

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cllr Richard Samuel, Cabinet Member for Resources	
MEETING/ DECISION DATE:	On or after 20th February 2021	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3255
TITLE:	Transfer of land at Bathampton Meadows	
WARD:	Bathavon North	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix A – Title Plan identifying the land to be transferred.</p> <p>Appendix B – Valuation of land at Bathampton Meadows (Unrestricted value)</p> <p>Appendix C – Valuation of land at Bathampton Meadows (Restricted value)</p> <p>Appendix D – Business Plan by the National Trust</p> <p>Appendix E – Bathampton Meadows Business Plan Assessment</p> <p>Appendix F – Independent review of Natural Capital Valuations</p> <p>Appendix G – Appendices to National Trust Business Case (Docs 1 – 9)</p>		

1 THE ISSUE

- 1.1 To consider the proposal to transfer the freehold interest in land at Bathampton Meadows to the National Trust at less than best consideration.
- 1.2 This report covers the background to the proposed transfer, identifies the benefits arising from this and addresses key financial, legal and other considerations

2 RECOMMENDATION

The Cabinet Member is asked to;

- 2.1 Approve the imposition of the proposed voluntary conditions on the proposed freehold interest transfer, noting the implications this will have on the unrestricted value of the asset.
- 2.2 Approve the freehold interest transfer of the land at Bathampton Meadows (as a Community Asset Transfer) at less than best consideration for transfer during 2021.

2.3 Delegate to the Head of Estates authority for the completion of the transfer of the asset to the National Trust for the consideration of one Peppercorn.

3 THE REPORT

3.1 Bathampton Meadows is 24.66 hectare site to the east of Bath. Of this only 10% is currently accessible to the public and includes a well-used cycle path through the meadows that connects with the canal towpath and National Cycle Route 4. The remaining area is grazed and currently inaccessible to the public.

3.2 National Trust have submitted a 2 Year Business Plan (Appendix D) and supporting documents as required through the Community Asset Transfer process.

3.3 The Community Asset Transfer policy provides that in exceptional circumstances, the freehold title may be transferred, and it is recommended that this transfer is conveyed as a freehold interest to the National Trust. The National Trust was incorporated for the purposes of promoting the permanent preservation of land and buildings for the benefit of the nation and where held in accordance with the Trust objects, the National Trust have the unique ability to declare such land inalienable. Once land is held inalienably, it cannot be voluntarily sold, mortgaged or compulsorily purchased against the Trust's wishes without special parliamentary procedure, so it is protected forever. This factor, when combined with the direct social and environmental benefits that will be delivered as a result of this proposed transfer, identified within this report, support the fact that the transfer should be by way of the freehold interest.

3.4 The transfer of Bathampton Meadows forms part of the wider Bath River Line project being developed by B&NES, which is focused on transforming the river corridor from Newbridge to Batheaston.

3.5 Included in the Bathampton Meadows complex, Avon Wildlife Trust manage a 10ha nature reserve comprised of wet meadow and an ox-bow lake. The reserve attracts an abundance of migrant birds, waterfowl, butterflies and dragonflies. This site is not accessible to the public to avoid wildlife disturbance.

3.6 Within the Business Case, the National Trust have identified the following social benefits that the transfer of ownership will provide;

- **Community volunteering and programmes** – working with local communities to increase access, create new volunteering opportunities and a range of community programming and events (6+ per annum).
- **Recreation and access** – opening up the whole of the meadows will increase access and recreation opportunities, and the benefits associated with accessing open space and nature.
- **Physical Health & Wellbeing** – National Trust are committed to work with partners to create an accessible, active travel route, encouraging alternative uses to car travel, and increasing health & wellbeing benefits.

3.7 The National Trust have also identified the following environmental benefits;

- **Biodiversity** – National Trust will manage the land to create new Priority Habitat and achieve 'High Nature Status', a measure of wildlife friendly farming through conservation grazing and habitat improvements.
- **Air quality and carbon sequestration** – changes in habitat management will result in increased carbon sequestration through improved soil quality and increases in vegetation quality, hedge and tree planting across the site.
- **Flood regulation** - protection of the meadows by the National Trust will see the meadows continue to provide natural flood alleviation for the City of Bath.

3.8 These social and environmental values have been calculated by the National Trust at £104,708 per annum. They have applied a mix of natural capital valuation tools, which calculate the additional social and environmental value their ownership will provide. The Net Present Value over 30 years is estimated at £2,288,203. In addition to this the projected value of volunteer time has been calculated at £10,900 per annum. These figures have been independently assessed by environmental economic consultants Eftec who have verified the methodologies and figures. (Appendix F)

Furthermore, there are biodiversity and cultural values that cannot be captured in monetary terms, such as their unique ability to declare the land inalienable, their strong brand recognition, and the opportunity to join up with neighbouring landowners, such as Avon Wildlife Trust to develop a joint management plan, supporting the delivery of a Nature Recovery Network, as set out in the Lawton Review (2010) which called for wildlife sites to be *Bigger, Better, and More Joined*.

In 2020, the Council added nature to the climate emergency, recognising the importance of the ecological and nature crisis and established a core policy to address the climate and nature emergency. The transfer of the freehold interest in the meadows in order to secure these social and environmental benefits fundamentally supports the Council in addressing that emergency.

This proposal is also aligned with the Council's policy regarding Community Asset Transfers; the aim of which is to help secure community benefits in line with the Council priorities and objectives.

In order to secure these community benefits for the future, it is recommended that the transfer of the subject land contains restrictive covenants limiting and restricting the use of the land to agricultural/grazing uses in perpetuity and that a further restriction will also be imposed upon the title that no buildings or other structures are to be constructed or erected on the land in perpetuity. These voluntary conditions shall be imposed under the provisions of s33 of the Local Government (Miscellaneous Provisions) Act 1982.

It is therefore considered that the long term permanency of preservation provided by the National Trust coupled with the exceptional nature of the community and environmental benefits, achieved through this proposed disposal significantly outweigh the loss of the open market consideration and justify a freehold transfer of for the land.

4 STATUTORY CONSIDERATIONS

4.1 The land is held under s120 of the Local Government Act

- 4.2 Under s123 of the Local Government Act 1972, any disposal by the Council of an asset in excess of 7 years (including leasehold interests) must obtain “best consideration”, unless the General Disposal Consent (England) 2003 can be applied or a specific consent is obtained.

The General Consent allows specified circumstances where the consent can be applied:

- a) the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;
- i) the promotion or improvement of economic well-being;
- ii) the promotion or improvement of social well-being;
- iii) the promotion or improvement of environmental well-being; and;
- b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).
- 4.3 The Royal Institution of Chartered Surveyors (RICS) have set out guidance specifically to deal with the disposal of assets at less than best consideration which should be followed unless there are particular circumstances that mean that it is not appropriate. It puts in place an audit trail so that the decision is demonstrably robust. The guidance requires that:

A valuation is undertaken to determine the unrestricted value of the land and premises being transferred. The unrestricted value is the best price or market value that is reasonably obtainable for the property.

A further valuation is undertaken to establish the restricted value of the land. The restricted value is the market value of the property having regard to the terms of the proposed transaction. It is defined in the same way as unrestricted value, except that it should take into account the effect on value of any voluntary condition., etc.

The value of any voluntary conditions is identified. Their value is the total of the capital values of voluntary conditions imposed by the local authority as terms of the disposal, or under agreements linked to the disposal, that produce a direct or indirect benefit to the local authority that can be assessed in monetary terms.

- 4.4 When disposing of land at an undervalue, local authorities must remain aware of the need to fulfil their fiduciary duty in a way which is accountable to local people

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The transfer of the land in return for the consideration of one peppercorn will involve the Council forgoing the right to receive a capital receipt of £460,000 representing the restricted value of the asset reflecting the terms of the proposed disposal to the National Trust.
- 5.2 This transfer will also prevent the Council from realising the unrestricted value of £915,000.
- 5.3 The Council currently receives approximately £3,500 per annum in revenue from the tenant, the benefit of which will pass to the National Trust following the transfer.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.
- 6.2 The Business Plan has been assessed by the Property Assessment Panel and found to fulfil the assessment criteria. (Appendix E)
- 6.3 The Business Plan identifies a range of ecosystem service benefits that will be delivered under National Trust's ownership. Ecosystem services are defined as the 'benefits that ecosystems contribute to humans' (UK National Ecosystem Service Assessment) such as health & wellbeing, carbon sequestration and flood protection. These services can be converted into values using natural capital valuation tools. The National Trust have used a range of tools to identify the natural capital value including ENCA (Enabling a Natural Capital Approach) and ORVal (Outdoor Recreation Valuation), which are supported by Defra and Green Book Compliant. These values have been independently assessed by leading economic environmental consultants Eftec, who have verified the figures and were confident that the public benefits of the National Trust's ownership will outweigh any potential property value. (Appendix F)

7 CLIMATE CHANGE

- 7.1 Transferring land ownership to the National Trust will support B&NES ambitions to address the climate emergency and achieve carbon neutrality by 2030, through;
- A programme of habitat enhancement including tree and hedgerow planting, and improvements to the soil, wetland and grassland habitat quality to sequester carbon and improve air quality.
 - Encouraging more active travel by bicycle and foot, reducing car use.
 - Increasing use of Nature Based Solutions such as Natural Flood Management to help build resilience to future weather conditions.

8 OTHER OPTIONS CONSIDERED

- 8.1 B&NES continue to manage Bathampton Meadows. This will not deliver the additional environmental and social values that the National Trust have identified.

9 CONSULTATION

- 9.1 This proposal has been supported by local community groups, including Bathampton Meadows Alliance and Avon Wildlife Trust.
- 9.2 In 2018 the proposal received cross party support to protect the meadows for future generations.
- 9.3 Following the transfer of ownership, the National Trust will undertake consultation with partner organisations and the local community to develop a joint vision for Bathampton Meadows.

Contact person	Simon Martin (Programme Director Bath Enterprise Zone); Richard Long (Head of Estates)
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Background papers	
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