

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Environment and Transport
Date:	15 September 2016
Title:	Land surplus to highway requirements in Fareham
Reference:	7687
Report From:	Director of Economy, Transport and Environment

Contact name: Phil Yexley

Tel: 01962 846956

Email: phil.yexley@hants.gov.uk

1. Executive Summary

1.1 The purpose of this paper is to seek approval for the land at 280 Western Way, Fareham to be declared surplus to highway requirements.

1.2 This paper seeks to

- explain the reason for the County Council's ownership of the land;
- describe the proposed direction of the scheme for which the land was originally acquired; and
- confirm the land is surplus to highway requirements.

2. Detail

Contextual information

2.1 The land was originally acquired by Fareham Urban District Council as part of a larger acquisition for the construction of Western Way in 1964.

2.2 Hampshire County Council became the highway authority in 1974 and any land held by Fareham Urban District Council (now Fareham Borough Council) became vested in the County Council. From 1974 to 2005 Fareham Borough Council continued to manage the highway network within the district boundary under an agency agreement on behalf of the County Council and retained its old highway deeds. When the agency ended, Fareham Borough Council transferred its highway deeds to the County Council. Until that time the County Council was unaware of any interest in the said land.

2.3 The part of the land shown coloured red in Appendix 1 was not used as part of Western Way and is not subject to highway rights.

Finance

- 2.4 As the land has been in possession of the adjoining owner for many years, the County Council could not resist a claim of adverse possession and as such the value of the land to the County Council is nil. However, the adjoining owner has indicated that they will bear the legal costs of the transfer.

3 Future direction

- 3.1 Strategic Transport, Development Planning, Hampshire Highways and Arboriculture do not see any reason to retain this area of land for highway purposes.

4 Recommendation

- 4.1 That the Executive Member for Environment and Transport declares that the land at 280 Western Way, Fareham, as coloured red in Appendix 1 is now surplus to Economy, Transport and Environment's highway requirements.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	no
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	no
Corporate Improvement plan link number (if appropriate):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:	
Declaring the land surplus to requirements may subsequently allow disposal of the land, rationalising the County Council's asset holding and releasing the monetary value for use in its services.	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

None

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 (“the Act”) to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2. Equalities Impact Assessment:

An Equalities Impact Assessment has been carried out specifically for this proposal (ref: EIA819016). The proposal is to declare that the area of land is surplus to Economy, Transport and Environment operational requirements. It is considered that this decision would have no impact on any individuals with protected characteristics as it will not alter the use of the land.

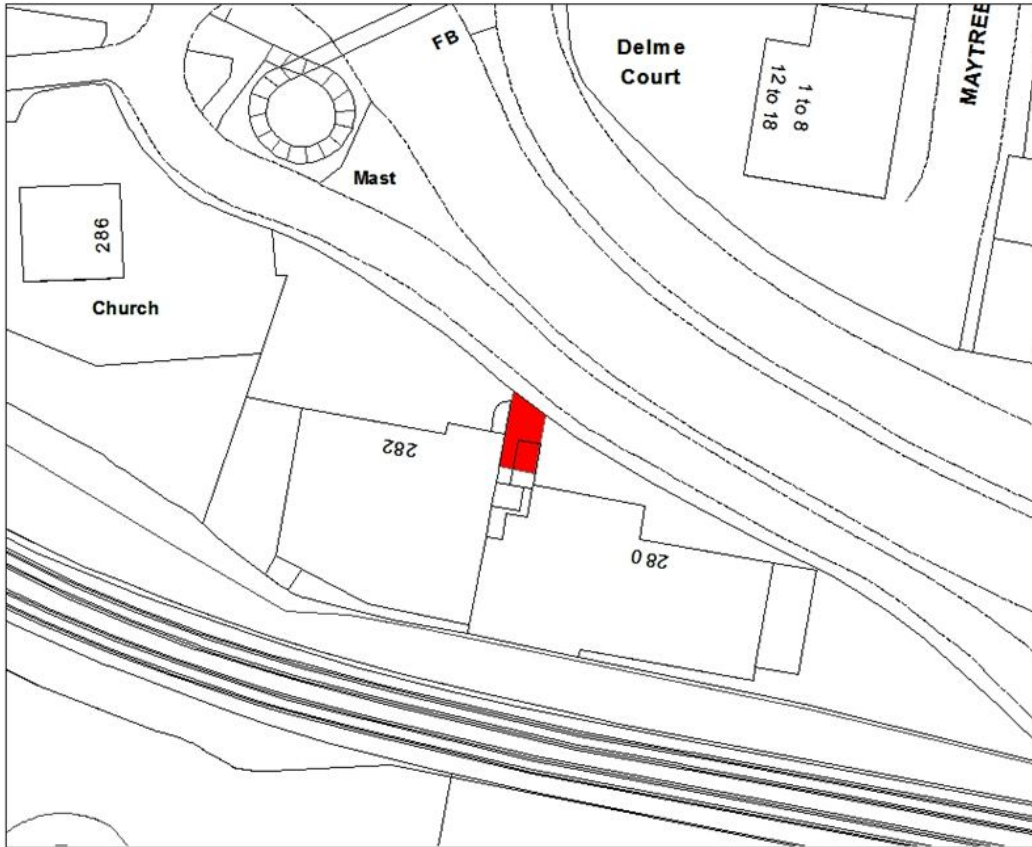
1 Impact on Crime and Disorder:

None

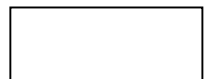
2 Climate Change:

- 2.1 How does what is being proposed impact on our carbon footprint / energy consumption ? No impact
- 2.2 How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts ? No impact

Appendix 1



Surplus Highway
280 Western Way, Fareham



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map with the permission of the controller
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