

Report Title: Land at Fort Road Recreation Ground Newhaven (adjoining Shakespeare Hall)

Report To: Councillor J Page (Lead Councillor) **Date:** 16 November 2011

Cabinet Member:

Ward(s) Affected: Newhaven

Report By: Corporate Head – Legal & Democratic Services

Contact Officer

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Purpose of Report:

To seek authorisation for the grant of an easement over the Council's land to enable the laying of a gas pipe serving Shakespeare Hall, Newhaven. This would enable the installation of a modern heating system at Shakespeare Hall, which provides valuable community uses for Newhaven.

Officers Recommendation(s):

To grant an easement to SGN in the terms set out in paragraph 2.6 of this report, subject to any additional terms and provisions as may be required by the Corporate Head – Legal & Democratic Services.

Reasons for Recommendations

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Information

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2.1 Shakespeare Hall, Fort Road, Newhaven is owned by the Council and let on a long lease to Wave Leisure Trust Limited. The lease commenced in 1972 and is for a term of ninety-nine years. The leased premises are shown on the attached plan numbered 1.

2.2 Wave use the premises as a community facility. This includes a nursery service taking very young children. The premises were originally heated by an oil system but this proved to be inadequate. Wave are proposing to install a modern gas fired heating system.

- 2.3** The gas pipe for the new system would have to run across the Council's land. The gas utility company is Southern Gas Networks (SGN). An easement will be required to authorise the laying of the gas pipe through the Council's land and for the future retention of the pipe. The proposed route of the gas pipe is shown on the attached plan marked 2.
- 2.4** The land forms part of Fort Road Recreation Ground and is currently used for general recreation and cricket. The Council's Parks & Cemeteries Officer states that he would not want to stop the installation going ahead, but would want to ensure that SGN reinstate the ground after completion.
- 2.5** There has been considerable discussion with SGN concerning the appropriate legal process for the gas pipe. SGN originally wanted a simple Consent but have now accepted that a Deed of Easement is needed (i.e. a permanent right to lay and retain the gas pipe). The pipe needs to be laid before bad weather adds further delay to the project. Wave are finding it very difficult to operate without a new heating system. Authorisation for the easement by the Lead Councillor would help avoid further delay.
- 2.6** There is a standard form of easement for utility services. This provides an appropriate balance of rights and obligations between the landowner (in his case the Council) and the utility company (SGN). It is proposed that the standard form of easement will be used. The terms include the following:
- (a)** A single payment in the range of £200 to £300 (the consideration) for the grant of the rights. Wave will pay the consideration because the gas pipe will benefit Shakespeare Hall.
 - (b)** The right for SGN to lay the gas pipe along the route shown on plan 2.
 - (c)** The right for SGN to maintain, repair etc the pipe.
 - (d)** An obligation on the part of the Council not to damage the pipe or carry out development which would interfere with the pipe.
 - (e)** Obligations on the part of SGN:
 - (i)** to restore the surface of the Council's land
 - (ii)** to keep the pipe in good repair
 - (iii)** to keep the Council indemnified against all liabilities arising from the pipe.

Financial Appraisal

- 3** Fludes have given an informal valuation for the easement. This is in the range of £200 to £300. A formal valuation has been requested to confirm this amount.

Environmental Implications

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I have completed the Environmental Implications Questionnaire and there are no significant effects as a result of these recommendations.

Background Papers

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Papers relating to a request for an easement.

Appendices

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Plans 1 and 2.