

## **EAST LINDSEY DISTRICT COUNCIL EXECUTIVE DECISION NOTICE**

1. Decision to be taken: To grant an initial Licence and a subsequently Deed of Easement over ELDC land situated between the adopted public highway and the curtilage of Eresby SEN School, Spilsby to install and maintain a dry riser, water supply pipe, gas main pipe, surface water and sewerage drainage pipes and infrastructure in connection with an extension of the school. Approval was previously granted for the installation of three pipes but the Grantee has subsequently requested to install additional services into the same trench so a revised permission is being sought.

A Licence will now be required between the parties to allow LCC to install the infrastructure/pipes prior to completion of the Easement in due course. As the Academy who lease the school from LCC are the occupying tenant and will be the party maintaining the infrastructure post completion this necessitates ESFA consent from the DfE. As the timescale for obtaining consent is uncertain to avoid delays to the build programme LCC solicitors have requested that the works proceed via a Licence with the Easement following on thus allowing LCC to avoid costly and uncertain delays and LCC will agree to undertake the additional legal fees incurred.

2. This is a:

PORTFOLIO HOLDER SUPPORTED OFFICER DECISION

**Note: This form should not be used for Key Decisions**

3. The following is the decision making body or person:

Neil Cucksey (Assistant Director for Property, Business & Growth)

After consultation with Councillor Richard Fry, Portfolio Holder for Finance

4. Financial implications from this decision have been communicated to the Portfolio Holder for Finance and the Leader? Yes

5. The decision was taken on: 03 July 2020

**Note: - the above date to be completed by Democratic Services upon publication**

6. Contact Officer and details: Mark Russell MRICS, Interim Estates Surveyor  
[Mark.Russell@e-lindsey.gov.uk](mailto:Mark.Russell@e-lindsey.gov.uk)

7. List of documents submitted for consideration in relation to the matter in respect of which the decision is to be made:

Location plan, terms for grant of Easement.

8. Where the documents are held and where they can be obtained from (except exempt items) when they become available:

Electronically only due to COVID 19 pandemic via [property@e-lindsey.gov.uk](mailto:property@e-lindsey.gov.uk)

9. The reason for the decision and other alternative options considered and rejected:

LCC is in the process of extending the School to add to and improve existing facilities. Further Easements for infrastructure serving the site are needed over privately owned land held by ELDC. It is proposed to grant an Easement at £nil consideration to LCC over this land in order to facilitate the improved access.

Granting the Easement at £nil consideration will enable LCC to improve special educational needs facilities. This is something which ELDC would wish to support. To charge a premium which reflects commercial development value would be inappropriate where LCC is trying to improve educational facilities in the locality. Notwithstanding, the Easement will extend only for the benefit of the School and for no other purpose. LCC will bear ELDC's legal costs in preparing the deed of Easement. LCC will construct the infrastructure and post installation it will be maintained by the occupying tenant, the David Ross Educational Trust who have a 125 year lease of the school (dated 30/3/2013) in accordance with all planning and other statutory requirements.

10. Declaration of any conflicts of interest of the decision making body or the individual:

None

11. Provide a note of any subsequent dispensations granted by the Head of Paid service:

N/A

12. Financial Implications of this Decision:-

Estimated cost:- £Nil

Funded from:- N/A

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**N.B. Please enter names below, signatures will be retained as a hard copy and will not be published therefore should be provided on page 3 of this form:**

Decision Notice Form ( ExD2)

13. This decision has been signed off by:

Adrian Sibley, S.151 Officer

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Neil Cucksey, Assistant Director (Property, Business & Growth)

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Councillor Richard Fry, Portfolio Holder (Financ

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