

PAPER NO. 1

REPORT TO THE EXECUTIVE MEETING OF 16 JUNE 2015

Meeting: Executive
Date: 16 June 2015
Subject: Granting of Easement
Report of: Mark Perris
Portfolio Holder: Cllr Phillip King
Status: Decision
Relevant Ward(s): Logan

1 Purpose of the Report

1.1 To seek approval for the granting of an easement to Anglian Water to allow discharge of flood water in to the River Welland, from an area within the Commons Car Park, Market Harborough.

2 Recommendations:

2.1 **That the granting of the easement to Anglian Water to allow discharge of flood water in to the River Welland is approved.**

2.2 **That authority is delegated to the Corporate Director – Resources in consultation with the Head of Legal and Democratic Services and the Portfolio Holder Financial and Commercialisation.**

3 Summary of Reasons for the Recommendations

3.1 The easement is required to allow discharge of flood water in to the River Welland.

4 Key Facts

4.1 Anglian Water have undertaken substantial flood alleviation works in recent months including installing an underground pipe to take any flood water. The pipe runs from Coventry Road, through The Square and the Commons Car Park to the River Welland. This work has been undertaken using their powers under the Water Industry Act 1991.

4.2 However, Anglian Water require an easement to be granted to allow water to be discharged in to the River Welland.

4.3 The route of the pipe and the point at which it meets the River Welland is included in Appendix B, together with the plan of the installation attached as Appendix C.

4.4 As the works would prove a major benefit to the town centre, it is suggested that the Council does not pursue a fee for the same.

5 Legal Issues

5.1 No impact on the existing car park operation as the pipework is underground.

5.2 Anglian Water will be responsible for all maintenance costs associated with the infrastructure to allow discharge in to the river.

5.3 The easement will be completed, any legal fees will be recovered from the Anglian Water.

5.4 A copy of the draft Heads of Terms is attached as Appendix A.

6 Resource Issues

6.1 The Council is disposing of a legal interest, and as such could request a fee, however, as outlined in 4.4 above, as the works would prove a major benefit to the town centre, it is suggested that the Council does not pursue a fee for the same.

7 Equality Impact Assessment Implications/Outcomes

7.1 None considered.

8. Risk Management Implications

8.1 There is a reputational risk if the easement were not granted, as this could impact on the flood defences and the Council could be perceived as having prevented the completion of a suitable alleviation scheme.

9. Options

9.1 The Council grant an easement to Anglian Water for the installation of the service duct and feed.

9.2 The Council does not grant the easement.

9 Consultation

9.1 None considered.

10 Background Papers

10.1 None.

Previous report(s): No

Information Issued Under Sensitive Issue Procedure: N

Ward Members Notified: Yes

Appendices:

Appendix A	Heads of Terms for the Easement
Appendix B	Location Plan including the line of the pipework under Council owned land
Appendix C	Plan of installation