

Elmer Sands Private Estate

A Guide to the Management of the Estate
Members' Code of Conduct

(Updated October 2023)

INDEX

Welcome	3
Registration & Membership	3
Estate Management & Fee.....	4
Responsibilities of Company Officers & Contractors	5
Annual Membership Expenditure.....	5
Facilities for Members	6
Issues for Members to be aware of	6
Parking Policy.....	8
Property Development	11
Businesses/Holiday letting.....	11
Permitted Access.....	12
Additional Information.....	13
Communication with Members	14
Contacts.....	15
Summary	16

We wish you a warm welcome to Elmer Sands Private Estate

This booklet aims to provide new residents with a simple guide to the way the Estate is managed. It incorporates the general Rules and Policies of the Company and Members' Code of Conduct.

If there is anything you would like to know please contact our Secretary (details at the end of this booklet)

The Estate is served by a Private Limited Company Elmer Sands Limited (ESL):

The Company can have up to fifteen voluntary Directors on its Council at any one time. The Directors are a cross-section of Elmer Sands resident Members, elected by the Membership and they retire by rotation. Directors have a common interest in protecting our assets and keeping the Estate well managed and maintained.

The Directors meet regularly throughout the year to discuss Council business and vote on a wide variety of proposals, splitting into working groups to focus on specific issues eg general maintenance, road repairs, sea defences, drainage, planning and development.

Registration of Your Property and Membership to Elmer Sands Ltd:

New residents need to register their property for Membership to ESL by completing a simple Registration Form available from the Company website or Estate Office.

Members pay an Annual Estate Management Fee per household to finance the management and maintenance of the Elmer Sands Private Estate, including the running of the Limited Company (ESL) established to protect the rights and interests of its members.

Members have the right to vote at General Meetings and stand for Council. They have access to our secretary to assist with any issues or enquiries they may have. Every paid-up Member is a member of Elmer Sands Limited, which is a company limited by guarantee. Identification badges (windscreen stickers) are issued to members,

and they are provided with a copy of the Company's Articles of Association and Annual Report & Accounts.

Summaries of Estate Management and Minutes of General Meetings are made available via our Notice Boards and the Company's Website.

As with most private estates, the maintenance of Elmer Sands relies almost entirely on finance from its own residents. There is no regular funding from the Local Authorities other than what is covered by Council Tax payments eg refuse collection and dog waste disposal. Occasionally the ESL Council applies for Local Government and Environment Agency grants to carry out specific projects eg sea defence and flood relief projects.

ESL Members are collectively contributing to the maintenance and management of the Estate. As property owners here, we are lucky that the Management fees remain low and that we can rely on an established team of volunteers, employees, and contractors to manage our Estate and secure our assets.

If you do not register for Membership to ESL:

Solicitors and Agents require that Membership to ESL is fully paid up to date before any sale of property proceeds.

If the annual Estate Management fee is not paid for your property, you may be required by law to pay for road and drainage maintenance separately in accordance with the title deeds and covenants attached to your property.

Property owners without Membership are not invited to use the facilities funded and maintained by the Members. These include the playing field, toddlers' playground, beach access, communal gardens, boat storage and launching facilities. Concessions for parking do not apply to non-members.

The Estate Management & Maintenance Fees:

The fees are reviewed annually and are due by 31st January for the current year. ESL has set up various payment options for Members: monthly direct debit, fast transfer, cheque or cash. ESL is flexible with

instalment terms to assist Members when needed and there is also a prompt payment discount scheme. Full details can be found on the Company website or by contacting our secretary.

How the Annual Management fee is spent:

The Company employs a **Company Secretary and Treasurer** to carry out essential services for the Company.

The Company engages the regular services of **Grounds Maintenance and Gardening Contractors, a Parking Management Company, Security Guarding, Solicitor and Accountant.**

Additional contractors are hired to carry out specific maintenance work such as road and drain repairs as required.

All other duties, including those of the ESL Chairman and Directors are voluntary.

The Company Secretary is responsible for keeping the Company's statutory records and filing reports with Companies House; administering meetings; dealing with all Company correspondence and enquiries, formal documentation, and administration, including the collection and management of membership fees and record keeping. Our secretary lives on the Estate and Members have access to her to answer their queries and help them deal with a variety of issues.

The Treasurer ensures the correct running of the Company finances, monitors cash flow and investments and provides a monthly report to the Council. The Treasurer also keeps the Company Books and prepares Annual Accounts.

The Grounds and Garden Maintenance Contractors are responsible for seasonal grass cutting of all communal areas, maintaining our gardens and other general maintenance jobs (eg fencing, painting, clearing gullies, weeding, tree and shrub pruning etc.).

Security Guarding: When ESL considers it necessary, a security company is contracted to guard the entrances to the Estate during busy Bank Holiday and Summer weekends to prevent unauthorised visitors from gaining access to park vehicles.

Parking Management Company: ESL contracts a company to issue parking charges in accordance with the contractor's terms and ESL rules (full details available from our secretary or Company website). This service was introduced to reduce the occurrence of day visitors parking on our estate.

Communal Facilities: There is a toddlers' playground and a large recreation area with basketball and goal posts for use by Members and their families. An easily accessible sundeck with seating and a wide view of the sea is located behind our seaside garden which is designed with a picnic area and boules terrain and is also a thriving habitat for wildlife and seaside plants. There is an allocated disabled parking space by the garden with beach access for Members (please note that both an ESL Badge and a Disability Badge must be displayed when using this parking space).

Boat Storage and Launching Facilities: The Estate has its own unique Boating and Angling Club with a small Club House, boat berths, storage and launching for use by ESL Members and their families.

Elmer Sands Boating & Angling Club (**ESBAC**) operates from the boat compound adjacent to the beach. The Club manages the launching of craft to strict safety guidelines with restrictions on the size of boats and types of craft allowed. For safety reasons, jet skis are prohibited from launching anywhere on the Estate.

Events and Social Activities: ESL organises a range of social events for ESL members, children and their guests, details of which are published on the Estate notice boards, website and community Facebook.

Specific issues for Members to be aware of:

Essential Drainage: There are virtually no pavements or kerbs on the Estate and not all the roads on the Estate have surface water drains. The grass verges are one of the most important forms of surface water drainage and ESL is committed to preserving them. In 2010 ESL updated the majority of the Estate's surface water drainage pipework to modern standards and some new systems were installed in 2019. Every year ESL carries out a thorough jetting of the pipework and

gullies and additional essential repairs or installation of new pipes in specific areas.

Sea Defences: The ESL Council works very closely with the Environment Agency (EA) to ensure essential routine maintenance takes place. In 2019/2020 the EA completed a large-scale project to re-profile the Beach and Sea Defences. The project was jointly funded by ESL, Arun District Council (ADC) and the EA.

Ownership of Roadways, Grass Verges and Common Areas: The verges, roadways, and common areas such as the play areas are all owned by and formally registered to Elmer Sands Ltd.

Maintenance of Verges: Rather than contracting our Groundsman to mow every individual verge, homeowners are asked to maintain the grass verges abutting their own properties. This keeps the overall maintenance fees low and allows for individual standards for grass cutting and design of frontages. Homeowners are also expected to keep frontages tidy and in good condition eg to contain drive/accessway stones and shingle within boundaries. Any damage to the soft verges caused by activity at the property must be repaired by the homeowner/occupier.

Verge Protectors: There are a variety of bollards and posts on the verges throughout the Estate. Some of these have been installed by ESL and others by Members. Members are permitted to install protectors in verges abutting their own property. These can be of any individual design and choice but must be visible in the dark eg white or with reflectors. They should not be placed immediately next to the road edge or in a position that impedes access for a neighbouring property. ESL promotes the use of natural materials where possible.

Planting on Verges: Members wishing to plant a tree or trees on the verge abutting their property must request permission from ESL as the landowner. A licence will be issued before any planting takes place.

Wildflower Strips: The ESL Council supports the addition of wild flowers within the grass verges but these smaller areas must be managed and cut around without letting them grow over or become untidy.

Skips & Materials on Verges: Homeowners must seek permission from ESL to site a temporary skip on the grass verge. Building materials may only be placed on verges with the express permission of ESL under a Development Agreement.

Frontages of Properties: In order to maintain the attractive and unique environment of the Estate, Members are asked to keep their frontage in a reasonable state of repair and order and to consider the street scene and impact on others around them.

Use of Pesticides: The ESL Policy is not to use pesticides for maintenance of the Estate's communal facilities. Members are encouraged not to use pesticides on their own land, slug pellets or other substances that are detrimental to wildlife and the environment.

ESL PARKING POLICY

General Principle: There is a general principle, based on restrictive covenants and practical considerations, that parking on ESL roads and verges is not permitted (except in emergencies) **subject to the concessions set out below:**

ESL Roads and Verges: One of the most important issues concerns parking on the Estate roads and grass verges. The primary concerns are safety (in particular, access for emergency vehicles, safety for pedestrians, children and pets), drainage and damage to roads and verges. Persistent parking on roads chews up the edges of the tarmac and it breaks away because there is no kerb to protect it. This type of damage has a considerable effect on the efficiency of drainage and creates costly road repairs. As regards parking on grass verges, this can cause damage to the verges particularly when they are soft due to wet weather.

Concessions for ESL members and their Guests ONLY:

1. ESL Members and their guests may park cars on ESL roadways and verges for a limited period of up to three days but only when necessary and there is no alternative. If parking under this concession would block or impair pedestrian access (eg where there is a footpath) this concession does not apply.

2. ESL Members may also park domestic vehicles on hard-standing drives/accessways across the ESL verges BUT only when there is no space that could be used within the boundary of the property. If parking under this concession would block or impair pedestrian access (eg where there is a footpath) this concession does not apply. This concession also does not apply to motorhomes, caravans, commercial vehicles, and vehicles with a Statutory Off-Road Notification (SORN).

ESL Members must make good any damage caused by parking under 1 or 2 above. ESL reserves the right to repair any such damage and recover the cost from the Member concerned.

Parking Charges: ESL contracts a Parking Management Company to issue charges in accordance with their terms and conditions, which align with non-compliance of ESL rules. In particular, charges will be issued where there are yellow lines, hatching and misuse of disabled space. All areas with One Parking Solution (OPS) signage apply.

Parking for Property Development: If additional parking is required during a development, members must enter into a Development Agreement with ESL which may include provision for extra parking. Members are expected to keep additional parking to a minimum and consider neighbouring properties, road safety, and access. No services or trade vehicles should be left on the roadway or verges overnight.

Parking within Property Boundaries: Members should familiarise themselves with the Parking Restrictions within their Title Deeds and adhere to these.

Ideally all regular parking must be contained within the property boundary. Issues to consider are, for example, causing obstruction to other road users, blocking views and general road safety.

Motorhomes, Caravans, Commercial Vehicles, SORN Vehicles:

Many property deeds on our estate contain a restrictive covenant excluding the siting of mobile homes at properties. ESL therefore encourages owners of motorhomes, caravans, and commercial vehicles, where possible, to park them away from the Estate.

If such vehicles are parked on the Estate, they should be parked as closely as possible to the wall of the house or bungalow to avoid overlapping onto the verges and roads.

There is no concession given for the occupation of moveable accommodation on the Estate.

The concession given to members to park their cars on their drives/accessways does not apply to motorhomes, caravans, commercial vehicles and SORN vehicles.

ESL reserves the right to take legal action against members whose motorhomes, caravans, commercial vehicles and SORN vehicles infringe these parking rules.

Alterations to Drive Accessways: If Members wish to utilise Company land eg a section of the grass verge to widen or otherwise change their access over ESL land, they must first submit an application to ESL and adhere to certain guidelines. ESL and the member concerned will then complete and sign an Access Alteration Agreement. Making such alterations does not give Members any rights over ESL land apart from a right of access (eg other Members may walk across driveways/accessways).

Artificial Grass: In the interests of the environment and to maintain the unique street scene, the ESL Council has agreed a new Policy preventing the use of artificial grass as part of any access alteration incorporating ESL land. Members are also encouraged not to use artificial grass within their own land.

Useable Space to Park: Members must clear or convert their own land for additional parking rather than leave vehicles across the verges or roadways under the concessions above.

The unique sight of clear roads and wide grass verges enhances the living environment for everyone and makes the Estate a safer place to be. ESL strives to manage the land and compliance with rules to maintain this uniqueness.

Scrap Metal: Members wishing to clear scrap metal and scrapped vehicles from their property should contact the Estate Office for details

of a free collection service available within the Estate (percentage of proceeds donated to charity).

Second Hand Items: Residents of the Estate occasionally put out unwanted household items on the verges for others to collect and re-use. Whilst ESL does not intend to prevent this practice, items should not be left out uncollected for long periods or cause a hazard.

Property Development: If a homeowner undertakes development to a property that may result in encroachment on the ESL verge (eg heavy plant, storage of materials, additional parking, delivery of materials, blocking access or any other activity that could cause disruption), permission must be sought from ESL in advance of the work. It is the responsibility of the homeowner to reinstate any damage caused to the verges and/or roads. Property owners are required to sign a 'Development Agreement' and to comply with the Estate's Site Requirements. Details are available on the Company Website or from our secretary. In accordance with the restrictive covenants stated in property deeds, the occupation of moveable accommodation such as static caravans, is not permitted for developments.

Businesses: Running a business from the Estate is in breach of the restrictive covenants attached to many properties and ESL reserves the right to take legal action against homeowners for a breach of these covenants (e.g. goods vehicles or clients coming and going on a regular basis, parking on the roads, storage of materials, etc.) particularly where the breach causes nuisance, disruption, or damage to ESL property or to other Members or their property. Any nuisance, disturbance, or suspected change of use for business should be reported directly to Arun District Council.

Holiday Letting: The letting of properties for holidays, whether privately or through an Agent such as Airbnb, should not impinge on the rights of Members and their quiet enjoyment of the Estate. Members are encouraged to report incidents to the relevant authorities (Arun District Environmental Health for noise nuisance and the Police for anti-social behaviour) and to submit complaints directly to the letting Agent. Reports sent to the ESL Secretary will be passed to the property owner. In some cases, and where necessary restrictions for businesses will be formally followed up as stated above.

Working from Home: The ESL Council acknowledges that many residents are working from home. This practice must not negatively impact on neighbouring properties.

Access to the Estate: Elmer Sands is a private estate, but there are two public footpaths running through it.

Public Footpaths:

1. Via the Manor Way entrance, briefly along Sea Way and out behind the boat yard facility.

2. Via The Layne entrance and out through the Estate into Kingsmead Road. There are currently no other public access areas on the Estate.

Public Footpath Entrance West end of Ancton Way: This wide entrance is maintained for use by mobility vehicles, wheelchairs, pushchairs, etc. For safety reasons no other vehicles are allowed through this access point. Security monitoring is taking place at this location.

England Coast Path – Natural England: The England Coast Path is designed to give the public increased access to the coast. This route passes up to the beach between the Elmer Sands seaside garden and the playing field and then east along the pathway at the top of the sea defence.

Horses: Whilst ESL seeks to deter non-resident horse riders from accessing the Estate, resident horse riders have rights of access over the Estate roads on horseback. Riders should take responsibility to clear manure from the roadway when safe to do so, alternatively residents may wish to collect it as fertiliser for their gardens.

Annual Entrance Closure: To maintain private estate status, the entrances of the Estate are closed to the public for a minimum of one day every year.

Beach Access: There is no public parking for access to the beach. No vehicles are permitted to access the beach without prior consent of ESL, other than the emergency services.

Neighbourhood Watch: The Estate is a Neighbourhood Watch area with a co-ordinator (details at the end of the booklet). Community Facebook pages offer a useful way to distribute instant messages to Members. Members should report security incidents directly to the Police where applicable and inform the ESL Office so that our Security Company can be advised, and the incident recorded.

Playing Safely: Residents are respectfully asked to ensure that their children are playing safely using the facilities provided and with due consideration for property, general road safety and highway laws.

Traffic calming: There are speed humps and safety signage in various locations throughout the Estate and residents should adhere to the speed limit signage and to the general safety of other road users, pedestrians, children, and pets.

Highways Laws: All Highway Laws apply to ESL roads, including requirements for tax, insurance, and applicable licensing.

Litter: Given the shortage of litter bins on the Estate, ESL requests that residents take their litter home.

Dogs: In the case of dog walkers, owners must keep their dogs safely on leads around the Estate and clean up after their pets. Dog bins are situated at several points on the Estate and emptied regularly by the local authority. Standard waste bins can also be used.

All dog related incidents should be reported to Arun District Council (ADC) Dog Warden or the Police when applicable.

Bonfires: ADC publishes general guidelines for bonfire use within the district. Members are expected to familiarise themselves with these guidelines and show due consideration to neighbouring properties. Complaints or concerns should be directed to ADC Environmental Health.

Refuse Collection: To avoid nuisance or obstruction, vermin issues, etc., Members are asked to wheel bins back into their properties as soon as possible following collection.

Communication with Members:

There are various ways in which ESL communicates with Members:

Registered Office: Direct contact with our secretary via phone, e-mail or letter. Appointments by arrangement.

ESL website <http://www.elmersands.co.uk/>: Provides business updates and downloads of official Company documentation, notices and events.

Newsletter: Produced and distributed by Members for the Estate Community. Members can contribute items of interest.

ESL Notice Boards: Company business and items of interest to Members.

General Meetings of the Company: At least one formal meeting for Members is held annually to deal with Company business and to give presentations on Estate projects and other matters of interest to the community. This is usually held in the local Village Hall.

Informal Open Meetings with ESL Directors: Held regularly, at a local venue – currently ‘The Cabin’ - giving Members the opportunity to meet company directors face to face and discuss any matters of interest or concern.

Privacy Policy: Members’ data is held and processed in compliance with the General Data Protection Regulation (GDPR). A copy of the ESL Privacy Policy can be obtained from our secretary.

CONTACTS

All Enquiries to: Kim Edden, ESL Company Secretary

Elmer Sands Limited Registered Office:

23 Arundel Way, Elmer Sands,
Middleton-on-Sea, West Sussex, PO22 6JH
Tel: (01243) 584900 24-hr answerphone.

secretary@elmersands.co.uk

Members are respectfully asked to remember that the Registered Office is also the Secretary's private residence. Please make an appointment by telephone or e-mail if you wish to visit the Registered Office in person.

ESL Website: www.elmersands.co.uk

'Elmer Sands News' (The Estate Community Newsletter):

Editor: Linda Smith
tel: 01243 586835
linda.smifff@gmail.com

Elmer Sands Boating and Angling Club (ESBAC):

Secretary: Lisa Chatterton esbacemail@gmail.com
Commodore: Adi Howe tel 07891 794421

Neighbourhood Watch:

Co-ordinator: Saz Trebble
tel: 07973 330276
sazt1401@gmail.com

Community Facebook: There are various groups administered independently by Members for the Estate community to exchange items and messages of interest. ESL items of interest can be found on the Elmer Sands Estate Community Group for residents only.

Environmental/Conservation: Specific events, such as beach cleans and gardening projects take place from time to time. Details are displayed on the notice boards and community Facebook pages. Please contact the ESL Secretary for further details.

Volunteers: If you have a little time to spare, there are always odd jobs that need doing around the Estate (delivering newsletters, litter collection and minor repairs). If you would like to help, you will be very welcome. Please contact our secretary for further details.

Elmer Sands Limited Company Information: For more detailed Company information, a copy of the **ESL Articles of Association** can be obtained from our secretary or downloaded from the website: www.elmersands.co.uk

If there is anything you want to ask, please contact our secretary who will be happy to help tel: 01243 584900 or e-mail secretary@elmersands.co.uk

In Summary: This booklet outlines the General Rules and a Code of Conduct for our Members. We are a community, and our aim is for everyone to live here in harmony, support each other and enjoy the wonderful environment and facilities that the Estate has to offer.

An organisation of some three hundred and fifty freeholders contributing to the management and maintenance of this private estate, with a sensible track record and a great deal of combined experience, represent our interests effectively and ensure that everything is well managed now and in the future. We all share a desire to enjoy living in this unique community by the sea and to preserve our joint assets.

THANK YOU for taking the time to read this booklet and we wish you a happy and prosperous time in Elmer Sands