



**Basingstoke  
and Deane**

**Proposed highway improvements to Brighton Hill  
Roundabout, Basingstoke:  
land required for scheme implementation**

**Cllr J Izett, Cabinet Member for Property and Development**

**Cllr M Ruffell, Cabinet Member for Planning and  
Infrastructure**

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<b>Report to</b>	<b>Cabinet</b>
<b>Ward(s):</b>	<b>South Ham/Brighton Hill North/Grove</b>
<b>Key Decision:</b>	<b>No</b>
<b>Appendix 1:</b>	<b>Location Plan</b>
<b>Appendix 2:</b>	<b>2a) Site plan of land ownership at the Camrose Ground 2b) Site plan of BDBC landownership at BH roundabout</b>
<b>Appendix 3:</b>	<b>Public consultation document with highway scheme details</b>
<b>Appendix 4:</b>	<b>Confidential: Financial matters</b>
<b>Papers relied on:</b>	<b>None</b>

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**FOREWORD**

**Cllr John Izett, Cabinet Member for Property and Development**

These proposals have my support, in enabling the major highway improvements planned by Hampshire County Council to the A30 South West gateway to Basingstoke.

The proposed transfer of 0.86 acres of land to create a new Camrose link road will contribute to significant vehicle capacity improvements, reduced congestion, and safety and pedestrian benefits for our residents using Brighton Hill roundabout. It will help maximise the value to residents of the £18.6m of funding from the government, LEP and HCC towards the A30 highway improvements. It will also facilitate the planned relocation of Basingstoke Town Community Football Club to a new ground at Winklebury.

Following consultation, I am pleased that these proposals have the support in principle overall of local residents, who are to be kept informed as detailed scheme plans are developed. I note also that the proposed disposal to a single party, HCC, and at less than full market value is supported by our Standing Orders in relation to the economic and social benefits and inward investment that will result from the completed scheme.

### **Cllr Mark Ruffell, Cabinet Member for Planning and Infrastructure**

The delivery of these proposed highway improvements are a further example of where the council can help support improved highway infrastructure in readiness for the anticipated growth in Basingstoke, and particularly that anticipated within the south west of the town. It will help secure Local Enterprise Partnership funding, and support the objectives set out in the Local Plan and Council Plan. We are pleased to work in partnership with the county council to help secure this much needed infrastructure project, which will benefit for the town's highway network.

#### **Recommendation to Cabinet:**

- Approves the dedication of council owned land at and in the vicinity of the Brighton Hill roundabout (to include its land interests forming part of the Camrose Football Ground to Hampshire County Council at nil value for incorporation into the public highway, to support the implementation of the highway improvements and, subject to the relocation from the Camrose Ground of the Basingstoke Town Football Club to an alternative site in Basingstoke, to enable the implementation of the preferred scheme option detailed in this report. This accords with S123 of the Local Government Act 1972 where any disposal at less than best consideration may proceed where social, economic and environmental benefits can be achieved.
- Delegates the detailed terms and conditions associated with the dedication of the land, the deed of dedication and related documentation, and any other supplementary legal or other agreements that may be required to facilitate the highway improvements to the Executive Director of Finance and Resources, in consultation with the Executive Director of Borough Services and the Head of Law and Governance.
- Delegates to the Executive Director of Finance and Resources the consideration of any objection received in relation to the notice of dedication of any open space under S123 of the Local Government Act 1972 for the Director to decide whether or not Cabinet should re-consider its decision in light of any objections received.

## BACKGROUND, CORPORATE OBJECTIVES AND PRIORITIES

This report accords with, and directly supports Council Plan priorities of preparing for controlled and sustainable growth by investing in the town's infrastructure and by making the most of a partnership approach, (to include Hampshire County Council and the Local Enterprise Partnership). It also accords and supports the objectives detailed within the council's Adopted Local Plan (2011 to-2029) to support and facilitate infrastructure, in advance of anticipated future development.

## GLOSSARY OF TERMS

Term	Definition
'The council' HCC or the 'County Council' LEP	Basingstoke and Deane Borough Council Hampshire County Council Enterprise M3 Local Enterprise Partnership

## MAIN CONSIDERATIONS

### 1 Executive Summary

- 1.1 This report provides Cabinet with details of a proposed highway scheme for improvements to be made to the Brighton Hill roundabout, (see location plan at Appendix 1) which is to be undertaken by Hampshire County Council (HCC) as highway authority. It seeks authority for the council to dedicate into the public highway the necessary council land required to help facilitate the improvements, by way of a deed of dedication. The county council will subsequently take forward a highway construction programme, upon the obtaining of the required scheme funding and any further consents necessary. This report is in accordance with the council's disposal procedure for land and property.
- 1.2 HCC has requested that the council dedicates to HCC, borough council owned land at nil value, which has been the case with similar recent schemes where there are considered to be significant highway infrastructure benefits to the town. This report details the matters to be taken into account when considering such an approach, and what would constitute an off market disposal to one party, in accordance with the council's disposal procedures.
- 1.3 Details of the proposed scheme are included in this report and the intended benefits that would result from the proposed highway improvements, with the intended improvements considered to represent the most suitable scheme option which has been assessed by the highway authority. This will assist in the delivery of key Local Plan development sites to the south west of the town, as well as supporting other key development projects in Basingstoke.
- 1.4 This report includes details of the council's land to be included in the scheme, and the impact on a third party lease granted by the council on land within its ownership. The impact of the scheme on an adjoining landowner is also included within the report, in the context of other land being required to enable scheme implementation. Legal, planning and financial matters are included in this report, together with details of the recommended option.

## 2 The Proposal

- 2.1 Hampshire County Council has received a provisional allocation of funding for highway improvements to the A30 South West corridor (which includes Brighton Hill roundabout) from the Government's Local Growth Fund, to be made available via the Enterprise M3 Local Enterprise Partnership. This represents substantial inward investment to the town. The funding, together with county council match funding to include developer contributions, will provide a total funding stream of approximately £18.6m to implement road improvements in the A30 south west corridor.
- 2.2 The Brighton Hill roundabout scheme will be the first major highway infrastructure improvement in this location, with the scheme works intended to commence in 2020, with an estimated two year build programme to final completion. It is anticipated that the proposed improvements at Brighton Hill roundabout will use the majority of the available funding for the A30 south west corridor, with some improvements proposed for Kempshott Roundabout in time.

### Proposed Highway Scheme

- 2.3 Appendix 3 (Slides 5 and 6) provide details of the scheme plans for the proposed highway improvements, and which were included as presentation boards during the county council's September 2018 public consultation. In summary, it is proposed that the roundabout will become fully traffic signal controlled and that it will be widened to incorporate additional vehicle lanes. This will increase vehicular capacity and assist traffic flow and reduce congestion at this strategic location, as a key gateway into the town. Together with junction improvements, there will be improved safety and ease of movement, which will enable better traffic control and speed measurements to be introduced. These measures are particularly important given the development allocated in the Local Plan to the south west of the town, in addition to other major projects in Basingstoke which will generate additional vehicle trips in this corridor.
- 2.4 It is intended that the existing subways will be retained, and supplemented by new 'at grade' pedestrian crossings, and which will be fully accessible for disabled people. Footpath links and ramps within and in the vicinity of the roundabout will either be retained or improved and, where appropriate, converted for shared use with cyclists.
- 2.5 The preferred option also includes closing to vehicles, the south-bound entry onto the roundabout from Western Way, however the north bound exit from the roundabout to Western Way will remain open. It is intended that vehicles travelling south along Western Way will be provided with an alternative route that involves a new highway link through the Camrose Football ground site (See slide 6 at Appendix 3) and referred to as the 'Camrose link.'
- 2.6 It is intended that a signal controlled junction will be provided at the southern terminus of the new link, so that vehicles may undertake a left turn towards the town centre, or a right turn across the junction onto the A30 Winchester Road, travelling in a west bound direction. This will then enable vehicles to enter the roundabout to continue journeys in a west or southbound direction.

At the junction of Winchester Road, there will not however be a right turn into the Camrose link from the A30, as vehicles intending to travel north via Western Way, can continue to access Western Way via the Brighton Hill roundabout. See slide 6 at Appendix 3.

- 2.7 Consideration was given to the scope to incorporate the Camrose link (southern terminus) within the existing junction on the A30 (located further to the east) and in order to reduce the number of junctions, and consequently the potential delay, on the A30. This junction is currently used to access the retail parks to the south of the A30 (including Brighton Hill retail park and the recently opened St Michaels retail park). However, the highway authority has confirmed that converting this junction from its existing arrangement with three arms, to a four arm junction, would reduce the 'green time' available to the main traffic flow along the A30 and will impact on journey times for drivers making this journey.
- 2.8 HCC advises that this increase in delay is due to the need to operate the arms that would serve the retail parks and the link through the Camrose separately from one another for safety reasons. Modelling of the proposed junction design for the link road indicates that the proposed design would operate the most efficiently and be able to provide a longer 'green time' for traffic more generally than the existing retail park junction as it would have fewer traffic movements to accommodate.
- 2.9 The county council's traffic signals team will be considering in more detail any required linking between junctions in the locality to ensure that these operate at the greatest level of efficiency and will continue to keep BDBC officers advised of the conclusions of any further studies and whether this impacts in any way on the precise location of the Camrose link, and the resulting junction position with the A30. The portfolio holder for Property and Development and the portfolio holder for Planning and Infrastructure will be updated on any proposed changes, and their comments sought about the final positioning of the junction arrangements for the Camrose link.
- 2.10 The county council considered other highway improvement options for the roundabout, which included keeping Western Way open in both directions, and also a 'hamburger' style roundabout arrangement, as previously suggested alongside the Tesco retail development. These options are shown at Slide 7 at Appendix 3, which also summarises the rationale for HCC not wishing to proceed with these options. The primary reason that the county council would like to close the Western Way entry onto Brighton Hill roundabout is to provide sufficient capacity to accommodate planned growth on the A30 corridor and to address road safety issues. There is very limited queuing space on the roundabout between the Western way and Winchester Road arms. As a result, the traffic signals controlling these arms would need to operate through three stages every cycle rather than two stages on the other arms of the junction, to allow traffic from Western Way to safely enter the roundabout without causing queues to block the A30 Winchester Road exit. This would reduce the overall capacity of the junction.
- 2.11 In the event that the Camrose highway link was not implemented (for example if the necessary land interests at 2.13-2.18 could not be acquired by the

county council) the roundabout improvements could still be implemented, with Western Way remaining open in both directions. However this would not maximise the potential highway benefits which would result if the Camrose link were included and would miss the opportunity to deliver significant improvements to this junction, which is key to the town's highway network. The county council has advised that a scheme without a Camrose link could only be considered as a short term solution, and that they would wish to continue to seek, by negotiation, the required land for the Camrose link. This might involve the use of compulsory purchase powers to achieve this objective. Given the time and cost associated with a compulsory purchase procedures, this would be the county council's final resort to secure the necessary land.

- 2.12 The required council land (land coloured blue and hatched brown at Appendix 2a) and that required within the Camrose site (outlined red at Appendix 2a), will be used to provide single lane carriageways in both directions, with a signal controlled junction at the A30 (south terminus) and a mini roundabout with any improvements required, at Western Way (north terminus). Appropriate landscaping, surface drainage and service corridors will also be included. It is intended that an access spur will be provided to any retained council ownership, situated on the eastern portion of the council's landownership at Camrose (land coloured blue and hatched green at Appendix 2a). Council officers are currently working with HCC and the Camrose owners on the specific details and the precise route of the Camrose link to ensure that the opportunities for development on its retained land are maximised, whilst ensuring that the optimum design for the highway link is not compromised.

Land ownership arrangements: BDBC land

- 2.13 In order to undertake the scheme option to include the Camrose link and intended to be implemented by the county council as shown at Appendix 3 (Slide 6 within that document), it would be necessary for the borough council to dedicate the required land from within the area coloured blue hatched brown on the plan at Appendix 2a, and which forms part of the council's land ownership within the Camrose site. This land forms part of the existing grounds of the Camrose site, which is the location of Basingstoke Town Football Club (BTFC). The council granted BTFC an occupational lease over that part of the Camrose site within its ownership (matters relating to securing the necessary land for the highway scheme in the context of the existing BTFC lease, are set out at 2.16 to 2.17).
- 2.14 The council's land required for the highway scheme extends to a maximum area of about 0.86 acre (0.34ha) and is outside of the public highway, therefore HCC needs the borough council's agreement, as landowner, for the land to be dedicated into the public highway, subject to the surrender of the BTFC lease. Whilst the exact extent of the council's land to be dedicated has not yet been determined, the extent of the required land will be that situated within the land coloured blue and hatched brown as shown at Appendix 2a.
- 2.15 The borough council's land ownership also comprises the land coloured red on the plan at Appendix 2b. Any of the red land required for the highway scheme is understood to already be within the extent of the public highway. Therefore, the county council may undertake alterations or improvements to

the roundabout in accordance with the Highway Act 1980, and without requiring the council's specific consent as landowner of the subsoil. It is possible that some of the red land is outside of the highway, but is currently ancillary verge areas, in which case it is intended that, where this land is required for the roundabout improvements, that it is included within any deed of dedication.

#### Camrose land ownership and BTFC lease

2.16 For the 'Camrose link' highway option to be implemented, it will be necessary for HCC to agree with the Camrose owners the dedication of any necessary land within the Camrose grounds, the extent of which is outlined red on the plan at Appendix 2a and for HCC to agree with BDBC and BTFC, the surrender of the relevant land area currently forming part of the BTFC lease on the borough council's land. The details of these land interests are set out at 2.14 and 2.15 below.

#### 2.17 BTFC lease

The borough council granted BTFC a lease for 92 years expiring in 2052 for the blue land at Appendix 2a. The land comprises part of entranceway, parking and ancillary green space to the main Camrose Ground. It will be necessary for the council to take surrender of the lease, of that part of the land to be subsequently dedicated for highway purposes. Progress on current discussions with BTFC and its representatives are set out at Confidential Appendix 4, but in principle there is support from the club's representatives that they will surrender from their lease, the land that is necessary to facilitate the construction of the Camrose link and its dedication to the highway.

#### 2.18 Land within the Camrose Ground

The Camrose Ground (outlined red on the plan at Appendix 2a) is within the ownership of a private individual and a development company. The land is currently occupied by BTFC and together with the BDBC land subject to lease (see 2.14) comprises the football stadium.

It is BTFC's intention to move to upgraded facilities at the Hampshire Football Association grounds at Winklebury, on a shared basis arrangement. Cabinet approved in March 2018 that the HFA will be granted a long lease of borough council owned land on the Winklebury sports fields at Western Way. As part of this lease arrangement, BTFC may elect to enter into a sub-lease with HFA if planning permission is granted for a potential housing development on the Camrose site; and on the requirement that funds are made available by BTFC to the HFA to undertake improvements to the Winklebury sports facilities. The Camrose site would then become vacant and re-developed on the basis of any planning consent obtained.

In March 2018, (and in anticipation of the Camrose site becoming vacant) the Camrose owners undertook a public consultation on proposals to redevelop the Camrose Ground for a housing-led development, on the understanding that BTFC would move to the Winklebury site.

Vehicular access to the proposed development was intended to be via a new junction with the A30, but without the need for any further access point (ie via Western Way).

Earlier in 2018, borough council officers met with representatives of the Camrose to explore the merits of the possible inclusion of the BDBC land in a housing development on the Camrose land. The progress of those discussions are set out at Confidential Appendix 4.

During the period of those discussions, HCC subsequently advised that they wished to consider a highway option which included the Camrose link. Thus, subsequent discussions between HCC/BDBC/Camrose have focussed on how all the parties can work together collectively, and with BTFC, to enable implementation of the highway link but as far as possible minimizing the impact on any future scheme of housing development, and to provide appropriate junction connections to the council's retained land coloured blue hatched green at Appendix 2a.

Discussions to date propose that the technical specifications and location for the Camrose link can be included within a future Camrose layout, and in any subsequent planning application. This includes the access position and junction arrangements which will serve any new development and facilitate access via the Camrose link. Any planning permission granted would be conditional upon the link being built to adoptable standards, and adopted within a given timescale.

The Camrose owners act as representatives for BTFC in respect of the lease and the progress of those discussions are set out at Confidential Appendix 4. Officers will continue to work with all the parties to help facilitate the dedication of land across the entire length of proposed highway (the 'Camrose link') with the intention that the road will be constructed as a single phase, rather than on the basis of a piecemeal approach. This will require unilateral agreement of all the parties and to ensure that the deeds of dedication are entered into simultaneously.

- 2.19 The implementation of the scheme option to include the Camrose link will depend on BTFC relocating to the alternative site at the HFA's grounds in Winklebury, which is referred to in the recommendations within this report.

### **3 Project Timetable**

- 3.1 Investigative work has already started, including surveys, service diversions and consideration of any other third party land which may need to be included. Following options modelling, a public consultation took place in September 2018. HCC officers reported to their Environment and Transport Member in November 2018 and subsequently obtained approval for the scheme set out at Appendix 3 (slide 6). A detailed technical and business case is now being prepared by HCC officers for securing the LEP funding specifically for this project by March 2019.
- 3.2 Completion of all further design work and a programme of implementation will be finalised during 2019, with the intention that construction work will commence during 2020. The construction phase is projected to complete in

2022 and council officers will work with HCC to ensure that local residents and stakeholders are kept informed of progress.

#### **4 Corporate implications and council policy**

- 4.1 This highway improvement scheme accords with a number of the council's policies and corporate objectives. The improvements are inherent within the Council Plan, (2016 to 2020) such as preparing for controlled and sustainable growth and that the necessary infrastructure is in place to support these objectives and are in line with the objectives set out in the Transport Strategy. These highway schemes will support future economic vitality and help to ensure that investment is made in Basingstoke, and that it is considered by business as an accessible location. The roundabout improvements will also support the delivery of future development proposals, such as those anticipated along the A30 corridor and in the wider town context, including Manydown, Basing View and the future of the Leisure Park.
- 4.2 The adopted Local Plan (2011 to 2029) recognises the importance of access and transport and as such highway improvements such as the Brighton Hill roundabout form an integral part of the Local Plan, by providing the necessary infrastructure for existing and future development. Within the Plan, there is reference to HCC's Local Transport Plan (LTP) which includes as a supporting document, the Basingstoke Town Access Plan (TAP). The TAP identifies that improving the town's roundabouts will be a key component, and to facilitate additional capacity and optimal management of the highway network. This is further supported by the draft Transport Strategy which seeks to provide new infrastructure to support development as well as ensuring that journey times are reliable.
- 4.3 The dedication of borough council owned land needed to help facilitate the improvements to the Brighton Hill roundabout thus supports a range of council objectives and wider transport policies. The financial issues around dedicating council owned land are dealt with at Part 6 of this report.

#### **5 Consultation and Communication**

- 5.1 Hampshire County Council undertook a public consultation on the highway proposals during September 2018, which was supported by officers from the borough council. The slides at Appendix 3 were provided as exhibit panels at the consultation, and with the 'Camrose link' option presented to residents as the preferred option. Residents had the opportunity to view plans and details of the proposals, raise any concerns with officers and complete a feedback questionnaire form. Responses to the questionnaire were supportive of the principle of improving the roundabout and the design set out at Appendix 3. With regard to inclusion of a Camrose link, residents were supportive overall as a percentage of the responses received. Details of the scheme remain on HCC's website. Following the public consultation, a paper was taken to the county council's Executive Member for Environment with approval on 13 November 2018 for the preferred scheme layout that was presented at the public consultation.
- 5.2 There has also been on-going consultation with county and borough councillors and the officer teams at HCC and BDBC. In August 2018, there was a further briefing session which included a detailed presentation by HCC's strategic

transport planners, as part of an open invite to both county and borough councillors. This gave councillors the chance to make comment on the details of the scheme, with HCC responding to any specific observations that were made.

- 5.3 A further meeting took place with ward councillors on 3 December 2018 for the purposes of discussing any specific matters requiring clarification. The councillors confirmed that they were happy in principle with the proposed roundabout improvements, on the basis of the specifications set out in the public consultation documents, which included the proposed highway link through the Camrose, while raising potential reservations about the type and form of any future development on the Camrose Ground. They requested that the precise route of the Camrose link, and particularly the north section (running south of the properties in Mansfield Road), be given detailed consideration and that, as far as possible, mitigation work be implemented to reduce any highway impacts on those properties. Where possible, any pedestrian and cycle links being provided should maximise the potential to improve connectivity and safety. The flooding sometimes experienced at, and in the vicinity of, the roundabout should be addressed. Officers from BDBC and HCC will keep the ward councillors updated as the project progresses, especially once dates are known for the start of construction and key milestones for project delivery.
- 5.4 Further discussions are also to taking place with the disability access group and the Hampshire Fire and Rescue service. They will continue up to and including the start of work to ensure, as far as possible, that their respective operational requirements and mobility needs are taken into consideration.
- 5.5 As part of the council's disposal procedure, all ward councillors will be consulted to establish whether they have any objections to the borough council owned land being dedicated as highway.
- 5.6 HCC does not require planning permission to implement the scheme, except for the section of the Camrose link through the council's land, and it is understood that HCC could effectively apply to their own council to obtain consent. For the section of highway through the Camrose land, it is intended that HCC will provide the Camrose owners with the technical specifications for the highway to be included in a future Camrose planning application, which could be a housing-led development.
- 5.7 The council will continue to input into HCC's project programme to ensure, as far as possible, that proper traffic and construction management is undertaken during the works programme. Any works undertaken should comply with any existing legislation, such as ensuring the welfare of any protected species in the vicinity of the roundabout. HCC is proposing to undertake appropriate environmental and arboricultural assessments to determine any impact on trees and protected species and to mitigate, as far as possible any negative impacts and in accordance with the appropriate governing legislation.
- 5.8 HCC is keen to ensure implementation of the scheme in accordance with their Local Transport Planning Strategy. However, the county council is not obliged to undertake the works. In the event that the scheme did not proceed, the Local Growth Deal could potentially be re-allocated to other projects, possibly outside of the borough.

## **6 Financial issues around dedicating of land**

- 6.1 In order to facilitate the construction of the scheme, Hampshire County Council has requested that land within the area coloured blue hatched brown on the Plan at Appendix 2a be dedicated to HCC as highway authority. The land would then become public highway as part of the future scheme, and thus subject to public highway rights. While the council would retain ownership of the land (the 'sub soil'), dedication of highway rights is considered to be a disposal, falling within the auspices of the council's disposal procedure.
- 6.2 Hampshire County Council has requested that the land be dedicated to it at nil value. In accordance with the Disposals Procedure, there are a number of considerations that have to be taken into account in considering such a request, as detailed at 6.3 below.
- 6.3 The council's Disposal Procedure
- 6.3.1 The council's adopted Disposal Procedure for Land and Property, includes a general presumption that land disposals (and in this case, dedication of land) should follow competitive marketing, and the need to obtain best value under S123 of the Local Government Act 1972. The dedication of the land to Hampshire County Council would amount to a disposal by negotiation with one party, without any marketing.
- 6.3.2 However, the council's Standing Orders: 'Disposal of Land' state that negotiations with one party may be justified where:
- a) the land is small in size/value
  - b) the purchaser is an adjoining or closely located landowner, and the only potential or likely purchaser
  - c) the nature of the council's land ownership is such that the land must be sold to adjoining or surrounding land owners if best consideration is to be obtained
  - d) where there is a special purchaser for whom the land has a higher value than anyone else, for example, ransom strips, or where there is marriage value
  - e) where council objectives would be best met by undertaking private treaty negotiations with a single party who would bring social environmental or economic benefit
  - f) where the proposed transaction involves a party who already has a property interest in the land in question.
- 6.3.3 Officers consider that the principle of dedication of the land to HCC as highway authority, is justified in the context of the Standing Orders described above, satisfying ground (e), in whole or in part, given the substantial economic benefit and inward investment to the town that would result from the scheme. However, the dedication would still need to satisfy other parts of the disposal procedure where it is anticipated that less than full market value might be obtained, as detailed below.

6.3.4 The disposal procedure also states that “the council will consider the contribution of a disposal to the furtherance of council priorities or the promotion or improvement of the economic, social or environmental well-being of the area”, and the council’s Standing Orders - Disposal of Land state that:

“In certain circumstances, the council may dispose of land (in this case a highway dedication) for less than the full market value. Those circumstances are clearly defined by law and in any other case, specific consent is needed from the Secretary of State. General Disposal Consents have been given by the Secretary of State for certain transactions.”

6.3.5 This General Disposal Consent makes provision for the council to dispose of land at less than full market value. Specified circumstances must apply as follows:-

- The council considers that the purpose for which the land is to be disposed of (in this case dedication of land) is likely to contribute to the promotion or improvement of the economic, social or environmental wellbeing of the whole or part of its area, or any person resident or present in its area.
- The difference between the unrestricted or market value of the land to be disposed of and the consideration for the disposal does not exceed £2million.

The proposed dedication of the land to HCC, fall within the terms of that Consent.

6.3.6 Further, all disposals (in this case dedication of land) covered by the definition of these Standing Orders at less than best consideration must be referred to Cabinet for approval.

6.3.7 Thus, to satisfy the disposal procedures and the standing orders detailed above, and to support the dedication of land, the council must be satisfied that the proposed highway scheme cannot be implemented without the dedication of council land and that there are clear economic, social and environmental objectives that would result from the scheme.

6.3.8 Included within this report, are summary details of the considerable economic/ transport benefits that will result from implementation of this scheme. The council are not committing any funds to the scheme, which together with other nearby improvements has an overall cost of approximately £18.6M, the details of which are set out at 7.2. In the absence of the land being dedicated to HCC, the project in terms of its optimum solution as detailed in this report, would be compromised.

6.3.9 In the absence of the proposed highway scheme, the council’s land coloured blue hatched brown at Appendix 2a would have development value if it were to be developed for example for housing, but subject to obtaining a planning consent. The potential development value of the shaded blue land is provided within Confidential Appendix 4. It should be noted however, that the land value that can be obtained by the council is partly determined by the existence of the BTFC lease (see Confidential Appendix 4).

- 6.3.10 Importantly, if the council chose not to dedicate the land required by HCC, any of the land coloured blue hatched brown included in a planning application for residential development, might lead to a planning refusal, as the road improvements (proposed by HCC as highway authority and statutory consultee to any application), constitutes an important material consideration to an application.
- 6.3.11 It is therefore considered that dedication of council owned land to HCC as highway authority is justified in terms of the council's disposal procedure. Whilst some potential land value is being lost, Basingstoke will gain considerable economic benefit and £18.6m of inward investment from these highway improvements, and the dedication of the land will enable HCC to facilitate scheme implementation accordingly. It will also demonstrate to the Local Enterprise Partnership, the council's willingness to help facilitate these types of infrastructure project by the inclusion of its land accordingly.

## **7 Financial Implications**

### **7.1 Dedication of land**

- 7.1.1 For council owned land already within the public highway, and for any small areas of ancillary open space, the council receives no rental income, and would not receive any capital receipt in the event of its sale.
- 7.1.2 For the land coloured blue at Appendix 2a, the council receives a rental income of £65 per annum by way of a lease to the Basingstoke Town Football Club, and which reflects a user restriction that the Club may only use the land as a football ground. The land is currently used to provide access, parking and ancillary land to the wider Camrose site, which is currently used as Basingstoke's main football stadium. The loss of annual income would only have a minor impact on the council's annual income receipts and when compared with the significant inward investment and benefits resulting from the proposed highway scheme.
- 7.1.3 The council will receive no capital receipt from the proposed land dedication. The land values for alternative use of the land, and in respect of its inclusion within a wide scheme of development to include the Camrose ground, and taking into account the BTFC lease, is summarised at confidential appendix 4.
- 7.1.4 Once dedicated to HCC, HCC will derive no future financial benefit from the land, which is required purely to implement a highway scheme and not for the generation of income. The land cannot be sold by HCC as it will comprise public highway and the sub soil remains within the ownership of the council. The benefits of the scheme will however be of significant benefit for the town, but has no investment benefit to HCC.
- 7.1.5 It should be noted that the scheme will attract significant inward investment to include LEP funding, and the council is making no direct financial contribution to the scheme.
- 7.1.6 Other confidential matters relating to the value of the land are provided within the confidential appendix 4.

## 7.2 Cost of Brighton Hill Roundabout Improvements

7.2.1 The council will not be providing any funding towards the scheme, the total estimated costs of works on the A30 corridor (including Brighton Hill roundabout) which are £18.6m.

7.2.2 The work is being funded as follows:-

Local Growth Fund/DoT/LEP	£13.0M
Developer contributions/HCC match funds	<u>£ 5.6M</u>
Total	£18.6M

7.2.3 HCC have advised that there is no other funding available for the project. Therefore, if the council were to request land value to enable implementation of a scheme to include the Camrose link, it is unlikely that this optimum scheme solution would proceed.

### 7.2.4 Other Costs

There are no VAT or stamp duty implications as the land is being dedicated to HCC at nil value. HCC will be responsible for the council's legal costs associated with the preparation of legal documentation to complete the dedication and any supporting legal documents.

There is a possibility that Part 1 claims may be received by residents who own properties whose value is adversely affected by the scheme. In that event, HCC would pay for any upheld claims although it is intended that, as far as possible, accommodation and mitigation works will be undertaken to minimise the scheme's impact on nearby property.

## 7.3 Executive Director of Finance and Resources comments

7.3.1 The dedication of council owned land to HCC as recommended in this report will result in a less than 'best consideration' transaction as detailed in Confidential Appendix 4.

7.3.2 The Secretary of State's General Disposal Consent allows for under value transactions where the undervalue is less than £2m and where there are economic, social or environmental benefits. The proposed land dedication has significant economic and transport benefits for the borough, as detailed in this report and the terms of that transaction fall within the terms of the General Disposal Consent.

## **8 Summary of terms for Deed of Dedication**

8.1 The land is to be dedicated by the council, to Hampshire County Council at nil value on the confirmation that HCC have all the necessary funding and consents in place in order to enable them to proceed. The deed will only permit HCC to use the land for highway purposes, in connection with the proposed highway scheme. The freehold (subsoil) of the land will remain in the ownership of the council. HCC will be responsible for the council's legal costs associated with completing the deed of dedication.

## **9 Legal Issues**

- 9.1 Dedicating the council's land to Hampshire County Council by way of a deed of dedication is considered to be the most appropriate, cost effective and quickest method by which the council owned land can be incorporated into the public highway, thus enabling the highway works to be undertaken. The freehold ownership of the land (ie the sub soil) will however remain with the council, although it will be maintainable in future by HCC as highway authority. In the event that the deed of dedication is not ready by the time works are due to commence, HCC could be granted a licence to occupy the shaded blue land and to undertake works upon it, and subject to and pending the grant of a deed of dedication.
- 9.2 Should the council not agree to dedicating the land in Hampshire County Council, HCC could use compulsory purchase powers under the Highways Act 1980 to acquire the land necessary for the scheme. This would be an inappropriate, expensive and unnecessary procedure, given that both councils wish to ensure the implementation of these improvements at the earliest opportunity. However, given that there are further land interests that require to be dedicated (albeit currently subject to negotiation) HCC have indicated that they would consider the use of a CPO, but only as a last resort.
- 9.3 Should any of the land be identified as public open space, there is a requirement under S123 of the Local Government Act 1972 to advertise the dedication and consider any objections received. Although it is considered unlikely that any public open space is included in the proposed dedication of land for highway purposes, notation 3 of the recommendation ensures that if any public open space is identified as required, that the correct legal procedure is followed to facilitate its inclusion into the public highway.
- 9.4 As detailed in this report, the BDBC land coloured blue on the plan at Appendix 2a is subject to a lease to the BTFC, expiring in 2052. It is anticipated that the land required for the Camrose link (coloured blue and hatched brown at Appendix 2a) will be surrendered from the BTFC lease. The progress of negotiations with the BTFC are set out at Confidential Appendix 4.
- 9.5 Other licences, easements and working agreements may be required to help facilitate the works programme. This includes inter alia the granting of highway drainage easements to HCC and the granting of licences to HCC to enter onto areas of council owned land to undertake surveys or to store materials. It is anticipated however that such agreements would only involve council owned land within the immediate vicinity of the roundabout or on the Camrose site. Where any retained council owned land is to be subject to the grant of licences or easements, the land would be made good by HCC upon completion of the works.
- 9.6 It should be noted that whilst the land coloured blue and hatched brown at Appendix 2a shows the approximate areas of council owned land to be included in the scheme, small additional areas of council owned land may subsequently be required for inclusion in the deed of dedication, to ensure implementation of the most practical and cost effective highway improvement solution. However any small areas of additional land required will have no significant bearing on the financial and legal issues detailed within this report.

Only that additional land as is absolutely necessary for the completion of the highway improvements will be included in the deed of dedication.

- 9.7 It is proposed that Cabinet approve the principles of the proposed dedication of council owned land that is required, to Hampshire County Council by way of a deed of dedication, to enable implementation of the Brighton Hill roundabout improvements to be undertaken by HCC in consultation with the council. Further, Cabinet is requested to delegate authority to the Executive Director of Finance and Resources, the Executive Director of Borough Services and the Head of Law and Governance, in consultation with the Portfolio Holder for Property and Development and the Portfolio Holder for Planning and Infrastructure to decide the detailed terms to be included in the deed of dedication, the exact quantum of BDBC land required and any other supplementary agreements, easements or licences required to facilitate the implementation of the works programme and completion of the scheme.

## **10 Equalities**

- 10.1 The impact of the proposed highway scheme at Brighton Hill roundabout on the protected characteristics and other vulnerable groups, and the implications for the Public Sector Equality Duty (Equality Act 2010), were considered in an Equality Impact Assessment (EIA) prepared by and completed by HCC and which includes the County Council's duty under Section 149 of the Equality Act 2010 to have due regard in the exercise of its functions.
- 10.2 The assessment has identified that the roundabout currently has limited accessibility to mobility impaired people, due to the steep gradients on the approaches to some of the subways. Whilst it may be possible to improve gradients on some ramps, on-site constraints mean this is not possible everywhere. In addition, as the circulatory carriageway of the roundabout is being widened, the ramp gradients inside the roundabout will need to be further increased. In order to address this issue, the proposed scheme includes traffic signal controlled, at grade crossings, which will be fully accessible to mobility impaired people. At grade crossings also provide an alternative crossing facility for people who may not wish to use subways due to personal safety issues. It should be noted that the scheme will be refined further to take into account the matters identified above, at the detailed project stage.
- 10.3 As set out above the EIA has been completed by HCC as project lead. It is acknowledged nonetheless that the proposed highway improvements meet a number of Council Plan, Local Plan and Corporate objectives. The proposed highway improvements will, overall have a positive impact on travel for borough residents and improve overall accessibility within the town as a result of improved traffic management, improve the level of safety for those utilising the roundabout.
- 10.4 If Cabinet approve the decision, officers at BDBC will continue work with HCC to ensure that residents and stakeholders are aware of the timescales and phasing of the future work programme, and that it is communicated in a suitable manner.

## **11 HR Implications**

- 11.1 There are no HR issues expected to arise from the dedication of the council's land for the proposed highway scheme. It is anticipated that the completion of the legal documentation associated with the dedication of land to HCC, can be achieved with the use of in-house resources.

## **12 Risk Management**

- 12.1 There is a possibility that the funding may not be approved or that the agreement with all of the landowners detailed within this report will not be reached for the dedication of the land. In that event, the council would not complete a deed of dedication with HCC, and thus the implementation of a less favourable scheme option would be considered by HCC (for example without a 'Camrose link'). If the necessary funding were not made available, alternative funding sources might be sought, or the scheme might not proceed. HCC have advised however, that they are confident that the necessary funding will be made available, given that these improvements are already recognised by the LEP as an important component in the town's overall transport strategy.
- 12.2 In the event that the scheme proceeds, there would be no financial implications or risk for the council, as the council would not be constructing the scheme.

## **13 Conclusion**

### **Summary and reasons for the decision**

- 13.1 The proposed improvements to the Brighton Hill roundabout will help support future growth for the town and facilitate additional transport capacity at this important highway node, to be facilitated by the securing of further LEP funding and developer contributions. The proposed dedication of council owned land to Hampshire County Council for highway purposes, will also help support the delivery of the most advantageous highway solution. This road improvement will have wider reaching economic and infrastructure benefits for the town, and these improvements accord with the aims and objectives detailed within the Council Plan, Local Plan, and relevant transport access plans and strategies.
- 13.2 Following cabinet approval, HCC will provide any further supporting details to the LEP to secure funding. The council will enter into a deed of dedication with the HCC as highway authority, once HCC have confirmed that they will proceed with the option detailed in this report. The other dedication documents will be simultaneously entered into with third parties with a property interest, to secure all the necessary land interests required to enable implementation of the scheme. The preferred scheme option, to include the Camrose link, would however be on the basis that BTFC are able to secure alternative sports provision at the HFA site in Winklebury.

### **The options considered and rejected**

- 13.3 The alternative option would be not to dedicate the council's land and thus, HCC may proceed with a scheme without a Camrose link. However, this would

result in a less favourable technical solution for the proposed scheme, or HCC may proceed with a CPO which would result in the delivery of the scheme being delayed. This would also result in the council's corporate and transport objectives, particularly those relating to the delivery of improved infrastructure, being compromised.

**Date: 15 January 2019**  
**Decision taken by: Cabinet**

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<b>Dated</b>	<b>15 January 2019</b>
<b>Status</b>	<b>Open</b>
<b>Confidentiality</b>	<b>It is considered that information contained within Appendix 4 contains exempt information under the meaning of Schedule 12A of the Local Government Act 1972, as amended, and therefore cannot be made public.</b>