

Gloucester City Council



**OVERVIEW AND SCRUTINY COMMITTEE
TASK AND FINISH GROUP
ON THE MANAGEMENT OF PARCELS OF
UNADOPTED GREEN LAND
FINAL REPORT AND RECOMMENDATIONS
MARCH 2015**

Published by Democratic Services

www.gloucester.gov.uk

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Section 1 – Introduction

Background

This report sets out the recommendations of the Task and Finish Group on the management of parcels of unadopted green land which was established following ratification by the Overview and Scrutiny Committee on 21 July 2014. The report details the purpose and process of the review, the Task and Finish Group's findings, and its recommendations.

Membership

The following cross-party Members were nominated to take part in the study:-

- Councillor Kate Haigh (Chair)
- Councillor Declan Wilson
- Councillor Lise Noakes
- Councillor Tarren Randle (Substitute Member for Councillor Noakes)

Terms of Reference

The Group agreed its terms of reference by way of a scoping document on 30 September 2014.

The agreed **ambitions** for the review were:-

'To identify where these unadopted parcels of land exist and to look at options for dealing with them, both historically and moving forward. The review will also cover areas near to watercourses'.

The **anticipated outcomes** for the review were set as:-

- To recommend changes to planning practice to ensure developers meet their obligations.
- To recommend that safety issues are an overriding factor in determining what action is taken.
- To recommend what actions officers can take to deal with those areas identified as being an ongoing problem both historically and moving forward.

Section 2 – Scoping of Study

SCRUTINY REVIEW – ONE PAGE STRATEGY FINAL	
Broad topic area	Review of how parcels of unadopted green land and areas by watercourses which are unsightly, overgrown or dangerous, can be managed. Councillors Haigh (Chair), Wilson, Noakes (Councillor Randle as substitute)
Specific topic area	Management of parcels of unadopted green land
Ambitions for the review	To identify where these unadopted parcels of land exist and to look at options for dealing with them, both historically and moving forward. The review will also cover areas near to watercourses.
How do we perform at the moment?	There are parcels of unadopted green land, particularly on new estates but also on established developments, which are not adopted and as a consequence have become overgrown, are unsightly and impede access by pedestrians and cyclists. It is apparent that there is confusion over whose responsibility it is to maintain these pieces of land.
Who should we consult?	Gloucester City Councillors County Council (Highways) Council Officers Amey
Background information	Public Open Space Strategy Plans and maps Ward profile information
Support	<ul style="list-style-type: none"> • Environmental Planning Manager • Environmental Health Officer, Flood Resilience and Land Drainage • Democratic Services
How long will it take?	Approximately 3 months
Outcomes	<ul style="list-style-type: none"> • To recommend changes to planning practice to ensure developers meet their obligations. • To recommend that safety issues are an overriding factor in determining what action is taken. • To recommend what actions officers can take to deal with those areas identified as being an ongoing problem both historically and moving forward.

Section 3 - Summary of Current Position

The Task and Finish Group was formed to devise a strategy for dealing with parcels of unadopted green land in the City and neglected paths and green areas close to riverbanks and watercourses.

The Group was aware that in some cases overgrown bushes were causing a hazard to pedestrians and cyclists by restricting visibility and also forcing people to step out into the road.

The Group was informed that whilst new developments with show homes often had pieces of green land fringing them which were looked after whilst the marketing suite was open, that these areas often became neglected once the show home had been sold. In some instances residents were maintaining these plots themselves in order to improve the appearance of the streetscene. However, in cases where the residents were elderly this was not sustainable.

Equally, the Group learned that there were problems with older developments arising from neglected green patches of land and mature trees which were overhanging and creating a nuisance. These were categorised as ‘legacy issues’.

The Group was advised that the difficulty for the City Council was in knowing who the land belonged to. The situation was also confusing for Amey, the Council’s streetcare partner, who might inadvertently be maintaining land that did not belong to the Council.



Section 4 – Findings

Introduction

This section summarises the discussions held at the Task and Finish Group meetings and the actions which were identified during these meetings.

Meeting 1 – 30 September 2014

The Group discussed the background to the study and agreed the scope of the project by completing a one page document which set out the ambitions for the review and its anticipated outcomes. The scope was widened to include land close to watercourses and riverbanks.

The Group considered whether they could influence planning policy for the future and acknowledged that this would not help to resolve existing legacy issues. The need to ensure that developers took responsibility for their parcels of land was agreed to be important.

ACTIONS

Action Points from meeting held on 30 September 2014

- The first step was for the Group to identify where the neglected sites existed in the City. It was agreed that Councillors had good knowledge of their Wards and would be aware of problem areas. This resulted in an email being sent to all Gloucester City Councillors asking them to respond to the Task and Finish Group with details of such areas in their wards.
- The Group speculated whether there was scope within the existing streetcare contract with Amey for them to deal with urgent and dangerous issues. This resulted in a representative from Amey being invited to the next meeting of the Group.



Section 4 – Findings (continued)

Meeting 2 – 29 October 2014

This meeting was attended by two representatives from Amey, the Council's streetcare partner.

The Group considered photographs and other evidence submitted by Ward Councillors relating to problem areas in the City. It was agreed that these would be cross checked against the Council's property database to try to establish ownership details.

The Amey representatives advised the Group that depending on workload they might be able to target some of these sites when crews had spare capacity, but that they could not take on these patches of land on a permanent basis.

The Group reflected on the fact that residents in different wards had varying expectations and that whilst some expected to have 'bowling green' standard on grassed areas, others would be unhappy if bushes and trees were cut.

The Group considered that information should be put on the Council's website to advise residents of their options in dealing with overgrown areas of land.

The Group explored what proactive measures could be taken to deal with hazardous areas where foliage and branches impeded visibility and obscured access for pedestrians and cyclists. The Amey representatives indicated a willingness to swap routine work to tackle these sites on an emergency one-off basis.



Section 4 – Findings (continued)

Meeting 2 – 29 October 2014

Watercourses and River Banks

The Group received an update on the state of watercourses within the City.

The Group was informed that a number of stretches of watercourses were in the process of being risk rated in terms of their probability to flood.

The importance of the role of community groups and 'Friends' was discussed. The Group noted that funding was available to volunteer groups and that neighbourhood organisations could be encouraged to take responsibility for overgrown areas. It was agreed that one recommendation would be for the Council's website to include details of the grants that were available.



ACTIONS

Action Points from meeting held on 29 October 2014

- Schedule of problem areas of land identified by City Councillors to be updated with ownership details.
- Emergency one-off action terms agreed with Amey where there were health and safety implications. This would replace scheduled activities and would not be extra work for the contract.
- Website to be updated with advice for residents on how to deal with problem areas and information on funding streams that were available.
- A comprehensive list of watercourses, drainage ditches and drains that needed clearing would be provided to the next meeting.

Section 4 – Findings (continued)

Meeting 3– 12 January 2015

Watercourses, Drainage Ditches and Drains

The Group examined comprehensive schedules relating to watercourses, drainage ditches and drains including suggested actions/recommendations relating to watercourses. Each of the actions/recommendations was explored. A list of clearance works in priority order was provided. The Group was informed that those assets which were the City Council's responsibility were risk rated and cleared as required, either by volunteers or contractors, with volunteers being used where possible as their approach was less invasive to wildlife. Where works were required on third party land, owners were made aware of their responsibilities, with the relevant land drainage authorities being contacted in the event that the works were not completed. However, in some cases, such as St Oswald's Park this was not always enforced by the relevant body. In this particular case the Environmental Health Officer, Flood Resilience and Land Drainage, had commissioned an external contractor to clear up the site. A 'before' and 'after' picture is shown below:-

St Oswald's Park before clean up by external contractor



Section 4 – Findings (continued)

St Oswald's Park after clean up by external contractor



Section 4 – Findings (continued)

Meeting 3– 12 January 2015

Schedule of Problem Areas of Land updated with Land Ownership Details

The Group was provided with the schedule of problem areas of land which had been updated with land ownership details. Actions were agreed for these legacy sites, including lobbying the County Council's Highways team, writing to residents and putting pressure on private owners. It was noted that in some cases the situation would be resolved with the impending transfer of the housing stock to Gloucester City Homes. However, in some instances, where the land was private, such as the example below, where trees encroached onto the footpath, there could be no clear resolution whilst the trees were healthy.



During the meeting the Group was made aware of the Council's digital mapping system which could be made available to Councillors to access so that they could check land ownership and other information themselves. It was agreed that one of their recommendations from the study would be for Ward Councillors to be made aware of the existence of the mapping system and given assistance in interrogating it.



Section 4 – Findings (continued)

Meeting 3– 12 January 2015

Enforcement Action – The Options

The Group discussed the possible enforcement actions that could be taken for unadopted land:-

- New developments. Developers to be lobbied to take responsibility for unadopted parcels. This would require Planning Enforcement Officers to vigorously pursue any breach of conditions. The Group suggested that Planning Officers could have a 'checklist' when assessing planning applications to increase awareness of potential unadopted pieces of land.
- Enforcement by the Environment Agency. This could be considered for land running alongside watercourses defined as 'Main Rivers' such as the River Twyver at St Oswalds. The Group noted that this could be resource intensive and would rely on the Environment Agency being able and willing to take enforcement action.
- Enforcement by the County Council. This could be considered for watercourses defined as 'Ordinary Watercourses' such as Whaddon Brook in Tuffley. Once again, this would be resource intensive and would rely on the County Council being able and willing to take enforcement action with limited resources.



At the end of this meeting the Group reviewed their findings and concluded that they were now in a position to produce a report on the study along with their conclusions and recommendations.

Action Points from meeting held on 12 January 2015

- Final report to be drafted with Group's conclusions and recommendations.

ACTIONS

Section 5 – Conclusions

During the course of the study, the Task and Finish Group examined evidence from Officers and Councillors and took account of the views of Amey, the Council's streetcare partner.

For 'legacy' issues, finding out the identity of the landowner was seen as being the first step towards resolving what action would be taken.

For new estates, the Group considered that the vigilance of the Planning Officer was important when assessing new applications to ensure that no 'rogue' pieces of land were left unadopted.

It emerged that there was no actual Council policy for dealing with unadopted land and the Group concluded that it would be advisable for Officers to draft one.

The Group found that there was very little advice on the Council's website for residents in relation to dealing with problem areas of land.

Health and safety was seen as the key factor in agreeing terms with Amey for dealing with dangerous sites on an emergency one-off basis. The Group accepted that this would take the place of regular contracted work.

The Group acknowledged the importance of community groups, 'Friends' and other volunteer organisations who played a vital role in organising clean-ups and motivating residents under the direction of Council Officers. The Group considered it was vital to foster this approach. The Group discovered that funding was available in some instances to community groups and that volunteers could be encouraged to apply for various funding streams which were available. The Group suggested that this information should be signposted on the Council's website.

In terms of what actions could be taken regarding enforcement, the Group was advised that this was resource intensive and in some cases relied on the County Council and the Environment Agency being prepared to take action.



Section 6 – Recommendations

The Task and Finish Group’s recommendations are as follows:-

Legacy Issues

1. It is recommended that legacy issues be tackled by identifying land ownership details in the first instance.
2. It is recommended that developers be lobbied.
3. It is recommended that residents be written to where land is found to be in private ownership.
4. It is recommended that community clean-ups be encouraged, and that these should involve Amey, the County Council and Gloucester City Homes, where appropriate.
5. It is recommended than an approach be adopted to residents of *‘you blitz it and we might adopt it’* provided the advice of Council Officers is followed.
6. It is recommended that where appropriate, residents are able to take ownership of odd pieces of land which are of no value or use to the City Council to ensure that the land is maintained.
7. It is recommended that potentially unsafe areas be tackled by Amey on an emergency case by case basis.

Moving Forward

1. It is recommended that the Council should draft a policy for dealing with unadopted land.
2. It is recommended that Planning Officers should look at the most appropriate means of ensuring small areas of unadopted land do not slip through the net, such as using a ‘checklist’.
3. It is recommended that developers should be encouraged to maintain unadopted land that they are responsible for.

Other Recommendations

1. It is recommended that information be placed on the Council’s website advising residents of their options for dealing with overgrown areas of land.
2. It is recommended that assistance for community groups both in terms of financial help through funding, and through mentoring by other established voluntary groups, be publicised on the Council’s website.
3. It is recommended that Councillors be informed of the City Council’s intranet mapping system and how to manipulate it, subject to access levels being preset.

Section 7 – Acknowledgements

The Task and Finish Group would like to thank the following individuals/organisations for their help and support during the study:-

- Amey
- Gloucester City Councillors who responded with details of problem areas of land
- Staff from Gloucester City Council who have assisted the Group and attended meetings

Thank You!



Councillor Declan Wilson



Councillor Kate Haigh
Chair



Councillor Lise Noakes