

Cabinet – 13 February 2019

Fields in Trust

Portfolio: Councillor Louise Harrison

Related portfolios: Councillor

Service: Clean and Green – Environmental Improvement Services

Wards: Willenhall South

Key decision: No

Forward plan: No

1. Summary

In March 2018, Cabinet approved Clean and Green Services to place land in three areas of green space within the borough, namely land at Willenhall Memorial Park, Palfrey Park and Fibbersley Local Nature Reserve into Fields in Trust (FIT) – a national charity which supports green space being held in trust for perpetuity. Legal Services are now in the final stages of completing this piece of work. Within the dedication, are the following three designations, which were approved by Cabinet:

- Dedication of an Active Field in Trust to promote health and activity at Palfrey Park
- Dedication of Green spaces for Good – Nature Field in Trust to promote biodiversity at Fibbersley Local Nature Reserve
- Dedication of a Commemorative Field in Trust (to commemorate the centenary of WW1) at Willenhall Memorial Park.

1.1 Conveyancing for Willenhall Memorial Park was completed on 30th October and dedicated as a Centenary Field in Trust at a Remembrance Ceremony on 10th November. Palfrey Park is scheduled for completion and dedication early in 2019, following some additional legal enquiries into the occupancy of the park lodge.

1.2 In addition to the original land agreed by cabinet in March 2018 to be placed in trust for Fibbersley Local Nature Reserve, considerable work has taken place on the multitude of deeds of title for this area of land. Consequently additional land is now proposed for inclusion, and this report contains details of the additional land which could be included within the application to Fields in Trust (FIT) for potential dedication.

- 1.3 We request cabinet's support for this application for the additional land to be placed into Fields in Trust. All terms and conditions are as detailed in the March Cabinet Report (Background Paper). This report reiterates the area of green space, the implications of "protection in perpetuity", and the restrictions on the future use of these sites for alternative purposes. The report also details buildings which are included or excluded from the proposal.

2. Recommendations

- 2.1 That cabinet approve the submission of additional land for biodiversity, community and public health aims, as detailed in the attached plans (Appendix A1,A2 & A3) at Fibbersley Local Nature Reserve to include in the following dedication:

Green spaces for Good – Nature Field in Trust – Fibbersley Local Nature Reserve

Appendices A1,2 & 3

- Drawing No EPMD 4557/1A, (land within red edge)
- Drawing No EPMS 4557/6 (land within red edge)
- Drawing No EPMS 4557/2B (land shaded pink, excluding areas marked blue for which we cannot at this stage prove title).

This submission complements the previous Fields in Trust applications in March and numerous other green spaces placed in trust over recent years

3. Report detail

- 3.1 Fields In Trust's aim is to protect vital open spaces all across the UK. From sports pitches to children's playgrounds, bicycle trails to country parks, Fields in Trust ensure that all kinds of outdoor spaces are safeguarded forever.

- 3.2 FIT has identified a number of key benefits of dedication including:

- Making an express and recognisable commitment to local people to safeguard recreational land, facilities and opportunities, both now and forever.
- Protecting public access to outdoor space.
- Providing reassurance to potential investors regarding viability and sustainability.
- Raising awareness of the importance of such facilities in the context of quality of life, health, the environment and amenity.

- 3.3 In 2011, Cabinet supported applications for the following sites to become Queen Elizabeth Fields in Trust:

- Walsall Arboretum/Extension/Grange /Playing Fields
- Doebank Park

- Littleton Road Playing Field
- Bradbury Park
- Kingshill Park
- Odell Road Playing Field
- Littleton Road Playing Field

In March 2018, Cabinet supported applications for land at the following sites to become Fields in Trust:

- Dedication of an Active Field in Trust to promote health and activity at Palfrey Park
- Dedication of Green spaces for Good – Nature Field in Trust to promote biodiversity at Fibbersley Local Nature Reserve
- Dedication of a Commemorative Field in Trust (to commemorate the centenary of WW1) at Willenhall Memorial Park.

- 3.4 In 2018 FIT launched Green Spaces for Good – Nature, which supports the protection of green spaces as places for biodiversity and protecting habitats from future development. Walsall could become one of the first authorities in the country to receive this dedication.
- 3.5 Sites applicable for potential dedication must comply with the following criteria:
- The site must be owned by the organisation putting the field forward.
 - Evidence of title must be provided.
 - Each site's principal use should be outdoor sport, play, recreation or biodiversity.
 - Generally the minimum size is 0.2 hectare (0.5 acre).
 - Sites need to be accessible in terms of location.
 - All sites will need local managers, who will be responsible for the quality of the facilities, their maintenance and development.
- 3.6 The open space concerned will remain in council ownership and there would be no requirement for any name change for the site involved.
- 3.7 Additional land at the following site is therefore proposed for dedication. The land is of strategic importance and considered part of the borough's Premier or Flagship green spaces, as set out in the Green Space Strategy.

Green Spaces for Good, Nature – Fibbersley Local Nature Reserve

Fibbersley holds Local Nature Reserve status where both staff and volunteers have collated species data over recent years demonstrating that the site is a home for rare and protected species. All the sites are free from covenant, are freehold land and would meet the FIT criteria. The site is identified as having Green Flag potential due to the biodiversity, community involvement, and natural facilities for the community.

3.8 The designation of protection in perpetuity will increase the likelihood of attracting external funding which can be focused on supporting evidenced improvements to the designated site.

3.9 Specific omissions or inclusions

Fibbersley Local Nature Reserve

There are no specific omissions or inclusions from the proposed Trust, as there are no buildings within the nature reserve. The additional land at the proposed site already holds a level of protection within planning policy either through inclusion in the Green Belt or designation as Open Space.

3.10 Implications of Protection in Perpetuity

3.10.1 Protection “*in perpetuity*” will reduce flexibility over future decision making in relation to the individual sites. This could be in terms of exploring development potential or alternative use over the whole or part of the sites. Fields in Trust accepts that communities and land use can change over time.

3.10.2 Wherever Fields in Trust has a legal interest in protecting recreational land, its prior, written consent is required if land is to be disposed of. Fields in Trust is responsive to local change and flexible in its dealings with others provided betterment for local communities in terms of outdoor sport, recreation and/or play can be demonstrated, e.g. if the disposal is of clear advantage and in the best interests of the community from a recreational perspective.

3.10.3 The criteria which Fields in Trust applies to replacement facilities are that:

- The quantity of land to be newly protected must be no less than that to be released.
- The quality of the land and facilities to be acquired should be better than those being released.
- The replacement facilities should serve the same catchment area as those being released.
- The replacement land and facilities must be as accessible to the public as those being released.

3.11 Officers in Legal Services have investigated title deeds to clarify and confirm the site boundaries of the additional land; establishing the existing status of land parcels and potential policy protection already afforded. Plans of the land at Fibbersley LNR are appended to this report as Appendix A1,2 & 3

4. Council Corporate Plan priorities

4.1 Providing access to green space meets the following Council priorities:

- People – have increased independence, improved health and can positively contribute to their communities.
- Communities – are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion.

Additionally the access and use of green spaces:

- Improves health and wellbeing and reduces social isolation. Fields in Trust research shows that parks and green spaces across the United Kingdom provide people with over £34 billion of health and wellbeing benefits.
- Empowers communities to support themselves by facilitating volunteering opportunities
- Provides and supports sustainable environments and services, which make Walsall an attractive, healthy and safe place to live and work through maintaining clean, safe and attractive urban environments.

5. Risk management

- 5.1 Land at this site is already managed as a green space, and this proposal does not pose any additional risk.

6. Financial implications

- 6.1 There are no financial implications to being designated at Fields in Trust status.
- 6.2 All legal costs for the deed of dedication are covered by Fields in Trust. The status requires no additional facilities or requirements to maintain facilities / land to a higher standard at a higher cost.
- 6.3 The majority of funding for developments, improvements or new facilities within parks and green spaces is sought from external funding, such as Heritage Lottery Funding or Landfill Tax. The commitment to FIT and the new designations will further demonstrate the local authority's commitment to providing, accessible green spaces.

7. Legal implications

- 7.1 The open space concerned would remain in council ownership and there would be no requirement for any actual name change for the sites involved.

8. Property implications

- 8.1 Asset Management have worked closely with Legal services to ensure that the land which is being placed in trust is accurate.

9. Health and wellbeing implications

- 9.1 There are considerable health and well being implications for providing green spaces. The Green Space Strategy (2012 and 2018) advises that good quality accessible green space is a necessity, not a luxury, which contributes to the unique character of Walsall Borough improving the quality of people's live, bringing economic benefits and contributing to physical and mental health and well-being.
- 9.2 There is considerable evidence that safe, clean spaces encourage people to walk more and therefore offer significant health benefits. Parks and green spaces offer places for sport, recreation and relaxation, benefiting physical health and mental wellbeing. There is evidence that access to good quality local spaces can help people live longer and green spaces can provide solutions to redress worsening public health.

10. Staffing implications

- 10.1 There are no implications for staffing. All costs relating to the deed of dedication are undertaken by Fields in Trust

11. Reducing inequalities

- 11.1 The implications for reducing inequalities have been taken into account and assessed as set out below.
- 11.2 The Walsall Green Space Strategy (2018) places an emphasis on providing good quality green spaces for the borough's diverse neighbourhoods and communities, which can help to reduce health inequalities and gaps in life expectancy across the Borough.
- 11.3 Providing opportunities for more people to take part in physical activity, community engagement, or simply through contact with nature, is shown to improve health and well being; and the borough's green spaces also showcase the diversity of community participation, engagement and volunteering across the borough.
- 11.4 Well managed parks with masterplans and management plans such as Fibbersley LNR provide the opportunity to consider access and equality issues on site. Relevant access and safety audits are carried out to create safe, accessible and more secure green spaces.

12. Consultation

- 12.1 Consultation took place with Ward Councillors in March 2018. No comments were received. Additional consultation has taken place in November 2018.
- 12.2 Officers have undertaken consultation with representatives from each of the three community Friends Groups, who are supportive of the proposal.

Background papers

Cabinet report March 2018

Author

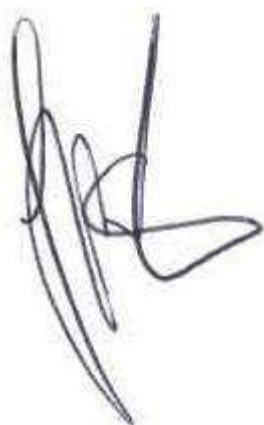
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Simon Neilson
Executive Director

25 January 2019



Councillor Louise Harrison
Portfolio Holder

January 2019

Background Paper

Agenda item

Cabinet – 21st March 2018

Fields in Trust

Portfolio: Councillor Chris Jones

Related portfolios: Councillor

Service: Clean and Green – Environmental Improvement Services

Wards: Willenhall South and Palfrey

Key decision: Yes

Forward plan: Yes

1. Summary

1.4 This report outlines the intention of Clean and Green Services to submit three greenspace sites to Fields in Trust (FIT) for potential dedication. Within the dedication, would be the following three designations:

- Dedication of an Active Field in Trust to promote health and activity
- Dedication of Green spaces for Good – Nature Field in Trust to promote biodiversity
- Dedication of a Commemorative Field in Trust (to commemorate the centenary of WW1).

We request cabinet's support for this application. The report outlines the green spaces selected for these dedications; the implications of "protection in perpetuity", and the restrictions on the future use of these sites for alternative purposes. The report also details buildings which are included or excluded from the proposal.

2. Recommendations

- 2.1 That cabinet approve the submission of three sites to FIT for consideration as potential Fields in Trust, detailed below
- Active Field in Trust – Palfrey Park
 - Green spaces for Good – Nature Field in Trust – Fibbersley Local Nature Reserve
 - Commemorative Field in Trust – Willenhall Memorial Park

- 2.2 That cabinet supports how each green space has been selected, each on its own merit of activity, biodiversity and as a memorial to soldiers in WW1, to meet community, heritage and public health aims. This selection complements many previous Fields in Trust applications over recent years.

3. Report detail

- 3.1 FIT (formerly the National Playing Fields Association) aim is to protect vital open spaces all across the UK. From sports pitches to children's playgrounds, bicycle trails to country parks, Fields in Trust ensure that all kinds of outdoor spaces are safeguarded forever.

- 3.2 FIT has identified a number of key benefits of dedication including:

- Making an express and recognisable commitment to local people to safeguard recreational land, facilities and opportunities, both now and forever.
- Protecting public access to outdoor space.
- Providing reassurance to potential investors regarding viability and sustainability.
- Raising awareness of the importance of such facilities in the context of quality of life, health, the environment and amenity.

- 3.3 In 2011, Cabinet supported applications for the following sites to become Queen Elizabeth Fields in Trust:

- Walsall Arboretum/Extension/Grange /Playing Fields
- Doebank Park
- Littleton Road Playing Field
- Bradbury Park
- Kingshill Park
- Odell Road Playing Field
- Littleton Road Playing Field

- 3.4.1 In 2014 FIT launched a new Centenary Fields dedication - in honour of the memory of the millions of people who lost their lives in World War I. The Chief Executive of each local authority has been contacted with a specific request to consider dedication of at least one green space within their local authority as a Centenary Field. As Willenhall Memorial Park is a WW1 memorial, it has been selected for this purpose.

- 3.4.2 In 2017 FIT launched Active Spaces which aims to secure recreational spaces in perpetuity and support community activation. Each Active Field in Trust will be eligible to apply for funding from FIT to create activity programmes to inspire the most inactive communities to get active and use their local outdoor spaces.

- 3.4.3 In 2018 FIT launched Green Spaces for Good – Nature, which supports the protection of green spaces as places for biodiversity and protecting habitats

from future development. Walsall could become one of the first authorities in the country to receive this dedication.

3.5 Sites applicable for potential dedication must comply with the following criteria:

- The site must be owned by the organisation putting the field forward.
- Evidence of title must be provided.
- Each site's principal use should be outdoor sport, play, recreation or biodiversity.
- Generally the minimum size is 0.2 hectare (0.5 acre).
- Sites need to be accessible in terms of location.
- All sites will need local managers, who will be responsible for the quality of the facilities, their maintenance and development.

3.6 The parks and open spaces concerned would remain in council ownership and there would be no requirement for any actual name change for the sites involved.

3.7 The following sites are therefore proposed for dedication. All the sites are of strategic importance and considered part of the borough's Premier or Flagship green spaces, as set out in the Green Space Strategy.

Sites proposed for Fields in Trust:

Centenary Field – Willenhall Memorial Park

Active Field – Palfrey Park

Green Spaces for Good, Nature – Fibbersley Local Nature Reserve

Appendix A1, 2, 3 plans for above

Both Palfrey and Willenhall Memorial Park already hold Green Flag Status which is the national benchmark award for green spaces, and all three sites have a committed community of Friends and User Groups. Palfrey and Willenhall Memorial Park have some of the highest visitor numbers of the borough's green spaces. Fibbersley holds Local Nature Reserve status where both staff and volunteers have collated species data over recent years demonstrating that the site is a home for rare and protected species. All the sites are free from covenant, are freehold land and would meet the FIT criteria:

3.8 The designation of protection in perpetuity will increase the likelihood of attracting external funding which can be focused on supporting evidenced improvements to the designated sites. Fields in Trust offer additional opportunities for funding an Active Field in Trust.

- 3.9 The parks and open spaces concerned would remain in council ownership and there would be no requirement for any actual name change for the sites involved.

3.10 Specific omissions or inclusions

Willenhall Memorial Park

All buildings and structures within the land of Willenhall Memorial Park have been included, including the pavilion.

Palfrey Park

The club house and park pavilion are included, as they are council assets.

Following consideration by Legal Services and Asset Management, the building in Palfrey Park referred to as The Lodge will be excluded from the Fields in Trust Application. The lodge is currently occupied by a tenant and has the potential to be used separately from the park, subject to planning permission. Therefore following consultation with legal services, asset management and Fields in Trust, this area is excluded from the dedication.

Fibbersley Local Nature Reserve

There are no buildings within the nature reserve.

All of the proposed sites already hold a level of protection within planning policy either through inclusion in the Green Belt or designation as Open Space.

3.11 Implications of Protection in Perpetuity

- 3.11.1 Protection “*in perpetuity*” will reduce flexibility over future decision making in relation to the individual sites. This could be in terms of exploring development potential or alternative use over the whole or part of the sites. Fields in Trust accepts that communities and land use can change over time.

- 3.11.2 Wherever Fields in Trust has a legal interest in protecting recreational land, its prior, written consent is required if land is to be disposed of. Fields in Trust is responsive to local change and flexible in its dealings with others provided betterment for local communities in terms of outdoor sport, recreation and/or play can be demonstrated, e.g. if the disposal is of clear advantage and in the best interests of the community from a recreational perspective.

- 3.11.3 The criteria which Fields in Trust applies to replacement facilities are that:

- The quantity of land to be newly protected must be no less than that to be released.
- The quality of the land and facilities to be acquired should be better than those being released.

- The replacement facilities should serve the same catchment area as those being released.
 - The replacement land and facilities must be as accessible to the public as those being released.
- 3.12 Officers in Legal Services have investigated all title deeds to clarify and confirm the exact site boundaries; establishing the existing status of land parcels making up the individual sites and potential policy protection already afforded. Plans of each site are appended to this report as Appendix A1, A2, and A3.

4. Council Corporate Plan priorities

- 4.1 Providing access to green space meets the following Council priorities:
- People – have increased independence, improved health and can positively contribute to their communities.
 - Communities – are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion.

Additionally the access and use of green spaces:

- Improves health and wellbeing and reduces social isolation
- Empowers communities to support themselves by facilitating volunteering opportunities
- Provides and supports sustainable environments and services, which make Walsall an attractive, healthy and safe place to live and work through maintaining clean, safe and attractive urban environments.

5. Risk management

- 5.1 All three sites are already managed as green spaces, and this proposal does not pose any additional risk.

6. Financial implications

- 6.1 There are no financial implications to being designated as Fields in Trust status.
- 6.2 All legal costs for the deed of dedication are covered by Fields in Trust. The status requires no additional facilities or requirements to maintain facilities / land to a higher standard at a higher cost.

- 6.3 The majority of funding for developments, improvements or new facilities within parks and green spaces is sought from external funding, such as Heritage Lottery Funding or Landfill Tax. The commitment to FIT and the new designations will further demonstrate the local authority's commitment to providing, accessible green spaces.

7. Legal implications

- 7.1 The legal implications are detailed in section 3 above.

8. Property implications

Asset Management have commented throughout the document.

9. Health and wellbeing implications

- 9.1 There are considerable health and well-being implications for providing green spaces. The Green Space Strategy (2012) advises that good quality accessible green space is a necessity, not a luxury, which contributes to the unique character of Walsall Borough improving the quality of people's live, bringing economic benefits and contributing to physical and mental health and well-being.
- 9.2 There is considerable evidence that safe, clean spaces encourage people to walk more and therefore offer significant health benefits. Parks and green spaces offer places for sport, recreation and relaxation, benefiting physical health and mental wellbeing. There is evidence that access to good quality local spaces can help people live longer and green spaces can provide solutions to redress worsening public health.
- 9.3 The Active Field in Trust dedication for Palfrey Park will enable the park to benefit from specific funding for healthy activities from Fields in Trust organisation.

10. Staffing implications

There are no implications for staffing. All costs relating to the deed of dedication are undertaken by Fields in Trust

11. Reducing inequalities

- 11.1 The implications for reducing inequalities have been taken into account and assessed as set out below.
- 11.2 The Walsall Green Space Strategy (2012) places an emphasis on providing good quality green spaces for the borough's diverse neighbourhoods and communities, which can help to reduce health inequalities and gaps in life expectancy across the Borough.

- 11.3 Providing opportunities for more people to take part in physical activity, community engagement, or simply through contact with nature, is shown to improve health and well-being; and the borough's green spaces also showcase the diversity of community participation, engagement and volunteering across the borough.
- 11.4 Well managed parks with masterplans and management plans such as Palfrey and Willenhall Memorial Parks, and Fibbersley LNR also provide the opportunity to consider access and equality issues on site. Relevant access and safety audits are carried out to create safe, accessible and more secure green spaces.

12. Consultation

- 12.1 Consultation has taken place with Ward Councillors. No feedback has been received as of 13 March 2018. The closure for consultation is 14th March. Should feedback be received after final reports are sent out and update will be provided at the meeting.
- 12.2 Officers have undertaken consultation with representatives from each of the three community Friends Groups, who are supportive of the proposal.

Background papers

None

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Councillor Chris Jones
Portfolio Holder

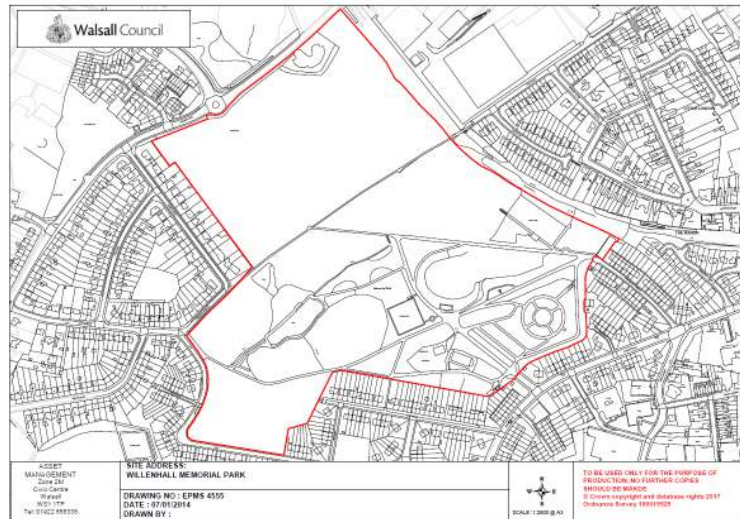
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Background Paper Appendix A1 Palfrey Park 4556



Background Paper Appendix A2 Willenhall Memorial Park 55

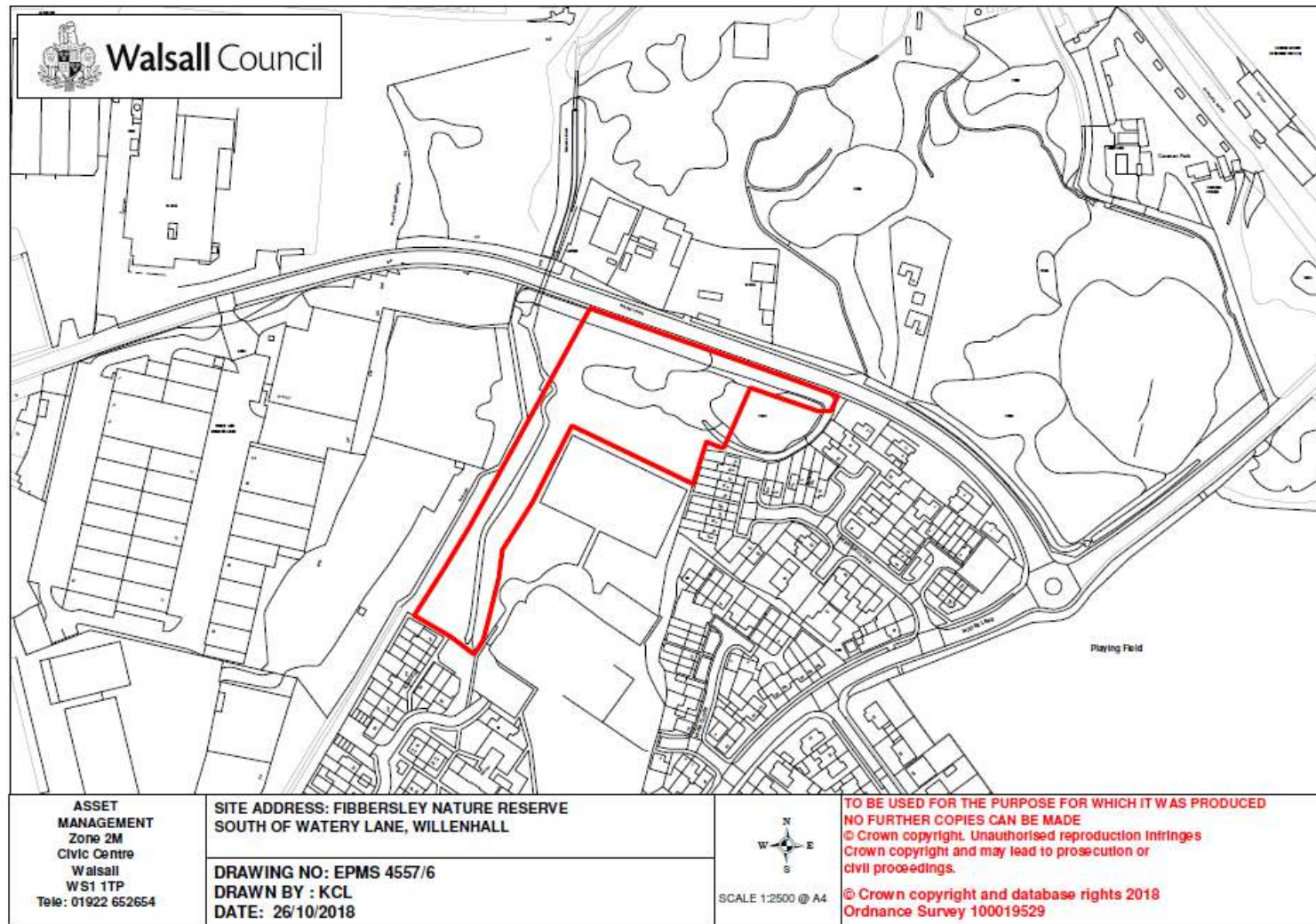


Background Paper Appendix A3 Fibbersley Local Nature Reserve 4557-5



-----END OF CABINET REPORT MARCH 2018-----

Appendix A1 Additional Land at Fibbersley Local Nature Reserve to be placed into Fields in Trust
EPMS 4557/6



Appendix A2 Additional Land at Fibbersley Local Nature Reserve to be placed
into Fields in Trust
EPMS 4557/1A



Appendix A3 Additional Land at Fibbersley Local Nature Reserve to be placed
into Fields in Trust
EPMS 4557/2B

