

FALKIRK COUNCIL

Subject: LAND AT DUNMORE
Meeting: EXECUTIVE
Date: 25th FEBRUARY 2014
Author: DIRECTOR OF DEVELOPMENT SERVICES

1.0 INTRODUCTION

- 1.1 The purpose of this report is to advise of outline proposals received from Dunmore Village Association for the creation of a community sensory garden on the former woodyard site at Dunmore.

2.0 BACKGROUND

- 2.1 The Policy & Resources Committee considered a report on 15th January 2013 outlining the outcome of a previous marketing exercise conducted for the woodyard site in Dunmore Village. This failed to result in conclusion of missives of sale due to the withdrawal of the higher offer to purchase the site.
- 2.2 The Committee noted that subsequently, an expression of interest in developing the site for the purposes of a community sensory garden had been intimated by Dunmore Village Association (DVA).
- 2.3 Given the in principle interest expressed by Dunmore Village Association, it was agreed that a further report on the community garden proposals be brought back to Committee following discussion with Dunmore Village Association and their further development of the proposals for the woodyard site.

3.0 COMMUNITY SENSORY GARDEN PROPOSALS

- 3.1 Dunmore Village Association has subsequently worked in conjunction with the Planning & Environment unit within Development Services and with the Estates Management team within Corporate & Neighbourhood Services in developing outline concept design plans for the community garden (appended to this report).
- 3.2 The community garden proposal is consistent with the strategic objectives of the Council's Open Space Strategy, in particular the objective 'to foster community pride and 'ownership' by engaging and involving local communities in the design, management and care of both existing and new parks and open spaces'. The proposal includes a woodland/wild flower area which aligns with the strategy and recommendation for the village.
- 3.3 Dunmore Village Association has advised that, subject to finalised design proposals, the cost of the works is estimated to be in the £20-45,000 range.

- 3.4 Working in conjunction with the Council's External Funding & Community Education Units, the Association have identified a range of potential external funders for the project, and have expressed their confidence in securing the necessary additional funds required in supplement to their own resources in order to carry out the works required to establish and maintain the garden.
- 3.5 Discussions have also taken place with the Council's Estates Management team with a view to the Council taking on the future maintenance of the completed garden in return for payment of a commuted sum reflecting the future maintenance costs, by the Dunmore Village Association. Based on the outline proposals to date, this has been estimated at c £10,000, however will require to be confirmed on the basis of finalised design proposals.

4.0 SITE USE PROPOSALS

- 4.1 Dunmore Village Association has requested that they be granted use of the former woodyard site for a period of 20 years in order to form the community sensory garden.

Given that the land will not be disposed of or leased to the Association, ownership will remain with the Council, however the terms and conditions of the use of the land will be governed by means of a Minute of Agreement between the Council and Dunmore Village Association (DVA).

- 4.2 The Minute of Agreement will cover the respective responsibilities and obligations of the parties, which, subject to agreement of finalised detailed terms and conditions are intended to include:

- 1) DVA will be responsible for funding the costs of procuring the proposed works and for obtaining necessary planning and other statutory permissions, including the necessary supervision and conduct of contract works to the site.
- 2) DVA will insure the works and features installed as necessary and indemnify the Council against any third party claims arising from use of the land.
- 3) DVA will be responsible for the on-going management and maintenance arrangements for the site, including payment to the Council of an appropriate commuted sum to cover this work.
- 4) The Council will make the land available for a period of 20 years.

A suitable period of time will be agreed with DVA from the date of commencement of the Agreement for satisfactory completion of the works.

5.0 IMPLICATIONS

- 5.1 Policy – The community sensory garden proposal is consistent with the objectives of the Council's Open Space Strategy and will enhance the site for the benefit of the local community.

- 5.2 Legal – The proposals will be governed by means of a Minute of Agreement. Title to the land will remain with the Council.
- 5.3 Financial – The proposals will attract external funding via the Dunmore Village Association and the Council will be relieved of on-going maintenance costs by means of the proposed commuted sum arrangement.
- 5.4 Personnel – none.

6.0 CONCLUSION

- 6.1 Dunmore Village Association has undertaken a series of discussions with relevant Council Services in developing their outline proposals for a Community Sensory Garden on the former woodyard site and their proposals are supported in principle.
- 6.2 Whilst the site is zoned for housing in the current local plan, the proposals for a community garden are consistent with the objectives of the Council's Open Space Strategy.
- 6.3 The proposals will not involve the Council in relinquishing ownership of the land asset and the use of the site will be governed by the terms of a Minute of Agreement as outlined in section 4 of this report.

7.0 RECOMMENDATION

- 7.1 To agree to enter into a Minute of Agreement for a period of 20 years with Dunmore Village Association permitting their development and use of the site for the purposes of a Community Sensory Garden on terms to be finalised.**

Director of Development Services
11 February 2014
Contact Officer: Ext: 4797 Alan Urquhart

LIST OF BACKGROUND PAPERS (NOT FOR PUBLICATION)

- 1. Note from Dunmore Village Association.

Any person wishing to inspect the background papers listed should telephone 01324 590982 and ask for Alan Urquhart.