

Key Decision Required:	No	In the Forward Plan:	No
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PORTFOLIO HOLDER FOR ENFORCEMENT AND COMMUNITY SAFETY

JULY 2016

A.1 EXTENSION OF AGREEMENT OVER LAND AT TELFORD ROAD, CLACTON ON SEA

(Report prepared by Aileen Middleton)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To seek approval to the extension of rights granted over TDC owned land at the North end of Telford Road, Clacton on Sea.

EXECUTIVE SUMMARY
<p>Tendring District Council (TDC) owns the freehold of Telford Road, Clacton on Sea. The bulk of the road is adopted highway. A small area at the North End of the road was not adopted but rights of access to the adjoining land already exist over it. These rights do not extend below the surface to allow for the laying of cabling and other services.</p> <p>The adjoining landowner has requested that the existing rights are extended to accommodate the laying of cables required to facilitate the development of the neighbouring site.</p> <p>A plan is attached as Appendix A.</p>

RECOMMENDATION(S)
That the Portfolio Holder agrees in principle to extend the rights granted over the section of land in order to facilitate the proposed adjoining development.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
<p>The extension of the existing rights over this land will facilitate development with potential to deliver in terms of the corporate priorities by :</p> <ul style="list-style-type: none"> • Promoting sustainable economic development. • Regenerating the District and improves deprived areas. • Ensuring people have the knowledge and skills to secure good employment.

FINANCE, OTHER RESOURCES AND RISK
<p>Finance and other resources A fee has been negotiated and will is discussed in a concurrent confidential report.</p> <p>Risk If no agreement is reached there is some risk that investment and development will be lost or delayed. Under the agreement any damage that may be caused as a result of the proposed work will be made good.</p>

LEGAL

Section 123(1) Local Government Act 1972 indicates that, a local authority may dispose of land held by it in any way it wishes so long as (section 123 (2)) the land is disposed for a consideration not less than the best that can reasonably be obtained.

Section 123(2A) Local Government Act 1972 indicates that, a local authority may not dispose of land held by it without advertising its intention to do so in the local press.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.

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

Burrsville

PART 3 – SUPPORTING INFORMATION

BACKGROUND

TDC owns the freehold of Telford Road, Clacton on Sea. The land is part of a large industrial estate which was developed in the past and mainly sold in sections.

The bulk of the road is adopted highway. A small area at the North End of the road was not adopted.

An existing agreement allows works to the surface of the land. However to facilitate a neighbouring industrial development, services will need to be laid under this area. The existing agreement does not allow for installation of services and as the road is not adopted highway this renders a further agreement necessary.

The adjoining landowner has requested that the existing rights are extended to accommodate the laying of services required to facilitate the development of the neighbouring site.

CURRENT POSITION

The developers of the neighbouring land are anxious that this situation is resolved as soon as possible as the services are fundamental to the planned development and need to be laid quickly to accommodate this.

A fee in respect of this agreement has been negotiated and is fully discussed in the concurrent confidential report.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A: Location Plan

