

Repairs needed to footpath from Barrett Way to Wroughton Bowls Club

1.0 Introduction

The footpath has areas which have sunk or raised, or which are starting to disintegrate. The Bowls Club raised a concern about the state of the footpath following an accident in 2023 when we are advised that a visitor to the Bowls Club fell over on the footpath and broke their wrist. The details are very vague, we understand the accident occurred on the area owned by the NHS, and as far as we're aware no claim has been made on any organisation. In view of the concerns, Parish Council staff requested a quote for patch repairs to the footpath, which total £6,800 + VAT.

Members are free to have a look at the footpath for themselves. Please also see photos below.



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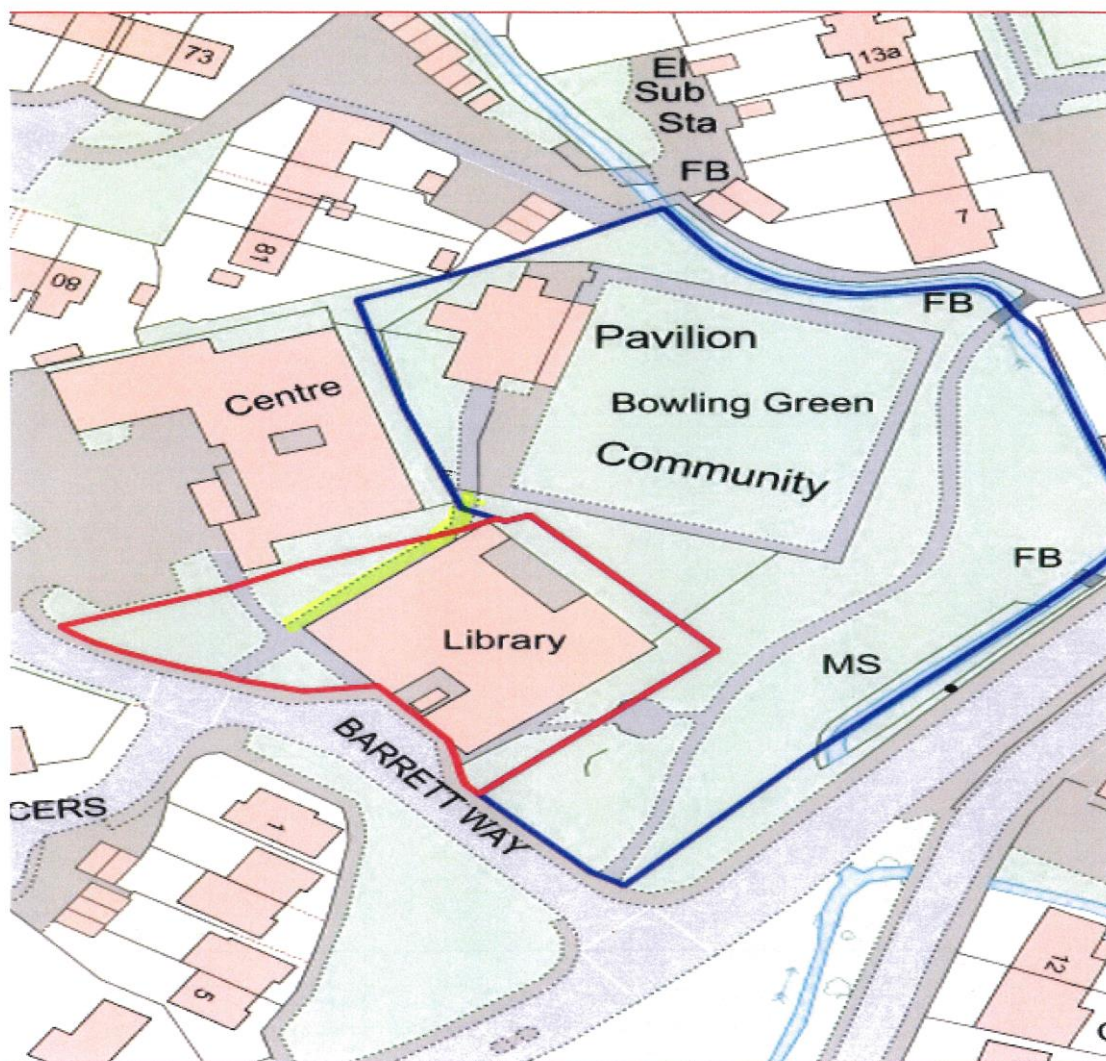
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2.0 Ownership of the footpath

2.1 Please see plan attached below:

- The path is hi-lighted in yellow. This is the stretch between the edge of the pavement to the boundary gate of the Bowls Club. The Bowls Club has the right to use this footpath but it's not part of the land which has been leased to them. On this basis we assume the Bowls Club has no liability for the maintenance of this footpath.
- The blue outline denotes the land leased by SBC to Wroughton Parish Council for the Bowls Club and Willow Brook Garden.
- The red line denotes land leased by SBC to Wroughton Parish Council for the Ellendune Community Centre– the building labelled 'library' is in fact the Ellendune Community Centre.
- You will note that there is a small triangle of land between the blue & red boundary lines. That triangle of land is leased to NHS Property Services.
- SBC Property Services recently advised that the green corner of the Health Centre's triangle is actually SBC's responsibility. It appears from the map they showed the Clerk/ Deputy Clerk this corner is trees/ plants. SBC has not yet provided a copy of that map.





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- 2.2 It has taken months to get responses from the NHS and from SBC to try to understand who is actually responsible for the maintenance of this footpath. This has meant that our understanding has changed several times during this time as more information comes in.
- 2.3 The Deputy Clerk has contacted the NHS via the Health Centre and then NHS Property Services direct (when SBC advised it was the Property Services team who would be the contact for the Health Centre's area of land). NHS Property Services has asked their legal team to look into whether they have any liability for the repairs to the area of footpath on the land which has been leased to them. We are waiting to hear back.
- 2.4 The Clerk has advised that the footpath is not on WPC's asset register because it is not considered to be WPC's responsibility.
- 2.5 WPC has a quote for patch repairs to the footpath but WPC cannot place an order unless it is proved that WPC is responsible for the maintenance and repair of the footpath, or unless WPC decided to maintain it on a without prejudice basis. Wroughton Bowls Club would prefer that the whole footpath be resurfaced, as any areas which are not repaired now, are likely to need replacing at some point in the future. Resurfacing the whole footpath could be a better long-term solution but would be much more expensive in the short term.
- 2.6 The Deputy Clerk has contacted Swindon Borough Council to advise that both the lease for land to the Bowls Club, and the headlease between Wroughton Parish Council and Swindon Borough Council are silent on responsibility for the maintenance and repair for this footpath. As such, we do not believe it can be inferred to be WPC's responsibility. If SBC insists that the responsibility rests with WPC, then we have asked them to advise how they have reached this decision and provide a legal reference to back it up.
- 2.7 We will keep the Committee updated.