



Cyngor Cymuned Ffordun gyda Thre'r-Llai a Threlystan
Forden with Leighton and Trelystan Community Council
 Glanllyn, Leighton, Welshpool, Powys SY21 8HJ

Clerc i'r Cyngor | Clerk to the Council: Rachel Tibbott

RATIFIED MINUTES of COUNCIL'S EXTRAORDINARY MEETING
on MONDAY 13th June 2022, 7:10pm (delayed start due to technical issues)
 held remotely via Microsoft Teams and at Forden Community Centre.

1. Welcome, Attendance, Apologies for Absence:

- 1.1. The Chairperson welcomed Councillors and Clerk to the meeting held both online and at Forden Community Council and sought assurance that everyone could be heard and could engage in the meeting.
- 1.2. Attendance: Cllr Suzanne Rowlands, Cllr Shaun Rees, Cllr Anthony Day, Cllr Mark Williams.
- 1.3. Apologies:
- 1.3.1. *for absence approved by Council:* Cllr Neil Edwards – unavailable, Cllr Rachael Briggs – working, Cllr Clive Eaton-Stevens - holiday
- 1.3.2. *for absence received:*
- 1.4. *Other Members Absent:*
- 1.5. *In attendance:* Rachel Tibbott (Clerk to the Council).

2. Declarations of Members' Interests and Dispensations:

NONE

3. Public Participation:

NONE

4. Development land adjacent to Lyndale Forden

4.1 The chair informed the meeting that Mr Rob Hudson had contacted FLTCC on behalf of Morris Marshall & Poole who are the selling agents for the owners of Development land adjoining Lyndale, Forden. It has come to their attention that although there is a legal easement in place dating back to 1992 for a sewer outfall pipe to cross land owned by Forden Community Council, this easement covers only part of the land being sold. The clients therefore require an extension of the agreement so that it covers the whole area of land being sold and have offered a purchase price of £32,000 payable to FLTCC.

4.1.1 After receiving advice from One Voice Wales (see 4.1.1.1, 4.1.1.2 and 4.1.1.3), it was decided to seek an independent valuation of the extension to the easement. Quotes to be sought with a breakdown of the costs included.

4.1.1.1 Issues particular to local councils

15. *The grant of an easement falls within the definition of a 'disposal' of land pursuant to s.127 of the Local Government Act 1972. Consequently, the following issues will arise: ♣ the need to obtain the best price for the easement (or to obtain the consent of the Secretary of State to grant an easement at an undervalue);*

4.1.1.2 Charging for an Easement

As easements fall within the definition of a 'disposal' of land (as mentioned above) local councils must (i) obtain the best price or (ii) obtain the consent of the Secretary of State to grant the easement at an undervalue (as set out in more detail in LTN 45). There are a number of different types of easement and the value of the same type of easement can vary considerable from one region to another.

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Consequently, it is not possible to give blanket advice concerning the payments that should be sought in respect of different types of easements. NALC takes the view that local councils are only ever likely to know whether a proposed payment in respect of an easement is the best price or an undervalue if the services of an appropriately qualified valuation surveyor are obtained.

4.1.1.3 Best Consideration

Before making a disposal a council must in practice get a professional valuation either from the district valuer or from a private valuer or surveyor, for a fee. If an application is made to the Secretary of State for consent to dispose at an undervalue, a valuation report must accompany the application.

4.1.2 Before this process begins, FLTCC will request an indemnity agreement is put in place; that all costs of employing an independent surveyor (RICS) by FLTCC, will be met by the client. FLTCC would be happy to have those costs deducted from the final agreed purchase price.

4.1.3 It was also agreed that confirmation be sought from Mr Hudson regarding who will be responsible for any repair/maintenance issues with the pipework travelling underneath the sports field, that may happen in the future.

4.1.4 Finally, as part of the agreement, FLTCC would like a right of way for vehicular access to the sports field with a gated, tarmacadamed entrance placed on the boundary between the development land and the sports field (shown as FIELD ACCESS - currently crossed out on the plans) which would provide easy and safe emergency vehicle access to the sports field in case of any possible accidents on the field.

ACTION: CLERK TO EMAIL MR HUDSON WITH THE ABOVE REQUESTS

ACTION: CLERK TO SEEK INDEPENDENT SURVEYORS (RICS) TO PROVIDE QUOTATIONS FOR PROVIDING VALUATIONS OF THE ABOVE.

5 CONFIDENTIAL SESSION EXCLUSION OF PUBLIC AND PRESS

Under the Public Bodies (Admission to Meetings) Act 1960 (2) to resolve, if required, that members of the public and press be requested to leave the meeting by reason of the [specified] confidential nature of the business about to be transacted.

None

Meeting closed at 8:10pm

Signed on behalf of the council as a correct record *SDP* Date... *30/6/22*

Initial..... *SDP*