

**Bolsover District Council**

**Meeting of the Executive on 9<sup>th</sup> September 2024**

**Grant of an easement across Loxley Lane, Whitwell**

**Report of the Portfolio Holder for Growth**

<b>Classification</b>	This report is Public.
<b>Report By</b>	Jim Fieldsend, Director of Corporate and Legal Services and Monitoring Officer

**PURPOSE/SUMMARY OF REPORT**

To seek approval to grant an easement for access rights across Loxley Lane, Whitwell.

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**REPORT DETAILS**

**1. Background**

- 1.1 The Council owns the access road, known as Loxley Lane, which leads off Station Road, Whitwell to the Whitwell Station car park. The car park is leased by the Council from Network Rail.
- 1.2 The land shown hatched blue on the plan has obtained planning permission for 19 houses. The developer requires access to its site via Loxley Lane for 18 of the 19 houses. The other house can be accessed from Southfield Lane.
- 1.3 The developer has been in negotiation with the Council to acquire an easement granting rights of access. An agreement in principle has been agreed between the Council's Senior Valuer and the developer for the payment of a premium of £150,000 to acquire rights of access.
- 1.4 The developer has also agreed to contribute to future maintenance of the access road by paying £100 per annum per property. Based on 18 properties using the access this would amount to £1,800 per annum This will be fixed for five years and then adjusted in line with Consumer Price Index every five years. Both the Senior Valuer and the Senior Engineer are satisfied that this level of contribution will be sufficient to cover the development's proportionate share of future maintenance costs.

## 2. Reasons for Recommendation

- 2.1 To secure Executive's agreement to grant an easement to the owner of the development. This matter has been considered by Asset Management Group who are comfortable with the proposal.

## 3 Alternative Options

- 3.1 Not to grant an easement. The Council would not receive a capital receipt and there would be no vehicular access to the properties being built on the development

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## RECOMMENDATIONS

That the Council grant an easement for a right of way across Loxley Lane, Whitwell on terms agreed by the Senior Valuer.

Approved by Councillor John Ritchie, Portfolio Holder for Growth

### IMPLICATIONS:

**Finance and Risk:**            Yes             No

**Details:**

A capital receipt of £150,000 would be payable to the Council for granting the rights of access and an annual revenue receipt would be payable to the Council to cover the cost of maintaining the access road.

On behalf of the Section 151 Officer

**Legal (including Data Protection):**            Yes             No

**Details:**

Formal easement will need to be entered into between the Council and the owner of the development site.

On behalf of the Solicitor to the Council

**Environment:**            Yes             No

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

**Details:** N/A

**Staffing:**            Yes             No

**Details:** N/A

On behalf of the Head of Paid Service

## DECISION INFORMATION

<p><b>Is the decision a Key Decision?</b>          A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	Yes
<p><b>Is the decision subject to Call-In?</b>  <i>(Only Key Decisions are subject to Call-In)</i></p>	Yes

<p><b>District Wards Significantly Affected</b></p>	
<p><b>Consultation:</b>  <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Executive</b> <input type="checkbox"/>  <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/>  <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input checked="" type="checkbox"/></p>	<p>Details: Local Growth Scrutiny Committee, 11<sup>th</sup> December 2023</p>

<p><b>Links to Council Ambition: Customers, Economy and Environment.</b></p>
<ul style="list-style-type: none"> <li>• Making the best use of our assets.</li> <li>• Ensuring financial sustainability and increasing revenue streams.</li> </ul>

<p><b>DOCUMENT INFORMATION</b></p>	
<p><b>Appendix No</b></p>	<p><b>Title</b></p>
<p>Appendix 1</p>	<p>Plan of the site</p>

<p><b>Background Papers</b></p>
<p><i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i></p>
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