

WAVERLEY BOROUGH COUNCIL

EXECUTIVE - 3 JULY 2012

Title:

WEYHILL CAR PARK, HASLEMERE

[Portfolio Holder: Cllr Carole King]

[Wards Affected: Haslemere Critchmere & Shottermill]

Summary and purpose:

To provide an update on proposals to refurbish and introduce charging at Weyhill Car Park, Haslemere, and to seek authority to proceed with the submission of an application for Common Land Consent under Section 38 of the Commons Act 2006.

How this report relates to the Council's Corporate Priorities:

This report relates to the Council's **Value For Money** priority as the proposed project will contribute towards the achievement of a balanced budget in future years; it also relates to the **Understanding People's Needs** priority, as a fresh consent for works ensures that the Council is demonstrating a high level of transparency and seeks to improve parking provision within Haslemere.

Equality and Diversity Implications:

Unlike the current car park, the refurbished car park will make appropriate provision for disabled parking in line with other WBC-operated car parks.

Environment and Climate Change Implications:

The design brief for the refurbished car park will include a requirement to incorporate carbon efficient lighting and recycled surfacing materials.

Resource/Value for Money Implications:

Currently, there is a capital sum of £342,000 in the current year's capital programme for the implementation of this project, with an indicative ongoing income stream tentatively included in the parking services revenue budget from 2013/14 onwards.

Legal Implications:

Legal implications are covered in the main body of the report.

Background

1. A capital sum was allocated for 2012/13 to enable the refurbishment, and subsequent introduction of charging at Weyhill Car Park, Haslemere.
2. Given that the site is a registered Common, any such works are subject to the Council obtaining appropriate Secretary of State consent, and consent for a scheme to formalise parking arrangements, and introduce charging on site, was initially obtained in 1994 under (now repealed) Section 194 of the Law of Property Act 1925. The Borough Solicitor has advised that this consent remains extant.
3. Following the announcement that there would be significant gas works taking place in Haslemere throughout the summer of 2012, and being mindful of the disruption to on-street parking and traffic flow that this is likely to cause, a decision was made to defer the project until April 2013.
4. In the ensuing period, officers have sought further legal advice regarding the scheme. As a consequence it is now felt that, given that the 1925 Act has been repealed and the issue of common land consent is now covered under Section 38 the Commons Act 2006, and given that the currently-proposed scheme is of a slightly different nature (albeit a less engineered solution) than the original scheme, it would be appropriate to make an application to the Planning Inspectorate for consent under the 2006 Act.
5. In doing so it is felt that the Council would allow up-to-date representations to be made on the revised proposals and would have a fresh view, under current legislation, of the latest version of the scheme.

The Application Process

6. The process for submitting a new application under Section 38 of the Commons Act 2006 is summarised below:
 - Applicants are advised to carry out extensive consultation BEFORE submitting an application (including with the Town Council, the Open Spaces Society, local residents, etc.).
 - A view should be sought from Natural England as to whether an Environmental Impact Assessment is necessary.
 - A Section 38 application should be prepared and submitted to the Planning Inspectorate.
 - Concurrently with the above, notices regarding the proposal should be prepared and placed at the main entry points to the site, and in the local paper, and copies sent to 'key stakeholders' (the application form sets out a definitive list, including Natural England, English Heritage, Open Spaces Society, Town Council, etc.).
 - 28 days are then allowed from posting the notices for responses.
 - The Planning Inspectorate will manage an exchange of correspondence between the Council and respondents and ask the Council to address any

objections. The exchange rarely continues beyond a second exchange of letters from any respondent.

- The Planning Inspectorate will advise as soon as possible whether they can make a decision based solely on written evidence, or whether an inquiry, hearing or site visit is required.
7. The length of time the application takes inevitably depends on the nature and extent of the works, the quality of information provided and the procedure followed (i.e., whether an inquiry, site visit or hearing is deemed necessary). Indicative timeframes though are:
- 3 months if no objections are received
 - 5 months if an exchange of letters is necessary
 - 7 months if a site visit is necessary
 - 8 months for a public enquiry or hearing
 - 'much longer' in more complex inquiry cases
8. By way of comparison, in the lead-up to obtaining consent in 1994, the Council placed notices in the Surrey Advertiser and Haslemere Herald in October 1993, together with appropriate site notices, and consent was obtained in November 1994. It is unclear from the wording of the consent whether an inquiry was held, but at the very least the application process involved a lengthy exchange of correspondence between the Council and 42 objectors – hence the length of time between the notices being published and consent being obtained.

Conclusion

9. Whilst it is felt that the existing common land consent for the scheme is sufficient to enable the Council to proceed with the project, it is considered appropriate, given the fact that the original legislation has been repealed, and given that the precise nature of the project has changed, to seek a new consent under current legislation.

Recommendation

It is recommended that the Executive authorises the preparation and submission of a fresh application for common land consent for the refurbishment of Weyhill Car Park under Section 38 of the Commons Act 2006.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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