

Addendum to Item 14 - A339/Fleming Road Junction Compulsory Purchase Order (C2955)

Paragraph 5 (pages 27-28 of the full agenda pack)

5. Victoria Park

- 5.1 The land shown for compulsory acquisition in Victoria Park to the west of the A339 measures approximately 206m². This land is required to carry out the necessary widening works to the A339 to deliver the Scheme and also to allow delivery of the new footway through Victoria Park.
- 5.2 The land required at Victoria Park is owned by the Council and leased to Newbury Town Council. Whilst Newbury Town Council is generally supportive of the Scheme, it has not yet been possible to reach agreement for the surrender of the land required at Victoria Park to deliver the Scheme. As a result, this land is included in the CPO as plots 8 and 9.
- 5.3 The size of the open space land at Victoria Park to be compulsorily acquired in order to deliver the Scheme is 206m². As the land is open space land for compulsory acquisition, but measures less than 250 sq yds, under Section 19(1)(b) of the Acquisition of Land Act 1981, no replacement land is required to be provided and the CPO will not be subject to special parliamentary procedure. The Secretary of State will however need to certify that he is satisfied that the open space land to be compulsorily acquired is less than 250sq yds.
- 5.4 Once the land at Victoria Park required to deliver the Scheme has been acquired either by agreement or compulsorily, the Council needs to appropriate the land from open space to planning purposes to enable the Council to override third party rights and covenants pursuant to sections 237 and 258 of the Town and Country Planning Act 1990. Appropriation to allow the overriding of third party rights is considered in more detail at paragraph 8 below.
- 5.5 The Council is authorised under section 122 of the Local Government Act 1972 to appropriate land for any purpose for which it is authorised to acquire land by agreement, providing that if the land is open space land, it not exceed 250 square yards. The size of the open space land at Victoria Park for appropriation is 206m².
- 5.6 Under section 122(2A) of the Local Government Act 1972, before appropriating open space land, the Council must advertise notice of the Council's intention in respect of such appropriation for two consecutive weeks in a local newspaper, and consider any objections to the proposed appropriation which may be made.
- 5.7 If no objections are received to the appropriation, or if received such objections are withdrawn, then the Council may proceed to appropriate the said land for planning purposes. Once the Scheme has been constructed, the Council may then appropriate the land for highway purposes.