

**From:** Suzanne Barton  
**Sent:** 09 April 2021 11:24  
**To:** Info <[Info@witney-tc.gov.uk](mailto:Info@witney-tc.gov.uk)>  
**Subject:** Madley Park Playing Fields

Good morning,

Firstly, I would like to apologise for the delay in getting back to you regarding the attached letter.

I have now obtained the relevant legal advice regarding Witney Town Council taking over the Madley Park playing fields.

Because there are two restrictions on title in the Proprietorship Register, there can be no disposition of any part of the registered estate for 25 years, and until 22nd December 2029, without a consent certificate duly signed by the Trustees or their Conveyancer (Henmans Solicitors in Woodstock), as well as a Deed of Covenant entered into by the purchaser. It is clear that these restrictions relate to the whole of the playing fields and registered estate shown tinted blue on the title plan, and not just the play area originally intended to be transferred by WODC to WTC.

Our Legal team have therefore suggested WODC grant a lease to WTC referring to relevant Dual User Agreement's (DUA) and Deeds of Variation (DoV). Existing DUA's and intended DoV's could be annexed to lease.

As there are quite a number of parties involved it may take a little longer than a normal transaction but initially I am contacting you to see if you are interesting in a lease of the site due rather than purchase at this stage due to the above.

Also I would need to know how WTC wish to vary the existing DUA's i.e. what would you like to see charged in DUA's etc.

Just to double check would this be the entire playing field including play area?

It might, also, be possible to make the lease subject to the 2002 Dual User Agreement and require WTC to agree to perform the terms of the same? If, however, the terms of the Dual User are to change then there needs to be either a new agreement, or a variation of the existing terms, entered into by all the parties.

Please let me know your thoughts.

Kind regards,

Suzi

Suzanne Barton  
Senior Estates Officer