

## TRAFFORD COUNCIL

**Report to:** Executive  
**Date:** June 2020  
**Report for:** Decision  
**Report of:** Executive Member for Housing and Regeneration and  
Executive Member for Culture and Leisure.

### Report Title

**Turn Moss: Dedication as a Village Green**

### Summary

The report sets out the process, opportunities and obstacles for proposed options for Turn Moss in Stretford with a proposed conclusion that dedication as a Village Green would be the most appropriate status

### Recommendation(s)

It is recommended that the Executive:

- (i) Approves in principle to the designation of Turn Moss as a Village Green.
- (ii) Authorises the Corporate Director of Place to make the application to register Turn Moss as a Town and Village Green.
- (iii) Authorises the Corporate Director of Governance and Community Strategy to enter into any document required to give effect to the recommendations of this report

### Contact person for access to background papers and further information:

Name: Louise Wright, Sports Relationship Manager  
Extension: 3881 / 2849

Background Papers: None

Relationship to Policy Framework/Corporate Priorities	<p>This work supports the Council's Corporate Plan priorities of Health and Wellbeing; Successful and Thriving Places and Green and Connected.</p> <p>It also supports the following key strategies:</p> <ul style="list-style-type: none"> <li>• Health and Wellbeing Strategy</li> <li>• Trafford Moving: Trafford Sport &amp; Physical Activity Strategy</li> <li>• Trafford Playing Pitch Strategy</li> </ul>
Relationship to GM Policy or Strategy Framework	This work supports 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 and Sport England's Playing Pitch Strategy
Financial	Maintenance will continue to be undertaken from within existing Council resources. Legal resources to complete the dedication will also be met from existing Council budgets.
Legal Implications	Legal resource will be required from within the Council to complete the dedication.
Equality/Diversity Implications	None
Sustainability Implications	Not applicable
Resource Implications e.g. Staffing / ICT / Assets	Legal resource will be required from within the Council to complete this dedication.
Risk Management Implications	None
Health & Wellbeing Implications	Access to greenspace leads to improved health and wellbeing of residents
Health and Safety Implications	None

## **1.0 Background**

- 1.1 Turn Moss is a 2.76 ha (6.82 acres) site in the North of the Borough.
- 1.2 The site has been used for organised football matches for approximately 70 years.
- 1.3 Salford City Football Club submitted a planning application on 3rd February 2018; the application was withdrawn on 29th May 2018.
- 1.4 The Friends of Turn Moss was established following the withdrawn Planning application in May 2018.

## **2.0 Friends of Turn Moss: Aspirations**

- 2.1 The Friends of Turn Moss are looking to improve the whole site to provide a varied offer for a more diverse demographic, especially families and children. The group wants to provide further facilities to attract new users and provide a better experience for the current users.
- 2.2 The group have been successful in receiving a £10k grant from the Social Investment Fund and are currently in discussions with Friends of Lordship Rec in Haringey.
- 2.3 Some of the short and long term aspirations for the Friends of Turn Moss include:
  - New signage in and around the site
  - Improved connectivity with surrounding areas i.e. a cycling/walking paths
  - Improved sporting facilities
  - New trees and biodiversity projects; wetland wildflower meadow in a waterlogged area
  - New activity play area
  - Toilet facilities
  - Improvements to the central parking area; a new visitor information board, benches and general improvements
- 2.4 The Friends of Turn Moss are interested in recording/promoting biodiversity on the site and have worked with City of Trees alongside Trafford Leisure and Amey. The group has also declared an interest in pursuing a formal designation for the site e.g. Local Nature Reserve and/or Site of Biological Importance (SBI). Such designations are co-ordinated by the landowner, so the Council would need to progress this with Greater Manchester Ecology Unit and Natural England. The Friends of Turn Moss have also been in contact with AECOM Consultants to express their wish to work in partnership; AECOM are delivering the Longford Park Masterplan.

## **3.0 Current Playing Pitch Strategy**

- 3.1 Current facilities on Turn Moss include:
  - 18 Adult pitches - spare capacity of 6 Match Equivalent Sessions
  - 2 Youth 11v11 pitches - overplayed
  - 2 Youth 9v9 pitches - no spare capacity
  - 2 Mini 7v7 pitches – spare capacity of 1 Match Equivalent Session

- 3.2 The pitches are available for community use. The adult pitch has the spare capacity of 6 match equivalent sessions per week. The youth 9v9 has discounted actual spare capacity to protect pitch quality. The mini 7v7 has spare capacity of one match session. The youth 11v11 is overplayed by 1.5 match equivalent sessions per week.
- 3.3 There are also two Gaelic sports pitches subject to waterlogging given the location within a flood zone of the River Mersey. These pitches are often unusable.
- 3.4 The Playing Pitch Strategy considers potential to develop the site as a football hub site, with consideration to be given to potential for inclusion of other sports within a possible hub site offer.
- 3.5 Other elements of the Playing Pitch Strategy include improvements to pitch quality through an enhanced maintenance regime, particularly through increased aeration and possible installation of dedicated drainage systems.
- 3.6 The Friends of Turn Moss are supportive of investment in to the site for sports purposes; the group funded a deep clean of the pavilion with the Social Investment funding.

#### **4.0 Options**

- 4.1 Two options are available to protect the entirety, or a section, of Turn Moss as a green space. The options are listed below along with details of the process, opportunities and legal implications. There is no cost to the Council for any of the below options other than the resource required from the Council's Legal Team.
- 4.2 Consultation with community stakeholders will need to be undertaken before any of the options are pursued.

##### **4.1.1 Fields in Trust (FiT)**

(i) FiT works in partnership with landowners including local authorities, to protect land through a Deed of Dedication – a binding legal commitment with the landowner – which allows green spaces to be protected in perpetuity for current and future generations to enjoy.

(ii) The programme dedicates green spaces with the aim of increasing participation in physical activities on local parks and green spaces which will be protected for future generations to use and enjoy.

#### **Legal Implications**

(i) Spaces must have public access and should be accessible in terms of location and affordability for the local community.

(ii) Dedications will restrict the use of the land to playing fields and recreation ground in perpetuity. It will be a non-charitable dedication.

(iii) FiT will permit new buildings, structures and alterations for the purpose of maintaining the site as open space/public playing field/recreation ground. For

example, a sports pavilion, changing rooms etc. could be built without permission from FiT.

(iv) No buildings or structures falling outside the permitted use will be allowed without the prior consent of FiT. Requests to build a building or structure for commercial use may be turned down by FiT.

(v) Any new buildings (if permitted by FiT) cannot exceed 20% of the total square footage of the dedicated site.

(vi) The Council will continue to be responsible for maintenance of the land and have regard to any advice given by FiT on the management of the land.

(vii) If the Council wishes to dispose of the whole or any part of the land included in the Deed of Dedication, the Council must use their reasonable endeavours to replace it with a piece of freehold land approved by FiT of similar quality than the original land 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.

### **Process for application to Fields in Trust**

(i) Once the landowner has submitted the application form, it is estimated that the process should take approximately 6 months assuming that the Council's Legal Team can provide timely responses to information requested by Fields in Trust.

(ii) The Landowner must be able to sign the agreed Deed of Dedication within six months of submitting an application.

#### **4.2.1 Village Green Status**

(i) Village Greens developed under customary law as areas of land where local people indulged in lawful sports and pastimes. Provided the right to apply has not been excluded, anyone can apply under section 15(1) of the Commons Act 2006 to register land as a green if it has been used by local people for lawful sports and pastimes 'as of right' (i.e. without permission, force or secrecy) for at least 20 years. A landowner may apply under section 15(8) of the Commons Act 2006.

(ii) Traditionally the plot of land had to be in a town or village however this is no longer the case. A greenspace with Village Green status must be available for public use for sports and recreation; and the landowner must ensure that the entire land is maintained to ensure public accessibility.

(iii) Previous planning applications for the site do not exclude the right to register for Village Green status if the planning application is withdrawn. DEFRA have confirmed that Trafford Council can apply for Village Green status as none of the exclusions apply.

**Legal Implications**

- (i) Village green status can be de-registered.
- (ii) There is flexibility in the status with regards to development “*No special permission is required if the planned works are to improve the green for visitors’ enjoyment.*”

**Process for registration as a Village Green**

- (i) There are four steps to the procedure: initial check, acknowledgement of the application, serving notice of the application and recording it in the register.
- (ii) An application form must be completed online by the Council as the land owner: <https://www.gov.uk/government/publications/application-for-the-registration-of-land-as-a-town-or-village-green> As the application is being made by the Council as landowner and there are no chargees or tenants, following submission of the application, the land will be registered as a Town and Village Green.

**4.3.1 Comparison of Options**

<b>Fields in Trust (Active Spaces)</b>	
<b>Features</b>	<b>Issues</b>
<ul style="list-style-type: none"> <li>- Protects the greenspace by restricting the use of the land to playing fields and recreation ground in perpetuity</li> <li>- Access to greenspace leads to improved health and wellbeing of residents</li> <li>- Involves protecting the land through a legally binding Deed of Dedication</li> <li>Land continues to be managed by the Council</li> <li>- Development is possible (up to 20% of the entire dedicated area) with permission from FiT if for recreational purposes</li> <li>- Funding opportunities are available via FiT</li> </ul>	<ul style="list-style-type: none"> <li>- Council Legal and Property input and resource required</li> <li>- Dedications will restrict the use of the land to playing fields and recreation ground in perpetuity</li> <li>- No development outside of this remit is possible without consent from Fields in Trust</li> <li>- Following submission of the application the Council must be in a position to sign the deed of dedication within 6 months</li> </ul>

<b>Village Green Status</b>	
<b>Features</b>	<b>Issues</b>
<ul style="list-style-type: none"> <li>- Protects the greenspace by restricting the use of the land as recreation ground in perpetuity</li> <li>- Access to greenspace leads to improved health and wellbeing of residents</li> <li>- Village Green status can be de-registered</li> <li>- There is flexibility in the status with regards to development <i>“No special permission is required if the planned works are to improve the green for visitors’ enjoyment.”</i></li> </ul>	<ul style="list-style-type: none"> <li>- Council Legal and Property input and resource required</li> <li>- Dedication will restrict the use of the land to recreation ground in perpetuity; no development outside of this remit is possible</li> </ul>

## **5.0 Recommendations**

5.1 Research and legal advice has led to a recommendation that Village Green status would be more appropriate for Turn Moss as a means of securing additional legal protection for the site. The Council as landowner has the capacity to dedicate Turn Moss as a Village Green. This status protects the greenspace and gives the Council flexibility with regards to development.

## **6.0 Next Steps**

6.1 The next step is to start the application process for voluntarily dedicating the land as a Village. This is estimated at between one and three months from commencement of the application to signing the declaration and the site becoming a registered Town/Village Green.

6.2 The process involves completion of the relevant sections of the application form and submission via the commons registration authority, which in this case is the Council by way of the Planning and Development Management Committee. A description of the site, map and identified neighbourhood or locality need to accompany the application. The Council as registration authority is not required to advertise the application or examine its merits and the process ends with a statutory declaration that the Council is the owner of the land and that any necessary consents (e.g. from any leaseholder or chargeholder) have been obtained. Once registered as a Town/Village Green, the land is protected by section 12 of the Inclosure Act 1857 and section 29 of the Commons Act 1876, giving local people rights of recreation.

## **Other Options**

If the status of Turn Moss is not dedicated then:

- the site could be used for activities other than the intended purpose
- it may limit opportunities to secure funding

Ultimately this would fail to capture the significant potential of the site to deliver against key Council and partners priorities around natural capital, health and wellbeing, sport and physical activity and climate change.

**Consultation**

Consultation with community stakeholders will need to be undertaken.

**Reasons for Recommendation**

The recommendations set out in the report will serve to safeguard the future of Turn Moss as playing fields and recreation ground in perpetuity; access to greenspace leads to improved health and wellbeing of residents.

**Finance Officer Clearance** (type in initials) PC.....

**Legal Officer Clearance** (type in initials) TR.....

**[CORPORATE] DIRECTOR'S SIGNATURE** 

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.