EXPLANATORY MEMORANDUM

THE DERELICT LAND CLEARANCE AREA (BRIAR'S LANE, HATFIELD) ORDER 2006

2006 No. 1950

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government ("the DCLG") and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 This Order specifies as a derelict land clearance area a locality, shown on the attached map, in the Briar's Lane area of Hatfield Central Ward in the Borough of Welwyn Hatfield. The area is not currently derelict, neglected or unsightly but is likely to become so because of collapse of the surface caused by former chalk-mining activity.

2.2 The effect of this area being so specified is that it is treated under the Derelict Land Act 1982 ("the Act") as if were in a designated development or intermediate area. This enables the Secretary of State to pay grant to the relevant local authority of up to 100% of the expenditure that it may incur in reclaiming or improving any land within the derelict land clearance area.

2.3 This is a local instrument.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

4. **Legislative background**

4.1 Section 1(1) of the Act allows grant to be paid for the purposes of improving, reclaiming or bringing back into use land which is either currently derelict, neglected or unsightly, or could become so because of an actual or apprehended collapse due to previous underground mining operations (other than coal mining).

4.2 The amount of grant which can be paid under the Act depends on the classification of the area where the works are to be carried out and whether or not the applicant is a local authority. A local authority for an area which is already designated as a development or intermediate area under the Industrial Development Act 1982 may apply to the Secretary of State for funding of up to 100% of the costs of works, including surveys and, if necessary, acquisition of other land.

4.3 The Briar's Lane area of Hatfield is not a development or intermediate area. However section 1(7) of the Act provides that the preceding provisions of that

section (including those mentioned in paragraph 4.2 above) shall have effect in relation to land specified by order by the Secretary of State. Section 1(7) is made subject to a requirement for Treasury consent in subsection 1(8)(b). Such consent has been obtained and this Order is accordingly made under section 1(7) of the Act. Its effect will be to enable Welwyn Hatfield Borough Council to become eligible to receive funding of up to 100% for the land stabilisation works required in that area.

5. **Extent**

5.1 This Order applies in relation to England only.

6. **European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7 **Policy background**

7. The Land Stabilisation Programme was set up in 1999 to deal with the problem of abandoned non-coal mines, such as chalk or salt mines, which are unstable, likely to collapse and pose a threat to life or property. The Programme is funded by the DCLG and is administered by the Urban Regeneration Agency, known as English Partnerships ("EP"), on behalf of the Secretary of State.

7.2 Deterioration of abandoned mines such as these can result in sudden and unexpected subsidence, or the appearance of "crown holes" at the surface. Unstable or poorly capped mineshafts can also result in unexpected collapses. Sudden events of these kinds can result in the collapse of buildings or the fracturing of gas mains, placing lives at risk, causing disruption, and requiring expensive repairs. In some cases the presence of unstable workings can blight land by discouraging repair and maintenance and deterring new investment, leading to the steady decline of the area.

7.3 Although local authorities have powers to stabilise workings or to deal with damage caused by a collapse, the high costs involved, and their inability to recover their costs from those responsible (even if they could be found and could afford to pay), gives rise to substantial financial difficulties for local authorities.

7.4 A number of subsidence events have occurred at Briar's Lane, as a result of which a Primary School was closed in December 2005 and the pupils have been temporarily relocated. The Briar's Lane carriageway has been closed and several residents have been evacuated from their properties and re-housed or, depending on their circumstances, advised to find alternative accommodation.

7.5 These subsidence events have caused considerable concern locally. There have been calls for remedial work to be undertaken urgently, and the local authority has conducted effective consultation in the area through its communications strategy. This has meant that residents and wider stakeholders have been engaged in the project with a view to promoting an understanding of the land stabilisation

process. Concerns voiced by local residents at public meetings included seeking information as to why the existence of the mines had not been made widely known before the collapse, and the effect of the issue on the property market.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is, in relation to this project, the increase in the level of funding through the Land Stabilisation programme from a maximum of 50% of relevant expenditure under the programme, to a maximum of 100% of that expenditure. An application for funding has been submitted to EP for its consideration, and agreement in principle to fund relevant expenditure falling within the programme criteria has been given.

9. Contact

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Map referred to in the Derelict Land Clearance Area (Briar's Lane, Hatfield) Order 2006

