

SLOUGH BOROUGH COUNCIL

REPORT TO: Cabinet **DATE:** 16th March 2020

CONTACT OFFICER: David Martin, Principal Asset Manager
(For all Enquiries) (01753) 87 5208

WARD(S): Chalvey.

PART I **KEY DECISION**

STABMONK PARK MILLENNIUM GREEN TRUST TRANSFER

1. **Purpose of Report**

To seek approval to the acceptance of the offer of the transfer of the Stabmonk Park Chalvey Millennium Green ('Stabmonk Park' or 'Millennium Green') by the Chalvey Millennium Green Trust to Slough Borough Council, acting in its capacity as a corporate trustee of charitable land.

2. **Recommendation(s)/Proposed Action**

Cabinet is requested to recommend to Full Council to accept, in principle and subject to completion of due diligence and any requirements of the Charity Commission, the offer of the transfer of the Stabmonk Park Chalvey Millennium Green by the Chalvey Millennium Green Trust to Slough Borough Council, in its capacity as a corporate trustee of charitable land.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

Improving the quality and accessibility of the green environment will improve the image of the town whilst contributing towards the facilitation of much needed high quality mixed tenure housing on the former Montem Leisure Centre site. As the land would be transferred to the Council in its capacity as a corporate trustee of charitable land, whilst these strategies and plans may be relevant, the Council will need to act in the best interests of the trusts imposed on the land and where these considerations conflict the Council will need to act in the best interests of the trust and not to promote any strategies and plans of the Council.

3a. **Slough Joint Wellbeing Strategy Priorities**

Improving the quality and accessibility of the green environment will contribute towards improving the mental health and wellbeing of local residents. As the land would be transferred to the Council in its capacity as a corporate trustee of charitable land, whilst these considerations may be relevant, the Council will need to act in the best interests of the trusts imposed on the land and where these considerations conflict the Council will need to act in the best interests of the trust and not to promote any strategic priorities of the Council.

3b. **Five Year Plan Outcomes**

Improving the quality and accessibility of the green environment will contribute towards:

- Outcome 1 - creating safe, useable and interesting public spaces will contribute towards Slough children growing up to be happy, healthy and successful,
- Outcome 2 - creating safe, useable and interesting public spaces will contribute our residents being healthier,
- Outcome 3 - creating safe, useable and interesting public spaces will contribute towards Slough being an attractive place where people choose to live, work and stay;
- Outcome 4 – opening up Stabmonk Park Chalvey Millennium Green to access from the east will help facilitate the development of much needed good quality mixed tenure housing on the former Montem Leisure Centre site.

As the land would be transferred to the Council in it's capacity as a corporate trustee of charitable land, whilst these considerations may be relevant, the Council will need to act in the best interests of the trusts imposed on the land and where these considerations conflict the Council will need to act in the best interests of the trust and not to promote any plans of the Council.

4. **Other Implications**

(a) Financial

The cost of improving the paths and furniture within Stabmonk Park and creating access bridges over Chalvey Brook (a tributary of Chalvey Ditch) will be paid for by Slough Urban Renewal (SBC's Local Asset Backed Development Vehicle in partnership with Morgan Sindall Investments Limited) and a commuted sum for the ongoing maintenance will be secured via a s.106 planning obligation agreement linked to the redevelopment of the Montem Leisure Centre site.

The land value paid by SUR for sites optioned to the vehicle (such as the Montem Leisure Centre site) is based it's independently assessed market value (a 'Red Book' valuation). In this situation the market value will be determined by the residential planning consent obtained and the residual value of the site will need to have consideration to the planning obligation (s.106) costs imposed.

On balance the benefit of improving the quality and accessibility to Stabmonk Park from the east and the associated improvement to the liveability of, and the values achieved on, the Montem Leisure Centre redevelopment should outweigh the financial cost of the physical improvements and ongoing maintenance.

Improving Stabmonk Park should improve the lives of local residents whilst improving the viability and deliverability of the scheme increasing the number of affordable homes financially viable on site.

Stabmonk Park will remain with the Council and will be managed by the SBC Trustees Committee using the commuted sum secured via the s.106 agreement.

(b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
Recommend to Full Council the transfer of the Stabmonk Park Chalvey Millennium Green from the Chalvey Millennium Green Trust to Slough Borough Council.	That improvements and ongoing maintenance create a financial burden on SBC.	The improvements and a commuted sum for ongoing maintenance will be secure via development receipts associated with the redevelopment of the neighbouring Montem Leisure Centre site.	4	A s.106 agreement will be used to secure the commuted sum and the physical improvements required.

(c) Human Rights Act and Other Legal Implications

The Trustee Committee of the Council discharges the Council's obligations as corporate Trustee of the existing 4 charitable trusts, within the framework of Terms of Reference set by full Council. Any decision to accept Trustee responsibility for another Trust can only be taken by full Council who must extend the Trustee Committee's Terms of Reference to allow for this.

Under the Open Spaces Act 1906 the current Trustees of Stabmonk Park can transfer the trust asset to the Council by way of gift to the Council for use for public recreation and the Council can accept such gift subject to the obligations which bind the current Trustees. The Council is advised to examine the Trust Deed relating to this land to ensure that there is nothing within its terms which might be problematic for the Council.

The Trustees Committee presently administers the Langley War Memorial Field Trust which was similarly transferred to a predecessor authority by private Trustees and to which the Council became a successor authority.

(d) Equalities Impact Assessment

Due to topographical constraints it's not feasible for the additional bridge(s) proposed over the stream to be a wheelchair/ Disability Discrimination Act (DDA) compliant routes. This will disadvantage disabled users but a level DDA compliant access to Stabmonk Park via the existing site access, off Seymour Road, will be sought.

(e) Workforce

On going maintenance of Stabmonk Park will increase the workload of the Parks, Open Space and Grounds teams but given the small size of the open space and

the nature reserve character of the remainder of the site the transfer is unlikely to require and increase in personnel.

(f) Property

Please see Section 5 below.

5. **Supporting Information**

- 5.1 Stabmonk Park Chalvey Millennium Green was established in 1998. The open part of the site is owned freehold by the Chalvey Millennium Green Trust (shown green on Appendix 1) with the remainder leased to the trust under a 1,000 year lease granted in 2001 by Slough Borough Council (shown red on Appendix 1).
- 5.2 The land shown green on Appendix 1 was given to the people of Chalvey, with the thought of making it a community centre, by Sir Squire Sprigg's estate in the early 1950's. Nothing came of the project and the land laid neglected for many years developing naturally into a haven for wildlife.
- 5.3 When applications were made in the early 1990's for housing, residents of Chalvey looked for ways to protect the site from development. The access and central piece of land was landscaped and a circular path and benches were added with the support of the Ground Work Trust, Thames Valley Wildlife Trust and the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust.
- 5.4 Further support was obtained via the Millennium Green initiative at the end of the nineties and the site became know as Stabmonk Park Chalvey Millennium Green and a large piece of Green Welsh rock was erected as a centre piece for the green.
- 5.2 The trustees of Chalvey Green Millennium Trust have had trouble recruiting younger residents into the trust and the burden of the management and maintenance of the green is starting to become disproportionate to the trusts resources.
- 5.3 Over the course of last year the Council have had discussions with Chalvey Green Millennium Trust around the improvements desired to Stabmonk Park as part of the Montem Leisure Centre redevelopment and the potential for the green to transfer to the local authority.
- 5.4 The transfer process involves:
- i) the existing trustees applying to Natural England to transfer the green,
 - ii) the trustees confirming that they are in compliance with the existing Millennium Green grant agreement obligations,
 - iii) SBC agreeing that they will enter into a deed of adherence to provide undertakings that it will comply with the original grant agreement obligations and ensure the future of the green,
 - iv) Natural England issuing a letter of consent; and then

- v) The land will need to be transferred to the Council and Natural England's interest registered against the title.
- 5.5 The existing trustees have applied to Natural England and Communities and Leisure have reviewed the original grant agreement terms and conditions.
- 5.6 If the Cabinet approves of the proposals they will be taken to Full Council seeking a recommendation for the transfer of the Millennium Green to SBC.

6. **Comments of Other Committees**

The Trustee Committee agreed in January to recommend to Cabinet and Full Council that the Stabmonk Park Chalvey Millennium Green be transferred from the Chalvey Millennium Green Trust to Slough Borough Council.

7. **Conclusion**

There is currently an opportunity to improve the quality and accessibility of a small but important green environment, improving the mental health and wellbeing of local residents whilst maximising on Slough's natural capital and contributing towards the facilitation of much needed good quality mixed tenure housing on the former Montem Leisure Centre site. Whilst the interests of the Trust and those of the Council coincide in this respect, it must always be borne in mind that whenever these interests conflict, the Council as corporate trustee will need to act in the interests of the trust.

Having regard to the above Cabinet is asked to recommend to full Council that Stabmonk Park Chalvey Millennium Green be transferred from the Chalvey Millennium Green Trust to Slough Borough Council, in its capacity as a corporate charitable trustee

8. **Appendices**

Appendix 1 – SPCMG Site Plan – Red Long Leasehold/ Green Freehold

Appendix 2 – Millennium Green Terms and Conditions

Appendix 3 – Montem Leisure Centre Indicative Masterplan Proposal

9. **Background Papers**

None.