

**DEED OF EASEMENT FOR HIGHWAY DRAINAGE AT  
ABERCROMBIE ROAD, CHOBHAM MANOR, STRATFORD  
AND SECTION 38 AGREEMENT FOR ADOPTION OF  
ABERCROMBIE ROAD ONCE WORKS ARE COMPLETED**

Presented by the Director Corporate Services

**EXECUTIVE SUMMARY**

This report summarises terms for a Deed of Easement to allow the free flow of surface water from Abercrombie Road, which is an unadopted roadway, into a culvert known as Hennikers Ditch.

The report also outlines agreed terms for a Section 38 Agreement of the Highways Act 1980 with the London Legacy Development Corporation which jointly owns the freehold of land known as Abercrombie Road to allow the developer, Chobham Manor LLP, to carry out works to the footways, footpaths, sewers and verges of the Road and associated items. On satisfactory completion of these works Abercrombie Road or any part of it shall then become an adopted highway maintainable at public expense.

**RECOMMENDATIONS**

- Members Approve:
- (1) the Authority entering into a Deed of Easement with the London Borough of Newham, Chobham Manor LLP and London Legacy Development Corporation;
  - (2) the Authority entering into a Deed of Easement with Thames Water, Chobham Manor LLP and London Legacy Development Corporation; and
  - (3) the Authority entering into a Section 38 Agreement together with the London Borough of Newham, Chobham Manor LLP and London Legacy Development Corporation.

## **BACKGROUND**

- 1 Abercrombie Road (shown for identification purposes edged in red on the plan attached as Appendix A to this report) was constructed to provide access to the Lee Valley VeloPark, the Chobham Manor development and Queen Elizabeth Olympic Park (QEOP) generally. It was constructed after the London 2012 Games. As part of the post Games development of QEOP the Authority has agreed a Deed of Easement with the London Borough of Newham and separately with Thames Water for the surface water to drain from Abercrombie Road through pipes and other media located on land owned by the Authority and London Legacy Development Corporation (LLDC) into the culvert known as Henniker's Ditch.
- 2 The London Borough of Newham as Highway Authority has agreed that a Section 38 Agreement of the Highways Act 1980 be entered into on the satisfactory completion of works to the footways, footpaths, sewers and verges forming part of Abercrombie Road and associated items that are being carried out by the Developer (Chobham Manor LLP). The Council as Highway Authority will adopt Abercrombie Road as a public highway. Both the Authority and LLDC as joint owners of Abercrombie Road are to be a party to this Agreement.

## **ENVIRONMENTAL IMPLICATIONS**

- 3 There are environmental implications arising directly from this report and these are set out below:
  - the Developer is required at its own cost to use reasonable endeavours to carry out and complete the works set out in paragraph 2 of this report in a good and workmanlike manner using suitable quality materials approved by the Council's engineer and completed to its reasonable satisfaction;
  - the Developer cannot alter or vary any part of the works without the previous consent in writing of the Council;
  - the Developer is to ensure that any obstructions or sources of danger caused by the carrying out of the Works are properly safeguarded and during the hours of darkness or poor visibility are adequately illuminated;
  - once a Certificate of Substantial Completion is provided in respect of the Works, a 12 month Maintenance Period sets in (36 months for the plants, trees and landscaping). During this period the developer at its own cost and to the reasonable satisfaction of the Council's engineer will maintain the Works, including all grassed and planted areas, and carry out routine maintenance of the roads, clear all abandoned vehicles, rubbish or other unauthorised materials from the road and undertake routine maintenance of street lights, signs and traffic lights.
- 4 On the date of issue of a Final Certificate, Abercrombie Road or any part of it shall become adopted highway maintainable at the public expense.

## **FINANCIAL IMPLICATIONS**

- 5 The grant of the Easements and Section 38 Agreement will not generate an income for the Authority but will relieve the Authority of the burden of costs of inspection, repairs and maintenance of the road.

## **HUMAN RESOURCE IMPLICATIONS**

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

## **LEGAL IMPLICATIONS**

- 7 It should be noted that the granting of an easement is classed as a disposal of an interest in land for the purposes of S21 of the Lee Valley Regional Park Act 1966 and as such requires both Member and Secretary of State approval.

## **RISK MANAGEMENT IMPLICATIONS**

- 8 There are no risk management implications arising directly from the recommendations in this report. On becoming an adopted public highway liability for the Road will become the responsibility of the Council as Highway Authority.

## **EQUALITY IMPLICATIONS**

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

[Not for publication following the principles of the Local Government Act 1972, Schedule 12A, Part I, Section 3]

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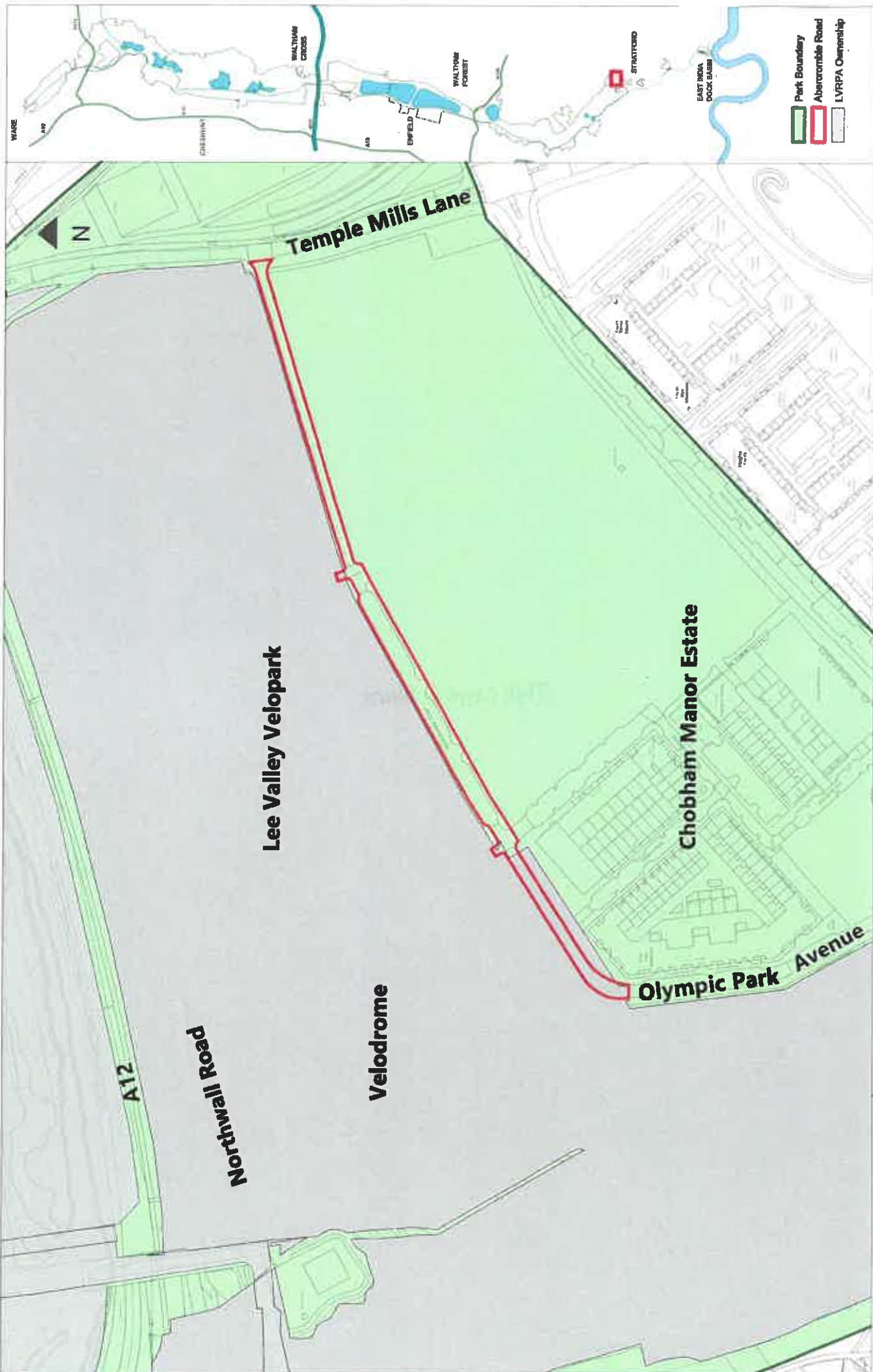
## **APPENDIX ATTACHED**

Appendix A Plan showing the road edged in red

## **ABBREVIATIONS**

LLDC	London Legacy Development Corporation
QEOP	Queen Elizabeth Olympic Park

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Appendix A: Location of Abercrombie Road; Queen Elizabeth Olympic Park, Stratford

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04.07.19

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