

CABINET

19 APRIL 2011

GRANT OF EASEMENT AT PIER APPROACH ROAD, GILLINGHAM

Portfolio Holder: Councillor Alan Jarrett, Finance

Report from: Deborah Upton, Assistant Director Housing and Corporate Services

Author: David Howe, Valuation and Asset Management Surveyor

Summary

This report seeks authority to grant an easement for a right of way to serve the former Akzo Nobel site at Pier Approach Road, Gillingham.

1. Budget and Policy Framework

1.1 The consideration payable for the consent is likely to be more than £20,000 but less than £1,000,000. This matter is therefore a matter for Cabinet.

2. Background

2.1 Pier Approach Road provides access to Gillingham Pier and comprises a short section of land owned by the Council in its capacity as the Gillingham Pier Authority. The road is not recorded as public highway.

2.2 The approved master plan for Berkeley Homes (Eastern) Limited's development of the former Akzo Nobel site requires a secondary emergency access over Pier Approach Road as the level of residential development is above the threshold for a single access route.

2.3 Berkeley has requested consent for a vehicular right of way for emergency vehicles over a section of Pier Approach Road, as shown hatched on the attached plan, for which it has agreed to pay a capital consideration, plus the Council's costs.

3. Options

3.1 Although Berkeley has obtained the necessary approvals under planning the Council is not required to enter a Deed of Easement as land owner, but would lose the benefit of the capital receipt if it did not proceed.

3.2 By refusing consent the further regeneration of this site will be unnecessarily delayed.

4. Advice and analysis

4.1 The grant of this easement will provide the Council with a capital receipt. It will also assist in the regeneration of the area.

4.1 There will be some disturbance whilst the works are carried out but the Council has been advised that access to the Pier will be maintained at all times.

5. Risk management

Risk	Description	Action to avoid or mitigate risk
Land takes a long time to develop.	It has taken Berkeley several years to progress the development of this previously derelict site the development of which will make a significant contribution in providing new homes in Medway.	Grant a Deed of Easement to prevent long delays in developing this derelict site.

6. Consultation

6.1 Consultation has taken place with the Regeneration, Community and Culture directorate who manage the Pier and no objection has been received.

7. Financial and legal implications

7.1 The consideration received will need to be paid into the Gillingham Pier Fund for future management and investment at Gillingham Pier.

7.2 The Council has a duty under section 123 of the Local Government Act 1972 to obtain best consideration, when it enters into any disposal of property including the grant of a Deed of Easement, unless consent is obtained from the Secretary of State or one of the general consents applies.

8. Recommendations

8.1 It is recommended that authority be delegated to the Assistant Director of Housing and Corporate Services, in consultation with the Portfolio Holder of Finance to grant a Deed of Easement in relation to Pier Approach Road at the best consideration reasonably obtainable.

9. Suggested reasons for decision

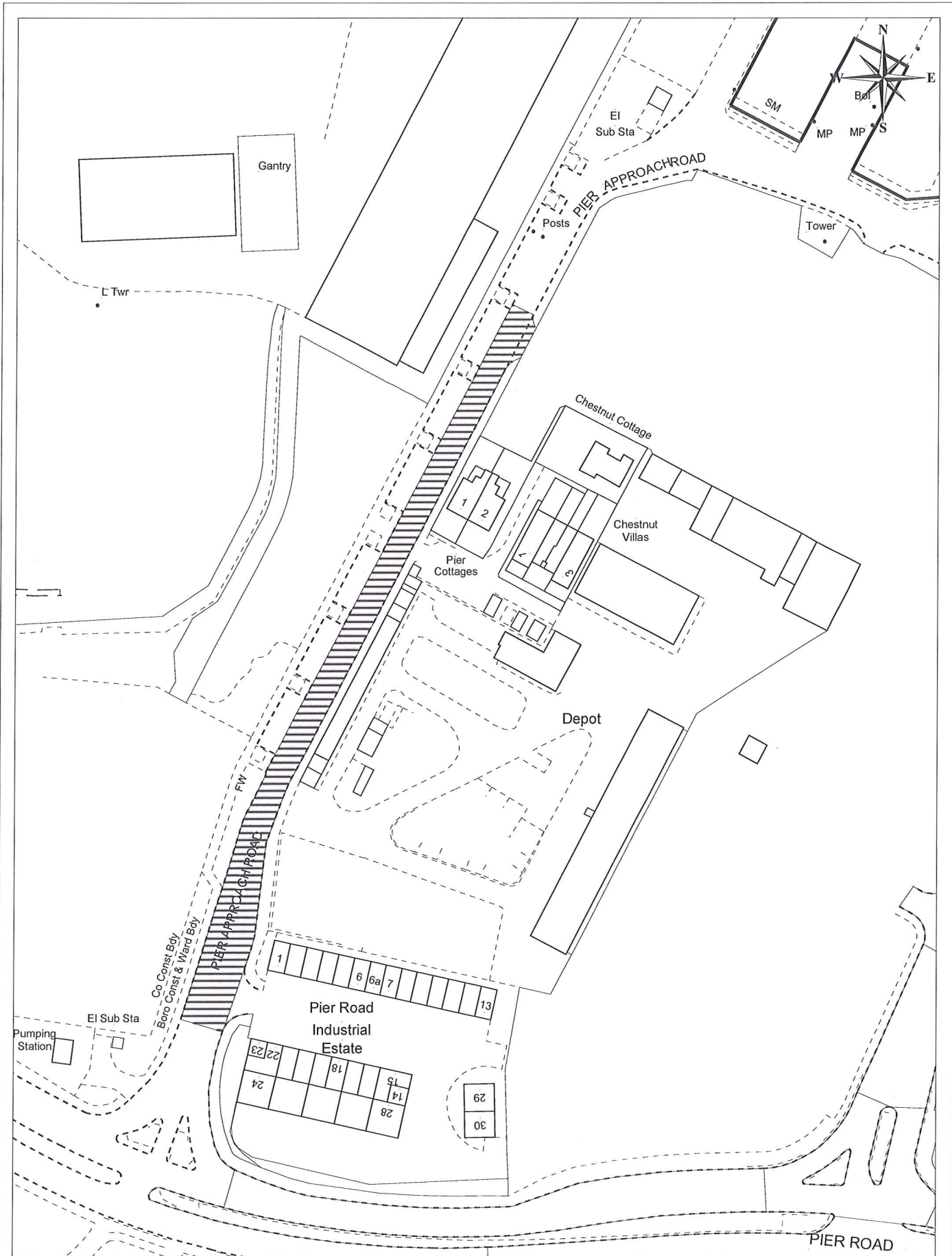
9.1 A decision to enter into the proposed Deed of Easement will enable the Council to obtain a capital receipt for the continued management and maintenance of the Pier and facilitate the continued regeneration of the area.

Lead officer contact

David Howe, Valuation and Asset Management Surveyor, Gun Wharf, 01634 332494, david.howe@medway.gov.uk

Background papers

None.



Vehicular Access Pier Approach Road



Serving You

Scale: 1:1250 05/04/11

© Medway Council, 2010