



Cabinet Report

Report of: Simon Green: Executive Director PLACE

Report to: Cabinet

Date: 14th January 2015

Subject: **Ochre Dike / Waterthorpe Greenway Playing Fields: Proposed Fields In Trust Designation**

Author of Report: David Cooper - 2734350

Key Decision: YES

Reason Key Decision: City designation

Summary: Sheffield City Council proposes to designate Ochre Dike / Waterthorpe Greenway Playing Fields, Sheffield, as a Fields In Trust protected site. As such it will be managed as a public park and playing fields in perpetuity.

Reasons for Recommendations: Designation as a Fields In Trust site will protect this site for local recreation. The designation is supported by the local community applicants, local ward councillors and officers. It is a more suitable alternative to the undetermined Town and Village Green application in this location.

Recommendations:

It is recommended that approval and authority is given to:

- a) formally submit an application to designate Ochre Dike / Waterthorpe Greenway Playing Fields, Sheffield, as a Fields In Trust protected site to allow it to be further protected and managed as a public park and playing field in perpetuity.
- b) authorise the Director of Capital and Major Projects in consultation with the Director of Culture and Environment, to negotiate the terms of the documentation needed to dedicate the land; and
- c) authorise the Director of Capital and Major Projects to instruct the Director of Legal Services to take all necessary action and complete the documentation needed to dedicate the land.

Subject to recommendations a- c being concluded, the site will be formally dedicated as a Field In Trust in a ceremony to be arranged on completion.

Cabinet are also asked to note that the Town and Village Green application for this site will be superseded on successful completion of the Field In Trust designation, and that this outstanding matter will then referred back to the Licencing Authority for satisfactory conclusion and withdrawal of the original application in due course.

Background Papers:

Category of Report: OPEN

If CLOSED add 'Not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).'

Statutory and Council Policy Checklist

Financial Implications
YES Cleared by: Paul Schofield
Legal Implications
YES Cleared by: David Hollis
Equality of Opportunity Implications
NO
Tackling Health Inequalities Implications
NO
Human Rights Implications
NO
Environmental and Sustainability implications
YES
Economic Impact
NO
Community Safety Implications
NO
Human Resources Implications
NO
Property Implications
YES: Dave Wood
Area(s) Affected
City
Relevant Cabinet Portfolio Lead
Cllr Isobel Bowler
Relevant Scrutiny Committee
Economic and Environmental Wellbeing Scrutiny and Policy Development
Is the item a matter which is reserved for approval by the City Council?
NO
Press Release
YES

REPORT TO CABINET

Ochre Dike / Waterthorpe Greenway Playing Fields: Fields In Trust Designation

1.0 SUMMARY

- 1.1 Sheffield City Council proposes to designate Ochre Dike / Waterthorpe Greenway Playing Fields, Sheffield as a Fields In Trust protected site.
- 1.2 The Fields in Trust is the operating name of the National Playing Fields Association. The Trust is the leading independent charity campaigning to secure and improve playing fields for more than 85 years with the long standing support of the Royal Family.

2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE

- 2.1 The site will be added to the national register of Fields In Trust protected sites. As such it will be managed as a public park and playing fields in perpetuity.

3.0 OUTCOME AND SUSTAINABILITY

- 3.1 The Fields In Trust designation will further ensure that the Ochre Dike / Waterthorpe Greenway Playing Fields will remain protected and available for current and future generations to use and enjoy for recreation.

4.0 BACKGROUND AND CONTEXT

- 4.1 The Ochre Dike / Waterthorpe Greenway Playing Fields are in the ownership of Sheffield City Council. The site is adjacent to the Crystal Peaks shopping complex, the Sheffield College and local residential housing (see the location map in Appendix One).
- 4.2 The Western field is designated as Open Space Area in the Unitary Development Plan (UDP) and was included in the 2009 Open Space Audit under the classification of Outdoor Sports Provision. The Eastern field is not designated as Open Space Area in the UDP but is still valued by the local community. Despite this, the location is attractive to developers and speculators. A planning application was received for alternative uses in 2009, but was subsequently rejected by the city council. Local residents value this site for recreation and remain concerned about the threat of further planning applications and the permanent loss of their cherished local green space/ parkland area. To reflect this, both the Western and the Eastern fields were proposed to be designated as Open Space Area in the Pre-Submission Draft Local Plan (2013), although this document has not been adopted.
- 4.3 The local community submitted a Town and Village Green application to the

Council in 2012 as they were fearful that the playing fields and park land still remain at risk to future alternative development. Subsequent and ongoing discussions about this matter have now led to the Fields In Trust designation being pursued as the preferred community and professional option, rather than a Town & Village Green designation.

5.0 LEGAL IMPLICATIONS

5.1 A proposed draft Deed of Dedication has been received from the Fields In Trust for due consideration and nomination. To enable a Fields In Trust application to be formally completed, Cabinet are advised of the following legal implications:

a) Entering into a Deed of Dedication as a 'Field In Trust' amounts to a disposal of an interest by the Council of property interests in accordance with s123 of the Local Government Act 1972 as it places restrictions on the Council's land for the benefit of others and affects the Council's ability to deal with the land freely in the future.

b) By completing the dedication the Council will agree to restrict the use of the land on the terms required by the dedication. The Council will maintain the site, so far as is consistent with its duties as a local authority, and it will have due regard to any advice given from time to time by the Fields In Trust on the management and running of the property.

c) The Council may not dispose of the property or erect any structures on the land without the formal consent of the Fields In Trust.

5.2 Subject to the formal designation as a Fields In Trust designated site, the undetermined Town & Village Green application will ultimately be superseded and withdrawn.

6.0 FINANCIAL IMPLICATIONS

6.1 A Fields In Trust designation at the Ochre Dike Playing Fields does not increase the current financial maintenance commitment of the council or impact upon its capital programme requirements for further development ahead. The site will continue to be managed and maintained as parkland by Sheffield City Council within its normal core revenue budget allocation for management and upkeep. The eastern field will be managed as an urban nature park whilst the western field will continue to be maintained with more regularly cut grassland for sports, games and other informal recreational activities.

6.2 A Fields In Trust designation would be less costly to determine than a Town and Village Green application in this location.

7.0 ALTERNATIVE OPTIONS CONSIDERED

7.1 A Town and Village Green Application was submitted by the local community

in 2012 to protect the site from future alternative development threats. This application has yet to be determined.

- 7.2 Whilst this Village Green application may have some merits and benefit in offering greater protection it is not felt to be the most appropriate protection by officers to meet local community needs. One of the complications and constraints is that Village Green status is essentially for open access and non-organised recreational activities, not team sports. Consequently, such status could limit and prejudice the future of the football pitch and other legitimate recreational uses; also potentially desirable complimentary site improvements (e.g. the provision of changing rooms or other built facilities, if desired). Local residents have clearly indicated to officers that the playing of football and other games in this area is an important local facility along with the less organised but equally important recreational activities of walking and simple enjoyment of the open green space environment.
- 7.3 As an alternative to the Town and Village Green application we have jointly explored a Fields In Trust designation as a more appropriate protection. Officers and the local applicants supported by their local councillors have met with the Fields In Trust on site. The Fields In Trust are very supportive of adding the Ochre Dike / Waterthorpe Greenway Playing Fields to the national portfolio of sites receiving protection and have invited an application from the council, as landowner. This option is now more preferable than a Town and Village Green designation which is now felt to be less desirable by the local community and would also be more costly to determine for the Council.

8.0 REASONS FOR RECOMMENDATIONS

- 8.1 Designation as a Fields In Trust site will protect this site for local recreation and is a more suitable alternative to the pending Town and Village Green application, in this location. This alternative designation is fully supported by the local community applicants, local ward councillors and officers.

7.0 RECOMMENDATIONS

- 7.1 It is recommended that approval is given to:

- a) formally submit an application to designate Ochre Dike / Waterthorpe Greenway Playing Fields, Sheffield, as a Fields In Trust protected site to allow it to be further protected and managed as a public park and playing field in perpetuity.
- b) authorise the Director of Capital and Major Projects in consultation with the Director of Culture and Environment, to negotiate the terms of the documentation needed to dedicate the land; and
- c) authorise the Director of Capital and Major Projects to instruct the Director of Legal Services to take all necessary action and complete the documentation needed to dedicate the land.

- 7.2 Cabinet are also asked to note that the Town and Village Green application for this site will be superseded on successful completion of the Field In Trust designation, and that this outstanding matter will then referred back to the Licencing authority for satisfactory conclusion and withdrawal of the original application in due course.
- 7.3 Subject to recommendations a- c being concluded, the site will be formally dedicated as a Field In Trust in a ceremony to be arranged on completion.

Author: David Cooper

Job Title: Head of Policy & Projects (Culture & Environment)

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