

The Parks Trust

Green Estate Land Disposal Policy

(Approved by MKPT Board 26th June 2025)

Contents

Contextual Note	3
Parks Trust Green Estate Land Disposal Policy	4
Policy Review	8
References	8

Contextual Note to the Policy

1. The primary charitable objective of The Parks Trust is to provide, maintain and equip parks, gardens, landscaped areas, woodlands, open spaces, playing fields, playgrounds and recreational amenity spaces within the Borough of Milton Keynes and the environs thereof, for the benefit of the inhabitants and visitors to the area. We refer to the land we hold for this purpose, which makes up about 25% of the area of the city of Milton Keynes, as our 'Green Estate'.
2. Milton Keynes is a dynamic city and remains one of the fastest growing in the UK. The city's continued development and evolution, along with other economic, social, and environmental changes, affects and places new demands on land in the city, including the Green Estate land owned and managed by the Parks Trust.
3. These changing demands and pressures on our Green Estate include:
 - Increased use of our parks as the city's population grows and diversifies, creating greater demand for facilities in high-use sites to meet the needs of park visitors (such as the provision of toilet and café facilities and upgraded access paths) and placing more direct and indirect pressures on priority nature sites.
 - Requests for the installation of more and a wider range of service and utility infrastructure through the land to serve the city's communities and businesses.
 - The effects and impacts of new developments and regeneration schemes on land adjoining or near the Green Estate land, both the temporary effects during the construction phase and permanent impacts after the developments are complete.
4. As Milton Keynes continues to grow, new parks and other types of green infrastructure are being delivered in the new estates and neighbourhoods. We seek to influence the planning and development process and to engage with developers to encourage provision of plentiful and high-quality green infrastructure and to position the Parks Trust as the preferred adopting body for most new greenspace. As a result, extent of our Green Estate across and around Milton Keynes increases each year.
5. In fulfilment of our charitable purpose, the Parks Trust is committed to protecting and conserving its Green Estate as a vital asset for Milton Keynes. Therefore, acting to retain and protect the land in our care is our default position. However, the evolving pressures and demands on the Parks Trust and on our land means we have to be prepared to adapt and respond to change. This will include, where necessary, disposing of some of or granting new rights to others over the land in our care.
6. As a registered charity, we have a legal duty to act in the best interests of the Trust and to further our charitable objectives. Accordingly, any decision to dispose of or to grant new rights over any of the Trust's Green Estate land will be made after careful consideration and the necessary due diligence process. Our approach to this is set out in our Green Estate Land Disposal Policy.

Parks Trust Green Estate Land Disposal Policy

1. The Parks Trust's purpose is to provide, maintain and equip parks, gardens, landscaped areas, woodlands, open spaces, playing fields, playgrounds and recreational amenity spaces within the Borough of Milton Keynes and the environs thereof, for the benefit of the inhabitants and visitors to the area. The primary way we fulfil this purpose is through the freehold or leasehold ownership of land – our parks and greenspaces. We call this land our 'Green Estate.'
2. We aim to manage and maintain our Green Estate to a high standard and to protect it. However, at any time we may receive requests or proposals, or the Trust itself may identify a need or reason, to grant new rights over or to dispose of an area or areas of its Green Estate land. We respond to such requests or proposals according to the principles and procedures set out in this Policy.
3. The underlying principles of the Policy are:
 - a. The Parks Trust will, by default, act to protect and retain its Green Estate land in fulfilment of its charitable purposes and for the delivery of the objectives set by our Board of Trustees. Any disposals will be by exception and only when there are overriding reasons to enter into a disposal, to be determined according to the factors and criteria laid out in this Policy.
 - b. If a disposal is agreed or decided as necessary, the Trust will carry out the necessary due diligence and must always act in compliance with the requirements of charity law relating to the disposal of charitable assets. This requires that the Parks Trust's Board of Trustees must be satisfied that any disposal of a charitable asset is in the Trust's best interests.
4. The definition of 'disposal' under this policy accords with that in the Charities Act 2011 (as amended). This means the:
 - selling or transferring land;
 - granting, transferring or surrendering a lease of land;
 - granting or releasing rights over the land;
 - granting or releasing an easement, or a right of way over the land
 - granting or releasing a wayleave to allow access to facilities on the land.
5. Disposals may be temporary or permanent. In accordance with charity law, a 'Permanent Disposal' means any disposal for a period in excess of seven years; a 'Temporary Disposal' means for a period of up to seven years. These definitions apply in this Policy.
6. In some instances, the proposals for the disposal of Green Estate land may come under statutory compulsory powers or where existing property rights are held over the land that the Trust is legally or contractually bound to comply with. In all such instances, the Trust will carry out the necessary due diligence into the powers or rights being exercised and where it is confirmed these are held, the Trust will seek to influence the outcome of any disposal to protect its best interests, to achieve the best possible outcomes for the quality and condition of its retained land and to obtain the best possible terms it can for the disposal.
7. A qualifying factor for completing a disposal is that the Trust will only be able to do this where it has the legal title and right to do so. Most of the Trust's Green Estate is held under leases that prohibit assignment or alienation and certain forms of sub-letting

without the Landlord's agreement. Accordingly, for all disposals, the Trust will carry out the necessary due diligence to ensure it is acting within its property rights and entitlements and, where necessary, with the agreement or consent of its Landlord or any other party that also holds contractual rights, covenants or restrictions over the land.

8. In all cases, the Trust will carry out the necessary due diligence and will ensure the terms of any disposal are the best that can reasonably be obtained and in accordance with charity law. This will include securing any premium or other consideration due to the Trust for the disposal and, when relevant, securing a scheme of mitigation for the landscape and environmental impacts the disposal and proposed use of the land will have on the Trusts retained or surrounding land.
9. In holding and operating its Green Estate, the Trust will remain aware of and responsive to changing social and economic circumstances and the needs of Milton Keynes and its diverse communities. Accordingly, at any time the Parks Trust may:
 - a. Review its Green Estate and, after assessment against the factors criteria set out in this policy, may identify for disposal areas of land assessed as being of relatively low environmental, social and/or cultural value, and where the disposal may better suit the interests of the Trust.
 - b. Respond positively to non-compulsory proposals from statutory bodies, such as Milton Keynes City Council or parish councils, to dispose of some of its Green Estate that may be required for alternative uses, provided the proposed alternative use would contribute to the wider needs of Milton Keynes.
 - c. Dispose of Green Estate land assessed as being of relatively low environmental, social and/or cultural value to enable the acquisition of alternative land within the environs of Milton Keynes that is assessed as being of higher environmental, social and/or cultural value or potential.
 - d. Accommodate requests from utility providers, developers of adjoining land or other parties for the grant of temporary or permanent access rights or service easements or wayleaves over, across or through the Trust's Green Estate land.
 - e. Accommodate requests from utility providers, developers, or other parties for licence to temporarily use or occupy an area of the Trust's land for specified purposes.

The above all provided the overall interests of the Trust and its land are protected and the best terms for entering into any disposal agreement are obtained.

10. The Trust will consider the following factors for any proposed disposal (listed in no order of priority):
 - a. The scale and extent of the disposal.
 - b. The reasons for the disposal – what is the intended use of the land and for what purpose?
 - c. Whether the disposal is permanent or temporary, and if the latter, the duration of the disposal.
 - d. The environmental, social and cultural value of the land that will be subject of or affected by the disposal, to be assessed using the criteria listed in 11 below.

- e. The impacts the proposal or development that is the reason for the disposal will have on the Trust and on its retained land, considering any environmental mitigation or compensation scheme that may be associated with the proposal or development.
 - f. Whether the proposed use or development of the land will contribute to meeting the wider social, economic or environmental needs of Milton Keynes that, in the Trust's view, would override the retention and use of the land as greenspace.
 - g. The effect the proposal would have on the Trust's overall ability to deliver its charitable purposes and strategic objectives.
 - h. The outcome the proposal would have for the financial security and sustainability of the Parks Trust.
11. The Trust will use the following criteria to assess and evaluate the environmental, social and cultural value of any area of Green Estate land that may be the subject of or affected by a disposal (listed in no order of priority):
- a. its existing or potential use for recreation and amenity;
 - b. its siting and position in relation to the continuity, linkage and coherence of the city's network of green infrastructure and ecological corridors;
 - c. its productivity value as green estate (e.g. for biodiversity net gain, sustainable hay production/livestock grazing, growing cricket bat willows, etc);
 - d. the biodiversity value or uplift potential of the site;
 - e. its existing or potential for organised sport and leisure use;
 - f. the quality and visual attractiveness of site and its contribution to local landscape character;
 - g. any income the site may generate for the Trust;
 - h. its historical/heritage value or other cultural significance;
 - i. its ecosystem service functions e.g. flood control/water management; noise attenuation; carbon sequestration and storage; climate change mitigation; and
 - j. the general environmental sensitivity of the site to any change of use (e.g. proximity to residences or biodiversity habitats).
12. Where any land being considered for a disposal is within the Trust's Transportation Corridor leasehold, the Trust will also ensure Milton Keynes City Council is or has been consulted over whether the disposal will place a constraint on the future use of the land for transport-related purposes. Disposals will only proceed if agreed by the Council.
13. The Trust will not proceed with any disposal of its Green Estate where:
- a. The disposal is assessed as having an unacceptable detrimental impact against the factors and criteria listed above.

- b. If it is a surrender or sale of land, the land has been assessed as being anything other than of lower relative environmental, social or cultural value.
- c. The disposal would only be to enable personal or sole private use of the land, such as private property extensions or other developments that do not contribute to the wider strategic needs of Milton Keynes.
- d. If it is the grant of an easement, wayleave or temporary licence to occupy, any long-term detrimental impacts on the Trust's land would result or would not be adequately mitigated or compensated for.

The above unless there are, at the Parks Trust's Board's discretion, overriding reasons for the disposal to proceed apply.

14. All disposals of Green Estate:

- a. Shall only proceed after the assessment process set out above has been carried out and it has been determined that the disposal is appropriate under the factors and criteria set out in the policy.
- b. Must be in accordance with the requirements of charity law. The Charities Act 2011 (as amended) requires that the terms of any disposal must be the best that can reasonably be obtained, to be determined through a valuation report from a suitably qualified designated advisor (as defined in the Act), and that the disposal is in the Trust's best interests. The selection of the advisor to undertake the valuation shall be by the Chief Executive or their delegated officer, the selection subject to the oversight of the Trust's Board.
- c. Shall be subject to approval by the Trust's Board, relevant sub-committee or relevant authorised person as per the Trust's Delegation of Authority Matrix and Power of Attorney scheme.

15. At the Board's discretion, a portion of any receipt from a Green Estate disposal may be allocated to the Environmental Gain Fund, which will be applied by the Trust to fund projects that will enable delivery of an overall environmental net gain. A Procedural Note for the application of the Environmental Gain Fund shall be adopted and kept under review by the Board.

Policy Review

This policy will be reviewed as and when changes arise or at five-year intervals on whichever is the earlier date. The policy will also be revised in the light of legislative and any organisational changes. Any revision shall be subject to the approval of the Parks Trust's Board.

References

Parks Trust Board meeting 26th June 2025. Minute MKPT11.25