

SURREY COUNTY COUNCIL

CABINET MEMBER FOR PROPERTY & WASTE

DATE: 27 June 2023

**LEAD OFFICER: KATIE STEWART, EXECUTIVE
DIRECTOR ENVIRONMENT TRANSPORT &
INFRASTRUCTURE**



**SUBJECT: APPROPRIATION OF SCC LAND TO ADOPTED HIGHWAY, LAND AT
MINDENHURST PRIMARY SCHOOL, MINDENHURST ROAD, DEEPCUT, SURREY.**

ORGANISATION STRATEGY PRIORITY AREA: ENABLING A GREENER FUTURE

Summary Of Issue:

This report seeks approval for the appropriation of Council owned land held for education purposes and forming part of the new Mindenhurst Primary School in Deepcut, to become part of the adopted highway.

The land in question was transferred to the Council as part of the new school site and in order to provide an enhanced access arrangement (over that already provided), needs to become part of the highway. The land is not considered to be necessary to be retained as part of the operational school site.

The Organisation Strategy sets out the council's contribution to achieving the aims and ambitions set out in the Community Vision 2030 (the 2030 Vision). This report seeks to facilitate the construction of an enhanced junction access to the new school, creating a safer and better access for pedestrians and cyclists, and giving them priority over motorised traffic, consistent with other approved junction types along the new loop road serving the school. The new access arrangement will promote active travel particularly when accessing the new school. This will help deliver one of the Council's priority objectives of enabling a greener future.

Recommendation:

It is recommended that the Cabinet Member:

Agrees to appropriation of the SCC owned land as illustrated in Annexe A from land held for education purposes to public highway upon the adoption of the new Loop Road.

Reason For Recommendation:

The new Mindenhurst Primary School was built by Skanska Construction on behalf of the Defence Infrastructure Organisation (DIO). The building of the school and the transfer of the school site was required by a s106 planning agreement to support the new Mindenhurst development. However, since the construction of the school, a change in design to the proposed new adjacent highway, the loop road, means that part of the school land needs to be appropriated as highway.

In order to bring about the appropriation, the Council needs to exercise its powers under s122 of the Local Govt Act 1972 in relation to appropriation of land where County land is no longer required for the purpose for which it is currently held.

Details:

The Mindenhurst development comprises the redevelopment of the former Princess Royal Barracks in Deepcut, to provide 1200 dwellings and associated infrastructure. One such piece of infrastructure is the developer constructed new Mindenhurst Primary School which is due to open in September this year, following relocation of staff and pupils from Lakeside Primary School.

The school and associated land has been transferred to SCC. The approximate extent of land conveyed to SCC is shown at Annexe D. The land in question sits outside the boundary fencing of the school. No works are required within the school fence line.

Transport Development Planning (TDP) have been working with DIO's main contractor (Skanska) to agree the design of the new circular 'loop road' which provides vehicular access to the school and connects with Mindenhurst Road, (the main spine road).

The vehicular access to the school has already been constructed; however, the evolution of the loop road design now requires the developer to construct a continuous footway/blended access to the school. The design enhances pedestrian and cycle priority at the school access, with vehicles entering and exiting school grounds being required to give priority to users of the footway/cycleway.

This design change will not adversely affect the school as the entirety of the land in question is located beyond the operational school fence line, which will remain unaffected. The change will positively impact the school for the above reasons.

The new access arrangements are necessary to provide improved safety and priority to pedestrian and cycle users and to meet the objectives of the Council's recently adopted Local Transport Plan. The currently constructed design is illustrated at Annexe B, figure 1. The design change proposes the construction of the design illustrated at Annex B figure 2.

The land in question is pictured in Annexe C.

The land in question will become land maintained as adopted highway. The Council will remain the registered freeholder

Consultation:

The proposed design change has been agreed by DIO's designers and the works have received full technical approval.

Transport Development Planning have engaged with both the Council's Education team and those in Land & Property, both of whom raise no objections to the appropriation. Copies of correspondence are attached at Annexe F

Financial and value for money implications:

The works are funded entirely by the developer on behalf of the Defence Infrastructure Organisation (DIO) and are due to take place prior to the opening of the school in September 2023. There are therefore no financial implications for the Council.

Section 151 Officer commentary:

Consultation has been undertaken with Jonathan Wilson, Senior Business Partner (Environment) who has commented as follows:

"I should be able to give you the commentary for this.

Apologies I haven't been involved with this previously but I am assuming that as the report says no financial implications any additional maintenance requirement arising from this development has already been covered in existing agreements and that the design change being proposed is relatively minor and therefore doesn't create any additional liability for the authority."

Legal implications:

The 1972 Local Government Act provides that a non-metropolitan county council may (subject to certain notification requirements where land is held as public open space - not applicable in this case) appropriate for any purpose for which the council are authorised to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation

The land is currently owned by the Council but will not be appropriated as adopted highway until the loop road abutting it has been adopted under the terms of a s38 Highways Act 1980 agreement to be entered into by DIO.

The developer must undertake works on the land prior to its appropriation as highway. This will be facilitated by way of a approval from the Council's Land & Property team. The formal appropriation will thereafter take place once the loop road becomes adopted highway.

Equalities and Diversity:

The works enabled by the appropriation provide a continuous/blended footway which allows pedestrians and cyclists to navigate across the school access at grade, with

priority over vehicles, in a safe manner. The works remove any changes in ground levels when travelling along the footway, and consequently is better able to meet the needs of vulnerable users and those with reduced mobility.

TDP are managing the delivery of the developer's highway works under the terms of a highways adoption Agreement. In approving the construction details TDP have consulted with the Council's Road Safety team and have approved the works in compliance with the Council's standard technical details for the construction of highway works.

TDP completed an Equality Impact Assessment (EIA) in 2009, dealing with the range of functions undertaken by TDP, including its role in managing developers' construction of development related highway works.

Development related highways works are undertaken by a developer, usually by way of Section 38 adoption Agreements, or a Section 278 Agreements for works on existing highway. Both are assessed against documents such as Surrey's Standard Details, Surrey's new design guide 'Healthy Streets,' the Department for Transport's Manual for Roads and Bridges, technical advisory and design notes produced by the DFT, and publications produced by professional institutions such as the Institute of Highways & Transportation. All of these documents require all highways works to be inclusive in their design requiring safe access and movement for all users. The County Council's Road Safety team carries out three separate Safety Audits at feasibility, design, and post construction stages to ensure that works are safe for all users. Assessment is always judged against the impact on all road users (including pedestrians and cyclists) as the worst-case scenario.

Age	All works on existing highway or works which will become highway are the subject of technical assessment which includes the need to ensure safe access for all road users, including all equality strands. Where it is practical and feasible to do so any new works are required to be compliant with the Disability Discriminations Act (replaced by the Equality Act) and therefore any impacts are positive, rather than negative.
Belief / Faith	None. There are no issues relating to highways and transport considerations that affect this strand
Disability	New development often results in the need for new vehicle crossovers, junctions, or other works to the existing highway to facilitate the new traffic brought about by the development. Any new highway infrastructure would have a positive impact on this strand. There would be no negative impacts providing appropriate care is taken to ensure the safe movement and access for all users through the detailed design.
Gender	The Office for National Statistics suggests that women carry out more trips than men for shopping and the school run, where as for commuting and business this pattern is reversed; (Focus on gender – September 2008). For other types of trips, the percentage split is broadly similar. Encouraging travel to or from a proposed

	development by sustainable modes will marginally have a greater impact on women for trips relating to the school run or for shopping purposes. Similarly encouraging sustainable forms of travel would have a greater impact on men for business or commuting trips. Notwithstanding it is not expected that these differential impacts will have a negative impact.
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A copy of TDP’s EIA is attached an Annex E

Other implications:

The potential implications for the following Council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	No significant implications arising from this report.
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from this report.
Environmental sustainability	No significant implications arising from this report.
Public Health	No significant implications arising from this report.

WHAT HAPPENS NEXT:

- The developer will enter into a license to undertake the works on County owned land, as part of their road construction for the loop road.
- Following the construction of the works to an adoptable standard the loop road will become an adopted highway.
- Once the loop road becomes adopted highway the formal appropriation will take effect.

Contact Officer: Andy Stokes

TDP Team leader (South), Transport Development Planning, Infrastructure, Planning and Major Projects 907968 832597 – andy.stokes@surreycc.gov.uk

Consulted:

Transport Development Planning have engaged with colleagues in the Council’s Education Team and those in Land & Property, both of whom raise no objections to the appropriation.

Annexes:

- A - EXTENT OF LAND TO BE APPROPRIATED**
- B - FIGURE 1: CONSTRUCTED LAYOUT**

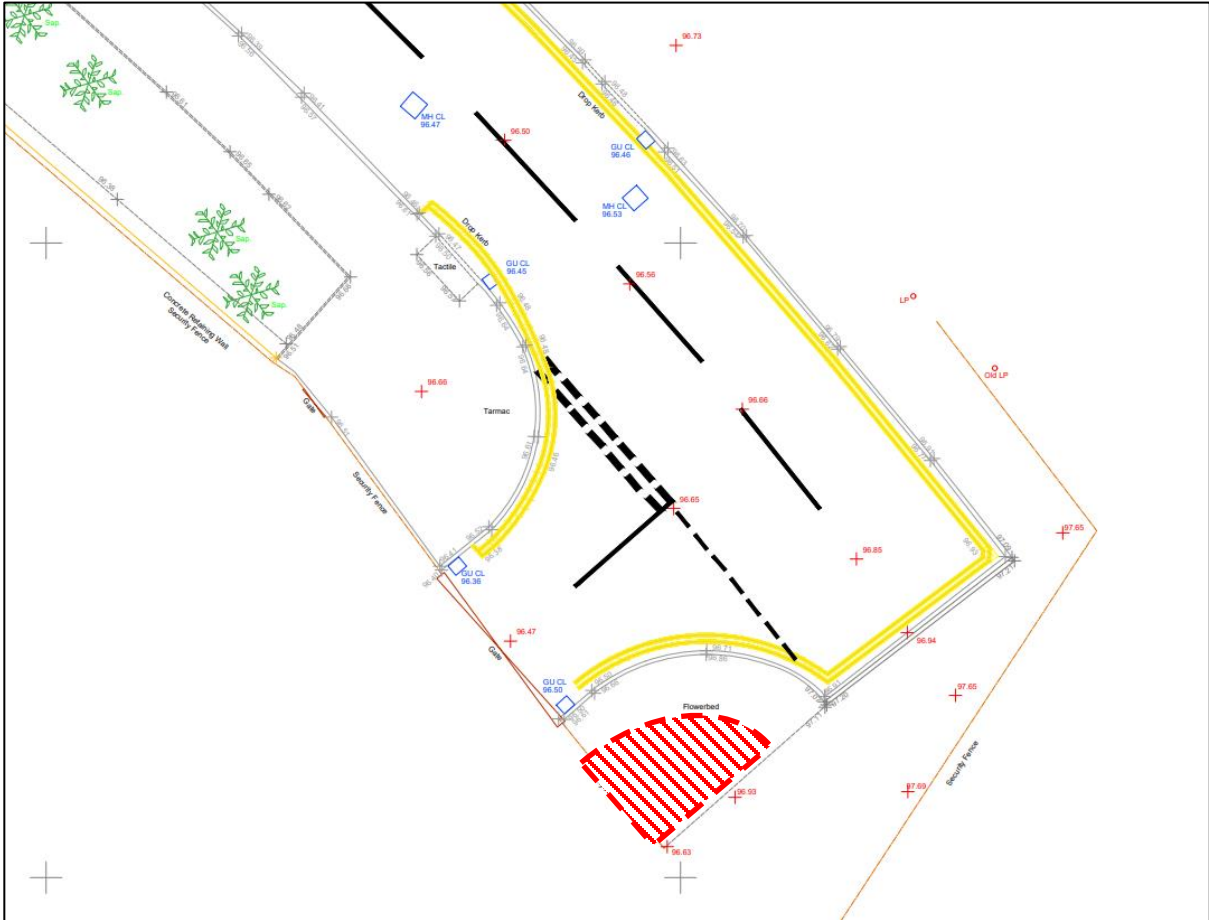
FIGURE 2: POPOSED LAYOUT
C - PHOTOS OF CONSTRUCTED WORKS
D - EXTENT OF SCC OWNED LAND
E - TDP EQUALITY IMPACT ASSESSMENT
F - INTERNAL CORRESPONDENECE

Sources/background papers:

None

ANNEXE A

EXTENT OF LAND TO BE APPROPRIATED



Note: Not to Scale. Hatching shows approximate extent of land to be appropriated.

ANNEXE B

Figure 1: CONSTRUCTED LAYOUT

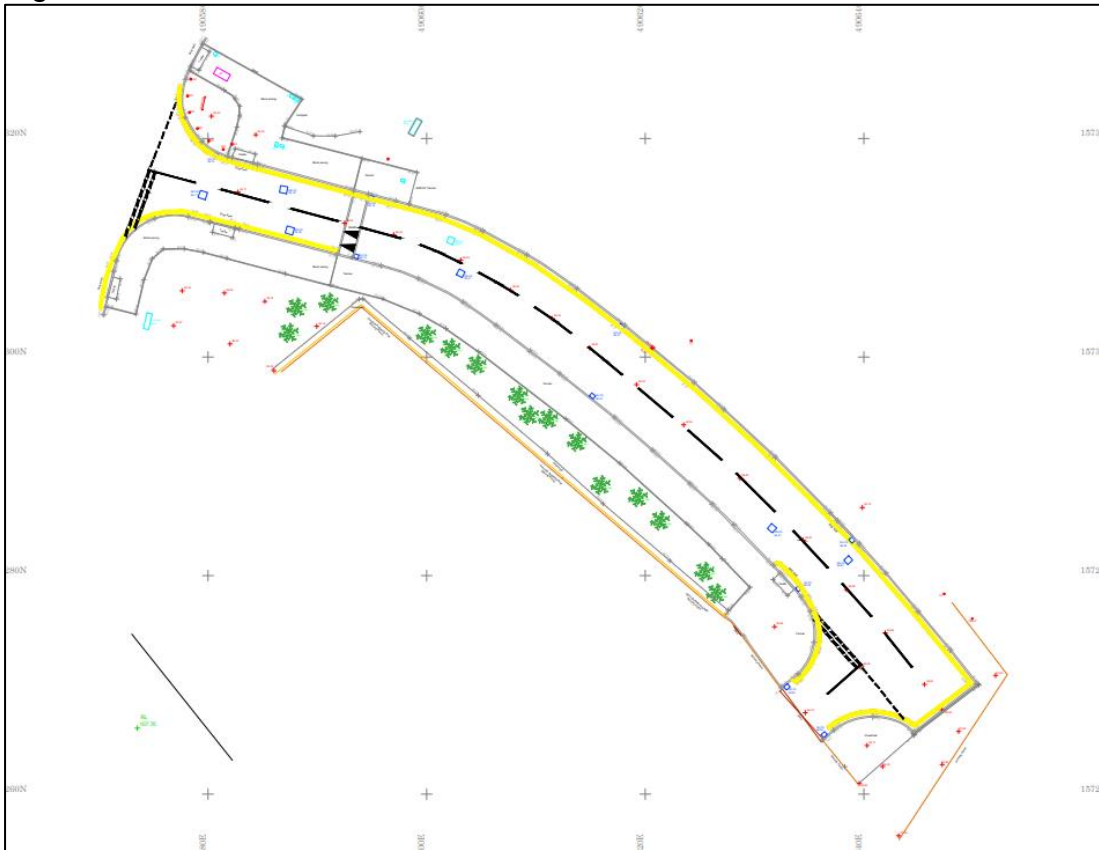
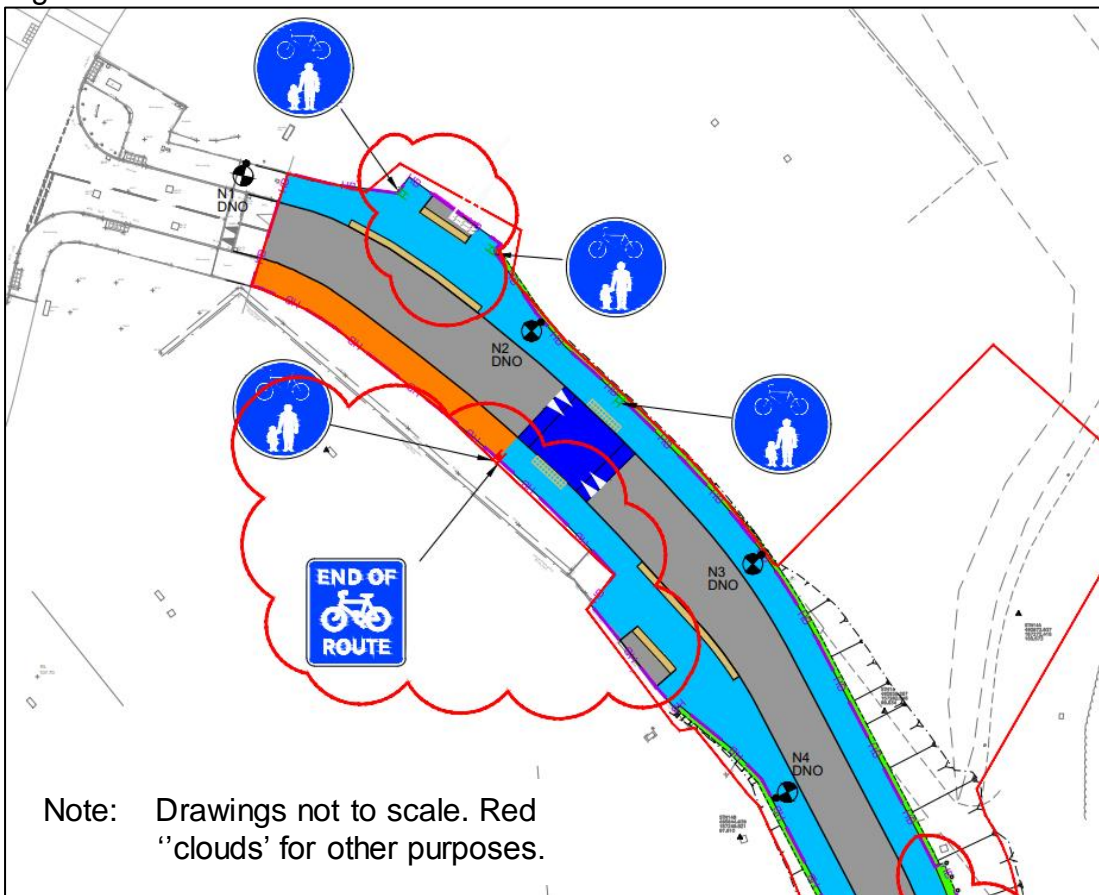


Figure 2: POPOSED LAYOUT



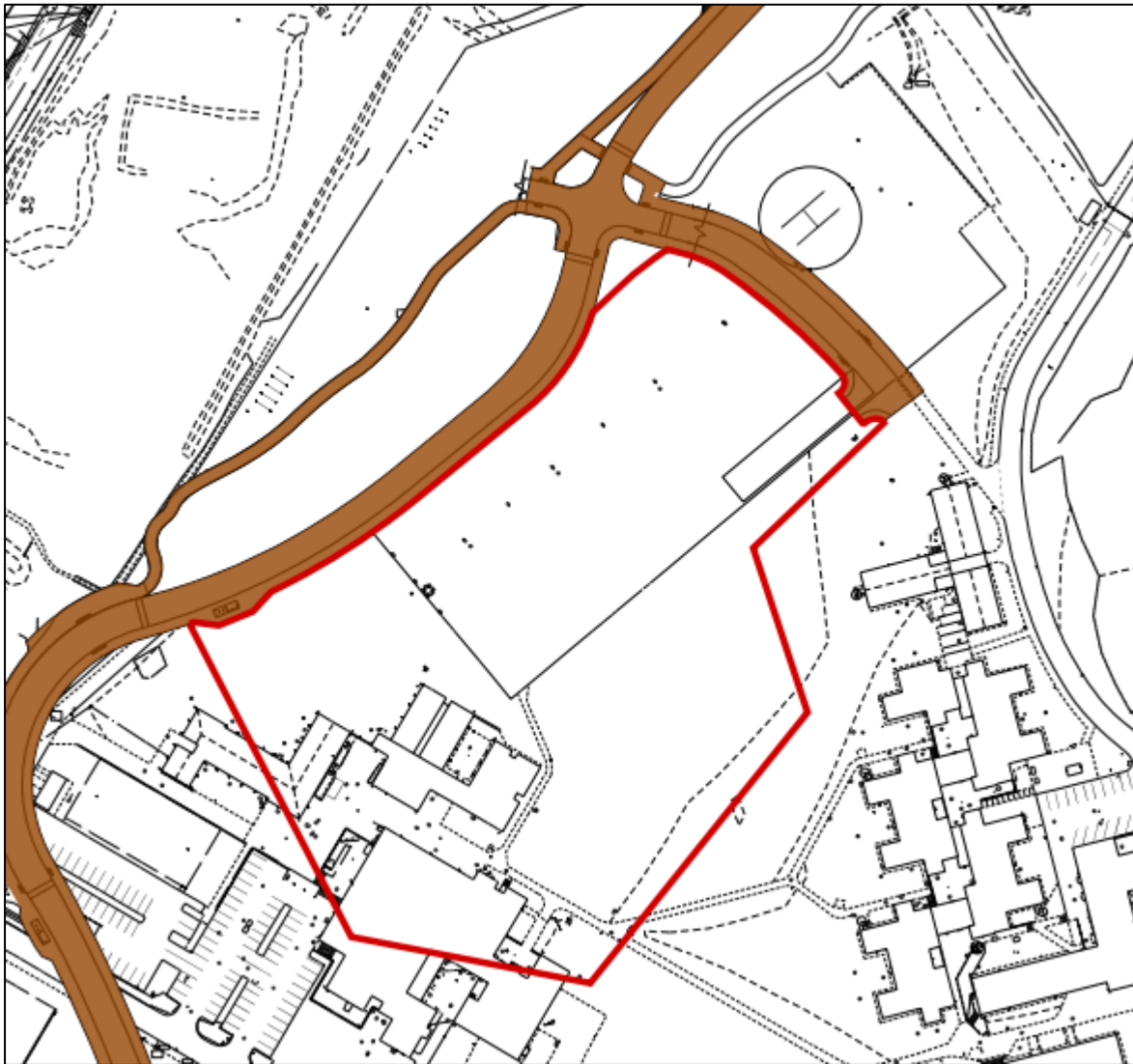
ANNEXE C

PHOTOS OF CONSTRUCTED WORKS



ANNEXE D

EXTENT OF SCC OWNED LAND



NOTE: NOT TO SCALE

ANNEXE E

TDP EQUALITY IMPACT ASSESSMENT

ANNEXE E

INTERNAL CORRESPONDENCE