

PURFLEET CENTRE REGENERATION – Appropriations report

1.1 This Appendix contains the detailed tests referred to in paragraph 3.7 of the main report.

Is the land still required for the purposes for which it is currently held?

1.2 The Council does not currently own or hold the land for any particular function or purpose. The schedule at Appendix 6 to this report therefore describes the current purpose of the land by reference to its existing use and physical description. It can be seen from the schedules that the land is currently used mainly as open space, with a small area to the west currently being used as a Council car park and outdoor vehicle storage area. These uses have been pursued on a temporary basis to limit the Council's liabilities associated with ownership of the land. It may be the case that some of this land has in the past been acquired and/or appropriated by the Council to planning purposes, however in the absence of any certainty regarding the functions for which it is held, officers consider it to be prudent and necessary to appropriate the land at this stage.

1.3 All of the land to be appropriated and shown on the plan at Appendix 1a is within the land required for Phase 1A, which itself forms part of the comprehensive Purfleet Centre Project. More specifically, the land to be appropriated will be redeveloped to provide new housing, together with associated car parking and landscaping.

1.4 Particular consideration should be given to the proposal to appropriate the woodland area known as 'Hollow Woods'. Officers have adopted a cautious approach, and proceeded on the basis that all or part of Hollow Woods comprises public open space. The woodland area is within the Purfleet Conservation Area, however, the contribution of this open space to the Conservation Area has been reduced over time. The Hollow Woods area has changed from being the edge of a quarrying area, to becoming an open and accessible area of allotment gardens in the 18th century and then in the late 20th century being unmanaged woodland, resulting in it becoming overgrown and poor-quality. The woodland is enclosed by a close-boarded fence and tree lined boundary, which together with the dense undergrowth makes access limited and difficult. Hollow Woods in its current state therefore no longer positively enhances the Conservation Area and no longer provides the local level of communal value that it might have had in the past.

1.5 In October 2019 the Council undertook a 2 day survey to assess the current use of Hollow Woods by local residents, to enable the Council to assess whether the land was required for its current purpose. During the period of assessment, the Council officers did not observe any members of the public either accessing the land or attempting to use the land for enjoyment or recreational purposes Appendix 4. This provides a strong indication that the land is no longer serving its current purpose.

- 1.6 Officers therefore consider that all of the land within its ownership in Phase 1A, including that part comprising Hollow Woods, is no longer required for the purpose for which it is currently held. It is required instead to meet important planning purposes, namely, to facilitate its development and use, in conjunction with other land, as part of Phase 1A of the comprehensive Purfleet Centre Project.

Steps that have been taken to negotiate the release of rights by agreement

- 1.7 It can be seen from the Schedule at Appendix 6 to this Report that many of the beneficiaries of the rights are unknown, therefore it has not been possible to negotiate a release of the rights by private treaty. Where the beneficiaries of the rights have been identified, the Council has written to the beneficiary to provide them with the opportunity to make contact with the Council regarding its proposals. This has not, however, resulted in any response from the beneficiaries. Redacted copies of the letters are enclosed at Appendix 5a / 5b.
- 1.8 Notices advising of the intended appropriation of the presumed open space land, and the wider area, have been published in local newspapers, but this has not resulted in persons with the benefit of rights coming forward. Two responses were received asking for further information but no objections were received by the end of the consultation period (24th January - nor have any been received at the time of writing). The objection period has now passed.
- 1.9 Officers therefore conclude that it will not be possible to secure a release of the rights by negotiation either within a reasonable timetable, or at all, and having regard to the programme for redevelopment, Officers consider that appropriation of the land is necessary to enable the development to come forward within the development timetable.

The need for appropriation and development - Economic, Social and Environmental Well-Being Benefits

- 1.10 Officers consider that the appropriation of the land, will facilitate the delivery of important economic, social and environmental benefits. Phase 1A is the first development phase within the Project's masterplan and is an opportunity to demonstrate what regeneration can bring to Purfleet. The ambition for Phase 1A is to provide a gateway to the future redevelopment of Purfleet and to create a new community integrating with the existing. In particular, proposals will:
- Provide high quality family homes with access to green spaces and the future town centre;
 - Preserve and enhance open spaces and improve public access to these;
 - Enhance the character of the Purfleet Conservation Area;
 - Provide new dedicated play areas and community amenity that can serve both existing and new Purfleet residents;
 - Connect new and existing Purfleet in a visible and legible manner;

- Improve walkability and connections for existing residents to the train station and proposed town centre;
- Keep development to the periphery of the Conservation Area, whilst enhancing the context of Hollow Cottages.

1.11 The development of Phase 1A will also make a significant contribution to the overall public benefits which will result from the delivery of the wider Purfleet Centre Project. The benefits which will derive from the Project as a whole include:

- a reduction in unemployment, due to the generation of jobs during both the construction and end use of the Project (currently estimated at circa 2,2000 new jobs being created as a result of the development of the whole Project, creating a significant net increase compared to the existing situation);
- a population increase predicted between 47% and 59% once the development of the Project has completed;
- a substantial contribution to housing supply with the provision of up to 2,850 new dwellings (assuming an annual delivery rate of circa 150 units per annum) with the beneficial consequential impact of increased expenditure within the area due to an increase in the economically active working age population of the area;
- the provision of a new primary school;
- the provision of a new medical centre; and
- the provision of new community floorspaces within the D1 floorspace to be brought forward.

Could the Public Benefits Be Achieved in the Absence of the Interference With the Rights?

1.12 Officers have considered whether the development could proceed without interfering with the rights identified. Officers are satisfied that the development could not proceed and the associated public benefits described above could not be achieved without appropriating the land to planning purposes to enable those rights to be overridden.

1.13 Officers have considered whether the delivery of Phase 1A could be blocked by any legal or physical impediments (other than those to be addressed through the appropriation) and are not aware of any such reason why Phase 1A should not proceed. It complies with planning policy at all levels, outline planning permission is in place and reserved matters approval also be granted. PCRL are poised to start preparatory work for Phase 1A in readiness for the construction of new homes by the summer. Were the land not to be appropriated for planning purposes, it would not be possible to commence work on site because there is an unacceptable risk posed by the potential existence of enforceable third party rights. Appropriation is therefore required to provide certainty of delivery. Furthermore, the Officers consider that it is prudent to ensure that the land is held for the appropriate purposes and is subject to appropriate functions and duties, before the development is commenced. As such, it is necessary for appropriation to take place now.