

BRIEFING PAPER

SUBJECT: Protection of Green Spaces / Amenity Spaces in Council Housing Estates

DATE: 14 December 2023

RECIPIENT: Overview & Scrutiny Management Committee

THIS IS NOT A DECISION PAPER

SUMMARY:

1. This report considers the protection of green spaces, or amenity / garden land, commonly found within Southampton Council housing estates. These are typically parcels of green space land incorporated as part of the original design of the estates at the end of individual rows of homes to create additional space either side of roads or public footpaths. The report recommends changing the current policy, and only permit the sale of this land in exceptional circumstances.
2. The recommendation is to adopt a new policy that protects amenity land / green spaces in housing estates, and only enables the sale of such land in exceptional circumstances. Exceptional circumstances will relate to the provision of access needed or land required for adaptations for disabilities.

BACKGROUND and BRIEFING DETAILS:

3. In February 2012, Cabinet approved a report ([Cabinet Report February 2012](#)) which set out a process for the sale of Housing Revenue Account (HRA) amenity land. The report explained how the Council had for many years, allowed tenants, leaseholders, and property owners on Council estates to acquire interests over infill pieces of HRA land.
4. With the 2019 launch of [The Green City Plan 2030](#) and Charter, the Council now has more pressing considerations related to the protection / preservation of green spaces including the use of green spaces as areas for sustainable urban drainage, such as a rain garden and surface water runoff.
5. Prior to 2012, these green spaces were subject to licence negotiations for use, however the 2012 policy change enabled residents to apply to purchase amenity land, with each application considered on its individual merits. The policy required, among other things, consideration of the following:
 - a. Any Council proposals for the specific space and/or the area in general
 - b. The impact of any sale upon the management and maintenance of the Estate
 - c. The loss of open space (if any) involved.
 - d. Potential impact on neighbours
 - e. The wider public benefit or harm
 - f. Environmental impact

BRIEFING PAPER

6. The current application procedure involves significant officer time to process each application, including information gathering on the parcel of land being applied for, photographs, site plans and, carrying out a consultation with officers across Housing Management, City Services and Estates Regeneration.
7. In some instances, and depending on the site, the relevant Cabinet and Ward Members are also involved in the consultation.
8. Based on the outcome of the consultation, if a decision is reached to sell the amenity land, that decision is delegated to the Head of Corporate Estate & Assets, under the delegated powers outlined in the Council's Constitution.
9. At the beginning of each application process, the applicant pays a fee for their request to be considered. The related enquiries received, and applications made breakdown thus:

	Enquiries received	Applications made	Application progressed to sale	Sale completions / Licences
2016 - 2019 (limited data available)		33		17
2019 - 2022	152	54	2	1
2022 - 2023	22	10	2	2

10. This demonstrates that the majority of applications are not progressed because in a significant number of cases, the criteria for sale approval is not met. In cases where applications are refused, these can lead to complaints. Dealing with these complaints places further pressure on stretched resources and takes up officers' time.
11. Principally, this sale of amenity land activity does not allow the Valuation & Estates Team to focus their work on activity that will lead to the growth of the city and income for the Council. The Council's Valuation & Estates Team deals with the garden / amenity land sales, and the activity involved takes up time that could be spent on crucial income generating activity like lease renewals and rent reviews for the commercial portfolio, both activities which the team are currently behind on.
12. Rent reviews, which are an evaluation of a current commercial lease, are very time consuming. Typically the review takes into consideration the condition of the property, and current market to negotiate an increase in the rent that the tenant / leaseholder will pay to the Landlord. These are income generating, negotiation activity that the Valuation & Estates Team have with the tenant / leaseholder on behalf of the Council.
13. The change in the policy will enable the time spent on administering amenity / garden land sales to be reallocated to lease / rent reviews and other similar income generating activity for the Council.
14. Over the last few years most applications that have been submitted have been unsuccessful, but whilst the policy remains in place there is a requirement for the Council

BRIEFING PAPER

to continue to take the £100 application fee and process applications. This results in disappointment to members of the public.

RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

15. The sale of amenity land generates limited income for the City Council, and this is outlined within the table below:

2016 - March						
2019	2019/20	2020/21	2021/22	2022/23	2023/24	
£ 400.00	£ 5,000.00	£ 700.00	£ 700.00	£ 600.00	£ 900.00	
£ -	£ 2,300.00	£ -	£ -	£ -	£ -	
£ -	£ -	£ -	£ -	£ -	£ -	
£ -	£ -	£ -	£ -	£ -	£ -	Total GLA income (2019 to 2023)
£ 400.00	£ 7,300.00	£ 700.00	£ 700.00	£ 600.00	£ 900.00	£ 10,600.00

However, the process involves significant officer time, which when quantified outweighs this minor income.

16. The table below demonstrates the per annum cost equivalent of the time spent administering the application process, as it currently stands. Note however, that this table does not account for management time spent reviewing the applications, cross Council department consultation time spent reviewing the detail of application, nor further officer time spent dealing with complaints in instances where applications have been refused:

Estates Support Officer role:	4 hours per week
Estate Surveyor role:	1 hour per week
Total cost equivalent of time spent per week	£ 149.32
Total cost equivalent of time spent per annum (52 wks)	£ 7,764.64
Total cost equivalent of time spent from 2016 to 2023 (416 wks)	£ 62,117.12
Total income received from sale of amenity land from 2016 to 2023	£ 10,600.00

17. From 2016 to date, a total income of £10,600 has been received in relation to the policy, however it is important to note that the income collected falls short of covering the FTE officer time to process applications, the surveyor time to visit the site and take photos of the areas in question, and the number of other officers' input to respond to the related consultation.

18. The overwhelming evidence demonstrates that the current approach does not represent value for money to the Council, or fairness to members of the public.

OPTIONS and TIMESCALES:

19. The following options were considered:

- Continue with the existing approach to the sale of amenity / garden land.
- Allow residents to continue to negotiate licences for land use.

BRIEFING PAPER

20. These options were rejected as they do not enable the Council to prevent a change of use of these open spaces which are important for sustainable urban drainage and surface water run-off and in some cases are important environments for biodiversity.

21. The preferred option is to adopt a new policy that protects amenity land / green spaces in housing estates, and only enables the sale of such land in exceptional circumstances. Exceptional circumstances will relate to the provision of access needed or land required for adaptations for disabilities.

RISK MANAGEMENT IMPLICATIONS

22. The option not to sell amenity / garden land or only restricting sales to exceptional circumstances, risks complaints if residents are unable to buy land to extend their property. However, since 2019 a significant number of sale applications have not met the approved criteria and have therefore been rejected.

23. Whilst these parcels of garden / amenity land may seem small and relatively insignificant spaces, collectively they offer significant benefits, for instance in the case of biodiversity, they act as corridors that offer a network for wildlife across the city.

Appendices/Supporting Information:

Further Information Available From:	Name:	Ola Onabajo – Service Manager: Asset Management
	Tel:	023 8091 7809
	E-mail:	Ola.onabajo@southampton.gov.uk