



Agenda Item 8(b) – Land at Milford

Committee information only

Information Only

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Purpose of the Report

To provide the Committee with an update on information regarding Land at Milford

Background Information

The Council are interested in adopting a parcel of Land at Milford on the corner of the Bridge to create a recreational space for the community

Legislation

N/A

Information

The Council have contacted Highways England to ask if the Land can be transferred to BTC. The following response was received from Highways England last week

Thank you for your letter of 2nd March 2020 and your email of 23rd June 2020, stating an interest in acquiring the land detailed above.

We apologise that there is a delay in replying to this case. Unfortunately the number of queries being received by the Property Enquiries team has almost doubled since lock down started. Most of the increase has been from internal enquiries which are generally more complex to respond to. As we are a small team dealing with the whole of the country we have been experiencing delays in replying. We have to prioritise all H&S cases over any other query type we receive.

Highways England is responsible for the trunk road network in England. I can confirm that Highways England does show as holding title to the land in question. It was acquired for the construction of the A6 when the road was a part of the trunk road network.

This road has now been de trunked so is no longer part of the trunk road network.

By virtue of Section 265 of the Highways Act 1980, the de-trunking order has transferred ownership of the highway and the subsoil of the A6 to the local highway authority (LHA). This means that ownership vests in the LHA even though Highways England remains the registered owner. The transfer of registered proprietorship is just an administrative exercise that has not yet been undertaken.

Ownership, maintenance and responsibility for the operation of this road transferred to the LHA when the road was de trunked.



<p>I recommend you contact Derbyshire County Council's highways department who will be able to deal with your query. BTC sent this response to DCC and received the following response:</p> <p>Please see the attached email from our highways department, The plan showing a green contour denotes the extent of DCC ownership, the land that you refer to is not owned by DCC Highways or Estates.</p> <p>However reading the letter from Highways England I have been given to believe that many such parcels exist across the UK, which they will have released from their ownership according to their own records to various counties throughout the UK but not actually transferred the title. Until our legal team receives a transfer of title any property remains in the ownership of the legal holder of the Title deeds as in this case it would be Highways England.</p> <p>BTC has now sent this response back to Highways England and asked if they will transfer the land to BTC and if that is not possible an idea of the date it will be transferred to DCC.</p> <p>Highways England would not transfer the land to BTC they will not transfer to any third party other than Highways (DCC). The registration process will take some time to rectify this issue regarding the transfer of the title.</p>
<p>Financial Implications N/A</p>
<p>Recommendation(s) N/A</p>
<p>Reasons for recommendation(s) N/A</p>