

<b>Report to</b>	<b>Chippenham Area Board</b>
<b>Date of Meeting</b>	<b>3<sup>rd</sup> March 2014</b>
<b>Title of Report</b>	<b>Community Asset Transfer</b>

## **Executive Summary**

This report deals with an application for the transfer the land known as Malford Meadows in accordance with Wiltshire Council's Community Asset Transfer Policy.

## **Proposal**

Chippenham Area Board is asked to consider an application submitted by Christian Malford Parish Council for the transfer of Malford Meadows. See map attached at Appendix 1. The applicant's proposal is set out at Appendix 2.

## **Reasons For Proposal**

This proposal supports and implements Wiltshire Council's Community Asset Transfer Policy.

## **Recommendation**

The Area Board is recommended to authorise the Solicitor of the Council to execute all documentation needed to implement the transfer subject to the following conditions:

1. The land is maintained for the benefit of the community and residents will be encouraged to enjoy the amenity
2. A standard 'reverter' clause is included in the title, which will ensure that if the land stops being used for the benefit of the community, Wiltshire Council will have the option to repurchase the land for the sum of £1.
3. An additional measure is put in place (legal mechanism to be agreed) in respect of the land identified for potential affordable housing use to ensure that this land can be made available to Wiltshire Council at nil cost if planning permission is granted. The Parish Council is not to undertake any activity which may prejudice the use of the land for this purpose.

## **1. Purpose of Report**

- 1.1. Chippenham Area Board is asked to consider an application submitted by Christian Malford Parish Council for the transfer of allotments. See map attached at Appendix 1 and the applicants' proposal is set out at Appendix 2

## **2. Background**

- 2.1. Wiltshire Council is supporting the principle of the transfer of community assets in order to empower and strengthen local communities. Wiltshire Council believes that transferring appropriate public assets to communities leads to more responsive services that better meet local people's priorities.
- 2.2. Transfer of an asset can also provide the opportunity to lever more resources into a community and provide a more accessible and responsive base from which to deliver local services.
- 2.3. A community group or organisation can benefit from greater financial stability and build confidence through having ownership (or long term security through a lease) of a physical asset. This financial sustainability can help the organisation become less dependent on grants, provide security for further borrowing and opportunities for further growth.
- 2.4. Typically, organisations that would be considered appropriate are Voluntary and Community Groups/Associations, Town or Parish Councils, Trusts or Charities, or Social Enterprise Groups.

## **3. The application before the Area Board**

- 3.1. The application from Christian Malford Parish Council is attached at Appendix 2 and relates to the transfer of Malford Meadows.
- 3.2. The application was submitted in accordance with Wiltshire Council's application process and meets the requirements for consideration by the Area Board.
- 3.3. The Community Area Manager has consulted with the Rural Estates Surveyor, who has undertaken appropriate consultation with service departments across the Council.
- 3.4. Local consultation has been undertaken by the applicant in accordance with the application checklist. See Appendix 3

## **4. The views of Council officers**

- 4.1. On behalf of Wiltshire Council, Rural Estates (who have overall responsibility for the Council's estates and property) has provided the following observation to the Area Board.

- 4.2. The land is currently leased by Wiltshire Council to Christian Malford Parish Council for a term of 25 years commencing 22<sup>nd</sup> October 2010. The permitted use is 'meadowland for the benefit of the local community.'
- 4.3. The Parish Council paid a premium of £4,000 at the commencement of the lease and the rent currently payable is one peppercorn per annum.
- 4.4. There is an area of land which is shown coloured green on the plan attached to the lease (or outlined in yellow on Appendix 1 of this application) which has been identified as a possible future location for affordable housing. Clause 6 of the lease provides that Wiltshire Council could serve notice to break the lease in the event that planning permission is granted for affordable housing and a similar type of clause written into the CAT transfer. In addition it will be a requirement that the Parish Council don't do anything on that particular area which might prejudice future development such as creating a wildlife area etc. The most appropriate mechanism to achieve these reservations will need to be determined by a solicitor acting on behalf of Wiltshire Council and will be in addition to the standard 'reverter' clause.
- 4.5. The property is already let to and maintained by Christian Malford Parish Council and there will therefore be no financial implication arising from the transfer.
- 4.6. At present there is a requirement for the Parish Council to request permission for any activity which they wish to carry out over and above the permitted use however minor and this requires potentially time consuming and unnecessary management input from Wiltshire Council Officers. The ability of the Parish Council to make such decisions locally may therefore result in a cost saving to Wiltshire Council.

## **5. Main issues for consideration by the Area Board**

- 5.1. It is a requirement under Wiltshire Council's Asset Transfer Policy that there must be a clear link between the asset transfer request and local community priorities.
- 5.2. This proposed asset transfer demonstrates a link to Wiltshire Council's priorities in the Local Agreement for Wiltshire "Help local communities develop their own priorities and improvements "and "We help communities help themselves".
- 5.3. It is a requirement that a 'reverter' clause is included in asset transfer arrangements. This means that, if the site stops being used for Community Public Open Space purposes, Wiltshire Council will have the option to repurchase the land for the sum of £1.00.

## 6. Recommendation

- 6.1. Having carefully considered the application and the views of Council officers, the Area Board is invited to approve the transfer subject to the following conditions:
- 6.2. The land is maintained for the benefit of the community and residents will be encouraged to enjoy the amenity.
- 6.3. A standard 'reverter' clause is included in the title, which will ensure that if the land stops being used for the benefit of the community, Wiltshire Council will have the option to repurchase the land for the sum of £1.

<b>Appendices:</b>	<p>Appendix 1 – Map (attached) Appendix 2 – Community Asset Transfer application (attached) Appendix 3a – Village Questionnaire Summary Appendix 3b – Questionnaire with comments Appendix 4 – Habitat Management Plan</p> <p>Appendices 3 to 4 can be found via the following link: <a href="http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=161&amp;MId=7405&amp;Ver=4">http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=161&amp;MId=7405&amp;Ver=4</a></p>
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