
By: Geoff Mee - Managing Director of Kent Highway Services

To: Keith Ferrin - Cabinet Member for Environment, Highways & Waste

Subject: Wingfield Bank, Northfleet
Declaration of Land Surplus to Highway Requirements

Classification: Unrestricted

Summary: Seeks approval to declare land at Wingfield Bank, Northfleet surplus to highway requirements.

Introduction

1. A planning application for a retail development at Wingfield Bank, Northfleet has been granted planning consent. The site is bisected by a stub of highway and the County Council owns the underlying freehold. The developer has asked for the highway rights to be Stopped-Up and to then purchase the land. See Drawing No. 203113_59 Rev A attached.

Discussion

2. The development was supported by Gravesham Borough Council Officers but refused by its Planning Committee. However the application was granted following a planning appeal.
3. The stub of highway serves no highway function and is required to allow the development to proceed. The normal process in these circumstances is for the applicant to apply for a Stopping-Up Order through the Town & Country Planning Act procedure. However, developers sometimes ask for the Stopping-Up Order to be done under the Highways Act because they feel there is more control on the programme because the County Council may be more responsive than the Government Office. This is not onerous, our costs are recharged and there is logic to this approach as there is also the sale of land by the County Council.
4. Prior to progressing a Stopping-Up Order, our internal procedures require internal Officer and local Member consultation prior to the formal 'Declaration of Surplus to Highway Requirements' being signed off.

Views of the Local Member

- 5(I) Mr Ray Parker, as the Local County Member is concerned that the highway development control advice was influenced by the attraction of a capital receipt from the sale of the land. In the latter half of 2007, Mr Parker informally consulted the Director of Law and Governance about his concerns. Officers have met with Mr Parker, gave access to files, responded to queries but his concerns remain.
- 5(II) Mr Parker has specifically made the following comments that he has asked to be included in this Report:
 - (a) 'Concerns are not with the development, however, but with the way that this transaction has been handled by the County Council. The main concern I have is that the County Council acted to provide the developer with information that would damage Gravesham Borough Council's (GBC) case

at appeal. I quote the following from GBC's Chief Planning Officer: *"Given the acknowledged anxiety within KCC regarding local traffic conditions, and the fact that the local planning authority was fighting the appeal, it was unhelpful to the Council's (Gravesham) case to have the highway authority apparently acquiesce on the eve of the inquiry in this way."*

- (b) Furthermore, I was consulted on this land disposal several years before the planning application was submitted to GBC. Local residents have and continue to raise concerns about lack of open green space in the Springhead/Hall Road area. I believe that this small area of land would better serve the community as an informal recreation area.
 - (c) I believe it would be fair for a local resident to question the County Council's motives in providing assistance to the developer, given that a capital receipt was dependent on the developer winning the appeal. It is imperative that the County Council's transactions are transparent. If I were to be questioned by a local resident as to the motives behind this transaction, I could not justify the County Council's actions.
6. The general response is:
- (a) All proposals are considered on their merit and if there are difficulties both parties work to see if those problems can be mitigated. It is quite normal to sign up to common areas of agreement (Statement of Common Ground) but this is not endorsement of the development proposal which is a matter for the local planning officers and planning committee to decide.
 - (b) With regards to Stopping-Up Order, the only consideration is whether the highway has a continuing need and has no interest in the development proposals.
 - (c) While the land is currently highway, all land is held corporately and all capital receipts go to Corporate Finance and not directly to the benefit of KHS. The sale value is negotiated by Corporate Property and is driven by the legislative requirements to achieve best market value. There are therefore three strands of the County Council all working independently with no particularly vested interest in each others role. The suggestion that Officers have acted in a manner other than totally professionally is disappointing.
7. Also KHS did not 'acquiesce on the eve of the Inquiry'. The Statement of Common Ground was consistent with the stated position in a letter to the planning authority dated 22 September 2006 and it is understood that this Statement was submitted by the applicant about 4 weeks in advance of the Inquiry. The quoted statement of the Chief Planning Officer is misleading. The highways witness acting for the Borough Council stated in his evidence that *'I shall not be questioning any of the many calculations carried out by other consulting engineers nor introducing any new data of my own.'* It is also understood that the witness did not endeavour to contact the relevant highway authorities in the preparation of his evidence.
8. Mr Parker has been made aware of the content of this Report.

Financial Implications

-
9. There are no financial implications other than those referred to above regarding the reimbursement of the costs of the Stopping Up Order and the capital receipt to Corporate Finance.

10. Recommendations

I Recommend that the land shown hatched on Drawing No. 203113_59 Rev A be declared surplus to highway requirements and a Stopping Up Order applied for under the provision of the Highways Act.

Background Documents: Letter from West Kent Area Division to Mr Ray Parker the Local Member for Northfleet & Gravesend West.

Author Contact Details

John Farmer, Major Projects Manager

✉ john.farmer@kent.gov.uk

☎ 07740 185252