

BY SUBMITTING THIS REPORT TO THE CABINET OFFICE, I, NEIL HANRATTY – DIRECTOR ECONOMIC DEVELOPMENT AM CONFIRMING THAT THE RELEVANT CABINET MEMBER(S) ARE BRIEFED ON THIS REPORT

**CARDIFF COUNCIL
CYNGOR CAERDYDD**

CABINET MEETING: 16 MAY 2024

FIELDS IN TRUST

LEADER (COUNCILLOR HUW THOMAS)

AGENDA ITEM:

Reason for this Report

1. To seek approval to nominate a group of eleven parks and green spaces for protection with Fields In Trust.

Background

2. The Council recognises the critical role that its parks and green spaces play in the environmental, economic, and social well-being of our city and the contribution that they make to the health agenda. This role has become increasingly important in the context of the Nature Emergency declarations made by Welsh Government in June 2021, followed by that of the Council in November 2021 and the Climate Emergency declarations made by the Council in March 2019, followed by that of Welsh Government in April 2019.
3. The Corporate Plan 2023-26 contains a commitment to continue to protect its parks and green spaces through the partnership with Fields In Trust.
4. Fields in Trust (FIT) is a registered charity that protects, supports and champions parks and green spaces. The charity works to protect parks, playing fields and open spaces in perpetuity through legal agreements with landowners, most commonly local authorities.

5. Currently, ten Council owned parks and green spaces are protected with FIT. In 1952 the Council entered into an agreement with the National Playing Fields Association, now Fields In Trust to protect areas of Heath Park in perpetuity, this was followed by protection of further land on site in 2010. In December 2012 and through FIT's Queen Elizabeth II Fields Challenge initiative in celebration of the Queens Diamond Jubilee and as a legacy of the Olympic and Paralympic Games, Cabinet approved the inclusion of seven sites, these being land adjacent to Hywel Dd School in Ely, Llanishen Park, Moorland Park, Pontcanna Fields, Pontprennau Playing Fields, Roath Recreation Ground and Rumney Recreation Ground. In April 2019 and through FIT's Centenary Fields Initiative, in partnership with the British Legion to honour the memory of the millions of people who lost their lives in World War I (1914-1918), Cabinet approved the inclusion of two sites, Alexandra Gardens and Grange Gardens.
6. In addition to the Council owned sites afforded protection, Creigiau Recreation Ground in the Pentyrch & St.Fagans ward which is owned by Pentyrch Community Council and Ty'r Winch Recreation Ground in the Pontprennau & Old St.Mellons ward which is owned by Old St.Mellons Community Council were also protected as part of FIT's 2012 Queen Elizabeth II Fields Challenge.

Issues

7. Any sites nominated for protection are required to meet FIT's seven criteria, detailed below :
 - You must own the space by having a freehold interest or a leasehold interest of at least 99 years. Tenants will need to have the consent of their landlord for the dedication of the space for the duration of the lease or by the landlord becoming a party to the Deed or Minute.
 - We can protect leased areas of land within a green space but ask that the leaseholder agree to be party to the Deed.

Spaces and Facilities Suitable for Protection

- Your green spaces must be used for informal physical activity and recreation, or formal sport. We use a wide definition of recreation to encompass woodland, gardens, nature reserves, country parks, playing fields and playgrounds.
- Your green space should be at least 0.2ha in size but we will consider protecting smaller spaces where their value to the local community can be demonstrated.
- Your green space must have some form of permanent public access, whether that's by being open to the public or, in the case of a sports club, by having an open membership policy.

Spaces and Facilities not Suitable for Protection

- Any green space where public access is restricted by exclusive events and activities that take up more than 50% of the space, for more than three months in a calendar year.
 - Facilities owned by or leased to private clubs.
8. In addition to the above and in identifying the group of sites proposed for protection, the rationale for site selection is aligned with FIT's focus on protecting parks and green spaces on the following basis:
- Parks and Green Spaces in wards that are deficient in open space as measured against FIT's Green Space Index, as any loss would exacerbate the deficiency.
 - Parks and Green Spaces in wards which have Lower Super Output Areas that are in the top of 20% deprived areas in Wales (Welsh Index of Multiple Deprivation) as FIT's research indicates that lower socio-economic groups apportion greater value to parks and green spaces.
 - Parks and green spaces in wards that do not currently have a Council owned Fields in Trust protected site.
 - Parks and green spaces which include Functional Open Space (open space designated for play, sport and active recreation). This is measured by the Council and counted against a standard adopted in the Local Development Plan, which was devised by FIT. This standard recommends a minimum of 2.43ha per 1000 population. Protecting these spaces will help prevent deficiencies.
9. Eleven sites are proposed for protection as listed below. The matrix at Appendix A aligns the sites to the criteria as set out under item 8, and a qualifying threshold of meeting three out of four requirements is proposed.
- Cemetery Park - Adamsdown
 - Craiglee Drive - Butetown
 - Trelai Park - Caerau
 - Sanatorium Park - Canton
 - Rhydypenau Park - Cyncoed
 - Fairwater Park - Fairwater
 - Hailey Park - Llandaff North
 - Parc Waun Fach - Pentwyn
 - Westfield Park - Pentyrch & St Fagans
 - Heol Llanishen Fach - Rhiwbina
 - Caerleon Park - Trowbridge

10. Protection is established through the Council entering into a Deed of Dedication with Fields in Trust. The Deed is a non-charitable legal agreement requiring the Council to preserve and maintain the land as a public park/playing field/open space. Ownership, management and maintenance will remain with the Council but any disposals (sales/leases/granting of rights) and changes of use falling outside the agreed use will require FIT's consent.
11. By entering into a Deed of Dedication there will be no restrictions or controls imposed, in respect of public access and / or the use of the proposed sites and their facilities for the full range of current purposes.
12. Through the deed Fields in Trust are not able to control and / or intervene in respect of the provision of site features and / or any requirements to achieve specific maintenance regimes and standards relating to them. The Council will continue to control to make decisions in this respect without requiring consultation or approval.
13. The use of the proposed sites will be continuous, consistent with FIT's objectives, which, in addition to protection promote the use of parks and green spaces for recreational use, both passive and active, social cohesion, mental well-being, healthy lifestyles and community benefit.
14. The extent of the land proposed for inclusion for dedication, for the eleven sites and within a red line is indicated on the plans attached at Appendix B.
15. It should be noted that part of Hailey Park, donated by Mr Claude Hailey in 1924 is already held in a charitable trust having been enrolled with The Charity Commission. As such the land in question which is hatched in blue on the Hailey Park plan attached at Appendix B is already afforded protection under charity law and could not be disposed of without The Charity Commission approval. The area is therefore excluded from being protected with FIT.
16. Other areas within the 11 sites are also excluded because they are not compatible with the objects of the deed. These are the Dwr Cymru Pumping Stations at Hailey Park and Westfield Park and the Children's Nursery at Trelai Park.
17. There is one area subject to a lease with a third party, this being the ski slope at Fairwater Park, as this is compatible use the Council will seek inclusion within the dedication, subject to agreement with the leaseholder being signatory to the deed.
18. The costs associated with the proposals set out within this report can be met within existing budgets.
19. It is proposed that a locality consultation exercise will commence in June, for a period of six weeks seeing notices explaining the proposals being

installed within the eleven sites. Stakeholders groups of the eleven sites will be consulted directly.

20. A map showing the distribution of the current Council and Community Council owned sites protected through Fields In Trust, and those Council owned sites proposed for protection is attached at Appendix C. The map shows that through the proposals the percentage of population within a ten-minute walk of a protected site will increase from an estimated 43% (159,000) to an estimated 69% (254,000).

Local Member Consultation

21. Initial consultation has taken place in those wards effected.

Reason for Recommendations

22. To ensure the protection of the Council's parks and green spaces set out in this report, in perpetuity, by entering into Deed of Dedication with Fields In Trust.

Financial Implications

23. This report recommends entering into a Deed of Dedication with Fields in Trust (FIT) for an additional 11 sites across the Council estate. It is assumed that a full appraisal has been carried out in terms of suitability of sites. This will commit the Council to continued use of these sites in line with current purposes and in accordance with FIT objectives and therefore the ongoing operational and management liabilities for these sites.
24. Decision makers should take assurance that this does not constrain the Council's ability to make efficiencies or to identify the potential for future savings in associated revenue operational budgets.
25. Additionally, FIT consent will be required prior to any decision making with regard to change of use of the sites. In the event this decision is approved, it should be noted that this could restrict the potential for alternative use, sale and/or disposal of associated land asset for future generations and the capital receipts which may be available as a result.

Legal Implications

26. The purpose of this report is to provide further protection the Council's parks and green spaces by authorising the entering into of a Deed of Dedication with Fields in Trust, which will require FIT to consent to future dealings with the land. The deed of dedication does not dispose of the land to FIT or intended use, but does allow FIT to have a say in future land dealings. A restriction on the title will be added to the title of the Property at Land Registry preventing dispositions.

The Council has wide powers under the general power of competence pursuant s.24 Local Government and Elections (Wales) Act 2021 do

anything which any person may do, including anything whatsoever for the benefit of its area or person resident or present in its area.

Equality Duty

27. In considering this matter, the Council must have regard to its public sector equality duties under the Equality Act 2010 (including specific Welsh public sector duties). This means the Council must give due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief.
28. When taking strategic decisions, the Council also has a statutory duty to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage ('the Socio-Economic Duty' imposed under section 1 of the Equality Act 2010). In considering this, the Council must take into account the statutory guidance issued by the Welsh Ministers ([WG42004 A More Equal Wales The Socio-economic Duty Equality Act 2010 \(gov.wales\)](#)) and must be able to demonstrate how it has discharged its duty.

Well Being of Future Generations (Wales) Act 2015

29. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
30. In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The well being objectives are set out in Cardiff's Corporate Plan 2023-26. When exercising its functions, the Council is required to take all reasonable steps to meet its well being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
31. The well being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
 - i) Look to the long term

- ii) Focus on prevention by understanding the root causes of problems
 - iii) Deliver an integrated approach to achieving the 7 national well-being goals
 - iv) Work in collaboration with others to find shared sustainable solutions
 - v) Involve people from all sections of the community in the decisions which affect them
32. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below:
- <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>
33. The decision maker should also have regard to, when making its decision, to the Council's wider obligations under the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.

HR Implications

34. There are no HR implications arising directly from this report.

Property Implications

35. Strategic Estates have recently worked closely with Finance and Legal colleagues on land held in Trust, which was subject to a separate Cabinet Report in March 2024. Many of the principles outlined in this report will be relevant to the future management of FIT Parks.
36. As part of the proposed consultation, it is recommended that any existing and future proposed activities and uses on the land is reviewed and the occupation considered and/or documented, in order that any implications relating to the land to be nominated for protection under FIT is fully considered to ease future management.
37. The Strategic Estates Department will continue to work closely with Parks and Legal colleagues to ensure individual properties within the eleven designated locations are managed in accordance with the relevant governing legislation and required processes.
38. There are no further specific property implications in respect of this report. Where there are property transactions, management strategies or valuations required to deliver any proposals in the relevant locations, they will be done so in accordance with the Council's Asset Management process and in consultation with Strategic Estates and relevant service areas.

RECOMMENDATIONS

Cabinet is recommend to :

- 1) Approve in principle (and subject to the outcome of the consultation exercise set out within this report) the list of sites for protection attached at Appendix A.
- 2) Approve the commencement of a consultation exercise set out within this report the outcome of which to be reported back at a future Cabinet meeting.

SENIOR RESPONSIBLE OFFICER	NEIL HANRATTY DIRECTOR ECONOMIC DEVELOPMENT
	11 April 2024

The following appendices are attached:

Appendix A - Sites Matrix

Appendix B - Site Plans

Appendix C - Site Distribution Map

Appendix D - Single Impact Assessment