

<b>Notice of:</b>	<b>EXECUTIVE</b>
<b>Decision Number:</b>	EX29/2020
<b>Relevant Officer:</b>	Alan Cavill, Director of Communications and Regeneration
<b>Relevant Cabinet Member:</b>	Councillor Mark Smith, Cabinet Member for Business, Enterprise and Job Creation
<b>Date of Meeting:</b>	13 July 2020

## **PROPOSED APPROPRIATION AND DISPOSAL OF OPEN SPACE LAND AT STANLEY PARK GOLF COURSE, BLACKPOOL**

### **1.0 Purpose of the report:**

- 1.1 To provide information to enable members to consider a number of representations following the advertisement of the proposed appropriation of open space land for planning purposes and the proposed disposal of open space land at Stanley Park Golf Course, Blackpool and to decide whether or not to proceed with the proposals to appropriate and dispose of the land.

### **2.0 Recommendation(s):**

- 2.1 To note and consider the objections, along with the information contained in this report, received in respect of the intention to dispose of the open space land at Stanley Park Golf Course, Blackpool coloured red on the plan attached at Appendix 2a, to the Executive report ('Site A').
- 2.2 To authorise the disposal of Site A by way of leasehold disposal arrangements for the initial operation of the whole of Site A as golf course facility followed by the operation of a golf course facility on that part of Site A which is shown coloured green on the plan attached at Appendix 2a, to the Executive report ('Site C').
- 2.3. To delegate authority to the Director of Communications and Regeneration to undertake the disposal process in respect of Site A, agree the timing of the implementation and all matters related to the disposal, deal with all matters arising from the decision and to complete the disposal process.
- 2.4 To note and consider the objections, along with the information contained in this report, received in respect of the intention to appropriate the open space land at Stanley Park Golf Course, Blackpool, shown coloured blue on the plan attached at Appendix 2a, to the Executive report, ('Site B') from open space purposes for

planning purposes.

- 2.5 To agree in principle that Site B, which is held by the Council for the purpose of open space/recreation is no longer required to be held for those purposes and should be appropriated for planning purposes with a view to its subsequent future development.
- 2.6 To authorise the appropriation of Site B from open space/recreation purposes for planning purposes.
- 2.7 To delegate authority to the Director of Communications and Regeneration to undertake the appropriation processes in respect of Site B, to agree the timing of the implementation and all matters relating to the appropriation, to deal with all matters arising from the decision and complete the appropriation process.
- 2.8 To note and consider the objections, along with the information contained in the report, received in respect of the intention to dispose of the open space land at Stanley Park Golf Course, Blackpool, shown coloured blue on the plan attached at Appendix 2a, to the Executive report ('Site B').
- 2.9 In the event that the appropriation of Site B for planning purposes is authorised in accordance with the recommendation at 2.6, to authorise the disposal of Site B by way of long term leasehold disposals for use for the proposed development of Site B.
- 2.10 To delegate authority to the Director of Communications and Regeneration to undertake the disposal process in respect of Site B, agree the timing of the implementation and all matters related to the disposal, deal with all matters arising from the decision and to complete the disposal process.
- 2.11 To authorise the Head of Legal Services to enter into such documentation as may be necessary to give effect to the disposal of Site A and the appropriation and disposal of Site B.

**3.0 Reasons for recommendation(s):**

- 3.1 Interested parties have been given the opportunity to respond to the advertised proposals for the disposal and appropriation of Sites A and Site B in accordance with the statutory procedures as set out in this report. The disposals and appropriation of the open space land set out in this report are proposed in connection with legal arrangements with the preferred bidder following the outcome of the procurement exercise for the Stanley Park Golf Course site.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council?

No. The recommendations for the disposal and appropriation of land follow the statutory process for the appropriation and disposal of open space land. A number of objections have been received stating that the proposals are contrary to adopted or approved Council plans and/or strategy. These matters are addressed in the report.

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

In November 2018, following the cessation of trading of the operator of Stanley Park Golf Course, the Council considered the short and long term future in relation to the golf course. Although the Council took steps to secure the future of the golf course in the short term by reopening and operating the course on a temporary basis, it could not continue to fund or subsidise the operation of an 18 hole golf course in the medium to long term and a procurement exercise was subsequently undertaken to secure a long term sustainable solution for the site.

If, having taken into account objections received and considered the matters set out in this report a decision is taken not to proceed with the proposed disposal and appropriation of the open space land, this would mean that the legal arrangements with the successful bidder would not proceed. In such circumstances it is likely that a fresh procurement exercise would be undertaken as the Council is not able to subsidise the operation of the golf course at the site. Different proposals would fall to be considered and evaluated and the outcome may or may not include the retention of a golf facility at the site. Without a solution for the operation, management and maintenance of the site it would be an ongoing maintenance liability for the Council and could fall into disrepair.

#### **4.0 Council Priority:**

4.1 The relevant Council priority is: "The economy: Maximising growth and opportunity across Blackpool".

#### **5.0 Background Information**

5.1 The Council previously operated the golf course facility at Stanley Park, prior to outsourcing the management of the course following a tender exercise in 2009/10. Following the tender exercise, Mack Trading (International) Limited was selected to manage and operate the golf course. In October 2018, Mack ceased running the course due to financial and operational difficulties and the Council had to step in to continue with the operation of the course by one of the Council's wholly owned companies. This was on a temporary basis pending a further tender exercise.

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- 5.2 In January 2019, the Council advertised an opportunity in relation to the Stanley Park Golf Course site through an open procurement process conducted pursuant to the Concession Contract Regulations 2016. The Council sought to enter into a concession arrangement with an operator and invited proposals from bidders for the future direction, investment, management and funding of the site. The public and private sector have tried, unsuccessfully, over a number of years to operate the facility as a golf course in a financially sustainable manner. Whilst the retention of an operational golf course was suggested as a potential option, the Council encouraged innovative alternative proposals for the future operation of the site providing that the facility remained as a leisure facility. When advertising the opportunity, the Council stated that it could not provide any grants or subsidy for investment purposes or towards running the facility.
- 5.3 Following evaluation of the submitted bids as part of the procurement exercise, Holmes Investment Properties Plc ('HIP') was recommended as the preferred bidder. This recommendation was reported to and approved by the Executive at its meeting on 15 July 2019 (Executive Decision EX31/2019 refers).
- 5.4 The proposal submitted by HIP includes the retention of the western part of the current golf course site (Site C) for continued use for golf. This is proposed to include investment in the site and the operation of a 9 hole golf course and new practice facilities. HIP's proposals for Site B are for a leisure development including Adrenaline World, a new leisure venture to be managed and operated by David Lloyd's Adventure Parks, offering indoor and outdoor activities and also the development of up to 250 holiday lodges with associated facilities and services, subject to planning permission being granted.
- 5.5 A planning application for the development proposed by HIP on Site B is expected to be submitted to the Council in its capacity as local planning authority later this year. Pre application meetings have been held with planning officers commencing in January 2020. In May 2020 a request for a Scoping Opinion relating to the proposed development was submitted to the Council in connection with the requirement for an Environmental Impact Assessment for the proposed development. The Scoping Opinion was issued on 22 June 2020.
- 5.6 In planning policy terms, the site is currently designated as Open Land Meeting Community and Recreational Needs. It will be a matter for any applicant for planning permission to provide the justification that any proposed development meets planning policy requirements. At such time as a planning application is received for the proposed development of the site this will be publicised in accordance with statutory requirements and the Council's Statement of Community Involvement and interested parties will be given the opportunity to comment on the proposals for development.

5.7 At its meeting on 15 July 2019, the Executive approved HIP as the preferred bidder and gave authority for the legal arrangements for the proposals in respect of the site to proceed including agreements for lease and leases.

5.8 The Council is progressing the legal arrangements with HIP in order to proceed with the implementation of the successful tender and as part of those arrangements is proposing to dispose of and appropriate parts of the site as follows:

- Disposal of Site A by way of the grant of leases
- Appropriation of Site B from open space for planning purposes
- Disposal of Site B by way of the grant of leases, conditional on various matters including the grant of planning permission.

Site A and Site B fall within the definition in section 336 of the Town and Country Planning Act 1990 which is “any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground”. In accordance with the statutory procedures for the proposed disposal and appropriation of land consisting of or forming part of an open space, 3 separate public notices were advertised in the Blackpool Gazette on 27 February 2020 and 5 March 2020. The consultation period provided 21 days for interested parties to submit representations to the Council. The period for submission of representations expired at 5pm on 19 March 2020. The consultation period expired prior to the lockdown measures introduced by the government on 23 March 2020 in response to the coronavirus pandemic.

5.9 Proposed Disposal of Site A

The first notice advertised the proposed disposal of Site A. The proposed disposal is by way of an initial leasehold arrangement for the whole of the golf course site. This will allow HIP to operate the golf course and to take the lease subject to the existing lease of the club house, thus assuming the responsibility as landlord under the lease to the Trustees of the Blackpool Park Golf Club and terminating the existing temporary operating agreement under which HIP are currently managing the golf course on behalf of the Council. The operation of the whole of Site A as a golf course is proposed to continue until such time as development proposals for the east side of the course (Site B) are sufficiently progressed at which time, the east side of the course will close. The proposed disposal will also facilitate plans for investment in that part of Site A which forms the west side of the course (Site C) and the continued operation of a 9 hole golf course with training facilities on the west side of the course and the subsequent disposal by way of a long term lease of Site C.

5.10 The powers of disposal which the Council proposes to use in respect of the disposal by way of shorter term lease ('Site A') and the subsequent longer lease of the part of Site A which is shown as Site C on the plans attached at Appendix 2a, to the Executive report, are powers under section 123(1) of the Local Government Act 1972. This

enables the Council to dispose of land in any manner they wish subject to the requirement to dispose of the land at the best consideration that can reasonably be obtained. As the proposed disposal of the land follows an open and transparent procurement exercise it is considered that appropriate processes have been followed to bring the opportunity to the market and to secure best value.

- 5.11 Prior to disposing of any land consisting of or forming part of an open space, the Council must advertise the proposed disposal in two consecutive weeks in a local newspaper and consider any objections to the proposed disposal which may be made to them. Notice of the proposed disposal was advertised in the Blackpool Gazette on 27 February 2020 and 5 March 2020. A plan of the area proposed to be disposed of was made available for public inspection at the Council offices at Number 1 Bickerstaffe Square and at Customer First, Municipal Buildings together with copies of the notice and a document providing an explanation of the notice. The published notice stated that any representations in respect of the proposals to dispose of the open space land should be received by the Council no later than 5pm on 19 March 2020. The statutory requirements for consultation on the proposed appropriation have, therefore, been complied with.
- 5.12 Proposed Appropriation of Site B  
The second notice advertised the proposed appropriation of Site B from its existing use as open space/recreation for planning purposes.
- 5.13 The Council acquires and holds property and land for various statutory purposes in order to perform its functions and continues to hold the land for that purpose unless it either disposes of the land or appropriates it in accordance with its statutory powers for another purpose. Appropriation is the means of transferring the purpose that a local authority holds land from one purpose to another.
- 5.14 Section 122 (1) of the Local Government Act 1972 enables the Council to appropriate to any other purpose for which the Council is authorised to acquire land by agreement, any land which belongs to the Council and is no longer required for the purpose for which it is held immediately before the appropriation.
- 5.15 In addition to the above, as it is proposed to appropriate Site B for planning purposes the Council must also be satisfied that the land should be appropriated for planning purposes by applying the tests set out in Sections 226(1) and (1A) of the Town and Country Planning Act 1990. These are:
- That the Council considers that the appropriation will facilitate the carrying out of the development, re-development or improvement on or in relation to the land, and
  - That such development, re-development or improvement is likely to contribute to the achievement of the promotion of improvement of the

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- economic, social and/or environmental well-being of their area, and/or
- That the appropriation is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

- 5.16 Prior to appropriating any land consisting of or forming part of an open space, the Council must advertise the proposed appropriation in two consecutive weeks in a local newspaper and consider any objections to the proposed appropriation which may be made to them. Notice of the proposed appropriation of Site B was advertised in the Blackpool Gazette on 27 February 2020 and 5 March 2020. A plan of the area proposed to be appropriated was made available for public inspection at the Council offices at Number 1 Bickerstaffe Square and at Customer First, Municipal Buildings together with copies of the notice and a document providing an explanation of the notice. The published notice stated that any representations in respect of the proposals to dispose of the open space land should be received by the Council no later than 5pm on 19 March 2020. The statutory requirements for consultation on the proposed appropriation have, therefore, been complied with.
- 5.17 As a consequence of the exercise of the Council's powers of appropriation, individual rights of affected third party owners and occupiers of nearby properties may be overridden. There are no affected third party owners and occupiers of nearby properties whose rights will be overridden as a consequence of the appropriation proposed in this report
- 5.18 In considering whether to appropriate Site B for planning purposes, the Council must be satisfied that the land is no longer required as open space. This question is one solely for the Council in good faith to decide and requires the Council to examine whether the land is no longer needed in the public interest of the locality as open space. There is no requirement for the land to have fallen into disuse before the Council may appropriate it for some other purpose and the fact that Site B is currently used for the purposes for which it is held is not the sole consideration. The Council must have regard to the relative needs or uses for which the land has been or may be put and is entitled to conduct a balancing exercise between competing uses with the needs of the wider community at the forefront of that balancing exercise. The statutory tests set out above must be considered and there must be justification for the use of the powers to appropriate by a clear 'public interest' case. The loss of the open space has been considered and it is considered that the loss can be justified by the need to repurpose and facilitate the redevelopment of the land.
- 5.19 If Site B is appropriated for planning purposes then this will facilitate the progression of proposals for the future of the Stanley Park Golf Course site. If a suitable planning application is submitted and planning permission is granted, the proposals for Site B are for a leisure development including Adrenaline World, a new leisure venture to be managed and operated by David Lloyd Adventure Parks, offering indoor and

outdoor activities and up to 250 holiday lodges with associated facilities and services. The proposals set out by the preferred bidder are to offer a wider range of leisure activities at the site than is currently available. Economically, if redeveloped, the income from the site will be used to fund vital services in the town and the proposals involve the creation of an estimated 150 jobs in Blackpool. The proposals for the site align with the Council's objective of seeking a long term sustainable leisure facility for the site, as a result of the current golf course facility not being financially sustainable as evidenced by the inability of the public and private sector over a number of years to operate it in a financially sustainable manner. For the above reasons it is considered that the appropriation of Site B for planning purposes will facilitate the carrying out of development that is likely to contribute to the achievement of the promotion or improvement of the economic and social well-being of the area, and that the appropriation is required for a purpose which is necessary to achieve in the interests of the proper planning of the area in which it is situated.

5.20 As stated elsewhere in this report a planning application for the proposed development is yet to be submitted and at such time as a planning application is considered by the Council, it will be determined under the planning decision making process which is separate to this process. As stated above, the proposals for the development of Site B remain subject to planning permission being granted and the grant of leases of Site B will be conditional upon planning permission being granted and other matters.

5.21 Proposed disposal of Site B

The third public notice advertised the proposed disposal of Site B by way of grant of leases for the use of the site for leisure and lodge facilities in accordance with the development proposals for the site. This disposal is dependent on the land first having been appropriated for planning purposes as it relates to proposals to dispose of the land using powers within the Town and Country Planning Act 1990, which can only be used by the Council if the land has first been appropriated by the Council for planning purposes.

5.22 In considering whether to dispose of the land as proposed, the Council must be satisfied that the use of such disposal powers will meet the statutory tests in Section 233 (1) of the Town and Country Planning Act 1990 which permit the Council to dispose of land held for planning purposes, in such manner and subject to such conditions as appear to them to be expedient in order-

- To secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it (whether by themselves or by any other person) , or
- to secure the erection, construction or carrying out on it of any buildings or works appearing to them to be needed for the proper planning of the area of the authority.

- 5.23 As explained in this report, a procurement exercise was carried out, under which the Council advertised the opportunity to the market and invited proposals from bidders for the future direction, investment, management and funding of the Stanley Park Golf Course site. This resulted from the current golf course facility not being sustainable as evidenced by the inability of the public and private sector over a number of years to operate the facility as a golf course in a financially sustainable manner. It is considered that the proposals submitted by the successful bidder for a leisure and lodge development on Site B will secure the best use of the site, should planning permission for the proposal be granted, in that the proposals set out by the preferred bidder are to offer a wider range of leisure activities at the site than is currently available.
- 5.24 Prior to disposing of any land consisting of or forming part of an open space, the Council must advertise the proposed disposal pursuant to S233(4) of the Town and Country Planning Act 1990 in two consecutive weeks in a local newspaper and consider any objections to the proposed disposal which may be made to them. Notice of the proposed disposal of Site B was advertised in the Blackpool Gazette on 27 February 2020 and 5 March 2020. A plan of the area proposed to be disposed of was made available for public inspection at the Council offices at Number 1 Bickerstaffe Square and at Customer First, Municipal Buildings together with copies of the notices and a document providing an explanation of notices. The published notices stated that any representations in respect of the proposals to dispose of the open space land should be received by the Council no later than 5 pm on 19 March 2020. The statutory requirements for consultation on the proposed disposal have, therefore, been complied with.
- 5.25 Representations  
If representations are made to the Council in response to public notices of this nature it is a statutory requirement for the Council to consider any objections and take them into account in deciding whether to proceed with the proposals. Members are respectfully reminded that the issues under consideration in this report are whether, having regard to the objections received, they consider that the proposed disposals of Site A and Site B and the proposed appropriation Site B should proceed. The representations received should be considered in that context.
- 5.26 The Council received 293 representations in response to the public notices before the deadline of 5pm on 19 March 2020. There were 288 objections to the proposals, 3 responses in support of the proposals and 2 responses which neither supported nor objected to the proposals.
- 5.27 In order to provide some context, the numbers of responses received and the postcodes stated by those who responded have been analysed as set out in Appendix 2. 178 responses are from FY1-FY4 postcode areas.

The population of Blackpool is 139,300 (2018 JSNA) and this equates to 0.12 of the Blackpool population. However, some responses did not provide addresses.

- 5.28 Out of the total number of objections received, a number of the responses were in identical format with persons providing their names and addresses on standard letters.
- 5.29 To ensure that the objections are fully considered by Members, copies of all individual representations with personal information redacted, including those in support of the proposals are attached as Appendix 3b.
- 5.30 To assist Members in their consideration of the objections received a summary of the main issues raised within the objections have been categorised and provided below together with officer comments.
- 5.31 **Objections**

**Loss of open space**

242 (82.5 %) representations mentioned this as a ground for objection

The main issues raised in this category are:

- The site is a valued open space to residents and visitors of all ages
- The site is used by golfers and for other recreational uses e.g. walking, dog walking, is by local groups, use by hospital staff and visitors
- The current use of the land is of greater benefit of people of Blackpool
- The green space is irreplaceable
- Green space brings multitude of benefits: social, economic and environment
- The land should be left for future generations
- Greenspace is a premium and safeguarding of open spaces should be paramount
- There is a lack of open space in Blackpool.
- This is one of largest green spaces in Blackpool.
- The negative effect of the loss of green space on physical and mental health well being
- Stanley Park is an award winning park
- Handing over public open space to private developers
- Green space is vital to the health and well-being of Blackpool residents
- Green spaces support a healthier lifestyle
- Open space belongs to the people of Blackpool
- The site is listed at the Land Registry as being for the enjoyment of the public as part of the Stanley Park complex.

5.32 Officer comment

The loss of open green space resulting from the proposed disposal and appropriation of the site is a matter for consideration by members having regard to the relative needs or uses for which the land has been or may be put. In particular, members must consider, having regard to the development proposals for the site arising from the procurement exercise and in light of the representations made in response to the notices of proposed appropriation and disposal, whether the site is required in the public interest for open space and whether there is sufficient justification for the use of the powers of appropriation and disposal as set out in this report.

Whilst it is acknowledged that should the proposals to appropriate and dispose of the land proceed, and planning permission for the proposed development is granted, there will be a loss of open space, it is considered that the loss can be justified by the need to repurpose and facilitate the future development of the site that is likely to contribute to the achievement of the promotion or improvement of the economic and social well-being of the area.

Parts of the site are subject to covenants which are noted on the Council's title to the land. These covenants restrict the use of parts of the site for any purpose other than as a public park or garden or public pleasure ground or ground dedicated to the recreation of the public. Any disposal of the land would be made subject to those covenants.

To the extent that the loss of open space is a relevant planning consideration, it will be considered at such time as a planning application in respect of the proposals is submitted for consideration by the Council in its capacity as local planning authority. This process is entirely separate to the subject matter of this report.

5.33 **Location of site for proposed development**

In total 234 (80%) representations mentioned this as a ground for objection

The main issues raised under this category are:

- Other areas of Blackpool are in greater need of investment and redevelopment
- There are more suitable locations in the town for the development
- Development should be on brownfield land
- Development should be among existing tourist facilities
- Plans are not in keeping with the surroundings
- The area around Stanley Park is predominantly residential – development unsuitable for a residential area
- Land could be put to other uses e.g. extension for hospital, allotments

5.34 Officer Comment

The issues raised are not relevant to the matters required to be considered in this report because they do not directly relate to the matters that the Council is required to consider when determining whether to appropriate or dispose of Council owned land. As explained in this report, a procurement exercise was specifically undertaken in relation to this site due to the need to repurpose the Council's land. Proposals were invited from bidders for the future operation of the site as a leisure facility. The proposals in respect of the site are those which were submitted by the successful bidder following evaluation of all of the submitted proposals. To the extent that such issues are relevant material planning considerations, they will, if submitted in response to consultation on any planning application that is made in respect of the proposed development, be considered at such time as a planning application in respect of the proposals is submitted for consideration by the Council in its capacity as local planning authority. This process is entirely separate to the subject matter of this report.

5.35 **Traffic/Highways/ Parking**

In total 205 (70%) representations mentioned these issues as grounds for objection  
The main issues raised under this category are:

- Infrastructure will not cope with increased traffic resulting from proposals
- Surrounding roads are already seriously congested especially during peak times
- Highway safety concerns due to increase in traffic.
- Increase in traffic will impact on traffic to the hospital including access and delays to emergency services, to general public attending the hospital
- Parking problems around the hospital will become worse
- Dangerous junctions
- State of existing road
- Pedestrian safety including school children

5.36 Officer comment

The issues raised are not relevant to the matters required to be considered in this report because they do not relate to the matters that the Council is required to consider when determining whether to appropriate or dispose of Council owned land. To the extent that such issues are relevant material planning considerations, they will, if submitted in response to consultation on any planning application that is made in respect of the proposed development be considered at such time as a planning application in respect of the proposals is submitted for consideration by the Council in its capacity as local planning authority. This process is entirely separate to the subject matter of this report.

5.37 **Wildlife/ecology/destruction of natural habitats and conservation**

In total 157 (53.5%) representations mentioned these issues as grounds for objection  
The main issues raised:

- Proposals will lead to a loss of flora and fauna
- The site is a valuable haven to local wildlife
- Proposals will lead to a loss of habitat and feeding ground for wildlife in the area
- Site is close to Conservation Area
- Damage to adjacent Woodland Gardens area could be irreversible.
- Site is home to many species of native birds
- Site is next to the biggest protected heronry in the north west
- The site is a vital link in the green corridor between north and central Blackpool
- Hedgehog Society have identified the site as being a key release site for rescued hedgehogs

5.38 Officer comment

The issues raised are not relevant to the matters required to be considered in this report because they do not relate to the matters that the Council is required to consider when determining whether to appropriate or dispose of Council owned land. To the extent that such issues are relevant material planning considerations, they will, if submitted in response to consultation on any planning application that is made in respect of the proposed development, be considered at such time as a planning application in respect of the proposals is submitted for consideration by the Council in its capacity as local planning authority. This process is entirely separate to the subject matter of this report.

5.39 **Impact on Blackpool Victoria Hospital and Emergency Services**

In total 147 (50%) representations mentioned these issues as grounds for objection  
The main issues raised:

- Congestion will cause delays for access to and from the hospital by emergency services, visitors and those attending for hospital appointments.
- Impact on difficulties and delays in achieving hospital targets
- Air and noise pollution from the construction phase and subsequent use of the proposed development next to the hospital/ cardiac centre
- Hospital patients, staff and visitors will lose the surrounding views, fresh air and the use of the green space
- Impact on patient care and health and safety risks
- Prevention of future extension of the hospital

5.40 Officer comment

These issues are not relevant to the matters required to be considered in this report because they do not relate to the matters that the Council is required to consider when determining whether to appropriate or dispose of Council owned land. To the extent that such issues are relevant material planning considerations, they will, if submitted in response to consultation on any planning application that is made in respect of the proposed development be considered at such time as a planning application in respect of the proposals is submitted for consideration by the Council in its capacity as local planning authority. This process is entirely separate to the subject matter of this report.

5.41 **Environmental Issues**

In total 145 (49%) of representations mentioned these issues as a ground for objection. The main issues raised under this category are:

- Proposals are contrary to government and Council's environmental strategy
- Pollution from vehicles
- Impact of noise pollution on hospital and surrounding area
- Effect on climate change and carbon footprint
- Proposals contradict Council's commitment to the climate emergency

5.42 Officer comment

These issues are not relevant to the matters required to be considered in this report because they do not relate to the matters that the Council is required to consider when determining whether to appropriate or dispose of Council owned land. To the extent that such issues are relevant material planning considerations, they will, if submitted in response to consultation on any planning application that is made in respect of the proposed development be considered at such time as a planning application in respect of the proposals is submitted for consideration by the Council in its capacity as local planning authority. This process is entirely separate to the subject matter of this report.

5.43 **Heritage**

In total 114 (39%) representations mentioned these matters as grounds for objection to the proposals. The main issues raise under this categories are:

- The golf course is an important part of Blackpool's heritage
- Loss of beautiful and historic sporting landscape
- Loss of unique golf course designed by Dr Alistair McKenzie

- Conservation status of west side of the golf course and Stanley Park Conservation Area
- Part of the site is Grade 2 listed status

5.44 Officer Comment

Whilst it is acknowledged that should the proposals to appropriate and dispose of the land proceed, and planning permission for the proposed development is granted, there will be a loss of open space it is considered that the proposals for the site (subject to any planning permissions being granted), will facilitate the future development of the site that is likely to contribute to the achievement of the promotion or improvement of the economic and social well-being of the area.

Some of the above issues are not relevant to the matters required to be considered in this report because they do not relate to the matters that the Council is required to consider when determining whether to appropriate or dispose of Council owned land. To the extent that the above issues are relevant material planning considerations, they will, if submitted in response to consultation on any planning application that is made in respect of the proposed development, be considered at such time as a planning application in respect of the proposals is submitted for consideration by the Council in its capacity as local planning authority. This process is entirely separate to the subject matter of this report.

5.45 **Tourism**

In total 99 (34%) representations mentioned these matters as reasons for objection to the proposals. The main issues raise under this category are:

- There is enough tourist accommodation in Blackpool
- Diversion of tourists from tourist areas in the centre of Blackpool
- Locally owned businesses will suffer as the development will take trade away from other Blackpool tourist facilities
- Holiday homes out of the town centre when Council is supporting new hotels close to the tourist area
- Will impact on existing struggling tourist accommodation

5.46 Officer Comment

These issues are not relevant to the matters required to be considered in this report because they do not relate to matters that the Council is required to consider when determining whether to appropriate or dispose of Council owned land. To the extent that such issues are relevant material planning considerations, they will, if submitted in response to consultation on any planning application that is made in respect of the

proposed development, be considered at such time as a planning application in respect of the proposals is submitted for consideration by the Council in its capacity as local planning authority. This process is entirely separate to the subject matter of this report.

**5.47 Loss of trees**

In total 91 (31%) representations mentioned this as reason for objection to the proposals. The main issues raised under this category are:

- Blackpool has lowest tree canopy in UK
- Trees are needed to fight climate change
- Loss of trees including mature trees.
- Planting new trees is no substitute for destruction of mature trees

**5.48 Officer Comment**

These issues are not relevant to the matters required to be considered in this report because they do not relate to matters that the Council is required to consider when determining whether to appropriate or dispose of Council owned land. To the extent that such issues are relevant material planning considerations, they will, if submitted in response to consultation on any planning application that is made in respect of the proposed development be considered at such time as a planning application in respect of the proposals is submitted for consideration by the Council in its capacity as local planning authority. This process is entirely separate to the subject matter of this report.

**5.49 Value of disposal**

In total 72 (24.5%) representations mentioned this as a reason for objection to the proposals. The issue raised under this category is that of concern that the site is being gifted or proposed to be disposed of by the Council at below market value.

**5.50 Officer comment**

The Council has conducted an open and transparent procurement exercise whereby the opportunity was advertised to the market. Submitted tenders have been evaluated using the most economically advantageous tender analysis and the preferred bidder selected on the basis of the highest scoring tender. The evaluation of the submitted tenders included evaluation on price amongst other criteria. As the proposed disposal of the land follows an open and transparent procurement exercise it is considered that appropriate processes have been followed to bring the opportunity to the market and to secure best value.

5.51 **Loss of golf facility**

In total 51 (17%) representations mentioned this as a reason for objection to the proposals. The main issues raised under this category are:

- Golf course is loved and used by local residents and visitors
- Residents are losing the benefit of an important health and leisure facility
- Loss of only 18 hole municipal golf course in the area – loss of opportunity for people of all ages to play and learn to play golf
- Site more beneficial to local community as a golf course than holiday lodges and an adrenaline park
- Golfers will not want to play 9 holes
- Reduction to 9 holes will reduce the viability of the Clubhouse and facilities
- Club is a social focal point for many people in the local community.

5.52 **Officer comment**

The proposals for the west side of the current golf course are for the retention of a golf facility in the form of a 9 hole golf course. The proposals include investment in golf facilities and the development of golf training facilities. The proposals for the east side of the site are for a leisure development.

Whilst it is acknowledged that should the proposals to appropriate and dispose of the land proceed, subject to planning permission for the proposals being granted, there will be a loss of part of the golf course to an alternative use, as explained in this report, the operation of an 18 golf course on the site has, over a period of a number of years not been financially sustainable by either the public or private sector. The Council, through the procurement exercise in respect of the site, sought expressions of interest in line with its objective of securing long term sustainable solution for the site whilst retaining the site for leisure use. It is considered that the proposals for the site (subject to any planning permissions being granted), will facilitate the future development of the site that is likely to contribute to the achievement of the promotion or improvement of the economic and social well-being of the area.

5.53 **Developer/ Procurement Process/ Risk**

In total 43 (15%) representations mentioned these matters as reasons for objecting to the proposals. The main points made under these categories are:

- Developer has no track record of delivering this type of development
- Developer has no experience in running and maintaining a golf facility
- Council has ignored concerns raised about the developer and has ignored a report on due diligence provided to it

- Concern as to the capability of the developer to fund and deliver the development
- Financial impact of COVID 19 on risk
- Adrenaline World is only a concept so there is a degree of risk attached
- Developer has no links to the town
- Council has engineered the outcome through the procurement process
- Lack of transparency in procurement process
- Concern as to Council's due diligence

5.54 Officer comment

These issues are not relevant to the matters required to be considered in this report because they do not relate to matters that the Council is required to consider when determining whether to appropriate or dispose of Council owned land.

The procurement exercise and the due diligence carried out by the Council as part of that process are separate to the subject matter of this report. The report to the Executive meeting held on 15 July 2019 explained the procurement process that had been undertaken in respect of the site and the decision was made to appoint HIP as the preferred bidder. The Council has already provided full responses to a number of requests for information and letters in relation to issues relating to the proposed developer, the procurement process and due diligence.

5.55 **Proposals contrary to Council policy**

In total 26 (9%) representations mentioned these matters as reasons for objecting to the proposals. The main points made under this category are:

- Proposals are contrary to the Development Plan.
- The Local Plan does not mention this site for development
- Proposals are contrary to the Council's blue and green infrastructure plan
- Blue and green infrastructure strategy highlights lack of open space and tree cover
- Failure of Council to comply with policies to improve town green spaces and infrastructure and promote green recovery

5.56 Officer comment

The majority of the points raised in respect of the above issues will be planning considerations when any planning application is submitted and considered by the Council as local planning authority.

The remit of the Council's Blue and Green Infrastructure Strategy is not to safeguard every green space in Blackpool from development but to secure quality of green

space. Whilst it is acknowledged that should the proposals to appropriate and dispose of the land proceed, there will be a loss of green space, it is considered that the proposals for the site (subject to any planning permissions being granted), will facilitate the future development of the site that is likely to contribute to the achievement of the promotion or improvement of the economic and social well-being of the area.

The Blue and Green Infrastructure Strategy will be taken into account at such time as a planning application in respect of the proposals is submitted for consideration by the Council in its capacity as local planning authority. This process is entirely separate to the subject matter of this report.

Any proposals to develop the site and the accordance of the proposals with the Development Plan policies will be assessed at such time as a planning application in respect of the proposals is submitted for consideration by the Council in its capacity as local planning authority. This process is entirely separate to the subject matter of this report.

**5.57 Flooding/ Drainage**

A total of 20 (7%) representations mentioned these matters as reasons for objecting to the proposals. The main points made under these categories are:

- Proposed development is on a known flood plain
- Land is prone to flooding
- Development will cause flooding to surrounding areas and properties
- Development on the east side of the course will have detrimental impact on existing flood prevention measures
- Surrounding roads cannot dispose of water in bad weather

**5.58 Officer comment**

These issues are not relevant to the matters required to be considered in this report because they do not relate to matters that the Council is required to consider when determining whether to appropriate or dispose of Council owned land. To the extent that such issues are relevant material planning considerations, they will, if submitted in response to consultation on any planning application that is made in respect of the proposed development, be considered at such time as a planning application in respect of the proposals is submitted for consideration by the Council in its capacity as local planning authority. This process is entirely separate to the subject matter of this report.

5.59 **Alternative proposals for the site**

In total 18 (6%) representations mentioned these matters as reasons for objecting to the proposals. The main points made under this category are:

- There is an alternative, locally led proposal available
- Council has refused the option of a not for profit organization running the golf course and paying rent to the Council
- Dismissal of proposals from qualified professionals to maintain an 18 hole golf course
- Under correct management the golf course could thrive

These issues are not relevant to the matters required to be considered in this report because they do not relate to matters that the Council is required to consider when determining whether to appropriate or dispose of Council owned land. . For the reasons set out in this report, an open and transparent procurement exercise was undertaken in relation to the golf course site and proposals were invited from bidders in respect of the future operation of the site as a leisure facility. The proposals set out in this report in respect of the site are those which were submitted by the successful bidder who was selected following evaluation of all of the submitted proposals in accordance with publicly available evaluation criteria.

5.60 **Consultation/Publicity**

In total 14 (5%) representations mentioned these matters as reasons for objecting to the proposals. The main points made under these categories are:

- No resident consultation has taken place and the Council previously said there would be
- Plans show no detail
- Unfair process of giving publicity
- Ballot should have been conducted
- Decision has already been taken
- Council blocking attempts to evaluate the scheme democratically
- Council rushing through to the planning stage
- Wishes of local people/ general public has been ignored

5.61 Officer comment

The statutory publicity requirements relating to the subject matter of this report have been complied with in accordance with the requirements of the Local Government Act 1972 and the Town and Country Planning Act 1990. In accordance with the statutory procedure, this report sets out all of the representations received in connection with the proposals and directs members to consider the objections

submitted prior to making a decision.

The subject matter of the report is the proposed appropriation and disposal of the site. It does not relate to consideration of detailed development proposals which is an entirely separate process. At such time as a planning application is submitted to the Council, this will be publicised in accordance with statutory requirements and consultation will be undertaken in accordance with the Council's Statement of Community Involvement giving interested parties the opportunity to comment on the proposals.

**5.62 Petition**

In total 13 (4%) representations mentioned these matters as reasons for objecting to the proposals. The main points made under this category is the dismissal by the Council of the views of over 8,000 people who signed a petition against the development .

**5.63 Officer Response**

A petition entitled 'Joint Petition to Save Stanley Park Golf Course' with over 8,000 signatories was previously submitted to the Council. The petition was reported to and debated at the Full Council meeting on 25 September 2019 in accordance with the Council's Petition Scheme. Following consideration of the petition the decision of the Council was to take no action with regard to the petition.

**5.64 Use of Appropriation Powers**

In total 5 (2%) representations mentioned these matters as reasons for objecting to the proposals. The main points raised under this category are:

- The land is used daily, 25,000 rounds of golf were played last year so the requirement that the land is "not required for the purpose for which is was held" in the Local Government Act 1972 is not met
- Not a legitimate use of appropriation powers
- Appropriation needs to be justified and reasons provided
- The land is not disused, derelict or redundant.
- Use of powers of appropriation is a consequence of the procurement process
- Land is not surplus to requirements
- Appropriation is not necessary as there are no third party issues

5.65 Officer Response

This report addresses the justification for the proposed use of the powers to appropriate land and directs members to the consideration of the relevant statutory tests 1990 when considering whether to appropriate the site for planning purposes.. There is no requirement for the land to have fallen into disuse before the Council may appropriate it for some other purpose. The Council must have regard to the relative needs or uses for which the land has been or may be put and is entitled to conduct a balancing exercise between the need for competing uses with the needs of the wider community at the forefront of that balancing exercise. In particular, the Council must consider, having regard to the proposals arising from the procurement exercise and in light of the objections submitted in response to the notice of proposed appropriation, whether Site B is no longer required in the public interest for open space/recreation. The fact that Site B is currently used for the purposes for which it is held is not the sole consideration. The procurement exercise in relation to the site was specifically carried out due to the need for the Council to repurpose the land. The use of the power to appropriate Site B for planning purposes is considered to be necessary because the proposals involve disposing of the site for development (subject to planning permission being granted) and subject to the Council being satisfied that it meets the statutory tests, the relevant and correct purpose for the Council to hold the land is for planning purposes pending disposal. Without an appropriation for planning purposes, the site could not be developed or repurposed to achieve a more sustainable use of the site. Whilst it is acknowledged that should the proposals to appropriate and dispose of the land proceed, and planning permission for the proposed development is granted and implemented, there will be a loss of open space, it is considered that the proposals for the site (subject to any planning permissions being granted) , will facilitate the future development of the site that is likely to contribute to the achievement of the promotion or improvement of the economic and social well-being of the area.

Powers of appropriation for planning purposes are not limited to use in circumstances where there are third party rights, In this case the proposed use of the power to appropriate will not override any such third party rights.

5.66 **Other**

Responses received also mentioned the following headings as reasons for objections:

- Crime and Anti-social behavior
- Impact on school numbers
- Increase in shops
- Public rights of way
- Council's mismanagement of the golf facility lead to a decline in numbers

- Housing will end up being built on the site
- Devaluing properties in the area
- Local people will not use the development
- Plans do not detail the buildings and access and egress
- Development will increase the population and cause overcrowding of the area
- Profits will leave the town to pay the developers investors
- Land should have first been made available to the Blackpool Victoria Hospital
- Utility infrastructure
- Impact on surrounding area during construction phase
- Go Ape facility on West Park Drive is rarely used which is proof of no demand for similar leisure facilities
- Conflict with proposals for the Blackpool Central development

These issues are not relevant to the matters required to be considered in this report because they do not relate to matters that the Council is required to consider when determining whether to appropriate or dispose of Council owned land. To the extent that such issues are relevant material planning considerations, they will if submitted in response to consultation on any planning application that is made in respect of the proposed development be considered at such time as a planning application in respect of the proposals is submitted for consideration by the Council in its capacity as local planning authority. This process is entirely separate to the subject matter of this report.

**5.67 Support**

A total of three representations were received in support of the proposals. Comments in support included the investment in the site and the creation of jobs and that there are sufficient golf facilities in the area.

5.68 Does the information submitted include any exempt information? No

**5.69 List of Appendices:**

Appendix 2a – Plans of Site A, Site B and Site C  
Appendix 2b - Copies of representations (personal data redacted)

**6.0 Legal considerations:**

6.1 It is considered that the land shown edged red on the plans attached at Appendix 2a (Site A and Site B) by virtue of the fact that it is used for public recreational purposes consists of or comprises, open space within the definition in section 336 of the Town and Country Planning Act 1990 which is “any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground”.

6.2 Proposed Disposal of Site A

Sections 123 (1) and (2) of the Local Government Act 1972 enable the Council to dispose of land in any manner they wish subject to the requirement to dispose of the land at the best consideration that can reasonably be obtained. As the proposed disposal of the land follows an open and transparent procurement exercise it is considered that appropriate processes have been followed to bring the opportunity to the market and to secure best value.

6.3 Section 123 (2A) of the Local Government Act 1972 requires that before disposing of any land consisting of or forming part of an open space, the Council must advertise the proposed disposal in two consecutive weeks in a local newspaper and consider any objections to the proposed disposal which may be made to them. These provisions have been complied with, as set out in this report.

6.4 Proposed Appropriation of Site B

In order for land to be appropriated as proposed in this report, the following points must be considered and determined by the Council;

- Identification of the purpose for which the land is currently held;
- Whether the land is no longer required for that purpose;
- Whether the appropriation will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land and whether this is likely to contribute to the achievement of the economic, social or environmental well-being of the area.

6.5 Section 122 (1) of the Local Government Act 1972 enables the Council to appropriate to any other purpose for which the Council are authorised to acquire land by agreement any land which belongs to the Council and is no longer required for the purpose for which it is held immediately before the appropriation.

6.6 In order to appropriate land, the Council needs to be satisfied that the provisions of Section 122 of the Local Government Act 1972 are met, and in particular, that the land is no longer required for the purposes for which it was held immediately before appropriation.

6.7 The Council must also be satisfied that the land should be appropriated such that it becomes held for planning purposes by applying the tests set out in section 226(1) and (1A) of the Town and Country Planning Act 1990.

6.8 Section 227 of the Town and Country Planning Act 1990 enables the Council to acquire land for development and other planning purposes.

- 6.9 Before a decision can be made to appropriate the land, regard has to be had for section 122(2A) of the Local Government Act 1927. Section 122 (2A) of the Local Government Act 1972 requires that before appropriating any land consisting of or forming part of an open space, the Council must advertise the proposed appropriation in two consecutive weeks in a local newspaper and consider any objections to the proposed appropriation which may be made to them. These provisions have been complied with, as set out in this report.
- 6.10 The question as to whether the land is no longer required for the purpose for which it is held immediately before the appropriation is one solely for the Council in good faith to decide.
- 6.11 In addition to the question as to whether the land is no longer required for the purpose for which it is held immediately before the appropriation, the Council also needs to be satisfied that the land should be appropriated to planning purposes by applying the tests set out in section 226(1) and (1A) of the Town and Country Planning Act 1990. These are
- (a) That the Council thinks that the appropriation will facilitate the carrying out of development, re-development or improvement on or in relation to the land and that such development, re-development or improvement is likely to contribute to the achievement of the promotion or improvement of the economic, social and/or environmental well-being of their area , and/or
  - (b) That the appropriation is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.
- 6.12 Proposed Disposal of Site B
- Section 233 (1) of the Town and Country Planning Act 1990 provides that where any land has been appropriated by a local planning authority for planning purposes, the authority may dispose of the land to such person, in such manner and subject to such conditions as appear to them to be expedient in order:
- (a) To secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it (whether by themselves or by any other person) , or
  - (b) to secure the erection, construction or carrying out on it of any buildings or works appearing to them to be needed for the proper planning of the area of the authority.
- 6.13 Section 233(3) of the Town and Country Planning Act 1990 provides that the consent of the Secretary of State is required where the disposal of land is to be for a consideration less than the best that can reasonably be obtained and the disposal is

not the grant of a lease of 7 years or less or the assignment of a lease where there are 7 years or less unexpired. As the proposed disposal of the land follows an open and transparent procurement exercise it is considered that appropriate processes have been followed to bring the opportunity to the market and to secure best value and that the consent of the Secretary of State is not required.

- 6.14 Section 233(4) of the Town and Country Planning Act 1990 requires that before disposing under this section of any land which consists of or forms part of an open space, the Council must advertise the proposed disposal in two consecutive weeks in a local newspaper and consider any objections to the proposed disposal which may be made to them. These provisions have been complied with, as set out in this report.

**7.0 Human Resources considerations:**

- 7.1 None for the Council.

**8.0 Equalities considerations:**

- 8.1 The purpose of this report is to consider representations arising from a statutory process.
- 8.2 At such time as a planning application is submitted for the proposed development of the site, this will be publicised in accordance with statutory requirements and the Council's Statement of Community Involvement and interested parties given opportunity to comment.

**9.0 Financial considerations:**

- 9.1 There are no specific financial considerations arising from the matters in this report. Financial matters have previously been detailed in the report to the Executive meeting on 15 July 2019 seeking authority to appoint HIP as the preferred bidder at the conclusion of the procurement exercise.

**10.0 Risk management considerations:**

- 10.1 The proposed appropriation and disposal of the open space land as set out in this report is required in connection with the proposed legal arrangements to implement the successful tender resulting from the procurement exercise for the Stanley Park Golf Course site. Should the proposed appropriation and disposal not be authorised then the arrangements to implement the successful tender will not proceed.
- 10.2 The proposed disposal of Site B will be conditional on planning permission having been obtained. If planning permission is not granted, the disposal will not proceed.

10.3 The Council's statutory duties as local planning authority and local highway authority are separate to its duties as land owner relating to the consideration of the proposed appropriation and disposal of land. The consideration of any matters relating to planning application will be dealt with separately and interested parties will have the opportunity to make representations as part of that process

**11.0 Ethical considerations:**

11.1 Interested parties have been given the opportunity to make representations on the proposals set out in this report and any objections received are to be considered prior to a decision to appropriate and/or dispose of the land being made.

**12.0 Internal/ External Consultation undertaken:**

12.1 Internal: Growth and Prosperity Programme Director, Growth and Prosperity Board, Finance, Legal, Community and Environmental Services.  
External: DWF (legal)

12.2 The statutory procedures explained in this report directs how consultation is to be undertaken. The Council advertised public notices providing information as to the proposals to dispose of and appropriate the open space land as set out in this report in accordance with the statutory requirements. Interested parties were given a period of 21 days to make representations to the Council. Additionally, a press release was issued on the Council's website notifying interested parties that the proposals were being advertised. An explanation of the reasons for the public notices was provided on the Council's website and placed with the copy notices and plans which were made available for public inspection.

**13.0 Background papers:**

13.1 None.

**14.0 Key decision information:**

14.1 Is this a key decision? No

14.2 If so, Forward Plan reference number:

14.3 If a key decision, is the decision required in less than five days? No

14.4 If **yes**, please describe the reason for urgency:



## Appendix 5(a)

objections along with the information contained in this report agree that no changes to the proposal should be made.

5. To agree in principle that Site B, which is held by the Council for the purpose of open space/recreation is no longer required to be held for those purposes and should be appropriated for planning purposes with a view to its subsequent future development.
6. To authorise the appropriation of Site B from open space/recreation purposes for planning purposes.
7. To delegate authority to the Director of Communications and Regeneration to undertake the appropriation processes in respect of Site B, to agree the timing of the implementation and all matters relating to the appropriation, to deal with all matters arising from the decision and complete the appropriation process
8. To note the objections received in respect of the intention to dispose of the open space land at Stanley Park Golf Course, Blackpool, shown coloured blue on the plan attached at Appendix 2a, to the Executive report, ('Site B') but having considered the objections along with the information contained in this report agree that no changes to the proposal should be made.
9. To authorise the disposal of Site B by way of long term leasehold disposals for use for the proposed development of Site B.
10. To delegate authority to the Director of Communications and Regeneration to undertake the disposal process in respect of Site B, agree the timing of the implementation and all matters related to the disposal, deal with all matters arising from the decision and to complete the disposal process.
11. To authorise the Head of Legal Services to enter into such documentation as may be necessary to give effect to the disposal of Site A and the appropriation and disposal of Site B.

### **19.0 Date of Decision:**

19.1 13 July 2020

### **20.0 Reason(s) for decision:**

20.1 Interested parties have been given the opportunity to respond to the advertised proposals for the disposal and appropriation of Sites A and Site B in accordance with the statutory procedures as set out in this report. The disposals and appropriation of the open space land

set out in this report are proposed in connection with legal arrangements with the preferred bidder following the outcome of the procurement exercise for the Stanley Park Golf Course site.

**21.1 Date Decision published:**

21.1 14 July 2020

**22.0 Executive Members in attendance:**

22.1 Councillor L Williams, in the Chair

Councillors Benson, Brookes, Campbell, Farrell, Hobson, Kirkland, Smith and Taylor.

**23.0 Call-in:**

23.1

**24.0 Notes:**

24.1 The following non-Executive member was in attendance:

Councillor Collett