

Hello Jonathan

Sorry for the delay. This note follows liaison with key Member and officer colleagues including our legal team.

As ever I am first of all keen to express my general sympathy with the positions that have been expressed and my understanding of why there are a range of concerns within the community and across community based groups about the site.

In particular that overall sympathy and understanding converts to our desire to regularly test and challenge the current owners as to their overall objectives for the site and their use and maintenance of it along the way, whatever their longer term thoughts. To that end we are seeking a further meeting with them and as indicated in previous exchanges. I'm hoping that will be in the next couple of weeks, though we are of course in their hands on that.

More technically (and following legal advice) regarding the alleged dereliction of this property as set out in the four numbered items on the first page of your letter and the action proposed in the seven on the second page I need to make a number of points. The extent of disrepair is not agreed by the owners but whether or not it is accurate none of these matters are ones where the Council is entitled to take statutory or other action. The owners have allowed some third party use of the fields over the years but the land has never been publicly available and the Council cannot compel the owners to keep the sporting facilities in a condition fit for normal use or insist on them being made available. I am sorry that the pavilion requires restoration works but its status as a building of townscape merit (unlike a Listed Building) does not give the Council a basis to serve a repairs notice. Your request for various restoration works and a regime of maintenance is not one that the Council can compel the site owners to observe.

That all adds up to our view that the Council cannot sensibly consider a compulsory purchase order at this time. Any opposed compulsory purchase order (and we can have no doubt that it will be) has to be approved by the Secretary of State and that process necessitates a local authority demonstrating, inter alia, that there is a compelling case in the public interest sufficient to justify the interference with the human rights of property owners. A local authority also has to have a clear idea how it proposes to use the land and that all necessary resources are likely to be available to achieve such scheme within a reasonable time-scale. Whilst we are all no doubt aware that the Inspector's appeal decision of April 2020 deals at some length with sports provision deficits in the locality and certain sports are mentioned, a very substantial amount of research would need to be done to build this up into a case that might pass the tests required for a successful compulsory purchase of this large site and in my view we have not reached a tipping point where such efforts and their inevitable claim on finite Council resources are worthwhile. That your Trust stands ready to purchase the playing fields and run them independently of any financing from the Council is of course extremely useful to our position in all of that respect, but that does not tip the balance towards pursuing compulsory purchase at this point in my view.

Moreover on the funding point, whilst I note that there has been an offer from you to purchase the land at playing fields value, the process to set the compensation for

compulsory purchase would very likely include a claim from the owners for an element of development value. Which could considerably escalate the acquisition cost and in respect of which there are risks to the public purse. That is another factor that for me means that the scales are not tipped towards our pursuing an attempt at compulsory purchase at this stage.

Whether or not the land is sold by the current owners, discussions are still taking place with the Council's Planning Department with a view to negotiating an acceptable scheme for the land and which, if successful, is likely to secure some degree of public benefit. For the time being it seems to me that this is the way forward rather than considering compulsory purchase or taking other action. In any event, the fact of those continuing discussions is yet another factor against the sense of the pursuit of compulsory purchase at this stage.

I doubt that this note surprises you or your colleagues in the community and it is of course a continuation of what I have said in prior exchanges with you and others since the owners unsuccessful planning appeal. I know none of you will be happy and I expect more notes from you to that end, but I need to try to get across to you all that we cannot continuously engage with you on this. We are very clear on our position now and will keep that position monitored but we will only fully review where we are at with the whole site on an approximate 6 month basis. We will do that 6 month review alongside our property experts and our lawyers and will pro-actively consider the position at those moments with all of the information available to us at that time and including via dialogue with yourself and others in the community. I have to say though that we have much to do across the Borough and only if something very, very significant and new happens along the way to that (next) 6 month moment would we consider reviewing the position at this site earlier.

Meantime if we have that meeting with AHH in the next couple of weeks or so (I think it far more likely than not) then I will again seek their agreement to its broad content being for public consumption and on that basis will get a note of it back to you all thereafter.

Regards

Paul