

Malmesbury Town Council.

Planning and Environment Committee.

The Maltings Management Company

1. Purpose of the report.

1.1 To give support The Maltings Management Company (**MMC**) in their ongoing discussions with Wiltshire Council (**WC**) over the collapse of the wall between Kings Wall/Burnivale footpath and The Maltings.

2. Background.

2.1 The Maltings is a private estate built on the old Linolite site at the end of Burnivale. It comprises of 32 houses on an unadopted road. All matters relating to the estate are run by a management company comprising of four volunteer residents. The estate was built in the late 1990's.

2.2 As the estate is a private road the **MMC** have kept a detailed account of all conversations with anyone wishing to do any work around the boundaries of the estate.

2.3 Over the course of the last eight years there have been several instances of work being needed to be done to the wall on the boundary that supports the public footpath between Burnivale and Kings wall. These have included sending out someone to inspect the wall as it had developed a bulge in 2013 and being told that they would monitor, a structural engineer from Wessex Water doing a camera inspection in 2014, being informed by this council that a problem had been reported to **WC** via the 'my Wiltshire app', in 2016 **WC** a special investigation was done by the Atkins group, a report that was only seen by **WC** and indeed can not be used by anyone other than **WC** without their express permission.

On none of these occasions have **WC** intermated that any repairs that might be need or any expense for undergoing any of the inspections would require the **MMC** to pay towards the costs.

2.4 Approximately six weeks ago a section of the wall collapsed in the early hours of the morning, this has necessitated the closure of that section of footpath for health and safety reasons. To the complete surprise of the **MMC** the **WC** officers are now saying the wall is the responsibility of the **MMC** and all the major works to repair the wall will fall to them.

2.5 In 2015 a letter was sent to Parvis Khansari (Director of Highways and Environment) as a response to a suggestion from **WC** that the wall was indeed owed by **MMC**, so they should check its status. The **MMC** took legal advice on this matter, which established that it is virtually impossible to establish ownership of the land on which the footpath runs. This was reported back to **WC**, but no response was given by **WC**.

2.6 In 2017 the **MMC** received a letter from Megan Mounty on behalf of Pervis Khansari regarding the wall, which stated 'is one of many similar historic walls currently managed by the council' **WC**, it also stated that ' following concerns raised last year we undertook some minor maintenance', they also undertook two three dimensional surveys of the wall, which found nothing wrong at that time, but proposed to do any further work as and when the need arose.

Again there was no indication that **MMC** would need to pay towards any of these actions by **WC**.

3. Proposal.

It is proposed that we support **MMC** with their ongoing discussions with **WC**, by means of a letter outlining our concerns over how **WC** are dealing with this matter.

4. Risks / Financial Cost.

At present there are no risks or financial costs involved in doing any of the above.

Cllr Philip Exton

1/3/21