

## REPORT ON BEHALF OF THE PROPERTY & PROJECTS GROUP

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### **SUBJECT: REGULARISATION OF ENCROACHMENTS OVER NATIONAL PARK AUTHORITY OWNED LAND AT POPPIT SANDS**

#### Purpose of Report

To seek the resolution of Members for the transfer of NPA owned land into private ownership under our existing policy for regularising historical encroachments in the interests of good estate management.

#### Background

The NPA's land ownership at Poppit Sands dates back to 1976, is registered under title No.CYM269260 and is shown edged red on the plan below. It includes the entire footprint of a small single storey beach house known as 'Y Nyth', much of the curtilage of a neighbouring beach house called 'Y Bwthyn, a vehicular access track that connects both properties to the adopted highway and the footprint of a sea defence structure which protects the two houses from coastal erosion.

**Y Nyth:** This dwelling is shown edged blue with origins dating back to the 1930's when our predecessor in title permitted its construction under some type of informal agreement. In 1983 the present occupier took possession under a conveyance from a party claiming possessory title at that time. That conveyance took place prior to the introduction of compulsory title registration, and in the absence of any subsequent voluntary title registration, remained unknown to the Authority until recent enquires made by your Estates Officer. Your Estates Officer has visited the occupier on site and having considered the respective actions of both parties since 1983, your Officers have concluded that it would be appropriate to apply the provisions of the Authority's adopted encroachment policy to regularise the lands continuing occupation via the formal transfer of our freehold absolute title of the land edged blue, including a right of access across that part of the trackway coloured green and purple.

**Y Bwthyn:** This dwelling is shown edged orange on the attached plan. Whilst it's historic origins appear similar to those of 'Y Nyth', it's legal status was clarified in 1991 when the former Dyfed CC conveyed freehold paper title of approx 70sqm to the occupier of the day. That title was sold to the present owner in 1999 and is registered under title No.WA614601. Your Estates Officer has recently met the owner on site and established that the actual curtilage of Y Bwthyn extends some distance beyond his registered freehold ownership onto the Authority's land. The approximate area of that encroachment is shown for illustrative purposes only shaded brown.



Having considered the respective actions of the parties since 1991 including those of the present owner since 1999, your Officers have concluded that it would be appropriate to apply the provisions of the Authority's adopted encroachment policy to regularise the occupation of the land hatched brown via the formal transfer of our freehold absolute title including a right of access across that part of the trackway coloured green.

It should also be noted that as recently as circa 2001, the occupiers of Y Nyth and Y Bwthyn, having first obtained the necessary statutory consents, received some form of unrecorded permission from the Park Authority for the construction of a sea defence barrier on the Authority's land made of large boulders. That structure remains in situ today with its approximate location indicated by the pink line. Your Officers are of the opinion that whilst the land upon which it rests should remain within the Authority's ownership, its on-going presence should be regulated and provided for by the granting of appropriate rights and maintenance responsibilities for the benefit of both Y Nyth & Y Bwthyn.

#### Financial, Risk & Compliance Considerations

Your Officers are of the opinion that applications for adverse possession could be successfully made by the present occupiers of both properties. The Authority's adopted policy (approved 17<sup>th</sup> April 2002) authorises the legal transfer of National Park owned land to adjoining property owners in instances where encroachments fall within clearly defined guidelines i.e. the encroachment is longstanding, small scale, does not materially compromise our statutory objectives and does not release significant value to the transferee.

The Property & Project Group are of the opinion that whilst the areas of land in question can't be considered 'small scale', in all other respects the characteristics of the land edged blue and shaded brown meet the criteria of the Encroachment Policy summarised above. In particular it is considered that any significant value which might appear to be released from the transfer of the subject land has already effectively passed to the owners of Y Nyth and Y Bwthyn due to their extended period of occupation by way of adverse possession.

#### Human Rights/Equality Issues

No issues

#### Biodiversity Implications/Sustainability Appraisal

No issues

#### Welsh Language Statement

No issues

#### Summary

Following negotiations, provisional agreement has now been reached to transfer paper title of the land edged blue & shaded brown to the occupiers of Y Nyth and Y Bwthyn respectively at a nominal price of £1 including the granting of appropriate rights and responsibilities to provide for their continuing use of the vehicular accessway and sea defence structure. These negotiations have included the owners accepting restrictive covenants over the land to be transferred, demarking the new boundaries by way of a Land Registry compliant GIS survey and giving undertakings to meet the Authority's reasonably incurred surveying and legal costs in documenting the transfers.

#### **Recommendation**

**In accordance with the Adopted Encroachment Policy it is recommended that Members authorise your Officers to proceed with the transfer of the land edged blue and shaded brown to the occupiers of Y Nyth and Y Bwthyn respectively along with the granting of the ancillary rights outlined above.**