

additional papers 1



Overview and Scrutiny Committee

Thu 8 Dec
2022
6.30 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

**If you have any queries on this Agenda please contact
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Overview and Scrutiny

Thursday, 8th December, 2022

6.30 pm

Council Chamber

Agenda

Membership:

Cllrs:

Bill Hartnett (Chair)
Joanna Kane (Vice-Chair)
Salman Akbar
Imran Altaf
Tom Baker-Price

Michael Chalk
Brandon Clayton
Sid Khan
Timothy Pearman

3. Minutes (Pages 1 - 14)

The Minutes of the Overview and Scrutiny Committee meeting held on Thursday 20th October 2022 will be considered at this meeting and are published in this Additional Papers pack.

5. Pre-Decision Scrutiny - Appropriation of Land off Ipsley Church Lane for Planning Purposes (Pages 15 - 24)

This report will follow in an Additional Papers pack, once the report has been published for consideration of the Executive Committee.

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Overview and Scrutiny Committee

Thursday, 20th October,
2022

MINUTES

Present:

Councillor Joanna Kane (Vice-Chair in the Chair) and Councillors Imran Altaf, Joe Baker (substituting Councillor Bill Hartnett) Tom Baker-Price, Brandon Clayton, Sid Khan and Timothy Pearman.

Also Present:

Councillor Joanne Beecham (Portfolio Holder for Leisure)
Councillor Matthew Dormer (Leader of the Council and Portfolio Holder for Planning, Economic Development, Commercialism and Partnerships)
Councillor Anthony Lovell (Portfolio Holder for Climate Change)
Rachel Fowler (Leisure Strategy Consultant) (via Microsoft Teams)
Alex Pearson (Net Zero Projects Manager, Midlands Net Zero Hub) (via Microsoft Teams).

Officers:

Ruth Bamford, Claire Felton (via Microsoft Teams), Sue Hanley, Judith Willis, Jonathan Cochrane and Ishrat Karimi-Fini (via Microsoft Teams)

Democratic Services Officers:

Jo Gresham and Mat Sliwinski

56. APOLOGIES AND NAMED SUBSTITUTES

Apologies for absence were received from Councillors Akbar, Chalk and Hartnett (Chair), with Councillor Baker attending as a named substitute for Councillor Hartnett.

In the absence of the Chair, the Vice-Chair, Councillor Joanna Kane, chaired the meeting.

The Vice-Chair welcomed Councillor Tom Baker-Price as a new member of the committee.

57. DECLARATIONS OF INTEREST AND OF PARTY WHIP

Chair

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Councillors Baker-Price and Baker declared an Other Disclosable Interest in relation to Minute Items No. 50 (Leisure Strategy – Pre-Decision Scrutiny) and No. 51 (Asset Disposal Strategy – pre-scrutiny) as a school governor at Tudor Grange Academy Redditch and a school governor at an education establishment respectively.

58. MINUTES

There were no minutes available to be presented for the Committee's consideration at today's meeting.

59. PUBLIC SPEAKING

The Vice-Chair confirmed that there were no registered public speakers on this occasion.

60. LEISURE STRATEGY - PRE-DECISION SCRUTINY

The Vice-Chair welcomed to the meeting the Head of Planning, Regeneration and Leisure Services together with the Cultural Services and Parks Manager, the Development Services Manager and the Leisure and Culture Strategy Consultant who provided a detailed presentation on the Leisure and Culture Strategy. During the presentation Members' attention was drawn to the following:

- At its meeting on 25th October 2022, the Executive Committee would be asked to endorse the Leisure and Culture Strategy 2022-2032 in its current format, as provided to the Overview and Scrutiny at Appendix A.
- The strategy comprised several different parts, including the main Leisure and Cultural Strategy and two other strategies which underpinned this document, including the Arts and Culture Strategy and the Parks and Open Spaces Strategy. Two further leisure strategies were due to be presented for the consideration of the Executive Committee in 2023 on the subjects of built facilities strategy and playing pitches strategy.
- As such the Leisure and Culture Strategy covered a wide range of topics including arts, heritage, physical activity and sport, events, parks, open space facilities, venues, sites and services.
- The Executive Committee was also asked to approve the implementation of a number of priority actions and recommendations across leisure and culture services, as described in Table 4 extract to the main report, to deliver the Leisure and Culture Strategy's vision.

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- Recommendations 27 to 39 for Built Sports Facilities were in development stage and would be reported for approval at a later date.
- In developing the Leisure and Culture Strategy, Officers and the consultants had identified a number of actions that could be taken within budget to enhance leisure and cultural service provision in the Borough. These actions were the subject of recommendations detailed in table 4 extract to the main report within the Leisure Strategy. Any actions that would require additional financial expenditure would need to be outlined in business cases and presented for Members' consideration.

The Leisure and Culture Strategy Consultant summarised the status with regards to the different elements of provision. For country parks and open spaces, the priority remained investment into tree planting and children play areas so that more parks in the Borough could achieve the Green Flag Award.

It was noted that in general there was very little spare playing pitches capacity in the Borough. There was an overall undersupply of 11v11 football pitches, and a small undersupply of rugby union pitches. Meanwhile there was sufficient provision for hockey and a small surplus in cricket and bowls grounds. In addition, there was an undersupply of waterways and an undersupply of publicly available swimming facilities.

Overall, it was noted that in strategic terms the Council would need to move from being a direct supplier to an enabler of leisure and community services.

Following the presentation, Members made a number of observations and asked questions to which the following responses were provided:

- Some Members put on record their disappointment that papers for some items on the agenda were provided very late which did not allow sufficient time for Members to read the reports before the meeting.
- It was explained that recommendations 27 to 39 were not yet finalised and would be presented in 2023, but it was deemed important that Members were able to consider the overarching Leisure and Culture Strategy as soon as possible.
- It was clarified that the reason for the ambition that the voluntary sector should be doing more activities was to engage community groups and enable them to have greater

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say in organising local events as opposed to Council dictating terms from above.

- Officers indicated that voluntarily organisations would be signposted to funding opportunities, including the funding which had been received through Arts Council funding.
- Some Members were concerned that the intention behind undertaking a natural capital assessment of the value of the Borough's parks and open spaces, as proposed in recommendation 4, was to sell parks and open spaces when their capital value rises. In response, Officers assured Members that the purpose of a natural value assessment was to make parks and open spaces better known at the local level and allow for implementation of solutions to bolster the value of parks and open spaces to users. Defining the value of parks and open spaces also enabled comparisons to be made on the relative strengths and shortcomings of the Borough's open spaces as compared with other areas.
- Officers explained that recommendation 3 concerned managing land in a way that maximised biodiversity growth. This included such actions as leaving meadows to grow wild in some parts of the Borough (in land under Council control).
- Satisfaction was expressed by some Members that key performance indicators (KPIs) were being introduced for the Leisure and Culture Strategy and it was proposed that they be discussed at a meeting of Performance Scrutiny Working Group before they were finalised.
- Officers stated that currently it was envisaged that most of the funding for implementing the Leisure and Culture Strategy would come from external grant funds.
- On recommendation 10, it was explained that Section 106 under the Town and Country Planning Act 1990, as amended, allowed local authorities to seek contributions from developers towards the costs of purchasing community assets when new developments take place. The Council's Leisure and Culture Strategy, because it defined targets for what community facilities were needed, improved the Council's negotiation position with the developers with regards to obtaining Section 106 funds for things such as playground equipment and park benches.
- On recommendation 11, it was reported that an application for the Levelling Up Parks Fund had already been submitted to the Government, in line with the October 2022 deadline. It was explained that funding was allocated only for upgrading parks in the most deprived areas and Abbey ward had not met the criteria for this fund, whereas Winyates ward had.

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- On recommendation 16 regarding developing a roadmap for the self-management of allotment sites, Members queried whether this meant the allotment committees would be given the opportunity to purchase allotment land from the Council. In response, it was noted that at this point a feasibility study was to be undertaken to consider the options for allotment management. There were also legal matters to consider around the scope within which allotment committees could operate so no decisions could be taken at this point.
- It was noted that, as the highways authority, Worcestershire County Council (WCC) was responsible for issuing traffic regulation orders, for example concerning the opening of new cycle routes in parks or open spaces.
- On recommendation 14, it was clarified that there might be cost implications to some active travel routes within parks and open spaces and if cost implications arise, these would need to be agreed by Members.
- Officers explained that the 8 Hills project was initiated by the National Trust to make Lickey Hills a regional park for the Worcestershire/West Midlands area. There was a contingency that the Council would need to contribute to the funding of this regional park through its Section 106 money, subject to the project coming to fruition.
- It was explained that the Worcestershire Local Enterprise Partnership (WLEP) had awarded the Council some funding in 2021 for the Heritage Corridor North Worcestershire. As Redditch had been classed as one of the top three areas in England in terms of untapped heritage sector potential, this was one of the strategic initiatives for the Council as stated in recommendation 41.

Following the debate, Councillor Baker-Price proposed that the Committee approve the recommendations as contained in the main report.

Councillor Khan then proposed the following amendment to the recommendation:

“Overview and Scrutiny to advise the Executive Committee on Social Prescribing as there is no mention in the strategy of the Council working with the NHS, CCG and Rubicon. Other Councils (e.g. Cannock Chase) have such arrangements where patients who have recently been discharged from hospital with e.g. Stroke/ Heart Conditions can greatly benefit from gentle exercise. I think this strategy has missed an opportunity and I ask executive to consider including such a strategy. The benefits are many to individuals and the costs are low to the NHS.”

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The amended motion, as proposed by Councillor Khan, was debated and Officers advised that social prescribing was indirectly referenced through much of the Leisure and Culture Strategy. Some Members felt a separate social prescribing strategy would be extremely useful as an added reference for consideration before decisions were being made on the use of available facilities. In addition, those Members highlighted this issue deserved a standalone strategy as it had the potential to deliver a considerable health benefit to residents of Redditch.

After a detailed debate, the amended recommendation as proposed by Councillor Khan was put to the vote and was carried.

RECOMMENDED to the Executive:

that Overview and Scrutiny advise the Executive Committee on Social Prescribing as there is no mention in the strategy of the Council working with the NHS, CCG and Rubicon. Other Councils (e.g. Cannock Chase) have such arrangements where patients who have recently been discharged from hospital with e.g. Stroke/ Heart Conditions can greatly benefit from gentle exercise. I think this strategy has missed an opportunity and I ask executive to consider including such a strategy. The benefits are many to individuals and the costs are low to the NHS.

61. ASSET DISPOSAL STRATEGY - PRE-SCRUTINY

The Head of Legal, Equalities and Democratic Services presented a report on the proposed implementation of an Asset Disposal Strategy and in doing so had drawn Members' attention to the following:

- The Council held substantial non Housing Revenue Account (HRA) Land, Property and Equipment. The 2019/20 Statement of Accounts valued these assets at £52m.
- The Council possessed a comprehensive asset register which provided a valuation of those assets in monetary and service delivery terms. This was imperative in terms of providing assurance to the external auditors.
- The Council had a duty to ensure that its fixed assets were reviewed on a continual basis to ensure they remained fit for their strategic purpose, complied with legislative and regulatory requirements, and did not lose value. A comprehensive affordable repairs and maintenance programme was required to fulfil these requirements.

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- Appendix C to the main report contained an update letter from Savills on the high level assessment they undertook of all assets owned by the Council. In the Savills report sites were identified which had a high development potential and/or were deemed surplus to requirements.

Following the presentation, Members asked a number of questions to which the following responses were provided:

- Members queried if the extract from stratification of fixed assets from the latest Statement of Accounts (2019/20), as included in paragraph 9.2 of appendix A to the report, contained figures for sales of assets in the previous financial reporting period.
- It was clarified that appendix B to the report contained details of EPC ratings given to Council-owned commercial properties as of August 2022.
- Officers undertook to provide Members with a list of assets that had been declared surplus to requirements by the Council.
- Officers also undertook to provide a list of all non-domestic Council owned property assets which were currently below the minimum Energy Performance Certificate (EPC) rating of 'E'.
- It was requested that for future meetings copies of agenda be produced in a format suitable for colour-blind people.

It was proposed by Councillor Baker that a recommendation be made to the effect that all future reports regarding asset disposal be considered by the Overview and Scrutiny Committee prior to consideration by the Executive and/or the Council. It was noted in response that all asset disposals above the key decision threshold of £50,000 were required to be on the Executive Forward Plan and it was within the existing remit of the Overview and Scrutiny Committee to pre-scrutinise any item on that Forward Plan. Therefore, it was noted that the recommendation was unnecessary. Councillor Baker agreed to withdraw the proposed motion.

Councillor Clayton then proposed that the recommendation as contained in the report be agreed by the Overview and Scrutiny Committee.

On being put to the vote this recommendation was carried.

RECOMMENDED to the Executive:

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that the Asset Disposal Strategy be approved for implementation.

62. CLIMATE CHANGE/CARBON REDUCTION STRATEGY AND ACTION PLAN- PRE-SCRUTINY

The Vice-Chair welcomed the Net Zero Projects Manager from the Midlands Net Zero Hub to the meeting who provided a detailed presentation regarding the Redditch Borough Council's Carbon Reduction Strategy and Action Plan. During the presentation Members' attention was drawn to the following:

- Redditch Borough Council's Carbon Reduction Strategy and Action Plan covered exclusively the carbon dioxide emissions of the Council (including direct emissions from the activities of the Council and the emissions that the Council had influence over).
- The Strategy and Action Plan would need to be reviewed annually and progress against targets monitored twice a year.
- The Council's carbon reduction targets were set in line with the Worcestershire Local Enterprise Partnership (LEP) target of 50% carbon reduction by 2030 and the ambition of becoming net zero by 2040.
- To reach an interim target of 50% carbon emissions reduction by 2030, the Council would need to reduce its emissions by approximately 110 tonnes of carbon dioxide per year. To achieve net zero in the remaining 10 years to 2040 a target of approximately 87 tonnes of emission savings per year was needed.
- Even though the Council's own emissions were only a small part of the borough's total, it was in a strong position to exert influence on the wider geographical area.
- For the purposes of carbon reduction strategies, carbon dioxide emissions were categorised as coming from three sources – direct use of fuel (such as transport, gas heating), use of electricity, and indirect emissions (such as via the supply chain).
- A climate change officer would be appointed (a shared post between Redditch and Bromsgrove) and there would be further resource requirement as the Strategy was implemented. This would be accounted for in the Council's Medium Term Financial Plan (MTFP).
- There had been significant investment planned for the Town Hall such as putting heat pumps and new glazing.

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Following the presentation, a question was asked regarding how many times the Council's Climate Change Steering Group met since the Council declared a climate emergency in 2019. The Portfolio Holder for Climate Change stated that the group met on average four times a year since 2019, and three times in the municipal year 2021/22 which included having speakers from various stakeholder groups coming to the Steering Group meetings. Some Members considered this insufficient and stated that the Council must be bolder in tackling climate change.

Members asked about how the Council could encourage developers to build carbon neutral homes and asked whether planning policy powers were available to the Council in this area. Officers responded that the only way to require new builds to be carbon neutral standard was to make this a requirement in the Borough of Redditch Local Plan that acted as the Borough's statutory development plan. Such a requirement would be, however, far in excess of any current national Building Regulation standards and could be challenged by developers on legal grounds. This issue would therefore need to be carefully considered before any commitment be made. There was also the need for any consideration of carbon reductions in the local plans to be underpinned by viability assessments to ensure that the demands placed on developers did not have an overly adverse impact on housing delivery.

Some Members expressed the view that changes to the Local Plan needed to be implemented in a measured way and stated that the Carbon Reduction Strategy Implementation Plan that was before the Committee represented an ambitious plan which had carbon reduction targets that were more ambitious than those set at a national level.

With this view in mind, Councillor Baker-Price proposed that the Overview and Scrutiny Committee endorse the recommendation contained in the report, that is to recommend to the Executive that the Council's Carbon Reduction Strategy and Action Plan be endorsed and adopted

Councillor Khan then proposed the following amendment:

"That the Overview and Scrutiny Committee advise the Executive that the following additions be made to the Carbon Reduction Strategy Implementation Plan and the Borough's Local Plan, due to the seriousness of the situation and the need to ensure that the Council does more to reduce carbon emissions for the benefit of all residents of the Borough:

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- i) An amendment to the Local Plan to encourage developers to build carbon neutral, carbon negative, wooden or virtual plastic free housing of which examples already existed in Redditch.
- ii) An additional section in the Carbon Reduction Strategy Implementation to state that the Council would research and seek grant funding and run a campaign promoting the insulation of new build housing.
- iii) A requirement in the Local Plan that all new builds in the Borough should not only have EV chargers but also solar panels.”

This amendment was debated by the Committee.

The Leader of the Council commented that the points raised in the amended recommendation were important and would be taken into account by the Executive Committee as the Council needed to lead by example on this matter. He further noted that a number of important measures were already being implemented such as the Council doubling the amount of tree planting. Lastly, the Leader of the Council commented that considering changes to the local planning policy might better be considered by a planning panel, for example a planning advisory panel (PAP) which could be reconstituted.

Some Members made general observations that the Climate Change Panel was first instituted in 2007 and the Council's first Climate Change Strategy was introduced in 2019. In connection with this, some Members felt there were limitations to the Council's ability to have an influence on climate change, at least in the short term, as was the case with use of motor vehicles by the general population. It was thought that awareness-raising campaigns were the best instrument available to the Council in driving behaviour change on such matters.

Following the discussion, the amended motion proposed by Councillor Khan was put to the vote. On being put to the vote this recommendation was lost.

Councillor Baker-Price's original recommendation was then considered and on being put to the vote this recommendation was carried.

RECOMMENDED to the Executive

that the Council's Carbon Reduction Strategy and Action Plan be endorsed and adopted.

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63. VOLUNTARY BODIES SCHEME PRE-DECISION SCRUTINY

The Head of Community and Housing Services presented the Voluntary Bodies Scheme report for consideration by the Committee. The following was highlighted for Members' attention:

- The report outlined options for the Voluntary and Community Sector (VCS) Grants Scheme for the next three years after the current scheme expired in March 2023.
- Officers were proposing that the concessionary rents element of the scheme be removed and that there should be a budget of £100,000 from which VCS groups could apply for funding, together with a £50,000 grant for Financial Advice and Problem Solving.
- Section 6.12 of the report set out the four options for the future operation of the scheme.
- The feedback received from a consultation exercise undertaken with VCS groups indicated that the second option would be appreciated by most by the sector.
- This would mean the removal of the concessionary rents scheme, which was expected to deliver savings of £25k per annum.
- £10k was the maximum grant amount that an individual voluntary or community group would be able to obtain under the proposed options.

Some Members queried whether the average annual profit of approximately £10k generated by the community lottery scheme established by the Council, as referenced in section 6.7 of the report, took account of the set-up and operational costs. Officers explained that the figure quoted did include those costs, but Officers undertook to report back regarding whether this figure also included the officer time costs of the grants officer who managed the local lottery scheme.

Some Members expressed concern that options 1 and 2 as currently presented recommended the removal of the Council's concessionary rents offer for community and voluntary sector groups. It was argued that this would have a detrimental impact on smaller, locally based community and voluntary groups in Redditch, which were small entities and would be forced to cease operating without the provision of this support. Such entities, it was argued, would not be able to afford the full market rate for renting buildings.

Other Members pointed out, in contrast, that the concessionary rents element was only available to voluntary organisations

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operating from Redditch Borough Council owned properties. As such options 1 and 2 for the VCS Grants Scheme, as recommended in the report, would create a more merit-based system of allocating grants as no element of the overall scheme would be discriminatory based on whether an organisation was based in a Council-owned property or not.

Officers reminded the Committee that a decision with respect to ending the VCS Concessionary Rents scheme had been taken by the Executive on 29th October 2019, and a transition period had been implemented from April 2020 until 31st March 2022, when the rent concessions were gradually reduced. As such no concessionary rents scheme was currently offered by the Council.

The Leader of the Council commented that a consultation exercise with VCS groups had been undertaken with regards to the future of the voluntary bodies grants scheme and most respondents expressed preference for option 2 to be adopted by the Council. He commented that by adopting option 2 the Council would therefore be listening to what the voluntary and community sector itself wanted.

Following the debate, an amendment to the recommendation as stated in the report was proposed by Councillor Baker, as follows:

that the Executive be recommended by the Overview and Scrutiny Committee that option 1 as stated in section 6.12 of the report be approved, subject to a correction that the element in respect of the concessionary rents be *retained*. The amended Option 1 recommendation would thus read:

“Option 1 – Continue with current scheme (*retaining* the element in respect of the concessionary grants) for a 3 year period. With a total grant pot of £150k, which would include £50k being available for a Financial Advice and Problem Solving Grant.”

On being put to the vote this recommendation was lost.

Councillor Baker-Price proposed that option 2 be recommended as stated in section 6.12 of the report. The option thus recommended would read:

‘Option 2 – As detailed in option above, but also to update the current policy and break down into 2 types of application – smaller £500 to £2k and larger over £2k up to £10k’

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On being put to the vote this recommendation was carried.

RECOMMENDED that

the Executive approve the funding for the VCS Grants Scheme for a further three year period with option 2 as set out in section 6.12 of the report.

64. EXECUTIVE COMMITTEE MINUTES AND SCRUTINY OF THE EXECUTIVE COMMITTEE'S WORK PROGRAMME - SELECTING ITEMS FOR SCRUTINY

During consideration of the Executive Work Programme, Members requested that the following items be added to the Overview and Scrutiny Committee's Work Programme:

- Parking Enforcement Service Level Agreement
- Review of Governance Arrangements for Rubicon Leisure Limited
- Worcestershire Housing Strategy 2040.

RESOLVED that

- 1) the Executive Committee Work Programme be noted.**
- 2) the items from the Executive Work Programme, detailed in the pre-amble above, be added to the Overview and Scrutiny Committee's Work Programme.**

65. OVERVIEW AND SCRUTINY WORK PROGRAMME

The Overview and Scrutiny Committee Work Programme was submitted for Members' consideration.

RESOLVED that

the Overview and Scrutiny Work Programme be noted.

66. TASK GROUPS, SHORT SHARP REVIEWS AND WORKING GROUPS - UPDATE REPORTS

The Vice-Chair, Councillor Kane, provided an update on the Budget Scrutiny and Performance Scrutiny Working Groups in her role as Chair of these Groups. In doing so, Members were informed that a meeting of Performance Scrutiny Working Group took place on 29th September 2022 when matters relating to the Housing Service were discussed, including repairs, voids, and customer response times.

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The Vice-Chair reported that positive developments had taken place in terms of reduction in average void turnaround time from the high of 50 days to 17 days by August 2022, which represented a significant cost saving to the Council. It was noted, however, that concern remained around response times to customer calls, and the Performance Scrutiny Working Group wished to revisit this issue at its future meeting.

The Vice-Chair informed the Committee that two meetings of Budget Scrutiny Working Group had taken place since the last update, on 7th September and 19th October 2022 respectively. At the September meeting, the Group discussed issues around the Council's asset disposal in detail. At the October meeting, the Council's Medium Term Financial Plan (MTFP) 2023-24 to 2025-26 was discussed and the Vice-Chair presented her main observations from that meeting to the Committee.

RESOLVED that

the Task Groups, Short Sharp Reviews and Working Groups – Update Reports be noted.

67. EXTERNAL SCRUTINY BODIES - UPDATE REPORTS

As Councillor Chalk, the Council's representative on external scrutiny bodies, had submitted his apologies for this meeting, no update was provided.

The Meeting commenced at 6.32 pm
and closed at 8.51 pm

Executive Committee13th December 2022**Appropriation of Land off Ipsley Church Lane, Redditch for Planning Purposes**

Relevant Portfolio Holder	Councillor Peter Fleming
Portfolio Holder Consulted	Yes
Relevant Head of Service	Guy Revans
Report Author	Job Title: Bereavement Services Manager Contact email: michael.birkinshaw@bromsgroveandredditch.gov.uk Contact Tel: 01527 64252
Wards Affected	All
Ward Councillor(s) consulted	No
Relevant Strategic Purpose(s)	
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

The Executive Committee is asked to **RESOLVE** that

- 1.1 The Land off Ipsley Church Lane as detailed in appendix 1 be appropriated under section 122 (2A) of the Local Government Act 1972 for planning purposes**

2. BACKGROUND

- 2.1 Redditch Borough Council as the Local Planning Authority granted planning permission in accordance with the Town and Country Planning Act 1990 and The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) for the proposal referenced 20/00863/FUL with a decision notice dated 26th April 2022. This permission was for change of use of land from open grassland to cemetery including burial of none-cremated and cremated remains. New vehicular access to Ipsley Church Lane.
- 2.2 The land is designated under local planning policy as primary open space (parks) pursuant to Policy 13, which identifies that 'Primary Open Space' comprises ten different typologies, including Allotments, Amenity Open Space, Churchyard/Cemeteries/Crematoria, Civic Square, Indoor Sports Facilities, Parks, Play Area Provision, School Grounds, Semi-Natural, Sports Facilities
- 2.3 The Council has statutory powers to acquire and allocate land for specific purposes including for the purposes of planning. If a Council

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acquires land for a statutory purpose, it must hold the land for that purpose until it either appropriates or disposes of the land in accordance with its statutory powers.

- 2.4 A general power to appropriate land is conferred on councils under section 122 of the Local Government Act 1972. Section 122 (1) provides that a council may appropriate lands
- belonging to the council
 - that is no longer required for the purpose for which it is held
 - for any other purpose for which it is authorised by statute to acquire land
- 2.5 The council can only appropriate land under section 122 (1) if the land is no longer required for the purpose for which it is currently held. In reaching this decision, the council must consider the public need within the area for the existing use.
- 2.6 As the land in question is open space, it is categorised as a 'special category of land' under the 1972 Act and additional provisions apply under section 122 (2A). There is no limit on the size of the open space area that can be appropriated under this section.
- 2.7 Open space is defined in section 336 (1) of the Town and Country Planning Act 1990 as any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. It is important to note that the council's own designation of the Land both current and proposed as open space does not impact the statutory definition provided in the 1990 Act and applied in the 1972 Act.

3. Appropriation Process

- 3.1 Before appropriating open space land a council must
- advertise its intention to appropriate open space land for two consecutive weeks in a newspaper circulating in the local area as such notices were placed in the Redditch Standard on the 16th & 23rd September 2022 however the notice on the 16th of September had an incorrect email address to reply to therefore this was amended by the 23rd and an additional notice placed on the 30th September.
 - consider any objections to the proposed appropriation. The initial deadline for objections was set as the 21st of October but due to the notice error this was moved to the 28th of October 2022.

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- 3.2 By appropriating the land under section 122 (2A) of the local government act 1972 the land would be released from any trust for the enjoyment of the public imposed by section 164 of the Public Health Act 1875 or section 10 of the Open Spaces Act 1906.

Open Space Provision

- 3.3 As detailed in the planning report submitted to the planning committee on 13th October 2021 the site in question falls under the Matchborough Ward. The most recent Open Space Needs Assessment from 2009 indicated that the Ward has an Open Space deficit of 2.13ha per 1000. However, the more recently updated Borough & Ward standards from 2011 shows this has fallen to 1.85ha per 1000. It is important to note that Borough & Ward standards exclude the Arrow Valley Park as it is classed as a sub-regional facility and has the potential to skew the local level Open Space data. As such the appropriation of this land for planning purposes has no impact on the open space deficit for Matchborough Ward.

Primarily Open Space Provision

- 3.4 The site is designated Primarily Open Space, Parks and whilst the typology would change under the current change of use permission reference 20/00863/FUL would remain as Primarily Open Space. This new typology would be Churchyard/Cemetery/Crematoria.
- 3.5 The National Planning Policy Framework (NPPF) defines open space as; 'All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can function as a visual amenity'. By appropriating the land for planning purposes and for the purpose of the planning 20/0086/FUL change of use to a cemetery would mean that the site would continue to function as an area of publicly accessible open space of public value.
- 3.6 Redditch Borough Council's Leisure & Culture Strategy document comprises details of the Parks & Open Spaces Strategy and demonstrates a commitment to understanding the current provision, key issues and priority needs along with the production of management plans for key sites. The planning decision referenced in 2.1 above shows that the site will remain designated as open space and therefore will remain part of the wider Leisure & Culture Strategy.

Executive Committee13th December 2022**Objections to the appropriation**

3.6 Details of the objections are summarised as follows

- 69 people objected 68 by email 1 by letter

of the objections they are broken down into the following categories

	Category	Number
1	Loss of recreational space	60
2	Loss of Open Space	38
3	Water logging issues	9
4	Close to housing	2
5	Highways issues	17
6	Groundwater issues	3
7	Inappropriate gradient	8
8	Damaging the local ecology	25
9	More people use it now than will as a cemetery	1
10	Anti-burial	5
11	Potential increased flood risk	2
12	Noise pollution from surrounding sites	3
13	Potential conflict between different users	3
14	Lack of public transport links	7

3.7 Items 2 – 14 are all items that have been dealt with via the planning application of the 13th of October 2021 and therefore in granting the permission the planning authority has satisfied itself that these matters are compatible with the use of the site. As such they are not matters for consideration in this appropriation process.

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4. Loss of Recreational Space

4.1 With regards to the 60 objections that listed loss of recreational space as an objection the main reason given were as follows

- Used for walking with family
- Run a dog walking business and use site daily
- Sledging in the winter
- Kite & model aircraft / drone flying
- Paragliding
- Running
- Picnics
- Dog walking
- Mental health

4.2 This site being considered for appropriation is 4.60 hectares and is surrounded by a further 55 hectares within 1 kilometre from the centre of the site. So, of the circa 60 hectares available to the public in this area appropriation of this land equates to 8% of the land leaving 92% still available for recreational use.

4.3 Across the wider Arrow Valley Park there is circa 364 hectares with a wide range of facilities compatible with its use as a leisure and recreation facility. Therefore, the appropriation of this land equates to 1.3% of the overall available land and consequently leaving 98.7% available.

5. FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications with regards to this decision however if the choice is made to not appropriate the land, then all existing expenditure with regards to the potential cemetery site will have been lost. This equates to circa £60,000

5.2 If the decision is challenged via a judicial review then additional costs would be incurred by the council.

6. LEGAL IMPLICATIONS

6.1 The main governing instruments for local authority cemeteries are currently Section 214 and Schedule 26 of the Local Government Act 1972 and the Local Authorities Cemeteries Order Act 1977 (as amended)

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- 6.2 There is no statutory obligation on the local authority to make provision for burials so a local authority can cease offering new full and cremated remains graves although this would not affect the use of existing graves in current cemeteries in the Borough.
- 6.3 As stated above at 2.4 a general power to appropriate land is conferred on councils under section 122 of the Local Government Act 1972. Section 122 (2A) provides that a council may appropriate lands
- belonging to the council
 - that is no longer required for the purpose for which it is held
 - for any other purpose for which it is authorised by statute to acquire land

7. STRATEGIC PURPOSES – IMPLICATIONS**Relevant Strategic Purpose**

- 7.1 **Living independent, active & healthy lives.** The appropriation of the land would not have any impact on the council's strategic purposes

Climate Change Implications

- 7.2 The decision to appropriate land will not have a direct impact on the council's climate change commitments.
- 7.3 As this land can continue to be included in the Parks & Open Space Strategy it can follow the recommendations made in the report from September 2022.
- Recommendation 1 requires a better understanding of the biodiversity of the open spaces within the Borough
 - Recommendation 3 requires a clear approach to Biodiversity net gain and providing a measurable approach to the management of the land
 - Recommendation 5 requires identification of further carbon capture and natural capital gains
- 7.4 The commitment made via the planning process referred to in 2.1 above has already demonstrated a desire to enhance the biodiversity within the local area and not just the site in question and conditions have been placed on the permission to this effect.

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8. OTHER IMPLICATIONS**Equalities and Diversity Implications**

- 8.1 The decision to appropriate land will not have a direct impact on the council's equality and diversity commitments.

8. RISK MANAGEMENT

- 8.1 The authority may be at reputational risk if the decision to appropriate the land for planning purposes is challenged via a judicial review.

9. APPENDICES and BACKGROUND PAPERS

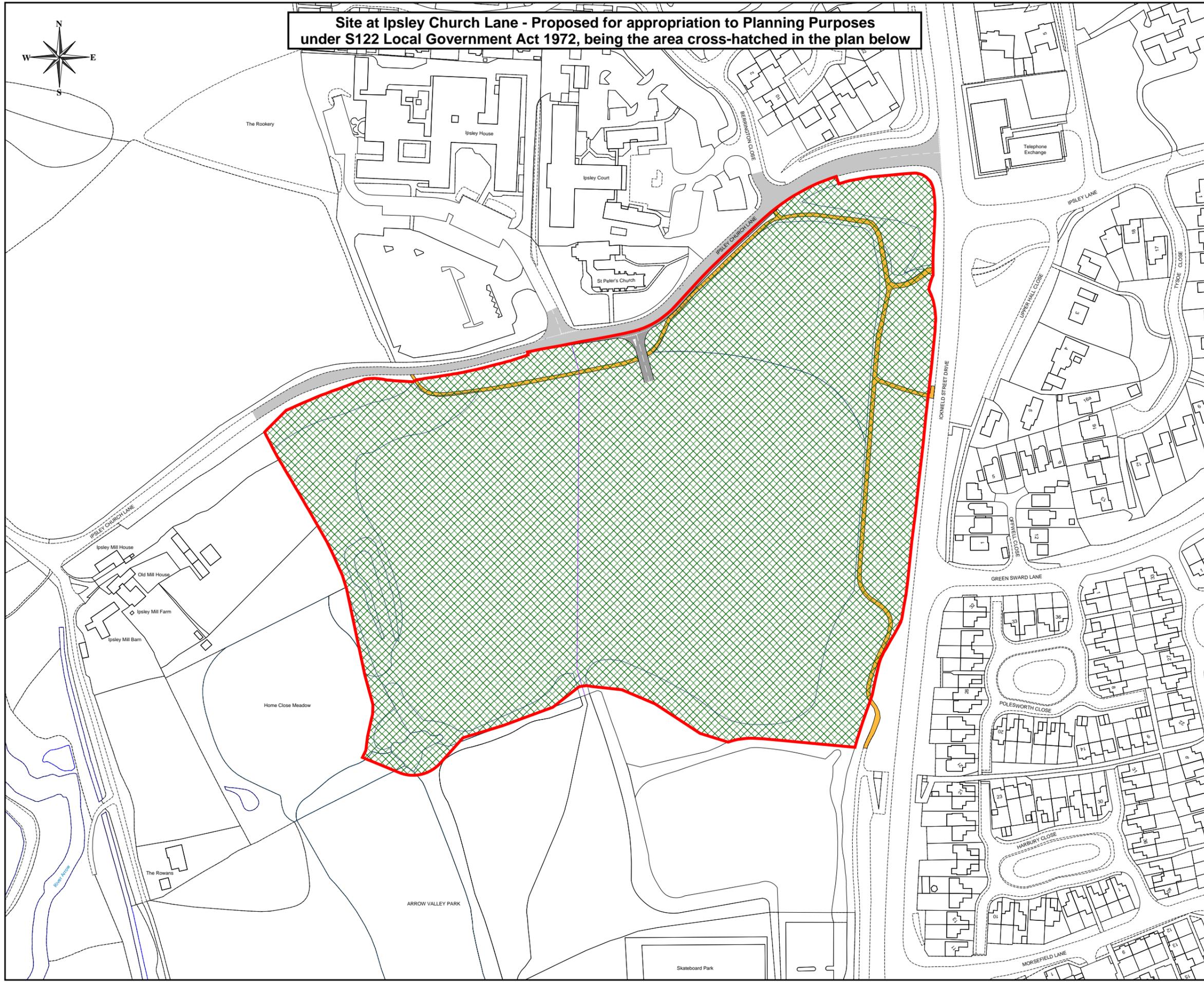
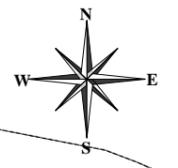
- 9.1 Appendix 1 – Site Location

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9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder		
Lead Director / Head of Service		
Financial Services		
Legal Services		
Policy Team (if equalities implications apply)		
Climate Change Officer (if climate change implications apply)		

Site at Ipsley Church Lane - Proposed for appropriation to Planning Purposes under S122 Local Government Act 1972, being the area cross-hatched in the plan below



Notes:

Date	Rev	Details

Project:
**Proposed Redditch Cemetery
Ipsley Church Lane**

Drawing:
Appropriation - Site Details

Drawn:	PTL	Scale:	1/2,000 @ A3
Surveyed:	OS	Date:	Aug 2022

Drawing No: **P2038/51**

Engineering and Design Services
Town Hall
Walter Stranz Square
Redditch
Worcs B98 8AH

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Ordnance Survey 100024252

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