

Parish Clerk Report October 2024

Adverse Possession

The claiming of adverse possession of land at the pumping station in Greywell remains outstanding with Land Registry.

Unfortunately the Parish Council doesn't meet the criteria to expedite the application, namely, if the delay would:

- cause legal, financial, or personal problems not related to a land transaction
- put a property transaction at risk, for example, a refinancing deal or development

Land Registry will not consider any request for expediting without supporting evidence such as:

- a copy of the sale or purchase contract
- a mortgage offer letter confirming the offer expiry date
- confirmation that a planned transaction is dependent on the application you want expedited

However legal ownership rights are secured from the moment the application is received at HMRC and not at the point at which it is processed and completed. 63.5% of cases at Land Registry take over a year and some up to two years. The Parish Councils application was received by the Land Registry department in April 2023

Hook Road flooding

As context please see the minutes from May 2024:

25. Note response from Hampshire Highways regarding the Hook Road Drainage Report and agree next steps (if any)

The Parish Clerk had received a response from Hampshire Highways following questions raised by the Parish Council at their March meeting:

- **Parish Councillors note there are a few areas marked as high risk and needing work, is there a time scale for this?**

I regret that I am unable to provide Parish Council members with a timescale for the attendance to any defects noted within the report. As I am sure you will be aware the County Council is facing a funding deficit of circa £132 million in the next financial year. Whilst no one truly knows the impact to highway maintenance budgets in the immediate and longer-term future it is highly likely that any available funding for drainage systems will be targeted where there is flood risk to internal dwelling spaces.

- **Councillors have also noted that not all the ditches could be surveyed as they need re-profiling/ dredging are you able to confirm when this will be completed please?**

Under Common Law ditches are regarded as being the responsibility of the adjoining landowner. This ruling was made by Lord Denning in the 1970's and is based upon the fact that historically ditches were constructed to form land boundaries. Highway authorities are only regarded as being responsible for ditches where they have piped them, diverted them or where they have significantly increased their capacity.

In Greywell I believe that the only ditches that the County Council as the highway authority is responsible for are the one opposite Woods Lane and adjacent to the property named Shenton and at Little Bacon Copse as these were altered in the early 2000's as part of drainage improvement work by the authority.

Agreed the Parish Clerk will contact Hampshire Highways for clarity and proof of ownership of the ditches

I contacted Hampshire Highways as per the above minutes and in June 2024 they advised:

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Thank you for your follow up email received on the 13th June 2024. I acknowledge that members of the Parish Council would like the high-risk sites identified in the recent CCTV addressed as soon as possible.

Drainage improvement / repair programs are created annually, and the limited funding awarded on a Countywide basis when assessed against similar schemes. Those locations where flooding to internal dwelling space to property is prevalent will be prioritised over and above those sites where only highway flooding exists. Given that surface water flooding in Hook Road only affects the highway I cannot provide the Parish Council with any assurance that the defects noted within the CCTV survey will be addressed in either the short or medium term.

Regarding the clearance of roadside ditches not deemed to be the responsibility of the County Council as the highway authority I hope to be able to map each location using the information obtained from the CCTV survey during the summer with the expectation that I will be able to write to landowners where they can be identified via the Land Registry as ask them to exercise their obligations.

I realise that the Parish Council will be disappointed by the content of this email, but I hope that I have been able to explain the current situation satisfactorily.

I have followed up with Hampshire Highways for an update on the current status.

Additional Speed Indicator Device on Deptford Lane

As agreed at the July Parish Council meeting I have been communicating with Hampshire Highways regarding the possibility of a further site on Deptford Lane.

Replies from Hampshire Highways have brought forth new information which has allowed the re-discussion of a new site at the October Parish Council meeting opposed to the previously agreed date of January 2025

Conservation Area Appraisal

Minutes from the March 2024 Parish Council meeting,

" Noted the last Greywell Conservation Area Appraisal was completed in 2009. Many of the areas listed on the HDC website have not reviewed their appraisal for many years.

As mentioned by District Cllr Dorn at the November 2023 Parish Council meeting the Hart Overview and Scrutiny Committee are currently reviewing the appraisal guidelines and template. Discussed and agreed the Parish Council will wait for HDC to approve a revised procedure and template after which next steps can be discussed "

Hart has now issued a revised procedure and template. Their guidance includes a link to the technical knowledge needed to prepare an assessment "in house" so a first step I have passed to the information to Mike for him to determine whether the Parish Council has the knowledge to complete.

A further update will be provided at a future Parish Council meeting

Parish Council Standing Orders

As previously advised, the Greywell Parish Council Standing Orders have not been updated for many years. I am in the process of updating in line with a template from the National Association of Local Councils. This something which is very time consuming so I fit in when I can

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VAT

In June 2024, after I completed the necessary paperwork, the Parish Council received a VAT refund from HMRC. This refund included £1212 which represented the VAT element of the purchase of Speed indicator devices and their equipment. Some of the backplates, which were part of the associated equipment, weren't needed and the Parish Council returned four in August 2024, resulting in a refund of £480 inc VAT.

The refund means the Parish Council currently owe HMRC £80 which in basic terms means you have £80 in your bank accounts which belongs to HMRC..

There's no information available as to the correct process for returning this overpayment. So, after spending an hour on the phone going round in circles and eventually establishing the department concerned do not take phone calls, I have now written to HMRC.

In the meantime I will keep a record of current VAT payments in the event that the Parish Council makes up the overpayment through not claiming for a while.