficient homes which minimize the amount which residents spend on energy.
Further actions required	Positives can be maximised by instructing new tenants on how to minimise energy consumption in their homes.

Positive impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation	The proposal will improve the well being of people with protected characteristics by providing affordable homes which meet Lifetime Homes Standards which will enable tenants to continue living in their homes if they acquire a disability.
People who suffer discrimination or disadvantage	Not applicable
Areas with poor economic, health or educational outcomes	Not applicable
People in poverty	The proposal will help to tackle fuel poverty by providing energy efficient homes which will minimize the proportion of residents' income spent on fuel.

Negative impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation	None
People who suffer discrimination or disadvantage	None
Areas with poor economic, health or educational outcomes	None
People in poverty	None

A Denbighshire of cohesive communities

Overall Impact	Positive
Justification for impact	The overall impact will be positive because community participation will be improved through engagement in the design process, and the attractiveness of the neighbourhood will be enhanced with soft landscaping and planting.
Further actions required	Additional planting and external lighting which is designed to reduce impact on nocturnal wildlife will help to address concerns about any adverse impact upon the attractiveness of the area arising from the proposal.

Positive impacts identified:

Safe communities and individuals	Not applicable
Community participation and resilience	The proposal encourages community participation through engagement in the design process during the pre-Planning application consultation for a major development.
The attractiveness of the area	The proposal will improve the attractiveness of the area through the provision of soft landscaping and planting on the site.
Connected communities	The increase in demand arising from the additional homes provided by the development will support the case for improved broadband speed in the area.
Rural resilience	Not applicable

Negative impacts identified:

Safe communities and individuals	None
Community participation and resilience	None
The attractiveness of the area	The proposal will involve construction on a green field site which could be perceived as being negative by some stakeholders.
Connected communities	None
Rural resilience	None

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Positive
Justification for impact	A community linguistic assessment will be required for the development which will identify how it can have the maximum positive impact overall upon people using the Welsh language.
Further actions required	Additional mitigation measures could include the local advertisement of properties for owner occupation. Particulars for the Council's affordable properties on the development will be bilingual.

Positive impacts identified:

People using Welsh	A community linguistic assessment will be required for the development and this will provide an opportunity for identifying how it can be progressed in a way which has the maximum positive impact overall upon people using the Welsh language.
Promoting the Welsh language	The proposed development will promote the use of the Welsh language by incorporating bilingual signage during construction and Welsh language street names.
Culture and heritage	Not applicable

Negative impacts identified:

People using Welsh	None
Promoting the Welsh language	None
Culture and heritage	None

A globally responsible Denbighshire

Overall Impact	Positive
Justification for impact	The overall impact will be positive because local supply chains will potentially be able to benefit from the works procured by the developer.
Further actions required	The benefit to local supply chains will be enhanced through the actions taken by the developer to deliver the "Local Employment Strategy" which it provides for the development.

Positive impacts identified:

Local, national, international supply chains	Local supply chains will potentially be able to benefit from the works procured by the developer.
Human rights	Not applicable
Broader service provision in the local area or the region	Not applicable

Negative impacts identified:

Local, national, international supply chains	None
Human rights	None
Broader service provision in the local area or the region	None

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