
London Road Industrial Estate Football Ground

Committee considering report: Executive on 19 December 2019

Portfolio Member: Councillor Rick Jones

Date Portfolio Member agreed report: 5 December 2019

Report Author: Bill Bagnell

Forward Plan Ref: EX3844

1. Purpose of the Report

- 1.1 To consider the motion put to the Council that the London Road Industrial Estate (LRIE) football ground be reopened and its facilities re-instated to their previous condition.

2. Recommendations

- 2.1 The recommendations are:

- That the Council does not re-open the LRIE football ground.
- That the Executive proceeds with plans to open the ground as an informal area of grassland for general sports and recreational use until such time as the ground is required as part of the LRIE redevelopment.
- That the Executive approves a budget of £85,000 to appoint consultants to produce a new development brief and masterplan for the LRIE.
- That in the New Year consultants are appointed by competitive tender to review and plan the reprovision of football facilities elsewhere within Newbury.

3. Implications

- 3.1 **Financial:** The cost of converting the football pitch to an area of open grassland bound by a timber post and rail fence, including removal of the existing timber hoarding and chain link fence, will cost £30,000. Should the old clubhouse and changing rooms on the football ground be reopened by the council, immediate works of approximately £208,000 would need to be carried out before re-occupation of any structures. When operational as a football ground, the site generated a rent of £4,800 per annum for the Council.

In terms of bringing forward again regeneration of the LRIE, the Council has recently concluded a competitive tender process, using the Crown Commercial Services framework, to procure consultants to produce a new LRIE development brief and masterplan. Should the Executive approve their

appointment, the cost of producing a new LRIE development brief and masterplan will be £85,000. This cost will also include LRIE stakeholder engagement and high level advice on land assembly. This will be included in the Capital Strategy.

Related to the appointment of consultants to produce a new LRIE development brief and masterplan, is the appointment of consultants to review and plan the long term reprovision of football facilities elsewhere in Newbury. The scope of service is being drawn up and from there fee estimates arrived at. Once these are better known, officers in the new year will return to seek approval, based on fuller cost estimates, for the appointment of consultants to plan the reprovision of football elsewhere in Newbury.

3.2 Policy:

As a strategic aim, regeneration of the LRIE including the old football ground has been a publicly known Council plan since publication of the Newbury Vision 2025 in October 2005.

Relevant to LRIE regeneration proposals is the reference to the LRIE in the Housing Site Allocations Development Plan Document (HSA DPD) which was adopted by the Council in May 2017.

The HSA DPD refers to the LRIE as an “*Area of Regeneration*”. In the document’s supporting text, it states that: “*a key aspiration of the (LRIE) regeneration is to increase the type and level of employment opportunities on the site, including the potential to provide a high quality office environment to supplement current office provision in Newbury Town Centre and to attract inward investment. This would positively respond to the imbalance in employment uses identified within the adopted Core Strategy.*”

The wider site, both that within the protected employment area and that outside, has potential for mixed use development, including a mix of employment generating uses, and opportunities to provide residential development which could deliver additional homes in an attractive and sustainable environment within walking distance of Newbury town centre”.

In order to deliver on the above aspirations, known planning issues would need to be resolved in terms of the LRIE as a whole and specifically in terms of the football ground, inclusion of which is important in order to make regeneration proposals economically viable. Policy CS18 of the West Berkshire Core Strategy (2012) states “*Developments resulting in the loss of green infrastructure or harm to its use*

or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by”.

Paragraph 5.124 explains that for the purposes of this Core Strategy, green infrastructure is defined to include both publicly and privately owned outdoor sports facilities and Newbury Town Football Club is individually identified.

Informing the Council’s approach to the football ground is the Council’s recently approved Playing Pitch Strategy (PPS) which has been worked on in close co-operation with Sport England. The Council could attempt an outline application on the LRIE without considering re-provision of football facilities on the grounds that referral to the Secretary of State could result in the loss of the football ground being very substantially outweighed by the public benefit of regenerating the LRIE including housing. However, the Council is proceeding on the basis of securing a long term sustainable replacement football facility within Newbury.

The old LRIE football ground is not sustainable. Proposals based on a football ground capable of expanding to Step 5 have been reviewed with Sport England as part of the PPS. The PPS makes direct reference to the Council’s emerging Leisure Strategy which includes a commitment to relocating the football ground to a site which can be given on a long lease. A long lease will attract important external funding as the football club expands.

3.3 Personnel: None

3.4 Legal: The football ground is registered as an Asset of Community Value (ACV). On the point the Council decides to dispose of the asset as part of a financial transaction, the ACV status requires the Council to offer the asset to the registered ACV holder at commercial value and where the registered ACV holder has six weeks to declare an interest in purchasing the asset and thereafter six months in which to make a commercial offer. The Council is not obliged to accept the offer and thereafter may proceed with its plans. If the Council disposes of the asset and there is no financial benefit to the Council, the Council can proceed to dispose of the asset without offering it to the registered ACV.

3.5 Risk Management: Development of the LRIE will not be financially viable without inclusion of the football ground land. In order to make any outline planning application on the LRIE acceptable to Sport England as a statutory consultee, a plan to reprovide a football facility within Newbury must be

identified. This has already begun and where initial proposals are supported by Sport England.

3.6 Property:

The old clubhouse represents a cost liability of £485.00 per month where present security measures are based on 24hr call out cover to replace metal sheet hoarding as and when it is discovered to be damaged and or removed. It is advised this level of cover be reduced to general timber hoarding without 24hr call out cover. Whatever security measures are put in place, it should be noted the empty buildings will be vulnerable to arson due to the isolated location and the run down nature of the buildings and the original timber hoarding and chain link fencing which is old, much repaired and difficult to maintain. Potential demolition should now be a consideration. New fencing associated with conversion of the grassed pitch to a MUGA will not enclose and protect the former clubhouse and ancillary structures and which will continue to rely on the old existing security infrastructure.

4. Other options considered

- 4.1 To allow the football ground to be re-occupied. The football ground and associated facilities occupies approximately 20% of the developable land on the LRIE and where all other land on the LRIE is protected employment land. In order to financially support regeneration of employment land and where such development is financially far more challenging than residential development, a quantum of land within the LRIE must be found in order to deliver residential development which will financially support regeneration of employment land. Unless financial cost of redevelopment is not a consideration, regeneration of the LRIE is not possible without inclusion of the football ground land. Further to this relocating football within Newbury to a new site capable of being offered on a long lease represents an opportunity to create a sustainable site, capable of fully expanding to Step 5 and where the cost of such expansion can attract external funding.
- 4.2 To convert the former football pitch to a grass based multi-use games area (MUGA) with floodlighting and 4m high security fencing and hoarding similar to the existing degraded fencing at a cost of £130,000. This option will cost substantially more than conversion to a timber post and rail fenced area of simple grassland available for general public access and yet will achieve little more than the grassland timber post and rail option. During negotiations with Sport England over the Council's recently approved Play Pitch Strategy, it is clear the FA no longer has a long term interest in the former LRIE football ground now that sustainable football re-provision options, capable of reaching Step 6 or higher within Newbury, have been identified in the Play Pitch Strategy. As a result the £130,000 cost of conversion to a MUGA is seen as poor value and has been discounted as an option.

Executive Summary

5. Introduction / Background

- 5.1 In 2011 the Council began a process to see how it could regenerate the London Road Industrial Estate (LRIE) which remains an important Council strategic project first identified in 2005 within the then Newbury Vision 2025.
- 5.2 In 2012 a Strategic Feasibility Study was published which set out how the LRIE might be developed and which identified the need to include the football ground within any redevelopment. In the same year the Council began a process to see how the football club ground could be vacated and for football to be relocated elsewhere. Efforts focused on a move to Newbury Rugby Club where potentially football would be given its own pitch on a long lease, that key facilities such as parking and changing rooms could be shared and that external funding towards any upgrades would benefit both football and rugby.
- 5.3 By 2014 the Council had gone through a process where it had competitively selected a development partner to take forward regeneration on the LRIE. All developers who tendered for the LRIE redevelopment project did so on the basis the football ground would be available for redevelopment. This was reflected in the eventual development agreement signed in 2015 between St.Modwen and WBC.
- 5.4 Between 2012 and 2016 the Council pursued a number of relocation options for Newbury Football Club but which proved challenging without production of a West Berkshire Council Playing Field Pitch Strategy. The Council has worked closely with Sport England both in the production of its Playing Field Pitch Strategy and in particular in the context of defining how football can be moved out of the LRIE but retained within Newbury in a long term viable location
- 5.5 In June 2018 the football ground was vacated after a two year extension to the lease which terminated in June 2016. After the football ground was vacated, the Council conducted in July 2018 a condition survey of the clubhouse and related structures. This survey showed the buildings to be in poor condition and where buildings could not be re-occupied without immediately carrying out substantial mechanical and electrical works, the cost of which will greatly exceed the cost of converting the old football pitch into an area of grassland for informal sport and recreational use.

6. Proposals

- 6.1 Plans to convert on a temporary basis the LRIE football pitch into an area of grassland simply bound by a timber post and rail fence go ahead and that the football ground is not reopened and returned to dedicated football use.
- 6.2 Consultants selected by competitive tender are now appointed to provide a new development brief and masterplan for redeveloping the LRIE, including the old football ground, which will allow the LRIE regeneration process to start again.

7. Conclusions

- 7.1 The football ground and associated facilities on the LRIE should not be re-occupied and facilities reinstated. Previous advice has stated that the LRIE cannot be

successfully redeveloped without the football ground land. To have the ground in occupation again by another tenant would be to prejudice the Council's ability to release the land for development which in turn would jeopardise redevelopment on the LRIE which remains an important Council aspiration.

- 7.2 The football clubhouse cannot be re-occupied without expending considerable sums of money and in the context of a building beyond economic repair. Converting the old football pitch into a grassland area for informal sports and recreational use will provide wider public access and at a modest cost.
- 7.3 The Council has a long term plan for re-providing a sustainable home for football within Newbury and which is supported by Sport England. The vacated site on the LRIE is not a long term sustainable site and where the FA no longer have a long term interest in the site. Long term re-provision plans will both benefit football and the Council as landlord.
- 7.4 The Council is still committed to regenerating the LRIE. On the basis the LRIE cannot be redeveloped without using the football ground land, it is logical for the Council to now appoint again consultants to produce a new development brief and masterplan and which will include the old football ground in proposals

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Finance & Property
Service:	Property Services
Team:	Projects
Lead Officer:	Bill Bagnell
Title of Project/System:	London Road Industrial Estate Redevelopment
Date of Assessment:	15 th October 2019

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</p>	<input type="checkbox"/>	X
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	X
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	X
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	X
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	X
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	X
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	X

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:***
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;***
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:***
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;***
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;***
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.***
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.***
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”***

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine and whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	That the old London Road Industrial Estate (LRIE) football ground pitch be opened for general public use as a grass based 'multi-use games area' and that the football ground is not reopened for exclusive use as a football ground. The ground closed June 2018.
Summary of relevant legislation:	
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Bill Bagnell
Date of assessment:	15 th October 2019

Is this a:		Is this:	
Policy	No	proposed	No
Strategy	Yes	Already exists and is being reviewed	Yes
Function	Yes	Is changing	No
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To bring back into public use the old grass pitch on the former football ground on the LRIE until such a time as when the land is required for redevelopment.
Objectives:	To convert the old grass pitch into a grass based multi-use games area
Outcomes:	That the old grass pitch on the LRIE football ground will for the first time be open for general public use
Benefits:	Public health benefits for a wider group of the local population on an asset that would otherwise remain unutilised.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race,

Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	Not effected	
Disability	Not effected	
Gender Reassignment	Not effected	
Marriage and Civil Partnership	Not effected	
Pregnancy and Maternity	Not effected	
Race	Not effected	
Religion or Belief	Not effected	
Sex	Not effected	
Sexual Orientation	Not effected	
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
The old football ground on the LRIE has been shut since June 2018. Proposals will mean the asset is open again to now a wider number of sports pitch users other than football.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
The old football ground on the LRIE has been shut since June 2018. Proposals will mean the asset is open again to now a wider number of sports pitch users other than football.	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name:

Date:

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.