

Gloucester City Council

Meeting:	Cabinet	Date:	8 November 2023
Subject:	Open Space Strategy Amendment		
Report Of:	Cabinet Member for the Environment		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	1. Open Space Strategy for Gloucester 2021-2026		

1.0 Purpose of Report

1.1 To adopt the revised Open Space Strategy.

2.0 Recommendations

2.1 Cabinet is asked to **RESOLVE** that:

- (1) amendments to the current Open Space Strategy, which have been made in order to clarify the Council's policy in respect of unadopted land, be noted
- (2) the Amendments Open Space Strategy be adopted
- (3) authority be delegated to the Corporate Director, in consultation with the Cabinet Member for Planning and Housing Strategy, to make any other necessary minor factual amendments and corrections to the Open Space Strategy.

3.0 Background and Key Issues

3.1 The current Open Space Strategy (2021 – 2026) was adopted by the Council in February 2021. The Open Space Strategy sets out a robust assessment and strategic framework for managing open space resources in Gloucester.

3.2 A exercise was recently conducted to map Council owned land, and land managed by the Council on behalf of County Highways. This exercise has resulted in the identification of some areas of land, currently being maintained by the Council, that are in private ownership and have not been adopted by either authority. The issue of the Council's approach to the maintenance of unadopted land was not addressed in the current Open Space Strategy.

- 3.3 The current Open Space Strategy has been amended to clarify the Council's position in respect of the management by the Council of unadopted land.

Page 10 of the Open Space Strategy - Open Space Objectives 2021-2024 which states the Council's intention to:

regularly review the city's open space portfolio and identify sites or areas for investment, disposal or alternative use, investing any income directly back into park infrastructure

Has been changed to read:

To regularly review the city's open space portfolio to ensure that funds and resources are focused primarily on land which is owned by the council, and to identify council owned sites or areas for investment, disposal or alternative use, investing any income directly back into park infrastructure

Page 23 of the OSS - Local Open Spaces Standards states:

There are a number of privately-owned open spaces, such as school playing fields or private sports grounds, which are also accessible to the wider community, through shared-use community agreements, formal or informal arrangements. These are an important part of the city's open space network and for information are listed at the end of Appendix 1 but are not included in any of the open space calculations.

To which the additional statement has been added:

In order to ensure that funds are focused on land which is owned by the council, land for which no commuted sum has been paid, has not been adopted by, or transferred to, the council will not be maintained at public expense. In cases where the council becomes aware of areas of incidental open space resulting from development, not in public ownership, we will seek to contact the owner to ask them to take responsibility for its maintenance.

- 3.4 It is proposed that the Council will no longer maintain, at public expense, land in private ownership where no commuted sum has been received from the landowner for the purpose of maintaining the land. Where privately owned land, which is being maintained by the Council, is identified the landowner will be informed of the Council's intention to cease maintenance. The Council will consider, on a case-by-case basis, what further action might be necessary in respect of informing resident of the Council's intention to cease maintenance of the land. In areas where the cessation of maintenance may have a considerable impact on properties neighbouring the land the Council will consider writing to the residents of neighbouring properties to inform them of its decision.
- 3.5 As a result of changes which have taken place since its adoption, some minor factual inaccuracies now exist within the current Open Space Strategy. This

includes, but may not be restricted to, reference to the Clearwater Road open space, where a school has been built, and the number of houses now planned for the development site in Whaddon. In order to enable the adoption of an such necessary changes, it is recommended that delegated authority be given to the Corporate Director, in consultation with the Cabinet Member for Planning and Housing, to make any necessary minor factual amendments to the Open Spaces Strategy.

4.0 Social Value Considerations

4.1 Public open spaces make an extremely important contribution to the value of people's lives, being places for informal recreation, social gathering, sport and physical activity, reflection, relaxation, and connection with nature, as well as having ecological, landscape and urban value. Resources for the maintenance of public open space is limited, and public funding should be focused on the management and maintenance of Council's own open space portfolio.

5.0 Environmental Implications

5.1 Public open spaces provide an opportunity to support biodiversity and to address the impacts of climate change, being ecological havens, providing a cooling effect in urban areas during hot weather, restricting surface water run-off during times of heavy rain. Soil can also absorb carbon from the air.

6.0 Alternative Options Considered

6.1 To continue to manage private land at public expense.

7.0 Reasons for Recommendations

7.1 In order to maximise resources available for the maintenance of the Council's open spaces, it is recommended that the Council cease the maintenance of private land currently being maintained at public expense.

8.0 Future Work and Conclusions

8.1 Where land is identified that is currently being maintained by the Council, which is in private ownership and for which no commuted sum has been received, the Council will no longer maintain this land at public expense. Landowners will be informed of this decision and officers, in consultation with ward members, will decide what, if any, further action is required in respect of informing local residents of this decision.

9.0 Financial Implications

- 9.1 It is not envisaged that any considerable financial savings will be made as a result of any decision to cease the maintenance of privately owned land for which no commuted sum has been received. However it will allow officers and grounds maintenance operatives to direct resources towards the maintenance of Council owned open space. Where landowners request that the Council adopt open spaces as a result of this policy the Council will receive a commuted payment for the ongoing maintenance of the land.

10.0 Legal Implications

- 10.1 The insurance held by the Council would most likely be voided if an employee entered onto land that does not belong to the council to carry out work.
- 10.2. If work is undertaken on the site to reduce the vegetation, the Council could be seen to be taking on liability under the Occupiers Liability Act 1957 (which is largely made up of common law and legislation) and can also be capable of being a tortious liability.
10. 3. By undertaking the work, the Council could be deemed to have a duty to care to occupiers who then enter onto the property and injure themselves.

11.0 Risk & Opportunity Management Implications

- 11.1 There is some risk to the Council's reputation by ceasing to maintain land which it has previously maintained.
- 11.2 Operatives working on land not owned by the Council may not be covered by the Council's insurance policy.
- 11.3 The Council may become liable for any harm caused to a person who enters land which the Council does not own but for which it has taken responsibility by carrying out maintenance.
- 11.4 Council resources currently being directed towards the maintenance of privately owned land can be redirected towards the maintenance and upkeep of Council owned land.

12.0 People Impact Assessment (PIA) and Safeguarding:

13.0 Community Safety Implications

14.0 Staffing & Trade Union Implications

- 14.1 None

Background Documents: None