
Newbury Sports Ground – Joint Land Deal

Committee considering report:	Executive
Date of Committee:	29 April 2021
Portfolio Member:	Councillor Howard Woollaston
Date Portfolio Member agreed report:	20 April 2021
Report Author:	Paul Anstey and Matt Pearce
Forward Plan Ref:	EX4010

1 Purpose of the Report

- 1.1 To provide a summary of the consultation and engagement process on the provision of a new sports ground at Newbury Rugby Club (NRC).
- 1.2 To update the Executive on the outcome of the negotiations with NRC and to enter into various land agreements with the Club.

2 Recommendations

- 2.1 That the Executive resolves to:
 - (1) Approve the draft Agreement for Lease and its appendices including the draft Lease and associated draft agreement with the Newbury Rugby Club in relation the Sports Ground provision at the site (as detailed in the Part 2 Report);
 - (2) Delegate authority to the Service Director of Strategy & Governance in consultation with the Service Director of Communities and Wellbeing to enter into agreement for lease and any other agreements including any such amendments that are necessary and in line with the agreed Heads of Terms; and
 - (3) Approve the allocation of funds (as detailed in the Part 2 Report)

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are both capital and revenue implications as a result of this report. The details of which are laid out in the Part 2 report. These will be dependent on the future negotiations with NRC.

<p>Human Resource:</p>	<p>There are HR implications as a result of this report. These will be dependent on the future negotiations with Newbury Rugby Club.</p>
<p>Legal:</p>	<p>Subject to approval from the Executive, the Council will enter into various legal agreements with NRC which are detailed in the Part 2 report. This includes the Heads of Terms, draft agreement for lease and draft joint use agreement.</p>
<p>Risk Management:</p>	<p>The project is being overseen by the Newbury Sports Ground Project Board, which reports into the Culture and Leisure Programme Board (CLPB). With the negotiations concluded the following key risks remain:</p> <ul style="list-style-type: none"> - Failure to deliver a sports ground in Newbury i.e. doing nothing has significant strategic and reputational risks i.e. we have committed to a project by virtue of the approved Playing Pitch Strategy (jointly with Sport England (SE) and sport governing bodies); - Financial overspend (as detailed above with mitigation to include in both the capital programme and MTFS); - Failure to get planning permission; - Inability to generate estimated levels of income from the site - Unresolvable surface water sewer problems; - Failure to get support for the project from either or all of SE, Rugby Football Union (RFU) or the Football Association (FA); and - Completion of all appropriate site surveys and legal searches on the land in question
<p>Property:</p>	<p>The overall negotiation for the preferred option includes a parcel of land on the NRC site, agreed with them as the best option for a new sports ground. This would work alongside their existing rugby operations and have the Council operate as a tenant on their land. The summary details are:</p> <ul style="list-style-type: none"> - Lease of land; - Specific site area includes a pitch, car parking and space for ancillary buildings as required by the sport's governing bodies; and - All the land is within the current footprint of NRC of which they own the freehold.
<p>Policy:</p>	<ul style="list-style-type: none"> - This project is pursuant to the objectives laid out in the Executive approved Playing Pitch Strategy. - Key element of the draft Leisure Strategy.

	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	✓			A well designed sports ground in Newbury will improve the sport and leisure opportunities for residents with disabilities. The previous report had a completed impact assessment with the intended benefits.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		None
Environmental Impact:			✓	This is a construction project so there will be some carbon emissions as a result. This will be minimised through appropriate construction methods and the project will seek to reduce life time carbon footprint. Options for solar PV will be explored.
Health Impact:	✓			There will be more year round sport and leisure opportunity for the community that will provide a range of health and wellbeing benefits.
ICT Impact:		✓		None
Digital Services Impact:		✓		None
Council Strategy Priorities:	✓			This is a key piece of local infrastructure and delivers against the Council Strategy, Health and Wellbeing Strategy and the Leisure Strategy.
Core Business:	✓			This project will improve the overall sport and leisure offer and build community relations with key sport partners.

Data Impact:		✓		None
Consultation and Engagement:	<p>Cllr Woollaston, Cllr Mackinnon</p> <p>Nick Carter, Joseph Holmes, Andy Walker, Andy Sharp, Matt Pearce, Sarah Clarke, Shiraz Sheikh, Sarah House, Susan Halliwell, Jim Sweeting, Karen Felgate, Jon Winstanley and Paul Hendry.</p>			

4 Executive Summary

- 4.1 This report follows the Newbury Sports Ground Update paper that was considered and approved by the Executive on 14 January 2021. It summarises the Council position following conclusion of negotiations with NRC and identifies the latest financial implications.
- 4.2 The process has focussed on meeting the requirements of the Playing Pitch Strategy, maximising the opportunity for long term financial sustainability and community accessible high quality facilities.
- 4.3 These will be important factors for SE and the relevant sport governing bodies to consider during the planning process. The views of the football community have also been at the heart of the finalised deal, looking to future proof the site and enable a team to play in higher divisions than previously targeted
- 4.4 The public consultation and engagement which has taken place shows a broadly positive response to the proposal.

5 Supporting Information

Introduction

- 5.1 The Council has continued to develop its approach to meeting the objectives of the Playing Pitch Strategy that was approved by the Executive in February 2020. This paper follows the reports considered and approved by the Executive on 14 January 2021 to proceed negotiations with NRC.
- 5.2 The project to construct a Sports Ground in Newbury is planned to be delivered by the end of March 2022. There are notable risks to this schedule and mitigation measures are in place.

Background

- 5.3 A report was commissioned to establish whether it was feasible to construct a Step 6 Community Ground and 3G playing Pitch on NRC's site. The findings of the report suggested it was and the Council have worked with club representatives to establish whether heads of terms could be agreed upon.

5.4 NRC engaged their membership and the Council asked for feedback through an online survey and a series of online meetings with interested parties. Given the confidential nature of the negotiations the engagement focussed on the general principles of the proposals.

Consultation and Engagement

5.5 The Council conducted a survey, there were 349 responses and the full results of which are at **Appendix D**.

5.6 The results are seen as broadly supportive and if results are collated on a supportive vs not supportive principle (excluding the neutral responses) the summary is as follows:

(a) How far do you agree with our proposal to provide a new sports ground at NRC?

Supportive 53.1% Not Supportive 35.4%

(b) How far do you agree with our proposal that the new sports ground be a Step 6 facility?

Supportive 46.1% Not Supportive 27.4%

(c) How far do you agree that different sports sharing a facility is a good idea?

Supportive 64.1% Not Supportive 21.7%

5.7 The Council also engaged with the public through a webinar, held on 16 March, which presented the survey responses and gave people an opportunity to ask questions about the proposals. This was well received and a helpful range of topics were discussed. Officers have compiled all the questions and a set of FAQ's will be published on the Council website. This process will inform how a planning application is compiled and presented to reflect the issues that are important to the community and those neighbouring residents.

5.8 It was clear from the football community that they were aiming for a more ambitious site plan which would be able to expand a rapidly promoted senior team in the Newbury area. The feedback was used to shape negotiations and the revised site plan provides greater potential in future for higher level football. The aim is now to ensure that the newly built facility has the ability to achieve a Step 4 facility in the future which would mean being able to play in the Southern Football League (Thatcham FC for example).

Key elements of the negotiations included

5.9 NRC highlighted three key elements for them to proceed:

(a) The Annual Rent;

(b) The Lease Premium payable to the Landlord (the Rugby Club). This will be used by the Rugby Club to carry out projects of improvement and repair to enhance the overall site and maximise the benefit to the community which includes floodlight upgrades (reducing light pollution) and new seating for the Rugby Club; and

Newbury Sports Ground – Joint Land Deal

- (c) Newbury Club Membership – benefits (Playing time on Sundays, weekday training, improved youth and mini rugby provision, revenue opportunities through the clubhouse).

5.10 The Council had to evaluate the Rugby Clubs key elements against its own objectives:

- (a) Playing Pitch Strategy compliance i.e. Step 6 facility with potential to grow to Step 5;
- (b) Net revenue cost of the lease and operations (income potential to offset costs and sharing staff costs);
- (c) Total capital cost of development and any premium;
- (d) Feedback from public consultation and engagement e.g. football community aspirations to see rapid promotion for senior teams and youth football provision;
- (e) Likely feedback from SE and wider sports governing bodies as part of the planning process;
- (f) Planning application requirements and risks associated with consultation, decision making process e.g. conditions; and
- (g) Awareness of alternative locations for sports ground to be located should negotiations fail

Finance

5.11 Over the course of negotiations and public engagement there was clear feedback that if the site plan could be reconfigured and enlarged in specific locations, it may be possible to enhance the sports ground capacity. This is a key feature of the ground grading system that the Council was keen to maximise, in order to future proof the site should a football team be promoted several times through the leagues and bring additional benefits to the community.

5.12 The investment of capital will provide for one-off construction costs and improving the sport infrastructure on the site. It will also provide opportunities for the progression through to Step 4 (two tiers higher than originally proposed).

5.13 The Sports Ground construction estimates have grown to allow for a larger club house to accommodate a 30 person capacity function room which was not in the original specification. Any investment in the clubhouse size/capacity will have a positive effect on the running costs.

Priority Use

5.14 Agreement has been reached with NRC on providing a proportion of peak hours for priority use that will align with their planning season of September to April and provide sufficient availability for other sports and clubs to utilise the site.

5.15 It would be part of the discussions with SE and the RFU to show that rugby playing time was suitably protected (given the previous use of the playing pitch was exclusively

for rugby). This left the whole off-peak booking season for holiday clubs and other sports which have different playing seasons.

Heads of Terms, the Agreement for Lease and the Joint Use Agreement

- 5.16 The agreed version of the Heads of Terms and the draft Agreement for Lease are included with Part 2.
- 5.17 The Joint Use Agreement will form the basis of a more detailed understanding of the operational requirements and shape the long term relationship between the Council and the Club. This will include a fully worked usage schedule that details how the available time will be split amongst the sports teams and community use. SE, FA and the RFU will all be engaged in the completion of this process.

Preparations for the Planning Application

- 5.18 The Consultants (SSL) are preparing a package of documents to enable a planning application in May.
- 5.19 A finalised site plan, surveys, traffic management plan and layout of buildings and equipment will be agreed as part of agreements with the Rugby Club.
- 5.20 This process has identified a series of risks and these are all considered to be manageable:
- (a) Environmental impact on neighbouring properties (sensitive design, build and planting will address the majority of these);
 - (b) Cars, traffic and parking (the site plan enables sufficient parking and a comprehensive traffic management plan will address all these issues); and
 - (c) The build process environmental considerations (on-site solar provision, low carbon options for the design and build process will help reduce the overall carbon footprint).

Proposals

- 5.21 To approve as per the Recommendations.

6 Other options considered

- 6.1 As detailed in the previous report, the Council has reviewed options for development of a Sports Ground at different sites. Each were deliverable to a varying degree but have been discounted.
- 6.2 Doing nothing at this stage is not considered a viable option due to the Council's ongoing commitment to deliver the objectives of the Playing Pitch Strategy.

7 Conclusion

- 7.1 The Council has concluded the process and engaged with a range of interested parties to produce this set of proposals. The proposals meet the Councils objectives and strike a balance between financial implications and overall community benefit.

8 Appendices

- (a) Sports Ground Consultation Results

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

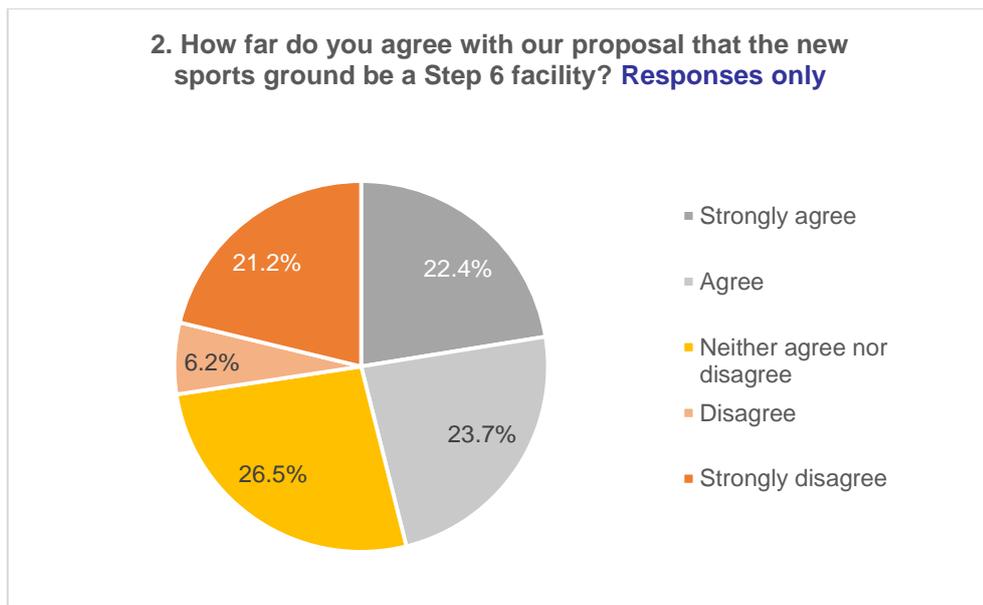
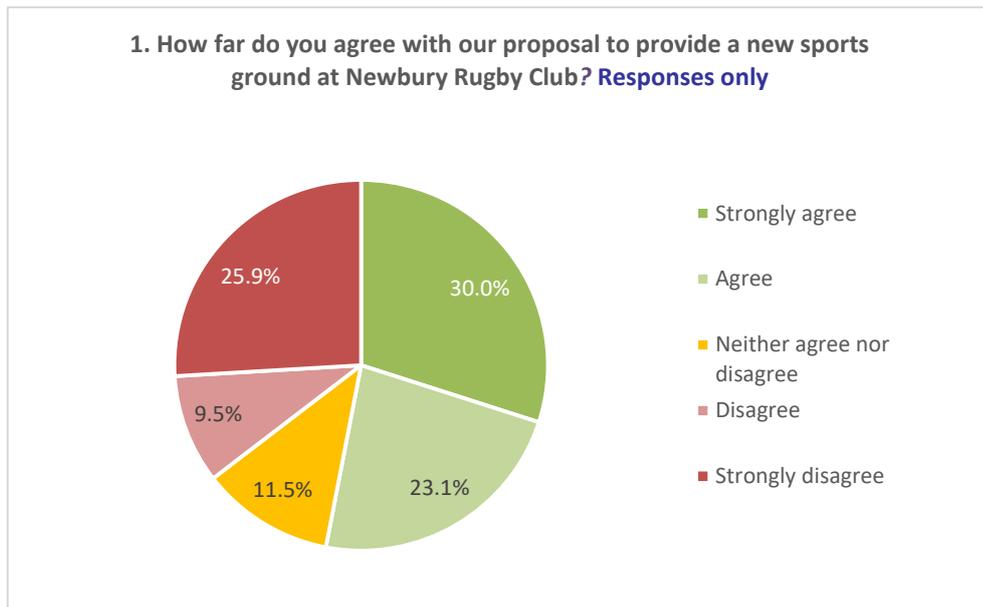
Officer details:

Name: Matt Pearce
Job Title: Service Director Communities and Wellbeing
Tel No: 01635 503434
E-mail: matthew.pearce1@westberks.gov.uk

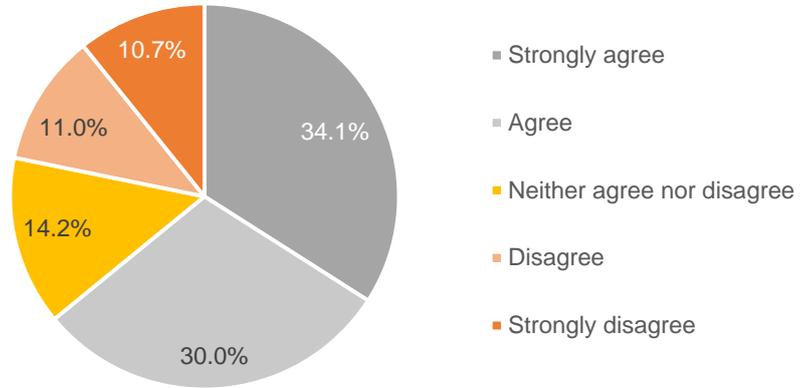
Document Control

Document Ref:		Date Created:	
Version:		Date Modified:	
Author:			
Owning Service			

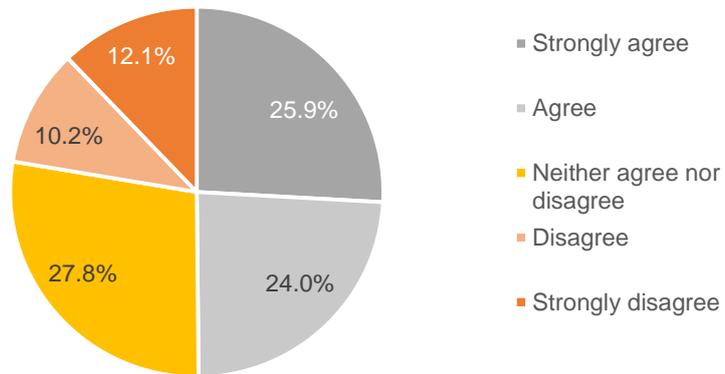
Appendix - Responses from community survey



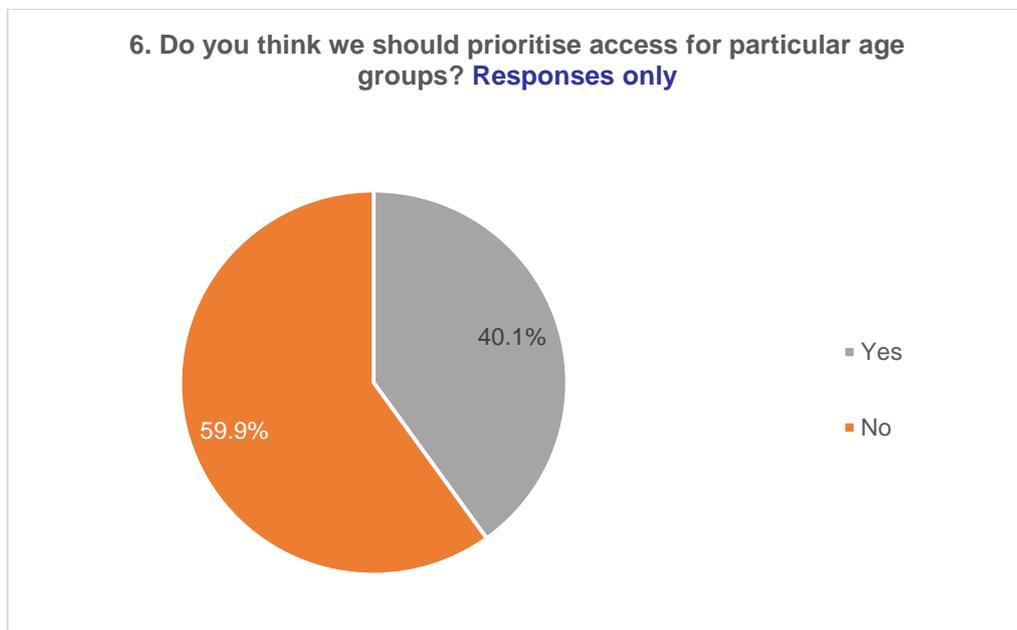
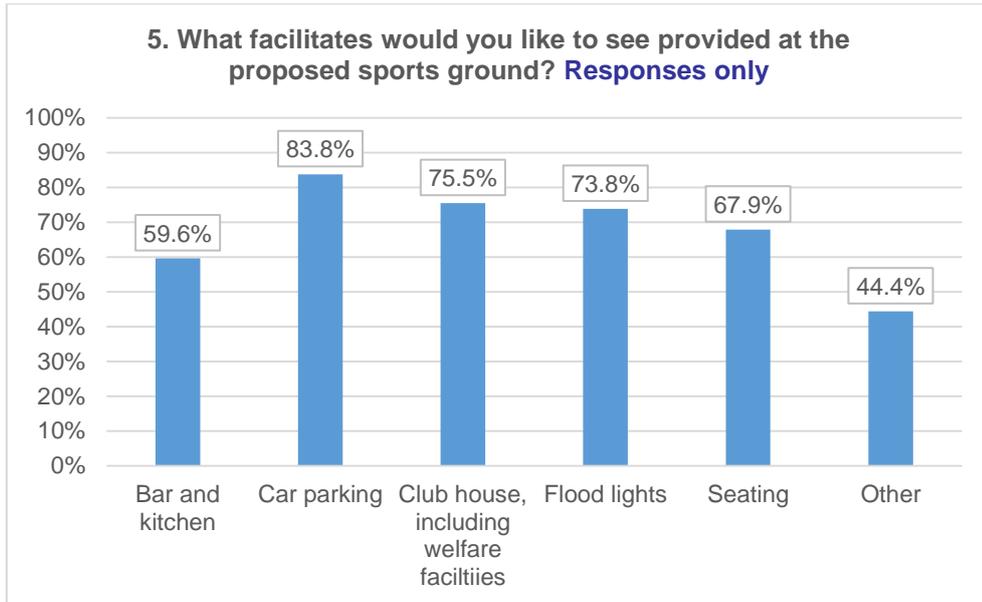
3. How far do you agree that different sports sharing a facility is a good idea? Responses only



4. How far do you agree with our proposal that the playing pitch constructed at the sports ground is artificial? Responses only



Newbury Sports Ground – Joint Land Deal



7. Do you think this proposal will improve your opportunities to participate in sport and physical activity?
Responses only

