
Future Use of Faraday Road Sports Pitch – Summary Report

Committee considering report:	Operations Board on 4 October 2018
Portfolio Member:	Councillor Jeanette Clifford
Date Portfolio Member agreed report:	
Report Author:	Paul Hendry, Jim Sweeting, Bill Bagnell
Forward Plan Ref:	n/a

1. Purpose of the Report

- 1.1 To update Corporate Board on progress made to date on the future management and rationalisation of the Newbury football ground as a community asset. Proposals are an interim measure until the football club land is required as part of the redevelopment of London Road Industrial Estate (LRIE).

2. Recommendations

- 2.1 Corporate Board notes progress made to date and the financial costs, both capital and ongoing, for which no provision has yet been made.
- 2.2 That Corporate Board makes the necessary financial provision for these costs.

3. Implications

- 3.1 **Financial:** One off infrastructure works to make the football ground safe and appropriate for public use will cost £88,000. Annual maintenance and security is estimated at £11,500 and annual income is estimated at £12,500. Full cost details are set out in the table at Appendix C.
- 3.2 **Policy:** The National Planning Policy Framework was published in July 2018 and paragraph 97 is of particular importance. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) An assessment has been undertaken which has clearly shown the open space buildings or land to be surplus to requirements; or
 - b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

In addition, the Councils' own policy on Green Infrastructure (Policy CS18) also 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.

The Council will have to demonstrate that it has investigated replacement provision.

- 3.3 **Personnel:** The operation of the proposed MUGA facility can be operated utilising current staffing resources.
- 3.4 **Legal:** Sport England are of the view that league sites requiring stands and enclosures must be protected or re-provided regardless of present and historic usage. This body may object to the proposed redevelopment of the site and proposed use of the land as a Multi-Use Games Area (MUGA). However, any objection from Sport England will not be as a statutory consultee since conversion to a MUGA is not a Planning matter.
- 3.5 **Risk Management:** A number of potential risk matters will be resolved if the Council achieves a Planning consent to demolish the clubhouse and remove structures related to its former use. Sport England are very likely to challenge the decision of the loss of a football amenity without adequate replacement of the amenity equating to the facilities required by a Step 5 football club. There is also local opposition to the loss of this football facility. Opposition is centred on the Newbury Community Football Group who successfully requested the football ground be registered as an Asset of Community Value (ACV). This status will add to the potentially difficult PR associated with the Council seeking permission to demolish the existing clubhouse.
- 3.6 **Property:** If it is not readily possible to demolish the clubhouse, this property will have to be boarded up and kept secure, representing a possible on-going cost burden. The site can then be managed as a MUGA, available to the public on a pre-booked basis.
- 3.7 **Other:** Managing the site as a MUGA provides a venue for other sporting activities which are less widely available elsewhere. Devolved ownership/management of Northcroft and Goldwell Parks should not be progressed until the issues surrounding Newbury Football Club have been resolved and all the necessary planning permissions obtained. This site may be a possible location for a replacement football facility.

4. Other options considered

- 4.1 Not to make available again the grass playing field and for the site to be moth balled until it is required for redevelopment as part of the London Road Industrial Estate regeneration. (It should be noted that a football community interest group has submitted an application to redevelop the football ground, including the site of the former Faraday Road Council offices. Acting as land owner, this application does

not align with the Council's redevelopment proposals and where this land is required for housing to pump prime redevelopment of the whole LRIE. However, the application will be determined on its own merits but where the Council is freeholder and not obliged to facilitate delivery of proposals).

Executive Summary

5. Introduction / Background

- 5.1 In 2003 the Newbury Vision 2025 was published in which the redevelopment of the London Industrial Estate (LRIE) was cited as a key strategic aim. Redevelopment assumed the inclusion of the football ground and as a result the Council explored ways of moving the football ground but on the understanding that such re-provision would have to be at no cost to the Council. The intention to redevelop the LRIE, including the football ground, has been publicly restated at subsequent Newbury Vision Conferences. The Council has neither readily available land nor the resources to purchase land to re-provide a comparable football ground. Several options were looked at but none proved deliverable.
- 5.2 In 2011 West Berkshire Council commissioned Strutt & Parker to carry out a strategic feasibility study to see if redevelopment of the LRIE was commercially viable and how such redevelopment might be achieved. The feasibility study confirmed that redevelopment was viable but that the football ground for housing would be an important pump primer to deliver regeneration. Strutt & Parker stressed that the Council should not grant any lease extensions on the LRIE and should seek to achieve vacant possession of the football ground before any development proposals are brought forward in the future.
- 5.3 In 2015 the Council entered into a development agreement with St.Modwen after an extensive procurement exercise. This appointment reinforced the need to achieve vacant possession on the football ground before development proposals could be submitted to Planning.
- 5.4 Ways to re-locate Newbury Football Club were looked at. Two strong options were relocation to land at Newbury Rugby Club and a ground share at Thatcham Town Football Club. The former proved undeliverable when Newbury Rugby Club entered into development option agreements with other parties and the latter was rejected by Newbury Football Club. Another option considered was relocation to agricultural land owned by the Greenham Trust but this represented an insurmountable planning challenge. The Council is not in a position to acquire land or reallocate land in its possession to re-provide club facilities. However, the Council will continue to look at ways in which replacement facilities might be delivered.
- 5.5 In the intervening period Newbury Town Football Club (NTFC) has remained at the ground but on the understanding that a new long lease would not be created. After a modest lease extension, the football club left the grounds in June this year.
- 5.6 The development agreement between St.Modwen and the Council has been the subject of a lengthy legal challenge which it is hoped will end in the Council's favour this year. This possibility reinforces the Council's decision not to grant a new football club lease. Vacant possession of the ground before submission of an outline application is a key aim of the development agreement with St.Modwen.
- 5.7 If West Berkshire Council wins the legal challenge, it will be sometime before any outline application for development proposals can be submitted to Planning and as a result the Council will make the current grassed football pitch available for general public/community sports use until such a time as when the land is required for

development. As a result the old football club stand and clubhouse are surplus to requirements.

- 5.8 West Berkshire Council commissioned 4Global to carry out a Playing Pitch Strategy for the district including a full assessment of current provision and current and projected demand for such facilities. This is an important study as it sets out whether demand outstrips supply in some sports and the importance of particular facilities.
- 5.9 In relation to football the assessments in the Newbury and Thatcham sub area identified an overall surplus of football pitches with community access. Taking account of peak time demand as defined by Sport England, there is a deficit of approximately 16 pitches in the district. This is based on a Sport England requirement that all adult matches are assumed to be played on Saturdays starting at 2:30 / 3pm. This may not be the case in the WBC area and this can only be proven or otherwise by recording events over a completed future season. If there is a genuine deficit, the football ground at Newbury will not appreciably help.
- 5.10 At the time of the assessment Newbury Town FC were regarded as a Step 5 club, a grading based on the level they played at within the Football Association structure. The Faraday Road site will be considered an important facility by Sport England who will wish to see it continued or be replaced with an alternative facility at the same level. The future proposed use of the football pitch itself will not involve any material changes to the grassed pitch and thus proposals will not require planning permission. As a result Sport England will not be able to object as a statutory consultee. However, it is possible Sport England may record their objections to proposals even though such objection cannot prevent the proposed use of the football pitch as an informal MUGA (multi-use games area) and where a maintained grass pitch will provide wider community use. Proposals do not involve tarmac or a synthetic surface.
- 5.11 The expiry of the lease of the land to Newbury Town Football Club presents an ideal opportunity for the Council to utilise the current sports pitch for wider community use. Having looked at the facility and considered various options the pitch area lends itself well to re-provision as a MUGA. MUGAs are designed for young children and adults, however it is probably teenagers and young adults who benefit from them the most. MUGA facilities play a vital role in communities by promoting exercise and improving health and wellbeing among its users.
- 5.12 The current football pitch surface is now under a basic sports pitch management regime and it will recover substantially from the recent drought over the coming months. There will need to be a period of restoration over the autumn period in advance of a full years use. Thereafter the surface will require a full sports pitch surface maintenance regime in order to keep it in good condition under increased usage at weekends. The revenue costs associated with the ongoing maintenance of the MUGA is set out at Appendix C.
- 5.13 The area surrounding the pitch cannot be considered safe until the buildings and stand have been secured and isolated off from the public using the MUGA. Subject to relevant consents, demolition of the old buildings may be an option. The present stand has been passed to Hungerford Town Football Club who have a planning consent to dismantle the stand. They propose refurbishing the stand and seeking a consent to re-erect it at Hungerford. Appropriate separation of future users of the

MUGA from the buildings and stand will be achieved by erecting 4m high chain link type fence. It should be noted that MUGA facilities almost always have high fencing surrounding the site in order to contain footballs and the activities of those using the facility. Suitable fencing examples are illustrated at appendix D. This type of fence will replace the current dilapidated solid timber hoarding fence which is also 4ms high. The capital costs associated with this fencing and associated works are approximately £85,000 (includes the boarding up of old clubhouse).

- 5.14 Most MUGAs are purpose built with an artificial surface permanently marked up for a particular suite of sports (for example tennis courts / netball cross pitch overlaid by football lengthways). This allows for constant use through the week and at weekends but limits sport according to the permanent markings. As the current proposal utilises an existing grass surface, sports usage here can be potentially for any purpose. However, it is proposed that any line marking on the grass should be limited initially to what we believe will be the most popular use – five a side football. Thereafter grass line marking might be varied according to future use demand. Very heavy usage may require occasional down time periods to allow the grass to recover. Additionally there will be times when the facility will have to close to allow for thorough seasonal maintenance. Good sports pitch care throughout the year will of course reduce the likelihood of excessive downtime. There are no proposals to replace the old floodlights which cannot be safely maintained and thus usage will be limited to daylight hours.
- 5.15 It is important the public understand proposals are based around an informal MUGA lest the public have unrealistic expectations based on MUGAs with an artificial surface.
- 5.16 The facility will be unmanned, therefore solutions will be found to allow individuals/groups to access the facility. One possible solution is Club spark, an IT system which allows venues to be booked and access provided using unique access codes (as in operation at Victoria Park tennis courts). Officers are evaluating the feasibility of this solution and the costs and will progress this if considered suitable. In the meantime a fall back system is available using a combination padlock and a deposit.
- 5.17 Some form of booking system (as opposed to random free access) will be required in order to maintain site security.

6. Proposals

- 6.1 As set out above, the football club stand and clubhouse are no longer required as part of plans to make the grassed pitch available for general public use.
- 6.2 The existing clubhouse has been recently condition surveyed. The report shows that the present building is beyond economic repair where a 1960's building frame with limited lifespan requires an investment of over £500K to bring up to a reasonable standard. A new comparable facility would cost £1M. Bearing in mind the Council sees no future for a football ground on the LRIE, these buildings will be separated off from the grass pitch to be used as a MUGA, boarded up and made secure until a final decision is made on what to do with them. Boarding up and security measures will cost approximately £5K.

- 6.3 Officers are seeking authority to convert the current football pitch and a small margin round the perimeter as a MUGA for sports and community use. Associated with this officers are seeking funding to close up and make secure the old clubhouse and adjacent structures. Capital funding of approximately £85K is required for; the removal of existing fencing, the supply and erection of a perimeter fence 4m high in order to allow the facility to operate, the making secure of existing buildings so that these can be safely managed independently of any other activity relating to the rest of the NTFC site.
- 6.4 The facility can be hired to clubs, local groups and individuals for sport purposes, initially 5 a side for all age groups from juniors' upwards. In time it may be possible to accommodate other sports. The proposal fits with officers stated intention to manage the site for community use for the foreseeable future.
- 6.5 Although there will be an ongoing revenue implication there is an opportunity to secure ongoing income from this use. This income will help offset maintenance and other management costs. It should be noted that the whole site, mothballed, or without a use is more vulnerable to anti-social behaviour and costs associated with security. There is a strong argument that finding an ongoing use for the site presents a far better option than leaving the site redundant with all the associated management and security costs. Note however that the natural grass surface limits the hours and periods of use and therefore income.
- 6.6 Access to the site is controlled in a similar manner to the tennis courts at Victoria Park. This is operated using a mobile app booking system which provides a unique code to access the location. How this operates requires further investigation but it appears to be suitable for small, enclosed venues and allows a hands off management approach to bookings. As described earlier, the fall-back position will be padlock security and where users, after paying a suitable deposit, are provided the combination on booking.

7. Conclusion(s)

- 7.1 Redevelopment of the London Road Industrial Estate will involve the eventual removal of the football ground as has been publicly stated many times over the years and where indicative development proposals have also been publicly presented. Prior to this the Council will have to demonstrate that it has considered how replacement facilities might be reasonably provided elsewhere in order to comply with its own policy on Green Infrastructure (Policy CS18). In the meantime and until the future of the LRIE is determined, a use for the current pitch facility should be found. A MUGA presents the best opportunity as this can be safely managed independent from the rest of the site and provided for community use. Although the natural grass pitch presents some limitations of use, some income can be generated whilst the facility is made available for much needed wider community use. This will help to offset costs.

8. Appendices

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

8.4 Appendix D – Example of MUGA Fencing

8.5 Appendix E - West Berkshire Playing Pitch Strategy Briefing Note

Corporate Board's recommendation:

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:	Environment
Service:	Transport and Countryside
Team:	Countryside
Lead Officer:	Paul Hendry
Title of Project/System:	Future Managemnt of the Football Ground at Faraday Road
Date of Assessment:	19/09/2018

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"/>	<input checked="" type="checkbox"/>
<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"/>	<input checked="" type="checkbox"/>
<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"/>	<input checked="" type="checkbox"/>
<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"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<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"/>	<input checked="" type="checkbox"/>

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 whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Approve MUGA option for future use of NTFC pitch, and approve necessary expenditure.
Summary of relevant legislation:	
Does the proposed decision conflict with any of the Council’s key strategy priorities?	No
Name of assessor:	Paul Hendry
Date of assessment:	20/09/2018

Is this a:		Is this:	
Policy	No	New or proposed	Yes
Strategy	No	Already exists and is being reviewed	No
Function	No	Is changing	Yes
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:	Positive use for the pitch at NTFC
Objectives:	Community use ongoing
Outcomes:	Community facility for all
Benefits:	Community use

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	No impact	As above
Disability	No impact	As above
Gender Reassignment	No impact	As above
Marriage and Civil	No impact	As above

Partnership		
Pregnancy and Maternity	No impact	As above
Race	No impact	As above
Religion or Belief	No impact	As above
Sex	No impact	As above
Sexual Orientation	No impact	As above
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
Please provide an explanation for your answer: We are promoting community use where currently these is none.		
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?		No
Please provide an explanation for your answer: We are promoting community use where currently these is none.		

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	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Paul Hendry

Date: 20/09/2018

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.