

DECISION-MAKER:	CABINET
SUBJECT:	ACQUISITION OF LAND – PAN HANDLE CAR PARK, EASTERN DOCK
DATE OF DECISION:	16 OCTOBER 2012
REPORT OF:	CABINET MEMBER FOR RESOURCES
STATEMENT OF CONFIDENTIALITY:	
Appendix 2 is not for publication by virtue of category 3 (financial and business affairs) of paragraph 10.4 of the Access to Information procedure Rules as contained in the Constitution.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 the Senior Manager, Property Procurement and Contract Management to approve the final detailed terms of purchase.

RECOMMENDATIONS:

Having complied with Rule 15 of the Council's Access to Information Procedure Rules:

- (i) To approve the purchase of the freehold interest of the land identified in Appendix 1 – Plan 11ALM19039 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 to do anything necessary to give effect to the recommendations in this report.
- (iii) To note the level of expenditure of the purchase, which has been previously approved by Cabinet as part of the *Platform to Prosperity* Capital expenditure programme.

REASONS FOR REPORT RECOMMENDATIONS:

1. This report is presented as a general exception item in accordance with Rule 15 of the Access to Information Procedure Rules of Part 4 of the Council's Constitution. Amendments to the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012 require 28 days notice to be given prior to determining all Key Decisions. This new requirement was published by Government mid August and comes into effect on 10th September 2012. Whilst the report did have the required 28 days notice, the new requirement to indicate potential elements of confidentiality was not complied with as it notification of the decision was published on the 17th August 2012.
2. To enable the construction of the *Platform to Prosperity* road scheme in providing replacement park land following the development of Vokes Memorial Gardens as carriageway.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

3. 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.
4. Reduce the scheme to within the existing highway boundary removing the need to replace the parkland. 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):

5. On 14th 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 to Prosperity* road scheme.
6. On 11th July 2012, Council approved the expenditure of £6.850 million for the *Platform for Prosperity* capital road scheme.
7. Cabinet on 17th July 2012 approved the design and other procedural matters to enable the project to progress.
8. The *Platform to 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 an 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 within the Port of Southampton Eastern dock, that neighbours the existing Vokes Memorial Gardens, to provide an equivalent area of land to replace the area to be lost. The land is the Pan Handle car park and is identified on the plan at Appendix 1. It 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 commitment of £1 million towards the *Platform to 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 No116 spaces within the car park, of which a total of 99 are let.
14. All 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 2. The estimated cost of the purchase is also detailed in Appendix 2.
16. The purchase will 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.
17. External Consultation has been conducted comprising four elements, a leaflet, 3 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. 83 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 to 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 Councils 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.

RESOURCE IMPLICATIONS:

Capital/Revenue:

23. 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.

- 24. The capital expenditure is set out in the confidential Appendix 2.
- 25. There are additional costs and charges including professional fees, stamp duty land tax, which are set out in the confidential Appendix 2, all items of expenditure for the acquisition of the land will be funded from within these project funds.

Property/Other:

- 26. The land will be subject to restrictive covenants, prohibiting the City Council using the land for no other use than parkland and prohibiting use for commercial purposes.
- 27. 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:

- 28. 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 s.9 Open Spaces Act 1906 1972.

Other Legal Implications:

- 29. None.

POLICY FRAMEWORK IMPLICATIONS:

- 30. 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

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 11ALMO19039
2.	Confidential – Terms of Acquisition and Estimated Costs.

Documents In Members' Rooms:

1.	Council Report – 14 th March 2012 http://www.southampton.gov.uk/modernGov/documents/s8122/Platform%20to%20Prosperity%20-%20RPT.pdf
2.	Council/Cabinet Report 11/17 th July 2012 http://www.southampton.gov.uk/modernGov/documents/s12357/Platform%20Road%20-%20RPT.pdf
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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