



# 2014 WURA SUMMER NEWSLETTER

WELCOMES AND UPLANDS ROAD ASSOCIATION

[WWW.WURA.ORG.UK](http://WWW.WURA.ORG.UK)

## Message from the Chairman

Having exhausted all avenues for obtaining an Out of Court settlement with Arnold Tarmac Ltd., including (reluctantly) giving the Company opportunities to return to the site to carry out remedial work, a claim has recently been lodged with the Technology and Construction Court (TCC) which is part of the High Court, Queens Bench Division. The defendant has withdrawn instructions for their solicitors (Gullands in Maidstone) to continue to act for them and as a result in the last few days we have learned that the formal claim from the TCC has been served directly on Arnold Tarmac Ltd. Our solicitors advise that ATL now have 14 days to acknowledge service of the Claim and if an acknowledgement is received in this period, a further 14 days (or 28 days from the date of issue) is allowed to file a defence. If no defence is filed judgement will be issued against ATL. The question of enforcing the judgement will then arise. Members will be kept informed of progress by email. **Many members still do not seem to have given the Secretary their email addresses** and I would ask that you do so. We can then keep you regularly informed of all developments affecting our roads and the current legal action against ATL.

In the last few weeks c£2,000 has been spent on mending potholes.

Arising from the ATL case is the question of improving the surface water drainage along Welcomes Road. ATL's defence seems to be based on the contention that flood water running down the road removed much of the stone dressing. Our expert states that this is nonsense and would not happen with correctly applied seal and chip otherwise we would have lost the road by now. ATL's best offer was for WURA to advance a further £10,000 and then pay for the completion of the contract in the normal way but this would be conditional upon us first installing gullies every 200 m<sup>2</sup> (40 new drains) before ATL would return to the site. Obviously we could not afford to install a drainage system on the scale required by ATL even if there was any point in doing so. All efforts to get help from either the Local Authority or the City of London Corporation to reduce storm water flows from their land have come to nothing, possibly because of lack of funding but also because of legal considerations.

Although the Committee is examining less expensive ways to improve the disposal of storm water the first step we are taking is to combine twice yearly sweeps with clearance of the existing gullies which tend to block up during the first big storm. We have a very reasonable quote for £490 from Frank Gaskin to do this work (i.e one sweep). To this end I would ask members along Welcomes Road to keep their frontages clear of leaves and other debris including litter to make sure flood water can travel to Valley Road unimpeded. Those fortunate enough to employ gardeners please ensure that they act in a similarly responsible fashion! This should help reduce the instances of flooded garages etc as happened last December. It would also be appreciated if frontagers could make sure their hedges are kept cut back from the road. Narrowing the road in certain places is hazardous to pedestrians. At the moment we are having to write to certain frontagers to do something they ought to be attending to without prompting from us. I notice that the road is very narrow near 5WR. The hedge there is the responsibility of 14 and 16 Kenley Lane who have ignored the several letters we have sent them. I suggest you contact 14 and 16 KL directly if you have an issue with their hedges. Thank you to those of you who are maintaining their hedges!

**Planning and building sites:** Some vexatious building plans continue to come forward and whilst WURA can assist in pointing out to planning dept the ways our roads will be affected by the new development and to encourage contractors and developers to keep to the law on working practices and parking, (continued top right)

## Chairmans remarks continued.

we are not willing to act as a Resident Association and get involved in objecting to planning applications.

Individual residents need to object to plans they do not like as this has more impact than any objections from WURA.

If you have problems with neighbours and/or builders please try to resolve them directly before approaching any of the WURA Committee for help.

**Rate of Road levy:** The last AGM resolved to increase the road levy by 50% with effect from 2015/16. Current annual income is about £11,000 and outgoings on honoraria, sweeps, drain clearing, pothole mending, and verge cleaning cost about the same amount.

This means nothing is being built up in reserve to resurface either Welcomes or Uplands Roads in the future. It cannot be assumed anything will be forthcoming from the current law suit.

**Finally** thank you all those of you who have expressed your views on the ATL fiasco so politely and even sympathetically and for the continued support of my Committee who put so much time in on dealing with road matters.

## Uplands Road

**Morven House:** In 2013 we thought work was nearing completion but in fact the original contractors Farnrise appear to have gone into administration and had been stalling the work. The contract was originally to last 50-60 weeks but in the end reached 120 weeks! A new contractor, Caldera, has now completed the job and very recently we held a positive meeting with the Directors of Morven House who are as keen as we are to restore the overall appearance of the upslope from Welcomes Road. We await quotes for improving this section of the road after which financial compensation for the inconvenience to residents and the exceptional wear and tear on the road will be discussed. Additionally we had a positive response from the Directors regarding restoring the verges and at the time of writing dangerous trees were being removed from the front of the site. New trees will be planted and some landscaping carried out. The waste bins will also be concealed behind a suitable screen.

Thank you for your patience whilst the work was being carried out. The Committee are also grateful to the Morven House Directors for their re- assuring responses to WURA's various requests.



Welcomes Road December 2013

### From the Secretary's desk

As you may have learned from the June 24th 2014 AGM minutes since 2012 a considerable amount of secretarial time has been spent keeping records of all the twists and turns of the legal dispute with Arnold Tarmac Ltd in order to make sure that we are well placed should Court action in the TCC become necessary. Indeed much time has been spent correcting and checking draft letters and claim forms received from our Solicitors, William Graham Law Ltd. More work will probably be needed if ATL file a defence to the formal claim just issued by the TCC as statements will be required from each Committee Member should this situation arise. Statements about the defective works carried out by ATL in 2012 can also be submitted by residents. We will let you know if such statements are needed to strengthen our case.

Apart from the ATL case there is sufficient going on in the WURA zone to keep me busy. This includes writing to road levy defaulters but in addition there are meetings with developers and contractors, correspondence with utilities wishing to dig up our roads, execution of developer agreements, responding to members emails, clearing up storm debris (or helping to), keeping minutes for meetings including Committee and General Meetings, dealing with property conveyances where solicitors seek advice on rights of way over our roads (inc road levy) and generally keeping members informed of developments by email or via the web site. Anyway I am most grateful to members for keeping me occupied and out of mischief.

**Giving me your email address** (if you have not already done so) is more important than ever with so much change going on and bearing in mind that the WURA web site is not updated as frequently as used to be the case because Arnold Tarmac have used it in the past to build their defence against our claim. In addition their solicitors claimed that the adverse comments on the website about their client's work was undermining ATL's ability to get new work. Pending conclusion of our case it was agreed not put anything further concerning ATL on the WURA web site.

### From the Treasurer's desk

There were 19 (8 in 2013) residences overdue with payment of road levies at the time of the AGM totalling £1765.00 (£519) excluding Kearton Close. At the last AGM it was resolved to pursue unpaid arrears through the Small Claims Court, a process we have now begun for those still in arrears. As I write the total figure for arrears is now down to c£700 and the 4 names involved are likely to be hearing from the Court shortly. There is still time to settle!

Thank you to those who have paid up since the AGM.

A sum of £10,417 (budget £46,285) was expended during the year on road maintenance of which, admin costs including insurance, totalled about £3000.

Income was mainly from levies and amounted to £12,150. Cash reserves amounted to £41,918 as at 31 March 2014 slightly more than the 2013 figure. Interest income was only about £300.

The 2014/15 budget assumes expenditure of £15,000, mainly on mending potholes in both roads. The cost of bitumen is rising in line with oil prices which are rising due the instability in the Middle East over which the Treasurer has little control!

The rate of road levy remains unchanged for this year and invoices reflecting the usual rate despatched recently except for those who kindly pay by standing order. However invoices for 2015/6 will be sent out in good time to reflect the 50% increase in the road levy approved at the 2014 AGM. which will bring total levy income to about £17,250.

Please update standing orders to reflect the new rates when you receive these invoices.

### Policy Guidelines for developments in the area

#### **This issue is still on hold but will be addressed.**

Whilst the draft document was approved at the 2012 AGM further feed back from residents afterwards suggested it might be wise to review the document again before putting it up on the web site.

At the AGM it was suggested by one resident that the issue of the Guidelines might have some legal implications for residents as well as people thinking of purchasing in the area but it is emphasised that the document will **not** be legally binding on any resident who can, within the planning laws, do what they wish with their property.

The intention of such a document was to try to maintain a wooded semi rural look to the area by minimising hard landscaping especially along the roadside.

**Further reminder:** Residents are asked also **not** to blow leaves or other debris onto the road as this interferes with the flow of water down the road and blocks drains. The Committee would appreciate it also if residents could keep the channels along their frontages clear to allow surface water to drain along the edges of the road rather than across it. The flooding of some residences in December 2013 might have been avoided or at least lessened had the edges of the road been kept clean.

### Note for Winter

#### **GRIT BINS for location around 40-60 Welcomes Road**

As mentioned in the last Newsletter no location has been found for an extra grit bin. If you live in this zone and could offer a suitable location for a grit bin please contact the Chairman. He will then see if he can get one installed.

No one has come forward since writing the above so it is likely that little or no salt/grit will be applied to the road over this stretch of road next time it snows.

**Whilst on the subject of salt/grit please apply it in sparing quantities as it is very costly and one shovel full per 3 yards of road is quite enough to do the job. Moreover excess salt is damaging to the environment as well as the bottom of your car.**

**Actual gritting rates are:-**

**Before snowfall 14 gms per m2. To clear ice 60-70 gms per m2.**

**I litre will clear 12-15 m2.**







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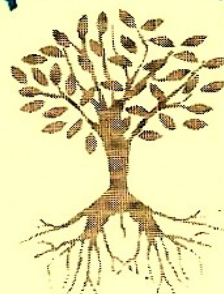
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Uplands Representative Michael Lott

Other useful contacts:

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Another Committee member would be welcome.

**VISIT OUR WEB SITE: [www.wura.org.uk](http://www.wura.org.uk):**

**REGULAR NEWS FLASHES** appear on the web site so please visit it from time to time.

**WURA RESIDENTS DATA BASE:** Please email your phone number and email address, if you have not given it to us, to [weluplandsroads@aol.com](mailto:weluplandsroads@aol.com). This helps us to keep you informed of developments and road works via group emails.

**OFFICIAL DOCUMENTS:** If you cannot access these on the web site please leave your name and address with the Secretary at 12 Zig Zag Road Kenley CR8 5EL and he will make sure you get hard copies delivered to your house.

Currently not being updated for legal reasons.

**NEW RESIDENTS:** A welcome pack will be supplied. Ask the Secretary for one if you have not got one.

**CHANGES OF HOUSE OWNERSHIP AND ROAD LEVY:** If you are selling or have just moved in please remember to advise the Secretary

[weluplandsroads@aol.com](mailto:weluplandsroads@aol.com) or phone 020 8668 7293