

**CHIGWELL PARISH COUNCIL  
OFFICER REPORT- FINANCE AND GOVERNANCE, FULL COUNCIL, COMMUNITY SERVICES  
AND ASSETS COMMITTEE- LAND AT MAYPOLE JUNCTION**

### **1. Purpose of Report**

This report provides Members with a summary of actions undertaken by the Clerk in response to concerns raised by members of the public regarding land located opposite the Maypole junction (Lambourne Road / Gravel Lane, Chigwell).

It sets out the current legal and operational position, clarifies governance considerations, and presents options for formal determination.

### **2. Summary of Issue**

Complaints have been received regarding a perceived lack of maintenance at this location and an assumption that the Parish Council is responsible for the upkeep of the land.

It has been established, and reconfirmed through Land Registry review, that:

- The land is unregistered
- The land is not owned or managed by Chigwell Parish Council
- The land is not adopted by the Parish

Historically, in response to complaints, ad hoc grass cutting has taken place following instruction to officers. This has created an ongoing public expectation that the Parish Council is responsible.

### **3. Risk and Insurance Position**

The Council's insurers (Zurich) have confirmed that undertaking works on land that is not owned or formally managed by the Council may invalidate insurance cover.

Officers have therefore raised concerns regarding:

- Exposure to public liability risk
- Lack of formal control over the land
- Potential for uninsured operational activity

A recent site inspection also identified a number of hazards, including:

- Traffic speed-related infrastructure
- Electrical cabinets/installations
- Telecommunications apparatus
- Presence of a major gas main

These factors significantly increase operational risk, particularly in the absence of insurance cover and formal authority to act.

#### **4. Public Engagement**

The Clerk met with the primary complainant on site to discuss the matter directly.

- The discussion was constructive and understanding of the Council's position
- It was noted that the grass had since been cut, not by the Parish Council

Additionally, the presence of a long-standing Chigwell Parish Council sign at the location appears to have contributed to public misunderstanding regarding ownership.

#### **5. Governance and Asset Register Position**

The land is currently included on the Council's asset register; however:

- This is considered an historical error
- Previous reports identified the need for formal correction

An Asset Disposal/Removal Policy has now been drafted and submitted separately for Member consideration.

Subject to approval, this policy will:

- Enable formal removal of incorrectly recorded assets
- Ensure compliance with proper governance procedures

This report provides supporting context ahead of consideration by the Finance and Governance Committee and subsequent determination by Full Council.

#### **6. Background (April 2024 Review)**

This matter was formally reviewed in April 2024 following officer concerns regarding works being undertaken on non-Parish land.

The agreed position at that time was:

- The land is not within Parish ownership
- Its inclusion on the asset register should be corrected
- Officers should not undertake works on land outside Council ownership without formal resolution
- A formal Asset Disposal/Removal Policy is required prior to amendments

## 7. Actions Undertaken

The Clerk has progressed the matter as follows:

- Confirmed via Land Registry that the land is unregistered (not ownerless)
- Contacted Essex County Council (ECC Highways) to confirm highway status and maintenance responsibility (*response pending*)
- Confirmed Epping Forest District Council does not maintain the land
- Undertaken site inspection confirming:
  - Acceptable grass condition at time of inspection
  - Evidence of informal public use (trodden pathway)
- Identified the site as a road traffic collision hotspot, with previous damage to signage and planting
- Noted previous request to relocate Parish signage onto adjacent EFDC land
- Met with the primary complainant

## 8. Land Status (General Position)

Land shown as uncoloured on Land Registry plans indicates land that is unregistered, not ownerless.

Given the location at a highway junction, there is a strong presumption that the land forms part of the publicly maintainable highway, with responsibility likely resting with Essex County Council under the Highways Act 1980.

## 9. Clarification of “Adoption”

The term “adoption” can refer to two distinct arrangements:

### 9.1 Maintenance Agreement (Non-Ownership)

The Parish may enter into a formal agreement with ECC to undertake maintenance while the land remains in ECC ownership.

- Typically through the Verge Cutting Devolution Scheme
- ECC may make a small financial contribution
- No transfer of land ownership

Characteristics:

- Lower risk
- Limited cost exposure
- Maintenance responsibilities only

### 9.2 Transfer of Ownership (Full Adoption)

ECC would first register the land and then formally transfer ownership to the Parish.

Characteristics:

- Full ownership transferred
- Legal process required
- Higher cost and risk

Implications:

- Legal and Land Registry costs
- Extended timescales (potentially 12 months+)
- Ongoing liability and maintenance obligations

## **10. Infrastructure and Safety Considerations**

The site is understood to contain roadside infrastructure with an active electricity supply.

This introduces additional considerations:

- Involvement of a network operator (e.g. UK Power Networks)
- Presence of energised equipment
- Potential wayleave rights and access requirements
- Increased health and safety obligations

Clarification is required from ECC regarding:

- Ownership of infrastructure
- Maintenance responsibility
- Whether the infrastructure forms part of the adopted highway

## **11. Options for the Council**

Option 1 – Refer to Essex County Council (Lowest Risk)

*(Action already initiated)*

ECC confirms responsibility and includes the land in its maintenance programme.

Advantages:

- No cost to the Parish
- No transfer of liability
- Consistent with governance position

Disadvantages:

- Maintenance limited to safety requirements

## Option 2 – Verge Maintenance Agreement (Moderate Risk)

The Parish enters into a formal maintenance agreement with ECC.

Advantages:

- Improved appearance
- Controlled arrangement
- Primary liability remains with ECC

Disadvantages:

- Ongoing cost and resource implications
- Requires formal agreement and Council approval
- Potential legal and administrative costs
- Implementation may take time

## Option 3 – Transfer of Ownership (Highest Risk)

ECC registers and transfers ownership to the Parish.

Advantages:

- Full control

Disadvantages:

- Significant liabilities, including:
  - Occupiers' liability
  - Highway safety obligations
  - Infrastructure risks (gas and electrical apparatus)
  - Long-term maintenance costs
  - Legal and registration costs
  - Potential third-party rights

There is no clear benefit under this option that could not be achieved through Option 2.

## **12. Operational and Strategic Considerations**

Members should note:

- Limited operational capacity within the Parish
- Only one open spaces operative currently able to drive
- Competing priorities including:
  - Cemetery Action Plan
  - Open spaces management
  - Memorial safety inspections

- Compliance requirements
- Health and safety works (including Victory Hall)
- Continued public expectations regarding grass cutting
- Requirement to adhere to the Council's Biodiversity Policy (March 2026)

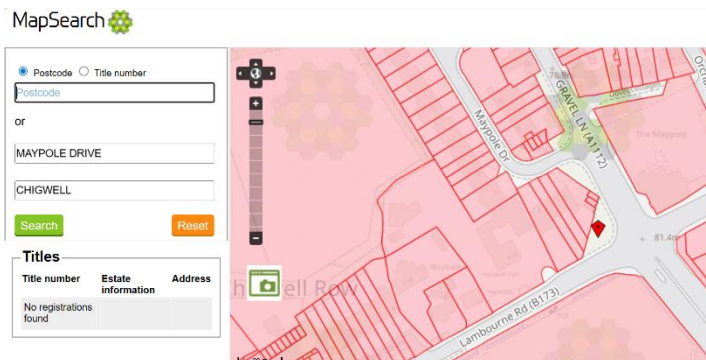
### 13. Clerk's Position

Based on the work undertaken:

1. The matter has been appropriately investigated
2. The Council does not own the land
3. Responsibility should not be assumed without formal resolution
4. Option 1 remains the most appropriate and proportionate course at this stage
5. No works should be undertaken without formal Council approval
6. Any alternative option must be:
  - Fully costed
  - Risk assessed
  - Formally resolved

### 14. Next Steps

- Await formal response from Essex County Council
- Seek clarification regarding highway status and infrastructure
- Consider approval of the Asset Disposal/Removal Policy
- Present to Full Council (25 June 2026) for formal determination



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