

Economy and Property Committee	
Meeting Date	19th March 2026
Report Title	Land at Great East Hall
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Joanne Johnson, Head of Place
Lead Officer	Kieren Mansfield, Strategic Programmes and Asset Manager
Classification	OPEN
Recommendations	1. That the Economy and Property Committee note the ongoing delays in completing the land transfer and agree in principle to a further extension of up to 18 months to resolve outstanding title, Section 106 variation, and related matters, with final approval delegated to the Head of Place, subject to satisfactory terms. 2. That upon completion of the transfer and receipt of the associated commuted sum, the community is engaged to consider future uses of the land that would meet community needs, recognising that the original commitment to reserving a parcel for a community shop may not align with local priorities or funding realities at the point of transfer

1 Purpose of Report and Executive Summary

- 1.1 This report recaps the background to a decision taken by the then Regeneration and Property Committee in March 2023, to secure the transfer of land at Great East Hall, Sittingbourne (as at appendix I), to the Council, with a small proportion of the land intended to support the development of a community shop.
- 1.2 Setting aside and ultimately transferring land to support the development of a community shop was subject to meeting conditions set by the committee, to be met by September 2024. These conditions were not met, and a further report to the Economy and Property Committee in January 2025 extended the deadline by 18 months to January 2026.
- 1.3 In light of ongoing, protracted delays to securing the site's transfer to the Council and the need for community certainty prior to making a commitment to develop any proposals, the report now recommends an approach that commits the Council to securing the local community's involvement and considering

community benefit in developing any future proposals for the land, once transferred.

2 Background

- 2.1 In March 2023 the Economy and Property Committee considered a report setting out an approach from Countryside Properties, the developer of the Great East Hall site, to transfer a parcel of land to the Council along with a commuted sum to cover future maintenance. The site in question had originally been intended for a neighbourhood equipped area for play (NEAP) and a multi-use games area (MUGA), but the developer proposed transferring the land to the Council instead of delivering these facilities.
- 2.2 The Committee agreed in principle to negotiate the transfer, subject to terms being agreed. This required an application to vary the relevant Section 106 agreement and final Committee approval. Part of the resolution also involved reserving a suitably sized and located parcel within the site for a community shop, conditional on receiving and independently reviewing a funded delivery plan, a business plan demonstrating financial sustainability, and the formation of an appropriate legal entity. If these conditions were not met by September 2024, a further report would consider the continued reservation of the land.
- 2.3 Progress since the March 2023 decision has been slow, primarily due to complexities in resolving title issues, restrictive covenants, and the need to amend the Section 106 agreement. Negotiations with site owners (then, Countryside Properties, which has now become part of the Vistry Group) have continued, but these matters required detailed legal and surveying input from them to ensure the land could be transferred free of encumbrances that would hinder future use.
- 2.4 In January 2025, a further report to the Committee noted that while progress had been made on due diligence, including surveys and legal reviews, the Section 106 variation application from Vistry was still pending, and title rectification was ongoing. As the community shop conditions had not been met by the September 2024 deadline, the Committee agreed to extend the reservation period by 12 months to January 2026, recognizing the value in allowing more time for resolution without prejudicing the overall transfer.
- 2.5 Since January 2025, further steps have been taken. A draft Deed of Variation (DOV) to the Section 106 agreement has been prepared by Mid Kent Legal Services, incorporating necessary changes such as the removal of a redundant road from the obligations. A traveling draft, is under review, with minor amendments expected, including an updated site plan to clearly identify the precise boundary of the site to be transferred and avoid future issues. Discussions with Vistry remain positive, and they have confirmed their commitment to the transfer, including the commuted sum.
- 2.6 Title due diligence has advanced, with warranties from Countryside ensuring no undisclosed dispositions or connected party transactions affect the land.

Restrictive covenants (as noted in the title entries from June 2024) have been reviewed, and the transfer will include indemnities to protect the Council. However, finalising these elements, along with the Section 106 variation determination, has taken longer than hoped due to change in contacts at Vistry Group and coordination between parties.

- 2.7 The Council continues to work towards completing the land transfer, with the draft DOV representing a key milestone. Once executed, this will enable the transfer to proceed, subject to final Committee approval as per the original resolution.
- 2.8 The community shop element has seen limited progress. Local interest remains, but without the land in Council ownership, the significant commitment to developing a delivery plan or legal entity would be difficult to secure.
- 2.9 As reported to Committee in January 2025, there also remains the possibility of potential future provision of 450sq m of convenience retail in close proximity, as part of the 380 home development to the east of Great East Hall. Progress against this is unclear but any such provision would likely end any viability for a community shop, if delivered.
- 2.9 Given the time passed and ongoing uncertainties, a more open-ended commitment to securing a community informed future for the site is proposed, that mandates the Council (or its successor authority) to secure community involvement in bringing forward proposals for the site as a whole.

3 Proposals

- 3.1 That the Economy and Property Committee note the ongoing delays in completing the land transfer and agree in principle to a further extension of up to 18 months to resolve outstanding title, Section 106 variation, and related matters, with final approval delegated to the Head of Place subject to satisfactory terms
- 3.2 That upon completion of the transfer and receipt of the associated commuted sum the community is engaged to consider future uses of the land that would meet community needs, recognising that the original commitment to reserving a parcel for a community shop may not align with local priorities or funding realities at the point of transfer

4. Alternative Options

- 4.1 The Committee could decide to extend the reservation period for a community shop, retaining similar conditions. Given the time that has passed, the need to secure the site to enable community confidence to meeting any conditions and uncertainty about other provision it is felt that this would not best reflect the current circumstances.
- 4.2 The site is no longer transferred on the terms previously agreed at Committee and Vistry are requested to revert and deliver the Multi-Use Games Area and

open space as per the original 2004 s106 agreement. This is not recommended. Officers in Environment and Leisure are satisfied that there is sufficient provision in the area; it would exclude the possibility of the site bringing other community benefits forward and the maintenance costs to the Council, based on the original plans, are estimated as currently being in the order of £15,000 per annum.

- 4.3 Secure the site and bring forward development without input from the local community. This might expedite alternative disposals or developments but could forego community benefits, potentially attracting local objections.

5 Consultation Undertaken or Proposed

- 5.1 Informal discussions with Vistry confirm their support for the transfer timeline. Discussions with local Members have informed the recommendations to Committee.

6 Implications

Issue	Implications
Corporate Plan	The future potential use of the site for community and/or development could deliver against a number of priorities within the Corporate Plan
Financial, Resource and Property	The land at appendix 1 would be transferred to the Council, subject to the resolution of outstanding legal issues. Any associated costs are to be found from existing budgets. Future holding costs for the site are minimal, although when transferred as un-landscaped open space there would still be an increased maintenance, management and insurance liability for the Council. Potential future uses for some or all of the site could deliver either income or a receipt for the Council if a disposal takes place. The Council has fairly wide discretion to dispose of such assets. However, alongside community input into determining the future for the site, it is also subject to statutory provisions, in particular, to the overriding duty, under section 123 of the Local Government Act 1972, to obtain the best consideration that can be reasonably obtained for the disposal. However, this duty is subject to certain exceptions that are set out in the General Disposal Consent (England) 2003 to support local priorities for disposals of a value of less than £2 million. No valuation of the site has yet taken place but it is currently estimated to be below this threshold.
Legal, Statutory and Procurement	The Head of Place will need to complete the necessary negotiation, due diligence and agree draft contracts as applicable and undertake the work required in consultation with the Head of

	Mid-Kent Legal Partnership. Any future use of the site will be subject to all necessary consents being secured. The Negotiations are seeking to minimise the Council's legal risks associated with the transfer, which will be mitigated via indemnities provided by the current owners.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	None identified at this stage. Any future use of the site would be subject to planning application(s) that will require environmental assessments. The existing unmanaged site, which has now remained relatively undisturbed for some years may also be contributing to local bio-diversity and any planning applications relating to the site will need to meet bio-diversity net gain requirements.
Health and Wellbeing	The transfer of land will mean that a planned Multi-Use Games Area would not be delivered. However, there is other provision of open space in the immediate vicinity of this site.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage
Risk Management and Health and Safety	Any transaction is subject to an amendment to the relevant section 106 agreement. Other risks associated with the proposed transfer of the land have been identified through the due diligence process and sit with the existing owners (Vistry) to resolve.
Equality and Diversity	Any future disposal(s) relating to the site would be subject to community impact assessment.
Privacy and Data Protection	None identified at this stage.
Local Government Reorganisation	None identified at this stage. The possible timescale for securing the site and determining its future may well take future decisions into the proposed vesting year for the successor authority to Swale Borough Council. Any disposals may be subject to Section 24 Direction at this time, which requires predecessor councils to obtain written consent from the successor (unitary) council for specific financial matters e.g. typically property disposals with a value in excess of £100,000.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- **Appendix I – Site plan of land at Great East Hall**

8 Background Papers

- Land at Great East Hall, report to the then Regeneration and Property Committee, 8th March 2023. [Agenda Document for Regeneration and Property Committee, 08/03/2023](#)
- Land at Great East Hall, report to the Economy and Property Committee, 30th January 2025. [Agenda Document for Economy and Property Committee, 30/01/2025](#)

Appendix 1. The site at Great East Hall included within the offer from Countryside Properties

