

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 6 FEBRUARY 2018

Title:

**WEY HILL CAR PARK- AUTHORITY TO APPLY FOR DE-REGISTRATION OF
COMMON LAND**

**[Portfolio Holders: Cllr Andrew Bolton]
[Wards Affected: All]**

Summary and purpose:

This report seeks authority to submit an application to the Secretary of State to de-register the common land known as Weyhill car park with a view to re-surfacing the car park and implementing charging.

Financial Implications

Capital funding has been requested, as part of the budget-setting process to resurface the car park in the case that this does receive approval.

Risk Management Implications

There is a risk of challenge to the application for de-registration from users of the car park. There is however a growing dissatisfaction within the community regarding commuters from outside of the borough having free use of this car park without contributing to the local economy.

Background

1. The Council agreed, as part of the budget-setting process for 2017/18, to progress a review of the business case to invest in an improved car park facility and introduce charging at the Weyhill car park in Haslemere. This would include resurfacing and redesigning the layout of the car park. This was previously investigated in 2012, but at the time was not pursued by Waverley.
2. The car park surfacing has deteriorated significantly since 2012 and other developments in Haslemere such as the redevelopment and almost doubling of the capacity of the Haslemere Station car park have changed public and Member attitudes toward the free use of this car park. It is therefore considered appropriate to revisit the proposal now.
3. The following steps will now need to be taken:
 - Common Land - an application must be made under s.16A of the Commons Act 2006 to deregister the land in exchange for other land.

- Appropriation - the land must be appropriated into a highways use as a car park.
 - Planning considerations – certificate of lawful use or full planning permission required. Consultation with Planning at an early stage in the project will happen to see whether a full planning application needs to be made. Consideration should also be given to appropriating the land as part of the planning purpose if this is more appropriate.
 - Car Park Charging Scheme – the Waverley Borough Council Off-Street Parking Places Order (2017) includes Wey Hill car park, however, currently there is no identified charging regime here. Therefore, a Notice of Variation to the Parking Place Order will need to be published in order to allow charging on the site.
4. Initial discussions have taken place with Natural England about the proposed application for deregistration and the land swap. Having described the current condition and use of the site they have advised that it sounded as though the key priorities about protecting the ecological and amenity value of common land had already been defeated by the current use and that it sounded as though it was of little amenity value as common land. They also suggested that as this had continued for a significant period of time, there were probably no commoners who could claim rights.
 5. Having discussed the land swap, their advice was this needed to be of at least equivalent size, ecological, amenity and monetary value. Again it was advised that the description of the site suggested it would not be difficult to achieve this. The land also needs to be reasonably close to the current common land we wish to have deregistered. It was stated that the land offered in exchange should be ‘new’ amenity land and should not be publicly accessible at the moment. The land previously identified in 2012 to exchange for Weyhill was an area of open land owned by the Council at Tanner’s Lane. This is however a recreation ground but obviously this is already publicly accessible.
 6. An area of woodland owned by Waverley Borough Council nearby has been identified and is indicated in green on the plan at Annexe 1. This is not currently generally accessible by the public and is on a sloping site. It is of significantly more ecological value than the Weyhill car park site and should form a suitable exchange.
 7. It is therefore proposed that Waverley exchanges these areas of land to allow for re-surfacing of the land currently used for car parking.

Recommendation

It is recommended that authority be delegated to the Head of Environmental Services to progress the submission of an application to the Secretary of State for the de-registration of the common land at Wey Hill.

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