

CANNOCK CHASE COUNCIL

CABINET

19 OCTOBER, 2006

REPORT OF CHIEF EXECUTIVE AND DIRECTOR OF PUBLIC HEALTH & POLICY

PORTFOLIO LEADER – ENVIRONMENT

HEDNESFORD BRICKWORKS/KEYS PARK – FUTURE MANAGEMENT

1. Purpose of Report

- 1.1 To inform Members of the present status of the Hednesford Brickworks Reclamation site and its future management as a public recreation facility.
- 1.2 To seek approval to enter into an agreement with the Land Restoration Trust in terms of future management of the site.

2. Recommendations

- 2.1 That Cabinet note the present status of the site
- 2.2 That Cabinet give approval to enter into an agreement with the Land Restoration Trust for the Council to become the lead managing partner for the Brickworks Site, based on the principles set out in Section 2 of the report.
- 2.3 That Cabinet approves a variation of the S106 agreement to reflect the fact that the open space areas will not be adopted by the Council.

3. Key Issues

- 3.1 The original site was transferred to English Partnerships (EP) to enable restoration to take place. The associated S106 Agreement between EP and the Council included a clause that the open space areas would be transferred back to the Council on completion. However the S106 agreement did not include for any funding for the management & maintenance of the site.
- 3.2 The present financial resources available to the Council would be insufficient to ensure adequate and appropriate long term management of the site. Present grant regimes provide only for new capital works and not the long term maintenance i.e. revenue budgets.
- 3.3 The Land Restoration Trust (LRT) was established in 2004, as a non profit making organisation in order to secure the long term future of such sites as public open space and by providing

appropriate funding to enable the sites to be managed appropriately for the benefit of local communities and the public. The LRT receives an endowment for each site which is invested to produce revenue funding to allow the sites to be managed in perpetuity.

- 3.4 The LRT presently holds a lease on the site (Annex 1) until 31 March 2007 whereupon it will be given the freehold by Advantage West Midlands (AWM).
- 3.5 A draft management plan has been produced by LRT and the Council, which is presently being used as a frame work for managing the site by LRT. The day to day maintenance of the site is presently carried out for the LRT through use of a landscape contractor until appointment of the managing partner.
- 3.6 The LRT appoints a managing partner to manage each site on a day to day basis, in accordance with the management plan and pays this managing partner for the work. The Council has been identified as the preferred managing partner for the Brickworks site due to its existing adjacent landholding, its expertise in managing similar sites and the sites location within the urban area.
- 3.7 A formal agreement would be made between LRT and the Council as managing partner. This states the role of the parties, that the site is managed in accordance with the management plan, that costs for managing the site are reimbursed to the Council on a half yearly basis subject to submission of appropriate information and details for termination of the agreement.  
Appendix 2
- 3.8 The draft management plan (Annex 4) sets out details of the intended use of the site and its management and would be subject to comment by local partners. The adopted plan will cover a five year period at which point there will be a major review. The plan will also be reviewed on an annual basis by the Council, LRT and other Key partners to take account of other changed circumstances.
- 3.9 A working group is to be established, consisting of supporting partners including members of the public to allow all to have an input into the management and maintenance of the site. Regular meetings will be held at an appropriate venue.
- 3.10 Maintenance works would be undertaken by a mix of contractors appropriate to the type of works required including the Council's Grounds Maintenance Contractor (Glendale Grounds Management) and Council staff.
- 3.11 LRT will provide an annual budget for the site which is based on costings using tendered rates, including those of Glendale and staff costs. The Council would submit an invoice with supporting information to LRT on a half yearly basis and LRT would reimburse the Council with all expenditure properly incurred.

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Section 1

Background

The 30Ha site consists of the former mine, brickworks and spoil tips which were reclaimed as part of English Partnerships (EP) National Coalfields Programme in 1997. The ownership of the site was transferred to AWM at this stage. The restoration created an area of 8Ha for business use - Keys Business Park and 22Ha of open space.

Physical restoration of the site was completed in 1999 and the site planted with a mix of native trees and shrubs in the winter/spring of 1999-2000. The landscape contract allowed for a 5 year maintenance period.

The site is classified as a Site of Biological Importance due to its local importance for amphibian species including the protected Great Crested Newt.

The original S106 agreement between EP and the Council provided, as a condition of the reclamation scheme, that the Public Open Space areas would be handed over to the District Council following Practical Completion of the whole scheme in 2000, albeit without any future maintenance funding. This did not occur and AWM has continued to maintain the site through the 5 year maintenance period.

During this period EP became aware of potential long term maintenance issues with all their sites, in particular the lack of funding available to Local Authorities for the long term maintenance of such sites. As a result the Government and EP set up the Land Restoration Trust (LRT) in 2004 as a non profit making body similar to the National Trust, to manage such sites in order to ensure their long term management as open space for the benefit of the public.

The LRT is a non profit making organisation established in 2004 based on a partnership of English Partnership, Groundwork, the Forestry Commission, and the Environment Agency with the support of the Office of the Deputy Prime Minister and the Regional Development Agencies.

LRT has been given a lease of the site and is presently responsible for the maintenance of the site. It is intended that LRT will be given the freehold of the site from 31<sup>st</sup> March 2007.

LRT receives an endowment for each site that is invested to produce appropriate funds for the annual management of each site in accordance with a management plan that has been devised specifically for each site and that acknowledges the requirements and constraints of those sites.

LRT appoints a managing partner and ensures that they manage the site in accordance with the adopted management plan and within the agreed budget for the site. This will be based on partnership working, ensuring that the roles of LRT, the Council and other partners compliment each other for the benefit of the site and local community. The management plan is treated as a living document and will be reviewed on a regular basis in order to accommodate any changes in the site that require new or different management operations.

The role of Cannock Chase District Council as the managing partner would be to physically manage the site on a day to day basis, including staffing and co-ordinating the roles of other supporting partners. It would also be the named point of contact for the public.

English Partnerships interest will be ensuring that its original investment in the site is safeguarded and that the site is managed to maximise the benefits for local people. Its role will be exercised through its

input into the management plan, the funding agreement covering the endowment and their continuing role as a partner in the LRT.

Advantage West Midlands has similar interests to that of EP and this will be exercised through their input into the management plan

Other supporting partners will be identified and their roles defined as part of the consultation process and the ongoing management of the site. Prospective supporting partners would include:-

- Forest of Mercia
- Staffordshire Wildlife Trust
- Hednesford Football Club
- Businesses – specifically those within Keys Park Business Area
- Local Residents – a number have already expressed an interest. Possibly establishing a Friends Group.
- Anglers – to enable management of the fishing aspect.
- Local schools for environmental studies.

Part of the role of the managing partner is to establish a working group involving all the supporting partners, to enable them to become involved in the management and maintenance aspects of the site. It is envisaged that quarterly meetings would be held for the first few years followed by half yearly meetings once the management aspects of the site has become established.

In the development of the management plan the maintenance works have been costed using a mix of rates tended by the Council's Grounds Maintenance Contractor (Glendale Grounds Management) and other appropriate contractors. Maintenance works on site would be undertaken by contractors appropriate to the type of works required, this would include Glendale and also Council staff.

## Section 2

### Details of Matters to be Considered

That the Council enters into an agreement with the LRT to manage the site in accordance with the management plan, in association with other supporting partners and that the Council is reimbursed by the LRT for the appropriate costs of the work undertaken on an agreed basis.

The principles of the agreement are:-

- LRT will be the site owner and the Council will be the Managing Partner (MP)
- The site will be managed in accordance with the Management Plan
- The MP is responsible for the day to day management of the site including Health and Safety aspects
- LRT retains responsibility for enforcement of all legal matters relating to the site

- MP is to undertake all necessary consultation in terms of the sites use and in encouraging the public, local businesses and organisations (Supporting partners) in confirmation and delivery of the sites management
- That the management plan be reviewed on a five year basis in consultation with all supporting partners
- In terms of finances:-
  - The MP has to submit Annual Budgets before each financial year
  - MP to invoice for incurred expenditure on half yearly basis and LRT to pay within one month
  - Any additional income received in respect of the site to be used solely on the site.
- Sets out steps for determining disputes between LRT & MP and the termination of the agreement

That the S106 agreement is varied to account for the fact that the open space areas will not be adopted by the Council.

### Section 3

#### Contribution to CHASE

The proposals will assist in dealing with a number of issues raised through the CHASE objectives. This will help to:-

- Increase community usage and involvement with the site and its management
- Provide facilities for physical and mental exercise and enjoyment that benefits the health and wellbeing of the community
- Provide a welcoming, clean, safe and secure site that is accessible to all
- Enhance the sites conservation value particularly for protected species and its value as a local recreational area managed in a sustainable way.

### Section 4

#### Section 17 (Crime Prevention) Implications

At present the Council has no control over the site, becoming the managing partner will allow the Council to directly manage the site on a daily basis and thus manage issues appropriately and in consultation with the supporting partners.

Section 5

Human Rights Act Implications

There are no identified implications arising from this report.

Section 6

Data Protection Act Implications

There are no identified implications in respect of the Data Protection Act arising from this report.

Section 7

Risk Management Implications

LRT will retain responsibility for the Health and Safety of the site in a historical context. Cannock Chase Council will assume responsibility for the day to day Health and Safety under normal occupiers liability.

Section 8

Legal Implications

In 1996 the Council entered into a Section 106 Agreement with English Partnerships who were the owners of the Hednesford Brickworks site which, inter alia, dealt with the maintenance of the area of public open space on site. Under the terms of the Agreement the Council covenanted to accept a transfer of the public open space ( i.e. become the owners) and accept responsibility for the maintenance of the land 5 years from practical completion of the drainage works and landscape works on site. This meant that the financial responsibility for the maintenance of the public open space would fall upon the Council from that point onwards. If the Council enters into the agreement with LRT it will be able to recover the costs incurred by it in maintaining the land in accordance with the Management Plan agreed with LRT. In addition it will be necessary for the Section 106 Agreement to be varied as the Council will no longer be accepting a transfer of the land.

Section 9

Financial Implications

These financial implications are draft and have not been cleared by the S.151 Officer.

The Public Open Spaces Service proposes to enter into an agreement with The Land Restoration Trust to act as the Managing Partner of Keys public open space. A draft annual budget in connection with the proposal has been submitted to The Land Restoration Trust. The draft budget is based on works costs using contractors known tendered rates, staff costs including an estimate for relevant overheads and an estimate of the contractor payments where rates are unknown. An invoice for reimbursement of expenditure and supporting information will have to be submitted to The Land Restoration Trust on a half yearly basis. The Land Restoration Trust will then reimburse the Council all expenditure properly incurred within one month of receipt of the invoice.

The Managing Partner will have to submit a draft budget to the Land Restoration Trust three months in advance of each financial year. The Land Restoration Trust has stated:

- that year on year inflation up lifts will be agreed with the Managing Partner before the commencement of each financial year
- that the agreement will be flexible to deal with variations, unexpected costs and location circumstances
- that providing the site management costs are managed within the budget there will be no cost to this Council.

The draft budgets submitted to The Land Restoration Trust are detailed in the table below along with the reimbursements. The staff commitments provided below would be met from existing staff hours.

| <b>Keys Open Space</b>   | <b>5 Year Summary Draft Management Costs</b> |                           |                           |                           |                           |
|--------------------------|--|---------------------------|---------------------------|---------------------------|---------------------------|
|                          | <b>2006-07<br/>Year 1</b>                    | <b>2007-08<br/>Year 2</b> | <b>2008-09<br/>Year 3</b> | <b>2009-10<br/>Year 4</b> | <b>2010-11<br/>Year 5</b> |
| <b>Expenditure</b>       | £  | £                         | £                         | £                         | £                         |
| Landscape Maintenance    | 9,957  | 14,997                    | 10,237                    | 5,537                     | 8,937                     |
| Anti Social – vandalism  | 2,070  | 2,760                     | 2,760                     | 2,760                     | 2,760                     |
| Community & Publicity    | 500  | 500                       | 500                       | 500                       | 500                       |
| Periodic Replacement     | 0  | 0                         | 0                         | 0                         | 0                         |
| Staff                    | 10,200                                       | 17,670                    | 17,670                    | 14,940                    | 14,940                    |
| <b>Total Expenditure</b> | <b>22,727</b>                                | <b>35,927</b>             | <b>31,167</b>             | <b>23,737</b>             | <b>27,137</b>             |
|                          |  |                           |                           |                           |                           |
| <b>Receipts</b>          |  |                           |                           |                           |                           |
| Land Restoration Trust   | (22,727)                                     | (35,927)                  | (31,167)                  | (23,737)                  | (27,137)                  |
|                          |  |                           |                           |                           |                           |
| <b>Net Expenditure</b>   | <b>0</b>                                     | <b>0</b>                  | <b>0</b>                  | <b>0</b>                  | <b>0</b>                  |

If the proposal is accepted then existing and future years budgets would need to reflect the above income & expenditure items.

Section 10

Human Resource Implications

There are no identified implications arising from this report

Section 11

Conclusions

In order to secure the long term use and appropriate management of the site as a recreational facility requires appropriate funding. The LRT has funding and requires a partner to deliver the day to day management. The Council has the knowledge & expertise to manage the site. Entering into an agreement with the LRT would allow the Council to manage the site with its knowledge & expertise, at no cost.

Section 12

List of Background Papers

1. Appendix 1 - Site Location Plan
2. Appendix 2 - Draft Partnership Agreement
3. Appendix 3 – Draft Management Plan Executive Summary
4. Appendix 4 - Draft Management Plan