

Date of Meeting 13 March 2023

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Community Asset Transfer Proposal – Land of Canaan, and Land at Millcroft, Ottery St Mary

Report summary:

The purpose of this report is to consult AMF on a Community Asset Transfer application that has been received in respect of 2 areas of land in Ottery St Mary.

The application form is attached in the appendix to this report. The report sets out the approved procedure which will be followed in assessing this application.

Consultation is currently underway with officers of relevant council services, along with the local ward members.

A decision on whether we go to Stage 2 (where Ottery St Mary prepares a detailed business case), is then made by the Portfolio Holder for Economy and Assets on the basis of a report from the Assistant Director – Place, Assets & Commercialisation which will be written following consultation with the above.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That AMF notes the report and offers its thoughts on the application at the meeting, as part of the consultation process.
2. That AMF notes that following completion of this consultation, that in accordance with the Procedure, Officers will make a recommendation to the Portfolio Holder for Economy and Assets on whether the applicant should be invited to submit a business case for one or both sites.
3. That AMF notes that should the recommendation be that this application does not progress to the Business Case stage, officers will contact the Town Council to discuss their proposals and identify whether there is scope for a collaborative approach to achieve some of their objectives set out in the EOI.

Reason for recommendation:

To enable the application to be assessed in line with the Procedure and a decision to be taken by the Portfolio Holder for Economy and Assets.

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information [EDDC Community Asset Transfer Procedure \(eastdevon.gov.uk\)](http://eastdevon.gov.uk/EDDC-Community-Asset-Transfer-Procedure)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

1. Background.

- 1.1 The Council's procedure for Community Asset Transfers was approved last year. A copy of the procedure can be found at [EDDC Community Asset Transfer Procedure \(eastdevon.gov.uk\)](http://eastdevon.gov.uk/EDDC-Community-Asset-Transfer-Procedure). This is the first CAT application that has been received under the new procedure.
- 1.2 An Expression of Interest has been submitted by Ottery St Mary Town Council to acquire the Land of Canaan and the verge at Millcroft (see plans below). It includes the car park in addition to the Land of Canaan green open space.
- 1.3 The Expression of Interest is attached as Appendix 1.

2. Procedure.

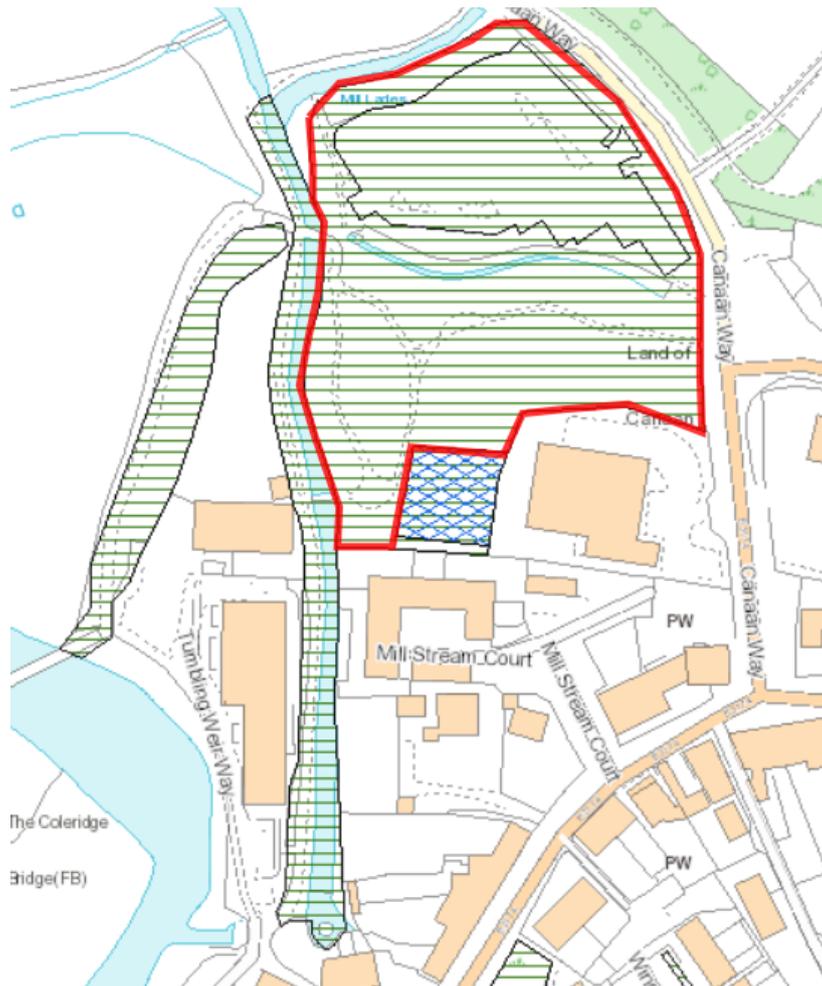
- 2.1 On receipt of the EOI, the council consults with:
 - a) SMT
 - b) Ward Members: Cllr Peter Faithfull, Cllr Vicky Johns, Cllr Geoff Pratt
 - c) The Asset Management Forum
 - d) Any other persons or bodies as deemed appropriate

- 2.2 A decision on whether we go to Stage 2 (where Ottery St Mary prepares a detailed business case), is then made by the Portfolio Holder for Economy and Assets on the basis of a report from the Assistant Director – Place, Assets & Commercialisation which will be written following consultation with the above.
- 2.3 Consultation with SMT has already taken place. The process of consulting with the Ward members is currently underway.

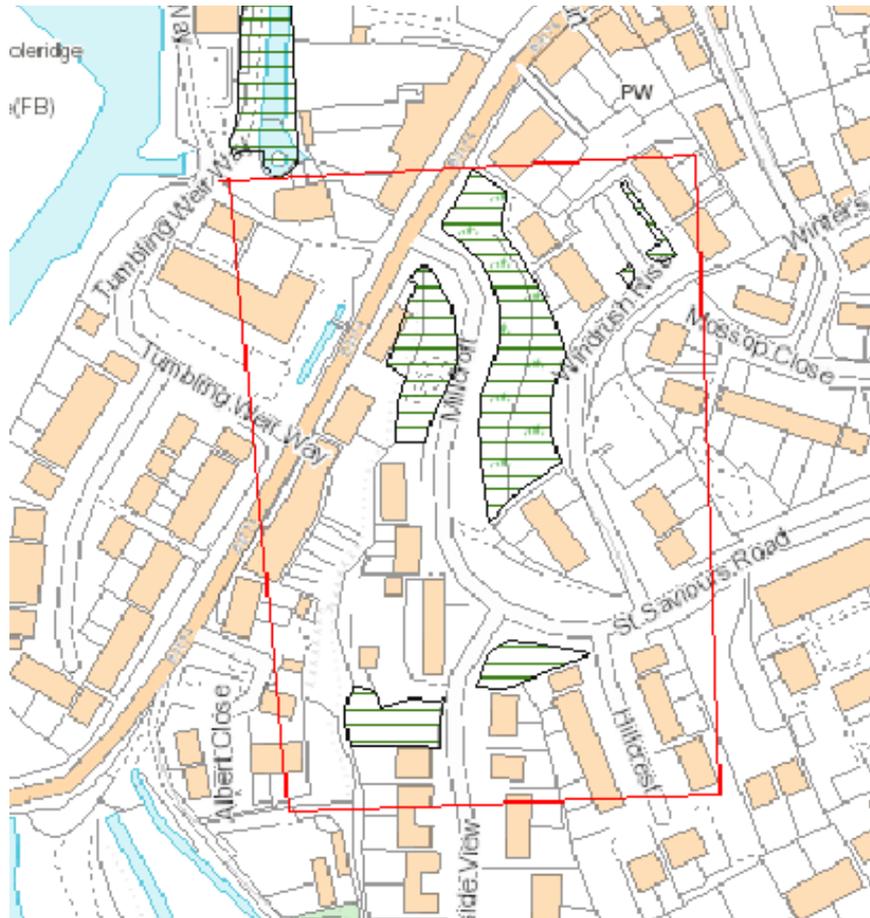
3. Site Detail.

3.1 The two areas of land are:

1. Land of Canaan (includes the car park)



2. Verge(s) at Millcroft



3.2 The Town Council has submitted the **Expression of Interest** (see attached, Appendix 1). **See questions 8 – 12** for details of their proposal and the reasons behind it. The applicant has stated that it would like to acquire both areas of land for “free, or at reduced cost”.

3.3 In brief, the reasons for wanting to acquire the land are as follows:

Land of Canaan: to invest £50,000 of S.106 funds; install electric vehicle charging points; install new bridge, bandstand, shelter, hold events, catering outlet, other uses.

Verge at Millcroft: to create area of biodiversity/wildlife area.

3.4 The council is currently clarifying with the applicant the extent of the land at Millcroft that it wishes to acquire, as there are a number of verges owned by the council.

4. Consultation with Relevant Council Services.

4.1 We have commenced our consultation with colleagues in Estates, Streetscene, Environmental Health and Finance in respect of this EOI.

4.2 Comments received from officers thus far cover the following:

- i. The car park currently brings in income of approximately £25,000 per annum to this council, and a transfer of this site at nil or reduced cost would therefore have implications for the council's budget.

- ii. A review of the options for electric car charging points for this car park has been undertaken but has identified that this is problematic/costly due to access to services and was therefore discounted. Other EDDC car parks have had electric charging points installed.
- iii. An alternative option to transferring ownership would be for relevant Services (e.g. those managing green spaces), to work collaboratively with the Town Council to explore how these outcomes could be achieved, within the scope of future Service Plans.
- iv. If transfers of land were to take place, the council would want to consider other neighbouring assets also being transferred. This is to ensure that the council is not responsible for areas remaining nearby that are costly to manage. For example, if the council were to transfer the Land at Canaan, it would also want to transfer the land to Coleridge Bridge, as well as the bridges within the public space, the tumbling weir and associated infrastructure.
- v. If the council were to transfer the land at Millcroft, it would need to include the large retaining wall and lower boundary walls of the open space (not just the grass itself).
- vi. There is currently an approval for capital expenditure by the council relating to the replacement of the play area at Land of Canaan.

5. Next Steps.

- 5.1 We will collate the feedback from the various consultees and from the comments at this meeting, and a report will be prepared for the Portfolio Holder, Economy and Assets with a recommendation from the Assistant Director for PAC.

Financial implications:

The financial implications have been identified in the report.

Legal implications:

There is no direct comment to be made, Legal Services will assist as necessary.