RECREATION GROUND DEED OF DEDICATION

PURPOSE OF REPORT

1. To seek approval to permanently safeguard Coronation Recreation Ground and Harpers Lane Recreation Ground and outline the opportunities to attract external funding to the sites.

RECOMMENDATION(S)

2. To recommend approval to protect Coronation Recreation Ground and Harpers Lane Recreation Ground in perpetuity via a Deed of Dedication.

EXECUTIVE SUMMARY OF REPORT

3. Coronation Recreation Ground which is located on Devonshire Road in Chorley town centre is owned and managed by Chorley Council. Coronation Recreation Ground was first opened as “Coronation Pleasure Ground” in 1902 as a recreational open space for the local community and still fulfils this role today. Harpers Lane Recreation Ground was acquired via a deed in 1908 made between William Cocker Charity and Chorley Borough Council. The sites are to be used under the meaning of the Public Recreation Ground or Play Grounds under the Recreation Grounds Act 1859.

4. These much-loved greenspaces in the heart of the town centre are due to benefit from much needed investment and improvement and there are opportunities to attract external funding so that we can continue to invest and improve our assets.

5. It is proposed to permanently safeguard Coronation Recreation Ground first via a Deed of Dedication. This will ensure that everyone has access to free, local outdoor space for all kinds of sport, play and recreation. It will also enable officers to submit a bid to the Fields in Trust for funding of £5000 to spend on improving Coronation Recreation Ground. A further funding opportunity is due to be launched by Fields in Trust in April 2018 and the Council have been advised by FIT to apply to safeguard Harpers Lane Recreation Ground at this point.

6. Similar Deeds of Dedication through Fields in Trust have recently been approved for land at Fairview Youth and Community Centre and Jubilee Recreation Ground in Adlington.

FIELDS IN TRUST

7. The national charity, Fields in Trust is the operating name of the National Playing Fields Association who seeks to permanently safeguards outdoor recreational spaces via a Deed of Dedication with the landowner. This legal instrument is unique to Fields in Trust and is approved by the Charity Commission. Fields in Trust currently protect over 2,600 sites across the United Kingdom. More than half of those protections have occurred since 2010.
BENEFITS OF ENTERING A DEED OF DEDICATION

8. There are a number of benefits to participating in this scheme and these include:

- A permanent and tangible legacy for local communities that they will appreciate and use; knowledge that the site is securely protected for future generations.
- No disposal of land. Ownership, management and maintenance stay with Chorley Council.
- Fulfilment of green space promises; protection demonstrates a commitment to the value of green spaces, active lifestyles and community cohesion.
- A free commemorative plaque/sign for each site as a permanent reminder of its protected status.
- The opportunity to access funding exclusively for Fields in Trust protected sites, when available
- Field in Trust’s protection is increasingly being included in neighbourhood and strategic open space plans

COST OF PROTECTING THE SITE

9. Once a nominated site is accepted for protection, the costs to the landowner are the installation of the commemorative plaque/sign so the commitment can be recognised and the registration of the Deed with the Land Registry, which in most cases should cost no more than £80. There are no recurring fees.

NEXT STEPS

10. The first stage in the process is for Chorley Council to complete an application form and this will be followed by a site visit, after which the Council will be told whether the site is accepted or not. If the site is approved, the legal process then starts and sites will be protected in England via a ‘deed of dedication’.

11. Fields in Trust will draw up the draft deed and then the Council has a chance to make amendments. When all parties are satisfied with the deed it, will be signed and then registered with the Land Registry. The site is then able to order a Commemorative plaque and can organise an unveiling event.

12. Sites are ideally protected in perpetuity, but Fields in Trust does also protect sites with at least a 99 year lease. There is scope within the Deed to record any future plans in terms of recreational development of the site, which can then be brought to fruition without any reference to Fields in Trust. If an opportunity to improve the facilities arises at some time in the future (that isn’t covered within the deed), then the Council would be required to check with Fields in Trust whether it could be done within the terms of the Deed.

13. Any proposed development which enhances the sporting and recreational facilities on a site and can lead to increased participation is likely to be approved. If a known change will be made to a site, this detail can be written into the deed to minimise the need to go back to Fields in Trust for permissions.

14. Fields in Trust does accept that on rare occasions communities change and land use changes accordingly. Parts of sites, or very rarely, whole sites can therefore be disposed of provided the disposal is of clear advantage to, and in the best interests of the community from a recreational perspective. The criteria which Fields in Trust applies to replacement
facilities are that they should be of at least equal size, better quality, serving the same community in terms of catchment area. Any disposal should apply as much of the proceeds as necessary to replacement sport, recreation and/or play facilities, with priority given to outdoor before indoor facilities.

15. Fields in Trust firmly believes that managing sites is best done locally where the expertise already exists, with decisions made by local people/club members therefore Fields in Trust do not interfere with local upkeep, there is the expectation that the sites are maintained to a standard that allows use in accordance with the Deed.

16. Fields in Trust’s ‘Deed of Dedication’ is underwritten in charity or, more commonly, contract law. This makes the Deed very robust (it ‘sits’ independently of town and planning policy and is therefore less susceptible to development) yet flexible enough to allow for ownership and management to stay with the landowner. Fields in Trust’s role is entirely custodial and advisory.

**Confidential report**

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<th>Yes</th>
<th>No</th>
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<td><strong>Key Decision?</strong></td>
<td><strong>Yes</strong></td>
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<th><strong>Reason</strong></th>
<th>1, a change in service provision that impacts upon the service revenue budget by £100,000 or more</th>
<th>2, a contract worth £100,000 or more</th>
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<td></td>
<td>3, a new or unprogrammed capital scheme of £100,000 or more</td>
<td>4, Significant impact in environmental, social or physical terms in two or more wards</td>
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**REASONS FOR RECOMMENDATION(S)**

(If the recommendations are accepted)

17. Coronation Recreation Ground is protected through the local plan but not specifically through a covenant. This Deed of Dedication would further protect this amenity open space.

18. There is an opportunity to apply for Active Spaces Funding for Coronation Recreation Ground to the sum of £5000. The deadline for this application is November 2017.

19. The land at Harpers Lane Recreation Ground has a restrictive covenant “to use as Public Recreation Ground or play grounds within the meaning of the Recreation Grounds Act, 1859”. Fields in Trust have advised the Council to postpone applying for a Deed of Dedication for Harpers Lane Recreation Ground until April 2018 in order to take advantage of funding that is being announced to the sum of £25,000. Only new sites that are going to be protected can apply.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

20. To not apply for a Deed of Dedication and not safeguard the land.

**CORPORATE PRIORITIES**

21. This report relates to the following Strategic Objectives:
Involving residents in improving their local area and equality of access for all

Clean, safe and healthy communities

A strong local economy

An ambitious council that does more to meet the needs of residents and the local area

** IMPLICATIONS OF REPORT **

22. This report has implications in the following areas and the relevant Directors’ comments are included:

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<th>Finance</th>
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<td>Human Resources</td>
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<td>Equality and Diversity</td>
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<td>Legal</td>
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<td>Integrated Impact Assessment required?</td>
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No significant implications in this area

Policy and Communications

** COMMENTS OF THE STATUTORY FINANCE OFFICER **

23. Registration of the Deed with the Land Registry, which in most cases should cost no more than £80 is a negligible cost. There are no recurring fees.

** COMMENTS OF THE MONITORING OFFICER **

24. The recreation grounds will be protected into perpetuity. It is pertinent that the detail in the deed future proofs any plans for the recreation grounds to avoid having to go back to Fields in Trust for further permissions.

MARK LESTER
DIRECTOR (BUSINESS DEVELOPMENT AND GROWTH)

There are no background papers to this report.

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<th>Report Author</th>
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<td>Lindsey Blackstock</td>
<td>5218</td>
<td>10/10/2017</td>
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Following careful consideration and assessment of the contents of this report, I approve the recommendation(s) contained in Paragraph 2 of the report in accordance with my delegated power to make executive decisions.

_____________________________ Dated __20/10/17____________________

Councillor Peter Wilson
Executive Member Resources