

KENT COUNTY COUNCIL - RECORD OF DECISION

DECISION TAKEN BY

Mr Roger Gough, Cabinet Member for Business Strategy,
Performance and Health Reform

DECISION NO.

12/01983

Unrestricted

Subject: Lease/easement of the necessary land for the installation of a gas governor at Kings Hill

Decision

As Cabinet Member for Business Strategy, Performance and Health Reform I hereby authorise the Director of Property and Infrastructure Support to enter into all necessary contracts and agreements on KCC's behalf to enable the lease/easement of the necessary land for the installation of a gas governor at Kings Hill, as set out below.

Reason for Decision

Southern Gas Networks have advised that the installation of a Gas Governor is necessary at Roundabout 4 Kings Hill Avenue, West Malling, Kent, ME19 4RL. This Gas Governor will regulate gas pressure in the local network to ensure residents and businesses are adequately supplied with gas. Without the Gas Governor in place new connections to the gas network may not be made.

To enable the installation of this essential piece of equipment it is necessary to grant a lease of the relevant land along with rights over the adjacent land for the purposes of accessing equipment, running cabling/pipes over or under the land etc.

Financial Implications

The decision to implement the proposals will not have any impact on the Council's capital and revenue budgets and spending plans. The lease will be granted for a peppercorn rent due to the essential need for the upgrade in infrastructure.

Southern gas Networks agree to indemnify the Landlord in respect of all losses arising from any breach of covenants or the occupation /use of the land and easement strip.

Each party is responsible for its own legal fees.

Legal Implications

To enable the installation of this essential piece of equipment it is necessary to grant a lease of the relevant land along with rights over the adjacent land for the purposes of accessing equipment, running cabling/pipes over or under the land etc.

Key aspects of the lease are as follows:

- The Term of the lease will be 99 years.
- The rent will be one peppercorn per annum if demanded by the Landlord.
- KCC will get the land back at the end of the lease
- The lease will contain lift and shift provisions so that KCC/LPTUK has the ability to relocate the gas governor/cabling if needed for redevelopment purposes
- The utility company may only use the land for a Gas Governor and no other purpose

The easement strip is indicated on the attached plan.

Equality Impact Assessments

The Cabinet Member is not being asked to create, update or remove a policy, procedure or service and therefore there are no equality impacts.

Sustainability Implications

There are no sustainability implications.

Cabinet Committee recommendations and other consultation

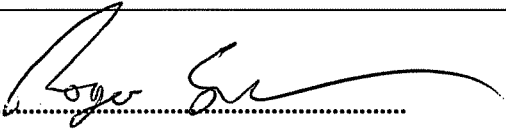
The Policy and Resources Cabinet Committee discussed the proposed Cabinet Member decision at its meeting on 11th July 2012 proposed decision and endorsed it for the Cabinet Member to authorise the lease/easement. Local Member consultation has also taken place.

Reason for decision, including response to any Cabinet Committee recommendations, and any alternatives considered

The installation of the Gas Governor is essential for future development to take place at Kings Hill. The alternative option would be to not install the gas governor. This would limit development on Kings Hill; additionally the Development Partnership is legally obliged to provide tenants and purchasers of land with sufficient utility service provision.

Any Interest Declared when the Decision was Taken

None

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signed 

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date 2/11/12