

DECISION-MAKER:	CABINET		
SUBJECT:	MAYFLOWER PARK – SPITFIRE MEMORIAL DISPOSAL OF PUBLIC OPEN SPACE		
DATE OF DECISION:	21 APRIL 2015		
REPORT OF:	LEADER OF THE COUNCIL		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
<p>Southampton City Council has been working with the National Spitfire Project a registered charity to provide a memorial for the City to celebrate the world wide importance of the Spitfire engineering and commemorate the human sacrifice of all those involved in the construction and flying of the Spitfire. It is proposed to erect a memorial of a Spitfire in flight in Mayflower Park. The design has secured planning approval, and the Charity now need to progress with fund raising to bring about the installation. Its location within Mayflower Park has been chosen to integrate with the Royal Pier development proposals. The Council propose to grant the Charity a long lease (150 years) for the site of the memorial. Mayflower Park is Public Open Space and the Council is required to advertise its intentions to dispose of land and seek and consider any representation made following the advertisements.</p>			
RECOMMENDATIONS:			
	(i)	To delegate authority to the Director, Place following consultation with the Head of Economic Development and Housing renewal to determine the form and extent of the area of Mayflower Park required within the final location for the formation of the installation.	
	(ii)	To authorise the Head of Legal and Democratic Services to advertise the proposed disposal of part of Mayflower Park for two consecutive weeks in a local newspaper circulating in the locality.	
	(iii)	To delegate Authority to Director of Place following consultation with the Cabinet Member for Resources and Leisure to determine any objections received from the adverts and to make a final decision as to whether or not to approve the disposal in light of any such objections.	
	(iv)	To approve the terms of the disposal as set out within the report and to delegate authority to the Head of Economic Development and Housing Renewal to agree final terms with the National Spitfire Project.	

	(v)	To approve the acquisition of a small section of Crown Estate land (seabed), which will be subject to the overhang of the memorial and to delegate authority to Head of Economic Development and Housing Renewal to agree final terms for the acquisition.
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REASONS FOR REPORT RECOMMENDATIONS

1.	The National Spitfire Project have secured Full Planning Consent for the installation of a Spitfire Memorial. The planning consent is for the installation to be erected within Mayflower Park on the Solent edge of the park with a small proportion of the structure overhanging the waterfront. The design is shown in Appendix 1.
2.	The Council recognises that the National Spitfire Project requires certainty over the siting of the installation in advance of commencing fund raising. This report enables the council to progress with agreeing the final location of the memorial, advertising the disposal and agreeing terms. These actions will provide the Charity the certainty required to fund raise.
3.	The design provides for an overhang over the water which is within the ownership of the Crown Estate. The acquisition enables the council to grant a single lease over the land upon which the memorial will be sited including the overhang, this removes the necessity for two leases to be granted for this single installation.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4.	Refuse the Charity's request to install the Memorial within the grounds of Mayflower Park, this has been rejected as the Park is seen as a highly suitable location in relation to the Royal Pier development and in improving access to the waterfront whilst enhancing the parks overall appeal.
5.	Delay the matter until Royal Pier has progressed for the installation of the memorial. This has been rejected as the Charity need sufficient time to secure funding for the construction and installation of the Memorial and to be certain the project has the necessary consents and approvals in place for its location.

DETAIL (Including consultation carried out)

6.	Southampton is integral to the story of the Spitfire. The prototype Spitfire first flew from Southampton airport and production of the earliest models were based at the Supermarine factory in Woolston. This was bombed in the second world war with great loss of life to local workers. Production continued in and around Southampton dispersed in locations as varied as bus garages and laundrettes. The bravery of Southampton people in continuing to build the Spitfire under constant threat of enemy bombing raids was crucial in the protection of England, and the Allie's eventual victory.
7.	At this time the Spitfire possibly touched the lives of almost every family in Southampton. The difficulties in building the Spitfire in this way cannot be underestimated when one considers the fact that this was done during the height of the Blitz and very often by unskilled labour. A large part of the workforce were women and young men, as most eligible men were out fighting for their country. The Spitfire was to remain in production throughout the entire War and eventually over 22,000 of the aircraft were built.

8.	<p>For a number of years work has been on-going to find a suitable site to install a fitting memorial to the Spitfire within the City. It is of particular importance that the Memorial should be located within a suitable environment which provides the maximum opportunity for viewing that is freely accessible to the public and visitors to the City and is in essence a national landmark.</p> <p>Mayflower Park is seen as such a location, providing an appropriate setting for the Memorial, enhancing the waterfront and the park's overall amenity, the location is shown in the documentation in Appendix 1. Plans for the Royal Pier Waterfront project include ambitious plans to reshape Mayflower Park. The siting the Memorial within this new high quality environment will enhance the waterfront access particularly with the overhang which will provide a viewing platform and provide a spectacular setting for this important memorial.</p>
9.	<p>The National Spitfire Charity has secured full planning consent for the installation in this location. A large proportion of the Memorial will be within the Park with a small proportion over hanging the water. The water over-hang (seabed) is within ownership of Crown Estate.</p>
10.	<p>Mayflower Park is a public park and is public open space within the meaning of the Local Government Act 1972. A disposal of public open space (lease greater than 7 years) needs to be advertised for two consecutive weeks in a newspaper in the locality. A granting of a lease for 150 years to the Memorial Trust will require the advertising procedure to be undertaken and any objections being formally considered before any final decision whether or not to approve the disposal is made.</p>
11.	<p>The installation of the Memorial has been subject to the full planning application procedures which has included public consultation this showed that the project is widely supported by the public. There now needs to be direct consultation relating to the loss of public open space. There will include a programme of consultation with the key stakeholders and the Open Spaces Societies and Groups prior to advertisement.</p>
12.	<p>In order to facilitate the project, the Crown Estate has offered to sell off the area of seabed (land) over which the memorial will over hang to the City Council at a nominal cost, in order to make the matter more manageable in terms of lease arrangements. The intention being the City Council will acquire the land prior to the granting of a 150 years lease to the Charity. The basic terms are set out in Appendix 3.</p>
13.	<p>The project will also require the approval of Associated British Ports (ABP), as the Memorial will be located upon the revetment wall which retains Mayflower Park. ABP are responsible for the repair and maintenance of the revetment wall. The Memorial will rest upon the wall and pile into it for structural stability and will place load upon the wall. ABP's consent will be secured during the project programme</p>
14.	<p>The installation of the Memorial will be undertaken in tandem with the reclamation of the waterfront to form the new Park as part of the Royal Pier Development to ensure the installation can be co-ordinated with the wider park improvements. There is a project team for the installation of the Memorial, which will manage the installation.</p>
15.	<p>Whilst the location of the Memorial is known by reference to the planning application the actual area of land to be leased is still to be determined given</p>

	any requirements for repair and maintenance. The area to be leased to the Trust will be determined once the full implications of the structural maintenance liabilities are known. The lease area will then be determined and the disposal will be advertised accordingly.
16.	The Charity will be liable for the full repair and maintenance of the Memorial. The terms of the 150 year lease are set out in Appendix 2.
17.	The base plinth of the memorial will be publically accessible providing public access out over the water. Discussions are also on-going about how the memorial can be positively and sensitively used as part of the Southampton International Boat Show.

RESOURCE IMPLICATIONS

Capital/Revenue

18.	Capital Implications: There are no capital implications identified for the cost of construction as installation of the memorial is being met fully by the National Spitfire Charity.
19.	There is a small amount of expenditure (£150) for the acquisition of the seabed from the Crown Estate, which will be met from existing budgets.
20.	Revenue Implications: There are no revenue implications as the letting will not generate a rental income and repair and maintenance will be with the National Spitfire Charity.
21.	The Charity will be required to repair and maintain the Memorial for the duration of the 150 year lease. In this regard there is an expectation the Charity provide for a sinking fund or similar and suitable contractual arrangements to deliver day to day repair and maintenance to address any minimal repairs and cleaning and to provide a Preventative Programme of Maintenance for a structure of this nature and design. The Charity will need to address these requirements as part of their fund raising and demonstrate to the Council that these arrangements are in place to safeguard against future liabilities. This will be a condition of the Agreement to Lease, as a condition which will need to be met to trigger the granting of the lease.

Property/Other

22.	The project is to work in tandem with the Royal Pier developers and engineers to deliver the Memorial in conjunction with the reclamation works.
23.	The Charity will be granted a 150 year full repairing and insuring lease upon completion of the works. Prior to the granting of the lease the Council will enter into an Agreement to Lease to provide the Charity with certainty and to set terms and conditions for the grant of the lease. There will be a requirement to deliver the project within ten years.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

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 to the Council.
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25.	The granting of the lease to the Trust will be in accordance with s123 Local Government Act 1972.
26.	The acquisition of the Crown Estate land will be in accordance with S120 Local Government Act 1972.
<u>Other Legal Implications:</u>	
27.	The installation will require the consent of the Royal Pier Developer and this will managed through the Conditional Landowner Development agreement.
28.	The installation will require the approval of Associated British Ports this will be secured through the Project team.
POLICY FRAMEWORK IMPLICATIONS	
29.	The installation accords with the City Council's Master Plan for the City Centre, in increasing access to the waterfront and enhancing Mayflower Park and the Royal Pier development.
KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	Bargate
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Planning application designs.
2.	Terms for 150 year lease
3.	Terms for the acquisition of seabed.
Documents In Members' Rooms	
1.	None.
Equality Impact Assessment	
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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