

FULL COUNCIL REPORT

Date Written	11 th June 2018
Report Author	Andrea Jones
Service Area	Neighbourhood Services
Exempt/Non Exempt	Non-exempt
Committee Date	27 th June 2018

To: Mayor, Ladies and Gentlemen

21ST CENTURY SCHOOLS PROGRAMME – PROPOSED NEW BUILD FOR YSGOL-Y-GRAIG PRIMARY SCHOOL – CONSIDERATION OF OBJECTIONS TO APPROPRIATION OF LAND

1.0 SUMMARY OF THE REPORT

- 1.1 To consider objections received to the above mentioned, recently advertised proposal relating to the appropriation of two areas of land in Cefn Coed for planning purposes, namely the former Vaynor & Penderyn School site and the Godre'r Coed playing field. The objections relate to the Godre'r Coed site only.

2.0 RECOMMENDATIONS that

- 2.1 The objections to the proposals be noted but discounted as they do not specifically relate to the land appropriation.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 Appropriation of Council owned property for Planning purposes is necessary in circumstances where the property is likely to facilitate the carrying out of development, re-development or improvement, where it is likely to contribute to the economic, social or environmental well-being of the area or where it is required in the interests of the proper planning of the area. In accordance with Section 122 of the Local Government Act 1972, land that is to be appropriated must firstly be locally advertised to allow for any objections to be received.

- 3.2 Council will be fully appraised of the proposal for a replacement school in Cefn Coed and the full Council resolution of 31st January 2018 to site this on the former Vaynor and Penderyn School site. The Council report made provision for the approved site to be appropriated for planning purposes. It was made clear at the Council meeting that if Godre'r Coed is not the preferred site it would undoubtedly be used, in part, to facilitate the development on the former school site on the basis of highway requirements.
- 3.3 No questions were raised on this part of the recommendations during the Full Council meeting or at any of public meetings that were held before this.
- 3.4 To comply with legislation, notices were placed in the local press on 15th and 22nd February 2018 and copies of the notices were also posted on site. Copies of the notices can be seen at appendix 1 and 2. The notices related to both sites as both will be affected by the scheme. The closing date for receipt of objections to the notices was 28th February 2018.
- 3.5 Ten identical objections were received all of which related to the Godre'r Coed site only.

OBJECTIONS

- 3.6 The Council has received ten identical letters objecting to the appropriation of land and a copy of one of these can be viewed at appendix 3.

The objections are as follows:-

- a. The whole of the grassed area of the field is currently regularly used for recreation purposes by the community and will be required for that purpose well into the future. This point has been made by members of the community on numerous occasions and is therefore repeating previous discussion. The concern was noted in the Full Council report, this being a publicly available document.
- b. In order to comply with the above Act a comprehensive report is required showing that the land is no longer required for its current use. There is no evidence of such a report in the public domain.
The appropriation of land is required by legislation and is not a declaration that the land is not required for its current use. It is simply a change in the holding committee of the land – in this case from Education to Planning. This recommendation was approved by Full Council on 31st January 2018 and this report is in the public domain.
- c. Appropriation of land is an executive function of the Council under the Local Government Act 2000 and a decision would need to be taken by Council. Again, there is no evidence of this.

The appropriation was approved by Full Council on 31st January 2018. The report is publicly available and members of the local community attended the meeting.

4.0 CONCLUSIONS

- 4.1 Officers consider the objections received are of a repetitive nature as they have already been discussed with members of the community and there was opportunity to question the appropriation proposal before and during Full Council.
- 4.2 Full Council has already approved the appropriation of the land for planning purposes and the notices were placed as a result of this.
- 4.3 In making a decision, Full Council is requested to consider the requirements of the Local Government Act 1972 in dealing with appropriation of land. Failure to adhere to the provisions of the Act could result in a judicial review of the Council's process.
- 4.4 The objectors are of the view that any road constructed on the southern part of the site will be relatively little used. There is no evidence provided to support this theory.
- 4.5 Five objections were received on 6th March, four were received on 7th March and one received on 12th March, all after the closing date of 28th February 2018. Committee may be inclined to discount all objections on the basis of late receipt but the inclement weather at that time may give rise to a waiver in these circumstances.

5.0 FINANCIAL IMPLICATION(S)

- 5.1 No financial implications are associated with this report.

6.0 EQUALITY IMPACT ASSESSMENT

- 6.1 An Equality Impact Assessment (EqIA) form has been prepared for the purpose of this report. It has been found that a full assessment is not required at this time. The form can be accessed on the Council's website/intranet via the 'Equality Impact Assessment' link.

CHERYLLEE EVANS
CHIEF OFFICER NEIGHBOURHOOD
SERVICES

KEVIN GIBBS
CABINET MEMBER FOR
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BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Does the report contain any issue that may impact the Council's Constitution?		

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.