

Cabinet Member Decision Note

Moredon Recreation Sports Ground, Swindon

Development Progress, Revisions and Construction Contract Awards

To: Cabinet Member for the Town Centre, Culture and Heritage

Date: 4th February 2021

Author: Head of Property Assets

Wards: Rodbourne Cheney

Parishes Affected: Central Swindon North

1. Purpose and Reasons

- 1.1 The purpose of this report is to update on progress with the development of the Moredon Recreation Sports Ground, Swindon and set out necessary changes to the project due to delays arising from the pandemic. This covers phasing of construction; proposed scheme revisions and the placing of construction contracts for the first phases of the development.
- 1.2 The reason for the report is to authorise the proposed revisions to the scheme and a phased approach for construction of each element of the sports hub build in advance of incurring known expenditure to mitigate project risks.
- 1.3 This proposal links to the Vision for Swindon Priority Three: to “ensure clean and safe streets and improve our public spaces and local culture” and promoting high quality facilities for sports, leisure, and cultural activities across the town to aid the health and welfare agenda.

2. Recommended Action to be Authorised by a Cabinet Member Under Delegated Powers

Recommended that:

- 2.1 The Director of Strategic Development be authorised to progress the development of the Moredon Recreation Sports Ground with phasing of construction and the anticipated revised project timelines set out within Appendix 1.
- 2.2 The Head of Property Assets, in agreement with the Chief Legal Officer, be authorised to apply for and accept revisions to the grant awards secured from both the Football Foundation and Sports England on behalf of British Cycling for the development of facilities at the Moredon Recreation Sports Ground on such terms as are necessary in order to protect the Council’s interests.
- 2.3 The Director of Strategic Development, in agreement with the Chief Legal Officer, be authorised to complete the contract award legal documentation for the Moredon

Further information on the subject of this report can be obtained from Kathy Sherratt, Direct Dial Telephone Number 077 8965 1922, ksherratt@swindon.gov.uk.

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Recreation Sports Ground on such terms as are necessary in order to protect the Council's interests for the:

- 2.3.1 Construction of the full size 3G artificial grass football pitch; and
- 2.3.2 Refurbishment / replacement of the changing facilities.
- 2.4 The Head of Property Assets, as anticipated by the planning permission S/18/1394/TB granted for the development of the Moredon Recreation Sports Ground to enable the scheme to proceed, be authorised to:
 - 2.4.1 Apply for an order under Section 257 of the Town and Country Planning Act 1990 to divert the public right of way known as footpath number CN18; and
 - 2.4.2 Carry out such works on the alternative route of the footpath as may be required to bring it into a fit condition for public use;
- 2.5 The Corporate Director of Finance and Assets be authorised to allocate the Youth Centre Contribution of £250K from the PFI Project Agreement dated 1 April 2005 to support the provision of youth facilities within the proposed pavilion / changing rooms at the Moredon Recreation Sports Ground.
- 2.6 The Head of Property Assets is authorised to apply for a further planning application and discharge of planning conditions for the proposed phasing of the development and for the revised layout of the cycling track and relocated pavilion / changing rooms at the Moredon Recreation Sports Ground.

3. Detail

- 3.1 On 14th March 2018, Cabinet approved the creation of a multi sports hub ('the Development') at the Moredon Recreation Sports Ground, Swindon ('the Grounds').
- 3.2 In accordance with that decision the Council has:
 - 3.2.1 Secured planning permission S/18/1394/TB for the Development, subject to conditions.
 - 3.2.2 Secured grant funding award from Sports England on behalf of British Cycling and the Football Foundation for the Development, subject to conditions.

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- 3.2.3 Undertaken ground investigative reports to provide assurance that construction of the Development can take place as anticipated.
- 3.2.4 Reached agreement with the Central Swindon North Parish Council ('the Parish') to take a lease of the Grounds when the Development has been completed and to operate each phase of the scheme at the point that they reach practical completion.
- 3.2.5 Appointed marketing agents to act on the Council's behalf to dispose of the adjacent enabling housing development land, subject to the adopted Development Brief ratified by the Council's Planning Committee on 13 November 2018.
- 3.3 The Cabinet Member for the Town Centre, Culture and Heritage notes the progress with the Development and commits to the proposed phasing of construction. This phasing is required because the original timelines that were identified for the delivery of the Development could not be achieved due to the impact of the pandemic.
- 3.4 The phased approach ensures that the dependencies of each element of the Development are secured in advance of expenditure being incurred and mitigates project risks. The recommended phases would be as follows:

Phase 1a

- 3.4.1 Construction of the full size football 3G artificial grass pitch ('AGP') ;
- 3.4.2 Improvements to the grass pitches/cricket wicket;
- 3.4.3 Continued use of the existing on site changing rooms; and
- 3.4.4 Minor improvements to the existing car park/footpaths serving the AGP and signage.

Phase 1b

- 3.4.5 Construction of new and/or the refurbishment of the existing changing rooms, dependent on cost and available funding, to provide adequate changing capacity for the football pitches (both grass and AGP).

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Phase 2

3.4.6 Construction of the closed road circuit cycle track and BMX facility following the grant of any required new planning permission and confirmation from Sports England representing British Cycling that the grant award is still available for use.

Phase 3

3.4.7 The construction of the new pavilion / changing rooms following the grant of any required new planning permission.

3.5 Each phase would follow in turn with Phase 1a proposed to commence in Spring 2021 with an expected 5-month build period. The revised project timeline is set out within Appendix 1.

3.6 Grant fund awards secured from Sports England representing British Cycling and the Football Foundation are time limited. The grant funding award terms and conditions require that expenditure be incurred by 31 March 2021 and agreed extensions to this deadline will be required in order to continue to fund the Development.

3.7 A tender exercise for the procurement of the AGP via the Football Foundations framework arrangement is completed and the contract is available for acceptance. The Director of Strategic Development has requested an extension to the grant award deadline from the Football Foundation due to delays in the project delivery because of the pandemic. On the basis that the amended approach set out in this report is approved, the contract for the AGP construction works will not be placed unless the extension to the draw-down of funding is agreed.

3.8 As anticipated by the planning permission S/18/1394/TB granted for the Development, the proposed Phase 2 construction of the closed road circuit cycle track requires the diversion of the public right of way known as footpath number CN18. The Head of Property Assets will apply for an order under Section 257 of the Town and Country Planning Act 1990 to divert this footpath and make a commitment on behalf of the Council to carry out such works on the alternative route of the footpath as may be required to bring it into a condition suitable for public use.

3.9 The current planning permission will need updating to reflect the phasing and the revisions to the scheme required by service users and representations from the relevant sports bodies. British Cycling have insisted that there be changes to the cycle track route

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and the location of the pavilion/changing rooms to better meet their latest cycling initiatives. The Head of Property Assets will apply for any new planning permission required along with the revision/removal of planning conditions as required to enable the Development phasing.

- 3.10 The revised pavilion / changing rooms includes a youth room and subject to the receipt of a revised planning permission it is proposed to utilise the PFI Project Agreement Youth Centre Contribution of £250K as a contribution towards the funding of this element of the Development.
- 3.11 The agreement reached with the Parish anticipates the completion of all the Development. Their continued commitment is therefore needed for the phased approach, as the tenant and operator of the Grounds. The Parish will need to revise their business plan to anticipate the initial phase 1 football revenue income streams only at this location and this change will also need the approval of the grant funders. The future phases will follow and the adjacent housing development land disposal will only be progressed when there is a commitment for the final phases of the Development.

4. Alternative Options

- 4.1 The Grounds could continue to support recreational use in its current form being managed and maintained by the Parish under the agreed maintenance deed. However, under this option the opportunity for the Council to enable improvements directly to the Grounds would be lost.

5. Consultation

- 5.1 The following Opposition and Minority Group Spokespersons / Ward Members have been consulted on the recommendations of the report and their responses are also summarised below:

Councillor Grant - Am happy to support.

Councillor Watts - I have no adverse comments to make on the report.

Councillor Pajak - I am supportive of the changes that have been forced upon us and pleased that despite the crisis we are amid the scheme can go ahead.

Councillor Donachie – No comment received

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6. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 6.1 Capital expenditure of £3.65M is already included within the Council's approved budgets. The anticipated receipt from the disposal of the adjacent enabling housing development land continues to be ring-fenced. The land disposal will only be progressed when there is a commitment for the final phases of the Development.
- 6.2 Procurement of all Development construction at the Grounds will be undertaken in accordance with approved Council protocols.
- 6.3 The AGP construction contract has already been tendered via the Football Foundations approved framework agreement. The procurement and commitment to the AGP at a quoted price of c£730K + inflation/contingency is in line with the anticipated project expenditure. Commitments to all proposed future phases will only be made if grant funding awards and tender prices for construction are confirmed and remain within the approved budget.
- 6.4 The Council has already received capital funding of £250K of Youth Centre Contribution resulting from the PFI Project Agreement dated 1 April 2005 for the sole purpose of constructing a youth centre to improve facilities in the vicinity of the Swindon PFI schools. This funding will be allocated for expenditure on the construction of a youth room within the proposed pavilion / changing rooms at the Grounds will be in addition to the already approved capital expenditure of £3.65M.

Legal and Human Rights Implications

- 6.5 All legal documentation for contract awards and grant acceptance will be completed by the Chief Legal Officer in consultation with the Director of Strategic Development and Head of Property Assets in order to protect the Council's interests.
- 6.6 There are no known human rights implications and it is believed the recommendations are compatible with Convention rights.

Climate Change Impact

- 6.7 Officers will work through the requirements to mitigate any adverse carbon impact and Development will be in accordance with the Council's approved protocols.

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All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 6.8 The Grounds are managed by the Parish under a maintenance deed and there are no Council staff directly employed.
- 6.9 There is the potential for this Development to increase sport and leisure patronage in the Borough by improving facilities to aid the Council's health and wellbeing agenda. Increased use and presence of organised activities at the Grounds could result in a reduction in crime and disorder in the immediate area.
- 6.10 There are no other known implications arising from this Decision Note.

Diversity Impact Assessment

- 6.11 A Diversity Impact Assessment (DIA) was completed for the 14th March 2018 Cabinet report and no adverse or other significant issues have been identified since this date. A copy of the DIA can be obtained from the report author.

Risk Management

- 6.12 There is a risk that grant funding bodies will not extend their deadline for draw-down of expenditure and that the future phases of the development become unaffordable within the current capital funding allocation. To avoid this risk commitments to each phase of the Development will only be made when the funding streams and price awards for construction works are confirmed. If grant funding bodies do not agree to extending their deadlines this will require a review of the proposed Development.
- 6.13 There is a risk that the Parish are unable to commit to the phased approach and discussions are ongoing to establish whether they are agreeable to the revised approach. If they are unable to commit to the revised approach this will require a review of the proposed Development.
- 6.14 There is a risk that planning permission for revisions and phasing cannot be secured from the Council's planning committee. However, there is no anticipated additional impact as a result of the revisions or phasing of the Development and initial discussions with the Council's planning officers indicate that they do not anticipate objections to the revised proposals.

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7. Consultees

- 7.1 The Corporate Director of Finance and Assets (s151 officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.

8. Background Papers

- 8.1 None

9. Appendices

- 9.1 Appendix 1 – Project Timeline

10. Declarations of Interest

Opposition and Minority Group Spokespersons / Ward Members

- 10.1 Opposition spokespersons / Ward Members are reminded to consider whether they have any known interests in any of the matters referred to in this Decision Note. If such an interest exists this should be declared to the Monitoring Officer (or Senior Committee Clerk), and they should take no part in the consideration of the Briefing Note and should refer the Briefing Note to their Group Leader.

Cabinet Member(s)

- 10.2 Cabinet Members are reminded to consider whether they have any known interests in any of the matters referred to in this Decision Note. If such an interest exists this should be declared to the Monitoring Officer (or Senior Committee Clerk), and they should take no part in the consideration of the Decision Note and should refer the Decision Note to the Leader of the Council instead for consideration.

11. Sign-off

- 11.1 The Cabinet Member is requested to respond with 5 days of the date of this report 9th February 2021.
- 11.2 Decisions of Cabinet Members will be published in the Members' Bulletin. The Decision must not be implemented until such time that a five-day "Call-in" period has expired. This date will be specified in the Members Bulletin. If a Decision is "called-in" it will be referred to the Scrutiny Committee for consideration. It must only be implemented if

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the Scrutiny Committee has raised no objection. If an objection is forthcoming the matter will be referred back to the Decision-Maker.

11.3 The Cabinet Member is requested to indicate one of the following responses to the Recommendations set out in Section 2 of this report:

11.4 [to be signed electronically and redacted]