

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

1. Decision to be taken:

Grant of an Easement to Grantham Bros. Ltd to discharge surface water into the Council's flood alleviation pipe located at Kenwick Rd, Louth for a term in perpetuity and at a peppercorn rent.

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:

Andrew Fisher, Assistant Director - Assets

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: 21<sup>st</sup> May 2021.

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

6. Contact Officer and details: Mark Russell MRICS, Estate Surveyor, [mark.russell@east-lindsey.gov.uk](mailto:mark.russell@east-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 - Council pipe shown with a blue line and the connection point with a red dot.

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@east-lindsey.gov.uk](mailto:property@east-lindsey.gov.uk)

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

The Council owns a 60 cm diameter flood alleviation pipe designed for the purpose of improving the drainage capacity of the land in the vicinity of the length of the pipe. As the anticipated lifespan of the pipe is 100+ years a deed in perpetuity is feasible.

Decision Notice Form ( ExD2)

The grantee will be granted a right to discharge surface water via a 30cm drainage pipe of approx. 190m. length into the Council's pipe and no other use. This right is in connection with the construction of 13 houses and a care home and the properties will, on completion, be granted the same right to discharge surface water via the pipe (with a maximum drainage capacity of approx. 8 litres per second). The properties located on the above site will be "ringfenced" with no subsequent additional properties utilising the Council's pipe without the Council's consent at its sole discretion.

The grantees pipe is already in situ and the construction underway so we are regularizing the terms of its use. The Council's Environmental Protection & Drainage Officer has initiated this request and is in favour of the Council's pipe being utilized for the intended drainage purpose as it will assist with the objective of improving surface water drainage issues in the vicinity of the pipe's length and the volume of surface water to be discharged is well within the drainage capacity of the Council pipe.

The Council's pipe is subject to an easement as it is located on the land of a third party and the grantee has obtained an easement to run their own pipe under the same third-party land in order to connect into the Council's pipe.

The deed of easement will contain the usual provisions, inter alia;

The grantee will contribute to the Councils costs in repairing, maintaining, replacing the pipe on a percentage contribution basis to be determined at the Council's sole discretion acting reasonably.

Notice provisions requiring the grantee to stop up the connection in the event repairs are required by the Council or its contractors on a minimum of 14 days' notice other than in the event of an emergency.

The Grantee will, if requested, be responsible for relocating the pipe at his cost in the event the Council and grantees pipe requires to be relocated at the request of the landowner.

The grantee will pay the Councils reasonable legal fees incurred in the preparation of the document.

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

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Andrew Fisher, Assistant Director (Assets)

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Councillor Richard Fry, Portfolio Holder (Finance)

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