

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Economy, Transport and Environment
Date:	2 December 2020
Title:	Utilities Diversions, Chickenhall Lane, Eastleigh
Report From:	Director of Economy, Transport and Environment

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Purpose of this Report

1. The purpose of this report is to seek approval to enter into an agreement with Southern Water to divert a mains sewer to enable the Chickenhall Lane site in Eastleigh to be developed.

Recommendations

2. That authority is given to enter into a funding agreement with Southern Water to implement the utilities diversion works in Chickenhall Lane, Eastleigh, as set out in this report, at an estimated cost of £490,900 to be funded from the Waste and Resources capital budget and a contribution from the previous landowner.
3. That authority is delegated to the Director of Economy Transport and Environment to enter into the necessary contractual arrangements, including a funding agreement, in consultation with the Head of Legal Services.

Executive Summary

4. This report seeks to;
 - provide the context to the proposed works;
 - consider the finance for the project and the impact on the budget; and
 - outline the impact that the scheme will have on the County Council's activities.

Contextual Information

5. The site at Chickenhall Lane, Eastleigh (See location plan in Appendix 1) was purchased by the County Council in 2018 as a strategic land purchase

with the potential for development as a site for waste and recycling infrastructure.

6. The site has an existing planning permission for waste activity.
7. The forthcoming Environment Bill 2020 is set to require local authorities to provide consistency in collections of recyclable waste from the kerbside and this change will lead to a need for new infrastructure to manage these materials in Hampshire.
8. The Chickenhall Lane site was purchased by the County Council with a view of being a suitable location for recycling infrastructure to meet the new legislative requirements and work is underway on a feasibility study for a facility on this site.
9. The previous owner of the site had intended to divert the rising main that runs across the centre of the site to enable the development of the facilities that were planned for the site. However, they did not progress beyond the planning stage.
10. As part of the purchase of the site a contribution was negotiated and retained from the purchase price towards the cost of diverting the rising main pipe that runs across the centre of the site from the eastern boundary to the sewage treatment works located next to the site on the western side.

Finance

11. The value of the funding to be provided by the previous owner is £284,000, and the remaining £206,900 will be funded from the Waste and Resources capital budget.

Programme

12. It is anticipated that these works would commence in early March 2021 and be completed by May.

Scheme Details

13. The scheme consists of diverting the existing 600mm diameter rising main pipe that runs from east to west across the site and connects into the sewage treatment works on the eastern side.
14. The rising main enters the site on the western boundary and currently runs directly across the middle of the site to sewage treatment works that are located to the north east of the site.

15. The proposed diversion route is set out in Figure 2 in Appendix 1, and will see the pipe diverted as close to the site boundary as is feasible taking into account the other services, overhead power cables and foul sewer that run through the site.
16. This diversion will enable buildings to be constructed on the majority of the site maximising its development potential.

Departures from Standards

17. Southern Water is the statutory undertaker with control of this pipe and as such, is the relevant authority to carry out these diversionary works.

Consultation and Equalities

18. No consultation has been undertaken with regards to the proposed diversionary works, however, any further plans to develop the site would require a planning application and be subject to full consultation through that process.
19. The proposal is for preparatory works to divert utilities on the Chickenhall Lane site and therefore there is no impact on those with any of the protected characteristics.

Land Requirements

20. The County Council is the freehold owner of the site and as part of the purchase made in 2018 a contribution was secured from the previous landowner that is ring fenced for the purpose of diverting the rising main on the site.

Statutory requirements

21. By virtue of s185 of the Water Industry Act 1991, where a person interested in land wishes to divert a pipe or apparatus in order to facilitate development upon land, they can serve a Notice upon the relevant statutory undertaker requiring the undertaker to alter or remove that pipe/apparatus. In doing so, the statutory undertaker can require such charges as comply with charging rules.

Maintenance Implications

22. Southern Water will retain all responsibility for the utilities infrastructure once the works are completed and there will be no maintenance burden on the County Council.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	no
People in Hampshire live safe, healthy and independent lives:	no
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	no

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Annual General Meeting, Council Meeting	18 May 2018
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

The proposal is for preparatory works to divert utilities on the Chickenhall Lane site and therefore there is no impact on those with any of the protected characteristics.