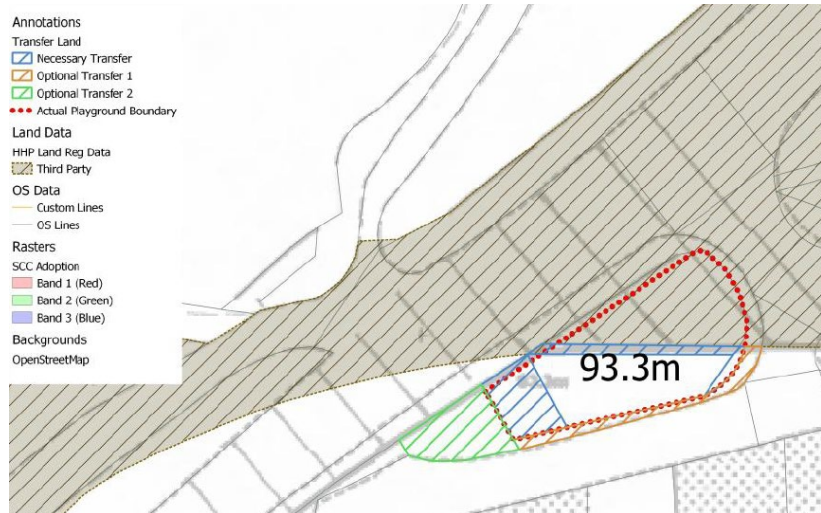


## Parish Lands

At its July meeting, the parish council considered report WPC.23.07.10 and asked the clerk to proceed with a request to Havebury Housing Partnership to transfer land at Bury Road Play Park to the parish council as below:

1. The necessary transfer (blue); and
2. Optional transfer 2 (green)



**Figure 1.**

and additionally to seek to register the remaining third party land (shaded taupe above) within the fencing and grass border which has been adopted by Suffolk Council Council on the basis that the parish council maintains the land.

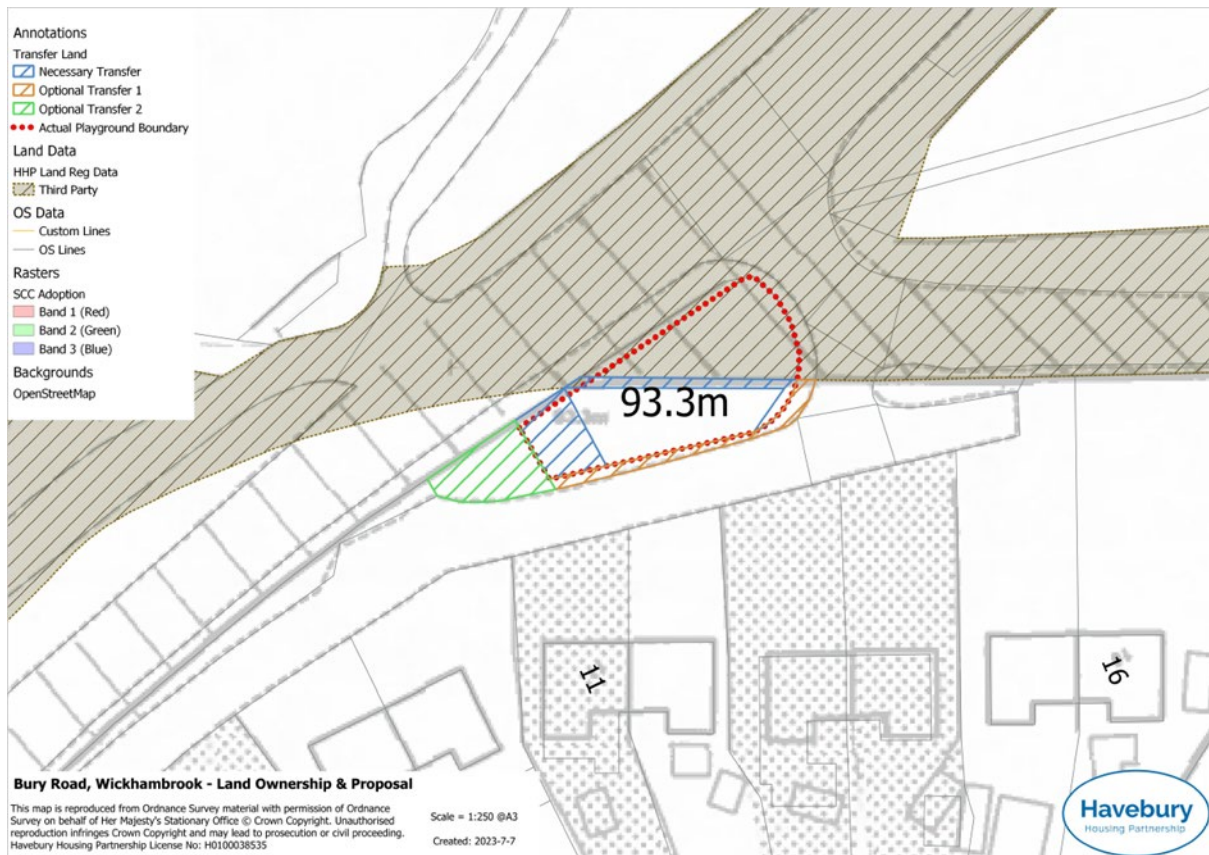
At its September meeting, the clerk reported to the parish council that Havebury Housing Association had confirmed that their leadership team had agreed to transfer its remaining land at Clopton Green Play Area as a gift to the parish council and asked that the pc confirm their agreement and undertaking to bear their own conveyancing costs.

The clerk further advised that quotes had been requested and advice from a number of submitted quotes was that the parish council should ask Havebury Housing Association if they would cover the parish council's conveyancing costs or make a contribution to maintenance funding. The meeting asked the clerk to ask Havebury Housing Association if they would make such a contribution (Min 23.09.9.5 refers).

The clerk approached Havebury Housing Association as requested, and their response has been that they would only be willing to transfer the land on the basis of the parish council undertaking to bear their own conveyancing costs, and that there would be no contribution to maintenance funding.

The clerk has sought quotes for conveyancing costs, and a summary of anticipated costs is set out at **Appendix A**.

Suffolk County Council in the meantime has also responded to the clerk's earlier enquiry with respect to the transfer of the unregistered land which it had stopped up when making changes to the layout of the A143 (see land hatched in taupe in plan below).



**Figure 2.**

They have confirmed that:

- The land shown in black hatching (correspondence and stopping up order attached as Appendix A) ceased to be part of the highway maintainable at public expense when the order was signed on the 25 Feb 2016.
- In view of the fact (WPC) have acquired the adjacent land from Haverbury, ... it might be possible to put forward a case, to the Land Registry, that WPC own the land over which the highway rights were removed.
- The land to the east and north-west of the stopped area needs to be retained as highway, so it would not be possible to transfer that land or remove the highway rights from any additional areas.
- ...the fence surrounding the play area should have been moved slightly, back in 2016, to match up with the eastern and north-western boundaries as shown on the order plan. This was because there was a Suffolk County Council street light within the fenced off area and because BT objected to the original stopping up order plan hence the boundary was to be moved so that their underground apparatus was no longer within the fenced off area and could remain in retained highway verge.

The BT cabinet is definitely outside the fencing of the play area, but the Street lamp is currently within the play area. The estates committee is currently looking at developing a template grant application which would include replacement fencing to Bury Road Pocket park, and given the proximity of the street lamp to the fence line, it might be possible to give an undertaking that when replaced, the fence line is adjusted to leave the street lamp outside the play park.

At its meeting on 2<sup>nd</sup> November (Min EC.23.11.10 refers) the Estates Committee asked the clerk to proceed on the basis of the report WPC.EC.11.05.

On the advice of Highways Records, the clerk has written to highways enforcement:

- confirming the details in the paragraph above, with a copy of the wayleave agreement from BT showing the exact position of the underground duct and
- noting the advice of the NP planning consultant that provided any future fence does not exceed the height of the existing fence, there should be no planning implications.

The clerk has also obtained a more detailed quote from Excello Law, with whom the parish council has worked in the past (Memorial Clock), which has clarified the complexity of the proposed work. A detailed proposal is set out at **Appendix B**.

**Funding:**

The parish council has an underspend on the Elections Revenue budget line of £3418, part or all of which could be re-allocated to fund the necessary conveyancing costs of any transfer of land and subsequent registration with HM Land Registry.

**Powers:**

Power to appropriate land for an authorised purpose. (Unregistered SCC land)	Local Government Act 1972, s.126 The authorised purpose being: Power to provide and contribute to wide range of recreational facilities in/outside of the council's area. Local Government (Miscellaneous Provisions) Act 1976, s.19
Power to accept and maintain gifts of land. (Havebury land)	Local Government Act 1972, s.139
Power to enter into contracts	Local Government Act 1972, ss.124, 127
Power to do anything that will facilitate, be conducive to or incidental to the discharge of its powers and functions.	Local Government Act 1972, s.111

**Action:**

1. whether to proceed with transfer of land indicated in Figure 1 on the basis of conveyancing costs quoted; and
2. whether it wishes to seek to register land identified in the plan at Figure 2 (Third party land within red dots delineating fence line), to either instruct now or at a later date.

**Recommendation:**

The parish council authorise the cost of conveyancing work to register land at Figures 1 & 2 above, at a cost of not more than £2050.00.

**Report:**

WPC.23.07.10  
[WPC.22.11.04](#)  
[WPC.20.07.04](#)  
[WPC.20.02.01](#)

**Minute:**

23.09.9.5  
 23.07.17  
 22.11.10.2  
 20.07.21  
 20.02.8.3  
 19.09.8.2

## Appendix A

Solicitor	Summary of Work	Cost	Disbursements		Total (Excl. VAT)
Gotelee	Bare transfer and registration	£800	Land Registry Fees Full due diligence	£40.00 £680.00	<b>£1520.00</b>
Burnett Barker	Fees	£850	Land Registration Fee Land Registry Official Copy of Register Land Registry Search Anti Money Laundering £30pp	£45.00 £6.00 £3.00 £120.00	<b>£1024.00</b>
Ellisons	Fees	£1395	Third Party Payment	£103.60	<b>£1418.60</b>
KMA Solicitors	Legal Fees	£595	SDLT Searches Other	£199.00 £300.00 £204.00	<b>£1298.00</b>
Willets	Legal Fees	£775	Land Registry Chancel Liability Local Searches Environmental Report	£45.00 £99.00 £300.00 £100.00	<b>£1319.00</b>
Excello Law	<b>Havebury Gifted Land</b>	£720	Local Searches Chancel Check & Insurance to £500K Land Registry	£193.00 £36.00 £20.00	<b>£969.00</b>
	<b>Suffolk County Council Transfer of Unregistered Land</b>	£720	Local Authority Search Chancel Check & Insurance Land Registry	£184.20 £36.00 £95.00	<b>£1035.20</b>
				Total Cost of both transactions	<b>£2004.00</b>

Councillors are not obliged to choose the cheapest quote, but (in accordance with Financial Regulations) should satisfy themselves that the choice made represents value for money to the parish.

<sup>1</sup> Excello Law has quoted for transfers of both Havebury Land and Registration of unregistered Suffolk County Council land. Fees would be invoiced on a 3 monthly basis.

ESTIMATED CONVEYANCING COSTS RE TRANSFER OF BLUE HATCHED HAVEBURY LAND FOR £NIL  
MONETARY CONSIDERATION

<b>Description</b>	<b>Cost</b>
Local authority search	£193
Chancel check insurance to a value of £500,000*	£36
SDLT **	0
Land Registry ***	£20 plus VAT
Excello Law Fees ****	£720 plus VAT
Total ex vat	£969
Total inc VAT	£1117

- I advise just obtaining insurance against chancel liability. The search costs £24.00. It will not give you a definitive answer and yet insurance is only £12 more expensive.

\*\*Based on their being no monetary consideration for this transfer. As under £40,000 we will not have to submit an SDLT form to HMRC either.

\*\*\* These fees depend on the value of the land and we will have to produce a valuation to the Land Registry. For these purposes I have assumed the lowest band of valuation and fees (value of land up to £100,000, and on the basis that I will apply via our Land Registry portal (rather than by post) will apply but I attach the bands and Land Registry fee scales for this type of land below.

100,001-200,000 - £30

£200,001-500,000- £45

500,001- £1,000,000 – 65

£1000,001 upwards - £140

\*\*\*\* Assuming instructions received to enable us to proceed in week beginning 1 December 2023 and on basis of the matter taking 4 hours to complete. See my email to Hilary Workman dated 21 November at 15.00 hrs.

Please note, if you wish to have other reports on the land they will be extra. For example, you may wish me to obtain a report on your behalf about past uses of the land, flood risk, energy or infrastructure under the land. I can obtain prices if you require those.

ESTIMATED CONVEYANCING COSTS RE TRANSFER OF MAGENTA HATCHED SUFFOLK COUNTY COUNCIL LAND FOR £NIL MONETARY CONSIDERATION

Description	Cost
Local authority search	£184.20
Chancel check insurance to a value of £500,000*	£36
SDLT **	0
Land Registry ***	£95 plus VAT
Excello Law Fees ****	£720 plus VAT
Total ex vat	£1035.20
Total inc VAT	£1198.20

- I advise just obtaining insurance against chancel liability. The search costs £24.00. It will not give you a definitive answer and yet insurance is only £12 more expensive.

\*\*Based on their being no monetary consideration for this transfer. As under £40,000 we will not have to submit an SDLT form to HMRC either.

\*\*\*This land is currently unregistered so higher fees are payable for land registration. These fees depend on the value of the land and we will have to produce a valuation to the Land Registry. For these purposes I have assumed the lowest band of valuation and fees (value of land up to £80,000, and on the basis that I will apply via our Land Registry portal (rather than by post) will apply but I attach the bands and Land Registry fee scales for this type of land below.

80,001-100,000 - £95

£100,001-200,000- £230

200,001- £500,000 – £330

(And there are a few more bands but I very much doubt this exceeds a value of £500,000)

\*\*\*\* Assuming instructions received to enable us to proceed in week beginning 1 December 2023 and on basis of the matter taking 4 hours to complete. See my email to Hilary Workman dated 21 November at 15.00 hrs.

Please note, if you wish to have other reports on the land they will be extra. For example, you may wish me to obtain a report on your behalf about past uses of the land, flood risk, energy or infrastructure under the land. I can obtain prices if you require those.