

Full Council

Title:	Thame Community Land Trust development off Windmill Road
Date:	28 February 2023
Contact Officer:	Andrea Oughton, Operations Manager

Purpose of the Report

1. Further to the agreement in principle that the Town Council take ownership / management responsibilities for areas of public open space on Thame Community Land Trust's development off Windmill Road, Thame.

To agree that Thame Town Council formally rejects one specific area of public open space within the development referred to as the village green.

Background

1. Thame Community Land Trust (TCLT) 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.
2. Under the 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.
3. At the Full Council meeting held on 17 January 2023 the following was approved:

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.

Clarification

4. The s106 Agreement states that all public space on the TCLT development site is offered to the Town Council.
5. There has been a consistent approach at meetings between the Town Council, TCLT and the Registered Social Landlord (RSL) that the Town Council will be offered ownership and manage the public space as outlined in red in Appendix 1 (on a long lease with the RSL) and the village green will remain in the ownership of the RSL on a long lease with TCLT.

6. The RSL sees the village green as an important focal part of the development and as such wishes to have greater control on the management of the area. In this respect the RSL requests and requires that the Town Council agrees that the village green does not constitute public open space in the context of the s106 Agreement.
7. As agreed in January the RSL will enter into a contract with the Town Council who will invoice the RSL for the cost of grounds maintenance (labour, fuel, machinery wear and tear, administration and officer time) to maintain the village green.
8. The RSL has indicated that once a proven track record with the Town Council has been established, the RSL is happy to enter into discussions to move ownership and management of the Village Green to the Town Council on a long lease with a commuted sum.

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 approve that the Town Council formally accepts the offer, through the s106 Agreement, of ownership of the public open space as outlined in Appendix 1 but that the Town Council rejects the offer of ownership of the public open space referred to as the 'Village Green'.***