



Derby City Council

COUNCIL CABINET
2 April 2014

ITEM 10

Report of the Cabinet Member for Planning,
Environment and Public Protection

Implications of the disposal of land at Raynesway for Alvaston Bypass Extension proposals

SUMMARY

- 1.1 The principal and route of the proposed Alvaston Bypass Extension (ABE) has been protected in successive development plans since at least the Local Plan for Southern Derby (1994). The aim of the scheme has been to relieve traffic congestion in Alvaston District Centre by creating a link between the A6/Raynesway junction and London Road. The protected route includes land currently owned by the Council.
- 1.2 The route is protected under Policy T2b of the City of Derby Local Plan Review (CDLPR). This states that proposals which might prejudice the implementation of the road would not be permitted.
- 1.3 In May 2013, Members considered a report on Property Disposal Programme 2013/16. This included the possible disposal of land which would be required for the ABE. Any disposal of the land is likely to lead to development proposals that will prejudice the implementation of the road scheme. This would be at odds with the intentions of the Council's Development Plan. However, there appears to be little or no prospect of delivering the road for the foreseeable future.
- 1.4 This could create a significant amount of uncertainty which could impact on the ability of the Council to dispose of the land in the short to medium term. Ultimately, this could lead to a situation where adherence to the CDLPR could deter new commercial development and a receipt for the land, but would still not provide any certainty of delivering the road or its potential benefits. It is considered that the disposal of the land for commercial development has the potential to provide more immediate benefits for the City in terms of job creation and sustainable economic growth. While this would mean losing the potential benefits the ABE might provide, the lack of certainty over its implementation suggests that this may be an acceptable risk to take.
- 1.5 As such, Members are asked to confirm that the Council is no longer committed to implementing the ABE proposal and that no objection on the grounds of prejudicing the implementation of the road would be made to any subsequent planning application. This will provide some comfort and clarity for any parties interested in the acquisition of the land and for the Council in terms of long term strategy development.

RECOMMENDATION

- 2.1 To resolve that the Council will no longer be pursuing the delivery of the Alvaston Bypass Extension as defined in the City of Derby Local Plan Review (Policy T2b)
- 2.2 To seek the removal of the above scheme from the Council's Local Plan, through the review process currently being undertaken.

REASONS FOR RECOMMENDATION

- 3.2 To provide comfort that suitable development of land would not be prejudiced by Policy T2b of the Local Plan Review
- 3.2 To provide long term strategic certainty and clarity.



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Report of the Strategic Director for Neighbourhoods.

SUPPORTING INFORMATION

- 4.1 The principle and route of the Alvaston Bypass Extension (ABE) has been protected in successive development plans since the 1950s. The aim of the scheme was to extend the Alvaston Bypass (completed in 2003) beyond Raynesway to join London Road south of Alvaston Park (see Appendix 2). The aim of the proposal was to remove through traffic and enable bus, cycle and pedestrian priority measures to be implemented on London Road.
- 4.2 The City of Derby Local Plan Review (CDLPR) continues to protect the route of the ABE under Policy T2b. This states that planning permission will not be granted for development that would prejudice the implementation of this scheme.
- 4.3 The current protected alignment is the result of a major consultation on the need for, and route of, the ABE in 2003. The results of this were reported to Cabinet in January 2004. It was recognised at the time that an extension to the A6 Bypass could have significant transport benefits and it was agreed that the (CDLPR) would continue to protect the route. However, the protected route was identified prior to the major works that took place to the A6 and A5111 junctions in 2011 that enabled access to the Derby Commercial Park.
- 4.4 The Council's Local Transport Plan 3 (2011) also identifies the ABE and its potential benefits in terms of relieving congestion and air quality in Alvaston District Centre and providing improved access to employment sites. Importantly, it goes on to state that the Council does not intend to act as scheme promoter and thus is not included as part of the long term transport strategy. It does suggest that the Council would still support the bypass extension as a developer-led scheme but does not specify which development scheme(s) might be considered liable for the scheme. The priority of the scheme has clearly been reduced in recent years.
- 4.5 Since 2003, there has been no substantive work on the preferred alignment, the benefits of the scheme, how it would now link to the revised Raynesway junction or on how it could be delivered. It is uncertain, therefore, whether the protected route would still be the most appropriate. Before any proposal could go ahead a considerable amount of preparatory work would be now be needed to understand what the most appropriate route would be and whether assumptions about the benefits of the scheme remain robust. Resources for carrying out such work are not available at this time. Considering the priority the scheme has been given in LTP3, it is unlikely that these resources will be made available.

- 4.6 The Council owns the land on the western side of Raynesway which would be required to implement the ABE. Members resolved in May 2013 to dispose of this land as part of the wider 'Property Disposal Programme'. This clearly has implications for the delivery of the ABE - and by extension, the delivery of both the CDLPR and LTP - that need to be given careful consideration before disposal should take place.
- 4.7 Firstly, any scheme the developer proposes could inevitably prejudice the implementation of the road. To avoid this, the developer could be asked to keep part of the site undeveloped, or we could retain part of the site in Council ownership, in order to allow for the ABE at some point in the future. This is impractical, however, as there is no guarantee that the current position of the junction, or the alignment of the road, is still the most appropriate in light of the recent changes to the Raynesway junction. This would lead to further uncertainty for both the developer and the Council and lead to a sub-optimum development with still no guarantee of delivery of the ABE. It would also be unlikely to be viable to expect any prospective developer of the site to fund delivery of the scheme themselves.
- 4.8 Any continued aspiration to deliver the ABE 'post-disposal' may lead to a situation whereby the Council would have to buy land back in the future. This would clearly be an unacceptable situation. The only logical conclusion, therefore, in disposing of the Council land is that the ABE can no longer be implemented. However, policies in the CDLPR could lead to a possible refusal on the basis that development would prejudice the scheme.
- 4.9 This would appear to be an illogical situation. It is suggested, therefore, that Members resolve to confirm that the Council will no longer be seeking to implement the ABE and that it will not object in principle to suitable development proposals that would technically prejudice any long term implementation of the scheme. This will not formally revoke the policy. However, it will provide officers with guidance in the event of a future planning application being submitted that is at odds with the current policy.
- 4.10 This approach will also provide guidance to officers currently reviewing the CDLPR. It is recommended that the ABE will be deleted from the Local Plan as part of the review process currently being undertaken. While this will be subject to further consultation and Examination, this will still provide further clarity as to the long term intentions of the Council.
- 4.11 It is recognised that this approach will mean that the potential benefits of the ABE will not be realised. However, the likelihood is that they would not be delivered in any event. As such, it seems more appropriate to pursue a positive and beneficial use of the site. It is, however, also suggested that any disposal would seek to ensure appropriate measures to ensure the continued connectivity to, and through, the site by pedestrians and cyclists, ensuring that any existing routes are maintained.

OTHER OPTIONS CONSIDERED

5.1 Disposing of the land but retaining an option to deliver the road in the future:

This option would not provide any certainty to the developer but could lead to the possibility of blight, particularly if the current situation regarding the delivery of the road persists. There is also no certainty about exactly what land would need to be retained.

5.2 Maintaining ownership:

This would maintain the option of delivering the road into the future. However, this would hold back industrial development on the site and not realise a receipt for the Council in the short term.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Stephen Teasdale Marcus Nicholson Christine Durrant Paul Clarke
For more information contact: Background papers: List of appendices:	Steven Lee 01332 642118 steven.lee@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Site Plan

IMPLICATIONS

Financial and Value for Money

- 1.1 Any capital receipts generated will be applied in accordance with the corporate capital receipts policy and used for the good of the capital programme.

Legal

- 2.1 A resolution as recommended will be an important material consideration in any future planning application and in reviewing and formulating future Local Transport Plans and the CDLR.
- 2.2 The Council has statutory power by virtue of section 123 of the Local Government Act 1972 to dispose of land using whatever method it chooses, as long as it meets its overriding duty to obtain the best consideration that can be reasonably obtained for the land. Land, in this context, includes property.

Personnel

- 3.1 There are no personnel implications arising from this report

Equalities Impact

- 4.1 The recommendations do not give rise to any equality issues

Health and Safety

- 5.1 There are no Health and Safety issues arising directly from this report.

Environmental Sustainability

- 6.1 The environmental implications of any future planning application will be considered. The intention will be to try to ensure that pedestrian and cycle links through the site will be maintained to help promote alternative modes of travel to the car.

Property and Asset Management

- 7.1 The relevant property and asset management comments are incorporated into the report and are also addressed in the Disposal Programme Cabinet Report dated May 2013

Risk Management

- 8.1 The disposal of any property is dependent on their being a willing purchaser and the relevant market conditions at the time of the sale.

Corporate objectives and priorities for change

- 9.1 The disposal of surplus property and the subsequent maintenance savings will to contribute towards the required budget savings for the period of 2013-15

Appendix 2: Site Location (Extract from City of Derby Local Plan Review)

