

EAST LINDSEY DISTRICT COUNCIL EXECUTIVE DECISION NOTICE

1. Decision to be taken: To grant an initial Licence and subsequent Deed of Easement over ELDC land situated between adopted public highway and the curtilage of Eresby SEN School, Spilsby to facilitate further development of the School and to create a new one way in/out vehicular access route.
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: 31 July 2020

Note: - the above date to be completed by Democratic Services upon publication
6. Contact Officer and details: Mark Russell MRICS 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:

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

Property Services, Room 10 Tedder Hall.
9. The reason for the decision and other alternative options considered and rejected:

Following approval of the EDN previously approved on 20th March (copy attached) Lincolnshire County Council have now asked to proceed by way of an initial Licence prior to completion of the Easement as

previously approved due to the delay caused by the tenant of the school (the David Ross Educational Trust) who are a party to the Easement in obtaining DFE consent that is likely to take some months to obtain.

I have obtained legal advice and our solicitor is comfortable with this revised approach to document the Works via an initial Licence and subsequent completion of the Easement as previously approved.

LCC will cover the additional legal costs incurred by ELDC as a result of the additional documentation required.

Legal Services Lincolnshire are acting for both parties but the conflict of interest has been flagged and acknowledged and does not preclude them for acting for ELDC.

LCC is in the process of extending the School to add to and improve existing facilities. As part of the improvements LCC wants to introduce a dedicated in/out vehicular driveway. ELDC owns the strip of land between the curtilage of the School and the adopted highway. 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 and maintain the entrance 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

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:

13. This decision has been signed off by:

Adrian Sibley, S.151 Officer

Date: 24/07/20

Neil Cucksey, Assistant Director (Property, Business & Growth) Date: 31/07/20

Councillor Richard Fry, Portfolio Holder (Finance)

Date: 24/07/20
