

**BRISTOL CITY COUNCIL
CABINET
26 January 2012**

REPORT TITLE: Parks & Green Spaces – Land disposals and investment

Ward(s) affected by this report: Citywide

Strategic Director: Graham Sims – Strategic Director, Neighbourhoods and City Development

Report author: Tracey Morgan – Service Director, Environment & Leisure

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**Report signed off by
Executive Member:** Cllr Gary Hopkins

Purpose of the report:

To put in place the Protocol for Surplus sites that have been identified for disposal as part of the Area Green space plans going back to Neighbourhood Committees for decision as agreed at Full Council on 22 November 2011.

To agree recommendations from the Cross Party working group.

RECOMMENDATIONS for Cabinet approval:

1. Cabinet is asked to provide the Leader with their views on the possibility of her delegating executive functions relating to land disposals of surplus parks and green spaces to Neighbourhood Committees.
2. To agree the incentive scheme as outlined below, which was agreed and supported by all members of the cross party working group
3. To agree the time frame for Neighbourhood Committees to review the surplus sites.

Background:

4. A report went to full Council on the 22 November 2011 with the following items for decision.
 - I. The recommendation of the cross party working group are that the report be noted.
 - II. That Council recommend to Cabinet either option 5.III.i or 5.III.ii (see below) as

Council preferred options.

5. As part of the report it was agreed that the following recommendations would go to the next Cabinet meeting for decision.
 - I. Agree that the 30% of land sales that would have been allocated corporately will now be spent on green space infrastructure costs across the City.
 - II. Agree the Incentive Scheme to progress land sales for the benefit of Neighbourhood Partnerships as exemplified in appendix B
 - III. Cabinet to consider two options on Land declared as surplus to parks requirements with potential disposal for development (Surplus sites) as discussed as part of the Cross Party working group. The two options for consideration are:
 - i. That all surplus sites are deferred to Neighbourhood Committee to decide if sites should be disposed of or not.
 - ii. That the list of surplus sites that all members of the working group discussed and felt had significant local interest, should be referred to Neighbourhood

6. At the meeting of Full Council on 22 November 2011, it was agreed that all surplus sites should be sent to Neighbourhood Committees for decision and that Council calls on Cabinet to identify and report back to Council on any necessary funding to meet any shortfall.

7. There were 65 sites or parts of sites that were proposed as surplus sites. 10 Sites had been taken out by officers and Cabinet, these were not re-examined and were taken as agreed. However Neighbourhood Committees will be asked to re-confirm the decision made by Cabinet. Two sites have been identified as of interest to school provision and agreed that Abingdon Road open space (Ridgeway playing fields) and Begbrook Drive open space should go to provide new school capacity (CYPS). Briery Leaze has been designated a TVG by PROW.

8. The remaining sites (51) which following this report may go back to Neighbourhood Committees for decision are:

Crow Lane Open Space	Arnal Drive open space	Land at rear of Merrimans Drive,
Muller Rd Rec / Downend Park Farm	Arnal Drive open space (north)	Longcross Woodland
Lockleaze Open Space	Elderberry Walk	Moorend Gardens
Portway Tip (Daisy field)	Plummers Hill open space	Moorgrove
Small land, Snowdon road open space	Sturminster Close	Napier Square Park
Bracey Drive open space	Gill Avenue	Sherrin Way (Billand Close)
North Vally Walk	Delebare Avenue	Huntingham Road/ Keble Avenue (Four Acres?)

South Vally Walk	Tranmere Road	Willmott Park North , Hartcliffe
Cook Street Open Space	Terrell Gardens	Willmott Park South, Hartcliffe
Withywood Park (Paybridge Rd)	Fonthill Park	Ladman Road and Bus Terminus
Henacre Open Space	Belroyal Avenue	Gillebank Close
Broomhill Road/Emery Road	Furber Road	Ladman Road and Bagnell Road
Brentry Hill	Gladstone Street	Maple Close
Hazelbury Road Open Space	Trym valley	Duchess Way O/S
Bath Road (3 Lamps)	Burnbush Close	Broomhill Park
Craydon Road, Triangle, Stockwood	Bonville Rd Open Space	Allison Avenue
Newbridge Road, Open Space	Dovercourt Road Open Space	Salcombe Road

9. The Neighbourhood Committees are being asked to make the decision on the surplus sites.
10. During the course of the four-month review of work undertaken by the Cross Party working group there were a numbers of areas where all parties were in full agreement. These were:
- I. The Parks and Green Space Strategy vision and objectives are acceptable
 - II. All members agreed that tackling and eradicating equalities issues which affect access to parks and green spaces in Bristol should be a high priority in planning for improvements.
 - III. All members agreed that whatever level of green space disposal and investment in remaining parks and green spaces is agreed, there needed to be a citywide strategic funding arrangement.
 - IV. There was general agreement that if the funding gap to meet the delivery of the Strategy's minimum standards was significant, then the working group would consider what adjustments might need to be made to allow improvements to be delivered
 - V. All parties agreed that a minimum of 70% of money raised from any land sales should be invested back into parks and green spaces.
 - VI. That officers had followed instructions from Cabinet and those set out in the Strategy. However there were some varying interpretations. In particular the cross party working group wanted to make clear some of their interpretation on back land sites differed.
11. The all party working group agreed that the strategic priority for spend was as follows: -
- I. Access, Safety, Infrastructure
 - II. Children's Play
 - III. Major Traditional Parks
 - IV. Local Nature reserves
 - V. Sports
 - VI. Destination park

12. In order to maximise the spend within parks and achieve fair standards across the City, this funding; alongside other S106/ CIL funding can be used to match grant funding that could be available.

Potential Funding from Community Infrastructure Levy (CIL) receipts

13. CIL receipts will be split into a strategic and a local component. Government is currently consulting on the level of the local component and a regulation concerning this is expected to be implemented in 2012. However, a figure of 20% has been mooted.
14. Currently, Section 106 funding for local parks improvements is devolved to Neighbourhood Committees. Once CIL is introduced, the levels of Section 106 funding received for local parks improvements will gradually decrease to virtually nil from 2015 onwards. It is anticipated that, in future, CIL funding for local parks improvements would come from the local component of CIL. Neighbourhood Committees would be able to take decisions over how to apply this funding.
15. Over the five-year period from 2013 – 2018, total CIL receipts of £14,000,000 are anticipated. If the local proportion were 20%, this would equate to £2,800,000 being devolved for Neighbourhood Committees to spend on local infrastructure, which could include improvements to parks and open spaces. It should be noted that the local component of CIL goes to the Neighbourhood in which the development occurred, meaning that those areas that have low levels of development would receive small amounts of CIL, whereas those that have high levels of development would receive larger amounts of CIL.
16. For illustrative purpose the cross party working group, when looking at projections of income for CIL, worked on the basis that the historic level of S106 achieved for parks and open spaces 27%, (the section 106 officer stated that the current 27% already was above the national norm).
17. Decisions on the spend of the strategic element of CIL, which is to contribute towards the delivery of infrastructure to support growth, are anticipated to be linked to the Capital Programme and the Investment Plan, and would be taken at a corporate level.

Incentive Scheme

18. The working group agreed a new Incentive Scheme based around three principles: -
 - a. 100% of income generated from land sales is now being proposed to be used for green space infrastructure.
 - b. Within that 100%: Up to 70% of income will be ring fenced for Neighbourhood Partnerships with the remainder to be held centrally for strategic decision-making.
 - c. Neighbourhood Partnerships will benefit from the full 70% of income if

Committees follow the original officer recommendations that went to Cabinet in Dec 2010 but less if they diverge from these

19. The cross party working group were written to and asked if they wanted to amend the incentive scheme otherwise the original scheme which they all agreed to would go forward, no amendments were received so this scheme is being taken forward. An example of the scheme can be seen in Appendix A
20. In order for these sites to be considered, the Neighbourhood Committees need to take into account; the local interest in the sites, the value of the site and the amount of funding that could be available to that Neighbourhood Partnership area.
21. Due to the commercial sensitivity of land values, each site will be shown within a Category e.g. if a land value was £64,000 then it would be shown as a Category A site. In order to help Neighbourhood Committees make informed choices we will present each site into a category, the information to be given to Neighbourhood Committees will be broken down into the following categories as shown below:

Sites	Value
Category A	Less than 100k
Category B	100k – 250k
Category C	250k – 600k
Category D	600k – 1m
Category E	Over 1m

22. Funding of £3.5m for strategic infrastructure investment has been included in the Capital Programme form 2012/13. Once priorities have been identified a further report will be presented to Cabinet for approval

Timeframe

23. Once Cabinet have approved the report and its recommendations, the leader will need to authorise any delegations.
24. Neighbourhood Committees will meet during Feb/March to decide on the surplus sites.
25. If a Neighbourhood Committee chooses not to work within this timescale then they must agree the timeframe they wish to work to.

Consultation and scrutiny input:

Internal consultation:

Cross party working group came up with recommendations, this was debated at full

council on 22 November 2011 and agreement was reached on Neighbourhood Committee making decisions on their sites.

External consultation:

None

Other options considered:

N/A

Risk management / assessment:

RISK ASSESSMENT							
The risks associated with the implementation of the <i>land disposal decisions being made by Neighbourhood committee:</i>							
No.	RISK	INHERENT RISK		RISK CONTROL MEASURES	CURRENT RISK		RISK OWNER
		(Before controls)			(After controls)		
		Impact	Probability		Impact	Probability	
	Threat to achievement of the key objectives of the report			Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation).			
1	The surplus sites as identified in the report when delegated to the Neighbourhood Committee will attract strong views from the public and may result in a substantial amount of the sites being kept	High	High	The decision will be made by the local members based on what the local community want. By not disposing of these sites will mean less funding available for investment in Parks and Green spaces	High	High	Neighbourhood committee
2	That Neighbourhood Committees fail to understand the incentive scheme to enable decisions based on all facts available	Medium	Medium	Neighbourhood co-ordinators and Parks staff will be fully briefed on scheme and brief all members	Medium	Low	RF
3	Achieving the standards within the Parks and Green Space Strategy	High	High	When decisions are made on each site the Neighbourhood Committees need to understand the impact of not achieving the standards in their area and this has been acceptable to the cross party working group and full council, that the standards as set out in the strategy will not be meet	High	Medium	Neighbourhood Committee

Public sector equality duties:

A full equality impact assessment was completed with the original report that went to Cabinet in 16 December 2010. The impact of not disposing of surplus sites will maintain the accessibility to these sites for all members of the community. However the non-disposal of sites will limit the investment opportunities in infrastructure improvements and the perceived safety for different equalities communities.

The public sector equality duty aims will be addressed by:

Area investment plans taking into account the equality needs on a local basis
 Strategic investment will need to focus on the infrastructure improvements and perceived safety to allow better use of all open spaces for all groups.

Environmental checklist / eco impact assessment – attached

This report does not have any direct environmental impacts, as its purpose is to put in place the protocol for delegating any disposal decisions to Neighbourhood Committees.

However, environmental impacts are likely result from any disposals, dependant upon the eventual use of disposed sites. All disposals will be made in accordance with the environmental mitigation measures previously agreed on 16th December 2010, when the "Area Green Space Plans. Raising income to invest in parks: green space disposal recommendations" report was agreed by Cabinet."

Resource and legal implications:

Finance

Financial (revenue) implications:

To delegate the decision making authority to Neighbourhood Committees does not in itself have any financial implications since the potential budget is merely being transferred from a Corporate driven agenda to one that meets local priorities but still in Parks and Green spaces.

However, by approving the incentive scheme, it will reduce corporate capital receipt resources available for other priorities, including Primary Schools and Transport by 30%.

The £3.5m is in the Capital programme for 2012/13

Advice given by Mike Harding, Finance Business Partner, Neighbourhoods and City Development
Date 16 December 2011

Legal implications:

The recommendations are lawful. The Leader has all executive functions allocated to her and she has the power to delegate functions for Neighbourhood Committees. The Leader then sets out her delegations in a scheme of delegations. The Leader has delegated specific functions to Neighbourhood Partnerships and can add to this list of delegations at any time.

Advice given by Comment provided by Shahzia Daya, Senior Solicitor
 (Corporate)

Date 15 December 2011

Land / property implications:

Not Applicable

Human resources implications:

Not Applicable

Appendices

Appendix A – Example of a typical NHPS and changes to the percentages depending on what gets sold

APPENDIX A

Example of A TYPICAL NHPS and changes to the percentages depending on what gets sold

A	B	C	D	E	F	G	H	I	J	K
	Individual site values	TOTAL Land Values	30% of max land value would go back centrally to support NHPS that have no land sales or have no CIL and for strategic infrastructure replacement	Value remaining (70%)	% of the remaining 70% that the NHPS would achieve due to decisions not to dispose of particular sites.	Amount that would go back to NHPS	% going back centrally if land not being declared surplus	Additional amount of income that would go back centrally based on land not being declared surplus	TOTAL amount to be spent in the NHP	Total amount to be distributed centrally to support NHPS that have no land sales or CIL
Total estimated value of all sites that have been identified as surplus		4,000,000								
SITES referred back to Neighbourhood Partnerships										
SITE E valued at	1,500,000									
If Site is disposed of then the max land value is		4,000,000	1,200,000	2,800,000	100%	2,800,000			2,800,000	1,200,000
If site is not disposed of then the max land value is		2,500,000	750,000	1,750,000	63%	1,102,500	37%	647,500	1,102,500	1,397,500
SITE C valued at	500,000									
If Site is disposed of then the max land value is		4,000,000	1,200,000	2,800,000	100%	2,800,000			2,800,000	1,200,000
If site is not disposed of then the max land value is		3,500,000	1,050,000	2,450,000	88%	2,156,000	12%	294,000	2,156,000	1,344,000
SITE B valued at	250,000									
If Site is disposed of then the max land value is		4,000,000	1,200,000	2,800,000	100%	2,800,000			2,800,000	1,200,000
If site is not disposed of then the max land value is		3,750,000	1,125,000	2,625,000	94%	2,467,500	6%	157,500	2,467,500	1,282,500