

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

1. Decision to be taken:

That approval is given to grant a deed of easement to Vistry Partnerships Ltd. for the purposes of connecting to and using the Council's flood alleviation pipe located at Legbourne Rd, Louth in return for a payment of £90,000.

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: 9 December 2022

**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 – the connection point is located beneath a manhole cover situated in the highways verge adj. to MA Stephenson Autos premises, Legbourne Rd, Louth in the position shown with a X on the attached plan.

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:

I have negotiated a settlement for a windfall gain from Vistry Partnerships Ltd. who has requested consent to connect and use the Council's foul

water drain to connect to their residential development site of 89 plots off Legbourne Rd.

The site will be connected to the Council's pipe via the Anglian Water Authority sewer network with the pipes adopted under a Section 104 agreement in due course as far as the connection point as shown with a X on the attached plan.

The Grantee will pay the Council £90,000 (ninety thousand pounds) in return for granting the Easement and £750 towards legal fees.

The Council owns a 60 cm diameter flood alleviation drain 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 easement in perpetuity is feasible.

The Council's Environmental Protection & Drainage Officer has confirmed the request and is in favour of the pipe being utilized by the Grantee as it will assist with 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 capacity of the drain.

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:**

13. This decision has been signed off by:

Christine Marshall, S.151 Officer

Andrew Fisher, Assistant Director (General Fund Assets)

Councillor Richard Fry, Portfolio Holder (Finance)