

Key Decision Required:	No	In the Forward Plan:	No
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CABINET

10 AUGUST 2011

REPORT OF THE FINANCE AND ASSET MANAGEMENT PORTFOLIO HOLDER

A.4 EASEMENT AT MARTELLO BAY, CLACTON-ON-SEA

(Report prepared by Andy White)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To consider whether to grant a cable easement at Martello Bay, Clacton as shown on the attached plan.

EXECUTIVE SUMMARY
Agents for DONG Energy Gunfleet Sands Demo (UK) Ltd (Dong) have approached the Council seeking a cable easement to serve additional trial wind turbines to be erected at Gunfleet Sands. The agents have proposed a route and terms for the easement. The agents advise that there is an urgent need to proceed in order to begin prompt use of the new turbines. Working with partners and sustainable economic growth are Council priorities. Because of the urgency of the request the Portfolio Holder for Finance and Asset Management has requested that Cabinet considers the initiation of the disposal process and the principle of granting a cable easement to Dong at the same time. It is further proposed that Cabinet delegates authority to agree terms to the Head of Legal Services in consultation with the Portfolio Holder for Finance and Asset Management.

RECOMMENDATION(S)
<p>That Cabinet resolves:</p> <ul style="list-style-type: none"> (a) To initiate the Council’s process for property dealing (b) Subject to (a) above, In principle, to grant a cable easement to Dong (c) Subject to (b) above, To delegate the authority to agree an easement route and other terms to the Head of Legal Services in consultation with the Portfolio Holder for Finance and Asset Management (d) Subject to (c) above, To Authorise the Head of Legal Services to enter into an easement agreement with Dong as above.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
Working with partners and sustainable economic growth are Council priorities.
FINANCE, OTHER RESOURCES AND RISK
<p>Finance and other resources</p> <p>Effective Management of assets is in accordance with the framework set out in the Asset Management Plan and Capital Strategy 2011-2012 and supports the Council’s Medium Term Financial Strategy.</p>

Risk

The site has been discussed as a location for potential future leisure and tourist development. A cable easement might make this more difficult to deliver. However the agents propose terms that would include for moving the cable route if necessary.

LEGAL

The proposed action is within the Council's discretionary powers.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.
Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

Area or Ward Affected

St James

PART 3 – SUPPORTING INFORMATION**BACKGROUND**

The Council owns a substantial area of land in the Martello Bay area acquired during the development of the former Butlins site as well as a substantial area of foreshore and Greensward purchased in the past.

The Martello Bay area includes the Coach Park and car parks. There have been past proposals for a mixed use development based around watersport activities and later for use in association with the development of a new seafront hotel. The site is restricted by some legal covenants affecting the scale and types of development that may occur.

The Greensward and foreshore areas are important parts of the town's tourist offer and include leases and other rights and covenants. Part of the area is also protected because of archaeological interest.

CURRENT POSITION AND PROPOSAL

There are no proposals for redevelopment of the Council's land being considered, although it may be that support for a scheme emerges through the proposed stocktake and Property Strategy.

Dong propose to erect new wind turbines at Gunfleet Sands for trial of new technology. Such projects are very much in line with the Council's priority on sustainable economic growth.

Agents acting for Dong have requested the grant of a cable easement to connect the new turbines to the grid following the route shown dark blue and labelled A on the attached plan. This route would require separate agreement with third party owners and an alternative section of this route shown dotted in blue is under discussion. In addition to the easement Dong will require temporary use of a working area indicated by the light blue rectangle, although it may be that a slightly larger area will be required depending on the working method to be used.

Initial discussion with Leisure, Legal and Technical and Procurement Services have further highlighted the potentially adverse effect of the proposed Cable route on the future potential of the Martello Bay area. As a result the Council has put two alternative routes to agents for Dong shown labelled B and C on the attached plan. These routes are also subject to ongoing discussion at the time of drafting.

The draft terms proposed by the agents include a “lift and shift” provision that would require Dong to move the cables at their cost if required for any redevelopment, provided that the Council makes available a suitable new route for them.

The Council’s Strategic Property Manager has conducted an initial assessment of feasibility. This is attached at appendix B.

Dong are energy generators and therefore have access to compulsory powers under Schedule III of the Electricity Act 1989. The use of these powers is subject to process and agents for Dong seek a negotiated agreement in the first instance. The route of the easement and the terms are not yet agreed, but Dong require early confirmation that cables can be installed. It is therefore proposed that Cabinet agrees to such a grant in principle but delegates the agreement of the route and terms to the Head of Legal Services in consultation with the Portfolio Holder for Finance and Asset Management.

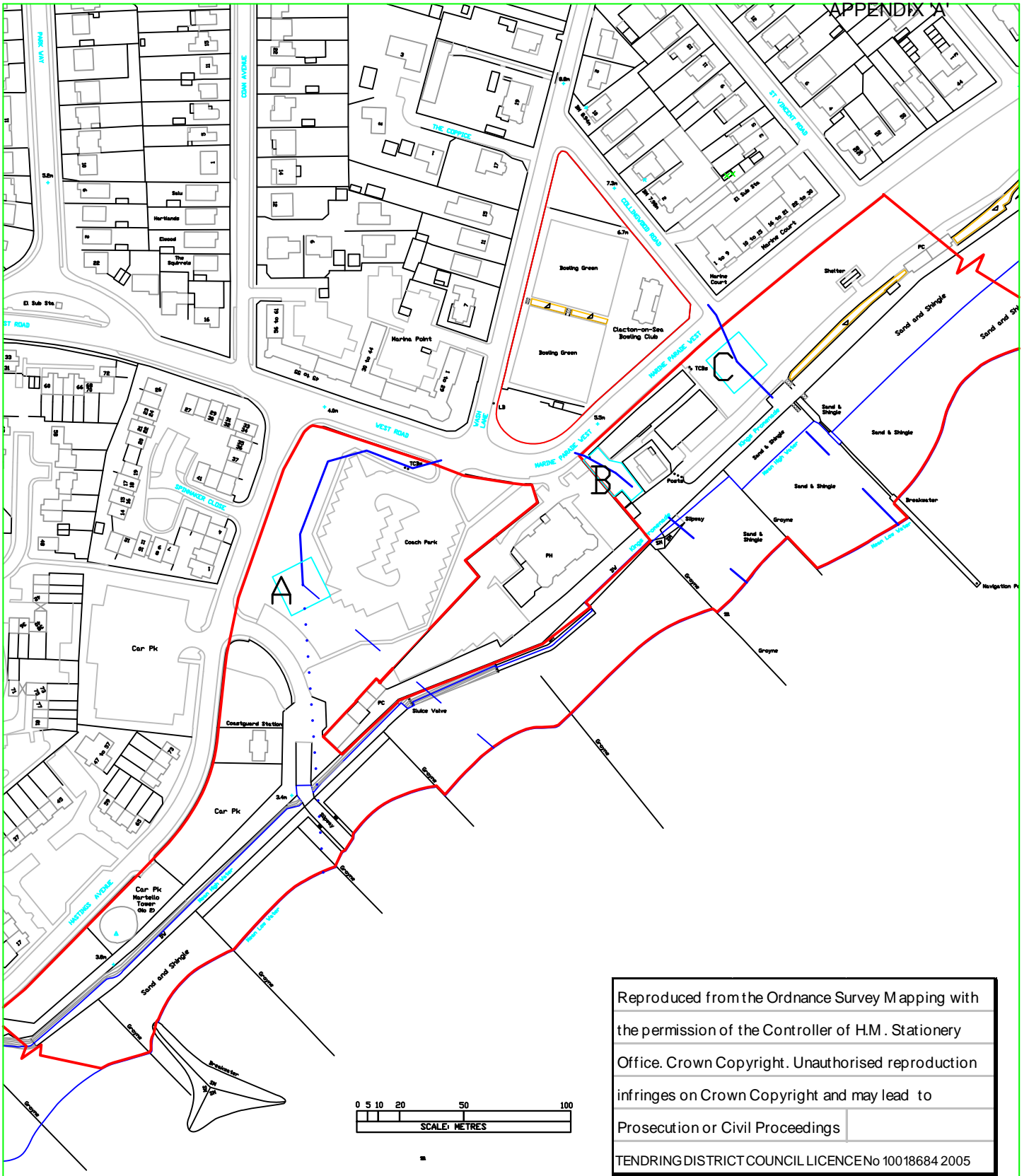
BACKGROUND PAPERS FOR THE DECISION

None.

APPENDICES

Appendix A – Location Plan

Appendix B – Assessment of feasibility



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TENDRING DISTRICT COUNCIL LICENCE No 10018684 2005

TENDRING DISTRICT COUNCIL

HEAD OF CORPORATE PERFORMANCE

title: LAND AT MARTELLO BAY CLACTON-ON-SEA
drawing: LOCATION PLAN

scale: 1:2500
drawn by: AR WHITE
date: 26 JULY 2011
drwg.No. 1 **revision**

Assessment of Acquisition/Disposal Feasibility

Assessed by:	A White
Date:	21 July 2011
Site:	Martello Bay Car Park, Clacton.
Reason for consideration:	Request from energy provider for cable easement.
Location:	Martello Bay Car Park, Clacton.
Adjoining uses:	<ul style="list-style-type: none"> • Public House • Residential • Parking • Public highway
Planning designation:	<ul style="list-style-type: none"> • Inside settlement limits • Close to seafront • In flood risk area. • Parking designation • Identified as an opportunity redevelopment site in relation to seafront
Current use:	<ul style="list-style-type: none"> • Car Parking • Public Open Space • Coach Parking
Legal constraints:	Restrictive covenants affect future uses.
Service usage/issues:	Current use would not be affected but potential future redevelopment could be.
Request for purchase/lease:	Request from energy provider for cable easement.
Corporate Priorities:	<p>The redevelopment of the site together with the adjoining areas may contribute towards priorities to promote sustainable economic growth and to regenerate the district and improve deprived areas. Equally, the energy provider operates a substantial renewable energy business and working in partnership with them may contribute to sustainable economic growth priorities.</p> <p>Future stages of the Property Dealing Policy will assess, amongst other things, the value of the site and whether constraints restrict the potential for redevelopment.</p>
Property Strategy Issues:	The draft Property Strategy includes the potential for redevelopment of this site.
Valuation:	Not yet valued.
Other Issues:	None.
Conclusion:	Disposal is feasible. Valuation etc will be determined during the formal detailed consideration identified in the Council's constitution, if the process is initiated.