

**REPORT TO: POLICY COMMITTEE ON 30<sup>TH</sup> APRIL 2008**

**SUBJECT: MAINTENANCE OF PRIVATELY OWNED GROUND**

**BY: DIRECTOR OF ENVIRONMENTAL SERVICES**

**1. REASON FOR REPORT**

- 1.1 To inform the Committee of the areas of privately owned ground that has historically been maintained by the Council and to ask the Committee to agree a policy for future maintenance.
- 1.2 This report is submitted to Committee in terms of Section A (59) of the Council's Administrative Scheme to formulate and review Council wide policy.

**2. RECOMMENDATION**

- 2.1 **That the Committee note the areas of privately owned ground currently maintained by the Council.**
- 2.2 **That the Committee review the sites listed in Appendix 1 and agree whether the Council's Policy should be to continue to maintain the sites, stop maintaining the sites or that only specific classifications of sites continue to be maintained.**

**3. BACKGROUND**

- 3.1 A report on maintenance of privately owned ground was submitted to the Audit and Performance Review Committee on 21<sup>st</sup> November 2007. Following consideration of the list of sites the Committee agreed that a schedule of the sites should be forwarded to Members and that a report be brought to the Policy Committee with a view to formulating a policy on the issue. (Item 15 refers)
- 3.2 Following a detailed review of sites, which identified a number of anomalies, by the Council's Estates Section a revised list of all sites along with location maps of sites within each Member's ward has now been issued to all Members requesting whether they have any local information regarding possible ownership of the sites where ownership is unknown. To date no further information has been received from Members regarding this.
- 3.3 Although the Department believe that some of the sites could be owned by local estates, there has been no contact made with any suspected landowners as there is no definite proof of ownership. Should the Council wish contact to be made it is probably unlikely that they would be prepared to

fund works on their sites which has been historically carried out by the Council.

- 3.4 Many of the sites maintained are in small communities and are amenity facilities for local residents. The type of areas include parks, playing fields, verges within small towns/villages and footpaths, some of which will be included in the Council's Core Paths Plan. The majority of grounds maintenance works carried out are grass cutting operations but some could include shrub/rose bed type maintenance.
- 3.5 Some of the sites would appear to benefit only individual organisations/clubs but most of these are local football clubs who probably had agreements with previous Councils on the understanding that the facilities would be available for schools and other organisations for sport development.
- 3.6 The maintenance of these privately owned sites by the Council is historical with the list having not changed nor been added to since The Moray Council inherited it from the Moray District Council in 1996. It should be noted that the question of whether the Council should continue to maintain privately owned sites has been the subject of various reports to Council Committees over a number of years.
- 3.7 **Appendix I** lists the sites under the land use classification being used in the open space audit for the preparation of the Council's Open Space Strategy. This breakdown of site classification may assist the Committee in agreeing policy for future maintenance of the sites.

The breakdown of site classification is as follows:

- (a) **Public Parks and Gardens**  
Areas of land designed, constructed, managed and maintained as a public park or garden.
- (b) **Amenity Greenspace**  
Un-enclosed landscaped areas providing visual amenity or separating different buildings or land used for environmental, visual or safety reasons, i.e. verges and areas used for a variety of informal or social activities.
- (c) **Playspace for children and teenagers**  
Areas providing safe and accessible opportunities for children's play.
- (d) **Sports areas**  
Grassland areas used primarily for designated sports.
- (e) **Green Corridors**  
Accessible linear routes linking different areas and used for walking, cycling, horse riding, etc.

- (f) Natural/Semi-natural greenspace  
Areas of undeveloped or previously developed land with residual natural habitats or which have been planted or colonised by vegetation and wildlife.

#### **4. SUMMARY OF IMPLICATIONS**

##### **(a) Corporate Development Plan/Community Plan/Service Improvement Plan**

The maintenance of amenity areas does impact on the Moray Community Plan's vision 'to increase the quality of life and wellbeing of everyone in Moray' and the Administration priority in respect of Tourism.

##### **(b) Policy and Legal**

There is no statutory duty on The Moray Council to maintain the areas of ground listed in this report.

##### **(c) Resources (Financial, Risks, Staffing and Property)**

The 2006/07 cost to maintain the privately owned sites was £62,745.

Should the Council decide to stop maintaining these sites then there could be risks regarding the safety of the public who would continue to use the sites, a reduction in areas available within local communities for general access and sport and a negative impact on tourism.

Maintenance of the private sites is carried out by the Council's Lands and Parks Section as part of a planned maintenance schedule for all Council owned sites. Removal of sites from this schedule will have an impact on the labour resources required to maintain these open spaces and further analysis would be required to establish the exact nature of this impact following the direction given by the Committee and be the subject of a further report.

##### **(d) Consultations**

All Members have been consulted regarding individual sites to establish whether they had any local knowledge regarding ground ownership.

Alexander Burrell, Estates Surveyor was consulted to ensure the information relative to site ownership was in accordance with the Council's records.

#### **5. CONCLUSION**

- 5.1 The Council has carried out grounds maintenance operations on a number of privately owned sites for a number of years but these have not been added to since 1996. The works are on a range of high, medium and low sites across the Council area with many being high profile sites within smaller communities. However, this issue has been raised on more than one occasion with previous Councils and it is essential that the Committee now agree a policy statement on the matter.**
- 5.2 The Committee is therefore asked to review the sites listed in Appendix I and consider whether the Council's policy should be to continue to maintain the sites, stop maintaining the sites or that only specific classifications of sites should continue to be maintained.**

Author of Report: Ian D Bruce, Environmental Protection Manager - 7040  
Background Papers: None  
Ref: IDB/MAS