

Report to the Leader of the County Council
Report submitted by: Assistant Director of Property
Date: 10 December 2014

Part I

Electoral Divisions affected:
All

Appropriation of Land for Broughton Bypass
(Appendices 'A' and 'B' refer)

Contact for further information:
Margaret Whitmore 01772 533887, Office of the Chief Executive
margaret.whitmore@lancashire.gov.uk

Executive Summary

In order to complete the Broughton bypass the following is required:

- 61 square metres of land currently held as playing field for the benefit of Broughton in Amounderness Church of England Primary School (the School);
- a temporary right for working space to erect boundary fences over 186 square metres of land currently held as playing field for the School; and
- 1,442 square metres of land held as car park for the use of the School and St John Baptist Church (the Church) (for which a replacement car park is to be provided).

In relation to the above proposals the land referred to which is currently held for School purposes (playing field and car park) is to be appropriated for highway purposes pursuant to section 122 Local Government Act 1972.

Recommendation

The Leader of the County Council is recommended to:

- i. approve that 61 square metres of land currently held by the County Council as playing field and shown as Plot 18 on Appendix A be appropriated and used for highway purposes for the alterations to the existing network required for the Broughton Bypass as set out in the Lancashire County Council (Broughton Bypass Classified Road) (Side Roads) Order 2014 (the Scheme) and described in more detail in this report

- ii. approve that 1,442 square metres of land shown as Plot 24 on Appendix A currently used by the School and the Church as a car park be appropriated and used for highway purposes in accordance with the Scheme
- iii. approve that 186 square metres of land currently held by the county council as playing field and shown as Plot 40 on Appendix A may be temporarily used for the construction of the Scheme to provide a working area for the erection of new boundary fences
- iv. authorise that the consent of the Secretary of State for Education be sought to give effect to the above proposals.

This decision should be implemented immediately for the purposes of Standing Order 34(3) as any delay could adversely affect the execution of the County Council's responsibilities. The reason for this is to enable consent from the Secretary of State for Education to be obtained and the matter to be reported to the Department of Transport thereby avoiding unnecessary delay to the Compulsory Purchase Order for the Broughton Bypass.

Background and Advice

Plans to construct a bypass in Broughton are well advanced. A scheme under which land in the affected area is to be compulsorily purchased for the purposes of the road construction has been advertised in accordance with statutory and regulatory requirements and a public inquiry is to take place in spring 2015.

An area of land held by the county council for the purposes of Broughton in Amounderness Church of England Primary School falls within the area to be compulsorily purchased. The county council proposes to use part of the land held for the school as a diversion to a right of way which currently passes over land needed to construct the bypass. In addition the authority intends to use a small part of the School playing field as working space to erect the requisite new boundary fences.

In order to construct the Broughton Bypass 61 square metres of land currently held as playing field for the benefit of the School is required. Approximately 20 square metres of the land lies within the fenced boundary of the School playing field whilst the remainder of the land forms part of the bank of the watercourse known as Blundel Brook and this forms part of a public footpath (FP 4 Broughton).

The land to be appropriated from the playing field is to be used both to divert the public footpath and to construct part of the bridge abutment. Details of the diversion of the footpath are set out in the Side Roads Order as shown on Appendix B inset G. The Side Roads Order Statement of Reasons provides the following description of the proposal:

"New footpath from a point on existing Public Footpath No.4 Broughton, north-east of Broughton-In-Amounderness CE Primary School and 17m

south-west of the centreline of the classified road, north-north-west for 23m to link to existing Public Footpath No.4 Broughton. This is to replace the existing footpath, the stopping up of which is necessitated by the Classified Road severing a length of the exiting public footpath".

The edge of the playing field will be re-fenced so the footpath will be outside the playing field. This new fence will be agreed with the School.

In addition a temporary right for working space to erect boundary fences is required over 186 square metres of land held as playing field for the School. None of the land required for this purpose lies within the fenced boundary of the playing field itself but forms part of the bank and bed of the watercourse known as Blundel Brook and is part public footpath (FP 4 Broughton). Following completion of the footpath diversion and fencing the land will be reinstated to its present condition.

Currently there are 241 pupils on the School roll and the School has a capacity for 245 pupils. Under regulation 10 of the School Premises (England) Regulations 2012/1943:

- (1) Suitable outdoor space must be provided in order to enable:
 - (a) physical education to be provided to pupils in accordance with the school curriculum; and
 - (b) pupils to play outside.

The School has 17,738 square metres of playing field and thus the loss of approximately 20 square metres from the actual play area will not affect the education provision by the School nor cause it to breach the regulations set out above.

As this land is held as playing field the proposal must be considered against the requirements of section 77 of the School Standards and Framework Act 1998 (1998 Act) and schedule 1 of the Academies Act 2010 (Academies Act). The consent of the Secretary of State for Education is usually required under section 77 of the 1998 Act for the disposal of an area of playing field over 50 square metres. However this is not the case where the land in question falls within land to be compulsorily purchased. As the land which forms the subject of this report is included in the Lancashire County Council (Broughton Bypass) Compulsory Purchase Order 2014 consent of the Secretary of State for Education is therefore not required pursuant to the 1998 Act.

However the disposal and use of this land for the purposes connected to the construction of the bypass set out above *does* require class consent under schedule 1 of the Academies Act as this legislation contains no dispensation relating to land to be compulsorily acquired under the relevant statutory and regulatory regime

The 1,442 square metres of land currently used as a car park by the School and the Church is not subject to section 77 of the 1998 Act but could be subject to the provisions of schedule 1 of the Academies Act. The current car park has 49 spaces and as part of the Scheme is to be replaced with a new car park which will provide approximately 75 spaces. (The exact number of spaces is dependent on the final layout of the car park which is being considered in consultation with the School and

Church.) Efforts will be made to try and ensure that parking provisions for the School and Church will be maintained during the construction of the Bypass. On appointment of an appropriate contractor (following the requisite tender process) a construction management plan will be agreed with the contractor to address timing of works and health & safety issues related to access and construction work.

The new car park will be situated immediately south of the Church burial ground with vehicle access from the existing A6. Pedestrian access to the Church and School will be via the same route as taken from the existing car park that is to say via the public footpath (FP 5 Broughton). The car park is shown on Appendix B and the new access to the public footpath is shown on Inset E of Appendix B.

Consultations

The Directorate for Children and Young People Pupil Places and Planning Team has been consulted. Broughton in Amounderness Church of England Primary School is a popular school with no immediate plans to alter the pupil roll.

The Broughton Bypass Review Group acting on behalf of the School and the Church has been consulted concerning the detailed design of the new car park. These consultations are ongoing.

Implications:

This item has the following implications, as indicated:

Risk management

The County Council will be unable to construct the Broughton Bypass in accordance with the existing planning permission and on the proposed line without the appropriation of the land the subject of this report.

Financial

The appropriation of this land for highway purposes will enable the delivery of the Broughton Bypass which is one of four major highways infrastructure schemes to be delivered within the framework of the Preston, South Ribble and Lancashire City Deal agreed between the local authorities and Central Government in September 2013. The delivery of the City Deal is supported by an Infrastructure Delivery Fund totalling some £383 million. The City Deal Infrastructure Fund is intended to deliver a single programme of work including the Broughton Bypass Scheme, which because of the phasing of housing development and the fact that planning permission for the route has already been granted, will be one of the first schemes to be delivered as one of a number of schemes for congestion relief in the Broughton area which began the process of delivery in the 2013/14 financial year.

List of Background Papers

Paper	Date	Contact/Directorate/Tel
Making (Signing and Sealing) and advertising of the Lancashire County Council (Broughton Bypass) Compulsory Purchase Order 2014 and the Lancashire County Council (Broughton Bypass Classified Road) (Side Roads) Order 2014	May 2014	Martin Galloway/ Environment/ <u>01772 532096</u>

Broughton Bypass Making Order and Advertising of Compulsory Purchase Order and Side Orders	January 2008	Martin Galloway/ Environment/ 01772 532096
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Preston City: Application ref 06/13/0528 Renewal of permission 06/06/0589 for construction of Broughton Bypass and improvements to existing highways (application 06/13/0528) land at Broughton Preston		Jonathan Haine/ 01772 534130
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Preston City: Application ref 06/13/0527 Renewal of permission 06/07/0320 for measures to safeguard European protected species (bats and great crested newts) affected by the Broughton Bypass, including bat roost, bat boxes, ponds land at Broughton Preston		Jonathan Haine/ 01772 534130
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Reason for inclusion in Part II, if appropriate

N/A