

Full Council

Title:	Hode Garth Allotments
Date:	28 February 2023
Contact Officer:	Andrea Oughton, Operations Manager

Purpose of the Report

1. To agree changes to the draft Deed of Variation between the developer and South Oxfordshire District Council (SODC), to allow transfer and ownership of Hode Garth allotments to the Town Council.
2. To agree the Town Council issues the Practical Completion Certificate with the assistance of the s106 Officer at South Oxfordshire District Council.

Background

3. Land to the south of Wenman Road (Site C) was allocated in the Thame Neighbourhood Plan for delivery of 187 homes. The site is now built out and occupied. Part of the grant of permission was the delivery of an allotment site consisting of 17 allotment plots, car park, cycle parking provision and shed with electricity and water supply, and toilet / hand basin.
4. At the Full Council meeting held on 27 April 2021 it was agreed in principle that the Town Council take on ownership and management responsibilities for Hode Garth Allotments.

Next Steps

5. A draft 'Deed of Variation' (Appendix 1) has been drawn up between SODC and the developers to allow Hode Garth allotments to be handed to the Town Council.
6. It is proposed that the Town Council issue a Certificate of Practical Completion (once satisfied that the allotments have been completed in line with the planning permission) subject to a 12-month defect period following the transfer. During this period any defects identified and notified to the developer will continue to be remedied by the developer. The defect period provides a reasonable alternative to the original 12-month maintenance period as it should enable the land to be transferred with the commuted sum but with the safeguard that any identified defects will be remedied in the twelve months following the transfer of the allotment site.
7. The developer will legally transfer the land known as Hode Garth Allotments to the ownership of the Town Council.
8. The developer is holding a list of names of people who wish to rent an allotment. This list will be passed to the Town Council, once legal ownership of the site is completed.
9. The intention is for a group of interested people to form a Hode Garth Allotment Association. Town Council officers will provide support to help set up the association which is anticipated will run along similar lines to that of Stones Close Allotment Association.

10. The Town Council has become a member of the National Allotment Society (NAS). NAS provide members with legal advice, insurance, templates for tenancy agreements, policies, inspections, etc.

Resource Appraisal

11. There is a proven need for allotment space. The Town Council has received numerous enquiries from residents wishing to rent an allotment.
12. Management plan to be drawn up and approved to ensure smooth and efficient running of the site. Allotment Association to be formed. Officer time required for initial set up.
13. S106 Commuted sum received from the site to be held by the Town Council in Ear Marked Reserves.

Risk Assessment

14. No interest from local people to form an allotment association. The Town Council will need to manage the sites and rental payments for allotment plots. Impact on Officer time.

Legal Powers

- Small Holdings and Allotments Act 1908 ss 23, 26 & 42
- Open Spaces Act 1906 ss 9 & 10

Recommendation:

- i) ***To approve the draft Deed of Variation between the developer and South Oxfordshire District Council (SODC), to allow transfer and ownership of Hode Garth allotments to the Town Council.***
- ii) ***To approve the Town Council issues the Practical Completion Certificate with the assistance of the s106 Officer at South Oxfordshire District Council.***