

CABINET - 10 July 2006

PRINCIPAL SCRUTINY COMMITTEE – 10 JULY 2006

OUTDOOR SPORTS CENTRE – BAR END

REPORT OF DIRECTOR OF COMMUNITIES

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RECENT REFERENCES:

CAB 1229 - Sport and Physical Activity Strategy 2006-2012 – 13 April 2006

EXECUTIVE SUMMARY:

This report invites the Cabinet to consider the provision a new multi-sports facility including an athletics track, an artificial turf pitch and an extended sports pavilion at the University of Winchester Playing Field, Bar End.

RECOMMENDATIONS:

- 1 That, subject to the supplementary capital estimate not being called in by Principal Scrutiny Committee, Cabinet recommends to Council:-
  - a) that the principle of providing a new multi-sports facility including an athletics track, an artificial turf pitch and other facilities at Bar End, Winchester be approved, and that Option B be confirmed as the preferred option;
  - b) that, subject to Sport England Community Investment Fund and SITA Trust (Landfill Tax Credit Scheme) Enhancing Communities Programme providing grant aid towards the project, a supplementary capital estimate of £1,000,000 in 2007/08 be approved;
  - c) that the total uncommitted Sport element of the Open Space Fund for Winchester Town be used to fund part of the £1m contribution and that as other such funds become available they be used to repay the amount funded directly by the General Fund without being committed elsewhere.

- 2 That the Director of Communities be authorised to advise the University of Winchester to proceed with the detailed design and implementation of the project subject to the necessary permissions.
- 3 That the expenditure of £10,000 from the Open Space Fund in 2006/07 be approved as a contribution towards the fees necessary to develop funding bids.
- 4 That, subject to the carrying out of the statutory advertisement procedure under Section 123(2A) of the Local Government Act 1972 for the proposed disposal of open space land, compliance with the Local Government Act 1972 General Disposal (England) Consent 2003 and any necessary consents of the National Playing Fields Association and the Charity Commission, the Director of Communities, City Secretary and Solicitor, Director of Finance and Chief Estates Officer, in consultation with the Portfolio Holder for Culture, Heritage and Sport and the Leader of the Council, be authorised to enter into appropriate arrangements for the funding, construction, management of the project, the leasing of the land owned by the City Council which is required for the project, and public access arrangements to the facilities.

CABINET10 July 2006OUTDOOR SPORTS CENTRE – BAR ENDREPORT OF DIRECTOR OF COMMUNITIESDETAIL:1 Introduction

- 1.1 At its meeting on 13 April 2006 Cabinet approved the draft Winchester and District Sports and Physical Activity Strategy 2006-2012 (CAB 1229 refers).
- 1.2 A major priority emerging from this Strategy is the improvement of access to high quality sport and recreation facilities by establishing multi-sports environments. This in turn will enable young people and adults to increase their levels of physical activity by being able to participate in sport and recreation pursuits more regularly and nearer to where they live.
- 1.3 The London 2012 Olympic Games will raise the profile of sport nationally and locally and will heighten the demand for sporting activities and facilities. It is hoped that the Winchester District will benefit from London hosting the Olympics and that this will act as an inspiration to people and increase participation in sport.
- 1.4 The Government has set a national target to increase adult physical activity levels by 1% each year. Increasing opportunities for sport by offering accessible high quality facilities underpins this aim of increasing levels of physical activity.
- 1.5 Multi-sports environments can offer potential benefits over single sports environments and is now the only way of securing significant external funding for facilities. These benefits include shared facility maintenance and marketing costs, integrated management structures and joint priorities for investment as well as a shared volunteer base, co-ordinated school links and integrated membership systems across different sports.
- 1.6 Currently the local athletics club and hockey clubs use facilities outside of the Winchester District as there are no facilities for training or competition for athletics and there is only one artificial surface suitable for hockey in the town area. This lack of facilities affects the ability of clubs to retain members and to expand their development work with local schools as currently they travel to Eastleigh for hockey and as far as Portsmouth for athletics.
- 1.7 These deficiencies have been recognised for some time. In the 1990's the Council undertook a great deal of work on making ambitious provision at Bushfield Camp to the south of Winchester. These plans floundered on grounds of cost and the unwillingness of the landowner to consider anything other than residential development of part of the land. Alternative sites have therefore been investigated as a result of which it is now proposed to develop a multi-sports environment at Bar End, Winchester using land mainly owned by the University of Winchester.

- 1.8 This presents the town with the opportunity to realise a long held aspiration through a partnership with the University on recreational land at Bar End.
- 1.9 The land owned by the University is currently used for grass sports pitches. It will also be necessary to utilise a small area of land owned by Hampshire County Council, and a small area which the City Council holds as a charitable trustee, east of the University site, to accommodate the new facilities. The land required is shown in Appendix 2. Negotiations regarding these requirements are under way and so far have proved constructive.
- 1.10 It is proposed that the outdoor sports centre will include an eight lane athletics track and field events area, an artificial turf pitch suitable for hockey competition and football training, an extension to the existing sports pavilion to accommodate these new facilities and improved car park and path access to the site. Outline plans with the layout of the site are shown in Appendix 1.

## 2 University of Winchester

- 2.1 The University is keen to work in partnership with the City Council on this project in order to realise a key strategic objective of increasing local community access to University facilities. They also require all weather facilities for their hockey teams to train and play matches. Another key aim is to work with young people locally and encourage them to use the new facilities. A potential positive spin off from this work could be a reduction in nuisance, anti-social behaviour and vandalism in the area.
- 2.2 The University would like to improve its leisure facilities for the benefit of students and staff. This could also help with the attractiveness of the University to potential students in the future.
- 2.3 There is a very clear synergy between the sporting needs of a growing student population and also the needs of the wider community.
- 2.4 In terms of its overall contribution to the project the University will be utilising 3.75 hectares of its own recreation land. In addition, the existing pavilion, which was provided by the University in 2004 and is a vital facility in the proposed new development, will be extended. As well as the pavilion and land, the University will be contributing funds towards the project cost.

## 3 Sports Club Development

- 3.1 Together with the University, three local clubs (open to the public) will be using the proposed facilities. This section sets out details of these key organisations. The arrangements which would be entered into for the management of and access to the facilities would include provisions ensuring that such user clubs would continue to be open to public membership (subject to normal safeguards to allow the clubs to deal with members who fail to comply with club rules).
- 3.2 Winchester and District Athletic Club currently has over 400 members and is the largest club in the Southern region operating without a track. Members currently train at Southampton, Basingstoke and Andover. The club has a number of young athletes who could be contenders for the Olympic team in 2012 and they need the benefit of top quality facilities nearer to Winchester if they are to reach their true potential.

- 3.3 Winchester Hockey Club has over 200 members and is currently based at Kings School which has one artificial hockey pitch. The club compete at regional level and having only one pitch has led to many of their teams playing matches in Eastleigh. The University of Winchester also requires an artificial hockey pitch for both training and matches as the Kings School pitch is only available during out of school hours.
- 3.4 The Winchester and District Girls Football League currently has over 60 teams, involving over 4,500 players, mainly using the Garrison Ground at Bar End for matches. However, due to the limitations of the current facilities, they also play at Micheldever, Ringwood, Laverstock and Hythe. This league has grown at a rapid rate and currently uses the University pavilion changing facilities. The proposed extended pavilion would also be home to the Winchester Girls Football Club. An all weather surface is also required for year round training.
- 3.5 In time, it is hoped that a Community Sports Club will be established at the site. Not only will this help clubs in terms of sustainability and financial stability, it will also help to develop stronger links with schools and provide support and pathways to talented individuals and encourage a clear focus on meeting local community needs.

#### 4 Land, Access and Legal Issues

- 4.1 The land at Bar End managed by the City Council is known as the King George V Playing Fields. The City Council holds this land on charitable trusts by virtue of a 1940 declaration that it shall be preserved in perpetuity for the purposes of a public playing field. Any disposal of this land will require the consent of the National Playing Fields Association – see paragraph 5.4 below.
- 4.2 As the proposed facilities extend beyond the boundaries of the University land, several options are being considered to accommodate the athletics track. The most likely option, with reference to the plan attached at Appendix 3, is for the City Council to provide the additional land required (rectangle outlined in bold) to the University on a 99-year lease at a peppercorn ground rent.
- 4.3 The plan attached at Appendix 2 indicates existing ownership of the additional land required to accommodate the athletics track. The Council's preferred option is for Hampshire County Council to lease the land in its ownership to the University at a peppercorn rent, whilst the City Council leases the land in its ownership to the University on the same terms.
- 4.4 The second option would be for the City Council to acquire the land owned by Hampshire County Council (part of rectangle diagonally hatched on Appendix 3) by agreeing a land exchange. If this proves successful, subject to the necessary consents being obtained regarding the King George V land owned by Winchester City Council (shown by vertical hatching), the Council will be in a position to grant the long lease referred to in 4.2 above.
- 4.5 The existing car parking provision is large enough for local use of the proposed facilities. There will be a requirement for use of the nearby park and ride facility when regional events and festivals are held at this site. Safe access to the University site from the park and ride car park will need to be considered as part of the development of this project.
- 4.6 Under Section 19 of the Local Government (Miscellaneous Provisions) Act 1976, the Council is authorised to provide recreation facilities, including outdoor facilities such

as these. This includes the power to provide buildings, equipment and assistance of any kind. Under Section 19(3) of the Act, the Council is able to contribute by grant or loan towards the expense incurred by a “voluntary organisation” in providing recreational facilities. “Voluntary organisation” in this context means any person carrying on an undertaking otherwise than for profit. The University (and the other clubs which would use the facilities) would fall within this definition, and grant assistance to it as contemplated by this report would therefore be lawful.

## 5 Planning, Open Space and other Consents

- 5.1 Planning consent will be required for the new facilities. At present the land is classified in the Local Plan Review as countryside, as it sits outside the policy boundary for Winchester. However, the Local Plan says that, in principle, formal recreation facilities such as these may be acceptable in suitable areas in the countryside, particularly in edge of settlement locations, provided they maintain or enhance the landscape character of the area and require only small-scale buildings and hard surfaced areas ancillary to the recreational use. Larger buildings would only be permitted where they could be accommodated without harm to the local environment.
- 5.2 Additional car parking provision would need to be kept to a minimum, taking into account the degree to which the site is accessible by non-car modes, other parking available in the locality and on-street controls which may be in force or proposed. The Council as local planning authority would need to be satisfied that there would not be an unacceptable adverse impact on neighbouring land.
- 5.3 Part of the land is held by the City Council as a charitable trustee, as open space land. This land would be leased to the University, and therefore consent to the grant of such a lease under Section 123(2A) of the Local Government Act 1972 will be required. This involves a public advertisement, and consideration of any representations which are made as a result.
- 5.4 In addition to the statutory consent, the City Council’s disposal of its land may require the consent of the National Playing Fields Association if it involves a change to the use of the land as a public playing field, and compliance with the legislation governing disposals of charity land. Discussions are under way with the NPFA and the Charity Commission to obtain the necessary consents.
- 5.5 Finally, if the land is to be disposed of at less than best consideration, the Secretary of State’s consent will be required. Normally, this is achieved by complying with the requirements of the General Disposal Consent 2003, which involves obtaining a valuation report from a suitably qualified valuer (e.g. the Chief Estates Officer). Initial advice suggests that the proposed disposal of the City Council’s land would constitute an undervalue of approximately £15,000.

## 6 Funding Issues and Use of Open Space Fund

- 6.1 The table contained in Exempt Appendix 7 sets out the expected cost of the development. These costs are not based on tenders at this stage and should therefore not be considered definitive. A decision as to whether to proceed with the project will only be taken once firm costings have been received. However, for the purposes of considering how to meet the costs involved the figures are considered realistic.

- 6.2 The contribution from the University is principally in the form of land. Finding a suitable location has always been the hardest element of developing new sports facilities for Winchester so this contribution should be recognised over and above its notional financial value.
- 6.3 The contribution from the City Council is identified as £1,000,000. This is a very substantial sum but similar costs (at today's prices) were contemplated for facilities at Bushfield Camp.
- 6.4 It would be within the scope of the Open Spaces Funding System to allocate £1,000,000 from contributions to new sports facilities to serve new development in Winchester.
- 6.5 The Open Space Funding System is intended to ensure that sufficient sports and children's play facilities are available to meet the needs of the population of the District. It allows housing developers to pay a contribution into a special open space fund where these facilities cannot be provided on new housing development sites. Contributions are reserved for use in the area of the development, where they are used for making improvements in provision. In the Winchester Town area contributions may be used in any part of the town area irrespective of the part of the town in which development takes place.
- 6.6 A detailed report on the review of the Open Space Strategy and Funding System is considered elsewhere on the Cabinet agenda. That report sets out details of the resources reserved for sports provision in Winchester and offers in principle support for the utilisation of open spaces funding for this project.
- 6.7 The Council has previously set aside £300,000 towards new facilities at Bushfield Camp and this can be allocated to the scheme immediately, as can approximately £366,000 which is held in the fund awaiting allocation to a 'sport' project. An explanation of balances and cash flows for the Winchester Open Space Fund is shown at Appendix 6.
- 6.8 This leaves £334,000 to fund from sport contributions collected in 2006/07 and thereafter. Based on previous years' inflow and the likely number of housing completions contained in the City Council's own projections, it is anticipated that sport contributions are likely to be not less than £100,000 per annum. Assuming the project proceeds as expected, the majority of expenditure would occur in 2007/08. If the level of contributions is not less than expected, the shortfall in 2007/08 (the earliest year when payments would be required) would be £234,000, and therefore it would take two or at worst three years for this amount to be collected. The likelihood of significant major housing development taking place in the next two years will lessen the period over which contributions for this project would need to be collected.
- 6.9 However, funding for the project is required in 2007 if it is to progress with Lottery support. It is therefore proposed to draw the £334,000 shortfall from the General Fund Capital Programme and to repay this from open space sport contributions when received, possibly over a period of three to four years. As explained above, the shortfall is likely to be not more than £234,000 when the funding is actually required.
- 6.10 This arrangement enables the project to proceed on schedule. There is no legal impediment to the process. The Council has, in the past, saved up contributions towards the Bushfield project. It is now in a position to achieve a similar project elsewhere but, to do so, needs to fund ahead. Paragraph B23 of Circular 5/05

(which provides guidance on the use of planning infrastructure contributions) makes it clear that where a local authority provides infrastructure before all the relevant developments have come forward, later developments may still be required to contribute towards the costs. Contributions can quite properly be taken towards a project that has been part funded in advance by the Council provided it otherwise meets the criteria for contributions to be sought.

- 6.11 It is necessary to draw Member's attention to the risk which arises from such an arrangement. The implementation of the Government's proposed Planning Gain Supplement (PGS) will mean that the Council can no longer seek offsite open space contributions once it is in place. The effective date is by no means certain. It could be as early as 2008 – or it might not happen at all. Early implementation of PGS might mean that the Council would no longer be able to collect open space contributions, and therefore it might not be possible to recoup the £334,000 investment by the Council. A further risk is the possibility that housing development does not proceed at the expected rate, resulting in lower annual contributions and therefore a longer period to recoup the investment before PGS is implemented. This risk may be reduced by the likelihood of significant income from potential major developments in the town over the next two years.
- 6.12 However, against this risk should be set the benefits of the project. It is not a new idea but has been part of the Council's thinking for many years. The establishment of an athletics facility is specifically mentioned as an objective in the Council's Cultural Strategy. Were no open space funding available it would be perfectly reasonable for the Council to consider a contribution of £334,000 from its own resources to such a project. Provided Members consider the proposition on this basis the risk attached to the reimbursement of funds relates more to the opportunity cost than the project itself. If the Council were to find that it had used up to £334,000 of its own money then this would be funding not available for other purposes. There will also be a cost to the Council of loss of interest which is estimated to be £15,000 per annum.

## 7 Management Arrangements and Revenue Risk

- 7.1 The management arrangements for the Outdoor Sports Centre will be secured through a legal agreement between the City Council, County Council and the University of Winchester. It is suggested that agreement to the details of this be delegated to the Director of Communities and the City Secretary and Solicitor in consultation with the Portfolio holder for Culture, Heritage and Sport and the Leader of the Council. The general discussions that have already taken place with the University have been extremely productive.
- 7.2 The University of Winchester will be responsible for the revenue running costs and ongoing maintenance of the proposed facilities. Applications for start up grants will be submitted to Sport England and Hampshire County Council and income generated from bookings will cover the revenue costs of this facility. There are no revenue implications for Winchester City Council for this project.
- 7.3 The facilities will be available for community bookings at all times apart from Wednesday afternoons and Sunday mornings during University term times. It is also proposed that fees and charges will be in line with other public sports provision in Winchester. The level of community access to the facilities is therefore commensurate with a facility operated and funded entirely by the City Council.



- 7.4 A management committee will be established to oversee the running of these facilities which will include Winchester City Council, Hampshire County Council and club representation

## 8 Options for Consideration

- 8.1 Option A – As well as the artificial turf pitch for hockey and football training this option includes the provision of a 6 lane track which would be well used locally by the Winchester and District Athletics Club, the University of Winchester and for local school competitions.
- 8.2 Option B – As well as the provision of an artificial turf pitch for hockey and football training, UK Athletics (the sports governing body) are recommending that Winchester should host an 8 lane track mainly for the more extensive use that a larger track affords – see Appendix 4. This includes British League matches, County Athletics Association championships and University championships.
- 8.3 This larger 8 lane facility will also meet the technical requirements for a Pre-Games Training Camp for the London 2012 Olympics. These camps are selected by each country's National Olympic Committee or National Paralympics Committee. The London Organising Committee will be producing a guide which will be sent to each country's organising committees in 2008 when hopefully this facility will be complete.
- 8.4 If this facility were to be selected by a country as their pre-Olympic games training camp there could also be a significant economic and tourism benefit for Winchester in addition to the more obvious community and cultural activities.

## 9 Project Timetable

- 9.1 An outline timetable for the project can be seen at Appendix 5.

## 10 CORPORATE STRATEGY (RELEVANCE TO):

- 10.1 This project will contribute significantly to improving the quality of people's lives by encouraging more active and healthy lifestyles (Safer and More Inclusive Communities). It also has clear links to the development of a Winchester District Children and Young Person Strategy and delivery plan which is due to be considered by Cabinet in the autumn.

## 11 RESOURCE IMPLICATIONS:

- 11.1 The estimated costing information is shown at Exempt Appendix 7. It can be seen that the contribution being sought by Winchester City Council of £1,000,000 should be sufficient to meet the costs of implementing this project. This figure is subject to the success of external funding bids to both the Sport England Community Investment Fund of £400,000 and the SITA Trust (Landfill Tax Credit Scheme) Enhancing Communities Programme of £150,000. The remainder of the funding will be met by the County Council's land contribution, the Winchester and District Athletics Club and the University of Winchester.
- 11.2 The University of Winchester expects that the VAT recovery for this project will be close to 100 percent so figures shown in Exempt Appendix 7 exclude VAT.

- 11.3 This is a fairly low risk project in construction terms. However, if the project costs should increase over and above the tender figures during the construction period, it will be necessary for the overspend to be shared between Winchester City Council and the University of Winchester as the two lead partners. In these circumstances there will be further report to Cabinet. A full risk assessment will be undertaken prior to any contracts being awarded.
- 11.4 The University of Winchester will project manage the building and construction work on site. Fees and contingencies are included in the costs indicated in Exempt Appendix 7. The Head of Community Development will act as joint sponsor for the project with the Pro-Vice Chancellor of the University. Contracts will be let and managed by the University. The City Council's contribution will be paid as a grant to the University in suitably staged payments. Since the University is highly experienced and has competent staff to deal with these matters there are minimum risks associated with entering into such an agreement.

#### BACKGROUND DOCUMENTS:

Outdoor Sports Centre Files held in Communities Directorate (excluding documents which disclose exempt information).

#### APPENDICES:

Appendix 1 – Outline plans of Option A and Option B

Appendix 2 – Location Plan Showing Land Ownership

*(A3 colour copies of Appendices 1 and 2 supplied for Cabinet Members)*

Appendix 3 – Land Options

Appendix 4 - Letter from England Athletics

Appendix 5 –Outdoor Sports Centre Project Timetable

Appendix 6 - Winchester Open Space Fund – Balances and Cash Flows

Appendix 7 – Detailed Statement of Estimated Cost and Funding (Exempt)