



Democratic Services

Location: Phase II
Ext: 0833
DDI: 01895 250833
CMD No: 1074

**To: COUNCILLOR JONATHAN BIANCO
CABINET MEMBER FOR PROPERTY, HIGHWAYS
AND TRANSPORT**

**COUNCILLOR EDDIE LAVERY
CABINET MEMBER FOR RESIDENTS' SERVICES**

c.c. All Members of the Residents' Services Select
Committee
c.c. James Raven / Julia Thompson – Place
Directorate
c.c. Ward Councillors for Ickenham and South
Harefield, and Northwood

Date: 11 March 2024

Non-Key Decision request

Form D

Uxbridge Golf Course and Haste Hill Golf Course - Open Space and Green Belt Notices

Dear Cabinet Members,

Attached is a report requesting that a decision be made by you as an individual Cabinet Member. Democratic Services confirm that this is not a key decision, as such, the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 notice period does not apply.

You should take a decision **on or after Tuesday 19 March 2024** in order to meet Constitutional requirements about publication of decisions that are to be made. You may wish to discuss the report with the Corporate Director before it is made. Please indicate your decision on the duplicate memo supplied, and return it to me when you have made your decision. I will then arrange for the formal notice of decision to be published.

Rebecca Reid
Democratic Services Apprentice

Title of Report: Uxbridge Golf Course and Haste Hill Golf Course - Open Space and Green Belt Notices

Decision made:

Reasons for your decision: (e.g. as stated in report)

Alternatives considered and rejected: (e.g. as stated in report)

Signed Date.....

Cabinet Member for Property, Highways and Transport / Cabinet Member for Residents Services

Uxbridge Golf Course and Haste Hill Golf Course - Open Space and Green Belt Notices

Cabinet Member(s)	Councillor Jonathan Bianco Councillor Eddie Lavery
Cabinet Portfolio(s)	Cabinet Member for Property, Highways & Transport Cabinet Member for Residents Services
Officer Contact(s)	James Raven / Julia Thompson – Place Directorate
Papers with report	Plan A, Plan B and Plan C

HEADLINES

Summary	This reports seeks final approval to dispose of the land at Uxbridge and Haste Hill golf courses by the grant of a long lease. The land is held as open space and green belt and approval is sought after consideration of the objections and responses received. Approval is also requested to progress the application to the Secretary of State for release of land in the Green Belt.
Putting our Residents First Delivering on the Council Strategy 2022-2026	This report supports our ambition for residents / the Council of: An efficient, well-run, digital-enabled council working with partners to deliver services to improve the lives of all our residents This report supports our commitments to residents of: A Green and Sustainable Borough
Financial Cost	There are no direct financial implications. The approval will enable the site to be disposed under a long lease realising a capital receipt to the Council and future investment in the site.
Relevant Select Committee	Residents' Services Select Committee
Relevant Ward(s)	Uxbridge Golf Course - Ickenham and South Harefield Haste Hill Golf Course - Northwood

RECOMMENDATIONS

That the Cabinet Members:

1. **Note that on 9 November 2023, Cabinet instructed Officers to publish Statutory Notices pursuant to section 5 of the Green Belt (London & Home Counties) Act 1938 and section 123 of the Local Government Act 1972 inviting objections to the proposals to sell Uxbridge and Haste Hill golf courses and that Open Space and Green Belt Notices have been advertised and objections invited.**
2. **Consider the objections, responses and the ePetition received by the Council and decide whether to authorise officers to proceed with the granting of a long leasehold interest of the land at Uxbridge and Haste Hill Golf Courses to a party with experience of owning and operating Golf Courses subject to the Secretary of State's consent set out in recommendation 3 below.**
3. **Authorises officers to progress an application to the Secretary of State for Levelling Up, Housing and Communities for consent to dispose of part of the Land that is held as Green Belt - the Land is shown for identification purposes only edged red on the Plan B in the Appendix.**
4. **Authorise Officers, in consultation with the Cabinet Member for Property Highways and Transport and Cabinet Member for Residents Services to make any further necessary decisions with regard to implementation of this project.**

Reasons for recommendation

In September 2023 Cabinet received a report regarding both Uxbridge and Haste Hill Golf Courses. The report explained that both courses were currently operating at a substantial loss. To enhance the golf offer, and to remain competitive, a significant capital investment by the Council would be needed to bring them up to standard. The Cabinet decision was that no decision would be made at that time on the future of the courses and that Cabinet would await a fuller report to make a decision at a subsequent meeting.

In November 2023, Cabinet received a further report on Uxbridge and Haste Hill Golf Course and authorised the sale of the long leasehold interest (999-years) at both Uxbridge and Haste Hill Golf Courses, by private treaty, to a party who has experience of owning and operating golf courses in this region of the country and who will continue to employ the Council related staff once the sale has taken place.

Officers published statutory notices pursuant to section 5 of the Green Belt (London & Home Counties) Act 1938 and section 123 of the Local Government Act 1972 inviting objections to the proposals to dispose of both golf courses. Cabinet agreed that any objections were to be considered by the Cabinet Member for Property, Highways and Transport and Cabinet Member for Residents Services.

Following the Cabinet decision, the Open Space Notices have been advertised in the Uxbridge Gazette on two consecutive weeks on 17th January 2024 and 24th January 2024. The proposed

intention to dispose of part of the Green Belt land was also advertised in the Uxbridge Gazette on 17th January 2024.

Following the approval to sell the long leasehold interests by private treaty, an external and independent golf consultant / agent was instructed to market the golf courses and followed a tender process to decide upon an appropriate long leaseholder.

This report details the objections, responses and an ePetition received following the Open Space and Green Belt Notices. This report is submitted for the Cabinet Member for Property, Highways and Transport and Cabinet Member for Residents Services to make a formal decision on.

Alternative options considered / risk management

1. Objections have been raised on a number of separate points which each have been dealt with individually below in the report. Each require their own individual alternative:
2. Not to dispose of the golf courses due to a number of concerns over greenbelt and development – this can be approved but will lead to substantial costs which are unfeasible for the Council which is not deemed viable as the individual concerns are legally covered in the transaction and leases.
3. Grant additional paths – this can be approved but will cause Health and Safety Issues for those using the paths.

Democratic compliance / previous authority

Cabinet has authorised the Cabinet Members to consider any objections received as part of this statutory process. Additionally, the Council's Petitions Scheme permits the consideration of the e-Petition received as part of this statutory process.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

To progress with the sale of Uxbridge and Haste Hill Golf Course the Council would need to obtain a release of The Land from the provisions of the Public Open Spaces Act 1906. In accordance with s 123(2a) and 127(3), Local Government Act 1972 and section 233(4) Town and Country Planning Act 1990. The Council must serve Notice of its intention to dispose of Open Space land by placing a Notice for two consecutive weeks in a local newspaper and consider any objections.

In the Deed between 1) County Council Administrative County of Middlesex and 2) London County Council dated 26th February 1941, the disused southern section of Uxbridge Golf Course is designated as Green Belt under The Green Belt (London and Home Counties Act) 1938. To obtain a release of the land the Council must serve Notice of its intention to dispose of the land pursuant to section 5 of the Green Belt (London and Home Counties) Act 1938 publish the Notice

in one newspaper and allow 28 days for objections. The Council should consider the objections and decide whether the Council should apply to the Secretary of State for consent to dispose of the Green Belt land.

The Notices have been advertised and the following objections received: -

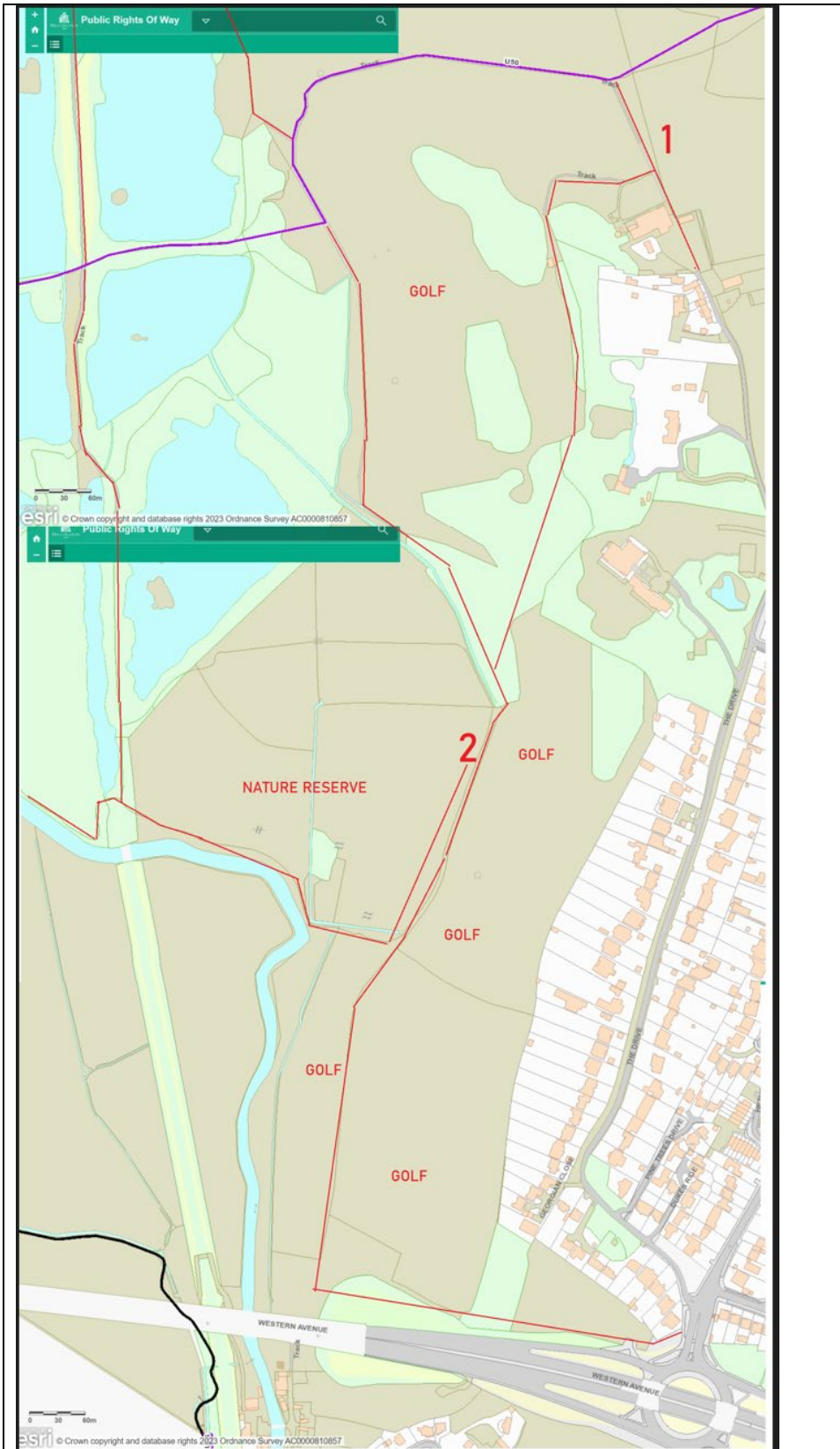
	Objection	Comments
Alternative Use of the Land	Consider alternative uses of the land e.g. rewilding creating a buffer/extension to the adjacent nature reserves and using biodiversity credits to generate income.	Alternative options for the management and use of the Golf Courses have been considered however a Feasibility Report in May 22 confirmed that with investment both sites can be managed as viable golf courses.
Green Belt and Public benefit	The disposal Land should be used and managed in line with Green Belt purposes and for the public benefit in perpetuity. What legal means, restrictive covenants and other tools are to be used to ensure that the land is managed and stays for the public benefit and the Council requirements under NPPF (National Planning Policy Framework) 150 in perpetuity.	<p>The Council proposal is to grant long leases of the Golf courses with the sites continuing to operate as golf courses with estate management obligations by way of the usual covenants.</p> <p>Terms have been agreed that will mean preferential rates for Hillingdon residents and access to play at the courses.</p> <p>The planning policy status of the land is not being altered by this disposal. A change of use of the land would require planning permission.</p>
Community benefit and public paths	<p>Seek reassurance that the land is safeguarded in perpetuity as Green Space in line with the original intentions and actions taken to ensure community benefit including path creation.</p> <p>The path past the club house which joins the footpath to Frays Valley Local Nature Reserve</p> <p>The path from Uxbridge roundabout through the nature reserve and canal.</p> <p>The suggestion was that the informal path be transferred to rights of way or permissive paths in the lease. The</p>	<p>The request for a public right of way to the west will bring Health and safety concerns as golfers will be teeing off onto oncoming or departing walkers.</p> <p>An application would need to be made to the Council to make an Order for public footpaths, the Council do not override any established paths or rights of way that currently exist at these courses.</p>

	objector included a map with proposed additional paths shown coloured red. Included as map A below.	
Public Paths	<p>The safeguarding of public access to publicly owned open space before any agreements are made.</p> <p>1. public footpaths on and around Uxbridge Golf Course are agreed with local groups and</p> <p>2. that the agreed public footpaths are safeguarded without caveat in any legal agreements between LBH and future owners and operators of Uxbridge golf course.</p> <p>The objector included a map showing the approximate routes of existing paths for discussion. Included as map B below.</p>	The Council do not intent to make any modifications to public rights of way, any modification would be subject to a separate Order and statutory process. All existing rights of way and permissive paths will be retained.
Site management	<p>The Golf Course occupies the valley sides adjacent to Frays Farm Meadows SSSI (Site of Special Scientific Interest), Frays Valley Local Nature Reserve, Harefield Place Nature Reserve and Frays River. Unsympathetic site management could negatively impact these protected sites. What measures will the Council be taking in terms of caveats and conditions in the lease to</p> <p>Provide a suitable buffer to protect wildlife</p> <p>Potentially damaging and polluting operations are not undertaken on the Valley sides</p> <p>Opportunities are taken to expand areas for wildlife</p>	Under the existing proposals the site will continue to be managed in line with the existing structure and operating practices.
Potential future development	Unsympathetic site management and potential future development can negatively impact protected sites.	Term have been agreed that will provide additional investment to upgrade the sites and provide enhanced facilities for sport and recreation that will benefit the local community while ensuring the continuation of operating golf courses.

Green Belt land	One of the holdings is linked to Green Belt (London and Home Counties) Act 1938, as provided for in section 25 all the proceeds should be allocated to improving the local Green Belt.	The Council have duly notified the Secretary of State and are consulting with the Council's open spaces team for suitable projects within the Borough. The leases will only be granted with Secretary of State approval.
Green Belt, management & Secretary of State	Open space is valued and used by those living outside Hillingdon and by local residents. The decision to dispose should not be taken by Hillingdon. The Secretary of State should call in the application. The cumulative impact of the loss of Green Belt in neighbouring areas. The right to manage the business could be conveyed to another party without conveying the ownership.	The Council have served the required notice on the Secretary of State who can make a decision regarding call-in.

ePetition	<p>An ePetition was submitted on 20 February 2024 for Cabinet Members to also consider, which is set out below.</p> <p>As of 11 March 24, the ePetition had 39 signatories of Borough residents, which is greater than the minimum requirement of 20 signatories to validate the ePetition for due consideration.</p> <p>“ePetition Title: Stop the sale of Haste Hill and Uxbridge golf courses</p> <p>Statement: We the undersigned petition Hillingdon Council to Stop further council/borough led activity around the sale of Haste Hill and Uxbridge golf courses.</p> <p>Justification: Full disclosure of information around the sale/disposal of these sections of publicly owned greenbelt land should be provided to the public and a formal consultation exercise be held before any further action is taken.</p> <p>Current proposals have no clear community benefit, nor provide firm assurance around tender processes or the future of the greenbelt spaces.</p> <p>The members of Hillingdon have the right to understand the information behind this sale and to make their own informed decisions, without influence or prejudice.</p> <p>Where possible, within the confines of commercially sensitive information, clear statistical and accounting information should be provided, enabling the public to form their own analysis and conclusions.”</p>	<p>As explained in the previous reports referred to in the body of this report the costs that the Council would incur in continuing to provide golf courses and the pressures that it faces in financing statutory services is such that it is considered that the Council’s best interests are met by disposing of the golf courses.</p> <p>Following the previous Cabinet decision an external and independent golf consultant / agent was instructed to market the golf courses through a tender process. The Council proposal is for the grant of a long lease of the sites to an experienced operator for the sites to continue to operate as golf courses with the Councils interests protected by lease conditions.</p> <p>The transactions will remove significant subsidies currently paid by the Council which enable the golf courses to operate and prevent significant capital investment costs being paid by the council which are essentially required.</p> <p>Terms have been agreed whereby the Lessees will provide additional investment to upgrade the sites and provide enhanced facilities for golf sport and recreation that will benefit the local community.</p> <p>Terms have also been agreed that will mean preferential rates for Hillingdon residents and access to play at the courses.</p> <p>Matters have been made public as far as possible in this matter</p>
-----------	---	---





Map B showing the approximate routes of existing paths to discuss safeguard these routes in the lease.

Financial Implications

This report seeks Cabinet approval to explore the granting of a long leasehold interest of the land at Uxbridge and Haste Hill Golf Courses to a party with experience of owning and operating Golf Courses subject to the Secretary of State's consent.

There are no immediate financial implications relating to the report at this stage, however, it is noted that the granting of a lease would bring both capital and revenue benefits for the Council.

Terms have been agreed whereby the Lessees will provide additional investment to upgrade the sites and provide enhanced facilities for operating golf courses and sport and recreation that will benefit the local community. This will avoid significant capital investment costs being paid by the Council which are essentially required for the ongoing viability of the courses.

The transaction will remove significant revenue subsidies currently paid by the Council which enable the golf courses to operate, contributing to the 2023/24 MTEFF savings target for the reduction in operating costs at Golf Courses.

Subject to approval for officers to approach the Secretary of State for disposal and that consent being given, the disposal will lead to a capital receipt that will be used to either reduce the Council's prudential borrowing on future capital spend or will be utilised to support transformation work across the Council that leads to a revenue saving as set out in the Council's budget strategy.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities?

The objections from residents are detailed in the summary above. One of the concerns raised was that informal paths around Uxbridge Golf Course should be retained either as Public Rights of Way or permissive paths. Some paths could be approved however it would cause health and safety concerns. The existing public rights of way and permissive paths at Uxbridge and Haste Hill will be retained.

In addition, terms have been agreed whereby Hillingdon Residents will receive preferential rates

Consultation carried out or required

Consultation was carried out by the inviting of objections following the Open Space and Green Belt Notices which are the subject of this report.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance have reviewed this report and concur with the Financial Implications set out above, noting there are no direct financial implications associated with this report and that subject to approval for officers to approach the Secretary of State to dispose of the site and subject to this consent being granted, a capital receipt will be generated that supports the Council's capital

programme or will be used to fund transformation work associated with the delivery of the Council's saving programme.

Legal

The provision of golf courses is a discretionary function of the Council under section 19 of the Local Government (Miscellaneous Provisions) Act 1976. There is no legal obligation on the Council to provide golf courses or to subsidise their operation and there is no legal obligation on the Council to consult prior to disposal.

As explained in the previous reports referred to in the body of this report the costs that the Council would incur in continuing to provide golf courses and the pressures that it faces in financing statutory services is such that it is considered that the Council's best interests are met by disposing of the golf courses to an experienced operator, with the Council's interests protected by lease conditions.

The overriding duty of the Council when disposing of any property is to obtain the "best consideration reasonably obtainable" in accordance with section 123 of the Local government Act 1972. Given that both courses are within the Green Belt, that their future operation will be restricted to golf and that both courses require substantial investment, the capital receipt that will be generated by their disposal is inevitably limited. The previous reports referred to in the body of this report explain that officers would invite "best and final offers" from bidders to ensure that the Council obtains the best consideration reasonably obtainable.

In addition, as both golf courses constitute "open space" within the meaning of section 10 of the Open Spaces Act 1906, the Council was required to publish statutory notices in a local newspaper inviting objections to their disposal. As detailed in the body of this report, such notices were published in accordance with the 1906 Act and the objections received are set out in the summary above. Further, in relation to Uxbridge Golf Course, part of this site is designated as Green Belt land. In accordance with section 5 of the Green Belt (London and Home Counties Act) 1938, the Council was required to serve notice of its intention to dispose of the land and publish the notice in a local newspaper inviting objections to the same. These objections must then be considered by the Council before it applies to the Secretary of State for consent to dispose of the Green Belt land without which the disposal cannot proceed. As detailed in the body of this report, such notices were published in accordance with the 1938 Act and the objections received are set out in the summary above.

Any decision being made on the use of public assets must be made in the best interests of the residents and the responses to the objections received and set out above show that both sites will continue to be used as golf courses in accordance with the Council's requirements, the Council will retain a level of control as freeholder of the long leasehold interests in respect of both sites, there will be no changes to the Green Belt land, subsidies will continue for Borough residents and there will be no impact on visual or actual amenity.

Finally, it is recommended that all future decisions in relation to both golf courses be delegated to the relevant Cabinet member. Further legal advice will, of course, be provided to the Cabinet Members as necessary.

Property

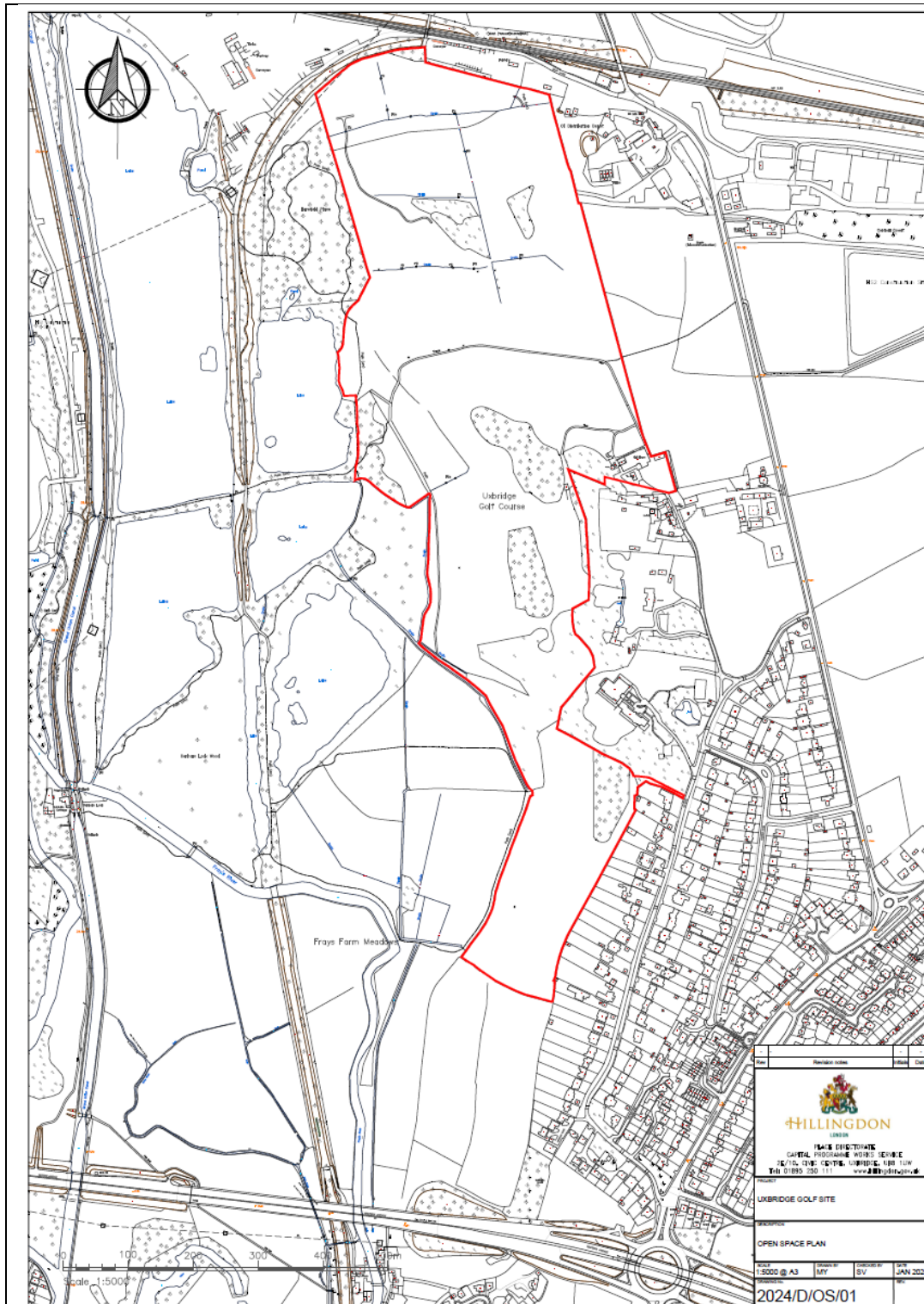
Property and Estates comments are in the main section of the report.

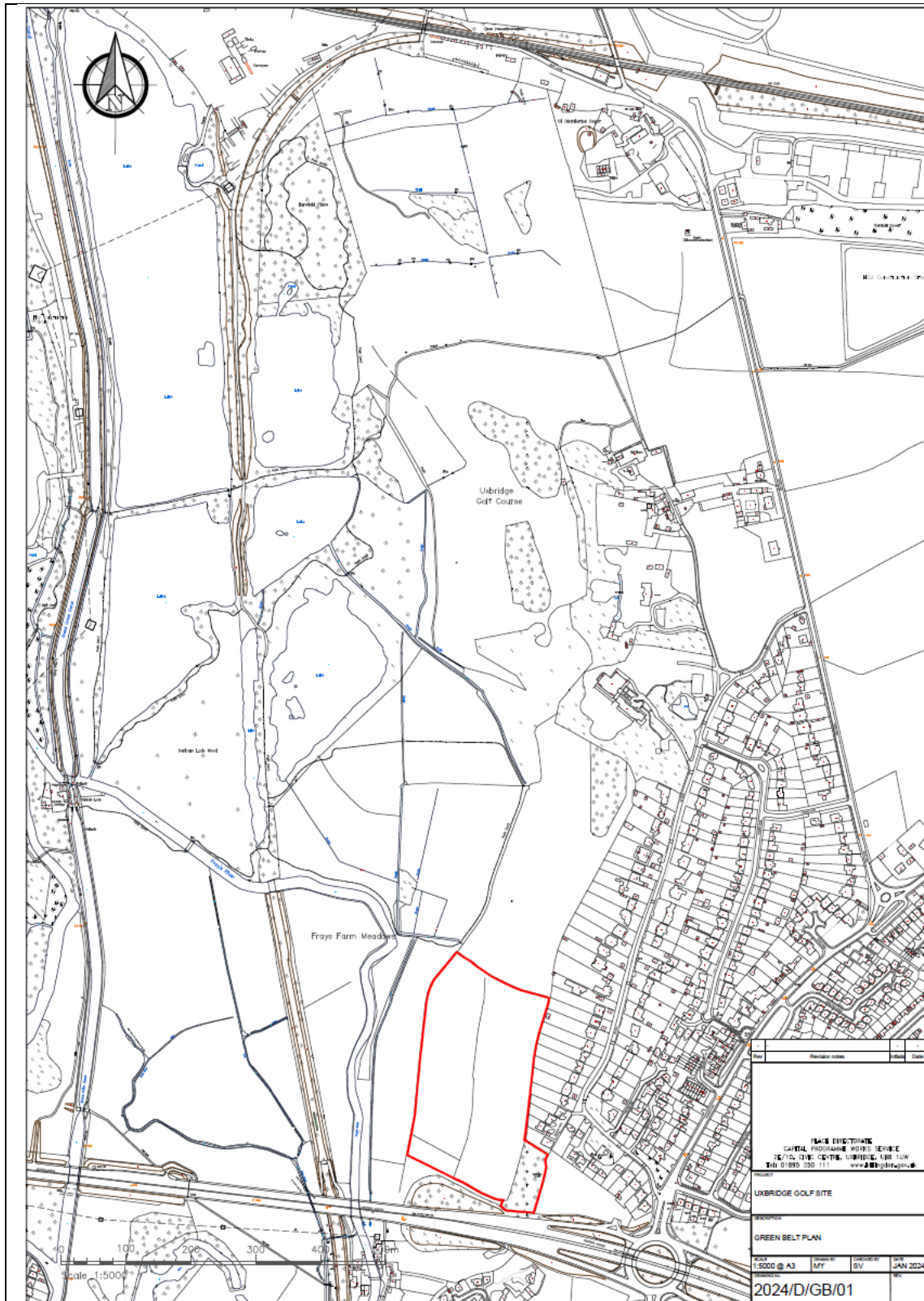
BACKGROUND PAPERS

[Cabinet report and decision – September 2023](#)

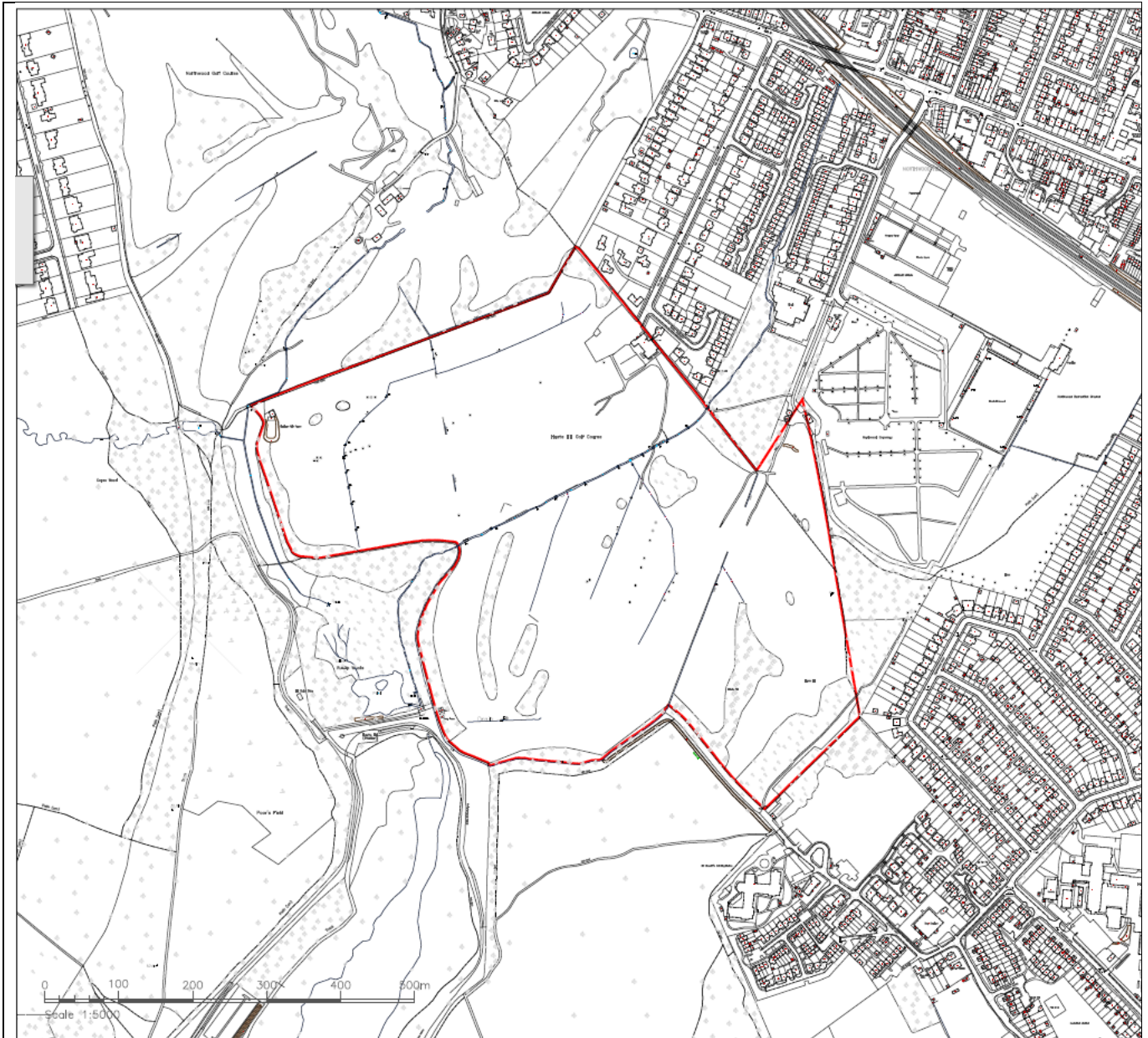
[Cabinet decision – November 2023](#)

APPENDICES





Plan B Uxbridge Green Belt plan



Plan C Haste Hill Golf Course Open Space