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**REPORT TITLE – Fields in Trust Dedication**

Relevant Portfolio Holder	Councillor Michael Webb
Portfolio Holder Consulted	Yes
Relevant Head of Service	John Godwin
Wards Affected	Charford, Slideslow, Norton & Waseley
Ward Councillor Consulted	No
Key Decision No	

**1. SUMMARY OF PROPOSALS**

1.1 Members are asked to consider as part of the Queen’s diamond jubilee celebrations the dedication of the following key open spaces/playing fields for inclusion in the ‘Fields in Trust’ (FIT) programme. This will enable the purpose and title of these sites to be protected as local outdoor spaces specifically as playing fields for sport, play and recreation, whilst contributing to the overall legacy of this important occasion for the Country.

- Aston Fields Recreation Ground
- Barnsley Hall Playing Fields
- Lickey End Park
- Callowbrook Park
- St Chads Park
- Charford Recreation Ground
- Braces Lane

1.2 There is an existing Cabinet decision made on 5<sup>th</sup> October 2011 authorising the dedication of Charford Recreation Ground at Lyttleton Avenue, as a Fields in Trust site. The dedication of this playing field is to provide an alternative provision to replace and enable the release of current ‘Fields in Trust’ status at Housman Close. The release of the covenant in turn enables the Council to transfer the land to BDHT. As Members will be aware BDHT are planning to use the land at Housman Close to construct new social housing units. Since this matter was last reported to Members discussions with Fields in Trust have continued. The current position is that in return for releasing the covenant on the recreation ground at Housman Close, it is being proposed that a total of five replacements sites are offered. This links in with the dedications being made for the Queens Diamond Jubilee. The five replacement sites in question are:-

Aston Fields Recreation Ground  
Barnsley Hall Playing Fields  
Callowbrook Park

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Lickey End Recreation Ground  
St Chad's Park

- 1.3 This report is being treated as an urgent item because BDHT are subject to an urgent deadline to acquire the land at Housman Close from the Council in order to qualify for Homes and Communities Agency funding for the development. Cabinet approval is needed to the revised proposals for the disposal of Housman Close incorporating the dedication of the five replacement sites. Members are also asked to approve dedication of the other sites listed at 1.1.

**2. RECOMMENDATIONS**

- 2.1 That Cabinet give approval for the 7 sites listed at 1.1 to be formally dedicated for use as playing fields by way of a covenant/ Deed of Dedication under the Fields in Trust programme.
- 2.2 That authority be delegated to the Head of Leisure and Cultural Services and the Head of Legal, Equalities and Democratic Services to take the necessary steps to finalise the agreement with Fields in Trust in relation to the 7 sites and complete the Deeds of Dedication.

**3. KEY ISSUES**

**Financial Implications**

- 3.1 There are no direct financial implications to the Council within this report however there are associated benefits from having sites within this scheme that will develop going forward. Members should be aware that where sites bring income to the Council through formal recreation usage and applicable fees there is no impact within the proposal as BDC would keep all associated income.
- 3.2 As members will be aware, in order to release the Housman Close site from its field in trust status BDHT had agreed to meet any charges imposed by Fields in Trust in connection with the release of the covenant on the recreation ground... The figure under discussion at the time of the last report to Cabinet was £10,000. However, through the discussions that have been held linked to the other sites that were being proposed for dedication, Fields in Trust have agreed that this fee will be waived in return for the additional sites as shown in Section 1.1 being dedicated to celebrate the Queens Diamond Jubilee.

**Legal Implications**

3.3 The Deed of Dedication safeguarding outdoor recreation and playing fields through FIT is a legal instrument approved by the Charity Commission and allows FIT to act as guarantor between the land owner and any future potential development, to ensure that the recreation value of open spaces is protected and maintained in lien with the National Planning Policy Framework (NPPF). The deed provides both a formal declaration and indicates the designation of the site in perpetuity.

3.4 The NPPF itself includes several recommendations made by FIT.

Specifically FIT recommend that should facilities be put under threat by development then a guaranteed provision of an equivalent space or better (as is the case at Houseman Close) is sought.

The new NPPF acknowledges the value of recreational spaces and advises that Local Green Space designations – affording protection equivalent to Green Belt status may be given in cases where the area is of recreational value to the local community and that this specifically includes playing fields.

Currently the District Councils green space provision, designation and management demonstrates that of a good practice model and these recommendation are designed to build on our excellent track record in this area and protect our most valuable sites accordingly.

3.5 This model does not involve or require a change of ownership but safeguards in a legal context, access to local outdoor space for residents.

3.6 BDC would continue to manage the stock as it currently does as ownership and operational responsibility does not change through the Deed of Dedication process.

3.7 With reference to any intention for future disposal, there exists a set process for this should there be a requirement to reverse this decision at a later date. However officers believe this to be of limited concern as the selected sites are currently designated as Public Open Spaces and in some cases are located in the Green Belt, have status within the planning context and have been identified of value for local recreation through the Council's PPG 17 assessment and Playing Pitch Strategy. Members should be aware however that any future disposals or change of use of the sites would require the consent of Fields in Trust. It is possible that Fields in Trust would impose a payment requirement (as with the original proposal for the release of

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the Housman Close site) and would in any event require reimbursement of its legal and administrative costs.

**Service / Operational Implications**

- 3.8 These larger valued community open spaces were selected on their own merits as local areas for recreation. Specifically these playing fields support the recommendations of the PPG17 audit and the current Playing Pitch Strategy. Members should also be aware that the draft information that is being received from the national pilot scheme we are running with Sport England is showing that the number of sports teams playing in Bromsgrove is increasing and this demand is placing a greater requirement on the council to provide more sports pitches. This information is supported by the latest Sport England participation rates that show Bromsgrove as the only district in Worcestershire to have met its National Indicator 8 (NI8) target of increasing sports participation 1% year on year since 2005.
- 3.9 In 2012 there has been an increased impetus with regard to the dedication of many sites through the Queen Elizabeth II Fields Challenge celebrating the Diamond Jubilee, both Olympics and Paralympics and the 2014 Commonwealth Games. Many sites throughout Worcestershire have benefitted by dedication and it is the aim of the organising body that all Council's dedicate sites to contribute to the overall intention of 2012 Queen Elizabeth II Fields being dedicated to celebration of the Diamond Jubilee.
- 3.10 The dedication is an important safeguard for playing fields in Bromsgrove District and brings positive 'kudos' to the Council providing quality playing fields in line with planning context at no cost to the Council

**Customer / Equalities and Diversity Implications**

- 3.11 The dedication safeguards local recreational space and playing fields in perpetuity and will ensure future provision matches our sustainable requirement as demonstrated within the District Council's PPG 17 study, Sports and Active Recreation Strategy and key to the Playing Pitch Strategy currently being produced and is a positive statement in regard to the provision and protection of important local amenity space.

**4. RISK MANAGEMENT**

- 4.1 The identified risks are that the Council may not be able to provide development within any of these sites to cater for sustainable development and local need unless an alternative equivalent or better

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replacement is provided nearby to mitigate the loss. However given the content of the NPPF and the key nature of these sites it is not officer opinion that this situation will present itself. Should it, there is an agreed process to manage this situation that would need to be factored into the project design and arrangement stages.

**5. APPENDICES**

Appendix 1 - Site Plans for the 7 sites to be dedicated to Fields in Trust

**6. BACKGROUND PAPERS**

Cabinet Report of 5<sup>th</sup> October 2011 – Support to principal preferred partner registered providers in the delivery of affordable housing

**7. KEY**

None

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