

DECISION-MAKER:	CABINET
SUBJECT:	PROTECTION OF GREEN SPACES / AMENITY SPACES IN COUNCIL HOUSING ESTATES
DATE OF DECISION:	19 DECEMBER 2023
REPORT OF:	COUNCILLOR Fielker CABINET MEMBER FOR Adults, Housing & Health

<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

Not Applicable

BRIEF SUMMARY

This report considers the protection of green spaces, or amenity / garden land, commonly found within Southampton Council housing estates. These are typically parcels of green space land incorporated as part of the original design of the estates at the end of individual rows of homes to create additional space either side of roads or public footpaths. The report recommends changing the current policy, and only permit the sale of this land in exceptional circumstances.

RECOMMENDATIONS:

(i)	To adopt a new policy that protects amenity land / green spaces in housing estates, and only enables the sale of such land in exceptional circumstances. Exceptional circumstances will relate to the provision of access needed or land required for adaptations for disabilities.
(ii)	To delegate authority to the Executive Director, Wellbeing & Housing following consultation with the Cabinet Member for Housing, Adults & Health to make any minor changes to the policy during its life span.
(iii)	To delegate authority to the Executive Director Well-being & Housing following consultation with the Cabinet Member for Housing, Adults & Health, to take all necessary actions to give effect to the above recommendations.

REASONS FOR REPORT RECOMMENDATIONS

1.	The purpose of this report protection of Council owned green spaces, or amenity / garden land commonly found within Southampton Council housing estates, by ceasing the sale of these parcels of land, except in cases mitigating disability related accessibility issues.
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2.	Since 2012, residents have had the opportunity to purchase amenity land to extend their homes / gardens, and in some cases, purchases have been used for the development of an additional property. Prior to this date, residents could negotiate short term licences.
3.	However with the launch of The Green City Plan 2030 the Charter sets out the importance of the protection and enhancement of the natural environment, and green spaces, and this is also the position set out in the adopted Development Plan. The Strategic Planning Team is seeking to strengthen all environmental policies as part of the emerging Southampton City Vision Local Plan to tackle key issues relating to climate change, ecology/biodiversity, and health. Hence, the review of the local plan along with the Green City charter creates an opportunity to review the current amenity land sale policy.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
4.	<p>The following option was considered:</p> <ul style="list-style-type: none"> • Continue with the existing approach to the sale of amenity / garden land. • Allow residents to continue to negotiate licences for land use. <p>These options were rejected due to the inconsistency with the Council's Green City Plan 2030 commitments, and the officer time involved in continuing with the current approach.</p>
DETAIL (Including consultation carried out)	
5.	In February 2012, Cabinet approved a report (Cabinet Report February 2012) which set out a process for the sale of Housing Revenue Account (HRA) amenity land. The report explained how the Council had for many years, allowed tenants, leaseholders, and property owners on Council estates to acquire interests over infill pieces of HRA land.
6.	<p>With the 2019 launch of The Green City Plan 2030 and Charter, the Council now has more pressing considerations related to the protection / preservation of green spaces including:</p> <ul style="list-style-type: none"> • The use of green spaces as mitigation for climate change, for example providing space to plant wildflowers or trees • The use of green spaces as areas for sustainable urban drainage, such as a rain garden and surface water runoff.
7.	<p>Prior to 2012, these green spaces were subject to licence negotiations for use, however the 2012 policy change enabled residents to apply to purchase amenity land, with each application considered on its individual merits. The policy required, among other things, consideration of the following:</p> <ul style="list-style-type: none"> • Any Council proposals for the specific space and/or the area in general • The impact of any sale upon the management and maintenance of the Estate • The loss of open space (if any) involved. • Potential impact on neighbours • The wider public benefit or harm • Environmental impact
8.	The current application procedure involves significant officer time to process each application, including information gathering on the parcel of land being applied for, photographs & site plans and, carrying out a consultation of officers across Housing Management, City Services and Estates Regeneration.
9.	Consideration is given to all the issues as outlined in paragraph 7, alongside considerations related to the protection & preservation of green spaces, as outlined within

	The Green City Plan 2023 . In some instances, and depending on the site, the relevant Cabinet and Ward Members are also involved in the consultation.																				
10.	Based on the outcome of the consultation, if a decision is reached to sell the amenity land, that decision is delegated to the Head of Corporate Estate & Assets, under the delegated powers outlined in the Council's Constitution.																				
11.	At the beginning of each application process, the applicant pays a fee for their request to be considered. The related enquiries received & applications made breakdown thus: <table border="1" data-bbox="279 539 1342 831"> <thead> <tr> <th></th> <th>Enquiries received</th> <th>Applications made</th> <th>Application progressed to sale</th> <th>Sale completions / Licences</th> </tr> </thead> <tbody> <tr> <td>2016 - 2019 (limited data available)</td> <td></td> <td>33</td> <td></td> <td>17</td> </tr> <tr> <td>2019 - 2022</td> <td>152</td> <td>54</td> <td>2</td> <td>1</td> </tr> <tr> <td>2022 - 2023</td> <td>22</td> <td>10</td> <td>2</td> <td>2</td> </tr> </tbody> </table>		Enquiries received	Applications made	Application progressed to sale	Sale completions / Licences	2016 - 2019 (limited data available)		33		17	2019 - 2022	152	54	2	1	2022 - 2023	22	10	2	2
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2016 - 2019 (limited data available)		33		17																	
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12.	This demonstrates that majority of applications are not progressed because in a significant number of cases, the criteria for sale approval is not met. In cases where applications are refused, such refusals often lead to long drawn-out complaints. These complaints place further pressure on stretched resources and take up officers' time.																				
13.	Principally, this sale of amenity land activity does not allow the Valuation & Estates Team to focus their work on activity that will lead to the growth of the city and income for the Council. The Council's Valuation & Estates Team deals with the garden / amenity land sales, and the activity involved takes up time that could be spent on crucial income generating activity like lease renewals and rent reviews for the commercial portfolio, both activities which the team are currently behind on.																				
14.	Rent reviews, which are an evaluation of a current commercial lease, are very time consuming. Typically the review takes into consideration the condition of the property, and current market to negotiate an increase in the rent that the tenant / leaseholder will pay to the Landlord. These are income generating, negotiation activity that the Valuation & Estates Team have with the tenant / leaseholder on behalf of the Council.																				
15.	Reallocating the time spent on administering amenity / garden land sales will allow the reallocation of time to lease / rent reviews and other similar income generating activity for the Council.																				
16.	Over the last few years most applications that have been submitted have been unsuccessful, but whilst the policy remains in place there is a requirement for the Council to continue to take the £100 application fee and process applications. This results in disappointment to members of the public.																				
RESOURCE IMPLICATIONS																					
<u>Capital/Revenue</u>																					
17.	The sale of amenity land generates minor income for the City Council, and this is outlined within the table below:																				

2016 - March						
2019	2019/20	2020/21	2021/22	2022/23	2023/24	
£ 400.00	£ 5,000.00	£ 700.00	£ 700.00	£ 600.00	£ 900.00	
£ -	£ 2,300.00	£ -	£ -	£ -	£ -	
£ -	£ -	£ -	£ -	£ -	£ -	
£ -	£ -	£ -	£ -	£ -	£ -	Total GLA income (2019 to 2023)
£ 400.00	£ 7,300.00	£ 700.00	£ 700.00	£ 600.00	£ 900.00	£ 10,600.00

However, the process involves significant officer time, which when quantified outweighs this minor income.

18. The table below demonstrates the per annum cost equivalent of the time spent administering the application process, as it currently stands. Note however, that this table does not account for management time spent reviewing the applications, cross Council department consultation time spent reviewing the detail of the applications, nor further officer time spent dealing with complaints in instances where applications have been refused:

Estates Support Officer role:	4 hours per week
Estate Surveyor role:	1 hour per week
Total cost equivalent of time spent per week	£ 149.32
Total cost equivalent of time spent per annum (52 wks)	£ 7,764.64
Total cost equivalent of time spent from 2016 to 2023 (416 wks)	£ 62,117.12
Total income received from sale of amenity land from 2016 to 2023	£ 10,600.00

19. From 2016 to date, a total income of £10,600 has been received in relation to the policy, however it is important to note that the income collected falls short of covering the FTE officer time to process applications, the surveyor time to visit the site and take photos of the areas in question, and the number of other officers' input to respond to the related consultation.

20. The overwhelming evidence demonstrates that the current approach does not represent value for money to the Council, or fairness to members of the public.

Property/Other

21. In isolation, the individual requests for parcels of land at first glance appear minimal. However it is not improbable to estimate that the Council risks losing on average circa 1500sqm of land per request made. If that figure continues and those requests proceed to successful sales, the Council could lose almost 1.5ha of land, which equates to about 2 football pitches.

22. Consequently, it is crucial to ensure that the city retains green spaces to serve as climate change mitigation and adaptation measures, such as large trees (shading, reducing ambient air temperatures, intercepting rainfall, intercepting air pollution), swales (managing surface water run-off) and meadows (intercepting rainfall, slowing surface water run-off, enhancing biodiversity).

23. Green verges provide space for tree planting which enables:

- Regulation of microclimate – keeping buildings warm in winter and cool in summer
- Carbon sequestration
- Rainfall attenuation
- Pollution control

	<ul style="list-style-type: none"> • Improved biodiversity • Improved amenity space
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
24.	Section 1 of the Localism Act 2011 – general power of competence - gives the local authority power to do anything that individuals generally may do, subject to certain prohibitions, none of which are applicable here with regard to the proposal to change the existing policy. Housing land may be disposed of under powers contained in S32 Housing Act 1985 and there is a general consent issued by the secretary of state in certain circumstances”.
<u>Other Legal Implications:</u>	
25.	In the discharge of its duties, the Council must pay regard to its obligations pursuant to the Equality Act 2010 the Public Sector Equality Duty, as set out in s149 of this Act. An Equality and Safety Impact Assessment (inserted as Appendix 4) has been completed to inform the recommendations.
26.	The current policy cannot be paused, and it must remain in place until formally changed by a Cabinet decision. Each application must be considered in accordance with the existing approach, and all applications already within the system will continue through the process
RISK MANAGEMENT IMPLICATIONS	
27.	The option not to sell amenity / garden land or only restricting sales to exceptional circumstances, risks complaints if residents are unable to buy land to extend their property. However since 2019 a significant number of sale applications have not met the criteria and have therefore been rejected.
28.	Whilst these parcels of garden / amenity land may seem small and relatively insignificant spaces, collectively they offer significant benefits, for instance in the case of biodiversity, they act as corridors that offer a network for wildlife across the city
POLICY FRAMEWORK IMPLICATIONS	
47.	The proposal is consistent with Council’s policy framework, and it is also consistent with Planning rules and The Charter for Social Housing Residents.
48.	The proposal aligns with the following Council policies: Green City Plan 2030 Carbon Reduction Policy 2018 Adopted Core Strategy (amended 2015) – Specifically Policy CS 21 Green Open Space Strategy 2008 Local Plan – The amended Local Plan Review 2015 Residential Design Guide 2006 National Planning Policy Framework 2021

KEY DECISION?	Yes	
WARDS/COMMUNITIES AFFECTED:	All	
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	Sale of Land information sheet	
2.	Equality and Safety Impact Assessment	
Documents In Members' Rooms		
1.	None	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		Yes
Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.		No
Other Background Documents		
Other Background documents available for inspection at:		
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)	
1.		
2.		