

REGISTRATION OF LAND PURCHASED FOR HIGHWAY PURPOSES

To: **Audit and Accounts Committee**

Date: 29th May 2018

From: Daniel Ashman, Asset Information Searches Manager

Electoral Division(s): **All**

Purpose:

To update Committee on the Highways Assets project to register with Her Majesty's Land Registry (HMLR) circa 6,000 parcels of land purchased for highway schemes. To supply a list of highway land sites which may have possible alternative use.

Key Issues:

The Asset Information Team has completed the scanning and certification of the deeds of land purchased for highways purposes and has now commenced the identification of priority sites for expedited registration. HMLR continues to undertake registration of land parcels but the pace of registration remains slow.

The Asset Information Team has identified highway land parcels which are not currently being used for highway purposes and which may have alternative uses. A commercially confidential list of these sites will be circulated to Committee members separately as a background document to this report. Specific details from the appendix should not be discussed at the meeting but any questions can be referred directly to the Asset Information Searches Manager.

Identification of such sites has been restricted thus far to the South Cambridgeshire area, although investigation of the Cambridge City Council and Fenland areas has recently commenced.

The Asset Information Team has opened dialogue with Strategy and Estates about potential ways to dispose of land parcels which are no longer required for highway purposes. However, site valuations cannot take place until a strategic decision is made by the Highways Service to dispose of land.

Recommendation:

That the Committee notes progress to date with land registration and identification of land for potential sale or redeployment.

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1. BACKGROUND

- 1.1 A report was presented to Audit & Accounts Committee on 24 January 2017, setting out the background to this project. In summary, the County Council ('CCC') is seeking to register with HM Land Registry (HMLR) circa 6,000 parcels of land purchased for highway purposes from the 1930s to 1990. The total area of the plots is just over 1,700 hectares. This land represents assets of considerable value, both as resources for future transport schemes and as assets of financial value.
- 1.2 Milestone reports were presented in July and November 2017, outlining progress made with the scanning, certification and registration of the land parcels, as well as steps taken to identify parcels not currently used for highway purposes, the pursuit of registration completion dates from HMLR, and attempts to publicise the lodgement process.
- 1.3 Committee requested a further milestone report for May 2018 to include a list of highway sites with potential alternative uses. The first version of such a list is provided in the separate confidential *background appendix*. The list is considered commercially confidential at this time as the proposal to put the highway land to other uses has not yet been formally approved.

2. MAIN ISSUES

Lodgement & Registration of Highway land

- 2.1 Scanning and certification of the land deeds was completed during January 2018. Since that time, officers have been submitting deeds to HMLR for registration via an online file sharing portal. Thus far, HMLR's progress with registration has been limited due to the sporadic availability of staff resource. However, County Council officers have submitted over 490 deeds for registration and over 100 have been registered to date.
- 2.2 It has been agreed with HMLR that priority sites will be identified by County Council officers and submitted for registration ahead of smaller sites. Examples of such priority sites include larger areas which may have potential for alternative use, or adjoining parcels that form a larger area when considered together. By submitting adjoining land parcels together for registration as single areas, officers are securing further cost reductions to the County Council, because this is covered by a single registration fee.
- 2.3 Our agreement with HMLR also allows the County Council to expedite registration where there is a need to secure our interest in land. This has already allowed the County Council to prioritise registration of some highway land in Whittlesford, which is desired for a possible future road scheme, but which had been encroached upon by a private individual. A similar parcel has been identified at Foxton - *shown in the confidential background appendix, part (e)* - and we have been able to protect the Council's future interests by securing quick registration as a result of this project.

Identification of parcels not required for highway purposes

- 2.4 Using the County Council's mapping software, the Asset Information Searches team has carried out extensive spatial analysis of the highway land dataset, to identify land parcels that do not comprise part of the public highway or fall within any privately registered land. Such parcels may therefore have potential for other uses.
- 2.5 Subsequent to 2.4 above, officers have been seeking to understand whether any of the above sites might represent suitable development opportunities. This exercise has involved obtaining planning constraint data from each District Council within Cambridgeshire, to allow officers to check whether parcels of highway land are affected by restrictions on development. Officers have thus far only been able to obtain comprehensive planning information from three out of five districts, and the sheer number of sites has to date restricted us to assessing sites within South Cambridgeshire.
- 2.6 Assessment of the highway land within South Cambridgeshire has yielded mixed results. When assessing individual sites, many deeds for the purchase of land for highway works state that, after conveyance, the land is to be used for highway purposes. The implication of this is that the highway rights over the land would need to be stopped up by Magistrates' Court prior to the land being put to any other use. This is a costly and time-intensive process and may only be worth pursuing for larger sites where the value gain stands to be greatest.
- 2.7 However, many parcels like those described in 2.6 have never been incorporated into the County Council's highway records. The Asset Information Searches Manager has therefore sought legal advice to ascertain whether such land could be put to other uses, provided that it has never been maintained as part of the highway.
- 2.8 Notwithstanding 2.6 and 2.7 above, a small site within South Cambridgeshire has been identified which appears to serve no highway function, and which may be of interest to the adjoining landowner for a minor garden extension or similar. Smaller sites like this clearly have restricted potential for future development but it may be possible to maximise value through sale. An example of these sites can be seen in the confidential *background appendix, part (c)*.
- 2.9 No large sites have been identified that are unaffected by planning constraints and which represent the best opportunities for development. Unfortunately this does not reflect officers' earlier optimism. However it should be noted that the presence of the Greenbelt across much of South Cambridgeshire means that many parcels of highway land which are free of any other constraint, are still impacted by the Greenbelt.
- 2.10 Therefore it was decided that officers would also investigate whether there are any sites that are only affected by a limited number of planning constraints. A small number of such sites have been identified and, whilst the presence of constraints may restrict the possibility for their

development, some of these sites are larger in area and may still carry considerable value. A summary of these sites is supplied in *background appendix, part (a)*, which also includes details of a site revealed at Huntingdon during preliminary data assessments.

- 2.11 Any sites identified in 2.8 or 2.10 will be submitted to HMLR for expedited registration, to protect the County Council's future interest in the land.

Possible sale of land

- 2.12 Officers have prepared summary information about each site identified in 2.8 and 2.10 above, to be shared with Highways Development Management colleagues, and the District Highways Manager. This will enable due consideration of whether any of the land is required for highway purposes, before the decision to authorise disposal of the land is submitted to the *Assistant Director – Highways* for approval. The sale or other future use of the land will then be managed by the Strategy & Estates service.
- 2.13 Colleagues in the Strategy & Estates service have advised that the smaller land parcels described in 2.8 above could potentially be sold in bulk at auction, if it is decided that they are no longer needed for any purpose by the County Council. It is however advised that local consultation is carried out prior to this, as the sale of publicly owned land can be controversial. Furthermore the land would require valuation by Strategy & Estates before any auction was undertaken and, due to the number of sites that may eventually be involved once the whole County has been assessed, there is no guarantee this could be done quickly.
- 2.14 Although some land parcels may have restricted development potential, the possibility of selling them does represent an opportunity for the County Council to divest itself of potential liabilities. For example following interest from a neighbouring landowner, Officers are currently exploring whether an unnecessary parcel of land in Huntingdon, which has ongoing maintenance costs to the Highways Service, could be sold on the open market. Details are available in the *background appendix, part (d)*. Similarly it may be possible to offer certain sections of land to the relevant parish councils for their own use as local green spaces/amenity land, thereby removing the County Council's maintenance liability. Examples are provided in the *background appendix, part (b)*.
- 2.15 It is further advised by colleagues in Strategy & Estates that *This Land* (formerly *Cambridgeshire Housing and Investment Company*, 'CHIC') should be apprised of any site felt to have development potential, for assessment of possible development options. This may eventually include some or all of the land identified at 2.10 above, and other similar parcels uncovered across Cambridgeshire.

Future actions

- 2.16 The proposal to attempt to generate consultancy income as a result of being the first authority to undertake fully electronic registration of a

series of parcels has so far garnered little interest. A number of partner authorities have been contacted directly but those canvassed so far have either (i) registered their land holdings already, or (ii) do not have sufficient resource or interest to commence such a large project. We anticipate that interest in our project will increase as the Government's land registration agenda becomes more widely known.

- 2.17 Officers will continue the submission of deeds to HMLR for registration, prioritising sites where appropriate. Depending on officer resource, we anticipate that all deeds will have been submitted by September 2018, at which point we are in the hands of HMLR to complete the registrations. Unfortunately, as much of the land does not meet the criteria set out in the Government's Housing White Paper, it is unlikely that HMLR will treat many of our sites as priorities – unless officers make requests for specific parcels.
- 2.18 Surplus parcels of highway land will be assessed on a district-by-district basis and operational decisions will be reached within the Highways Service regarding the disposal of the land. Officers estimate that the rest of Cambridgeshire can be assessed, and operational decisions regarding the land reached, by January 2019. Once registered these unnecessary parcels will be submitted to Strategy & Estates for the progression of any sale or promotion of other uses.

Background documents: none