

Agenda item 4

For approval - To agree to enter into negotiation with Mendip District Council to acquire a series of open spaces in the town.

Author: Paul Wynne, Town Clerk

Summary

This report identifies a series of priority open spaces owned by Mendip District Council. It builds on the principles in FTC's open spaces strategy and proposes to enter into negotiation with MDC to acquire them prior to the entablement the unitary Somerset Council in April 2023.

Background

The Strategy for Open Spaces for Frome was last updated by FTC in December 2014 following widespread engagement with community groups and residents. Most notably, Frome Save Open Spaces was commissioned earlier in 2014 to survey all open spaces in Frome and identify priority sites. The survey identified the priority sites based on importance to the community, to biodiversity and also vulnerability to development or neglect. The survey's priority sites were added to following discussion with Cllrs and staff at the time. These sites has provided the foundation of our acquisition of open spaces policy since.

Using the Strategy as a guide, we have a history of acquiring open spaces and play areas from MDC. The underlying reason we have done this is to protect them from neglect or built development and as a basis for community engagement and development. On all sites acquired we have explored with neighbours how they would like their sites managed in future. Following acquisition, we have then supported the community to make the changes they want and to manage the sites thereafter. Sometimes, more work is done by the Town Ranger team than the community, sometimes more is done by the community. And this balance will vary from year to year. The important thing is that by owning these sites, FTC, alongside the local community, can make the necessary changes without recourse to MDC. Over the last decade, MDC has not had the resources to invest in community engagement or the management of the sites above the bare minimum.

Discussion

Many MDC Cllrs representing Frome wards as well as at FTC Cllrs are enthusiastic about acquiring more sites from MDC prior to the unitary council being established. Many local communities are keen for this to happen too; residents neighbouring East Hill, Broadway and Selwood Crescent spring to mind, for example.

MDC has asked FTC for a list of priority sites to form the basis of negotiating possible transfer.

It is possible that the legal/administrative process to transfer would be simple with one legal document covering all the sites. Even so, there are likely to be legal costs incurred in this process but at this stage it isn't possible to estimate these.

Mendip has to pay ID Verde to manage these sites and would need to amend the ID Verde contract if these sites were transferred. We may decide to retain ID Verde, at least in the short term while we engage with the community over future use and activity. As with the probable legal fees, it is not possible at this stage to estimate this cost as it depends on how many of the sites are transferred. Even so, there is a reasonably healthy open spaces management budget proposed for next year. If extra budget is needed through the year ahead, we will come back to Council with costed proposals. This kind of uncertainty is common and one reason why the General Reserve exists.

It should be noted that in the longer term, depending on the number of sites transferred, we will need to consider annual additional resource budgets but at this stage it's not possible to estimate these.

I believe it is simpler and more important for FTC to acquire the freehold of these sites rather than entering into a long lease that would be inherited by the new landlord, Somerset Council. I think freehold ownership by FTC would provide better protection from development in future. Of course, these sites could be subsequently transferred to the Theodora Ann Le Gros Trust or another local trust which would provide even better protection. In recent years, FTC has taken on various open spaces from MDC on a 99 year lease, which is less than ideal but is probably better than nothing.

As I understand it, MDC (and Somerset Council in future) has a duty to sell the freehold of sites at "best value." What this means is that MDC might hold the view that some of the sites – especially those that are not designated as (protected) open spaces in the Local Plan – have commercial value. Ideally, the cost of acquiring the freehold of the sites would be £1 and it won't be until we start to engage with Mendip that we'll know their view on this.

The unitary project group is running a pilot with Bridgwater Town Council which aims to create a simple process to devolve assets and liabilities from Somerset Council to parishes, but this process won't come in to being until the unitary does. We have small window while Mendip still exists to transfer a series of open spaces to FTC.

Proposals

Mendip owns a very long list of open spaces in Frome and most of these are managed by ID Verde and range from very small roadside verges to relatively large spaces like the land at Easthill and Brunel Way. FTC would struggle to take over all of these sites *en bloc* in the short run. Therefore, I suggest that the transfer is phased over a series of years, assuming that MDC and then Somerset Council are willing to engage with us.

Given the points above, I suggest FTC's ideal arrangement is that the freehold of all the sites identified in Phase 1 (part i and part ii) below are transferred in one legal document for £1. However, there may be the possibility that agreement can be found on some, but not all, of the sites in which case I suggest we explore with MDC what an acceptable package might be. Similarly, it might be that some or all of the sites need to be transferred leasehold and, as I say above, I think this would be better than nothing.

Phase 1 – part i

We have a series of open spaces that we have acquired by MDC in recent years on a long lease. It is proposed to acquire the freehold of these sites and the table below lists these sites. The proposal is to transfer the freehold to FTC, ideally, for £1.

Site
Land At Tower View
Land at Packsaddle
Land at Chapmans Close
Land at Egford Lane
Cheese and Grain

Phase 1 – part ii

It is proposed to acquire, ideally, the freehold of the sites that appear in the table at the end of [Appendix 1](#). This list has been constructed following engagement various community groups who would like more involvement in their local open space and following recommendations from MDC and FTC Cllrs.

Phase 2

There are many other sites owned by either County or Mendip that will be transferred to the unitary council. FTC has commissioned consultants to carry out some due diligence and exploration of options and their recommendations will be finished in the next month or so. And so, it is proposed at this stage to wait for the unitary to be established before any negotiation is started on any other sites.

<p>Recommendation</p> <ol style="list-style-type: none">1. If they are willing, enter into negotiation with Mendip District Council to acquire the freehold of some or all of the sites identified in the table 1a and in the table at the end of Appendix 1. Exploration of a leasehold transfer of some or all of the sites is acceptable if the freehold transfer is not possible.2. Delegate to the Town Clerk to negotiate with Mendip over the transfer and return to Council with firm proposals following negotiation.
