

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	ACQUISITION OF LAND – PAN HANDLE CAR PARK, EASTERN DOCK
<b>DATE OF DECISION:</b>	29 JANUARY 2013
<b>REPORT OF:</b>	CABINET MEMBER FOR RESOURCES
<b>STATEMENT OF CONFIDENTIALITY:</b>	
Appendix 1 is not for publication by virtue of category 3 (financial and business affairs) of paragraph 10.4 of the Access to Information procedure Rules as contained in the Constitution. It is not in the public interest to disclose this information because it comprises financial information that if made public would prejudice the Council's ability to operate in a commercial environment.	

**BRIEF SUMMARY:**

This report summarises why it is necessary to acquire land within the Eastern Dock to deliver a new public park and the estimated cost of the acquisition. The report seeks approval to delegate authority to Senior Manager Property Procurement and Contract Management to approve the final detailed terms of purchase.

**RECOMMENDATIONS:**

- (i) To approve the purchase of the freehold interest of the Pan Handle Car Park and part of the Triangle Car Park Platform Road and to delegate authority to the Senior Manager Property, Procurement and Contract Management, to agree the final terms and conditions of purchase.
- (ii) To delegate authority to the Senior Manager Property, Procurement and Contract Management in consultation with the Director of Environment and Economic Development to do anything necessary to give effect to the recommendations in this report.
- (iii) To note the level of expenditure of the purchase and associated costs of purchase. The total expenditure will be funded from the Regional Growth Fund (RGF) grant funding from Department of Business Innovation and Skills (BIS), which has been subject to previous approvals.

**REASONS FOR REPORT RECOMMENDATIONS:**

1. To enable the construction of the *Platform for Prosperity* road scheme in providing replacement parkland following the development of Vokes Memorial Gardens as carriageway.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:**

2. Do not purchase the property – rejected. The City Council has gained public support to the scheme based upon a statement of intent that there is not a net loss of public open space following development of Vokes Memorial Gardens. This support will be lost if the parkland is not replaced.
3. Reduce the scheme to within the existing highway boundary removing the need to replace the park land. This has been rejected as this would not deliver the level of capacity enhancement required to serve peak demands in Port activity, which is a key objective of the road scheme.

#### **DETAIL (Including consultation carried out):**

4. On 14<sup>th</sup> March 2012, the City Council approved the acceptance of Regional Growth Fund grant funding of £5.595 million from the Department of Business Innovation and Skills, for the *Platform for Prosperity* road scheme and added this funding to the Environment and Transport Capital Programme, alongside the City Council's £1.255 million Local Transport Plan grant funding contribution to the scheme.
5. On 11<sup>th</sup> July 2012, Council approved the overall expenditure of £6.850 million for the *Platform for Prosperity* capital road scheme.
6. Cabinet on 17<sup>th</sup> July 2012 approved the design and other procedural matters to enable the project to progress.
7. On 6<sup>th</sup> December 2012, the City Council was formally offered an additional £5.3 million of Regional Growth Fund grant funding by the Department for Business and Skills (BIS). This will primarily support expansion of the scheme to deliver a comprehensive improvement along Town Quay between the High Street junction and the De Vere Roundabout.
8. The *Platform for Prosperity* scheme will implement a new dual carriageway route along a widened alignment of Platform Road from the Town Quay/High Street junction through to Canute Road and Terminus Terrace. This will allow the existing gyratory system around the western and northern sides of Queen's Park to be downgraded to a local access route and the eastern section of Queen's Terrace to be closed as a through route.
9. To deliver a wider dual carriageway along Platform Road, the existing carriageway will be widened on the southern boundary developing the area known as Vokes Memorial Gardens, an open area of parkland (Public Open Space).
10. As an area of Public Open Space, the Gardens have been subject to statutory advertising procedures, to enable its redevelopment for the road scheme. Whilst the City Council is not under any legal or planning obligation to replace this area of parkland, the early consultation with open space groups in the City highlighted support for the scheme would be greater if the parkland were replaced causing no net loss to the City's Open Space.
11. The City Council is committed to ensuring that there is not a net loss of Open Space as a result of this project and has consulted the public on the basis that the parkland will be re-provided as part of the scheme, thus gaining the support of the public generally.
12. The Council has identified an area of land adjacent to the Port of Southampton Eastern Docks that neighbours the existing Vokes Memorial Gardens, to provide an equivalent area of land to replace the area to be lost. The Pan Handle Car Park is currently an operational car park for Port business within the ownership of Associated British Ports (ABP) a partner in the Road Scheme, who will be making a minimum commitment of £1 million towards the *Platform for Prosperity* scheme.
13. The Pan Handle Car Park is used by a variety of parties, the majority being businesses which operate within the Port. The residents of Admiralty House (which is located within close proximity of the Vokes Memorial Gardens and

the Port) also have the ability to park by purchasing an annual licence. There are currently two residents benefitting from this facility. There are a total of 116 spaces within the car park, of which a total of 99 are let.

14. The majority of parties which currently purchase an annual licence will be relocated by ABP to another car park within the Port – the Triangle car park. The users of the car park will not be disadvantaged by the loss of the car park for the replacement parkland.
15. Detailed terms of the purchase have been negotiated with ABP, as set out in confidential appendix 1. The estimated cost of the purchase is also detailed in appendix 1.
16. The purchase will be on a conditional contract basis, ensuring acquisition is made when a number of matters relating to the road scheme are completed; more particularly planning consent for a change of use of the Pan Handle Car Park to parkland has been secured.
17. External consultation has been conducted comprising four elements:- a leaflet, three day exhibition and a site walk-over with Open Space groups and Societies and an interactive webpage.
18. Consultation was undertaken with the Open Space groups and societies, (SCAPPS, City of Southampton, and The Open Space Society) in February 2012; including a site walk-over to discuss in outline terms the design and the proposals for the loss of Vokes Memorial Gardens for road widening. During this initial consultation, the loss of the park and lack of replacement was identified as a risk to the project gaining the wider public support needed to progress the project.
19. At the end of May 2012 a three day public exhibition was held, inviting comments and feed back regarding the overall project and the road design, including the replacement parkland. Eighty three people attended the open days. A leaflet was produced for the exhibition which was also published on the website, highlighting the location for the replacement park land.
20. Internal consultation has taken place with Platform for Prosperity Project Board, Finance, Legal and the Parks and Open Spaces teams, regarding the need to provide replacement parkland and the cost associated with this acquisition.
21. The Council's intended replacement has resulted in no objections being received to the Open Space advertisements for the proposals to redevelopment Vokes Memorial Gardens for carriageway widening.
22. The purchase of the land is therefore key to continuing with the scheme as promoted.
23. The purchase was originally to be on a nil consideration basis, forming part of the ABP's contribution to the scheme and a purchase on this basis was approved at Cabinet on 16 October 2012.
24. Since the original bid to BIS and the initial design concept the Platform for Prosperity Scheme has evolved. The original intention was to deliver the dualling of Platform Road and for ABP to undertake some enhancement works to Dock Gate 4 only. This has been superseded; the final approved

design for the scheme is for the construction of a new Dock Gate 5 to form an exit from the Port in addition to some now minor enhancements at Dock Gate 4, which will become an entrance point only. The formation of an exit requires the construction of a new internal link Port road to connect the Dock Gate 5 exit to the existing Port road network. All works within the Port are being funded and undertaken by ABP. The overall benefit of a single entrance and single exit from Platform Road provides significant enhanced traffic management benefits, particularly at peak periods, and affectively manages 95% of abnormal loads which enter and exit the Port.

25. The expansion of the design and the need for the construction of an internal Port road has resulted in a considerable variance in the cost profile of the Port works, which will substantially exceed the contribution envelope to be made by ABP. The consequence of this variance in the ABP cost profile necessitates the land to be purchased at the figure detailed in the confidential appendix 1, in order to address the Ports spend profile on the scheme.
26. The purchase of the car park is at market value.

#### **RESOURCE IMPLICATIONS:**

##### **Capital/Revenue:**

27. On 11<sup>th</sup> July 2012, Council approved the overall expenditure of £6.850 million for the *Platform for Prosperity* capital road scheme. This will be funded by Regional Growth Fund grant funding of £5.595 million from the Department of Business Innovation and Skills, and £1.255 million from the Council's Local Transport Plan grant funding.
28. The capital expenditure to be incurred on the acquisition of the Pan Handle Car Park is set out in the confidential appendix 1.
29. There are additional costs and charges including professional fees and stamp duty land tax, which are also set out in the confidential appendix 1. The total expenditure for the acquisition of the land will be funded from within the approved project funds as set out in paragraph 27.
30. The Council will opt to tax the land prior to purchase.

##### **Property/Other:**

31. The acquisition has not been identified in the Asset Management Plan. The proposed acquisition will support a long standing road improvement proposal, which was originally conceived in the mid 1990s as part of the Port of Southampton Western Approach scheme.

#### **LEGAL IMPLICATIONS:**

##### **Statutory power to undertake proposals in the report:**

32. The Council has the power to acquire land by agreement for the purpose of any of its functions or for the benefit, improvement or development of the area. The purchase will be made by virtue of S120 Local Government Act 1972.

**Other Legal Implications:**

33. The majority of the land will be replacement park land, a small section will be required for the construction of Dock Gate 5 and footway improvements. The land to be used for parkland will be appropriated to Public Open Space holding powers under Public Health Acts in order to provide the parkland with the statutory protection afforded to Public Open Space, following the highway improvements.

**POLICY FRAMEWORK IMPLICATIONS:**

34. The “Platform to Prosperity” scheme is consistent with the Council’s Local Planning policy framework and Local Transport Plan (LTP3). 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?** Yes

<b>WARDS/COMMUNITIES AFFECTED:</b>	Bargate
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**SUPPORTING DOCUMENTATION**

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

**Appendices:**

1.	Confidential – Terms of Acquisition and Estimated Costs.
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**Documents In Members' Rooms:**

1.	Council Report – 14 <sup>th</sup> March 2012
2.	Council/Cabinet Report 11/17 <sup>th</sup> July 2012
3.	Public Consultation Leaflet

**Integrated Impact Assessment**

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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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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