

# Somerset West and Taunton Council

## Corporate Scrutiny Committee – 1<sup>st</sup> June 2022

### Wellington Land Acquisition (The Green Spaces)

This matter is the responsibility of Executive Councillor for Economic Development & Asset Management

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#### **1 Executive Summary / Purpose of the Report**

- 1.1 Wellington Land Acquisition: To inform Members of a proposed future land consolidation project for Wellington to protect the open green spaces and enhance community provision, and to seek approval for SWT to purchase land using CIL allocated funds and to provide for disposal on a long-term lease to the Wellington Town Council (WTC) for its future management.

#### **2 Recommendations**

- 2.1 To seek approval for the recommendations set out the Confidential Appendix 1.

#### **3 Risk Assessment**

- 3.1 The main risk is the acquisition of a large piece of land that comes with responsibilities for maintenance and possible liabilities. Discussions are advanced with Wellington Town Council over Heads of Terms for a long term lease in order to mitigate this risk and ensure they accept the lease on acquisition.

#### **4 Background and Full details of the Report:**

- 4.1 This project seeks to purchase an area of agricultural land and green space in Wellington that connects Rockwell Green, Tonedale and Wellington ('the Green Spaces'). This will allow the creation of a coherent plan in line with SWTs Green Infrastructure Strategy to provide enhanced green space for the residents in Wellington. The following appendices accompany this report

4.1.1 Appendix 1 Confidential.

4.1.2 Appendix 2 shows the red line plan for the land for acquisition.

4.1.3 Appendix 3 shows the proposed division of the Green Spaces for community use.

4.1.4 Appendix 4 Confidential.

4.1.5 Appendix 5 shows the Fox's Field red line (already acquired by SWT).

- 4.2 This project may facilitate future improvement of the pedestrian access between

Wellington and Tonedale using green spaces rather than primary roads, enhance the environment for the wellbeing of the community, deliver youth sports pitches for leisure and provide additional allotments. It could also deliver a Community Farm to provide food production for local people as well as employment and training opportunities for young and disadvantaged groups.

- 4.3 It is proposed that SWT purchase the Green Spaces and then immediately transfer responsibility via a long-term lease (up to 125 years) to the Wellington Town Council who will in turn work with the groups listed below, to include but not limited to:

4.3.1 Wellington Community Food;

4.3.2 Wellington Mills CIC; and

4.3.3 Transition Town Wellington.

- 4.4 It is proposed that the lease to WTC should also include the open space adjacent to Tonedale Mill known as Foxes Field. This area was purchased in 2018 by SWT. Approval has previously been sought for a long lease to a community group, and its inclusion in the Town Council lease would give greater cohesion in the delivery of community amenities.

- 4.5 The Green Spaces have not been actively managed and the pedestrian access is fragmented. The land also neighbours the Wellington Sports Centre, Nature Reserve and Wellington Park and Recreation Ground. Wellington Park (RPG, Grade II\*) holds a Green Flag award and is a prized open space for the community. This would further bolster the green space which has been invested in by SWT for the residents of Wellington.

- 4.6 It is not intended as part of this transaction to acquire The Ponds or the various waterways crossing the Green Spaces – these are in separate ownership (Mancraft Limited and The Crown Estate).

## **5 Links to the Corporate Strategy:**

### **Environment and Economy:**

- 5.1 *“Shape and protect our built and natural environment, supported by a refreshed Local Plan and develop our heritage, culture and leisure offer including a clear vision and delivery plan for the Taunton Garden Town.”*

### **The Green Infrastructure Strategy:**

- 5.2 *“Create and enhance green infrastructure across the Borough, particularly at Taunton and Wellington, and maximise its potential to meet a diversity of functions, including wildlife habitat, recreation, flood alleviation and visual amenity, and to identify opportunities for GI within and adjacent to potential development areas to inform the LDF, and to identify approaches to funding and implementation of the green infrastructure proposals.” and*

- 5.3 *“As shown in Figure 3.4, Wellington has good provision of access to formal parks and gardens. Similarly to Taunton, Wellington has significant areas of deficiency in access to local open space, including in central Wellington and at Rockwell Green and Tonedale. Parts of north, central and south Wellington are currently deficient in play areas, and most of the town is deficient in access to a young person’s space.” and*

- 5.4 *“With the exception of small areas on the north western and north eastern fringes of Taunton, the town meets the 1km distance standard for provision of allotments. The provision in Wellington is not so good, where most of the central and eastern areas of the town are more than 1km from an allotment.”*

## **6 Finance / Resource Implications**

- 6.1 The opportunity to create the Green Spaces was brought to this Council’s attention by local community groups in Wellington. The purpose of the acquisition is to provide a facility identified as *‘land to provide a country park, an expansion of existing allotments, the provision of a community farm and the further development of community sports facilities for the benefit of Wellington, Rockwell Green as well as additional land identified for conservation benefits for the area as a whole’*.
- 6.2 The land will be capitalised as a community asset on the Balance Sheet of Somerset West and Taunton Council, measured at depreciated historic cost (although as the asset is land it would not ordinarily be depreciated). It is proposed that Somerset West and Taunton Council will lease the Green Spaces and Foxes Field to Wellington Town Council on a long lease at a peppercorn rent and, although terms are still to be agreed, it is expected that an annual financial contribution by Wellington Town Council towards maintenance will be agreed on an ongoing basis as part of a 5 year rolling management plan. A termination clause in the lease will be provided should Wellington Town Council not adhere to the terms of the lease. It is also expected that any future surpluses accruing to Wellington Town Council from sub-leases of the Green Spaces would be re-invested into the site.
- 6.3 Considerable future investment by Wellington Town Council will be needed on the site in the coming years to deliver the desired community benefits but the purpose of this report is to secure the land so that the future plans can be delivered in consultation with the local community, which is a vital and necessary stage of the process.
- 6.4 The submission by Somerset West and Taunton Council was unsuccessful in obtaining funds for this project from the Levelling Up Fund in Round 1. This land was originally identified in the Levelling Up Bid in 2021 and part of the recommendations in the paper that was approved by Full Council on 7 September 2021.
- 6.5 It is now proposed to purchase the land for The Green Spaces using Community Infrastructure Levy (CIL) allocated funds. This is utilising funds already held in CIL capital reserves and would not result in additional borrowing costs or an increase in Minimum Revenue Provision (MRP) for capital debt repayment.
- 6.6 The proposal to acquire this land requires updates to the current approved budget within the Capital Programme, in order to put together the total budget in 2022/23 under Community Development:
- 6.7 VAT considerations: as SWT is not expected to incur any development costs and the lease is a peppercorn, it is not expected that the plot will be opted to tax and this will not impact the partial exemption calculation. Professional advice will be sought if required.

### **Financial Implications for Somerset Council:**

- 6.8 The proposals in this report would provide an asset on the Council’s Balance Sheet that will transfer to Somerset Council on 1 April 2023 at book value.

- 6.9 The structure of the lease arrangement means there should be limited ongoing implications regarding freehold ownership of the asset. Maintenance costs will be covered by Wellington Town Council. The unitary authority's ongoing interests will be suitably protected in the lease as described above, and will need continued oversight. As the lease is proposed at peppercorn ongoing income is insignificant.
- 6.10 The proposed increase in budget utilises existing capital reserves, which therefore places a commitment to use these reserves prior to vesting day but does not result in increased financing costs in subsequent years.

## **7 Legal Implications**

- 7.1 The Council may dispose of land held by it in any manner it wishes.
- 7.2 Section 123 LGA 1972 requires that any disposal of land, other than by way of a short tenancy, must not be for a consideration less than the best that can reasonably be obtained.
- 7.3 In disposing of the Green Spaces and Foxes Field to WTC on a long-lease at a peppercorn rent, the Council will need to firstly comply with various statutory obligations, as follows:
- 7.3.1 Before making a final decision on the disposal, the Council must advertise its intention to do so and consider any objections received (S123 LGA 1972);
  - 7.3.2 The Council must be satisfied that it is achieving the best consideration reasonable obtainable for the land or (if disposing at an undervalue of less than £2 million) that it considers the disposal will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area (S123 LGA 1972 and Circular 06/03 General Disposal Consent 2003). The justification for proposed disposal to Wellington Town Council at a peppercorn rent is set out in Section 6.2 and 6.3 of this Report.
- 7.4 In effectively providing a public subsidy to Wellington Town Council, the Council must ensure that it complies with the obligations in the UK-EU Trade and Co-operation Agreement and be satisfied that the subsidy does not carry any appreciable risk of triggering a dispute with a trade partner under the terms of the applicable Wellington Town Council rules or the UK's Free Trade Agreements. Officers are satisfied that the proposed disposal at an undervalue complies with these requirements.
- 7.5 At the time of writing this report, Officers are seeking legal clarification as to whether the formal consent of the Executive of Somerset County Council is required for the proposed leasehold disposal to Wellington Town Council pursuant to the Section 24 Direction issued by the Secretary of State on 10<sup>th</sup> May 2022. It is recommended that Officers be given delegated authority to seek such consent if it is required. The S151 Officer has already informed the LGR Finance Board of the proposals for transparency.

## **8 Climate and Sustainability Implications**

- 8.1 The proposal is significant in protecting the green spaces of Wellington and Tonedale. Having control of this area could significantly enhance the natural environment, and fulfil the aims The Green Infrastructure Strategy in this area of Wellington.
- 8.2 This could improve the existing infrastructure by enhancing pedestrian and cycling routes. It can also deliver a community forest garden, potential wetland, tree planting or

allotments, amongst other possible uses.

## **9 Safeguarding and/or Community Safety Implications**

- 9.1 Securing the Green Spaces puts us one step closer to being able to develop the green site and in particular create safe and green routes between Tonedale, Rockwell Green and Wellington.

## **10 Equality and Diversity Implications**

- 10.1 These proposals seek to enhance the built and natural environment for the benefit of the whole community. In practical terms these projects could physically open additional spaces for members of the community who are currently excluded. The proposal is also seeking the delivery of youth provision by expanding allotments and delivering youth pitches. Volunteering and employment opportunities can also be delivered through the community farm.

## **11 Social Value Implications**

- 11.1 The acquisition of the Green Spaces would have considerable amounts of social value. It will protect a large amount of green space which has a low agricultural value partly due to its fragmented location that will have a very high community value in the future. The potential future uses of the site will be put out for consultation with the community and our partners will seek high levels of community engagement with developing these plans.

- 11.2 Wellington Town Council and Wellington community groups have already commenced substantial community consultation and current ideas include the provision of further allotments, youth sports pitches and a community garden to be created in the Green Spaces are all testament to the social value of this acquisition. Projects being considered and developed include:-

Develop a Community Farm:

- 11.3 Work is already underway on developing plans to develop a Community Farm to provide affordable sustainably produced food. Wellington Community Food Ltd has been established and with financial support from the WTC has developed a 5 year business plan showing that it is a viable proposition – all it needs is land. This will link into the Council's commitment to reducing the towns carbon footprint and help raise awareness of the Climate and Ecological Emergencies and how lifestyle and consumption choices can have a positive impact on the planet

Extend the allotments to provide extra capacity and reduce/eliminate of the waiting list:

- 11.4 The Town Council has a waiting list of people looking to take on an allotment at The Basins. This land it will providethe ability to extend the existing allotment area creating additional plots. As with the Community Farm by making more allotments available this will encourage greater self-sufficiency in food production and support the reduction of the town's carbon footprint.

Improve active travel options around the town i.e. between Rockwell Green/Basins/Tonedale Mill/Westford:

- 11.5 Linking in with the development of the town's Local Cycling and Walking Infrastructure

Plan (LCWIP) we will increase active travel options around the town through the creation of multiuser access tracks linking Tonedale to Rockwell Green and Westford).

- 11.6 By having an LCWIP this will enable stronger applications for funding to improve those links.

Develop additional junior playing pitch capacity:

- 11.7 The Sports Federation is invited to look at using part of the land to develop additional junior playing pitches to cope with increased demand caused by the town's growing population.

Plant trees to help the town reduce its carbon footprint:

- 11.8 Owning land means more trees can be planted to offset carbon emission and address biodiversity issues helping the town to meet its target of seeking to achieve carbon neutrality by 2030.

Improve habitats and landscape of the area:

- 11.9 Create nature rich habitats on a significant proportion of the land.

Increase Carbon Storage:

- 11.10 There is potential to sequester carbon within the soil and trees contributing to the Councils commitment for the Town to move towards being carbon neutral.

## **12 Partnership Implications**

- 12.1 Somerset West and Taunton Council is seeking to lease directly to Wellington Town Council, but would continue to remain a key stakeholder in the delivery of the site alongside group such as Wellington Community Food, Wellington Sports Federation, Transition Town Wellington and Wellington Mills CIC.

## **13 Health and Wellbeing Implications**

- 13.1 The Green Spaces will allow accessible amenity space for the community to use and enjoy in terms of recreation space, exercise through sports pitches and allotments and in availability of fresh produce.

## **14 Asset Management Implications**

- 14.1 SWT would seek to immediately transfer the land to the Wellington Town Council on terms which are currently being agreed. Somerset West and Taunton Council will pass all maintenance liabilities to Wellington Town Council whilst retaining an overseeing role by way of the proposed 5 year rolling management plan. It is envisaged that they would work with other end users for community activities to be provided throughout the space.
- 14.2 The Section 24 requirement comes into force on 16<sup>th</sup> June 2022 and the onward disposal of this land would need to follow the process once it has been clarified.

## **15 Consultation Implications**

- 15.1 The sites are important for the community of Tonedale and Wellington more widely. Consultation for the sub-leases of the land would be conducted by Wellington Town

Council.

## 16 Informal Executive Comments

16.1 A discussion was held at informal executive and Members were supportive of the proposals.

### Democratic Path:

- Corporate Scrutiny Committee – Yes 1<sup>st</sup> June
- Executive Committee – Yes 16<sup>th</sup> June 2022
- Full Council – Yes 5<sup>th</sup> July 2022

**Reporting Frequency: Once only**

### List of Appendices

Appendix 1	Confidential
Appendix 2	Plan of Proposed Acquisition
Appendix 3	Proposed Community Uses
Appendix 4	Confidential
Appendix 5	Plan of Fox's Field

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