

ABERDEEN CITY COUNCIL

COMMITTEE	Finance and Resources
DATE	2 December 2010
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	North Loirston Farm/ Cove Allotments – Lease Request for Community Allotments
REPORT NUMBER:	EPI/10/282.

1. PURPOSE OF REPORT

At the meeting of the Housing and Environment Committee on 26 October 2010 a report was presented entitled 'Lease request for Cove community allotments - H&E/10/167'

The outcome of the report was that the subject site was declared surplus and the matter be referred to the Finance and Resources Committee.

2. RECOMMENDATION(S)

It is recommended that the Committee:-

- (a) Note the approach from North Loirston Growers Association to establish a community facility on the site and approve, in principle, a lease of the site to them.
- (b) Approve the grant of delegated powers (if required) to the Convener and Vice Convener, along with the Head of Asset Management and Operations and the Head of Legal and Democratic Services to negotiate lease terms with North Loirston Growers Association and, thereafter complete the required legal documentation to give effect to the terms agreed.
- (c) Instruct the Head of Asset Management and Operations to carry out further investigations in relation to the transfer of assets to Community Groups and the use of powers under 'The Disposal of Land by Local Authorities (Scotland) Regulations 2010' in this context and to include their findings in the 2011 Property Asset Management Plan Update.

3. FINANCIAL IMPLICATIONS

There are no current Capital or Revenue costs to the Council in relation to the proposals for the area of land. There will be a modest savings from withdrawing the maintenance of the ground in question.

The subject site is zoned in the current local plan and the proposed local plan as Urban Green Space and part of the Green Space Network. As such the site is unlikely to be of any significant capital value.

4. OTHER IMPLICATIONS

There will be an, as yet, un-quantified investment off staff time required from the Housing and Environment, Legal and Democratic Services Asset Management Teams in taking forward the proposals, negotiating lease terms, drafting legal documentation and thereafter managing any lease. It is also proposed by the Group that the Council's legal costs, recoverable from them, be capped at £500.

Cove & Altens Community Council have secured a grant of £37,500 from the Climate Challenge Fund to meet the majority of costs associated with this project. There is a requirement to spend this grant prior to April 2011; otherwise the grant will be lost.

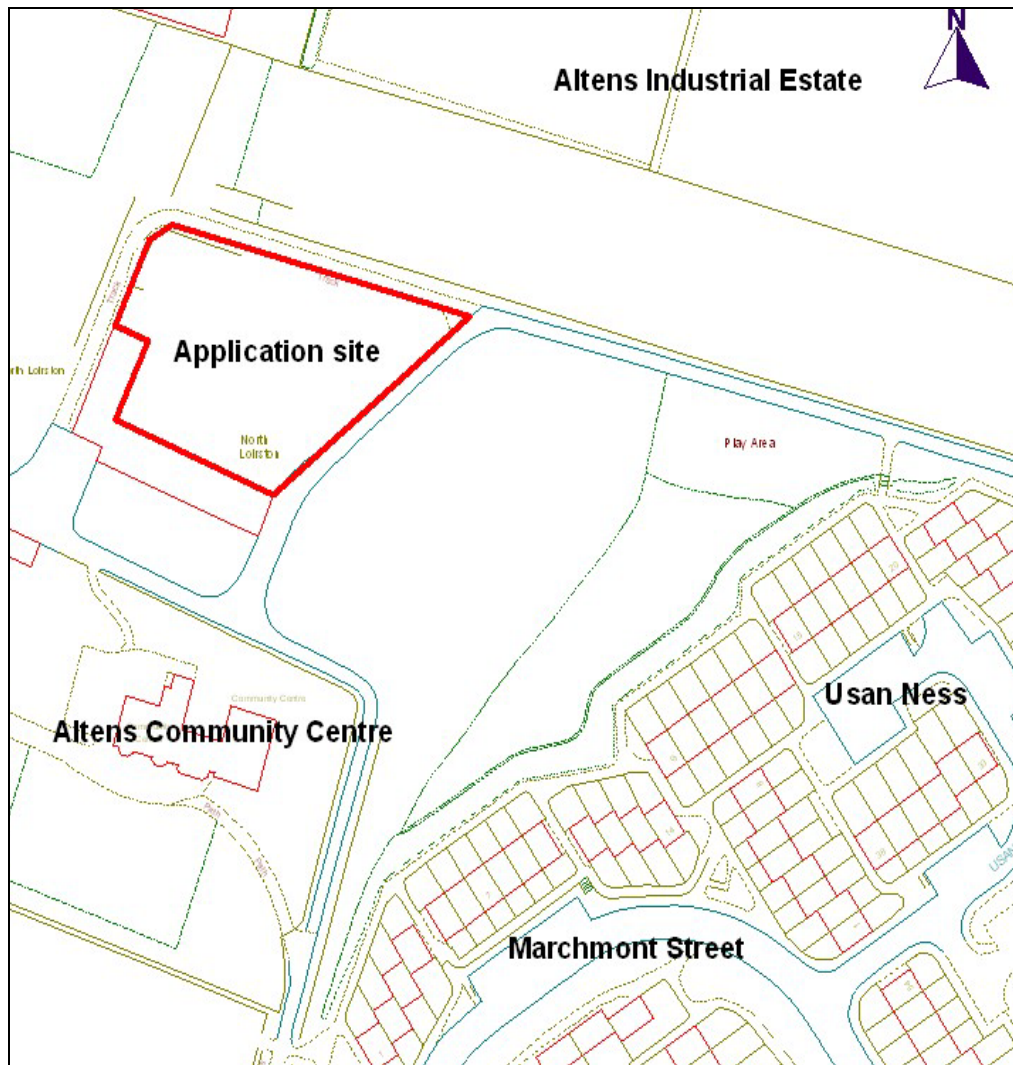
The request to lease ground on this basis, adds to, a number of similar requests in recent years from different community led organisations. Officers are of the view that it would be helpful to members if the principles, for dealing with the same, are considered further and a general policy be developed to assist with any future requests. In developing such a policy there is a need to consider, also, the implications of 'The Disposal of Land by Local Authorities (Scotland) Regulations 2010' which give Local Authorities increased autonomy, in situations where they wish to dispose of land at less than Market Value. It is suggested that this would be best addressed through the 2011 Property Asset Management Plan Update.

5. BACKGROUND/MAIN ISSUES

The Cove community has for some time been in discussions with Housing and Environment with regard to the provision of a local allotments facilities. There are no facilities in the area at the moment. In 2009 an opportunity to secure funds from the Climate Challenge Fund presented itself, and Cove & Altens Community Council, with City Council and other support, successfully applied for, and were granted (in May 2010), £37,500 to establish a sustainable allotment site in Cove.

Following this award much background work has been accomplished, including contracting a project management agent - Aberdeen Forward, setting up a local voluntary management organisation - the Nether Loirston Growers Association, and selecting an appropriate site – a small parcel of Council owned open space adjacent to a Grounds Depot located between Altens Community Centre and Altens Industrial Estate (refer to Fig. 1).

Approaches have however only recently been made to enter into negotiations to lease the area of ground.



A report was presented to the Housing and Environment Committee on 26 October 2010 which made the following recommendations:-

- (i) Approves the request to lease the requested parcel of land for the establishment of a community allotment facility in Cove, on the basis that no capital or ongoing revenue costs will be met by the City Council.

- (ii) Request the Head of Resources Development & Delivery and the City Solicitor to:
 - a. commence rapid lease negotiations with Nether Loirston Growers Association on a 5 year non-commercial lease at a peppercorn rent of £1 per annum (if asked);
 - b. aim to conclude the conveyancing process before the turn of the year;
 - c. cap the services legal fees at £500.
- (iii) Instruct the Head of Environmental Services to report back to this Committee in the second quarter of 2011 providing an update of the status of this project.
- (iv) Congratulate the hard work of Cove & Altens Community Council, including the success of their application to the Climate Challenge Fund to establish this new facility for the community of Cove.

The Committee noted the report and made the following amendments to the recommendations:-

- (i) Declare the site for the project surplus to the requirements of Housing and Environment , and
- (ii) Refer the matter to the Finance and Resources Committee

It was noted that items i) and ii) of the original recommendations were outwith the remit of that Committee. Officers in Legal Services and Asset Management are of the opinion that further investigations and information are required before a positive recommendation can be made to Committee (or in the event that the nature of the lease would be within existing delegated powers, an offer of lease made).

The most significant information required is:-

- Confirmation of the legal status of Nether Loirston Growers Association (constitution etc.).*(since provided although not yet reviewed)*
- Confirmation of the relationships between Cove Community Council and Aberdeen Forward Ltd.
- Confirmation of the Funds available for the project and the ability to transfer funding between all parties involved.
- Details of the proposals for the scheme..).*(since provided although not yet reviewed)*
- A detailed business plan identifying the groups ability to finance the project for the terms of the lease.

Officers are advised that there are currently two major hurdles for this project to cross in order to be successful:

- 1) Planning permission is required in order to establish the site; and
- 2) Council approval to negotiate and lease the land..

Both these hurdles are time critical. The Climate Challenge Grant closes on 31st March 2011. All grants must be fully spent and accounted for by this date. Delays in decisions from either Committee will essentially result in this project becoming non viable and it will immediately cease. It is for this reason that Officers have requested delegated powers, as a delay until the February Committee would cause significant risk to the project.

6. IMPACT

Corporate –

This report links to the Community Plan in the areas of: Homes; Health & Care; Locality Planning; and Environment. It also links to the associated Single Outcome Agreement in terms of our local commitments under National Outcomes: 6 – Health; 10 – Sustainable Places; 11 – Community Participation; 12 – Environmental Protection; 14 – Reducing Environmental Impacts; and 15 – Quality Public Services.

Public -

This community led project, and others like it, go some way to help meet the stated objectives of the Council's Allotments Policy, the Community Gardens Policy, the Nature Conservation Strategy and the emerging Open Space Strategy.

7. BACKGROUND PAPERS

None

8. REPORT AUTHOR DETAILS

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