

# Paper Petition Details

## Stop the Sale of Land in Cherry Avenue & Hold Network Rail to Account

We, the undersigned residents of Langley petition the council to stop the sale of land between no 48 & 49 Cherry Avenue, Langley, and also to hold Network Rail to account for causing a 'statutory nuisance'. The right to a healthy, peaceful environment one's home and to the fundamental human needs of sleep and good health are currently being actively denied to many residents of Cherry Avenue. We call upon the Slough Council to:

1. Close the access to the railway lines between no 48 & 49 Cherry Avenue, (this is also the access for the 12 garages either side of the land).
2. Stop Network Rail and their subcontractor's vehicles from requiring access to Cherry Avenue. a residential cul-de-sac.
3. Contact the Government Legal Department and assist the residents of Cherry Avenue with a 'Communities Right to Bid' to stop the sale of the land between no 48 & 49.
4. Monitor the environment and investigate complaints.
5. Make a judgement as to whether or not the pollution, both noise and atmospheric, constitutes a 'statutory nuisance', and if proved true, to serve abatement orders to those causing the 'nuisance'.

The office of Rail Regulation requires Network Rail to have a sustainability policy but emphasizes that they not do environmental monitoring and that the local authority are the body charged with dealing with environment health problems.

There is an issue and the council are aware, about network rail using a piece of land as an access route to the rail lines behind Cherry Ave and this causing residents nuisance and misery.

This land has always been maintained and looked after by the residents that own the garages either side of it, dating back to as early as 1960's. The land provides a secure play area for the children and is also the access point to the garages.

The issue now is that the land between no 48 & 49 (which we've found out is owned by the Government Legal Department formerly known as the Treasury) is up for sale by Auction (freehold), no doubt Network Rail will express an interest.

The residents are quite concerned that this issue has gone on for so long without a resolution favouring the residents, and even more concerned that the council cannot seem to hold Network Rail to account. The auction is on 8th September.

**This petition was received on 2<sup>nd</sup> September, 2015.**

**This petition was passed to the Principal Asset Manager and Enforcement Team Leader on 3<sup>rd</sup> September, 2015.**

**This petition was responded to by the Enforcement Team Leader (East) on 11<sup>th</sup> September, 2015**

### Final Results

Number of Signatures	106
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## Council Response

I am writing in response to your above paper petition submitted to the Council on Wednesday 2<sup>nd</sup> September, 2015.

Although we have received complaints about noise from work relating to the access point at the garages at Cherry Avenue in the past, the Council has not carried out a full noise investigation. As such we are not in the position to take any formal abatement action in relation to noise or any other issue of nuisance. I have therefore responded to your points accordingly.

1. We do not have the power to close an area of private land. In areas where we have substantial evidence over a given period of time, e.g. 6 months, we may consider gating an area. However, I understand that this has been looked into by Community project officer, Esther Masters and there was not evidence for this. Even if the area was to be gated, Network Rail have advised us that they would still require access.
2. Cherry Avenue is public land and the Council therefore are not legally able to prevent access.
3. I understand that the sale of the land has already been completed and that Network Rail have purchased the land. However, the Council itself would not have been able to nominate an asset of community value. It is the Council's role to access the nomination against the following criteria:
  - How the asset will enhance social wellbeing through alleviating poverty, creating employment, improving health or increase educational attainment and;
  - How the asset will enhance social interests, which includes cultural, recreational and sporting,
  - They have the skills, plans, management structure, resources and finance in place to manage the asset.

Only an eligible 'Community Group' can make a nomination and full details of the nomination/assessment and the nomination form can be found on the Council's website (<http://www.slough.gov.uk/business/land-and-property/asset-of-community-value.aspx>).

4. We will monitor the area in receipt of any noise complaints made in relation to any new issues of noise. The complainant(s) will be asked to complete noise diary sheets which upon receipt, the investigating officer will assess the diary sheets decide whether further monitoring is necessary. Any complaints received will also be discussed with Network Rail to arrive at an early solution if there is a current noise issue.
5. The assessment of the completed noise diary sheets, any monitoring (including any monitoring carried out by a noise recorder if necessary), will determines whether a statutory nuisance exists. If a statutory nuisance does exist, we will consider the most appropriate course of action to abate the nuisance.

I have been liaising with Network Rail and will continue to do so regarding the concerns that the residents have raised. Please be assured that it is our intention to arrive at a solution by working with Network Rail and the residents to ensure that any use of the land does not cause a nuisance.