

DECISION-MAKER:	CABINET
SUBJECT:	ROYAL PIER WATERFRONT – ARRANGEMENTS IN RESPECT OF MAYFLOWER PARK
DATE OF DECISION:	16 OCTOBER 2012
REPORT OF:	LEADER OF THE COUNCIL
STATEMENT OF CONFIDENTIALITY	

None

BRIEF SUMMARY

The purpose of this report is to seek authority to advertise the loss of open space at Mayflower Park related to the Royal Pier Waterfront development and to enter into new leasehold arrangements associated with an expanded Mayflower Park. The proposed changes to the park will result in a net gain in and improved open space. The existing Mayflower park is circa 4.2ha. The current scheme proposals indicate the extended park will be in the region of 5.4ha.

RECOMMENDATIONS:

- (i) That the Head of Legal, HR and Democratic Services be authorised to:-
 - a) Negotiate and enter into any necessary legal agreements or other legal documentation following consultation with the Senior Manager City Development to acquire land associated with an extended Mayflower Park.
 - b) advertise proposals for the appropriation and/or disposal of Public Open Space land respectively under S.122 and S.123 of the Local Government Act 1972; and
- (ii) That the Director of Environment and Economy, after consultation with the appropriate Cabinet Member, be authorised to agree the exact area of land to be disposed of in (b) above.

REASONS FOR REPORT RECOMMENDATIONS

1. Creating a waterfront destination is important to the ongoing renaissance and economic well being of the City. The Royal Pier Waterfront (RPW) development is critical to the aim of reconnecting the City Centre with its waterfront.
2. The RPW proposals involve the redesign of Mayflower Park and some development in the existing park, which is designated as Public Open Space (POS). The Council is required to advertise proposals for the appropriation of POS under S.122 of the Local Government Act 1972 and/or for the disposal of POS under S.123 of the Local Government Act and to consider objections before development could take place. The proposals also include a significant extension to and reconfiguration of the park. The extended Mayflower Park will be larger than the existing, by approximately 1 hectare, resulting in no net loss of POS.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. Not advertise the disposal of POS – rejected because without undertaking this process the Council would not be able to progress the RPW proposals in conjunction with its development partner Morgan Sindall Investments Ltd (MSIL).
4. Not acquire the extended park - rejected because this would mean that a proportion of the park would not be in the Council's ownership which would affect the Council's ability to manage and maintain the overall park.

DETAIL (Including consultation carried out)

5. The Council is currently negotiating legal agreements for the development with its partners MSIL, Associated British Ports and the Crown Estate. The requirement to undertake the POS advertising process will form part of the Council's obligations under the legal agreement. The details surrounding the extension of the park will also be documented. Cabinet approval is therefore required before the legal agreement can be entered into.
6. The RPW proposals being developed by MSIL include some development in the existing park adjacent to the West Quay Road frontage and to the south of the Royal Pier pavilion. The POS advertising process will not be undertaken until the plans for the development are further advanced. This is so that full information about the proposed changes to Mayflower Park, in the context of the wider development proposals, is available in the public domain.
7. The Council owns the freehold of the existing Mayflower Park. The Crown Estate owns the seabed that will be reclaimed to create the park extension. The Crown Estate will grant a 150 year lease of the extended park land but cannot dispose of the freehold. Following the creation of the extended park, the Council will continue to own the freehold of the existing park and a 150 year lease of the newly created park. This ownership position will not affect the Council's ability to manage and maintain the overall park which will be treated as one entity.
8. MSIL has undertaken initial discussions with various consultees including English Heritage, the Environment Agency, Marine Management Organisation and local interest groups including Southampton Commons and Parks Protection Society, City of Southampton Society, Friends of Town Quay Park and the Old Town Residents Association. Further consultation will be undertaken as the proposals are developed further.

RESOURCE IMPLICATIONS

Capital/Revenue

9. The Council's Housing and Leisure portfolio currently receives a revenue stream of £25,470 from lettings in the park, which will continue to be realised following the completion of the works to the park. In addition, the Environment and Transport portfolio received a net parking income from the car park of £18,500 (excluding rates) in 2011/12. A car park will be reprovided and it is proposed that the Council will receive income from this. Whilst the maintenance costs associated with the larger park will be greater than existing, the income from the larger car park should off-set this.

Property/Other

10. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

11. The park is held by the Council primarily as ancient corporate estate for the purposes of a public recreation ground or open space. The Council is required to advertise proposals for the appropriation or disposal of POS land under S.122 and S.123 of the Local Government Act 1972, in a local newspaper for two consecutive weeks and to consider any objections. Any disposal of POS land would need to be justified as for the public good and the benefit, improvement and development of the area. Such disposal must not be at undervalue unless consent is sought from the Secretary of State.

Other Legal Implications:

12. The provisions of the Hampshire Act 1983 and Southampton International Boat Show Act 1997 do not directly affect this proposal as they relate primarily to matters of public access to the park and do not affect other general powers the Council may hold in relation to the land.

POLICY FRAMEWORK IMPLICATIONS

13. The proposals are in line with the statutory Local Plan Review policy MSA 4, which identifies land at Royal Pier and Town Quay for a major mixed-use development.

14. The proposals are also in line with the Council's draft City Centre Action Plan (CCAP) Policy 22 which acknowledges that in order to deliver the re-provision of the open space the boundaries of the park will be realigned and its location shifted within the site. It states that reclamation should be considered to extend Mayflower Park and deliver development land.

AUTHOR:	Name:	Emma Meredith	Tel:	023 80 834515
	E-mail:	Emma.meredith@southampton.gov.uk		

KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED:	Bargate
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SUPPORTING DOCUMENTATION

Appendices

1.	None
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Documents In Members' Rooms

1.	None
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Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	Yes
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Other Background Documents

Integrated Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None.	
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