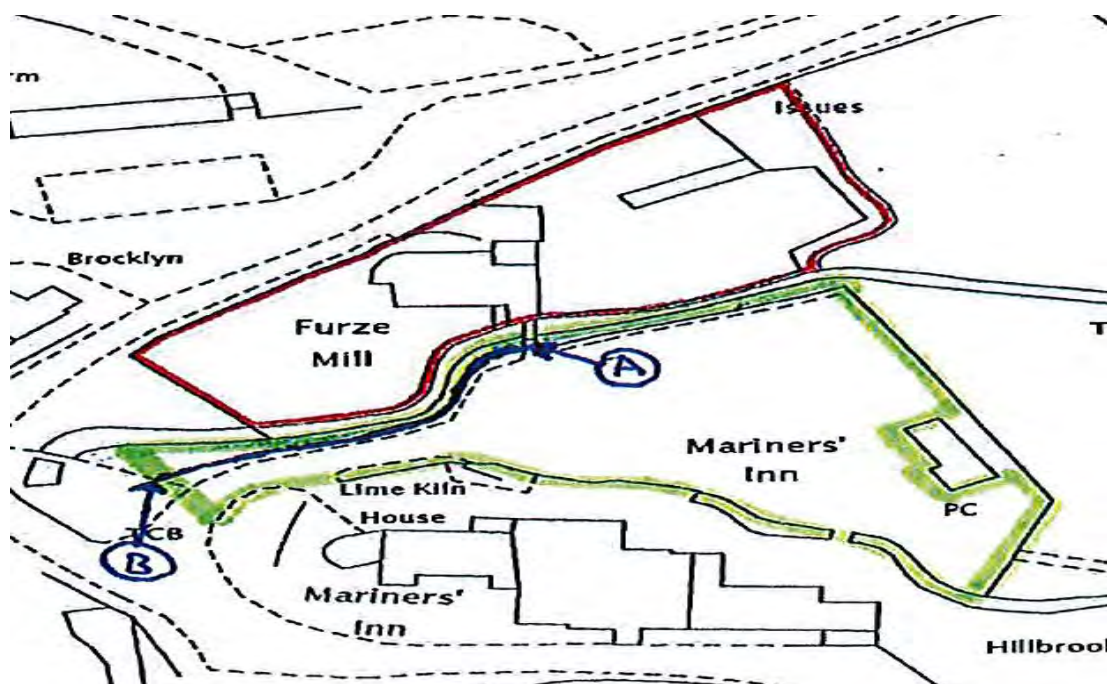


REPORT ON BEHALF OF THE PROPERTY & PROJECTS GROUP

SUBJECT: PROPERTY KNOWN AS 'FURZE MILL' ABUTTING THE AUTHORITY'S CAR PARK AT NOLTON HAVEN

INTRODUCTION

The National Park have owned and operated Nolton Haven car park (shown edged green on the plan below) since the mid 1960's.



During this same period of time the abutting residential dwelling known as Furze Mill (shown edged red) has been in one family's ownership. The boundary between these two ownerships is demarked by a narrow stream. A small pedestrian bridge in the ownership of Furze Mill has been in situ for many, many years and takes support on the Authority's land at the point marked 'A'. The purpose of the bridge is to provide a secondary means of pedestrian only access to Furze Mill. Ancillary to their use of the bridge the owners of Furze Mill have also used that part of the Authority's soft landscaped car park verge marked by the blue line running between 'A' & 'B' as a pedestrian access way. Furze Mill is now being offered for sale and there is currently no written agreement documenting either the presence of the bridge or use of the pedestrian access way. Whilst the exact origins of the bridge are not clear your Officers are satisfied that the owners of Furze Mill could seek to regularise the presence of the bridge and their use of the pedestrian access by way of an application to the Land Registry based on long usage. The alternative is to regularise the situation by application of the Authority's encroachment policy to include express

wording indemnifying this Authority from any liability's arising from the continuing use and presence of the bridge on our land.

Financial, Risk & Compliance Considerations

The Authority's adopted encroachment policy (approved 17th April 2002) authorises the legal transfer of National Park owned land to adjoining property owners in instances where encroachments fall within clearly defined guidelines i.e. the encroachment is longstanding, small scale, does not materially compromise our statutory objectives and does not release significant value to the transferee. Whilst in this instance the transfer of land is not required or recommended, the grant of a new legal interest recognising the right of the bridge to take support from the Authority's land and to have pedestrian access over the Authority's land is. Your Officers are of the opinion that in all other respects the application of the Encroachment Policy as summarised above is appropriate in this instance.

Human Rights/Equality Issues

No issues

Biodiversity Implications/Sustainability Appraisal

No issues

Welsh Language Statement

No issues

Summary

Following negotiations, and with reference to the plan above, provisional agreement has now been reached with the owners of Furze Mill to document a deed of grant over the Authority's land in favour of Furze Mill to regulate the ongoing presence of the bridge on our land at 'A' and the pedestrian access way ancillary to the use of the bridge along the car parks grass verge between 'A' & 'B'.

Recommendation

In accordance with the Adopted Encroachment Policy it is recommended that Members approve the proposed deed of grant to the owners of Furze Mill