



<b>REPORT FROM:</b>	<b>DIRECTOR OF PLACE</b>
<b>TO:</b>	<b>BARROWFORD AND WESTERN PARISHES COMMITTEE</b>
<b>DATE:</b>	<b>6<sup>TH</sup> SEPTEMBER 2023</b>

<b>Report Author:</b>	<b>Tony Brown</b>
<b>Tel No:</b>	<b>01282 878938</b>
<b>E-mail:</b>	<a href="mailto:anthony.brown@liberata.com">anthony.brown@liberata.com</a>

## **LAND AT REAR 2-24 CHURCH STREET, BARROWFORD**

### **PURPOSE OF REPORT**

Members at this Committee held 2<sup>nd</sup> August, 2023 asked that investigations be carried out in relation to the potential options available with regards to the use of the Council's land, to the rear of the Lamb Club and adjacent residential properties (2-24 Church Street, Barrowford). Members asked that a report be submitted to Committee with subsequent consultation with Barrowford Parish Council.

### **RECOMMENDATIONS**

- (1) That Members note the details within the report below.
- (2) That Members consider whether to retain control of the land or whether to enter into discussion with relevant interested residents to agree a communal garden use of the land.

### **REASONS FOR RECOMMENDATIONS**

- (1) To update Members.
- (2) To protect the integrity of the drainage scheme installed on the land, to work with local residents and potentially to off-set any maintenance liabilities.

## **BACKGROUND**

1. The land in question (see land marked with solid black line on the attached plan) sits within Council owned parcels of land, between Albert Mills and the rear of the properties 2-24 Church Street in Barrowford.
2. The land was originally as part of the adjacent of land, let by way of an annual grazing licence (see land edged with a black dashed line on the plan attached), with the remaining land closer to Albert Mills being held currently as open space. The parcels have previously been identified as a potential development site.
3. To address water run-off and flooding issues to the Lamb Club and residents gardens to the south of the site, this strip of land was taken out of the grazing licence parcel to allow the Council's Drainage Engineer to construct an open interceptor drainage scheme in early May 2021.
4. To protect the scheme a new fence line was installed to separate it from the grazing licence parcel. The Drainage Engineer also found and reported a leak to United Utilities from their water main which runs adjacent to the site.
5. Upon completion of the scheme, a local resident asked if the land might be available for garden use. This question has again recently been raised at this Committee.
6. In 2021 the Drainage Engineer was prepared to consider use of the land by residents, provided such use did not interfere with the scheme, however, there were ongoing concerns about stability of the land when saturated and further works including additional tree planting schemes were being considered to prevent potential slippage.

## **ISSUE**

7. A site visit is to be undertaken to ascertain if trees were ever planted in this location and if not, whether any additional work would be required to stabilise the land when saturated.
8. The land is currently overgrown and access for maintenance with machinery is difficult. A Budget to carry out regular maintenance and upkeep was not identified when the scheme was completed.
9. Division into separate garden plots or allotments, for use by residents as such, could potentially lead to a blockage and failure of the drainage scheme without close supervision and regular maintenance.
10. An alternative to individual lettings, would be a joint letting to the adjacent residents as a community group, to allow them access to use, plant up the land and maintain the parcel of land as a whole. Such a letting as a

communal garden rather than division should protect the integrity of the drainage works.

11. A community group would be required to be set up as a formal entity and terms agreed subject to Committee Approval. Discussions with residents or the Parish Council have not yet taken place. Approval of such a letting if agreeable would be delegated to the Director of Place, on terms and conditions to be agreed.
12. Liability to maintain the land would fall on the residents if a community garden use was approved and accepted by residents.
13. The Council should make provision within the licence to enable it to determine it if the land is ever required as part of a redevelopment scheme of the larger site.

## **IMPLICATIONS**

**Policy:** The Council is responsible for the maintenance and upkeep of land within its ownership. The Council works with the local community for the benefit of local residents.

**Financial:** The Council would normally agree a Licence fee for use of its land, however, in this case an environmental benefit would be created and costs to maintain the land would be avoided. The Council may consider granting a licence at a peppercorn rent.

**Legal:** The Council would have to agree a Licence to use the site as a community garden, which would also have terms to protect the Council and ensure that the land is maintained and managed correctly, and the Council is indemnified against claims, losses or damage.

**Risk Management:** Agreeing a Licence to a community group rather than individual lettings for garden use may reduce the risk of any damage to or blockage of the drainage scheme.

**Health and Safety:** Responsibility for Health and Safety would lie with the community group.

**Climate Change:** Upkeep of the drainage scheme will reduce the impact of flooding created by periods of heavy rainfall and increasingly frequent deluge events.

**Community Safety:** See Health and Safety above.

**Equality and Diversity:** Use of the land would be available to all members of the community who live adjacent to the land in question.

**APPENDICES:**

Appendix 1 - Location Plan.

**LIST OF BACKGROUND PAPERS:** None.