

DECISION-MAKER:	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT
SUBJECT:	APPROPRIATION OF VOKES MEMORIAL GARDENS AND PART OF QUEENS PARK TO ENABLE THE CONSTRUCTION OF THE PLATFORM ROAD SCHEME
DATE OF DECISION:	16 OCTOBER 2012
REPORT OF:	SENIOR MANAGER – PLANNING SUSTAINABILITY AND TRANSPORT
STATEMENT OF CONFIDENTIALITY:	
None	

BRIEF SUMMARY:

Land at Vokes Memorial Gardens and Part of Queens Park is required to be developed for the Platform for Prosperity Road scheme. The land is Public Open Space, and the proposed change in its use to another (appropriation) needs to be advertised and any objections received need to be considered. On 11th July 2012, Cabinet approved the advertising for the proposed appropriation in accordance with statutory procedures for open spaces, set out in Local Government Act 1972.

The advertising procedures have been completed. There have not been any objections in relation to the advertisements for the proposed appropriation and subsequent development of Vokes Memorial Gardens and part of Queens Park, the Council are now able to implement the appropriation.

An additional small area of land within Vokes Memorial Gardens is required following detailed design considerations to enable abnormal loads to then enter at Dock Gate 4 and to exit of from Dock Gate 5.

The report seeks approval to delegate authority to determine the extent of these additional areas of land, to advertise their proposed appropriation and determine any objections received in response to the advertisements.

RECOMMENDATIONS:

- (i) To note that there were not any objections received in relation to the proposed appropriation of land at Vokes Memorial Gardens and Part of Queens Park Platform Road, as identified in (Appendix 1 – Plan 11ALMO19032). The appropriation has therefore been completed in respect of this area of land.
- (ii) To delegate authority to the Director of Environment and Economy following consultation with the Platform Road Client Manager to determine the form and extent of an additional area of Vokes Memorial Gardens required within the final design for a wider Dock Gate 5 exit.
- (iii) To delegate authority to the Director of Environment and Economy to instruct the Head of Legal, HR and Democratic Services to advertise the appropriation of the additional land determined in accordance with recommendation (ii) above at Vokes Memorial Gardens for two consecutive weeks in a local newspaper circulating in the locality.

- (iv) To delegate authority to the Director of Environment and Economy following consultation with the Cabinet Member for Environment and Transport to determine any objections received from the second series of adverts and to make a final decision as to whether or not to approve the appropriation in light of any such objections.

REASONS FOR REPORT RECOMMENDATIONS:

1. The Cabinet report presented on 17 July 2012 identified an outline design for the road scheme. Subsequent detailed design has highlighted the need to provide a wider exit than previously proposed, following a review of vehicle movements from the Port. The re-design will require the inclusion of two small additional areas within Vokes Memorial Gardens of approximately 100 sq m. As the land is open space, its proposed appropriation to enable its inclusion requires to be advertised and objections considered.
2. Without this land the road improvement scheme cannot progress as planned, which will result in the loss of Government funding from Regional Growth Fund.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

3. Continue with existing design – rejected as the Port will not be able to service certain clients who use the Port for the shipping of certain goods. This would have a significant detriment to the Port.
4. To provide a revised road improvement design – rejected as the Dock Gates 4 and 5 exit cannot be relocated or reconfigured without the additional land.

DETAIL (Including consultation carried out):

5. The City Council has secured a conditional offer for Regional Growth Funding for the Platform to Prosperity road improvement scheme.
6. The outline design presented to Cabinet in July 2012 identified areas of public open space within Vokes Memorial gardens and part of Queens Terrace required to deliver the design. The outline design presented at the Cabinet Meeting had addressed the “normal” abnormal loads entering and exiting the Port. Subsequent interrogation of traffic movements from the Port indicates certain low-loader trucks will require a wider sweep path to enter at Dock Gate 4 and to exit the Port at the new Dock Gate 5.
7. The exact area of additional parkland is still to be determined. The Council’s designers are reviewing wide load traffic movements to design the additional area accurately whilst minimising the area required. The design team have indicated the area of land will be no greater than the area indicated edged red in Appendix 2, Plan 11ALMO19032 REV B. The final design will be presented to the Platform Road Client Manager for approval.
8. On 21st February 2012, an on site pre-statutory consultation meeting was held with the Open Space groups and societies, (Southampton Commons and Parks Protection Society (SCAPPS), City of Southampton, and The Open Space Society), including a site walk over to discuss in outline terms the outline design and the proposals for Vokes Memorial Gardens and its replacement. The consultation meeting was followed by an exchange of correspondence with the groups as broad principle designs were developed.

9. At the end of May 2012 a three day public exhibition was held, inviting comments and feed back regarding the project and the design. Eighty three people attended. The businesses and residents directly affected by the Scheme were invited by letter to the exhibition.
10. A leaflet was produced for the exhibition which was also published on the website.
11. The leaflet and exhibition did not identify this additional area. Subsequent informal consultation has been undertaken with the City's open space societies and groups with regard to the design requirements for these additional areas of land.
12. The area of the previously advertised area of public open space to be appropriated was 3,057 square metres. In order to maintain no net loss of open public space the Council will be undertaking a programme of replacement works. Replacement open space will be provided across two locations in the locality. The City Council is proposing to acquire the Pan Handle car park, which lies immediately to the south of Vokes Memorial Gardens and the Southern Water Pump House, currently located within Vokes Memorial Gardens. The former is subject to a report presented to Cabinet within this meetings agenda. The latter has been approved by Cabinet report on 17th July 2012. Additional open space will also be provided within Queen's Park, through a reduction in the width of Latimer Street and other changes at the eastern end of Queen's Park.
13. These replacement areas of open space, together with some other additional changes will provide a total 3,294 square metres of replacement open space with an overall net gain of open space of 237 square metres.
14. The appropriation of an additional area of land of approximately no more than 100 square metres will not impact upon the Council's proposals to provide the overall scheme on a no net loss basis, with approximately 137 square metres of additional land being provided in excess the area utilised for the road scheme..
15. Any objections received following the advertising of a proposed appropriation are usually reported to Cabinet for consideration and a final decision on whether to appropriate. Given that one consultation has already taken place without objections and the additional area of land to be appropriated is small; it is considered that in the interests of the scheme the authority to consider any objections and the determination of the appropriation be delegated to the Director of Environment and Economy following consultation with the Cabinet Member for Environment and Transport. A report back to Cabinet will delay a final approved design to be presented to the highway construction contractor for implementation, which will delay the delivery programme for the scheme.

Capital/Revenue:

16. The construction of the Road Improvement Scheme is mainly funded by the Regional Growth Fund funding and a contribution by the Council. On 11th July 2012 the Council made the decision to make a contribution to the project.
17. The project management and procurement costs of the scheme are funded from within these funds.

Property/Other:

- 18. There are no revenue or capital implications identified for the appropriation of the additional land.

LEGAL IMPLICATIONS:

Statutory power to undertake proposals in the report:

- 19. It is proposed to appropriate the land to Section 232 of the Town and Country Planning Act 1990 to enable redevelopment for highway purposes.
- 20. The appropriation of open space land is authorised by virtue of S122 Local Government Act 1972, provided the land is no longer required for its previous use and is subject to a statutory consultation process.
- 21. The legal test would be met if the land is no longer required for purely leisure or recreation use on the basis that sufficient provision exists for such use elsewhere within both the locality and the City.
- 22. The intention to appropriate is required to be advertised in a local paper for 2 consecutive weeks followed by a reasonable consultation period. A consultation period of 21 days from the publication date of the last advertisement will be provided. Any objections received during this period along must be considered before the decision as to whether to appropriate can be taken.

Other Legal Implications:

- 23. Planning consent will be required to change the car park and Latimer Street in Queen’s Park to Open Space. This planning application will also be used to stop up the highway designation of Latimer Street and the adopted footpath in Queen’s Park using the powers in S.247 and S.257 Town and Country Planning Act 1990 respectively.

POLICY FRAMEWORK IMPLICATIONS:

- 24. The *Platform for Prosperity* scheme is consistent with the Council’s policy framework. The scheme has been safeguarded in the Local Development Plan and identified as a priority within the Local Transport Plan.

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KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	Bargate.
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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices:

1.	Plan 11ALMO19032
2.	Plan 11ALMO19032 REV B

Documents In Members' Rooms:

1.	Council/Cabinet Report – 11 th /17 July 2012
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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Other Background Documents

Equality 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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