

# Report

Report to:	<b>Housing and Technical Resources Committee</b>
Date of Meeting:	<b>29 September 2021</b>
Report by:	<b>Executive Director (Housing and Technical Resources)</b>

Subject:	<b>Proposed Lease of Ground at Palace Grounds Car Park, Palace Grounds Road, Hamilton with Associated Right of Access in Favour of ESP Limited</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ seek approval to grant a 99-year lease of ground at Palace Grounds Car Park, Hamilton, in favour of ESP Limited
- ◆ ask Committee to approve the laying of the cables and to grant right of access in favour of ESP Limited to the substation and associated cables for maintenance and inspection

## 2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that a 99-year lease of ground at Palace Grounds Car Park, Hamilton is granted to ESP Limited on the main lease terms and conditions outlined in Section 4 of this report.
- (2) that all necessary rights are granted to ESP Limited to maintain the substation and the cables serving the substation, as shown on the attached plan.
- (3) that the Executive Director (Housing and Technical Resources), in consultation with Head of Administration and Legal Services, if appropriate, be authorised to conclude all matters in respect of the grant lease and to enter into the necessary legal agreements on terms which are in the best interests of the Council.

## 3. Background

- 3.1. In December 2019, the Housing and Technical Resources Committee granted a 19-year 364-day lease to Fastned UK Ltd to construct and operate a rapid vehicle charging station at the Palace Grounds location. Fastned UK Ltd requires a substation to service its facility and is seeking consent to vary its lease extents and to allow the Council to grant a 99- year lease to ESP Limited for the substation.
- 3.2. Whilst ESP Limited will lease the site and construct the substation, they will have the right to sublease the substation to Scottish Power Distribution (SPD) following completion.
- 3.3. The substation requires to be constructed on the ground extending to 25m<sup>2</sup> or thereby, shown on the attached plan, which is owned by South Lanarkshire Council and held in the Hamilton Common Good Account.
- 3.4. ESP Limited require a 99-year lease to allow for the construction of a substation and associated cabling.

- 3.5. It is a requirement that the lease to ESP Limited is granted to allow the construction of the substation to provide a sufficient power supply to facilitate the adjacent high voltage electric vehicle charging station which is to be constructed by Fastned UK Ltd on adjacent land leased from the Council for a 19 years 364 days period.
- 3.6. Whilst the substation is to service the adjacent vehicle charging facility, the substation lease may also serve the wider area, therefore, there is a rental charge.

#### **4. Proposal**

- 4.1. It is proposed that the lease terms and conditions are as follows:-
1. The lease will be to ESP Limited
  2. The period of the lease will be for 99 years from the date of entry
  3. Date of entry to be agreed
  4. The rent is to be a grassum of £9,000
  5. The subjects shall be used for construction and operation of the electricity substation
  6. ESP Limited will have the right to sublease to Scottish Power Distribution (SPD)
  7. In addition, the tenants, their agents and contractors will have a right to lay, maintain, inspect, repair and renew underground cables, pipes and ducts serving the substation
  8. Each party will be responsible for their own legal fees and expenses

#### **5. Employee Implications**

- 5.1. There are no employee implications.

#### **6. Financial Implications**

- 6.1. Approval will allow the adjacent fast charging facility, which is also the subject of a lease from the Council, to operate and pay rental.
- 6.2. A grassum of £9,000 will be paid to Hamilton Common Good Account as a result of the granting of the lease.

#### **7. Climate Change, Sustainability and Environmental Implications**

- 7.1. The electric vehicle charging points will allow greater use of electric vehicles and contribute to the reduction in the use of fossil fuel and contribute to the Council's climate change and carbon reduction targets.

#### **8. Other Implications**

- 8.1. By granting this lease to ESP Limited, the Council facilitates the lease with Fastned UK Ltd to construct the adjacent fast charging station.
- 8.2. By not proceeding, there is a risk that the electric vehicle charging station will have an insufficient power supply and the project cannot proceed.

#### **9. Equality Impact Assessment and Consultation Arrangements**

- 9.1. Planning consent is not required as the proposal permitted development.
- 9.2. As the site is in the Common Good Account, consultation under the Community Empowerment (Scotland) Act 2015 has been undertaken.
- 9.3. Roads and Transportation Services have been consulted and have agreed that this lease be granted to facilitate the electric vehicle charging programme in this area.

- 9.4. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required.

**Daniel Lowe**

**Executive Director (Housing and Technical Resources)**

18 August 2021

**Link(s) to Council Values/Ambitions/Objectives**

- Accountable, effective, efficient and transparent

**Previous References**

- ♦ None

**List of Background Papers**

- ♦ None

**Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

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# LOCATION PLAN - For Committee Purposes Only

Land at Palace Grounds Road  
Hamilton



## HOUSING AND TECHNICAL RESOURCES COMMITTEE

