

North Yorkshire Council

Executive

16 July 2024

West Pier, Scarborough – Appropriation of a parcel of land

Report of the Corporate Director of Environment and the Corporate Director of Resources

1.0 PURPOSE OF REPORT

- 1.1 To update Members on the Scarborough Towns Fund West Pier Scheme; and
- 1.2 To seek approval to appropriate a parcel of land at West Pier which is currently used for a non harbour purpose into general estates use.

2.0 SUMMARY

- 2.1 This report seeks approval from the Executive to formally appropriate a parcel of land at West Pier from a harbour to non harbour purpose in order to facilitate the timely execution of the West Pier project which forms part of the Scarborough Towns Fund programme. Formal appropriation will ensure the proposed uses at West Pier are aligned with their formal designations.

3.0 BACKGROUND

- 3.1 The West Pier forms part of Scarborough Harbour which is a fisheries harbour and is a vital part of the local economy. The West Pier Development Scheme falls within the Scarborough Towns Fund programme and seeks to secure the future prosperity of the fishing industry as well as supporting a diverse visitor economy. As the West Pier forms part of the harbour undertaking, North Yorkshire Council's ability to carry out the scheme is subject to the council's obligations and powers as a harbour authority.
- 3.2 The council's powers and duties as a harbour authority are set out in legislation including a number of local acts and orders. There is a general power to carry out improvement works to the harbour, and, a wide ability to dispose of and appropriate land held from a harbour purposes to a non harbour purpose.
- 3.3 The majority of buildings on the West Pier are in a dilapidated state, including the fishing facilities for maritime industries, which need improvement both to support the existing operation of the Harbour as a fisheries harbour and to promote growth within that sector. In addition to these improvements, the development seeks to situate new and improved cultural facilities on the Harbour site to raise awareness about the fishing industry at the Harbour, and to develop the market for local catch. In particular, an intended outcome of the scheme is the creation of a 'circular economy' which provides for a higher proportion of the catch from fisheries use of the Harbour to be sold by retail units on site and consumed locally.
- 3.4 The scheme is a mixed development and will include 'a range of fishing facilities, hospitality, offices and a reimagined public realm' to support locals and visitors to 'work, explore, dwell, be entertained and dine.' The planning application for the West Pier is expected before Planning Committee in August 2024. Primarily the scheme will involve a simple reconfiguration of existing uses at West Pier with the exception of the development of a new restaurant unit which amounts to an increase of approximately 278 sqm of hospitality

space. As this area of land (shown edged on the attached plan) is currently used for non harbour purposes, as an artist studios and public conveniences, the formal redesignation of this land would not have any impact on the operation of Scarborough Harbour as a Fisheries port.

4.0 APPROPRIATION

4.1 The Council has the power to acquire and hold property for various statutory purposes to perform its functions. In order to use land for a purpose other than the one for which it was acquired the land must be “appropriated” for a different use. Appropriation is a statutory process which allows the Council to transfer property within its ownership from one use to another.

4.2 The extent of Scarborough Harbour is not fixed. Section 77 of the Scarborough Corporation Act gives the council wide powers of disposal and appropriation and, in particular, permits the council to:

‘sell lease exchange or otherwise dispose of in such manner and for such consideration as [the Council] may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent of any payment in other form any lands tenements hereditaments piers ... vested in or acquired by [the Council] under any general or local Act for the time being relating to the [Council] or [the Council’s] undertaking’.

4.3 Under section 77(3) There is a requirement that the proceeds of any such disposal must be applied:

‘as the [Council] shall with the consent of the Minister of Transport think fit for the benefit of the [harbour undertaking] or the borough.’

4.4 The council will therefore be required to consult with the Department for Transport (DfT) in relation to the appropriation of land and make a payment for the account of the council as a harbour authority. In terms of a payment, a valuation of the land will take place prior to consultation with the DfT.

5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 The alternative option would be to not appropriate the parcel of land for a non harbour purpose, which would result in the proposed use not corresponding with its formal designation.

6.0 FINANCIAL IMPLICATIONS

6.1 As stated above, a valuation of the land will take place prior to consultation with the DfT. The Scarborough Corporation Act 1931 requires the council to apply the proceeds of any such disposal must be applied:

‘as the [Council] shall with the consent of the Minister of Transport think fit for the benefit of the [harbour undertaking] or the borough.’

7.0 LEGAL IMPLICATIONS

7.1 The council’s powers under the Scarborough Corporation Act 1931, including the powers of appropriation pursuant to section 77, are local choice functions which have been reserved under the constitution to the council’s Executive.

7.2 The council is acting in accordance with the legislation by seeking consent from the DfT. It can also be demonstrated that the land is not required for the purposes of the harbour undertaking given that it is not currently used for these purposes.

8.0 EQUALITIES IMPLICATIONS

8.1 An equalities impact assessment has been undertaken and identified no negative impacts on people with protected characteristics. The form is attached in Appendix A.

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 There has been a climate change impact assessment undertaken and is attached as Appendix B.

10.0 REASONS FOR RECOMMENDATIONS

10.1 To facilitate the timely execution of the project and to ensure the proposed uses at West Pier are aligned with their formal designations.

11.0 RECOMMENDATION(S)

It is recommended that the Executive, subject to consultation with the Department for Transport, appropriates this parcel of land (278 square metres) at West Pier, from harbour use to general estates purposes.

APPENDICES:

Appendix A – Equalities Impact Assessment

Appendix B – Climate Change Impact Assessment

BACKGROUND DOCUMENTS:

None

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Corporate Director – Resources

Karl Battersby

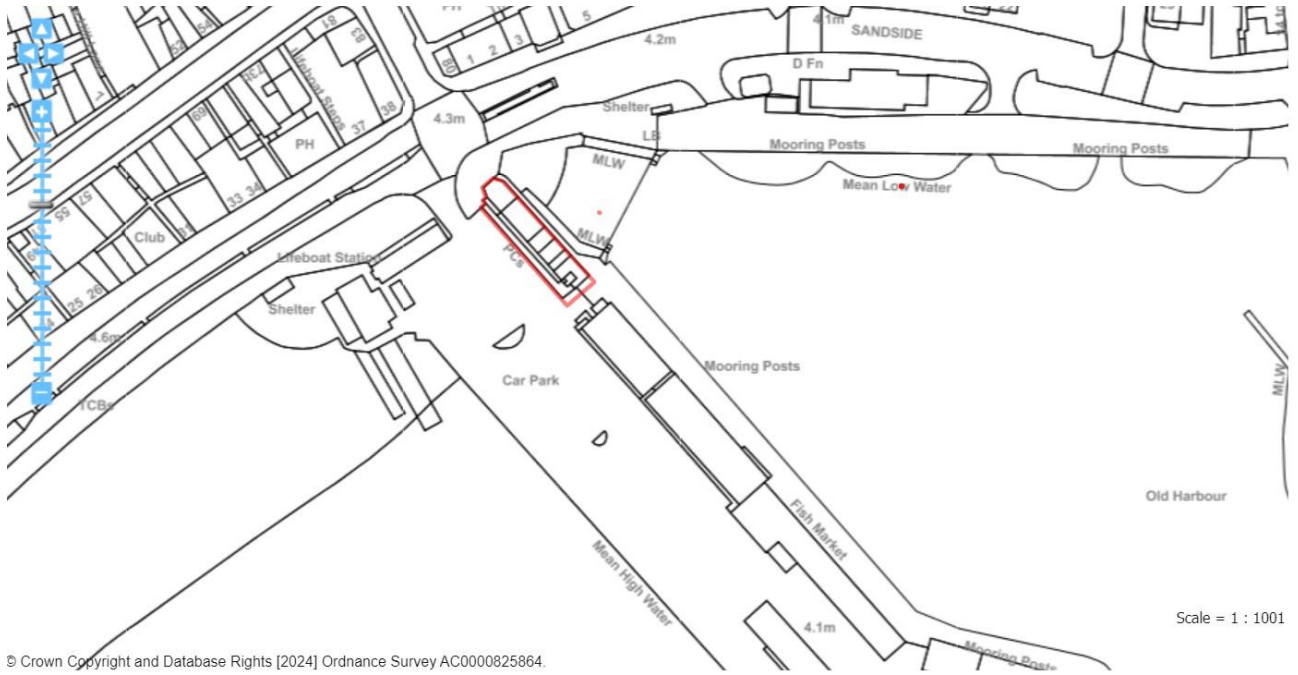
Corporate Director – Environment

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Presenter of Report –

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions

Plan



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