



REPORT FROM:	DIRECTOR OF PLACE
TO:	BARROWFORD AND WESTERN PARISHES COMMITTEE
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LAND TO THE REAR OF 2-24 CHURCH STREET, BARROWFORD

PURPOSE OF REPORT

To update Members as to additional potential options available with regards to the use of the Council's land as garden land, to the rear of the Lamb Club and adjacent residential properties (2-24 Church Street, Barrowford).

RECOMMENDATIONS

- (1) That Members note the details set out in the report.
- (2) That Members consider the options available with relevant interested residents.

REASONS FOR RECOMMENDATIONS

- (1) To update Members.
- (2) To decide whether to allow local residents to make use of the land and on what basis.

BACKGROUND

1. Members of this Committee at its meeting held on 6th September, 2023 approved a recommendation to authorise officers to enter into discussions with residents backing on to the above land, about the potential for communal

use as garden land (see land marked with solid black line on the attached plan).

2. The land was let originally as part of the adjacent grazing licence (see land edged with a black dashed line on the plan attached), with the adjoining land closer to Albert Mills, being held currently as open space but having 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 completed in May 2021. 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.

ISSUE

4. A site visit was held 5th October, 2023 attended by the Council's Engineering Manager and Liberata's Senior Surveyor, to inspect the land and to ascertain whether use by residents on a community or individual basis was viable without impacting upon the installed drainage scheme.
5. The land sits on top of an embankment to the rear of the houses on Church Street, to a depth of approximately 10-15 metres, with a bund created between the boundary and the drain itself. The land was overgrown in summer but has now died back. Access for maintenance with machinery would be difficult and a budget to carry out regular maintenance and upkeep was not identified by the Council when the scheme was completed.
6. There were concerns that the 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, Members agreed to consider use as a community garden, however this might not be of interest to all of the individual residents backing onto the site.
7. From the site inspection held, additional options were considered suitable for Members to review, which could offer residents the ability to screen off the land or plant up the bunds to make it more attractive, but hopefully not impact upon the drainage scheme:
 - a. Offer each strip in line with the houses to the resident fronting it under individual garden tenancies where they could fence it off and plant it up.
 - b. Offer each strip in line with the houses to the resident fronting it under individual garden tenancies where it was left open without fencing, but they could plant it up.

- c. Consider options a and or b above but where a resident fronting the strip doesn't want to take on the land, it be offered to the adjoining neighbour, who might be interested in taking a larger plot.
 - d. Offer the land as a community garden as approved previously to all who front the land and who are interested.
 - e. Retain the land as Council land to protect the drainage scheme.
8. With regards to options a-d above, any letting agreement(s) will have to contain conditions restricting planting and fencing, on or close to the drainage system, with the ability for the Council to enter the land to carry out maintenance and reclaim any costs it may incur as a result of damage caused to the drainage system by the occupier. As a letting will remove the liability for the Council to maintain it and require investment and work by a Tenant to cultivate and maintain it, it is suggested that nil rent be charged.

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 garden tenancies at nil rental.

Legal: The Council would agree any tenancies by way of a garden tenancy or licence if a community garden scheme was preferred to individual lettings. Either agreement would also have terms to protect the Council, provide for access for maintenance of the drainage system, ensure that the land is maintained and managed correctly, and the Council is indemnified against costs, claims, losses, or damage.

Risk Management: There is a risk that use by residents may result in damage or blockage of the drainage system, which could be managed with supervision and regular inspection.

Health and Safety: Responsibility for Health and Safety would be passed onto the individual tenant or community group dependent upon the preferred option chosen.

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 residents who back onto the land.

APPENDICES:

Appendix 1 – Location Plan as marked.

LIST OF BACKGROUND PAPERS: None.