

Easement across Epsom Common

Head of Service/Contact:	Mark Shephard, Head of Property and Regeneration
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Annexes/Appendices (attached):	Annex 1 – Site Plan of Easement Across Epsom Common
Other available papers (not attached):	None

Report summary

This report recommends an easement across Epsom Common be granted by the Council to UK Power Networks (UKPN).

Recommendation (s)

That Committee agrees to grant authority to the Chief Legal Officer and Head of Property and Regeneration to engage with UKPN, agree the heads of terms and final form of easement and progress the matter to completion.

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 Managing our resources and protecting the local environment by utilising the Council's limited resources in the most efficient and effective way.

2 Background

- 2.1 UK Power Networks (UKPN) own and maintain electricity power cables and lines across London, the South East and East of England. They are responsible for maintaining, upgrading, laying and connecting electricity infrastructure across the Borough.
- 2.2 An existing underground cable that partly falls within Epsom Common connects two electricity substations serving Epsom. The connection provides reinforcement between the two substations and ensures the supply to the area is maintained and secure. A site plan is attached at Annex 1.

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3 Proposal

- 3.1 As a high capacity 33,000 volts main underground cable, UKPN has requested the Council grant it a Deed of Easement. This is in contrast to a wayleave agreement that the Council would typically grant to UKPN for low voltage cables and ancillary services.
- 3.2 Unlike a wayleave agreement, an easement is an interest in land capable of being registered at the Land Registry. This ensures that the rights granted by the easement transfer with any changes in land ownership. This will provide UKPN with the appropriate level of security necessary to protect its high voltage infrastructure.
- 3.3 The easement will retrospectively grant UKPN the right to lay, use and maintain the existing electric lines under Epsom Common. This will not only dispense with the current arrangement of granting UKPN ad-hoc maintenance licences, but it will also serve to retrospectively approve the installation (originally permitted under legislation).
- 3.4 It is recommended that authority be delegated to the Chief Legal Officer and Head of Property and Regeneration to engage with UKPN and agree the final form of easement. This will ensure that the easement acts to not only protect the security of Epsom's electricity supply, but does so in a way that is compatible with the management of the Common.

4 Financial and Manpower Implications

- 4.1 As with all the Council's agreements, an appropriate fee (in this case a one off payment to regularise the position) will be agreed with UKPN to reflect the granting of the easement. The Council would also expect UKPN to meet its legal and surveyor costs in the matter.
- 4.2 ***Chief Finance Officer's comments:*** None for the purposes of this report.

5 Legal Implications (including implications for matters relating to equality)

- 5.1 In common with most other public utility providers, UKPN is defined as a "Statutory Undertaker" and has specific statutory powers to enable it to perform its public functions.
- 5.2 ***Monitoring Officer's comments:*** None for the purposes of this report.

6 Sustainability Policy and Community Safety Implications; Partnerships

- 6.1 No implications for the purposes of this report.

7 Risk Assessment

- 7.1 The high voltage electricity power lines have been in situ for many years and UKPN is reserved statutory powers to maintain them. The Deed of

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Easement will contain the necessary provisions to ensure that any risk is mitigated of UKPN adversely affecting the management of the Common.

8 Conclusion and Recommendations

- 8.1** It is clearly in the interests of both the Council and UKPN to formally document the process of maintaining the power lines under the Common. It is recommended that authority be delegated to officers to negotiate and agree the final form of easement with UKPN.

Ward(s) affected: (All Wards);