

WAVERLEY BOROUGH COUNCIL

EXECUTIVE - 4 NOVEMBER 2014

Title:

WIGGINS YARD – ENVIRONMENTAL IMPROVEMENT PROJECT

[Portfolio Holder: Cllr Brian Adams]

[Wards Affected: Godalming Central and Ockford]

Summary and purpose:

The purpose of this report is to gain authorisation to spend up to £5,000 of Section 106 funding (from the environmental improvements budget in Godalming) to facilitate the initial design phase of the Wiggins Yard environmental improvement project (to improve the existing cobbled yard).

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

The scheme would contribute towards the environment element of the Corporate Strategy, ensuring that Wiggins Yard is improved both in terms of access (for all) and aesthetically. This will contribute to its status as a heritage feature within the conservation area.

Financial Implications:

There will be costs associated with the scheme as follows:

- Legal costs (up to inquiry): approximately £5,000
- Legal costs of inquiry: not currently known – depends upon complexity and time involved
- Land costs (if CPO granted) – unknown
- Environmental improvement scheme: A smaller scheme approximately 7 years ago was costed at approximately £25,000. This is likely to have increased given the extended size, however funds would be sought from Section 106 money, and also from Godalming Town Council. Godalming Town Councillors are aware that Waverley may approach them for funding to support the scheme, but could not commit to this until full costings are produced.

This report seeks the approval to spend an initial amount of £5,000 from PIC funds to instruct a consultant (surveyor/engineer) to design an appropriate (robust) scheme, cost the scheme and estimate the long-term maintenance costs, put together a specification brief (for tender purposes) and to also put together an implementation programme.

Legal Implications:

In order to undertake the scheme, the land will need to be subject to a CPO (see report below).

Godalming Town Council (who are very supportive of the scheme and had previously sought to implement something similar), have been contacted to see if they would be willing to have the land transferred to them either directly after a confirmed CPO has been executed by the Borough Council, or following implementation of the improvement project. The Town Council's Policy and Management Committee considered a report on 31 July 2014. Whilst broadly supportive of the scheme, Godalming Town Council would wish to have greater detail of the boundary and any existing rights of way/easements over the lane as well as projected long term maintenance costs.

Introduction

1. The Wiggins Yard cobbles have been in a poor state of repair for many years and are deteriorating. They are located within the conservation area and are designated as a heritage feature. Initially identified as a project in 1995, 2005 and then in 2011, it has never been implemented due to financial constraints, land ownership uncertainty and issues surrounding the undertaking of the works. A map and photos are included at Annexe 1.
2. As part of the Godalming Conservation Area Appraisal, the management plan identified this as a key environmental improvement opportunity. Residents and businesses within Wiggins Yard also supported the scheme through the public consultation process. Additionally the matter has been previously raised at Executive with Members expressing a desire to get the project off the ground and implemented. Once completed the project would have wider benefits for those who use the yard as a route from Bridge Street to The Burys.
3. Following various land registry searches and consultation with the residents, businesses and landowners within Wiggins Yard, no owner has been identified of the land. Due to some uncertainty, Counsel's opinion was sought to clarify the position, give confidence that a landowner has not been missed and to suggest the most appropriate route forward to implement a much needed and desired environmental improvement.
4. As a result, there are three options open to Waverley:
 - a. Do nothing – this would mean that the cobbles (a heritage feature) would continue to deteriorate over time, would have an undesirable impact on the Conservation Area, and also continue to impact on users with mobility and sight issues, and those using pushchairs.
 - b. Undertake the works without consent – Counsel advises against this option as this may lead to an argument as to assumption by the Council of liability for the ongoing maintenance of the land. Counsel also suggests that this approach would not fit easily with the purpose for which Section 106 funding had become available.
 - c. Compulsory Purchase Order (CPO) – given the amount of research undertaken, Counsel suggests that this approach is the only one open to the Council if an environmental improvement scheme were to go

ahead, especially given that a landowner cannot be identified. Counsel has suggested that, given the level of local and political support, a CPO on this site would be relatively uncontroversial and it does not (at this stage) appear to be overly complex. Counsel also suggests that if matters for a CPO were to proceed without objection, the timeframe (excluding the internal Committee process) would be approximately three months (without a Public Inquiry) or nine months if an Inquiry were necessary.

5. Counsel has been clear in his advice; that there are no other safe avenues for the Council to take to secure the environmental improvement.
6. Prior to the CPO process commencing, it is important to have a suitable and appropriate scheme agreed. To this end, this report is seeking initial funds of £5,000 to obtain the services of an appropriate consultant to:
 - a. design a suitable scheme (with a robust sub-structure and central flat surface for accessibility) which would enable the cobbles to be retained with the existing cart tracks;
 - b. cost the scheme and estimate the long term maintenance costs (for relevant funding applications and to advise Godalming Town Council);
 - c. put together a specification brief (for tender purposes), and
 - d. to put together an implementation programme (in order to understand the timetable for whilst works are undertaken and the impact this might have on existing residents and businesses).
7. Residents, land owners, local businesses, local Ward Councillors and Godalming Town Council will be kept up-to-date throughout the process, with the expectation of at least one meeting being held to discuss the proposed designs, discuss the implications of the implementation plan (specifically around car parking) and also explain the CPO process and what this means both in the short and long term.
8. A project plan will be produced to give a clear pathway for achieving this project.

Conclusion

9. Counsel's opinion has clearly advised the need to pursue a CPO in order to implement this environmental improvement project. However, in advance of putting a formal request to Executive and Full Council to compulsorily purchase the land, some initial design work is necessary to establish that the project is feasible, viable and to overcome some of the potential risks around the implementation phase.

Recommendation

It is recommended that Executive approve £5,000 of Section 106 funding (from the environmental improvement budget in Godalming) to facilitate the design phase of the Wiggins Yard environmental improvement project.

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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