

SUBJECT:	MELBOURNE ROAD OPEN SPACE
DIRECTORATE:	ENVIRONMENT AND COMMUNITIES / HOUSING
REPORT AUTHOR:	STEVE BIRD, ASSISTANT DIRECTOR COMMUNITIES AND STREET SCENE
	ANDREW MCNEIL, ASSISTANT DIRECTOR HOUSING AND INVESTMENT STRATEGY

1. Purpose of Report

- 1.1 To recommend to Executive the appropriation of land between Housing Revenue Account (HRA) and General Fund (GF) in order to facilitate the development of an allotment site.
- 1.2 This is required to meet our prior commitment to the Ministry of Housing, Communities and Local Government which required us to replace the lost allotment area when the Riseholme Road site was sold for housing development.

2. Executive Summary

- 2.1 Officers have been bringing to fruition the Council's allotments strategy, based on significant investment raised from the sale of the Riseholme Road allotment site.
- 2.2 To permit this to happen the Ministry of Housing, Communities and Local Government were required to give permission to de-statutorise the site. They agreed to do this, provided a suitable alternative site, ideally in the south of the city where allotment provision is poor was provided.
- 2.3 This report identifies a suitable site off Melbourne Road, which is in the ownership of HRA currently, and seeks agreement for appropriation to GF.

3. Background

- 3.1 The Council has a developed allotment strategy. Underpinning that strategy has been an action plan which required significant investment.
- 3.2 Given the council's difficult financial position it was not able to commit new funds to the allotment strategy at this time, so it had to seek imaginative ways to raise funding.
- 3.3 Despite demands on the allotment service overall, it was identified that an allotment site on Riseholme Road was not well used, and was indeed falling into a state of neglect as a result.

- 3.4 The Council's Property Services section recognised that the site had a commercial value as a housing development, but this could only be realised if the site was de-statutorised. Allotments are, once designated, a statutory service and protected in planning law accordingly, which meant de-statutorisation was required before the site could be sold.
- 3.5 Ultimately the Ministry of Housing, Communities and Local Government agreed to permit de-statutorisation, but only if the council replaced the loss with the same or a greater area for allotments in a more strategically advantageous area, such as the south of the city where allotment provision has been traditionally poor.
- 3.6 The availability of land is limited in the south of the city, with very few potential sites, but ultimately the area of informal open space off Melbourne Road was identified. This description meaning undeveloped land held by the council and which is not maintained in a condition as would be the case with formally designated public open space. Anecdotally, the land is thought to have been indicated in the early Development Plan for the estate as a possible school site but, failing this, the idea having been abandoned long ago, as alternative possible open space/playing field.
- 3.7 It is important to note that the land is now indicated as "Local Green Space" in the current Local Plan, which affords substantial planning protections to locally valued open space, against development.
- 3.8 Any part of the land appropriated to allotments use would thereafter be regarded as statutory allotments which affords different protections, including substantial legal protections, against development or alternative uses without consent of the Secretary of State, as was the case with the site at Riseholme Road.
- 3.9 This site was raised as a possible location at Asset Management Group 17th Dec 2015 and at Executive 11th January 2016 and no objections were raised. Public consultations have taken place in 2019, and found no grounds not to proceed.
- 3.10 This area of "Local Green Space" is, as a whole, larger than is required for the allotment site, so it is proposed that only the area required for allotments is transferred at this time.
- 3.11 This will leave the remaining area available for reconsideration in the future, albeit still subject to the substantial planning protections as "Local Green Space" referred to above

4. Strategic Priorities

4.1 Let's drive economic growth

The provision of allotments is a statutory service as it is considered to be a key part in the provision of a balanced, integrated, and aspirational community.

4.2 Let's reduce inequality

The provision of an allotment site in this area will make allotments more accessible than is the case presently, and make the service more accessible to a significant part of Lincoln's population.

4.3 Let's deliver quality housing

The provision of allotments close to housing supports, in general terms, the health of a neighbourhood.

4.4 Let's enhance our remarkable place

The provision of allotments supports, in general terms, the health of a neighbourhood.

4.5 High performing services

The recent improvements in the allotments service have enhanced what is provided substantially. In addition developing new allotments in the south of the city is a significant improvement in the services provided by the county.

5. Organisational Impacts

5.1 Finance

The Government's policy is that the HRA remains a ring-fenced account and should primarily be a landlord account, containing the income and expenditure arising from a housing authority's landlord functions; and that the appropriations are equitable and fair to both tenants and council tax payers in the long run and provide a transparent apportionment of costs and income between the HRA and General Fund.

Therefore, when land and property is appropriated between the HRA and the General Fund, adjustments are required to reflect the change in their respective capital financing requirements (CFR). The adjustments are at certified value, determined by the District Valuer or a qualified Valuer employed by the Council. In respect of the land to be appropriated under this report the valuation of the land as valued by the Council's qualified Valuer is £20,000.

The HRA CFR will lower by the valuation of the land, £20,000. Historically this would have created a small increase in headroom for the HRA to borrow for other capital initiatives, however since the lifting of the HRA borrowing cap there is effectively no 'headroom'. The General Fund CFR will be increased by the equivalent amount of the valuation of the land.

In order to mitigate the impact on the General Fund CFR, £20,000 of capital receipts allocated to the allotment improvements budget will be applied instead to the CFR resulting in a nil impact.

5.2 Legal Implications including Procurement Rules

Section 122 of the Local Government Act 1972 provides that the Council may appropriate for any purpose for which the Council is authorised to acquire land, any land which belongs to the Council and is no longer required for the purpose for which it is held immediately before the appropriation. This general power must be read subject to section 19(2) of the Housing Act 1985.

5.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

The allotments strategy has an equality impact assessment which shows the work to be positive and beneficial for existing and future tenants.

5.4 Human Resources

N/A

5.5 Land, Property and Accommodation

5.5.1 The proposed appropriation from HRA informal open space use to General Fund allotment use involves an area of approximately 1.0 hectare.

5.5.2 Appropriations should be conducted at Market Value.

Reflecting the status of the land and substantial planning protections against development, the land required for allotments use is considered to have low Market Value.

5.5.3 In this context a value of £20,000 is considered the relevant value for appropriation of the identified land from HRA to General Fund for allotments use.

5.5.4 Whilst the land at Melbourne Road will continue to have substantial planning protections as Local Green Space, and any future treatment of the balance of the land would have to be considered in this context, it would still be prudent to reserve the greatest flexibility for the balance of land by not having statutory allotments arranged across the only vehicular access into the wider land. The precise configuration of the land to be appropriated to allotment use (around the entrance from Melbourne Road) therefore to be considered accordingly.

5.6 Significant Community Impact

The allotments strategy identified a lack of provision in the south of the city. This initiative seeks to provide a new service in this area.

A resident's survey was completed, supported by workshops in the area. Objections were few and those of any substance were restricted predominantly to proximity to individual's houses. This has been mitigated by moving the allotments away from the very edge and creating a 'buffer' zone between the plots and housing. There was support for the creation of allotments voiced as this protected the site from any perceived housing development, and six people put their names on a waiting list for plots.

5.7 Corporate Health and Safety Implications

N/A

6. Risk Implications

6.1 (i) Options Explored

Alternatives sites considered.

6.2 (ii) Key risks associated with the preferred approach

None as things stand. Advice from Planning Officers is that this site was not suitable for development, so there is no lost opportunity cost.

7. Recommendation

7.1 That Executive support the appropriation of the area of land identified in Appendix A from HRA to GF to the value of £ 20,000.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? 1

List of Background Papers: Asset Management Group 17th Dec 15
Exec 11th Jan 16.

Lead Officer: Steve Bird ADCSS
Telephone (01522) 873421