

**LLANRUMNEY REGENERATION SCHEME – STATUTORY
PUBLIC CONSULTATION AND LAND DISPOSAL UPDATE**

**INVESTMENT & DEVELOPMENT (COUNCILLOR RUSSELL
GOODWAY)**

AGENDA ITEM: 9

Appendices 2, 4 and 5 of this report are not for publication as they contain exempt information of the description contained in paragraphs 14, 16 and 21 of Schedule 12A of the Local Government Act 1972.

Reason for this Report

1. To consider representations received through the statutory consultation process relating to the proposed disposal of land as part of the Llanrumney Regeneration Scheme approved by Cabinet in November 2020.
2. To seek Cabinet approval to publish a Decision Report in accordance with statutory procedures.
3. In line with the Decision Report, to seek authority to dispose of land for residential development as part of the Llanrumney Regeneration Scheme following the full completion of the consultation process.

Background

4. In October 2019, Cabinet approved the East Cardiff Industrial Strategy, which provides a policy framework to set the context for addressing the poor economic outcomes affecting people in the east of the city compared to the rest of Cardiff. The Industrial Strategy identifies transport improvements as one of the main drivers to unlocking access to employment opportunities for local communities in the east.
5. In December 2019, the first initiative arising out of the East Cardiff Industrial Strategy was presented to Cabinet. The Llanrumney Regeneration Scheme set out a number of development proposals for the Llanrumney ward aimed at delivering a new bridge and road link from the A48 junction at Pentwyn into Llanrumney.
6. To fund the new bridge and road link Cabinet agreed to consider the disposal of Council owned land in the vicinity to generate the required

capital budget. As a first step, Cabinet provided authority to market test the disposal of three parcels of land and summarised below:

- a. Site A - Circa 17 acres of land adjacent to the A48 junction at Pentwyn currently partially occupied by the Park & Ride facility to deliver local employment uses in the form of a logistics centre with ancillary retail, whilst retaining the full existing Park & Ride capacity on site.
 - b. Site B - Circa 3 acres of land adjacent to Ball Road fronting Llanrumney Hall currently utilised as a playing field to provide new open market residential units.
 - c. Site C - Circa 1.5 acres of brownfield land off Ball Lane to enable the development of predominantly affordable residential units.
7. Cabinet received an update on the market testing exercise in November 2020. The exercise demonstrated that disposal of the three sites would generate sufficient capital to deliver the bridge and road link. Curtis Hall was identified as the preferred developer for a logistics centre on Site A, and Edenstone was identified as the preferred bidder for residential development on sites B and C. At the same meeting, Cabinet provided authority to dispose of Site A. Cabinet also agreed to the principle of disposing of sites B and C. However, given that Site B is currently a playing field, a statutory consultation process is required to be undertaken before the site can be formally approved for disposal. Cabinet also agreed to the principle of ring-fencing the capital receipts from the disposal of the 3 parcels of land to deliver the proposed road link and bridge and other community initiatives in the Pentwyn and Llanrumney wards (see Confidential Appendix 2).

Issues

8. Where a Council proposes to dispose of land containing a playing field or part of a playing field, it must have regard to the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 and comply with the procedure set out in the Playing Fields (Community Involvement in Disposal Decisions)(Wales) Regulations 2015. The Regulations require the Council to undertake a process of public consultation and to consider any responses prior to the making of a decision to dispose.

Public Consultation

9. Following Cabinet approval in November 2020, and in accordance with the Regulations, the Council undertook a public consultation for a six weeks period between 6th January 2021 and 19th February 2021 in relation to the disposal of land off Ball Road (see site plan at Appendix 1). This included distributing information directly to a number of residents living within the vicinity of the site, publication of the information on the Council web pages and depositing information for public inspection at a

local community facility, in this case Llanrumney Hall, which immediately adjoins the site.

10. In addition, the statutory notice and details of the disposal were sent to specific consultees required by the Regulations.
11. The next step in the statutory process under the Regulations requires that the Council, following consideration of any representations received, must prepare a report (“The Decision Report”) summarising those representations and the reasons for its decision to dispose (or not to dispose), of the playing field. The draft Decision Report is attached at Appendix 3.
12. The consultation generated 6 responses, all from local residents, which are outlined below.
 - Loss of green open space, especially for informal recreational purposes for the whole community (dog walking, children’s play etc.).
 - Loss of a valuable and well-loved local community asset.
 - Inadequate replacement open space facilities at Mendip Road – which only caters for a small part of the community and won’t be available to all local residents.
 - Detrimental impact of additional housing on local infrastructure, especially roads / increase in traffic, schools and other community facilities.
 - Negative impact on views and property values.
 - Detrimental impact on Llanrumney Hall in terms of its historical setting, loss of visual amenity and ability to host outside events
 - Loss of facility would compound the loss of many other local community facilities, especially for children and lack of general investment in the area.
 - Decrease in open space proportionate to housing.
 - No guarantee that there will be sufficient funds left over to invest in the replacement sports facilities, as costs of the new road and bridge could escalate.
13. A ‘provisional’ objection was also received from Sport Wales and Fields in Trust who are specified consultees under Welsh Government guidance. This was subsequently withdrawn following the provision of additional information by the Council, which is also summarised as part of the Decision Report at Appendix 3.
14. Site B is currently the home playing pitch for Llanrumney Rugby Club. The rugby club is supportive of the proposal to relocate to new facilities off Mendip Road. The local football club is also supportive of the proposals.
15. Negotiations with the preferred bidders has confirmed that the regeneration scheme will generate enough capital to deliver the new

bridge and road link and the new sports facilities. The proposals will provide the local clubs with access to: 3G pitches in their local community at community rates; new grass pitches for rugby and football maintained as part of the new Cardiff University/Cardiff City Football Club playing fields complex; access to 4 no. 3G pitches at no cost for junior league football and rugby on Saturday and Sunday mornings (respectively); a new shared clubhouse for Llanrumney Rugby Club and Llanrumney Football Club.

16. The green space fronting Llanrumney Hall including the current Llanrumney Rugby Club home pitch consists of approximately 6 acres. The area of land proposed to be developed is circa 3 acres. This means that around half of the current area will remain as informal green space immediately fronting Llanrumney Hall. This will ensure the newly refurbished Llanrumney Hall building will remain visible from Ball Road, and will also provide a significant informal community green space providing for community events as well as general recreation. The proposed residential development will also be designed to retain a strip of land to the rear of the new housing to create a strong vista perpendicular to Llanrumney Hall's main frontage from Ball Road to the rear of the existing housing on Pepys Crescent.
17. The open space in front of Lanrumney Hall currently adjoins a much larger area of informal green space known as Fishpond Wood. This consists of circa 40 acres, of which circa 17 acres is woodland and the remainder informal grassed area. This area is extended further with contiguous areas of green space both to the north and south. The local community will therefore retain access to a substantial area of informal green space suitable for general recreation. The Council is also committed to delivering a new Multi Use Games Area (MUGA) in the space retained fronting Llanrumney Hall further enhancing local recreational provision.
18. In terms of the objection relating to increased pressure on local infrastructure caused by the prosed new housing, the infrastructure improvements delivered off the back of the new bridge and road link to the A48 are considered significantly more beneficial to the area than any detriment caused. Furthermore, the way in which the land disposal agreement has been structured will ensure the proposed new bridge and road link and the community facilities will be delivered if following consideration by the planning authority the regeneration scheme progresses.
19. The proposed new housing development will deliver a mixture of private and social housing. The houses will be modern in design and as such will represent a design improvement on the existing housing stock in the immediate vicinity. This will have a positive impact on the local physical environment rather than detracting from it. It is also likely to have a positive impact on local residential values.
20. The Llanrumney Regeneration Scheme represents a major Council-led investment in the area that will not only improve transportation access to

the ward, improving access to employment opportunities for local residents, it will also deliver state of the art new sports facilities that will benefit the local community and local clubs. In doing so, it is also incentivising Cardiff University and Cardiff City Football Club to invest in the area and to make Llanrumney the home of Cardiff City's Academy facility.

21. Given the small number of objections received, the lack of any objections from statutory consultees and the mitigations set out in this report, Cabinet is recommended through this report to press on with the proposed disposal by taking the consultation process on to the next step.
22. If Cabinet approves the Decision Report and proceeds with the disposal, the Regulations require that a notice of the decision to proceed with a disposal is published in a newspaper local to the Council's area for two consecutive weeks and to make the Decision Report available for inspection for a minimum period of 6 weeks from the first date of publication of the notice. The notice will also be required to be erected on site and also on the Council's Website. Any person who made representations should also be provided with a copy.
23. The Regulations do not allow the Council to legally commit to proceed with a disposal until at least 12 weeks after first publication of the notice.

Land Disposal

Land adjacent to the A48 Junction, Pentwyn

24. Heads of Terms have now been agreed with Curtis Hall (the preferred developer) in line with the draft HOTs presented to Cabinet in November 2020. Completion of the disposal is subject to planning. The terms of sale include a commitment from the developer to deliver the new bridge and road link in lieu of a land receipt to the Council.
25. Despite COVID restrictions, the developer has managed to undertake all necessary survey work on the site. The Council has now received a proposed development plan and an indicative timescale for delivery for a mixed-use logistics/industrial development, including a small retail component and a replacement Park and Ride facility.
26. The developer has now commenced pre-application engagement with the Local Planning Authority with the aim of submitting a planning application in September 2021
27. If planning permission is granted and the scheme is able to proceed a further independent valuation will be undertaken to determine if any capital receipt over and above the cost of the bridge and road link should be forthcoming to the Council.

Land at Ball Road and Ball Lane

28. Following the marketing exercise the Council identified Edenstone as the preferred developer to deliver the housing development on the Ball Road and Ball Lane sites as set out in the surveyors report attached at Confidential Appendix 4. Subsequently, Draft Heads of Terms have been agreed, attached as Confidential Appendix 5. The development of these two residential sites will deliver sufficient capital receipt to support the relocation and improvement of existing local community sports facilities as well as providing a contribution towards the refurbishment of the Pentwyn Leisure Centre, as set out in Confidential Appendix 2.
29. If Cabinet approves the Decision Report, the Council is required to standstill for a period of 12 weeks before progressing the disposal. Once this period has elapsed, the Council will either progress a disposal with Edenstone or will return to Cabinet with a further update.

Local Member consultation

30. Local ward members were issued with the statutory consultation documentation relating to the disposal of a playing field at the commencement of the process in January 2021.
31. They have also been consulted on the various proposals that make up the overall Llanrumney Regeneration Scheme and are supportive of the proposals.

Scrutiny Consideration

32. The Economy & Culture Scrutiny Committee considered this issue on 13 May 2021. The letter from the Chair is attached at appendix 6

Reason for Recommendations

33. To complete the statutory consultation process by publishing the Decision Report and Notice and accordingly to seek authority to dispose of land once the consultation process is fully completed.

Financial Implications

34. The disposal of the site is required to support the delivery of new housing and as part of a wider strategy to support regeneration of the area. In approving the disposal, Cabinet will need to ensure that any commitments to works arising from this report and linked reports can be met from disposal proceeds as intended as part of the approved budget framework. The overall strategy for disposal of this site and any linked leases (existing or to be entered into) with external bodies for operating assets will need to consider and mitigate at an early stage any VAT and ongoing revenue budget impacts on the Council as a result of delivering improvements and management of facilities to be provided.

35. In a previous report considered by Cabinet in November 2020, approval was given to undertake the statutory consultation process required in relation to the disposal of land off Ball Road. In addition, delegated authority was provided to agree Heads of Terms for this disposal and return to a future meeting of Cabinet for authority to complete the disposal of the 2 residential plots on Ball Road. Following completion of the statutory consultation process, the results of which are set out in the Decision Report in Appendix 3, Cabinet approval is now being sought to dispose of the land at Ball Road and Ball Lane on the terms outlined in Confidential Appendix 4 subject to the full completion of the statutory consultation process outlined in this report.
36. Included within the Heads of Terms (Confidential Appendix 5) is a condition that the purchaser commits to re-providing four existing Council dwellings. These dwellings will be re-provided at no cost to the Council, with the Council also due to hold the freehold interest in the re-provided dwellings.
37. The proposed disposal of land is supported by an independent surveyors report, attached as Confidential Appendix 4, and includes a summary of the marketing process carried out by Council's independent property advisors. This independent report notes that the offer received by the highest bidder exceeds the proposed receipt anticipated in the 'base case, which assists in demonstrating the proposed offer provides the Council with the best value for money solution. It must be noted though that the actual capital receipt achieved will remain subject to the deduction of certain deductible items and abnormal costs the Developer incurs in obtaining planning consent and preparing the site for development.
38. Cabinet approval was provided as part of the November 2020 Cabinet report to ring-fence capital receipts from these disposals to deliver the proposed road link and bridge, the new Outdoor Sports Complex of Mendip Road, Llanrumney and other community initiatives in the Pentwyn and Llanrumney wards. This report includes recommendations for Cabinet to note receipts from this proposed disposal of land will be utilised towards the delivery of the Outdoor Sports Complex at Mendip Road and delivery of the Pentwyn Leisure Centre scheme. Details of the proposed values of ring-fenced capital receipts for each scheme are set out in Confidential Appendix 2. No capital commitments for works should be entered into prior to confirmation of the quantum of receipts and ensuring expenditure is within the budget framework. Any management or operating costs of new facilities will need to be met from within existing directorate budgets.
39. Consideration must be given to the VAT implications of wider site proposals as they are being developed and any impact they may have on Council's VAT partial exemption position. Heads of Terms in Confidential Appendix 5 set out that all properties will be subject to an option to tax, so the tax status of the sites will need to be confirmed ahead of completing disposal. Further detailed VAT advice will also be required as

more detailed proposals are being developed for the Outdoor Sports complex and Pentwyn Leisure Centre schemes.

Legal Implications

40. Regulation 7 of the Playing Fields (Community Involvement in Disposal Decisions)(Wales) Regulations 2015 (“the Regulations”) provides a Local Authority must consider all representations received in relation to a proposed disposal during the consultation period. Cabinet will be required to carefully weigh up those representations against the benefits of the Council’s desired outcomes before forming a decision.
41. Regulation 8 provides a Local Authority, having considered any representations received, must prepare a report (“the Decision Report”) summarising those representations and the reasons for its decision to dispose, or not to dispose, of the playing field. If the Council is minded to proceed, it is required to follow the statutory formalities set out in the Regulations relating to the provision of public notice of decision and inspection of the Decision Report as identified in the body of this report.
42. Furthermore under Regulation 8(8) the Council is prevented from entering into any agreement to dispose of land comprising playing fields until a period of 12 weeks has passed from the date the decision notice was first published in a local newspaper, following which the Council may proceed with a disposal of land on the terms annexed to this report.
43. With reference to the sale of land, the Council has general power to dispose of land pursuant to s.123 of the Local Government Act 1972 and is required to secure the best price reasonably obtainable.
44. The Council’s Acquisition and Disposal of Land Procedure Rules require advice to be obtained from the Council’s Valuer as to the terms of the disposal.

Equalities & Welsh Language

45. In considering this matter the decision maker must have regard to the Council’s duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must, in making decisions, have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are: (a). Age, (b) Gender reassignment, (c) Sex, (d) Race – including ethnic or national origin, colour or nationality, (e) Disability, (f) Pregnancy and maternity, (g) Marriage and civil partnership, (h) Sexual orientation (i) Religion or belief –including lack of belief.
46. The decision maker should be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.

The Well-being of Future Generations (Wales) Act 2015

47. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible. In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The well being objectives are set out in Cardiff's Corporate Plan 2020 -23.
48. When exercising its functions, the Council is required to take all reasonable steps to meet its well being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
49. The well being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
- Look to the long term
 - Focus on prevention by understanding the root causes of problems
 - Deliver an integrated approach to achieving the 7 national well-being goals
 - Work in collaboration with others to find shared sustainable solutions
 - Involve people from all sections of the community in the decisions which affect them

The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible on line using the link below:

<http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

Policy and Budget Framework

50. The decision maker must be satisfied that the proposal is within the Policy and Budget Framework, if it is not then the matter must be referred to Council.

Property Implications

51. The Strategic Estates Department have worked closely with the legal department on the processes required to satisfy the Welsh Government Regulations and have undertaken the relevant public consultations and

collated and prepared in conjunction with legal a response to all parties and prepared the Decision Report for publication.

52. If in due course the proposals move forward to disposal, the Strategic Estates Department will work closely with Major Projects and other Council departments on the detail of both transactions through to delivery.

53. We need to ensure that the disposal of the Pentwyn Park and Ride addresses specific conditions as set out in the Heads of Terms and there are also specific conditionality on the disposal of the Ball Lane and Road scheme around Housing, and Estates will closely manage this through to disposal.

HR Implications

54. There are no HR implications arising from this report and its recommendations.

RECOMMENDATIONS

Cabinet is recommended to:

- 1) Approve the content of the Decision Report attached as Appendix 3.
- 2) Authorise the advertisement of a further notice of the Council's decision to dispose of the land identified in the site plan attached as Appendix 1 and to make the Decision Report available for inspection and to comply with all other formalities required by the Regulations.
- 3) Subject to the full completion of the statutory consultation process referred to in Recommendation 2 above, provide authority to dispose of Sites B and C outlined in this report and identified in the site plans attached as part of the surveyors report at Confidential Appendix 4 and in line with the Heads of Terms set out in Confidential Appendix 5.

SENIOR RESPONSIBLE OFFICER	Neil Hanratty Director of Economic Development
	14 May 2021

The following appendices are attached

Appendix 1 - Site Plan

Confidential Appendix 2 – Ring-fenced Capital Receipts

Appendix 3 - Decision Report

Confidential Appendix 4 - Surveyors Report

Confidential Appendix 5 - Heads of Terms

Appendix 6 – Letter from Chair of Economy & Culture Scrutiny Committee