

Meeting of:	Welsh Church Act Estate Committee
Date of Meeting:	Monday, 22 September 2025
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Land at St Oswald's Rd, Cadoxton, Barry
Purpose of Report:	To seek Committee's instructions on next steps for the land at Cadoxton which had previously been agreed to be leased for a Community Orchard/Meadow proposal following the site visit in July 2025.
Report Owner:	Director of Corporate Resources
Responsible Officer:	Head of Finance/S151 Officer
Elected Member and Officer Consultation:	Operational Manager Accountancy Principal Lawyer, Legal Services Committee Reports (Legal)
Policy Framework:	This report is a matter for Executive decision by Cabinet
Executive Summary: <ul style="list-style-type: none"> This report is intended to seek instructions from Committee on the future of this land further to the resolution of 24th June 2025 and the subsequent site visit on the 7th July 2025. 	

Recommendation

1. That Committee consider the options for the future of the land following Committee's resolution of 24th June 2025 and the subsequent member site visit of 7th July 2025.

Reason for Recommendation

1. In order that a resolution can be made in relation to the future of this 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, Cadoston, Barry.
- 1.2 A proposal dated 21st 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 31st January 2022 with further updates to Committee on the 10th October 2022 and 19th June 2023. The Principal Lawyer provided a Legal Title report which found no encumbrances or restrictions affecting the land that would preclude the proposed use.
- 1.3 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).
- 1.4 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.
- 1.5 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.
- 1.6 Heads of Terms for the proposed Lease were sent to the applicant in September 2023. Officers continued to regularly seek updates from the applicant over many months and finally received a response on the 28th January this year to advise that the applicant no longer wished to proceed with the proposal and this was reported to Committee in June 2025 and Committee resolved that:

(1) T H A T the contents of the report and the fact that the Applicant had confirmed that they no longer wished to progress with the lease of the land be noted.

(2) T H A T a Committee site visit be arranged at St. Oswald's Road, Cadoxton, Barry on Monday, 7th July, at 5.00pm, prior to a further update report on the Cadoxton Community Orchard Proposal being presented to the Committee at its September 2025 meeting.

- 1.7** The site visit took place on 7th July where officers and members able to attend walked the site were possible (given the nature of the site).

2. Key Issues for Consideration

- 2.1** At the meeting of Committee on the 19th June 2023, a report from the Qualified Surveyor (in line with Charity Commission guidance) was considered. At that time, it was the Qualified Surveyors opinion that a disposal of the land would be an advantage to the Trust as it would alleviate any ongoing maintenance liability and generate a small capital receipt. Due to the topography and restricted access to the site, it was noted in the report that any small to medium scale development of the land would not be feasible. It was the Qualified Surveyors view that disposing of some of the land in piecemeal possibly to owners of properties on St Oswald's Rd to utilise as garden land would be quite onerous and any capital receipt would be minimal due to the current condition of the land and to reflect works required to bring the land into beneficial use as garden land. In addition, if any areas of land were not taken up by neighbouring properties, any remaining land would be a burden to the Trust going forward in terms of maintenance etc.

- 2.2** The Qualified Surveyor was asked to consider disposal options and reported as follows:

Open Market Sale:

It was the opinion of the Qualified Surveyor that a sale on the open market would be difficult given the nature of the site. The topography, lack of vehicular access and planning constraints would mean that the site might not be attractive to possible purchasers. There appears to be no real prospect of development or bringing forward the land for any significantly different changes of use, the appetite for the subject land would appear to be relatively low.

Private Treaty – Leasehold:

The Qualified Surveyor was aware of the approach from the Town Council for the Orchard/Meadow proposal and at the time confirmed that recommended that the Trust should proceed with this option via a 999-year lease to the Town Council.

Private Treaty – Freehold

The Qualified Surveyor advised that disposing of the freehold interest would be an option, however disposing of the freehold would not be something that

officers would recommend as any future restrictions that the Trust wished to impose on the use of the land would be more difficult to impose in the case of freehold covenants and it would be easier to control future use by lease covenant.

Auction:

Placing a long leasehold opportunity in a local auction would offer similar benefits to a private treaty sale, however an auction route could potentially reach a wider audience. Most property auctions have been undertaken online since the pandemic, increasing the ease and attractiveness of the various properties on offer. Again, given the size, the current condition and lack of access, the Qualified Surveyor reported that interest might be limited, however auction is generally accepted as the quickest method of sale but no guarantee that the land would sell. The Trust would be obliged to prepare all the legal documentation (lease) and examine and set out future use restrictions in advance. Given the recommended action is now not proceeding (i.e. the direct lease to the Town Council), Committee may wish to consider an auction route now. Auction fees would be payable.

Sealed bids:

Similar to the comments above, at the time of the Qualified Surveyors report being issued, it was considered that there would be limited interest but again, this might be worth considering, albeit an auction route might secure a quicker outcome.

Recommendation:

At the time of the report, the Qualified Surveyor recommended the direct lease to the Town Council was the best option. However, as the Town Council has now withdrawn from the process, it is now for the Trust to consider next steps. If Committee were minded to dispose of the site, it is recommended that the whole site be offered (rather than piecemeal to neighbouring owners for the reasons set out in para 2.1 above) and a long lease be offered rather than a freehold interest. As Committee will be aware from previous land proposals received and discussed at Committee, the Trust are bound by requirements of the Charities Act and consider the options in the context of the requirements as set out in that legislation. The disposal could either be by auction or sealed tender bids.

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

- 3.1** The Trusts 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** The Trust's decisions are independent of the Councils climate and nature emergency declarations and Project Zero commitments.

5. Resources and Legal Considerations

Financial

- 5.1** A small capital receipt would be expected to be received as a result of any sale (Freehold or long Leasehold) of the land. Any receipt (after disposal costs) could be invested to generate future dividend and interest income for the Trust. There would be auction costs associated with a sale by auction if this were the preferred way forward.

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) Ignore any irrelevant factors.
 - (f) Make decisions that are within the range of decisions that a reasonable trustee body could make.

6. Background Papers

None.

