

Themes from consultation responses

	Theme	Response	Evidence
1	Lack of respect of electorate/ulterior motive	<p>This is an unexpected feature of the comments received. NSC has openly explained what is happening and is following its long established constitution in terms of making this decision.</p> <p>In fact, NSC has already completed its formal responsibility with this land by signing the section 106 agreement, which has the full authority of the Council.</p> <p>The Decision Notice process has been undertaken to explain in more detail about its recommendation and gives the public an opportunity, that would not otherwise exist, to influence the Executive Member.</p> <p>Further, the matter has been raised at Full Council when members of the public have spoken, and it is the lack of accountability to members of the electorate in the current arrangements that is a part of the reasons for the proposed change.</p>	<p>1. s106 agreement 2. NSC constitution 3. Press releases and numerous correspondence.</p>
2	Not long enough consultation period	see above	<p>Cllr Pasley extended the deadline 60 responses received which suggests that many people did not find the time period too short</p>
3	Independent review of whole process required	<p>A review is not considered appropriate because NSC is simply following the s106 process which has already gained the appropriate authority.</p> <p>Some of the concerns seem to relate to PMML's actions. However, they are a body that is not accountable to North Somerset Council so this is an area outside of our control and remit.</p>	<p>Previously signed and authorised s106 agreement has enabled this process to proceed. Additionally using the Executive Member Decision Notice procedure further demonstrates an open and transparent approach to this matter.</p>
4	AWT treated poorly	<p>AWT have never been employed by NSC.</p> <p>AWT have never been paid by NSC for carrying out any work on the NR.</p> <p>NSC has had no contractual agreement with AWT</p> <p>North Somerset Council appreciates AWT's handover of the site and the sharing of the management plan to ensure the site continues to flourish.</p>	<p>AWT were employed by PMML AWT were paid by PMML</p>

5	Skills - NSC and Glendale do not have the skills to manage the site	<p>NSC has significant and wide ranging skills which are relevant to managing this site. North Somerset Council manages Local Nature Reserves (Weston Woods), SSSI (Uphill Hill) and other reserves such as Watchhouse Hill where wildlife management is critical.</p> <p>Glendale have a range of skills to manage land and employ the appropriate staff depending on the task.</p>	<p>NSC staff - as the following demonstrates NSC staff have a range of skills and long experience to enable it to manage the nature reserve.</p> <p>Nature: 3 x environmental degrees; 1 x PhD, 50 years combined experience; one has worked for AWT</p> <p>Access: 40 years experience</p> <p>Grounds Maintenance - 90% of residents visit NS parks and overall opinion is good. Please see our management at Watchhouse Hill or Uphill Hill (SSSI) - both have green flags national award and are comparable sites.</p> <p>Where specialist wildlife skills are needed we will employ specialists or provide training to key staff.</p> <p>It is stated that the poor condition of the Lake Grounds demonstrates that NSC does not have the skills to manage open space. Firstly the Lake Grounds is not comparable to the NR. However, it will have independent opinion about the quality of Lake Grounds management when it is Green Flag judged early June. Our view is that the judges will not endorse the opinion that the site is poorly managed.</p> <p>Glendale - environmental degree and 15 years experience. Right person for the job which is usual in all businesses with wide ranging remits.</p> <p>It is essential to note that Glendale are working for NSC carrying out NSC's (formerly AWT's) management plan. They have a skilled and dedicated employee on site but they are working under our direction.</p>
6	PMML issues could be fixed to continue the status quo	<p>There is a lot of misunderstanding about PMML's role so it is necessary to address these;</p> <ol style="list-style-type: none"> 1. Once PMML have received the levy payment it is their money. It is a single, one way transaction only limited in that PMML must spend the money as laid out in their constitution. 2. PMML are an independent organisation that has a very specific purpose which is to collect the levy and sign off covenants to allow people to buy and sell houses. 3. PMML are not accountable to the levy payers and have no duty to them beyond ensuring the covenant terms are dealt with and the levy is spent on the NR. There is no such thing as the cash reserves being held in trust; or that levy payers are entitled to a refund of unspent monies. <p>With these facts in place no one has provided a solution that addresses PMML's accountability whilst simultaneously identifying how this 'new' PMML could be added to the covenants of all 2500 properties and at what cost.</p>	PMML constitution
7	Poor report - biased and lacks supporting evidence	<p>This is an unexpected outcome of the process with respondents stating that the report lacks evidence and is biased.</p> <p>Commentators appear not to have recognised that the report has a very limited function which is to consider which option from the s106 agreement is the correct one to select in the best interests of residents, levy payers and the site itself.</p> <p>Such a decision is limited by the pre-existing s106 legal agreement. This does not require an academic treatise but a statement of the current situation and an analysis of the issues.</p> <p>However, to address these concerns evidence is presented for the various themes in this document.</p>	<p>Decision CSD 151 is 11 pages long which in itself is unusual because it covers a wide range of issues and it openly covers all the key aspects.</p> <p>Evidence exists to support all the issues that it detailed and this document will be published to demonstrate that.</p>

8	AWT carried out educational work - not mentioned	It was not mentioned in the report. North Somerset Council would encourage educational visits in the future.	Such initiative would be led by the highly qualified North Somerset Council team working closely with the highly qualified contractor.
9	Majority of people want the levy and want AWT to manage the site	<p>It is clear that the majority of people value the wildlife site but there are various views about how this can be best achieved. It is not correct to state that the majority want AWT to carry on managing the site.</p> <p>On the one hand there are those that believe North Somerset Council does not have the skills or commitment to manage the site and that it has ulterior motives despite the report spelling out none such exist.</p> <p>Evidence from correspondence received (55 separate letters) during 2015 identified that 53% of levy payers wanted NSC to manage the site. Meetings held by the Village Quarter Action Group unanimously agreed that the levy was open to abuse and that they wanted NSC to manage the land.</p> <p>Alternatively the majority of correspondence received (30%) following publication of the decision notice does not favour NSC adopting the site or managing it [not all correspondents described their favoured option).</p> <p>Non-levy papers are unanimous in their view against NSC managing the site.</p> <p>However, the impact of the levy is most significant on the householders that pay it and it is necessary to weight NSC's viewpoint in their favour when considering the s106 agreement.</p> <p>Notwithstanding, the option to adopt is not for the benefit of a group of levy paying residents but for the whole community to ensure that the site is protected for wildlife, recreation and as a buffer. If the site fails it will have an impact on the wider community.</p>	<p>Correspondence received during 2015</p> <p>Village Quarter Action Group meetings</p> <p>Correspondence received during the Decision Notice period</p> <p>Friends of PWNR meetings</p>

9 cont.		<p>These residents cannot be disadvantaged for a poorly thought through approach to this matter. Such disadvantage includes an unlimited cap on the levy alongside a lack of accountability from both PMML and whatever environmental trust receives the land because it would only be accountable to its Trustees and membership.</p>	
10	<p>Funding is sustainable - the cash reserves are evidence of this</p>	<p>The reverse is true. Residents have been charged amounts that have contributed to a significant balance being held in company reserves. Whilst the cash reserve will be used to fund future management its existence demonstrates how levy payers are at the mercy of the levy collector which is not accountable to any of the levy payers. An organisation that had levy payer's interests at heart would constitutionally reflect that and PMML does not.</p>	<p>PMML constitution</p>
11	<p>Volunteers - NSC is poor at working with volunteers and why should they help a private company</p>	<p>It is difficult to understand how this opinion has been arrived at because there is very strong evidence that North Somerset Council works very well with volunteers. When volunteers work on site they are not helping the private company - they are helping to make their local community a better place. This involves working alongside contractors, NSC and any other relevant stakeholder.</p>	<p>North Somerset Council is involved in a range of initiatives that demonstrate not only a high standard of management and range of skills but also close working with volunteers as the following demonstrate (each initiative cannot be successful without volunteer input): FSC certification - international certificate for the sustainable management of woodland Green Flags - national award for open spaces (6 held) Britain in Bloom - national award Spring clean events - national volunteer projects to enhance local communities Dog fouling project north Worle - new initiative to help local communities address dog fouling. Most importantly, during our interim management, we have enabled a volunteer group and are about to have our fifth session. Ten individuals have attended which is comparable to AWT's regular volunteer numbers.</p>
12	<p>Refund wanted</p>	<p>North Somerset Council are not responsible for the collection of the levy but it is our view that residents are not entitled to a refund. Residents holding other views should raise this matter with PMML.</p>	<p>PMML constitution and title deed covenants.</p>

13	How are NSC's £40k annual maintenance costs calculated	<p>North Somerset Council operates a resource contract with Glendale and tasks are costed based on time. North Somerset Council are using AWT's management plan and have estimated how much time we will need someone on site.</p> <p>In addition we have budgeted an annual amount for day-to-day maintenance works such as fencing, path repairs etc.</p>	<p>The current annual projected budget includes a contingency for day-to-day repairs of £5000 and an additional £5000 for various other costs relating to litter and dog bin emptying. These are considered to be at the upper limit of the annual costs.</p> <p>The details for the annual cost of the 'warden' are commercially sensitive - however all associated costs for this post is almost £27,000.</p> <p>It is possible to see therefore how we estimate the cost at £40000.</p> <p>However, it is likely that the actual annual cost will be less. Due to the site's recent construction it is unlikely that major infrastructure repairs will be necessary in the short to medium term. The site is largely fields with limited paths, all of which are relatively straightforward and low cost features to maintain.</p> <p>Local farmers graze the fields further reducing costs.</p> <p>If the site was to flood in the future its ecology would change and management would adapt to that. It is likely that the annual cost would actually decrease because there would be less land to manage although further modelling work is required for a definitive costing.</p> <p>Future significant infrastructure repairs are not considered to be high and with the projected underspend each year it is probable that the PMML cash reserves will last longer than 10 years.</p> <p>There will be no cost to NSC around the management and related aspects to the Hinkley pylon extension because these measures have already been agreed. AWT were closely involved in this aspect and we will base our management on their lead when this project starts.</p>
14	How will the covenant issue be resolved	<p>As the decision sheet makes clear this is a matter for Persimmon and PMML to resolve prior to site transfer being completed. The Council consider that this can be done by Persimmon and PMML seeking removal of the covenants from Land Registry records or issuing confirmation that the covenants are deemed satisfied for the purposes of future Land Registry applications but the transfer will be dependent on Persimmon and PMML resolving this with Land Registry.</p>	<p>This has been considered by us but it is Persimmon's and PMML's issue to resolve. Our view is that it can be resolved between Persimmon and PMML and Land Registry at no cost to residents or North Somerset Council.</p>
15	Saltmarsh/future flooding	<p>Some commentators have suggested that this is not a problem. The report actually raises this issue in the knowledge that it proved very difficult to get a wildlife trust interested in the site initially and the risk of flooding means that options will be narrowed because of this.</p>	<p>The strategic flood defence for Portishead is actually the inland bund between the nature reserve and the Ecology Park (Environment Agency's position).</p> <p>It is widely recognised that the outer sea wall (known as the Portbury Sea Wall Commission) is no longer fit for purpose. It was constructed 200 years ago and was not designed for climate change and the modern development of the area.</p> <p>Furthermore, the sea wall commissioners have recognised that building up the outer sea wall is not appropriate or cost effective so it is inevitable that flooding will occur although this will have minimal impact except the nature reserve. It would remain a nature reserve but with a different ecology.</p> <p>This is a consideration for any future landowner, not just NSC.</p> <p>The Environment Agency (EA) have already agreed that they are responsible for the flood defence aspects of the inland bund. This means that NSC will own the bund and carry out grounds type maintenance to it but the EA will ensure its flood defence capabilities.</p>

16	Protection from development	There is no evidence to support the assertion that North Somerset Council wants to develop the land. In fact the report categorically states that the land will not be developed and a covenant will be entered into with Persimmon to prevent this. In addition NSC identified the site as open spec in its Sites and polices document provided further protection. Much of the site is naturally protected due to flooding risk.	Decision Notice CSD 151 openly states North Somerset Council's position regarding the status of the land which is to protect it for wildlife, recreation and as a buffer to the port in perpetuity. CSD 151 also states that North Somerset Council will enter into a covenant with Persimmon to not develop the land. Work is currently under way to designate the land 'Local Green Space' in the Sites and Policies Document which will afford it strong protection against development. Individually these are all strong reasons why NSC will not develop the land but combined they make a very firm statement - this land is not open for development.
17	Ring fence funding	PMML will decide how the cash reserves are transferred to North Somerset Council.	PMML constitution
18	Only 3 options considered	The report clearly states that it is only evaluating the 3 options laid out in the legally binding s106 agreement between the Council and Persimmon.	s106 agreement clearly states what North Somerset Council's options are.
19	What about funding after the reserves deplete	North Somerset Council routinely adopts land following development. Indeed the adjoining ecology park and all other open space on this development is being treated identically. The Council receives a commuted sum and when that depletes future funding will come from the Council's revenue budget.	