



**DRAFT PORTFOLIO HOLDER DECISION NOTICE**

**PROPOSED INDIVIDUAL DECISION BY THE DEPUTY LEADER**

**TOPIC - LEASE OF ST FAITH'S MEADOW TO HAMPSHIRE AND ISLE OF WIGHT WILDLIFE TRUST AND SERVICE LEVEL AGREEMENT WITH THE WILDLIFE TRUST FOR SUPERVISION AND MANAGEMENT.**

**PROCEDURAL INFORMATION**

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Corporate Director (Governance), the Chief Executive and the Head of Finance are consulted together with Chairman and Vice Chairman of The Overview and Scrutiny Committee and any other relevant overview and scrutiny committee. In addition, all Members are notified.

If five or more Members from those informed so request, the Leader may require the matter to be referred to Cabinet for determination.

**If you wish to make representation on this proposed Decision please contact the relevant Portfolio Holder and the following Committee Administrator by 5.00pm on Thursday 18 April 2013.**

**Contact Officers:**

**Case Officer:** Damian Offer, Tel: 01962 848 419, Email: [doffer@winchester.gov.uk](mailto:doffer@winchester.gov.uk)

**Committee Administrator:** Nancy Graham, Tel: 01962 848 235, Email: [ngraham@winchester.gov.uk](mailto:ngraham@winchester.gov.uk)

**SUMMARY**

On 7 June 2012, Winchester Town Forum recommended to Cabinet (WTF175, CAB2369 refers) that it consider granting a 10 year lease of St Faith's Meadow to Hampshire and Isle of Wight Wildlife Trust (The Wildlife Trust) along with a grant towards management of £4,000 per annum for a period of 10 years starting from 1 April 2012.

Cabinet on 13 June 2012 subsequently referred the decision to be dealt with by the Deputy Leader by a Portfolio Holder Decision Notice. This report sets out the information that Cabinet requested be provided in support of the proposed decision. The City Council owns St Faith's Meadow, a former water meadow located to the south of Garnier Road in Winchester. St Faith's Meadow is part of the River Itchen

Site of Special Scientific Interest (SSSI) and is located adjacent to the River Itchen Special Area of Conservation (SAC). The Council has statutory obligations to ensure that the St Faith's Meadow SSSI is managed in an appropriate manner.

Working on behalf of the Council, the Wildlife Trust has succeeded in entering St Faith's Meadow into two Natural England grant schemes; Entry Level Stewardship (ELS) and Higher Level Stewardship (HLS). In combination, these grant schemes will provide annual management grant of £1,043 over ten years and a major works grant of up to £53,805.50 for specific works including tree felling and fencing.

It is proposed that the Wildlife Trust will undertake necessary management works and supervise works required under the grant schemes. The Wildlife Trust will undertake this work under an SLA with the Council which will provide a grant of £4,000 per year towards staff and operational expenditure. It is proposed that the site be leased to the Wildlife Trust for a period of ten years from 1 April 2012 to coincide with the term of the HLS scheme.

### **PROPOSED DECISION**

- 1 That approval be given to the grant of a lease to Hampshire and Isle of Wight Wildlife Trust of land at St Faith's Meadow for ten years from 1 April 2012, and that delegated authority be given to the Head of Landscape and Open Spaces (in consultation with the Head of Legal Services) to settle the detailed terms of the lease, having regard to the principles set out in paragraphs 1.14-1.16 of report WTF175.
- 2 That the proposed grant of a lease be advertised under Section 123 of the Local Government Act 1972 and delegated authority be given to the Head of Landscape and Open Spaces, in consultation with the Deputy leader, to consider any representations made and determine whether or not to proceed with the grant of a lease.
- 3 That a grant to Hampshire and Isle of Wight Wildlife Trust of £4,000 per year over ten years (subject to an annual inflationary uplift based on annual CPI change, starting from February 2013) be approved, subject to the entering into and compliance with a Service Level Agreement for the supervision and management of St Faith's Meadow and delivery of the ELS and HLS schemes with the aim of achieving Favourable Condition of the SSSI within ten years.

### **REASON FOR THE PROPOSED DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

The City Council owns 5.85 acres of land located between Garnier Road and St Cross Hospital, which is known as St Faith's Meadow. The land lies adjacent to the River Itchen and is a former water meadow and is designated a Site of Special Scientific Interest (SSSI) for its wildlife interest. The City Council has a statutory duty

to ensure that the SSSI is managed appropriately to encourage the flora and fauna detailed in the SSSI citation.

In 2005/06 Winchester Town Forum allocated annual funding of £5,000 for a three year programme of management for St Faith's Meadow. Hampshire and Isle of Wight Wildlife Trust (The Wildlife Trust) undertook various management operations on the site over this period, including the annual clearance of nettles and scrub. However, these operations have had limited lasting impact or benefit because more significant issues, which are driving the decline of the habitat, remained unresolved.

In 2008 Natural England suggested that grazing would be an effective management technique to meet the ecological needs of the SSSI. The Council therefore investigated the feasibility of introducing grazing to the site up until 2009, whereupon it was decided that this would only be feasible as part of a comprehensive management scheme.

St Faith's Meadow has experienced a gradual decline in habitat quality largely through neglect and inappropriate management over many years. A number of non-native hybrid poplars and willows were planted on the site in the 1970s, which have facilitated the ongoing degradation of the habitat. These now very large trees, which should have been harvested years ago, have encouraged the increasing dominance of nettles by drying out the ground, causing enrichment through leaf fall and creating heavy shade. As a result of its progressive degradation, the SSSI is classified as 'Unfavourable Declining' by Natural England.

In 2009, the Town Forum approved a final payment of £7,000 to the Wildlife Trust on the basis that the Trust would facilitate entry of the site into an appropriate grant scheme and thus secure additional funds for resolving the significant factors causing the degradation of the SSSI.

Since 2009, the Trust has wardened the site and utilized the Council grant to undertake essential tree works, dealing with trees that had or were in danger of falling down or those that presented a risk to the public. Essential tree works cost over £3,600 in 2011/12 alone.

The Trust has also pulled together all the information required (biological surveys, tree assessments etc.) to support an application to Natural England for funding through the Higher Level Stewardship scheme. The Trust applied for entry into the scheme in January 2012 and Natural England approved the application in March 2012; St Faith's Meadow has been granted entry into both Entry Level Stewardship Scheme (ELS) and Higher Level Stewardship Scheme (HLS). In combination, these grant schemes will provide funds for site management over the next ten years.

In combination, ELS and HLS provide annual base-level grant assistance for routine management of £1,043 for ten years from 1 March 2012. In terms of annual management costs, this is a minor amount and does not cover the disproportionate costs of managing this small but complex site. This report proposes that the Council contributes to the management costs of the site through a grant to the Trust of

£4,000 per year over the ten years to coincide with the duration of the HLS agreement.

As will be noted from the implementation plan at Appendix 1, the Council will make an overall contribution of £30k towards labour costs in supervising the restoration works and wardening the site over ten years and £10k towards the cost of the major works. In the first three years of the SLA, the Council will contribute mainly to labour costs in managing the restoration programme. The Council's contribution to the cost of the major works arises from 2015 onwards.

The payment of this grant will be governed by a Service Level Agreement (SLA), which will stipulate the conditions and performance criteria associated with the grant. The Trust has committed to delivering an implementation plan, which details the work it will undertake under the SLA. This plan is attached at Appendix 1.

In addition to the annual management grant, Natural England have allocated up to £53,805.50 towards the cost of major works required to bring the SSSI into improved condition. This grant provides the funds towards the cost of addressing the significant management challenges referred to above namely:

- a) Removal of the non-native hybrid poplar and willow trees , which are nearing the end of their natural life and are at increasing risk of collapse;
- b) Restoration of the ditches and channels to improve ditch habitats and facilitate improved water flow across the site;
- c) Management of invasive scrub, which is to be reduced in area; and
- d) Fencing to facilitate the introduction of grazing livestock.

The Wildlife Trust and officers of the Council have initiated a public engagement exercise to provide information about the proposed works and receive comments. A very successful public meeting attended by about sixty people was held in July 2012 at St Cross Church, following the publication of articles in the press and discussion of the proposals at Town Forum and Cabinet.

There was some debate at this meeting about the proposed works and the tree felling, with explanations provided by both the Council and the Trust. At the meeting, the Head of Landscape and Open Spaces invited anyone with reservations to contact him directly in writing. Since the meeting, one letter has been received, which expressed concern about the impact on the water table and thus adjacent properties. Having consulted colleagues in the drainage and engineering section of the Council, the Head of Landscape and Open Spaces advised the resident that there was likely to be no adverse impact on local properties due to the tree removal. A consultant's report obtained by the Trust in April 2013 has further concluded that the tree felling will have no adverse impact on properties in the vicinity.

As the Trust has the appropriate expertise to meet the requirements of both ELS and HLS, both agreements are between Natural England and the Wildlife Trust. To provide the Wildlife Trust with a secure operating position from which it can meet the requirements of the schemes, approval is sought to lease the land at St Faith's Meadow to the Trust for ten years.

The tree felling was completed in February 2013. Unfortunately, due to the soft ground conditions, it has not been possible to proceed with the extraction and processing of the timber. This operation has therefore been delayed until September 2013 when the ground conditions will be more favourable and the felled timber will have dried.

The Wildlife Trust have undertaken an extensive public engagement programme to explain to the public why the work has been undertaken and the benefits it will deliver. Several guided walks will be undertaken on the site on the site following the end of the felling work, at which officers of the Wildlife Trust will provide further explanation of the rationale behind the work.

Under Section 123 of the Local Government Act 1972, the City Council is able to dispose of land in any manner they wish. Where the land is to be disposed off at less than full consideration, (and the disposal is other than a tenancy of less than seven years) the consent of the Secretary of State to the disposal is required. Given the nature and existing restrictions on the land, it is likely that the disposal of this land to the Wildlife Trust at nil value would be the best consideration which could be achieved from the land, but in any event the General Disposal Consent (England) 2003 is likely to apply (see below).

Where the consent of the Secretary of State is required, because the disposal of the land is less than best consideration, the disposal may nevertheless fall within the terms of the General Disposal Consent (England) 2003. This allows disposal where any undervalue is less than £2,000,000 and the local authority considers that the purpose for which the land is being disposed is likely to achieve the promotion or improvement of economic, social or environmental well-being of the whole/part of its area or the residents thereof.

If approval is granted to the proposal in this PHD Notice to lease the land to the Wildlife Trust, then a public notice under Section 123 of the Local Government Act 1972 advertising the proposed disposal (by lease or transfer) would be published and consideration duly given to any objections received.

### **RESOURCE IMPLICATIONS:**

An annual grant of £4,000 (increased by CPI each year) is to be paid for ten years from the Planning (Environmental Improvement) Grants budget to Hampshire and Isle of Wight Wildlife Trust for supervision and management of St Faith's Meadow, delivery of the works detailed in the HLS scheme in order that the SSSI achieves Favourable Condition by the end of the SLA.

The proposals outlined in this report will ensure that the Council meets its statutory obligations under the Natural Environment and Rural Communities Act 2006 regarding St Faith's Meadow Site of Special Scientific Interest.

**CONSULTATION UNDERTAKEN ON THE PROPOSED DECISION**

The Head of Legal Services and Head of Finance have been consulted on the PHD Notice.

**FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE**

n/a

**DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED**

n/a

**DISPENSATION GRANTED BY THE STANDARDS COMMITTEE**

n/a

**Approved by: (signature)**

**Date of Decision:**

**Cllr Rob Humby – Deputy Leader**

**Appendix 1 – Implementation Plan**

### St Faiths Meadows – Draft Implementation Plan for HIWWT to form part of an agreement with WCC 2012-2022

Year / FY quarter	Activity (red = restoration phase; green = maintenance phase; black = other)	Man-hours on Task	Comments
2012 Q1	• Maintain warden presence*	13	One visit per week of 1 hour each
	• Public engagement and consultation	14	Leaflet drops, meetings etc
2012 Q2	• Maintain warden presence	13	One visit per week of 1 hour each
	• Public engagement and consultation	10	Leaflet drops, public meeting, preparation etc
	• Scope tree felling & clearance work	15	Research, site Meetings with client and contractors
2012 Q3	• Maintain warden presence	13	One visit per week of 1 hour each
	• Public engagement and consultation	10	Leaflet drops, meetings
	• Commission tree felling & clearance work	8	Prepare and let contracts
	• Obtain consents for tree felling work	8	Applications, liaison with EA and FC and clients
2013 Q4	• Maintain warden presence	13	One visit per week of 1 hour each
	• Public engagement work	10	Guided Walks, meetings
	• Supervise site preparation works	8	Machinery arrival, initiate works, public liaison
	• Supervise tree felling	14	Supervision visits – additional to wardening time
	Year 1 Total	149	
	Labour @ £26.12/hr (HWT rate - full cost recovery)	£3,891.88	
	WCC contribution to tree work & infrastructure costs	£108.12	

Year / FY quarter	Activity ( <b>red</b> = restoration phase; <b>green</b> = maintenance phase; <b>black</b> = other)	Man-hours on Task	Comments
2013 Q1	<ul style="list-style-type: none"> <li>• Maintain warden presence</li> <li>• Prepare Grazing Management Plan - Agree management parameters</li> <li>• Prepare fencing and public / livestock access infrastructure contract</li> </ul>	13 10 7	As per HLS agreement
2013 Q2	<ul style="list-style-type: none"> <li>• Maintain warden presence</li> <li>• Supervise tree clearance work</li> </ul>	14 28	As per agreed management plan – additional to wardening time
2013 Q3	<ul style="list-style-type: none"> <li>• Maintain warden presence</li> <li>• Vegetation control where necessary</li> <li>• Supervise installation of fencing and public / livestock access infrastructure</li> </ul>	13 10 7	Additional to wardening time
2014 Q4	<ul style="list-style-type: none"> <li>• Maintain warden presence</li> <li>• Vegetation control where necessary</li> <li>• Prepare programme for biodiversity survey</li> </ul>	13 10 7	
	Year 2 Total	153	
	Labour @ £26.12/hr (HWT rate - full cost recovery)	£3,996.36	
	WCC contribution to tree work & infrastructure costs	£3.64	



Year / FY quarter	Activity ( <b>red</b> = restoration phase; <b>green</b> = maintenance phase; <b>black</b> = other)	Man-hours on Task	Comments
2014 Q1	<ul style="list-style-type: none"> <li>• Maintain warden presence</li> <li>• Undertake Biodiversity Survey</li> <li>• Initiate cattle grazing regime – supervise stock and monitor grazing</li> </ul>	13 7 26	Additional to standard visits
2014 Q2	<ul style="list-style-type: none"> <li>• Maintain warden presence</li> <li>• Grazing - Supervise stock and monitor grazing</li> <li>• Vegetation control</li> <li>• Undertake Biodiversity Survey</li> </ul>	14 28 7 14	Additional to standard visits Follow-up to 2010 HBIC survey
2014 Q3	<ul style="list-style-type: none"> <li>• Maintain warden presence</li> <li>• Vegetation control</li> </ul>	13 7	
2015 Q4	<ul style="list-style-type: none"> <li>• Maintain warden presence</li> <li>• Vegetation control</li> <li>• Refine management objectives</li> </ul>	14 7 3	
	Year 3 Total	153	
	Labour @ £26.12/hr (HWT rate - full cost recovery)	£3,996.36	
	WCC contribution to tree work & infrastructure costs	£3.64	

Year / FY quarter	Activity ( <b>red</b> = restoration phase; <b>green</b> = maintenance phase; <b>black</b> = other)	Man-hours on Task	Comments
2015/2016	<ul style="list-style-type: none"> <li>• Maintain warden presence</li> <li>• Grazing and vegetation control</li> </ul>	52 42	As per HLS agreement / refined management plan
	Year 4 Total	94	
	Labour @ £26.12/hr (HWT rate - full cost recovery)	£2,455.28	
	WCC contribution to tree work & infrastructure costs	£1,544.72	

Year / FY quarter	Activity ( <b>red</b> = restoration phase; <b>green</b> = maintenance phase; <b>black</b> = other)	Man-hours on Task	Comments
2016/2017	<ul style="list-style-type: none"> <li>• Maintain warden presence</li> <li>• Grazing and vegetation control</li> </ul>	52 42	As per HLS agreement / refined management plan
	Year 5 Total	94	
	Labour @ £26.12/hr (HWT rate - full cost recovery)	£2,455.28	
	WCC contribution to tree work & infrastructure costs	£1,544.72	

Year / FY quarter	Activity ( <b>red</b> = restoration phase; <b>green</b> = maintenance phase; <b>black</b> = other)	Man-hours on Task	Comments
2017/2018	<ul style="list-style-type: none"> <li>• Maintain warden presence</li> <li>• Grazing and vegetation control</li> <li>• Prepare for Biodiversity Survey</li> </ul>	52 42 7	As per HLS agreement / refined management plan
	Year 6 Total	101	
	Labour @ £26.12/hr (HWT rate - full cost recovery)	£2,638.12	
	WCC contribution to tree work & infrastructure costs	£1,361.88	

Year / FY quarter	Activity ( <b>red</b> = restoration phase; <b>green</b> = maintenance phase; <b>black</b> = other)	Man-hours on Task	Comments
2018/2019	<ul style="list-style-type: none"> <li>• Maintain warden presence</li> <li>• Grazing and vegetation control</li> <li>• Undertake biodiversity survey</li> <li>• Refine management objectives</li> </ul>	52 42 27 3	As per HLS agreement / refined management plan
	Year 7 Total	124	
	Labour @ £26.12/hr (HWT rate - full cost recovery)	£3,238.88	
	WCC contribution to tree work & infrastructure costs	£761.12	

Year / FY quarter	Activity ( <b>red</b> = restoration phase; <b>green</b> = maintenance phase; <b>black</b> = other)	Man-hours on Task	Comments
2019/2020	<ul style="list-style-type: none"> <li>• Maintain warden presence</li> <li>• <b>Grazing and vegetation control</b></li> </ul>	52 42	As per HLS agreement / refined management plan
	Year 8 Total	94	
	Labour @ £26.12/hr (HWT rate - full cost recovery)	£2,455.28	
	WCC contribution to tree work & infrastructure costs	£1,544,72	

Year / FY quarter	Activity ( <b>red</b> = restoration phase; <b>green</b> = maintenance phase; <b>black</b> = other)	Man-hours on Task	Comments
2020/2021	<ul style="list-style-type: none"> <li>• Maintain warden presence</li> <li>• <b>Grazing and vegetation control</b></li> </ul>	52 42	As per HLS agreement / refined management plan
	Year 9 Total	94	
	Labour @ £26.12/hr (HWT rate - full cost recovery)	£2,455.28	
	WCC contribution to tree work & infrastructure costs	£1,544,72	

Year / FY quarter	Activity ( <b>red</b> = restoration phase; <b>green</b> = maintenance phase; <b>black</b> = other)	Man-hours on Task	Comments
2021/2022	<ul style="list-style-type: none"> <li>• Maintain warden presence</li> <li>• <b>Grazing and vegetation control</b></li> </ul>	52 42	
	Year 10 Total	94	
	Labour @ £26.12/hr (HWT rate - full cost recovery)	£2,455.28	
	WCC contribution to tree work & infrastructure costs	£1,544,72	

\*Wardening activity to include the following on a periodic basis depending on activities:

- Infrastructure checks
- Public use checks
- Liaison with fishing tenants and neighbouring landowners

- Pro-active outreach work to the community / other users

**Total Labour Costs = £30,038**

**Total Contribution to tree work and infrastructure costs = £9,962 (= 16%)**

**Total WCC Contribution = £40,000 (£4,000 per year over 10 years)**

Draft 1 - DR 27<sup>th</sup> June 2012

Draft 2 – DO – 14<sup>th</sup> Feb 2013

Draft 3 – DR 27<sup>th</sup> Feb 2013