STILTON PARISH COUNCIL

Business Plan for the Purchase of the Amenity Area at Gala Close, Stilton

I. Business aim

The Parish Council aims to purchase the amenity area at Gala Close from Jelson Ltd in order to ensure continued use of the area by the residents of Stilton.

II. The present situation

a) Amenity green spaces in Stilton

The Parish Council works to preserve and maintain the limited amenity and green spaces in Stilton for the benefit of the whole village. Only a few of the public spaces are actually owned by the Parish Council but, as well as maintaining those it owns, it also maintains those owned by Cambridgeshire County Council – who pay the Parish Council to cut the grassed areas four times a year. A summary of Stilton's various green spaces can be found in the Amenities Management Committee's June 2020 report "Children's Play Areas in Stilton" that can be found on the Parish Council's website.

b) Gala Close Ownership

The above mentioned report indicates that the Gala Close amenity space is owned by the County Council. However, subsequent investigations found that Jelson Ltd, the original developer, still owned the land but as it was designated as "highway" the County Council was responsible for maintaining the grass and trees in the area. As noted above the County currently contributes to the Parish Council's maintenance of this grassed area.

The Parish Council, at its meeting on 8 December 2020, decided to purchase Gala Close open green land from Jelson Ltd as an asset for the village (following feedback from Jelsons re any restrictive covenants and ownership of the brick wall) (decision PC201/20.3). The minutes of the meeting were displayed on the Parish notice boards prior to the Parish Council's meeting on 12 January 2021 where they were declared a true record. They are to be found on the Parish Council's website.

Local residents around Gala Close are aware of the ownership issues, the Parish Council's proposal to purchase the land and the Council has had no comments from residents suggesting that this should not go ahead.

III. Costs to the Parish Council

a) Short term costs

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At its meeting on 8 December 2020, the Parish Council agreed to appoint Roger Taylor of Wellers Law Group to act on behalf of the Parish Council in regard of decision PC201/20.3 at a cost of £700 + VAT and a maximum £60 in disbursements from the Community Infrastructure Levy monies it had received (decision PC201/20.4). These sums are already committed.

Jelson Ltd has informed the Parish Council that the purchase price for the land is a nominal sum of £1.

b) Longer term costs

Grass cutting. There will continue to be costs associated with maintaining the grassed area. However, unless the Parish Council applies for the highway land to be "stopped up" the County Council should continue to partly fund the cutting of the grassed area. There will, therefore, be no additional costs incurred for grass cutting.

Tree maintenance. This is currently the responsibility of the County Council though the trees at Gala Close are included in the Parish Council's regular tree survey. There may be some additional costs for maintaining the trees though if the area is not stopped up then the County may still be responsible. However, according to the recent tree survey most trees are in good condition and will not require much attention in the coming years.

Insurance. Zurich confirmed they are happy to insure the land as long as risk assessments, maintenance and inspection regimes are in place. Extra costs are not known but there is no suggestion they will be substantial.

IV. Restrictive covenants and conditions

The Parish Council was concerned (decision PC201/20.3) that there should be no restrictive covenants to the land imposed by the seller. The Transfer of Title document provided by Jelson Ltd indicates that "the use of land is restricted to a play area or public open space". Since the Parish Council has no intention of changing the present use of the land, this covenant will not restrict future use.

The Parish Council was also concerned about the ownership of the wall to the north of the land and who was responsible for its maintenance. It has been confirmed that the house owners in Norman Drive are each responsible for maintaining the wall to the rear of their properties. It is assumed that continued access will need to be provided to ensure good maintenance of these walls.

V. Risks associated with purchase

The risks associated with purchasing the land are those encountered with any open space – damage or illegal occupation resulting in the cost of repair and clean up. The area has not been subjected to such problems in the past and the area is well overlooked by the houses in Gala Close. The risks are therefore considered minimal.

VI. Risks of non-purchase

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Now that attention has been drawn to the ownership of the land, there are clearly risks should the purchase by the Parish Council not go ahead.

For example, should Jelson Ltd sell the land on the open market, the Parish would have no effective control over the future of the land even if Jelson Ltd applied the same covenants.

In addition, should Jelson Ltd decide to apply for the land to be stopped up, it would no longer be part of the highway and under the control of Cambridgeshire County Council. With current (and developing) planning regulations, the land might even then be developed for housing and the amenity space lost to the village for good.

VII. Conclusions and recommendation

It is concluded that there are no restrictive covenants that might prevent continued use of the amenity area as at present. The Parish Council is convinced, from recent consultations on village playgrounds, that local residents wish the amenity area to continue in its current use. It is believed that the purchase would cause the Parish Council no significant additional expenditure in the future. Because Jelson Ltd is now aware that it owns the land, we believe there are risks if the Parish Council decides not to purchase the amenity area at Gala Close. It is therefore recommended, in keeping with decision PC201/20.3 taken in December 2020, the purchase of the land at Gala Close proceeds and the Transfer of Title document be duly signed and the purchase of the land completed.

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