



Coastal Access

The Marine and Coastal Access Bill, currently working its way through parliament, will, firstly, create new rights for the general public to access the coast over "an accessible margin of land". Secondly, it will also provide for a continuous, long-distance walking route round the entire English coast (Wales will make its own arrangements; Scotland's new comprehensive access legislation already exists under the Land Reform (Scotland) Act 2003). The accessible margin of land, which may lie on either side of the coastal route (the "trail") is to be called "spreading room". These are the two principal objectives for access, and the rights will extend to most types of open air recreation on foot such as walking, climbing and picnicking.

The scheme for the implementation of the coastal access element of the Marine Bill has been drawn up by Natural England. It is entitled "Coastal Access Natural England's Draft Scheme" and is available to read on their website. Broadly, Natural England's role is to find a way of making these two objectives work on the ground and in accordance with the scheme proposed by the Secretary of State, a process they call "alignment". Once the Bill has received its royal assent, NE will consult publicly on a final draft of their scheme.

Looking at NE's draft, however, we get a sense of the ambition of this project and the scale of the challenge presented to Natural England. Natural England proposes to divide the coast up into sections and, in the first instance, report on the numerous opportunities and constraints to these objectives taking into account the wide variety of coastal land formations and land uses urban and rural, whether ports or potato growing, camp sites or cliff. Certain categories of land will be excepted from the access provisions. Military and industrial uses are examples of this, as are wetlands and the private gardens of residences and hotels and croppd land.

The implications of coastal access for landowners

Clearly everyone who owns coastal land will potentially be affected to greater or lesser degree in some way, even if it means there may be (more) people walking the trail over their land, and all that means on the ground: litter, gates left open, damage, vandalism, loss of privacy and amenity... if we're being pessimistic. For some, greater access might bring benefit to an existing business or opportunities for new enterprise. The greater implication, it seems, will depend not simply on the route of the trail, but on how Natural England apply the concept of "spreading room" - that margin of land generally planned to be seaward, but which may be landward of the coastal trail. This will vary according to location. At the time of writing, it looks as though the right for landowners to appeal the route chosen across their land has been accepted; however, in the absence of any principle for compensation for loss incurred as a result, we should be extremely wary of the value of that right.

The question as to what is coast is also raised in the consideration of estuarine land. NE propose to include estuarine margin up to the first crossing point, defined by a tunnel or bridge, or they might stop at any point between the mouth of the river and the first ferry crossing point (though they are not obliged to) should it be more practical. Estuarine landowners and householders should justifiably feel very concerned.

In setting out the key principles of alignment, Natural England has a duty to balance the interests of the public's new right to access over coastal land and the interests of the landowners or occupiers of the land over which the new rights might be conferred. To this end they will have some discretionary powers in the determination of route and spreading room. The principle of a reduced landowner/occupiers' civil liability for those taking coastal access is proposed by the bill and this will, no doubt, be welcomed by all who feel vulnerable to the chill wind of litigation. We live in an age where rights are often hotly argued for and freely taken with perhaps less regard to the responsibility that accompanies them. This NE draft scheme appears light on the latter.

There is a pervasive vagueness in Natural England's preliminary consideration of the practical implications of implementation. With a long coastline that presents such variety in topography and land use, there is only so much that can be generalised, and as always, the devil will be in the detail. Once the bill is enacted, Natural England propose to "walk the course" with affected landowners. This is an exercise designed to ensure that the proposed route strikes a balance between the interests of accesser and land owner/occupier.

This meeting between route planner and landowner will be a key one. Landowners might do well to conduct a detailed review of the implications of access over their coastal land and be prepared in this knowledge in advance of such a meeting.

Upland Entry Level Stewardship

Uplands Entry Level Stewardship is a new scheme that will replace the Hill Farming Allowance scheme in 2010. The latter scheme is to be wound up. Qualifying farmers will be able to start their UELS agreement from July 1st 2010 and payments will be made half yearly in arrears. UELS will attract a considerably higher rate of payment than ELS in recognition of the additional costs of farming in upland areas.

UELS is a scheme devised as an additional strand to ELS to deliver landscape and environmental benefits - to maintain and improve the biodiversity, natural resources and historical values of the uplands - and will pay eligible farmers within Severely Disadvantaged Areas (SDAs) on a points system. UELS Farmers will need to be in, or to enter ELS, then obtain points by meeting a series of requirements and choose from a menu of land management options.

DEFRA hope to achieve an 80% take up of UELS on the existing SDA area in order to achieve their objective of delivering environmental benefit on a significant national scale. By enhancing various provisions such as the level of advice to farmers contemplating UELS, the amount of money available for maintaining landscape features such as walls, greater flexibility around issues such as moorland grazing and supplementary feeding, and being inclusive of tenant graziers with shorter lease terms, DEFRA hope to make the scheme attractive and accessible.

Natural England will be promoting UELS on a regional basis from this spring onwards.

Charles Dixon

Stratton & Holborow - Working “On The Edge”



Fort No. 3 - Guard House

Torbay Coast and Countryside Trust's Berry Head "On The Edge" project is about conserving a rare site under threat. Berry Head, a south facing headland above Brixham in South Devon is a National Nature Reserve, a Site of Special Scientific Interest and is in an Area of Outstanding Natural Beauty.

The 100-acre site which is quite literally on the edge is being eroded by the elements, which are eating away at the archaeological remains. Scrub and domineering weeds are undermining the Napoleonic fortifications and suffocating rare plants such as the White Rock Rose and Bee Orchids.

There is much of great interest, landscape and historical value to conserve here and the £1.8m regeneration project will principally embrace the two Napoleonic Forts, a rich bio diverse grassland environment given of its limestone geology and an old WW2 Royal Army Corps observation post. In addition it will provide trainee employment opportunities, new visitor information boards and a traffic management system.

The programme of building works will include a new Visitor Centre and Café; repair works to the forts; a new drawbridge across the moat into the Southern Fort and the conversion of the Artillery Store into a Learning Centre. The existing café will be returned to the way it looked when it was built in 1804 as a guard house. The guard house will become the Visitor Centre, with an extension at the back for a new café. The archeological dig revealed remains of the foundations, paving and external wall construction of the early 19th C military



Fort No. 1 - Magazine



hospital building, and the foundations of the extension have been carefully designed to protect the underlying historic structure.

We have designed the extension to the guard house to respond to a demanding brief and challenging location. Its detailing reflects the composition of the original guard house, and the materials - the timber cladding - reflects the former garrison barracks buildings which covered the site in Napoleonic times. Yet the building is a contemporary contribution 'of our time' and sits comfortably adjacent to the existing fabric.



Rampart walls - Fort No. 3

Stratton & Holborow's Building & Design Department at Exeter has contributed to much of the building conservation work on the site.

We have been responsible for the specification of the repairs in the existing fabric and obtaining Scheduled Ancient Monument consent for that work, the design of the extensions to the guard house and the drawbridge, obtaining Listed Building and Planning Consent, and fundamentally, agreed the extent of intervention in terms of repair to the existing fabric.

We have liaised extensively with English Heritage, the archaeologists at Torquay and Exeter Archaeology and with the individual masons who are to execute the repairs, over works to the fort and its rampart walls and related structures.

The building work contract was let, following a pre-qualification assessment and competitive tender, to Midas Construction who started work at the end of April and are due to complete at the end of the year.

Mark Ledgard



Farm to let in the South Hams

Stratton & Holborow is delighted to be instructed by The Flete Estate to let South Battsborough Farm

Holbeton, Plymouth, Devon PL8 1JY

South Battsborough Farm forms part of The Flete Estate situated on the south coast of Devon approximately twelve miles east of Plymouth. South Battsborough Farm is offered on a long term Farm Business Tenancy and represents a rare opportunity to acquire the Tenancy of an established and productive farm unit of substantial size. The farm is presently run on a fully organic basis as a beef, sheep and arable farm however, a new tenant will not be restricted to organic enterprises and the Estate will consider all reasonable proposals including dairy farming for the future management of the farm. The holding includes an exceptionally attractive five bedroom farmhouse situated in a delightful and private coastal location.

The extensive modern and traditional farm buildings are situated in two locations. These include general purpose, grain storage, modern cattle yards, silage buildings and a modern workshop. The Estate is



also willing to make available up to two Estate cottages which will be available for a tenant to accommodate farm staff on separate, Assured Shorthold Tenancies. The coastal location is renowned as a holiday destination and commands some of the finest stretches of coast and beaches in the South West. The farm has a number of diversification possibilities, which applicants can consider. South Battsborough Farm is being offered to let by tender on a 20 year Farm Business Tenancy.

The Farmland

South Battsborough Farm is an amalgamation of the former Estate holdings of South Battsborough, Combe, Haye and Pamflete. The holding extends to 754.21 acres gross however, it is estimated from the RPA maps that the net farmable area is approximately 726.69. The farm is generally coastal in nature enjoying a mild maritime climate and with average rainfall of 43.25 inches per annum. The mild climate and high rainfall make this a particularly grassy and productive farm. The soil is light and free-draining overlying shillet rock and typical for this part of the South Hams. The land is mostly Ministry of Agriculture Land Classification Grade 3 with some Grade 2 and some Grade 4 land.

Proposed tenancy and application

The Flete Estate is offering a new Farm Business Tenancy of South Battsborough Farm for a period of twenty years.

Applications will only be considered if submitted on the forms included with the FULL letting particulars. Applications must be received by the Letting Agents at their offices in Exeter by mid-day on Monday 22nd June 2009.

Auction Announcement

Following the great success of the previous Stratton & Holborow property auction last September and the recent auction of a building plot in Exeter which sold above the reserve, we are pleased to announce that the next Stratton & Holborow Property and Land Auction is being held on the 24th June 2009 at the Penventon Hotel, Redruth, Cornwall.

Selling at auction is an easy and popular way of achieving a sale and usually with the certainty of exchange of contracts immediately the property sells under the hammer.

Stratton & Holborow's website posts a very useful guide to buying and selling at auction which can be found through the Sales and Lettings area on the site. www.stratton-holborow.co.uk/content/auctions/buying-selling-at-auction.ashx

For the upcoming auction, several lots of land and property are already entered and additional suitable properties are being sought to be included in this Auction.

Further information can be obtained from any of the offices or direct from Neil Sargent, the Company Auctioneer.



Neil Sargent Celebrates 30 years with Stratton & Holborow

Neil Sargent, Commercial Director and Chairman of Stratton & Holborow, celebrated 30 years with the Company having started originally with Taylor Son & Creber in March 1979.

Taylor Son & Creber soon became Taylor Lane & Creber with the merger with W H Lane & Sons of Penzance in the early 1980's before merging with Stratton & Holborow in 1989 to form Stratton Creber, which was then bought by Lloyds TSB Bank.

Neil was one of the original Partners involved in the management buy-out of much of Stratton Creber in 1997, and as Chairman of the Partnership, led the conversion into a Limited Company in October 2005.

Throughout the 30 years Neil has been based in Truro covering the whole of the County and parts of Devon in advising a variety of clients on commercial property related matters.

Neil remembers the early days as being much more relaxed with prices bearing little resemblance to property values in the recent boom times.

Neil was originally employed by the firm as a Commercial Negotiator. Early sales in his first year included freehold shops in River Street, Truro, a couple of Pubs and two Hotels, with his first major development transaction being the sale of a former Restaurant in Pydar Street, Truro which was subsequently developed to become the current WH Smiths.

The property recession of the late 80's/early 90's certainly changed the face of the commercial property and development market, although some 20 years on it is clear that not all the lessons from that time have been learnt.

Neil Sargent, as well as being Chairman of Stratton & Holborow, is also currently Chairman of the Cornwall Branch of the National Association of Estate Agents and a Trustee Director of Cornwall Blind Association, a long-established local Charity serving the needs of visually impaired people throughout the County.

Self-Build Workshops

Neil Sargent was invited to give two workshops on locating and buying a building plot at Cornwall's Self-Build Event being held at the Eden Project on the 18th April 2009.

'Build It Yourself' at the Eden Project was the first self-build exhibition held in Cornwall and it was organised by Community Self-Build Agency. It was officially opened by Matthew Taylor MP.

Neil Sargent said "self-build is considered to be an important and growing part of the overall property and housing market and I am delighted to be involved in this event and present interactive workshops on locating and buying land or plots, which is the first step in the self-build process".

Further enquiries in respect of this growing area of the property market to Neil Sargent at the Truro Office.

(Neil Sargent is Chairman and Commercial Director of Stratton & Holborow and Chairman of the Cornwall Branch of the National Association of Estate Agents).

Are you a private landlord thinking of letting a property?

Recent legislation has made letting much less straightforward. Unfortunately for the private landlord wanting to let the family home or an investment property, it is no longer simply a case of sticking a post card in the post office window and an ad in the local paper and getting on with it. Recent legislation has, for example, introduced the need for an EPC and the right for the tenant to have his/her deposit protected. There are a number of other important elements to consider, when entrusting your valuable asset to another.

Here are 12 important questions the property owner should consider before letting:

1. What is the full market rental value of my property?
2. Am I the best person to negotiate it with an interested party?
3. How can I advertise my property so as to reach the widest audience and attract the right tenant?
4. Can I perform a thorough vetting process and get the proper credit checks on a prospective tenant?
5. What type of tenancy should I offer and for how long?
6. Are there any non-standard tenancy clauses that I need to think about to protect myself and my property?
7. Have I got an Energy Performance Certificate?
8. Which Tenancy deposit scheme should I use?
9. Are the utility appliances (gas and electrical) compliant, and do they have a landlord's certificate?
10. Do all the furnishings comply with fire regulations?
11. Have I considered all of the potential health and safety hazards at the property?
12. Am I able to collect the rent and manage the property on a monthly basis once it is let?

For further enquiries on lettings please contact the Exeter office,

Peter Thomas



Chartered Surveyors, Construction & Property Consultants

OFFICES

Lemon Villas, Truro, Cornwall, TR1 2NU. Tel: 01872 274646
Fax: 01872 222180 Email: truro@stratton-holborow.co.uk

8 Southernhay West, Exeter, Devon, EX1 1JG. Tel: 01392 278466
Fax: 01392 412467 Email: exeter@stratton-holborow.co.uk

1 Briston Orchard, St Mellion, Saltash, Cornwall, PL12 6RQ Tel: 01579 351908
Fax: 01579 351605 Email: stmellion@stratton-holborow.co.uk

www.stratton-holborow.co.uk

This Report is for guidance only and professional advice should be obtained before acting on any information herein. No responsibility can be accepted for loss occasioned to any person as a result of action taken or refrained from in consequence of these contents.

© Stratton & Holborow