

Report

Cabinet Member for Assets and Member Development

Part 1

Date: 11 September 2017

Subject Duffryn Woodlands Project

Purpose To outline an opportunity to upgrade and improve the management of this asset by granting a lease to a local Community Group

Author Housing and Assets Manager

Ward Tredegar Park

Summary Colleagues in the Green Services team have been working with Duffryn Community Link to seek funding for the improvement of the woodland, comprising the land referred to in this report. An initial grant of £11,000 has been received by the applicant, towards the cost of developing a programme of works to improve Community access to the land. In order to progress with its grant application, Duffryn Community Link has requested that the Council issues it with a letter of support. If grant funding is awarded, the Council will be expected to facilitate use of the land by Duffryn Community Link by entering into a lease.

Proposal **Agree to issue the letter of support requested and if the grant application is successful, grant a lease of the land on terms recommended by Newport Norse and agreed by the Head of Legal and Regulatory Services.**

Action by Newport City Council, supported by Newport Norse

Timetable Immediate

This report was prepared after consultation with:

- Estates Team Leader, Newport Norse
- Estates Portfolio Officer, Newport Norse
- Property Services Manager, Newport Norse
- Strategic Director – Place, Newport City Council
- Head of Regeneration, Investment and Housing, Newport City Council
- Head of Finance – Chief Finance Officer
- Head of Law and Regulations – Monitoring Officer
- Head of People and Business Change

Signed

1. Background

- 1.1 The Duffryn Woodlands (shown at Appendix 1) is owned by Newport City Council and held as a Corporate asset. The woodlands currently is overgrown, underused and subject to fly tipping. There are a number of burnt out cars abandoned on the land.
- 1.2 Duffryn Community Link has been working with National Trust, Growing Space and Keep Wales Tidy on a proposal for Big Lottery funding, looking at the re-generation of the woodlands area in Duffryn and the development of sensory gardens in Tredegar House Park.
- 1.3 In order to progress the project, Duffryn Community Link have been successful in securing £11,000 funding from Big Lottery. This will be used to consult and engage with the community in Duffryn, to develop proposals and prepare a project plan to bid for up to £1.2 million pounds to be used in this area.
- 1.4 Green Services have been consulted and have confirmed support for the project. In addition to securing capital to invest in facilities, passing management of the land to a lessee should reduce management costs.
- 1.5 An external tree officer has been consulted and has provided advice for the works that would be required for the woodland area.
- 1.6 Duffryn Community Link is currently in the development phase of the project, using the £11,000 funding. As part of the development phase they have been canvassing views and opinions within the community, stakeholders and partners. It has also prepared a brief proposal of surveys/plans which will be needed to deliver the project and which they would then be expected to undertake if the full grant is awarded.
- 1.7 In order to support the bid for funding, Duffryn Community Link requires a letter from the Council as land owner, stating that if the application is successful Newport City Council would be willing to grant a lease of the land.
- 1.8 Dependent on the funding secured, a lease of up to ten years could be required. Under £100,000 capital, the lease would be for 5-7 years and £100,000-£350,000 capital, the lease would for 10 years.
- 1.9 Although the initial request is for a letter of support only, it should be acknowledged that should the application be successful, there would be an expectation that the Council will grant a lease to Duffryn Community Link to enable the land to be upgraded and made available for wider community use. In agreeing the letter of support, the Council therefore is agreeing in principle to grant a lease.
- 1.10 This matter was considered by the Council's Capital Strategy and Asset Management Group at its meeting on 16 December 2016. The view of the CSAMG was that the project should be supported and a letter of support provided.
- 1.11 It is not considered appropriate for the Council to make an application for planning permission as this will be a matter for Duffryn Community Link, if the matter proceeds.
- 1.12 As this is a Community project managed through a lease, overage provisions are not appropriate.
- 1.13 There are no staffing implications in issuing the letter of support or granting a lease.

2. Financial Summary

| | Year 1 (Current) £ | Year 2 £ | Year 3 £ | Ongoing £ | Notes including budgets heads affected |
|---|--------------------------|-------------|-------------|--------------|--|
| Costs | | | | | Management action and maintenance costs are largely on a reactive basis. These would be reduced or eliminated if the applicant take over management of the land. |
| (Income) | | | | | |
| Net Costs (Savings) Net Impact on Budget | | | | | |

3. Risks

| Risk | Impact of Risk if it occurs* (H/M/L) | Probability of risk occurring (H/M/L) | What is the Council doing or what has it done to avoid the risk or reduce its effect | Who is responsible for dealing with the risk? |
|--|---|--|--|---|
| The application for Grant support is refused. | H | M | Provide the requested letter of support and any other practical intervention/information | Newport City Council and Newport Norse |
| Lease with Duffryn Community Link does not proceed | H | L | Terms to be discussed with Duffryn Community Link for early consideration | Newport City Council and Newport Norse |
| Management of Woodlands area remains with Council | H | L | Working with Duffryn Community Link | Newport City Council |

* Taking account of proposed mitigation measures

4. Links to Council Policies and Priorities

- 14.1 Corporate Asset Management Plan 2013-18
Single Integrated Plan (SIP)
Service development plans

The proposed project for the area of woodland touches in some part all of the Council's priorities of being a :

- Caring and fairer city
- A greener and healthier city
- A safer and learning city

This is easy to see when reading through the brief that is being taken forward to generate the funding bid.

5. Options Available and considered

- 5.1 Decline the request and continue to manage the land as currently.
- 5.2 Agree to issue the letter of support requested and if the grant application is successful, grant a lease of the land on terms recommended by Newport Norse and agreed by the Head of Legal and Regulatory Services.

6. Preferred Option and Why

- 6.1 Agree to issue the letter of support requested and if the grant application is successful, grant a lease of the land on terms recommended by Newport Norse and agreed by the Head of Legal and Regulatory Services.
- 6.2 This will release capital finance to invest in the land and should relieve the Council of management and maintenance costs.

7. Comments of Chief Financial Officer

- 7.1 The proposal will see responsibility of maintenance and management of the land pass to the applicant, which will benefit the Council financially by removing the costs currently incurred on a reactive basis. This arrangement will also bring community benefits by bringing the area back into wider public use. The additional benefit for the area concerned and the Community Group is access to additional grant funding streams that may not otherwise present themselves to NCC directly. As the land is of little financial, and of no operational, value to the Council, there are no significant disadvantages to this proposal, as long as satisfactory terms are agreed on the lease, which do not create a financial commitment against Council budgets.

8. Comments of Monitoring Officer

- 8.1 The transfer of the Duffryn Woodland to a community group would in accordance with the Council's statutory powers under Section 122 (2A) and 123 (2A) of the Local Government Act 1972. At this stage, only a letter of support is required in respect of the grant application, but this would require a commitment from the Council to transfer the woodland in the event that the application was successful and granting funding was obtained. Although the community group would maintain the woodland for public use, the grant of a lease in excess of 7 years would give them exclusive rights over the land and constitute a re-appropriation and "disposal" of public open space for the purposes of sections 122 (2A) and 123 (2A). This would necessitate public notice of the proposed appropriation and disposal and consideration of any objections received before the lease could be confirmed.

9. Comments of Head of People and Business Change

- 9.1 The proposal relates to the development phase of a project to bid for major funding to develop community access to Duffryn Woodlands. Whilst the report does not include a detailed project description at this stage the partner organisations are well respected in countryside conservation, regeneration and management. Access to green space was identified as an important contributor to improving wellbeing in the consultation work carried out for the Wellbeing of Future Generations Act 2015, and was particularly important in responses from children and young people. The Community Profile notes that Whilst Tredegar Park Ward actually has an overall surplus of open space there is a deficit of equipped open space and this is potentially something that the project could address.

- 9.2 The Tredegar Park ward records relatively high levels of deprivation including indicators of ill-health, economic inactivity and crime/ASB. A well-managed local asset such as a community woodland could have a positive and preventative impact in addressing issues like social exclusion, physical inactivity and environmental nuisance and crime/ASB.
- 9.3 It is noted that the project will include significant community involvement which is also regarded a positive in terms of principles of sustainable development.

10. Comments of Cabinet Member

- 10.1 Cabinet Member has approved the report.

11. Local issues – Ward Member Comments

- 11.1 None received.

12. Scrutiny Committees

- 12.1 N/A

13. Equalities Impact Assessment and the Equalities Act 2010

- 13.1 The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

14. Children and Families (Wales) Measure

- 14.1 Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

15. Wellbeing of Future Generations (Wales) Act 2015

- 15.1 This project is an ideal example of how the key principles of sustainable development can fit together to transform something that in the short term would continue to be a problem and blight within a community to something that has a long term future but one that is integrated into the

community and provides a real element of support and improvement in children's wellbeing and development.

- 15.2 For example this area of woodland in the short term will continue to be left to deteriorate, attract further fly tipping and drag the area and community down.
- 15.3 Instead of simply looking at trying to keep the area clear the groups that are coming together initially are looking to convert this area into something greater than open space and integrate it into a positive learning experience for people in the community of all ages.
- 15.4 This has already involved collaboration of a considerable degree of some key players to get the proposal of the ground where a bid can be made for considerable resources as investment in the project and the Council playing its part as land owner. The plans in going forward also demonstrate there will be a considerable amount of consultation with the community in respect of the design, management and outcomes that everyone wishes to see.

16. Crime and Disorder Act 1998

- 16.1 Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

17. Consultation

- 17.1 Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

18. Background Papers

Site plan attached.

Dated: 11 September 2017

Site Plan

