



22 April 2013

Agenda Item: 7(e)

**REPORT OF SERVICE DIRECTOR – TRANSPORT, PROPERTY &
ENVIRONMENT**

LAND OFF HIGHFIELD ROAD, CLIPSTONE – GRANT OF EASEMENT

Purpose of the Report

1. To seek approval to the granting of an easement to Severn Trent Water on terms set out in the exempt appendix to this report.

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 Some information relating to this report is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972.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.
 - a. In 2006 under the Water Industry Act 1991 Notice of entry was served by Severn Trent to enter land owned by the County Council, the actual date of entry was then in January 2007.
 - b. This Notice enabled Severn Trent to construct an underground holding tank which operates sporadically when there are large surges of water in the mains drainage system, water is temporarily stored in the tank but then pumped back into the mains system when water levels subside
 - c. The area affected by this tank is situated at the edge of the playing field site and as a result this area cannot be built on but can still be used as open space. The total sterilized area is approx 0.3 acres and is outlined and hatched black on the attached plan.
 - d. As a result of these works the County Council are entitled to claim compensation in respect of loss or damage attributable to the works.
 - e. Negotiations have taken place and instead of the County Council receiving compensation it is proposed that Severn Trent are granted an easement and the County Council receive a consideration for granting this. The brief terms for the easement are contained within the exempt appendix attached to this report.

- f. The claim for compensation must be settled within 6 years from the date of entry, the 6 years have now passed and in order to protect the position of the County Council an application has been made to the Lands Tribunal.

Other Options Considered

3. The County Council could proceed with just agreeing to receive compensation and not enter into an easement however the amount received is less than that would be received by the authority for the granting of the easement.

Reason/s for Recommendation/s

4. To receive a greater payment following the works undertaken by Severn Trent and avoid the County Council incurring substantial fees if the matter proceeded to Lands Tribunal which would not be in the best interest of the authority.

Statutory and Policy Implications

5. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, 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 the County Council grant an easement to Severn Trent on the brief terms set out within the exempt appendix to this report.

Jas Hundal

Service Director - Transport, Property & Environment

For any enquiries about this report please contact: Luke Smith 0115 9772082

Constitutional Comments (CEH 22-3-13)

6. The Finance and Property Committee has authority to consider the matters set out in the report by virtue of their terms of reference.

Financial Comments (TR 22-3-13)

7. The financial implications are set out in the exempt appendix of the report.

Background Papers and Published Documents

8. Background papers are contained within the exempt appendix attached to this report.

Electoral Division(s) and Member(s) Affected

9. Ward(s): Rufford
Member(s): Councillor John Peck

File ref.: /LS/SL/
SP: 2414
Properties affected: 90030 - Playing Fields