

DECISION-MAKER:	CABINET		
SUBJECT:	PLATFORM FOR PROSPERITY – MAYFLOWER PARK DISPOSAL OF PART OF PUBLIC OPEN SPACE.		
DATE OF DECISION:	17 SEPTEMBER 2013		
REPORT OF:	CABINET MEMBER OF RESOURCES		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

Appendix 1 is not for publication by virtue of category 3 (financial and business affairs) of paragraph 10.4 of the Access to Information procedure Rules as contained in the Constitution.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

There are two small sections of land within Mayflower Park required for the construction of the Platform for Prosperity Road scheme. Both sections of land are Public Open Space. One small slither of land on the parks northern boundary requires appropriation to a suitable holding power, the other small area on the parks south eastern boundary requires disposal consent as set out in the report. These two small areas are shown hatched red in the plan attached at Appendix 2. As Public Open Space these proposals are required to be advertised and any objections received need to be considered. This report summarises why it is necessary to utilise these sections of land for the road scheme and the need to advertise the appropriation and disposal of Public Open Space at Mayflower Park and sets out there will be no net loss with replacement land to be provided in the form of a new amenity space fronting Royal Pier Gatehouse. The report also seeks approval to Delegate Authority to determine the extent of the land to be advertised and to determine any objections received in response to the advertisements.

RECOMMENDATIONS:

- (i) To delegate authority to the Interim Director of Environment & Economy following consultation with the Platform Road Client Manager to determine the form and extent of the two areas of Mayflower Park required within the final design for the formation of a footway on Town Quay and a new Dock Gate 7 access road.
- (ii) To authorise the Head of Legal HR & Democratic Services to advertise the proposed appropriation and the proposed disposal of part of land at Mayflower Park for two consecutive weeks in a local newspaper circulating in the locality.

- (iii) To delegate Authority to the Interim Director of Environment & Economy following consultation with the Cabinet Member for Environment & Transport to determine any objections received from the adverts and to make a final decision as to whether or not to approve the appropriation and the disposal and 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. The City Council has secured additional Regional Growth funding enabling an expansion of the scope of the project. The road scheme now includes the dualling (conversion to dual carriageway) of Town Quay in both directions between the High Street junction to the De Vere Roundabout. The detailed design has highlighted the need to provide a footway on the south side and this can only be achieved by utilising a very small slither of Mayflower Park, with a proportion of the existing footway being developed for the wider carriageway. In addition following a review of vehicle movements to and from Dock Gate 7 (Red Funnel berth) the existing access to the Dock Gate requires redesigning to address conflicts between pedestrians and vehicle movements and to improve traffic flows into the Dock Gate. This requires the development of a section of Mayflower Park to form a new access road, which will be subsequently disposed of to ABP as part of the Port Estate. As the sections of land are public open space, it's proposed the appropriation and disposal are 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 and reduced benefits from the highways improvements being carried out in the area for the public benefit.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. Continue with road layout and access arrangements into Dock Gate 7 – Rejected as the pinch points on Town Quay can not be removed other than by widening the carriageway.
4. Widen the carriageway by utilising land on the north side – Rejected the buildings on the north side of Town Quay are all subject to varying forms of Heritage protection, either being Listed or Scheduled Ancient Monuments. A sufficient land take would have a detrimental impact which would not be acceptable and receive the appropriate approvals.

DETAIL (Including consultation carried out)

5. The City Council has secured £10.9 million Regional Growth Funding for the Platform to Prosperity road improvement scheme.
6. The second phase of works on Town Quay is currently in outline design stage, with fine detailing to be agreed. The overall design however is agreed, which will provide for a new access into Dock Gate 7 and access to Red Funnel, which will loop around the Royal Pier Gatehouse building.
7. The exact areas of parkland are still to be determined. The Council's

designers are reviewing traffic and pedestrian movements in order to finalise the design. The design team have indicated the area of land will be approximately the area indicated hatched red in the plan attached at Appendix 2. The final design will be presented to the Platform Road Client Manager for approval.

8. The small slither within the children's play area is required to contribute to the delivery of the new footway (pavement) following the widening of the carriageway. This area will be appropriated to holding powers for the construction of the footway and for the purposes of being public highway following construction.
9. The section of land within the park on the park's south eastern boundary is required to contribute to the new access road which will wrap around the Royal Pier Gatehouse building. This section of land will be subsequently sold to ABP, as it will form part of their Port Estate, being access into Dock Gate 7.
10. The total loss of public open space from development of both sections of land will be addressed through a ratio of 1:1 replacement. A section of land is to be acquired shown hatched green in Appendix 2, (which is subject to another Cabinet Report) from ABP. This land is currently the main access route into Dock Gate 7. This will become redundant with the new access route in place. The land will be acquired as replacement open space, simultaneously as the disposal of the new access road. The site will be landscaped to form a new publically accessible amenity space, which will enhance the setting for the Royal Pier Gatehouse building and the Dock Gate 7 entrance. There will be no net loss of open space overall.
11. On 14th January and 23rd April 2013 – on site pre-statutory consultation meetings were held with the Open Space groups & societies, (SCAPPS, City of Southampton, & The Open Space Society), including a site walk over to discuss in outline terms the outline design and the proposals for the small partial loss within Mayflower Park and its replacement. The consultation meeting was followed by an exchange of correspondence with the groups as broad principle designs were developed.
- 12.. On 29th January 2013, an on site pre statutory consultation meeting was held with the Friends of Town Quay group discuss in outline terms the outline design and the proposals for the small partial loss within Mayflower Park and its replacement.
13. A number of other stakeholders have also been consulted on a one to one basis, including Red Funnel, Kuti's Thai Royal Pier Place operator, English Heritage, Parks and Open Spaces team, Planning Officers and Southampton International Boat Show.
14. On the 17th & 18th July 2013 a two day public exhibition was held, inviting comments and feed back regarding the project and the design. A total of 56 people attended. Overall there were positive comments regarding the proposals to the road layout and changes to the Dock Gate 7 access. Only two people registered negative feed back concerning the proposals. The businesses and residents directly affected by the Scheme were invited by letter to the exhibition and a Notice board was erected in Mayflower Park inviting users of the park and children's play area to attend.

15. Any objections received following the advertising of a proposed appropriation and disposal are usually reported to Cabinet for consideration and a final decision on whether to proceed. It is considered that in the interests of the scheme the authority to consider any objections and the determination of the appropriation and disposal are to be delegated to the interim Director of Environment and Economy following consultation with the Cabinet Member for Environment & Transport. A report back to Cabinet will, as a result of the timetabling of Cabinet meetings delay a final approved design to be presented to the highway construction contractor for implementation, which will delay the delivery programme for the scheme and therefore jeopardise securing the RGF funding.

RESOURCE IMPLICATIONS

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
19. The disposal of the land to ABP is on terms set out in appendix 1.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

20. It is proposed to appropriate a small slither of the land within Mayflower Park to Section 232 of the Town & Country Planning Act 1990 to enable redevelopment for highway purposes.
21. 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 that due consideration is given to any objections received following statutory press advertising of the intention to appropriate.
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 30 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.
23. It is further proposed to dispose of a section of land within Mayflower Park, for redevelopment, in order to form a new vehicular access into Dock Gate 7.
24. The disposal of open space land is authorised by virtue of S123 (2A) Local Government Act 1972, provided the land consisting or forming part of an open space is subject to notice of the Councils intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and

consideration of any objections to the proposed disposal which may be made to the Council.

Other Legal Implications:

- 25. Planning consent will be required to implement the design and an application will be made shortly.
- 26. The overall Scheme design will comply with all relevant legislative requirements including having regard to the requirements of the Equalities Act 2010 and s.17 Crime & Disorder Act 1998.

POLICY FRAMEWORK IMPLICATIONS

- 27. 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

KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED:	Bargate
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SUPPORTING DOCUMENTATION

Appendices

1.	Terms of Disposal to ABP (Confidential)
2.	Plan indicating draft design highlighting areas to be subject to procedures.

Documents In Members’ Rooms

1.	None
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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