

Matter which the Chairman has decided is urgent by need of having to expedite the matter.

Meeting of:	Welsh Church Act Estate Committee
Date of Meeting:	Monday, 28 September 2020
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Update on Land at Glebe Fields, Sully
Purpose of Report:	To update Committee on the work undertaken since the last Committee meeting on the 24 February 2020;
Report Owner:	Rob Thomas, Director of Resources
Responsible Officer:	Carys Lord, Head of Finance
Elected Member and Officer Consultation:	Committee Reports - Legal OM Accountancy Head of Finance No ward member consultation - since Members of this Committee are acting as Committee Members independent of other Council's resolutions, no wider consultation has taken place
Policy Framework:	The Trustees are working independently of other Council decisions and in accordance with the requirements of Charity Law.
<p>Executive Summary</p> <ul style="list-style-type: none"> • To provide an update to the Committee in respect of the procedure for the promotion of Glebe Field as a Candidate Site in the Vale of Glamorgan LDP Review. • This report provides an update to Trustees to advise of the time scales and procedures for promotion of Glebe Field as a candidate site and the documentational and evidential requirements. • The Report recommends that the Committee instruct the Planning Department of the Vale of Glamorgan Council to prepare a Development Site Review to inform the Committee of the potential suitable land uses. • The report also asks committee to consider all the advice provided and determine the future of the land bearing in mind the duty of the Trust to manage land and property held by them in accordance with the Scheme of Trust and with Charity Law. • The report also updates Committee in respect of an unsolicited offer received from Sully & Lavernock Community Library Trust for 2 acres of the site. 	

Recommendations

1. That Committee note the procedure and process for proposing the Glebe Field as a Candidate Site for the Vale of Glamorgan Council LDP Review.
2. That Committee instruct the Vale of Glamorgan Planning Department to undertake a Development Site Review at a cost of circa £1,000.
3. That Committee notes the reference to the part II agenda. .

Reasons for Recommendations

1. To understand the requirements for proposing the Glebe Field as Candidate Site for the Vale of Glamorgan LDP Review.
2. To provide the Committee with additional information to inform them of the potential uses of the land which would be more likely to result in a successful promotion of the Glebe Field as a Candidate Site.
3. To note the report and recommendations under part II of the agenda.

1. Background

- 1.1 The Committee have previously considered a disposal of the glebe Field Site and at the last committee meeting on 24th February 2020 received advice from Cooke and Arkwright as Qualified Surveyors who recommended that the most appropriate strategy in order to yield "best value" would be for the Trust to hold the land and promote the site at the next LDP review for residential development.
- 1.2 The Qualified Surveyors report went on to say that it would not be in the Trust's best interest to obtain any planning consent themselves. They stated that they would anticipate that the site would initially require a longer-term promotion. Should an LDP allocation be secured in the replacement adopted LDP, they advised that the site be offered to the market by way of a conditional contract where any purchaser would be responsible for obtaining the planning consent.
- 1.3 The Trustees resolved at the meeting on 24th February 2020 that the Principal Lawyer and Operational Manager for Property consult with planning colleagues within the Council to clarify:
 - (i) what options are available to Committee in terms of the promotion of the site in the next LDP review for a mixed use for housing and community facilities/amenities; and
 - (ii) how best to proceed with such a promotion of the site if the Committee were minded to do so.

- 1.4** The planning department have provided the following information regarding the points raised by the Trustees as set out in 1.3 above.
- 1.5** It is at the discretion of the land owner, in this case the Trust, to decide how to promote the site for inclusion as a candidate site for the replacement LDP. Therefore, if the Trust wish to promote the site as a mixed-use site then they are able to do so. However, whether the site promotion is successful will depend on whether the basis on which it is promoted and the uses it is promoted for meet the requirements of the Council in respect of its planning policy for the area.
- 1.6** The LDP Review is likely to commence in June 2021 in line with LDP Regulation 41 and the call for candidate sites will commence thereafter.
- 1.7** The nomination process will require the submission of a Candidate Site Form which will require a substantial amount of evidence to support the nomination. Whilst there is no cost for submitting the Candidate Site Form there will be costs in relation to the preparation of the evidence to support it.
- 1.8** The planning department have suggested that a Development Site Review ("DSR") is conducted on the land to assess the uses, in particular any mixed uses, and also take into account the current status of national planning policy which is likely to inform local planning policy during the LDP review in order provide an insight into what uses may be most appropriate. It could also consider whether the site, which currently falls outside the Sully settlement boundary could be included within any extended settlement boundary, making residential use more broadly acceptable.
- 1.9** If, following consideration of the DSR, the Trust wanted to proceed to make a formal nomination for the site as a Candidate Site the DSR would form a basis for producing the supporting evidence required for the Candidate Site Form. The greater amount of clarity and certainty provided by the information submitted with the Candidate Site Form the more effective the submission will be in terms of identifying whether this is a site that can be added to the Candidate Sites in the LDP.
- 1.10** Whilst the planning department would be able to produce the DSR the Trust would, if it wished to progress with the nomination, be required to employ an agent to prepare and submit the Candidate Site Form and supporting evidence. If at the January meeting the Trust was minded to progress with the nomination then there may be a need to hold an extraordinary meeting of the trust to appoint a suitably qualified professional in order that the documentation can be prepared in a timely fashion to meet the LDP review timescales.
- 1.11** Since the last Committee meeting in March, a letter has been received by the former Chairman of this Committee from the Chair of Sully & Lavernock Community Library Trust in connection with the land. This matter will be subject to a report under part II of this agenda

2. Key Issues for Consideration

- 2.1** In the event that the Committee are minded to continue to progress towards disposal of the Glebe Field then under the requirements of s.117 and s.119 of the Charities Act 2011 the Committee as Trustees are to act in accordance with the Qualified Surveyors recommendation or to obtain permission from the Charities Commission to dispose of the site other than in accordance with the Qualified Surveyors recommendation.
- 2.2** If the Committee are minded to progress with the nomination of the Glebe Field as a candidate site for the LDP review then the additional information which would be contained with the DSR would assist the Committee in identifying on what basis to nominate the site and form a starting point for the evidence required in support of such a nomination.
- 2.3** The Committee are under no duty to dispose of the Glebe Field.

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

- 3.1** The Trusts actions need to comply with Charity law and its decisions are independent of the Council's obligations under the Well-Being of Future Generations Act.

4. Resources and Legal Considerations

Financial

- 4.1** The instruction to the planning department of the Vale of Glamorgan Council to undertake the Development Site Review will cost circa £1,000.

Employment

- 4.2** There are no employment implications arising from this report.

Legal (Including Equalities)

- 4.3** The Trust has a duty to manage lands and property held by them in accordance with the Scheme of Trust and with Charity Law and decisions should be consistent with the Charity Objects and powers.
- 4.4** There is a Legal requirement for Trustees to:
- (a) Act within their powers;
 - (b) Act in good faith and only in the interests of the charity
 - (c) Make sure they are sufficiently informed
 - (d) Take account of all relevant factors
 - (e) Ignore any irrelevant factors
 - (f) Manage conflicts of interest
 - (g) Make decisions that are within the range of decisions that a reasonable trustee body could make

5. Background Papers

None