

Agenda item 6

For decision - Possible acquisition from Mendip District Council of the open space known as Broadway Community Gardens and the future sale from Frome Town Council to Save Open Spaces Frome

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Summary

Frome Town Council (FTC) have been exploring for 2 years the possible purchase of the freehold of the land known as Broadway Community Gardens which is currently owned by Mendip District Council (MDC). This was last considered by FTC in January 2020. The update is that this purchase is now poised to go ahead with a short timeline before MDC ceases to exist in April 2023. A sale price of £25,000 has been set by the District Valuer and discussion on heads of terms is almost finalised.

If the freehold transfer were to take place FTC would undertake some basic works to re-establish good access and the plan would then be for the space to be transferred to community ownership and managed by the Save Open Spaces Frome, a Community Benefit Society that also manages Whatcombe Fields. The price for this onward transfer would be half the total price (£12,500 excluding legal costs) returning to FTC.

The report highlights the details of the proposed transfer, including considerations of existing licences, and recommends a decision be taken to support this proposal



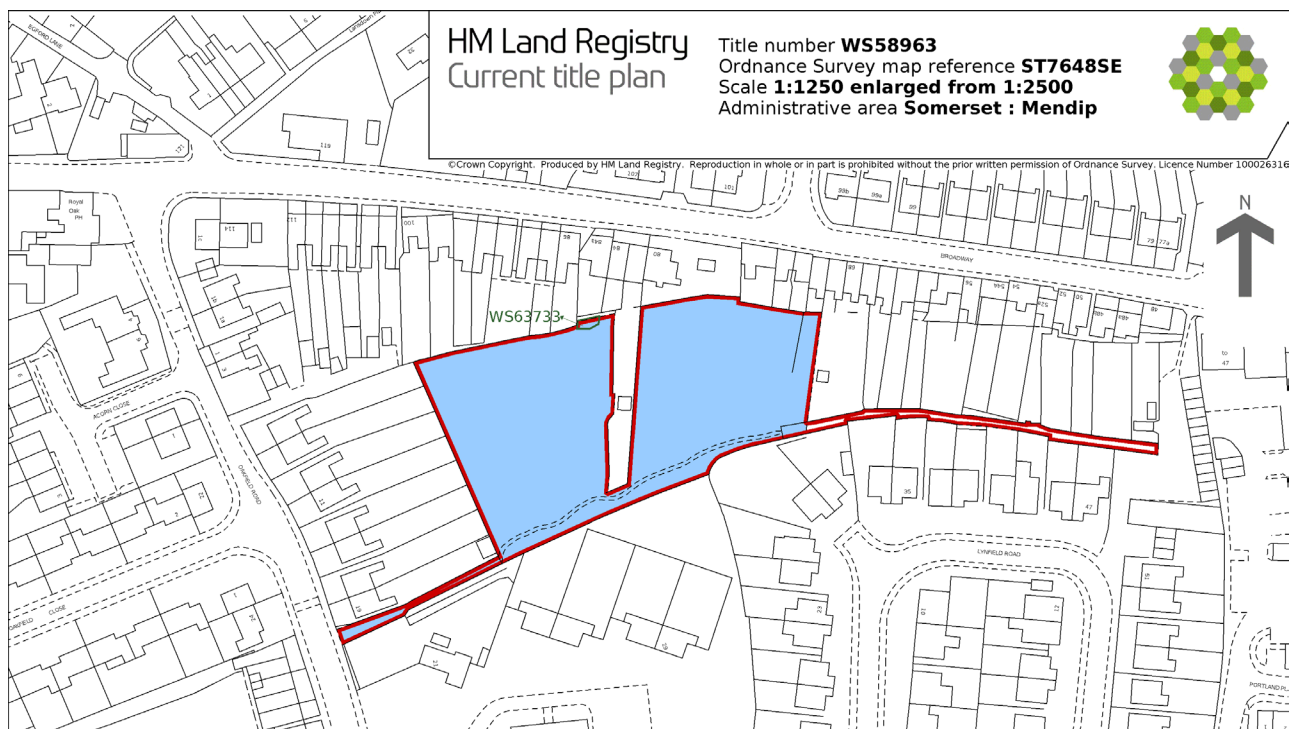
Background

The site is just over an acre in size and is fully enclosed by housing - Broadway to the north, Oakfield Road to the west, and The Old Nurseries and Lynfield Roads to the south (see map below). In close proximity are a First School, a Middle School and a Special Educational Needs School. The site is currently owned by Mendip District Council.

It used to be called Ring O'Bells allotments in the post-War era, but with poor access, no parking and no water they fell into disuse over 20 years ago. Without active management the site became overgrown for many years. Since 2019 the site has again been actively managed under the umbrella of the Broadway Allotments Community Garden Association that has been actively coordinating growing and educational projects with the local community.

There had been concerns that the site might be proposed for development when a road was built into The Old Nurseries housing estate providing potential access. In January 2020 the local community proposed the purchase of the land to a Frome Town Council meeting.

The proposal was that the purchase of the site would be a beneficial asset for the Town as it is an area rich in wildlife and has value as a community garden. There is a draft plan proposing a community garden on one side, and a community orchard and open space on the other (further details below)



The existing management and site condition

The freeholder of the site is MDC, but there are 12 garden licences for the land that is adjacent to the neighbouring gardens of Broadway houses and one house along Oakfield Road (areas coloured black in the map below). These areas have mostly been actively managed for growing vegetables or fruit and there are some small boundary fences.

The site is divided into two roughly equal sections by a parcel of land that is owned by a householder, rather than licenced. The remaining areas that are not licenced have been managed informally by community members to create open meetings spaces, further growing spaces and larger areas given over as wildlife habitat with wild brambles and some more mature trees.

There is reasonable access via an unsurfaced track that leads from Oakfield Road - this is wide enough for a narrow vehicle. This path then extends along the whole edge of the site exiting at the lower end onto Lynfield road. There is close encroachment of vegetation restricting access.

There is also a much narrower and less well-maintained spur off this access route near the Lynfield exit that forms a 3rd access point leading to Broadway – this access way is not part of the title (it is not known who owns this thin strip of land). There are no services (water, electric) on site.





The potential community benefit of the land

The site offers good potential as a community asset. The site has significant wildlife and biodiversity value and can act as an important “green corridor” or “stepping stone” allowing wildlife to be connected across town.

The space also offers strong potential for being a learning and growing hub for the town encouraging the community to become involved in growing fruit and vegetables and helping to develop food resilience as a town with all of the cost-of-living and mental health benefits that being involved with growing projects can bring. The site could serve as an outdoor educational resource for schools or individuals with courses on growing fruit and vegetables cheaply and easily. Growing plots could be adopted by multiple different community groups. There could be the possibility of an organisation such as Loop setting up a composting station. There is also potential for the site to be used as a meeting space for groups and for other outdoor educational nature-based activities.

The transfer from MDC to FTC

There has been significant consideration given to the question how the future of the space as a community benefit area will impact the existing garden licence holders. The houses that have garden licences are coloured black in the map above.

It would only be possible to purchase the land with the aim of benefitting of the whole community if there is access to the whole site when purchased. This would mean ending the existing licence agreements. This is clearly a sensitive subject for all those residents that have invested many years of time and energy into this special area of land that adjoins their houses and for some this is the only green space they have adjacent to their more limited outdoor courtyard areas. But as discussed in the background section there has long been a concern that the cherished green space could be lost to development and there is widespread consensus supporting the overriding goal of residents to secure the land to be safeguarded as an open green space for community benefit. This consensus was confirmed at the recent community meeting held on Sunday 30 October 2022 specifically to explore these questions.

MDC are due to determine the licences (serve notice) this month (November 2022) giving licensees 4 months. This will mean that the purchase of the freehold can proceed without active licence agreements remaining in place. The licence holders have been reassured that their voice will play an important part in the future plans for the site and any changes to site management will take this sensitively into account.

One point to note is that the ending of the licences is not the same as vacant possession as while the land would be sold without renewable licences in place there would still remain in-situ any infrastructure such as fences, raised beds etc.

One point to note is that there remains some discussion about ownership boundary locations for some plots and that this is likely to require some time and possible legal expense to sort in the long run (notably the deeds for the land behind no 72 incorrectly shown as being owned by MDC rather than the house owner). However, the timings for this future work can be viewed as separate to, and not needing to impact on, the timings of the transfer.

As a further protection to the site, the land will be sold by MDC with a covenant stating that there can be no development on the site.

The aim is for sale to proceed swiftly in order that the transfer can take place well in advance of MDC being wound up in April 2023. The planned milestones would be

- Consultation with existing garden licence holders concluded – early November 2022
- Licences determined (notice served) – end November 2022
- Finalise heads of terms (confirm own legal costs borne by separately by each council, and confirm licences will have been determined) – November 2022
- Transfer complete – January 2023
- Final discussion on matters arising – March 2023

The future transfer to Save Open Spaces Frome

Once the freehold is transferred to FTC, our ranger team can support works to improve the conditions on site, notably with clearing vegetation to improve access routes and usable communal areas. FTC will also try to secure the freehold ownership of the access routes to the site off Broadway and Lynfield Close and make them safe for public use.

Then, after the site has been established with good access and open communal spaces, the plan is for the ownership to be transferred to the community to provide the highest level of protection and to self-manage the space in their interests. This will be achieved through the transfer of the land to the Save Open Spaces Frome community benefit society for the future sale price of £12,500. This will mean that the total sale cost to FTC, instead of the initial £25,000 will end up being £12,500 (plus legal costs). We will be taking legal advice to ensure such a transfer is legally possible and might need to return to Council with alternative proposal if this were not the case.

Once the transfer has taken place there will be extensive community consultation on plans for ongoing management that will be led by the Broadway Allotments and Community Garden Association and SOS Frome with support from FTC. As already noted, the views of the existing neighbours who have been actively managing some of the land will be an important voice and their input on future plans will be actively sought. So too will the views of the wider community – the land will have been purchased with the express purpose of benefitting the Frome community as a whole.

There are many possible projects in areas such as community growing, educational courses, outdoor activities and green meeting spaces that can be explored to benefit all members of the community and which is accessible to all. (Local schools, organisations including forest school and a local Dementia support group have already expressed an interest in using the site.)

The Broadway Allotments and Community Garden Association have consulted with the local community and have drawn up an initial draft management plan for the site. Once the land has been transferred to SOS Frome this draft plan would form the basis for further engagement work to gain the views of the wider community of Frome. FTC can support SOS Frome with this engagement work and will have input itself on thoughts on development for

community and wildlife benefit. Once SOS Frome own the site FTC will not undertake the day to day management but will be a resource that can offer advice and help to support set-up works and large scale future changes.

One point to note is that while the land would be sold by MDC, it does not come with any planning consents, and it would be necessary to confirm that any future plans do not require planning consent.



Recommendations

1. Purchase of land from MDC for the sum of £25,000, not including our legal costs, once heads of terms are finalized, with a view to this purchase taking place by January 2023 (allowing sufficient time for any final matters to be clarified well in advance of the winding up of MDC).
2. Once the land is transferred to FTC agree for the ranger team to undertake basic ground clearing works to provide good access routes and open communal spaces.
3. Once good access is established on the land, transfer the land to SOS Frome for the sum of £12,500 excluding legal costs (recouping half of FTC's initial costs)
4. Support SOS Frome with future community engagement work such as consultations on the management plans and for occasional ranger input with advice and support for larger scale projects