

Committee: Development Control

Agenda Item

Date: 27 April 2011

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**Title: ESS/65/06/UTT Easton Park Estate -
extraction of sand and gravel - deed of
variation**

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Item for decision

Summary

1. This report recommends that the committee agrees that the authority can enter into a deed of variation to amend a legal agreement concerning land at Easton Park. The legal agreement dates back to 1939 and originally precluded the extraction of sand and gravel from the estate. Following the grant of planning permission for extraction of sand and gravel by Essex County Council as Minerals Authority in 2000/1 the agreement was varied to permit its implementation. That permission has now expired and a further planning permission was granted earlier this year. The amendment would permit the implementation of the recent planning permission for sand and gravel extraction.

Recommendation

That the committee agrees to permit the deed of variation

Financial Implications

2. None

Background Papers

3. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Agreement between the Rural District Council of Dunmow and the landowners of Easton Lodge dated 28th April 1939

Deed of Variation between UDC and the landowners of Easton Lodge dated 5 November 2001

Planning Permission granted by Essex County Council for the extraction of sand and gravel from land at Easton Lodge reference ESS/65/06/UTT

Impact

- 4.

Communication/Consultation	The Parish Council has been contacted drawing its attention to this report
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Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

- In 1939 the then landowners entered an agreement with Dunmow Rural District Council (the District Council for the area prior to the local government reorganisation of 1974) relating to the use of the land at Easton Park. This agreement permitted public access to the site but precluded use of the property for the extraction of sand and gravel. Following the grant of planning permission in 2000/1 by Essex County Council for the extraction of sand and gravel, the owners and Uttlesford District Council entered into a deed of variation to permit that named permission. That permission has now lapsed. A further planning permission was granted in March 2011 – as it was found to be acceptable in planning terms - and it is recommended that the 1939 deed be varied to take that planning decision into account as it was in 2001, except making reference to the new permission reference instead of the old reference.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Refusing to vary the agreement	Property owner appealing (3)	Losing appeal (3)	Agree recommendation

- 1 = Little or no risk or impact
 2 = Some risk or impact – action may be necessary.
 3 = Significant risk or impact – action required
 4 = Near certainty of risk occurring, catastrophic effect or failure of project.