



DERBY CITY COUNCIL

COUNCIL CABINET
14 JUNE 2005

Report of the Director of Corporate Services

ITEM 16

Raynesway – Proposed Rosemound Development Site and Land Adjoining

RECOMMENDATION

1. To:
 1. authorise the Director of Corporate Services to allow an extension to the deadline for the submission of a Planning Application for the Development Site of up to two months if satisfied that this would be in our best interest
 2. approve Terms to allow the Developer to undertake works upon land adjoining the Development Site, as set out in part (a) of the confidential Report attached
 3. approve the settlement approach proposed for areas previously affected by the CPO for the A6 Alvaston Bypass, as set out in part (b) of the confidential Report attached.

REASONS FOR RECOMMENDATION

2. To facilitate the proposed development generally and to achieve an appropriate payment for the benefits arising from use of our adjoining land.

SUPPORTING INFORMATION

- 3.1 Cabinet approved detailed terms on 30 November 2004 following an approval on 19 October 2004 to exchange contracts with Rosemound Developments Ltd ("Rosemound"), the preferred developer of Acetate Products Ltd ("APL"). Exchange was achieved on 23 December 2004. The contract is conditional upon:
 1. net developable area being agreed
 2. Rosemound satisfying themselves that the revised junction can be implemented
 3. Rosemound satisfying themselves on our Title
 4. us being satisfied on the financial arrangements guaranteeing that the revised junction will be delivered.
- 3.2 The contract included defined time-scales for Planning matters to be resolved - initially for the revised junction, then for the proposed Development Site generally. It requires an Application to be submitted for the proposed Development Site by 23 June 2005. Whilst this could be achieved, it would be more beneficial for all parties if the Application from the outset addressed comprehensively issues which could otherwise present difficulties, such as appropriate measures to deal with flooding.

- 3.3 Rosemound will submit a Planning Application covering the proposed Development Site indicated on the attached plan. This site is identified for industrial development in the adopted Local Plan – indeed most of it has been allocated for industrial development since the 1950s. Although the site has never been designated as “washlands”, current potential concerns regarding sites in such locations are expected to require the developer to demonstrate that buildings there would not be susceptible to flooding and that the present capacity for the river to overflow on occasions would remain possible in a manner which would be acceptable to our Flood Defence Manager and to the Environment Agency (“EA”). The Developers have commissioned studies on environmental and traffic impact as well as considering site levels and river flow, but the time available before 23 June would not allow full pre-Application discussions to be concluded with the EA. Consequently, it is recommended that the Director of Corporate Services should be authorised to allow an extension to the contractual deadline for the submission of a Planning Application for the Development Site of up to two months if satisfied that this would be in our best interest.
- 3.4 To deal with flooding issues, the Planning Application would extend beyond the Development Site to include adjoining areas. The attached Plan illustrates the adjoining areas within our ownership, but the precise area included in the application could be altered if studies identify a need to use other adjoining areas in addition or in substitution for these. Such areas would be used to provide material to build up the lower parts of the Development Site and simultaneously provide capacity to accommodate future predictions for flooding from the adjoining River Derwent. Eventual planning application will need to be accompanied by an Environmental Statement which demonstrates that offsite and other measures satisfactorily address the flooding issue. It must also identify and assess the environmental impacts of the measures proposed to mitigate flood risk. The Planning Control Committee will of course consider the application’s planning merits and environmental impacts in due course in the usual way. This Report is for consideration in our capacity as land owner.
- 3.5 The Terms attached within the Confidential part of the agenda at Appendix 3(a) set out terms provisionally agreed with Rosemound. They include provisions for after-use, including retention and enhancement of public amenities in this area. If Planning Permission is obtained, the implications for these additional areas are that the levels of some parts would be reduced whilst the current provision for walkers, cyclists and horse riders would be re-established alongside retained and improved wildlife areas. At “Area 1” on the attached plan, the current proposals are to increase the flow rate of the river by widening and deepening the channel – such works would be contained within a 20m corridor. Elsewhere, levels would be lowered by a maximum of approximately 1m to provide the volume of fill material and flooding capacity desired in the manner dictated by technical considerations. Initial diversions may be necessary for limited periods to provide a safe working environment. The Chief Estates Officer has delegated powers to instigate the usual procedures for proposed “disposal” of Public Open Space if this is felt to be necessary despite public amenities being retained and enhanced and the freehold ownership remaining with us.

- 3.6 The previous contractual arrangements also included a period for us to resolve the ownership arrangements of the areas affected by the Highways Agency ("HA") CPO for the A6 Alvaston Bypass. This was raised in January 2005 with the HA's acquiring agency and a response has recently been received. The approach recommended to enable the revised junction to be provided and for the current side road to be incorporated into the Development Site are attached within the Confidential part of the agenda at Appendix 3(b).

OTHER OPTIONS CONSIDERED

4. None involving the Council. The Developer could obtain material to build up levels and obtain rights to compensate for flooding provision from other landowners in the area.

For more information contact: Jim Olford (25)8426 e-mail jim.olford@derby.gov.uk

Background papers: None

List of appendices:

Appendix 1 – Implications

Appendix 2 – Plan

Appendix 3 – Terms provisionally agreed:

(a) for additional land

(b) for CPO settlement

in Confidential part of Agenda

IMPLICATIONS

Financial

1. The proceeds would provide support for our capital programme.

Legal

2. Rosemound have undertaken to meet the costs of our external solicitors.

Personnel

3. None.

Equalities impact

4. None.

Corporate objectives and priorities for change

- 5.1 The proposal predominantly comes under the Council's Objective of **job opportunities** and also **strong and positive neighbourhoods, a healthy environment** and **shops, commercial and leisure activities**.
- 5.2 The proposal mainly furthers the priority of **promoting the city as a major force for industry, commerce, culture and tourism**. Specifically, it focuses on the “Raynesway Business Park” key project identified in the Corporate Plan.

APPENDIX 2

