

Some comments on Council Strategy for Green Spaces Management

The purpose of the following notes is to help focus the debate and the feedback to the Council from volunteer conservation groups that are members of Natural Basingstoke.

Concepts & Definitions

The Council invitation to debate rules nothing in and nothing out but it may help to focus the debate if the following terms are clarified:

- Ownership – the owner has the right to dispose of the land or to change the use of the land, subject to covenants. The owner has the right to lease the land to a 3rd party and to manage the land directly or via a 3rd party. The owner of land has ultimate responsibility in law for what happens on the land.
- Strategic Management – this term is used to mean the long term (i.e. greater than 10 years) management of a site. Delivery of the objectives for the site and responding to changing circumstances. In nature conservation terms management plans may be devised for a 25 – 50 year period and take many years to come to fruition.
- Operational Management – this term is used to mean the detailed planning on a timeline of, say, 5 years which defines the management and development actions on a 1 – 5 year cycle to deliver the strategic plan and the monitoring of results.
- Operational Services – these are the resources - manpower and equipment which are used in carrying out the operational management plans.

Current Ownership and Management

Ownership implies the ultimate right to decide the use of a piece of land and to dispose of it to a 3rd party (with or without covenants or other limitations on its use). All land has to have a clearly defined owner for many legal reasons and over time (centuries) the ownership of public land has been vested in three bodies:

County Council - HCC owns 400ha. approx. within the borough - mostly tenanted farm land and countryside amenity land such as at Cowderys Down, land at Burghclere, Silchester, and part of Basingstoke ringway south along with various other small pieces of land..

Borough Council – the default owner of public land which is not vested in any of the other categories.

Parish Councils - many green spaces have, over time been, passed to parish councils to manage; sometimes with the assistance of the borough council. The extent of these is not known.

Other forms of legal ownership – such as trusts – have been used to hold land for public enjoyment or use and sometimes this land is, by agreement, in the long term managed of one of the above bodies. To the extent that it is managed by a local authority with public access it may be considered an element of public land.

The issue of ultimate control and long term management presents a complex picture where the one shades into the other. If ownership of land is vested in a local authority and that authority grants a 99 year lease of the land to a 3rd party under certain conditions the effective control of that land has clearly changed although ownership has not.

One issue which was highlighted in the workshop discussion of these issues in December was the potential conflict of interests inherent in a local authority being both owner of a piece of land and the planning authority determining the permitted use of that land.

Voluntary conservation activities on Council sites currently provide:

- some input to the strategic management of a site – but this is not currently very clearly organised,
- a significant proportion of the operational management, in co-operation with Council officers under the Sites agreement,
- a significant portion of the current operational services on a conservation site in co-operation with council officers.

Issues of Scale

In looking at options in the December meeting it was clear that there was unlikely to be one optimum solution for all green spaces in all circumstances. What is best for a small space in the heart of a parish is probably not the best solution for a large LNR in an unparished area.

If the many small green spaces which in the past have been of little significance, but are increasingly recognised as vital green corridors for people and/or nature are taken into account, the issue of scale in deciding the optimum management strategy becomes important.

Options for ownership and management

The council's briefing paper for the December workshop listed 3 possible scenarios other than to continue with the existing arrangements:

1. Transfer management to a constituted body
 - private (such as Carillion plc).
 - 3rd sector (such as The Land Trust)
 - a constituted volunteer conservation body (such as Millfield Conservation Group).
2. Transfer management with/without ownership to an existing or newly constituted charitable Trust (such as The Land Trust or a newly created Basingstoke Land Trust).
3. Transfer management with/without ownership to another public body (parish, county or other local authority).

For all three options it should be understood that under a management or ownership/management scheme, management responsibility will have been moved from the Council to a 3rd party, but that does not imply that many of the existing services to green spaces cease - litter collection, grass cutting, tree management, path sweeping, play area maintenance, etc. could continue to be provided by the Council under the terms of the site management agreement.

The first option concerns a change of management only and implies a 'commissioning' approach to short/medium term operational management responsibility with ownership and strategic management remaining with the local authority. As with all commissioning contracts the success in taking this approach (measured by quality of outcome and value of contract) depends very much on the quality of the contract terms and the effectiveness of its monitoring.

There are private companies which have seen business opportunities in extending environmental care services (grass cutting and parks maintenance) into conservation standard maintenance. At national level Carillion plc is known to have done this - but there are probably others. The quality of outcomes for this route is not known.

Of the 3rd sector organisations Hampshire Wildlife Trust (HWT) and The Land Trust (TLT) come to mind. However, whether HWT would be interested in taking on a contract for other than a few high quality sites within the borough, is doubtful. For LNRs and SSSIs this may be an option. TLT do have a presence in Basingstoke borough - at the moment very modest - the Rooksdown Spinney. They are known to be interested in expanding their presence in the South of England and have a long and a quite good track record in green space management for nature conservation. Again, whether they would be interested in a very fragmented range of green spaces is not known. Like HWT they also work on a long term basis and do not do short term management contracts (under 20 years).

Finally, under this option, the Council is happy to consider local volunteer conservation groups taking over short and medium term management of green spaces. Are there Groups who would be interested in pursuing this option?

The second option, transferring ownership/management to a new or existing charitable trust has two possible advantages:

- being an independent owner/manager of the green space the organisation can bid for funding from large external sources which are not available to local authorities.
- given that ownership, or long term management secured on a long lease, is negotiated the long term future of the green space is secured.

This is a much more complex, if attractive, alternative and would require experience of such arrangements and considerable negotiation to ensure that the scheme was correctly and viably funded in the long term. No existing charitable trust would be willing to take on a mixed bag of

green spaces , and would require full funding of those it took over - which charitable trusts such as HWT and TLT are capable of negotiating.

A new charitable trust set up for just this purpose would have the disadvantage of lack of professional and legal skill, initially, unless it was able to secure these with a co-operation agreement with a suitable senior partner.

The third option, to transfer ownership and or management to another public body i.e. parish councils, Hampshire county council or another local authority in the area, could be undertaken at various levels - short term management and operational responsibility, longer term management responsibility or outright transfer of ownership and management.

Such arrangements, at any level, would require funding negotiation and would retain the limitations on local authorities seeking external funding that exist now.

At the lowest level - parish councils – this may be an attractive option for smaller green spaces in areas where there is a parish council. It ensures continued public ownership and access and community engagement. It separates ownership and planning authority for such spaces. The responsibility for maintaining these spaces does not have to be a major additional burden on parish councils as both management operations and technical advice could be provided by 3rd parties or the borough council as is often the case now. The parish would be responsible for monitoring the quality of such agreed operations.

There are however many green spaces in areas of the borough where there is no parish structure in place - this is to be regretted and could possibly be remedied in the future?

At the higher level this option might provide economies of scale in management, technical knowhow and operational resources, but to ensure that management was of a high quality, would require monitoring over time. The other down side is the removal of local accountability and engagement with the community unless specific structures were put in place to ensure this did not happen.

Summary

The above comments are by no means an exhaustive list of the considerations and may have neglected some major factors to be taken into account, but it is hoped that they stimulate members thoughts on the pros and cons of each option.

Members need to consider which of these options they think would be better than others for

- protecting green spaces from development creep or development blight
- ensuring the highest quality of green space management for ALL parties, not only those with a voice but for nature, which has few voices speaking for it,
- ensuring that good long term management of green spaces is secured,
- engaging with local communities and the voluntary conservation community in general,
- and that provides a cost effective strategy over time.

It should be remembered that other interested parties are also being consulted – the biggest single group (other than parish representatives) is the sports representatives. For them there are a number of precedents elsewhere in England where sports land has been transferred to independent charitable trusts for administration. It is not known how successful these have been or whether this alternative is looked on favourably by the sports groups.

At our January meeting members will be asked to decide on the mechanism for agreeing a concerted initial response to these questions by the end of January.

The discussion of these options will undoubtedly continue over the ensuing 2 – 3 months but it would help the council and NB committee very significantly if we could agree an approach for the immediate future.