

Questions, issues and misconceptions related to Burwood Park, BPRL and BG&L

This aims to answer the most frequent questions, issues and misconceptions, which could not be addressed in the annual reports. For more information, please contact the respective membership secretary for your road or any other BPRL committee member. Please register at www.burwoodpark.co.uk to see contact details and to receive future information via e-mails.

What is BPRL?

Burwood Park Residents Ltd is the local residents' association in Burwood Park. Its objectives are to

- preserve the amenities of Burwood Park
- ensure privacy in the Park for the residents
- preserve the value of the properties of members as a whole
- cooperate with BG&L to carry out the schemes and covenants under which the Park has been developed
- and, as far as possible, to ensure that such schemes and covenants are duly carried out.

Who can become a member in BPRL?

Every plot *owner* in Burwood Park can become a shareholder and – subject to having paid the annual dues – can vote at the annual or at extraordinary general meetings. *Tenants* can become members and attend these meetings if they pay the annual dues, but cannot vote. Please use the attached membership application form if you want to join BPRL.

Who “runs” BPRL?

BPRL is managed entirely by a committee of up to ten residents who have volunteered and have been elected at an AGM.

Isn't BPRL just “a bunch of autocratic busy bodies who ignore the wishes of the residents and force their personal agendas on everyone else”?

Unfortunately, there have been disagreements in the past which led to the alienation of some residents. We do want to listen and communicate more. However, we are realistic that there will always be conflicting points of view and that BPRL will never meet the wishes and needs of everyone. There is only so much the committee members can do without turning their volunteer work into a full-time job. As committee members stand for re-election annually, you can always vote any member out and new volunteers in. However, you cannot influence what happens if you are not a paid-up member.

What are the annual dues?

The annual dues have been £100 for many years. This compares to several hundred pounds in similar private estates like Fairmile or Ashley Park and to several thousand pounds in St. George's Hill. For 2011 an increase to £220 (£200 if paid via standing order) has been proposed as need more funds in the future to deliver what the residents want, given that BG&L will only do the minimum they feel obligated to do under the covenants.

What do I get for my annual dues?

BPRL's work is not always visible, but we regularly:

- clear the areas around the entrances
- clean the entrance gates and street signs
- pick-up litter
- operate the bollards
- help residents resolve issues with planning applications and building sites
- answer questions regarding covenants, verges, bonfires, graffiti and noise

- improve the areas around the lakes
- operate the web-site
- deal with incidents caused by dangerous driving
- work with the Neighbourhood Watch organisation
- ensure security for Halloween and Bonfire Nights, and much more.

We work continuously with BG&L so the Park is better maintained.

Who are B&GL, Colin Mayes, Simon Percy and Paul Barnes?

Burhill Golf and Leisure (BG&L) is the successor to the Burhill Estates Company, which started developing Burwood Park in the mid 1920s. It is privately owned, primarily by descendants of the Guinness family, and operates several golf and leisure facilities like the Burhill Golf Club and some marinas. Colin Mayes is the Chief Executive, with a long career in the hotel business. Simon Percy and Paul Barnes have come on board in 2010 as Jim Smith, the previous operations manager retired.

Aren't BG&L obligated to maintain the Park at their cost under the covenants?

BG&L is obligated to “make up and maintain” the roads and as outlined in the Chairman's Report, this can be legally enforced. The question of street-lights is covered only indirectly and BG&L and BPRL disagree on this point. BG&L's obligations regarding the greenways and verges are that those are being “maintained...in such manner as (they) shall think fit and planted or not...as (they) may from time to time determine”. It is entirely up to BG&L how to maintain the rest of the Park. There is *no* reference in the covenants regarding trees, lakes, road and street-signs, litter pick-up, etc. Only the potential liability due to accidents (falling trees, flooding lakes, etc..) determines what BG&L will or will not do.

Who can enforce the covenants?

The covenants are between BG&L and the plot owners. Every owner has the legal right to enforce the obligations established in the covenants, both versus BG&L and versus other owners.

A Chairman's Report mentioned that “covenant restrictions override granted planning permissions”. Can't I go ahead with my building plans once Elmbridge Borough Council has granted planning permission?

No, you cannot. There have been several decisions by the Land Tribunal/High Court which clearly state that developments need to conform to existing covenants and that residents have a right to expect that covenants are adhered to/enforced. Elmbridge Borough Council has also confirmed that civil matters like covenants do override planning permission. The covenants specify that no building or alteration work can be done in Burwood Park unless the plans have been approved by BG&L. The same applies to garden walls and fences (and thus gates). Any building work, garden wall (gate) and fence which has not been approved by B&GL is clearly in violation of the covenants, regardless of a granted planning permission (or if such permission is not required). Both BG&L and any resident have the right to start proceedings to have the covenants upheld.

How do we deal with vehicles parking along parts of Eriswell Road and adjacent to building sites, both of which are becoming more and more of a problem?

As Burwood Park is a private estate, unauthorised parking (i.e. not approved by BG&L as landowner) is an act of trespass and should be challenged. Please talk to the respective driver, the building-site manager and the neighbours involved. Inform BG&L if the problem continues. We are also working with BG&L how to rebuild the verges along parts of Eriswell Road and install plants/low level rails to prevent parking there.

Can residents put stones on the verges to prevent vehicles damaging them?

The verges are owned by BG&L. While they have so far tolerated this practice, BG&L will hold the party who placed these stones or other obstacles on a verge liable in case of an accident.

Whom do I contact if I have an issue with my neighbours, builders or anything else in Burwood Park?

Your first step should always be to discuss the matter with the neighbours, builders or any other people involved. We hope that residents will treat each other with respect and will work issues out themselves. As mentioned above, every resident has obligations under the covenants and has the right to expect that the covenants are upheld. While we hope that this will not be necessary, they can take (legal) action to enforce the covenants not only against BG&L but against other residents. If you fail to resolve the problem you can - depending on the issue - contact BG&L and/or the respective authorities (e.g. Elmbridge Borough Council, Surrey Police). BPRL is very willing to give advice and to provide help if needed, but please understand that your committee cannot sort out every problem.

There have been several accidents caused by speeding cars. How can we reduce speeding?

Any measures are up to BG&L as owners of the roads. BPRL shares their concerns about the number of cars speeding and the risk of further accidents. We are considering conducting speed surveys to assess the extent of this issue. We will not install speed-humps as they are not the solution to this problem and residents clearly voted against them at the 2009 AGM. "Squeeze-points" to calm traffic could be considered for the future.

The bollard report mentions 22 accidents in 2009. How can those be avoided? Couldn't the bollards be programmed differently so that they stop when a car is above them?

Every single bollard accident in 2009 was caused by drivers ignoring the red traffic light. NEVER CROSS WHEN THE LIGHT IS RED! The bollards do stop when they touch something, but by that time it is too late. Extending the time they stay down would increase the accident rate as this encourages cars to tail-gate/cross. Having the bollards retract automatically each time they sense a car close by defeats their purpose as it would allow anyone to enter. BPRL is exploring the cost and benefits of replacing the bollards with rising arms, which may cause less damage, are easier to repair and are more visible. Any changes will be put up for vote at a future AGM.

What were the results of the survey BPRL conducted in September 2009?

207 completed responses were returned. Regarding the future management of the estate

- 9% wanted no change
- 41% voted for taking over completely
- 40% for a "middle-ground" and 10% had no point of view/wanted more information.

The top five choices on where to spend BPRL funds were:

- street-lights (78%)
- road-signs (60%)
- lakes (52%)
- litter pick-up (46%)
- and a security guard at the Sir Richard Bridge entrance (34%).

The majority of residents is willing to contribute more in annual fees:

- £250 by 40%
- £500 by 19%
- £750 by 9%
- more than £1000 by 13%.

Only 10% wanted to contribute no more than current (£100) and 9% had no point of view/wanted more information before deciding. Many stated the need for *all* residents to contribute to BPRL.

48% requested more meetings beyond the AGM (33% wanted one more meeting, 15% two-three more). 38% found the AGM to be sufficient and 14% had no opinion on this.

How does the set-up of Burwood Park differ from other private estates in the area?

Each estate has its own history, covenants and management set-up which regulate the obligations of the residents and the respective owners of the common land and/or original land-owner. Burwood Park and Fairmile Estate are unique as they currently do not require residents to contribute to the maintenance of their Estates. They were created by the Guinness family as a benevolent scheme, which promised that the area would be “maintained forever” as they “set aside a portion of the purchase money to provide for its upkeep”. *Please contact BPRL if your family still has an original purchase contract covering the sale from Burhill Estates to the first owner as such contracts could be very useful to enforce this promise!* Ashley Park was set-up with an obligation for each owner to pay towards the maintenance of their roads and common areas. When the Crown Estate offered to sell the freeholds to leaseholders, a similar obligation was added. In St. George's Hill an Act of Parliament was used to establish such an obligation.

So what has changed? Hasn't BG&L made millions of pounds from selling the remaining plots and developing them with Octagon, which they should be reinvesting in Burwood Park or providing as a start-up fund for the residents taking over their obligations?

We have been asking the same question! BG&L claims that the Guinness family no longer sees itself in a benevolent role for this area. BG&L is running a business where gains in one area may be reinvested elsewhere. BPRL does not agree with this. We continue to discuss this with BG&L and plan to bring this issue to their shareholders one day as the financial set-up of any new scheme is fundamental to any changes.

How much would it cost to run Burwood Park on our own?

We have drawn up a preliminary budget and also worked on it with BG&L. Assuming that BG&L will repair all roads and guarantee them for ten years - as they have indicated - and that we would engage a professional estate management company to run all aspects of Burwood Park (as this cannot be done by BPRL volunteers), the annual cost for each plot could be around £700-800 or about £2 per day. This is based on the following assumptions, all subject to further refinement:

<u>Budget Item</u>	<u>Annual Cost £</u>	<u>Comments</u>
Road Sinking Fund	120,000.00	£ 1.2 million over 10 years
Road Repairs	10,000.00	In-between repairs
Road Drainage	12,000.00	cleaning and repair
Road Sweeping	6,000.00	£500/month
Street-Lights Electricity	2,000.00	as per BG&L invoices adjusted for price increases
Street Lights Maintenance	2,500.00	as per BG&L invoices adjusted for price increases
Street Lights Replacement Fund	7,000.00	3 posts per year
Bollards Budget (net of £15K in tag sales)	0.00	bollard cost funded by tags (break-even)
Street Name Signs (repair & replace)	2,000.00	replacement value in 10 yrs = £ 10K plus annual repair cost
Traffic Signs	2,000.00	replacement and repair cost
Tree Maintenance	10,000.00	initial estimate
Tree Replanting Fund	5,000.00	initial estimate
Landscaping	7,000.00	on-going landscaping/flower planting
Grass Cutting	5,600.00	2 x per month for 7 months @ £ 400
Lake Maintenance	10,000.00	based on meeting with HE&S
Ditch Grilles Inspection/clearance	7,200.00	£ 250/month / 3 men for 1 week (40hours), 3 times per year @ £20h
Litter Clean-up/Removal of fly-tipping	3,400.00	litter clean-up £200/month, £1000 to remove fly-tipping
Cleaning of gates	1,000.00	paid to I. Marklew
Administration & Estate Mgmt Cost	45,000.00	based on mtg with HE&S
Insurance	5,000.00	current cost x 2 given extra tasks
Audit Cost	5,000.00	initial estimate
Legal Cost	30,000.00	subject to on-going legal work needed
Sewage System	N/A	to be resolved with BG&L
Reserve	29,770.00	10% of above
TOTAL	327,470.00	based on 375 plots and 100% membership
Income from Re-builds	-40,000.00	average over several years as per BG&L
NET TOTAL	287,470.00	
Annual Cost per plot	766.59	based on 375 plots and 100% membership

Have you explored other options to increase income and /or to reduce cost so that the annual dues can be lowered?

A: Yes. We will ask BG&L for a lump-sum contribution to release them from their enduring obligations. Fees for approving new builds/alterations and charges for builders can be increased to the level of other estates. Residents can vote every year on the budget and where to reduce or increase spending.

Why does the budget not contain a security guard at the Sir Richard Bridge entrance, which was among the top five items residents voted for in the survey?

We have reviewed this extensively with St. George's Hill, Alliance Security and Surrey Police Crime Reduction Officer for Elmbridge. The overwhelming consensus is that the actual role of a security guard (an investment of some £75-100K or more) is to control and manage access, primarily for builders/construction vehicles and visitors, but not to enhance security. Criminals know that they can still gain access and private security patrols will not be at the right place at the right time and have no legal powers. If there is a crime, dialling 999 is the only option!

What about more CCTV, at least a camera at Sir Richard Bridge?

CCTV captures the movement of vehicles and people and helps to investigate incidents, but cannot be used to prosecute unless criminals are filmed committing a crime. Limited lighting also makes CCTV useless. We thus do not propose pursuing this right now.

How can we ensure that all residents contribute to such a budget one day?

We need to create a binding obligation for all owners and their successors. There is no clear legal strategy available to enforce this as an Act of Parliament is unlikely and very costly. We can utilise various approaches as outlined in the Chairman's Report, but ultimately this can only be achieved by each owner signing up voluntarily.

Can you make the new web-site www.burwoodpark.co.uk easier to use? I don't want to log in every time.

We are working to make most parts of the web-site "open" without the need to log in (except the discussion forum and access to restricted information like AGM minutes). In addition we hope to improve the layout and site menu so that it becomes clearer where you can find what you are looking for. As we depend on volunteers to make this happen, this is unfortunately taken longer than expected. Please let us know of any web-site programmer who could help us!

Can you communicate more via e-mail?

Yes, but only if you have registered on www.burwoodpark.co.uk and provided us with your e-mail address.

What is new from Neighbourhood Watch and how can I contact them?

There have been 29 incidents, primarily thefts, in 2009 and 26 in 2010 in Burwood Park, primarily thefts from residences/garden sheds, building sites and vehicles.

Residents are reminded to lock their properties and not leave garages open or cars on driveways with property visible through the car windows. Criminals tend to check regular household movements, such as trips to the train station and whether you are away. Please do not help them by signalling your absence.

Your NHW contacts are:

- Albury Road, Eriswell Crescent, Patmore Lane, plus 3 new houses adjacent to no 29: Shirley King (ShirleyKing@sky.com; Tel. 240 840)
- Broadwater/2A/3 Eriswell: Beverly Schjelderup (bschjelderup@hotmail.co.uk; Tel. 245 113 or 232 908)

- Chargate, Pond Close, 6-23 (odd no.s) Eriswell Road: Michael Hall (Michael@michaelhallwines.co.uk; Tel. 248 830)
- Cranley Road 2-12 (even no.s), Farmleigh Grove, 2, 2a, 22, 24 Eriswell Road, Kelvedon Avenue: Mike Flynn (M_FLYNN2@sky.com; Tel. 227 431)
- Ince Road: Sally Katz (Tel. 230434)
- Manor House Drive: Clare Wright (Tel. 223 697)
- Onslow Road, Kilrue Lane: Gerald Drape (drapergerald3@google.com; Tel.228 612)
- The Quillot, 5 Cranley Road, 14-30 (even no.s) Cranley Rd: coordinator needed, interim: Mike Flynn (M_FLYNN2@sky.com; Tel. 227 431)

Please call 999 in any emergency (if someone's life is in danger, there is a risk of violence/serious assault or a crime is in progress). Otherwise, call 0845 125 222 and ask for an incident number. Our neighbourhood PCSO, Zlata Hawkins, regularly walks around the Park and Surrey Police also carry out patrols in marked and unmarked cars.

I have heard that BPRL is considering changing the articles of the company. Why?

This is on our to-do-list, but frankly we have not attended to this yet (and may not for a while). The current articles are confusing, sometimes contradictory and could be simplified in several areas (e.g. the role of associate members, process of share transfers, rules for committee and AGM/EGM, term-limits). Any changes will be duly proposed and voted upon.