

NORTH LINCOLNSHIRE COUNCIL

**HIGHWAYS AND NEIGHBOURHOODS
CABINET MEMBER**

BECKSIDE, BARTON UPON HUMBER

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To seek approval to make an adverse possession claim for a piece of land in Barton upon Humber known as Beckside into North Lincolnshire Council's ownership.
- 1.2 If the claim is successful, the Barton Civic Society will take on the management and maintenance of the site under the guidance of the Environment Team.

2. BACKGROUND INFORMATION

- 2.1 Jointly, both Legal Services and the Environment Team have researched the potential claim of this piece of land. This research has revealed that all relevant documentation shows there to be no identifiable owner of the land. In addition to this the only previous maintenance and works to the site was carried out by Glanford Borough Council and then North Lincolnshire Council. No other person or group appear to have exercised any ownership rights over the site both historically and more recently.
- 2.2 The land has regularly flooded in the past due to the presence of a blow well on the site (artesian spring linked to the chalk aquifer).
- 2.3 Successive local authorities have undertaken works to the site. These are outlined below:
 - The Vestry meeting records show involvement with the Beck
 - In 1863 the Vestry was replaced by the Local Board whose minutes show their involvement with the Beck
 - From 1894 Barton Urban District Council took over and the minutes show their involvement with the Beck
 - In 1974 Glanford Borough Council became the local authority. Under their tenure they carried out extensive capital improvement works to the site to resolve the flooding issues. The works involved the construction of a weir, walls and fences and extensive

landscaping. Following these works, Glanford Borough Council managed and maintained the site until 1996 when North Lincolnshire Council became their successor.

- From 1996 North Lincolnshire Council has undertaken litter clearance and landscape maintenance.

- 2.4 Much of the site currently looks derelict with damaged walls and broken fences. In many areas the landscaping is over mature and has attracted anti-social behaviour.
- 2.5 Recent discussions between the Environment Team and the Barton Civic Society have indicated a strong possibility of a bid to the Heritage Lottery Fund under the 'Our Heritage' theme to restore the site. A prerequisite of any bid is that the site is in someone's ownership and that a suitable partnership is in place.
- 2.6 If the bid was successful and the site restored, Barton Civic Society, under the guidance of the Environment Team, will take on the responsibility for its management.
- 2.7 A recent survey of the site has shown that the site is of major importance for smooth newts. Any restoration of the site will need to take this into account.

3. **OPTIONS FOR CONSIDERATION**

- 3.1 **Option 1.** We do not claim ownership of the site.
- 3.2 **Option 2.** We make an application for adverse possession of the site and if successful include the site within the land ownership of North Lincolnshire Council.

4. **ANALYSIS OF OPTIONS**

- 4.1 **Option 1:** This is not the preferred option as it would lead to the site remaining in a poor condition. The site lies between the Churches of St Mary's (Grade I listed building) and St Peter's (Scheduled Ancient Monument). It also lies in the Barton Conservation Area.
- 4.2 **Option 2:** This is the preferred option as it will allow the Barton Civic Society to apply for an 'Our Heritage' grant from the Heritage Lottery Fund. This in turn would facilitate them taking on the long term management of the site.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Financial

5.1.1 Currently the council incurs a very small amount of expenditure on the site. This is mainly taken up with grass mowing and occasional trimming of shrubs etc.

5.1.2 Passing the site over to the Barton Civic Society will save the council a small amount of money.

5.1.3 The retaining wall of St Mary's Church (Grade I listed building) and deconsecrated land forms part of this site. The wall is in a poor condition and in need of repair. It is the responsibility of North Lincolnshire Council.

5.2 Staffing

5.2.1 Staff time from the Environment Team will provide support to the Barton Civic Society in its endeavours.

5.3 Property

5.3.1 The claiming of the land will eventually, if successful, lead to the land coming into the council portfolio of open spaces.

5.4 I.T.

5.4.1 None

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 The site in question supports a thriving population of smooth newts. Any management or alterations to the site will need to reflect their needs.

6.2 The retaining wall of St. Mary's Church (Grade I listed building) forms part of the site. The wall is in a poor condition and in need of repair. Repairing this whole wall will significantly improve the appearance of the grade I listed building and the conservation area as a whole.

6.3 Because the site has been neglected over the years many of the trees and shrubs have become overgrown. This has given good cover for a range of anti-social activities. Managing the site will involve removing much of the offending vegetation.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

- 7.1 Barton Town Council support the resolution of the ownership issue and the need to restore the site.
- 7.2 Barton Civic Society fully support the resolution of the ownership issue. Without this they will be unable to progress a restoration scheme and manage the site in the long term.
- 7.3 Local residents surrounding the site were consulted on the basis that the wall to the south of the gate is in need of repair. These walls, we believe, belong to the adjoining houses. All these properties support the proposal.

8. RECOMMENDATIONS

- 8.1 That the council pursues an adverse possession claim for the land on the basis that we and our predecessor authorities have managed the site as if we are the owners and that no other party has exercised such rights over the site.
- 8.2 That the council supports Barton Civic Society in its endeavours to attract external funding for a restoration project aimed at retaining water on the site.
- 8.3 If the council is successful in claiming ownership and Barton Civic Society is successful in getting funding for a scheme, to authorise the Director of Places to enter into an agreement to allow the group to manage the area.

DIRECTOR OF PLACES

Civic Centre
Ashby Road
SCUNTHORPE
North Lincolnshire
DN16 1AB
Author: Tim Allen
Date: 20 August 2013

Background Papers used in the preparation of this report: None