



**DRAFT PORTFOLIO HOLDER DECISION NOTICE**

**PROPOSED INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR ESTATES**

**TOPIC – KING GEORGE V PLAYING FIELDS BAR END – DEDICATION OF LAND**

**PROCEDURAL INFORMATION**

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Head of Legal and Democratic Services, the Chief Executive and the Head of Finance are consulted together with Chairman and Vice Chairman of The Overview and Scrutiny Committee and any other relevant overview and scrutiny committee. In addition, all Members are notified.

If five or more Members from those informed so request, the Leader may require the matter to be referred to Cabinet for determination.

**If you wish to make representation on this proposed Decision please contact the relevant Portfolio Holder and the following Democratic Services Officer by 5.00pm on 14 August 2017**

**Contact Officers:**

**Case Officer:**

Howard Bone Tel 01962 848 552 [hbone@winchester.gov.uk](mailto:hbone@winchester.gov.uk)

**Democratic Services Officer:**

Nancy Graham Tel 01962 848 235 e-mail [ngraham@winchester.gov.uk](mailto:ngraham@winchester.gov.uk)

**SUMMARY**

- The Council owns land at Bar End, Winchester, which is currently used as playing fields, and part of which is intended to be used as the site of a new Leisure Centre.
- The land in the Council's ownership was acquired in various tranches over the years, the most recent being the Garrison Ground at the front of the site, which was acquired in 2016 from Tesco.

- Part of the land was acquired by the Council in 1938 (the “KGV land”). In 1940, this land was dedicated by the Council, declaring the land to be “Preserved in perpetuity for the purpose of a public playing field as a memorial to His Late Majesty King George V under the provisions of the King George’s Fields Foundation and shall henceforth be known as “King George’s Field.” Many local authorities followed suit at this time, part of a national movement to provide a memorial to the late King George V, by way of provision of playing fields across the country.
- These playing fields were overseen by the National Playing Fields Association, now known as Fields in Trust. The Trust seeks to protect the status of these playing fields, and considers requests for consent to allow building on them, or changing their use.
- In 2007, the University of Winchester constructed an artificial sports pitch on land at Bar End, partly on its own land, and partly on land owned by the Council which was leased to the University for this purpose. The land leased by the Council was part of the KGV land, which had been subject to the dedication referred to above, and Fields in Trust agreed to the proposals.
- In 1994, the construction of the M3 motorway around Winchester necessitated taking of some of the KGV land to allow construction to take place. The land needed was included in a compulsory purchase order, and land was offered to the Council by the Department of Transport in exchange for the land that was given up. The exchange land was finally acquired in 2007.
- The plan attached as Appendix 1 to this notice shows the KGV land (after part of it was taken for the M3), labelled as “King George V Playing Field”, which includes the play area and (edged red on the plan) the land leased to the University for the artificial pitch. The land edged turquoise shows the land which was not originally part of the KGV designation, but which was given to the Council by the Department of Transport in exchange for the land taken for the M3.
- Although the exchange land was given to the Council in exchange for the part of the KGV land lost to the motorway, no restriction was placed against the use of this land when the land was acquired in 2007, nor was it dedicated as KGV Land.
- This report recommends that the exchange land be formally dedicated, so that it is subject to the same restrictions as the original KGV land. Subject to discussions with Fields in Trust, the opportunity may be taken to extend the new dedication to include the original KGV land, so that all the land shown coloured green on the plan in Appendix 1 would be subject to the same deed of dedication and restrictions.
- If the recommendation is accepted, an application will be submitted to Fields in Trust, which will then be considered. If the application is accepted, a deed

of dedication would be prepared by Fields in Trust and agreed with the Council. It would then be signed and come into effect. The Council would then be committed to using the land for playing fields and recreation, and would need consent from Fields in Trust for any disposal of the property or the erection of buildings or structures on it. Fields in Trust would normally only consent to a disposal of the land if equivalent replacement land is dedicated.

### **PROPOSED DECISION**

1. That the Head of Legal and Democratic Services be authorised to enter into a deed of dedication with Fields in Trust in respect of the land shown edged turquoise on the plan attached as Appendix 1 to the Decision Notice, to secure its use as playing fields and recreation, on such terms as he shall determine.
2. If appropriate, that the deed of dedication in 1. above also include the original King George V Playing Field land at Bar End.

### **REASON FOR THE PROPOSED DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

The land which is subject to the proposed dedication was given to the Council to compensate it for the loss of KGV land which had to be given up for the M3 motorway. The land given up was subject to the original dedication made in 1940, and it is reasonable therefore that the same protection should be afforded to the land given to the Council in exchange.

At present, there are no legal restrictions on the land, and the Council could therefore elect to not dedicate the land, and retain the current status of the land. It could continue to use the land and manage it as it wishes. The original KGV land would still be subject to the 1940 deed of dedication and the restrictions this gives rise to. Such a course of action would allow the Council to deal with the land in the future without any restrictions (other than the normal planning constraints). However, given the circumstances of the acquisition, this is not a course of action which is being recommended.

### **RESOURCE IMPLICATIONS:**

Legal officer time will be required to deal with the deed of dedication, but this can be managed within the existing resources within the Legal Team.

A small administration fee is payable to Fields in Trust but it will meet its own legal costs. The administration fee can be found from the main budget for the Bar End scheme..

### **CONSULTATION UNDERTAKEN ON THE PROPOSED DECISION**

The Portfolio Holder for Estates has been consulted and is in agreement with the proposal.

The Leader and Portfolio Holder for Health and Wellbeing are also in favour of the dedication.

**FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE**

N/A

**DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED**

N/A

**DISPENSATION GRANTED BY THE STANDARDS COMMITTEE**

N/A

**Approved by: (signature)**

**Date of Decision**

**Councillor STEVE MILLER – Portfolio Holder for Estates**

**APPENDICES:**

Appendix 1 – Plan of land at Bar End, Winchester



KEY	
	WCC Owned Land Subject To original Declaration
	WCC Land Acquired Through Land Exchange
	Land Leased To University
	Bar End Urban Design Framework Area