

## **WPC arrangements with WCT**

On 6<sup>th</sup> May, I had a virtual meeting with Frank Campbell and Patricia Goodhew from Westbourne Community Trust (WCT) regarding arrangements for the land and allotments at Mill Road. The points set out below need agreement from Westbourne Parish Council (WPC) before WCT can instruct its solicitor. In broad terms, it is intended that WPC surrenders its current lease for the park; the freehold of the park would then be sold to WCT who would carry out the affordable housing development on part of the park area and lease back the residual park area to WPC, who would then continue to be responsible for maintenance of the park. The WCT proposals include providing a new building within the existing allotments, part of which would be used by WPC for storage and the remainder would be used by the Allotment Association as a WC, kitchen area and storage space, all for allotment purposes. These proposals have implications for leasing arrangements which need to be clarified in order to instruct solicitors. WPC will also need to consider instructing solicitors to handle its own interests in these transactions.

1. After the affordable housing is in place, WCT will continue to operate as a separate, autonomous entity. Should, at any point in the future, WCT cease to function, there is provision in their rules for the affordable housing to be transferred to a similar not-for-profit trust. WPC would continue to be involved in some capacity.
2. WPC currently leases the park at Mill Road from CDC. My understanding is that the lease runs until about 2030. If WCT is granted planning permission for the affordable housing scheme (an initial decision is expected in the next three to four months), they will purchase the land from CDC and lease the land for the residual park back to WPC for a period of 30 years. Under the conditions of the lease, WPC – as has hitherto been the case – will be responsible for the maintenance of the park. The cost of the lease is to be negotiated.
3. WCT will be responsible for the removal of the current play equipment, which is nearing the end of its useful life. New equipment will need to be agreed with WPC both in terms of variety and standard. WPC would ordinarily have to provide funding for new play equipment but, depending on their financial position, it is very likely that WCT will also contribute to the costs. Further funding may well also be available from other sources. WPC would be responsible for the maintenance of the play equipment and would, as is standard practice, set funds aside for its eventual replacement. Any work proposed by WPC on the current play equipment should be delayed for four to five months, by which time more should be known about planning permission for the affordable housing scheme.
4. WPC own the allotment site and the existing lease with the Allotment Association has been under consideration for renewal in the last year or so. A new lease will need to be drawn up with the Allotment Association (AA) incorporating the new building and legal responsibilities for the same. As with the allotment itself, WPC will be the owner of the freehold for the building and a portion of the building will be leased to the AA for its use. Maintenance costs for the building should be modest. The toilet would become the responsibility of the AA and it is intended that its use is exclusive to allotment holders. The kitchen area is also for the exclusive use of the AA. Whilst the cost of the building will be met by WCT, the cost and length of the new lease will be the subject of negotiations between WPC and the AA.
5. The service road is currently owned by WPC, with CDC having a right of way. It is intended that WPC retain the freehold but that right of way be granted to WCT. WCT will cover the cost

of any initial improvements to the road and, as the road will have greater use than hitherto, may be able to contribute to its maintenance via rental income. It is also possible that the road is, or will be, up to adoptable standard, which would mean it could be adopted by WSCC.

6. It is possible that the WCT solicitor may be able to act on behalf of WPC and WCT. This is currently being investigated. If this is not possible, WPC will need to appoint its own solicitor.

Richard Hitchcock. 07/05/20.