



Doncaster Council

OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. (See Annex 2 on Intranet.)

Decision Ref. No:
SAM126

RE18 0093

Box 1

DIRECTORATE: Regeneration and Environment

DATE: 25 May 2018

Contact Name: Joanne Chipp-Smith,
Senior Property Surveyor

Tel. No.: 01302 734476

Subject Matter: Quarry Park CPO

Box 2

DECISION TAKEN:

To approve the Council acquisition of a strip of land off St Mary's Drive, Dunsville using compulsory purchase powers.

Box 3

REASON FOR THE DECISION:

Give relevant background information

Quarry Park has been enjoyed by members of the public for many years for recreational purposes. Recent improvements to the park including new play equipment and an outdoor gym continues to encourage people to the area, and the park is also very popular with dog walkers. There is pedestrian access to the park off Broadway, Green Road, and off St. James Avenue. Vehicles access the park off St Marys Drive and park in area of land off to the right – please see attached plan. A Certificate of Lawful Use has been issued formalising the planning use of the land as a car park.

The issue lies with the access at the bottom of St Marys Road. The extent of the adopted highway ceases before the car park is reached, there is no registered owner of this land and recent investigations have confirmed that there are no public vehicle access rights across it. It is however a public bridleway, therefore the public are authorised to use it on foot, cycle or horse. Therefore to formalise the Council and the public's use of this area of land and to enable vehicular access to the car park , the Council will require ownership.

As there is no registered owner and no owner has been identified by the Council's investigations, the only way the Council can acquire ownership is through the use of CPO powers.

Box 4

OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:

If other options were considered, please specify and give reasons for recommended option

Option 1 – recommended

To pursue an acquisition of the land via CPO to formally gain title and the associated access rights required.

Option 2 – not recommended

To do nothing. This would mean that the access track continues to be used unlawfully by vehicles.

The recommended option would give the Council the control of the land which is required to ensure that the public can continue to access Quarry Park with vehicles.

Box 5

LEGAL IMPLICATIONS:

S226 (b) of the Town and Country Planning Act 1990 allows the Council to compulsorily purchase land in the interests of proper planning. In this case the established lawful use of the land connected to the land to be purchased is as a car park and it is in the interests of proper planning for a lawful vehicular access to that land to be established. The Acquisition of Land Act 1981 prescribes the procedure to be followed and the order will require confirmation by the Secretary of State.

Regard must be had to the provisions of Article 1 of the first Protocol of the Human Rights Act which provides for the right to peaceful enjoyment of one's possessions and not to be deprived of them except in the public interest in deciding whether to make a Compulsory Purchase Order statutory guidance indicates that an acquiring authority should be sure that the purposes for which it makes a compulsory purchase order sufficiently justify the interfering of the human rights of those with an interest in the land affected. It is considered that there is evidence that the public benefit of the scheme will outweigh the private loss for the reasons stated in the report and that in this instance the land required to be compulsorily purchased belonging to private individual interests can be justified in the public interest.

Name: Adam Bottomley **Signature:** By email **Date:** 25.5.18

Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6

FINANCIAL IMPLICATIONS:

The one-off purchase cost of the land is expected to be around £500 and will be met from Street Scene.

The on-going revenue costs associated with maintaining the land will be met through the Public Rights of Way budget.

Name: __Richard Taylor__ **Signature:** __R Taylor_ **Date:** _19/06/18_____

**Signature of Assistant Director of Finance & Performance
(or representative)**

Box 7

HUMAN RESOURCE IMPLICATIONS:

There are no HR implications.

Name: David Knapp

Signature:

Date:18/06/2018

Signature of Assistant Director of Human Resources and Communications (or representative)

Box 8

PROCUREMENT IMPLICATIONS:

There are no direct procurement implications associated with this ODR.

Name: H Donnellan **Signature:** *H Donnellan* **Date:**14/06/18

**Signature of Assistant Director of Finance & Performance
(or representative)**

Box 9

ICT IMPLICATIONS:

There are no ICT implications associated with this decision.

Name: Peter Ward (Technology Governance & Support Manager)

Signature: **Date:** 29/05/18

Signature of Assistant Director of Customers, Digital & ICT (or representative)

Box 10**ASSET IMPLICATIONS:**

The land will be acquired under statutory compulsory purchase legislation as outlined within the main body of this Officer Decision Record. Upon completion of the acquisition, the Council's Public Rights of Way team will take responsibility for the future ongoing maintenance of the land.

Name: Gillian Fairbrother (Principal Property Surveyor)

Signature: By email **Date:** 14th June, 2018

**Signature of Assistant Director of Trading Services and Assets
(or representative)**

Box 11**RISK IMPLICATIONS:**

To be completed by the report author

By not following the recommended option, the Council will not be able to secure vehicular access to the car park at Quarry Park, causing disruption and nuisance to the public who regularly use this area. Without having ownership, the Council cannot exercise control over the area in the best interests of the general public.

(Explain the impact of not taking this decision and in the case of capital schemes, any risks associated with the delivery of the project)

Box 12**EQUALITY IMPLICATIONS:**

To be completed by the report author

By approving the recommended option, the Council will be able to maintain access for people who wish to access the park but requiring vehicular access.

Name: Joanne Chipp-Smith **Signature:** via email **Date:** 25 May 2018
(Report author)

**Box 13
CONSULTATION**

Officers

(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments)

Members

Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.

Please list any comments from Members below:

There has been no external consultation – however formal consultation will form part of the CPO process which provide an opportunity for objections to be raised, and ultimately, if these objections cannot be resolved, a referral to public enquiry.

Box 14

INFORMATION NOT FOR PUBLICATION:

It is in the public's interest to be aware of this decision record under the Freedom of Information Act 2000, therefore this decision will be published in full, redacting only signatures

**Name: A Rowbotham Signature: A Rowbotham Date: 20th June 18
Signature of FOI Lead Officer for service area where ODR originates**

Box 15

Signed: Dave Wilkinson **Date: 2 July 2018**
Dave Wilkinson, Assistant Director Trading and Property Services

Signed: _____ Date: _____
Additional Signature of Chief Financial Officer or nominated representative for Capital decisions.

Signed: _____ Date: _____
Signature of Mayor or relevant Cabinet Member consulted on the above decision (if required).

- **This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.**
- **A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.**
- **A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.**
- **A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox**