

 Executive 1 July 2015		Agenda Item No. 6
Title	Authority to Sign Deeds of Easement	
For further information about this report please contact	Grahame Helm (01926 – 456714) environment@warwickdc.gov.uk	
Wards of the District directly affected	Stoneleigh & Cubbington	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality and Sustainability Impact Assessment Undertaken	Yes

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	08/06/15	Chris Elliott
Head of Service	01/06/15	Richard Hall
CMT	08/06/15	Andrew Jones
Section 151 Officer	08/06/15	Mike Snow
Monitoring Officer	27/05/15	Andrew Jones
Finance	08/06/15	Mike Snow
Portfolio Holder(s)	07/06/15	Councillor Moira-Ann Grainger
Consultation & Community Engagement		
Sir Thomas White Charity and Thwaites Ltd as the respective landowners have been consulted by the District Valuer on behalf of the Council and have agreed the draft documents.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 To seek delegated authority for officers to sign deeds of easement with the respective landowners in order to protect the Cubbington Flood Alleviation Scheme.

2. **RECOMMENDATION**

- 2.1 That the Head of Health and Community Protection be given delegated authority to sign and register deeds of easement with the respective landowners in order to protect the Cubbington Flood Alleviation Scheme.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 To ensure that access for routine maintenance and repair is always available and to protect the culvert from development above it and unauthorised connections into it.

4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – This report does not bring forward any changes to the policy framework.
- 4.2 **Fit for the Future** – The Council's purpose is to improve the quality of life for everyone who lives in, works in or visits Warwick District. With our partners, we aspire to build sustainable, safer, stronger and healthier communities. As this scheme has removed some 50 households from flood risk, it will contribute to these aims.
- 4.3 **Impact Assessments** – It is not considered that this report will impact on the equalities of any group or individual.

5. **BUDGETARY FRAMEWORK**

- 5.1 Legal costs associated with drawing up and negotiating the deeds of easement have been contained within the capital project budget.

6. **RISKS**

- 6.1 The main risks of not granting deeds of easement would arise from the Council being unable to ensure the effective operation of the flood alleviation scheme.

7. **ALTERNATIVE OPTION(S) CONSIDERED**

- 7.1 Each time access is required to private land for routine maintenance and repair, it can be achieved through the service of notices seven days beforehand. However without a deed of easement, there would be no formal provision for emergency access and no protection from future development immediately above the site.

8. **BACKGROUND**

- 8.1 Work on the Cubbington Flood Alleviation Scheme has now been essentially completed. The scheme was funded by a £1.2million grant from the Environment Agency together with £100,000 from Warwick District Council and £5,000 from Cubbington Parish Council. The project has seen the construction

of a large underground culvert to take water from a catchment area above Mill Lane in the village and to discharge into the Pingle Brook adjacent to Thwaites factory. It will now become the responsibility of this Council to maintain it.

- 8.2 To protect the Council's interests and ensure the effective operation of the scheme, deeds of easement are considered necessary. This would allow the Council ready access for maintenance and also ensure the land immediately above the culvert is protected from development. An easement width of 10 metres (5 metres each side of the culvert line) is proposed and Warwickshire Legal Services have drafted the documents which have now been agreed with the respective landowners – Sir Thomas White Charity and Thwaites Ltd.
- 8.3 Our solicitors have advised that there is no delegated authority to officers in relation to easements over private land and therefore Executive approval is required before they can formally be signed and registered.