

WAVERLEY BOROUGH COUNCIL
EXECUTIVE- 28 JANUARY 2013
EXECUTIVE – 5 FEBRUARY 2013

Title:

**PROPOSED REFURBISHMENT OF WEYHILL (FAIRGROUND) CAR PARK,
HASLEMERE- RESULTS OF INFORMAL CONSULTATION**

[Portfolio Holder: Cllr Carole King]

[Wards Affected: Haslemere Critchmere & Shottermill]

Summary and purpose:

This report sets out the findings of the recent informal consultation exercise which was carried out to help inform the proposed application to the Secretary of State for common land consent to refurbish Wey Hill (fairground) Car Park, Haslemere.

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 has the potential to 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 that will improve the parking provision within Haslemere ensures that the Council is obtaining up-to-date representations on the proposals, demonstrating a high level of transparency.

Equality and Diversity Implications:

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

Environment and Climate Change Implications:

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

Financial Implications:

The estimated capital cost of this project is £342,000, with an indicative ongoing income stream of £100,000pa. The capital sum was originally included in the current year's capital programme for the implementation of this project, but this has now been deferred to future years. The scheme is now tentatively scheduled to commence in the financial year 2014-15.

Legal Implications:

The 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. Consent for a scheme to formalise parking arrangements, and introduce charging on site, was obtained in 1994 under Section 194 of the Law of Property Act 1925.
3. However, given that the 1925 Act has been repealed and the issue of common land consent is now covered under Section 38 the Commons Act 2006, and given that the currently-proposed scheme is of a slightly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 was decided that it would be appropriate to make an application to the Planning Inspectorate for consent under the 2006 Act.
4. In doing this it is felt that the Council would have the benefit of up-to-date representations to be made on the current proposals and would have a Secretary of State's decision, under current legislation, of the scheme.
5. To this end, at its meeting of 3 July 2012, the Executive agreed:

“to authorise 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”
6. As part of the process for submitting a new application under Section 38 of the Commons Act 2006 applicants are advised to carry out extensive consultation before submitting an application (including with the Town Council, the Open Spaces Society, local residents, etc).
7. On Friday 16 October 2012, the Council embarked on a six-week period of informal consultation, placing a notice (a copy of which can be found at [Annexe 1](#)) in the local newspapers, and on-site, and sending a letter to a range of local interested parties.
8. The consultation period closed on Friday 30 November 2012, by which time a total of 64 responses had been received. Taking into account that Haslemere has a population of approximately 15,000, this response rate is equivalent to approximately 0.4% of the population.
9. The comments are set out, alongside an Officers' response to each, in the table at [Annexe 2](#).
10. Given the complex nature of many of the responses it is not easy to provide a clear indication of the number of people in favour of the scheme and those opposed to it; a number of people have expressed conditional support, and others have indicated that they would wish to know more before giving an informed response. Furthermore, many are also in favour of refurbishing the site, but opposed to the introduction of charging (an issue on which the application to the Secretary of State has no bearing). The table below attempts to set out, in broad terms, the range of comments received.

Headline Comments/ representations	Approx. No.
Opposed to charging	31
Opposed to refurbishment	16
In favour of charging for all	14
In favour of charging for commuters only	3
In favour of refurbishment	15
Concerned regarding the cost of the upkeep of landscaping	1
Concerned regarding parking for traders/ local workers	8
Need to provide cheap/ free parking for shoppers	11
Concerned regarding the future of the fairground	3
Concerned about the impact on/ interface with on street parking proposals	29
Concerned about the loss/ continued use of the Saturday amenity tip	4
Need a pedestrian crossing near the car park	1
Need cashless payment systems	2
Local Planning Forum Needs time to develop alternative plans/ WBC should look at alternatives	20
Concerned about reduced capacity from formal layout of car park	7
Concerns about light pollution from any new scheme	1
Concerns about loss of common land/ community uses	5
Concerns about the interface of the scheme with SWT parking plans	6
Feel WBC should be considering a MSCP/ additional parking on site/ elsewhere	15

11. Having carried out informal consultation, the onward process for submitting a new application under Section 38 of the Commons Act 2006 is summarised below:

- A Section 38 application should be prepared and submitted to the Planning Inspectorate.
- Concurrently with this, 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.

12. 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 inquiry or hearing
 - 'much longer' in more complex inquiry cases
13. 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.
14. It is proposed that an application is prepared ready for submission following the 5 February 2013 meeting of the Executive at which the responses to the informal consultation and any observations from Community Overview & Scrutiny Committee will be considered.
15. A draft application form (which is still awaiting input from Surrey County Council's Common Land Team) is attached at Annexe 3 for information and comment.

Recommendation

It is recommended that the Executive notes the outcome of the informal consultation exercise and the observations made by the Community Overview and Scrutiny Committee.

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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[document reference]