

DECISION UNDER DELEGATED POWERS

VARIATION ON OPTION ON LAND AT ST GEORGES WAY NEWPORT

At a special meeting of the Scrutiny Committee held on 3rd January a recommendation was made that this decision be deferred. The recommendation itself was a change to that contained in the request for a call-in, which was that the decision should be reversed. The changed recommendation submitted at the meeting itself was a deferral until the Newport Place Plan has been completed and fully considered and any Planning application for food retail use has been submitted and determined. The decision would follow the later of these two events.

If the recommendation is accepted it effectively prevents any decision being made for many months, perhaps years, given the length of time it takes for major planning applications to be prepared, consulted upon and finally determined. One recent Planning decision has just been determined after four years. So acceptance of the recommendation would mean deferral of a decision until some unspecified time in the future. This would conflict with the prime considerations listed overleaf.

The applicant would be placed in the invidious position of preparing and submitting a large, costly and complex planning application, in the knowledge that even were the Planning Committee to determine that the application was acceptable, he could not implement it in respect of this parcel of land and everything would then hang on a delegated decision as whether to remove the constraining conditions. Perhaps that was the real intent of the motion, but it would abrogate approval to proceed from Planning Committee to myself and that cannot be right.

The discussions at the Committee centred around the provision of large food retail in the Newport area. All of the arguments presented were to do with that, though apart from expressions of concern, no evidence was presented as to the potential effect. That of course is something to be considered within a planning decision and the removal of a covenant on a piece of land by a landowner has no bearing whatsoever on what the land can then be used for in terms of a planning approval.

It is interesting to note that despite extensive publicity over several weeks for this delegated decision, including a front page headline in County Press, I have had no expressions of concern or objection from any party, whether businesses, residents or consumers, other than those few prior to the call-in and to which I have replied.

The Committee vote was split equally, for and against, with the recommendation being approved by a single vote, which was the Chairman's casting vote. The recommendation calls upon Cabinet to suspend the decision, though I am advised that the decision remains a delegated one and therefore the responsibility for it still rests with me. That is why there is no formal report upon which Cabinet needs to take a vote.

However in the spirit of the recommendation I have set out in this note why I do not propose to change the decision and invite Cabinet Members to comment if they wish.

In making the decision, which is a property asset management decision, I had several prime considerations:

Would the decision make it more or less likely that the existing option to purchase would be exercised?

I concluded that it would.

Would the sale happen more quickly by the release of the conditions ?

I concluded that was likely.

Would the amendment of the condition increase or decrease the value of the land?

Professional advice was that the value would be unaffected and I accepted that advice.

Would the income from the sale benefit the Council's financial position?

There would be a clear and significant benefit.

All of these considerations remain relevant to the decision.

Although not material to the decision, I was aware of it's sensitivity and have looked at the changing large food retail market. There is clear growth in the market. Much of that growth is in discounted food retail -Aldi and Lidl being the main beneficiaries, each increasing trade in the order of 18%. Other large food retailers remain competitive and even those previously in difficulty such as Morrisons, increasing trade by 40% in a year. Others such as Sainsbury's seeing a diminution in trade share, but because of economies in management achieving an increase in profits. Large retailers primarily compete against each other, but even smaller convenience stores have a projected growth of over 17% over the next four years. The growth in population and economy of the Island over the next few years suggests that we shall see continued confidence in grocery retail sale.

I recognise the fears expressed by some members of Scrutiny Committee but believe that the proper place for their concerns is during the Planning process, and indeed several members of Scrutiny are also on the Planning Committee.

I am not persuaded that the decision is wrong and should be changed or deferred.

**Stuart Hutchinson
Deputy Leader of the Council and Cabinet Member for Corporate Resources**

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