



Garibaldi Land

Local Committee for Woking 14 October 2004

KEY ISSUE:

The Member Asset Panel is considering the future of the Garibaldi Land at the junction of Chobham and Limecroft Roads and the local committee has an opportunity to submit further comments.

SUMMARY:

This report considers the options for the future of the Garibaldi Land and proposes the retention by the local committee of the northern part of the site as an amenity area and to safeguard possible junction improvements while reluctantly accepting, in relation to the remainder of the site, that the logic of conclusion of the Best Value Review of Property that the Council should retain only sites that it needs for operational or business purposes applies in this case.

RECOMMENDATIONS:

That the Committee submit appropriate comments to the Member Asset Panel on the future of the Garibaldi Land.

1. Introduction and background

- 1.1 There has been serious and prolonged debate over the future of the Garibaldi Land as the site at the junction of Chobham and Limecroft Roads is known. The issue arose in December 2002 when the Executive declared this site, along with various others, to be surplus to requirements. The Executive had considered land which had not been included in the transfer of the countryside portfolio to Surrey Wildlife Trust. In reaching the decision that various areas of land were surplus to the Council's requirements, the Executive were mindful of the Audit Commission's strong advice that local authorities should hold land only for operational purposes, that the County Council has a role in owning strategically important open space which is now fulfilled through the management arrangements with Surrey Wildlife Trust but that, where land has a local amenity value, it should continue to be held in public ownership where possible, by bodies such as Parish Councils. The Executive and the Member Asset Panel agreed that there should be consultation with relevant local committees about the future use of these surplus sites.
- 1.2 The local committee submitted views to the Member Asset Panel in July 2003 asking that the legal status of the land should be ascertained and the strength of local opinion in favour of retaining the land in County Council ownership taken into account in coming to a decision on the future of the land. The Member Asset Panel agreed in October 2003 to recommend to the Executive that the land should be retained by the County Council in order to safeguard possible future receipts. The Executive accepted this view in November last year in part in response to a petition from local residents.
- 1.3 Despite that decision, and because the condition of land continued to provoke local concerns, the Local Committee for Woking considered a detailed report at their meeting on 26 April this year which explored the history and legal status of the Garibaldi Land. The question of legal status is complex and is unlikely to be definitively resolved without further and expensive research. The Committee agreed that the legal status of the land need not be resolved unless any action is considered that would be affected by that status but that the land should be included within the Local Transportation Service's land maintenance contract for grass cutting.
- 1.4 The issue has become live again following discussion at two meetings of the Member Asset Panel in July this year. At the first meeting, Mrs Smith and the former Local Director, Christine Holloway, provided the Panel with local views on the future of the land which included those of the Local Transportation Service that a 2m strip adjacent to and contiguous with the carriageway along Chobham Road should be dedicated as public highway to preserve sight lines, provide for drainage and, in future, might provide a footway for pedestrians and of local people that the land should remain in public ownership and be properly maintained.
- 1.5 The Member Asset Panel concluded, however, that, Central Property Services did not have the resources to maintain the site. Accordingly, either this responsibility should be transferred to a local body such as a Parish Council or a Residents' Association or the local committee. If this could not be accomplished, the land should be sold.

- 1.6 At the second meeting in July, the Panel considered a report from the Head of Estates Strategy on the all of the sites that were declared surplus to requirements as part of the transfer of the Countryside portfolio. This report established some principles such as retention of sites by the County Council only where they are of strategic significance, drew attention to the difficulty of transferring an interest in land to residents' groups and pointed out the very limited ability of the Council to control the use to which land can be put after it is sold.
- 1.7 In the light of all of these issues, the local committee has perhaps a last opportunity to make comments on the future of the Garibaldi Land. It seems clear that the land is not of strategic importance and is not needed, in its entirety, for any Council purpose. The maintenance obligations appear significant partly due to the attractiveness of the site for fly-tipping and partly due to the very low level of maintenance that has been undertaken in recent times. There is no Parish Council in the area to whom the land could be leased and the Borough Council has expressed no desire to acquire an interest in the site. In these circumstances, the only public body that could accept responsibility for the land is the local committee using its powers to promote well-being.
- 1.8 The only resources available to the local committee from which maintenance could be funded are the local transportation budget and Members' Allocations. The local transportation budget is, as always, under pressure to deal with highways maintenance issues, road improvements and safety measures. While the budget is of a significant size, accepting responsibility for the management and maintenance of the land on a continuing basis would affect the ability of the service to undertake its core obligations. It would also set a precedent which could lead to further maintenance obligations falling to this budget. The Members' Allocation budget is not intended to be used for continuing commitments such as staff or on-going maintenance and is, in any case, subject to significant variations such as in the current year when each Members' Allocation was reduced by £5,000. This volatility is a further reason for resisting continuing commitments which might not be affordable in future years.
- 1.9 Bearing in mind the strength of local feelings over this issue, however, the Local Director has sought a possible compromise. It would be possible for the local committee to accept responsibility for the part of the land adjacent to the crossroads themselves as shown on the plan at Appendix A to this report. This small area is almost a village green, where the grass is mown more frequently and mature trees flourish. The site adds significantly to the visual amenity of the area and is a 'gateway' site near the Borough boundary with Surrey Heath. There is also a remote possibility that, in the future, the Chobham Road/Limecroft Road junction might need to be improved in which case the land would be of considerable use.
- 1.10 The costs of maintaining this area is estimated to be approximately £300 per annum and can be found from within the Community Support Service's resources.

2. Analysis and commentary

- 2.1 It is apparent that, whatever the legal status of the Garibaldi Land, the Member Asset Panel is resolved to recommend disposal on the open market. There is no other public or appropriate body prepared to take an interest in the land including the management and maintenance obligations. The Local Transportation Service

has, however, requested that a strip of land adjoining Chobham Road should be dedicated as public highway.

- 2.2 In these circumstances, the best that the local committee could achieve would be to accept responsibility for the most prominent and usable part of the land and maintain it as open space for the benefit of the well-being of residents of the area and for its visual amenity. Alternatively, the committee could decide that the principle of holding land only for operational purposes outweighs the benefits of retaining this small area in the County Council's ownership.

3. CONCLUSION AND REASONS FOR RECOMMENDATION

- 3.1 The Member Asset Panel has approved a general policy of disposing of interests in land excluded from the transfer of the Countryside portfolio and surplus to requirements to public bodies if they are willing to accept it or, if not, on the open market. This is therefore probably the final opportunity for the committee to make comments on the affect of the policy on the future of the Garibaldi Land. The committee appears to have two options available to it – of accepting management and maintenance of part of the site or of accepting that the whole site should be offered for sale.

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BACKGROUND PAPERS: Various reports on Garibaldi Land

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