

# Kent High Weald Partnership Service Level Agreement 2024-2027

For Cabinet 21 September 2023

## Summary

**Lead Member:** Councillor Hugo Pound, Cabinet Member for Housing and Planning

**Lead Director:** Lee Colyer, Director of Finance, Policy and Development (s151 Officer)

**Head of Service:** Carlos Hone, Head of Planning Services

**Report Author:** David Scully, Landscape and Biodiversity Officer

**Classification:** Public document (non-exempt)

**Wards Affected:** All

Approval Timetable	Date
Management Board	17 July 2023
Portfolio Holder	18 July 2023
Planning Policy Working Group	01 August 2023
Planning and Transportation Cabinet Advisory Board	04 September 2023
Cabinet	21 September 2023

## Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That the Draft Service Level Agreement (SLA) between Tunbridge Wells Borough Council (TWBC) and the Kent High Weald Partnership (KHWP) be approved.
2. That the Draft Memorandum of Agreement (MoA) between Kent County Council (KCC) and TWBC governing the operations of the Kent High Weald Partnership be approved.
3. That the Head of Planning Services and Cabinet Member for Housing and Planning be given delegated authority to make minor amendments and sign on behalf of TWBC the SLA and MoA in 1 and 2 above.
4. That the funding for the Kent High Weald Partnership for the period **01 April 2024 to 31 March 2027** be set at £76,194.50 annually subject to the setting of the Councils annual budget.

# 1. Introduction and Background

- 1.1 The Kent High Weald Partnership (KHWP) has been working on behalf of the borough for 22 years. Although the KHWP exists as a semi-independent organisation under a formal partnership agreement between KCC and TWBC they operate only within Tunbridge Wells Borough and so are effectively what other authorities might have as Countryside Management Teams or Countryside Rangers.
- 1.2 The KHWP is one of nine such partnerships which together cover the whole of Kent. The KHWP are unique amongst these in that they work in a single borough. Whilst “High Weald” is included in their name they work across the whole borough which encompasses High and Low Weald Landscapes and they are totally separate from and unrelated to the High Weald AONB Unit.
- 1.3 Their operation is funded by financial contributions from TWBC and KCC with further in-kind contributions from KCC (line management and other support) and a range of agreements with other bodies such as Parish and Town Councils and external grants.
- 1.4 Core funding from TWBC is provided under a Service Level Agreement (SLA) which ensures value for money and support for corporate priorities.
- 1.5 Both the agreement with KCC, which takes the form of a Memorandum of Agreement (MoA) and the SLA need to be renewed as they expired in 2022. The purpose of this report is to seek agreement to the new MoA and SLA which are attached to this report at **Appendices A and B**, and to seek agreement to the level of financial contribution provided by TWBC for the period of the SLA which will cover the period **01 April 2024 to 31 March 2027**.

## 2. The Kent High Weald Partnership

[Home - Kent High Weald \(khwp.org.uk\)](http://khwp.org.uk)

- 2.1 The KHWP is a team of seven, based in the walled garden at Bedgebury Pinetum, operating from a portacabin. This location is central to the Borough, supports the semi-independent status of the partnership and has enabled them to build a strong relationship with Bedgebury Pinetum developing a successful on-site Forest Schools education and training program.
- 2.2 Their work falls into three themes of Community, Nature and Land:

COMMUNITY    Education, volunteering, health and wellbeing

NATURE	Protecting and improving biodiversity
LAND	Caring for the landscapes and Nature Conservation sites of the Borough

- 2.3 Some work supports all three themes such as the volunteer groups they organise and lead. A strong element of the volunteer programme is that it is open to anyone and everyone and requires no commitment making it one of the most accessible programmes available. The volunteer work is important to the individuals involved for their own sense of wellbeing and physical activity but also helps build community cohesion, helps with land management and improves sites for biodiversity (e.g., habitat management) and accessibility (e.g., boardwalk construction).
- 2.4 The Partnership typically deliver around 100 to 120 volunteer days a year. Assuming 10 volunteers to each event and attributing a value to their work of £100 each this places a value on the work done by volunteer staff mostly on the Councils estate of £100k to £120k per year.
- 2.5 Under Community there are conventional projects with schools and community groups but as requested by TWBC the partnership has looked to use the green spaces of the borough as part of what is known as 'green prescribing' to support those with mental health issues. Examples of this include:
- Supporting families in crisis through our therapeutic family forest school programme 'Forest Time'
  - Providing horticultural therapy at our community allotment to adults with poor mental health or learning difficulties
  - Supporting adults suffering poor mental health and social isolation via our online Live Well Kent "Connect with Nature" programme
  - Providing nature connection support at our community allotment for NHS psychiatric patients and their support workers
- 2.6 The Partnership works closely with the Parks team taking responsibility for several sites or parts of sites or being asked to undertake specific projects and they are also contracted by Parish and Town Councils to manage their own sites dealing with residents, volunteers, friends of groups, contractors, and statutory bodies. These sites include:
- Hilbert Woods LNR
  - Barnetts Wood LNR
  - Crane Valley LNR
  - Sherwood Lake and Woodland Village Green
  - Cinder Hill LWS
  - Reynolds Lane LWS
  - Southborough Common

- 2.7 They also work on an ad hoc basis on other sites to undertake conservation, access, and community projects. They are also engaged on new significant projects for TWBC as detailed in Section 4 of this report. The KHWP Annual Report 2021-2022 is provided in **Appendix C** and provides more detailed information on outcomes on an annual basis.
- 2.8 The partnership supports corporate projects like Britain in Bloom and have consistently responded to requests for support for new and emerging corporate projects including new environmental initiatives such as Biodiversity Net Gain.
- 2.9 The Partnership was subject to a full review in 2018 by officers from across the Council looking at outcomes, value for money and funding with a particular remit to consider reductions in funding. That review recommended a 10% reduction in core funding fixed for three years looking within that period for the KHWP to prepare a new business plan, consider new structures and other sources of funding to reduce its future reliance on core funding from the Council.
- 2.10 Some of the work required by the KHWP has stalled owing to COVID and the loss of two managers and some difficulties in staffing. A new manager is now in place and the Partnership is fully staffed but those issues have required the timetable for that work to be re-set for this SLA period. This is further explained in section 4.0.

### 3. Funding

- 3.1 The turnover for the project in 2022-23 was £301,650 and in 2021-2022 was £317,299.
- 3.2 TWBCs current annual contribution of Core Funding is £62,550 which is a reduction of 10% from 2021-2022 and a significant reduction in actual and real terms from the £81,750 that was agreed in 2008-09.
- 3.3 The KHWP receives other variable funding from TWBC, mainly from the Parks Service for particular projects and a further annual £6,000 is provided specifically for Sherwood Lake and Woodland as it is an additional burden.
- 3.4 The Partnership is occasionally the recipient or beneficiary of S106 funds secured through planning permissions and provided in order that the Partnership may carry out specific works required to mitigate development. Usually this will be on a cost recovery basis but may often have benefits to site conservation work.
- 3.5 KCC also provide core funding at the current level of £11,900 per year which has been a standstill budget for some years. In addition, KCC are the employer providing line management which includes items such as IT and HR support, legal services, and training. KCC has recently calculated the cost of this to be

equivalent to £79,803 per year with a share of the line managers cost apportioned between their responsibilities being around £9k.

- 3.6 On behalf of TWBC the Landscape and Biodiversity Officer oversees the work of the partnership, but this is a relatively small part of his overall responsibilities and compliments the work that arises from development.
- 3.7 Grants from external bodies are the other main source of income. This includes grants associated with management of Council owned land (countryside stewardship, woodland management grants) and grants for capital improvement works such as access improvements and grants for activities around education, conservation, and wellbeing.
- 3.8 As a measure of value for money the Council has in the past contrasted the core funding, now at £62,550 with the annual turnover of over £300,000 to show that for every £1 of core funding provided by TWBC this achieves £4+ of other funding to support their activity in the Borough.
- 3.9 The pandemic presented a considerable challenge to the Partnership and unfortunately this was coupled with an unstable period of management (2 managers in two years). The Partnership is now on a stable footing under new and very positive management but faces considerable financial and operational challenges.
- 3.10 The funding regime for land management in the UK is going through a seismic change following Brexit with land managers experiencing continued delays and a lack of clarity in the transition to the new regimes making longer term decisions difficult. This has been exacerbated by delays and changes in other regimes such as biodiversity net gain and protected species licensing.
- 3.11 The Partnership survived the COVID Pandemic without any additional support, but reserves are now low because of the pandemic and from securing the long-term security and renewal of the office accommodation at Bedgebury. Whilst the Partnership has grasped opportunities for new lines of income some of these will take time to mature and become established and in addition the funding mechanisms for land management remain uncertain and grant applications have generally become more challenging and timescales for delivery shorter.
- 3.12 As noted above core funding has been reduced significantly over the past decade whilst output and outcomes have remained high. Inevitably that cannot be sustained unless new sources of income are found, or core funding is increased. Added to this is the recent inflationary pressure. As an example, the pay award from KCC for 2023 has resulted in a salary bill increase of £11,600 which amounts to a real cost of £14,779. This alone is more than a 20% increase in costs over the TWBC core funding. Management at KCC will be trying to make a case for increasing the budget for all Countryside Management Partnerships across Kent to cover inflationary increases such as salary but will no doubt expect TWBC to make a similar case and equal contribution.
- 3.13 Works funded by the Parks team are a key part of the income but are also an important part of the successful management of the boroughs Green Spaces.

Replacing KHWP with contractors is likely to significantly inflate costs and/or result in a reduction of positive outcomes. In the 2018 review it was estimated that replacing the work that KHWP do with contractors would cost the Council an additional £50,000 and would not provide the added benefits that KHWP do provide.

## 4. Current Issues and Trends

- 4.1 As noted above the partnership consistently and positively responds to new challenges and priorities set by the Council working with the Parks team, Planning department and Health team.
- 4.2 The Planning department are using Council owned woodland to deliver a Biodiversity Net Gain project that helps enable development under the Environment Act. This requires a new management approach and management plan underpinned by engagement with the local community. The Partnership with some support from consultants is key to the delivery of this work which has a minimum commitment of 30 years. This work will be funded solely by S106 contributions and has the possibility of drawing in further income through the trading of biodiversity credits and has already resulted in over £100,000 being secured by TWBC. Using KHWP on such projects minimises input from Council staff in procurement and project management and allows for a rapid response with greater flexibility.
- 4.3 The Planning department have also recently agreed a scheme of local mitigation under the Habitat Regulations required for a small number of developments within the 7km Zone of influence for Ashdown Forest. The work involves access improvements, way marking and on-site interpretation with current works planned up to £18K with a possibility of going up to £70k. KHWP can devise the details and deliver the majority of this project requiring minimal oversight or input from Council officers. Again, this work will be fully funded by developer contributions but the flexibility and rapid response from KHWP has enabled development to be approved which otherwise would have been delayed whilst designs, tenders and contracts were put in place.
- 4.4 Sherwood Lake and Woodlands has recently been transferred into the ownership of the Council. Under an agreement with Town and Country Housing two thirds of the expecting running costs (£18,000pa) have been secured but the remainder must be sought through grant applications. KHWP have taken on this role and will be working on securing regular funding through woodland grant schemes and smaller one-off project grants but will also look to develop a larger more strategic bid now that ownership is secured. Again, this is all with minimal input from Council Officers. The Partnership have also entered discussions with the adjoining landowner to Sherwood Lake and Woodland with a view to pooling resources and as a way of securing additional income for management and activities across the wider area.

- 4.5 The work of the KHWP will be a key element of the Councils statutory reporting on Biodiversity as required under the Environment Act 2021.
- 4.6 The Partnership are working with Natural England to deliver strategic mitigation for Great Crested Newts under the new District Level Licensing scheme constructing ponds for Newts across the Borough.
- 4.7 Much of the work that the Partnership does makes a measurable and positive contribution to the councils plans to tackle the Climate and Biodiversity emergency. This work in this area is likely to increase in coming years.
- 4.8 As all these works come fully on stream and as the economic climate becomes more stable the financial position and stability of the Partnership should improve during the period of the SLA. It is hoped that there will be greater clarity around government schemes and funding over the period of this new SLA, during which the Partnership will be expected to have prepared a new business plan and considered other opportunities for generating income. Financial contributions will again be reviewed as part of a new SLA in 2026.

## 5. Options Considered

**Option 1:** Cease funding and withdraw from the partnership.

- 5.1 The Council can of course cease all funding and withdraw from the Partnership which is likely to result in the closing of the Partnership and the cessation of the work it carries out. This is not considered a viable option without putting in place a replacement for those elements of essential work carried out by the Partnership on Council owned land or without increased resources for Council officers to engage others on projects currently being implemented by the Partnership.
- 5.2 The Council has a Statutory Duty to manage the Local Nature Reserves which were declared under Section 10 of the National Parks and Access to the Countryside Act 1949 and should management deteriorate on these or any public site that the KHWP assist with as a result of the closure of the Partnership then issues around safety, anti-social behaviour and access may arise on those sites requiring an immediate commitment of resources or closure.
- 5.3 This option is not considered further here as it is beyond the scope of this report and would require considerable resources and time to consider properly.

**Option 2:** Maintain or reduce the level of funding for the Partnership.

- 5.4 The indications are that a further reduction in funding coupled with recent increases in costs is not sustainable and that the Partnership will have to reduce the services it provides and limit some of the work it carries out. This will in turn limit the grants it can obtain and the outputs and value for money that the project achieves. This option may result in redundancies and loss of staff at the Partnership. It may also put added pressure on other budgets in the Council and

result in an increase in officer time and resources in Parks and Planning to cover any reduction in Service by the Partnership.

- 5.5 In particular this is likely to limit the Partnerships ability to respond to requests for site interventions and new projects and is most likely to result in a reduction in volunteer activity and/or site presence. It will also impact significantly on the teams capacity to apply for grants which can be very time consuming.
- 5.6 A standstill budget may in the context of sustained year on year reductions and increased costs have a similar effect but possibly to a lesser extent.

### **Option 3:** Increase funding for the partnership.

- 5.7 Under current financial pressures an increase in funding is challenging, but if authorised it will enable the Partnership to continue to provide maximum support to the Councils projects and ensure continued delivery of services which provide exceptional value for money for the Council. Any increase in core funding should at least recognise recent increases in costs but should also recognise the potential that a well-funded service can bring to supporting the management of Council owned sites and other projects.
- 5.8 It is suggested that the option for an increase in funding should at least address the recent increase in costs. This can be achieved by an increase in core funding by at least 10% (£6,255.00) and that in addition the Council contributes half of the cost of the 2023 pay award increase (£7,389.50) which totals a £13,644.50 increase, and that this be fixed for the period of the SLA. This would set the core funding at £76,194.50. This is very similar to the budget set almost 10 years ago in 2014 and so still represents a significant reduction in funding over the last decade with a considerable increase in responsibilities/commitments to the Council.

## **6. Preferred Option and Reason**

- 6.1 Officers strongly recommend **Option 3**, an increase in funding, to be taken forward for the new SLA at the level suggested. Maintaining a well-funded KHWP offers clear value for money to the Borough Council and borough more generally. Withdrawal from the project would result in; a loss of a contribution to activities in the Borough from KCC in funding and in kind of circa £100,000; backfilling the work done on behalf of Parks Services with contractors would cost in the region of £50,000 (2018 estimate) and result in a loss of added value; there would be a significant increase in work load for officers in Planning and Parks to implement projects funded by developer contributions and additional resources would need to be sought to secure grant funding for the activities and work carried out by KHWP on Council owned sites and elsewhere.



- 6.2 Any further reduction in support, which would include a standstill budget, is likely to have a significant effect on the sustainability of the Partnership in its current form and a drop in the level of service and support provided by the Partnership should be expected if this course of action is taken forward.
- 6.3 It is regrettable that the KHWP have not been able to deliver a new business plan during the SLA period as expected, but they have survived significant external and internal challenges and have seized new opportunities for funding. This SLA should do what the previous one intended in enabling a period of financial stability to plan more effectively and deliver the required new business plan. It will also ensure that they have the capacity deliver to key projects for the Council connected with Biodiversity Net Gain and the Ashdown Forest.

## 7. Consultation on Options

- 7.1 Discussions with the lead officer for Countryside Management Partnerships at KCC has taken place to ensure a similar approach an understanding in both organisations.
- 7.2 Discussions have been had with the TWBC Parks department to ensure that they wish to continue supporting the KHWP and that their position is accurately represented.
- 7.3 Discussions have been had with the Manager at the KHWP to ensure that this report accurately reflects the position of the KHWP.
- 7.4 There has been a formal consultation on a draft of this report with the Parks Department, Legal and Planning Services.

## Recommendation from Cabinet Advisory Board

- 7.5 The Planning and Transportation Cabinet Advisory Board were consulted on 04 September 2023 and agreed that the recommendations set out in the report be supported.

## 8. Implementation

- 8.1 Subject to being formally approved, the SLA and MoA will be signed by the Head of Service and Portfolio Holder and the proposed or any other agreed amount of Core Funding will be allocated in the Councils budget for **01 April 2024 to 31 March 2027**.

## 9. Appendices and Background Documents

Appendices:

- **Appendix A: Draft Service Level Agreement with KHWP 01 April 2024 to 31 March 2027**
- **Appendix B: Draft MoU with KCC 01 April 2024 to 31 March 2027**
- **Appendix C: KHWP Annual Report 2021-2022**

## 10. Cross Cutting Issues

### A. Legal (including the Human Rights Act)

The Council's funding and the work of the KHWP is covered by the SLA between TWBC and KHWP. The SLA sets out crucial features such as service objectives whereby KHWP agrees to provide various services to TWBC; details of service outputs, performance measurements and service standards; as well as funding arrangements to outline the core grant which shall be paid annually by TWBC to KHWP.

The MoU between KCC and TWBC governs the operations of the KHWP. The MoU details vital aspects such as strategic aims of the partnership; responsibilities of the Steering Group; along with details surrounding financial arrangements in respect of the partnership.

There are no issues regarding the Human Rights Act.

Daljit Kaur Senior Lawyer – Contracts and Commissioning 31/7/2023

### B. Finance and Other Resources

The cost of supporting the KHWP is within the base budget and the Medium-Term Financial Strategy will be updated to reflect the indexation of the SLA.

Lee Colyer, Director of Finance, Policy and Development (s151 Officer) 28 July 2023

### C. Staffing

The project is managed under the existing staffing structure and levels. If the recommendations in the report area accepted there are unlikely to be any implications but as the report explains if there is a reduction in funding then there may be implications for staff in parks and planning.

David Scully Landscape and Biodiversity Officer 17/07/2023

### D. Risk Management

All Risks associated with the projects are shared equally with KCC. Risks are managed by oversight from Council officers and direct line management by KCC.

David Scully Landscape and Biodiversity Officer 17/07/2023

## **E. Environment (inc. Biodiversity) and Sustainability**

This is not a new project and so an assessment is not required. In any event the works carried out by KHWP which are funded by the Council make direct contributions to tackling the Climate and biodiversity emergency and are key to the Councils commitment to improving biodiversity.

David Scully Landscape and Biodiversity Officer 17/07/2023

## **F. Community Safety**

No Issues

David Scully Landscape and Biodiversity Officer 17/07/2023

## **G. Equalities**

The report raises no new issues and introduces no new policies. The SLA covers equalities (8.3) and notes that all staff received equalities training from KCC. An Equalities Impact Assessment has been considered and discussed with Corporate Governance and deemed not necessary.

David Scully Landscape and Biodiversity Officer 17/07/2023

## **H. Data Protection**

No Issues

David Scully Landscape and Biodiversity Officer 17/07/2023

## **I. Health and Safety**

No Issues

David Scully Landscape and Biodiversity Officer 17/07/2023

## **J. Health and Wellbeing**

The work of the KHWP has a focus on health and wellbeing, providing opportunities for volunteering, exercise and access to nature. They work in areas of multiple deprivation and with some of our most vulnerable residents using our green spaces as part of “*green prescribing*” with a strong focus on mental health.

David Scully Landscape and Biodiversity Officer 17/07/2023