

Agenda Item 10

Executive Member	Councillor Charles Yarwood
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Date	30 July, 2013

Ward (s) affected	N/A	Key Decision	No
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Subject	Appropriation of land at Ranmore Orchard, Dorking
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RECOMMENDATIONS

To approve the appropriation (subject to satisfying the statutory advertising requirements prior to the appropriation) of the land shown as Area A on the attached plan ("Area A") for leisure purposes.

EXECUTIVE SUMMARY

Executive approval is needed for the appropriation of Area A for leisure use. This is because Area A is currently held by the Council as allotment gardens and before it can be disposed of as proposed it needs to be appropriated to another use.

It is important to note that the area is not actually used as allotments currently; rather its use is as an orchard open for public use, so this would reflect the current situation and would not reduce allotments currently available to the public.

Appropriation of Open Land cannot take place before this has been advertised for two consecutive weeks in the local press and any objections considered. Any resolution in favour of appropriation will therefore remain subject to these statutory requirements, as set out in s122 Local Government Act 1972, being satisfied.

Secretary of State for the Environment (SSE) consent to the appropriation of the land Area A for "other purposes" (as required under s8 Allotments Act 1925 prior to any appropriation of land held as allotment gardens) was obtained on 30 June 1999

If Executive approval to the appropriation is given then the Council will (following and subject to the statutory advertising requirements in respect of (i) appropriating, and (ii) disposing of Open Land being satisfied) be in a position to grant the lease of the arboretum to Dorking Community Orchard CIC.

The grant of the lease fits in with the original ethos of the arboretum which was begun in the Millennium year (See Background for more information).

The Council is responsible for providing parks and open spaces including allotments. These areas are deemed important for recreation and the allotments allow local people to grow their own produce. The orchard is encouraging local business by encouraging

fruit trees to be grown and local produce to be sold via local organisations such as the “Food Float” thereby fitting in with the Council’s environment policy.

The lease to the Dorking Orchard CIC will allow local organisations and members of the public to plant and sustain important local species of fruit trees and to continue what was started in the Millennium by way of the “Trees of Time and Place” project.

The Council will be able to encourage the development of a local orchard which will be open to the public and will support local business from the sale of the produce.

*** CORPORATE PRIORITIES**

Access to Services – Helping residents to access the services they need

1. Improve the way we engage with our Customers and listen to our communities

The appropriation and disposal of part of site A for an Orchard area to the Dorking Orchard CIC is a direct response by the Council to provide the land for a community initiative (see the connection of the Orchard and the Food Float selling local produce). The provision of part of Site A for a BMX track provides an area for the young members of the Community to develop their skills and enjoy leisure time in a safe environment away from other conflicting uses. It also makes good use of the environment and open space not suitable for other uses.

2. Working with our partners to provide the right services to our local residents. The above appropriation and disposal provides the land for both the Dorking Orchard CIC and the BMX track and further demonstrates the Council’s desire to improve the quality of the services to the local residents within the district.

Value for Money - Delivering quality, value for money services

1 Continue to provide quality services to our residents, by creating additional income through making better use of **property assets**. The appropriation of the land shown on Plan A will provide a small income from the annual rent for the Orchard but also reduce the amount which the Council will have to pay out on maintenance.

The Executive has the authority to determine the Recommendations

1.0 BACKGROUND/INTRODUCTION

The parcel of land known as the Ranmore Orchard forms part of the area (shown on the attached plan) which is currently held as allotment land under the Allotments Acts 1908 to 1950. In 1999 the Council applied to the SSE for consent to appropriate land at Area A for an arboretum. The “Trees of Time and Place” campaign encouraged local authorities all around the UK to set aside small pockets of land for “local people to plant their personal Trees of Time and Place as a permanent living contribution to the new millennium”. A national community tree planting day was proposed and both local organisations and members of the public were encouraged to come along and plant their own trees. Since 2000 the orchard has been left and apart from basic maintenance it has largely been left. In 2010 Dorking Community Orchard CIC approached the Council to take over from where the Millennium had started and requested a 25 year lease to attract grants and funds to revitalise the Orchard and to plant new species of local fruit trees for the enjoyment of the public.

The CIC is keen to make sure that although the land is held on a lease it is accessible to all members of both the allotments and the public in general.

Financial Implications – This section should be completed for all reports by the report author and Financial Services should see the draft report as soon as possible.

Potential considerations include:-

Cost of advertising for both the appropriation and the grant of the Lease is approximately £1000.

The annual rent of the proposed lease on Ranmore Orchard is £100 over a period of 25 years with the first 3 years rent free. The total revenue to be generated over the lease will be £2,200.

Future maintenance costs will be approximately £150 per annum for tree pruning. The Dorking Community Orchard CIC will pay the same amount.

Future growth

There will be a saving on Park's general maintenance costs of the area (although maintenance obligations and their associated costs will not transfer in their entirety. The Council will, for example, still be likely to pay 50% of the annual costs of pruning all trees planted before 1st June, 2010. Parks have estimated that the future cost of pruning of the millennium trees will be in the region of £300 per annum, half of which the Community Orchard will be paying. The Council will also therefore be saving £150 a year from the lease arrangement

Legal Implications – Appropriation

SSE consent to the appropriation has been provided pursuant to s8 Allotments Act 1925.

The Council therefore has the power to proceed with the appropriation subject to it satisfying the following requirements under s122(2A) Local Government Act 1972:

- (i) Advertising the appropriation for two consecutive weeks in the local press, and
- (ii) The Executive considering the objections to the disposal (if any are received)

Given that the necessary SSE consent has been obtained and the Council has (subject to satisfying the provisions of s122(2A) Local Government Act 1972) the power to appropriate, it is considered unlikely that any subsequent appropriation may be open to a successful challenge unless any objections received are not adequately considered.

The Subsequent Grant of the Lease

The proposed lease term is for a period expiring on 8 May 2035, subject to earlier termination, for example in respect of mutual rights to break. As the lease is for a term of over 7 years, and because Area A is currently used as an orchard which is open to the public, the proposed grant of the lease will be a disposal of Open Land which will again need to be advertised for two consecutive weeks in the local press in accordance with s123 Local Government Act 1972. If objections to the disposal are received then these

will also need to be considered on their merits by the Executive in due course.

The decision to grant the lease is a delegated decision.

2.0 OPTIONS

The other option to granting a lease of the area is to leave it fallow. This will produce no income for the Council and at some time in the future will incur future maintenance costs with respect to weed control and security measures (gate and fencing).

3.0 CORPORATE IMPLICATIONS

Monitoring Officer commentary – The Monitoring Officer confirms that all relevant legal implications have been taken into account.

S151 Officer commentary – The Monitoring Officer confirms that all relevant financial implications have been taken into account

Equalities Implications - The aim of the Dorking Community Orchard is to provide an orchard for everyone in the community and so offers equal opportunities for all.

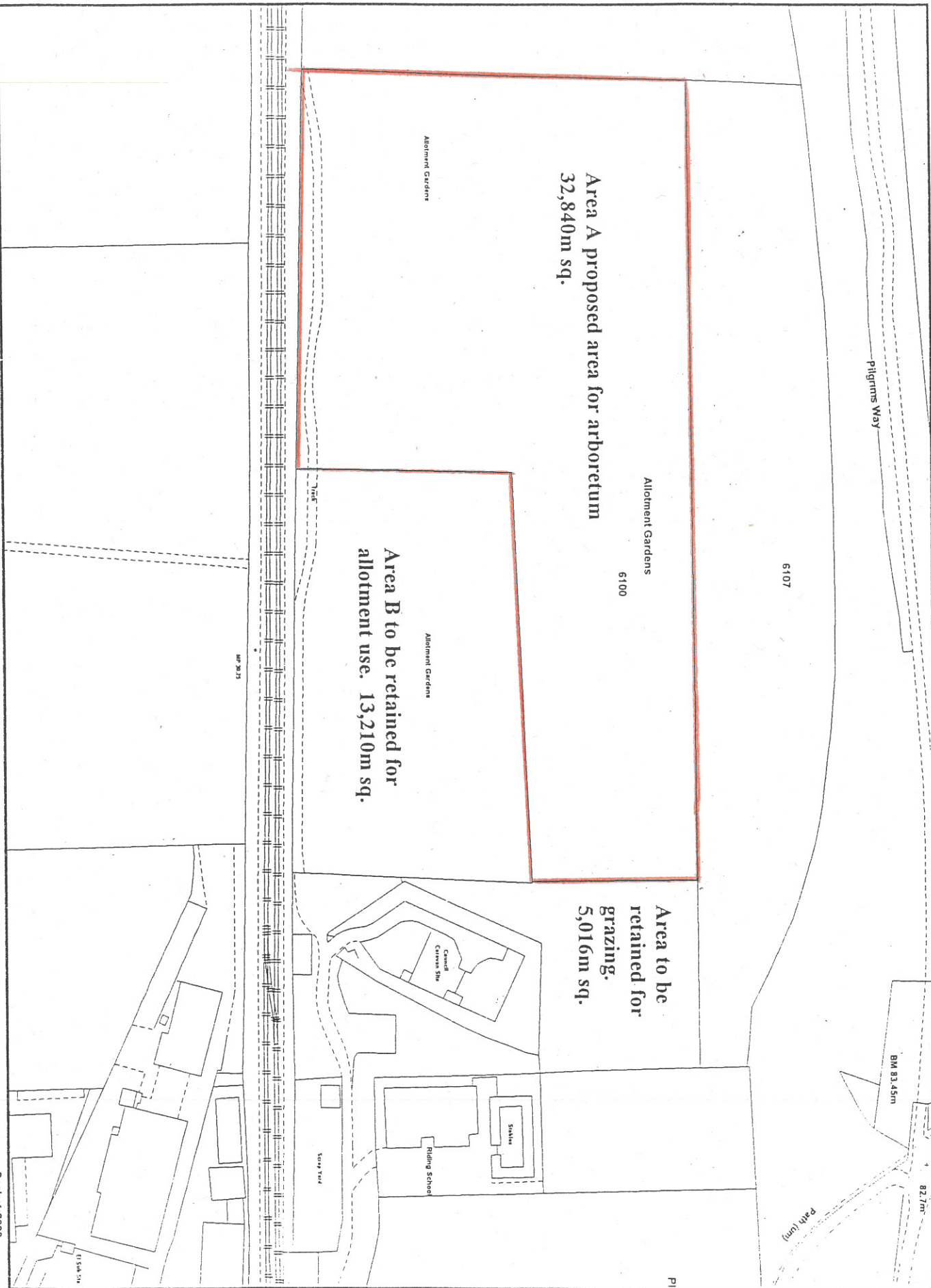
Employment Issues – Dorking Community Orchard CIC will not directly act as an employer but has aims and objectives including providing opportunities for local volunteering groups and to provide a small but significant source of locally grown organic fruit for distribution and sale in the area.

Sustainability Issues – By allowing the Dorking Community Orchard CIC to use the land by way of a lease the current use will be maintained and instead of the Millennium Orchard being neglected and allowed to deteriorate it will become a “living classroom” and rejuvenated as further species are planted.

BACKGROUND PAPERS

Background papers are now required to be published. An electronic link to any background paper should therefore be included in this section.

Ranmore Road Allotments



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Scale: 1:2000
Plot Date: 17/5/1999
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