

Meeting of:	<b>Welsh Church Act Estate Committee</b>
Date of Meeting:	<b>Tuesday, 24 June 2025</b>
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Cadoxton Community Orchard Proposal, St Oswald's Rd, Cadoxton
Purpose of Report:	To update Committee on the latest position with the Cadoxton Community Orchard Proposal.
Report Owner:	Director of Corporate Resources
Responsible Officer:	Head of Finance/S151 Officer
Elected Member and Officer Consultation:	Committee Reports – Legal OM Accountancy No ward member consultation – since Members of this Committee are acting as Committee Members independent of other Council's resolutions, no wider consultation has taken place.
Policy Framework:	The Trustees are working independently of other Council decisions and in accordance with the requirement of Charity Law
Executive Summary:	
<ul style="list-style-type: none"> <li>This report is intended to update Committee following previous resolutions of Committee to enter into a lease with the applicants to enable them to develop a Community Orchard and meadow on land owned by the Trust. Since the last report to Committee, negotiations have been ongoing with the applicant and this report updates on the current position.</li> </ul>	

## **Recommendations**

1. That Committee notes the contents of the report and also notes that the applicant has confirmed that they no longer wish to progress with the lease of the land.
2. That Committee consider the future use of the land.

## **Reasons for Recommendations**

1. In order that Committee are updated on the applicant's decision
2. In order that Committee can consider the best options for the land.

### **1. Background**

- 1.1 The Trust owns a parcel of land shown on the plan attached at Appendix A, which is located near St Oswald's Rd, Cadoxton, Barry.
- 1.2 A proposal dated 21<sup>st</sup> November 2021 from Barry Town Council was received by officers. The proposal was to develop a Community Orchard and meadow on the Trust's land at the location shown on the plan attached at Appendix A. The proposal was reported to Committee on the 31<sup>st</sup> January 2022 with further updates to Committee on the 10<sup>th</sup> October 2022 and 19<sup>th</sup> June 2023.

Legal title reviews and planning observations were received in order to inform Committees decisions at these Committees. The Principal Lawyer provided a Legal Title report which found no encumbrances or restrictions affecting the land that would preclude the proposed use. Furthermore, the Principal Lawyer advised that historic documents indicated that this area of land had been historically used for agriculture and had been let for agricultural purposes in the past. The Principal Lawyer had also taken advice from the Council's Planning Department who confirmed that there would be no issue from a planning perspective for the proposed use as a Community Orchard, in principle (subject to any formal planning applications required).

At the Committee meeting in October 2022 officers advised that if the proposal was to be considered further a Qualified Surveyors report would need to be obtained in line with Charity Commission guidance and officers were instructed to obtain such a Qualified Surveyor's report.

- 1.3 Following receipt and consideration of a Qualified Surveyor's report, Committee resolved In June 2023 to offer a lease of the land to the applicant to enable the Community Orchard proposal to progress.
- 1.4 Heads of Terms for the proposed Lease were sent to the applicant in September 2023. Since that time officers have been regularly chasing the applicant to confirm the Heads of Terms were agreed in order that lawyers could be instructed to progress with lease drafting.

- 1.5 Officers continued to regularly seek updates from the applicant over many months and finally received a response on the 28<sup>th</sup> January this year to advise that the applicant no longer wished to proceed with the proposal.

## **2. Key Issues for Consideration**

- 2.1 Given the considerable officer time taken to draft reports and the time that Committee has taken to consider these reports, the time taken in drafting heads of terms and officers chasing over many months, this confirmation is of course disappointing.
- 2.2 Officers were informed only that the applicants had decided that they no longer wished to pursue this particular space for the Community Orchard project but If at any time there were any other parcels of land that may be suitable, they would appreciate being informed.
- 2.3 Given the topography of the land, the lack of vehicular access and historical agricultural use of this land, alternative options for the land might be limited, however Committee are asked to consider the future of this parcel of land in the context of the decision by the applicants.

## **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1 The Trust's actions need to comply with Charity Law and its decisions are independent of the Council's obligations under the Well-Being of Future Generations (Wales) Act.

## **4. Climate Change and Nature Implications**

- 4.1 Whilst the Trusts decisions are independent of the Council's climate and nature emergency declarations, the creation of a Community Orchard and Meadow would have had positive impacts on the local biodiversity i.e. Supporting pollinators, creating habitat etc. The land will have some biodiversity value currently of course given its current use.

## **5. Resources and Legal Considerations**

### **Financial**

- 5.1 A capital receipt would have been received for this land if the proposal had proceeded to completion.

## **Employment**

**5.2** There are no employment implications arising from this report.

## **Legal (Including Equalities)**

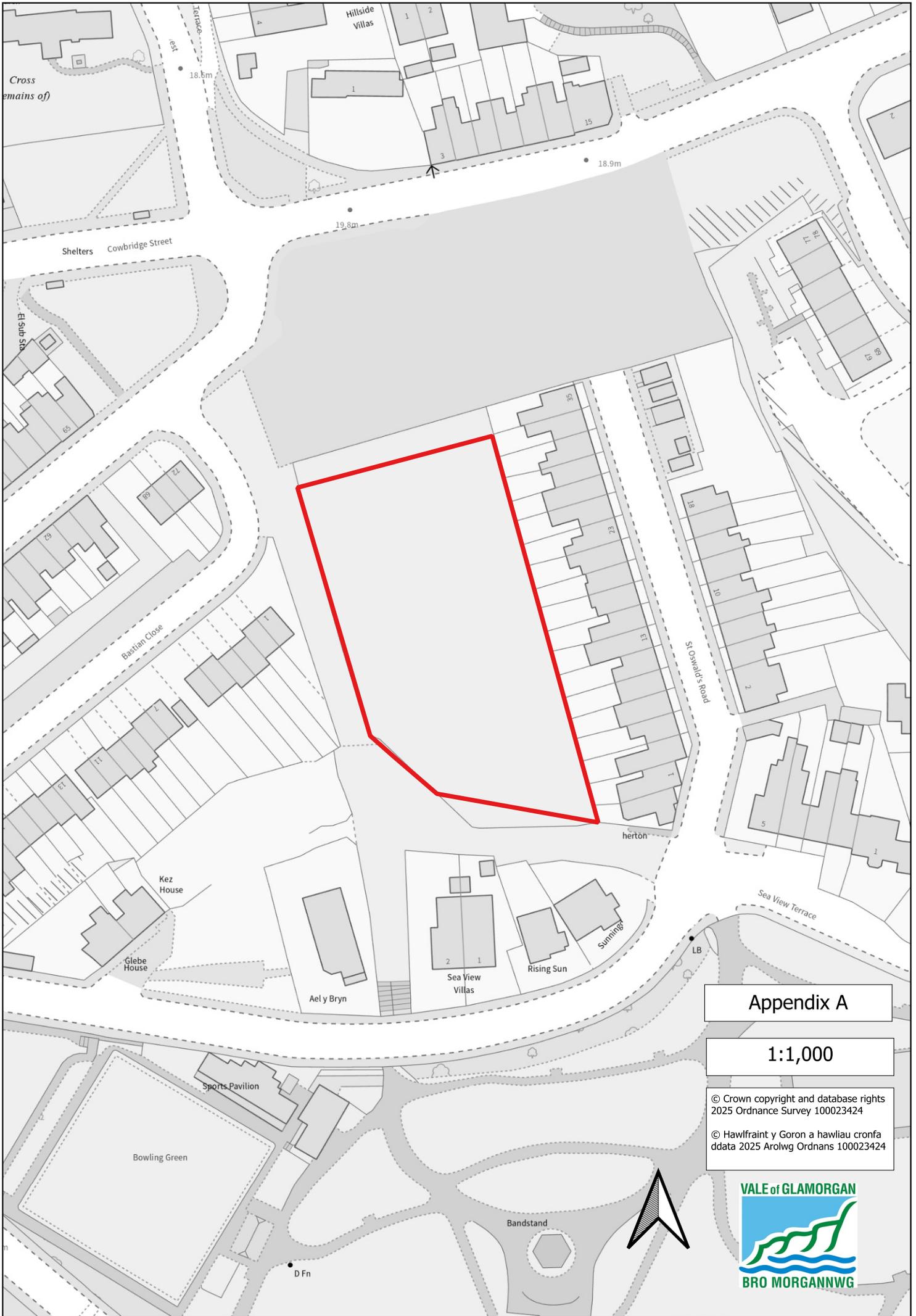
**5.3** The Trust has a duty to manage lands and property held by them in accordance with the Scheme of Trust and with Charity Law and decisions should be consistent with the Charity Objects and powers.

**5.4** There is a Legal requirement for Trustees to:

- (a) Act within their powers;
- (b) Act in good faith and only in the interests of the Charity;
- (c) Make sure they are sufficiently informed;
- (d) Take account of all relevant factors;
- (e) Manage conflicts of interest;
- (f) Make decisions that are within the range of decisions that a reasonable Trustee body could make.

## **6. Background Papers**

None



**Appendix A**

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