

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

14 JUNE 2013

REPORT OF THE FINANCE AND ASSET MANAGEMENT PORTFOLIO HOLDER

A.5 EASEMENT AND CONSENT FOR SEWER CONNECTION AND FOOTPATH IMPROVEMENTS NEAR KIRBY CEMETERY

(Report prepared by Andy White)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider the granting of an easement to lay a new foul water sewer and granting consent for footpath alterations to serve a new residential development at Holland Road, Kirby.

EXECUTIVE SUMMARY

- The Council holds the freehold ownership of Kirby Cemetery, including some undeveloped land to the South and the verges to Holland Road adjoining the site.
- On the opposite side of Holland Road work is well advanced on the construction of a new residential development.
- There is an alternative option for the developers, to connect the foul sewer further upstream but this would involve considerable traffic disruption.
- Developers of the site have approached the Council seeking agreement to improve footpaths adjoining the cemetery, in line with highway requirements, and to lay and connect a new foul water sewer through the verge and open land near to the cemetery.
- Terms for the easement have been negotiated and further detail on the nature of the terms is included in the report in Part B of this agenda.

RECOMMENDATION(S)

That Cabinet decides, subject to its decision in Part B of this agenda, to grant an easement and consent for alterations to the footpath.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Delivery of the development is in line with the Council's priority to ensure all our residents live in high quality housing which meets local needs.

Retaining open space and verges is in line with planning policies and Corporate Plan policy to protect and enhance our environment, countryside and coast

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The granting of an easement and granting of consent to improve footpaths could generate a capital receipt.

Risk

The development itself includes balancing capacity to attenuate the flows of surface water from the site these measures have been considered and approved under planning application ([11/01473/FUL](#)). The capacity of the infrastructure as been considered as part of the normal statutory control processes under planning application as above.

LEGAL

The action proposed 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

Holland and Kirby

PART 3 – SUPPORTING INFORMATION**BACKGROUND**

The Council owns a significant area, edged red on the attached plan, including and around the cemetery. This includes the Cemetery itself, the verges, some agricultural land and an area to the South that could be used as part of the cemetery, as grazing or for agriculture.

To the opposite side of the road developers are constructing a new residential development, edged in light blue on the attached plan.

Their planning permission ([11/01473/FUL](#)) requires them to improve the footpaths adjoining the cemetery site, shown yellow on the attached plan which are on land owned by the Council. The bulk, but not all, of the areas affected are currently part of the highway.

The developers also need to connect to the foul water sewer. They have a choice to make this connection to the North, near Thorpe Road or to the South near Holland Road. The route to the North is problematic because of the need to lay new pipes under the railway bridge which could involve weeks of temporary traffic signals and disruption. They have asked for an easement to lay a new connection around the edge of the Council's land as shown brown on the attached plan.

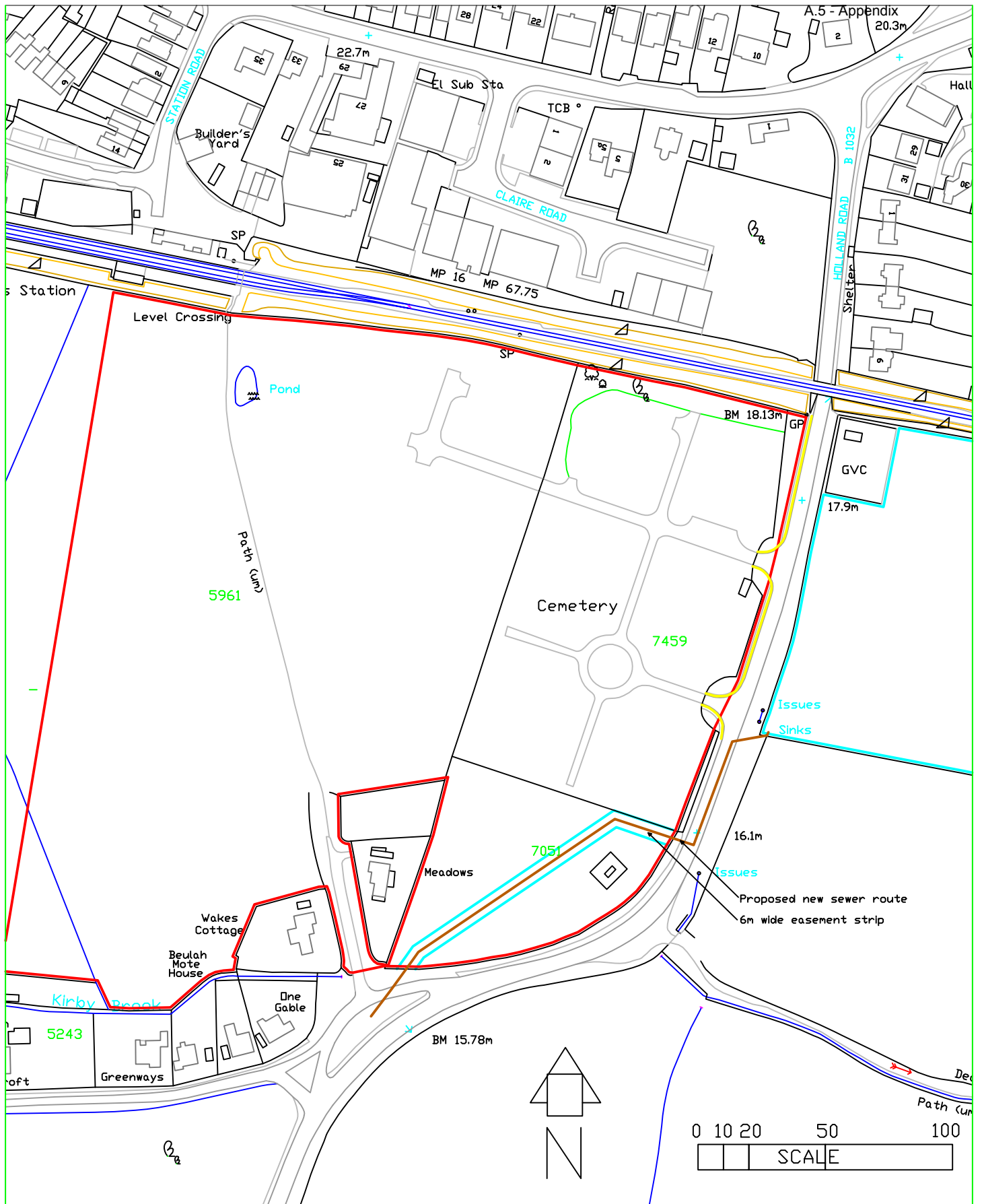
The footpath improvements and the potential ability to connect to the new drain in the future could be of benefit to the Council and there will be a capital receipt.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A – Location Plan including sewer route



Rev A ARW 03 April 2013. Sewer route revised and labeled. Scale bar and North point added. b Head of Department name revised.

TENDRING DISTRICT COUNCIL

M. KNAPPETT
BA(hons). DMS. MCIH.
STRATEGIC DIRECTOR: CORPORATE SERVICES

title: Land at Kirby Cemetery
Potential Consent and
Easement

drawing: LOCATION PLAN

scale: 1:2000

drawn by: AR WHITE

date: 29 Nov 2012

drwg.No. revision

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