

# Rowlands Castle Parish Council

11 The Green, Rowlands Castle PO9 6BW

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## Policy regarding the Sale of any RCPC-owned Land Adopted at Full Council on 3 December 2018

### AIMS and OBJECTIVES

This Policy sets out the procedure to be adopted in connection with the disposal of land and other assets that are deemed surplus to Rowlands Castle Parish Council's ('the Council') needs and requirements and ensures that requests to purchase such Council-owned land and assets are dealt with in a fair and consistent manner.

For the purposes of this Policy, a 'disposal' means any freehold disposal, by sale or exchange, of Council-owned land/property (including buildings) and any disposal by the granting of a lease or licence for a period greater than 7 years. Leases of 7 years or less or assignment of a term which has not more than 7 years to run are not covered by this Policy, as they exempt from the statutory requirement to obtain best consideration.

### OVERRIDING PRINCIPLES

1. Rowlands Castle Civil Parish is a predominately rural Parish with one principal centre of population (RC village), two smaller hamlets of Finchdean and Idsworth and scattered dwellings across the rest of the Parish. The Council's priority is to retain the rural nature of the Parish whilst accepting that some development (principally of dwellings) will occur over time. As part of this priority the Council needs to protect green spaces that it owns, particularly in built-up areas where such spaces provide gaps between dwellings and also other types of building. These green spaces include large areas such as the Village Green and the Recreation Ground in the centre of Rowlands Castle village and smaller areas or strips of land such as are found in the Kings Meadow Estate and elsewhere. The value of these green spaces, regardless of their size, is to provide areas of amenity to residents for walking or the enjoyment of nature and helps prevent a feeling of being hemmed in by buildings. This value is not quantifiable but is known to be beneficial to residents of any built-up area, thus there is no such thing as 'under-used' land held by the Council. The presumption is that the Council will not sell-off or otherwise dispose of its land unless:
  - a. It requires emergency funds because the precept and other income have proved insufficient within the budgeted year and there is no other way to raise funds at the time of need, OR
  - b. The selling of land will actually provide increased long-term benefit to some or all residents of the Parish over and above what is already offered by virtue of the land being owned by the Council, OR
  - c. An exceptional circumstance has arisen where disposal of the land make sense in the long-term for the residents of the Parish.
2. Apart from land, the Council also owns other assets (buildings, benches, office equipment etc) on behalf of the community it serves. These assets will be held and used for the benefit of the community unless they have no further use, in which case they will be disposed of in the most appropriate manner, realising any financial value they may have if deemed worthwhile.
3. All dealings in the Council's landed assets shall be conducted in accordance with the Local Government Act 1972 and other relevant legislation.

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4. The Council will publish details of land/property which it has declared surplus to requirements in compliance with the Local Government Transparency Code 2015.
5. Any person who may have an interest in making an offer to purchase, has the opportunity to do so in circumstances no less favourable than anybody else.
6. Each asset disposal is to be treated on its own merits and will not set a precedent for subsequent disposals of similar assets. Nothing in this Policy will bind the Council to a particular course of action in respect of a disposal. Alternative methods of disposal not specifically mentioned in this Policy may be used where appropriate, subject to obtaining the necessary authority.
7. Should the Council require for its own purpose to sell off land or assets in order to raise funds then it will bear its share of the cost of so doing. However there will be no point in selling the land or asset unless an appreciable financial gain accrues after costs are taken into account. If the Council does not require selling off any land but an exceptional circumstance has arisen where a sale would provide strong long-term benefit to the Council and residents, then the costs should be covered by the person or organisation seeking to make the purchase. These costs will include any associated disbursements such as valuations, surveyors' fees.

## MEANING OF 'SURPLUS' LAND

Surplus land or assets is defined as that which the Council finds not to add value to the delivery of its purpose, which is to serve the interest of the Parish, improving the quality of life and the environment wherever possible. In other words the land or asset makes no contribution to achieving the Council's objectives and may even constitute an inappropriate cost to the Council by being retained.

## ACTION FOLLOWING IDENTIFICATION FOR DISPOSAL

If the land or asset(s) identified for disposal have not previously been publicly declared, the potential availability of land or asset(s) will be brought to the public's attention for a period of not less than 21 days before progressing to realisation. This is intended to allow any interested party to register their interest in acquiring said land or make any other relevant representations.

As a minimum, a suitable notice will be posted:

- i. in a prominent position on or near to the site;
- ii. in an appropriate local newspaper; and
- iii. on the Council's website.

## DISPOSAL OPTIONS

For this to be effective, the opportunity needs to be widely advertised over a reasonable time period to capture all potential interest from as wide a catchment as possible.

There are two methods of open market disposal – informal and formal bids. Informal bids are subject to contract and, if multiple informal offers are received, it may be appropriate after a reasonable period of promotion to invite 'best and final offers' by a set date, preferably as sealed bids. Unless there are extenuating circumstances (such as the purchaser being unable to provide evidence that they have sufficient funds to complete the purchase), the best offer should be accepted.

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Formal bids are equivalent to exchanging contracts once the bid has been accepted – such as at auction. Because of this, comprehensive sales packs need to be produced including all searches and legal information. This can take time and incur expense, although the latter can sometimes be defrayed by charging interested parties for the packs. This method is expensive for both parties so will be used with caution.

## DISPOSAL PRESUMPTIONS and PRIORITIES

### 1. Open space (including parks, playing fields and informal open spaces but excluding amenity land on Council housing estates) of ‘public value’, whether or not there is public access to it.

Assets in this category are considered to be valuable community resources, to be enjoyed by the wider community. Open space also enhances the quality of urban life, the character of residential areas, the environment etc. There will be a general presumption against declaring these assets as surplus/under-used unless at least one of the following applies:

- a) alternative provision of equivalent community benefit is made in the locality;
- b) the area in question no longer provides a valued opportunity for sport, recreation or leisure;
- c) there is an excess of provision taking into account the long term recreation and amenity value of such provision;
- d) sport, recreation and leisure facilities can be retained and enhanced through the redevelopment of a small part of the site;
- e) there is over provision in the area;
- f) the asset is required for the regeneration of the area.

The Council is required by law to advertise the disposal of land designated as ‘public open space’ in a local newspaper for two consecutive weeks and to consider any objections received. No final decision about the disposal will be made until any objections have been considered by the Council, as the response may be material to the decision. Public response may also be an important factor in any determination by the Secretary of State of an application by the Council for specific consent to the disposal.

If the Council is seeking advice as to the development or re-development potential of open space, or it is known that the land is to be used for a different use on purchase, due regard should be had to the Council’s Green Spaces Strategy.

There will be a general presumption against disposal of land designated as ‘Local Green Space’ either through the Local Plan or a Neighbourhood Plan unless there are exceptional overriding circumstances that can justify disposal.

### 2. Amenity land

Amenity land is open space and landscaping areas that are common and valued features in most housing developments. These can be provided for a number of reasons including:

- Highway verges or visibility splays to provide good safety standards for drivers, cyclists and pedestrians

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- Children's play areas or informal recreation
- Areas of landscaping to improve the appearance of the housing development

Certain rights, environmental or economic conditions may preclude the sale of amenity land for example:

- a) the land is subject to rights of way over it;
- b) the land is an important landscaping feature of the local environment, or designated public open space;
- c) sale of the land would incur additional costs for the Council (for example, the re-siting of lamp posts or telephone cables) unless the applicant is willing to finance the additional costs (payable in advance);
- d) there are management or other issues that would cause inconvenience to the Council if the land was to be sold.

Approaches from private individuals to buy Council-owned amenity land (eg green space land in areas of housing) to benefit their existing residential property will be considered where:

- a) there is a broader community benefit to the disposal eg a rationalisation of small parcels of 'back land' open space, either rarely accessed or often misused; or there are management/ financial issues for the Council eg the land is costly to maintain; OR
- b) the applicant has extenuating circumstances eg there are health grounds in relation to the applicant and/or their family and the sale of the land would improve their quality of life and would not adversely affect the quality of life of others in the neighbourhood. In this case, the applicant will need to provide evidence to support and justify the application to purchase.

Where the Council considers that amenity land has development potential and agrees to dispose of the land, the valuation will reflect this. An overage clause may be applied and/or restrictive covenants placed on any future development.

If the Council agrees to the disposal of land in such circumstances where private individuals express an interest in buying Council-owned land to benefit their existing residential property, such as adjacent land, it may dispense with the disposal options set out above and may negotiate the value and terms and conditions of sale directly, and without the need to invite bids from third parties.

## **POLICY REVIEW**

This policy should be reviewed every 2 years to ensure it remains suitable and appropriate.