

Divisions Affected – Henley

CABINET MEMBER FOR FINANCE

23 January 2024

OPTION AGREEMENT FOR THE FREEHOLD DISPOSAL OF A SECTION OF BRIDLEWAY LAND TO THE REAR OF 53 BLANDY ROAD, HENLEY, RG9 1QB

Report by Executive Director: Resources

RECOMMENDATION

The Cabinet Member is RECOMMENDED to approve the entering of an option agreement for the freehold disposal of a parcel of land, with current highway status as a bridleway, to a named purchaser. Oxfordshire County Council (OCC) will receive a capital receipt when the option is triggered.

Executive Summary

1. Terms for an option agreement have been negotiated whereby when exercised OCC becomes bound to dispose of the freehold interest in a section of its bridleway, (with OCC retaining a right over the land), to a named purchaser, providing access to a new residential development, once planning consent has been obtained.
2. OCC's capital receipt is based upon a share in the uplift in the value of the land.

Background

3. Oxfordshire County Council (OCC) owns land beneath the bridleway outlined in purple on the plan below that runs along the entire northern boundary of Gillotts School (GS) playing field land.
4. The land south of the bridleway, coloured blue and yellow, is to be developed, subject to obtaining planning consent. The developer needs to establish an access route on to the existing highway at Blandy Road or Makins Road. This will require traversing of a section of OCC's freehold bridleway at 90 degrees.
5. For the above purpose terms have been agreed for an option agreement, to a named purchaser, for the disposal of a section of OCC's bridleway land between the land coloured blue and sky blue on the plan below.
6. Details of the option agreement are exempt because of the confidential nature of this information relating to the terms of the sale agreed.

7. Highways have confirmed they have no objection to the proposal and will be a consultee to the planning application.
8. The Heads of Terms agreed are set out in detail in confidential Annex 1.

Risk Management

9. The Council must ensure that all capital payments received come from the client account of a firm of solicitors acting for the purchaser, which has taken responsibility for money laundering checks. The Council may wish to conduct independent checks on the source of the funds and must reserve the right to withdraw from the transaction at any stage in the event that these are not completed to its satisfaction.

Corporate Policies and Priorities

10. The sale of the land supports the agreed Property and Asset Strategy agreed in November 2022, maximising the value of investment to support the long-term financial sustainability of the Council, and supporting the local community by the provision of land for social housing.

Staff Implications

11. There are no staff implications.

Equality & Inclusion Implications

12. There are no equality and inclusion implications.

Financial Implications

13. The Capital & Investment Strategy for 2023/24 agreed by the Council in February 2023 sets out that the principle that capital receipts should be treated as a corporate resource and used across the capital programme flexibly.
14. The proposal from the named purchaser would provide a capital receipt. The terms of the option agreement have been assessed to be compliant with the best value requirements as set out in section 123 of the Local Government Act 1972

Comments checked by:

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Legal Implications

15. The Council has power to dispose of its land assets pursuant to Section 123(1) of the Local Government Act 1972, subject to its duty to ensure it receives best value for them. The Council owns the freehold of the land subject to Bridleway highway status.

Comments checked by:

Richard Hodby, Solicitor, Law and Governance
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Sustainability Implications

16. There are no sustainability implications.

Risk Management

17. The information as set out within the Exempt Annex No 1 demonstrates assessment as to the financial risks has been undertaken resulting in concluding the recommendation to dispose of the site.

Lorna Baxter, Executive Director: Resources

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January 2024

