

<b>DECISION NO:</b>	<i>For Member Services use only</i>
---------------------	-------------------------------------

Concurrence No:	066391
-----------------	--------

<b>Action under delegated authority of Chief Executive</b>	
<b>Action under delegated authority of Director of Finance and Cabinet Member for Finance</b>	
<b>Action taken by Chief Executive in consultation with Cabinet Member(s)</b>	<b>X</b>

Subject: **Acquisition of land adjacent to 139 High Road, Broxbourne to provide access to the Westview allotment site**

Signature and designation of officer(s) taking action:

_____ Chief Executive	20.05.2020 Date	_____ Director of Finance	18/05/20 Date
		_____ Head of Finance	_____ Date

**Name of Cabinet Member(s) Consulted:**

I have been consulted and concur with the proposals set out below:  
28.05.2020

Councillor P Mason

\_\_\_\_\_  
Cabinet Member for Finance & Business Services

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Councillor D Holliday

\_\_\_\_\_  
Cabinet Member for Environment

26.05.2020

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of any member who has declared a conflict of interest in relation to this decision: \_\_\_\_\_

**THIS DOCUMENT WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE**

The report overleaf sets out the decision to be taken, the reasons for the decision, and the details of alternative options, if any, considered and rejected. Officer decisions are available for public inspection, both at the Borough Offices and on the Council's website, for a period of six years after the decision is made. Background papers are available for four years.

**RECOMMENDED that: the acquisition of the land adjacent to 139 High Road, Broxbourne, be agreed.**

## **Purpose**

To approve the acquisition of a strip of land adjacent to 139 High Road, Broxbourne to provide vehicle access to the Westview allotment site, which is located at the rear of 139-153 High Road, Broxbourne. The strip of land is outlined on the attached plan.

## **Background**

The Council owns the allotments at the rear of 139-153 High Road, Broxbourne. There are currently two means of vehicle access to the allotments as detailed below:

### Kingfishers

The Kingfishers access is via privately owned land adjacent to 153 and 155 High Road, Broxbourne. This land is included in the title deed to the property known as Kingfishers adjacent to the allotments. The Council has two legal agreements (deed of easements dated 1953 and 1958) (deeds) entitling it to use the access provided the Council maintains the surface from the entrance to the allotments.

It would be desirable for the Council to have its own access and terminate this agreement along with the conditions it imposes on the Council. In order to relinquish this access an alternative access point is required.

### 139 High Road

The second access point is via an unmade road adjacent to 139 High Road, Broxbourne, which is owned by B3 Living. The Council has an agreement with B3 Living to use this access road at certain times which can be terminated by either party with 28 days notice. The continual use of this access point is therefore reliant on B3 Living not terminating this agreement or selling the access road to the adjacent land owner of 139 High Road who has already acquired part of the access road for parking.

## **Proposal**

In order to establish access to the allotments, which is not reliant on an agreement with a third party, it is proposed that the Council acquires the strip of land adjacent to 139 High Road, Broxbourne. The Council could then seek to relinquish the agreements with the land owner of Kingfishers.

B3 Living are willing to sell the land to the Council for £10,000. The land has been independently valued and the Council's Head of Property Service is in agreement with this valuation.

The access road currently has a form of plastic grass matting to support vehicle access. The Council may choose to improve the surface by laying a form of hardstanding (tarmac plainings). The estimated cost of this work is circa £2,000.

## **Financial, Legal and Risk Management Implications**

The deeds giving the rights of way for the Kingfisher land are legal easements. If the Council wishes to exit from these agreement they must be removed by way of a Deed of Release, as there is no provision in either Deed that the parties can terminate the

rights and obligations. In order to achieve this the owner of the land and the Council have to agree and sign the Deed of Release. There are no compensation rights in the terms of these agreements.

The acquisition of this site and the cost of any surface improvements (£12k) can be accommodated within the existing property acquisition budget.

The acquisition of this land will ensure allotment tenants are able to continue to access their allotment plots, without the reliance on third party agreements.

### **Alternative Options Considered**

The only alternative option is to do nothing and continue to rely on the existing arrangements.

### **Contribution to the Council's Objectives**

The proposal supports the following objectives:

- Maintain parks and open spaces and promote their use, and seek the creation of new accessible open spaces
- Help residents to have a healthy lifestyle
- Encourage a sense of community through events, leisure activities and volunteering

### **Conclusion**

The purchase of this land will provide future assurance over the access to the Westview allotment site and reduce demand on resources.

Contact Officer: Sandra Beck

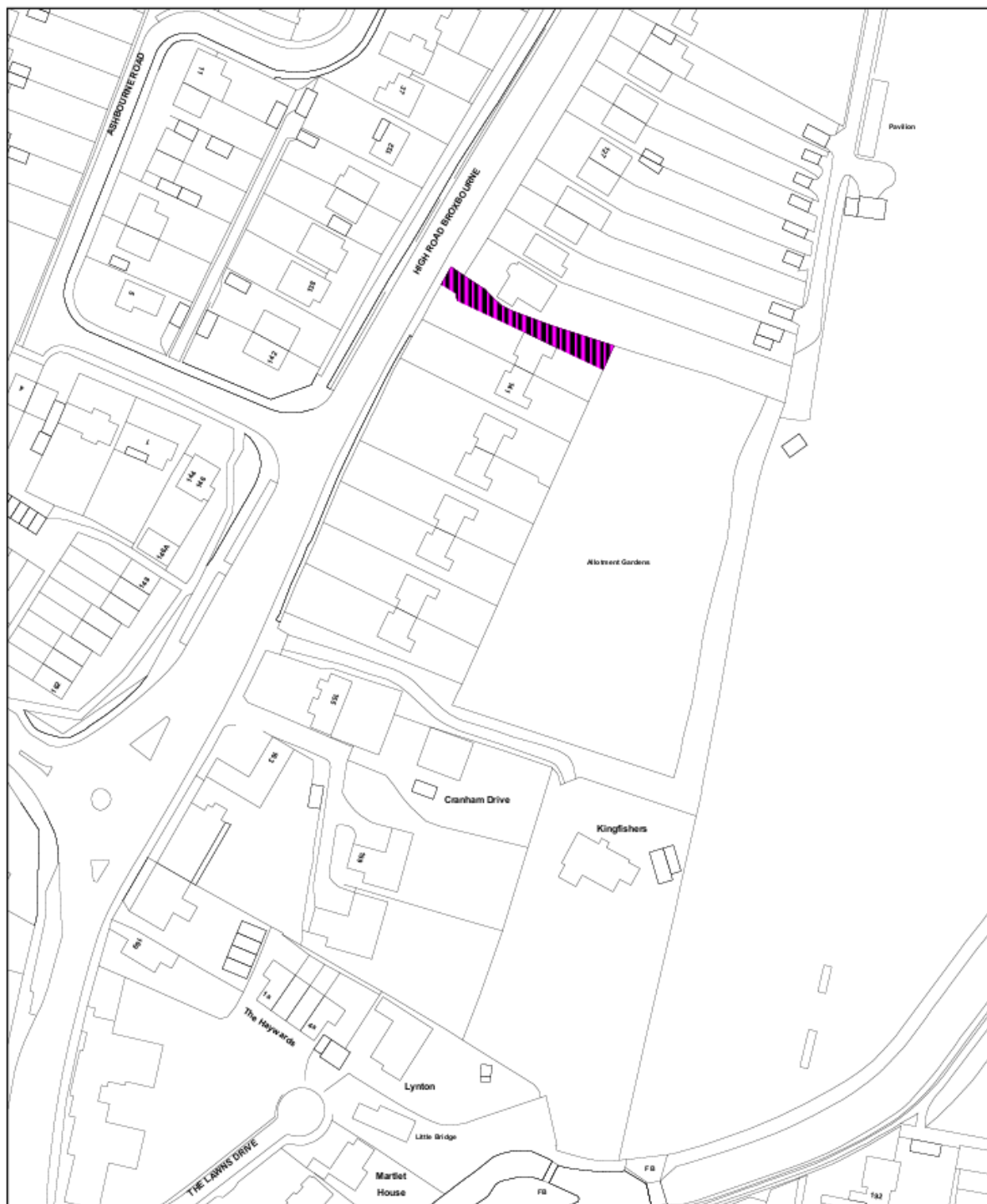
Ext: 5547



Date 15/5/20

---

Action reported to the Cabinet on:

---



	Title	Access Road to Allotment Gardens	
	Location	Adjacent to 139 High Road, Broxbourne	
	Copyright Borough of Broxbourne LA10023526		