

**Bracknell Forest Council
Record of Decision**

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| Work Programme Reference | I123635 |
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1. **TITLE:** Appropriation of Land at Downshire Golf Course

2. **SERVICE AREA:** Communities

3. **PURPOSE OF DECISION**

To seek approval for the appropriation of land at Downshire Golf Course for planning purposes in line with an associated planning application

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Cabinet

6. **DECISION:**

RESOLVED that Cabinet:

- i. accept that the area of land at Downshire Golf Course and being the P & P Land referred to in this report, is no longer required for the purpose for which it is currently held.
- ii. approve the appropriation of the P & P Land for planning purposes in order to facilitate redevelopment for use as additional space for the adjoining cemetery once planning consent is in place.
- iii. Agree to give delegated authority to the Assistant Director; Contract Services in consultation with the Cabinet Member for Leisure, Culture, Public Protection and Democracy, the Borough Solicitor and the Assistant Director: Property to agree the settlement and documentation of any statutory claims, together with any associated fees; to document any associated agreements or deeds of release etc that may be required and to note that any costs will come from the previously agreed budget.

7. **REASON FOR DECISION**

The key reasons for the decision are:

- i. Securing social, economic and well-being benefits to the residents of the borough by ensuring that all residents have the opportunity to be buried in the borough and are not disadvantaged by having to choose more expensive out of borough burials
- ii. Reducing the economic impact that will fall on the Council to maintain the current cemetery without the revenue stream generated by new burials
- iii. In order to ensure that the redevelopment can come forward and its benefits be realised it is proposed that Bracknell Forest Council appropriates the P & P Land for planning purposes. This would be done under S122 Local Government Act 1972 and engages the provisions of S203 Housing & Planning Act 2016 so as to override third

party rights, the existence of which would otherwise prevent the implementation of the proposed development, and to facilitate the works without risk of injunction once planning permission has been obtained.

8. ALTERNATIVE OPTIONS CONSIDERED

- i. The Council looked to purchase land situated away from Easthampstead Park Cemetery & Crematorium. No suitable land was identified. Other sites within the Council's ownership were also considered but found not to be viable.
- ii. Not to approve that the P & P Land be appropriated for planning purposes. However, the consequence would be that the P & P Land would continue to be used as a pitch and putt course and the development to expand the crematorium does not take place which would mean that burials within the Borough would cease in 2025

9. DOCUMENT CONSIDERED: Report of the Executive Director: Communities

10. DECLARED CONFLICTS OF INTEREST: None

| Date Decision Made | Final Day of Call-in Period |
|---------------------------|------------------------------------|
| 12 November 2024 | 19 November 2024 |