

Agenda Item No:

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**Report of:** Land and Property  
**Report to:** Director of City Development  
**Date:** October 2015  
**Subject:** Land at Bridgewater Road, Leeds, LS9

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Burmantofts and Richmond Hill		
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 purpose of this report is to seek approval to enter into an agreement with DB Schenker (DBS) in respect of land at Bridgewater Road, which DBS occupies on a 125 years lease from Network Rail; the lease commenced in 1994. For the duration of works in connection with the Leeds Flood Alleviation Scheme (LFAS) DBS will grant to the Council leases of the areas marked "subject site" on the attached plan and a 25 year lease for an easement to accommodate the diverted route of the Trans-Pennine Trail (TPT), marked as "land occupied by DB Schenker". In return the Council will enter into an agreement in perpetuity for an easement with DBS for the land shown as "proposed access right" to allow access across this land.
2. The proposals form part of the wider LFAS which is intended to protect part of the City from the effects of a 1 in 75 years flood event.
3. The agreement with DBS will enable the Council to occupy DBS land (the subject site) for the duration of the LFAS works for the purposes of site offices, parking and for tipping, handling and forwarding of spoil from the Knostrop Cut Island excavations and future use of DBS land as part of the diversion of the TPT.
4. The proposal will contribute to important elements of the LFAS works and permit the better development and regeneration of a brownfield site in a key location in the Hunslet Riverside area.

## Recommendations

5. It is recommended that the Director of City Development approves the agreements as outlined in the report.
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### 1 Purpose of this report

- 1.1 The purpose of this report is to seek approval to enter into an agreement with DB Schenker (DBS) in respect of land at Bridgewater Road. For the duration of works in connection with the Leeds Flood Alleviation Scheme (LFAS) DBS will grant to the Council leases of the areas marked “subject site” on the attached plan and a 25 year lease for an easement to accommodate the diverted route of the Trans-Pennine Trail (TPT), marked as “land occupied by DB Schenker”. In return the Council will enter into an agreement in perpetuity for an easement with DBS for the land shown as “proposed access right” to allow access across this land.

### 2 Background information

- 2.1 The LFAS is a high priority scheme for the City which has the aim of defending the City Centre against 1 in 75 year river flood events and the significant physical and economic damage that can result from flooding.
- 2.2 The Council is the Lead Flood Authority and co-ordinates this project.
- 2.3 In line with the Council’s Best City ambitions, the LFAS should ensure and support the further growth and regeneration of the Leeds economy, particularly in the South Bank and Hunslet Riverside areas and also protect key transportation infrastructure and the high quality public services it supports.
- 2.4 Knostrop Cut Island, which canalises a length of the River Aire, is to be removed. The TPT footpath runs along the Island.
- 2.5 The DBS land affected by this proposal is a brownfield site of 42 acres. It is roughly triangular in shape and is bordered to the north-east by a railway line (which serves aggregates and tarmac plants) and to the south by the River Aire. The western edge has light industrial premises backing on to it. Access is via Bridgewater Road, off South Accommodation Road. (The DBS land will not benefit from an increase in flood protection as a result of the works as it is at a higher level.)

### 3 Main issues

- 3.1 As part of the works for the LFAS there is a requirement for site offices, cabins and parking close to the works area. In addition, due to the excavation of Knostrop Cut Island (visible on the plan between the River Aire and the Aire & Calder Navigation/Knostrop Cut), the Council’s contractors need an area alongside the river to tip the spoil prior to removal by road.
- 3.2 Given the proximity of the DBS land to the works area and the fact that it is currently vacant, siting of the operations at this location is ideal and means that excavated material can be brought to the site by conveyor rather than being moved by barges up or downstream. DBS has quoted a market rental for use of this land; this is detailed in the confidential appendix.

- 3.3 As a result of the removal of Knostrop Cut Island there is a requirement to divert the TPT. This diversion is essential as the Canal and River Trust will only permit the removal of Knostrop Cut Island if an alternative route for the TPT is created. The Council is therefore obliged to make provision for the TPT under the development agreement. The only acceptable route, retaining a waterside alignment, is the north bank of the river. Some of this routing is on DBS land, including a widened area to accommodate the landing of a bridge at Knostrop Weir.
- 3.4 The UDP has allocated part of the DBS land for housing and part for a rail-served minerals facility. This allocation is proposed for inclusion within the draft Aire Valley Area Action Plan.
- 3.5 DBS has drafted a potential development scheme for its land which identifies an area of residential, with a small element of light industrial, on the western part of the site separated by more light industrial properties from the minerals facility on the eastern part.
- 3.6 The whole of the site could be accessed from Bridgewater Road. However DBS wishes to access any proposed housing development from Bridgewater Road and to create a separate access to the minerals facility from Knowsthorpe Gate. To do this it would require rights over land owned by Leeds City Council.
- 3.7 DBS has indicated that it is prepared to enter into an agreement with the Council as outlined in the confidential appendix. These are terms that can be recommended for approval.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Consultations have taken place with the Local Members through the Flood Alleviation Scheme project lead officers.
- 4.1.2 The Project Team has indicated that Ward Members have reacted positively when formally consulted at each of the projects milestones and they continue to be provided with updates about the scheme on a monthly basis.

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

- 4.2.1 There are no equality matters affected by the proposal.

### **4.3 Council Policies and the Best Council Plan**

- 4.3.1 The Flood Alleviation Scheme is consistent with the objectives in the Best Council Plan 2013-17, notably, 'Supporting communities and tackling poverty', 'Promoting sustainable and inclusive economic growth' and the Vision for Leeds.
- 4.3.2 Best City for Business – supporting the sustainable growth of the Leeds economy through safeguarding jobs in the area to be protected by flood defences and through creation of a new aggregates plant and provision of direct jobs through delivery of the construction work.
- 4.3.3 Best City for Health and Well-being – supporting people to live safely in their homes. There are approximately 3,000 residential properties and 500 businesses in the floodplain of the River Aire. Much of the key infrastructure for Leeds including the Inner Ring Road and key access routes to the railway station area,

telecommunications and broadband facilities and sub-stations are also within the flood plain. Most of the residential properties are situated in blocks of flats on floors raised above flood level and so whilst the contents of these buildings are not at risk, the residents are vulnerable to the disruption caused by temporary loss of access. 154 businesses and 53 residential properties in central Leeds would be directly exposed to floodwater during a 1 in 75 year event.

- 4.3.4 Best City to Live – the scheme is within the high profile waterfront area and has a civic importance. The proposals contained within this report contribute to the development of the waterfront and Hunslet Riverside areas and the future protection from flooding of those areas. The Council is currently considering proposals for the Hunslet Riverside area which includes the land at Bridgewater Road. The purpose of this exercise is to ensure that the area is developed in a sustainable way with an appropriate balance between residential, commercial and community uses. This will contribute to the Best City agenda and will in particular help to secure improved connectivity which is necessary to maximise the success of development in this area.
- 4.3.5 Best City Region – the LFAS protects accessibility to the Leeds railway station new southern entrance, thus contributing to the Vision for Leeds 2030 by safeguarding part of the city region transport strategy.

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

- 4.4.1 The resource implications are detailed in the confidential appendix.

#### **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 a significant operational decision and is therefore not subject to call in.
- 4.5.3 The Head of Land and Property confirms that in his opinion the terms offered to the Council represent the best consideration that can reasonably be obtained under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985

#### **4.6 Risk Management**

- 4.6.1 There are no risks associated with the agreement as the principle has been provisionally agreed between the respective parties.
- 4.6.2 Risks arise from not entering into the agreement as detailed in the confidential appendix.

### **5 Conclusions**

- 5.1 The easement agreement permitting DBS to create a secondary access to its site at Bridgewater Road (if required) and the formal granting of rights to the Council by DBS for temporary use of its site for the duration of the LFAS works and for the permanent diversion of route of the TPT are mutually beneficial.

## **6 Recommendations**

- 6.1 It is recommended that the Director of City Development approves the agreements
  - 6.1.1 2½ year leases for the areas to be used as a site compound and material handling area at nil rent. It will also offer time savings as any alternative site would be downstream and involve the operation of locks.
  - 6.1.2 25 year lease for an easement which will give certainty to the route of the diverted TPT. It is advised that this will become a permanent footpath.
  - 6.1.3 An agreement in perpetuity for an easement with DBS to permit access across Council-owned land.

## **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.

