

TITLE	Appropriation of Land within the Approved Alignment of the Northern Distributor Road for Planning Purposes
FOR CONSIDERATION BY	The Executive on 25 January 2018
WARD	Norreys, Winnersh and Emmbrook
DIRECTOR	Josie Wragg, Interim Director of Environment
LEAD MEMBER	David Lee, Executive Member for Strategic Highways and Planning

OUTCOME / BENEFITS TO THE COMMUNITY

The provision of the Northern Distributor Road and other associated Strategic Development Location Infrastructure supports the Council's vision to invest in our towns and villages which aims to help sustain and improve the lives of the community and would enable development within the North Wokingham Strategic Development Location.

RECOMMENDATION

The Executive is recommended to delegate to the Assistant Director Delivery and Infrastructure in consultation with the Executive Member for Strategic Highways and Planning authority to:

- 1) carry out the process of appropriation for part of the land at Cantley Recreation Grounds for the planning purposes of open space or other land within the Council's ownership to that required to deliver the Northern Distributor Road (NDR) pursuant to Sections 122(1) and (2A) of the Local Government Act 1972 (the Act), Section 233 of the Town and Country Planning Act 1990 (as amended) and;
- 2) to consider representations, if any, received and determine whether or not to appropriate for planning purposes open space or other land required to deliver the NDR until such time as such powers are formally delegated under the relevant provisions of the Council's Constitution.

SUMMARY OF REPORT

All Council owned land is held for a particular purpose as the Council has the power to acquire and hold land for various statutory purposes to perform its functions. In order to hold land for a purpose other than one at the time it was acquired the land must be appropriated for a different purpose. Appropriation is a statutory process that allows the Council, following consultation and subject to the relevant statutory provisions to change the purpose for which it holds property in its ownership from one purpose to another.

The Council owns land within the approved alignment of the NDR. The approved alignment is shown in plan at Appendix 1 of this report, including but not limited to the freehold interest in Cantley Recreation Grounds as open space, defined under section

336(1) of the Town and Country Planning Act 1990 as “any land laid out as a public garden or used for the purposes of public recreation...”. Where a Council proposes to appropriate open space it must advertise its intention to appropriate for two consecutive weeks in a newspaper circulating in the area in which the land is situated and consider any objections which may be made to them.

The Council is authorised to appropriate land that it owns for planning purposes under Sections 122(1) and (2A) of the Act and Section 233 of the Town and Country Planning Act 1990 (as amended) which, subject to a number of provisions, allows “a principal Council to appropriate land which belongs to the Council and is no longer required for the purpose for which it was held immediately before the appropriation....”

One of the areas of land in Council ownership along the alignment of the NDR is a small area of open space at the edge of the Cantley Recreation Grounds and is not part of the open recreation area or formal playing-fields.

On 24 September 2015 the Council’s Executive approved the alignment of the NDR and planning permission has subsequently been granted for a section of the NDR at Bell Foundry Lane which includes within its application site a small area of open space. A further narrow section of open space adjacent to Bell Foundry is subject to deemed planning consent by virtue of being permitted development. Further planning applications will come forward in relation to other sections of the NDR. The Council’s Core Strategy Policy CP20 identifies a requirement to improve transport capacity to enable the development of the North Wokingham Strategic Development Location (SDL). The NDR is necessary to enabling development within the SDL that will promote and improve economic, social or environmental wellbeing within its area.

The Council should only propose to appropriate land for planning purpose if it has an intention to see the land used for development which promotes or improves the economic, social or environmental wellbeing of its area and believes that the appropriation is needed in order to facilitate or achieve any of these aims. Part of land proposed for appropriation has the benefit of planning permission and further planning applications will come forward in relation to the NDR. The Council has demonstrated its intention to use the land for such development, which promotes or improves the economic, social or environmental wellbeing of its area.

This report seeks authority to commence the statutory process required under Section 122 of the Local Government Act 1972.

Background

The Council's Core Strategy Policy CP20 identifies a requirement to improve transport capacity to enable the development of the North Wokingham Strategic Development Location (SDL). The Council's Executive on 24 September 2015 agreed the delivery route option to provide the alignment for the Northern Distributor Road (NDR) and to progress it through detailed design and planning applications. The alignment options were subject to extensive public consultation. The Council also undertook a number of liaison meetings with local councillors and with landowners.

In terms of one area of open space in council ownership along the alignment of the NDR on 12 October 2016 Planning Committee granted planning permission for a hybrid application under reference 161839. That hybrid permission comprises a detailed consent for residential and an outline consent for a section of the NDR and associated infrastructure, including a cycle and footway at Bell Foundry Lane, Wokingham.

The Council is the owner of Cantley Recreation Grounds which it holds as open space and playing-fields. A small parcel of that land shaded red and shown on the drawing at Appendix 2, falls in part within planning permission reference 161839. The balance of the parcel of land proposed for appropriation has deemed planning consent by virtue of being permitted development pursuant to Part 9, Class A paragraph (b) of The Town and Country Planning (General Permitted Development) (England) Order 2015. Paragraph (b) grants deemed consent to the carrying out development (by a highway authority) on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway. The legal background and process of appropriation for planning purposes of open space is set out in Appendix 3 of this report.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	N/A	N/A	N/A
Next Financial Year (Year 2)	N/A	N/A	N/A
Following Financial Year (Year 3)	N/A	N/A	N/A

Other financial information relevant to the Recommendation/Decision

Appropriation is an administrative process and the immediate financial implications relate to the costs of publishing two notices in a local newspaper.

Cross-Council Implications

Delivery of residential and commercial development and the strategic infrastructure including the NDR on which it depends is subject to the prior appropriation of Council

land for planning purposes. The delivery of strategic development within the SDL is a cross-Council objective.

List of Background Papers

'Land Appropriation Plan P01' and Drawing SK002A

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