

**Decision Session – Cabinet Member for
Transport, Planning and Sustainability**

19 July 2013

Report of the Assistant Director – City
Development and Sustainability.

Land at Mayfield Grove York

Summary

1. The purpose of this report is to confirm the future management arrangements for the land at Mayfield Grove York – allocated as Public Open Space in a s106 agreement dated June 1997.

Background

2. This matter has been considered at previous decision sessions on: 8 March 2012, where the process for selecting a suitable organisation to undertake the long term management of the land was set out and agreed; and on 27 September 2012 where the outcome of this process was reported for decision - see annexes 1-4.
3. The section 106 agreement states :
4. At paragraph 1.4: ‘upon request of the council to transfer ownership and management of the open Space (excluding the play area) to the Council or to such person or body as the Council may approve.’
5. At paragraph 1.6 : ‘and it is acknowledged that the open space is principally of benefit to the development rather than to the wider public’
6. The site history was comprehensively summarised in the report considered at the cabinet member decision session on 8 March 2012 – Annex 1. This report also set out the process to be followed in selecting a suitable organisation to manage the land for

the long term in accordance with the s106 agreement, and this was agreed as per Annex 2.

7. The report of 27 Sept 2012 (Annex 3) detailed the outcome of that process.

8. The comments / decision recorded in the minutes of that meeting are attached at annex 4

Update

9. The following actions have been taken since September 2012

A meeting took place with York Natural Environment Trust NET representatives on 19 November 2012 to discuss the way forward	19 Nov 2012
A meeting took place with Chase residents Assoc. CRA / Mayfield Community Trust MCT representatives on 28 Nov 2012 to discuss the way forward	28 Nov 2012
Ward Committee 29 Nov 2012 Both CRA / MCT and YNET made presentations to the Ward Committee on 29 Nov 2012	29 Nov 2012
Appointment of York Mediation service Feb 2013	Feb 2012
In March / April 2013 York mediation service undertook meetings with both CRA / MCT and YNET representatives separately	March / April 2013
They secured agreement to hold a joint meeting, seeking a mediated outcome based on the shared objective of the long term management of the open space at Mayfield Grove. Unfortunately it was not possible to reach a mediated agreement between the 2 groups.	May 2013

Current position

10. The potential for the 2 competing groups / organisations to work together has been explored using a formal framework, the outcome being that it has not been possible to find a resolution.
11. CRA / MCT responded to the comments made at Sept 2012 decision session re the assessment of their bid by producing a revised management plan. This was presented in Nov 2012 and clarifies their management regime proposals omitting the elements which proposed 'gardening' activity in this public open space.
12. YNET clarified verbally at the meeting in Nov 2012 their proposals for ensuring local community involvement in the management of the public open space and subsequently confirmed this in writing.
13. There has been ongoing concern reported by representatives of both groups, and local residents, in relation to a number of matters relating to the management of the land and some fishing activity.
14. The council has agreed certain necessary works, some of which have been undertaken by YNET, and other works have been directly ordered by the council including the felling of dead trees.
15. The title to the land is now held by the council and the legal status as public open space registered as a restrictive covenant as required by the s106 agreement.

Objectives

16. The primary objective here is to secure the beneficial management of the land at Mayfield Grove York as public open space in accordance with the s106 agreement dated June 1997.
17. To achieve this, the council was ideally looking for community groups to take on the responsibility where the council faces significant financial pressure and resources are stretched at this

time. This approach was also seen as the route to achieving wider benefits; an emphasis on nature conservation and providing a green space amenity for the benefit of local residents and the wider York community, as agreed at the 8 March 2012 decision session.

Options

18. Option 1 - The council take on overall management and co-ordination of what is now council land, and work with local groups CRA / MCT and YNET as appropriate to allow them to undertake some management works. The pond could be licensed separately and this offers the potential for income to offset the management costs. Working with local groups may also offer access to grant aid for improvement works. This arrangement can be subject to review at an appropriate time.
19. Option 2 - Award management to CRA / MCT – initially on a short term (18-24 month) licence – with a need for appropriate performance monitoring.
20. Option 3 - Award management to YNET – initially on a short term (18-24 month) licence – with a need for appropriate performance monitoring.
21. Option 4 - Award management of the site on a split basis where the site is divided by Nelsons Lane into 2 areas - the southern area, including the pond and the northern area including the meadow. An initial award, on a short term licence (18-24 months), with a need for appropriate performance monitoring.

Analysis

22. Option 1 - The current situation is unsatisfactory and creates uncertainty. **It has been confirmed that the 2 interested groups cannot work together.** The competitive process agreed by the council may have contributed to this situation. The overriding objective / priority should be the appropriate management of the land in accordance with the s106 agreement. The council now holds title to the land and is ultimately responsible for its management. If the council takes overall management responsibility, but works with groups as

appropriate to co-ordinate works, this could help to build confidence and trust in the local community and improve relations. The pond could be licensed separately to provide some income to offset the management costs. The minimum standards of management will be secured. The arrangement can be reviewed in future.

23. Option 2 – The CRA / MCT bid to manage the land was assessed as being acceptable in 2012 and has now been modified as paragraph 11. However, the Mayfield Community Trust as a newly formed organisation has no track record of delivery, and a short term license with performance monitoring will require ongoing council involvement.
24. Option 3 – The YNET bid to manage the land was assessed as being the stronger bid in 2012. However, the decision made in Sept 2012 minutes concern in relation to the arrangements for effective community engagement. Despite the clarifications submitted, the communities and equalities team confirms that only a short term license with the need for performance monitoring would be appropriate, which will require ongoing council involvement.
25. Option 4 – There is significant interest from both groups in managing the land and both have been actively involved in organising works in the last 18 months; YNET to the southern area around the pond and CRA / MCT to the northern area between Nelsons Lane and Hobmoor. This area is also directly related to the Children's Play area. Splitting the site management mitigates against a holistic approach. However, this would allow each organisation to manage areas of interest and promote different activities to the local community. There is perhaps the potential for this to prove that a joint working approach could work.

Council Plan

26. Securing appropriate future management arrangements for the land at Mayfield Grove York will contribute to the Council Plan objective of protecting the environment.

Implications

27. **Financial** the financial contributions for future management of the land were paid to the council by the developer in 2003. And transferred to YNET in 2004. According to YNET's latest published accounts the section 106 funds are still held in a reserved fund
28. **Human Resources (HR)** There are no direct HR implications however CYC officer time will be involved in managing the land in future
29. **Equalities** N/A
30. **Legal** The options set out above comply with the s106 agreement
31. **Crime and Disorder** there are no direct implications, and no reported problems on the land.
32. **Information Technology (IT)** there are no IT implications.
33. **Property** it is confirmed that all the land covered by the s106 agreement and is now in council ownership. Lease / licence agreements can be negotiated as appropriate following this decision session
34. **Risk Management** The current situation is unsatisfactory and is causing disquiet in the local community. The council will need to maintain involvement to ensure resolution in all options.

Recommendation:

It is recommended that Option 1 is approved.

Reason:

Option 1 will ensure that the terms of the s106 agreement are discharged and that there is certainty in the future management arrangements. This option recognises: that a mediated outcome involving joint working between the 2 groups was not possible; and the council's role with respect to the local community.

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**Report
Approved**

Date *10 July 2013*

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

- Annex 1 - Cabinet Member Decision Session Report 8 March 2012
- Annex 2 – Minutes of 8 March 2012 Decision Session
- Annex 3 - Cabinet Member Decision Session Report 27 Sept 2012
- Annex 4 – Minutes of 27 Sept 2012 Decision Session