

Report to Portfolio Holder for Resources and Reputation

Subject: Granting of an easement to lay a gas main at Jubilee Park, Burton Road

Date: 1 March 2021

Author: Property Surveyor

Wards Affected

Carlton

Purpose

To seek approval to grant an easement to Cadent Gas Limited and D&G Utilities Ltd to lay a gas main within Jubilee Park, Burton Road, Carlton

Key Decision

This is not a Key Decision

Recommendation(s)

THAT:

Approval is given to grant an easement to Cadent Gas Limited and D&G Utilities Ltd to lay a gas main within Jubilee Park as set out in this report

1 Background

- 1.1 We have been approach by Severn Trent Water ("STW") who have been working on building a new biomethane plant based at STW treatment plant. This new system will be producing gas for the local area, as part of a more eco friendly way of production.

- 1.2 In order to transport the gas produced at the biomethane plant a new connection must be made to the main gas pipe, the preferred location of the connection is Jubilee Park.
- 1.3 The new connection requires the cooperation of three parties, STW, Cadent Gas Ltd (“Cadent Gas Ltd”) and D&G Utilities Ltd (“D&G Utilities”).
- 1.4 In order to lay the gas pipe which will connect to the main gas pipe, SWT have approached the Council and requested that we grant an easement to Cadent Gas, who once the gas pipe has been laid and gas flows for the first time will own and operate the pipe and valves and be responsible for its maintenance and repair. The works to lay the pipes will be undertaken by D&G Utilities who are Cadent Gas’ approved sub-contractor and therefore they will be named on the easement as they are responsible for the design and installation of the system until the point of handover to Cadent Gas.
- 1.5 The easement would cover part of the park shown on the plan at Appendix 1 and would 6.125 metres either side of the gas pipe. If the easement were granted it would limit the Council’s future use this part of Jubilee Park. The Council would not be able to build over this area of land as access will be required for future repair and maintenance of the pipe line and the Council would need Cadent Gas’ consent to landscape or construct roads, for example, over the area subject to the easement. There will therefore be a fee for the granting of this easement which will be paid to the Council by STW.
- 1.6 In order to establish the cost of the easement, a cost analysis was completed to establish the cost savings involved for STW for connecting to the gas main in Jubilee Park instead of the main carriageway on Burton Road.
- 1.7 The difference in cost between the two options was £29,125 and therefore it is reasonable for a fee payable by STW to the Council of £29,125 in consideration for granting the easement.

2 Proposal

- 2.1 It is proposed that the Council agrees to grant the easement to Cadent Gas and D&G Utilities over part of Jubilee Park shown on the plan at Appendix 1 in order to install the new gas pipe.

3 Alternative Options

- 3.1 One alternative option is not to grant the easement to Cadent Gas. However this would also delay the new biomethane system. It is also

likely to cause further disruption to the Borough as Cadent would have no choice but to connect to the gas main within Burton Road which would require traffic management systems and cause significant disruption to the local community. Further this would result in a loss of capital receipt for the Council.

- 3.2 Another option would be to sell the area of Jubilee Park where the pipes will be laid however this would result in a loss of area for the park and would result in no higher income for the Council. The proposed sale would also have to be advertised in accordance with section 123 of the Local Government Act 1972 and any representations considered before the Council could approve the sale which would cause delays to the project.

4 Financial Implications

- 4.1 The Council would receive £29,125 for the easement.

5 Legal Implications

- 5.1 The Council can grant easements to third parties over land it owns. The Council will need to enter into a Deed of Easement with Cadent Gas and D&G Utilities before the works could start. The Deed of Easement would be registered with HM Land Registry and restrict future use of the land as the grantees will have rights to access to the land in the future to maintenance and repair the pipe work laid.

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

- 8.1 Appendix 1 - Plan

9 Background Papers

9.1 None identified.

10 Reasons for Recommendations

10.1 To obtain income for the Council.

10.2 To contribute to a project focussing on providing sustainable energy to the borough.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer