

**Adur District Council**

**Housing and Central Services Committee**

**4 March 2008**

**Agenda Item 8**

**Extract from the Housing and Central Services Committee - 12 February 2008**

**HCSC/584/07-08 Kingston Beach Village Green Replacement - Alternative Land**

Before the Committee was a report by the Head of Corporate and Legal Services, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these Minutes as Item 4.

The Head of Corporate and Legal Services introduced the report which asked the Committee to consider the requirement of the Commons Act 2006 to provide substitute land to be given Village Green status when seeking to deregister more than 200 sq m of Village Green, in relation to Kingston Beach Village Green.

The Head of Corporate and Legal Services informed Members that the Housing and Central Services Committee on 4<sup>th</sup> March would be considering the results of a public meeting on Williams Road and that it would not be appropriate for a final decision on the village green to be made prior to that decision.

Members recognised the pressure from residents of Williams Road and the needs of the residents of Brighton Road. Members were sympathetic towards the needs of the Royal National Lifeboat Institute ("RNLI").

Members agreed that they should not allow more of the village green at Kingston Beach to be deregistered than was necessary for the RNLI to develop the new lifeboat station.

The Head of Corporate & Legal Services explained the needs of the RNLI and confirmed that it had been reported that if the land was not made available then they would adjust their proposals to keep within the footprint of the current building.

Members felt that Kingston Beach was the only open space for those living close to it and therefore it should not be reduced by any more than was necessary.

Members considered that Beach Green on Shoreham Beach was too far away and would not benefit the people who used Kingston Beach. Therefore, it was not a suitable substitute.

Members considered that the proposal by the Southwick Society for Southwick Beach to be the replacement land was as a means of preventing development.

Members formed the view that Williams Road was an appropriate option for the replacement land and that, if that was the decision on 4<sup>th</sup> March the Council should consider replacing the 544 sq m with 1,600 sq m from Williams Road. This was the preferred option, provided the land was available.

Councillor Liza McKinney proposed and Councillor Robert Dunn seconded the proposals to defer the decision to 4<sup>th</sup> March, limit the removed land to 544 sq. m and that Williams Road was the preferred option.

**Resolved**

- (i) That only 544 sq. ms of Kingston Beach be deregistered;
- (ii) That the final consideration be deferred to HCSC on 4<sup>th</sup> March, 2008;
- (iii) That Williams Road is the preferred option for Committee on 4<sup>th</sup> March, 2008 if it is available.

**Local Government Act 1972**

**Background documents:**

Agenda and minutes of H&CS 12.02.08

**Contact Officer:**

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**Report by the Head of Corporate and Legal Services**

**Kingston Beach Village Green Replacement – Alternative Land**

**1.0 Summary**

- 1.1 To consider the requirement of the Commons Act, 2006 to provide substitute land to be given Village Green status when seeking to deregister more than 200 sq.m of Village Green

**2.0 Recommendations**

- 2.1 To determine whether or not any of the areas of land identified in this report are suitable land to be used to replace part or all of the village green at Kingston Beach;

**3.0 Background**

- 3.1 A brief report on this matter was before this committee on 22<sup>nd</sup> January, 2008m when it was **resolved** that consideration of this matter be deferred to the next meeting of Housing and Central Services Committee.
- 3.2 Due to the need for the Royal National Lifeboat Institute to progress the redevelopment of the lifeboat station at Kingston Beach, this matter has been brought to this additional meeting of the committee.
- 3.3 The Royal National Lifeboat Institute has identified the need to replace the lifeboat station that is currently on land adjacent to the village green at Kingston Beach, with a substantially larger lifeboat station, which requires 544 sq. m.
- 3.4 The Council has an application, dated 3 December 2007 to the Planning Inspectorate to have the land deregistered.
- 3.5 The Planning Inspectorate have responded, by letter dated 19 December 2007, stating that as the application is in respect of more than 200 sq. m of village green it cannot be considered unless there is an alternative area of land which can be designated as village green.
- 3.6 Officers and the public have now identified three areas of land within Council ownership which could be used as a substitute land. The exact requirements and the proposed areas of land are further identified in paragraph 4 below and Annexes 1 to 4 of this report.
- 3.7 Where an area of land is a village green then, in general term, this prevents the development of that land.

#### **4.0 The Release Land and Replacement Land.**

- 4.1 The total area of the village green at Kingston Beach is 39,000 sq. ms. The area of the village green that has been identified as necessary on a permanent basis for the redevelopment of the lifeboat station is 544 sq. ms. This is shown on the plan in Annex 1 outlined and shaded in black. The area that would cover all of the proposed works, including an improved roadway and car park would require 5,700 sq.m shown hatched on the plan in Annex 1. This larger area would enable all the works to be carried out without the need to temporarily amend the management plan for Kingston Beach.
- 4.2 The first area of land identified as possible replacement land is at Williams Road, Shoreham-By-Sea, shown on the plan in Annex 2 and measures 1,600 sq.ms. Officers would advise that if this is the appropriate portion of land then the amount to be released from village green status at Kingston Beach should be an area of 1,500 sq.m. This committee has recently considered this area of land and if it is not suitable as a development site arranging for it to have village green status would protect it, as a green space for public use.
- 4.3 The second area of land which has been identified as replacement land is Beach Green, Shoreham Beach, shown on the plan in Annex 3 and measure 9,300 sq.m, although if this is the appropriate portion of land then officers would recommend that only an area of not more than 6,000 sq.m be offered as replacement land, so as to enable the possible redevelopment of the area around the public conveniences as a café etc.
- 4.4 The third area of land, which has been proposed, is Southwick Beach, shown on the plan in Annex 4 and measures 64,000 sq. ms. This is far more land than would be required and officers would propose that you identify 39,000 sq.ms of Southwick Beach as a straight exchange for Kingston Beach as a whole.
- 4.5 The proposal for Southwick Beach was put forward by the Southwick Society and their letter is set out in Annex 5.
- 4.6 When considering any of the three options above Members are advised to consider the long term effect of any land acquiring village green status and the fact that it would to all intents and purposes prevent future development of the site. Therefore, particular consideration would have to be taken in respect of Southwick Beach and any possible development of the area as part of the Shoreham Harbour

#### **5.0 Consultation**

- 5.1 There has been no consultation with the residents of Williams Road, Shoreham Beach or around Southwick Beach.
- 5.2 There would be consultation during the deregistration and replacement process.

## **Local Government Act 1972**

### **Background documents:**

Kingston Beach Management Plan dated 30 May 1985

Application to planning inspectorate dated 3 December 2007

Letter from Planning Inspectorate dated 19 December 2007.

Report to Housing and Central Services Committee 22 January 2008

Minute HCSC/535/07-08 Kingston Beach - Village Green of Housing and Central Services Committee 22 January, 2008

### **Contact officer:**

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## Appendix

### 1.0 Council Priority

1.1 The report does not seek to meet any of the Council's priorities.

### 2.0 Specific Targets

2.1 Matter considered and no issues identified.

### 3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

### 4.0 Equality Issues

4.1 Matter considered and no issues identified.

### 5.0 Community Safety issues (Section 17)

5.1 Matter considered and no issues identified.

### 6.0 Human Rights Issues

6.1 Matter considered and no issues identified.

### 7.0 Financial Implications

7.1 Matter considered and no issues identified.

### 8.0 Legal Implications

8.1 S. 16, Commons Act 2006

Permits the owner of any land registered as a village green to apply to the appropriate national authority for the land ( "the release land") to cease to be so registered. Where it is more than 200 square metres in area, the application must include a proposal land specified in the application ( "replacement land") be registered as a village green in place of the release land.

In determining the application, the appropriate national authority shall have regard to—

- (a) the interests of persons having rights in relation to, or occupying, the release land (and in particular persons exercising rights of common over it);
- (b) the interests of the neighbourhood;
- (c) the public interest;
- (d) any other matter considered to be relevant.

The public interest includes the public interest in—

- (a) nature conservation;

- (b) the conservation of the landscape;
- (c) the protection of public rights of access to any area of land; and
- (d) the protection of archaeological remains and features of historic interest.

## **9.0 Consultations**

- 9.1 There is a statutory consultation process that has been commenced but may need to be carried out afresh following identification of the alternative land.

## **10.0 Risk assessment**

- 10.1 Matter considered and no issues identified.

## **11.0 Health & Safety Issues**

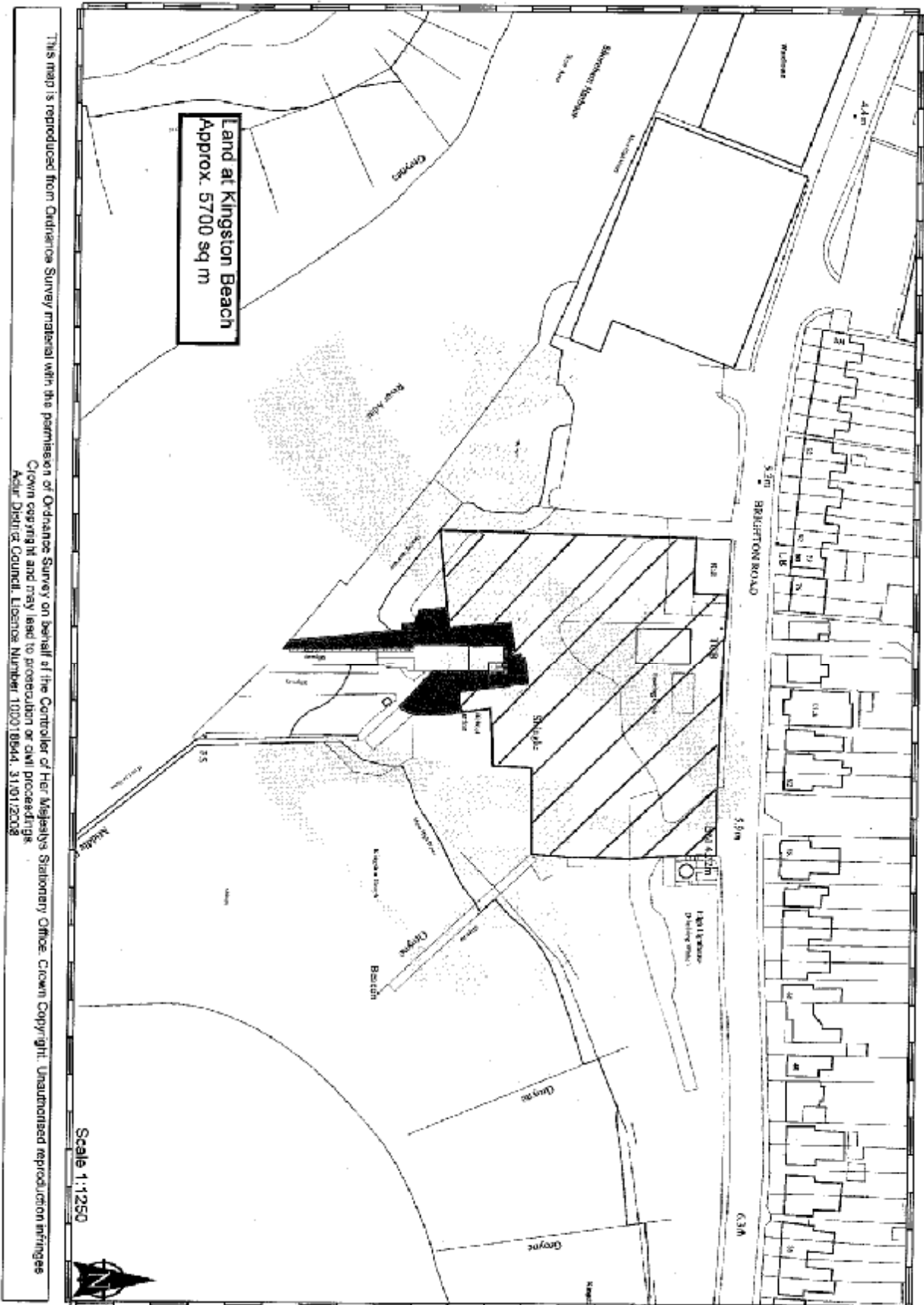
- 11.1 Matter considered and no issues identified.

## **12.0 Procurement Strategy**

- 12.1 Matter considered and no issues identified.

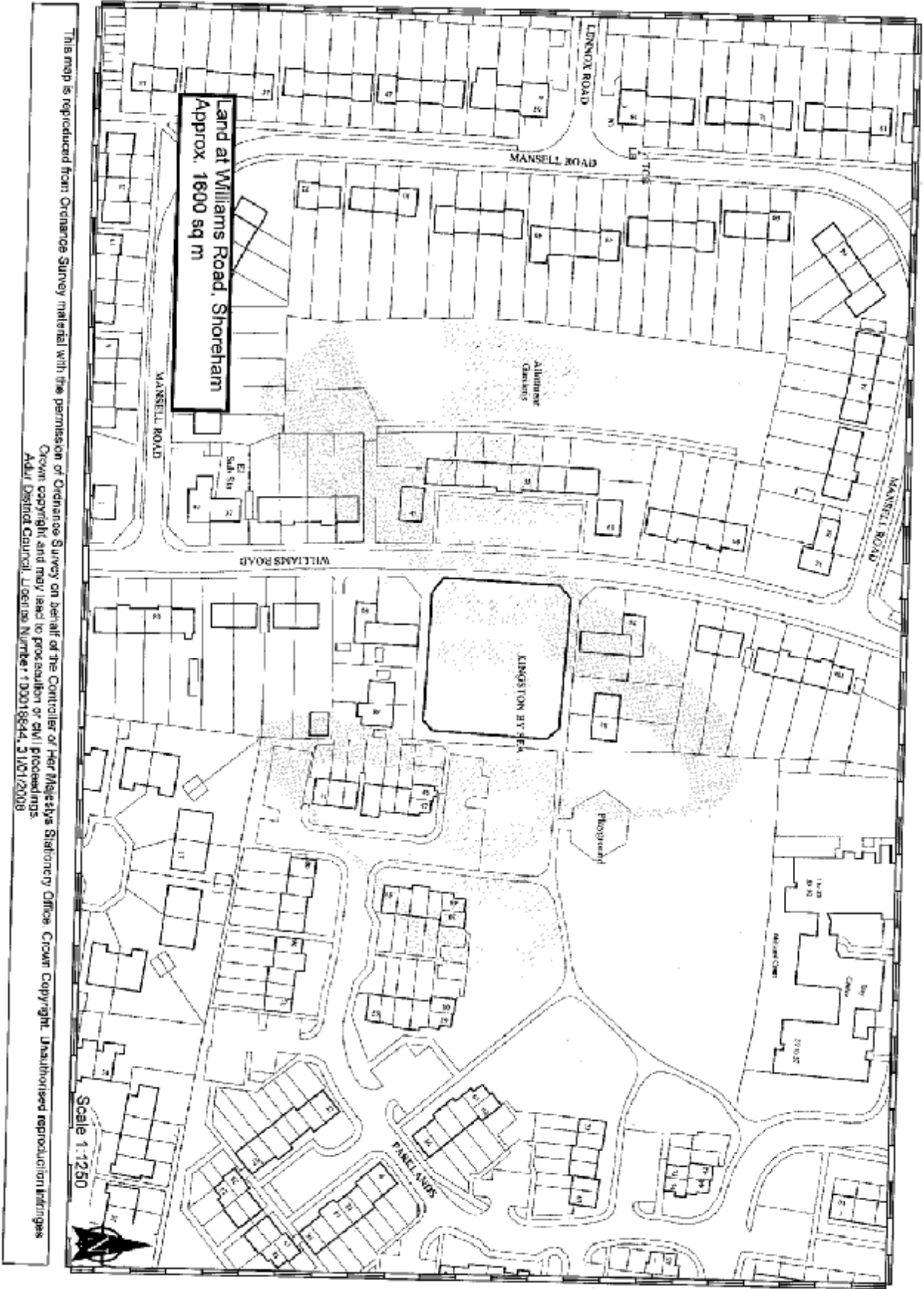
## **13.0 Partnership working**

- 13.1 Matter considered and no issues identified.



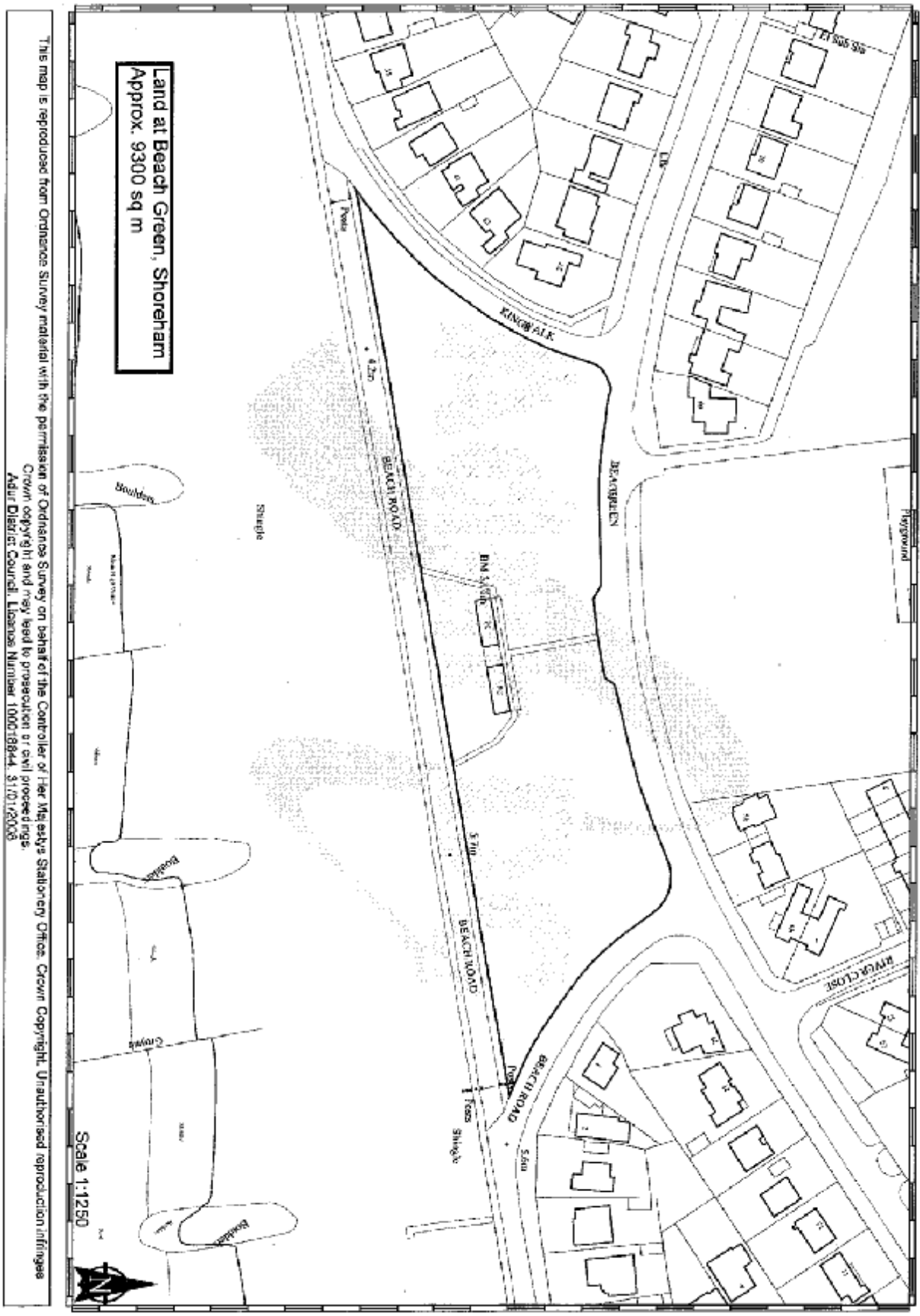
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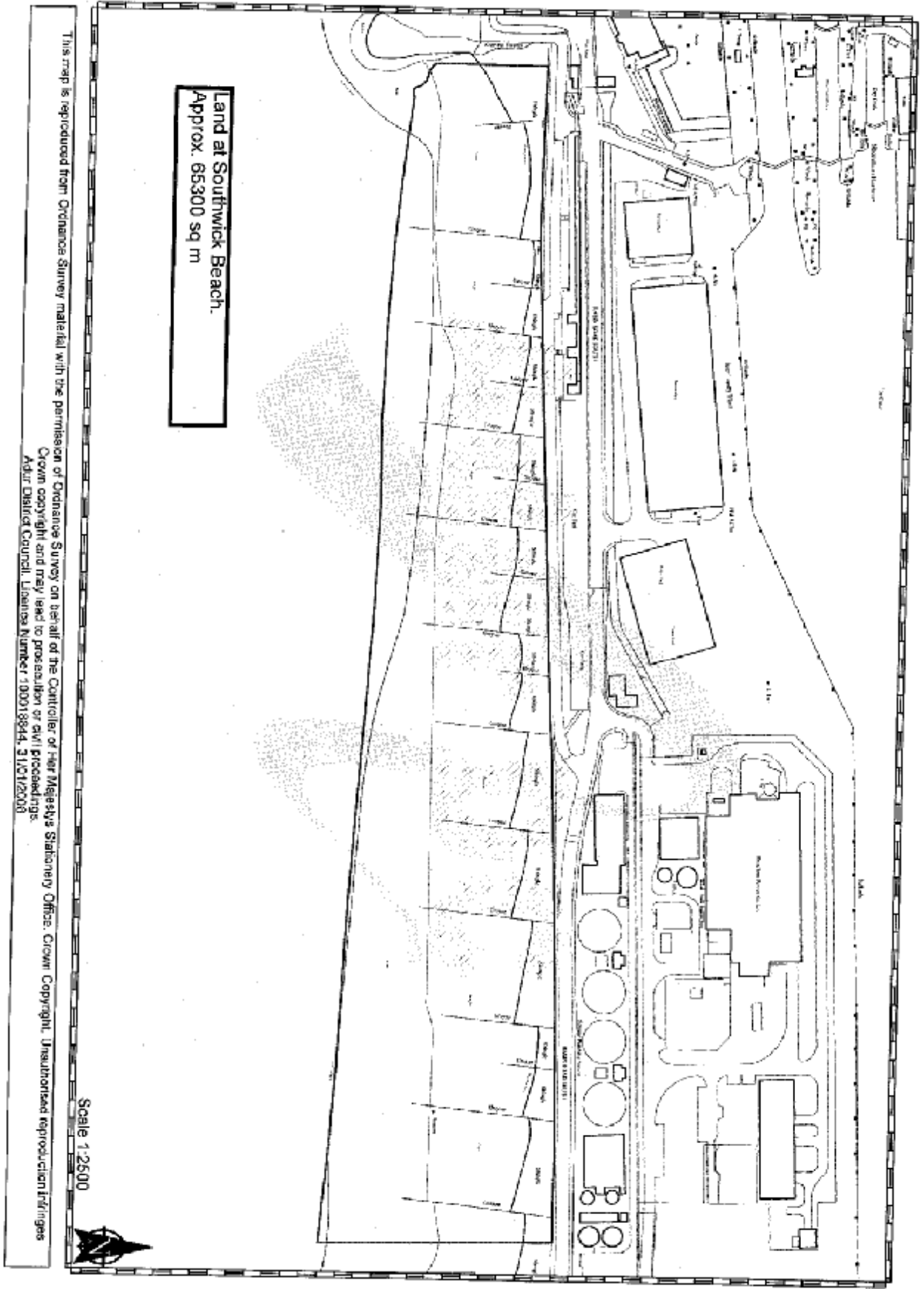
Scale 1:1250



Land at Beach Green, Shoreham  
Approx. 9300 sq m

Scale 1:1250

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Land at Southwick Beach.  
Approx. 65300 sq m

Scale 1:2500

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20<sup>th</sup> January 2007

Mr I Lowrie  
Chief Executive, Adur District Council  
Civic Centre, Ham Road  
Shoreham by Sea  
West Sussex

Dear Mr Lowrie

**Make Southwick Beach a village Green in substitution for that which could be lost at Kingston.**

The Argus reported on Thursday 17<sup>th</sup> January that as the proposed new Shoreham Harbour Lifeboat House would encroach onto the village green at Kingston Beach the Adur District Council must find suitable alternative land in substitution. The report continues that so far the council has not identified an appropriate area of land.

The Southwick Society strongly recommends that Southwick Beach is an appropriate piece of land to be registered as a village green and strongly urges the Council to take up this proposal.

The beach has been used by local people for time out of mind and the Society is of the opinion that it fulfils the criteria that would qualify it for registration. As a beach it is, of course, of a broadly similar nature to the land at Kingston and the Adur Council does also similarly have control over part of it. The position of Southwick Beach is such that many people who use Kingston would also find it convenient. Registration of the beach would have the dual advantages of protecting Southwick Beach and assisting in the construction of the much needed new Lifeboat Station.

Even if the present position had not arisen the Southwick Society believes that it would be appropriate to afford the beach protection and believes that such a move would be strongly supported by local people. The Southwick Society would give its strong support to the Council in any moves to register Southwick Beach as a village Green.

I should be grateful if you would ensure that this proposal is passed on to the relevant, members and officers for consideration.

Yours sincerely

N F Divers  
Hon Secretary