

BRIEFING TO THE CHARITABLE TRUST COMMITTEE

Property: Playing Fields and recreation ground, Ladhill Lane, Greenfield, Oldham (Freehold)

Charitable Trust: The Laycock Lawton Children's Playing Fields Charitable Trust.

Date: 22 August 1939

Governing Document: Conveyance dated 22 August 1939 between (1) John Edward Tanner and Fred Bottomley and (2) Fred Gartside and Sydney Butterworth and (3) Urban District Council of Saddleworth

Charity Objects: set out in a Scheme (Court Order) dated 30 March 1939 (Passed and Entered 12 May 1939) which is referred to in the Governing Document.

HMLR Registered Title Number: MAN321226

1. Charity Objects:

The Property needs to be maintained to be used as a recreation ground or playing field by children attending the local Methodist Sunday School in connection with the Greenfield Methodist Chapel and such other children in the vicinity (of day school age only) as the Council [*as charity trustee*] may from time to time determine. Subject to this the Council [*as trustee*] may permit the land to be used as a playing field or recreation ground under school age and as a public park by other persons. The Council may provide on the land such conveniences and may lay out such land generally in such manner as they may determine to be proper for the purpose of the Scheme.

2. Background:

This charity land was brought to the attention of Estates and Legal Services as a result of an application made to the Council by Fourways Projects NW Limited (Company Registration Number 12219488) ("Fourways").

Fourways were asking the Council to enter into a grant of an easement (ie right to lay and use water and/or drainage pipes) to United Utilities with such pipes/drains serving Fourways' development on nearby land.

When eventually the precise location and extent of the land that was going to be affected by this proposal was established and a copy of the registered title was

obtained, it transpired that the land affected is part of charitable trust playing fields and recreation ground. A copy of the Land Registry title plan showing the extent of this is attached to this Briefing.

The fact of the charity status of this land seemed to come as a surprise to Fourways' solicitors although it is also surprising that as a first step they did not get a copy of the title to the land affected by the proposed easement. How they knew the Council was the registered owner without obtaining a copy of the registered title, is unclear. Had they seen the title they would have known its charitable status and appreciated the implications.

It is important to note that no consideration whatsoever has been offered by Fourways, not even a market value payment for the grant of the easement.

It is advised that even a market value payment for the easement would not be sufficient to make the grant of the easement in the best interests of the Charity. What would need to be offered is something which would provide a clear and unequivocal net benefit to the Charity.

There are practical disadvantages and problems posed by the works that would need to be carried out to lay the drains/pipes as this would:

- (a) Disrupt the use of a significant part of the playing fields/recreation ground;
- (b) Cause health and safety and safeguarding issues whilst the works were being carried out, (including any inspections or other works in the future (see (e) below);
- (c) Probably leave a significant part of the playing fields/recreation ground unable to be used for some time after the works are completed:
- (d) Prevent any kind of planting over the strip of land designated as the easement strip or any ground works which may lower the surface of the easement strip;
- (e) Place obligations on the charity with regard to the easement strip, and
- (f) Make it possible that there would be future disruption if the pipes/drains need to be replaced or upgraded or repaired at some point and this could happen any number of times.

There may be potential for capital improvements to the recreation ground/playing fields to be carried out that otherwise could not be funded, such as shelters, playground equipment/structures, fencing etc and Oldham Estates has been asked to suggest any such features that may benefit the recreation ground/playing field. If there is scope for such improvement, it might be possible for the Charity to counter the request from Fourways with a proposal for a capital payment that would:

- (a) Include the market value for the easement, AND
- (b) A sum to pay for the identified capital improvement to the land (this could be in the form of a donation to the Charity).

3. What Is Required In The Way Of A Decision By The Committee At This Stage?

A full/final decision is not clearly not expected at the point of the meeting on 23 June 2025, as the Committee needs to time to take on board the implications of this proposal and whether or not it is prepared even to consider this kind of negotiation. Further input from Oldham Estates is also required as to the possibilities/scope for capital improvements.

However, Legal Services do need an instruction from the Committee as to how to go back to the solicitors acting for Fourways in the meantime, confirming the current position, specifically we need the Committee's authority and instructions to:

- a) disclose the Scheme governing the recreation ground/playing fields (information which is not available from the Land Registry) to Fourways' solicitors (and therefore Fourways), and
- b) to respond to Fourways' solicitors that their proposal does not offer anything which would make a grant of the easement in the best interests the Charity (and wait to see how they respond).

If the Committee is prepared to give an instruction to Legal Services to carry out items a) and b) please can a Resolution be passed at the CTC meeting on 23 June 2025 to confirm this.

Suggested form of Resolution

"IT IS HEREBY RESOLVED that the Committee instructs Oldham Borough Council Legal Services to:

- a) disclose the Scheme relating to this Charity governing the recreation ground/playing fields at Ladhill Lane, Oldham (being information which is not available from the Land Registry but only from the Council's own records) to Fourways' solicitors (and therefore Fourways) in writing (that is by email), and***
- b) to respond to Fourways' solicitors in writing (that is by email) that Fourways Projects NW Ltd's proposal does not offer anything to the Charity which would make a grant of the easement proposed to United Utilities in the best interests the Charity."***

Legal Services

Oldham Borough Council

17 June 2025

Ref: ZT/RB/24377 Ladhill Lane Playing Fields



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