

**MAPLEDURHAM PLAYING FIELDS TRUSTEES SUB-COMMITTEE MINUTES -
21 JUNE 2017**

Present: Councillor D Edwards (Chair); Councillors Absolom, Ayub, Grashoff, Hoskin, and Woodward.

Apologies Councillor Steele

1. MINUTES

The Minutes of the meeting of the Sub-Committee held on 20 December 2016 were agreed as a correct record and signed by the Chair.

2. MINUTES OF MAPLEDURHAM PLAYING FIELDS MANAGEMENT COMMITTEE

The Minutes of the meeting of the Mapledurham Playing Fields Management Committee held on 10 October and 15 December 2016 were received for information.

3. QUESTIONS

Questions on the following matters were submitted, and answered by the Chair:

Questioner	Subject
Mark Corbett	Conflicts of Interest of Sub-Committee Members
Martin Brommell	Ensuring facilities for all groups at Mapledurham Playing Fields
Councillor Ballsdon	Reassurance on no precedent for development on playing fields
Councillor Ballsdon	Timely deliverability of the EFA proposal
Councillor Ballsdon	Postal notification area of consultation

(The full text of the questions and replies was made available on the Reading Borough Council website).

4. THE HEIGHTS PRIMARY SCHOOL: PLANNING APPLICATION AND CONSULTATION

With the permission of the Chair the following people addressed the Sub-Committee:

Alistair McLean and Elisa Miles (WADRA)

Martin Brommell (Fit4All and MPFAG)

Nick Walden (Heights Primary School)

Sharon McHale (Education Funding Agency)

Councillor Ballsdon (Mapledurham Ward Councillor)

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Further to Minute 5(3) of the meeting held on 11 October 2016, the Head of Legal and Democratic Services and Chief Valuer submitted a report presenting the Planning Statement for the Heights Primary School, prepared for the Education Funding Agency (EFA) by TP Bennett in March 2017. The report had been submitted to permit the Sub-Committee to see the intended location of the 1.231 acre site for the school at Mapledurham Playing Fields, and to be satisfied that the application was acceptable to the Council as Trustee of the recreation ground Charity. The Planning Statement was attached to the report as **Appendix A**, with a more detailed set of planning application documents available to be accessed through a Dropbox account referenced within the report.

Further to Minute 11(6) of the meeting held on 20 December 2016, the report also presented the draft consultation document on the EFA's proposal to purchase 1.231 acres of land at Mapledurham Playing Fields and Recreation Ground (the Ground) for the purpose of building the new school for The Heights Free School. This draft document was currently work in progress and was being prepared by officers with help from Veale Wasborough Vizards LLP, who were providing legal advice on the proposal to the Council as Trustee. The draft consultation document was attached to the report as **Appendix B**. The Sub-Committee was advised that the Charity Commission had been made aware of the consultation document and method of consultation and had raised no issues.

The report updated the Sub-Committee on the view taken by the Charity Commission in the Council's favour regarding a complaint made to them about the Council's approach to managing its conflicts of interest on the prospective transfer of part of the Ground to the EFA, including the establishment of the Sub-Committee to manage the conflict. The report explained that proceedings had also been commenced in the High Court on 12 December 2016 to remove the Council as Trustee of the Charity. The Claimant had withdrawn the proceedings and had agreed to pay the Council's costs in defending the proceedings.

The report asked the Sub-Committee to consider the Planning Statement and planning application and their likely effect upon the amenity value of the Ground so that a planning application could be submitted which was acceptable to the Sub-Committee. In doing so the Sub-Committee was aware that it must only consider the proposals as they related to the objects of the Charity and not take into account the interests or policy of the Council as local planning authority, nor as local education authority.

Section 4.4 of the report highlighted four issues within the Planning Statement which had particular implications for the Charity, together with officer advice on each point:

- (1) *"The land proposed to be purchased from the [Charity] (edged blue on the site location plan) forms only part of the application site. The formal application site also includes the access road from Upper Woodcote Road, the MPF car park, and land in the northwestern corner of the site; works are proposed to widen the access and to improve the car park. The EFA will therefore need to serve notice on RBC as Trustee [of the Charity] (under the planning regulations) when it submits the application."*

Officer view: as regards works to the access road and car park - need to ensure that the EFA is paying for this work and does not form part of the £1.36m payment.

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- (2) *"The area of land in the northwestern corner of the MPF site falls outside the school boundary. The intention at this stage is to fence off this area. It may be that this land could provide additional MPF or school parking."*

Officer view: the land cannot be fenced off but must continue to form part of the land enjoyed by the public. It may be the case that the land will be used in the future for overspill car parking.

- (3) *"RBC Core Strategy Policy CS28 states that development of designated open space land may exceptionally be allowed if recreational enhancements outweigh the loss of open space. The Planning Statement includes a list of possible enhancements to the MPF recreational facilities that would be enabled through the purchase of the site by the EFA. The detail of such enhancements is clearly a matter for the [Charity] and its beneficiaries, but it is likely that RBC as Local Planning Authority (LPA) will seek to link their delivery to the school development by way of planning obligation (ie S106 agreement). It may be that the sub-committee uses its forthcoming consultation to canvass views on what these improvements should comprise and share them with the LPA [local planning authority] accordingly."*

Officer view: The EFA has only asked the Council as Trustee of the Charity to improve one pitch. The Trustees have agreed to carry out this work. Other enhancements which may be undertaken will be the decision of the Trustees and not the Local Planning Authority.

- (4) *"The [Charity] will be seeking the authority of its beneficiaries shortly to allow sale of the school site to the EFA. This exercise will likely overlap with the planning application process. The EFA intends arranging an exhibition after Easter to enable local people to view the application proposals in detail. The EFA envisage this would be on two weekday evenings (say 4-7.30pm), one at a venue near the MPF, the other at a town centre location. There would also be relevant announcements in the press and social media."*

Officer view: The legal requirement under the Charities Act 2011 is to seek representations from the Charity's beneficiaries (rather than their authority), which will be dealt with via the proposed consultation. The town centre venue should ideally be Caversham town centre.

Resolved -

- (1) That the Sub-Committee notes and accepts the officer comments on the Planning Statement (Appendix A), set out in para 4.4 of the report, regarding the Planning Application and Planning Statement and their likely effect upon the amenity value of the Ground, and agrees that subject to those matters being addressed, the Planning Application which is proposed to be submitted by the EFA is acceptable to the Sub-Committee
- (2) That the comments on the public consultation document at Appendix B be noted and that officers be authorised to progress the consultation, subject

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to the final document being agreed by members of the Sub-Committee via e-mail communication.

- (3) That it be noted that the legal challenge referred to in paragraph 1.3 of the report had been unsuccessful and that the Complainant had agreed to pay the Council's legal costs.
- (4) That the outcome of a complaint made to the Charity Commission in respect of the Council's role as Trustee of the Charity (as referred to in paragraphs 1.3 and 8.8 of the report) be noted.

(The meeting started at 6.30 pm and finished at 7.43 pm).