

Agenda Item No:

Report To: Cabinet

Date of Meeting: 29th June 2023

Report Title: Acquisition of Trafalgar House: Use of Chief Executive's Delegated Authority

Report Author: Mark James

Job Title: Housing Developments and Partnerships Manager

Portfolio Holder: Cllr tbc

Portfolio Holder for: Housing tbc



Summary:

This short report notifies members of a decision the Council took during the pre-election publicity period. This was actioned using the Chief Executive's urgency powers and secured the freehold of the Trafalgar House building on the corner of Bank Street and Elwick Road.

The acquisition was subject to strict time pressure and although the Chief Executive's delegated authority was used to sanction the deal, the then Leader, Deputy Leader, the Portfolio Holder for Housing (who remains in post into the new administration), the Portfolio Holder for Finance, the Portfolio Holder for Property, and the Chair of the Overview and Scrutiny Committee (now Leader) were briefed about the decision to move forward with the project and all agreed with the decision, subject to due diligence.

Members should note that there is an exempt appendix covering much of the sensitive detail related to the acquisition. This is exempt in order to protect various commercial interests and significant sensitivities, which are outlined in that section of the report.

The Council exchanged contracts on Trafalgar House on Wednesday 24th May 2023 and completed on Tuesday 30th May 2023.

The Chief Executive has urgency powers within the constitution to make a decision once the financial implications of that decision, and associated due diligence, are fully appreciated. This is the first Cabinet meeting at which this can be reported to all members.

Key Decision: YES (delete as appropriate)

Significantly Affected Wards: The property sits in Victoria ward

Recommendations: **The Cabinet/Committee/Board** *[delete as appropriate]* **is recommended to:-**

- I. Note that the Chief Executive has exercised her urgency powers to secure the acquisition**
- II. Note that all relevant due diligence has been undertaken by officers**
- III. Note the content of the exempt appendix**

Policy Overview: Building on solid foundations: delivering affordable homes in Ashford – delivery plan for 2019-2023

Housing Ombudsman Service – Spotlight on: Damp & Mould

Financial Implications: These are detailed in the exempt Appendix A

Legal Implications: *Text agreed by [title of Legal Officer] on [date]* The legal work for the acquisition was outsourced to Bevan Brittan to accommodate the speed with which the Council had to proceed in order to close the purchase. This decision was agreed by the Solicitor to the Council and Monitoring Officer. The Council would like to place on record its gratitude for Clare Rees at Bevan Brittan for the professional and prompt service throughout this process. This work identified a number of considerations and risks and the Council has proceeded in full light of these. These are discussed within the report.

Equalities Impact Assessment: See Attached

Data Protection Impact Assessment: The impact on Data Protection will be undertaken at the appropriate time

Risk Assessment (Risk Appetite Statement): Risk is identified as a separate section within the report and exempt appendix.

Sustainability Implications: All of the units here are EPC 'B' or EPC 'C' rating

Other Material Implications: Nothing to mention at this stage.

Exempt from Publication: **Exempt Appendix A**

This is not for publication by virtue of Paragraphs 2 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

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Introduction and Background

1. The Council is not alone in facing a challenge in reducing the pressure on its General Fund caused by a rise in homelessness presentations. Indeed, these are becoming harder to prevent. They are occurring as there are a number of private sector landlords selling their stock, for example, and the cost of living crisis has also contributed to a rise in numbers. Equally, with Stodmarsh nutrient neutrality issues, the Council is unable to be on site delivering new homes that could act as move-on accommodation from temporary accommodation (TA). The Council is, however, leading the way in delivering solutions to this particular issue.
2. Previously the Borough Council has converted a former commercial building (Christchurch House) and a former vicarage (Christchurch Lodge) which now provide 16 short-stay homes for those to whom it accepts a homelessness duty. Furthermore, planning permission has been granted for the Council to utilise the former Henwood car park as the site of a brand new short-stay accommodation facility for 23 temporary homes made of modern, modular construction. These will be innovative, a first for the borough and the site will be zero-carbon in operation.
3. With Christchurch House and Christchurch Lodge already operational and Henwood due to be completed by the end of March 2024, the opportunity recently arose to acquire the freehold of Trafalgar House in Bank Street in Ashford town centre. Trafalgar House comprises 33 units (30 x 1-bed and 3 x studio flats). As stated in the summary this opportunity arose during the pre-election publicity period and therefore the Chief Executive's urgency powers have been used to purchase the building.
4. With 148 households in TA at the end of March 2023, there is an undoubted need for such accommodation so this is the intended purpose in any case in the short-to-medium term.

Due diligence

5. Trafalgar House was a 'permitted development rights' development – the units are all measured at 30sqm per 'unit' so as they are not space standard compliant this would mean the Council's only option would be to use the building as TA as it stands. However, these temporary homes are much larger than some of the accommodation the Council has looked at acquiring in the town centre, so for the limited time that people will be placed in the properties this is felt to be acceptable. It also provides an 'exit' strategy for the Council as freeholder in the long-term where the building layout could be reconfigured and general needs affordable housing could be provided.
6. The Council received what it was advised was a full legal pack, though there were several questions subsequently raised with the seller's solicitor and

further documentation and searches provided. The report on title from Bevan Brittan highlighted the main risks and considerations for the Council, which then instructed Collier Stevens to conduct a survey of the building for its condition and an independent valuation was commissioned via Sibley Pares. The condition survey prompted a further fire risk assessment being undertaken. The Council commissioned QFSM Ltd to undertake this. In all cases, further discussion was held on receipt of the reports with their authors. The Council may need to inject a small amount of capital spend to address the points raised in the Fire Risk Assessment.

7. With regards the condition survey the building was generally felt to be in decent condition and certification of building control sign off (not the via Council's own team) was provided as part of the pack. Of course, the building shows signs of wear and tear through the churn of a more complicated-to-manage client group. Cosmetically there is work to be done in the 'void' period between tenants (which PIPS undertakes as part of its lease) but structurally all who viewed the building felt it to be sound. A Health and Safety file was provided in the original pack covering utilities and plant.
8. Further discussion on due diligence is detailed in the Exempt Appendix.

Practicalities and risk

9. The Council is taking floors one to three subject to the existing lease and so now that the Council has become the landlord it takes over the building with the tenants (PIPS) and their sub-tenants already in situ.
10. The Council will be the freeholder. The shops beneath are all subject to long leases – outlined in the exempt appendix. This means that there is some loss of flexibility to manage or redevelop the building in the short-term, which has been acknowledged as part of the purchase decision. The current lease structure will also inhibit whole-scale redevelopment of the block in the future unless the Council buys in both the intervening leasehold interest and the individual ground floor shop sub-leases. The rights of the building occupiers to the rear over the service yard/and cycle/bin stores will also need to be untangled at some stage.
11. The adjacent building, Elwick Studios, has access to the common parts between itself and Trafalgar House. While it makes financial sense to secure Trafalgar House because of the longer term savings available to the Council from TA cost reductions, there are risks that some of the longer term running costs may not be able to be recouped through the service charge.
12. While Elwick Studios do not contribute to the upkeep and repair of the communal areas, neither have any demands been made through a service charge. This 'equitable easement' needs thought. The landlord of Trafalgar House is unable to prevent access from Elwick Studios as the two buildings (or groups of properties in reality as it is one building now effectively) are joined by a single staircase extension. While this means there is no delineation of the building, there are measures the Council is able to implement to have greater control over fire risks. The adjoining building was developed under planning permission 17/01357/AS. The exempt appendix deals with this.

13. The other risks for the Council to mitigate with the proposed purchase were:
- It is not paying an appropriate amount for the building
 - It is not buying a building that requires a lot of work
 - It is not buying a building that is safety compliant
 - It is unable, as freeholder, to fulfil its long-term ambition
14. These points have been addressed in the exempt appendix.

Equalities Impact Assessment

15. Members are referred to the attached Assessment. There are no adverse impacts on any of the groups identified in the report.

Consultation Planned or Undertaken

16. As stated, members who formed part of the previous administration's Cabinet and committee structure were notified about the intention to proceed with this acquisition, subject to satisfactory due diligence taking place. Ward members were not known at the point this process was taking place but housing are happy to discuss this matter further with the new and existing ward members for Victoria ward if they should wish to do so.

Other Options Considered

17. Of course, the Council could have stepped back from the acquisition. This would likely have meant it being acquired on Ashford's doorstep by an out of borough authority (this is a real possibility as London boroughs are always searching for more cost-effective placement opportunities), whom would likely not manage or support the residents as well as the Council is able to do. Indeed, the Council has since been offered other opportunities in a neighbouring borough. However, the Council's approach is to point sellers and agents to contacts within those authorities. Furthermore, not proceeding would have done nothing to proactively address the spend in the General Fund on TA.

Reasons for Supporting Option Recommended

18. The acquisition has now gone through but members should be assured that due diligence took place, that experts oversaw the process from a legal angle and officers assessed all relevant risks in the context of the financial situation that the Council finds itself in with TA. It is not alone as a Council in this regard and the fact it worked hard to ensure it was at the front of the queue despite there being multiple bidders illustrates its persuasiveness in its business acumen and that the Council is risk aware but not risk averse.

Next Steps in Process

19. The Council completed on the transaction of Trafalgar House on 30th May 2023. It is now working with PIPS on the matters identified in the report and exempt appendix. The Council's Property Services team will manage the building in the short-to-medium term.

Conclusion

20. The Council has proactively stepped in to acquire the freehold of Trafalgar House. While the process was not straightforward the Council has been able to make an informed decision given the evidence secured. It has evaluated the risks and has an exit strategy should the units not be required for the

purpose of TA in the long-term. On that basis the Chief Executive has considered the situation and exercised her urgency powers to buy it.

Portfolio Holder's Views

Cllr Bill Barratt, Portfolio Holder for Housing

21. *I am delighted that the Council has made the bold and positive step to acquire Trafalgar House. On a number of occasions we have wondered as an authority if we could acquire it and now the opportunity has arisen I am pleased officers have moved quickly to do so – thus preventing it from being obtained by an out-of-borough authority and managed less effectively than we will be able to in conjunction with the leaseholder in the short term.*
22. *There are a number of confidential matters in this report, which is why there is an extensive exempt appendix. I would ask all members to respect that to enable the Council to retain an element of commercial confidence in the marketplace and conduct negotiations sensitively and appropriately.*

Contact and Email

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Equality Impact Assessment

Appendix B to June 2023 Cabinet report regarding use of urgency powers

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:
- Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership*
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate

in public life or in other activities where it is disproportionately low.

7. How much regard is 'due' will depend on the circumstances. The greater the potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.
8. In terms of timing:
 - Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
 - Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
 - The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Case law principles

9. A number of principles have been established by the courts in relation to the equality duty and due regard:
 - Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
 - Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.

- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Mark James
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	<p>Note that the Chief Executive has exercised her urgency powers to secure the acquisition</p> <p>Note that all relevant due diligence has been undertaken by officers</p> <p>Note the content of the exempt appendix</p>
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	29 th June 2023
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>Note that the Chief Executive has exercised her urgency powers to secure the acquisition</p> <p>Note that all relevant due diligence has been undertaken by officers</p> <p>Note the content of the exempt appendix</p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	<p>Building on solid foundations: delivering affordable homes in Ashford – delivery plan for 2019-2023</p> <p>Housing Ombudsman Service – Spotlight on: Damp & Mould</p>
Consultation: <ul style="list-style-type: none"> • What specific consultation has occurred on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>Members who formed part of the previous administration's Cabinet and committee structure were notified about the intention to proceed with this acquisition, subject to satisfactory due diligence taking place.</p> <p>Ward members were not known at the point this process was taking place but housing are happy to discuss this matter further with the new and existing ward members for Victoria ward if they should wish to do so.</p>

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	Medium	Positive (minor)
Middle age	Medium	Positive (minor)
Young adult	Medium	Positive (minor)
Children	Medium	Positive (minor)
<u>DISABILITY</u> Physical	Medium	Positive (minor)
Mental	Medium	Positive (minor)
Sensory	Medium	Positive (minor)
<u>GENDER RE-ASSIGNMENT</u>	Medium	Positive (minor)
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	Medium	Positive (minor)
<u>PREGNANCY/MATERNITY</u>	Medium	Positive (minor)
<u>RACE</u>	Medium	Positive (minor)
<u>RELIGION OR BELIEF</u>	Medium	Positive (minor)
<u>SEX</u> Men	Medium	Positive (minor)
Women	Medium	Positive (minor)
<u>SEXUAL ORIENTATION</u>	Medium	Positive (minor)

Mitigating negative impact:

Where any negative impact has been identified, outline

Where the assessment has been carried out above it is on the basis of people possibly becoming homeless. On the basis that this could affect anyone, everyone is listed as 'medium' and the impact would be positive if they needed the Council's help.

the measures taken to mitigate against it.	
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Is the decision relevant to the aims of the equality duty?	
Guidance on the aims can be found in the EHRC's Essential Guide , alongside fuller PSED Technical Guidance .	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	N/A
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	N/A

<p>Conclusion:</p> <ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see guidance above). Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified. How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported? 	<p>Due regard has been considered throughout this proposal to each protected group.</p> <p>No unlawful discrimination has arisen from the decision.</p> <p>The effect on the community will be positive due to the better management of the facility. No adjustments required.</p> <p>The building will be monitored in terms of its physical attributes by property Services. In terms of the arrangement with PIPS, this will be monitored by the Housing Options team.</p>
EIA completion date:	19 th June 2023

Due Diligence, Technical and Legal Matters Checklist

Element	Available	Required	Action/Comments
Due Diligence			
<ul style="list-style-type: none"> Company Due Diligence 	Yes		Paramount Independent Property Services (PIPS)
<ul style="list-style-type: none"> Planning Permission and Section 106 (Including planning permission conditions) 	Yes		Trafalgar House converted under permitted development. Local Search revealed planning permission: 15/00011/AS. This permission covered the reconfiguration of the ground floor from 3 shops to 6, the replacement of the windows at Trafalgar House and 'an extension'. Planning application 17/01357/AS provided for the extension of Trafalgar House i.e. Elwick Studios.
<ul style="list-style-type: none"> Legal (purchase agreement, title and searches). These are reviewed and appropriate reports prepared by the Council's in house legal team (Including Chancel searches for residential properties) 	Yes	Yes	Due to timeframe stipulated by the agent, we outsourced (with Mildred Pountney and Terry Mortimer's discretion) the work to Bevan Brittan – Clare Rees is the assigned solicitor.
<ul style="list-style-type: none"> Independent site valuation 	Yes	Yes	Sibley Pares undertook site valuation – this was undertaken in April 2023 – follow-up conversations held over the phone with Richard Sabin to clarify values and context and use.
<ul style="list-style-type: none"> Development appraisal (including reference comparable, build programme, financing costs and sensitivity analysis) 	Yes	Yes	Giles Holloway undertook the initial feasibility, Lee Foreman

Due Diligence, Technical and Legal Matters Checklist

			and Maria Stevens followed this up as negotiations proceeded.
<ul style="list-style-type: none"> Development Documents (including build contract and professional appointments with copies of insurances, warranties and collateral warranties to ABC) 	Yes		Property pack supplied by Bevan Brittan in addition to what was supplied by the agent
<ul style="list-style-type: none"> Contractor/appointments DD (including confirmation of NHBC registration for the scheme) 	Yes		Building Control sign-off certificate supplied as part of pack
<ul style="list-style-type: none"> Copy of Insurance policies (Title indemnities) 	Yes		Supplied as part of pack
Site Survey			
<ul style="list-style-type: none"> Location 	Yes		Search information – also, conditions survey carried out by Collier Stevens 17/04/23
<ul style="list-style-type: none"> Ordnance survey reference 	Yes		600858.10, 142585.62
<ul style="list-style-type: none"> Ground levels 			Unknown
<ul style="list-style-type: none"> Physical features (e.g. roads railways, rivers, ditches, trees, pylons, buildings, old foundations, erosions) 			None
<ul style="list-style-type: none"> Existing boundaries 	Yes		Identified on documentation from Bevan Brittan
<ul style="list-style-type: none"> Adjacent properties 	Yes		Detailed discussion with Bevan Brittan in report on title relating to Elwick Studios and the access they have to the common parts of Trafalgar House and the transfer document that indicated the link between the two buildings.
<ul style="list-style-type: none"> Site access (adopted highways, visibility splays) 	Yes		All detailed in the Report on title – lease on underground passageway and access to bin store etc.
<ul style="list-style-type: none"> Structural survey 	Yes		Conditions survey carried out by Collier Stevens, recommendations would have

Due Diligence, Technical and Legal Matters Checklist

			been made if structural issues were identified. TQFSM Ltd noted that structurally the building was sound.
<ul style="list-style-type: none"> Previous use of site 	Yes		This was offices prior to 2017
Element	Available	Required	Action/Comments
Geotechnical Investigation			
<ul style="list-style-type: none"> Trial pit 			Not applicable
<ul style="list-style-type: none"> Bore holes and bore hole logs 			Not applicable
<ul style="list-style-type: none"> Geology of site including underground workings 			Not applicable
<ul style="list-style-type: none"> Laboratory soil tests 			Not applicable
<ul style="list-style-type: none"> Site tests 			Not applicable
<ul style="list-style-type: none"> Groundwater observations and pumping tests 			Not applicable
<ul style="list-style-type: none"> Geophysical survey 			Not applicable
<ul style="list-style-type: none"> (Historic site uses) 			Not applicable
Drainage and Utilities Survey			
<ul style="list-style-type: none"> Existing site drainage (open ditch, culvert or piped system) 	Yes		Drainage report appended to Bevan Brittan's report on title
<ul style="list-style-type: none"> Extent of existing utilities on or nearest to the site (water, sewerage/manholes, gas, electricity, telecoms) 	Yes		33 properties supplied by water, electricity and mains drainage. Gas to plant room
<ul style="list-style-type: none"> Extent of any other services that may cross the site (e.g. telephone / data lines, oil/ fuel pipelines) 			Unknown
Contamination Survey			
<ul style="list-style-type: none"> asbestos 	Yes		Asbestos report indicates all asbestos removed from building, detailing rooms etc
<ul style="list-style-type: none"> methane 			Not applicable
<ul style="list-style-type: none"> toxic waste 			Not applicable
<ul style="list-style-type: none"> chemical test 			Not applicable
<ul style="list-style-type: none"> radioactive substances (incl radon areas) 			Not applicable

Due Diligence, Technical and Legal Matters Checklist

<ul style="list-style-type: none"> invasive plant species: Himalayan balsam, japanese knotweed etc 			Not applicable
Traffic Survey			
<ul style="list-style-type: none"> examination of traffic records from local authority 			Not applicable
<ul style="list-style-type: none"> traffic counts 			Not applicable
<ul style="list-style-type: none"> traffic patterns (note of low bridges/hump backs in locality) 			Not applicable
Element	Available	Required	Action/Comments
<ul style="list-style-type: none"> delay analysis 			Not applicable
<ul style="list-style-type: none"> noise levels 			Not applicable
Adjacent Property Survey			
<ul style="list-style-type: none"> right of light 			Not applicable
<ul style="list-style-type: none"> party wall agreements 			Not applicable
<ul style="list-style-type: none"> schedule of conditions 			Not applicable
<ul style="list-style-type: none"> foundations 			Not applicable
<ul style="list-style-type: none"> drainage 			Not applicable
<ul style="list-style-type: none"> access 			Not applicable
<ul style="list-style-type: none"> public 			Not applicable
<ul style="list-style-type: none"> utilities serving the property 			Not applicable
<ul style="list-style-type: none"> noise levels 			Not applicable
<ul style="list-style-type: none"> eaves etc overhangs (either subject property or adjacent) 			Not applicable
Asbestos Survey	Yes		As indicated this was supplied in the legal pack
Acoustic Survey			None
Ecological Survey			Not applicable
Arboricultural Survey			Not applicable

Due Diligence, Technical and Legal Matters Checklist

Flood Risk	Yes		Included as part of drainage and flood risk and water document in legal pack
Archaeological Survey			Not applicable
• examination of records			Not applicable
• archaeological remains (treatment & ownership checks)			Not applicable
Element	Available	Required	Action/Comments
Environmental Issues			
• effects of proposed development on local environment: environmental impact assessment, where appropriate			Not applicable
Legal Aspects			
• ownership of site	Yes		Dealt with in report on title
• restrictive covenants	Yes		Dealt with in report on title
• easements, e.g. rights of way, rights of light	Yes		Dealt with in report on title
• wayleaves			None
• boundaries	Yes		Dealt with in report on title
• party wall agreement			None
• highways agreements			None
• local authority agreements			None
• other legal aspects	Yes		Dealt with in report on title
• effect of local area plan			None

Additional Notes:

Due Diligence, Technical and Legal Matters Checklist