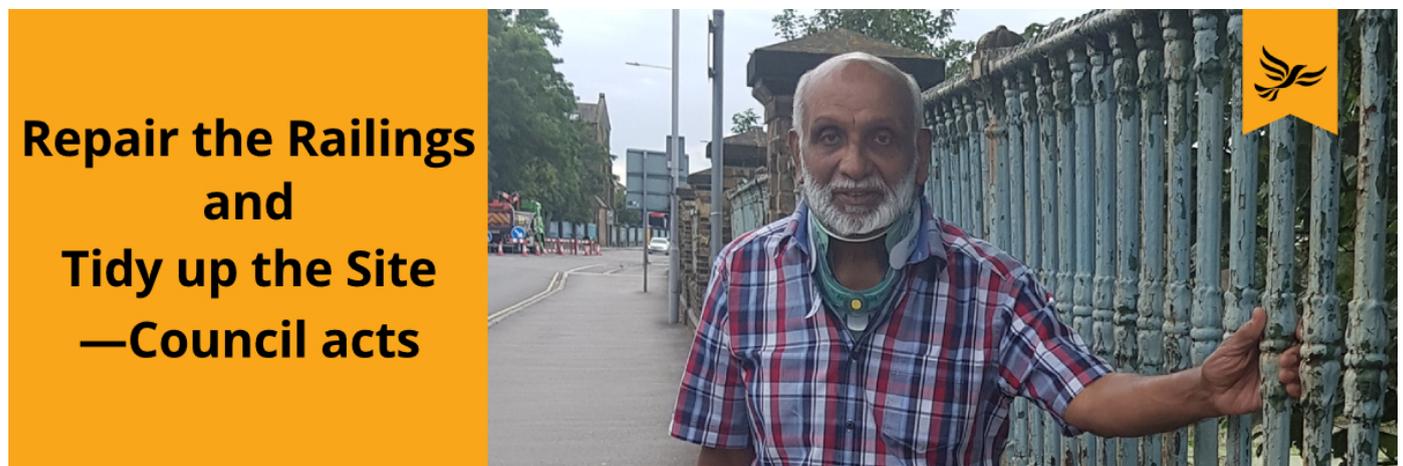


Council takes action on the state of the site

KINGSTON LIBERAL DEMOCRATS | 2021-12-14



On 13th December, Lib Dem run Kingston Council issued a “Section 215” notice to the owners of the Seething Wells Filter Beds site. In short, this legal notice requires the owners to fully repair the locally listed railings and tidy up the site.

“I’m delighted that we have been able to take this action,” says Councillor Yogan Yoganathan (picture above).

“To see the railings restored will help improve the look of the site, whilst we continue to work on protecting the site for nature conservation and heritage preservation.”

What is the Section 215 notice?

A Section 215 notice is part of the Town and Country Planning Act 1990 (as amended by the Planning and Conservation Act 1991), and is issued by the local planning authority (Royal Borough of Kingston upon Thames) to require works to be carried out on private land, where the problem affects the amenity of the site. It is a legal document, and the owners can be fined, through the Magistrates Court, if they do not comply.

What does the notice require of the owners?

The notice is a very detailed list of all the works required to bring the railings up to

standard. This includes:

- removing all vegetation growing in the wall;
- preparing and repainting the railings;
- repairing and re-pointing the brick wall;
- replacing lost finials and cap stones;
- removing all waste, debris and detritus from the site.

See the full details of the required work on Kingston Council's website [HERE](#).

What is the timescale for the works?

The owners have 6 months to complete with the works after the notice comes into effect.

It was issued on 13th December 2021, and comes into effect on 14th January 2022. They can appeal the notice, through the courts, between it being issued and coming into effect.

Why was this not done before?

The railings had to reach a state of major deterioration so that the works could be deemed essential.

At the request of the ward councillors, Council officers have regularly inspected them over many years. Issuing too early would have risked losing an appeal as one of the key appellant reasons could be "the condition does not adversely affect amenity".

The notice was to be issued in early 2020, but the works will require the closing of the pavement and possibly the cycle lane (for safety of pedestrians during the works), and this was not deemed suitable during the need for social distancing caused by the pandemic.

What happens if they do not comply with the notice?

6 months after the effective date (14th July 2022), if the owners have not completed the works, Kingston Council can prosecute through the Magistrates Court. The Court can then fine up to £1,000 initially, then up to £100 for each day following the first conviction (section 216(6)) until the notice is fulfilled.

The Council can also complete the works themselves and charge the cost to the site owners, if necessary putting a charge against any future sale of the site.

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