

From: On Behalf Of Trevor Watson
Sent: 15 October 2021 14:19
To: @harrogatespring.com' < @harrogatespring.com>
Cc: Kathryn Daly <Kathryn.Daly@harrogate.gov.uk>
Subject: FW: Harrogate Spring & ACV
Sensitivity: Confidential

Dear

Thank you for your email, and the update you have provided. I am pleased to hear that you are engaging with key stakeholders ahead of submitting your new planning application, as this is a critical part of the process. Do you have an anticipated timescale for submission yet?

It would probably be useful to meet and talk through the Asset of Community Value (ACV) process, and I would be happy to do so. However, for clarity I thought it would be useful to set out a few thoughts in advance of any discussion:

1. From a Council point of view, it is entirely logical that, to date, the planning process has been undertaken in advance of discussions regarding a potential land disposal. The land in question is not an asset that the authority has identified as 'surplus', therefore discussions around a potential disposal only really become relevant if a planning permission is secured on the land. Harrogate Spring Water (HSW) chose to submit their original planning application on HBC land without a lease commitment in place from the Council, therefore in the full knowledge that time and costs incurred through the planning process would be 'at your risk' in that regard.
2. We also know from experience that the press and the public often (wrongly) assume that there is a direct relationship between the two things for the Council, when the reality is that we work incredibly hard to ensure that our role as Local Planning Authority is clear and distinct from our role as landowner. It is absolutely critical that all our planning and landlord decisions are treated very separately, made in a clear & transparent way and taken independently of one another – particularly in a case like this where the Council does wear two different hats. Indeed it is for this very reason that mine and Kathryn's roles at the Council hold no power in relation to planning decision making, despite the fact that the planning function sits within our work area.
3. That said, I do understand why there is a desire from the business to try and align the two processes from a public consultation perspective, and as a way to manage resources, timescales & processes proactively together. As previously discussed, it is therefore something that we would be happy to explore in principle.
4. However, a desire to proactively align timing of the two different processes is actually a bit of a moot point as things stand - because the trigger point for the start of an ACV consultation process is a landowner confirming its intention to dispose of a piece of land. For us as a local authority landowner, the vast majority of decisions to dispose (which includes long term leases) are taken at political level in line with our Constitution. This means, in very simple terms, that an ACV process could not be triggered until a potential disposal 'deal' was on the table that we feel could be recommended to members for decision.
5. In our minds, the timing of all this therefore largely rests with HSW - in terms of how soon you wish to commence negotiations for the land and ultimately whether an in principle

agreement can be reached on potential disposal terms. You may recall that some informal discussions were initiated by the business a number of years ago now but that terms could not be agreed, and other additional issues may need to be considered in view of developments since then. We would therefore see the ball being in the HSW court in terms of formally approaching the Council with a new, meaningful proposal for our consideration. You will already be aware from previous discussions, the Council is subject to certain obligations and duties that pervade everything that we do and that we are legally obliged to demonstrate 'best consideration' in any property transactions that we undertake, therefore any new proposal would need to be respectful of this.

6. If and when disposal terms are agreed in principle (at officer level and politically), the ACV process would then be formally triggered and we would carefully follow all the legal processes required, including public consultation as appropriate. If another 'bid' for the land was received as a result of the ACV status, we would then be duty bound to fully consider it as part of our decision making process.

As I said at the outset, I would be very happy to convene a meeting to discuss this further if that would be helpful. In the meantime I am sure that you will, as always, seek your own independent advice on these matters, which I appreciate can be fairly complicated to navigate.

Kind regards

Trevor

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From: @harrogatespring.com>
Sent: 12 October 2021 16:06
To: Trevor Watson <Trevor.Watson@harrogate.gov.uk>
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Subject: Harrogate Spring & ACV
Importance: High
Sensitivity: Confidential

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Dear Trevor, good afternoon,

I trust this email meets you well. I recognise that it was a difficult time when we last spoke in July.

I hope that you don't mind me contacting you with an update from my side.

We continue to progress internally with a robust planning application for the onward development of Harrogate Spring Water. We are also proactively engaging with stakeholders and key decision makers.

On Tuesday 28th September we had a helpful meeting with Councillor Cooper and Councillor Swift, One of the topics discussed was that of Rotary Wood and the disposal of this land and it's title of 'Asset of Community Value'. You shall recall that we painstakingly considered our appeal status and the likelihood of a successful appeal. Clearly, we decided against this decision, wishing to remain aligned in our approach, maintain established relations and 'do the right thing' for the town and all concerned, especially HBC.

In choosing against the option to appeal, we did kindly ask that you lend your assistance. As discussed, a key element of the new application would be to try to expedite the process of releasing this land of its status, in order to avoid an unnecessarily protracted period of consultation and media scrutiny. I firmly believe this would be in the best interest of both parties.

We are now finalising our plans and it would be timely to understand if the ACV disposal process can run concurrently to the application submission.

I look forward to hearing your response.

Best wishes,

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