

Report to Cabinet

Thursday, 20 July 2023

By the Cabinet Member for Leisure, Culture and Green Spaces

DECISION REQUIRED



**Horsham
District
Council**

Partially Exempt (Appendices Not for Publication – Exempt under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972)

Possible Purchase of Site A

Executive Summary

Site A is a c34 acre site that has come to the market. Although privately owned, the site has been used as a public open space since 2018 and has become well used and appreciated by both local residents and those that travel from further afield for bird watching and other environmental interests. The report sets out that there would be a number of benefits to the Council in acquiring Site A, although also highlights that this will increase ongoing revenue costs. The report, and the confidential appendix set out the basis on which the purchase would be made.

Recommendation

That Cabinet:

- i) Approves the acquisition of Site A (at a purchase price that does not exceed that which is detailed in the confidential appendix (“the Limit”)), subject to Council approving the allocation of funds for this acquisition; and
- ii) Delegates authority to the Director of Communities, in consultation with the Cabinet Member for Leisure, Culture and Green Spaces and the Cabinet Member for Finance and Resources to agree the purchase price (subject to the Limit) and final terms of the acquisition of Site A.

That Cabinet ask Council to:

- iii) Approve the allocation of funds for the acquisition of Site A subject to the Limit.

Reasons for Recommendations

- i) To ensure the successful acquisition of Site A.
- ii) There are community and environmental benefits to acquiring Site A, in particular ensuring that a site that has become a well-used public open space, continues to operate as such.

Background Papers

None

Wards affected: Set out in the confidential appendix

Contact: Paul Anderson, Director of Communities.

Background Information

1 Introduction and Background

- 1.1 Site A is a c34 acre site that is currently being marketed for sale. The current owner of the site has owned it since 2017 and in that time has transformed the land to include a nature reserve and community orchard. The site is also fully accessible to the public, which historically had not been the case.
- 1.2 The report considers the advantages to acquiring the site, whilst balancing the financial impact of the purchase on the Council.

2 Relevant Council policy

- 2.1 Purchasing Site A would support the priority in the 2019 – 2023 Corporate Plan around 'A cared for environment'.

3 Details

- 3.1 Horsham District Council was contacted by the landowner in March 2023 to set out that he was intending to sell Site A. He considered that the Council would be a good potential owner of the site, in light of the Council's commitments to carbon reduction and biodiversity improvements. He believed that the Council would continue to improve the biodiversity of the site and retain public access.
- 3.2 To gain a better understanding of the site, the Cabinet Members for Leisure, Culture and Green Spaces and Climate Action and Nature Recovery visited with lead officers. This provided an opportunity to meet the landowner to understand how Site A had been improved and used and, further, what opportunities there were for the future.
- 3.3 Site A is clearly well used by local people, and has links with the local community through schools, scout groups and the community orchard. It is also a popular site for bird watchers, walkers and others who will travel from further afield.
- 3.4 The acquisition of Site A, would present opportunities to enhance the Council's biodiversity offering. For example, a key opportunity for biodiversity improvement is to deliver a significant, fully funded, Environment Agency project. They are committed to investing £250,000 on a major project to create bird scrapes and ponds on the site, in a project required as part of their planning permission for the Shoreham Flood Defence project.
- 3.5 There would be several benefits to the Council buying Site A, which are set out below:

Retained Public Access

Whilst there are two public footpaths that run through the site, the majority of Site A, including the nature reserve element, is not designated as public open space. The site was opened to the public in 2018 and in the period since then has become well

used by local people, with people also travelling from further afield for specific wildlife interests.

Although other potential owners of the land could choose to retain the site, the Council would be the only likely owner to continue to offer public access to the site.

Delivery of Biodiversity Improvements

The fully funded £250,000 Environment Agency project would deliver significant biodiversity improvements to Site A. The landowner has indicated a desire to make it a condition of sale that the project is delivered.

More broadly, the Council would develop a management plan for Site A to deliver broader biodiversity improvements. Such initiatives could include, for example:

- The introduction of seasonal cattle grazing;
- Thistle and bramble scrub control;
- Improving the formal public rights of way; and
- Improved signage and interpretation.

Wilder Horsham District

Wilder Horsham District is a flagship project for the Council, which is aiming to help wildlife thrive across the district by creating Nature Recovery Networks (NRN). The NRN includes the River Adur and land associated with it. The NRN also includes much of the Weald to Wave project area, which is a nationally recognised project. This project is seeking to link Ashdown Forest down the rivers Adur, Arun and Ouse. It is a matter for individual landowners as to whether they participate and HDCs ownership would certainly strengthen this project and ensure participation for this site.

Realising the Weald to Wave aspirations along the River Adur is closely linked to the existing Adur River Landscape Recovery project. This is one of only 22 projects nationally with funding from DEFRA for a two year development phase, ultimately aimed at improving the biodiversity and water quality of the river. Landowners can decide if they want their land to be included in the Landscape Recovery project. The site has already been put forward for inclusion in this project by the current landowner. There are 27 landowners and farmers that have included land in the project. Ultimately this could deliver landscape scale improvements to habitats and wildlife along the River Adur corridor.

There will be income available from the Government for parts of the site that is being offered for sale that lie within the Landscape Recovery project, under the emerging Environmental Land Management scheme. Details of this income are not currently available.

The site contains floodplain grazing marsh which is a priority habitat (as defined by the UK Biodiversity Group). These are semi-natural habitats that are most under threat. Securing the site in public ownership will not only protect this habitat but could also enhance it, as well as the numerous species that this habitat supports. The site also lies within a designated Local Wildlife Site which recognises land that is especially important for their wildlife.

There would also be potential carbon sequestration opportunities from the site, primarily from retaining and extending the existing floodplain grazing marsh (which is a priority habitat). It is not currently possible to calculate the carbon credits that could be generated from the site.

Improved Community Engagement and Involvement

The Parks and Countryside Team already work with Friends' groups at other sites, such as Horsham Park, Chesworth Farm and Warnham Nature Reserve. The team also work with other organisations, such as Green Gym to allow a broad range of volunteer opportunities at our sites. Acquiring Site A would create opportunities for more community participation in the south of the District. The benefits of volunteering are clear and this would enhance opportunities in Wards that the site is in.

4 Next Steps

- 4.1 To agree the purchase price and terms for the sale of Site A.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The potential purchase has been discussed at three Policy Development Advisory Groups, Climate Action and Nature Recovery on 6 July, Finance and Resources PDAG on 10 July and Leisure, Culture and Green Spaces on 11 July. All three groups supported the purchase.
- 5.2 The Monitoring Officer has had sight of this report to ensure legal probity.
- 5.3 The Director of Resources has been consulted and does not support this purchase on financial grounds as it will cost the Council money every year.

6 Other Courses of Action Considered but Rejected

- 6.1 The alternative decision is to not purchase Site A. Not purchasing Site A would mean that there would be no guarantees around future public access to Site A or the delivery of improved biodiversity, however it would continue to be a green space.

7 Resource Consequences

- 7.1 The financial considerations are set out in a confidential appendix. The purchase will reduce the Council's reserves and increase revenue costs.

- 7.2 There would be no significant implications on officers for the remainder of the current financial year – a low key approach would be taken to managing the site.
- 7.3 In terms of longer-term options, active management of the site would require an estimated 0.4 FTE Countryside Warden. In the period ahead of the development of the 2024/25 budget, consideration will be given to the more broadly to the Council's requirements around countryside management. The Council will soon take ownership of Highwood Hill, which will require management, and there is also a need to consider options around Biodiversity Net Gain. Any plans or ambitions for the service will need to be properly funded, and considered in line with the priorities that emerge from the Council's new Corporate Plan.

8 Legal Considerations and Implications

- 8.1 Section 120 of the Local Government Act 1972 provides that local authorities may acquire land by agreement for the purpose of (i) any of their functions, or, (ii) the benefit, improvement or development of their area.
- 8.2 Section 9 of the Open Spaces Act 1906 ("OSA 1906") enables a local authority, inter alia, to (i) acquire by agreement any open space, and, (ii) maintain such land. Section 10 of the OSA 1906 provides that open space land is held under a statutory trust to facilitate the enjoyment thereof by the public as an open space.
- 8.3 The acquisition of Site A will be subject to legal due diligence and the Council will ensure that the contract and formal transfer deed reflect the terms agreed.

9 Risk Assessment

- 9.1 There is local interest in Site A, and a decision not to purchase would have a reputational impact on the Council. However, ultimately, there would be minimal risks to the authority, whether the decision was to purchase Site A or not.

10 Procurement implications

- 10.1 There are no procurement implications.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 There are no equality or human rights implications.

12 Environmental Implications

- 12.1 Site A is already operated as a nature reserve, and contributes positively towards the environment. The £250,000 Environment Agency project would lead to

significant biodiversity improvements. It is worth noting that although the sales particulars set out that it would be a condition of sale that any buyer proceeds with this project, there is nothing confirmed with the Environment Agency to this effect.

- 12.2 A management plan would be developed for Site A which could deliver further improvements as set out in paragraph 3.5.

13 Other Considerations

- 13.1 It is not considered that there are any GDPR, Data Protection or Crime and Disorder implications arising from the proposed acquisition of Site A.

APPENDICES TO REPORT

Financial Considerations (Confidential)
Sales Particulars (Confidential)