

KESGRAVE TOWN COUNCIL

Land Adoption and Acquisition Policy



Background - Legislation

According to section 124 of the Local Government Act 1972:

- (1) For the purposes of:
 - (a) any of their functions under this or any other public general Act, or
 - (b) the benefit, improvement or development of their area, a parish or community council may acquire by agreement any land, whether situated inside or outside their area.
- (2) Where under this section a parish or community council are authorised to acquire land by agreement, the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than section 31 shall apply, and in the said Part I as so applied the word "land" shall have the meaning assigned to it by this Act.
- (3) References in the foregoing provisions of this section to acquisition by agreement are references to acquisition for money or money's worth, as purchaser or lessee.

Sub-section (3) effectively provides that section 124 does not apply to an acquisition by gift. Section 139 of the LGA 1972 authorises a local council to accept a gift of real or personal property for the purpose of discharging a statutory function or for the benefit of the inhabitants of their area or part of it. However, there is no power to accept a gift of property for the purposes of an ecclesiastical charity or a charity for the relief of poverty.

Background – Resident Consultation

During the preparation of the Kesgrave Neighbourhood Plan (KNP) extensive consultation took place with residents through a variety of means. These are explained in detail in KNP. A key emerging theme was the degree to which residents value the areas of open space available within and without the settlement boundary, in particular leading Objective Two: To enhance and protect the quality of our green spaces and landscaping.

This led to the incorporation of policies within KNP designed to preserve our open spaces within the built-up area of town, in particular through Policy KE5 which designates six specific areas as Local Green Spaces. Proposals for development on these Local Green Spaces will not be permitted, except in very special circumstances unless it is clearly demonstrated that it will enhance the role and function of the identified Local Green Space.

During the preparation of KNP the development committee (made up of 50/50 residents/councillors) consultation also took place informally and formally through regulatory representations invited under East Suffolk Council (ESC) coordination with the various landowners or their agents and legal advisers. Full details of these consultations are a matter of [public record](#). Although objections were raised by most landowners concerned to the proposal for Local Green Space designations, these representations were ultimately rejected by the independent KNP examiner.

Ownership/Adoption of Open Spaces and Acquisition of Land

Those areas in the ownership of Council may be considered safe from development subject to the strategic planning decisions which are solely within the remit of ESC as the local planning authority which, under current planning governance, sets a Local Plan that earmarks land for development and housing targets for Kesgrave to achieve. In the current Local Plan due to be

reviewed in 2026 the allocated target over the plan period (a minimum target) has already been achieved.

In the case of those open spaces of interest that are not in Council's ownership (some that are designated Local Green Spaces, some Public Open Spaces, others not) it remains that these are vulnerable to development or lack of maintenance. Whilst KNP and ESC are legally obliged to take a positive attitude toward development, Council and residents are free to consider alternatives in order to preserve their current status.

Additionally, Council wishes to consider supporting the provision of other facilities to enhance our environment and/or provide useful services to our residents. This may include land for recreational or environmental purposes, cemetery land, accommodation for residents to hire or to enable certain organisations to provide services (eg library, offices), allotments etc.

One of the main issues in Kesgrave is that land in the built-up area is scarce and is usually valued at development prices. Therefore, any purchases by Council must be practical/financially feasible and supported by the majority of residents.

Policy to Acquire

With the above in mind, it is Council's policy to:

- acquire/adopt land that is, or can be converted into, public open space primarily, but not necessarily exclusively, for the free, recreational use of residents;
- acquire land that is, or can be used to provide facilities or services, for the use of residents that is value for money and of benefit to the community; and
- adopt public open space owned by East Suffolk Council and Suffolk County Council to allow us to invest more readily in these areas.

This land may be in Kesgrave or potentially a neighbouring parish. Land may be acquired by agreement (i.e. purchased) or by gift:

- Where land may be offered by the current landowner to Council for adoption for a nominal price it will be accepted subject to incurring reasonable costs for legal conveyancing and notwithstanding the transferable or implied cost for management of the land or anything on it (i.e. woodland and landscape management).
- Where land of interest becomes available for sale, be this within the town boundary or beyond it (for instance to provide for additional allotments), Council will take steps to obtain professional evaluation and seek to negotiate its acquisition. Where significant funds are required to effect a purchase, Council will consider, and adhere to, its obligations for the proper management of its finances and will also consult with residents appropriately taking account of the confidential nature of such commercial transactions.

Last reviewed: 21 June 2021

Next review due: 21 June 2023