

**Report to the Cabinet Member for Environment, Planning and Cultural Services
and Deputy Leader of the County Council**
Report submitted by: Head of Planning and Environment
Date: 8 March and 9 March 2017

Part I

Electoral Divisions affected:
All

**Assessment of Applications for the Countryside Sites and Implications for the
County Council**

(Appendices 'A' and 'B' refer)

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Executive Summary

In February 2016 the County Council resolved to cease funding the countryside service from April 2018. Revenue funding was stopped in April 2016, and the service is funded from reserves in 2016/17 and 2017/18. In the two year period before funding stops, it was resolved that attempts should be made to secure alternative arrangements for the future of the County Council's 84 countryside sites so the public could continue to enjoy free access to as many sites as possible. In practical terms this meant identifying other organisations that could manage or own the sites.

On 28th June 2016 the Cabinet Member for Environment, Planning and Cultural Services agreed the selection and evaluation criteria to be used in the identification of organisations with whom the County Council could enter into negotiations to transfer the countryside sites which have been identified for closure.

The County Council has received eleven applications from organisations and individuals wishing to take over a number of the sites, and these applications have been evaluated in accordance with the agreed criteria.

This report provides details of the evaluations, and provides a number of recommendations for a way forward. The report is in two parts, firstly setting out the results of the evaluations and the impact on the sites; and secondly a range of activities that need to be carried out to keep the process of transfer and service transformation moving forward.

This is deemed to be a Key Decision and the provisions of Standing Order No. 26 have been complied with. Compliance with SO25 was not possible, the reason for this is that the proposals were not sufficiently advanced to allow publication of a notification 28 days in advance as required under SO25. In addition, there is an immediate need to inform five organisations that site leases will potentially transfer to them and they can begin to plan for the new financial year from April.

Recommendation

The Cabinet Member for Environment, Planning and Cultural Services and the Deputy Leader of the County Council are recommended to:

- (i) Approve the proposals set out in Appendix A with a view to effecting transfers as soon as practicable for 13 of the 84 sites to five organisations; and that the seven individuals/organisations who have not met the agreed criteria be thanked for their interest and informed that their proposals will not be taken forward.
- (ii) Approve the proposals set out in Appendix B in relation to the 71 countryside sites for which the County Council has not received any acceptable expressions of interest; and that the County Council manages the assets at minimum cost where public access is maintained and the sites are safe and free from liability whilst these recommendations are progressed.
- (iii) Approve the updating of the County Council's Medium Term Financial Strategy for managing the retained assets at a net cost of £0.197m per annum from 1 April 2018.
- (iv) Authorise officers to continue to develop proposals to further reduce costs for maintaining the retained sites by, for example, generating income, attracting grants for the sites and continuing to work with other organisations who may be able to assist with maintaining the sites.

Background and Advice

In July 2016 invitations were sent to organisations and individuals that had previously shown an interest in taking over one or more of the countryside sites. By the closing date of 7th August eleven full submissions had been received with a further one being received 4 days after the deadline.

Officers have undertaken an evaluation of the applications, in accordance with the evaluation criteria approved by the Cabinet Member, and the resultant scores and officer comments are contained in Appendix 'A'. Recommendations relating to the appraisal of the submissions are set out below.

Recommendations in respect of robust proposals

Five of the detailed applications received scored highly against the evaluation criteria, and were judged to be from organisations who had submitted robust proposals in terms of their vision for and understanding of the sites, their ability to run and manage the sites appropriately, and who demonstrated a sound financial basis for their proposals. These five proposals covered a total of 13 sites.

The format of the site transfer may vary for each of the different organisations and individuals (for example, Community Asset Transfer, establishment of Community Interest Company or provision of long lease) and officers will ensure that the most appropriate arrangements are put in place in respect of each of the sites.

It is recommended that negotiations should begin immediately with the five organisations, with a view to effecting transfers as soon as possible.

The thirteen sites and organisations for which robust proposals were received are:

1. Warcocks Green Woodland, Charity - (Hyndburn)
2. Rushton House Farm Woodland, Charity - (Hyndburn)
3. Brocklehurst Woodland, Charity - (Hyndburn)
4. Abbott Clough Woodland, Charity - (Hyndburn)
5. Huncoat Woodland I, – West, Charity - (Hyndburn)
6. Huncoat Woodland II, – East, Charity - (Hyndburn)
7. Martholme Open Space, Charity - (Hyndburn)
8. Whinney Hill I Open Space, – Livingstone Road, Charity - (Hyndburn)
9. Whinney Hill II Whinney Hill Road Open Space, Charity - (Hyndburn)
10. Cinderbarrow Car Park & Picnic Site, Charity - (Lancaster)
11. Levens Drive Community Woodland, Charity - (Lancaster)
12. Lee Quarry Trails and Open Space, Borough Council - (Rossendale)
13. Bickerstaffe Colliery Trails and Open Space, Parish Council - (West Lancashire)

Recommendations in respect of the applications that were judged as not acceptable

Three of the detailed applications were from private individuals where community benefit could not be determined and therefore could not be recommended for further consideration for community asset transfer.

A further two detailed applications were from organisations who requested considerable commuted sums from the County Council. At no point has the County Council made any reference to the provision of a commuted sum as part of the proposals for potential transfer of any of the sites. These applications cannot be recommended on that basis.

A further submission demonstrated no understanding of the day to day issues relating to the management and running of accessible countryside recreation sites and provided no business plan that demonstrated long term financial sustainability. This application cannot be recommended for further negotiation.

Service implications resulting from the call for Expressions of Interest and submission of Business Cases

It had been hoped that following the call for expressions of interest and the submission of expressions of interest for the potential transfer of the countryside sites the County Council would have identified suitable organisations that it could negotiate with to transfer the whole of the countryside sites portfolio. This has not happened and the County Council must now consider other alternatives for managing the sites it cannot transfer.

To understand the range of sites within the portfolio and to help determine how the County Council might manage them in the future the sites have been grouped under the following six categories. It is important to note that the process of site transfer is complex and may result in a greater or lesser number of sites transferring. Only after detailed negotiations have concluded will the final number be known.

The full list of sites is set out in Appendix 'B' at the end of this report;

The following paragraphs provide a rationale and description of the proposed way forward for sites within each of the six categories.

Transfer sites (13)

As set out above, the thirteen sites for which robust proposals were received from five organisations.

Active Travel Network sites (5)

The Active Travel Network (ATN) has been identified primarily as five former railway lines that were reclaimed by the County Council to create greenways, cycle ways or linear parks during the 1970s and 80s. The sites provide local informal recreation opportunities, local connections between residential areas and local services, and opportunities for wildlife and landscape conservation. The five former railway sites are:

- Preston Junction Local Nature Reserve – including the Walton le Dale Cycleway
- Glasson to Conder Green and Aldcliffe – Lune Side Coastal Trail
- Crook o Lune to Bull Beck
- Accrington to Baxenden - (part of East Lancashire Strategic Cycle Network)
- Helmshore - (part of East Lancashire Strategic Cycle Network)

In addition a very short section of the Preston Guild Wheel adjacent to Broughton High school is also included.

In recognition that a key function of the sites is to help people travel safely for work and leisure purposes the responsibility for the day to day upkeep has passed to Lancashire Highway Services (LHS). This typically would mean the maintenance of 3m width of tarmac or hard surface, the one metre of verge and responsibility re any encroaching vegetation including fallen trees that might impact on use.

However, without exception there are issues, opportunities and other infrastructure at every site that do not sit neatly with LHS. Over many years local volunteers have been active on sites, tree planting charities are maintaining areas, local councils are

assisting with cleansing activities, car parks and toilet facilities have been developed and car parking ticket machines installed. The sites have bins, woodlands, nature trails, picnic areas, sculptures and other visitor infrastructure that make them more suitable to benefit from the work of an asset management approach.

It is recommended that anything that is outside the 3m width of tarmac or hard surface and the one metre of verge is retained by the Countryside Asset Manager to ensure effective management of wider areas. The input from volunteers, investment from external grants, and development of wider community involvement will ensure these areas of public land are maintained in a safe condition. In line with the wider policy of asset management, opportunities to develop local management arrangements will be explored in the future.

Two of the sites contain toilets and car park machines. It would be inefficient for the authority to separate these from other sites with similar facilities as work, especially around routine maintenance, would be confused and duplicated.

Therefore, in the short term at least, and to provide clarity Lancashire Highways Services will be responsible for the 3m width of tarmac or hard surface and the one metre of verge as above whilst the Countryside Asset Manager will be responsible for the other 'softer' elements of the ATN as set out above.

Sale Sites (14)

Within the current portfolio there are 14 sites that originate from the County Council's programme of tree and woodland planting. These sites have relatively low recreational value. Any public rights of way would remain unaffected by a sale, and funding could be used to support ongoing service costs.

A review of woodlands for sale suggests each has the potential to raise income.

It is recommended that the County Council investigates the practicalities of selling the sites.

Surrendered sites (25)

The County Council has licences to grow trees on 25 sites that are owned by other parties, mainly district councils. It is recommended to surrender these licences as soon as possible.

During informal discussions it has been identified that current owners will require the County Council to carry out works, such as tree safety audits, tree management and boundary improvements prior to any surrender.

An additional option in relation to these sites (and other woodland sites in the portfolio) is to retain them and generate an income by allowing an external organisation to manage the sites and use the woodland for commercial purposes. It is therefore proposed that prior to surrendering the site licences, officers are authorised to investigate this possibility. The cost of maintaining these sites is very low. If firm proposals can be developed which guarantee a sustainable income for

the County Council, with the additional benefit of well managed woodland sites, approval will be sought from the Cabinet Member to put such arrangements in place.

Retained Low Use / Low Priority sites (12)

There are 12 sites in the current portfolio that cost the County Council very little in terms of management, mainly due to their isolated location. Disposal or transfer is not an option due to their former industrial use and inherent liabilities. It is therefore recommended to retain these sites and manage and maintain them at the lowest level and cost. The budget needed to manage these sites is included in the budget for the retained high priority sites (see below).

Retained High Use sites (15)

There are 15 sites in this category including two major country parks and a number of rural picnic sites and car parks.

Beacon Fell and Wycoller Country Parks and Spring Wood picnic site are popular sites and well known to many Lancashire residents. What is less well known is the network of open spaces that have been created as part of the County Council's land reclamation programmes which provide critical recreational opportunities to local communities. These include Scorton Picnic Site, Townley, Chisnall Hall and Fleetwood Marsh open spaces, Lee and Warton Crag Quarries and other reclamation schemes where costs and responsibilities for day to day management and maintenance still exist. Collectively these sites are visited by hundreds of thousands of visitors per year.

It is these sites that currently incur the majority of costs to the County Council with expenditure on staff (rangers dealing with visitor management and other day-to-day site issues), vehicles, toilet and building cleaning, litter picking and fly tipping clearance, bin emptying, grass cutting and reactive site maintenance (especially vegetation management). No acceptable expressions of interest were received in respect of any of these sites and the County Council therefore needs to continue to provide a level of service at these sites at the lowest possible cost. The County Council has a legal duty under the Occupiers Liability Act 1957 (as amended) to ensure the sites are safe; and the risks to users and adjacent land owners are minimised. Hundreds of thousands of people will continue to use these sites and there will be a continuing need to manage visitors.

In order to maintain these 15 priority sites at a standard that is suitable for continued public use and at a level where the County Council fulfils its responsibilities as a land owner it is proposed to manage the assets at a net cost £197,000 per year.

Operating at this minimum level enables the retention of the sites for safe public use at a substantially reduced cost to the County Council compared to past costs. However the funding does not allow for any form of community engagement such as educational work, events and activity programmes.

This funding does not provide for countryside ranger cover at key sites. Rangers will not be on hand to assist visitors with information, advice and help in the case of emergencies.

Continuation of the use and provision of Trampler all terrain mobility scooters for disabled people will be investigated by working with other organisations, including the voluntary sector.

The funding allows for the support of volunteers to manage and inspect sites, including high profile sites at Beacon Fell, Wycoller and Spring Wood.

The funding allows for a regular programme of site inspections which is required to ensure the County Council is not exposed to litigation. With the reduction in staff there is a risk that income levels from car parking fees and café sales may drop as activities reduce. Education visits will reduce to only self-guided. Ranger led activities will cease.

Financial Implications

In February 2016 the County Council resolved to cease the countryside service by 31 March 2018. The cost of the service have been removed from the revenue budget. Funding of £304,000 per year has been provided from reserves to cover the two financial years 2016/17 and 2017/18.

The proposal to run the service at a net cost of £197,000 will deliver savings of £107,000 when compared to the available budget from reserves (£304,000) in 2016/17 and 2017/18. When compared to the 2015/16 budget (ie just before the decision to close the service) this delivers a saving of £300,000.

A new revenue provision of £197,000 will need to be provided from April 2018 and the County Council's Medium Term Financial Strategy will need to be amended.

Consultations

Estates, Legal, Commissioning, Lancashire Highways, Finance.

Implications:

Over many years and via different routes (mainly through land reclamation programmes) the County Council has accumulated a substantial land holding of countryside recreation, open space and forestry sites. This report has set out a number of options for managing the sites into the future.

However, the County Council will need to continue to invest in a programme of planned maintenance to fulfil its obligations as a land owner – Occupiers' Liability Act 1957 (as amended).

An asset management register will be produced to better inform and plan maintenance investment. It is anticipated that a fund, whether revenue or capital will be required to ensure sites are maintained in a condition for continued safe public access and recreation. On site infrastructure of tracks, boundaries, culverts, boardwalks, safety fencing, bridges etc will be subject to planned maintenance. A register will be produced to underpin future business cases for capital investment in these assets.

Risk management

The County Council has obligations under the Occupiers' Liability Act 1957 (as amended). If the recommendations are not approved, the County Council's risk from liabilities will increase significantly.

Withdrawal of the tramper service will affect disabled people and attempts will be made to continue service provision in some form by working jointly with other organisations.

List of Background Papers

Paper	Date	Contact/Tel
The County Council's Budget	11 February 2016	Andrew Mullaney/01772 534190
Selection and evaluation criteria for countryside sites	28 June 2016	Andrew Mullaney/01772 534190

Reason for inclusion in Part II, if appropriate

N/A