

Record of officer decision

Decision title:	Lea Flood Alleviation Scheme – Deeds of Easement and Licence with landowners and the payment of fees and compensation
Date of decision:	9 September 2020
Decision maker:	Acting Assistant Director Highways and Transport
Authority for delegated decision:	<p>On 6 August 2020 the cabinet member infrastructure and transport decision to confirm the Capital Investment in Infrastructure 2020/21 Public Realm Annual Plan decision report was approved :</p> <p>£2m investment in infrastructure capital programme budget is invested and spent as set out below:</p> <p>£380k Drainage works at Lea Flood Alleviation Scheme</p> <p>http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7043</p>
Ward:	Penyard
Consultation:	Consultation with the landowners directly affected, parish council, Ward Member
Decision made:	To enter into Deeds of Easement and a licence for temporary occupation with the landowners to enable the construction, use and future maintenance of the works comprising the Lea Flood Alleviation Scheme (FAS). And to pay reasonable compensation, licence fee and professional fees including VAT incurred by the landowners and the council in the preparation of the agreements, to a total cost of £80,000
Reasons for decision:	<p>To enable the works under the Lea Flood Alleviation Scheme which was identified in the Herefordshire Public Realm Contract Annual Plan 2020/21. Funding for securing the legal agreements with the landowners is to be from investment in infrastructure capital programme budget</p> <p>http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7043</p>
Highlight any associated risks/finance/legal/equality considerations:	<p>The Deeds have been drawn up by the council's legal representatives, after detailed negotiation with the land owners, and address the specific issues at each property including the re-instatement works to be undertaken.</p> <p>All the landowners were advised to take independent legal advice, nine of the twelve did so.</p> <p>Undertakings for the legal fees have been provided based on estimated fees but there may be additional claims for further work from solicitors and agents due to the complexity of the agreements. A contingency has been included for this event</p> <p>If the programme of works extends beyond the scheduled period then an increased weekly licence fee will be payable. A contingency has been allowed for this.</p> <p>There are no equality issues</p>

Details of any alternative options considered and rejected:	No alternatives considered. It is not possible to deliver the FAS without the acquisition of rights from the landowners to construct and maintain the pipe and for the temporary occupation of a compound area.
Details of any declarations of interest made:	None

Signed

Mairead Lane
Acting Assistant Director Highways & Transport

Date: 9 September 2020