

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Thursday, 08 February 2024</b>
Relevant Scrutiny Committee:	Healthy Living and Social Care
Report Title:	Cowbridge Physic Garden – Fields in Trust Status
Purpose of Report:	To seek approval to dedicate Cowbridge Physic Garden as protected green space with Fields in Trust
Report Owner:	Cabinet Member for Leisure, Sport and Wellbeing
Responsible Officer:	Miles Punter - Director of Environment and Housing Services
Elected Member and Officer Consultation:	<p>Committee Reports - Legal</p> <p>Neighbourhood Services and Building - Accountant</p> <p>Operational Manager, Property</p> <p>Operational Manager, Regeneration</p> <p>Neighbourhood Services Manager, Parks</p> <p>Councillor Charles Champion, Cowbridge Ward</p> <p>Councillor Robert Fisher, Cowbridge Ward</p> <p>Councillor Nicholas Wood, Cowbridge Ward</p>
Policy Framework:	This Report is a matter for Executive decision by Cabinet
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>• Several of the Council’s outdoor spaces are registered with the Fields in Trust and Officers have found that working with the Trust on these sites to be a positive experience for the site and the community.</li> <li>• A request has now been received from the Trustees of the Physic Garden in Cowbridge, who believe that dedicating the Physic Garden as a Field in Trust would be in the public and their interests. They also feel it would demonstrate the Council’s commitment to the recently declared Climate Emergency and would enable the Trustees to access grants that are presently unavailable to them amongst other benefits.</li> <li>• A previous request was considered by Council in 2019 but was rejected. A new lease was however approved at this time.</li> <li>• Confirmation has been received from the Fields in Trust that it would wish the Physic Garden to be dedicated as it believes this would secure the future of the open space for future generations.</li> </ul>	

- Cowbridge ward Members have also expressed their support for a Deed of Dedication relating to the Physic Garden.
- Taking all factors into account, including the long-term restrictions that would be placed on the land, this Report recommends that authority is given to dedicate the Physic Garden as a Fields in Trust site.

## **Recommendations**

1. That delegated authority is granted to the Director of Environment and Housing in consultation with the Cabinet Member for Leisure, Sport and Wellbeing and the Monitoring Officer/Head of Legal and Democratic Services, to dedicate the Physic Garden, Cowbridge under the appropriate Fields in Trust programme with the agreement of the Cowbridge Physic Garden Trust.
2. That the Monitoring Officer/Head of Legal and Democratic Services be authorised to complete and execute the required legal documentation for the Fields in Trust dedication.

## **Reasons for Recommendations**

### **1. and 2.**

To enable the progression of a formal Deed of dedication for the Physic Garden with Fields in Trust.

## **1. Background**

- 1.1 At its meeting of 7th January, 2019 Cabinet agreed to authorise a new 25 year lease for the Physic Garden, Cowbridge but deferred a decision on whether to protect the area under the Fields in Trust Green Spaces for Good Programme and to enter into a deed of dedication with the organisation to that affect.
- 1.2 A further report was subsequently presented to Cabinet on 18th February, 2019, that sought approval for the dedication with Fields in Trust. This was rejected by the then Cabinet for reasons detailed in that Report. [Minute \(valeofglamorgan.gov.uk\)](http://valeofglamorgan.gov.uk) C593 refers.
- 1.3 A further request for dedication has recently been received.

## **2. Key Issues for Consideration**

- 2.1 The Cowbridge Physic Garden Trust requested in writing on 24th November, 2023 that the Council reconsiders its previous decision made in 2019 on permitting a deed of Dedication with Fields in Trust for the Physic Garden to enable the open space to be protected for the foreseeable future (copy of request letter attached at Appendix A).
- 2.2 Fields in Trust has also confirmed that it would welcome the Physic Garden becoming a protected space. Information has been provided at Appendix A from Fields in Trust detailing what a deed of dedication would involve and what protection it would offer. Fields in Trust was keen to emphasise the positive relationship it has with the Council regarding the similar dedications that are in place for various green spaces throughout the Vale of Glamorgan. A list of these existing areas is attached at Appendix B.

- 2.3 The Trustees of the Physic Garden believe a Deed of Dedication would be in both the public and their interests. They strongly feel that by registering with Fields in Trust that they will be able to access grant funding that has been denied to them previously., This would allow long term planning for the site knowing that its future as a Physic Garden was secure. and that it would demonstrate to the public the importance of this facility that is the number one tourism attraction in Cowbridge on Tripadvisor.
- 2.4 Consultation has taken place with the Cowbridge ward members who are supportive of the proposal for a Deed of Dedication given the importance of the Physic Garden to Cowbridge both in terms of its residents and visitors.
- 2.5 Cabinet should however note that a Deed of Dedication registered with Fields in Trust will mean that this site could not be developed for any other purpose in the foreseeable future.
- 2.6 A plan of the Physic Garden proposed for dedication is attached at Appendix C.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1 The provision of a deed of dedication for the Physic Garden, Cowbridge would demonstrate the Council's long-term planning and assist in creating a quality open space for future generations.
- 3.2 The Physic Garden also demonstrates the Council's commitment to collaboration by working in partnership with both the Physic Garden Trust and Fields in Trust.
- 3.3 In addition, the way in which the Physic Garden is presently managed and maintained demonstrates the commitment of local people achieving well-being goals.
- 3.4 On a wider community basis, the Physic Garden is an excellent example of the Council enabling a former derelict site to be bought back into use for the benefit and well-being of the wider community.

### **4. Climate Change and Nature Implications**

- 4.1 The Deed of Dedication would be a further demonstration of the Council's commitment to reducing climate change and improving opportunities for nature by assisting in protecting a prime area of green space in the centre of Cowbridge.

## **5. Resources and Legal Considerations**

### **Financial**

**5.1** There are no direct financial resource implications associated with this Report.

### **Employment**

**5.2** There are no employment implications associated with this Report.

### **Legal (Including Equalities)**

**5.3** To dedicate the Physic Garden under the appropriate Fields in Trust programme, the Council and the Trustees of Cowbridge Physic Garden Trust will be required to enter into a deed of dedication with the National Playing Fields Association, who operate as Fields in Trust. This is a legally binding document containing undertakings on behalf of all parties to it that will mean that the Physic Garden will be dedicated as a protected green space in perpetuity.

## **6. Background Papers**

Request from the Trustees of the Physic Gardens - 24/11/2023

## Fields in Trust Protection

How do Fields in Trust protect parks and green spaces?

We protect land through a binding legal agreement called a Deed of Dedication or, in Scotland, a Minute of Agreement. It's a robust yet flexible way of safeguarding the future of a space, designed just for us. Both Deeds and Minutes of Agreement legally ensure that space is protected for future generations to enjoy. This means that before certain developments can take place the owner needs to seek permission from Fields in Trust (see Question 4). There are two types of Deed - charitable and non-charitable. If the Deed creates a charity both charity law and Fields in Trust will ensure the protection if the Deed is non-charitable Fields in Trust will ensure the protection.

What kinds of spaces do Fields in Trust protect?

Fields in Trust can protect any type of outdoor recreational space providing it has public access, including playing fields, recreation grounds, playgrounds and play areas, parks, country parks and nature reserves.

What does 'permanent protection' really mean?

'Permanent protection' or 'protection in perpetuity' does indeed mean forever in the case of freehold land or at least 99 years in the case of leased land. Each space's protection is specified in its own Deed of Dedication or Minute of Agreement.

What buildings are allowed on protected land?

As mentioned in Question 1, the protection of each space is individually detailed in the Deed of Dedication and this would include any changes to the space. Generally, only ancillary buildings are allowed but other buildings could be allowed subject to Fields in Trust's permission.

Once a space is protected do we need to change the name?

Not at all, our protection is a status, not a name change.

Once a field is protected by Fields in Trust who owns and manages the land?

Ownership and management remain in local hands after Fields in Trust protect any space as they are best placed to reflect the needs of the community. Any nonrecreational changes in use of the space or any buildings do need our specific consent but otherwise, we are very much 'light touch'.

Our land is already protected, why should we protect it through you?

There are many forms of protection, including covenants, town and village green registration and planning protection. In the vast majority of cases, our Deed of Dedication will enhance a site's protection, as well as bringing additional benefits such as funding, positive PR for the landowner and renewed goodwill from the local community.

**List of current Fields in Trust registered land in the Vale of Glamorgan**

**Knap Gardens, Lakeside, Barry, CF62 6SW**

**Barry Sports Centre, Barry CF62 8UP**

**Romilly Park, Barry, CF62 6RN**

**Buttrills Playing Fields, Barry, CF62 8BX**

**Jenner Park, Barry, CF62 9BG**

**Peterston Super Ely Memorial Playing Fields, CF5 6LH**

**Llanmaes Playing Fields, Llantwit Major, CF61 2XR**

**Populars Park, Cowbridge, CF71 7BJ**

**Parc Bryn y Don, Dinas Powys, CF64 4TR**

**Llantwit Major Recreation Field, CF61 1XZ**

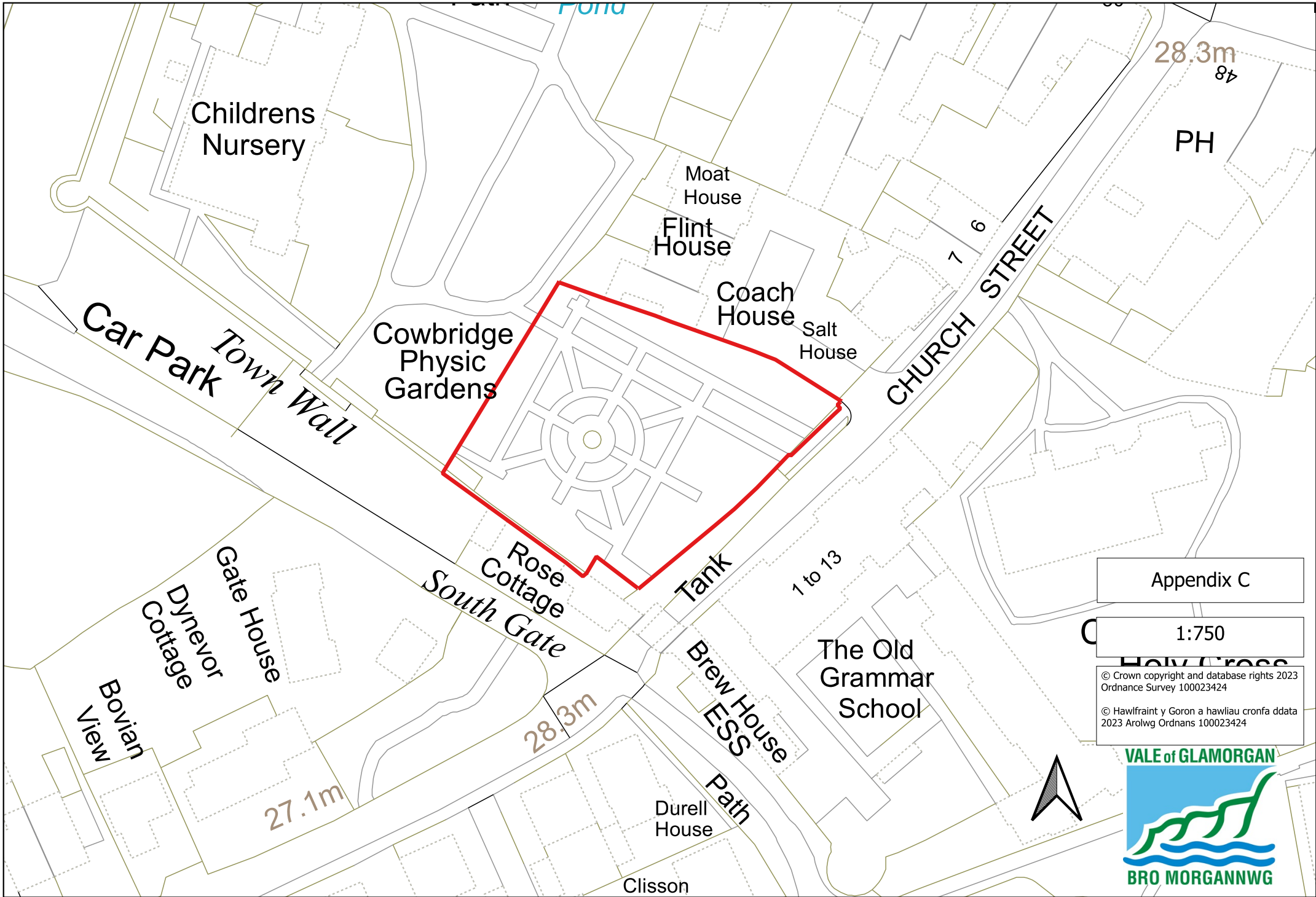
**Seaview Park, Llantwit Major, CF61 1RF**

**Lorna Hughes Park, Llantwit Major, CF61 1SS**

**Penarth Athletic Field, CF64 3QH**

**Alexandra Park, Penarth, CF64 3AY**

**King George V Playing Field, St. Donats, CF61 1WF**



Appendix C

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