

REGISTRATION OF LAND PURCHASED FOR HIGHWAY PURPOSES

To: Audit and Accounts Committee

Date: 28th November 2019

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 5,500 parcels of land purchased for highway schemes.
- To supply a list of highway land sites which may have possible alternative uses.

Key Issues:

- a) Scanning and certification of the deeds to land purchased for highways purposes was completed in early 2018. Since that time officers have been lodging parcels with HMLR for registration under Cambridgeshire County Council's ownership. Parcels that have been identified to have particular value to the County Council have been submitted for expedited registration. HMLR continues to undertake registration of land parcels but the pace of registration remains slow.
- b) The Asset Information Team has identified highway land parcels throughout the County which are not currently being used for highway purposes. These parcels may have alternative uses to the Authority, or the potential to generate capital receipts through sale. A list and map of these sites (*Appendix A*) has been supplied separately to the Committee as it remains commercially confidential at this point, as a strategic decision about the sites has yet to be made. Members can request site plans and details about specific sites via the Asset Information Searches Manager.
- c) The Asset Information Searches Team recently met with HMLR's Public Sector Engagement Co-ordinator. As part of the comprehensive registration programme, HMLR is targeting local government-owned assets for priority registration and has offered to support our project by providing additional resource (at no extra cost). This partnership work has resulted in efficiencies which are explained in the report.
- d) HMLR are also seeking to register other non-highway County Council-owned assets, and are prepared to do this work as an extension of the current project.

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, representing 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. The reports also set out the 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 A further milestone report was delivered in May 2018 and included a list of highway sites with potential for alternative use in the South Cambridgeshire area. The purpose of this report is to provide a further update and to supply a comprehensive list of sites that are not required for highway purposes.

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, lodgement has been an ad hoc task because HMLR's progress with registration has been slow. This is owing to the sporadic availability of their staff resource, meaning that lodgement of deeds by CCC has outpaced the registrations returned to us by HMLR. As of 25th October 2019, just over 1,800 deeds had been lodged with HMLR, of which approximately 1,500 had been formally registered to CCC's ownership.

Efficiencies & Process Change

- 2.2 Until October 2019, officers had been using CCC's Geographic Information Systems ('GIS') to identify adjoining and adjacent land parcels which could be included under a single title for the purposes of registration. The effect of this is to reduce the number of registrations required, and thereby reduce the fees payable to HMLR. On occasion this has allowed up to nineteen different land parcels to be registered together under a single title and for a single fee (although more typically it would be three to five parcels). Of the 1,800 lodgements undertaken by 25th October 2019, 1,119 deeds of ownership had been submitted for registration alongside one or more other deeds. The expected savings as a result of this are approximately £2,500ⁱ, a figure that is set to increase as further parcels are processed.
- 2.3 Furthermore, following a meeting with HMLR in October 2019, it has been agreed with HMLR's Public Sector Engagement Coordinator that the work to identify adjoining and adjacent land parcels will henceforth be undertaken centrally by HMLR staff. This is the result of HMLR increasing

the staffing levels available to support their programme of comprehensive registrationⁱⁱ.

- 2.4 As a result, the burden on CCC is considerably reduced; all that is now required is to convey copies of the deeds to HMLR. The efficiencies that have resulted are shown in *Table 1* below. To date, over 4,700 deeds have been lodged to HMLR for registration and the expectation is that all deeds will have been submitted by early December 2019.

Table 1 – Savings resulting from changed lodgement process

| | Former Process | Revised Process |
|--|-----------------------|------------------------|
| Approx. number of deeds lodged per day | 100 | 600 |
| Approx. days remaining until completion | 30 | 6 |
| Approx. cost per day | £100 | |
| Indicative cost of process | £3,000 | £600 |
| Predicted saving from change of process | £2,400 | |

Identification of parcels not required for highway purposes

- 2.6 Using the County Council's mapping software, the Asset Information Searches team spatially analysed the highway land dataset, to identify parcels that do not comprise part of the public highway or fall within any land that is already privately registered. Officers have also investigated whether the sites identified are within areas significantly constrained by planning development restrictions.
- 2.7 Following legal advice, officers have also assessed each individual deed of ownership, to check whether the land purchased was exclusively intended to be used as highway. This is essential, because if the deeds specify that the land *must* form part of the highway after purchase, it cannot then be used for any other purpose unless highway rights are extinguished. This is a time consuming and costly legal process, and would only be considered if a parcel of land definitively served no highway purpose at the same time as representing worthwhile return as an alternative asset or through sale.
- 2.8 The sites have now been considered by the District Highway Maintenance Managers and the Highways Development Manager as not being needed for current or future operational purposes by the Highways Service. The Assistant Director - Highways has confirmed subsequently that they can be disposed of as far as Highways operational needs are concerned.
- 2.9 A shortlist and a map of sites countywide that are deemed surplus to Highways operational requirements have therefore been produced and submitted to HMLR for expedited registration to ensure that the Authority can maximise their value, should the opportunity arise. This has already been done to protect the County Council's interest in two land parcels which may be required for future road schemes at Whittlesford and Foxton. The map of sites is at *Appendix A*.

Identifying alternative uses for the land

2.10 Details of each site have now been passed to the Strategic Assets Service for assessment and ultimate consideration by the Operational Assets Board ('OAB'). The Board will consider whether the land has other potential uses to the County Council, or whether it is surplus to the requirements of the Authority and can be sold. The five sites identified within Fenland are under active consideration and, if they are considered by the OAB to have no further use to the County Council, they may be published on Fenland District Council's website in connection with their Local Development Framework 'Call for Sites'.

Supplementary benefits of Project

2.11 Through liaison with colleagues at HMLR, officers have secured some notable improvements to the process of registering land, and have also identified an opportunity to expand the project to cover the registration of all land owned by the County Council. These ancillary benefits are summarised in *Table 2* below. County Council officers will also work with HMLR upon completion of this project to draft a case study highlighting the good work done, the benefits realised internally, and the positive outcomes that other local authorities could derive from carrying out similar projects.

Table 2 – supplementary benefits achieved through the project

| Improvement | Benefits Gained |
|--|--|
| HMLR to provide digital map of all registered land upon completion of project | <ol style="list-style-type: none">1. Accurate reflection of land registered2. Significant saving of County Council officer time spent editing records to reflect new ownership information3. Highway land data can easily be added to 'Public Sector Assets' layer on My Cambridgeshire online interactive map |
| HMLR to return title documentation to County Council electronically instead of via post | <ol style="list-style-type: none">1. Cost savings to HMLR2. Environmental benefit3. CCC saved task of scanning and electronically storing each record4. Easier to hyperlink the deed document to digital mapping, enabling quicker review of documentation when queries received |
| HMLR has reviewed the information it already holds for the County Council's non-highway land ownership | <ol style="list-style-type: none">1. HMLR offers to undertake registration of any non-highway land assets that are not already registered as an extension of the current project2. Price discount secured for conducting current project voluntarily would be applied to the other parcels to be registered3. Registration would be more timely than if CCC approached task of registration on a site-by-site basis4. Strategic Assets have advised that comprehensive registration of the CCC's other land assets was completed in 2016, so this matter is unlikely to be pursued. |

Future Actions

2.12 The following actions will ensure completion of the project to formally register all land owned by the County Council for highway purposes:

- Lodgement of CCC's deeds for registration will be completed during December 2019.
- Registration of the lodged land parcels will be completed according to HMLR timeframes and resource availability. Details of registrations and related land ownership data will be provided as relevant, for the County Council's records.
- The sale or identification alternative uses for land that is no longer required for highway purposes is to be pursued separately, in accordance with the processes managed by the Strategic Assets service.

ⁱ It should be noted that the cost of a single registration agreed with HMLR for the purpose of this project is £3.75. Outside of the Service Level Agreement entered into between HMLR and the County Council, the cost of a single registration is £10. The result is that the savings identified in point 2.2 above are even greater when compared to the expected cost of registering land as individual parcels on an ad hoc basis. For the 1,119 deeds referred to, the saving would be in the region of £9,500.

ⁱⁱ Efforts to comprehensively register all land in England and Wales have resulted in an increase in the proportion of land that is registered from 85% to 87% in the period from April 2018 to September 2019. Maggie Telfer, 'Why HM Land Registry wants to achieve comprehensive registration', <https://hmlandregistry.blog.gov.uk/2018/04/27/why-hm-land-registry-wants-to-achieve-comprehensive-registration/>, 27 April 2018 [updated September 2019].

Source Documents: None