

## WRITTEN EXAMINATION

### PAPER II

14 NOVEMBER 2013

10.45am – 12.45pm

Time Allowed – 2 Hours

#### Instructions to Candidates:

1. Complete the Green Examination Information Sheet by stating your examination candidate number (not your name) together with the area in which you are practising and the local Association of which you are a member. Attach the green sheet to the top of your answer pad and ring the numbers of the **three** questions that you have answered.
2. Write your candidate number, the number of the question and the page number in the top right-hand corner of each page.
3. Write on one side of the paper only, leaving the margin on the left-hand side.
4. Start each answer on a separate sheet and place your answers in numerical order.
5. Time has been allowed for you to read through the Question Paper **and plan** your answers.
6. You should attempt to answer **three** out of the six questions, ringing their numbers on the green sheet. Where relevant state whether you are answering for England, Wales or Scotland.
7. All questions carry equal marks: 20 each.
8. Questions are framed so as to minimise the need to make assumptions but state clearly any that you do make and the reasons for them.
9. Where appropriate, you will be expected to state the relevant Act, Statutory Instrument or case upon which you have based your answers.
10. You may use imperial or metric measurements in your answers. Please indicate which units you are using.
11. The presentation and clarity of your answers is important.

## PAPER II Q1

You are advising a landowner in negotiation with a renewable energy developer over terms for the occupation of 75 acres of bare land to construct and operate a field-based Solar Photovoltaic Array.

- (A) List the principal headings you would expect to see by way of the commercial terms to be agreed as part of the Option Agreement, prior to the Lease being drafted. **(10 marks)**
- (B) Write a brief explanatory paragraph on 5 of the headings under (A) above with an indication as to what you would expect to see agreed under each. **(5 marks)**
- (C) Write a brief explanatory paragraph on 5 principal commercial terms you would advise your client should be covered in the draft Lease. **(5 marks)**

## PAPER II Q2

Your client has a 150m<sup>2</sup> stone barn on the edge of the farm. It has been unused for a few years. It would be ideal for conversion to a single dwelling.

- (A) Write a letter to your client setting out how you intend to try to get the necessary planning permission, including the factors that will be considered by the planners to enable them to process the application. **(16 marks)**
- (B) A 100m<sup>2</sup> let barn in the main farmyard was converted to offices in 1999, but planning permission was never applied for. Set out the information required to regularise the planning position. **(4 marks)**

## PAPER II Q3

You have been asked to assess the market value of a number of assets on a small estate. Before commencing, your client has asked that you send him a report advising on the key factors and different methodologies in the approach for valuing each of these assets and comment on what type of buyer each may appeal to.

- (A) 50 hectares of arable land owned and farmed in hand. **(5 marks)**
  
- (B) 40 hectares of arable land on a 5 year agricultural tenancy which commenced on 29<sup>th</sup> September 2012. **(5 marks)**
  
- (C) 80 hectares of arable land subject to a tenancy which commenced on 1<sup>st</sup> June 1984. **(5 marks)**
  
- (D) A modern 3 bedroom cottage, subject to an Agricultural Occupancy restriction. **(5 marks)**

## PAPER II Q4

Last year your client gained planning permission to convert an old dairy building into an office. He has now completed the conversion work.

(A) Your client has marketed the property himself and found 3 possible occupiers.

He likes them all and has asked you to write to him with suggestions as to the background information he could obtain to differentiate between them as potential occupiers.

**(5 marks)**

(B) He has also asked you to write to him listing the information he needs to send to his solicitor so that his solicitor can draft a lease for the office.

**(15 marks)**

## PAPER II Q5

Your client, an owner-occupier, has decided to instruct your firm to sell her farm by private treaty. The farm comprises a farmhouse, a range of farm buildings, a grain store and 200 acres of arable land. She has confirmed that there are no other occupiers of the farm.

Please set out in bullet point format with a brief explanation:

- (A) The details to be covered in your firm's terms of business for the sale. **(10 marks)**
  
- (B) The information you will need to enable you to compile the particulars and an information pack for potential purchasers **(10 marks)**

## PAPER II Q6

Your client has asked for advice because of a proposed scheme to construct a trunk road through his farm. The farm extends to 500 acres and includes a farm house and farm buildings. The proposed route will cut through the middle of the farm and be within 250m of the house and buildings.

In a letter:

- (A) Outline the chronology and steps that must be taken for your client's land to be acquired under a compulsory purchase order. **(8 marks)**
- (B) Detail any measures your client can take to influence the route. **(2 marks)**
- (C) Explain the six rules for assessing compensation under the Land Compensation Act 1961 (for Scotland, the Land Compensation (Scotland) Act 1963). **(6 marks)**
- (D) Provide an outline of the heads of claim with examples of how the compensation will be calculated (no figures required). **(4 marks)**