 <p><b>LEE VALLEY REGIONAL PARK AUTHORITY</b></p> <p><b>EXECUTIVE COMMITTEE</b></p> <p><b>25 FEBRUARY 2016 AT 11:00</b></p>	<p><b><u>Agenda Item No:</u></b></p> <p><b>11</b></p> <p><b><u>Report No:</u></b></p> <p><b>E/441/16</b></p>
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**PROPOSED GRANT OF EASEMENT, ACCESS ROAD SOUTH OF WARWICK RESERVOIR, WALTHAMSTOW MARSHES**

Presented by the Director of Corporate Services

**EXECUTIVE SUMMARY**

In June 2015 the Authority sought adverse possession of the land and water shown edged in red on the plan (attached at Appendix A1 to this report) by an application for first registration at Land Registry. This was on the basis that the Authority had occupied and maintained the land and water as if it was part of its larger adjacent ownerships for at least the necessary 12 years prior to the application. The Land Registry subsequently received an objection to our application from Thames Water Utilities Ltd who required access over the land, shown shaded brown on Appendix A to this report, to their site and plant at Warwick Reservoir. Both parties agreed that for Thames Water to withdraw this objection and enable completion of the first registration of the land and water to the Authority a permanent easement be entered into at no consideration granting Thames Water Utilities Ltd the necessary rights they require.

**RECOMMENDATIONS**

- Members Approve:
- (1) the granting to Thames Water Utilities Ltd of a permanent easement for access over the land coloured brown on the plan shown on Appendix A to this report; and
  - (2) subject to 1 above an application be submitted to the Secretary of State for consent to the easement as a disposal of an interest in land.

**BACKGROUND**

- 1 In June 2015 the Authority entered an application to the Land Registry for adverse possession of the land and water shown edged in red on Appendix A1 to this report. The basis for this application for first registration was that the Authority had occupied and maintained the area and was able to swear a Statement of Truth that it had done so for the required minimum 12 year period.
- 2 In addition to the wish of the Authority to control the land and access road for

the benefit of its management of Walthamstow Marshes, the registration is important to the business carried out by the adjacent Springfield Marina which is leased by the Authority to the Lee Valley Leisure Trust. The water element of the Authority's application supports the mooring of a significant number of vessels around the island site owned by the London Borough of Hackney and provides the Marina with an important income stream from the grant of these moorings.

- 3 On 18 June 2015 the Authority received an objection notice to its application from Thames Water Utilities Ltd. Thames Water Utilities Ltd wished to protect the right of access they have enjoyed over the road shown coloured brown on Appendix A to this report serving their land and plant at Warwick Reservoir to the north. They subsequently contacted the Authority suggesting that an easement agreed between the parties protecting their right of access would dispose of their objection.
- 4 Despite a lengthy delay in receiving the documentation the Authority has now agreed a draft easement agreement that grants Thames Water Utilities Ltd rights with or without vehicles over the access road at no consideration. Thames Water Utilities Ltd agree to share any maintenance costs associated with their use of the road and indemnify the Authority against any claims arising from exercising the rights granted via this easement.

#### **ENVIRONMENTAL IMPLICATIONS**

- 5 There are no environmental implications arising directly from the recommendations in this report.

#### **FINANCIAL IMPLICATIONS**

- 6 There are no financial implications arising directly from the recommendations in this report. The granting of the easement is for £1 if demanded, effectively no consideration. Maintenance costs of the road coloured brown on Appendix A to this report are to be shared by the grantee, Thames Water Utilities Ltd, and the Authority.

#### **HUMAN RESOURCE IMPLICATIONS**

- 7 There are no human resource implications arising directly from the recommendations in this report.

#### **LEGAL IMPLICATIONS**

- 8 Some of these are dealt with in the body of the report. In addition it should be noted that the granting of easements are classed as a disposal for the purposes of the Lee Valley Regional Park Act 1966 and as such require both Member and Secretary of State approval.

#### **RISK MANAGEMENT IMPLICATIONS**

- 9 There are no risk management implications arising directly from the recommendations in this report.

## **EQUALITY IMPLICATIONS**

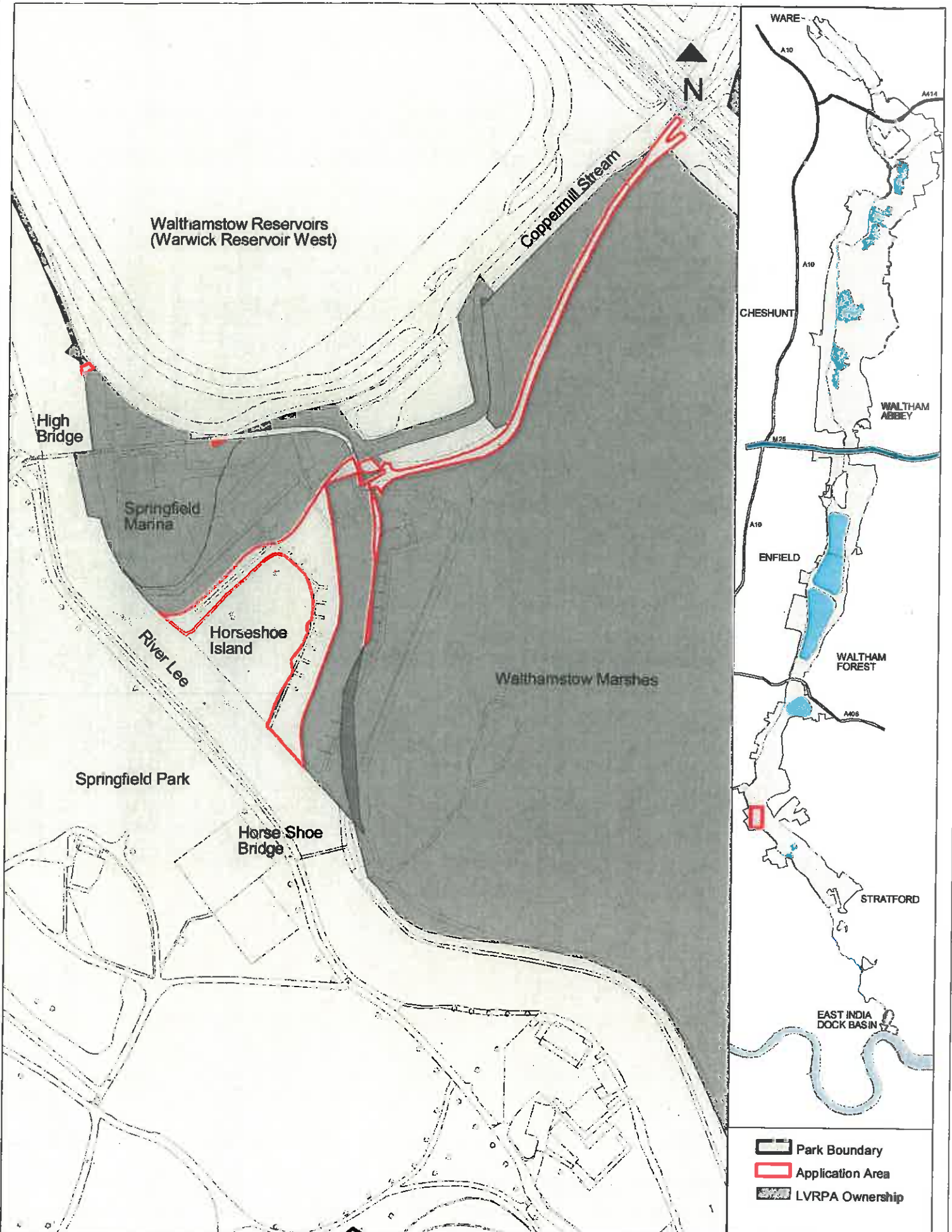
- 10 There are no equality implications arising directly from the recommendations in this report.
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## **APPENDICES ATTACHED**

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|-------------|--|
| Appendix A  | Plan showing the right of access to be granted in favour of Thames Water Utilities Ltd coloured brown  |
| Appendix A1 | Plan showing the land and water subject of the application to Land Registry edged in red with the Authority's existing ownership shaded grey |

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**Appendix A1 – Land subject to application to Land Registry for adverse possession by the Authority.**

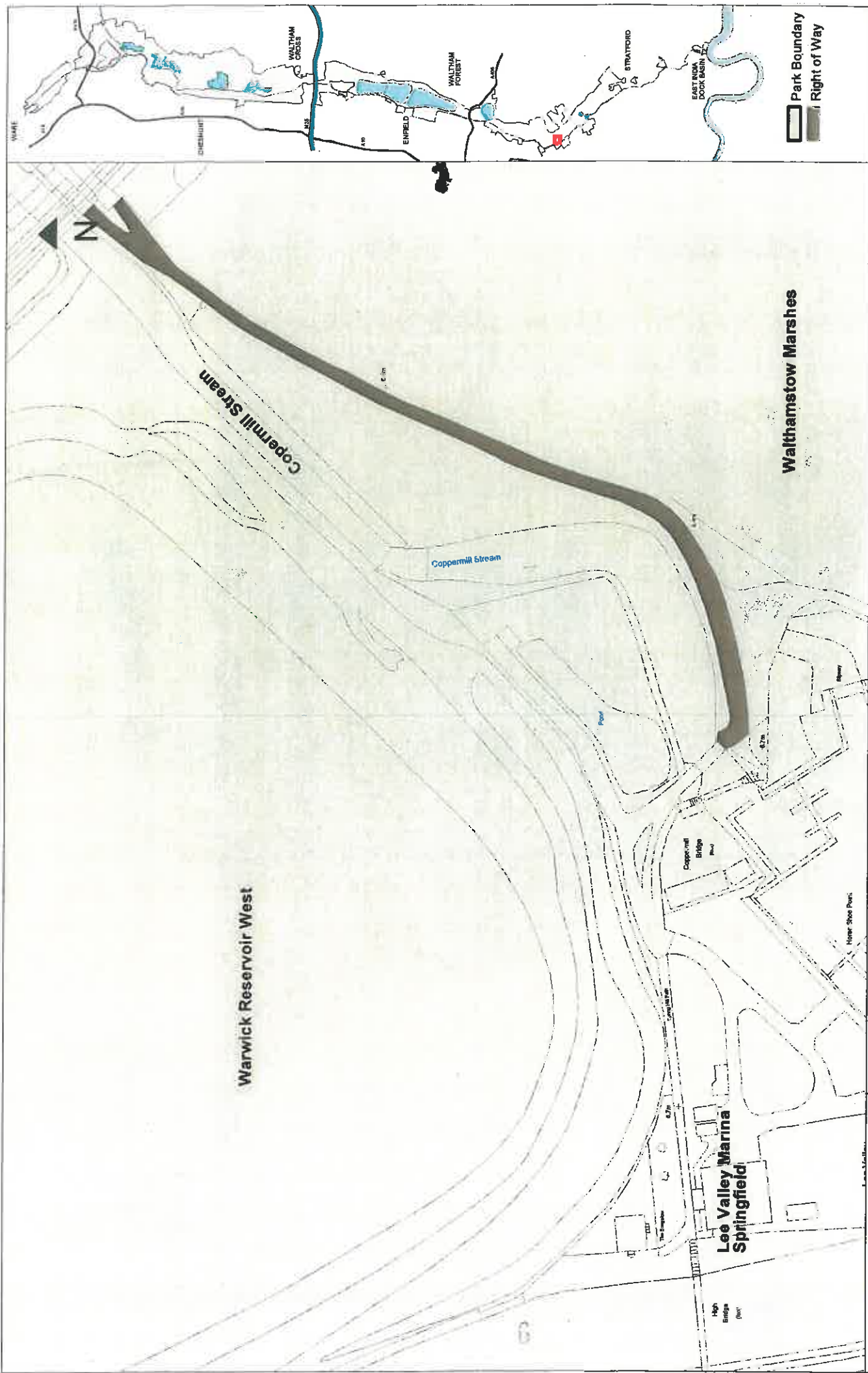


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**Appendix A – Easement for Right of way reserved for Thames Water**

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