

## Perpetual Licences for access and services across the Forest

In the early 1970s the Board of Conservators directed that every property needing an access across Forest land should have a licence acknowledging the access and giving the licensee authority to make up and metal the track concerned and to have and maintain a *private* service (for example a private water pipe). This entailed a preparation fee for the licence and then a small annual charge payable to the Board. Licences were also required for sign boards and water pipes on the Forest; where necessary these three items were all put on the one licence. The licences were specific to the property owners and not transferable. New Licences were issued when properties changed hands. This situation pertained until late 2000. Then it became apparent that the Council of Mortgage Lending Companies were increasingly uneasy with the fact that the access licences were not transferable. Unless their clients could be given a legal 'right of access' over the Forest, they could foresee potential problems with 'ransom strip' type situations which had happened elsewhere.

During 2001, after much discussion with solicitors and the Ashdown Forest Trust (freehold owners of the Forest), it was eventually determined that 'a right of access' could not be granted over the common land of the Forest. Therefore the Board's legal advisors drew up a new form of licence which permits vehicular access at all times and which will be tied to the property (not the owner) through the land registry title number. This licence is now being issued as a one-off when properties change hands and it will thereafter remain with the deeds of the property – hence 'perpetual licence'. Because the perpetual licence takes a great deal more preparation and will only be issued once, the cost to the purchaser of the property has been substantially increased to £666.95 from 1 April 2009. This is made up of a consideration to the Board of £514.00 and a preparation fee of £133.00 plus VAT. Holders of the perpetual licence will still be required to pay an annual charge to the Board, currently £55.00. Owners with existing access licences from the Board need take no action until their property is sold or changes hands and then the purchaser will require a perpetual licence. Where existing licences cover only water pipes or sign boards and not an access, these will remain and not be changed. It should be noted that both types of licences permit the property owners to make up, metal and maintain the access and where appropriate, maintain the water pipes. Conditions are laid down in the Licence.

In order to prepare the Counterpart Perpetual Licence, the full names of the owners and the Land Registry Title Number is required. It is customary to send the Counterpart Perpetual Licence to the purchasers' solicitor who arranges for it to be signed and returned with the fees due. On receipt, the Original Perpetual Licence is issued and this should be kept with the deeds to the property.

To put the Board's perpetual licence and the associated charges in context, under the Countryside & Rights of Way (CROW) Act 2000 the Government has regularised the level of charges which owners of common land may levy against those who need an access over the common. This does not effect Ashdown Forest where the Board's system of licences is already in place. In other areas, depending on the age of the property concerned, owners could expect to pay between 0.25 - 0.50% of the value of their property for a licensed access across common land! There may have been in the past a few properties that were granted a specific right of vehicular access across the Forest. Even, however, if documentary evidence of a Deed granting such a right can be provided, this will not obviate the need for a Perpetual Licence for the right to *maintain* the access.

A separate licence can be issued to a property owner if the only requirement is for a private water-pipe or notice board.

Other services such as telephone and electricity, for example, are covered separately by wayleaves from the utility companies.

The Perpetual Licence is designed to cover all eventualities and where a service is not in existence at present, the route can be added to the plan at a later date without the need to reissue a new licence.