

17 June 2013

Agenda Item: 8(a)

**REPORT OF SERVICE DIRECTOR TRANSPORT, PROPERTY &  
ENVIRONMENT****DEED OF EASEMENT FOR DRAINAGE, RUFFORD COUNTRY PARK****Purpose of the Report**

1. To seek the approval of the Finance & Property Committee to enter into a Tri-Partite Deed of Easement with the owners of two properties adjacent to Rufford Country Park in order to upgrade the respective owner's foul water drainage systems required to prevent raw sewage from the properties discharging directly into the Country Park.

**Information and Advice**

2. Some information relating to this report is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972. Having regard to the circumstances, on balance the public interest in disclosing the information does not outweigh the reason for exemption because divulging the information would significantly damage the Council's commercial position. The exempt information is set out in the exempt appendix.

**Background**

3. The two properties known as the Garden House and the Brewhouse (the Two Properties) are located adjacent to Rufford Country Park. Currently the sewage from both properties flows into an old brick culvert located beneath them. The culvert then runs into the park where it is discharged into the existing old sewage system and a settlement pond. The old sewage system is not connected to a main sewer and therefore it has to be periodically cleaned out. A new system is currently being installed within the park which includes a small pumping station which will be connected to an adopted Severn Trent sewer. Once the new system is complete it is proposed for the drainage authority, Severn Trent to adopt it.
4. It is proposed that in order to prevent the problems of untreated sewage flowing from the Two Properties into the park, the existing drainage within the back gardens of the properties is altered and diverted away from the culvert and into the new system within the park.
5. The Brewhouse benefits from an existing deed of grant which permits it to discharge into the culvert whilst the Garden House curtilage was once part of the park and was therefore historically connected to the old sewage system and was sold with rights to discharge into it.
6. The proposal is for the three parties to enter into a deed which will allow the Garden House to connect its drainage into the new system within the park, and in turn for the Brewhouse to connect its drainage into the Garden House drainage. NCC is to undertake the works and the Two Properties will contribute towards the cost – as detailed in the Exempt Appendix.

7. In addition the Two Properties will each pay an annual fee in lieu of a contribution towards the maintenance of the new system, until such time as the new system is adopted when any charges will become directly payable to Severn Trent. Once the drainage within the Two Properties is complete, ownership will transfer to the Two Properties accordingly and NCC's obligations under the deed will cease.

8. All parties are to bear their own legal costs.

### **Other Options Considered**

9. Not to undertake the works and deal with any consequences periodically.

### **Reason/s for Recommendation/s**

10. In order to prevent further contamination within the country park.

### **Statutory and Policy Implications**

11. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **RECOMMENDATION/S**

1. That approval is given to enter into a Tri-Partite Deed of Easement with the owners of two properties adjacent to Rufford Country Park in order to upgrade the respective owner's foul water drainage systems required to prevent raw sewage from the properties discharging directly into the Country Park.

**Jas Hundal**

**Service Director, Transport, Property & Environment**

**For any enquiries about this report please contact: Eamonn Harnett 0115 9772029  
email:eamonn.harnett@nottsgov.uk**

### **Constitutional Comments (CEH 23-May-2013)**

12. The recommendation falls within the remit of the Finance and Property Committee.

### **Financial Comments (TR 23-May-2013)**

13. The financial implications are set out in the exempt appendix to the report.

### **Background Papers**

14. None.

**Electoral Division(s) and Member(s) Affected**

15. Ward(s) Rufford  
Councillor(s) Councillor John Peck