



<u>Committee and Date</u>
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<u>Item</u>
<b>13</b>
<u>Public</u>

## QUEEN ELIZABETH II FIELD DESIGNATIONS

**Responsible Officer** Deb Hughes Service Manager – Outdoor Recreation  
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### 1. Summary

- 1.1 The report outlines a national initiative to safeguard recreational open spaces across the country as Queen Elizabeth II Fields and seeks approval for the dedication of a number of Shropshire Council owned sites.

### 2. Recommendation

- 2.1 That the recreational spaces listed in 6.2 and 6.3 be dedicated as Queen Elizabeth II Fields.

## REPORT

### 3. Risk Assessment and Opportunities Appraisal

- 3.1 The designation of Shropshire Council owned open spaces as Queen Elizabeth II Fields secures their use as public recreational spaces in perpetuity. The selection of sites to be nominated has been given careful consideration to ensure that the sites meet the QE II Fields criteria and are not likely to be made available for future housing or commercial development. Once dedicated they cannot be used for other purposes unless replaced with other suitable land of equal area.
- 3.2 The Council will have an obligation to ensure the dedicated sites are well maintained for public recreation, however, this does not preclude the Council from entering into agreements with other organisations to take on aspects of site management or transferring assets to third parties so long as the land remains available for public recreation and consent for such an asset transfer is sought from Fields In Trust.

3.3 The list of nominated sites is based on consultation carried out with ward members during September and October 2011 who put forward the final list of sites. Where sites are partly owned and managed by Town or Parish Councils, those councils have agreed on designation of the site (reference section 6.3) and are fully aware of any implications it may have in terms of their management of the site.

3.4 Fields In Trust will draw up all 23 deeds of dedication for each site. These deeds are to be reviewed by Shropshire Council's Legal Services and Outdoor Recreation before being entered into. On sites which are leased, Fields In Trust are required to consult with the leaseholder before the dedication agreement is entered into. Once completed the restrictions on use of the sites will be registered with the land registry.

3.5 Sites which are to form part of a joint dedication (please see section 6.4) will be dedicated under a tripartite deed. This would be the same deed used for all separate sites but would have 3 parties involved in the dedication; Fields In Trust, Shropshire Council and the owner of the non-council land (see section 6.4). There implications relating to the deed are no different here than they are for a dedication of a Shropshire Council owned site. Ownership of land is not affected through this procedure.

3.6 Evidence of title is needed for all sites in order for Fields In Trust to process each deed of dedication.

#### **4. Financial Implications**

4.1 A funding stream is being created by Fields In Trust to support improvements to QEII Fields, providing an opportunity for Shropshire Council, working with local communities, to secure investment in these sites. If sites are designated, a Community Greenspace Officer will work with the communities in each locality to apply to this funding stream for improvements to the relevant park.

4.2 The costs associated with the setting up of this project are:

a) registering the restriction required under the Deed of Dedication at the Land Registry. This cost is a minimum of £50 and maximum of £150 per title. Where land is leased and a request is made by the leaseholder that we designate the site, a recharge for the full amount for dedication will be sought from the leaseholder before the site can be designated. Where sites are owned and managed by Shropshire Council, the cost will be met through the Outdoor Recreation service budget. Fields In Trust's Chief Executive has agreed to make a financial contribution to Shropshire Council to assist with these costs. The exact contribution is to be negotiated once all sites have been nominated.

b) purchasing evidence of title where we do not hold these for a site – to be checked with Estate Services by Outdoor Recreation.

c) installing a plaque provided by Fields In Trust and

d) any opening ceremonies/celebration events

4.3 Fields in Trust will draw up the deeds of dedication for each site. Outdoor Recreation will obtain Shropshire Council's legal departments advice before any deed is entered into.

4.4 Shropshire Council will be responsible for the land registry fees (please refer to point 4.2 a)

4.5 Outdoor Recreation's Countryside Recreation Team will install all plaques provided by Fields in Trust and so there will be no costs associated with this aspect of the programme.

4.6 All community groups who wish to hold a celebration event will work with their relevant Community Greenspace Officer in their area to apply for external funding to assist with any costs.

## **5. Background**

5.1 To mark Her Majesty The Queen's Diamond Jubilee and the London Olympics in 2012, a national campaign has been launched to dedicate 2,012 recreational open spaces as Queen Elizabeth II Playing Fields by 2012. The campaign is managed by Fields In Trust, an independent charity that works to protect and improve playing fields, and is led by the charity's patron, Prince William.

5.2 The selection criteria are as follows:

- Evidence of title permitting site use for outdoor sport, play and/ or recreation must be produced
- Sites may be provided with facilities and equipment or used as general open space, and established for that purpose by way of planning requirements. It has been confirmed by Development Management through Outdoor Recreation that there are no planning restrictions imposed on any sites in the nomination list.
- Each site's principal use should be outdoor sport, play and/or recreation, and indoor leisure facilities, heritage and cultural facilities and village halls enabling community recreation will be considered.
- The minimum acceptable size is 0.2 hectare (0.5 acre)
- Sites need to be accessible in terms of location

- Sites need to be accessible in terms of affordability for the community concerned
- Sites should be open to the public, established charitably, be held by a sports club under the CASC regime or held as Public Open Space
- All sites will need local managers, who will be responsible for the quality of facilities, their maintenance and development, improving participation and use, and financial and operational sustainability
- Compliance with existing legislation relating to sport, play or open space.

5.3 Local authorities have been asked to support the scheme by nominating their own land and also supporting Parish and Town Councils and other providers to nominate their land.

5.4 The Queen Elizabeth II Field dedication protects the land in perpetuity, or at least for 99 years, to ensure that the land remains available for recreational uses such as sport, play, exercise and community events. Once dedicated they cannot be used for other purposes unless replaced with other suitable land of equal area.

## **6. Shropshire Council dedications**

6.1 Sites can only be dedicated by Shropshire Council if they are owned by the authority. The sites can have third party interest, i.e. be leased by a Town or Parish Council.

6.2 The following sites are owned by Shropshire Council and have no third party interest:

1. Fishmore View Play Area, Ludlow
2. Gatacre Recreation Ground, Oswestry
3. Lodge Lane Park, Bridgnorth
4. Llwyn Coppice and Playing Field, Oswestry
5. Trefonen Playing Fields, Trefonen
6. Abney Avenue Park, Albrighton
7. Lyth Hill Country Park, Bayston Hill
8. Broadlands Way Open Space, Oswestry (including Eaton Field and Pond and the Noise Protection Zone)
9. Brynhafod Recreation Ground, Oswestry

10. Market Drayton Picnic Area, Market Drayton
11. Bridge Inn Field, Ruyton XI Towns
12. Porthywaen Playing Fields
13. Wilfred Owen Green, Oswestry

6.3 The following sites are owned by Shropshire Council but have third party interest. Some sites are leased and others are jointly managed:

14. Birchmeadow Park, Broseley – Estate Services have highlighted that this site may not meet the criteria due its charitable status. The site has been left in to ensure Fields In Trust can check this statement against their criteria. The conclusion will be shared with the Park Management Committee who have requested this site is nominated. Further work regarding the Trustees of this site is to be carried out once the site is nominated. It is believed that the Trustees of the site will need to authorise dedication. This is to be reviewed after the nomination process.
15. Curriers Lane Play Area, Shifnal – Leased to Shifnal Town Council who have requested the site is designated (not including area leased to Dental practise).
16. Jubilee Play Area, Dyas Close, Shifnal - Leased to Shifnal Town Council who has requested the site is designated.
17. Railway Walk, Much Wenlock – This will be nominated as part of a larger dedication including the Gaskell Recreation Ground which is owned by Much Wenlock Town Council). It has been confirmed by Estate Services that this land is not a ransom strip and therefore fits the criteria for this project.
18. Wheatfield Recreation Ground, Shifnal – A small proportion of this site is owned by Shropshire Council with the larger portion of the site being owned by Shifnal Town Council. The entire site will be dedicated as part of a joint application.
19. Whitchurch Waterways Country Park, Whitchurch – The Wildlife Trust manage part of this site for Shropshire Council. They have agreed to the nomination.
20. Lyth Wood and the Stanley Parker Playing Fields – These are two adjoining sites, Lyth Wood owned by Shropshire Council and the Playing Fields owned by Bayston Hill Parish Council. The sites will be nominated as one whole site as part of a joint application.
21. Cleobury Mortimer open space – This site is owned by Shropshire Council but is managed through the Lacon Childes School. The School including its Governors have agreed for the site to be nominated with a

possibility of the site then being transferred to the Parish Council. All parties have agreed to the nomination.

22. Caradoc view play area, Hanwood – Owned by Shropshire Council and leased to Hanwood Parish Council. The Parish Council requested the nomination.

23. Claverley School Field – Owned by Shropshire Council and managed through Claverley Primary School and Claverley Parish Council through a joint use agreement. The Governors of the school and Claverley Parish Council requested the nomination of the site.

6.4 Sites mentioned above which will be involved in a joint application include:

- Much Wenlock Railway walk and Gaskell Recreation Ground. The three parties involved in the Deed for this site are; Fields In Trust, Shropshire Council, Much Wenlock Town Council.
- Lyth Wood and Stanley Parker Playing Field – The three parties involved in the Deed for this site are; Fields In Trust, Shropshire Council, Bayston Hill Parish Council.
- Wheatfield Recreation Ground, Shifnal – The three parties involved in the Deed for this site are; Fields In Trust, Shropshire Council, Shifnal Town Council.

6.5 The process for joint dedications is explained in section 3.5 of this report.

6.6 The above lists of sites have been subject to a basic review by Estates. However, further work may be needed during the dedication process.

6.7 Sites not owned by Shropshire Council have not been subject to a review from the Estate Department. The review of non-council owned sites will take place through the owner of that site and be verified for joint nomination by Fields In Trust.

6.8 Where there is a joint nomination Fields In Trust will prepare a tripartite deed to be signed by the 3 authorities involved (please see Section 6.4 for these authorities). The Deed will follow the same wording as a standard Deed of Dedication and will be subject to agreement by all parties .A tripartite deed does not affect land ownership.

6.9 Sites can be withdrawn from nomination if it is subsequently considered that the site is not suitable for dedication or does not meet the FIT criteria.

## **7. Deed of Dedication process**

- 7.1 Assuming the project is signed off, a nomination form will be completed for each site (see Appendix A for a copy of the form). This will be carried out by the Outdoor Recreation team. Each nomination will result in a site visit by a Fields In Trust Officer to ensure the site meets their criteria.
- 7.2 Once Fields In Trust have approved the site list, each site will be advertised on the Fields In Trust website as a nomination from Shropshire Council. This will enable members of the public to get involved in the project.
- 7.3 Each Deed of Dedication will be drawn up by a Legal Officer at Fields In Trust. This Officer will liaise with Shropshire Council's Outdoor Recreation Service over the wording in the deed of dedication to ensure all parties are in agreement before the deed is entered into.
- 7.4 Deeds for leased sites will be drawn up by Fields In Trust in consultation with Shropshire Council's Outdoor Recreation Service and the leaseholder. All parties are to be in agreement before dedication can commence.
- 7.5 In the event of no agreement being reached on any individual site the nomination will be withdrawn.
- 7.6 Shropshire Council will register the required restriction on use in respect of each site. Shropshire Council will be responsible for the land registration fees on land solely owned by the Council however land with third party interest will see its fee's recharged back to the leaseholder where possible. Fields In Trust's Chief Executive has agreed to reimburse Shropshire Council for a percentage of the land registration fees. The exact percentage is to be negotiated after site nominations have taken place. If funding cannot be found for land registry fees, the site can simply be removed from nomination at no cost. Shropshire Council will not be charged by Fields In Trust for their role in the project.
- 7.7 Once the sites have been dedicated as Queen Elizabeth II sites the restriction required under the deed of dedication will be registered by the Council at the land registry. There is no requirement to change the name of the site under the terms of this scheme.
- 7.8 Each site will be put forward to the funding programme run by Fields In Trust. The deadline for applications is July 23<sup>rd</sup> 2012. Each area Community Greenspace Officer will be responsible for these applications and where possible, will ensure they work with community groups for each site. Each leased site will also be assigned a Community Greenspace Officer who will oversee the funding application process as well as any improvements made to a site resulting from a successful application.

## 8. Human Rights

- 8.1 The proposal that Shropshire Council develops the Queen Elizabeth II project and dedicates the proposed sites and oversees its administration will not result in any Human Rights Act implications.

### **List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

Framework Deed of Dedication

### **Cabinet Member (Portfolio Holder)**

Councillor Steve Charmley

### **Local Member**

Ward members for each site include:

Councillor Jean Jones

Councillor Martin Bennett

Councillor Bill Benyon

Councillor Keith Barrow

Councillor Gordon Tonkinson

Councillor Stuart West

Councillor Malcolm Pate

Councillor Tracey Huffer

Councillor Vince Hunt

Councillor Christian Lea

Councillor William Parr

Councillor Milner Whiteman

Councillor Joyce Barrow

Councillor Tom Biggins

Councillor Peggy Mullock

Councillor Ted Clarke

Councillor John Tandy

Councillor Liz Parson

Councillor David Minnery  
Councillor Aggie Caesar-Homden  
Councillor Arthur Wallpole  
Councillor Gwilym Butler  
Councillor Madge Shineton  
Councillor Roger Evans  
Councillor Tina Woodward

**Appendices**

A – Nomination Form