

Q 3.3 (ii)

No access secured to SA20 - third party land required

The proponents of sight SA20 do not currently have in the control a suitable access from Bourne Lane upon which the site requires for delivery.

It is established that the county does not regard the only access to site S a 20 in the control of the proponents which is located close to the Worthway at the western end of the site, where the retirement village is proposed. The proponents and the council expect this access must be restricted to the retirement village and for emergency vehicles only..

The proposed access opposite Hethcoat Drive is by means of land currently owned by the county. It is suggested that access could be obtained through land swap, whereby WSCC releases the land currently playing fields in exchange for some low value land at the back of the school. There is no evidence that any legal agreement regarding this has been signed.

These playing fields represent a ransom strip (as per Stokes versus Cambridge). As such the county has a duty to ensure that in disposing of the land is obtained best value. In order to do this the county would have to do viability study to establish its value to ensure that it is to achieve in the best value for its assets. No such evidence is in the public domain and there is no indication that this has been completed.

It is important to note that the extension to the existing in the existing school at Imberhorne Lane that would be needed to release the site at Windmill Lane housing the other part of the school is not dependent on this land swap. For example it would be possible to build on part of the playing fields to provide the extension and then to provide replacement playing fields on the land opposite which belongs to Midsussex and he is currently used as open public space. The capacity of the Midsussex land could be increased in line with national policy by putting down an all-weather surface. Thus, the relocation of the Wimborne Lane site is not dependent on the land swap of the ransom strip.

Without this work having been carried out there can be no certainty as to the deliverability of the essay 20 site. And without WSCC being able to show that they have followed the necessary process regarding best value any agreement to Exchange the land with the developer would risk a legal challenge.

In view of this the site cannot be regarded as deliverable and so therefore does not meet the required to allow allocation in the DPD.