

CENTRAL SWINDON NORTH PARISH COUNCIL

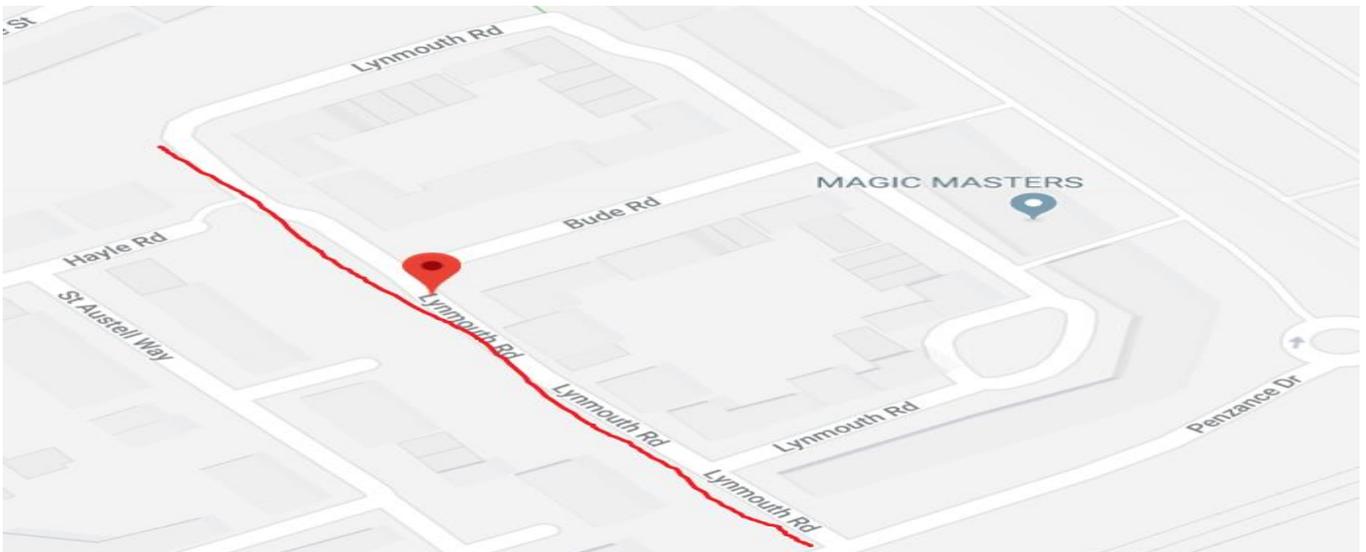
Lynmouth Road Maintenance

14th April 2019

1. Introduction

An area of land to the West of Lynmouth Road is a grassed verge approximately 90m x 6m long and appeared on the Land Registry as under the control of 'Churchward Plc'. The company was established in 1990 as part of Tarmac, it subsequently became a subsidiary of Carillion. In its last audited accounts of 2016/17 the company made a pre-tax loss of £686,000. The company was petitioned to be wound up on April 28th 2018 and was liquidated by the Official Receiver of London on 13th June 2018. It's current ownership is unclear.

Location map information and a Streetview shot looking North from Penzance Drive is detailed below:



The land is undulating with a camber towards the road, a shrub area separates Lynmouth Road to a slightly older development along St Austell Way. There are at least two 'informal cut-

throughs' which have been created by residents/commuters/shoppers across the land. One entrance is partially formalised, we think by the developer and the half on Lynmouth Road is tracked grass.

The tracked grass paths are dangerous due to being slippery in inclement weather and requiring pedestrians to walk into the road off the kerb between parked cars.

Preliminary discussions took place between the Parish Clerk and our Legal Advisor as to whether the Parish Council would wish to adopt/transfer the land from Carillion and whether it would be in the Parishes interests to adopt this land as well as the Railway works land and wall attached to the north separating Redcliff Street & Lynmouth Road.

The advice received at the time was if we wished to do this we should firstly consult the Official Receiver who would in turn review the likelihood of the adoption and if it is in the interest of the company in liquidation for the land to be transferred.

We were advised that should the Council wish to make a charge to the Chief Land Registrar it would likely be approved due to associated liabilities, particularly on the wall and restrictive covenants attached for rights of use. It holds no financial value.

It was agreed by Council in June 2018 that given the long term liabilities associated with the land and wall it would be unwise to suggest the adoption of this land at this time.

The Parish Council can however maintain the land should we wish to. The Council should remain minded in this action of the associated risks where 'Adverse Possession' may be implied over an extended period of time.

The land has fallen into a poor state with accumulations of rubbish on the grassed verge and windswept into the hedges, dent-damaged verges, unkempt hedges/shrubs and poor grass quality. The road is the main gateway into the development and is seen by all residents who access the estate.

2. Report Details

The one-off legacy cost for bringing up the quality of the verge is £2,065 exc. VAT.

Ongoing inclusion into the StreetSmart Contract or equivalent will be the standard mowing frequency and one shrub cut per annum. The cost of ongoing maintenance in 2020 beyond is negligible so it has been confirmed in writing that there would be no additional charges.

Breakdown for the legacy works is as follows:

Four days work, this would reduce if SBC are able to finish quicker. The most time consuming elements we have been advised are the reduction of the hedges and the digging out the endemic self-set hawthorn in the grass.

2x Grounds persons + Vehicle x4 days
1x Grounds person + Side Arm Tractor
Estimated disposal of 1t of green waste
Estimated disposal of 1t of mixed waste

Recommendation

That Council approve the one of spend of £2,065.00+ VAT for the one of works to be completed as soon as possible.

Instruct the Parish Clerk to include the verge on the future maintenance schedule for Nil cost.