Social Farms & Gardens **Community Group Acquisition of Land** Ffermydd a Gerddi 1.) Have you formed a community growing group? Cymdeithasol Yes No 2. Find a site Look at FCFG Community Growing Resource Packs: The finding land overview will guide you on how to kick start your land search: https://www.farmgarden.org.uk/resources https://wl.communitylandadvice.org.uk/en/resource/finding-land-overview 3. Consider the aims and objectives of your group and prepare to introduce your project ideas to a landowner. Complete the form 'Introducing our Community Project' www.farmgarden.org.uk/introducingourcommunityledproject (new link) 4. Consult with your local ward member/s, neighbours, and the local planning authority (LPA) Never enter into a land agreement before knowing if what you want to use the site for or structures you want to erect are going to be acceptable to the LPA. Ask neighbouring occupiers if they know who owns the land Speak to your local ward member and ask the local authority if they Yes own the land or if they know who does **5.** Have you identified the landowner? Get information on who owns land from the land registry https://www.gov.uk/get-information-about-property-and-Yes land/search-the-index-map If you know the exact address you can also search the land registry 6.) Consider what the landowner wants by doing an address search https://www.gov.uk/search-property-See 'What the Landowners Want Guide': information-land-registry https://www.farmgarden.org.uk/negotiating-land-owners 7.) Draft an approach letter to landowner Fill out this form -Introducing our community led project form https://www.farmgarden.org.uk/negotiating-land-owners Landowner is not prepared to engage It is important to provide as much of the information in this form as early as possible so that CLAS can support you and land owners know who they are dealing with. Landowner is prepared to engage 8.) Agree Heads of Terms (HoT) Look up the CLAS heads of terms template and how to guide https://www.farmgarden.org.uk/negotiating-land-owners fill out the heads of terms with what terms you want and then share it Landowner rejects HOT Landowner rejects HOT Renegotiate HOT with the landowner. Do not agree anything without seeking legal advice and always check with potential funders what length of lease they would require. Landowner agrees HoT **Legal Stage** Insurance At this stage we strongly recommend seeking legal It is important to get some form of insurance before you start managing the land in any way. Social Farms advice from a suitably qualified solicitor & Gardens work with an insurance broker and advice and details of this are available here https://www.farmgarden.org.uk/join-us/insurance-sfg-members

Consider costs

- Site investigation and planning application fees
- Rent/premium
- Funding/grant funding
- Insurance
- Legal fees/surveyor fees
- Tax (Stamp Duty Land Tax/Land Transaction Tax)

B. Investigate Title

- Are there any third parties with interests in the land?
- Are there any restrictions on the title register to comply with?
- Is the landowner who you think it is?
- Do you require planning if you need to develop the land?

C. Searches and Enquiries

- Consult your lawyer on carrying out property
- Raise pre-contract enquiries with the landowner
- Remember buyer beware!

There are many good guides to insurance like this one from the local county voluntary council in Rhonnda Cynon Taff. http://www.wcva-ids.org.uk/interlink/1115.

D. Legal Documents

- **Negotiations**
 - Landowner's lawyer usually drafts the transactional documents
 - Your lawyer will then review those drafts and take instructions from you
 - Documents are then agreed and final forms circulated for signature
- II. Exchange (applicable where an agreement for lease or similar)
 - Exchange = this is when a signed contract is dated and becomes legally binding
 - Tenant may pay a deposit or other sum on exchange You as buyer/tenant put insurance on risk
- Pre-completion searches (at HM Land Registry etc) III.
- IV. Completion (applicable where a lease, tenancy, licence to occupy etc)
 - Completion = this is when a signed deed is dated and becomes legally binding
 - This is when you obtain legal interest in the land
 - Buyer pays purchase price/tenant becomes liable for the payments under the lease/tenancy
 - Completed documents "swapped" (you get the landlord's signed part and vice versa)
 - Completed documents then must be put in safe storage

٧. Post-completion

- Register lease/transfer at HM Land Registry (if applicable)
- Pay Stamp Duty Land Tax/ Land Transaction Tax (if applicable)