
Response to the Council Motion relating to the former football club site at Faraday Road, Newbury

Committee considering report:	Overview and Scrutiny Management Commission
Date of Committee:	31 August 2021
Portfolio Member:	Councillor Ross Mackinnon
Date Head of Service agreed report: <i>(for Corporate Board)</i>	11 August 2021
Date Portfolio Member agreed report:	19 August 2021 (LRIE Project Board)
Report Author:	Katharine Makant
Forward Plan Ref:	OSMC

1 Purpose of the Report

- 1.1 To provide the Council's response to the motion submitted in the name of Councillor Lee Dillon at the Council meeting on 8th July 2021, namely:

This Council notes that:

Core Strategy policy 18 (CS18) defines the current football club site at Faraday Road as Green Infrastructure (GI)

That CS18 requires that 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

That the recent West Berkshire Council Playing Pitch Strategy (approved Feb 2020) highlights that 'there is a significant deficit of 3G Artificial Grass Pitch (AGP) provision in the area, with only one full sized 3G pitch available to the community (at Park House School) and a requirement to increase provision. There is a deficit of 7 full sized 3G AGP's currently, based on FA calculations of 38 teams per 3G AGP.

Council therefore resolves that:

The Executive have acted outside of the Council's existing policies in relation to Green Infrastructure.

That given the requirement to replace green infrastructure with 'a new one of equal or greater size and standard' means that the new facility being promoted at Newbury Rugby

club is not a replacement facility for the current football club, but that it does help in reducing the deficit of AGP's in the district.

2 Recommendation

- 2.1 That the motion is rejected on the basis that, as no decision has been made on the former football club site at Executive, it cannot be said that the Executive has acted outside of the Council's existing policies in terms of Green Infrastructure. The decision on planning application ref 20/02402/REG3 and on the recently submitted planning application for the Sports Hub at Newbury Rugby Club is for the appropriate Planning Committee, not Executive, and Overview and Scrutiny Management Commission is not able to review or scrutinise decisions taken by Planning Committees.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are ongoing costs associated with the security arrangements for the derelict clubhouse and fencing around the former football ground. These have been increased by the recent fire which has destroyed part of the building.
Human Resource:	N/A
Legal:	There is no substantial application for LRIE or development proposal at present. Any planning application will be considered by an appropriate planning committee. Any challenge to the decision made by the planning authority will be subject to the planning regime.
Risk Management:	The former clubhouse is now damaged by fire, making it unsafe. In order to mitigate risk of injury to those trespassing on the site, it would be prudent to demolish the building as soon as possible.
Property:	The former football club site is wholly owned and occupied by the Council and forms part of the London Road Industrial Estate which is the subject of regeneration proposals by the Council.
Policy:	Council Strategy 2019-2023 and the 2012 Core Strategy. Further details are set out in the report.

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	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?	X			The proposed demolition of the Clubhouse and open space works will remove a dangerous structure and facilitate a playing field temporarily available to everyone for any sport, not just football.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	X			The proposed demolition of the Clubhouse and open space works will remove a dangerous structure and facilitate a playing field temporarily available to everyone for any sport, not just football.
Environmental Impact:	X			Up to date surveys have been carried out to accompany the planning application to ensure all environmental legislation has been complied with.
Health Impact:	X			The proposed demolition of the Clubhouse and open space works will remove a dangerous structure and facilitate a playing field temporarily available to everyone for any sport, not just football, leading to positive health outcomes.
ICT Impact:		X		Not applicable
Digital Services Impact:		X		Not applicable
Council Strategy Priorities:	X			The redevelopment of the London Road Industrial Estate is a key priority for the Council and the former football ground is a crucial part of these proposals.

Core Business:	X			The proposed demolition of the Clubhouse and open space works will remove a resource-intensive dangerous structure and create a temporary playing field, adding to the recreation facilities available to the general public.
Data Impact:		X		Not applicable
Consultation and Engagement:	LRIE Project Board Corporate Board Bill Bagnell – Manager, Special Projects Shiraz Sheikh – Service Lead – Legal and Democratic Services Bryan Lyttle – Planning Policy Manager Paul Martindill – Interim Consultant (Leisure)			

4 Background

- 4.1 On 8th July 2021, Councillor Lee Dillon tabled a motion to Council stating that the Executive has acted outside of the Council’s existing policies in relation to the current football club site at Faraday Road and Green Infrastructure policies and that the new facility being promoted at the Newbury Rugby Club ground is not a replacement facility.
- 4.2 The old football ground forms part of the council-owned London Road Industrial Estate at Faraday Road, the development of which is seen as a key medium term aspiration for West Berkshire Council. This aspiration features in both the 2019-2023 Council Strategy and in the adopted Core Strategy. Area Delivery Plan Policy 2 for Newbury includes within the section on the Town Centre the following statement:
- Regeneration of the Faraday Road area immediately to the east of the town centre for mixed use and office developments will create additional jobs and improve the environment of this part of the town. Permission has been granted for an office building of over 7,000 sq.m, a restaurant and hotel.*
- 4.3 The lease on the football ground ended in June 2018 at which point the Council gained vacant possession. In the following July a condition survey was carried out which demonstrated the old clubhouse could not be reoccupied without carrying out significant immediate remedial works at considerable expense - the building now represents a serious safety risk, particularly since the recent fire, and the Council is having to fund on-going security maintenance costs.
- 4.4 In 2020, West Berkshire District Council (WBDC) submitted planning application 20/02402/REG3 to demolish built structures associated with the old football ground on

the London Road Industrial Estate (LRIE) and make changes to the immediate environment. The changes included making the grass pitch available for general public recreational use until the land is required for redevelopment and additional car parking spaces constructed on the footprint of the former clubhouse, subject to consent. However, Sport England submitted a holding objection on the grounds that it did not comply with their exception policies regarding alternative provision.

- 4.5 In 2018 the Council, working closely with Sport England and other sports governing bodies, commissioned a district wide Playing Pitch Strategy (PPS) which was completed at the end of 2019 and adopted in February 2020. The PPS contained a commitment by the Council to re-provide the football and playing pitch facilities which would be lost once the site was redeveloped in line with the Council's aspirations for LRIE and in line with the planning policies set out in the 2012 Core Strategy. Since then, there have been numerous discussions with Sport England on what form this re-provision should take, culminating in a high level meeting between WBDC senior members and officers, and representatives of Sport England on 13th July.
- 4.6 As a result of this meeting, Sport England were reassured as to the Council's intentions regarding re-provision and formally withdrew the holding objection to planning application 20/02402/REG3 in an email dated 20th July 2021. The withdrawal email attached an email to Sport England from Cllr Lynne Doherty setting out the anticipated timetable for the three planning applications (Sports Hub at Newbury RFC, alternative pitch in Newbury and outline application for LRIE), assuming the relevant planning applications were approved. This information was circulated as part of the Planning Officer's update report prior to the Committee meeting. The timetable set out in Cllr Doherty's email is reproduced below, with updates in italics – it should be noted this timetable is subject to the relevant planning approvals:
- August 2021 – Derelict former clubhouse and associated structures at Faraday Rd are demolished and work starts to remove and replace sections of fencing and make the playing field available to the public for general recreational sport on a first come first basis as per planning application 20/02402/REG3 (*planning application will now be considered by District Planning Committee on 9 September*);
 - Before the end of summer 2021 – Planning application submitted for the new Sports Hub at Newbury Rugby Club; (*application submitted on 19 August*)
 - Before end December 2021 – Planning application submitted for new playing pitch in Newbury;
 - December 2021 - Recreation space for community use at Faraday Rd opens to the public;
 - March 2022 – New Sports Hub opens at Newbury Rugby Club;
 - 2022 – Outline planning application submitted for London Road Industrial Estate
 - Within 18 months of planning approval for new playing pitch – pitch opens to the public
 - 2023 – Work starts on site for redevelopment of London Road Industrial Estate

5 Other options considered

- 5.1 The Council could opt to approve the Motion but this is not recommended for the reasons set out in the report.

6 Conclusion

- 6.1 The London Road Industrial Estate regeneration is a Council priority which was clearly stated in the Council Strategy 2019-23 and is included in the adopted 2012 Core Strategy within Area Delivery Plan Policy 2 for Newbury. The Council has engaged with a range of stakeholders including the football community over a number of years and has shown public commitment to secure alternative provision for local football which meets the objectives of the PPS. A planning application for a new football facility at the Newbury RFC ground was submitted on 19 August and the Council is currently progressing options for the provision of an alternative grass pitch. The anticipated timetable is as set out at paragraph 4.6 above and Sport England is now satisfied that both these facilities are expected to be in place by the time the former football ground at Faraday Rd is required for redevelopment.
- 6.2 In the meantime, the fire-damaged clubhouse and outbuildings are not suitable for reoccupation regardless of the way in which the remainder of the site is used. It is necessary on health and safety grounds and therefore in the wider public interest to demolish the remainder of the building as soon as possible to mitigate any risk of injury or harm. Once this is done, the former pitch, currently closed to the public, would be opened up for recreational use as a playing field until such time that the land is required for redevelopment. The use of the site for outdoor recreation including football (i.e. Green Infrastructure) will not change under the proposals set out in planning application 20/02402/REG3.
- 6.3 The motion put forward by Cllr Dillon states that the Executive has acted outside of the Council's existing policies in relation to the current football club site at Faraday Road and Green Infrastructure policies and that the new facility being promoted at the Newbury Rugby Club ground is not a replacement facility. However, as no decision has been made on the former football club site at Executive, it cannot be said that the Executive has acted outside of the Council's existing policies in terms of Green Infrastructure. The decision on planning application ref 20/02402/REG3 and on the soon to be submitted planning application for the Sports Hub at Newbury Rugby Club is for the appropriate Planning Committee, not Executive, and Overview and Scrutiny Management Commission is not able to review or scrutinise decisions taken by Planning Committees.
- 6.4 Therefore the proposal is to reject the motion.

7 Appendices

- 7.1 Appendix A – Equalities Impact Assessment
- 7.2 Appendix B – Data Protection Impact Assessment

Corporate Board's recommendation

To reject the motion for the reasons outlined in the report.

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

Wards affected: *(add text)

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2			

Appendix A

Equality Impact Assessment (EqIA) - 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 whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To reject a Council Motion that states that a decision relating to the former football ground at Faraday Rd, Newbury is contrary to Council policy
Summary of relevant legislation:	N/A
Does the proposed decision conflict with any of the Council's priorities for improvement? <ul style="list-style-type: none"> • Ensure our vulnerable children and adults achieve better outcomes • Support everyone to reach their full potential • Support businesses to start develop and thrive in West Berkshire • Develop local infrastructure including housing to support and grow the local economy Maintain a green district • Ensure sustainable services through innovation and partnerships 	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please indicate which priority and provide an explanation
Name of Budget Holder:	Katharine Makant
Name of Service/Directorate:	Planning and Regulation
Name of assessor:	Katharine Makant
Date of assessment:	23/7/2021
Version and release date (if applicable):	

Is this a ?		Is this policy, strategy, function or service ... ?	
Policy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	New or proposed	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Strategy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Already exists and is being reviewed	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Function	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is changing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Service	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

(1) What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To facilitate the redevelopment of the London Road Industrial Estate
Objectives:	To contribute to the economic success of West Berkshire and the creation of an improved gateway into Newbury

Outcomes:	The next stage of the redevelopment will be possible
Benefits:	The future economic success of West Berkshire

(2) Which groups might be affected and how? Is it 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	N/A	
Disability	N/A	
Gender Reassignment	N/A	
Marriage and Civil Partnership	N/A	
Pregnancy and Maternity	N/A	
Race	N/A	
Religion or Belief	N/A	
Sex	N/A	
Sexual Orientation	N/A	

Further Comments:

N/A

(3) Result

Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?

Yes No

Please provide an explanation for your answer:

Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?

Yes No

Please provide an explanation for your answer:

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 EqlA 2.

If an EqlA 2 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 EqlA guidance and template – <http://intranet/index.aspx?articleid=32255>.

(4) Identify next steps as appropriate:	
EqlA Stage 2 required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner of EqlA Stage Two:	
Timescale for EqlA Stage Two:	

Name:

Date:

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.

Appendix B

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:	Place
Service:	Development and Regulation
Team:	Economic Development
Lead Officer:	Katharine Makant
Title of Project/System:	Response to Opposition Motion relating to the former football club site at Faraday Road, Newbury
Date of Assessment:	23/7/2021

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><i>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”</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Yes	No
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?		
Will your project/system involve CCTV or monitoring of an area accessible to the public?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using the data you collect to match or cross-reference against another existing set of data?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using any novel, or technologically advanced systems or processes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised		

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.