



West Midlands  
Combined Authority

## Housing & Land Delivery Board

<b>Date</b>	15 September 2021
<b>Report title</b>	Public Land Progress Update
<b>Portfolio Lead</b>	Housing & Land - Councillor Mike Bird
<b>Accountable Chief Executive</b>	Laura Shoaf, West Midlands Combined Authority
<b>Accountable Employees</b>	Gareth Bradford, Director of Housing & Regeneration  Jemma Hodgson, Head of Strategic Assets - Housing & Regeneration (Senior Reporting Officer)  Gurdip Nagra, Strategic Delivery Advisor - Housing & Regeneration (Report Author)
<b>Report has been considered by</b>	The origins of this work lie in the report to the Housing & Land Delivery Board in September 2020

### Recommendation(s) for action or decision:

The Housing & Land Delivery Board is recommended to:

- (1) **Note** this update on progress with public land work commissioned by the Housing & Land Delivery Board in September 2020 to support the Board's approved Covid19 Recovery Plan, which was discussed and endorsed at Delivery Steering Group.
- (2) **Note** the work of the expert Public Land Taskforce, its progress to date, key recommendations thus far and the key matters it has discussed.

- (3) **Endorse** the proposed activities WMCA is overseeing on this agenda in section 3.7.
- (4) **Invite** members to put forward specific projects so we can test principles and approaches with the taskforce and use to position the West Midlands at the national vanguard of emerging approaches to public land.

## 1.0 Background

- 1.1 The more effective use of public land has been a frequent and common issue discussed at meetings of the Housing and Land Board, Delivery Steering Group and industry taskforces since 2017. It has also been a common feature of discussions on investment, housing and job provision with industry representatives on the Commercial Property Forum and prior to that the West Midlands Land Commission - providing the West Midlands with a key ingredient it needs to deliver additional homes and jobs and bold policy innovation.
- 1.2 In September 2020, the **Housing & Land Delivery Board agreed that taking a new approach to public land disposals and development was now needed** to support the delivery of the Housing & Land Delivery Board's Business Plan and key policy objectives - contributing to the targets of 215,000 new homes by 2031, 500,000 new jobs, the increased delivery of AMC and zero carbon homes, provision of affordable homes, securing new funding from Government and supporting partners with local plan progression. The **Board endorsed a number of key principles around public land to help achieve this**. These principles are reproduced in **Appendix A**.
- 1.3 The Board requested the establishment of an industry-led public land taskforce (see Section 3) to assist the work of WMCA and its partners on this issue and to create some targeted activities for change in unlocking additional development potential on public land. The work links closely into the One Public Estate (OPE) Programme and the WMCA's Strategic Asset Management Plan, and Acquisition and Disposals Strategies.
- 1.4 For the purposes of this approach, public land is defined as '*land that is owned or in use by a public sector organisation, or company or organisation in public ownership or land that has been released from public ownership and on which housing, employment or commercial development is proposed*'.
- 1.5 The principle of *additionality* sits front and centre of the approach suggested here and that was approved by the Board. This programme creates the opportunity for more joined up working, collaboration and co-investment through a shared set of principles across all public sector organisations. Each individual public sector partner retains authority over their own land and any WMCA activity will specifically complement the disposal programmes and strategies of each individual partner.
- 1.6 Since the Board endorsed this work, our engagement across public and private partners has established **strong support for the real benefits that a more innovative and collaborative approach to public land release across the West Midlands would have provide to all involved, individually and collectively**. Working together will allow the pooling of resources and sharing of knowledge to create a more effective joined up strategy and compelling proposition to investors and HM Government. We have seen the benefits of joint ventures in our work, for example between WMCA and Local Authority partners on development opportunities in order to maximise income returns and secure high quality development delivery.

1.7 There is also clear agreement that **this work should feed directly into our “asks” of HM Government around commercial land for example and AMC.** We know that much of the public land in the region needs enabling funding, and that developing under-utilised land in public ownership offers a real and sizeable opportunity to build more homes and create more jobs.

## **2.0 Public landholdings: Benefits of collaboration**

2.1 In the West Midlands, there is estimated to be approximately **5,713 hectares** of land in public ownership. This land, either in use or vacant, is managed by various public sector organisations, with some joined up working but there is **no single, overarching co-ordinated approach to public land development.**

2.2 The Housing & Land Delivery Board requested that a **review of the public estate should be undertaken to identify** the scale of public land that could be made available or was surplus to requirements, and the investment and interventions needed to bring it forward. There was consensus among all groups engaged in our COVID-19 recovery work that **an up-to-date assessment of all publicly owned land** should be considered to identify all available surplus public sector land in the region.

2.3 There was also consensus that **public sector bodies should work more closely together** on their asset management programmes, focusing particularly on the agreement and implementation of a shared set of principles and sharing best practice in managing different assets.

2.4 As part of this process, the Housing & Land Delivery Board agreed that there would be benefit in **augmenting the existing audit of WMCA assets with information on public sector land holdings across the region as a whole**, potentially by way of a pilot project in a defined area as a first step.

## **3.0 Public Land Taskforce: Background and work to date**

3.1 A specific proposal endorsed by the Housing & Land Delivery Board was the **creation of an expert Public Land Taskforce to work with the WMCA to support public sector partners** to unlock public land potential and to help/challenge WMCA in taking forward the key activities suggested. In organisational terms, the Taskforce would be equivalent to those established for Advanced Manufacturing in Construction, town centres and zero carbon. In terms of its contribution, the taskforce was to be a) industry led; b) independently chaired; and c) acting only in an advisory capacity.

3.2 It was agreed that the **purpose** of the Taskforce was to:

- offer insight into the barriers, risks and opportunities in developing and disposing of public land, and on the latest research and trends around public land
- advise on a strategic, collaborative approach to the management of public land
- support and champion new ways of working between public and private sectors
- enable the alignment of public sector objectives
- influence national policy and investment case work, and secure decision-making around public land development

3.3 It was further agreed that the **objectives** for the Taskforce were to:

- bring public sector partners together, promoting greater consistency in the development and disposal of public land through collaboration and networking
- act as a sounding board for the identification of opportunities for collaborative working between different public sector partners and between private sector organisations and the public sector
- provide insight and experience to facilitate the establishment of a programme of research and analysis to better understand the challenges and opportunities
- have a clear agreement on and support the development of 'asks' of HMG.

3.4 The **Public Land Taskforce was launched on the 26 February 2021**. The Taskforce is chaired by Stephen Barter, Chairman of Wilton Capital Advisers, who has been a lead adviser for TfL on their public land strategy. The taskforce has a wide range of industry experts and public sector partners as members. A series of meetings across 2021 have been held, with decisions on the Taskforce's future for 2022 to be agreed in the final meeting of the year. The group is supported by an officer working group.

3.5 As part of its work, **the Taskforce has set up four working groups to focus on:**

- **Town Centres** – public landownership around town centres, understanding local requirements, procuring social value, best practice toolkit
- **Transport hubs** – transport challenges, mapping public land around transport hubs, roadmap
- **Financing and partnerships** - identify examples of where the public and private sector have worked well in partnership
- **Best consideration and best value** – single definition, collate examples and examine best consideration scenarios and innovative ways to work through them

3.6 **Key recommendations** thus far from the taskforce include:

- Creation of a public land charter that will look at best practice in management and disposal of public land similar to AMC and other taskforce charters
- Assessing the benefits of convening meetings at a regional level with individual public landowners, the Taskforce and WMCA together.
- "Deep dive" sessions on unlocking and accelerating specific public land sites
- Commissioning comprehensive mapping of surplus public land
- Best practice guide/Partnership guide
- A report highlighting key messages from our working groups.

3.7 The Taskforce will now be working with WMCA to develop a comprehensive programme of activity and actions and scoping out landmark projects to be used as test cases for collaboration and testing of the principles.

#### **4.0 Current activity**

4.1 To confirm the key activities WMCA is taking forward on this agenda are:

- WMCA direct support to public land partners via the Single Commissioning Framework with direct investment to unlock a pipeline of public land development and income potential.

- Taking forward the recommendation of the Land Commission and commissioning *an up-to-date assessment and map of all publicly owned land* in the West Midlands revealing available surplus public sector land that could be repurposed linked to key infrastructure requirements. This includes including identifying the specific and general barriers to development on a site by site basis and approach to surplus or underutilised assets.
- Augmenting the existing WMCA audit of its own assets with information on public sector land holdings across the region as a whole so WMCA can play a vanguard role in this area.
- Setting out the options for development of a more coordinated and aligned approach to public land development (eg potential public land charter).
- Supporting and advising individual public sector partners with defined projects in their ownership.
- Working with partners to identify *quick wins* on public land sites that could be accelerated for development within the next 12 months.
- Developing a *WMCA land and asset prospectus* to give the private sector more confidence and certainty over WMCA land.
- Promoting the current OPE programme to a more wide-ranging group of public sector partners by expanding membership of the OPE programme to connect with MoD, NHS, DfT and other funding streams and engage new members.
- Identifying impacts of national policy and guidance (eg best value, 'Right to Regenerate') and supporting regional partners to make the case for change where appropriate

## **5.0 Financial Implications**

- 5.1 There are no direct financial implications from the information contained in this report, however there will be financial implications from any WMCA land disposal and the recommendations and outcomes of the Public Land Taskforce. To ensure solid financial stewardship the team will endeavour to utilise internal resource first, only commissioning externally after all internal options have been exhausted.
- 5.2 All disposals of Land must follow the Disposals Policy and Corporate Disposals Strategy subject to approval at Joint Assets Board.

## **6.0 Legal Implications**

- 6.1 Section 113A(1)(a) Local Democracy, Economic Development and Construction Act 2009 gives the WMCA a power of competence appropriate for the purposes of carrying-out any of its functions.
- 6.2 Part 4 of The West Midlands Combined Authority Order 2016 (2016 No 653) confers that the functions relating to any Economic development and regeneration in the constituent councils are exercisable by the CA.

6.3 Part 3 of The West Midlands Combined Authority (Functions and Amendment) Order 2017 confers the functions corresponding to the functions of the Housing Community Agency has in relation to the combined area.

6.4 The contents relate to informal discussions which may or may not lead to the need for further legal input and contractual arrangements. Legal will provide assistance and support as and when requested.

## **7.0 Equalities Implications**

7.1 There are no immediate equalities implications in relation to this report. However, individual strategies and delivery schemes will need to consider local area and local stakeholder needs to ensure the schemes developed benefit local residents, including harder to reach groups. To that effect equality impact assessments will need to be conducted to understand demographics, key inequality issues and how investment can help address key inequality gaps. Engagement and consultation with key equality stakeholders is also crucial.

## **8.0 Inclusive Growth Implications**

8.1 The Inclusive Growth Decision-Making Toolkit will be applied where necessary to evaluate how inclusive growth can be delivered.

## **9.0 Geographical Area of Report's Implications**

9.1 The recommendations of this report apply to the whole of the WMCA area.

## **10.0 Other implications**

10.1 None.

## **11.0. Schedule of Background Papers**

11.1 None.

## Appendix A

### Public Land Recovery Policy: Principles endorsed by the Housing & Land Delivery Board (September 2020)

- Early discussions between public land partners and developers should be initiated, supported by WMCA, to offer genuine development opportunities to the market for development and investment in line with a clear pipeline of prioritised opportunities for release.
- Identify and map more public owned *surplus* land across the region available for development of housing and commercial provision, including identifying the identified barriers to development on a site by site basis such as remediation of brownfield land, transport access, services, obtain planning consent, site clearance etc.
- Adopt a consistent approach, wherever possible and practical, across public land partners in the region on asset disposals.
- Providing clear governance and decision making on public land disposals.
- Public sector partners should work together on their asset management strategies to collectively make best use of public land and property. Identifying ways to minimise the operational needs for office, building, car parking space and sharing property between public sector partners.
- WMCA signposting public land partners to the WMCA Single Commissioning Framework when seeking to purchase/invest in public land/assets and unlock their development and income potential. This will assist in overcoming cases there may be viability issues.
- Public land assets should be kept under continuous review to collaboratively identify surplus or underutilised assets in line with the time periods in the C19 recovery plan. A public land taskforce should be able to advise, support and act as a critical friend.
- Public land should be sold at 'best value' unless it can be demonstrated the local area will benefit through economic, social or environmental improvement.
- The method of disposal should be determined by each public sector partner for their own land. A public land taskforce should be able to advise, support and act as a critical friend.
- Explore interim uses where surplus public land is unlikely to come forward for development in the short term that could generate income, create activity and safeguard the site for future use.
- Ensure valuations of public land from suitably qualified persons prior to disposal to forecast potential receipts.
- Measures to enhance the value of public land before disposal will be taken such as obtaining outline planning consent, remediation of the site, providing access etc.
- Seek further HMG investment into unlocking public land opportunities including resourcing local capacity to manage land and property assets.