

Wayleave requirement for allotment water installation report

09 November 2023

OVERVIEW

The Kathleen Hannay Will Trust have informed the Council that there would need to be a wayleave agreement in place before they will approve the installation of a water supply at the allotment.

BACKGROUND

As requested by the Kathleen Hannay Will Trust, the Council produced a document listing the responsibilities the Council was prepared to undertake for the installation, maintenance and removal of a water supply for the allotment.

This document has been received and accepted by the Trust.

The Trust has now advised that their would need to be a wayleave agreement in place, for the water installation, before they will give approval for the project.

The Trust will next be meeting in December.

The Trust have advised that the Council will need to bear all the costs of creating the wayleave agreement.

This wayleave would need to include a clause allowing the Trust to demand the removal of the water supply at any time, having given 6 months notice of this.

To note: the quotation from Thames Water expires in January 2024.

POTENTIAL COSTS

Legal costs of both parties for the creation of a wayleave agreement.

BUDGET CONSIDERATIONS

Budget: Allotment maintenance – remaining funds	£428.00*
EMR: Allotment maintenance - remaining funds	£445.00
General reserves – remaining funds	£6,844.54

* Funds are required to renew the allotment number posts – agreed by council

COUNCIL DECISIONS

- Whether to progress the water project by setting up a wayleave agreement with the Trustees
 - If it is agreed to set up a wayleave agreement
 - To resolve to instruct a solicitor to draw up a wayleave agreement
 - To delegate authority to the Clerk to progress the wayleave agreement
 - To agree what funds to use for this action