

SCARBOROUGH BOROUGH COUNCIL

Town Hall
Scarborough
YO11 2HG

9 September 2016

Dear Councillor

CABINET - TUESDAY, 13TH SEPTEMBER, 2016

I am now able to enclose, for consideration at next Tuesday, 13th September, 2016 meeting of the Cabinet, the following reports that were unavailable when the agenda was printed.

Agenda No	Item
------------------	-------------

12.	<u>Development of a Ports Strategy (Pages 1 - 10)</u>
-----	--

To consider a report by the Director (NE) (reference 16/203) to follow.

13.	<u>Coast Protection Finance Strategy (Pages 11 - 22)</u>
-----	---

To consider a report by the Chief Executive (reference 16/72) to follow.

16.	<u>Whitby Business Park Land Sale (Pages 23 - 32)</u>
-----	--

To consider a report by the Director (NE) (reference 16/211) attached.

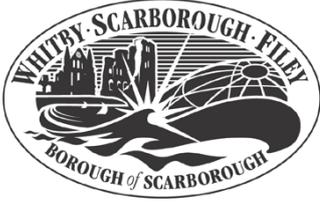
Yours sincerely



David Kitson
Regulatory and Governance Manager

Encs

NOTES

	REPORT TO CABINET TO BE HELD ON 13 SEPTEMBER 2016	
	Key Decision	NO
	Forward Plan Ref No	
Corporate Priority: Meets all Corporate Priorities	Cabinet Portfolio Holder	Cllr Mike Cockerill Cllr Derek Bastiman

REPORT OF: DIRECTORS NE AND TW – 16/203

WARDS AFFECTED: ALL

SUBJECT: DEVELOPMENT OF A PORTS STRATEGY

RECOMMENDATION (S):

Cabinet is recommended to:

- (i) Approve the mission, vision and strategic objectives contained at Appendix A as the Ports Strategy for the harbours of the Borough;
- (ii) Approve undertaking a programme of public and stakeholder consultation to inform the further development of the Ports Strategy and the development of individual business plans for the ports of the Borough of Scarborough (Whitby and Scarborough) and Filey Coble Landing;
- (iii) Note that Members will receive further reports on the further development of the Ports Strategy and individual port business plans developed within the framework of the Ports Strategy contained at Appendix A.

REASON FOR RECOMMENDATION(S):

To provide a documentary plan to aid the strategic management of the ports of the Borough of Scarborough and Filey Coble Landing and which encompass and articulate the views and ideas of stakeholders.

HIGHLIGHTED RISKS:

Please refer to Risk Matrix contained in this report.

1. INTRODUCTION

- 1.1 The Council is both landowner and Harbour Authority and has responsibility for the three port undertakings of the Borough of Scarborough being the Port of Whitby, the Port of Scarborough and Filey Coble Landing.
- 1.2 The previous ports strategy entitled Ports Strategy '*charting a course for the future*' was adopted in 2008 and although some of the previous strategy is still relevant today, given the ever-changing role of the maritime sectors, port operational and infrastructure requirements and the wider economy much of the document is now either implemented or outdated.
- 1.3 An up-to-date Ports Strategy is now required in order to assist in the effective strategic management of the Ports of the Borough for future years and importantly to communicate to stakeholders and the wider community the context and direction in which the ports are to be guided, managed and developed over the coming years.
- 1.4 This report seeks to present a mission, vision and six strategic objectives as the Ports Strategy for the harbours of the Borough. It also outlines further steps to undertake a programme of public and stakeholder consultation in respect of the further development of the Ports Strategy and the development of individual port business plans for the three port undertakings.

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 The proposals set out in this report are associated with all the Council's Corporate Aims and Priorities.

3. BACKGROUND AND ISSUES

- 3.1 It is recognised that a strategy for the Ports of the Borough will provide both a useful tool for aiding in the ongoing strategic management of the ports and an invaluable medium for engaging with and communicating the strategic intent of the Borough Council and Harbour Authority to stakeholders and the wider community. In addition the development of accompanying individual business plans for each of the Port undertakings will aid the day-to-day direction of the ports and provide the framework around which strategic business decisions can be made.
- 3.2 Development of an updated strategy for the port undertakings of the Borough of Scarborough has been explored on a number of occasions in recent years. The development of a strategy has stalled previously due to changes in Port management structure, including the establishment of and subsequent discontinuation of the Pilot Whitby Harbour Board; and due to changes in Borough Council structure.
- 3.3 However, with the recent establishment of the Ports Development Group in January 2016, the opportunity and resource to develop a strategy for the Port undertakings are now available.

- 3.4 Following a review of the Ports of the Borough, officers have, in consultation with the Ports Development Group, drafted a strategic mission and vision and identified a number of strategic objectives which it is proposed will form the Ports Strategy and are attached at Appendix A.
- 3.5 Next steps have also been identified around which the Ports Strategy can be further developed along with accompanying individual business plans and finalised including an outline consultation plan.
- 3.6 Cabinet is asked to approve that officers undertake a programme of public consultation to obtain stakeholder views on the further development of the Ports Strategy and development of supplementary individual ports business plans.

4. CONSULTATION

- 4.1 To date consultation has been undertaken with the Ports Development Group. In July 2016 the Ports Development Group resolved to recommend to Cabinet that the mission, vision and six strategic objectives contained in Appendix A are adopted as the Ports Strategy.
- 4.2 Given the socio-cultural and economic importance of the Borough's port undertakings both to direct users and the wider community it is considered necessary to obtain public and stakeholder input and views on the further development of strategic objectives of the Ports Strategy and drafting of individual business plans for the ports. Subject to the approval of Cabinet the following programme of consultation is therefore proposed:

Step 1 – Sep 2016 – Nov 2016

Consultation workshops to establish stakeholder views.

Step 2- Nov 2016 – Jan 2017

Further develop strategic objectives and further consultation workshops to finalise those strategic objectives and to develop specific port business development proposals for each of the undertakings including:

- consideration of current and future Port uses, infrastructure needs and identification of business development opportunities.
- development of action plans for implementation.

Step 3 - Jan 2017 – Mar 2017

Preparation of a final Ports Strategy and individual port business plans and publication of the draft documents for public comment and input.

Step 4 - Mar 2017

Final drafting of the final Ports Strategy and individual port business plans in cognisance of the comments received through consultation.

Step 5 – Apr 2017

Reporting to Members the outcome of consultation and to seek adoption of the final Ports Strategy and individual ports business plans.

- 4.3 In every instance it is proposed that separate open public consultation workshops be undertaken in Whitby, Scarborough and Filey with the respective existing port user groups and representatives, potential investment and development partners, Town Council representatives, Borough Councillors, and the general public in attendance.
- 4.4 The workshops will be supplemented by publication of all subsequent documentation on the Borough Council and Borough Ports' websites.
- 4.5 Local and social media will also be used to disseminate documentation where possible and to invite people to attend workshops and or otherwise engage with the consultation programme.

5. ASSESSMENT

- 5.1 The review undertaken to date sets the baseline position for the Ports and provides the framework from which to develop the critically important strategic objectives and individual business plans to successfully drive forward the Port undertakings of the Borough. However this is only considered the first step in the process and much work remains to develop the critically important strategic objectives and business plans.
- 5.2 With a fully articulated, consulted upon and documented understanding of the Ports in place, future strategic management decisions can be made by the Borough Council and Harbour Authority which can be demonstrated to be in the best interest of the Port undertakings and their ongoing success and sustainability and the customers and community which they serve.

6. IMPLICATIONS

- 6.1 **Policy**
There are no policy implications arising from this report
- 6.2 **Legal**
There are no legal implications arising from this report.
- 6.3 **Financial**
There are no financial implications are set out in detail throughout the report.
- 6.4 **Staffing Implications**
There are no financial implications are set out in detail throughout the report.
- 6.5 **Environmental, Planning Implications, Crime and Disorder Implications, Health and Safety implications.**
There are no direct implications arising from this report.

Nicholas Edwards

Nicholas Edwards
Director

A handwritten signature in black ink, appearing to read 'Trevor Watson', with a long horizontal stroke extending to the right.

Trevor Watson
Director

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1	Aug 16	Cabinet does not approve the recommendations of the report	<ul style="list-style-type: none"> ▪ The Port continues to operate without an up to date strategic plan and potentially fails to respond to opportunities and threats relating to its ongoing successful management and operation 	<ul style="list-style-type: none"> ▪ This report 	B4	A1	Alex Richards	This report followed by implementation of the consultation plan and strategy drafting activity.

Page 6

Risk Scoring

Likelihood:

- A = Very Low
- B = Not Likely
- C = Likely
- D = Very Likely
- E = Almost Certain

Impact

- 1 = Low
- 2 = Minor
- 3 = Medium
- 4 = Major
- 5 = Disaster

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
	Likelihood					

NOTES

APPENDIX A

PORTS STRATEGY

Port Authority of Scarborough, Whitby and Filey Coble Landing

Mission

The Port Authority of Scarborough, Whitby and Filey Coble Landing strive to support the economic progression and sustainable future of the Port undertakings on behalf of current and future stakeholders whilst maintaining their historic and social value.

Vision

To continually improve the ports of Scarborough, Whitby and Filey Coble Landing to make them the safest, most efficient and sustainable port undertakings practicable and to create value for our customers by developing a diverse and adaptable approach to management, operations, infrastructure and investment in order to capitalize on growth markets and secure the ongoing success of the Ports for generations to come.

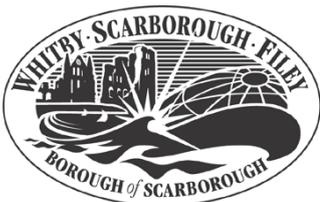
Ultimately, by working in partnership with our stakeholders to provide the country's leading Port undertakings of their kind by 2030.

Strategic Objectives

- 1. To provide the highest possible levels of service to our customers and stakeholders.*
- 2. To consolidate and optimise operations and practice together with the utilisation of resources to drive up commercial viability of the Harbour undertakings.*
- 3. To invest in the overarching infrastructure necessary to secure sustainable and competitive current and future Port activity.*
- 4. To provide a significant focus of effort on the development of growth markets and opportunities in all sectors including commercial fishing, leisure, tourism, commerce and the renewables sector.*
- 5. To create a welcoming environment for innovation, business and investment.*
- 6. To maintain and improve the social and community value of the port undertakings recognizing their historic and future role within the communities in which they are located.*

In order to achieve the strategic objectives the Port Authority will take on the function of an enterprising developer, focusing on the customer and working towards a flexible, efficient organisation whilst striving to deliver excellent quality from all its activities.

NOTES

	REPORT TO CABINET TO BE HELD ON 13 SEPTEMBER 2016
NOT FOR PUBLICATION – APPENDIX B of this report is not for publication because it contains exempt or confidential information relating to the financial and business affairs of any particular person (including the authority holding that information).	Key Decision NO Forward Plan Ref No
Corporate Priority: Developing safer and stronger communities	Cabinet Portfolio Holder Cllr. Mike Cockerill

REPORT OF CHIEF EXECUTIVE – 16/72

WARDS AFFECTED: ALL

SUBJECT: COAST AND FLOOD PROTECTION FINANCE STRATEGY

RECOMMENDATION (S):

Cabinet is recommended to approve the Coast and Flood Protection Finance Strategy as set out in this report and use the Council's allocation of £3m to underwrite risk and make contributions to enable all of the Council's current coast and flood protection projects to proceed when matched with grants and contributions from other beneficiaries.

REASON FOR RECOMMENDATION (S):

To ensure continued funding and underwriting of essential coast and flood protection works.

HIGHLIGHTED RISKS:

- Projects could overspend, requiring further financial contributions or reductions to the planned programmes of works.
- Projects may not proceed if other beneficiaries do not contribute.

1. INTRODUCTION

- 1.1 At its meeting on 19 January 2016, Cabinet considered the Council's draft revenue and capital budget 2016/17 and endorsed it being re-presented to Full Council for approval in February. The budget contains provision for £3 million to be allocated towards a coast and flood protection budget
- 1.2 Council subsequently approved the budget at its meeting on 26 February 2016 (report ref 16/49 refers).
- 1.3 The coast and flood protection schemes identified within this report have all been previously identified by the Council as essential for the future wellbeing of the Borough. However the significant cost of the schemes means that without careful management of the available financial resource, the Council would need to delay or, at worst, fail to carry out, some or all of the schemes. Fortunately, officers have been able to identify a strategy to ensure delivery of all the schemes referred to through the prudent use of the coast and flood protection budget, supported by grant and beneficiary contributions.

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 This report will support a number of the Council's Corporate Plan aims:

Aim 1: Developing a Safer Community
Aim 2: Building a Prosperous Community
Aim 3: Creating a Quality Environment

3. BACKGROUND AND ISSUES

- 3.1 The Borough of Scarborough has a largely ageing coastal defence system, much of which is in poor condition and is subject to an aggressive wave climate. Furthermore the defences are backed by steep coastal slopes which show evidence of both instability and climatic denudation. These factors, together with environmental considerations of predicted climate change scenarios and sea level rise, focus the need for constant proactive attention in order to minimise the potential risks to public and private coastal assets in the Borough.
- 3.2 The Council has a Shoreline Management Plan and Coast Protection Strategies in place for the majority of its coastline which have all been adopted as policy by the Council :
 - Shoreline Management Plan 2, 2007
 - Runswick Bay Coastal Strategy, 2015
 - Whitby Coastal Strategy, 2012
 - Robin Hoods Bay Coastal Strategy, 2012
 - Scalby Ness Coastal Strategy, 2006
 - Scarborough Coastal Defence Strategy, 2009

- Cayton Bay Coastal Strategy, 2002
- Filey Bay Coastal Defence Strategy Study, 2002

- 3.4 However, when the majority of these Policies were adopted the system of funding coastal defence works was very different to that in place today. Members adopted these policies and prioritised projects in the knowledge that at that time any proposed works would be eligible for 100% grant aid provided by DEFRA under the Coast Protection Act 1949.
- 3.5 Now the funding regime for coastal protection measures has been cut back as part of the austerity measures and the funding landscape is very different. There have been significant changes to the way funding for Coast Protection works are secured, and Coast Protection schemes are no longer automatically attracting 100% central Government funding.
- 3.6 Under Defra's new "Partnership Approach" contributions from "beneficiaries" of schemes must be sought to supplement the Government funding available where the scheme has a low overall benefit. In reality this has meant that where the Council wishes to carry out flood or coastal protection works for the benefit of the Borough the Council has been required to provide funding as a beneficiary to each scheme, even though the Council may not have been the sole beneficiary to the scheme. Clearly at a time of financial austerity this requirement has led to a significant strain on the resources of the Council and real concerns about the deliverability of some of the schemes identified as priorities for the Council.
- 3.7 That being said, the option to do nothing, when the homes and livelihoods of the residents of the Borough are at risk, is not one that the Council wishes to take. Bearing this in mind, officers have worked to develop a strategy whereby the reduced resources of the Council can be best utilised, in common with support from other responsible bodies, to enable the successful delivery of the schemes identified within the SMP.

4. CONSULTATION

- 4.1 Full public consultation has taken place in respect of each and every one of the above coastal strategies.
- 4.2 Consultation with elected members has also taken place through the Corporate Strategy and Finance Group and the Coast and Flood Protection Project Board.

5. ASSESSMENT

- 5.1 At its meeting on 26 February 2016, Council approved a budget of £3 million to be allocated towards a coast and flood protection budget. Clearly the ongoing coast and flood protection challenges faced by the whole of the Borough require significant financial resource. However, officers have identified that by maximising the resources available from other partners with responsibilities for supporting flood and coast protection, together with prudent

- financial and project management, the budget should be sufficient to deliver all the schemes currently identified as priorities for the Borough.
- 5.2 As mentioned above, the Council has been faced with increasing pressure to find financial resources from its own budgets to fund essential coast and flood protection schemes which would hitherto have been funded by grant funding. Faced with this pressure, officers have identified means by which the Council's stretched resources can best be managed to ensure the delivery of those schemes. This has meant working with other partners and contractors.
- 5.3 The Council currently carries out coast protection works by virtue of its permissive powers under the Coast Protection Act 1949. To be clear, under this Act, the Council has the **ability** but not the **duty** to carry out coast protection works. This means that the Council, whilst mindful of any common law duties as a landowner, could simply not carry out the works identified within the SMP and associated schemes. However, as stated earlier in this report, the Council does not view this as an acceptable position and will continue to work towards delivery of those schemes.
- 5.4 The Flood and Water Management Act 2010 also gives the Council the powers to seek contributions from beneficiaries of schemes to enable the Council to raise the necessary finances to carry out coast protection schemes. This means that the Council has the right to request financial contributions from those persons whose properties will benefit from the completion of a particular scheme. The Council has already sought to use these powers in relation to the South Cliff Stabilisation Scheme in Scarborough and to support the coast protection works proposed in Runswick Bay and Robin Hoods Bay. The Council is grateful to those affected landowners who have contributed to these schemes. The Council will also be contacting beneficiaries of any future schemes to seek contributions.
- 5.5 Whilst acknowledging the ability of the Council to seek additional funding from affected residents and businesses, it is recognised that in reality, the Council is unlikely to secure substantial amounts of funding from ordinary homeowners and local businesses. However, where affected land is owned by other public sector partners and utilities providers, the funding opportunities are more likely to provide the support needed to fulfil the projects. Again an example of this support is shown by the contribution towards the contingency fund for the South Cliff Stabilisation project which has been put forward by North Yorkshire County Council as the joint local authority of the area and also the beneficiary highways authority. In addition, the County Council has additional responsibilities as a flood protection authority which can be used to support schemes to reduce flooding in the Borough, for example the Filey Flood Alleviation Scheme. Again, the Borough Council is under no duty to carry out flood protection schemes within the Borough and the primary responsibilities lies with North Yorkshire County Council as the lead local flood authority.
- 5.6 It is therefore the intention of officers to continue to seek ongoing financial support from public sector partners including North Yorkshire County Council to ensure that the Borough Council is not left alone in footing the bill for these

schemes which are so important for the wellbeing of the economy and also the residents of the Borough.

- 5.7 In order to bolster further the finances available for the Council to contribute, officers have also looked at ways in which the Council's contributions to projects can be safeguarded to ensure that they can wherever possible be recycled into future schemes. Members' attention is drawn in particular to the fact that the Council has agreed with the Environment Agency that the £1.877 million commitment from the Council to the South Cliff Slope Stabilisation Scheme is in relation to contingency only. Although at this stage, the monies are allocated from the agreed coast and flood protection budget, the Council's project team are hopeful that, at the least, the full extent of this contingency will not be required. This means that the monies will then become available to be reallocated to another coast/flood protection project as another scheme nears delivery.
- 5.8 The next scheme which is closest to delivery is the Filey Flood Alleviation Works. This scheme is expected to be approved this financial year. This £5.1 million project should attract an EA grant of £3.0m based on estimated benefits of £23.863 million and 167 properties protected. The project also attracts a contribution from the RFDC local levy of £1.7m, and a contribution has also been promised by Filey Town Council. In a similar context to the Scarborough Slope Stabilisation Project, £361k is required from the Council to be allocated towards underwriting risk. Again, upon completion of this scheme, it is anticipated that this contingency sum will be released to be recycled into the coast protection budget and consequently become available to fund another scheme. This scheme will be subject to further reports to Cabinet.
- 5.9 A key priority for this Council is the Whitby Piers Coast Protection Works. This £8.622 million project will attract an EA grant of £4.812 million based on benefits of £128.082 million and 497 properties protected. A £3.810 million total contribution is required towards the works. At this stage, final tenders for the scheme are being developed, and, as such, do not yet require the Council to confirm its full contribution. It is pleasing to report to members that the timing of the scheme means that the Council intends to utilise the contingency funding reallocated from current schemes to cover the delivery of the project. In addition as further financial security for the scheme, officers will request that North Yorkshire County Council consider the reallocation of any unused part of their contingency contribution towards the scheme and officers will be seeking the County Council's agreement to this principle shortly.
- 5.10 In addition to this funding and as further financial security for the scheme, the Council is submitting an application for grant aid to the Marine Maritime Organisation. An application has also been made for an allocation from £350m nationally that has recently been made available by the Government for flood protection. If successful, this contribution would significantly reduce the financial risk to the Council presented by this scheme.

- 5.11 A further project is the refurbishment of Robin Hoods Bay Sea Wall which is expected to be approved later this financial year. A £132k contribution towards the works is required. This £626k project attracts an EA grant of £444k based on benefits of £9,288k and 62 properties protected.
- 5.12 Therefore the funding profile for the Council's contributions for each of the projects is as shown in the table in Appendix B.
- 5.13 This strategy in itself, should deliver all of the coast and flood defence projects from within the agreed coast protection budget. However coast protection projects carry of a higher degree of risk and therefore to ensure delivery in all instances the Council will be pro-active in continuing to make requests to other beneficiaries to either share the risk or contribute financially to the projects to enable them to proceed as programmed. In some instances early contributions from beneficiaries could assist to accelerate certain projects.
- 5.14 The delivery of the Coast Protection Financial Strategy is predicated on recycling of contributions for delivery and officers and Members have established a Project Board who will put in place strong governance arrangements to ensure good project management and project assurance over financial arrangements and risk monitoring.

6. IMPLICATIONS

(a) Policy

- 6.1 There are no policy implications as a result of this report.

(b) Financial

- 6.2 There are no financial implications as a result of this report.
- 6.3 The decisions arising from this report set out a strategy for how the Council's budget of £3m will be allocated and managed. It is anticipated that the £3m budget, when it is required, will be funded from the additional borrowing factored into the Council's budget in 2017/18 and future capital receipts.

(c) Risk

- 6.4 The risks are as set out in Appendix A.

(d) Legal

- 6.5 There are no legal implications as a result of this report..

(e) Others

- 6.6 I have considered whether the following implications arise from this report and am satisfied that there is no identified adverse implications that will arise from this decision.

Environmental
Equalities and Diversity
Staffing
Planning
Crime and Disorder
Health and Safety



Jim Dillon
Chief Executive

Author: Chris Bourne, Projects Manager

Telephone No: 01723 232447

Fax No: 08907 913997

E-mail address: chris.bourne@scarborough.gov.uk

Background Papers:

Please give details of all publicly accessible (non private) background papers applicable to the report.

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1	26.2.16	Environment Agency does not approve funding.	Projects do not progress. Council may expend more in ongoing maintenance. Assets may fail.	Preparation of robust applications for funding.	B4	B4	Chris Bourne/ Stewart Rowe	Continue engagement with EA.
2	26.2.16	Beneficiaries contributions are not forthcoming.	Projects do not progress. Council may expend more in ongoing maintenance. Assets may fail.		D4	D4	Nick Edwards	Early engagement with beneficiaries.
3	26.2.16	Project costs increase.	More funding is required from beneficiaries including the Council. If other beneficiaries do not contribute the Council will be left with the liability as the accountable body.	Funding agreements in place before commencement.	C4	B4	Chris Bourne	Develop procurement strategies that mitigate risk of cost increase.
4	26.2.16	No further Council funding available to make SBC contribution.	Projects do not progress. Council may expend more in ongoing maintenance. Assets may fail. Potential for legal liability to third parties.		D4	D4	Nick Edwards	

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
	Likelihood					

Likelihood:

A = Very Low
 B = Not Likely
 C = Likely
 D = Very Likely
 E = Almost Certain

Impact

1 = Low
 2 = Minor
 3 = Medium
 4 = Major
 5 = Disaster

Document is Restricted

NOTES

	REPORT TO CABINET TO BE HELD ON 13 SEPTEMBER 2016	
NOT FOR PUBLICATION - This report contains exempt or confidential information contained in Appendix 1 which is excluded from this publication.	Key Decision	No
	Forward plan Ref No.	32
Corporate Priorities: Prosperity: Support the growth of businesses and employment in Whitby. Council: Ensure our service provide value for money and secure best use of our assets.	Cabinet Portfolio Holder	Cllr M Cockerill, Harbours, Assets, Coast and Flood Protection

REPORT OF THE DIRECTOR (NE) – 16/211

WARDS AFFECTED: WHITBY

SUBJECT: WHITBY BUSINESS PARK LAND SALE

RECOMMENDATION (S):

Cabinet is requested to approve the sale of land at the highest price outlined in Appendix 1 and identified in Appendix 2.

REASON FOR RECOMMENDATION (S):

- a) To utilise a vacant plot of land and to support the growth of businesses and employment in Whitby.
- b) To obtain a capital receipt.
- c) To comply with the Councils Constitution.

HIGHLIGHTED RISKS:

In the event that Cabinet decides not to approve the sale a capital receipt will not be obtained and the sites will not be developed for a business and employment use.

1. INTRODUCTION

- 1.1 The site lies within the Whitby Business and Industrial Park which occupies a site of approximately 23 hectares on the southern outskirts of Whitby to the north east of the A171. The site is approximately 0.45 acres in size.

Part of the Business Park is within the North York Moors National Park and the planning function is therefore split between Scarborough Borough Council and the National Park Authority.

- 1.2 Both local planning authorities resolved to produce a joint 'Area Action Plan' covering the Business Park as a whole. In October 2014 the Planning and Development Committee approved the adoption of the Whitby Business Park Area Action Plan (ref:14/324).

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 A sale of the site will provide a capital receipt which will assist in the delivery of the Councils Corporate Aims and Priorities
- 2.2 The sale of the land will support the growth of businesses and employment in Whitby.

3. BACKGROUND AND ISSUES

- 3.1 The purpose of the Area Action Plan is to produce a comprehensive strategy that helps ensure that the Business Park can make an increasingly important contribution to the economy of the area, providing jobs and services in the locality. One of its main aims is to make additional land available to bolster the role of the Business Park in terms of stimulating investment and creating job opportunities. The sale of this site will support this ethos.
- 3.2 On the 20th October 2015 Cabinet resolved the following;
 - (i) approve the in principle disposal of the four parcels of land at the Whitby Business and Industrial Park which included the subject site.
 - (ii) authorise Officers to market the parcels of land as appropriate
 - (iii) authorise any marketing and sales costs exceeding those currently available, up to a budget of £10,000 to be funded from the capital receipts;
 - (iv) note that further reports seeking final approval will be presented to the relevant authoriser dependant on the level of receipt in accordance with the Constitution
- 3.3 This site was approved for sale in February 2016 by the Portfolio Holder by way of an ICM report. This level of authority was all that was required at the time as a lower offer was made and was recommended to be accepted. This offer has subsequently fallen away and the site has been re-tendered resulting in Cabinet Authority now being required.

4. CONSULTATION

- 4.1 Discussions have been held with the Portfolio Holder and the Planning Authority.

5. ASSESSMENT

- 5.1 The site has been sold by way of a tender exercise as is required by the Councils Constitution. It was anticipated that prices obtained for the land would be circa £120-190,000 per acre.

6. IMPLICATIONS

(a) Policy

- 6.1 There are no policy implications.

(b) Financial

- 6.2 The Council will receive a capital receipt if the offer is accepted

(c) Risks

- 6.3 The key risks are identified in the attached risk matrix.

(d) Legal

- 6.4 The sale will be formally documented by the Councils Legal Department.

(e) Equalities and Diversity

- 6.5 This has been considered and is not applicable to this report

Nicholas Edwards

Nicholas Edwards
Director

Author: Bryan Walker, Estates Manager, Town Hall, St Nicholas Street,
Scarborough.

Telephone No: 01723 232464

E-mail address: bryan.walker@scarborough.gov.uk

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1	September 2016	Cabinet does not accept the freehold offer for the site	No capital receipt is obtained and the site will not contribute to the growth of businesses and employment in the area.		B1	A1	Estates Manager	To action the recommendation contained within this report.

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
		Likelihood				

Likelihood:

A = Very Low

B = Not Likely

C = Likely

D = Very Likely

E = Almost Certain

Impact

1 = Low

2 = Minor

3 = Medium

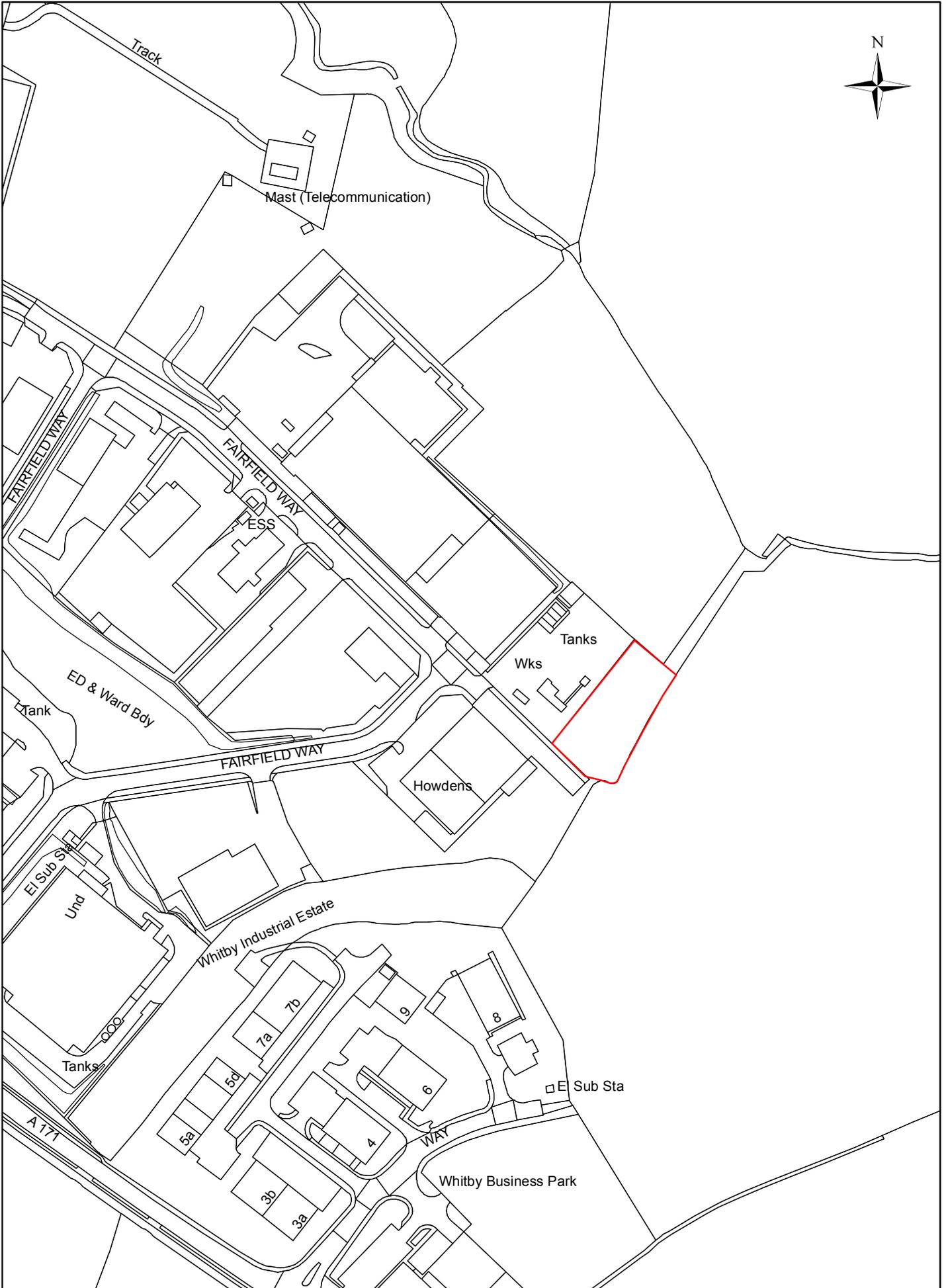
4 = Major

5 = Disaster

Document is Restricted

NOTES

SCARBOROUGH BOROUGH COUNCIL



NOTES