
**Cabinet Member for Transport,
Planning and Sustainability**

27 September 2012

Report of the Assistant Director for City Development and Sustainability

Open Space Land at Mayfield Grove York

Summary

1. The purpose of this report is to :
2. Confirm the progress made and the actions taken following the decision at the 8 March 2012 Cabinet Member Decision Session where this matter was considered previously.
3. Report on the assessment of bids, submitted in accordance with the process agreed at the 8 March 2012 Decision Session, and set out the management options available.

Background

4. The land at Mayfield Grove is the subject of a section 106 agreement dated June 1997.
5. The background was comprehensively summarised in the report considered at the Cabinet Member Decision Session on 8 March 2012 – Annex 1.

8 March 2012 Decision

6. The Cabinet Member decision on 8 March 2012 approved option 2 of the report:
To agree the process as set out with appropriate modifications based on comments/ representations made [during the decision session] - the amendments recorded in the minutes of that meeting are attached - Annex 2.
7. In summary: to secure the long term management of the land at Mayfield Grove, the council committed to seek expressions of interest from suitably constituted community groups who would need to demonstrate that they have the appropriate capacity / capability / expertise / resources available to

manage the land over the long term, in accordance with an agreed management plan.

8. The council prepared a management framework, which described the site and set out the minimum requirements necessary for successful management of the area, also articulating some of the aspiration believed to be necessary for achieving wider benefit.
9. The management framework offered a format for structuring a developed management plan which was to be the primary submission requirement. The full submission requirements, which included the assessment criteria to be used, are attached – Annex 3.

Actions and progress since 8 March 2012

10. The following timetable has been followed:

The opportunity for community groups to submit expressions of interest will be formally advertised by public notice in York Press	2 May 2012
Expressions of interest should be registered by no later than Details of the submission requirements and the council's assessment methodology would be sent out to interested parties by return	16 May 2012
Deadline for formal submissions demonstrating compliance above with criteria and including developed management plans manage the land for public benefit in accordance with a developed management plan, broadly based on the management framework	6 July 2012 (inc post rec'd Mon 9 July 2012)
Assessment of bids by officers against the criteria set out in the assessment checklist	July 2012
Preparation of report for cabinet member decision session in September	August 2012
Decision on future management arrangements	September 2012
Future Management Arrangements in place	tbc October 2012

11. Amendments in accordance with annex 2 were made to the management framework and the process of seeking bids has been followed through in accordance with the summary above.
12. The opportunity for community groups to submit expressions of interest was formally advertised by public notice in York Press on 2 May 2012. The council also contacted potentially suitable groups. The information pack setting out the submission requirements was sent out on 18 May 2012.
13. The deadline for submission of bids was 6 July 2012.
14. The 8 March decision session report also confirmed that the council would continue to pursue all necessary legal processes to recover the land area behind Hob Moor Terrace wrongly sold by Taylor Wimpey to Woodhead Investments in Dec 2010.
15. This process has now secured the transfer of the title to that land to CYC. Agreement has also been reached with Taylor Wimpey in relation to the purchase price and the councils associated costs.
16. Agreement has also been reached with Taylor Wimpey in relation to the majority of the s106 land and the legal process to transfer the title to the council is at an advanced stage.
17. The interim management of the land has also been reviewed through discussion between the council and Taylor Wimpey as current land owner. Limited essential works have been carried out specifically including :
 - The erection of life belts around the pond
 - Repairs to access gate

Other maintenance work has been carried out including:

- Works agreed by TW / CYC where CRA was keen to see cutting back of shrubs partially obstructing the access from Nelsons Lane to the northern part of the site.

Further maintenance work is scheduled in the next few weeks / months including:

- The cutting of the meadow and the removal of arisings - at the end of the summer and in accordance with the management framework.
- Felling of dead elm tree to the rear of 26 Hob Moor Terrace.

Assessment of the bids submitted

18. 2 bids were received by the 6 July deadline – one from York Natural Environment Trust YNET and one from Chase Residents Association CRA.
19. Legal advice was sought on 20 July to ensure that the proposed assessment process was sound in accordance with council procedures. It was agreed that no external oversight was required. However, it was recommended that the council's procurement team should have oversight of the process and agree in discussion with those officers involved the exact scoring methodology to be used in accordance with the published criteria and weighting.
20. The bids have been independently assessed by 4 senior officers within the Council with specific expertise in Ecology and Countryside Management, Landscape, Parks and Open Spaces. The assessment process has also included input from the Neighbourhood Management Unit and the financial information has been reviewed by a City and Environmental Services Accountant.
21. A moderation meeting was held on 10 Sept to confirm, with procurement oversight, that all officers had the same understanding of the assessment criteria and the scoring mechanism, and that scoring was in accordance with the councils agreed scoring protocol. A further officer meeting was held on 14 Sept to ensure that the scoring judgements were consistent with the assessment criteria.
22. It was specifically confirmed in these meetings that the overall aims and objectives placed an emphasis on the site being managed for nature conservation with access for people. The scoring scheme necessarily reflects this.

Assessment Outcome

23. The final moderated scores indicate that the bids submitted by both organisations are sound bids and demonstrate that either organisation could take on the long term management of the land in accordance with the minimum requirements set out in the management framework.
24. The assessment of bids followed the published criteria. The breakdown of the point scores within the 4 sections, organisational factors, organisational capacity, developed management plan and community involvement was agreed with procurement to reflect the high level management aims and objectives.

25. In relation to the organisational factors and capacity both bids indicate a clear understanding of the management structures needed both formally / legally, and more informally, including the need for communication at a local level. The advantage YNET are able to evidence is that of an established trust with a track record. However CRA have clearly demonstrated that they have the necessary arrangements in place to form a trust and in every respect would match or exceed the constitutional / membership / insurance requirements that would be appropriate /necessary.
26. The essential difference between the bids could be seen as a reflection of the backgrounds of the respective organisations.
27. The CRA bid is stronger on community involvement aspects and sets out a number of aspirations for the site which go beyond the management framework requirements. This aspiration is evidence of the enthusiasm and commitment needed for successful management of the site.
28. However, management proposals must be appropriate for the site and where the primary consideration is nature conservation, public access and enjoyment must respect this. CRA's developed management plan is certainly acceptable, but it does not follow through with the details of what is required to deliver against the clear assertion in the plan that the site requires a 10 year 'restoration' period. CRA's bid also included significant supporting information in the form of questionnaire responses completed by members of the local community. It is not clear that these have directly informed the developed management plan, particularly the proposed interventions.
29. YNET submitted a more comprehensive developed management plan, clearly setting out how the land would be managed based on its existing form. There is perhaps less aspiration for change and or development, but there is clarity in relation to how what is there now would be managed and enhanced for nature conservation benefit and how access would be improved.
30. However the YNET arrangements for local community involvement and engagement are not as clearly defined as they could be. And where this was clearly highlighted as an important consideration this is a weakness.
31. Although this has been a formal process, it is not a tender exercise based on a cost / quality assessment of providing the service. The process was designed to secure the best possible future management arrangements for the land at Mayfield Grove York in accordance with the s106 agreement.

32. Officer comments accompanying the assessment articulate the conundrum :

CRA seem to have greater links to the local community as well with the support being very local whilst YNET's is wider. Both have their problems though. A wildlife centred approach can lead to local people feeling sidelined whilst a local community led approach can lead to wildlife being compromised.

I have no doubt that both could probably manage the site.

33. However, the final moderated scoring awards the YNET bid a few percentage points more than the CRA bid with the essential differences between the bids as highlighted above.

Options

34. The following options could be considered :

35. Option 1 - to confirm that the long term management of the land at Mayfield Grove York should be undertaken by YNET in accordance with the developed management plan and supporting information as submitted. City of York Council will work with them to agree the necessary lease / licence agreement for the land when the titles are secured by CYC and to confirm the arrangements for local engagement.

36. Option 2 - to confirm that the long term management of the land at Mayfield Grove York should be undertaken by CRA on the basis of the developed management plan and supporting information as submitted. City of York Council will work with them to agree an appropriate lease / licence for the land when titles are secured by CYC and CRA have enacted the trust arrangements necessary for this purpose.

37. Option 3 – to agree that City of York Council would take on the long term management of the land

Analysis

38. Option 1 - follows the process agreed in March through to its conclusion, and confirms that the long term management of the land would be carried out by an appropriately constituted / experienced / resourced organisation. YNET are an established environmental trust with an appropriate constitution and established membership. Their bid proposed the stronger management proposals, but the arrangements for local engagement would benefit from clarification. There is a level of certainty that the land will be

adequately managed. The risk factor is that local engagement is not as comprehensive as it could be.

39. Option 2 - although CRA's bid did not score as highly, it certainly exceeds the minimum requirements set out in the submission requirements. The local community involvement is a strength. However, the council must consider some degree of risk attached to the organisation's ability to manage the land for the long term, and there is some concern that the management plan proposals, especially where they suggest change, don't entirely reflect the community comments presented in support of the bid. The developed management plan also lacks the 10 year time frame stated as being necessary for the 'restoration' of the land. However, arrangements have been made to establish a trust, and subject to confirmation and any additional input from the council being clarified this is still a potential way forward.
40. Option 3 - If CYC were to take on the management this would require resource to be identified at a time when the council faces significant budget pressures. This option was previously discounted in March. However, it was always a clear intention from the very outset of the discussions around this land during the planning process in the mid 1990's that the land would be managed by a community based organisation.

Council Plan

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

Implications

- **Financial** the financial contributions for future management of the land were paid to the council by the developer in 2003. The financial component of both bids has been scored by council finance.
- **Human Resources (HR)** There are no HR implications
- **Equalities** the maintenance of public access to the land is a key objective here satisfactory equalities statements have been submitted by both groups
- **Legal** the council is committed to an ongoing legal process in relation to securing title to the land in accordance with the section 106 agreement dated 2 June 1997 – which is nearing conclusion as detailed in the report.

- **Crime and Disorder** there are no direct implications, and no reported problems on the land.
- **Information Technology (IT)** there are no IT implications
- **Property** it is confirmed that in the first instance the land covered by the s106 agreement and (currently owned by Taylor Wimpey and Woodhead investments) is to be transferred to council ownership. Lease / licence agreements will be negotiated as appropriate following this process.

Risk Management

42. The existing situation with respect to uncertainty in land ownership arising from the council's failure to secure complete discharge of a section 106 agreement dated June 1997 is unsatisfactory. Resolution is required to re-assure the local community and discharge the council's responsibility as local planning authority. The future management arrangements must also be capable of delivering on the agreed aims and objectives with the least risk.

Recommendation: The Cabinet Member is recommended to approve Option 1 as set out at paragraph 35 of the report.

Reason: As through the assessment process the YNET bid achieved the higher overall score.

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Report
Approved



Date 21Sept 2012

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Approved



Date 21Sept 2012

Wards Affected: List wards or tick box to indicate all

Dringhouses and Woodthorpe

For further information please contact the author of the report

Background Papers:

As 8 March 2012 decision session

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=738&MId=6745&Ver=4>

Annexes –

Annex 1 - Cabinet Member Decision Session report 8 March 2012

Annex 2 – Minutes of 8 March Decision Session

Annex 3 – Bid submission criteria as sent out 18 May2012

The Annexes to this report can be found on the Councils website for the 27th September 2012 decision session or at the web page detailed here:

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=738&MId=7371&Ver=4>