

CABINET

14 MARCH 2012

WINCHESTER TOWN FORUM

21 MARCH 2012

QUEEN ELIZABETH II COMMEMORATIVE FIELDS

REPORT OF HEAD OF LANDSCAPE AND OPEN SPACES

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RECENT REFERENCES:

None.

EXECUTIVE SUMMARY:

In celebration of the Queen's Diamond Jubilee and the London Olympic and Paralympic Games, Fields in Trust are seeking to create a network of 2,012 permanently protected outdoor recreational spaces across the UK – the Queen Elizabeth II Fields. The City Council has been approached by Fields in Trust to nominate recreational open spaces as Queen Elizabeth II Fields.

Four Council-owned sites within Winchester Town have been identified as suitable candidates to be Queen Elizabeth II Fields:

- a) Oram's Arbour
- b) St Giles' Hill
- c) Winnall Moors Nature Reserve (southern section)
- d) St Faith's Meadow

This report seeks approval from Cabinet and Winchester Town Forum for these to be put forward as nominations to Fields in Trust.

RECOMMENDATIONS:

To Cabinet:

1. That (subject to any comments of Winchester Town Forum) the proposal to nominate the following sites as Queen Elizabeth II Fields be approved:
  - a) Oram's Arbour
  - b) St Giles' Hill
  - c) Winnall Moors Nature Reserve (southern section)
  - d) St Faith's Meadow
2. That public notice of the proposed dedication be given pursuant to Section 123(2A) of the Local Government Act 1972 (as amended).
3. That a further report be brought back to a future meeting for authority to enter into the deed of dedication, such report to confirm that the proposed dedication falls within the terms of the General Disposal Consent 2003, advise on the undervalue, and give details of any representations made in response to the public notice of the proposed disposal.

To Winchester Town Forum:

4. That the proposal to nominate the following sites as Queen Elizabeth II Fields be supported:
  - a) Oram's Arbour
  - b) St Giles' Hill
  - c) Winnall Moors Nature Reserve (southern section)
  - d) St Faith's Meadow

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### REPORT OF HEAD OF LANDSCAPE AND OPEN SPACES

#### DETAIL:

#### 1 Introduction

- 1.1 This year sees the celebration of Her Majesty Queen Elizabeth II's Diamond Jubilee and the London Olympic and Paralympic Games. The City Council has been approached to nominate some of its recreational open spaces as commemorative fields under the Queen Elizabeth II Fields Challenge.

#### 2 The Queen Elizabeth II Fields Challenge

- 2.1 The Queen Elizabeth II Fields Challenge is seeking to establish a permanent, tangible and relevant legacy from these two landmark events. The project has been approved by Her Majesty as the first official Diamond Jubilee project and was launched on 7th June 2010 by HRH The Duke of Cambridge, the Patron of the programme. The Challenge is a key initiative of Fields in Trust (FIT, formally the National Playing Fields Association) which is operating the scheme. Appendix 1 provides further information on the scheme.
- 2.2 The central component of the Challenge is the creation of a network of 2,012 permanently protected outdoor recreational spaces in communities all across the UK – the Queen Elizabeth II Fields. Each Queen Elizabeth II Field will have its status protected through the use of a Deed of Dedication – a legal instrument that places restrictions upon the site's future use, thus ensuring that it can only be used in future for outdoor sport, play and recreation.
- 2.3 The scheme is open to all sorts of recreation open spaces and not just playing fields as was originally thought. Thus, any area of recreational open space that is accessible to the community and at least 0.2ha in size can be put forward.. Fields in Trust have received nominations for nature reserves and amenity open spaces as well as the more typical playing fields and recreation grounds. The dedication does not exclude the provision of facilities or buildings associated with the recreational use of the land.
- 2.4 As well as protecting sites for future generations, a key element of the programme is to improve facilities in order to encourage participation in

healthy outdoor activities. Fields in Trust have worked to secure several improvement funding schemes administered by both FIT and partner organisations:

- a) SITA Trust's Queen Elizabeth II Fields Fund is a million pound fund to help improve designated Queen Elizabeth II Fields. Grants can be up to £30,000 in size and project sites can be anywhere in England or Wales. Grants from the first of several funding rounds have recently been awarded.
- b) Sport England's funding programme, Protecting Playing Fields ( PPF ) is part of their Places People Play Olympic legacy mass participation programme and they are investing £10 million of National Lottery Funding in community sports projects over three years from 2011-2014. Sport England has entered into a partnership with Fields in Trust to support the protection of playing fields as part of the Queen Elizabeth II Fields Challenge and will be giving extra weighting to fields protected through the programme. More than £2 million has been awarded so far with grants supporting 48 playing fields, of which 27 are nominated Queen Elizabeth II Fields.

2.5 The scheme thus provides the Council with an opportunity to:

- a) Protect key open spaces for current and future generations of Winchester residents;
- b) Demonstrate its commitment to ongoing provision of quality recreational open spaces for the community;
- c) Establish a long term legacy for Winchester's celebrations of both the Queen's Diamond Jubilee in June 2012 and the Olympic and Paralympic Games in August/September; and
- d) Improve access to funding for enhancements to community facilities on the dedicated fields.

### 3 Suitability of Council Open Spaces

- 3.1 Fields in Trust approached the City Council seeking nominations for open spaces for the whole of Winchester District. As the Council does not own significant recreational open spaces outside Winchester Town, the Open Spaces Officer wrote to all the parish councils in the District to encourage them to nominate sites directly to Fields in Trust.
- 3.2 Officers then sought to identify candidate sites from among the recreational open spaces located across the Winchester Town Wards.
- 3.3 To be eligible, the land must belong to the City Council and not be constrained by an existing dedication. Certain significant open spaces have been excluded because they are managed under S106 agreements rather

than owned by the Council (e.g. Dean Park, Weeke), or sites which are already subject to a dedication and are therefore ineligible (e.g. King George V Playing Fields, Bar End). In addition, a number of sites were also ruled out because dedication would compromise future flexibility.

3.4 The assessment concluded that the following four sites would be suitable for nomination as QEII Fields:

- a) Oram's Arbour
- b) St Giles' Hill
- c) Winnall Moors Nature Reserve
- d) St Faith's Meadow

3.5 Only the southern, fully accessible section of the Council-owned part of Winnall Moors Nature Reserve is proposed for nomination under this scheme. St Faith's Meadow was passed to the Council on condition that it was retained as public open space. Nomination of these sites has been agreed with Hampshire Wildlife Trust, who manage them under the terms of an ongoing service level agreement with the Council.

#### 4 Implications of Dedication

4.1 Before the four sites are formally nominated, detailed investigation of the relevant deeds and legal considerations will be undertaken by officers. If a reason is uncovered why a site is not suitable, it will not be put forward to Fields in Trust as a candidate commemorative field.

4.2 Under the terms of the General Disposal Consent 2003 (GDC) the Council may, in certain circumstances, dispose of an interest in land at undervalue, without the Secretary of State's specific consent, provided that the disposal is, in the Council's opinion, likely to contribute to the achievement of the promotion or improvement of the social, economic or environmental well-being of the area or of all or any of the residents or persons present in its area.

4.3 Under the GDC, the Council may dispose of an interest in land for consideration less than its value (an 'undervalue') provided such undervalue is less than £2 million. If the undervalue exceeds £2 million, the disposal must be referred to the Secretary of State, even where it falls under GDC, and specific consent to the disposal obtained.

4.4 Entering into a deed of dedication for QEII Fields constitutes a disposal of beneficial interest in land for nil consideration. It is for the Council to determine whether this falls within the GDC and to assess the undervalue in order to determine whether Secretary of State approval is required.

- 4.5 The proposed areas of land are open space within the meaning of Section 123(2A) of the Local Government Act 1972. This means that, as the dedication would constitute a disposal of the land, a public notice in a local newspaper for two consecutive weeks must be published, and consideration given to any representations received on the proposed disposal, before the disposal goes ahead.
- 4.6 Before entering into the deed of dedication a further report will be brought to Cabinet and Town Forum confirming whether the proposed dedication falls within the terms of GDC, advising the undervalue, giving details of any representations made in response to the public notice, and requesting final approval to proceed with the dedication.
- 4.7 If the Council does ever wish to dispose of the dedicated land, this may be possible with the consent of Fields in Trust (FIT) provided that the land is replaced by the dedication of replacement land and the disposal is done in accordance with the standard disposal policy of FIT. The criteria which FIT applies to replacement facilities are that they should be of at least equal size, better quality, and serve the same community in terms of catchment area. The entire proceeds of any disposal should normally be re-applied to new sport, recreation and/or play facilities, with priority given to outdoor over indoor facilities.

#### OTHER CONSIDERATIONS:

##### 5 SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

- 5.1 The proposed dedication of these fields will contribute to securing the following Community Strategy outcomes:

#### Active Communities

Theme 1 - People play an active role in their community and help shape how resources are used to deliver local services.

Theme 5 - Reduce health inequalities which exist between different communities, and provide opportunities for everyone to become more active through organised sport, walking, cycling and other recreational activities

#### High Quality Environment

Theme 2 - Protect and enhance the District's rich biodiversity and habitats

High Quality Environment Theme 3 - Protect and improve our landscapes and townscapes

## 6 RESOURCE IMPLICATIONS:

- 6.1 Officer time will be necessary for assessing the precise implications of dedication and preparing the necessary paperwork. FIT will pay the legal costs of completing the deeds of dedication and the Council will be liable for its own legal costs.
- 6.2 Officer time will be required for checking deeds and confirming the absence of any legal constraints that prohibit these sites being nominated.
- 6.3 Officer time will also be required in valuing the sites to determine the amount of the undervalue and ensuring that the limit of £2 million is not exceeded.
- 6.4 The dedication will not necessitate additional expenditure by the Council over and above that which it normally incurs in maintaining the dedicated open spaces.
- 6.5 Fields in Trust is working to secure funding provision for which Queen Elizabeth II Fields are uniquely eligible:
- a) SITA Trust's Queen Elizabeth II Fields Fund is a million pound fund to help improve designated Queen Elizabeth II Fields. Grants can be up to £30,000 in size and project sites can be anywhere in England or Wales. Grants from the first of several funding rounds have recently been awarded.
  - b) Sport England has a funding programme called Protecting Playing Fields (PPF) which is investing £10 million of National Lottery funding in community sports projects over three years from 2011-2014. Sport England has entered into a partnership with Fields in Trust to support playing fields as part of the Queen Elizabeth II Fields Challenge and will give extra weighting to funding QEII Fields.
  - c) Specific county level QEII Fields funding, provides grants of up to £5,000. Hampshire does not currently have such grants available.

## 7 RISK MANAGEMENT ISSUES

- 7.1 Dedication will reduce flexibility in the future usage of the affected land other than as recreational space. The sites proposed are already subject to constraints that severely limit their use for anything other than as recreational open space.

## BACKGROUND DOCUMENTS:

The Queen Elizabeth II Fields Challenge website - [www.qe2fields.com/](http://www.qe2fields.com/)

The Queen Elizabeth II Fields Challenge website FAQ Page:

[www.qe2fields.com/faq.aspx#Que43](http://www.qe2fields.com/faq.aspx#Que43)

APPENDICES:

APPENDIX 1 - The Queen Elizabeth II Fields Challenge, December 2011