

Sherwood Lakes and Coneyburrow Woods Land Transaction

For Cabinet 27th October 2022

Summary

Lead Member: Councillor Christopher Hall – Cabinet Member for Finance and Performance

Lead Director: Lee Colyer, Director of Finance, Policy & Development (S151 Officer)

Head of Service: David Candlin, Head of Economic Development & Property

Report Author: Jacqueline Tolhurst (Interim Estates Manager)

Classification: Appendix C Exempt from Disclosure -exempt by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended): Information relating to the financial or business affairs of any particular person including the authority holding that information.

Wards Affected: Sherwood

Approval Timetable	Date
Management Board	28 th September 2022
Portfolio Holder	TBC
Finance & Governance	11 th October 2022
Cabinet	27 th October 2022

Recommendations

Officer / Committee recommendations as supported by the Cabinet Member:

1. That Cabinet agrees to a Management & Maintenance Agreement being entered into with Town & Country Housing (T&CH) for the management and maintenance of Sherwood Lakes and Conneyburrow Woods on terms to be agreed.

2. That Cabinet delegates authority to the Head of Economic Development & Property to (i) agree terms for and negotiate and complete the Management & Maintenance Agreement to be entered into with T&CH and (ii) make such changes to the management and maintenance arrangements and/or to put such alternative arrangements in place for the proper and effective management and maintenance of Sherwood Lakes and Conneyburrow Woods as may be considered appropriate.
3. That the Head of Mid Kent Legal Services is authorised to negotiate and complete all necessary legal documentation and formalities to give effect to these recommendations.

1. Introduction and Background

- 1.1 The proposal impacts on Sherwood Lakes and Coneyburrow Woods, a Local Wildlife Site and Town Green, as shown in the attached plan, edged red, in Appendix A.
- 1.2 This follows the Cabinet Decision in July 2011, to acquire the site as part of the wider development opportunity agreed by Tunbridge Wells Borough Council at the time.
- 1.3 Since the decision in July 2011 T&CH have progressed their comprehensive development plan for Sherwood and Ramslye and have now demolished the unpopular flats along the eastern side of Greggs Wood Road and undertaken the remaining wider development.
- 1.4 The outstanding issue is the transfer of Sherwood Lake and Coneyburrow Woods which was linked to the development with the proposal being that it would be transferred to TWBC to provide community amenity and recreational use by both the Council and T&CH. It was given village green status in 2010. The original proposal was for a Trust to be set up to manage the site, however this has now been revised and a Management and Maintenance Agreement is now to be entered into between the Council and T&CH which replaces the original proposal to create a trust to manage the site.
- 1.5 Prior to acquisition by T&CH the site had been neglected for decades. Necessary remedial works to make the site safe and to make the site accessible have been undertaken by T&CH and TWBC. This included extensive tree works, works to the lake to maintain its structural integrity, desilting of the lake and revetment works to improve water quality and lake access and construction of paths and board walks to improve safety and access on the site. Primarily funded by T&CH and external grants there was also some financial and officer input from TWBC. (see appendix C) Ongoing management improvements and activities and programmes for community engagement have been carried out by Kent High Weald Partnership (KHWP) on an annual agreement basis funded by T&CH and TWBC.
- 1.6 The annual management cost for the lake and woods is to be met by funding (detailed in Appendix B) from T&CH and TWBC. As with other TWBC owned nature reserves, the KHWP will seek additional external funding to make up or exceed the balance of the estimated annual sum required to manage the site. Contributions collected in this way will vary from year to year so that activity on site will need to be tailored to reflect the available finances. It has been agreed that TWBC will meet their contribution from the existing Parks budget.

2. Options Considered

- 2.1 **Option 1:** Do nothing. This will be in breach of the contract that TWBC has with T&CH dated 30th May 2012. TWBC are obliged to acquire the land and enter into a maintenance contract with T&CH.
- 2.2 **Option 2:** To enter into a Management & Maintenance agreement with T&CH in place of a trust being set up as provided for in the Cabinet Authority of 2011 and allow the KHWP to deal with the day to day management of the site. The cost from TWBC will need to be met by the existing Parks budget and may increase in the future. As with other nature reserves and similar sites the KHWP will be appointed as managing agents to draw up and implement a management plan and seek the desired external funding and deal with community engagement, conservation management and site maintenance and improvements. Continued presence and activities are necessary to prevent anti-social behaviour and protect what is now an established and much valued community resource. Ultimate landowner responsibilities will remain with the Council

3. Preferred Option and Reason

- 3.1 **Option 2:** That the Cabinet delegates authority to the Head of Economic Development & Property to agree terms for and negotiate and complete a Management & Maintenance Agreement with T&CH for the management and maintenance of Sherwood Lake & Conneyburrow Woods in place of a trust being set up for that purpose.

4. Consultation on Options

- 4.1 Consultations have taken place with T&CH, members and with the Landscape and Biodiversity Officer and KHWP.

5. Implementation

- 5.1 If Cabinet approves TWBC entering into the Management & Maintenance contract, the call in period will end after 5 clear days from the date the Cabinet decision is published.

6. Appendices and Background Documents

Appendices:

- Appendix A: Plan of the Sherwood Lake & Conneyburrow Woods site to be acquired.
- Appendix B– Climate Impact Assessment

- Exempt Appendix A

Background papers:

- Cabinet Decision & Report July 2011.
<https://democracy.tunbridgewells.gov.uk/ieDecisionDetails.aspx?ID=326>

7. Cross Cutting Issues

A. Legal (including the Human Rights Act)

Section 1 of the Localism Act 2011 gives local authorities a general power of competence to do anything that individuals may do.

Acting on the recommendations is within the Council's power as set out in the above statutory provision.

Claudette Valmond, Interim Head of Legal Services 14th September 2022.

B. Finance and Other Resources

The management of the site will be carried out by the Kent High Weald Partnership, whose work will include work on this site and is monitored under a Service Level Agreement, reviewed every three years and reported to members.

Lee Colyer, Director of finance, policy and development 30th September 2022

C. Staffing

No additional staffing will be required.

Nicky Carter,

D. Risk Management

The site will be managed on a day to day basis by Kent High Weald Partnership. This will ensure that the site is actively managed and maintained, in accordance with the Service Level Agreement.

Jacqueline Tolhurst, Interim Estates Manager, 30 September 2022

E. Environment (inc. Biodiversity) and Sustainability

A Climate Emergency Impact Assessment must be undertaken at the start of any new project etc. and as part of project planning and not as an 'add on' towards the end of completing the committee report.

The management and maintenance agreement will ensure that important habitats are protected, maintained and improved for biodiversity, landscape and social benefits. The full Climate Impact Assessment can be found in Appendix B of the report.

The Climate Emergency Impact Assessment form and guidance document can be found in the cross-cutting issues section, you are advised to read the guidance in full prior to completing the assessment. The impact assessment also includes biodiversity requirements.

Jacqueline Tolhurst, Interim Estates Manager consulted with sustainability on 8th September 2022

F. Community Safety

Maintaining active management of local resources, and engaging the local community will bring a sense of local ownership and this has been shown to reduce crime and anti-social behaviour.

Section 17, Crime and Disorder Act 1998

17(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Terry Hughes, Community Safety Officer 12th September 2022

G. Equalities

There are no equalities issues

Section 149, Equality Act 2010

149(1) A public authority must, in the exercise of its functions, have due regard to the need to –

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

H. Data Protection

There are no issues

Article 5, General Data Protection Regulation 2016

1. Personal data shall be:

(a) processed lawfully, fairly and in a transparent manner in relation to the data subject;

(b) collected for specific, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

(d) accurate and, where necessary, kept up to date;

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Jane Clarke, Head of Policy & Governance 15th September 2022

I. Health and Safety

It is a key requirement of any management plan for the site that any health and safety issues are identified and addressed. It is also be important to understand TWBC's liability in being the landowner and have checks in place to ensure that Kent High Weald Partnership have suitable safety measures in place, so not to put TWBC at risk.

Mike Catling, Health and Safety Officer 9th September 2022

J. Health and Wellbeing

The site will continue to be a well managed resource that contributes to health and wellbeing of the local community through recreational and amenity uses. Activities on site have

included volunteer days, working with vulnerable groups and troubled families. Future work programmes will continue with these similar activities. It is notable that volunteer days run by KHWP are open to all.

Rebecca Bowers, Health Improvement Team Leader