

TRAFFORD COUNCIL

Report to: Scrutiny
Date: September 2022
Report for: Information and Debate
Report of: Executive Member for Environmental Services

Report Title

Protecting the Future of Greenspaces in Trafford

Summary

This report provides information to Members relating to a variety of processes that can be utilised to protect Greenspaces across Trafford

Information

Scrutiny is recommended to

- a) Note the options and processes associated with protecting Trafford's fields, parks, and greenspaces
- b) Consider the pros and cons of the processes for protection
- c) Propose to the Executive that existing protections, plus the new Local Plan will be sufficient to safeguard Parks and open spaces in Trafford.

Contact person for access to background papers and further information:

Sharon Walls
X4292

Background Papers: None

Implications:

Relationship to Policy Framework/Corporate Priorities	Improving Public Health by having access to open space for recreation Improving Air Quality – to address the climate emergency issues Free local accessible entertainment and social spaces assisting with the poverty agenda
Relationship to GM Policy or Strategy Framework	The options relate to the aims of the GM Strategy, GM 5 Year Environment Plan, draft GMSF and GM Cultural Strategy relating to Natural Capital, Green Infrastructure, Climate Change and Public

	Health
Financial	The financial implications from this report include costs associated with the application process to land registry and also including officer time
Legal Implications:	The legal implications would depend on what process would be considered to use but all would offer protection of the sites for future use and restrict development on those sites.
Equality/Diversity Implications	Not Applicable
Sustainability Implications	Improving availability and access to open spaces makes the area sustainable as public open space for the future
Resource Implications e.g., Staffing / ICT / Assets	Progressing Land Trust or Field in Trust Options would require legal and officer time to progress. Utilising existing planning powers would be less onerous as this is considered a routine part of the planning process.
Risk Management Implications	Not Applicable
Health & Wellbeing Implications	The land, once in trust will always be available for public to access for health and wellbeing purposes
Health and Safety Implications	The air quality will become cleaner through the security of the space not being developed on in future years

1.0 Background

- 1.1 Trafford has a rich and diverse range of parks and open spaces including and ranging from small pocket parks within residential areas, formal gardens such as Denzell Gardens and Walton Gardens, Victorian public parks such as Longford Park, Victoria Park, Stamford Park and Worthington Park to visitor attractions such as Dunham Massey and Sale Water Park as well as recreational routes such as the Trans Pennine Trail and Bridgewater Way, not to mention areas of accessible greenspace such as the Bollin Valley and the Mersey Valley. All of these multi-functional greenspaces are strongly associated with the history and culture of Trafford.
- 1.2 Access to parks, fields and open space is a vital resource, supporting a range of functions including sport, play, visual amenity, biodiversity, climate change adaptation, urban regeneration and place shaping as well as attracting and sustaining economic development.
- 1.3 The below table is a guide to the scale of open space and greenspace and play equipment that is within Trafford. There are 156 sites that make up these areas.

Open Space / Greenspace Type	Area / Number
Large Parks (Country, Borough, Town Neighbourhood)	188 Ha
Local Open Space (Parks, Play and Informal)	277 Ha
Semi Natural (Woodland outside of parks)	297 Ha

- 1.4 Management, investment and upkeep of the parks, fields, and open spaces particularly in recent times is a continuous challenge. The parks and open spaces that are accessed by communities however, are seen as more valuable than ever and contribute to the health and wellbeing of all those who visit them particularly during the pandemic when many of our parks were accessed more than ever.
- 1.5 Protecting and ensuring fields, parks and open space are always accessible and available can however, be undertaken utilising a range of alternative management options and not solely undertaken by the local council who are the main custodians of such spaces.
- 1.6 Alternative options that could be utilised for the management and protection of open spaces and greenspace assets could include
- Designating sites as a 'Field in Trust' (FiT)
 - Apply to designate sites as Town / Village Green (TVG)
 - Working with and designating sites to the 'Land Trust'
 - Designation of Local Green Space through the planning process
- 1.7 Trafford has already protected the greenspaces owned by the Council within adopted planning policies – and these ensure those areas are reserved for their intended recreational purpose. Accordingly if these planning designations are to be set aside for any reason the Council must seek permission to change its status under the framework of current planning legislation

Fields in Trust (FiT)	
Features	Pros / Cons
<ul style="list-style-type: none"> • Protects the space by restricting the use of the land to recreation ground in perpetuity • Involves protecting the land through a legally binding Deed of Dedication • Land continues to be managed by the Council/partner • Funding opportunities via FiT 	<ul style="list-style-type: none"> • Council Legal and Property input and resource required • No development other than for playing fields/recreational use is possible without consent from Fields in Trust • Following submission of the application, the Council must be in a position to sign the deed of dedication within 6 months • • Any proposed removal of this status would need to be approved by Fields in Trust in line with their disposals policy
Town/Village Green (TVG)	
Features	Pros / Cons
<ul style="list-style-type: none"> • Protects the space by restricting use to recreation in perpetuity • Application is made under section 15(8) of the Commons Act 2006 for landowners to dedicate their own land voluntarily 	<ul style="list-style-type: none"> • Council Legal and Property input and resource required • Any proposed removal of Town/Village Green designation must be accompanied by robust supporting evidence and approved

<ul style="list-style-type: none"> • The Growth and Infrastructure Act 2013 made changes to the law on registering new TVGs relating to trigger events and planning allocations/applications • Flexibility regarding development as “No special permission is required if the planned works are to improve the green for visitors’ enjoyment.” 	<p>via Secretary of State after assessment of the impact on public interest. Replacement land must also be identified of at least the same area as the de-registered green</p> <ul style="list-style-type: none"> • Dedication restricts use to recreation in perpetuity unless deregistered • If the site is dedicated as a Town and Village Green (TVG), the people of the locality will have the right to use the land for lawful sports and pastimes, restricting the Council’s ability to do anything on the land that interferes with those rights
Land Trust	
Features	Pros / Cons
<ul style="list-style-type: none"> • Protects the space by restricting the use of the land to recreation ground in perpetuity • Involves protecting the land through a legally binding Deed of Dedication • Land continues to be managed by the Council/partner or by a third party depending on the agreement • Funding opportunities via Land Trust 	<ul style="list-style-type: none"> • Council Legal and Property input and resource required • No development other than for playing fields/recreational use is possible without consent from the Land Trust • The land trust would retain any profits / income as an endowment to reinvest in the land / park • Any proposed removal of this status would need to be approved by the Land Trust in line with their disposals policy

2.0 Fields in Trust

- 2.1 Fields in Trust was founded in 1925 as a charity, in the aftermath of the First World War, to create playing fields and save open spaces in congested towns and cities. Nearly one hundred years later, the need for green spaces where people can exercise, relax, and socialise is just as great as ever. The charity therefore continues to work with landowners, community groups and policy makers to instigate better protection for green spaces at both local and national level.
- 2.2 Trafford currently have 3 Fields in Trust
- Crossford Bridge Recreation, Sale – Covenanted Field - March 1968
 - Dainewell Park, Sale – Queen Elizabeth II (diamond jubilee) – August 2013
 - Newton Park, Altrincham – Centenary Fields dedication – February 2019
- 2.3 Trafford are progressing Fields in Trust applications for Turn Moss, William Wroe and the remainder of Crossford Bridge at the moment. These sites are not typical of most open spaces in that they have had their roots in other activities and / or have been subject to uncertainty as to their status and use. These locations are not parks

in the traditional sense but the land does have a lot of informal use along-side the organised use (for Turn Moss and Crossford) and there is a change in use for William Wroe (from a Golf Course) that the Council is looking to protect.

- 2.4 Fields in Trust have historic programmes of dedication which is why Trafford in the past have signed up to dedicate some of their parks as a Field in Trust, meaning the land remains protected in perpetuity.
- 2.5 In addition to historical programmes there is the ability to apply for Fields in Trust status for any park or land we own, provided the site and its ownership meets minimum criteria. Typically, across Manchester each district has of the order of half a dozen Fields in Trust in their respective areas (see website for the map of sites) hence it is not used as a mechanism to protect all parks and open spaces across an Authority area.
- 2.6 Liverpool City Council have recently announced that they intend to dedicate all their parks and open spaces as Fields in Trust. Liverpool's does not have any current Fields in Trust sites and the green space provision per person of 25.3sqm is lower than the average across Great Britain of 32.9sqm. Liverpool is seeking to protect its current greenspace provision following a Fields in Trust's analysis that Liverpool has an acute strategic need for protected green space. This dedication is being undertaken in phases with 100 sites in total being dedicated over time. Liverpool is looking to dedicate 10 local community parks along with the 10 listed parks within the first phase.
- 2.7 Based on Natural England Accessible Natural Greenspace Standard (all publicly accessible greenspace) Requirement = 2 Ha/1000 population Trafford has sufficient quantities and areas of greenspace with some exceptions in the north of the Borough.
- 2.5 The Fields in Trust process could be considered for protection of all of Trafford's greenspace however, given we have 156 greenspace sites of interest across the Borough there is no current capacity within the existing teams to implement and progress this as a potential project on the same scale or pace of Liverpool and would require a dedicated resource to work with Fields in Trust on a strategy for implementation.
- 2.6 The process therefore could be considered for some of our well used parks that have heritage or historical significance and can be applied for over time utilising existing resources to mark events that are important for Trafford or to protect parks and greenspaces where there is a shortfall or limited access to greenspace provision.

[Fields we Protect \(fieldsintrust.org\)](http://fieldsintrust.org)

3.0 The Land Trust

- 3.1 The Land Trust are an established national land management charity working with both the private and public sector and provides an option for protecting the greenspace and offers a secure exit for landowners from their land management responsibilities. The Land Trust would take on the management of land including the

associated maintenance, risks, and liabilities such as planning conditions, public liability, health and safety and environmental risk.

<https://thelandtrust.org.uk/>

3.2 The Trust has a wide variety of land in its portfolio from small areas of public realm within housing developments to large country parks and associated buildings such as visitor centres including:

- Formal hard landscaped areas
- Urban parks
- Ecological sensitive areas, such as
- SSSIs (Sites of Special Scientific interest)
- Ancient woodland
- SANGS (Suitable Alternative Natural Green Spaces)
- Great crested newt mitigation areas
- Play areas
- Buildings associated with sites (visitor centres and cafes)
- Scheduled ancient monuments
- Grazing areas
- Fishing lakes

3.3 Their role can include acting as facilitators of community engagement in the development process, to ensure the local community are involved in future designs of their new park or green space. This ensures it serves their needs.

3.4 The Land Trust act as a neutral organisation and can provide the assurance that once the park or green space is under their management, it will be secured and managed in perpetuity (or as agreed). They are often approached to support the ongoing development and protection of large multi-use sites.

4.0 Town and Village Green Status

4.1 The origin of the town or village green lies in **customary rights**. They were open spaces in towns and villages for communal activities. Legally, town greens and village greens are the same. The difference in name merely relates to the location in which the green is situated.

4.2 A town or village green is an area of open space which by immemorial custom has been used by the inhabitants of the town, village, or parish, for the purposes of playing lawful games and recreation.

4.3 The core requirement common for applications to register new town and village greens under section 15 of the Commons Act 2006 is that:

"a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years."

4.2 The law surrounding 'Common Land' and 'Town and Village Greens' is complex. Once designated Greens receive considerable statutory protection, but the

designation can interfere with the management of open spaces – for example the letting of space to clubs or sports associations can be problematic.

[Town and village greens: how to register - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/town-and-village-greens-how-to-register)

The registration process that has to be followed and criteria that applies to attain village green status is quite a time consuming and onerous process. An example of this is with the current William Wroe application. Not all our fields, parks and open spaces lend themselves to be easily designated as village or town greens.

5.0 Local Green Space Designation.

- 5.1 There is an alternative means of protecting land through the planning system. The new Local Green Space designation empowers local councils and communities to protect green spaces of local importance without the need to meet strict statutory criteria. Sites may be designated for a variety of reasons, including their setting, nature conservation benefits, or their quietness.
- 5.2 Local communities are able to identify green spaces through their local and neighbourhood plans, which will then receive protection equivalent to Green Belt, ruling out new development other than in very special circumstances. Consideration within the local planning process will ensure that the new designation will complement and not undermine investment in homes, jobs and other essential services that may be required in the future.
- 5.3 The National Planning Framework (NPPF), published by the Ministry of Housing, Communities & Local Government in July 2018, and with minor amendments in February 2019 and also in July 2021, sets out the government's planning policies for England. Paragraphs 101 to 103 introduce a Local Green Space designation (LGS) to protect local green areas of particular importance to local communities.
- 5.5 Once designated, the LGS is subject to the same strong development restrictions as Green Belt, and new development here is ruled out other than in special circumstances. Trafford therefore have existing powers to designate its fields, parks, and greenspace in its Local Plan.
- 5.6 Within the Trafford Development Plan there are a number of planning policies that protect parks and open spaces from development. These are contained with the saved policies of the Revised Unitary Development Plan (Adopted June 2006) and the Core Strategy (Adopted January 2012). Under Policy R5 of the Core Strategy, developers are required to demonstrate how schemes will protect, and encourage the use of Trafford's open space and sports/recreation facilities, and Policy R3 of the Core Strategy, sets out that the Council working with local communities, developers and partners, to develop an integrated network of high quality and multifunctional green infrastructure, including open space; including assets relating to the natural environment e.g. designated sites of importance, which are set out in Policy R2 of the Core Strategy.
- 5.7 In addition to local planning policy, it should be noted that a number of council-managed parks and open spaces fall within the Green Belt including Sale Water

Park, William Wroe/Flixton Park, Turn Moss & part of Denzell Gardens/The Devisdale. Green Belt policy is set out in policy R4 of the Core Strategy, but also governed by the National Planning Policy Framework, which stipulates that development in Green Belt is inappropriate and should (other than in exceptional circumstances), be refused.

- 5.8 Consequently there are already a comprehensive set of planning policies that help protect open space. These will shortly be complemented by strategic policies set out in the Greater Manchester Places For Everyone Plan which is just entering its formal Examination. Following this, the new Trafford Local Plan will provide additional site specific designations and protection.
- 5.9 Integral to the Local Plan is a Greenspace Strategy that is currently in the process of being reviewed for Trafford but much of the content and approach to greenspace provision is still relevant. The process of updating the relevant data has commenced as part of the planning policy update process that should see the ability to introduce LGS sites.

[Greenspace Strategy 2009 \(trafford.gov.uk\)](http://trafford.gov.uk/greenspace-strategy-2009)

6.0 Future Greenspace Management Considerations

- 6.1 Town/Village Green (TVG) designation offers the most effective means of securing additional legal protection for sites but not all sites meet the required criteria, and it is an onerous process.
- 6.2 Fields in Trust offers options for dedication of key sites that have historical importance and usage is high. Therefore, this option could be considered at appropriate times to support the ongoing heritage of Trafford.
- 6.3 Engaging with the Land Trust or developing an independent charitable 'Trust' to dedicate sites and protect in perpetuity is an option that looks to secure important sites of value however, the model requires a lot of resources to develop and implement and potentially there are no cash rewards for the Council.
- 6.4 Utilising existing planning processes as described above gives the Council the ability designate its fields, parks and open spaces in agreement with the community and protect the land it owns without the need for potentially costly and time-consuming application processes.
- 6.5 Our parks are not considered at risk of being changed based on the current usage and have layers of existing protection. given the cost and practicality of the alternative routes to protect including Fields of Trust as adopted by Liverpool City Council as highlighted within the report using the existing protections, potentially with the addition of a LGS designation, should provide sufficient protection

7.0 Stakeholder Considerations

- 7.1 There is increasing demand and focus on our open spaces and they are becoming destinations of choice for many of our local residents and also from further afield in

some instances hence Trafford would need to consult on any of the proposals to alter the management and protection of its parks and greenspaces.

8.0 Conclusions

- 8.1 There are a range of options available that would allow Trafford to protect its green spaces. All have pros and cons and can be utilised as required to protect our valuable greenspace asset when resources allow for the right site at the right time.
- 8.2 Overall it is not necessary to place all open space under a single approach of the Fields in Trust designation – but to rely on the combination of measures currently in force.

REASONS FOR RECOMMENDATION

To inform members of scrutiny on the options available for protection of its fields, open spaces, and greenspaces.