

Report No.3

Report to Policy & Resources Committee 12th December 2013

QEII Fields in Trust Registration of the Flying Monk Ground

^ 1. Purpose of the report

1.1 At the Full Council Meeting on Tuesday 26th November 2013, the following proposal was agreed:

"That the registration of the Flying Monk Ground with Fields in Trust, be put on hold by the Town Clerk until an informal meeting can be held to discuss the registration further with interested parties and that a decision on whether or not to register the Flying Monk Ground is considered at the Policy & Resources Committee Meeting of 12th December 2013 before being tabled for a final decision at the Council meeting on 17th December 2013".

This report is to advise the committee of recent information obtained from Fields in Trust and others in connection with the registration of the Flying Monk Ground and also some views from an informal meeting held on 9th December 2013.

1.11.2 To assist the committee with a review of the same and to consider a recommendation to Full Council.

^ 2. Background

1.1 As part of the Queen's Jubilee, Fields in Trust, previously known as the National Playingfields Association, announced a scheme whereby recreational green spaces could be registered and receive QEII Fields in Trust status.

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1.32.2 Three areas have been considered for registration. St. Aldhelm's Mead and White Lion Park have already been registered with Fields in Trust. This entails an addition being made to our deeds which are lodged with Land Registry which provides long term protection of the green space, because it means that Fields in Trust must give permission before its use can be changed.

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^ 2.3 To date the registration for the remaining area named The Flying Monk Ground has not yet been sent to Fields in Trust. It appears that this registration is more involved than the other two parks. There are three tenants on the Flying Monk Ground and this has meant the preparation of extra legal documentation.

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^ 2.4 Additionally, in early spring 2013 The Co- Operative Society which owns the supermarket to the front of the ground advised that they might be interested in expanding and possibly purchasing the ground for car parking. Policy and Resources Committee at that time, together with the three community groups agreed to put registration on hold, pending possible development of the land and potential relocation.

1.1 Since the original decision was made by the previous Council some time ago, circumstances have changed. The Co-Operative Society have now declared

that they will not be pursuing car park development because of the costs to mitigate the flood issues there. The Neighbourhood Plan has now been submitted and development is proposed on sites adjacent to the Flying Monk Ground. Additionally mentioned in the Plan is the provision of flood free facilities for the community groups.

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1.32.6 As a consequence of this it was proposed at Full Council on 26th November 2013 that the decision to register The Flying Monk Ground be reviewed before registering with Fields In Trust.

1.12.7 Fields in Trust's own information and answers to enquiries are as per Appendices 1, 2 and 3.

1.12.8 Appendix 4 shows written information put forward by a representative of the three community clubs.

1.12.9 At the informal meeting of 9th December 2013 Community Groups expressed concern that they would lose out on funding opportunities should the Ground not be registered. It was emphatically stated that QEII Fields in Trust status carries a 'kudos' which would be very beneficial. Additionally, there was a strong feeling from them that the registration should proceed regardless of any future implications relating to development or otherwise, because of the protection that the Fields In Trust would provide.

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1.32.10 Persimmon Homes, potential developers of the adjoining land, mentioned the possibility of a pedestrian / cycle path access to the site. The inference was that registration might prove an impediment to this. Additionally, the question was raised as to how this would affect the possible provision of new facilities for the community groups? Persimmon Homes advised that their work has not proceeded far enough to be able to give an indication of this.

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1.52.11 An informal opinion was also sought from a Wiltshire Council Spatial Planner. It was advised that the Flying Monk Ground, being in a 'Flood Zone' was highly unlikely to be granted planning permission for residential development and it would require special permission from the Secretary of State.

3. RESUME OF MAIN POINTS FOR CONSIDERATION

^ The QEII Field in Trust registration means that the land is protected as recreational open space. This is achieved by an addition to the land deeds which says that consent must be given by Fields in Trust for any changes or change of use. (N.B. Currently the Clubs all have the comfort of long 25 year leases, of which there is approx 17 years left to run).

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^ Given that it is highly unlikely that the Ground will be developed, it is not envisaged that it will change from being a recreation ground. This means that even if one or all of the Community Groups should be relocated, the QEII Fields in Trust status will remain with the Flying Monk Ground. (The only time the status would transfer to another place is if the Ground usage was changed and it was to be replaced by another piece of land, similar or better. As mentioned previously, change of use or development of the Flying Monk Ground is not likely due to its location in a Flood Zone).

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^ Fields In Trust have advised that they do not regard pedestrian or cycle access as problematic and that in fact it is viewed as beneficial, because it encourages people to use the space. We are currently awaiting advice from them as to whether or not

this must be mentioned on the deed, or we can be given a written assurance that consent for this change will not be required.

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▲ Grant funding may be sought from different funds disbursed by Fields In Trust if the Ground has QEII status or ordinary Field in Trust status. Funding may also be applied for from other sources and the QEII status may enhance the status of the those applying for grants. Malmesbury Town Council may apply for grants to enhance the Ground and its usage. The three Community Groups who currently lease the Ground may also apply for funds.

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4. REASONING

PROTECTION

The Community Groups leasing the Flying Monk Ground already have the comfort of long term leases (17 years to run). This also assists them when applying for grants; however the Field in Trust registration does add a longer term protection to this area for future generations.

LOCATION AND RELOCATION

The location of the Flying Monk Ground is in a flood zone with very little option for change of use from recreational purposes. Therefore should any Club wish to move either as a result of 'Planning Gain' or otherwise then the QEII Field in Trust status remains with the Ground. If for example, the Football Club wished to move then it is extremely unlikely that a land exchange would be involved and so there would be no constraint for a new field of similar or larger size to be provided, nor similar facilities. However this is being looked at separately through the Neighbourhood Plan and a task group is being set up to assist with a dialogue with the developers and others. In this scenario the QEII Field in Trust status would give no particular benefit to the Group/s who were moving, but would be beneficial in preserving the Flying Monk Ground for future recreational use.

GRANT FUNDING

There is a wish by the Community groups for the Ground to be registered with Fields in Trust for the kudos which QEII status will lend. This will assist in some degree when applying for grant funding generally, but will also provide more options for applying for future funds from Fields in Trust themselves. Additionally, if registered the Town Council will be able to apply to Fields in Trust for funding to enhance the Ground.

NEIGHBOURHOOD PLAN

As far can be ascertained currently, the only implication that the potential developers foresee is that a pedestrian and cyclepath access may be required on the Ground. Indications from Fields in Trust is that this would not be problematic as it would potentially encourage use of the Ground.

COMMUNITY GROUPS

The three community groups have expressed a strong desire for this registration to go ahead and perhaps some frustration, because Council are reviewing what was thought to be a 'done deal'. (It has of course been considered prudent by Council to review its previous decision given the change in circumstances since that original decision was made). There is also a concern for the Groups that the last date for registration is 31st December 2013 for the QEII scheme and thereafter registration reverts to ordinary Field in Trust status. Listening to the wishes expressed by our local community is very important, therefore if considered prudent the registration may be dealt with expeditiously, so that we can continue to provide maximum support, particularly to local Community Groups who were severely affected by last year's floods.

15. Financial Implications and risks

1.15.1 The Council has previously been advised about the administrative costs associated with registration for QE II Challenge and the situation has not changed.

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1.35.2 The three tenant organisations are protected by long leases and any attempt by the Council to end the leases prematurely for other than non compliance would involve considerable expenses.

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1.55.3 If registered the consent from Fields in Trust would be required should the type or material circumstances of any tenancy change.

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6. Recommendation

6.1 The Committee is recommended to advise the Town Council that the registration of the Flying Monk Ground for QEII Fields in Trust status should proceed as originally intended and in time for the 31st December 2013 deadline.

Cllr Mrs. Kim Power
11-Dec-2013