



TODMORDEN TOWN COUNCIL

**Item 19b Vale Land Community  
Garden Use– Resources Committee  
4<sup>th</sup> May 2022**

# TODMORDEN TOWN COUNCIL

## Report to Resources Committee

|                      |                                  |
|----------------------|----------------------------------|
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| <b>Date</b>          | 4 <sup>th</sup> May 2022         |
| <b>Subject</b>       | Vale Land – Community Garden Use |

### PURPOSE OF REPORT

1. To inform Members that land at Vale adjacent to and to the rear of Vale Baptist Church was purchased in Dec 2011 in an amount of £10,000.
2. To inform Members that title is held under two titles at Land Registry:-
  - a. WYK402273 “Good” leasehold title is held, granted in 1857 for 2000 years at £6 per annum ground rent relating to the rear parcel of land- Area B – Appendix 1.
  - b. Freehold ownership held under Land Registry Title WYK16590. – Area A – Appendix 1
3. To inform Members that both sites are “land locked” and that sale as potential development land is limited, without incurring at risk expenditure to seek to obtain ownership for proper access rights.
4. To request Members to decide whether they wish to pursue a sale at this time.
5. To recommend to Members, should they not decide to pursue a sale in the immediate future, that
  - a) the piece of leasehold land sited at the rear of the Baptist Church (Area B) be disposed of separately.
  - b) that in addition to the existing use as a picnic site for the freehold Area A additional resource be committed to create several “raised beds” to enable a set of raised beds be installed to develop community growing areas for the benefit of the local community.
  - c) that Members consider whether they wish officers to explore an option to remove and sell what is locally known as the “Rock”, a large wall of substantial stone blocks.
6. To recommend that if Members wish to take forward development of a community growing area a budget of £6,000 be established to enable four raised beds to be purchased and installed and met from a transfer from the Community Development Earmarked Reserve.

### BACKGROUND

7. The front side plot, formally a BMX track, is a roughly triangular piece of land, with trees enclosed by a gate and a low wall.
8. The rear plot is a rectangular sloping scrubby woodland area of no practical amenity use.
9. Overall, the site size is circa 0.31 hectare and was apparently purchased initially by the vendors for £15,000 with development potential in mind, having previously been occupied by a cotton mill. This may explain why when sold to the Town Council an “overage agreement” was in place for the first 10 years so that a thirty percent of any gain on subsequent sale be paid back to the seller.
10. Professional fees totalling around £6,000 were met, including an initial desktop study and subsequent intrusive survey to establish any land contamination issues (previous use as a cotton mill).
11. The Geo Environmental Investigation and Risk Assessment was completed in January 2011 with the following conclusions reached:-
  - I. Given the contaminant concentrations encountered in this study i.e. around or below conservative SSV's the site is not representative of SPOSH (significant possibility of significant harm).
  - II. This may be subject to review should the site use change to a more sensitive use such as residential or site work are undertaken to expose the ash and clinker made up ground.
  - III. The concentration of PAH's in this material may constitute SPOSH if the material is exposed at the surface and there is risk of direct contact by users of the site.
  - IV. This report is stable for to support any future planning application to part redevelop the site.
  - V. A remedial strategy may be required if any ground or re-grading works are proposed in the area of ash and clinker made ground.
  - VI. If the area containing ash and clinker is redeveloped then consideration be given to mitigation by providing a substantial layer of topsoil, say 200mm, and planting with shade tolerant grasses or shrubs to bind the surface.
12. The grassed verge area fronting the site on to Burnley Road is owned by the Secretary of State for Transport and care of Highway Agency. Whilst no enquiry has been made at this stage, the bend is not good in terms of ease of sight and already the entrance to the Baptist Church can be difficult to navigate with speeding traffic a feature in this area.
13. At each side of the grassed verge area are two small entrance gaps. There is no right of way over the grassed verge to use these entrances and no history of regular usage to rely on.
14. The sellers provided indemnity insurance to cover non-payment of ground rent and purchase/legal costs up to overall £10,000 if access was formally restricted onto the site. In the absence of any permissions being gained from Highways Agency, should Members wish to pursue a sale, a similar insurance indemnity would need to be required, indeed if still available.
15. Whilst therefore the option to dispose by way of sale for potential financial gain remains open to consider, further time and cost, including legal costs and likely purchase/ licence fee, would be required to explore the possibilities of:-

- I. The Highway Agency selling either the grassed verge area or enough for formal road access in and out of this site.
  - II. Obtaining Planning Permission
  - III. Obtaining indemnity insurance to pass onto any prospective purchaser.
16. Dry stone wall repairs on the wall perimeter next to Ernest Street £2,200 were carried out in 2019 following collapse.
17. There is a large stone structure known locally as “The Rock” occupying a length of c11 metres, width oc1.8 metres and height of 2.3 metres and consisting of c40 number of large stones – total cubed metres c46 . There may be value even after removal costs (including likely traffic management costs given its location). This will need to be investigated subject to Member’s agreement to do so and may open the site view considerably.
18. The existing site does need some remedial clearance work and further tree maintenance to bring it up to acceptable standards.
19. The site, although slightly sloping, could accommodate several raised beds (located on concrete ground posts) with indicative pricing of £1,000 per raised bed for a 2.4metre by 1.5 metre area, 400mm depth, using sleepers, with membrane and 2 ton of topsoil. If this is pursued some tree removal, (no Tree Preservation Orders in place) and or lower crowning may be required to provide adequate light for growing.
20. At this stage no research has been undertaken with the community as to likely demand or need but rather than approach the community with a possible idea, it was felt better to do so with a firm commitment, subject to a formal group being established to take on responsibility for ongoing management of these beds.
21. Should Members wish to take this forward, an initial survey can be undertaken by way of door drop leaflet within the immediate vicinity to ascertain likely demand and interest to be part of a formally constituted group. In doing so this may also open up other grant funding opportunities going forward.
22. There is no signage indicating ownership or free use of this land by the community.

## **FINANCIAL**

23. An initial budget of £6,000 is required to provide:-
- four raised beds will cost approximately £4,000.
  - remedial works to the area , including some tree management is expected to cost around £1,000.
  - Initial leaflet cost and new signage on completion is expected to cost £1,000.
24. It is proposed that this be funded by way of transfer from the Community Development Reserve.

## **RECOMMENDATION**

25. That Members consider whether they wish to expend further resource and cost in to exploring a sale of Vale land.

26. That if Members wish to support the “raised beds” initiative, the Resources Committee recommends to Full Council that a budget of £6,000 be established and funded by a transfer of £6,000 from the Community Development Earmarked Reserve.
27. That research be carried out within community to establish both need and support for such an initiative.
28. That any such scheme be introduced subject to a formally constituted body being established within the community and a formal management agreement being entered into with the Town Council to take forward the day to day practical management of the site.

#### **REASONS FOR RECOMMENDATION**

29. The Resources Committee considers any financial implications before making recommendation to Full Council where required to do so.
30. Given the existing use as a picnic site, further investment to create a new use should be supported by known interest.

#### **POLICY IMPLICATIONS:**

31. None directly arising from this report

#### **DETAILS OF CONSULTATION:**

32. The immediate community will be consulted on this proposal.

#### **CLIMATE CHANGE:**

33. The creation of growing area and potentially some replanting supports the work of the Climate Emergency Committee.

#### **IMPACT EQUALITY ASSESSMENT**

34. Community growing of vegetables may assist those in financial hardship.
35. Accessibility issue will be considered when planning out locations for raised beds.

#### **SUPPORTING PAPERS:**

**Appendix 1 – Site location**

**Appendix 2 - Land Registry extract WYK65950**

**Appendix 3- Land Registry extract WYK402273**

**FURTHER INFORMATION, PLEASE CONTACT: Naomi Crewe or Colin Hill**