



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



## Non-key Decision


6 June 2024

Report of Councillor Virginia Moran,  
Cabinet Member for Housing

To seek approval for the transfer of a section of Land on the East side of Watergate and on the West side of Swinegate, Grantham (16 square meters, shown shaded pink on the plan attached) to National Grid on terms agreed between the parties to facilitate the construction of 20 new housing units at Swinegate, Grantham.

### Report Author

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Approved for  
publication:

Councillor Virginia Moran

11 June 2024

### Recommendation to the decision maker

1. **That the land on the East side of Watergate and on the West side of Swinegate, Grantham (shown shaded in pink on the plan attached) be transferred to National Grid Electricity Distribution (East Midlands) plc for the total sum of £1.00. The transfer is made in consideration of the covenants on the Transferee's part.**

## **1. Implications**

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance***

- 1.1 The transfer of the piece of land for £1 to National Grid is required as part of the 20 new apartments that are being built at Swinegate, Grantham.

Completed by Richard Wyles, Deputy Chief Executive and s151 Officer.

### ***Legal and Governance***

- 1.2 The Council needs to comply with Section 123 of the Local Government Act 1972 best value provisions requiring local authorities to achieve the best value it can for the property it owns.
- 1.3 The general approval provisions under Section 128 of the 1972 Act may apply in this case as specific approval of the Secretary of State is not required given that the Council considers the disposal will help to secure the promotion or improvement of social economic or environmental well-being of its area and the undervalue of the land does not exceed £2million.

Completed by: Graham Watts, Monitoring Officer

## **2. The Purpose of the Report**

- 2.1 To seek approval for the transfer of a section of Land on the East side of Watergate and on the West side of Swinegate, Grantham (16 square meters, shown shaded pink on the plan attached) on terms agreed between the parties.
- 2.2 A summary of the Planning history for the site this relates to is listed below. Original Planning permission Granted for the scheme Dec 2021(Ref: S21/2094) S73 application approved April 2023 to pick up changes to the scheme (Ref: S23/0780). A further Non-Material Amendment application to pick up the PV panels and sub-station was approved September 2023 (Ref: S23/1634).
- 2.3 As part of the Swinegate scheme there is a requirement to move the substation, so this land is being transferred to National Grid to facilitate this move. National Grid's legal team are looking at the legal requirements with the Council and Legal Services Lincolnshire. Lindum (as contractors for the new build scheme) highlighted that the position of the sub-station has moved north slightly, which is reflected in the legal documents.

- 2.4 This transfer of land to National Grid is a disposal at an undervalue and the Council has to follow the correct procedures for disposal under s123.
- 2.5 To ensure that the Council's decision to transfer this land for no value is not challenged it needs to be satisfied that it has complied with the relevant procedures in its constitution for undervalue transfers and have evidence that it has done so such as a formal sign off under delegated authority following an undervalue report.

### **3. Options**

- 3.1 To transfer the land on the terms agreed or retain the land in the Council's Ownership.

### **4. Reasons for the Recommendations**

- 4.1 To allow the Swinegate scheme of 20 Affordable Units to proceed.

<b>Report Timeline:</b>	Date decision due to be made	26 June 2024
	Call-in deadline	3 July 2024
	Date decision effective (subject to call-in)	4 July 2024