

# MEMORANDUM

**To:** Setufe Selasi – Be First

**Date:** 20<sup>th</sup> September 2023

**From:** Edidiong Smith  
Legal Practice

**Re:** Report on Title – Site at Fambridge Road East (the Site) (ES/029613)

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This report relates to land at Fambridge Road East shown edged red on the site plan attached relating to an innovative sites programme.

In the preparation of this report, I have reviewed the title entries at the Land Registry and the schedule of the property documents retained by the Land Registry.

## **Ownership**

The site comes within the Council freehold title EX21411, the register and title plan for which is also attached. The land edged and lettered x in green on the title plan no longer forms part of the title. The land edged and numbered in green on the title plan no longer forms part of the title.

## **Rights and matters affecting the land in the title**

The title entries note easements and other rights relating transfers of adjoining properties and made pursuant to the Right to Buy provisions of the Housing Acts 1980/1985.

The land is subject to rights of drainage and rights in respect of water, gas and electricity supply services.

The pedestrian and vehicular accessways included in the title are subject to rights of way.

The sewers, drains, pipes, wires, conduits, flues, chimney stacks, eaves, troughs and downpipes in under or upon the land adjoining the parts edged and numbered in green on the filed plan are subject to rights of user for the benefit of such parts so edged and numbered in green.

The parts of the land affected thereby which adjoin the parts edged and numbered in green on the filed plan are subject to rights of support and rights of entry for the purpose of repairing and maintaining the properties erected on the parts so edged and numbered in green.

## **Restrictive covenants**

A Transfer of land dated 1 June 1939 made between (1) The County Council of the Administrative County of Essex (Vendors) and (2) The Mayor and Aldermen and Burgesses of the Borough of Dagenham (Purchasers) covenants details of which are set out in the schedule of restrictive covenants on the register and outlined below.

## **Schedule of restrictive covenants**

The following are details of the covenants contained in the Transfer dated 1 June 1939 referred to in the Charges Register:-

“The Purchasers hereby covenant with the vendors and their successors in title to the intent and so as to bind (so far as practicable) the land hereby transferred into whosoever hands the same may come but so that neither the Purchasers nor their successors in title shall incur land any personal liability after they have parted with all interest in the land in respect of which any breach shall occur that they the Purchasers and their successors in title will at all times hereafter perform observe and abide by the restrictive covenant set out in the Fourth Schedule.

### **Fourth Schedule**

Restrictive Covenant to be observed by the Purchasers

No noisy noxious offensive or dangerous trade business pursuit or occupation shall be carried on upon the land or in any building hereafter to be erected thereon but nothing contained in this Schedule shall preclude the Purchasers from using the said property for any of the purposes for which they are now or may from time to time be authorised to acquire and/or utilise land except for the purposes of tipping dust or refuse as a site for a dust or refuse destructor or as a sewage farm but nothing contained in this Clause shall prevent the Purchasers from tipping clinker or other suitable materials upon the land for the purpose of improving the land.”

## **Other documentation**

None seen.

## **Access**

The highway plan shows the adopted highway coloured purple. Also, the highway plan shows public rights of way coloured green.

## **Comments**

No searches have been undertaken to establish statutory utilities. These can be arranged if required, but no doubt relevant utility companies will need to be consulted regarding the development proposals.

**Exclusion of liability**

This report is based on the information revealed by office copy entries from the Land Registry.

I have not inspected the Site, nor have I made any enquiry of anyone in occupation of the property.

This report is addressed to and is solely for the benefit of Be First in connection with the proposed development of the Site mentioned above and has been prepared as an information document only.

The contents of this report are private and confidential and must not be relied on by or made available to any third party without the prior written consent of the Director of Law and Governance of the Council.

Edidiong Smith

Legal Services