

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<b>Councillor Paul Roper - Cabinet Member for Economic and Cultural Sustainable Development</b>	
MEETING/ DECISION DATE:	<b>On or after 23 August 2025</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E 3639</b>
TITLE:	Land (Stanton Drew Play Area), The Drive, Stanton Drew, Bristol BS39 4DQ– Recommendation for a Community Asset Transfer of the asset	
WARD:	Chew Valley	
<b>AN OPEN PUBLIC ITEM WITH EXEMPT APPENDICES</b>		
<b>List of attachments to this report:</b>		
Appendix One: Expression of Interest		
Exempt Appendix Two: Business Plan		
Exempt Appendix Three: Draft Heads of Terms		
Exempt Appendix Four: Draft Partnership Agreement		
Appendix Five: Social Value Report		
Exempt Appendix Six: Social Value Calculation		
The exempt appendices contain exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemptions are set out below.		
<i>Paragraph 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</i>		

### 1 THE ISSUE

- 1.1 Agree the land at The Drive (aka Stanton Drew Play Area) is a suitable asset for transfer to Stanton Drew Parish Council, by way of Community Asset Transfer.

## **2 RECOMMENDATION**

The Cabinet Member for Economic and Cultural Sustainable Development is asked to;

- 2.1 Determine that the subject asset be transferred to Stanton Drew Parish Council via a Community Asset Transfer.
- 2.2 Delegate to the Head of Corporate Estate, in Consultation with the Section 151 Officer, the power to enter a Community Asset Transfer.

## **3 THE REPORT**

- 3.1 A CAT application has been submitted by Stanton Drew Parish Council (SDPC) in respect of an area of land in Stanton Drew; namely Stanton Drew Play Area.
- 3.2 Stanton Drew Civil Parish is located approximately 9 miles south of Bristol, 10 miles west of Bath, and 2 miles east of Chew Magna, on the southern side of the River Chew.
- 3.3 The play area is to the west of Stanton Drew, near to the part of the Parish with the highest residential density. The field area is broadly triangular with an area for parking at the top and a PROW running through the west side. Over the years SDPC has installed several pieces of play equipment around the perimeter, leaving the central area with goal posts for ball games.
- 3.4 Most of the play equipment requires replacement. SDPC has looked at the possibility of obtaining grants towards new equipment but without a long-term security of site tenure it is impossible to obtain grants. The most recent enhancement to the play equipment was in early 2019, which is also now starting to deteriorate.
- 3.5 Currently SDPC occupy the Play Area under a “tenancy at will” granted in 2003 at a rent of £250pa; the tenancy can be terminated at any time. The Parish Council would like long term security of tenure to enable it to properly upgrade the equipment. BANES will consider granting a long term 15-year lease.
- 3.6 If a long-term lease is secured the Parish Council will replace the current play equipment and enhance the area by including recreational equipment for children, adults, and young people.
- 3.7 If a long-term lease cannot be secured, then current equipment will have to be removed as items become uneconomical/impossible to repair (clearly any equipment that becomes a risk to the health and safety of users would have to be removed). Removal of some facilities would sadly result in less use of the area. The current management and maintenance costs of the play area are less than £3,000pa. It is usually less than 15% of the annual precept. The Parish Council have public records showing their audited annual accounts.
- 3.8 SDPC recently managed a project to rebuild the village war memorial. A project costing over £20,000, the majority of which raised by fundraising and by parishioners donating time or materials. There is a good track record in the village of people donating towards projects and assisting where they can. The Parish Council intend to use the reserves they have put aside for the play area each year to help fund new equipment. They do not intend to raise significant additional

funds for the recreation area through rises in the precept. They do however intend to cover annual maintenance and management of the area via precept funds, as is currently the case.

- 3.9 Over the last 5 years there seems to have been an influx of young families to the village, as a result the play area is well used.
- 3.10 Aims and Objectives: The first critical objective required for change is to secure long-term tenure from BANES.
- 3.11 The second objective is to obtain detailed designs, quotes, and suggestions for each phase. SDPC aim not just to replace what is there, but to change the facilities to include equipment for children, young people, and adults. Thus, part of the change will also mean a change in the site's identity to a "Recreation" Area, indicating that it is for all ages.
- 3.12 The aim of broadening the facilities is to broaden the use of the site. This is for several reasons, primarily in the interest of community health and wellbeing. It would be good if parents/carers can gently exercise whilst supervising children. Additionally, it will be beneficial to provide equipment that young people enjoy using especially with the current focus on trying to help them get out and exercise more (providing a local option for exercise without the need for transport).
- 3.13 The project will be easiest to manage in a phased approach, looking at 2 or 3 phases. Initial suggestion is for phase 1 to upgrade the children's equipment first (as most of this is getting to a point that it is no-longer repairable and requires removal). Then phase 2 will introduce equipment for young people/adults. Phase 3 could be for a specific fenced preschool aged play area.
- 3.14 The Parish Council aim to use some of their reserve funds for each phase. This is money that has been set aside specifically for Play Area enhancements. Grants and match funding from national and local charities will be sought. The objective is to aim to raise £20,000 towards the Parish Council funds.
- 3.15 The Parish Council currently pay rental on the site, all maintenance of the grounds and equipment, insurance for the equipment, safety inspection costs and costs of any associated items as required. The Parish council is funded by the annual precept. Weekly inspections are carried out by a member of the Parish Council.
- 3.16 The plan is to use the reserved funds and to seek match funding from local charities to enable a complete replacement of the equipment in the play area. Good equipment is expensive; thus, the Parish Council would also try and seek multi-source funding, via nationally available grants. The Parish is in an area that benefits by the existence of two supportive and active Community Funds. Initial enquiries indicate that the local charity trusts would be happy to support an application for equipment that is to be sited on an area if it has a long-term security of tenure. A lease of 15 years would be sufficient.
- 3.17 Where appropriate the Parish Council will seek parish volunteers to assist with work to minimise costs.
- 3.18 Once new equipment is installed it is anticipated that repair costs will be significantly less for a few years. The ongoing inspection and management costs of the recreation area will not be significantly different to the current costs.

Insurance may be slightly higher. SDPC advise all these costs will easily be covered within the annual precept.

## **4 STATUTORY CONSIDERATIONS**

4.1 Since the Quirk Report 2007 and the introduction of the Localism Act 2011, there has been a growing interest by both local Councils and the third sector in transferring property assets into community ownership. Councils and central government have recognised that community assets can provide better outcomes, offer better value as well as create greater freedoms for partner organisations to tailor services and draw down external investment.

4.2 Under s123 of the Local Government Act 1972, any disposal by the Council of an asset in excess of 7 years (including leasehold interests) must obtain “best consideration”, unless the General Disposal Consent (England) 2003 Circular 06/03 can be applied or a specific consent is obtained. The General Consent allows specified circumstances where the consent can be applied:

a) the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;

i) the promotion or improvement of economic well-being;

ii) the promotion or improvement of social well-being;

iii) the promotion or improvement of environmental well-being;

and;

b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).

4.3 The Council has undertaken several Community Asset Transfers over the last eight years with various organisations where they have demonstrated that they are delivering services in our area and that their proposals can fulfil the following criteria:

- That they are an appropriate, not for profit legal entity, with a suitable governance structure to ensure effective management of the asset.
- There is an alignment between the work and objectives of the organisation and the Council’s own Corporate Strategy and;
- Opportunities are created for enhancing the capacity of the third sector and empowering them to deliver their objectives.

4.4 The B&NES CAT policy document builds upon the work already undertaken by the Local Authority and follows the principles set out in the guidance document produced by “Locality” on Community Asset Transfer. This policy creates a straightforward process for organisations to apply for a Community Asset Transfer. This is essential to ensure that the wider community interests are

safeguarded and that the overall objectives agreed for each asset transfer will continue to be delivered in the longer term.

- 4.5 The BANES Property Records Coordinator has confirmed the CAT is subject to the requirement to advertise and place an Open Space Notice on the land prior to final legal agreement.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 5.1 The potential CAT will benefit B&NES by removing holding, asset management and maintenance costs. Project resources will transfer to SDPC with funds allocated by SDPC for work in this area when the annual budget is prepared each year.
- 5.2 Managing the land will be SDPC's responsibility with a member of the Parish Council checking the asset on a weekly basis.
- 5.3 Local management and responsibility for the assets will improve as a result of Parish Council personal investment.
- 5.4 As evidenced by the social value calculation undertaken, the value created by the CAT outweighs the market rent achievable and therefore B&NES are securing better value as a result of the transfer.
- 5.5 A CAT will provide better outcomes all round and enable SDPC more freedom to develop facilities and secure long-term funding in the knowledge they have secured a guaranteed longer tenure (subject to ongoing assessment that community value is maintained).

## **6 RISK MANAGEMENT**

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.
- 6.2 Community Asset Transfer usually involves a transfer at less than market value. The level of subsidy applied to the asset transfer, will be determined by the social, economic, or environmental benefits generated by the transfer and the market value of the asset. The value of the transfer will vary. It cannot be assumed that this will automatically be reduced to nil, as the subsidy will be dependent upon the benefits demonstrated.
- 6.3 The Leisure and Public Health Team has undertaken social value calculations which evidences the market rent to be below the social value produced, resulting in a peppercorn rent being applicable.

## **7 EQUALITIES**

- 7.1 An EIA has not been carried out as this decision seeks to confirm approval to a property disposal and does not involve Equality policy.
- 7.1 However, as the recipient of the CAT is a Parish Council, as a statutory body at the first tier of local Government, SDPC is bound by all nine protected characteristics of the Equality Act 2010.

## 8 CLIMATE CHANGE

### 8.1 The CAT to SDPC will result in several environmental and climate benefits detailed as follows:

- **Sustainable Land Use**

The site is already in community use and located within the most densely populated part of the parish, reducing the need for new land development or greenfield disruption.

Enhancing an existing site rather than relocating or building a new facility minimises environmental disturbance and planning complexity.

- **Reduced Carbon Footprint**

By providing accessible recreational facilities within walking distance for most residents, the project reduces reliance on car travel to distant leisure sites, thereby lowering transport-related emissions.

Encouraging local outdoor activity supports a shift toward low-carbon, nature-based recreation.

- **Resource Efficiency**

The Parish Council plans to involve volunteers in the preparation and installation of new equipment, reducing the need for heavy machinery and associated emissions.

Phased development allows for careful planning and reuse of existing infrastructure where possible.

- **Biodiversity and Green Space Preservation**

The central open space with goalposts and surrounding green areas will be retained, preserving local biodiversity and maintaining a valuable green lung within the village.

Tree and hedge maintenance, already managed by the Parish Council, will continue to support local wildlife habitats.

- **Waste Reduction**

The project aims to replace deteriorating equipment with durable, modern alternatives, reducing the frequency of repairs and replacements and thereby minimising waste over time. Where feasible, materials from decommissioned equipment may be recycled or repurposed.

## 9 OTHER OPTIONS CONSIDERED

### 9.1 Housing has advised there is clearly potential for a small housing development on the site which would still leave space for a good quality play area and create the added advantage of natural supervision of the play area. Given the scarcity

of other Council-owned sites in the area which could enable some rural affordable housing, the Housing team were not comfortable supporting the transfer of the site on a permanent basis as this would deny them the option to explore a development with future Parish leaders.

9.2 As such it was agreed to offer a 15-year lease to SDPC. Housing can then revisit the site in the near future and are agreeable to the 15-year term.

9.3 SDPC has confirmed the Parish Council are agreeable to proceeding by way of a 15-year lease term for the Play Area. When the Local Plan is ready to be submitted, the Parish Council will review their Neighbourhood Plan and at that point initiate a Local Housing Need Assessment and consult with Housing.

## **10 CONSULTATION**

10.1 Consultation has been carried out with the Chief Operating Officer, S151 and Monitoring Officer, as well as the Cabinet Member for Economic and Cultural Sustainable Development and the Ward Councillors for Chew Valley.

<b>Contact person</b>	Richard Holden - Head of Corporate Estates & Development
<b>Background papers</b>	Appendix One: Expressions of Interest Exempt Appendix Two: Business Plans Exempt Appendix Three: Draft Heads of Terms Exempt Appendix Four: Draft Partnership Agreement Appendix Five: Social Value Report Exempt Appendix Six: Social Value Calculation
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