 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>Cabinet – 22 June 2022</p>
<p>Report Number</p>	<p>Agenda Item 10</p>
<p>Subject</p>	<p>ACQUISITION OF AMENITY LAND IN WITNEY</p>
<p>Wards affected</p>	<p>Witney East</p>
<p>Accountable member</p>	<p>Councillor Carl Rylett, Cabinet Member for Planning and Sustainable Development Email: carl.rylett@westoxon.gov.uk</p>
<p>Accountable officer</p>	<p>Andrew Turner, Business Manager for Assets and Council Priorities Email: andrew.turner@publicagroup.uk Jasmine McWilliams, Asset Manager Email: jasmine.mcwilliams@publicagroup.uk</p>
<p>Summary/Purpose</p>	<p>To confirm the action taken by officers to progress the acquisition of amenity land at Cogges in Witney and approve appropriate funding as detailed in the report</p>
<p>Annexes</p>	<p>Annex A – Plans Exempt Annex B - Heads of Terms for Purchase Exempt Annex C - Heads of Terms for Community Funding Agreement Exempt Annex D– Report on Title</p>
<p>Recommendation(s)</p>	<p>That Cabinet,</p> <ul style="list-style-type: none"> (a) approves the action taken by officers in relation to the acquisition of the land on the terms at Annex B and the Community Funding Agreement on the terms at Annex C. (b) grants delegated authority to the Interim Head of Legal Services in consultation with the Cabinet Member for Finance, Locality Director and the Group Manager for Commissioning to approve the final terms of the transactions.
<p>Corporate priorities</p>	<p>Protect the environment whilst supporting the local economy</p>

	Working with communities to meet the current and future needs and aspirations of residents
Key Decision	NO
Exempt	NO (however exempt Annexes B-E) Not for publication by virtue of paragraph (3) of Part I of Schedule 12A to the Local Government Act 1972
Consultees/ Consultation	Chief Finance Officer, Group Manager for Commissioning, Group Finance Director (Publica)

I. BACKGROUND

- 1.1.1 The Council has the maintenance responsibility for parts of Langel Common shown shaded green at Annex A1 under Byelaws from 1949. The Council also owns the freehold of other land and car parks in the area shown shaded brown on plans at Annex A3.
- 1.2 The overall ownership and maintenance arrangements for the common in its entirety are complicated by multiple ownerships and the Council has had a longstanding desire to simplify these in time as set out when it acquired land near Bishop's Mill some years ago.
- 1.3 The Common forms a significant space of historic green space through the centre of the floodplain in Witney and is an important ecological and biodiverse site although heavily used by the community.
- 1.4 In March 2022 the Council were made aware of plans by the owner of one of the plots on the edge of the common to sell their site at auction and this created significant public concern given its siting adjacent to the Cogges Conservation Area.

2. MAIN POINTS

Land Sale

- 2.1 The owner of the land shown edged red at Annex A2 wished to sell the land. They entered the land into an Auction which drew the interest and concern of local residents, users of the land as public open space and community groups as well as the Town Council and the District Council due to the sensitive nature of the site.
- 2.2 After discussions with the community groups, the Town Council and other interested organisations it was agreed in principle that the District Council should purchase the land to preserve its use as public open space managed for nature in perpetuity.
- 2.3 After negotiations the owner of the land agreed to withdraw the land from the auction and offered to sell the land to the District Council on the terms detailed at Annex B.

Funding from the Community

- 2.4 The local community have raised funds to assist in the purchase of the land for the use as public open space in perpetuity and have agreed to the principle of the Council taking the freehold subject to appropriate safeguards being put in place in respect of access and safeguarding the site. Terms for the Community Grant Agreement are shown at Annex C.

3. FINANCIAL IMPLICATIONS

- 3.1 The purchase price of the land is set out in the confidential annex. In addition to this there is a requirement to fund seller's costs of £1,000 and appropriate valuation and due diligence costs carried out by our agents. It is anticipated that the overall acquisition costs after application of the local fundraising will be in the order of £30,000 and it is proposed that this be financed through the application of s.106 funds available for such purpose.
- 3.2 It is envisaged that the land will be leased to a suitable conservation charity or other appropriate organisation who will then be responsible for the cost of maintenance but there may be a maintenance cost to the Council in the future in respect of site should a lease not

proceed. These costs are not anticipated to be significant as the land management plan is likely to be minimal maintenance and will be met from existing budgets.

4. LEGAL IMPLICATIONS

- 4.1 The Council would acquire the freehold of the property and would be responsible for the repair and maintenance of the property as a whole.
- 4.2 The Legal Team would undertake legal due diligence and would provide a detailed report on title. Local Search and other appropriate legal searches would be obtained and assessed.
- 4.3 In accepting the Community funding, the Council will have to comply with the terms of use as set out in the proposed Funding Agreement or risk re-paying the Community funding and further action for breach of contract.

5. RISK ASSESSMENT

- 5.1 There is a risk that the Council would retain the maintenance responsibility for the land if a suitable conservation charity or other appropriate organisation does not take a lease of the land.

6. EQUALITIES IMPACT

- 6.1 The purchase of the land will retain it as natural public open space in perpetuity. No equalities impact is envisaged.

7. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 7.1 There will be no negative climate-related impacts as a result of the site's purchase, the site indeed has the potential for floodplain meadow restoration and small scale planting that would increase the site's carbon sequestration abilities.

8. ALTERNATIVE OPTIONS

- 8.1 The Council could decide not to purchase the land.

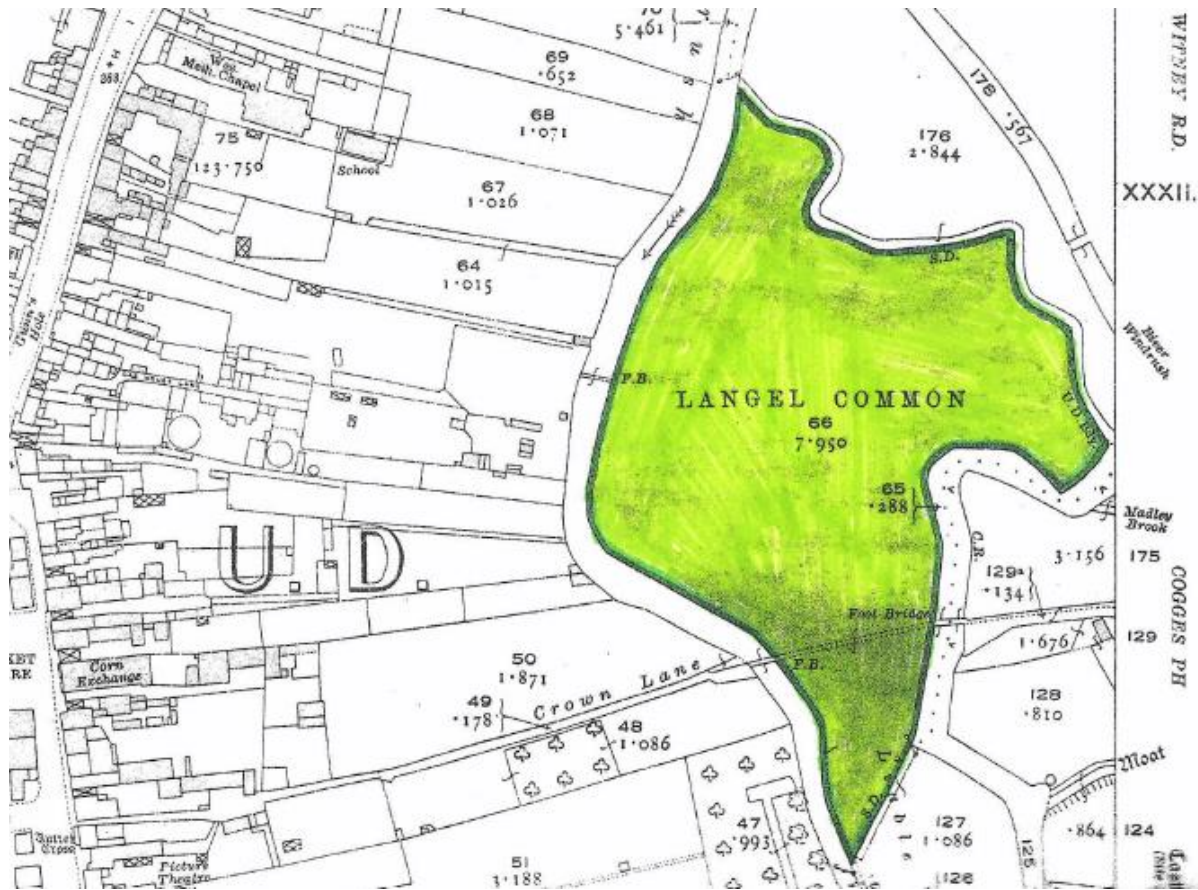
9. BACKGROUND PAPERS

None

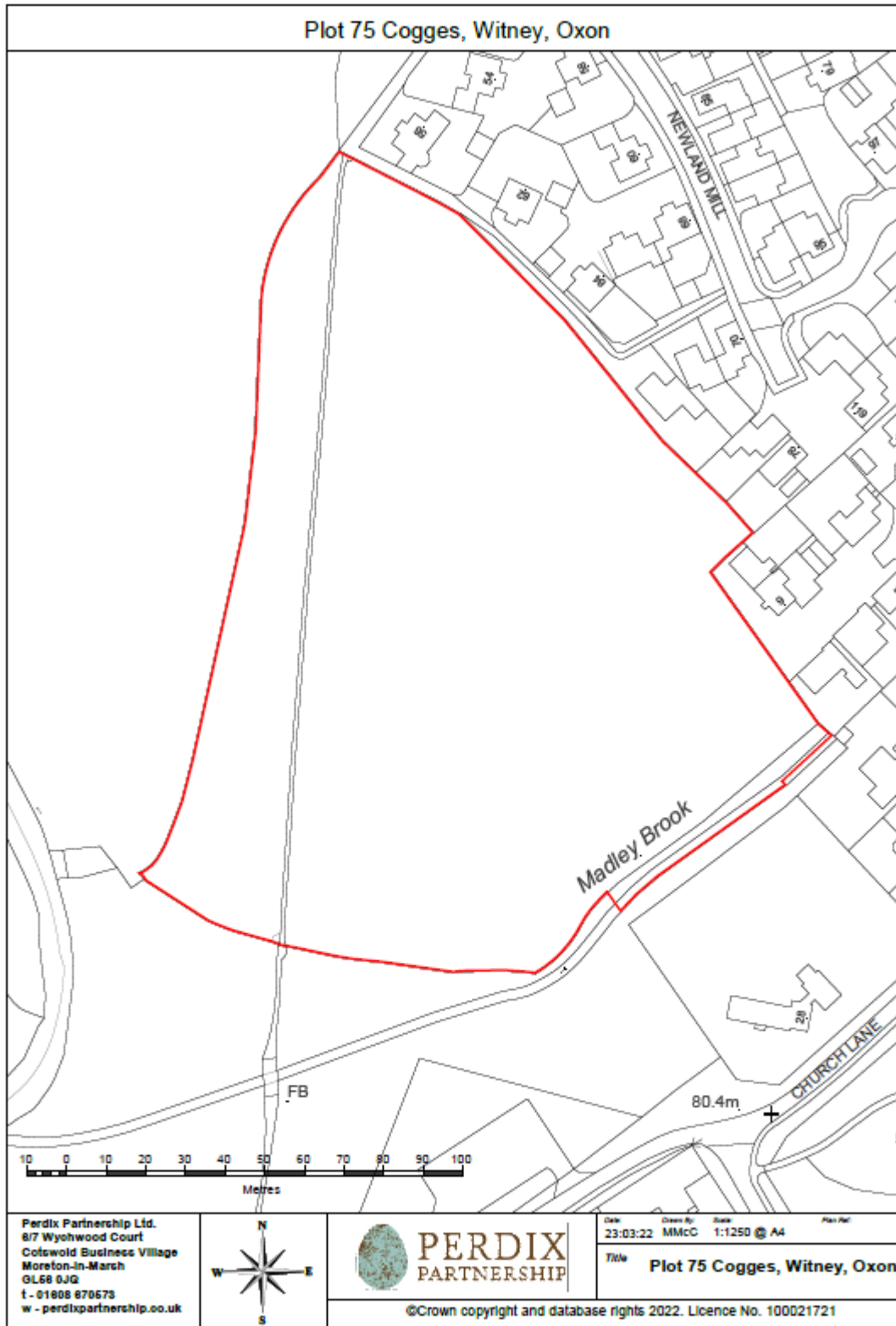
(END)

Annex A1

Langel Common



A2 Land for Purchase



A3 Council's ownership in the Area

