



Meeting
Full Council on 14th September 2021

For Approval / Noting – *Indicate if the report is for approval or only requires noting*
For approval

- 1.0 Purpose of the Report. To gain approval for the following**
- a. To proceed with a lease agreement with AVBC which will include the transfer of 106 monies to be used for the development of the Orchard.
 - b. To inform all Cllrs by email of the detail of the lease including the annual rent as soon as the lease arrives from AVBC
 - c. To refer Budget considerations to the Finance and Governance Committee.

2.0 Background Information

This Council has a stated aspiration to establish community gardens, increase the number allotments and encourage the planting of trees throughout the parish.

A large piece of land at the top of Snowberry Avenue, Belper and owned by Amber Valley Borough Council has been vacant for many years. It was passed to AVBC by the Developers and has approx £16,000 106 monies attached and is designated for leisure use. The land is unsuitable for allotments, is steep in places and the access is currently not easily accessible.

Discussions started between councillors from Belper Town Council and AVBC Officers about the ownership and use of this land in 2019, the discussions were delayed for a period but restarted again once it became clear that AVBC were proposing that the land could be leased for a small annual fee but the management pass to the town Council. Ownership of the land remains with AVBC.

Some progress was made earlier in 2021 when a meeting was held between Cllrs Monkman and Angharad and personnel from Nottinghamshire & Derbyshire Groundwork Trust to talk about the possibility that the Groundwork Trust could develop a Plan for the Community Orchard and take a lead in planting and maintaining the site. A proposal for a Service Level Agreement was received but the Borough Elections and change in Administration put matters on hold again. Discussions have resumed and it has been confirmed that AVBC are still committed to leasing the land to Belper Town Council for the purposes of establishing a Community Orchard with additional leisure opportunities, the approximate sum of £16.000 106 monies will be transferred to the Town Council and the lease will include a small annual rent to be paid to AVBC. (The details of the lease and rent are



still with the AVBC Legal Dept but it has a priority completion request attached)

The AVBC Senior Officer Simon Gladwin, has suggested that the Town Council proceed with consultations with residents and others in the town and that we use this time to consider financial and management implications.

Legislation –

A power introduced by section 2(1) of the Local Government Act 2000, which permits local authorities to do anything they **consider likely to promote or improve the economic, social and environmental well-being** of their area

Set out any applicable Legislation which applies to the item.

Accessibility Implications – Currently the only access to the site is through a five bar gate where there is a steep incline into the site. The entrance offers no access to anyone with restricted mobility or uses a wheelchair or mobility aid. The first requirement would be to create an accessible entrance that would also serve as a vehicle access. *Have the recommendations in this report taken in to account the need for Council services and information to be accessible for people with a Disability and if so how is this illustrated.*

Climate Emergency Implications – The establishment of a Community Orchard will aid the Town Council’s commitment to reducing our carbon footprint by planting a range of fruit trees. It is envisaged that the Community Orchard will also provide leisure space and opportunities to develop raised beds for a community garden. It is expected that plans for the Orchard will include the retention of wild life habitat and wild areas and could be suitable for bee keeping. The Orchard would be a shared space between humans, both adults and children and badgers, foxes etc and a variety of birds. It is expected that the Orchard will bring environmental improvement to the area as well as creating an alternative leisure facility overseen by the community and others interested in the project.

There is no running water available on the site, this would need to be rectified.

Demonstrate any environmental consequences and how these would be addressed

Financial Implications The Community Orchard has 106 monies attached which is approximately £16,000. Establishing an Orchard and other leisure facilities will require additional funding to this initial amount. The Finance and Governance Committee would need to consider what budget was available in the 2022/2023 Budget One



possibility would be to establish a Community Interest Board which could manage the Orchard and would be entitled to apply for external grants, ie DEFRA have grant money available if an Orchard is managed by a Community Board, this money is not available to local councils.

The Nottinghamshire & Derbyshire Groundwork Trust have the experience to plan, plant and maintain the Orchard. An initial meeting was held and an outline Service Level Agreement was received, this needs to be considered and reviewed by the Finance and Governance Committee.

Recommendation(s)

- 1. It is agreed that negotiations with AVBC continue to conclude the lease arrangements and the transfer of the 106 monies.**
- 2. That the possibility for a SLA with Groundwork Trust is referred to Finance and Governance.**
- 3. The Budget implications be considered by a finance and Governance.**
- 4. That the possibility of establishing a Community Interest Management Board be referred to the Finance and Governance Committee.**
- 5. There is already a small group of local residents and a bee keeper who have indicated they would be keen to build a volunteer group, which would include the local school, residents and others in the Town. It is recommended that local councillors support this group to establish themselves as a Friends of the Belper Community Orchard.**

Reasons for recommendation(s)

There has been little progress on the Community Orchard despite the best efforts of the Chair of the Facilities Committee and others, these recommendations would begin the preparation required to move the Orchard from an aspiration to an actuality and see Fruit Trees planted and the site develop into a Community Garden and leisure space open to the public.

