



NORTHAMPTON
BOROUGH COUNCIL

Cabinet Member Decision

Report Title	Lay of a Sewer Easement beneath NBC owned land adjacent to Duston Mill.
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AGENDA STATUS: PUBLIC

Expected Date of Decision:	
Within Policy:	Yes
Policy Document:	No
Directorate:	Economy, Assets and Culture
Cabinet Member:	Cllr Hadland
Ward(s)	West Hunsbury Ward

1. Purpose

- 1.1 This report seeks authority to advertise the proposed disposal by way granting a permanent sewer easement beneath an area of Northampton Borough Council owned land which is adjacent to Duston Mill, in accordance with section 123 (2A) of the Local Government Act 1972 and in the event that no objections are received, to proceed with the proposed easement.

2. Recommendations

It is recommended that the Cabinet Member for Environment

- 2.1 Approves “in principle” the proposed grant of an easement to lay a sewerage pipe beneath Northampton Borough Council owned land adjacent to Duston Mill as shown on the plan attached (Annex 1).
- 2.2 The beneficiary of the easement to pay all costs associated with the easement including the Councils legal costs.
- 2.3 Delegates the Acting Director of Economy, Assets and Culture authority to negotiate and proceed with the proposed easement on broadly the terms set out in the report

- 2.4 Authorise the Borough Solicitor to conclude such documentation as he considers appropriate to reflect the agreement reached by the Acting Director of Economy & Assets and desirable to protect the Councils interests.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Council has been approached by Willows Inn Limited who own the land known as Duston Mill, adjacent to the Council own land on Duston Mill Lane to request a permanent sewer easement beneath Northampton Borough Council owned land. (Location attached shown in annex 1)
- 3.1.2 The land which the Council own and which has been identified by Willow Inn Limited sits within a flood plain and alternative uses are limited. Willow Inn Limited have identified this route as the best option so serve a leisure development.
- 3.1.3 Willow Inn Limited's have obtained planning permission referencing N/2009/0593 to facilitate the construction of a 112-bedroom hotel complex, spa, leisure facility and car park. This site and development falls within Northampton Enterprise Zone which the foul sewer easement will facilitate.
- 3.1.4 The emerging planning policy (NLPP2) shows that Duston Mill (Development site for 112-bedroom Hotel) falls within the Enterprise Zone which is covered under Policy 15 (Safeguarding Existing Employment Sites). To facilitate the creation of new jobs, attract inward investment and deliver economic prosperity to Northampton residents and investors, the Council will -
- Safeguard all existing employment sites, including the Enterprise Zone, as shown on the Policies Maps, for employment use within the office, general industrial and warehousing and distribution sectors. Employment generating uses which are ancillary to and/ or support the wider employment operations will also be supported if evidence associated with the need is provided.
 - Support the change of use to alternative non-employment-generating uses only if evidence can be provided to demonstrate that the existing use and other employment-generating uses are no longer viable. Evidence to be supplied includes detailed marketing over a minimum of 12 months which shows that the applicant has actively and extensively marketed the site for employment use.
- 3.1.5 The Council has appointed a RICS registered chartered surveying firm to advise on any potential alternative uses for the land and take this into account as part of the advice to the Council on financial terms to ensure we achieve best consideration for the easement, as well as ensure that our legal and valuers fees are paid by Willow Inn Limited. The previous valuations for the easement are outdated by 4 years having been initially obtained back in 2016 and 2017.

3.1.6 Negotiations between the Council for the easement will include ensuring that we confirm the licence period for works, review and agree all risk assessments and ensure that members of the public are suitably protected from the work with the land reinstated to an agreed standard so the site is left in a tidy condition when the contractors leave site.

3.2 Issues

3.2.2

3.3 Choices (Options)

3.3.1 Cabinet could choose not to approve the advertisement of the grant of the sewer easement for Duston Mill through Council owned land. This would result in the planning application which has been approved for leisure and hospitality facilities for the Duston Mill site to stall. By doing so this would not benefit the Council who supports Safeguarding Existing Employment Sites within the Enterprise Zone of Policy 15 of the NLPP2.

3.3.2 The Council can choose to proceed with the easement as stated in the recommendations and by doing so create opportunities for external parties to contribute to the economic development and regeneration of Northampton as the site sits within the Enterprise Zone. This is the recommended option.

4. Implications (including financial implications)

4.1 Policy

4.1.1 There are no policy implications from this proposal

4.2 Resources and Risk

4.2.1 The risk of granting a permanent easement in the proposed location as shown on annex 1 is minimal. However, whilst works are underway it may mean that some of the land would be inaccessible to the public during the installation works.

4.3 Legal

4.3.1 The Council has the powers to dispose of its land in any manner it wishes, including the granting of easements (Section 123 and 127 of the Local Government Act 1972).

4.4 Equality

4.4.1 Given the small scale of this disposal, there are no equality or health impacts resulting in this, so an Equality Impact Assessment is not considered necessary.

4.5 Consultees (Internal and External)

4.5.1 Estates, legal and the owner of Duson Mill have been consulted. Planning were consulted when the original planning application was presented.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 This proposal will help deliver new services for future developments.

4.7 Other Implications

4.7.1 None

5. Background Papers

5.1 None

Officer Name: Liam Foster

Officer Title: Disposal and Acquisition Surveyor

Report Title:

Lay of a Sewer Easement beneath NBC owned land adjacent to Duston Mill.

Cabinet Member:

I declare no conflict of interest applies

I agree the report's recommendations

I do not agree the report's recommendations

I agree the report's recommendations subject to the following amendments:

The reason for the decision is as follows:

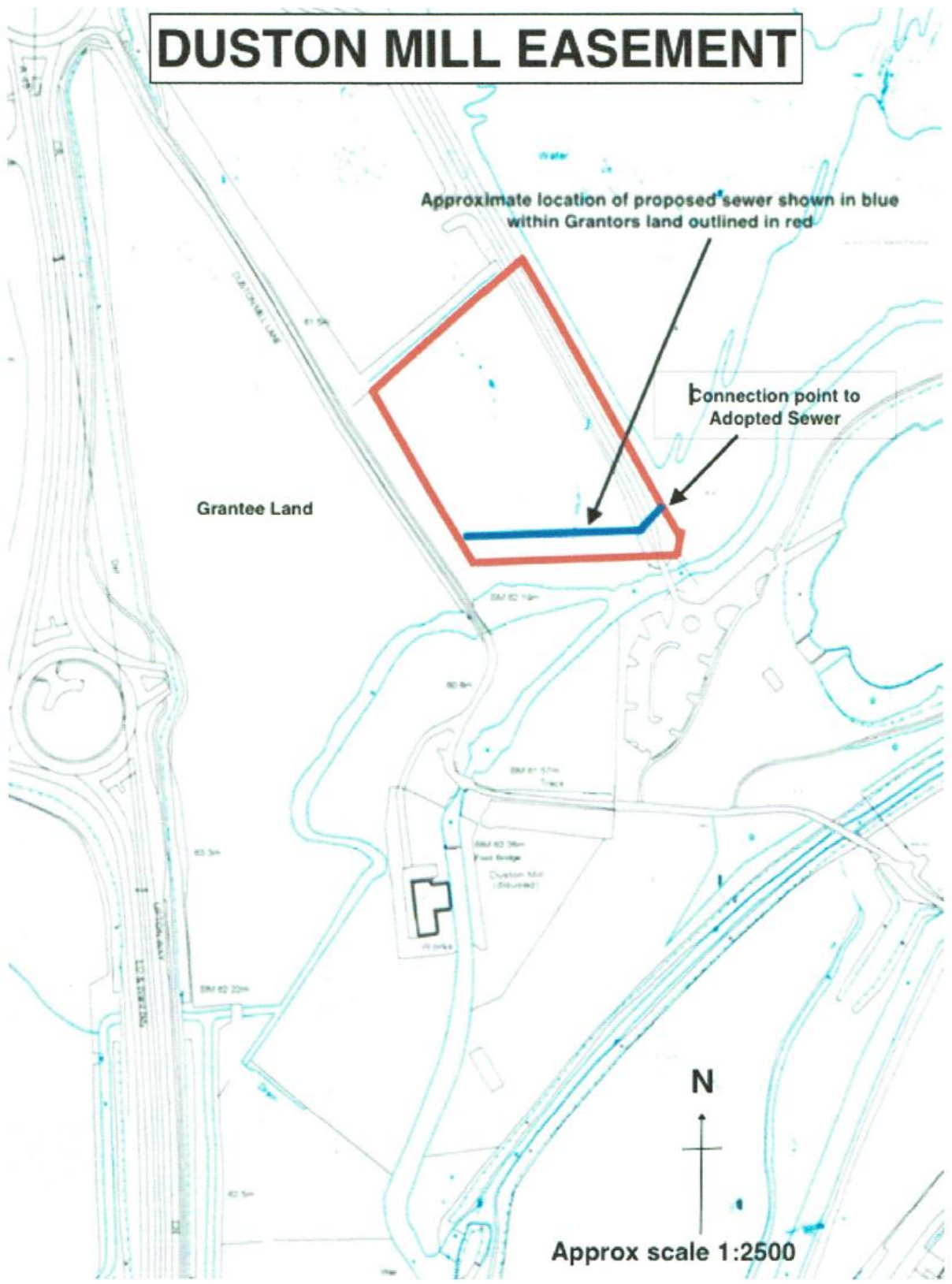
Cllr Hadland, Cabinet Member for Regeneration and Enterprise

Signature: Tim Hadland

Date: 24/12/20

ANNEX 1

DUSTON MILL EASEMENT



Approximate location of proposed sewer shown in blue within Grantors land outlined in red

Connection point to Adopted Sewer

Grantee Land

N

Approx scale 1:2500