

## Full Council

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<b>Date:</b>	<b>25 February 2014</b>
<b>Title:</b>	<b>Ham Wood</b>
<b>Purpose of the Report:</b>	<b>To agree the signing of a lease for managing the wood.</b>
<b>Contact Officer:</b>	<b>Helen Stewart, Town Clerk</b>

### Background

1. The Woodland Trust as part of a strategic review of the woodland sites it manages has approached the Council with a request to consider taking on the lease of Ham Wood, located within the town boundary (plan attached as Appendix 1).
2. The wood measures just over 2 hectares of which 40% is wooded with the remainder being rough grassland and scrub. It is a natural wood requiring little maintenance. The Culture, Recreation Committee agreed that it was supportive of taking on the lease subject to further details of the conditions of the lease.

### Proposed Heads of Terms

3. The Woodland Trust has proposed the following Heads of Terms which , if approved by both the Town Council and the Woodland Trust Property Board would be incorporated into the Trust's standard lease format :-
  - a. Term to be a 25 year lease, non-assignable, at a peppercorn rental.
  - b. User clause to be restricted to maintaining native amenity woodland: no structures or buildings or 'gardenification' to be permitted. Public access to be maintained.
  - c. Public liability insurance to be at a minimum of £5m.
  - d. To maintain (and replace) all trees and hedgerows present as at the date of lease commencement other than is necessary for conservation of the site as an amenity woodland or public safety – all in accordance with good silvicultural practice. Subject to the proviso that the open ground area is maintained as open mown or grazed grassland at all times and at least 75% of the woodland area is to be covered by tree and shrub canopy at any one time.
  - e. To maintain all site boundaries, gates and public entrance furniture for which the Trust has legal responsibility.
  - f. All mineral and sporting rights to be retained by the Trust, with a covenant that sporting rights will not be exercised.
  - g. The wood to continue to be named 'Ham Wood'.
  - h. Each party to be responsible for their own legal fees.
4. It should be noted that this is a Millennium Commission funded Wood, so the consent of the BIG Lottery Fund (successor body to the Millennium Commission) will be required for the lease and the Council will be obliged to sign up to the original Millennium Commission obligations (basically

to provide public access and maintain as a wood) by way of Deed of Covenant. The approval of any other original grant bodies who attached funding conditions to the wood purchase & establishment will also be needed.

### **Resource Appraisal**

5. The Trust state that current Management Plan (Appendix 2) typically cost £183 a year to manage the paths and entrances. This year at a cost of £440, and every three years, the open ground area is cut to prevent it from turning to scrub. This is next due in 2016. CLR have suggested an increase of £350 a year be incorporated into the maintenance budget to cover these costs.
6. There would be a one off legal fee to manage the lease arrangements with the Trust estimated cost £100- £150. This could be accommodated within existing budget provision.

### **Risk Appraisal**

7. Although the revenue costs are relatively minimal it is still an additional expenditure when budgets are being squeezed. There is always the potential for some expenditure arising from essential safety work.
8. Presumably the Woodland Trust would continue to manage the wood if the Council did not take on the responsibility and if a local group could not be encouraged to take on the lease. There is always the risk of unforeseen costs arising from work required for safety reasons.

**Legal Powers:** Local Government Act 1972

### **Recommendation that:**

- i) The leasing of Ham Wood reflecting the terms and conditions in the report be approved by the Council.*
- ii) That an increase of £350 in the revenue budget be agreed to cover the ongoing maintenance costs.*