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SUPPLEMENTARY PAPERS

Committee	MAINDY PARK TRUST ADVISORY COMMITTEE
Date and Time of Meeting	THURSDAY, 17 NOVEMBER 2022, 4.00 PM
Venue	CR 4, COUNTY HALL - MULTI LOCATION MEETING
Membership	Councillor Bartlett (Chair) Councillors Hallett and Mills

The following papers were marked 'to follow' on the agenda circulated previously

- 4 Proposed Land Exchange at Maindy Park - Further Information – Appendix I (Pages 3 - 24)**

Davina Fiore

Director Governance & Legal Services

Date: Friday, 11 November 2022

Contact: Mandy Farnham, 02920 872618, Mandy.Farnham@Cardiff.gov.uk

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From: [REDACTED]
 Sent: 14 November 2022 16:39
 To: [REDACTED]
 Subject: Maindy Advisory Committee - 4pm Thursday 17th November, County Hall

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.

ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Dear [REDACTED]

Thank you for your email. I would be grateful if you could pass on the comments below to your Advisory Group committee. Also I understand [REDACTED]'s sending information to you and I would be grateful if this too was passed on to the AG.

Secret Site Visits By the Advisory Group

It would be reasonable that a representative from the Community Groups wishing to protect a much loved Cardiff park would have been invited on the Advisory Group site visits. However the date of the site visit was certainly not sent to any of the community groups who spoke at the meeting so clearly the site visits were unfortunately kept secret. If the Advisory Group are to come to an independent, fair decision then your decision not to allow a Community representative to attend site visits was both wrong and disappointing showing a clear bias in your approach to this matter.

Reduction of Cardiff Parkland

The proposal to 'land swap' Maindy Park with parkland in Blackweir Park or Caedelyn Park will result in a net reduction of parkland in Cardiff. This is of no benefit to the citizens of Cardiff who were given Maindy Park. If the Trust had been set up properly with an independent management structure then this would have been a prime concern for them with regards your development proposal.

Maindy Park Trust Management

I note in the Minutes of the meeting you say "*Mr Lewis (Save Maindy Velodrome) said that the problem here is that Cardiff Council have not set up an arm's length management structure, in accordance with the Guidance for Councils, and said all the revenues should all be going through the Trustee bank account. Harriet Morgan advised that there is Charity Commission guidance about how Local Authorities should act in circumstances where there is an inherent conflict of interest, which is not unusual where councils are the Trustees of Charities, and that is why this Advisory Committee has been set up. They are independent and this is how the Charity Commission have advised councils to manage such a conflict of interest, and that is the process that is currently being gone through. After the Advisory Committee process, if the land swap is pursued, consent would be required from the Charity Commission itself, because of the conflict of interest.*"

For your information, for these situations the Charity Commission has published a guide: **Guidance for councils in the Councillors' guide to a council's role as charity trustee** This includes '*Ten tips for councils in their roles as charity trustee*' which can be found at:

([publishing.service.gov.uk](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/351608/council_as_charity_trustee_overview.pdf)) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/351608/council as charity trustee overview.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/351608/council_as_charity_trustee_overview.pdf)

The information clearly shows the Maindy Park Charity needed to have been set up with an independent structure in order to properly manage the conflict of interest but unfortunately this has not happened.

Indeed a staggering seven of the ten tips in the Charity Commission Guidance have not been followed properly by the Council. These are:

- 3 Make sure that any charitable assets, for which the council is the trustee, are managed independently in accordance with their charitable purpose and any restrictions in the governing document.
- 4 Recognise that the charity trustees have a duty to be prudent and to act solely in the best interests of the charity.
- 5 Ensure there is a clear line of responsibility for the management of all charities for which the local authority is trustee.
- 6 Ensure that there are clear guidelines for officers and councillors about roles, responsibilities and decision making in the administration of charities.
- 7 Ensure you have a clear process for identifying and managing any conflicts of interest that arise where the local authority is the trustee of a charity.
- 8 Actively manage any charity for which the council is the trustee – keeping records up to date, submitting the necessary returns to the Charity Commission and reviewing investments, risks and opportunities on a regular basis.
- 9 Periodically review whether it continues to be in the best interests of the charity for the local authority to remain as trustee.

This guidance is clear, the Trust must be managed independently. It's also clear this shows that Harriet Morgan of Geldards is advising the Council in their role as 'Developer' and not advising in the best interests of the Charity or she would have acknowledged the Trust has been mismanaged by the Council.

Unfortunately this Charity Commission/local government guidance above shows Cardiff Council have not followed 'best practice' and it can be argued have indeed been negligent in not following proper guidance in running the Maindy Park Trust.

The Covenant

It was advised at the meeting that "*the residue of the Bute estate has been sold to a private company and they would normally expect a person to pay to have a covenant lifted. As a charitable trust, the trustees do not have control over the restrictive covenant. There may be other options available to the Council with regard to covenants, but any other organisation would have to approach those that now hold the residue of the Bute estate and negotiate out of the covenant.*". Please advise the name of the private company the residue of the Bute estate has been sold to together with what other options the Council might use.

The Trust

The Minutes of the meeting state "*Mr Lewis asked for information in relation to the date upon which the Trust was setup up, believing it to be 1966.*" Whilst the Trust was established in 1922, it was also stated at the meeting that 1966 was the year the charity was registered so this information should be included in the Minutes.

Appendix E Emails

This Appendix includes very recent emails mostly submitted since 30/10/2002. Your report says "*Any further representations, from both objectors and supporters of the proposed land exchange, who were to be given a further opportunity to make any additional relevant points or provide any additional relevant information (which had not previously been submitted to the Committee). Further representations received are attached as Appendix E*". So when was Consultation on the SMV reopened? Why weren't the Community groups advised you were reopening the consultation?

Adjournment Request

The documents you've uploaded on the Council website are extensive and will require us at least a week from your 17th November meeting date to review. Therefore I would be grateful if you would have an adjournment of your meeting so we can supply sufficient information that your Advisory Group can make a more balanced decision. We are also awaiting responses from Fols and other documents which may be critical.

Yours sincerely,

■

■

Press Officer
Save Maindy Velodrome

For the attention of the Maindy Park Trust Committee to assist their consideration of whether there is equivalence in Cardiff Council of land to be swapped in exchange for charity property held in trust by the Maindy Park Trust.

Dear All

My written representations will be centred on the information you have been supplied with to inform your decision on the land swap at the time of this meeting.

That includes the cover report prepared by legal officer, the sudden flurry of recent emails supporting the land swap proposal, the maps showing Council owned green spaces for recreation and the equality impact assessment again prepared by the legal officer.

Conflict of Interest

Although I covered this in detail on my last submission, I must highlight some of my concerns again. The whole purpose of this committee being established is to manage the conflicts of interest that exist, and enable the Corporate body as sole trustee to discharge their duties and responsibilities for the Maindy Park Charity.

Following the first trust meeting, receipt of further information and sight of this report and associated documents I remain of the firm opinion that this process has compounded the conflicts not negated them.

I have watched the webcast of the meeting on the 12th October and it is quite evident that it was focused on how to approve the land swap. This would result in a net loss of open, accessible space available for recreation or other leisure time occupation for the benefit of the inhabitants of the city of Cardiff with the object of improving the conditions of life for those inhabitants' which is at total odds with the Charity's Objects.

None of the officers present, who stated they were supposedly acting on behalf of the Trust, made any attempt to put forward any case or justification for actually protecting the Charity land at Maindy Park. This evidences that all are fully committed to progressing the land swap to the clear detriment of the beneficiaries and are therefore not fit to continue as corporate trustee.

They have been so preoccupied with whether or not they could enable the land swap that they haven't stopped to think that (as trustee) they actually should!

The solicitor from Geldards was focused on advising the committee on statutory powers available to them under Tolata to dispose of the land. She was also quite dismissive of the velodrome side of things and that the trust doesn't have to provide like for like.

Whilst this is true, given that the velodrome has been on the Charity land since 1951 it should be relevant to the decision.

She also stated she is advising the trustee, as the Council as body corporate.

She was advising the trustee on the process and was satisfied that they are using the correct process to manage the conflict.

So we have a solicitor who recommended a process to the Corporate body as developer which involves conflicted Cabinet members making the decision to dispose of the land!

A process that was proposed by the seriously conflicted leader of the Council who is firmly committed to the unnecessary expansion of the school.

Approved for expansion was given by full Council, all of whom are conflicted under the Charity's governance arrangements. Given that the body corporate is both the developer and trustee surely this is a clear conflict of interest for the solicitor and she shouldn't be advising the committee?

The same can be said for the Councils property officer Richard Crane – he explained how the Council would use powers under the Town and Country Planning Act to override the restrictions.

Even the legal and governance officer made numerous comments to undermine the areas of concerns we raised by suggesting they weren't relevant to the decision.

Cover Report

Para 3 & 14

Proposing a land exchange to facilitate the expansion of Cathays High School. So here we have it in black and white – expansion of the school is the sole reason for the formation of this committee to decide whether a land swap is in the best interests and manage the Corporate Body's conflict of interest. This conflict originated as far back as at least May 2019, when the Corporate body who is both developer and trustee for these proposals stated 'the Maindy bowling green is now under consideration as part of the proposals for the new Cathays High school.' This is covered in more detail later on.

However in para 14 the Committee are being told the school proposals are irrelevant!

It is my opinion that the Council are actively preventing this committee from having sight of the flawed school proposals which clearly evidence that there is no actual need for an expansion.

Therefore there is no actual proven requirement to proceed with any land swap.

If they are trying to sway opinion on the merits of the land swap using the need the (unnecessary) need to expand a school as justification, then it is reasonable for the committee to be given the opportunity to examine all documents (including the many objections) relating to the new school proposals.

Para 8 (ii)

Area of Charity Land

The exact area of charity land to be swapped has still not been determined, yet you are being asked to consider agreeing to exchanging land the extent of which is yet to be determined.

For this reason alone you cannot recommend the swap is approved as this renders the consultation and valuation void. To do so would mean not acting in the best interests of the Charity. The consultation should have been declared null and void in July when we informed the governance officer that that a local Cathays councillor had revealed the area of charity land to be swapped hadn't been finalised but this didn't happen. More evidence of continuing conflicts of interest.

Following the first trust meeting you have asked the Council for confirmation of the amount of Charity land to be exchanged – they have simply provided you with another copy of the same red rough outline plan from the first meeting, which the cover report stated was an estimate only.

There is only 46,000sqms available over both sites, yet under Welsh Government requirements a school for 1450 pupils requires a minimum of 100,000sqms.

Therefore the Council will want to take as much of the Charity land as possible to try and comply with bare minimum constrained site land area requirements, in order to obtain funding from Welsh Government.

The council have promised that the remaining third of the velodrome would be open access public green space. However tweets by Councillor Sarah Merry (which she has now deleted, but we have copies of) contradict this by revealing that this area is actually earmarked to be an artificial surface

Multi Use Games Area, to also be used by the school and unavailable to the public outside of school hours. So the intention is to deprive the community of the area they were supposed to be leaving as open access parkland.

“The plan is to put brand new MUGA’s in a different spot that will be free to use outside of school hours. The new park will run through the second muga and right across the site up to the bmx course” – Councillor Sara Merry Tweet 23/07/2022

We have also obtained a map which shows they were originally planning on taking the whole site plus taking away green space on Crown way for a school car park!



If this land swap was approved based on an estimated area only, it would mean that the Council would be free to take the whole site and more at a later date without any obstacle . This cannot be allowed to happen . A decision on the land swap cannot be considered until the area of Charity land to be swapped has been determined exactly and not based on an estimate only.

Para 8 (v)

Valuation

Since the last meeting further valuation advice has been sought in respect of overage alone. Whilst this is a step in the right direction, I still do not believe that the terms of the transaction detailed in the surveyors report, especially the valuation, are the best that the Charity can reasonably expect to obtain.

If the trustee were to be acting in the best interests of the Charity, they would have instructed the surveyor to value the land based on its potential value after their planned removal of covenant restrictions.

It was clear from the meeting that they fully intend to remove the restrictions at a later date, therefore it is reasonable to expect the valuation to be based on that scenario as the land swap is being proposed in order to free up the land for development.

Offering a valuation equating to under 10 pound per sqm when adjacent land recently sold with a guide price of 1,450 per sqm starkly demonstrates beyond reasonable doubt that the Charity land has been seriously and significantly undervalued.

Another illustration of how undervalued the land is can be evidenced by the fact that the Corporate body as developer has stated that the decommissioning of the velodrome will allow them to raise (Education) funds to the tune of 2.4 million pounds for the new, smaller velodrome in the bay.

In matters relating to land transactions, it is best and accepted practice to obtain at least two independant valuations before making such an important decision.

Relying on a single valuation requested by the body corporate using terms of reference and conditions designed to deliberately deflate the price by as much as 1/145th of its potential value is absolutely not in the best interest of the Charity.

A further more accurate valuation, reflecting the added value dictated by intended usage of the land needs to be obtained as a matter of urgency before any land swap decisions can be made.

If trustee is being asked to agree to a land swap to enable Maindy Park to be used for purposes other than those for which it was gifted, then it is in the best interest of the Charity to maximise funds that could be raised by disposal of the land, as a proportion of any sale would be paid to the Charity.

At the meeting, it was made clear that it is outside of the remit of the committee to consider the intended usage of Maindy Park land.

It was also confirmed that once the Charity protection is transferred away from the site, it will be easy for the council to amend the remaining covenant restrictions to allow development.

Therefore it would be reasonable and in the best interest of the Charity for other parties outside of the council to be given the opportunity to put in bids for the land, based on the council's intention to amend the terms of the covenant.

Even if external bids were subsequently rejected, the amount offered would be a more accurate reflection of the site's true value, rather than the single artificially low value that has been obtained on the false assumption that all the current restrictions will remain in place.

Solely based on what is in the best interest of the Charity, maximising the potential value of the land to swapped should absolutely be an important objective?

Para 8 (vi)

Further Representations

It states that objectors and supporters of the land exchange were given a further opportunity to submit relevant information and that these representations can be found in Appendix E.

No individual representations to the committee were permitted .

The legal & governance officer's email to one of our group on the 7th October made it quite clear - *'certain representative groups may make representations, but this has not been extended to individuals'*

Only representations were to be permitted from Claire Richardson on behalf of vulnerable users at the next meeting .

The groups present at the first meeting were not given any opportunity to make further representations.

Nothing was published in any shape or form on the Councils' website to invite representations and no route to do so was announced at the meeting.

So how 23 individual emails supporting the new velodrome proposals and associated land swap have now found their way to this committee is a bit a mystery and should be viewed with suspicion.

As the land swap consultation took place earlier in the year, and individual representations from beneficiaries to the committee have supposedly not been permitted, these sudden new submissions from individuals should have been rejected.

They have been sent in well outside of the closing date for consultation responses and after the first committee meeting, when restrictions on individual responses were imposed.

On closer analysis, all these emails have come from residents of the Pointe Development in close proximity to the sports village .

Fourteen of them were sent on the same day and nearly all of them contain the phrases 'economic, environmental and sporting benefit' , 'land was donated to the citizens of Cardiff and not the residents of Maindy' , 'funded by Welsh government grant' and 'once in a lifetime opportunity'. They all focus on the need for a new school, new velodrome and completion of the sports village, with most covering all three.

The majority of these residents appear to be primarily concerned with the stalled Sports Village Development and the impact this will have on the desirability and value of their nearby properties. Whilst understandable, their concerns are not directly related to the merits (or lack of) of the land swap proposals.

The responses are peppered with inaccurate statements, including:

- Maindy is on a congested road and not fit for purpose.

Somehow, despite over 450 objection to the school expanding onto Maindy, over 4,000 signing the Save Maindy petition and 98% of beneficiaries objecting to the land swap during the public consultation, and all of our assertions being backed up by experts and proof, they have concluded that:

- There is no evidence to our arguments and we are not representative of the beneficiaries!

We suggest that your Committee needs to question what were the events and circumstances that led to this sudden influx of supportive emails, who provided them with the template around which to construct their submissions and how they were permitted to be included in the meeting documents when we were specifically told that the committee would not be considering new individual beneficiary submissions?

To put these new emails into context, it is worth noting that only six people who identified themselves as Cardiff Pointe residents commented on the PAC consultation on the new velodrome and sports village proposals all had concerns. None responded to the velodrome planning application. The relevant responses to the PAC are summarized below:

Response 1: The proposed vehicle entry would be dangerous for vehicles and pedestrians on a bend in Watkiss Way. What about effect on parking for visitors to Bayscape and houses opposite in Watkiss Way?

Response 2: There is nothing in place to protect the existing residents who live opposite or close by. WE already have an issue with speeding along Watkiss Way at all hours of the day, which is highly disruptive to the community.

Response 3: As a resident of Cardiff Pointe I'm fully supportive of the renewed investment in what has become a forgotten corner of Cardiff Bay. I do have a concern around the plans and removal of a carpark of around 300 spaces. Local residents have suffered for years with inconsiderate parking during events and I fear removal of car park will again lead to tensions between residents and users of the facilities. Are you able to provide any further information, or allay my fears as there is no suggestion that replacement parking is being considered as part of this phase?

Response 5: (This is not a resident but comment is relevant). Id like to share my disappointment of the closure of Maindy velodrome, given the size of the city and the volume of cyclists in the South Wales area. If there is anything that can be done to reverse this?

Response 7: We live on Watkiss Way and are pleased to see new proposals to develop the areas sporting facilities. We have some concerns as follows: Problems regarding carparking have resurfaced – parking on pavements, the roundabout and in residents designated bays. Before proceeding with proposals the number of car parking spaces which will be lost needs to be made public, together with the number to be created, their location and the dates they will be available must be published. Strongly object to Olympian Drive being closed as this will result in a significant increase in traffic and pollution on Watkiss Way and Dunleavy Drive. As well as traffic diverted from Ferry Road, traffic will be further increased by the large number of dwellings to be built at Cardiff Pointe. Any increase in traffic levels on Watkiss Way causing delays to the fire service could be disastrous. The documentation doesn't mention the number of additional residents that are likely to be housed when the Cardiff Pointe and other housing developments are completed, nor what increases in public services are planned. Public transport is poor, crime is rising , what increase in policing is being proposed?

Response 8: What consideration has been given to traffic disruption and access to properties on Watkiss Way? How long will the completion of the work take? Will there be sufficient parking?

Para 9 (I)

Council owned Green Spaces

Cardiff has one of the lowest proportions of green space compared to overall land area for UK cities of a similar size. In 2017, data released by Ordnance Survey showed just 8% of its area is publicly accessible green space. This is a figure will have reduced further given the multiple city wide developments (and proposed developments) on the City's green spaces since 2017.

The destruction of Maindy Park green space that will occur after swapping the land for another site which is already open access parkland will further reduce the amount of green space available for Cardiff residents. No actual additional green space is being provided to mitigate the loss of Maindy. The Charity's purpose is to protect Maindy Park specifically for recreation and leisure time use by the people of Cardiff in perpetuity, not an existing site elsewhere.

Relevant quotes from the Fields in Trust organisation:

'Green spaces are good, do good and need to be protected for good. They are not pleasant nice-to-haves to be taken for granted - they are the green hearts of our communities.'

'Parks are good for people and for the planet. Proven to help people stay physically and mentally well; they are places where we can all move, breathe, run and play. They are an important tool to drive social cohesion, combat loneliness and build community spirit.'

'The health and wellbeing benefits associated with living in close proximity to parks and green spaces are increasingly well documented.'

Alternative local greenspaces 'close' to Maindy identified by the Council do not mitigate in any way for the loss of Maindy Park land and many are well outside of the required 10 minutes walking distance recommended as a key consideration by Fields in Trust in order to be beneficial:

Gablafa Greenspaces

There is one single park (Maitland) in this ward which is less than a two minute walk from my house. Unlike Maindy Park, It would be the last place I would visit for recreation, especially in the evenings. Maitland Park is subject to regular anti-social behaviour and is a hotbed locally for drug use and drug dealing in the area. Ward Councillor Rhys Thomas would be able to verify this.

The open space at Africa Gardens is effectively a wide grass verge between rows of houses bordered by parked cars. It has grass and mature trees and shrubs with a narrow footpath cutting through a very small section at one end. It has very little scope for recreation or leisure as there is no route to walk through it, it is split into three sections by roads and is unsuitable for any sporting purposes.

The open space at Parkfield Place is a narrow strip of grass between two residential roads. Again it cannot be used for leisure or recreation

The open space at Mynachdy is little strips of grass between a houses on a housing estate which cannot realistically be used for recreation and leisure.

The Blackweir woodland is a dense stand of mature trees and bushes and is part of Blakweir / Bute Park. It is totally unsuitable for recreation or leisure in the evenings as it is unlit, especially between October and end of March when the evenings get darker earlier.

The woodland is inaccessible to wheelchair users and would have a negative impact on those with mobility issues, those who use prams and pushchairs due to the steps, steep grassy banks and lack of path. It is not suitable for any sport or fitness activities.

Heath Greenspaces

2 & 4 are just small strips of grass between residential properties.

3 This is mostly concrete MUGAs so cannot be classed as green space.

1 This is at least a 20min walk from Maindy Park. Again it is unlit at night and would not be a safe or realistic location for recreation and leisure after dark.

Cathays Greenspaces

1 Bute Park is across a main road, down a steep hill and it well outside of the residential area. Unlike Maindy it is remote, unlit and unsafe during the evenings. Also large areas of the park are closed at dusk every evening .

4-8 are simply small patches of grass between residential streets/roads.

9-16 are all in Cardiff City Centre or just beyond, much further than 10 minutes' walk the majority of residential areas in Cathays.

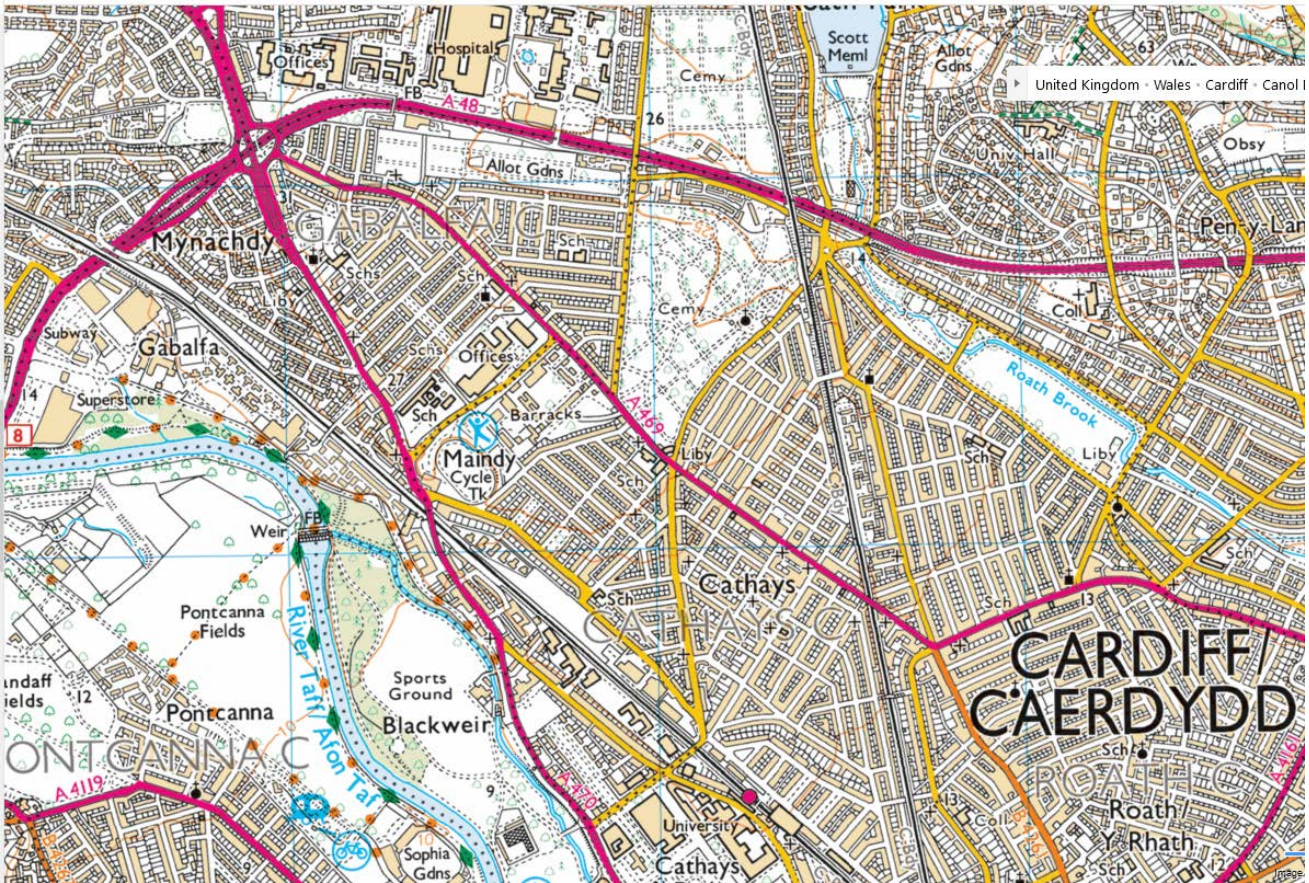
3 Maindy Park is the only actual park in the residential area of the Cathays ward.

Maindy Park is the largest and most important area of green space for the local community.

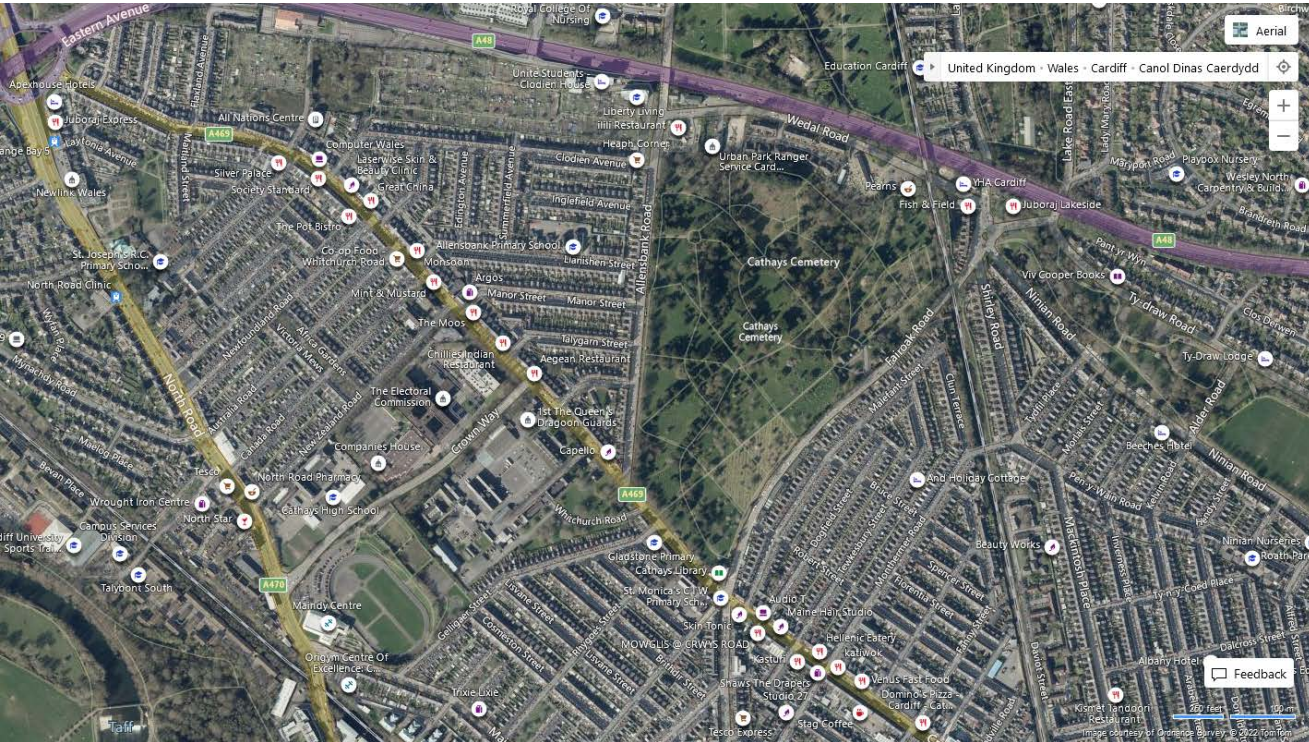
Maindy Park is green space protected by a covenant for recreation and leisure-time only use by residents of Cardiff.

It abuts and lies within two electoral districts of Cardiff – Gabalfa and Cathays – there is no electoral district called Maindy. Maindy Park is the only major area of green space that is easily accessible for local residents and is open to them at all times. The other large spaces are the cemetery (with understandable and appropriate restrictions on use), allotments (which are accessible only to allotment members with a key), and the military barracks (which, for understandable reasons, are subject to security restrictions). Cathays electoral district encompasses a huge area geographically and includes even Cardiff Castle right in the centre of town, as well as much of Bute Park on the eastern side of the river Taff, so although it may appear to – or lay claim to – large tranches of green space the reality is that Maindy park is the only close and accessible space for those who live at the north end of Cathays.

As can be seen from the Ordnance Survey style map (below) Maindy residents are surrounded by major A road routes: A48 Eastern Avenue (dual carriageway), A469 Whitchurch Road and A470 North Road (dual carriageway). These are all major and very busy roads so, although the park at Blackweir and sports ground look close, these are not places that are easy to reach and many would regard as unsafe for unaccompanied young children, vulnerable adults and those who are infirm.



The aerial-style maps below give a much clearer idea of the situation “on the ground” with only the allotments (just below the A48) and Cathays cemetery being of any significant size.



In 2018 as part of the replacement of by-laws, which were becoming obsolete, with Public Space Protection Orders, Cardiff Council produced a list of all the public green space which fell within its local authority jurisdiction.

The following are extracts for the Gabalfa and Cathays areas, with a note added on whether they fall within the Maindy 'triangle' (ie. are accessible without having to cross A roads, including the 2 dual carriageways) and whether the space is recognised by Cardiff Parks (*cardiffparks.org.uk is independent of Cardiff City Council but has been compiled with assistance from past and present members of Cardiff's Parks Department; and its website has been archived for preservation by the UK Web Archive.*)

	A	B	C	D
2	Green space, Parks, Allotments, Community Gardens			
3	Main_Location	Ward_Name	Maindy 'triangle'	Recognised on Cardiff Parks
4	Cardiff Castle	Cathays		
5	Castle Surrounds	Cathays		
6	City Hall	Cathays		
7	City Hall	Cathays		
8	City Hall	Cathays		
9	City Hall	Cathays		
10	Maindy Cycle Track	Cathays	Y	Y
11	Queen Anne Square	Cathays		
12	Cardiff University grounds	Cathays		
13	St Andrews Church, Cathays	Cathays		
14	Maindy Barracks	Cathays	Y	
15	Gelligaer Gardens	Cathays	Y	
16	Llanbleddian Gardens	Cathays		
17	Rhigos Gardens	Cathays	Y	
18	Ruthin Gardens	Cathays		
19	Feeder lawns	Cathays		
20	Alexandria Garden	Cathays		
21	Bute Park (Blackweir woodlands)	Cathays		
22	Gorsedd Gardens	Cathays		
23	Cogan gardens play area	Cathays		
24	Bute Park (Blackweir woodlands)	Cathays		
25	Bute Park (east of feeder)	Cathays		
26	Museum Gardens	Cathays		
27	Feeder lawns	Cathays		
28	Feeder lawns	Cathays		
29	Bute Park	Cathays		
30	Bute Park	Cathays		
31	Salisbury Rd / Senghennydd Place Junction	Cathays		
32	Gabalfa Interchange	Gabalfa		
33	Western Avenue verge	Gabalfa		
34	Western Avenue verge	Gabalfa		
35	Gabalfa Interchange North of Sliproad	Gabalfa		
36	North Road West subway	Gabalfa		
37	Mynachdy Road Junction with sliproad (North)	Gabalfa		

	A	B	C	D
37	Mynachdy Road Junction with sliproad (North)	Gabalfa		
38	Mynachdy Road Junction with sliproad (South)	Gabalfa		
39	Gabalfa Interchange South of Sliproad	Gabalfa		
40	North Road South subway	Gabalfa		
41	St Marks Gardens	Gabalfa	Y	
42	Gabalfa interchange verge	Gabalfa		
43	Llantarnam Road open space	Gabalfa		
44	Mynachdy Road verge	Gabalfa		
45	Bute Park (Blackweir)	Gabalfa		
46	Parkfield place open space	Gabalfa		
47	Allensbank Allotments	Gabalfa		
48	Flaxland Avenue Allotments	Gabalfa		
49	Africa Gardens	Gabalfa	Y	Y
50	Maitland Park	Gabalfa	Y	Y
51	Informal - Public Parks and Gardens - Amenity Greenspace			
52	Main_Location	Ward_Name		
53	Bute Park (Blackweir)	Cathays		
54	Gorsedd Gardens	Cathays		
55	Bute Park (Blackweir)	Cathays		
56	Bute Park (Coopers Field)	Cathays		
57	Bute Park (Gorsedd lawns)	Cathays		
58	Maitland Park (duplicate)	Gabalfa	Y	Y
59	Urban Spaces			
60	Main_Location	Ward_Name		
61	City Centre: St Mary Street	Cathays		
62	City Centre: Main pedestrianised area	Cathays		
63	Riverside Walk, (Stadium boardwalk)	Cathays		
64	Water			
65	Main_Location	Ward_Name		
66	River Taff	Cathays		
67	Dock feeder canal	Cathays		
68	Dock feeder canal	Cathays		
69	Dock feeder canal	Gabalfa		
70	River Taff	Gabalfa		
71	Sports Facilities			
72	Blackweir - North Road	Cathays		

Para 9 (ii)

The crime reports clearly evidence that Caedelyn is a hot spot for regular anti-social behavior by large groups youths, is plagued by vandalism, theft, violent and threatening behavior.

It is worth noting that the majority of these occurrences were at times when, by contrast, Maindy can be considered as predominantly safe for all users.

The presence of organised sessions on the velodrome, combined with an open Leisure Centre and its associated user foot traffic are the reasons why it is such a safe space compared with Caedelyn.

Maindy had only had one such incident in the last year outside of the occasional unattended bike theft from the outdoor leisure centre bike racks, which is a common problem throughout the city and the UK but has little impact on personal safety.

The reported crime for Blackweir seems inexplicably low but perhaps figures should have been obtained for Bute Park as whole to get a more accurate idea of the known and well publicised risks in and around that area of parkland.

Para 11

Replacement Velodrome

It states that the committee must take account of all relevant information and disregard all irrelevant information.

The problem we have here is that the Council alone are deciding what is and what is not relevant for the committee to consider.

The Council are now stating in this report that the *relocation* of the velodrome is not strictly relevant. Although we are concerned with the location of the proposed new velodrome, we have specifically stated that the ***accessibility of the replacement velodrome***, not the relocation of it should be considered.

We have highlighted specifically that the evidence we have provided to the committee proves that the supposed replacement facility is incapable of providing an equivalence in range or scale than that currently provided to the beneficiaries who use the existing velodrome.

The Councils offer of 'equivalence' is being split over 2 sites – either Blackweir or Caedelyn combined with the Sports village.

As the replacement provisions are being split between two sites, so the suitability of both are interlinked and need to be considered in conjunction with one another.

Whilst it may be true that under the terms of the Trust there is no obligation to provide like for like *facilities*, any land swap would surely need to provide similar opportunities in range and scale for beneficiaries to be able to benefit from outdoor leisure and recreational activities?

It should be at a minimum that current levels are maintained, any reduction is unacceptable.

The original development of the velodrome would have been justified in terms of it being a valuable proposal for users/beneficiaries, so any replacement must surely be considered in the same terms. The velodrome is integral to all the recreational activities currently available at the Charity land and therefore it should be considered as relevant to the land swap decision. It has been on the charity land since 1951 and for the solicitor and governance officer to dismiss it out of hand and claim its not relevant to the land swap decision in my opinion is nonsense.

Its presence and use at the site, the associated lighting and surrounding pathways, combined with the presence of the Leisure Centre are fundamental in making the Park a safe space for all.

Without a functioning velodrome, the area would undoubtedly suffer from the same problems associated with the crime reports for Caedelyn Park

The resurfacing of the velodrome around 2004/5 was funded by the Maindy Park Charity.

A small section of concrete – where the coaches stand was funded by the Eddie Smart memorial fund, (not the whole resurfacing of the track as has been incorrectly reported).

Matters relating to the velodrome are absolutely an issue for the committee because the Charity is financially invested by way of previously contributing significant funds towards its upkeep.

As you heard at the last meeting the design of the replacement velodrome will mean the vast majority of users (beneficiaries) will not be able to use it as it will be an elitist, track bike only facility.

Since that meeting it has come to light that once the banking on a velodrome reaches 25 degrees, any moisture will mean it will be unusable for any type of bike. This has been confirmed by Dave Cockram, who was the former chief advisor to British Cycling on velodrome track design.

Given that Cardiff is statistically the wettest city in the UK (average 149 days of rain) and the chosen location for the new velodrome is in close proximity to the coast and bordered by the River Ely, even when not raining, this will result in an increased risk of moisture accumulation on the track, especially during winter months. The track would not have opportunity to fully dry out, potentially for days or weeks at a time. This situation will be made worse by the proposed windbreak around

the velodrome which will prevent any low winter sun drying the track and also potentially block the wind from drying out the tarmac.

This would necessitate the closure of any outdoor tarmac track built in Cardiff with banking of 25 degrees or over for in excess of a third of the year. The design is for a 28 degree track.

The project team have stated the material being used for the track will mitigate the risks of cycling in the wet.

An Ultitrack velodrome surface is designed to be smoother with less resistance and it does not state anywhere that this improves safety during wet weather.

Again Dave Cockram does not agree with this view and it would be “deadly” to use the track in the rain.

This Ultitrack material has a polymer added specifically to give it more durability in hot weather.

The company which produce this product (Tarmac) make no reference that would suggest this material would make the track safe to use in the wet conditions.

The relevant question that should be asked is “What UK or Worldwide outdoor velodromes of 350m or less, with banking of 28 degrees or greater can (a) be used when the track is wet, and (b) allow anything other than track bikes to use the facility”.

Quoting the activities of larger tracks with shallower banking is misleading and unhelpful.

The track programme at Newcastle Under Lyme velodrome is not restricted, as has been stated by the council, “because the resident football club has priority as primary leaseholder”.

I have been in direct contact with the football club secretary.

The football club only use the central pitch for matches, not training, during the football season because the lighting is too costly to run.

The weekly football club matches would not significantly impact on the ability of any cycling groups to use the track in the winter, and cannot be used as the reason why the velodrome closes for half the year. Seasonal wet weather and damp conditions is therefore the most likely explanation.

I can see a redacted email thread that states there are three letters of support for the new design. What this committee needs to confirm is if any of this support comes groups that actually use the current facility? As the users of the velodrome are also the beneficiaries, the Charity is supposed to be acting on their behalf and taking their views into consideration over and above those of any non-velodrome using groups.

Acting on their behalf, it is their voices that should be listened to and be given greater consideration than companies and organisations who may have a vested interest in the project proceeding.

Siding with opinions that are not reflected by the beneficiaries would not be conducive with fulfilling the objectives of the Charity.

To be clear, we are not aware of any groups who use Maindy velodrome that actually support the design of the proposed replacement, and the majority have stated they either cannot or will not be able to use the new facility.

Para 12

Suitability of Replacement Land

This committee must consider whether the proposed land swap is in the best interests of the Charity and its beneficiaries. ***You must have regard to the suitability of the proposed replacement land, compared with the land at Maindy Park*** which includes any difference in the financial and ***amenity value*** of the land.

Caedelyn

Whilst on paper the value and area in sqms being offered is greater, it is a very poor substitute for the land currently available at Maindy. The main reason being that what the beneficiaries are being offered is predominantly three sorry looking soggy football pitches.

During the winter months it would be in total darkness in the evenings and is regularly waterlogged during heavy rain making the football pitches unusable.

The flood lights at the site belong to the rugby club and even when they are in use the area being offered in exchange would be in complete darkness as the club is situated at the opposite side of the park by the main entrance.

There is an unlit, narrow pathway around the area, with one side being bordered by the railway track. This track is in the process of being electrified and the fence separating the track from the footpath would not be much of a barrier for small children. There is even an entrance which would involve crossing an unmanned railway track.

It has been suggested that this area could be used for cycling activities, but what use muddy football pitches and a narrow pedestrian path would be for cyclists has not been explained!

Maindy on the other hand is floodlit from 5pm until 9pm, sometimes later, Monday to Friday. Also even if it rains because of the topography of the site beneficiaries can still use it for many recreational activities including cycling and access the leisure centre.

Maindy also has the added bonus of security cameras. The velodrome is not prone to flooding as has been incorrectly stated.

The reported crime at Caedelyn clearly evidences that this land is subject to a high level of regular anti-social behaviour.

Maindy's reported crimes this year involve only one incident of anti-social behavior.

The valuation report- para 26.1 states that they have not been provided with the title deeds for this land. The committee need sight of said documents before a land swap can even be considered.

Blackweir

As with Caedelyn this piece of land is greater in area and supposed financial value than the Charity land to be swapped. However this parcel of land is in effect a piece of woodland and bare grass and like Caedelyn is unlit in the evenings. There is no path on the land, only one leading to the land with steps.,

The committee will need sight of the title deeds for this land before any decision on the land swap can be considered. They were not provided by the Council at the time of the valuation.

The land swap should in reality provide, at the very least, an equivalence in range and scope of sport and leisure opportunities, activities and amenities.

The site and facilities available at Maindy which include the cycle track and grassed area in the centre of the velodrome (which is available when not booked out) are used for picnics, football, skateboarding, rugby, school sport days, social gatherings, learner drivers, and the land around the velodrome is used for walking / running / dog walking by all walks of life. Cardiff Junior Triathlon and the University clubs hold major yearly competitions. The Maindy flyers and Rowe and King racing also run cycling competitions that run over consecutive weeks each year. There are a number of other cycling clubs and triathlon clubs who book sessions at the track.

They proposed swap sites will simply not provide any equivalence in amenity value.

Revised Equality Impact Assessment

Section 1

The Maindy Park Advisory Committee has been established by the conflicted council to provide an independent recommendation on the land swap proposal.

Unfortunately I do not believe that this committee can be seen to be independent as the Council are effectively controlling the whole process and advice and information made available to the committee.

They should be at the very least following the Councillors guide to councils role as Charity Trustee. This guidance states that any charitable assets for which the Council is trustee, are managed independently in accordance with their charitable purpose and any restrictions in the governing document – they are not.

They have taken and are implementing Counsel advice which will not resolve the conflict but will mean the conflict will still be in place when the decision is made. They have had plenty of opportunities to rectify this situation but have chosen not to.

- The Council appointed the committee and control the who, what , where and when!
- The Council have decided that the Committee cannot take representations from individual beneficiaries.
- The Council have decided what the Committee can and cannot see.
- The Council are advising the Committee what they can and cannot consider when making their decision
- The Council have exempted the majority of the information and discussions around the land swap from the beneficiaries by way of local government regulations even though this committee is acting for and on behalf of the Charity and the beneficiaries.
- Council is Discriminating against objectors –advising school expansion and replacement velodrome issues not relevant but if you support they land swap they suddenly are relevant! This is covered in more detail under 7(vi)

And for these reasons it is my opinion that the Corporate Body has failed to manage the conflict of interest and have compounded it further.

Section 2

There is no requirement to expand the school as local demand is static at 400. The expansion is only being proposed in order to take children mainly from South Cardiff that can't obtain a place at their local school, namely Fitzalan. The majority of out of catchment children that currently attend Cathays are from the Fitzalan and Willows catchments. The were the findings of Estyn and the Scrutiny committee were that there was no justification in expanding the size of the school. Scrutiny went further as they were of the firm opinion that expanding to 8 forms of entry was clearly not sustainable as new schools were being built in the North. They also questioned that why when 2 new high schools were being built in the South they weren't being built to accommodate demand. Inexplicably Willows intake was being reduced by 300.

The expansion proposals for the school are totally unjustified and the Councils own scrutiny committee could see that. It is quite concerning that you are being advised that these proposals are not relevant as it is these very proposals which have generated the need for a land swap.

These actions by the Council confirm the conflict still exists.

Again we have the term approximate when it comes to the area of charity land to be swapped. This committee would not be seen to be acting in the best interests of the Charity if they approved a land swap on an area that has not been exactly determined.

Again the report fails to mention that the Council have breached the covenant by installing an over flow carpark for the Cathays High School on the Maindy Park site.

Approximately 6.25 acres of trust land will remain? This will include the leisure centre, carpark, bmx track, play park at the top of the site and the Muga next to it. Again we have the term approximate which is just not good enough. Hardly any green space will remain and saying there are 6.25 acres is extremely misleading.

The area adjoining Maindy Road will be subject to an upgrade of the public open space? This needs to be clarified as it is very ambiguous. What would be even better is if the Council would actually provide plans to show what is going where on the site. They have refused since January 2021.

It will be designed in consultation with members of the community – very hollow statement given that the Council has not listened to the community for the last 18 months.

The beneficiaries were told that the remaining third of the velodrome and the land running alongside the Gelligaer Street end of the velodrome would be upgraded for the beneficiaries. Is this area included in the 6.25 acres?

The committee needs to establish after deductions have been made for the existing infrastructure that is already in place within that 6 acres what exact area of open access green space would be left for beneficiaries?

Section 3

Of course the proposal will have a negative impact on children up to 18yrs as the new velodrome will be fenced off and there will be no general area open around it and free to use as there is with the current velodrome. There will be no positive impact .

The report again is suggesting that the current velodrome is not fit for purpose – where is the evidence? The new velodrome will not be fit for purpose as it will exclude the majority of users of the current one – written and oral evidence previously provided.

The land at the Blackweir site is literally a piece of grass bordered by trees and there is no path or walkway around or on the site.

The land at Caedelyn does have a footpath around one side of the site but this is not wide enough to be shared by both pedestrians and bicycles.

The site of the former bowling greens and hut has been closed for years and allowed to fall into disrepair because the Council couldn't agree on a deal with the bowling club to repair the changing rooms and hut, not because of a lack of support for the facility. This is evidence that the Corporate bodies incapability to act as a trustee. The Charity should have protected and maintained the site.

https://www.walesonline.co.uk/news/wales-news/bowling-green-maindy-bowls-cardiff-16245158?utm_source=linkCopy&utm_medium=social&utm_campaign=sharebar

What this article has revealed is that the conflict of interest has been in place since at least May 2019 – 18 months earlier than we originally thought.

`spokesman for Cardiff Council, said: "Maindy bowling green was one of three greens at two sites in the city identified for closure, as part of the Council's 2014/15 budget savings. "Members of the club were notified that the Council would not continue to provide any maintenance works at the site once it had closed. "The council assisted with St Joseph's Bowling Club's relocation to Llwynfedw Gardens, where they currently play and ***the Maindy Bowling Green is now under consideration as part of the proposals for the new Cathays High School.***"

So the conflict of interest has been in place for the last 3.5yrs!The Corporate body have been planning this land grab for many years. And we are supposed to believe that the Corporate body have only just realised the implications as they are both developer and trustee and putting in steps now to resolve the issue will miraculously wipe away the continued and compounded conflicts that have existed to date.

The new velodrome has not been designed in consultation with local clubs – the clubs have simply been told this is what you are having. From Mr Davies's oral evidence at the previous meeting it is quite clear that the Council are not listening and are trying to get a business case approved for a facility that nobody wants, needs or can use.

The suggestion that cycling could be undertaken as a form of activity on Blackweir and Caedelyn is a bit farfetched. Blackweir is just grass so could possibly be used by really small children learning to ride a bike. Caedelyn is a muddy swamp.

Both sites would be unusable in the evenings as they would be in complete darkness, unlike Maindy which is floodlit and a safe environment.

The land being offered in exchange would have a negative impact on disabled people and those with mobility issues in comparison to Maindy. The distances involved, accessibility concerns and reduced amenity value would all have a negative impact.

The area of land at the Caedelyn site is not directly overlooked by houses, that only applies to the main entrance by the rugby club. The area of land is not well lit, in fact there is no lighting on the surrounding path. Blackweir has no lighting and no path.

Consultation and engagement by the Council on these land swap proposals was dire. There were 253 responses of which 248 were objections. **There was no public meeting held by the Council to discuss the proposals.** The public meeting they are quoting was arranged by the Save Maindy group because the council refused to hold one and did not attend the campaign arranged meeting.

The Council responded to many FOIs on Cathays High specifically, not the land swap proposals. A small number of queries were answered by local Cathays councillors relating to the land swap via social media, although those involved kept telling us that they had already made the decision on the school and that was that.

They also refused to hold or attend a meetings on the land swap proposals.

Various groups were not invited by the Maindy Trust Advisory Committee. We found out by chance about the meeting and had to ask to make representations.

We do not understand why key stakeholders were not invited to attend.

Conclusion

The primary role of this trustee committee is to protect the land, not give it away. The swap is worthless to the Charity and beneficiaries as the areas identified are already open access parkland. If the swap were to go ahead it would result in a net loss of open accessible green space available for recreation or other leisure time occupation for the benefit of the inhabitants of the City of Cardiff with the object of improving the conditions of life for those inhabitants and it cannot be considered to be compatible with the Charities objects.

There has been huge opposition to these proposals since day one ; The consultation on the land swap received 253 responses of which 248 were objections. There were over 400 objections to the school expansion onto the charity land with a further 100 plus received by the Scrutiny committee. There were also over 4000 signatures on a petition. The majority didn't support the relocation of the velodrome for the consultation run on the revised plans for the sports village.

Each consultation has revealed that there is overwhelming support to retain the Charity land which includes the velodrome.

If the majority of existing Maindy Park velodrome users cannot transfer to the new velodrome and will not be able to continue their activities on either of the proposed land swap locations, then the plans are clearly to the disadvantage of a large proportion of the beneficiaries who currently make use of site.

If the land swap locations combined with the (inadequate) replacement velodrome cannot replicate the range and scope of existing amenities and usage of the Maindy site then the proposals are categorically NOT in the best interests of either the charity or it's beneficiaries!

Further, if the land swap were to be approved there will be a net loss of open, accessible green space available for recreation or other leisure time occupation for the benefit of the inhabitants of the city of Cardiff with the object of improving the conditions of life for those inhabitants and it cannot be considered to be compatible with the Charity's objects.

Whilst it is true to say that both parcels being offered in exchange are greater in area and marginally greater in monetary value, that is where any sort of equivalence ends. Again, we strongly dispute the excessively low valuation figure.

The amenity value of both parcels for the beneficiaries is next to zero. Neither can re-provide or replicate what is available to the beneficiaries at Maindy and there is no scope to increase their limited current amenity use and value.

To recommend this land swap would be a great injustice to the beneficiaries to whom this land was gifted 100 yrs ago. Again the land swap is of absolutely no benefit to the Charity and cannot legitimately be approved.

Finally, please be aware that this submission may contain some grammatical errors due to the fact that it has been done at great speed and under pressure due to the very limited timescale to respond imposed by the Council

Submitted for consideration



Save Maindy Velodrome

14/11/22

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