

TRANSFER OF LAND - HIGHWAY MAINTAINABLE AT PUBLIC EXPENSE (HMPE)

Background

Staffordshire County Council has approached Lichfield City Council regarding the transfer of land to facilitate planned infrastructure improvements along Eastern Avenue – between Irving Close and Grange Lane. The improvements have been designed to improve the safety of vulnerable road users, notably pupils attending The Friary School. The draft proposals are provided at **APPENDIX A** to this report and predominantly affect LCC open spaces 1A, 4B and 5.

SCC have requested that the area of land upon which the footprint of any *finalised proposals* sit, be transferred to SCC to become HMPE. Any such transfer would release LCC from any responsibility for the highway element.

In summary, proposals are:

1. Existing footpath to be widened to form shared use cycleway/footway between Grange Lane and existing toucan crossing facility – requiring transfer of land from LCC on site 4B
2. Widening of footways where Irving Close exits onto Eastern Avenue – requiring transfer of land from LCC on sites 1A and 4B
3. Refreshed footway between Ferndale Road and Irving Close, incorporating dropped kerb and removal of existing footway link – requiring transfer of land from LCC open space site 5

Where land will form part of the HMPE (Highway Maintainable at Public Expense), then there should be a transfer of the land to SCC. The extent of transfer was not known at the time, but Council was advised that any such transfer, if needed, would release LCC from any responsibility for the highway element.

Feedback from Ward Members and SCC Response

Preliminary scheme drawings were provided to LCC and circulated to ward members on 26 February. Response from ward members expressed concern as to the proposals, notably:

1. The cost of the scheme and the use of public funds for this purpose when other priorities abound/whether these proposals are ringfenced to these specific improvements
2. The disruption the proposals would cause during construction
3. Requests for further information as to why this is a priority, public requests, incidents etc

In response, SCC representatives provided further detail which is summarised below and was provided to ward members on 26 March.

1. Funding has partly come from grants provided by HS2 Limited to highway authorities affected by the HS2 route. The allocated money is provided for road safety type projects rather than for use on general maintenance schemes e.g. carriageway maintenance/pothole repairs.
2. A list of schemes to receive the funding was agreed with HS2.
3. This particular scheme on Eastern Avenue is aimed at enhancing the safety of vulnerable road users attending the Friary School. The scheme is aimed at improving the pedestrian and cycle infrastructure along the key 'desire lines' or routes used by the school pupils when travelling to and from school
4. The scheme now forms part of the 2026/27 approved by the SCC Cabinet.
5. The construction phase would be scheduled during the summer holidays in order to reduce the impact on the local highway network.

Transfer of Land to SCC

Disposal of City Council owned land held as open space is subject to the provisions of the Local Government Act 1972 and General Disposal Consent 2003. To progress a disposal, the City Council must consider the proposal and confirm by resolution its 'in principle' support. The proposal to transfer

must then be advertised, with the opportunity given for comments to be submitted. These comments are then considered by Council at a subsequent meeting and a final decision to proceed or not being made by resolution. It therefore requires at least two council meetings to complete the process – one meeting to make an ‘in principle’ decision, and a second to consider representations and make a final decision.

Value of Transfer

Disposal of land should be for ‘best consideration’. However, the General Disposal Consent 2003 states that a local authority may dispose of land at an undervalue (up to £2,000,000) *without* Secretary of State approval if the authority considers it will contribute to the promotion or improvement of the economic, social or environmental well-being of the whole or any part of its area. The City Council can therefore offer the transfer at nil consideration under the ‘wellbeing’ exemption as it has for previous similar land disposals.

The Council should however ensure that the reasonable fees associated with the transfer are covered by those who desire the land, and this is incorporated into the recommendation that follows this report.

Timescales

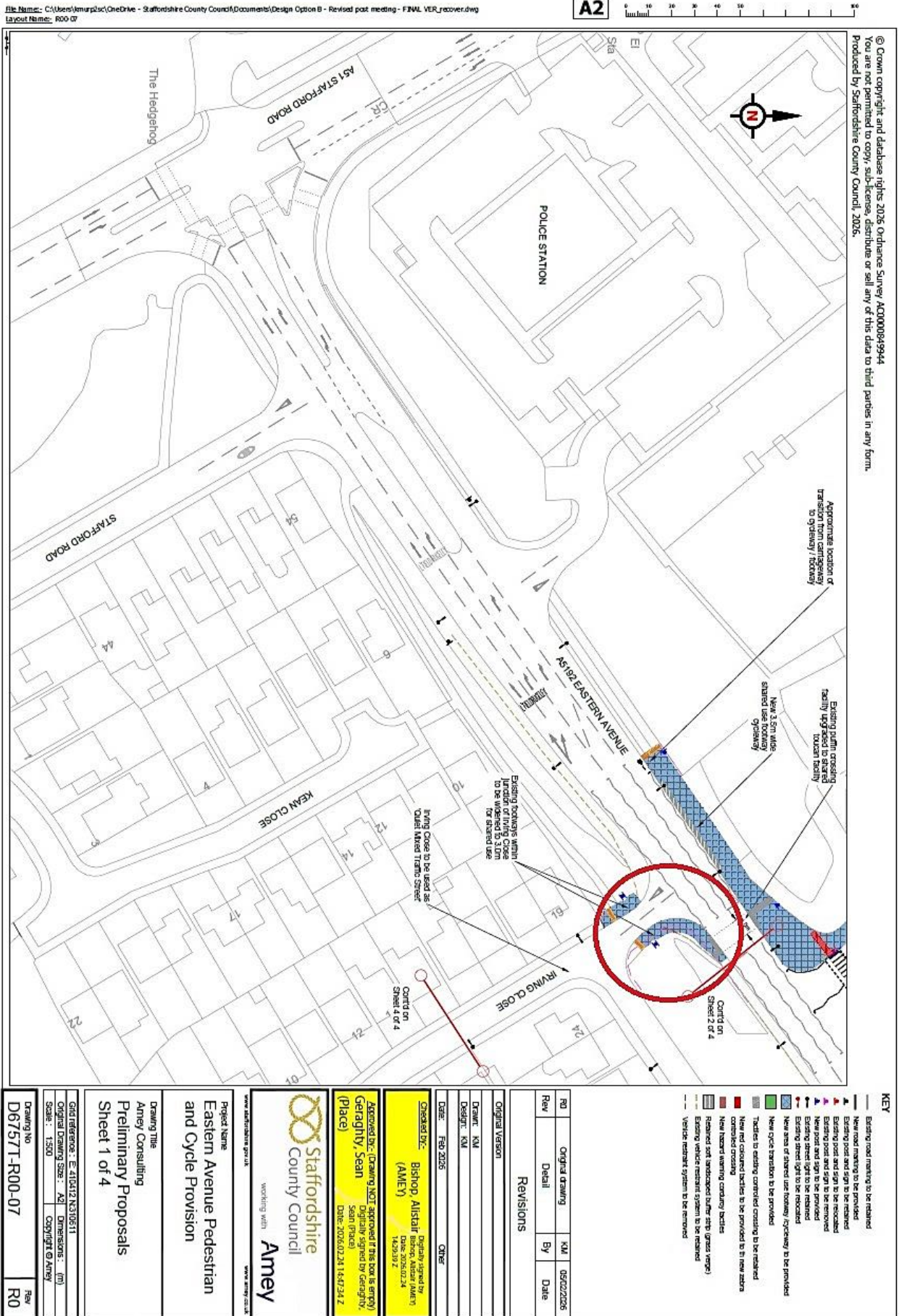
SCC confirm that final proposals are yet to be agreed, pending the outcome of their consultation; it is possible that one or more element of the proposals may not therefore proceed. However, should the work progress following consultation, SCC advise they wish it to go ahead during the school summer holidays in 2026. By this time, the affected land would need to have been transferred to SCC.

Given the process that LCC must follow (detailed above) this leaves little time to complete the transfer, should LCC be minded to agree to it. LCC has been asked to consider its ‘in principle’ support for the transfer at April council based on current proposals. If LCC does provide ‘in principle’ support, a further discussion at June Council would consider any representations and make a final decision.

RECOMMENDED:

- a) Council to consider *whether or not* it wishes to agree in principle to the transfer of land for the reasons set out in this report**
- b) If council does support the transfer, it confirms that subject to (c) and (d) below, the Council agree in principle to transfer the land shown as being the footprint of the proposals at Appendix A of this document to Staffordshire County Council as Highway Maintainable at Public Expense**
- c) That in accordance with the provisions of the Local Government Act 1972, and the General Disposal Consent 2003, the Council advertise its proposals.**
- d) That the Council consider any objections received following public consultation prior to any final decision regarding transfer of the land.**

2. Widening of footways where Irving Close exits onto Eastern Avenue – requiring transfer of land from LCC on sites 1A and 4



3. Refreshed footway between Ferndale Road and Irving Close, incorporating dropped kerb and removal of existing footway link – requiring transfer of land from LCC open space site 5

