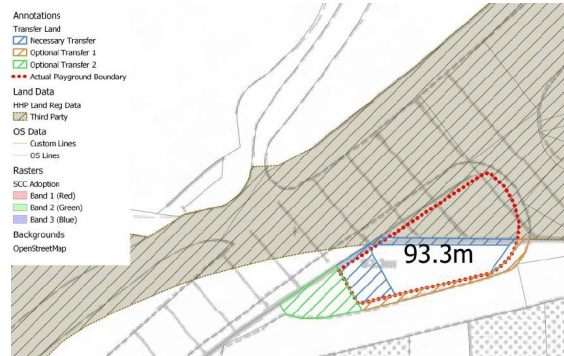


## Parish Lands

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 1 (brown); and
3. Optional transfer 2 (green)



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).

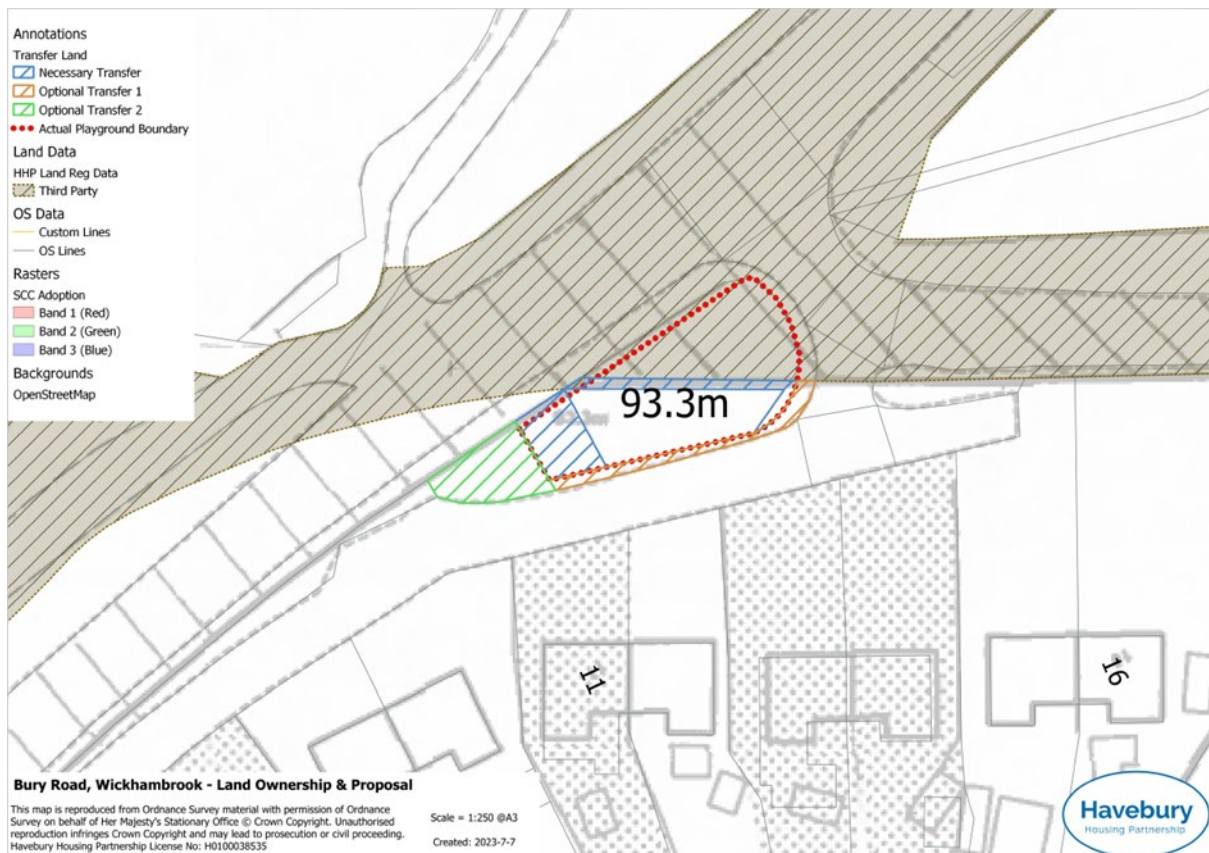
The clerk approached Havebury Housing Association as requested, and their response has been that they would only be willing to transfer the land on the basis of the parish council undertaking to bear their own conveyancing costs, and that there would be no contribution to maintenance funding.

The clerk has sought quotes for conveyancing costs, and a summary of anticipated costs is set out below:

Solicitor	Summary of Work	Cost	Disbursements	Total
Gotelee	Bare transfer and registration	£800	Land Registry Fees £40 Full due diligence £680	£1520
Burnett Barker	Anti Money Laundering Fees	£30pp £850	Land Registration Fee £45.00 Land Registry Official Copy of Register £6.00 Land Registry Search £3.00	£934
Ellisons	Fees	£1395	Third Party Payments £103.60	£1418.60
KMA Solicitors	Legal Fees	£595	SDLT £199 Searches £300 Other £204	£1298
Willets	Legal Fees	£775	Land Registry £45 Chancel Liability Local Searches and Environmental Report	£820 plus

Costs are subject to VAT.

Suffolk County Council in the meantime has also responded to the clerks 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).



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 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.

**Action:**

**Committee Members to consider**

- 1. whether to proceed on the basis of undertaking to bear conveyancing costs and, if so, ask the clerk to respond to Havebury Housing on that basis; and**
- 2. whether it wishes to seek to register land identified in the plan at Appendix B at the same time**

**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**

**IN THE COUNTY OF SUFFOLK  
IN THE LOCAL JUSTICES AREA OF SOUTH-EAST SUFFOLK  
ORDER**

On the Complaint of Timothy Earl, Head of Legal Services to Suffolk County Council of Constantine House, 5 Constantine Road, Ipswich, Suffolk, heard on the 25<sup>th</sup> day of February 2016 at Bury St Edmunds Magistrates' Court, that part of the highway known as U7366 Bury Road, Wickhambrook in the County of Suffolk can be stopped up, as described in the Schedule to the Notice given on the 30<sup>th</sup> day of December 2015 and as described in the Schedule and shown on the map attached hereto, a copy of which has been deposited with the Court;

AND the Court being satisfied that the complainant has given notice as required by paragraph (a) of Schedule 12 of the Highways Act 1980;

AND the Court having heard the complainant;

AND the Court being satisfied that the said highway can be stopped up because it is unnecessary

**IT IS HEREBY ORDERED THAT** in accordance with the application, the part of the said highway shown by black hatching on the attached plan be stopped up

SIGNED



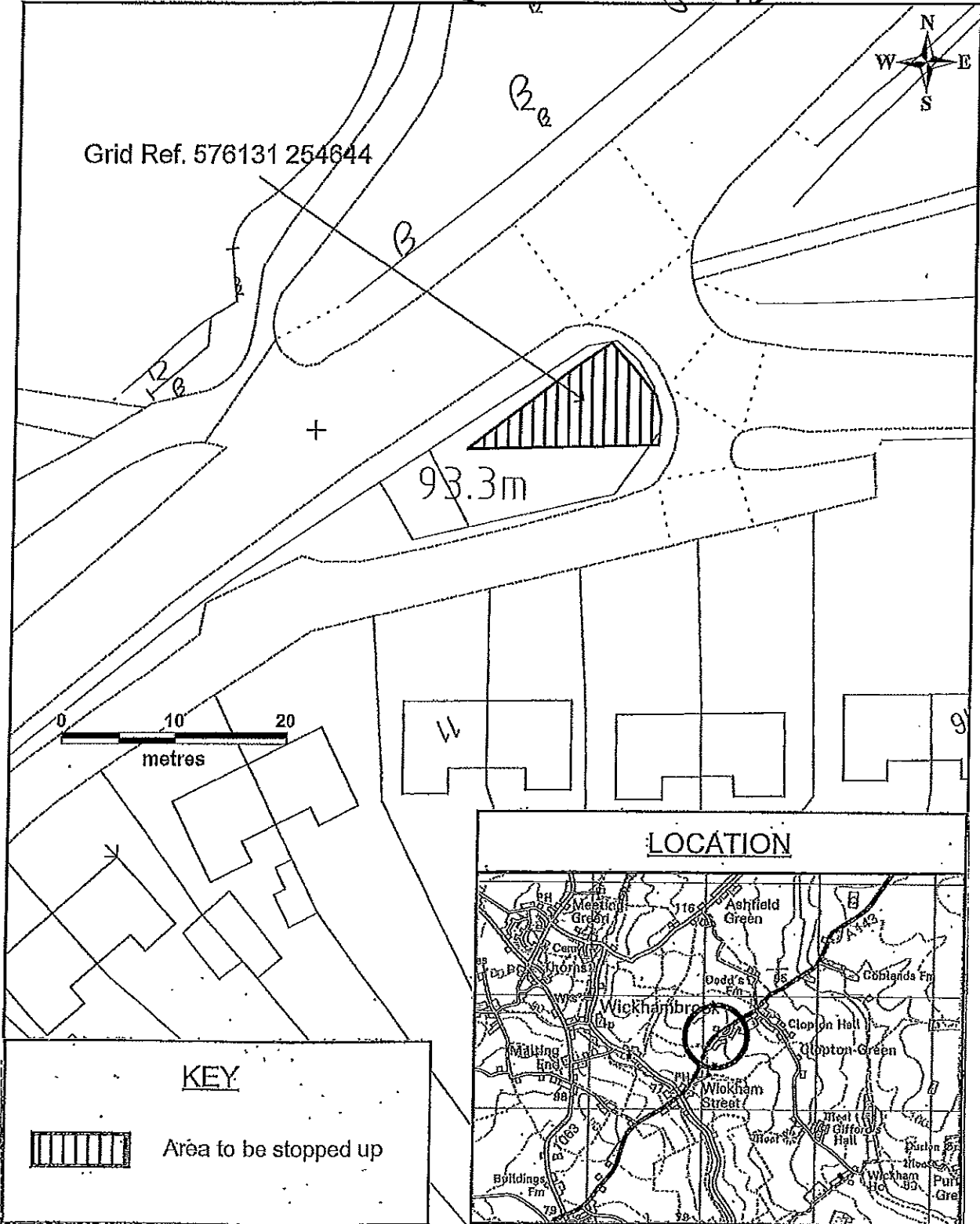
Chairman of the Court

Date: 25 February 2016


Schedule

The small area of land forming part of the U7366 Bury Road, Wickhambrook, is no longer required as highway, as the playground enclosure at this location has been installed partly on the highway verge.


*PJW* 25th February 2016



**KEY**

 Area to be stopped up

**Proposed stopping up of land forming part of the U7366 Bury Road, Wickhambrook**



**Suffolk**  
County Council

Resource Management,  
Endeavour House, 3 Russell Road, Ipswich, Suffolk, IP1 2BX.

Scale 1:500 and 1:50,000

© Crown Copyright. All rights reserved.  
Suffolk County Council Licence No. 100023395 2016

PRODUCED BY PJW
CHECKED BY
DRAWING No. 322/561/1a
DATE Nov. 2015