
Corporate & Economic Strategic Select Committee 6th March 2024

Report of the Director of Regeneration and Enterprise

Stalled sites - strategies for bringing back into use vacant or derelict land and property.

Purpose

1. This report is to update Corporate & Economic Strategic Select Committee on the activity undertaken by the local authority to bring back into use land and property which remains derelict or untidy or where development is stalled since the last update to the committee on since 6th September 2023

Recommendations

2. It is recommended that Corporate & Economic Strategic Select Committee:
 - Note the progress made since report to Committee on 6th September 2023
 - Acknowledge the positive actions being undertaken by services in seeking to bring back into use privately owned land and property which remains vacant and derelict.
 - Endorse the methodology for drawing up the revised short and long list of sites to be included in the programme for the next period.
 - Recognise the limitations of statutory powers in requiring private landowners to bring forward vacant and derelict sites for development.
 - Recognise the constraints on resources following the introduction of spending controls measures and the implications on service priorities

Background

3. The council has established a multi directorate working group of officers to encourage positive actions from private landowners to bring forward development using vacant and or derelict land and property.

4. The council has established strategies and a range of statutory powers which we can deploy where the circumstances allow. These have previously been reported to the committee in the 6th September 2023 report and include the councils;

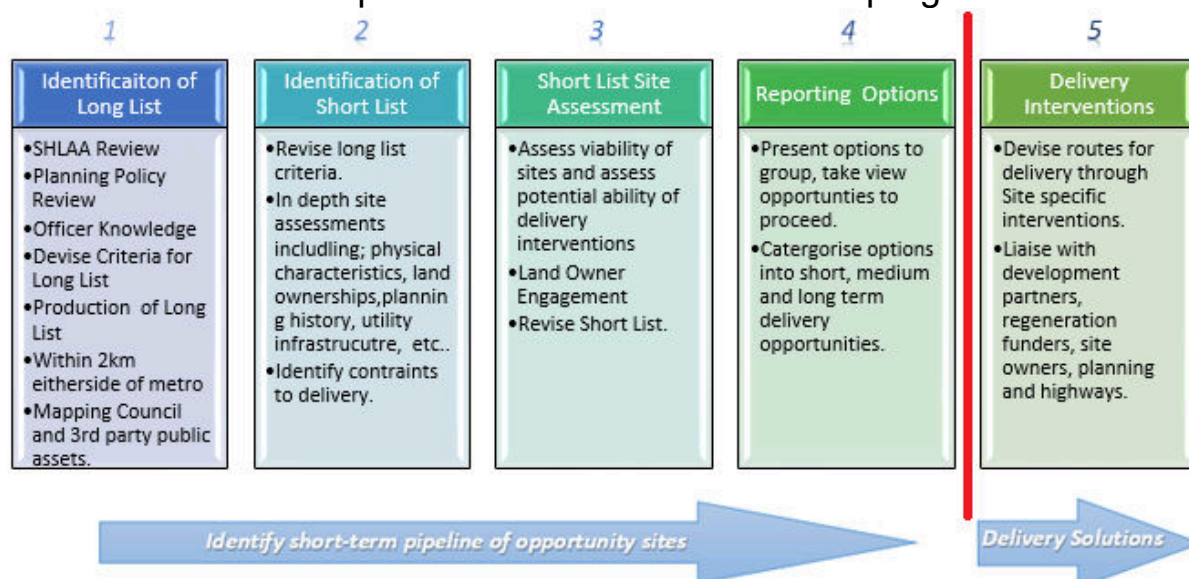
- Empty Homes Strategy,
- Empty Homes Grant,

As well as enforcement tools in the form of

- Empty Dwelling Management Orders,
- Enforced Sale,
- Section 215 Notice, and the power of last resort,
- Compulsory Purchase Order (CPO)

Site Progress

5. The programme started with an initial long list of 68 sites. This has been added to in last six month following further ward walks undertaken by the Chief Executive and local ward councillors as well as new officer recommendations.
6. A prioritised list of 20 sites was decided upon for first tranche of work and these 20 have been the focus of the work programme to date. The methodology for scoring these sites is included below;
7. For a site to become part of the Stalled and Derelict Sites programme, officers in the working group will undertake a separate assessment for each site, before placing either into the long list short list or recommend the site is unsuited to become listed within the programme. The chart below, shows the steps taken for the initial long listing task, and for consistency will be used as new sites are put forward for inclusion in the programme.



The working group then undertake a scoring exercise based on these criteria:

8. 1 = Priority Site - proceed to short list for further assessment.
2 = Important site - remain on long list
3 = Not a priority site at this stage - site does not proceed any further
9. The individual sites scores are noted, the whole list of sites is then reordered according to their score. The result of which will be a revised long list. Officers will then recommend to Regeneration & Enterprise Strategy Group which new sites should be added to the working group's short list & form the basis for new activity.
10. The Stalled & Derelict sites working group subsequently separated these sites in to four initial categories. Since then, the working group have introduced a fifth category to review / remove from the programme, sites that should no longer form part of the programme due a range of factors including the positive development of sites.

The four categories are:

Category 1 - Positive actions of private sector landowner towards delivery (e.g., Recent pre-applications advice, recent full application submitted or impletion of)

Category 2 - Positive actions of DMBC/landowner towards delivery (e.g., Pre-applications, recent full application submitted or impletion of, recent negotiations, recent conversations)

Category 3 – No recent engagement with landowners, further information required and group steer to co-ordinate next steps.

Category 4 – Typically long-term difficult site with private sector owners, enforcement action and heritage status - Group steer to co-ordinate next steps required.

Category 5 – Review appropriateness of placement on Longlist/Shortlist.

11. Following the latest additional sites being considered as per paragraph 5 the original long and short list is in the process of being updated and as per the table 1 below it is suggested that seven sites are removed from the short list and replaced and nine to be removed from the long list with a further twenty six sites to be further reviewed.

The updated list will be taken to a subsequent meeting of the Regeneration and Enterprise Strategy Group for approval as per the governance process noted in paragraph 9 of the report.

Table 1. Short list & Long list review

Remain on short list	13
Remove from short list	7
Total short list	20
Remain on long list	13
Remove from long list	9
Review appropriateness of placement on long list	26
	48
Total long list	68

Working Group Progress

12. Following the success of first round of Homes England revenue funding to support with Stalled and Derelict sites activity, a further opportunity arose in December 2023, to bid into Homes England for additional revenue funding (up to £70,000), to procure specialist property development and legal expertise. Following submission of a bid we were notified in late December 2023 that we have been successful in securing an additional £70,000 revenue funding which must be spent by financial year end 31st March 2024.
13. A tender exercise was quickly undertaken via the Homes England Framework and we have subsequently appointed external advisors Thomas Lister surveyors Freeths solicitors and PCPT architects to consider and report on routes to bring forward a further nine sites for redevelopment. A final draft report is expected mid March 2024.
14. In addition, a report was taken to Cabinet in December 2023, to establish the principle of progressing background work including the service of statutory notices, reinforcing the Council's willingness to use its CPO powers on sites that fall within the programme, subject to meeting the CPO tests, suitability, funding, and end use.
15. In terms of individual sites having acquired the Freehold Title to all the land required for the scheme at 122 to 128 Colley Gate, in summer 2023, a decision was taken to withdraw from the Public Enquiry for the CPO at Colley Gate and approval has subsequently been sought to commence the demolition of properties to facilitate the redevelopment of the site which is due to commence in February 2023 and be completed by the end of March 2024. Other example sites where positive progress has been made are included at appendix 1.

Next Steps

16.
 - Continue to hold Cross directorate multi-disciplinary working group meetings to oversee the programme and actions for shortlisted sites.
 - Oversight of the demolition and site preparation, for the Colley Gate site.
 - Work with colleagues in Corporate Landlord Services to bring the council owned sites to the market for redevelopment purposes.
 - Develop delivery options and work plans incorporating recommendations of commission into actionable steps to progress regeneration of sites.
 - Report to and seek endorsement of action plans from RESG and onward to lead Member for Regeneration and Enterprise.
 - Update high-level project plan, including spend profile for the programme.
 - Review and update scoring of sites added to the long list since 2021 and begin to prioritise next tranche of priority sites.
 - Provide Cabinet and shadow cabinet and members of CESS a copy of the stalled and derelict sites list.
 - Update the mapping of the sites on the councils Geographic Information System – Mapping Online GIS-MO.
 - Investigate options to secure additional external funding to progress priority sites given the introduction of spending control measures and the implications of the recent decision noted in paragraph 17.

Finance

17. A £1 million budget was approved by the Council in February 2022 to support the work of the stalled & derelict sites working group, with a specific focus to facilitate the acquisitions of properties by the council to bring forward development. The £1million is funded by prudential borrowing, the debt charges for which are to be built into the Council's base budget.
18. To date the only costs incurred have been on the acquisition and demolition & associated fees, of the properties at Colley Gate however, it should be noted that any future spend will be subject to the councils spending control measures, and following a recent review of the Capital Programme it has

been agreed that any future spend against this budget is delayed until financial year 2027/28, leading to revenue budget savings.

19. In addition, over the last 12 months a total of £130,000 revenue grant funding has been received from Homes England to support the work of the stalled and derelict sites working group.

Law

20. Section 111 of the Local Government Act 1972 provides the Council with power to do anything (whether involving the expenditure, borrowing, or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate or is conducive or incidental to, the discharge of any of their functions.
21. Pursuant to Section 1 of the Localism Act 2011 a local authority has a general power of competence to do anything that individuals generally may do. Section 123 Local Government Act 1972 provides that the Council receives best consideration in respect of disposals of land.
22. There are a number of statutory authorities for intervention but to summarise they include the following: Legal Services will advise on a case-by-case basis.

Housing and Planning Act 2016

Law of Property Act 1925

Compulsory Purchase Act 1965

Land Compensation Act 1973

Housing Act 1985 & 2004

Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004).

Risk Management

23. There are no identified material risks to the Council resulting from the report. As part of the proposed delivery plan for each priority site a detailed risk register will be developed that captures any key risks. Where the council is taking a lead role in the development of sites key risks are likely to include the ongoing effect of inflation on construction projects and the impact this has on budget allocations.

Equality Impact

24. There will be no negative impact on people with protected characteristics as a result of this report. The development of regeneration projects is

undertaken with full regard to the requirement for equality impact assessment.

The Council's Equality and Diversity policies will be applied throughout the delivery of this project

Equality impact assessments will be developed for individual schemes where the need to is identified by the site working group.

There are no specific impacts that will affect children / young people.

Human Resources/Organisational Development

25. There are no direct HR/OD impacts associated with this report. Where additional specialist support is required to support the activity of the working group this will be procured in line with the Council's standing orders.

Commercial/Procurement

26. There are no direct commercial implications associated with this report. Where additional specialist support is required to support the activity of the working group this will be procured in line with the Council's standing orders.

Environment & Climate Change

27. The establishment of the Stalled and Derelict site programme, with the aim to promote and support the redevelopment of former brownfield sites for commercial development accords with the United Nations Sustainable Development Goal 8 (Decent Work and Economic Growth), Goal 9 (Industry, Innovation and Infrastructure) and Goal 11 (Sustainable Cities and Communities)

Council Priorities and Projects

28. Bringing back into use vacant and derelict sites will have a positive impact on the health and wellbeing of Dudley residents through improved residential amenity and a reduction of anti-social behaviour which is often associated with derelict sites.
It will also work towards providing access to a range of housing offers that are affordable, accessible, and attractive, meeting the needs of our diverse communities.



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Appendices

Appendix 1 – Stalled and Derelict site examples