

## GREAT AYTON PARISH COUNCIL – EGM meeting

Minutes of the meeting held on Thursday 21st September 2023 at 19.00

**Present:** Cllr Greenwell, Cllr A Hall, Cllr C Hall, Cllr Kirk (Chair) and Cllr Short

**In Attendance:** Mrs A Livingstone (Clerk), Mr L Marley (Cemetery and Services superintendent), Cllr Heather Moorhouse (NYC) ~ 65 residents / allotment users.

### 23.69 Apologies for absence

Apologies were received from Cllr Baylin and Cllr Blackmore; Councillors approved the reasons for absence.

### 23.70 Public Participation

The Chair read out key information from the Local Plan. He informed that in 2015 he had been involved alongside Richard Hudson as a District Councillor, in nominating various designated green spaces, one had been the allotments which fell under the provisions.

The information within Policy IC3 stated:

#### Protecting existing provision

Where a proposal involves the whole or partial loss of open space of public value, sport or recreational space and facilities, it will only be supported where it can be demonstrated that:

- d. suitable replacement facilities of at least equivalent value, judged in terms of availability, accessibility, quality and quantity, will be provided in an equally accessible location; or
- e. there is a surplus of such facilities in the area and the loss would not adversely affect the open space, sport or recreational needs of the population; or
- f. the proposal is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use; or
- g. the development of a small part of the space/facility would offer the best way of retaining and enhancing sports and recreation facilities in the site and would provide overriding benefits to the local community.

#### Local green space

The sites listed in Appendix D: 'Local Green Space' are designated as Local Green Space. Proposals for development with Local Green Spaces will be determined in accordance with national planning policy for the Green Belt.

Local Green Space may be designated in a neighbourhood plan, if the space accords with the criteria in the national planning policy.

The Chair and Cllr C Hall worked through questions received in advance of the meeting:

- *Are the PC aware of the identify of any potential new landowner or the intended timescale for the sale –* It was advised that the identities would be confidential, the only timescales which were known was the need to submit any bids by noon on 20<sup>th</sup> October. Thereafter a sales process would continue with due diligence, etc. Cllr Moorhouse gave assurance that a Planning Development Officer had confirmed that there had been no pre-applications received to date for planning.
- *What extra legal protection would "assets of community value" status give the allotments Vs disposal? How quickly could it be achieved Vs the sale tender deadline? –* It was advised that registering as an asset of community value gave zero protection but gave the right to bid with a 6-month holding period during which time the community could seek ways of raising funds to enter a bid, however, at the end of the period there was no obligation on the seller to accept the bid.
- *Is the PC planning to do active negotiations on behalf of the allotment holders with the current landowner or are they waiting to see outcome of the tender process? –* The Parish Council had no outcome or action plan as yet, this would be dependant on views from this evening's meeting, which would then be progressed.
- *If the PC is prepared to negotiate with the landowner, will they try to obtain a commitment to give the PC (or plot holders) a first refusal on the purchase of the land at a fixed price of £250k Vs any potentially higher*

*offers from other bidders (local builder believes the current price is a bait price and not the likely achievable sale price).* – It was advised that the Parish Council had no-one qualified to place a valuation and if involved, they would seek professional advice to ensure what was being completed was realistic.

- *Are the PC (as a precaution against being given notice to quit) currently actively looking at what are the options for replacement allotments Vs the obvious challenges: land availability & the willingness of local landlords to take an altruistic peppercorn rent for it? (If this proactive approach isn't taken then there's a risk of loss of continuity of land availability - ideally plot holders would have an overlap to allow transfer of water butts, sheds, fruit trees & bushes etc between plots & this would ideally happen during the dormant season from November to February)* – The Chair reminded of the protection given under the Local Plan.
- *How will the PC keep plot holders appraised of any developments, given the community fundraising to purchase the land and the short timeframe to the tender deadline?* – It was advised that this was not a short timescale if the asset of community value was applied for giving an additional 6 months. This was only worth doing if it was felt that as a community there was a chance of raising funds. There was the need to ensure that the landowner was not antagonised and good will was maintained.
- *Does the PC support having a committee with plot holder representatives similar to the successful campaign to save the library?* – It was advised that saving the library as far as costs were concerned was not in the same category. The Parish Council would consider the information provided by any group to see if this would be supported.
- *What would be the basis of the future land ownership Vs current fundraising: If the fundraising is successful who is the PC assuming would be the registered landowner? If it is the PC then that means the allotments would have statutory status & thus greater protection than if they were privately owned (eg if the fundraisers were to own shares in the land with a trust / nominal registered owner).* – It was advised that there was the need to look at the direction to proceed before looking at potential ownership.
- *Given their statutory obligation to provide allotments will the PC be seeking sources of purchase money - eg a substantial direct donation or will the PC undertake to apply for any grants & alternative funding to enable the purchase of this or 10 acres of alternative land?* – It was advised that the Parish Council would struggle to obtain any grant as the allotment land was not at risk.
- *What reassurance can the PC give the plot holders about the sale process and any notice to quit? There is minimum of 12 months' notice (I believe legally starting from the end of April or the end of September after notice is given) but the uncertainty & high risk of disposal means plot holders are likely to be reluctant to spend unnecessary money which will affect their plot enjoyment & yields : buy water butts, manure, paths, repair internal hedges etc or make potentially costly improvements to plots (several plot holders have expressed anger that they've recently spent significant amounts of money on improvements that they wouldn't have done if they'd been aware of the likely sale.)* – It was confirmed that the Parish Council had not been given notice under the lease and was committed to keep tenants fully informed of anything happening. It was reminded that the Parish Council were only aware of the land sale a short time before the allotment users and were during that time looking at the leases and information to take forward.
- *If the PC / community are successful in purchasing the land & given the historic fluctuations in demand for plots what protection would the community have against (partial or total) sale of the land in future if there was a dip in demand for allotments at a given point (possible constraint that any vacant plots revert to open space for community use rather than sale?)* – It was advised that if this direction was looked at there would be wording built into any purchase or agreement.

The Chair invited further questions from the attendees.

Q – *Was there an opportunity to obtain monies from North Yorkshire Council to purchase the land* – It was advised that no funding was available for community assets.

Q – *Due to the allotments being a historic asset, was this not supported to keep it in place* – It was advised that if eventually a planning application was entered, this would be looked at.

Q – *Yatton House community garden plot, is this included in the sale?* – It was confirmed that this was included and shown on the sales particulars and as with the allotments, the lease would move to a new landowner. The Chair stated that there had been a comment received by email regarding a revision to the lease earlier in

2023 and confirmed that this was due to moving the Yatton House community garden to a separate lease as the Parish Council had agreed to this becoming community garden.

Q – *It was felt that the village needed to have land for recreation purchase, and questioned if this could be built into the sale of land* – It was reminded that the Parish Council did not own the land and could not impose conditions. A purchaser of the land would need to complete land searches etc and would discover it was listed as a green space. Any developer would need to provide equivalent land to marry up with the obligation to provide land to get planning permission.

Q – *The Parish Council were asked to give a press statement requesting funding for the allotments.* – It was stated that the level of protection over the allotment site was better than most other sites in the parish and the allotments were not going to disappear. A developer would need to cover all the hurdles mentioned at the beginning of the meeting. If grant funding was looked at the tests would be failed as there is not currently the need, there is a registered lease and at this point in time no immediate risk to the allotments.

Q – *Nunthorpe had lost their allotments to development, this hadn't been fought by their Parish Council* – It was reminded that this land was protected by policy IC3, and was a different scenario, thanks to the work by the Chair ensuring this was designated as protected green space.

Q – *If anyone bought the land, they could give notice after 12 months then sit on the land, the allotments would be derelict, then the protection would not be in place it would be derelict land.* – It was reminded that a current lease was still in place, and it was hoped that a new owner would be looking at having the good will of the council in future if any planning application was submitted.

Q – *What was the view regarding the field.* – It was advised that this was still protected as a green space under policy E4.

Q – *If some effort was put into going out to businesses and private individuals the funds could be raised and land could be bought and protected as community land.* – It was reminded that the allotments were not seen to be under threat, the lease was in perpetuity and rolled over annually until someone gives notice.

Q – *It was questioned how the Parish Council would consult in future on this matter.* – It was advised that as per the notices erected in the allotments there had been the request for additional contact information including email addresses to be provided when the new allotment terms commenced. This would allow the Parish Council to make contact easier with allotment users.

Q – *If there is to be further work would there be some input allowed from the allotment owners themselves* – It was agreed that it was valuable to have the support of the people using the facilities. A Parish Councillor questioned if there was an allotment association. It was advised that this was in place but there were only 30 allotment users who were members.

Q – *It was questioned if the Parish Council would back a planning application if the land was purchased and an application submitted for houses.* – It was informed that the Parish Council were not the Planning Authority, but would oppose when consulted any application on the sites. Areas within Great Ayton were not permitted for anything other than infill, with up to five properties.

Q – *Is the old Local Plan still in place under the newly formed North Yorkshire Council.* - This was confirmed. Cllr Moorhouse stated that she sat on the new councils planning committee and they could not pre-decide any application but planning officers would not recommend any planning.

Q – *It was believed that the Environment Agency had placed an embargo on new builds.* - Cllr Moorhouse informed that this had been lifted recently.

Q – *A matter which caused concern was that planning was a political decision and national changes could be dictated especially if there was a change in government. This would not be a concern if the allotments were owned by people in Great Ayton.* - It was agreed that there had been some degree of assurance with the information of policy IC3. But still a concern on national policy changing.

Q – *When the Allotment Association was questioned, they had talked of compulsory purchase power and suggested the levelling up funding.* – It was reminded that a Parish Council did not have compulsory purchase power and that grants were not available if the allotments were not at risk. A shared prosperity fund was questioned as a form of funding. Cllr Moorhouse felt this was only a total fund of £50,000 across Richmond and Hambleton and was available in October.

Q - *Saying legally not at risk but doesn't stop us saying we as a community we would prefer to own the allotments. Would the pc support an attempt to raise enough money, and would you be actively involved. Cost*

would be less than 2k per plot – A Parish Councillor questioned the members of the public enquiring what was the level of belief in the room that the money could be raised. It was advised that the Parish Council had limited manpower and would expect that this matter would be driven by the residents/allotment owners with support from the Parish Council if this was agreed by the Council. There were discussions and Tamzin Little was appointed as the group leader to drive this forward and liaise with the council.

Q – *The status of the field land was questioned* – The Chair confirmed that the Local Plan did not show this as an area for development.

Q – *It was questioned who the land was owned by and if there was any known reason for the sale* – The Parish Council were unaware of why the land was being sold now.

**23.71 To consider the current situation re land sales and the various requests input from residents, including the request to register lands as “assets of community value” and to agree an action plan.**

23.71.1 It was agreed that a public meeting should be organised, and the Parish Council would be advised if there was consensus to take this forward, if there were sufficient people with the skills and time to progress and that the group was able to show they had a credible chance of raising sufficient funds. The terms of registering land as an asset were discussed and the need to inform by noon on 20<sup>th</sup> October 2023 if there was the intention to bid. Timescales for meetings were discussed and it was hoped that a proposal could be brought to the Parish Council meeting on 3<sup>rd</sup> October, but if this was not possible a further EGM would be held.

23.71.2 **RESOLVED:** The Parish Council agreed that they would fund the cost of a public meeting room if a cost was involved. It was anticipated that the public meeting would be organised by Tamzin Little and held either end of September or Monday 2<sup>nd</sup> October 2023. The Parish Council would be informed.

**23.72 Proposal: It is proposed that an application be made to register the Allotment land and the edge of Village grassland (comprising c18.18 acres, as described in the particulars attached) as assets of community value.**

23.72.1 Parish Councillors agreed that if the land was entered as an asset of community value this would gain the option of a right to bid for the land within 6 months to enable funds to be progressed. The land was discussed and if assets of community value should be entered for both pieces of land separately. The concerns of antagonising landowners were mentioned, particularly if there was not the prospect of a decent bid. Concerns of whoever purchases the land giving notice to quit were discussed and it was felt to be unlikely due to the protection in place on the land. It was accepted that the community wanted to own the land to allow them more security and that the Parish Councils support would be needed for greater governance. It was believed that this was for sale to be purchased as investment land with long term potential.

23.72.2 **RESOLVED:** Councillors proposed, seconded and voted and it was approved that the Clerk should register the allotments and the Grassland separately as Assets of Community Value. **ACTION: Clerk**

*Meeting Closed at 9 pm*

Next Meeting –Tuesday 3<sup>rd</sup> October 2023, 7pm at the Discovery Centre

Signature

Date

Clerk: Mrs Angela Livingstone – [clerk@great-ayton.org.uk](mailto:clerk@great-ayton.org.uk)