

East Herts Council Non-Key Decision Report

Date: 1 October 2025

Report by: Wendy Ellis, Asset and Estates Surveyor

Report Title: Proposed Transfer of Land together with an Easement at junction of Mercers Avenue and Thorley Lane, Bishop's Stortford, Herts, CM23 4GA to GTC Ltd to install and thereafter maintain a Gas governor Kiosk.

GTC are to surrender decommissioned land located nearby removing all apparatus and making good and return the land at no cost to this council.

Ward(s) affected: Bishop's Stortford Thorley Manor

Summary

GTC Ltd have requested a transfer of land at the junction of Mercers Avenue and Thorley Lane Bishop's Stortford to provide utility infrastructure for a Gas Governor Kiosk to replace an existing kiosk located nearby that is no longer fit for purpose.

GTC will be required to enter an Easement for a 3m access from each outer edge of the kiosk for maintenance to the Kiosk and underground connection of inlet and outlet pipes to the existing mains gas pipeline.

GTC will be required to surrender the decommissioned land currently used and return to the council.

RECOMMENDATIONS FOR DECISION:

That:

- (A) The freehold title to the land coloured in red on the plan at Appendix A be transferred to GTC Ltd together with an Easement over the land outlined in blue on the said plan for the construction and maintenance of a kiosk and**

underground connections of an inlet and outlet from the existing mains gas pipeline location coloured Green on the plan to the new kiosk with the GTC Ltd paying all the council's legal and surveyors' costs.

1.0 Proposal(s)

- 1.1 That part of the freehold title of of land measuring 67 sq m be transferred to GTC Ltd along with an Easement to allow construction and maintenance thereafter of a gas pipeline connection.
- 1.2 GTC Ltd will decommission and surrender their interest in nearby existing land and return it to East Herts Council subject to removal of metallic lids, breaking out existing concrete plinth, removal of the vent stack and logger bollard and top soil the affected area and make good within 6 months of completion of the transfer.

2.0 Background

- 2.1 The Council owns the freehold interest in Land at the junction of Mercers Avenue and Thorley Lane, Bishop's Stortford shown edged purple on the plan at **Appendix A**. The land is sited on the very edge of St Michaels Mead open space Bishop's Stortford. It is owned and maintained by this council.
- 2.2 The land was purchased in December 2000 by East Herts Council from Countryside Properties (UK) Ltd. Title No: HD393886.
- 2.3 GTC Ltd are a statutory undertaker in providing Gas Utilities. They are regulated by the Gas Act 1986 (as amended by the Gas Act 1995) and the Procurement Act 2023 and are required to provide a new Gas Governor to re-direct gas pipelines from the aged kiosk located nearby.
- 2.4 GTC Ltd wish to install a kiosk and concrete plinth on the part of land coloured red in **Appendix A** and also shown edged light blue on the GTC plan at **Appendix B**.
- 2.5 An easement is required for an area of 3m surrounding the proposed kiosk (shown edged blue on the plan at **Appendix A**)

for maintenance to the kiosk and underground pipes (shown as blue line on N7007012 Mark up at **Appendix B**).

3.0 Reason

- 3.1 The Council has no reasonable grounds for objection to transferring the land to the Utility Company and the Company accepts the land will always be restricted in use.
- 3.2 If the Council refuses reasonable access under a wayleave or easement, under the Gas Act 1986 the statutory undertaker has the authority to compulsorily acquire the land or any right or new right.

4.0 Options

- 4.1 Agree to transfer part of the freehold title of the land on the terms agreed and subject to a restrictive covenant regarding the use of the land.
- 4.2 Agree to issue an easement to enable GTC Ltd access to maintain the transferred land.
- 4.2 Refuse a transfer of the land and subsequent easement.

5.0 Risks

- 5.1 To refuse the transfer would risk GTC Ltd applying for a compulsory purchase order.

6.0 Implications/Consultations

- 6.1 Yes – there is a minor impact to the loss of a small area of the open space. Operations have advised they have no objection to this loss providing no gravel or any form of aggregation is used which would prevent the grass surround being cut.

Community Safety

None

Data Protection

None arising directly from this report.

Equalities

None arising directly from this report.

Environmental Sustainability

Yes – a restrictive covenant in the title transfer will protect the open space from change of use to development.

Financial

Yes – If the transfer is not agreed then the Council may incur costs involved in a compulsory purchase. There are no financial benefits to retaining the land.

Health and Safety

GTC Ltd will be responsible for all risks when carrying out the work and will supply the council with proof of their public liability insurance. GTC Ltd have provided to the Council their RAMS documentation which cover all health and safety aspects of the work to be carried out. The decommissioned pipework will be purged fully of gas and GTC Ltd will remove all items on the decommissioned land and make good prior to surrendering the land to this council.

Human Resources

Yes – retention of the land will cause minor increases in workload for the Leisure and Parks client officer and the Assets and Estates Management Surveyor to ensure that the council's responsibilities for health and safety are carried out. These activities would be in relation to land with little actual value and on work that is not a priority in the Corporate Plan.

Human Rights

None arising directly from this report.

Legal

If the Council refuses reasonable access under a wayleave or easement, pursuant to the Gas Act 1986 the statutory undertaker has the authority to compulsorily acquire the land or any right or new right

Specific Wards

Thorley Manor – Councillor Graham McAndrew
Councillor David Wilcocks
Councillor John Wyllie

7.0 Background papers, appendices and other relevant material.

- 7.1 **Appendix A** – Plan of subject land to be transferred is coloured in red. An Easement for underground pipelines and maintenance is shown outlined in Blue. The decommissioned land coloured Green is to be surrendered and returned to this council.
- 7.2 **Appendix B** – Plan of new location of Kiosk coloured light blue and underground pipeline shown as dark blue and location of existing PRI to be decommissioned.

Contact Member

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