

Council

13 December 2018



Title	Staines Park – Fields in Trust		
Purpose of the report	To make a decision		
Report Author	Nick Cummings		
Cabinet Member	Councillor Ian Harvey	Confidential	No
Corporate Priority	This item is not in the current list of Corporate priorities.		
Recommendations	1. To give approval to the Group Head for Regeneration and Growth to apply to dedicate open space at Staines Park with Fields in Trust; 2. To authorise the Group Head for Regeneration and Growth to negotiate and agree the terms of any deeds required; and 3. To authorise the Head of Corporate Governance to enter into any legal documentation necessary to secure the dedication.		
Reason for Recommendation	To seek to protect Staines Park as an Open Space		

1. Key issues

- 1.1 The Council recognises that the parks and green spaces within the borough are highly valued by local residents and this is why the Council has always sought to provide high quality open space. The Council has previously dedicated areas of open space to seek to maximise the use, secure funding and protect the land. For example, Orchard Meadow in Lower Sunbury is a dedicated Queen Elizabeth II Field in Trust and Groveley Recreation ground is designated as a King George V playing field.
- 1.2 Fields in Trust (FIT), in partnership with the London Marathon Charitable Trust, is delivering a programme launched in spring 2017 to protect and activate outdoor recreation spaces across the UK. The 'Active Spaces' programme is delivering activity programmes on designated spaces in communities where there is a need to tackle physical inactivity and encourage more people to become more physically active. The designated sites are being protected in perpetuity through a legal Deed of Dedication between the landowner and FIT.
- 1.3 Following the Leader's announcement at the last Full Council meeting, Officers have made enquiries as to the process and effect of dedicating Staines Park as a FIT so that members can now make a fully informed decision as to whether this Council should apply to dedicate Staines Park in this way.

2. Options analysis and proposal

2.1 Pros of dedication

FIT have advised that the Active Spaces programme combine protection of spaces with funding to engage physically inactive people on those green spaces. Each space will be offered delivery of a physical activity project(s) to the value of £5,000 to serve local needs and benefit target groups as appropriate. The funding can also be used towards capital projects such as installation of outdoor fitness equipment, outdoor table tennis tables etc. A programme activation resource pack would be provided to promote and support an event to help promote the physical activity project and engage community participation. Leisure Services will liaise and engage with local interested parties in developing and managing the proposed physical activity project.

2.2 Cons of dedication

Members need to be aware of the longer term implications of the scheme before making any decision to dedicate Staines Park as a FIT. The template deed of dedication issued by the National Playing Fields Association is attached as an appendix to this report, however in summary the main restrictions that such a dedication would place on the land are as follows: -

- a) Not to use the land or permit the land to be used for any purpose other than as a public playing field and recreation ground.
- b) Not to dispose of the property without the consent of FIT (this includes applying to place a formal restriction on the Council's title at the Land Registry to prevent disposal without their consent). This consent will not be unreasonably withheld by FIT provided that the Council replaces or agrees to replace the Property with a piece of freehold land approved by FIT which is of equivalent or better quality than the Property, with equivalent or better facilities than the Property, of the same or greater dimensions than the Property, in the same catchment area as the Property, and as accessible to the public as the Property (the Replacement Site) and applies such of the proceeds of any sale of the Property as are necessary to do so. A new deed of dedication would be required for the Replacement Site.
- c) Not to erect, allow, permit or suffer any buildings, structures or alterations on the Property, the use of which is outside the permitted uses without the consent of FIT.
- d) Not to grant, allow, suffer or permit the erection of any buildings, structures or alterations on the Property that would result in the total structural and building footprint of such buildings or structures to exceed twenty per cent of the total square footage of the Property.
- e) To maintain the Property and to have regard to any advice given by FIT on the management and running of the Property.
- f) To place notices on the Property provided by FIT relating to its FIT protection, giving recognition of financial support.

2.3 Part of the FIT criteria requires that the principal use of the property should be outdoor sport, play or recreation and that those spaces must have public access. On this basis and in order to comply with the minimum criteria set out by FIT the proposal is to dedicate the open space area only where it is not

currently let to an individual or group and thus the bowls club, tennis courts, basketball areas, miniature railway and Homestart building are excluded. A plan is attached to this report outlining the approximate area proposed hatched red.

3. Financial implications

- 3.1 This dedication would attract grant funding of £5,000 from FIT as set out in clause 2.2 of this report.
- 3.2 The estate management regime of any repairs and maintenance will need to take account of the requirement of the need to seek any required approvals from FIT.

4. Other considerations

- 4.1 Staines Park is a public open space and the proposed dedication does not conflict with its use as an open space and will not invoke the advertising provisions of the Open Spaces Act 1906.
- 4.2 The various rights granted and restrictive covenants on the Council's title do not affect the proposed dedication.

5. Timetable for implementation

- 5.1 An application will need to be made to FIT for the dedication. There are no guarantees this application will be approved by FIT but if they do approve it officers believe that FIT will require a deed to be entered into within 6 months of submitting an application.

Background papers: There are none.

Appendices:

Appendix 1 - Plan

Appendix 2 - Sample/Draft Deed of Dedication