

# Land Ownership

# Grounds Maintenance

POS Department / Commercial Services

Borough Council of  
King's Lynn &  
West Norfolk



# Types of Land

- BC Owned Land
- NCC Owned Land
- Service Area Land
- Amenity Space
- New Developments adopted by BC
- New Developments NOT adopted by BC
- New Developments directly adopted by PCs
- Housing Associations
- Land of Unknown Ownership



# BC Owned Land

- BC Grounds Maintenance Schedule
  - 1-3 cut flail – Scrubland / Regeneration Areas
  - 6 cuts – On behalf of NCC
  - 12 cuts – Residential Estates / Amenity Land
  - 18 cuts – Parks and Gardens



# NCC Owned Land

- BC Grounds Maintenance Schedule
- Service fee paid from NCC
- 6 cuts on behalf of NCC
  - Roadsides
  - Junctions
  - Verges
  - Roundabouts



# Service Area Land

- BC Grounds Maintenance Schedule
  - Lynnsport
  - Crematorium



# Amenity Space

- BC Grounds Maintenance Schedule
  - Football Pitches
  - Other sports fields
  - Hedge Cutting
  - Bedding / Planting
  - Tree Planting



# New Developments Adopted By B.C

- Paid by commuted sum (Section 106) charged to developers for a 15 year period
- Eg. Foundary Field, Burnham Market



# New Developments Not Adopted By B.C

- Management company appointed by developer to maintain
- Too expensive / resource heavy
- Not logistically practical for B.C to maintain
- Eg. Ben Bailey Homes, Railway Road, Downham Market





# New Developments Directly Adopted By Parish Councils

- Logistically & financially viable for Parish to maintain
- Eg. Normandy Close, Northwold



# Housing Associations

- Arrange their own grounds maintenance and their own schedules
- Freebridge
- Broadland
- Longhurst
- Victory



# Land Of Unknown Ownership

- Unregistered Land
- Owned but no ownership/ planning records
  - Historically , third party land would be maintained by B.C as courtesy
  - Re-evaluation of these areas of land initially done during Grass Cutting review in 2015 :-
    - Not maintained
    - Dropped from schedule if not considered a high or medium profile area
    - Reduced cutting frequency for non-prominent areas
    - Maintained as established by precedent
- What options do we have for maintaining land of unknown ownership?



# Borough Council options on Un-Known Or Third Party Ownership

- Can we charge Special Expenses if land is not in our ownership?
  - If a developer happens to fold before any formal transfer of public open space takes place to the council to maintain, then it is likely that the administrator/receiver of the company would look to try and complete the transfer to the council. However, it may well be that the commuted sum may not be payable by the receiver if the assets of the company are insufficient.
    - We believe as we are the freeholders of the land, special expenses can be charged.



# Borough Council options on Un-Known Or Third Party Ownership

- Can we charge Special Expenses if land is not in our ownership?
  - If the developer has long ceased to exist, it could be that the land has passed to the Crown Estate under Bona Vicantia provisions. The asset is owned by the Crown by default, but they may agree to transfer the land to the local authority. We believe they have standard charges and fees for transfers and we would have to meet their costs which can be significant.
    - Again if the transfer completes, special expenses can be charged.



# Borough Council options on Un-Known Or Third Party Ownership

- Can we charge Special Expenses if land is not in our ownership?
  - If neither of the previous scenarios exist and the owner of the land cannot be identified and by default we are not the owners either (even if we maintain the land).
    - Special expenses may not be chargeable as we need to own the land.

# Borough Council options on Un-Known Or Third Party Ownership

- C.P.O / Statutory Declaration
  - Is the land of any use / worth to B/C ? (General not of worth)
  - Cost of process, time and resources
- Chase up developers to ensure they fulfil their Section 106 obligations
  - Make sure POS is formally adopted
- Taking on maintenance without ownership
  - Dangerous - This may encourage developers not to commit to their full grounds maintenance responsibilities
- Treat each piece of land on it's own merits
  - Impact on the surrounding community
    - Choose to maintain
    - Choose to drop



# Thank You

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