

Stapeley & District Parish Council

REPORT OF: CLERK
SUBJECT: PUMPING STATION/LAND – CHERRY TREE/BEECHWOOD CLOSE
DATE: 3 APRIL 2014

1 INTRODUCTION

Stapeley Parish Action Group (the Parish Plan Implementation Group) has been researching the ownership of the pumping station and land adjacent to the nursing home in the vicinity of the shopping parade on the Cronkinson development (Cherry Tree/Beechwood Close). Enquiries revealed the following information as at September 2013 and this was reported to the Parish Council at that time; the situation has subsequently changed.

- There is a pumping equipment belonging to United Utilities (UU) within the walled compound, but the land is not owned by UU;
- Engineers from UU have visited the site to check the safety of the equipment and access to it.
- UU will only need intermittent access to the compound and a local key-holder is required until ownership has been established. This key-holder could be one of the Parish Plan Implementation Group members so that access can be arranged to clear away various detritus.
- The pumping station is now under the control of the property liquidator for David McLean Homes. It is understood that the pumping station is scheduled to be transferred to United Utilities by 1 October 2016.
- It is further understood that the liquidator has been in contact with United Utilities to ask that the transfer be brought forward; this will enable clarification of responsibility.

The Clerk had written to United Utilities to ask if an earlier transfer date could be effected and the Parish Council ratified this action at the September meeting. At that meeting, it was also confirmed that Noel Wagstaff (SPAG) could be the authorised key-holder for the compound.

2 CURRENT SITUATION

Subsequent to the above, United Utilities has now taken over responsibility for the pumping station (from 21 February 2014) in accordance with recent legislation. It has agreed that Noel Wagstaff can retain a key to the gate to the compound so that SPAG can continue to clear litter as and when required.

United Utilities has searched the Land Registry records for the whole area but it could not trace any owner following the liquidation of Jennings Homes.

It appears, therefore, that this parcel of land is without legal ownership.

The area is overgrown and, presumably, has been in this state for the last 12 years. There is a pond somewhere in the middle of the area. There is also evidence of the existence of Great Crested Newts. The land is open land and can be accessed via a footway which runs from Cherry Tree Close through to Peter de Stapleigh Way. There are no known incidents to have occurred during the last 12 years, but SPAG is concerned that the area poses a potential hazard, particularly for children.

SPAG has requested that either Cheshire East Council or the Parish Council takes on responsibility for the tidying-up and continued maintenance of the land. Further, SPAG has requested that this area be designated a “conservation area”. Local authorities have duties to designate conservation areas where they have identified areas which are of special interest, and then to review them from time-to-time. They also have a duty to make proposals to preserve or enhance the conservation areas designated.

Other than the existence of Great Crested Newts, it does not appear that this area is one of special interest which might attract conservation area status. However, if Members are minded to pursue this, Cheshire East Council's Conservation Manager could be asked to carry out an appraisal and report to the Parish Council.

4 DECISION REQUIRED

As there appears to be no legal owner of the land described, the Parish Council is invited to consider if it should take on the responsibility of maintaining the land, taking into account that with responsibility comes liability. Legal advice would be required; for example, if the Parish Council accepts responsibility and there were any incidents/accidents on the land, causing injury, the Parish Council needs to be assured that it cannot be held liable.

An alternative is to ask Cheshire East Council if it wishes to include this within its own grounds maintenance programme.

Carol Jones
Clerk
15 March 2014