

Agenda Item No:

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**Report of:** Land and Property

**Report to:** Director of City Development

**Date:** 24 March 2015

**Subject** Appropriation and Agreements to facilitate construction of Manston Lane Link Road Leeds

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|---|---|--|
| Are specific electoral Wards affected?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| If relevant, name(s) of Ward(s): Crossgates and Whinmoor , Temple Newsam        |   |  |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In?   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information?                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| If relevant, Access to Information Procedure Rule number:                       |   |  |
| Appendix number:  |   |  |

### Summary of main issues

1. The report seeks approval to the appropriation of land in Council ownership to facilitate the construction and adoption of Manston Lane Link Road.
2. Part of the land required for Manston Lane Link Road is owned by the Council and is currently held for the purposes of the Town and Country Planning Act 1990. To facilitate the construction and adoption of the road the land now needs to be appropriated for Highway purposes under the Highways Act 1980.
3. The Manston Lane Link Road will link Manston Lane on the north side of the Leeds to York railway line to the roundabout adjacent to the M1 at Thorpe Park via a new bridge over the railway. The road will be constructed pursuant to a combined Section 38/278 agreement which is to be entered into between Thorpe Park Developments Limited (the owners of Thorpe Park Business Park) and the City Council. The dual carriageway road will effectively form part of the East Leeds Orbital Road that will link the M1 at Thorpe Park to the Outer Ring Road at Redhall.
4. The report also seeks approval to the surrender of existing private rights the Council has over the level crossing at Manston Lane and the grant of new rights over the new

railway bridge when it is constructed. These rights will be surrendered and regranted on the construction of Manston Lane Link Road.

## **Recommendations**

5. It is recommended that the Director of City Development approves the appropriation of the Council owned land to Highway purposes and the release of the private rights of way the Council has over the existing Manston Lane level crossing and the grant of new private rights over the new bridge over the railway when the construction of Manston Lane Link Road is completed.

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### **1 Purpose of this report**

- 1.1 The purpose of the report is to seek approval to the appropriation of the land shown outlined in black on the attached plan and identified as the subject sites for highways purposes so as to facilitate the construction and adoption of the road known as the Manston Lane Link Road.
- 1.2 The road will be constructed under a Section 38/278 Agreement which is to be entered into by the Council and Thorpe Park Developments Limited as part of the overall development proposals at Thorpe Park.
- 1.3 As part of the construction of the Manston Lane Link Road, Network Rail requires that the Council surrender any private rights that it has over the Manston Lane level crossing in exchange for the grant of rights over the new road bridge once it has been constructed.

### **2 Background information**

- 2.1 Thorpe Park comprises a major development site in East Leeds and has recently secured planning consent for a mixed use development which now includes commercial food and non food retail and leisure and residential development in addition to the original office development that has been previously granted.
- 2.2 The original development commenced in 1994 and comprised an office development with an ancillary hotel and restaurant and retail uses that required the construction of the Manston Lane Link Road when the total development reached 1 m sq ft. However due to the recession the developers have considered other forms of development at Thorpe Park and prepared new master plans for a comprehensive development of the site. They have recently obtained planning consent for a mixed use development comprising food, non food, leisure and residential in addition to the existing office park approval.
- 2.3 As part of the approval process revised planning conditions were imposed on the construction of the Manston Lane Link Road with an obligation that the road has to be operational before the retail element of the development is occupied.

### **3 Main issues**

- 3.1 To facilitate the construction of the Manston Lane Link Road a Section 38/278 agreement is being entered into with Thorpe Park Developments Limited. In addition a separate agreement is to be entered into with Network Rail for the construction of a new road bridge over the Leeds to York railway line.

- 3.2 Part of the land required for the construction of Manston Lane Link Road (as shown outlined in black on the attached plan) is owned by the Council and now needs to be appropriated for highway purposes under the Highways Act 1980. The land to be appropriated includes both working space for the construction of the road as well as the land that will ultimately form the adopted highway.
- 3.3 In addition Network Rail requires that the Council surrender any private rights the Council has over the Manston Lane level crossing in exchange for the grant of new rights to the Council over the new rail bridge when it is constructed. The existing rights will be surrendered when the road bridge is completed.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The land falls within the Crossgates and Whinmoor Ward and the Temple Newsam Ward. Ward Members have been informed of the appropriation and have previously supported the construction of the Manston Lane Link Road.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 There are no equality issues regarding the appropriation of the land for highway purposes.

### **4.3 Council Policies and City Priorities**

- 4.3.1 The construction of the Manston Lane Link Road will enable further development at Thorpe Park that will add to the economic growth of the City with additional commercial development as well as providing new housing that will add to the supply of housing. In addition the construction of the Manston Lane Link Road provides the initial link from the M1 to the north of the rail line. This section of the road provides an important link to the proposed East Leeds Orbital Road that will form a new outer ring road to the east of Leeds that will enable up to 5,000 to 7,000 new houses to be built.

### **4.4 Resources and Value for Money**

- 4.4.1 There are no financial costs associated with the appropriation of the land except internal staff costs.

### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 Under Part 3 Section 3E Paragraph 2(a) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of Executive Board in relation to the management of land (including valuation, acquisition, appropriation, disposal and any other dealings with land or any interest in land) and Asset Management.
- 4.5.2 The proposal constitutes an administrative decision and is therefore not subject to call in.
- 4.5.3 The land required for the construction of Manston Lane Link Road is currently held by the Council for the purposes of the Town and Country Planning Act 1990. Section 232 of that act provides that land held for the purposes of the act may be appropriated for any purpose for which the Council is authorised to acquire land.

Section 239 of the Highways Act 1980 authorises the Council to acquire land for the construction of a highway and/or for the improvement of a highway.

#### **4.6 Risk Management**

- 4.6.1 The appropriation of the land is an internal process for the Council and therefore it is considered that there is little risk to the appropriation. The appropriation needs to be completed prior to completing the S38/278 agreement.

#### **5 Conclusions**

- 5.1 In order to progress the construction of the Manston Lane Link Road the land required for the construction and ultimate adoption of the highway is required to be appropriated to Highway purposes under the Highways Act 1980.

#### **6 Recommendations**

- 6.1 It is recommended that It is recommended that the Director of City Development approves the appropriation of the Council owned land to Highway purposes and the release of the private rights of way the Council has over the existing Manston Lane level crossing and the grant of new private rights over the new bridge over the railway when the construction of Manston Lane Link Road is completed.

#### **7 Background documents<sup>1</sup>**

- 7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.