

# HOUSING CABINET MEMBER MEETING

## Agenda Item 12

Brighton & Hove City Council

<b>Subject:</b>	<b>Bevendean Community Garden proposal</b>		
<b>Date of Meeting:</b>	<b>26 May 2010</b>		
<b>Report of:</b>	<b>Director of Housing, Culture &amp; Enterprise</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Ododo Dafé</b>	<b>Tel:</b> <b>29-3201</b>
	<b>E-mail:</b>	Ododo.dafe@brighton-hove.gov.uk	
<b>Key Decision:</b>	No		
<b>Wards Affected:</b>	Moulsecoomb and Bevendean		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report informs Cabinet Members' Meeting of the proposal to lease land in Bevendean for food growing to the Bevendean Community Garden project group. It outlines feedback on the various consultations that have taken place, along with possible responses to them.

#### 2. RECOMMENDATIONS:

- (1) Consider the consultations that have been carried out on the proposal to grant a lease of land in Bevendean to the Bevendean Community Garden project group.
- (2) Consider the representations at Appendix 4 received in response to the statutory advertisement placed in the Argus.
- (3) Agree to the land being leased at a peppercorn rent to Bevendean Community Garden project group in line with the Heads of Terms in Appendix 3
- (4) Agree to delegate authority to the Director of Housing, Culture & Enterprise, in consultation with the Cabinet Member for Housing, to finalise the lease arrangements with the Bevendean Community Garden Project Group.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The Council has been supportive of making available unused or underused land to local people wishing to grow food, and this initiative is supported by the Brighton and Hove Food Partnership. A report to the Sustainability Cabinet Committee from the then Director of Adult Social Care Housing on 21 January 2010 outlined this position.
- 3.2 The process of trying to support a local community project to establish a new food growing project on Housing land has been a first for the officers involved, and a first for Brighton & Hove. The process has come up against many issues, all of which have been captured in a document which will be used to streamline any future projects. The experience of trying to facilitate this project can then be used positively and learning will not be lost.
- 3.3 The Bevendean Community Garden group is made up of a few Bevendean residents who are passionate about growing food locally, and generally becoming more self sufficient as a community. In outlining their proposal they have stated that they would like to bring together people of all ages, share skills and knowledge, and work together for a common purpose on something as basic as growing food. It is their intention to work with local residents to achieve a highly productive fruit and vegetable garden, and to link this work with the local Bevendean primary school, which has expressed support for the project (please see Appendix 5). The group envisages having a core group of members, and opening the garden to local volunteers a couple of days of the week. Everyone involved would be the beneficiaries of the produce, with any surpluses either being distributed locally, or being sold with the small profit being ploughed back into the project.
- 3.4 The group have been seeking land for a couple of years to no avail, however late last year the land in Bevendean which is the subject of this report was raised as an option. The land was assessed as being suitable by colleagues in Cityparks & Allotments. Earlier this year the land needed to be checked for nestling birds. If none were found, it was advised that the clearance would need to take place almost immediately in order that nesting did not begin – in which case the land could not legally be cleared for another year.
- 3.5 Although the lease had not, and still has not been agreed, neighbouring residents had not been consulted when the land was cleared, and were therefore considerably concerned to find that their previous feeling of security and privacy from the shrub growth had been eroded with the clearance.
- 3.6 Council officers asked the community group to notify all residents that neighboured the site of proposals for the garden, which they did in February 2010. The letter mentioned clearing brambles. Unfortunately, most residents did not see or read the letter.
- 3.7 A community meeting had already been planned and advertised by the Bevendean Community Garden group for Sunday 28 March; however in the intervening time the clearance was arranged for the previous Sunday (21 March) when an environmental organisation was available to volunteer free assistance.

- 3.8 At the meeting of the Action for Bevendean Community (ABC) attended by two ward councillors, Councillor Caulfield and Councillor Marsh, on Monday 22 March the neighbouring residents expressed deep concern at the lack of council consultation. Explanations and apologies were made, and a plan for future meetings and consultations was agreed.
- 3.9 The meetings and consultations have taken place (please see Appendix 1 for findings of the questionnaire survey), and we are now in a position where most of the residents whose gardens immediately adjoin the proposed land are opposed to the project, but where the majority of people consulted are supportive of it.

#### **4. CONSULTATION**

4.1 Monday 22 March - Ododo Dafé, Head of Customer Access and Business Improvement, attended the meeting of Action for Bevendean Communities to hear the local community frustration about the lack of consultation and concern for the proposed project; and agree attendance at the consultation meeting on Sunday 28 March.

4.2 Wednesday 24 March - Cathy Bath, Housing Officer, visited all the residents (privately owned bungalows) backing onto the land. The concerns or questions raised were:-

- No consultation with those most affected.
- Residents had only read about it in the Argus on Saturday, and a couple of them had seen something in the Bevendean Bulletin.
- The plan on the 'Bevendean Community Garden' blog didn't look like a vegetable growing project – looked more like the Lewes Road garden.
- Concern about ponds on the plan when one on that land was previously filled in due to health and safety reasons.
- Number of people on site - will it attract street drinkers and associated anti-social behaviour?
- Would it be like the Lewes Road garden?
- Events, barbeques, parties - noise
- Why was the land cleared before the lease has been granted?

4.3 Sunday 28 March - community information meeting planned by 'Bevendean Community Garden', attended by Ododo Dafé and Francesca Illife (Sustainability Officer), and with representation from City Parks and the Brighton & Hove Food Partnership (BHFP). The council's consultation process and consultation period of four weeks was agreed. Residents neighbouring the site selected four of their group to represent them to meet with Ododo on 15 April. A public meeting was arranged for Thursday 22 April 2010, and then everyone visited the site. Similar concerns to those in the bullet points in 4.2 above were raised.

4.4 Monday 12 April - Cathy Bath, Housing Officer, visited many of the neighbouring properties to directly consult with each resident. Similar objections to those listed above were made.

- 4.5 Thursday 15 April - Ododo had a meeting, as arranged, with representatives from the neighbouring properties – three of the four attended. In conclusion, they would support the project if it was somewhere else. They had consulted locally and they all have objections. Residents had previously been fairly mixed, some were supportive, but now the overwhelming response was not in favour of the project being located directly behind their gardens.

If it were to go ahead Heath Hill Avenue residents have asked for the following concerns to be addressed:-

	<b>Concern/request</b>	<b>Initial response, possible remedy</b>
1	A buffer zone is essential – would like 3 – 4 meters between their back gardens and the perimeter fence for the site so that vegetation can grow back.	3-4 meters may be excessive due to the size of the land. BHFP are confident they can support successful fundraising for site security fencing.
2	Site fencing – want 2 meter (6’ 6”) high close board fencing to the backs of neighbouring gardens for privacy, security and noise reduction.	Fencing the perimeter is in the draft lease as the projects responsibility. Providing security to the rear of gardens is really the responsibility of residents, but it can be seen what additional measures might be negotiated. Front secure fence and buffer zone re-growth may meet this need.
3	Asbestos found on the land when rubbish removed, so site will be unsuitable. Concern regarding potentially buried asbestos.	Suitable soil testing would be carried out by the community group. BHFP: “The asbestos was in builders pipes dumped next to the fences backing onto the housing and the contractors removed it safely - there was no evidence of buried rubbish there but they will take due care before digging anything up (if they get to the digging up stage).”
4	Does Housing have 24 hour resource to be around and tackle any anti-social behaviour (ASB) immediately? They don’t want any noise, or to have to wait two days for action.	Sorry, not a 24 hour presence, but the council and/or police response to any anti-social behaviour would be as for the rest of the city. In addition a named Housing Officer would be responsible for investigating any initial reports of ASB.
5	Why does the group need a children’s play area, as shown on the map on their blog, when there’s a park	The map on the blog has now been removed as it was only ever intended to give a general idea of what might be possible. The group did not intend for

	<b>Concern/request</b>	<b>Initial response, possible remedy</b>
	nearby?	it to be a final plan.
6	Limit educational visits to 9-1pm, Monday-Friday only. Don't want noise in the afternoon.	This might be unreasonable given that the school day finishes around 3pm. Perhaps tie visits in with school hours. In addition the group may like to do educational after-school activities.
7	Cooking only limited to school activities – no cooking for any other purpose.	The group may want to do demonstrations on open days, and this may be considered too restrictive when residents across the city can have barbeques at any time.
8	No-one on site before 9am.	If the group want to eg water the land before work, this may be unreasonable as long as it wasn't using machinery.
9	No-one on site after 9pm during the summer months.	Addressed in draft lease – could say no-one after dusk to cover all year.
10	If the site is simply used for growing, they wouldn't have all these concerns. They'd like a stipulation that 70% of site is used for growing.	This is reasonable as food growing is what council is looking to support. BHFP: might need to say 70% of useable land as some of it is sloped.
11	No music or undue noise on site. They don't want children running around, as their children were doing at the Sunday meeting.	No music is reasonable, but the children issue may be questionable. BHFP: It's reasonable that children will make noise, but there should be helping parents etc. The project group want children to enjoy the space and learn, and reasonably expect children to make noise.
12	No climbing trees	Health and safety issue.
13	No vehicular access	Can be in lease.
14	Use of site limited to Lower Bevendean residents only.	Not sure how reasonable this is. Open to all Bevendean residents might be more reasonable, although this then limits the possibility of other people being able to help on the site.
15	No drugs or alcohol on site	Will be in lease.
16	Only factory made sheds on site, nothing cobbled together with bits of corrugated iron.	Planning issue. Any sheds and fencing must seek planning permission and meet local policies which will demand appropriate materials and appearance.
17	Why do they need a meeting area as shown on the map on their Blog page when there's a community church	This might simply mean a space for chairs and a table when stopping for a cup of tea or some lunch.

	Concern/request	Initial response, possible remedy
	down the road?	
18	Why is a pond needed when one was filled due to health and safety reasons.	Some health and safety concerns remain even with a shallow pond, however the group see it as an integral part of this type of garden. This will require further discussion.

- 4.6 Week commencing 19 April - officers visited Heath Hill Avenue residents to complete questionnaires.
- 4.7 Tuesday 20 April - the legal consultation period from the advert published in the Argus ends. Five written responses were received objecting to the proposal on the following grounds:-
- Land being cleared before residents consulted
  - Loss of privacy
  - Loss of security
  - Site not suitable, project being too close to back gardens
  - Project plan looking more like a garden than a place for growing vegetables
  - Loss of peace and quiet – eg noise from excited children
  - Possible anti-social behaviour.

Responses to these concerns have been set out in the table above in section 4.5.

- 4.8 Thursday 22 April - Council organised community consultation meeting in Bevendean. This was a very well attended meeting with residents, ward councillors, officers from various council departments, representatives from the Brighton and Hove Food Partnership, and a resident from the growing project in Moulsecoomb offering some insight into how that project is run. Similar concerns to those already outlined above were raised and responded to, and additional questionnaires were completed.
- 4.9 Friday 23 April and Monday 26 April - attendance at the Bevendean Tenant's Association meeting and Bevendean Local Action Team (LAT) respectively to consult on the proposed project. There was concern expressed about the lack of consultation, but the feeling that the project was a good one, and needed in the Bevendean area.
- 4.10 If the council is minded to grant the lease, draft Heads of Terms have been revised (please see Appendix 3) to address issues raised during the various consultations. This would allow the project group to either accept or reject the offer of the lease based on the conditions within the draft Heads of Terms.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The lease is subject to negotiation, however it is proposed that the Housing owned land to be leased to the Bevendean Community Garden project group is leased at a peppercorn rent therefore there will be no rental income stream to the Council.

Fencing is the responsibility of the tenants, and the estimated cost of security fencing is approximately £3,000.

Finance Officer Consulted: Susie Allen

Date: 12.05.10

### Legal Implications:

- 5.2.1 S. 123 of the Local Government Act 1972 requires that proposals for disposal of public open space be advertised for two consecutive weeks in a local newspaper and that any objections received as a result of the adverts be considered by the council.
- 5.2.2 S 32 of The Housing Act 1985 also impacts upon this proposed disposal of housing land as it requires that Secretary of State consent must be sought. The Secretary of State has issued some general consents and Consent E3.2 of the General Housing Consents enables the council to grant the lease of this land to a non-profit making body for the benefit of residents of Bevendean.

Lawyer Consulted: Anna MacKenzie

Date: 12.05.10

### Equalities Implications:

- 5.3 The proposal to grow food on council land addresses a number of equalities issues. Some include making fresh food more easily accessible to a wider group of people in the Bevendean area; bringing people of different ages, skills, knowledge together; and offering opportunities for all local people to be involved through volunteering days.

### Sustainability Implications:

- 5.4 The sustainability benefits of this proposed project are considerable. They include: making productive use of land which is unused; increasing local food production and a more sustainable food system; increasing consumption of healthy, fresh produce; increasing outdoor activity; increasing community cohesion; and increasing skills and capacity in the community.

### Crime & Disorder Implications:

- 5.5 As outlined in the report, concern has been expressed by some of the residents neighbouring onto the land that the project might lead to crime and anti-social behaviour, and they are concerned about the lack of privacy the clearing of the land has afforded. If the lease is granted for this proposal, the Bevendean Community Garden project have been assured of funding for perimeter fencing of the site which will secure the site from intruders, and in so doing will offer protection to the neighbouring gardens.

In addition the project aims to involve school children and local people which will increase the sense of shared ownership of the space, as something to be valued within the community.

### Risk and Opportunity Management Implications:

- 5.6 The risk here is in balancing opposing views. In granting the lease, there is a risk that neighbouring residents opposed to the proposal will feel their views have not been heard and acknowledged. However, during consultation they have set out a number of stipulations they would want covered if the lease was granted, and the majority of their concerns can readily be addressed in the terms of the lease.

Security of the site will be the major risk of the project, managed by the provision of perimeter fencing.

The project affords an opportunity to increase knowledge of natural food production and local food growing in the Bevendean area.

### Corporate / Citywide Implications:

- 5.7 The experience and learning from this proposed project will be used to provide carefully considered responses and consultations when asked for use of council land for food growing in the future. Officers are already working with the Brighton and Hove Food Partnership to draw up guidance and a schema for future requests.

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 There were other plots of land investigated for use by the Bevendean Community Garden project group, however they were deemed unsuitable and therefore not recommended for this project by Cityparks & Allotments and Ecology colleagues due to environmental and conservation factors.
- 6.2 In the event of the project not being granted a lease on this site, officers will endeavour to find an alternative site. However, no other site could offer the proximity to Bevendean Primary School that this site offers.



## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The project proposal has caused some local controversy because of lack of timely consultation by the council and fears of local residents that the seclusion and security they have enjoyed behind their properties will be disrupted by noise and nuisance created by a food project, and concerns about lack of security and privacy. However the project is committed to local food growing, and enabling use of its land for such activities is something the council has expressed support for. The land does not have a high conservation value, it is close to a local school, and has been disused for many years, and members of the wider community support the idea of a project sited at this location.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Report of questionnaire survey findings.
2. Questionnaire used for community consultation.
3. Draft Heads of Terms for lease
4. Representations in response to statutory notice
5. Letter from Bevendean Primary School

### **Documents In Members' Rooms**

1. None

### **Background Documents**

1. Sustainability Cabinet Committee; 21 January 2010; 'Food growing on council land'.

