

**SURREY COUNTY COUNCIL****CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND ECONOMIC GROWTH, MATT FURNISS**

**DATE:** 25 JUNE 2024

**LEAD OFFICER:** KATIE STEWART – EXECUTIVE DIRECTOR FOR ENVIRONMENT, INFRASTRUCTURE AND GROWTH

**SUBJECT:** APPROPRIATION OF LAND AT STRINGERS COMMON, WOKING ROAD, GUILDFORD

**ORGANISATION STRATEGY PRIORITY AREA:** GROWING A SUSTAINABLE ECONOMY SO EVERYONE CAN BENEFIT

<b>Purpose of the Report:</b>
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Cabinet approval was obtained in October 2022 to proceed with the de-registration of land at Stringers Common to facilitate junction improvements there. Those junction improvements are required to facilitate the Weyside Urban Village scheme, a major brownfield redevelopment. Approval was secured from the Secretary of State (SoS) in March 2024 under the Commons Act enabling de-registration of land at Stringers Common to proceed.

Before highways construction can commence, Cabinet approval is required to appropriate that land to public highway. Approval is sought for the appropriation of Council owned land forming part of Stringers Common, to become part of the adopted highway / for highway purposes. The land in question was provisionally registered as common in 1968 following an application by Guildford Rural District Council in 1968 and became final in 1980.

The land is not considered to be necessary to be retained as part of the common. A larger area of replacement common land was approved as part of the Commons Act March 2024 decision than that to be deregistered and other mitigation measures are being undertaken by Guildford Borough Council (GBC).

The Surrey 2030 Vision includes ambitions for places where residents live in clean, safe and green communities, where people and organisations embrace their environmental responsibilities and where journeys across the county are easier, more predictable, and safer. Appropriation of this land will enable the construction of an enhanced junction which will facilitate delivery of the Weyside Urban Village scheme – a major brownfield development project, creating many new jobs and homes for residents. Journeys in the area will be easier as the junction works will facilitate traffic flow and include enhanced pedestrian footpaths and cycling provision.

## **Recommendations:**

It is recommended that the Cabinet Member:

1. Agrees to the appropriation of Surrey County Council (SCC) owned land at Woking Road as illustrated in Annex A to public highway as the land is not considered to be necessary to be retained as part of the common.
2. Delegates authority to the Executive Director for Environment, Infrastructure and Growth, in consultation with the Cabinet Member for Highways, Transport and Economic Growth, to deal with all associated matters arising as part of the appropriation process.

## **Reason for Recommendations:**

Improvement works are proposed by Guildford Borough Council to Woking Road / Moorfields Road junction which are required to unlock and facilitate the Weyside Urban Village scheme. Part of the land required for the highway works is on County Council owned land, forming part of Stringers Common.

Before these highways works can take place, the land must be appropriated under Local Government Act 1972 powers, from land held as common to be appropriated for highway purposes.

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

## **Executive Summary:**

### **Background and Overview**

1. In order to implement the Weyside Urban Village scheme, junction improvement works must be undertaken at the Woking Road / Moorfield Road junction, Guildford. Part of the land where the improvement works are located are on County Council owned common land, forming part of Stringers Common. Following Cabinet endorsement in October 2022, applications to de-register this land under the Commons Act were approved by the Secretary of State in March 2024.
2. Before those highway works can take place, the land must be appropriated under the Local Government Act 1972 from land held as common to be appropriated for highway purposes.
3. To bring about the appropriation, the Council needs to exercise its powers under s122 of the Local Government Act 1972 in relation to appropriation of land where land owned by SCC is no longer required for the purpose for which it is currently held.
4. Following completion of the formal notification period of two weeks of the intention to appropriate this land, and a review of any issues or objections received, the decision will be taken as to whether to proceed with appropriation. If it is decided to proceed, the land will be formally removed from the Register of common land and appropriated for public highway. That

will enable GBC to construct the junction improvement works to the satisfaction of the county as highway authority. The highway improvement works will be carried out under a s278 Highways Act agreement.

5. The land in question will then become highway maintainable at public expense. The County Council will remain the registered freeholder.
6. Approximately 1,367 square metres of SCC-owned land will be appropriated. Incidentally, SCC historic records show some of the area to be appropriated incorrectly as highway - albeit that it was also designated common. As such, this appropriation will regularise that aspect.
7. Prior to the Weyside Urban Village scheme, SCC had proposed improvement works for this junction, anticipated at that time to be funded by central government. That funding was not forthcoming however. This illustrates that the junction improvement scheme has been under consideration for some time with funding for those works to be secured via GBC.

#### **Consultation:**

8. De-registration of the land in question, and associated mitigation measures, were subject to an informal public consultation exercise in December 2022 jointly managed by the County and GBC. Representations received were carefully reviewed, and revisions to the scheme were made as a result – for example including a new public footpath from Jacobs Well Rd onto the replacement land. The Commons Act applications were also subject to statutory consultation by the SoS in May 2023, and representations made as a result of that were considered during the course of their determination.
9. The issue of appropriation, and the related matters of de-registration, and subsequent highway works has been developed in liaison with GBC, and involving several County Council services including Environment, Transport, Land and Property and Legal services.
10. The Cabinet Members for Environment and for Highways, Transport and Economic Growth were engaged in the preparatory period leading up to the de-registration Cabinet report in 2022 and briefed again in May 2023 including results of the informal de-registration consultation and details of proposed mitigation works. The Divisional Member was briefed prior to the October 2022 Cabinet report and prior to informal consultation (December 2022). The Divisional and Cabinet Members mentioned above, plus the Cabinet Member for Property, Waste and Infrastructure were all briefed in preparation for this report (May 2024).

#### **Risk Management and Implications:**

11. One of the main risks linked to this workstream is that if appropriation does not take place. If that occurs, the proposed junction improvement works would not be able to proceed. That may jeopardise the full implementation of the Weyside Urban Village scheme. This risk is mitigated by Cabinet endorsement of the October 2022 report, by informal public consultation (December 2022) and statutory consultation under the Commons Act (May

2023). Associated mitigation includes the Commons Act applications to de-register and for replacement land which were approved March 2024, and there is ongoing, regular engagement and joint work between the County and GBC which will all help to manage and mitigate this risk. The design of the junction scheme is at an advanced stage.

12. Risks associated with the design and implementation of the junction works will be covered by the s278 Highways Act agreement between the County and GBC.
13. An inspection of the replacement common land will be carried out following completion of works associated with that / upon registration of the replacement land as common, and any issues of concern will be raised with GBC as landowner and party responsible for that land.

#### **Financial and Value for Money Implications:**

14. The direct costs associated with appropriation are considered minimal, including for example Legal and other officer time involved in the project, publication of the statutory notices of the County's intention to do so and dealing with any issues arising from that. Most of the costs – including SCC project management time - are reimbursable from SCC to GBC under a Memorandum of Understanding (MoU) between both parties.
15. Indirect costs associated with this broader workstream but outside the scope of this report, include the provision of replacement land, landscape and environmental works, and the s278 Highways Act junction improvement works – all of which will be funded via GBC. There will be no additional SCC costs regarding maintenance of the replacement land, which will be funded by GBC. Any additional costs associated with maintenance of the junction improvement scheme will be covered under the s278 Highways Act agreement and will be met by GBC during an initial 12 months maintenance period.
16. The cost of providing the new junction estimated at £1.7m will be funded via GBC.

#### **Section 151 Officer Commentary:**

17. Clarify SCC funding implications for common land maintenance and junction improvement maintenance (these matters are now Incorporated into paragraph 15 above).

#### **Legal Implications – Monitoring Officer:**

18. Where land is held by a local authority for a particular purpose it can be appropriated to a different use by that authority.
19. Land at Stringers Common described above was the subject of an Order of Exchange made by an Inspector on behalf of the Secretary of State for Environment, Food and Rural Affairs on 1st March 2024 and is therefore released from its register of common land ("the release land").
20. In order to appropriate the release land to another statutory purpose under section 122 of the Local Government Act 1972, formal appropriation is required so as to ensure that the statutory power under which the land is held is clear.

## Equalities and Diversity:

21. The junction improvement works facilitated by the appropriation include new footways, pedestrian crossings and cycle priority measures, allowing safer access for pedestrians and cyclists. The works include dropped kerbs, better able to meet the needs of vulnerable users and those with restricted mobility.
22. An inclusive consultation exercise was undertaken regarding common land de-registration (December 2022) with efforts made to target hard to reach groups.
23. A full Equalities Impact Assessment (EqIA) has not been completed specifically for appropriation, as this is a procedural technical matter needed to transfer the land from one use to another. However, an overview of the key equalities issues are outlined below regarding appropriation, and for the sake of completeness, for the highway works and for de-registration.

<b>Age</b>	<p>None. There are no issues under to this strand likely to arise in relation to appropriation.</p> <p>In relation to the highway works to be facilitated by appropriation they will be the subject of technical assessment which includes the need to ensure safe access for all road users of all ages.</p> <p>In relation to common land and deregistration, it is assumed that there will be no resulting impacts on this strand. Replacement land will be provided and openly available for all ages.</p>
<b>Belief / Faith</b>	<p>None. There are no issues relating to this strand regarding appropriation, highway works or -de-registration.</p>
<b>Disability</b>	<p>There are no direct issues relating to appropriation from this strand.</p> <p>In relation to the highway works to be facilitated by appropriation, for this strand the scheme is likely to have positive impacts, such as dropped kerbs, tactile and colour contrasted paving. The highway works are likely to have a positive impact on this strand.</p> <p>In relation to the common land and deregistration, the scheme is likely to have a positive impact. The replacement common land will generally be accessible to all sections of the community, including for example provision of a new level accessible route from Jacobs Well Rd.</p>
<b>Gender</b>	<p>None. There are no direct issues from this strand in relation to appropriation.</p> <p>In relation to the highway works facilitated by appropriation, the scheme is likely to have positive impacts, such as dropped kerbs for those with childcare responsibilities.</p> <p>In relation to common land and deregistration, it is assumed that there will be no resulting impacts on this strand. Replacement land will be provided, and openly available for all genders.</p>

24. The highway improvement works were identified as part of the Weyside Urban Village planning application consultation process and are consistent with the aims and objectives of the Surrey Local Transport Plan 4 (LTP4), which was itself informed by an EqlA assessment. LTP4 aims to ensure fair and equitable access to services, facilities and amenities for all and is a key consideration on all relevant schemes and proposals.
25. Appropriation will facilitate the junction improvement scheme, which will help unlock a major brownfield development project, creating new jobs and homes for residents. Journeys in the area will be easier including active means of travel. The junction works propose pedestrian footpaths and cycling provision which will benefit some sections of the community.

**Other Implications:**

26. The potential implications for the following council priorities and policy areas have been considered.

<b>Area assessed:</b>	<b>Direct Implications:</b>
Corporate Parenting/Looked After Children	n/a
Safeguarding responsibilities for vulnerable children and adults	n/a
Environmental sustainability	Tree, hedgerow and landscape works are proposed as part of the highway / de-registration processes to help meet corporate priorities.
Compliance against net-zero emissions target and future climate compatibility/resilience	No direct issues from appropriation.
Public Health	No direct issues from appropriation.

**What Happens Next:**

27. Following agreement of the recommendations in this report:
- a. The intention to appropriate will be advertised in accordance with statutory procedures.
  - b. Any issues or matters arising due to this formal notification period will be carefully considered and reviewed, in liaison with the relevant Executive Director and Cabinet Member, before making a final decision on whether to proceed with appropriation or not.
  - c. If the land is appropriated, it will also be formally removed from the Register of Common Land, and the replacement site will then become registered as common.
  - d. The County will undertake a check of planting and ecological mitigation works as landowner in relation to the replacement land and raise any issues of concern with GBC as landowner.

- e. GBC, as the County's agent, will enter into a licence to undertake works on County Council owned land (summer 2024).
  - f. Junction improvement works construction period (summer 2024 – spring 2026), s278 agreement completed and the scheme adopted as highway.
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**Consulted:**

Refer to sections 6 - 8 above.

**Annexes:**

Annex A – Site Plan

**Sources/background papers:**

De-registration of Land at Stringers Common, Surrey County Council Cabinet Report, 25 October 2022

# Annex A - Site Plan Showing Land to be Appropriated (pink)

