

LONDON BOROUGH OF BRENT

**EXECUTIVE**

DATE: 14 September 2004

FROM THE DIRECTOR OF ENVIRONMENT

FOR ACTION

NAME OF WARD

TOKYNGTON, STONEBRIDGE

**REPORT TITLE :** WEMBLEY PARK STADIUM ACCESS CORRIDOR  
(Phase2 Section 1): APPROPRIATION OF RIVER BRENT OPEN SPACE

FP REF: ES-04/05-260

**1.0 SUMMARY**

1.1 This report proposes that the Council appropriates for its highway purposes part of the River Brent Open Space. The land that is proposed to be appropriated is currently held by the Council as public open space. The appropriation is required to rationalise the Council's holdings and to allow the construction of a widened foot and cycle way on the northern side of Great Central Way; this is part of Section 1 of the Stadium Access Corridor ("SAC") project

**2.0 RECOMMENDATION**

2.1 That Members note the progress made on the development of the SAC project.

2.2 That Members note the proposed appropriation of public open space at the River Brent open space north of Great Central Way has been advertised in accordance with the requirements of S122 of the Local Government Act 1972.

2.3 That Members note that no representations have been received following the placing of the required statutory advertisements and that the period for objection has now closed.

2.4 That Members declare as no longer required for the Council's Environmental purposes the land shown on the plan annexed to this report at Appendix 1, which forms part of the River Brent open space.

2.5 That Members approve the appropriation of the area of the River Brent Open Space shown on the plan annexed to this report at Appendix 1, for the Council's highway purposes pursuant to Section 122 of the Local Government Act 1972, to allow for the construction of the proposed Stadium Access Corridor scheme.

2.6 That the Council's Director of Finance be authorised to make the required adjustments to the Council's accounts to record the appropriation hereby authorised.

### **3.0 FINANCIAL IMPLICATIONS**

- 3.1 The SAC costs have been reported to the Executive on 7 January 2004 and on 12 July 2004 both in 'below the confidential line' reports. The proposed appropriation of the land has no financial consequences to the Council overall, as the transaction is entirely internal and does not entail external expenditure.

### **4.0 STAFFING IMPLICATIONS**

- 4.1 The project owner for the transportation and highways proposals within the Wembley Park SRB Transportation Programme is the Council's Transportation Services Unit. The Director of Transportation is himself overseeing the project and liaising with the Council's appointed agents.
- 4.2 The work proposed is in accordance with the highways and transportation study prepared in 1997 by Scott Wilson (SW) under the project management of JMP Consultants Limited, in consultation with the Transportation Services Unit. These companies have been working on the SRB infrastructure scheme since 1997 and will continue to progress the Scheme on the Council's behalf.
- 4.3 The CPO and highway stopping-up order are being progressed by the existing team of the Council's officers instructed for both the EAC and SAC. The Council's Legal Services team and the Council's finance officers will be required to manage the administrative process of the appropriation.

### **5.0 ENVIRONMENTAL IMPLICATIONS**

- 5.1 An environmental report has been prepared by the Council's external consultants in support of the application for planning permission for the SAC Scheme. This indicated the Scheme is unlikely to have any significant environment effects.
- 5.2 The SAC objectives include the reduction of traffic congestion on stadium event days, enabling better access to the Wembley Park Estate, the creation of a more attractive processional route to the stadium and the regeneration of the wider area. These should lead to improvements in the local environment.
- 5.3 The Council when appointing a contractor for the development will seek to ensure that best practice is used thereby reducing impacts of dust, noise, grit and emissions during the construction process.
- 5.4 The area of the open space currently available to the public which will be lost as a result of the construction works is small. Most of the area required for the new highway will be used for embankment to support the widened highway and will remain open in nature.

## **6.0 LEGAL IMPLICATIONS**

- 6.1 The procedure for appropriation of public open space is set out in the Local Government Act 1972. This requires the Council to have advertised its intention to appropriate land that forms part of a public open space. The Council has followed this procedure and no responses to that advertisement process were received. Members would have been required to consider only representations before deciding whether or not the land should be appropriated for its new purpose.
- 6.2 Members must bear the implication of the Human Rights Act 1998 in mind when making their decision. The Act came into force on 2 October 2000. The Act effectively incorporates the European Convention on Human Rights into UK law and requires all public authorities to have regard to Convention Rights. In making their decisions Members therefore need to have regard to the Convention.
- 6.3 The most relevant Convention Right is Article 6, the right to a fair hearing. As the decision of the Council to appropriate land for another purpose is essentially an administrative one, no convention right under Article 6 is breached by the actual decision to appropriate. The decision to appropriate could be referred to the Court for a judicial review by an aggrieved party. The High Court has jurisdiction to review the Council's decisions, which means that the Convention Right of an aggrieved party pursuant to Article 6 should not be infringed

## **7.0 DIVERSITY IMPLICATIONS**

- 7.1 Nothing specific

## **8.0 DETAIL**

- 8.1 The SAC project is a key element of the highway improvements intended to be implemented to improve accessibility to the Wembley Park Estate ("the Estate"), especially during major events at the New English National Stadium ("the Stadium"). The implementation of the project is one of the principal aims of the transportation and infrastructure elements of the Wembley Park SRB project.
- 8.2 The key feature to the SAC's design is the intention of the Council to provide the optimum highway design solution to ensure that the Estate can operate on Stadium Event Days, whilst reducing the impact on existing occupiers of the estate. For this reason, a tidal flow system has been proposed, as is described further below.
- 8.3 However, the SAC is not simply an improved distributor road for the Estate. Whilst the Council is mindful of impacts on existing occupiers, the design seeks to provide an appropriate approach to the Stadium. Areas of highway landscaping (which will also be used for retaining structures and accommodation works as required) and wide footways/cycleways are provided. This is to match the Council's aspirations for the approach to the Stadium, as proposed in the UDP which was adopted in January 2004 and the revised September 2003 Wembley Development Framework (adopted in September 2003 as supplementary planning guidance).

- 8.4 Planning permission for Section 1 of the SAC was issued by the Council as local planning authority on 11 March 2004.
- 8.5 In order to carry out the Scheme, it has been necessary for the Council to compulsorily acquire land and to stop up a small length of public footpath with the River Brent Open Space. These proposals have been the subject of public inquiries and a decision from the Secretary of State on the CPO inquiry is currently awaited. The Council will itself consider the Stopping Up Order having received a report from an Inspector from the Planning Inspectorate recommending that the Stopping Up Order be made.
- 8.6 The route of Section 1 of the SAC is along the existing Great Central Way from its junction with Hannah Close and its junction with Fourth Way and South Way. The SAC is designed to be a three-lane tidal flow highway (meaning that the middle lane can be used for either east- or west-bound traffic). Great Central Way will become a tidal flow highway on Stadium Event Days, with the middle lane being used for west-bound traffic before an event and east-bound traffic after an event. The full SAC scheme would run from the junction of Drury Way and Great Central Way to opposite the existing access to Wembley Stadium. Only the section between Hannah Close and Fourth Way is being promoted at this time. The section between Hannah Close and Drury Way is already under construction.
- 8.7 The SAC will consist of a 10.5 metre wide carriageway with foot and cycleways on either side thereof. The width of the footway and landscaping is intended to provide an appropriate route to the Stadium more fitting than the current unwelcoming route along Great Central Way and South Way, and meeting the Council's aspirations to provide a world-class setting for the Stadium. The design has been approved by the Council in its capacity as local planning authority.

### **The need for the appropriation of the Public Open Space**

- 8.8 The widened SAC will use the full width of the existing bridge over the River Brent on Great Central Way. Separate foot and cycle bridges are to be constructed on either side of the existing bridge. To enable these bridges to be constructed a wider corridor of land in the vicinity of the River Brent bridge is required. This will enable construction work to be implemented from neighbouring land.
- 8.9 The freehold of the River Brent Open Space was recently acquired by the Council from its previous owner British Railways Board (Residuary) Limited, and has been subject of environmental enhancement works as part of the River Brent green chain. The open space has been in the control of the Council since the mid 1980s, as it formed part of the package of land dedicated by the British Railways Board as public open space in the mid 1980s pursuant to an agreement with the Council made under s52 of the Town and Country Planning Act 1971.
- 8.10 The impacts on the open space are the widening of the existing earth embankment and a minor re-alignment of the public footpath on the embankment leading down to the open space.
- 8.11 Officers believe the impact of the SAC works and the over-flying of the new bridge over the River Brent should not impact to any significant extent on the amenity of

those using the open space. The character of the open space should not be materially affected by the works for which the appropriation is proposed. Effectively, most of the land that is subject to the proposed appropriation will be open in character, but managed by the Council in its capacity as highway authority, as part of the embankment supporting the widened Great Central Way.

- 8.12 Your officers will seek to ensure that the public is inconvenienced as little as possible during the implementation of the SAC when the public wish to use the open space and footpaths.
- 8.13 The Council's Parks Services have been consulted on the proposed effects on the River Brent open space and are content for the SAC to proceed.
- 8.14 In the Council's 2004 adopted local plan the land to be appropriated is designated as a public open space and part of the River Brent Green Chain. The path through the open space is designated as part of London Cycle Network and the land is also designated as a site of Borough (Grade 1) Nature Conservation importance. Whilst the works required for the widening of Great Central Way will impact upon the existing flora and fauna within the open space, this has been assessed by the Council's consultants and it is not anticipated this would give rise to a significant environmental effect. As stated above, the actual area of open space lost will be relatively minor and in effect most of the land to be appropriated will remain open in nature, albeit as part of the highway earth embankment supporting the carriageway and footways of Great Central Way.

## **Conclusions**

- 8.15 Your officers believe the proposed appropriation is necessary to ensure the northern bridge to carry the widened foot way and cycle way on the northern side of Great Central Way can be constructed. The SAC scheme will simply push the boundary between highway land and the open space a few metres to the north. Subject to the provision of the widened highway, the open space will be largely unaffected and the Council's officers will seek to reduce impact on users of the open space during construction.

## **9.0 BACKGROUND INFORMATION**

### **Details of Documents:**

	<u>Details</u>	<u>File Reference</u>
	Environment, Regeneration and Property and Resources Committee Reports (30th April 1996)	
	Policy and Resources Committee 13th January 1997 and 21 October 1997	
	Environment Committee 13th February 1997 11 March 1997 7th July 1997 29 July 1998 and 7 July	

	1999	
	Transportation Sub-Committee Report 22nd July 1997 and 16th September 1997	
	Wembley Park SRB Public Transport Demand Study: Final Report 1997	
	Wembley Park SRB Highways and Transportation Study: Final Report 1997, SWK	
	Report to Executive by Director of Environment 13 October 2003	
	Report to Planning Committee 8 February 2001 re application 00/2132	
	Secretary of State's decision letter 30.11.99 and Inspectors Report following Wembley EAC CPO inquiry	
	Report to Executive by Director of Environment, 7 January 2004	
	Report to Highway Committee by Director of Transportation Services, 10 February 2004	
	Report to Executive by Director of Environment, 12 July 2004	

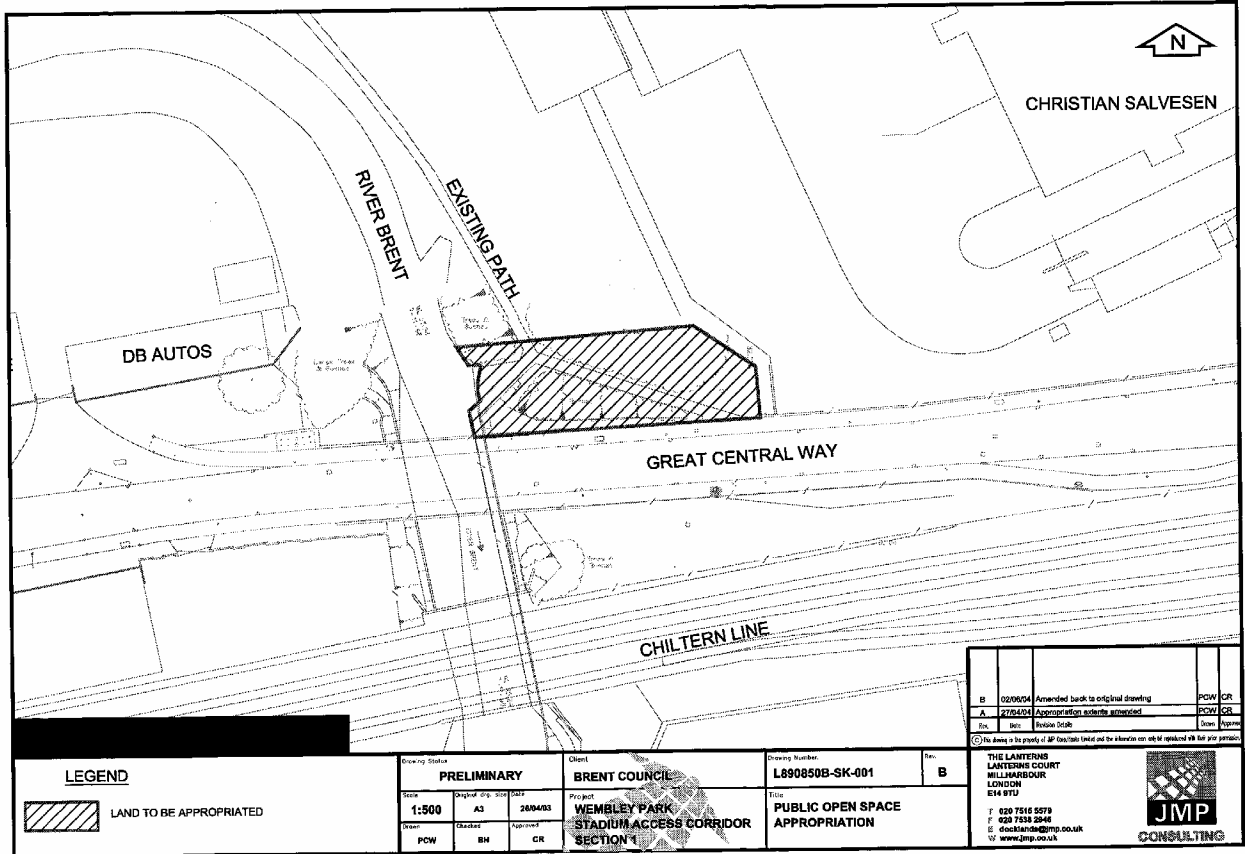
Any person wishing to inspect the above papers should contact:

**Phil Rankmore**  
**Director of Transportation Service Unit**  
 Brent House  
 349-357 High Road  
 Wembley HA9 6BZ  
 Tel: 020 8937 5128

**Richard Saunders**  
**Director of Environment**

# APPENDIX 1

## Plan indicating land to be appropriated



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