

## **RIBBLE VALLEY BOROUGH COUNCIL REPORT TO COMMUNITY SERVICES COMMITTEE**

Agenda Item No.

meeting date: TUESDAY, 28 MAY 2019  
title: CLITHEROE TOWN WELLS  
submitted by: JOHN HEAP - DIRECTOR OF COMMUNITY SERVICES  
principal author: MARK BEVERIDGE - HEAD OF CULTURAL & LEISURE SERVICES

### **1 PURPOSE**

- 1.1 To provide Committee with an update on the issue of the town wells.
- 1.2 Relevance to the Council's ambitions and priorities
  - Community Objectives – To sustain a strong and prosperous Ribble Valley, encompassing our objective to encourage economic development throughout the borough, with a specific emphasis on tourism.

### **2 BACKGROUND**

- 2.1 The three town wells in Clitheroe; Stocks Well (adjacent to the Castle Grounds), the Towns Well (Heild Well), Wellgate and St Mary's Well (Well Terrace), all are capped now. They previously served as a water supply to the town residents.
- 2.2 Ownership of the Wellgate and Well Terrace sites is unknown; Stocks Well may be part of the Borough Council's ownership, although not registered as such with the Land Registry, it is clearly shown in the plans that the Council has, as property of the Corporation of Clitheroe, (1876).
- 2.3 Certain assets of Clitheroe Borough Council transferred, following the 1972 Local Government Act, to the newly formed Ribble Valley Borough Council via the statutory instrument of the Local Authorities (England) (Properties etc) Order 1973. Stocks Well is not specifically referred to but may have been part of this transfer. An application will be made to register the well to establish the position.
- 2.4 The Clitheroe Civic Society has provided the Council with extensive information that they researched from archives. Unfortunately none of this shows definitively who owns the land on which the Wellgate and Well Terrace wells are located.

### **3 THE CURRENT POSITION**

- 3.1 Following the last committee, the Civic Society sought legal advice from a private practice about how ownership of the Heild and St Mary's wells could be established. This has been provided to the Council for review by the Legal Section, who in turn have discussed the advice given with the solicitor who provided it.
- 3.2 The advice given is consistent with advice given by the Council's Legal team. Namely that there are two routes to registration, where no Title Deeds exist: registration based on loss of Title Deeds or adverse possession. For Heild Well and St Mary's well; the evidence suggests that Clitheroe Corporation never owned the land that those two wells are dug in to. The St Mary's Well is shown on the 1876 Map Book but is outside the land edged red which points to the well not being owned by the Clitheroe Corporation. Heild Well is not shown on any map contained within

the 1876 Map Book presumably because Clitheroe Corporation never owned any land near to it.

- 3.3 As the evidence suggests Clitheroe Corporation never owned the land at St Mary's or Heild Well. Any attempt to obtain title to the land by means of an application to the Land Registry based on missing Deeds, when the evidence points towards Clitheroe Corporation never having owned these two wells, would be a deception. On such applications, the applicant has to swear and sign a Statement of Truth that the evidence supplied and stated in the statement is the truth, thus no application of this type could be made by the Council.
- 3.4 In order to apply for registration based on adverse possession the Council would need to show evidence that the Council had taken factual possession of the land, had an intention to possess the land, has done so without the owner's consent, and these conditions have existed for at least 12 years. The Council would not be able to establish this.
- 3.5 The Council's Chief Executive has met representatives of the Civic Society to discuss the legal advice they obtained and the future direction that could be taken with the wells. It was agreed that the wells are an important cultural asset that deserve attention to maximise their value. How that outcome is achieved is the issue.

#### 4. ISSUES

- 4.1 The Council has been in touch with the Heritage Lottery Fund to discuss the options available for funding any works on the wells. As expected, they confirmed that any work on the sites could only be considered for grant funding if ownership was established.
- 4.2 The current state of all three wells is poor from a maintenance perspective; however there is no plan to address this now for the well the Council may own, nor is there budget provision at present.
- 4.3 However, HLF would be willing to consider an application to their small grant fund (up to £10k) from the Council to investigate the scope of work needed to address the maintenance issue for all three wells, in addition to establishing ownership of Heild and St Mary's wells. This could then form the basis of a future bid for a larger sum, which would, assuming the ownership issue is resolved satisfactorily, enable the maintenance issue to be resolved and the interpretation of the wells in terms of the cultural history of the town.

#### 5 RISK ASSESSMENT

The approval of this report may have the following implications:

- Resources – The Council has no budget provision in the current capital budget for any works to the well we may own or the two we do not. If Committee wished to seek a budget for Stocks Well, it would need to submit a bid as part of the capital budget process for 2025/26 or ask Policy and Finance to amend the current budget. There is nothing identified that could be delayed or removed from the Council approved capital programme in place until then.

- Technical, Environmental and Legal – The Council cannot lodge a claim for adverse possession of the two wells where ownership is unknown, because our claim would not meet the criteria set out by the Land Registry.
- Political – Outlined in the report.
- Reputation – The Council potentially only owns Stocks Well adjacent to the Castle grounds. Whilst it is quite clear what the Civic Society are seeking to achieve, at this point that is the only site which may be owned by this Council. Although the Council has powers to carry out work on dangerous structures, these would not extend to the improvements sought by the Civic Society for the two wells with no identified ownership at present.
- Equality & Diversity – No implications identified.

## 6 RECOMMENDED THAT COMMITTEE

Notes the report, and authorises the Director of Community Services to make an application to the HLF for a small grant:

- to establish ownership of St Mary's, and Heild Wells; and
- to determine the scope of works necessary for the future maintenance of all three town wells.



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BACKGROUND PAPERS – None

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Community Services Committee / 28.5.19 / MB