

TRAFFORD BOROUGH COUNCIL

Report to: Executive
Date: 25th March 2013
Report for: Decision
Report of: Executive Member for Economic Growth and Prosperity
and the Corporate Director of Economic Growth and Prosperity

Report Title

QEII Fields Dedication: Dainewell Park – land off Manor Avenue, Ashton-on-Mersey, Sale (rear of Manor High School)

Summary

The report sets out the Council's proposal to Dedicate the former Manor High School Playing Fields as part of Dainewell Park to be managed by Fields In Trust, an operating agency of the National Playing Fields Association.

The Dedication has various implications for the Council.

Recommendation(s)

- 1. That the land is dedicated to Fields In Trust and incorporated into "Dainewell Park"**
- 2. That the land set out in the report is designated as open space**
- 3. The Acting Director of Legal and Democratic Services is authorised to complete the Deed of Dedication and all other steps necessary to effect the dedication of the land and its designation as open space.**

Contact person for access to background papers and further information:

Name:	Jeremy Valentine Head of Asset Management	Paul Farrand Senior Planner, Sustainability and Greenspaces
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Background Papers: none

1. Background

- 1.1 The Council has been successful in the nomination of land off Manor Avenue, Ashton-on-Mersey for The Queen Elizabeth II Fields Challenge, and the area known locally as Dainewell Park is to be dedicated to Fields In Trust (FIT) as part of the Queen's Diamond Jubilee Year commemorations. In dedicating the land, the Council may be

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able to draw down funding for improvements to the Park from the Queen Elizabeth II Fields Funds. The principal partner for the Fund is Asda and the Asda Foundation. The Council may also be able to apply for grants from Sport England. The proposal will ensure that former playing fields are retained for the use of local people and that the Dainewell Park scheme can formally develop in the future as a significant local open space for the Sale West community.

- 1.2 The nomination is supported by The Friends of Dainewell Park, local Ward Members and The Red Rose Forest.
- 1.3 A formal decision is now required in order to proceed with the Dedication and authorise the completion of a Deed of Dedication. On completion of the Deed of Dedication the land will be held in perpetuity in accordance with the terms of the dedication. The terms of that dedication are set out in 2.1 below.
- 1.4 Part of the site was included in the Council's Land Sales Programme report for 2010/11 and 2011/12 as a potential future site dependent upon market conditions and MTFP requirements, but was withdrawn prior to the 2012/13 Programme report with Member approval in order to progress the dedication the land to Fields In Trust. Following the dedication the land should be held for the purposes of open space which will provide additional statutory protections for the land against future changes of use.

2. Terms of Dedication

2.1 The Council are required to enter into a Deed of Dedication on the following terms:

a	Land	As shown on the attached Plan
b	Dedication	The land is to be dedicated to Fields In Trust in perpetuity
c	Covenants	The Council will covenant with FIT that the land shall be used only as public playing fields and recreation ground for the benefit of the inhabitants of Sale
d	Alterations	No buildings or structures falling outside the permitted use will be allowed without the prior consent of FIT.
e	Maintenance	The Council will continue to be responsible for maintenance of the land and have regard to any advice given from time to time by FIT on the management of the land
f	Signs	The Council will erect signs on the land relating to the QEII Fields and giving recognition of financial support where required. The site will be known as " <i>The Queen Elizabeth II Field Dainewell Park</i> ".
g	Future disposal	If the Council wishes to dispose of the whole or any part of its land subject to the Deed of Dedication, it must replace it with a piece of freehold land approved by FIT of no less quality than the original land and of no less area in the same catchment area and as accessible to the general public. The Council must apply proceeds from the sale of any land to the replacement of land and facilities. The replacement land would be dedicated in a similar manner to the original.

3. Legal and Valuation Implications

- 3.1 The Dedication will restrict the use of the land to playing fields and recreation ground in perpetuity. It will be a non-charitable dedication. The Dedication to Fields in Trust is not a disposal under Section 123 of the Local Government Act 1972. The land will remain a Council asset.
- 3.2 The attached Plan shows the area of land which was included in the 2010/11 Land Sales Programme and also the remaining land forming part of Dainewell Park. The area assigned in the Programme for development was 5.12 acres although it is likely that a significant portion of the land would be needed for open space as a Planning condition, which would reduce the area of land available for development. Any sale for residential development would also produce New Homes Bonus and affordable homes provision, subject to the issues set out in the paragraph below. Subject to the usual caveats concerning ground conditions etc, it is estimated that the value of the land, were it not required for open space, had it been allocated for housing and offered for sale, would potentially have been in the order of c£3m. If a capital receipt had been received then it would have been used to support new capital expenditure or alternatively used to avoid future borrowing costs or repay debt with a revenue saving of up to £270k per annum. While there are pressures to maximise capital receipts from the disposal of the Council's estate, this has to be balanced against other priorities, such as the need to provide sufficient open space and facilities for sport and leisure which supports the Council's priorities around healthy lifestyle. The land has already been removed from the Land Sales Programme, and therefore there is no loss of value nor impact on the Capital Programme.
- 3.3 The site is allocated in the UDP as 'white land', i.e. land with no formal land use specified. At the time the UDP was prepared the former Manor High School had closed and the playing fields were unused. The land has been included as part of the Strategic Housing Land Availability Assessment (SHLAA) as a potential residential site. However the SHLAA states at paragraph 1.3 "*It should be noted that the inclusion or otherwise of a site within this assessment does not in itself determine whether a site should be allocated for housing development*". The site is now used informally as an open playing field and it is included in the Outdoor Sports Facilities Study (2009) as a football facility. For the site to be allocated in the forthcoming Land Allocations Plan sustainability Regulations require consideration of an option of housing or open space. It is not certain given the present use and the likelihood that there will be sufficient alternative housing sites identified locally to meet the Councils' housing land targets, that this site would be allocated for housing in the Land Allocations Plan.
- 3.4 The terms of the proposed Deed of Dedication do not exclude the possibility of the Council selling some land for housing purposes in the future if it is able to provide acceptable alternative land, dedicated for recreational purposes, in the Sale area, as provided in the draft Deed.

Financial Impact:	<p>This site is not included in the land sales programme and as such the potential capital receipt is not required to support the existing capital programme.</p> <p>The foregoing of a potential capital receipt referred to in Para 3.2 will have an impact on the level of capital expenditure in the future or the Council's ability to reduce borrowing related costs as detailed in Para 3.2.</p> <p>The impact on the business rates tax-base is neutral</p>
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	<p>as the site was unlikely to have any future commercial use. Additional council tax would have been raised if the land was sold for housing purposes but any additional income would be required to cover the consequent additional demands on Council services.</p> <p>The designation may facilitate the drawing down of Sports Lottery funding in the future.</p>
Legal Impact:	The land would be Dedicated to use as open space under the terms of the proposed Agreement and the implications of this are detailed in paragraph 2.1.
Human Resources Impact:	None
Asset Management Impact:	Designation of the land as open space will enable the Council to benefit from resources under the QEII Playing Fields initiative, however the Agreement provides for part or all of the land to be sold if acceptable alternative land can be found.
E-Government Impact:	None
Risk Management Impact:	Local stakeholders fully support the designation of this land as open space and it would be unacceptable at this stage to not confirm the designation.

Other Options

Other options are considered at paragraphs 3.2 – 3.4. Furthermore the local community have been involved in proposals for the designation of this land as an extension to Hornbeam Park for some time and the option of not including it has been discounted by community partners and local Ward Members.

Consultation

Local community stakeholders were consulted on the proposal in 2012 through the Environment Strategy team.

Reasons for Recommendation

The Council has been successful in the nomination of land off Manor Avenue, Ashton-on-Mersey for The Queen Elizabeth II Fields Challenge to be dedicated to Fields In Trust as part of the Queen's Diamond Jubilee Year commemorations. A formal decision is now required in order to proceed with the Dedication and authorise the completion of a Deed of Dedication.

Key Decision

This is a key decision currently on the Forward Plan: Yes
If Key Decision, has 28-day notice been given? Yes

Finance Officer Clearance GB
Legal Officer Clearance JLF

Helen Jones

CORPORATE DIRECTOR ECONOMIC GROWTH AND PROSPERITY