

## Full Council

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**Date:** 17 January 2023

**Title:** Thame Community Land Trust development off Windmill Road

**Contact Officer:** Andrea Oughton, Operations Manager

### Purpose of the Report

1. To agree in principle, subject to changes in the S106 agreement between Thame Community Land Trust (TCLT) and South Oxfordshire District Council and practical completion certificates being issued, that the Town Council take ownership / management responsibilities for areas of public open space on Thame Community Land Trust's development site off Windmill Road, Thame.

### Background

2. Thame Community Land Trust has been granted planning approval (subject to s106 Agreement) to develop 31 new affordable homes, to include 4x 1 bed maisonettes, 18x 2 bed homes and 9x 3 bed homes on land to the west of Windmill Road, Thame. The homes will remain affordable in perpetuity and provided to people with a local connection to Thame. Building is expected to begin later this year / early 2024.
3. Under s106, TCLT is obliged to offer Thame Town Council the opportunity to maintain publicly accessible open space in return for a commuted sum. The alternative is the creation of a management company for such purpose.

### Proposal

4. As a possible alternative to the above and subject to final TCLT Board approval, Thame Community Land Trust has approached the Town Council to ask if the Council will consider:
  - a. Taking on ownership of the public open space and boundary hedges to the west and north east of the site including a small natural play area. The primary purpose of this proposal is to ensure absolute security for the maintenance of public use and access, in perpetuity, for the benefit of the people of Thame.
  - b. Taking on management of the other public open space and boundary hedge to land known as the 'Village Green' on an annual contract basis with the registered social landlord for the site.

### Detail

#### Ownership of Public Open Space

5. To take on two areas on a long lease (between 990 - 997 years) with a commuted sum:

- a. An area of public open space, including the boundary hedge to the west end of the site. This area is set out as a 'wilding' area with wildflower planting, trees and shrubs. The responsibility for the maintenance of the footpath will remain with the appointed registered social landlord.
  - b. An area of public open space, including the boundary hedge to the north east of the site. This area will be made up of a natural copse, grassed area with tree planting and a natural play area. The SUDS area will remain the responsibility of the appointed registered social landlord.
6. The Town Council will receive a commuted sum calculated using South Oxfordshire District Council's detailed costs table for the maintenance of public open space.

#### Annual Maintenance Contract

7. The proposal is for the Town Council to manage the public open space known as the 'Village Green' via a maintenance contract with the appointed registered social landlord. The majority of the area is amenity grassland with tree and shrub planting and includes maintenance of the boundary hedge.
8. A contract will be entered into with the Registered Social Landlord and an invoice raised once a year to cover the cost of grounds maintenance (labour, fuel, machinery wear and tear, administration and officer time). Charges will be reviewed on an annual basis.

#### **Resource Appraisal**

9. It is hoped volunteers (possibly residents on the site / members of Thame Green Living) will maintain the community wildflower area in conjunction with the Town Council's Maintenance Team.
10. Thame Town Council will receive a commuted sum towards the cost of maintaining public open space included in the long lease. The commuted sum to be held by the Town Council in Ear Marked Reserves.

#### **Legal Powers**

- Open Spaces Act 1906 ss 9 & 10
- Public Health Act 1875 s164
- Local Govt Act 1972, Schedule 14 para 27

#### **Recommendation:**

- i) ***To agree in principle that, subject to changes in the S106 agreement between Thame Community Land Trust and South Oxfordshire District Council, and practical completion certificates being issued, the Town Council can take on ownership (on a long lease) and management responsibilities for public open space as set out in the report.***