

Meeting of:	<b>Welsh Church Act Estate Committee</b>
Date of Meeting:	<b>Monday, 20 June 2022</b>
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Proposed adoption of land at Sea View Terrace, Barry
Purpose of Report:	To advise Committee of correspondence received from the Vale of Glamorgan Council in respect of a proposal to adopt a portion of roadway in the Trust's ownership at Sea View Terrace, Barry
Report Owner:	Tom Bowring, Director of Corporate Resources
Responsible Officer:	Head of Finance
Elected Member and Officer Consultation:	Committee Reports - Legal OM Accountancy  No ward member consultation - since Members of this Committee are acting as Committee Members independent of other Council's resolutions, no wider consultation has taken place
Policy Framework:	The Trustees are working independently of other Council decisions and in accordance with the requirements of Charity Law.
<p>Executive Summary</p> <ul style="list-style-type: none"> <li>To advise Committee of a proposal received from the Vale of Glamorgan Council to formally adopt land in this Trust's ownership as public highway. There is no intention to acquire the land on the Highway Authority's part, but to adopt the land thereby ensuring that the land is maintained in the future by the Highway Authority, at public expense.</li> </ul>	

## **Recommendation**

1. That Committee considers the request from the Council's Highway Authority to formally adopt the land in the Trust's ownership, the extent of which is as shown in Appendix A.

## **Reason for Recommendation**

1. To enable a response to be sent to the Council's Highway Authority.

### **1. Background**

- 1.1 Officers have been made aware of a proposal by the Council's Highway Authority by virtue of a letter dated 19th April to the Chair of this Committee in respect of land owned by the Trust as shown on the plan attached at Appendix A. The plan at Appendix B is attached for information only to show the extent of the Council's project (which also includes land not in the Trusts ownership).
- 1.2 The Council advise that concerns had been made to it about the condition of Sea View Terrace, which is currently unsurfaced. There is a portion of the road owned by the Council (unadopted) and a portion of the road owned by the Trust (also unadopted).

### **2. Key Issues for Consideration**

- 2.1 The Council has advised that the unsurfaced roadway currently presents a risk should a member of the public claim for third party damages resulting from the poor quality of the route.
- 2.2 The Council advises that it has written to all residents along the road detailing their proposal to upgrade the road by providing a properly constructed highway surface. It has recently come to the attention of the Council (during their due diligence processes) that a section of this road, between No.1 – 5 Sea View Terrace, is owned by the Trust.
- 2.3 As a result, the Highways team wrote to the Chair of the Trust outlining their proposal to upgrade Sea View Terrace roadway by laying a new tarmacadam carriageway surface over the area identified. The Council has confirmed that they

will also carry out the necessary drainage improvement works to complement the new surface. The Council are not seeking to acquire the land from the Trust, but simply requesting that the Trust's portion of the roadway be included within their works and to designate the route as public highway, therefore making it maintainable at public expense, and releasing the Trust from any potential future liability.

- 2.4 Officers are advised that the upgrading works were tentatively programmed to be carried out at the beginning of June 2022, however due to the timing of Committee, it was not possible to report the matter to Committee prior to today. The Council therefore proposes to, subject to the agreement of the Trust, and subject to the appointment of a suitable contractor, commence works at the earliest opportunity. Officers are advised that the Council anticipates that the works will take between a week to ten days to complete.
- 2.5 Officers are also advised by the Council that regrettably, it will be necessary to close the road with parking prohibited during the construction phase to enable the safe and adequate completion of the works, albeit pedestrian access will be maintained throughout.
- 2.6 The Council has confirmed that every effort will be made to keep inconvenience to a minimum, however due to the nature of the works, some noise and disruption will be inevitable.
- 2.7 Whilst it is not evident that the properties on Sea View Terrace benefit from any documented right of way over the land to access their properties it is highly likely that the properties have acquired rights of way by long term use of the land for that purpose.
- 2.8 Part of the Trust's land adjoining this piece of land at the junction of Sea View Terrace, Victoria Park Road and St Oswald's Road is already part of the adopted highway network.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1 The Trust's actions need to comply with Charity law and its decisions are independent of the Council's obligations under the Well-Being of Future Generations Act.

## **4. Resources and Legal Considerations**

### **Financial**

- 4.1** There are no financial implications to the Trust as a direct result of this report and any costs associated with the dedication to public highway (if approved) will be borne by the Council. There will be a positive financial implication for the Trust should the Committee approve the dedication of its land as public highway as all future maintenance costs going forward would be the responsibility of the Council.

### **Employment**

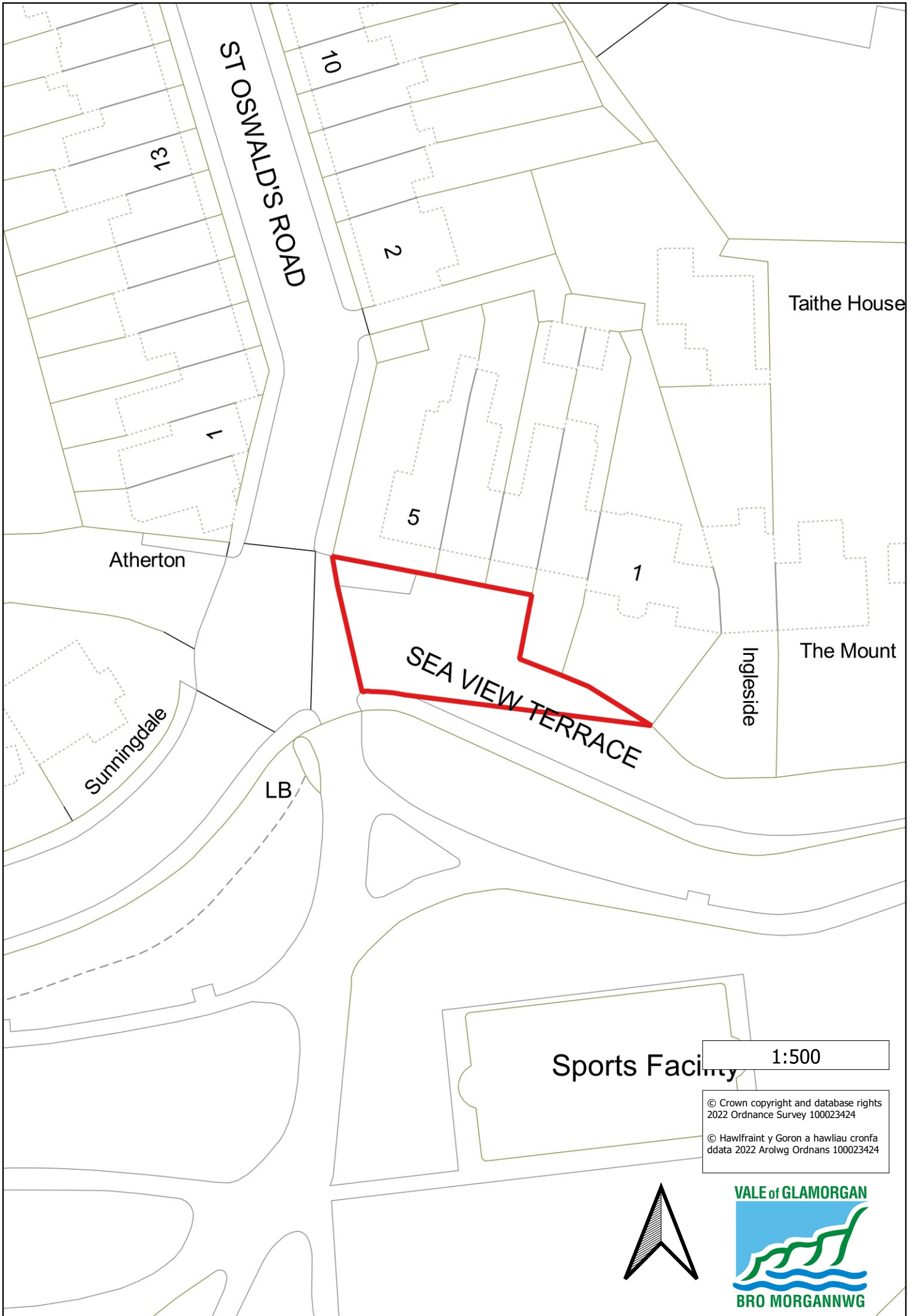
- 4.2** There are no employment implications arising from this report.

### **Legal (Including Equalities)**

- 4.3** The Trust has a duty to manage lands and property held by them in accordance with the Scheme of Trust and with Charity Law and decisions should be consistent with the Charity Objects and powers. As there is no intention to dispose of the land to the Council, there would be no requirement for a Qualified Surveyors report to be sought on this occasion.
- 4.4** There is a Legal requirement for Trustees to:
- (a) Act within their powers;
  - (b) Act in good faith and only in the interests of the charity
  - (c) Make sure they are sufficiently informed
  - (d) Take account of all relevant factors
  - (e) Ignore any irrelevant factors
  - (f) Manage conflicts of interest
  - (g) Make decisions that are within the range of decisions that a reasonable trustee body could make.
- 4.5** As the owner of the land the Trust would currently be liable for any claims for injury or damage caused to persons or vehicles due to the condition of the land. Liability would pass to the Highways Authority if land adopted.
- 4.6** Adoption of the land by the Highway Authority would mean that the land would not, without a subsequent extinguishment of Highway rights, be able to be developed. Adoption would not prevent the Trust from disposing of the land at a later date.

## **5. Background Papers**

None



ST OSMALD'S ROAD

13

10

2

1

5

1

Atherton

Taithe House

Summingdale

LB

SEA VIEW TERRACE

Ingleside

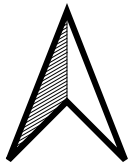
The Mount

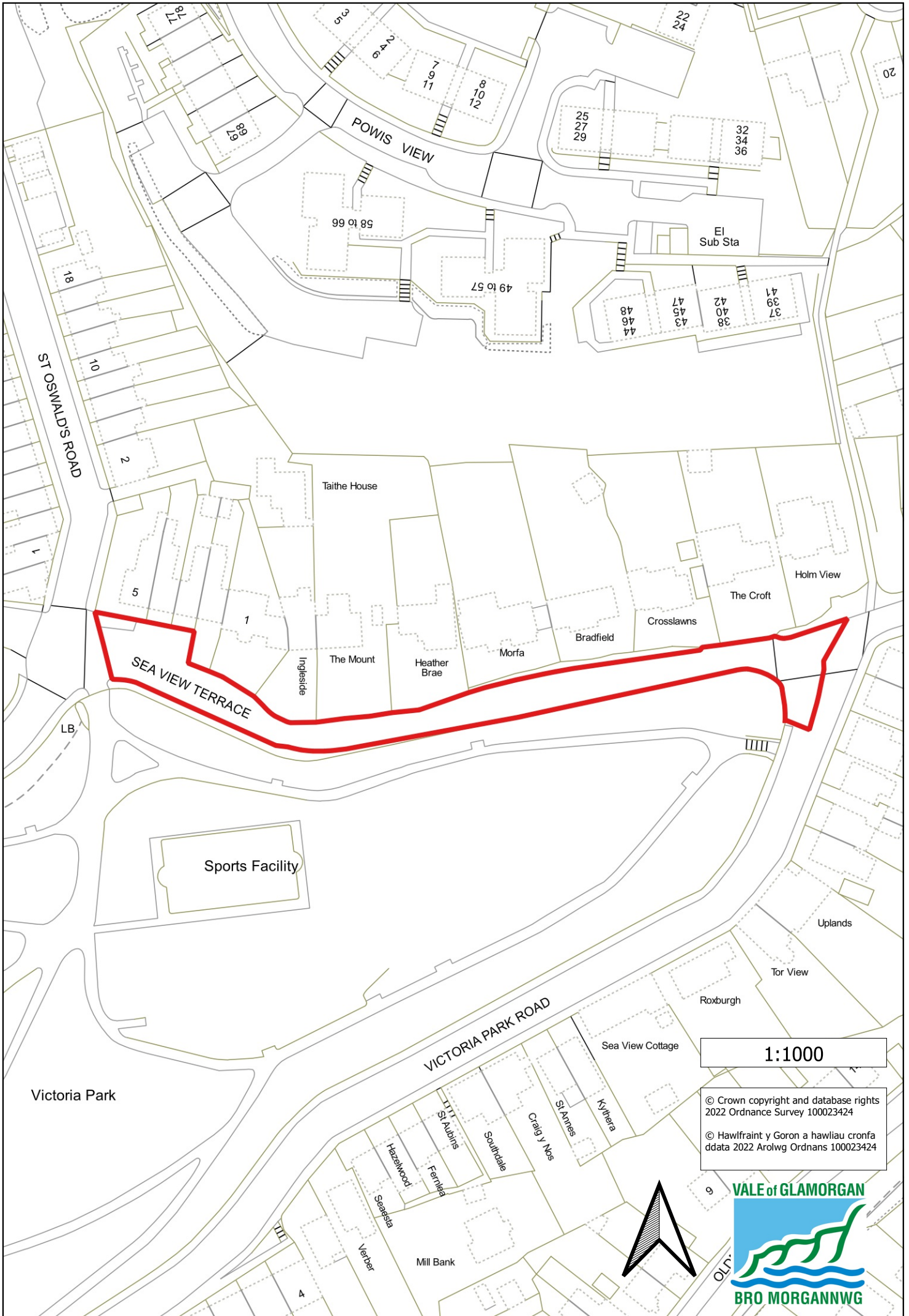
Sports Facility

1:500

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SEA VIEW TERRACE

ST OSWALD'S ROAD

POWIS VIEW

VICTORIA PARK ROAD

Victoria Park

Sports Facility

Tai the House

The Mount

Heather Brae

Morfa

Bradfield

Crosslawns

The Croft

Holm View

Uplands

Tor View

Roxburgh

Sea View Cottage

Mill Bank

Verber

Seesla

Fernlea

Southdale

Craig y Nos

St Annes

Kyltera

St Aubins

Hazalwood

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VALE of GLAMORGAN

