

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE CHIEF EXECUTIVE	EXECUTIVE COMMITTEE	19 SEPTEMBER 2023	6
SQUIRES GATE STATION LAND DEDICATION			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Corporate and Economic Development (Councillor Buckley).

PURPOSE OF THE REPORT

To update members on the purchasing of land adjacent to Squires Gate Station, obtained to facilitate the creation of an accessible route onto the station platform, and, once the registration process is complete, to request permission to dedicate the land to Lancashire County Council so that they continue the development of the project and ensure the access is managed and maintained in future.

RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

RECOMMENDATION

1. Subject to the 35.6m² land near New Road and adjacent to Squires Gate Station platform being registered with the Land Registry, the land is offered to be dedicated to Lancashire County Council with the aim of creating an accessible route from New Road to Squires Gate Station platform

REPORT

BACKGROUND

1. Access to Squires Gate Station platform is currently from Squires Gate via a steep set of steps and as such is inaccessible to those with mobility issues. It has long been a desire of Ward Councillors and the South Fylde Community Rail Partnership, on which Fylde Council is represented by Cllr Vince Settle and the Council's Technical Support Manager, that some form of accessible access be created.
2. During 2018, with the progression of the Coastal Dunes development on the former Pontins site by Persimmon Homes, it became apparent that an accessible route onto the station platform may be possible from New Road. Officers established that although most of the land required to create the access is owned by Persimmon Homes, who included a path as part of their planning application, a small patch of land of 35.6m² that was required to complete the access was unregistered. The ownership of this patch of land was claimed by an individual with whom officers negotiated a purchase price on the understanding that they would produce a statutory declaration to claim ownership of the land.

3. On 24th June 2019 the committee reviewed a report and agreed to fund the purchase of the land required to complete the access route and legal costs of up to £5,400.
4. Despite apparent progress during 2019 and into 2020, officers were advised in August 2020, by the solicitor of the person who claimed ownership of the land, that they had received no further instructions to proceed. Despite further efforts by Fylde Officers to pursue the purchase of the land, in February 2021 Fylde Council advised that if the situation wasn't progressed imminently then authority would be sought to start the process to obtain a Compulsory Purchase Order (CPO).
5. On 28th June 2021 the committee reviewed a report and agreed to recommend to Full Council that the CPO should be made along with agreeing to fund an additional £1,000 of legal costs. On 5th July 2021 Full Council agreed to the making of the CPO.
6. On 7th February 2022 a further report was reviewed by Full Council stating that the preparatory steps required to make the CPO had been concluded and a detailed Statement of Reasons along with the draft CPO was provided. Council approved the making of the CPO. The CPO was subsequently sealed with notices to allow for objection being displayed. With no objections received the CPO was submitted to the Secretary of State for confirmation. This confirmation was received at the end of November 2022.

CURRENT SITUATION

7. In January 2023 a public notice was placed to confirm the placing of the order. This was followed in May 2023 with the making and serving of a General Vesting Declaration. This part of the process, to complete the CPO, ended in August 2023.
8. To complete the process of formally taking ownership of the land it will be registered with the Land Registry. This is currently underway.

REQUEST TO DEDICATE LAND

9. While the CPO process was ongoing to obtain the land, Lancashire County Council's Rail Development Officer has been developing proposals for the creation of the access and negotiating with various parties associated with the scheme.
10. Currently Lancashire County Council, as Highways Authority, have responsibility for New Road. The main part of the access route towards the station platform is owned by Persimmon Homes. The final part of the route is the section of land Fylde Council has obtained, with Network Rail owning the station platform and associated fence that would need to be taken down to allow access.
11. To ensure the future access route is maintained for public use, the whole length needs to come under a single ownership up to the station platform. LCC's Rail Development Officer is negotiating with LCC colleagues to enable the access to be installed under Section 25 of the Highway Act 1980. To enable this LCC would require freehold owners of the route (ie Persimmon Homes and Fylde Council) to dedicate the relevant sections of land to them. This would then allow LCC to implement the access route as well as manage and maintain it in future.
12. It is therefore recommended that, once registered with Land Registry, the 35.6m² section of land near New Road and adjacent to Squires Gate Station platform is dedicated to Lancashire County Council to facilitate the creation of an accessible route from New Road to Squires Gate Station platform.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

IMPLICATIONS	
Finance	No financial implications at this time. However, should someone claim ownership of the land and provide proof, then there may be a requirement to provide compensation in future.
Legal	The CPO process has been completed and the Council owns the land the report mentions. The Council's ownership of the land is currently being registered with Land Registry. Should Lancashire County Council agree to have the land dedicated to them to facilitate the creation of an accessible route onto Squires Gate Station platform then the appropriate legal process will be followed.
Community Safety	None
Human Rights and Equalities	By dedicating the land to Lancashire County Council, Fylde Council will be helping to progress the development of an accessible route onto Squires Gate Station platform and enable use of the station by those with physical disabilities who are currently excluded from using the station due to the only access available being by a steep set of steps.
Sustainability and Environmental Impact	With a new accessible route onto the station platform, a greater opportunity for all local residents to use the train network will be provided.
Health & Safety and Risk Management	None

SUMMARY OF PREVIOUS DECISIONS
<p>Finance and Democracy Committee of 30th January 2023 – information item to update of progress.</p> <p>Full Council of 7th February 2022 it was RESOLVED to:</p> <ol style="list-style-type: none"> 1. Approve the making of a compulsory purchase order for land adjacent to Squires Gate Station to enable an accessible route to the station platform to be created and to authorise expenditure of up to £6,000 in 2021/22 fully funded from the 2021/22 approved Capital Budget. <p>Finance and Democracy Committee of 28th June 2021 it was RESOLVED to:</p> <ol style="list-style-type: none"> 1. Approve, in principle, to the making of a Compulsory Purchase Order for land adjacent to Squires Gate Station to enable an accessible route to the station platform to be created; and 2. Note that a report was presented to Finance and Democracy Committee (28 June 2021) to request delegation of authority to the Director of Development Services to acquire the land by purchase outside any compulsory purchase process provided that the purchase price and other terms are, in his opinion, broadly consistent with the aspirations and expectations of the Council; and 3. Note that a report was presented to Finance and Democracy Committee (28 June 2021) to request a funded capital budget increase of £1,000 in 2021/22 from the Capital Investment Reserve for additional legal and surveying fees associated with the CPO process subject to Council approval of the Compulsory Purchase Order. <p>Finance and Democracy Committee of 24th June 2019 it was RESOLVED:</p> <ol style="list-style-type: none"> 1. That officers approach Network Rail with a request that the Network Rail Fund, or contribute to funding of, the purchase of the land and the associated legal fees in the first instance; 2. If 1. Above is unsuccessful, to approve the purchase of approximately 35.6 square metres of land adjacent to Squires Gate Station for the sum of £3,000 plus payment of the vendors legal costs up to £2,400 i.e. to a total cost of no more than £5,400 in the absence of recouping any of those costs; 3. To approve an addition to the Council's Capital Programme for 2019/20 in the sum of £5,400 to be met from the Capital Investment Reserve for the purchase of the land adjacent to Squires Gate Station as described above; 4. To approve expenditure in the maximum sum of £5,400 for the purchase of the land adjacent to Squires Gate Station as described above; and 5. To approve the granting of a long ground lease of this land, once purchased, to Network Rail to include the transference of responsibility for management and maintenance of the land.

BACKGROUND PAPERS REVELANT TO THIS ITEM

Name of document	Date	Where available for inspection
None		

LEAD AUTHOR	CONTACT DETAILS	DATE
Andrew Loynd	Email & Tel 01253 658527	4 th September 2023