

## TRAFFORD BOROUGH COUNCIL

**Report to:** Councillor Stephen Adshead, Executive Member for Environment, Air Quality and Climate Change  
**Date:** 2<sup>nd</sup> November 2018  
**Report for:** Decision  
**Report of:** Corporate Director of Place

### Report Title

**Centenary Field Dedication: Newton Park, Timperley**

### Summary

**The report sets out the Council's proposal to dedicate a selected area within Newton Park as a Centenary Field, managed by Fields In Trust, an operating agency of the National Playing Fields Association.**

### Recommendation(s)

- 1. That selected land within Newton Park is dedicated to Fields In Trust**
- 2. 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**

Contact person for access to background papers and further information:

Name: Sarah Grant, Senior Partnerships and Communities Officer

Extension: 3881

### **1. Background**

- 1.1 The Council has been successful in the nomination of Newton Park as a Centenary Field. In dedicating the land, the Council may be able to draw down funding for improvements to the park and it will ensure this greenspace is retained for the use of local people.
- 1.2 The nomination is supported by The Friends of Newton Park, The Watling Gate Restoration Group and local residents who requested that the land be dedicated as a Centenary Field.
- 1.3 The attached site plan indicates the area of the park that will be dedicated. Not all the park has been included in the dedication; two key areas have been conjoined to create an area which will be omitted from the dedication:

- The land on which Watling Gate, a Listed Building is located has been excluded from the Fields in Trust application to enable the Watling Gate Restoration Group and Trafford Council to have full control over the restoration of the building.
- A piece of land to the South of the park (at the end of Leys Road) associated with Watling Gate. The covenant associated with the site states that this land can be sold by Trafford Council, if so required, in order to maintain Watling Gate for community use.

The above sites (which have been conjoined) have been omitted from the Fields in Trust application following agreement from both community groups.

- 1.4 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.

## 2. Terms of Dedication

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

a	<b>Land</b>	As shown on the attached Plan
b	<b>Dedication</b>	The land is to be dedicated to Fields In Trust in perpetuity
c	<b>Covenants</b>	The Council will covenant with Fields In Trust that the land shall be used only as public playing fields and recreation ground for the benefit of the inhabitants of Timperley.
d	<b>Alterations</b>	No buildings or structures falling outside the permitted use will be allowed without the prior consent of Fields In Trust.
e	<b>Maintenance</b>	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	<b>Signs</b>	The Council will give permission for the Friends of Newton Park to erect a sign on the land relating to the dedication as a Centenary Field.
g	<b>Future disposal</b>	<p>If the Council wishes to dispose of the whole or any part of the land included in the Deed of Dedication, they must use their reasonable endeavours to replace it with a piece of freehold land approved by Fields In Trust of similar quality than the original land of no less area, in the same catchment area and as accessible to the general public.</p> <p>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.</p>

## 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. Under Section 123 of the Local Government Act 1972, any proposed disposal or public open space land, including a Declaration of Trust has to be publicly advertised and any objections arising from the public consultation will have to be referred back to Executive for consideration.

3.2 The attached Plan shows the area of land which will be dedicated as a Centenary Field and highlights the two sites which have been omitted from the application for reasons explained in section 1.3.

3.3 The site is allocated as greenspace with no plans for future development.

Financial Impact:	There are currently no long term proposals for the land.  The Council will be responsible for registering the Dedication at the Land Registry together with preparing all the necessary documentation.
Legal Impact:	The land would be Dedicated to use as open space under the terms of the proposed Agreement; the legal team will be responsible for advertising the proposed Deed of Dedication and preparing all the necessary documentation.
Human Resources Impact:	None
Asset Management Impact:	Designation of the land as a Centenary Field will enable the Council to benefit from possible external funding to improve the site.
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 this view.

### **Other Options**

The local community have been involved in proposals for the designation of this land for some time and the request for designation was put forward by local residents to the Council in October 2017. The only other option is to not confirm the Deed of Dedication, not safeguard the land and for the park land to remain as it is.

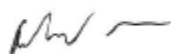
### **Consultation**

Local community stakeholders were consulted on the proposal between October 2017 and July 2018 through the Partnerships and Communities team.

### **Key Decision**

This is a key decision currently on the Forward Plan: No.

**Finance Officer Clearance NB**  
**Legal Officer Clearance LH**



**Richard Roe**  
**CORPORATE DIRECTOR, PLACE**