



CABINET – 1ST JULY 2015

SUBJECT: APPROPRIATION OF LAND AT SNOWDON CLOSE

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 To seek approval to appropriate land at Snowdon Close, Risca (as shown edged black on the plan at Appendix 1 - "the land") from informal leisure purposes to Planning purposes.

2. SUMMARY

- 2.1 The land was acquired, with other land in 1964, as part of the development of the Ty Sign Housing Estate, but has never been developed. Housing Services has assessed the land as no longer being required for its own operational purposes, and so it has been transferred to the General Fund account.
- 2.2 Appropriation for Planning purposes will better safeguard the Council's position in respect of future development of the land.
- 2.3 Appropriation will cleanse the site of all 3rd parties' rights, with the effect of converting such rights into claims for compensation; officers are not aware of the existence of any 3rd party rights.

3. LINKS TO STRATEGY

- 3.1 Under its approved Asset Management Objectives, the Authority aims to manage its land and buildings effectively, efficiently, economically, and provide a safe, sustainable and accessible living and working environment for all users.
- 3.2 The Authority has a medium term financial plan (MTFP), which includes cost saving targets resulting from the disposal of assets.

4. THE REPORT

- 4.1 The land was acquired, with other land in 1964, as part of the development of the Ty Sign Housing Estate. It has never been developed, and has remained as an area of open space on the periphery of the Ty Sign estate. Private sector development has been undertaken to both east and west of the land. It is crossed from east to west by a public right of way (FP22), that will be rerouted, or extinguished as appropriate, as part of any development.
- 4.2 Housing Services has assessed the land as no longer being required for its own operational purposes, and so it has been transferred to the General Fund account.

- 4.3 The site has an area of 1.6 hectares (or thereabouts) and is included in the Council's adopted LDP as part of a much larger area (2,500 hectares) of Visually Important Local Landscape. Corporate Property Officers are proposing that the settlement boundary be amended in the forthcoming LDP Revision to include the site and this report, recommending the land be appropriated for Planning purposes, is a necessary adjunct as it will better safeguard the Council's position in respect of future development of the land.
- 4.4 Local residents have made an application to register the land as Village Green; whilst the application might be successful, it would not preclude future development. However this would make matters more complicated and has the potential to cause delay.
- 4.5 Consequently, the Council, as Commons Registration Authority, must advertise the village green application in the press, serve notice on all parties who have an interest in the land or may wish to object. On Counsel's previous advice it is recommended that, in the Council's perspective as land owner, the land be appropriated for planning purposes. This action will afford a further safeguard should the applicants be in a position to provide sufficient evidence of public use of the application site as of right for the period of 20 years up to the submission of the application.
- 4.6 Risca East Community Council is concerned that the disposal of this land will result in the loss of yet another greenfield site. It feels that this land is a worth keeping as amenity land which can be used by the residents of Ty Sign and the surrounding area.
- 4.7 Ward members object to any Planning appropriation, or planned change of boundary or change of use of the land situated adjacent to Snowdon Close, Risca. They state that:-
1. The community presented a petition (in connection with the Islwyn Local Plan (1991 – 2001), see below) recording the view and opinion of the community to keep it as a resource for the community and to safeguard its leisure use.
 2. The land is fully utilised by the communities of Ty Sign and adjoining communities for recreation and leisure purposes.
 3. There is very little green space within the combined communities.
 4. It is an access point to Twmbarlum.
- 4.8 The Head of Planning & Regeneration has been consulted, and has provided a commentary on the status of the site; this is shown below.

PLANNING ISSUES

1. The principle of residential development on the site has been established previously however in more recent years the site has been located outside of the settlement boundary for the area.
2. Site History

Islwyn Borough Council's Interim Policy Statement 1988-1993

The site was originally included in Islwyn Borough Council's Interim Policy Statement on Residential Development in Risca / Pontymister. It was identified as a site to be released for residential development in accordance with the then Structure Plan.

Islwyn Local Plan (1991 – 2001)

'Land west of Snowden Close, Risca' [Housing Proposal HP1 (27)] was designated for a residential land use in the Adopted Islwyn Local Plan, 1991-2001. This site measured an area of 1.8 hectares. Land to the east was left within settlement limits (therefore the principle of development was acceptable), however was not allocated for any specific use.

PLANNING ISSUES

Caerphilly Unitary Development Plan (1996 – 2011)

Consultation on the Caerphilly Draft Unitary Development Plan (1998) identified a site of 3 hectares, west of Snowdon Close for residential development [Site H1 (39)]. Following this public consultation, the council received 1 comment, 16 objectors and 1 petition representing 111 people. As a result, the site was reduced to a size of 1.8 hectares as it appears in the Deposit Unitary Development Plan (1999). This revision removed from the site the area of informal public open space (to the east), which is to be retained. The Development Plan was also revised to put this area of public open space outside the Settlement Boundary where development will not normally be permitted (Policy DC2).

A public Inquiry was called regarding the objections to the deposit draft of the Caerphilly Unitary Development Plan. Objections were raised for traffic safety, general amenity and nature conservation reasons.

The Inspector assessed the evidence and concluded that the reduced site (on the western edge) was suitable for housing, and there was no justification for any modification to the Plan for it to stay as Open Space.

To counter the loss of any open space, land was allocated along Holly Road, Risca as L7 (11) for informal recreation.

Snowdon Close Development Brief (April 2002)

A development brief was created for the site and, on consultation, 18 representations were received, 6 in favour of the development brief, and 12 objecting to it for various reasons.

The development brief was adopted as Supplementary Planning Guidance (SPG) in October 2002 to help instil good development principles into the site

Adopted Local Development Plan (2006 – 2021)

As part of the LDP process, land highlighted in a 2005 Planning Consent (development completed in 2010) meant that the settlement boundary line was drawn to take in the additional dwellings. Land to the east of the site was left outside of settlement limits, as it had been in the UPD. Following on from the allocation made in the UDP, land opposite the housing site was allocated for informal leisure use (LE5.20)

Local Development Plan (First Revision) up to 2031

The site outside of the settlement boundary (directly adjacent to Snowdon Close) has been submitted for consideration as a Candidate Site in the process. The site reference is RSE001

3. The potential loss of open space has been assessed in relation to Policy CW7 (Protection of Open Space) of the adopted LDP, which states that “developments on areas of open space within settlements will only be permitted where:

“A The amount of open space remaining in the neighbourhood would still be adequate to serve local needs; and

“B The site has no significant value as a recreational resource or an area of visual amenity”.

The Council has adopted a Supplementary Planning Guidance (SPG) document on the Protection of Open Space, which sets out a methodology for assessing open space provision in order to ascertain whether there is sufficient open space to serve local needs in accordance with criterion A of Policy CW7. The methodology in the SPG is based upon the Fields in Trust (FIT) Benchmark Standards for Outdoor Play. The FIT Standard indicates that there should be 0.55ha of informal playing space per 1,000 population, which, when applied to a geographical area, broadly equates to 3ha of informal open space within a 0.5km radius of a given site.

The assessment of open space undertaken in respect of the site indicates that, in terms of usable informal open space in the area, there is sufficient informal recreation space to meet the FIT standard.

The proposal would also need to adhere to criterion B of Policy CW7 and, from a recreational amenity perspective, the site is a gently sloping area of land used for informal play.

PLANNING ISSUES

However, there appears to be land in the surrounding area that can be readily used for leisure purposes too – namely land identified as informal recreation space in policy LE5.20 of the Adopted LDP. This land could be used by the combined communities although the maintenance of LE5.20 will need to be assessed in order to ensure that the site's usability is increased

Subject to that proviso, it is considered that the loss of this site would be acceptable with regards to criterion B

4.9 For the reasons given, there is no policy objection to the release of the site.

4.10 Members should also be aware that appropriation would cleanse the site of all 3rd parties' rights, with the effect of converting such rights into claims for compensation. However, following investigation of the title, officers are not aware of the existence of any 3rd party rights.

5. EQUALITIES IMPLICATIONS

5.1 An Equalities Impact Assessment (EqIA) screening has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and / or low level or minor negative impact have been identified, therefore a full EqIA has not been carried out.

6. FINANCIAL IMPLICATIONS

6.1 Apart from this potential consequence arising from unexpected claims in respect of 3rd party rights, there is no direct cost for the appropriation of the land as the land is already in council ownership. There are cost implications related to the statutory requirements set out in respect of posting legal notices in respect of the procedure, i.e. placing a notice in a local paper for two consecutive weeks. Whilst the exact cost will be dependent upon the size and wording of the required notices, it is likely to be in the region of £5,000, which can be funded from within existing budgets.

7. PERSONNEL IMPLICATIONS

7.1 There are no personnel issues arising out of this report.

8. CONSULTATIONS

8.1 Risca East Community Council is concerned that the disposal of this land will result in the loss of yet another greenfield site. It feels that this land is a worth keeping as amenity land which can be used by the residents of Ty Sign and the surrounding area.

8.2 Ward members object because the view and opinion of the community is to keep the site as a resource for the community and to safeguard it for leisure use.

8.3 These views have been addressed satisfactorily in paragraph 4, and cannot be incorporated in the recommendations as they are rejections of the proposal, requiring the council to retain ownership of the land as an amenity site.

8.4 There are no other views expressed as a result of consultation that differ from the recommendation.

9. RECOMMENDATIONS

- 9.1 The Council declares its intention that the land at Snowdon Close, Risca (as shown edged black on the plan at Appendix 1) be appropriated for Planning purposes.
- 9.2 The Council causes notice of its intention to appropriate the said land for planning purposes to be advertised for two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation that may be made to it.
- 9.3 The Head of Performance and Property, in conjunction with the Cabinet Member for Performance and Asset Management be authorised:-
1. To consider the objections (if any) received as a result of the notice and;
 2. Unless there are new (i.e. not expressed in this Report) objections in which case a further Report will be presented to Cabinet, to approve the appropriation of the land at Snowdon Close, Risca for Planning purposes.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 The land is no longer required by Housing Services and is regarded as surplus. The appropriation of the land for Planning purposes will facilitate the carrying out of development of the land.
- 10.2 It is anticipated the appropriation will enable housing, including some affordable housing, to be developed on the land.
- 10.3 To meet the statutory requirements for the appropriation of land for planning purposes.

11. STATUTORY POWER

- 11.1 Section 122(A) of the Local Government Act 1972 (as amended).
- 11.2 Section 226 and Section 241 of the Town and Country Planning Act 1990 (as amended).

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Background Papers:

Appendices:

Appendix 1 Plan showing the land