

EAST HERTS COUNCIL

NON-KEY DECISION – NKD19/17

REPORT BY THE EXECUTIVE MEMBER FOR WELLBEING

DEDICATION OF FARM CLOSE OPEN SPACE AS A QUEEN ELIZABETH II FIELD

WARD(S) AFFECTED: HERTFORD WARDS

Purpose/Summary of Report

- This report explains the purpose of dedicating an area of open space known as Farm Close as a Queen Elizabeth II Field to compensate for the exclusion of land from an existing dedication at Hartham Common and seeks a decision to proceed with the required legal agreement.

<u>RECOMMENDATIONS FOR DECISION:</u>	
(A)	To agree in principal that a request is made to Fields In Trust to formalise the exclusion of an area of land, marked on the map appended at Essential Reference Paper 2, from an existing Deed of Dedication, thereby lifting a restriction that otherwise prevents a building extension to Hartham Common Leisure Centre.
(B)	To authorise a Deed of Dedication to enter into an agreement with Fields In Trust to protect an open space (equivalent in size to the excluded area) at Farm Close marked on the map appended at Essential Reference Paper 3, from inappropriate change of use in the future, thus compensating for the release of land from the Deed of Dedication at Hartham Common.

(C)	To agree the official change in name of the park to Queen Elizabeth II Field Farm Close.
(D)	The Head of Operations be authorised to agree any minor amendments to the Deeds of Dedication to allow a timely completion of the process.

1.0 Background

- 1.1 A Queen Elizabeth II Fields Challenge was created in 2012 by Fields In Trust (FIT), an independent charity that has championed the protection of open spaces for over 90 years including 471 parks and green spaces established as a memorial to King George V.
- 1.2 FIT, as part of their campaign to offer greater protection to open spaces, aimed to protect two thousand and twelve outdoor recreational spaces in communities across the country as a permanent living legacy of the Diamond Jubilee in 2012 and the London 2012 Olympics.
- 1.3 They explained as the scheme launched that “Outdoor recreational spaces promote better health, improve community cohesion and offer everyone a space to have fun and relax and yet they continue to be threatened by development - more than 6,000 playing fields have been lost since 1996. Our work ensures that this land will be available future generations.”
- 1.4 In response to the FIT promotional campaign of 2012, East Herts Council dedicated one of its major parks, Hartham Common as a Queen Elizabeth II Field. This dedication was approved through a Non Key Decision on 24th May 2013 which outlined the full benefits.
<http://democracy.eastherts.gov.uk/ieDecisionDetails.aspx?ID=552&J=11>

It was agreed that such dedication would help to reaffirm the importance of the open space to the local community and to underline the commitment that East Herts Council has to protecting green spaces across the district.

- 1.5 The current plans to extend and improve the leisure centre in Hartham Common have highlighted an issue relating to this dedication. The deed entitles the council to make improvements to the open space under what the Trust describes as “permitted use within a public playing field or recreation ground”. An application to FIT to carry out these improvements was however, declined. Discussions found that this exception includes provisions such as play areas and outdoor sports but not buildings of this type.
- 1.6 The council has challenged the interpretation of this clause but has had to accept that the provision of leisure through a built facility constitutes development which is not permitted under the agreed terms. The deed of dedication therefore prevents the council from extending the leisure centre. Further legal challenge to the FIT decision is considered to be too time consuming in relation to the existing leisure centre improvement deadlines and not expected to be successful.
- 1.7 The development of the leisure centre is a crucial element of the Council’s corporate aims. In 2016 a task and finish group identified that our leisure centres needed a large investment to continue operating and accommodate the increasing demand on facilities. Overview and Scrutiny considered investment and development at Grange Paddocks and Hartham leisure centres on 13 June 2017
<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=515&MID=3216&J=19#A118073>
This led to a programme of development to improve Hartham Leisure Centre.
- 1.8 The current budget for Hartham Leisure Centre is £8.746M which is necessary to perform works including: improvements

and upgrades to the pool plant and boiler system, demolition of the dry side element of the building and building a larger dry side element with a larger gym, more exercise studios, a new café and soft play. Construction is due to commence in Spring 2020.

2.0 Report

2.1 This report recommends a solution that requires a further offering of open space to be protected of the same size as the open space affected by the extension.

2.2 The Hartham Common Deed of Dedication states:

- *FIT may at its absolute discretion consent to the disposal of the Property provided that the Council at the request of FIT:*
 - *Replaces or agrees to replace the Property with a piece of freehold land approved by FIT which is of equivalent or better quality than the Property, with equivalent or better facilities than the Property, of the same or greater dimensions than the Property, in the same catchment area as the Property, and as accessible to the public as the Property (the Replacement Site) and applies such of the proceeds of any sale of the Property as are necessary to do so; and*
 - *Enters into another deed of dedication on the same terms as this Deed in respect of the Replacement Site.*

2.3 The open space at Farm Close was originally acquired by the council as part of an initiative to develop council housing in the area. The surrounding residential areas were subsequently transferred to Riversmead Housing Association (now Network Homes) as part of the stock transfer in 2002. This green space retained by the council has remained a popular place for informal play and dog walking and offers a welcome oasis in this residential area. It has a mixture of woodland copses, scrubland habitats and grass.

- 2.4 The area of land to be excluded from the Hartham Common deed of dedication in order to allow the leisure centre extension will be greater than the building footprint and equivalent to the size of the space at Farm Close. This allows the exclusion of a wider area around the leisure centre and the existing play area to “future proof” any later plans to develop the leisure centre or any other built provisions such as a new cycle hub or upgrades to the pavilion. The County Council have provisional plans to replace the bridge behind the leisure centre across to Mill Road. This extended exclusion allows for such works on the Hartham Common side of the river.
- 2.5 The total area to be excluded from the Hartham Common deed of dedication is approximately 20,780 m² while the Farm Close open space is approximately 20,919 m². These two areas are only 1.8 km apart (walking distance).
- 2.6 An access road into the Farm Close open space from North Road will not be included in the deed of dedication as it provides a shared access to an adjoining business. It is part of the council’s land holding but not important to the open space which also has access from Farm Road and Alexander Road.
- 2.7 The council has no plans to develop Farm Close green space for any purpose other than to improve its capacity to provide health and wellbeing to local residents and ecological contribution to the environment.
- 2.8 The open space at Farm Close meets the criteria that:
- *The site must be owned by the organisation putting the field forward to become a Queen Elizabeth II Field*
 - *Evidence of title permitting site use for outdoor, sport, play and/or recreation can be produced*
 - *Sites may be provided with facilities and equipment or used as general open space, and established for that purpose by way of planning requirements*

- *Each site's principal use should be outdoor sport, play or recreation.*
- *Generally the minimum size is 0.2 hectare (0.5 acre)*
- *Sites need to be accessible in terms of location*
- *Sites need to be affordable for the local community*
- *Sites should be open to the public, established charitably, be held by a sports club under the CASC regime, or held as Public Open Space*
- *All sites will need local managers, who will be responsible for the quality of the facilities, their maintenance and development, improving participation and use and financial and operational sustainability*
- *Sites must be compliant with existing legislation relating to sport, play or open space*

2.9 The official name of the open space will be changed to *Queen Elizabeth II Field Farm Close* but for promotional and operational purposes it will still be referred to as *Farm Close*.

2.10 Officers will submit a formal request to FIT to legally dedicate Farm Close and exclude an area from the existing dedication at Hartham Common subject to approval of the recommendations in this report. Fields In Trust will draft a new deed of dedication. The Council will submit registry details and propose the appropriate use of the site to be described within the deed.

2.11 There may be some minor amendments to make to the final deed of dedication relating for instance to named interests such as utility companies on the title deeds. It is proposed that the Head of Operations be given discretion to agree minor changes with Fields In Trust to complete the process.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

1. Annotated draft deed of dedication (to be fully completed by Fields in Trust and issued to the Council fixed with their official seal).
2. Map with boundary defining the area to be excluded from the existing agreement at Hartham Common.
3. Map with boundary defining the area of Farm Close open space to be included in a new agreement.

A full description of the Fields In Trust QEII Fields Trust Programme can be viewed on their web site at:

<http://www.qe2fields.com/default.aspx>

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