

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Monday, 23 March 2020</b>
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	Agricultural Tenancy
Purpose of Report:	To appraise Cabinet of the current situation relating to an agricultural tenancy and seek endorsement to implement recommendations
Report Owner:	Councillor Lis Burnett Deputy Leader and Cabinet Member for Education and Regeneration
Responsible Officer:	Rob Thomas, Managing Director
Elected Member and Officer Consultation:	<p>CLr Lis Burnett, Deputy Leader and Cabinet Member for Education and Regeneration.</p> <p>Marcus Goldsworthy, Head of Regeneration and Planning.</p> <p>Phil Chappell, Operational Manger, Regeneration.</p> <p>Lorna Cross, Operational Manager (Property).</p> <p>Ben Winstanley, Strategic Estates Manager.</p> <p>James Docherty, Principal Lawyer.</p> <p>Frances Irene Thornton, Senior Lawyer.</p> <p>Carys Lord, Head of Finance/Section 151 Officer</p> <p>Carolyn Michael, Operational Manager, Accountancy</p>
Policy Framework:	This matter is for executive decision by Cabinet.
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>• This report seeks approval to conclude the ongoing asset review with regard an agricultural holding and report back to Cabinet at the appropriate time with recommendations and timescales.</li> <li>• It seeks approval to enter into negotiations with the current Tenant in respect of a request to purchase a dwelling within the boundary of the holding.</li> </ul>	

## **Recommendations**

1. That Cabinet note this report and consider it in connection with the Part II report later in the agenda.

## **Reasons for Recommendations**

1. To allow Part I and II reports to be considered together.

### **1. Background**

- 1.1 As part of a planning agreement in 1998 between the Council and the then Land Authority for Wales, (now subsumed by the Welsh Government), relating to the development of land west of Penarth, some 19 hectares of tenanted farmland was transferred to the Council for the purpose of the provision of public open space pursuant to a section 106 agreement, with a covenant restricting the use of the land to public open space.
- 1.2 The land was transferred to the Council subject to an agricultural tenancy. The holding comprises of a residential dwelling a range of traditional farm buildings and pasture land.
- 1.3 The Tenant has asked the Council what its intentions are for the future of the holding and has also asked that the Council consider selling them the farm dwelling and garden curtilage (currently contained within the Tenancy).

### **2. Key Issues for Consideration**

- 2.1 The Council has been undertaking an asset review regarding the land in question and these negotiations will allow the Council to conclude the review and determine future uses and the timescale for implementation.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1 The Well-being of Future Generations Act 2015 requires the Council to think about the long-term impact of its decision, to work better with people, communities and each other to prevent issues such as poverty, health inequalities and climate change.
- 3.2 To ensure that the Council is working towards the same purpose, the Well-being of Future Generation Act puts in place seven well-being goals that the Council must work to achieve.
- 3.3 The Well-being of Future Generations Act 2015 imposes a duty on all public bodies in Wales to carry out `sustainable development` defined as being, "The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development

principle, aimed at achieving the Well-being goals. "The action that a public body takes in carrying out sustainable development includes setting and publishing Well-being objectives and taking all reasonable steps in exercising its functions to meet those objectives.

**3.4** The Council`s Corporate Plan 2016 - 2020, identifies 4 Well-being outcomes:

1. An inclusive and Safe Vale.
2. An Environmentally Responsible and prosperous Vale.
3. An Aspirational and Culturally Vale.
4. An Active and Healthy Vale.

**3.5** The proposals in this report will enable the Council to continue to work towards the following Well-being objectives -

Well-being Outcome 2: An Environmentally responsible and prosperous Vale.  
Objective 4 - Promoting Sustainable Development and Protecting our Environment. "Implement the Local Biodiversity Action Plan and enhance and protect habitats for important species through the Natural Environment and Communities Act and the land use planning system".

Well-being Outcome 3: An Aspirational and Culturally Vibrant Vale.  
Objective 6 - Valuing Culture and diversity. "Protect, preserve and where possible enhance built, natural and cultural heritage of the Vale".

Well-being Outcome 4: An Active and Healthy Vale.

## **4. Resources and Legal Considerations**

### **Financial**

**4.1** There will be additional professional costs associated with the processes involved with the outcome of the asset review and negotiations for the potential sale of the dwelling.

### **Employment**

**4.2** There are no direct employment implications as a result of this report.

### **Legal (Including Equalities)**

**4.3** All negotiations regarding the sale of the dwelling will need to comply with the Council's Statutory and Fiduciary obligations under section 123 Local Government Act 1972.

**4.4** The Well-being of Future Generations (Wales) Act 2015, imposes a duty on the Council as a public sector body to work towards achieving a more equal Wales of cohesive communities with a vibrant culture and Welsh language. This builds upon the legislative framework contained within the Council's public sector

Equality duty provided for by s.149 of the Equality Act 2010, and Regulations thereunder and which are specific to Wales and the Welsh language (Wales) measure 2011.

- 4.5** An equalities impact scoping assessment has been undertaken and shows there is no unacceptable adverse effect on the protected characteristics identified by the assessment. It is also considered that the proposal will not preclude any sectors of the community from accessing the services.

## **5. Background Papers**

The Vale of Glamorgan Corporate Plan 2016 - 2020

<https://staffnet.valeofglamorgan.gov.uk/Documents/Directorates/Resources/Business-Improvement/Key-Documents/Corporate-Plan-2016-20.PDF>

The Vale of Glamorgan LDP 2011 - 2026

[https://www.valeofglamorgan.gov.uk/en/living/planning\\_and\\_building\\_control/Planning/planning\\_policy/local\\_development\\_plan/Local-Development-Plan.aspx](https://www.valeofglamorgan.gov.uk/en/living/planning_and_building_control/Planning/planning_policy/local_development_plan/Local-Development-Plan.aspx)

Vale of Glamorgan Public Services Board, Well-Being Plan 2018 - 2023 `Our Vale - Our future`.

<https://www.valeofglamorgan.gov.uk/Documents/Our%20Council/Achieving%20our%20vision/Public-Services-Board/Well-being-Plan-Consultation-Draft-ENGLISH.pdf>