

Manchester City Council Report for Resolution

Report to: Executive – 18 January 2012

Subject: Ronald Johnson Playing Fields - FC United

Report of: Chief Executive and Director of Neighbourhood Services

Summary

The purpose of this report is to update the Executive on the progress against recommendations made on the 6th April 2011. The Executive requested that:

- A joint FC United/MCC consultation be undertaken and the results reported back;
- FC United /MCC undertake site investigations and feasibility work to enable terms to be agreed to facilitate the disposal of a long leasehold and report back on the detailed terms; and
- Leisure Services seek a replacement for the all weather pitch at Ten Acres Lane.

The report provides detail of consultation activities held by FC United and the Council and provides an update on FC United's application for planning permission which was considered at the Planning and Highways Committee on 27th October 2011.

The detailed feasibility work has concluded that Ronald Johnson Playing Fields is suitable for the proposed development. Agreement has been reached on the principles of partnership working between FC United and Moston Juniors FC. The proposed appropriation and disposal of the land by way of a lease to FC United has been advertised. Delegated authority is now sought to develop the detailed agreements for the scheme at Ronald Johnson Playing Fields and to prepare a 125 year lease to FC United.

Recommendations

The Executive is recommended to:

1. Consider the representations regarding the appropriation and leasing of open space to facilitate the development of FC United's proposals for Ronald Johnson Playing Fields and, if members consider it appropriate, authorise the appropriation of the land shown coloured green on the attached plan for planning purposes and its subsequent disposal by way of lease to FC United when detailed terms have been agreed.
2. Agree that the proposals are likely to achieve the promotion or improvement of the economic and social well being of the area.

3. Authorise the Head of Community and Cultural Services in consultation with the City Treasurer to agree a final business plan for the proposals with FC United.
4. Subject to agreement of the final business plan, authorise the Chief Executive in consultation with the City Treasurer and the Head of Corporate Property to finalise the terms and conditions of:
 - (i) the Agreement for Lease and Lease with FC United of the land edged red on the plan attached at Appendix A for £1.
 - (ii) a loan to FC United Limited on commercial terms to be agreed
 - (iii) an agreement for grant funding for improvement works at Ronald Johnson Playing Fields
 - (iv) an Agreement for Surrender and Surrender of the Moston Juniors current lease,
 - (v) the grant of a licence to Moston Juniors as to the use of the pitch at Boggart Hole Clough, and
 - (vi) any associated documentation necessary to effect the above transactions.
5. Following surrender of the Moston Juniors current lease, to appropriate and hold the land shown edged blue on the plan attached at Appendix A for planning purposes.
6. Authorise the City Solicitor to conclude all documentation and take all steps which are expedient to give effect to the above recommendations.

Wards Affected: Moston

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	The development of a ground and community sports facilities will provide investment and employment in the area.
Reaching full potential in education and employment	The facilities will enable the creation of a number of jobs in a range of employment sectors.
Individual and collective self esteem – mutual respect	The management of the facilities by FC United will result in greater access to sporting facilities and healthy living for the local community which will enhance individual self esteem.
Neighbourhoods of Choice	The development will provide the opportunity to deliver appropriate additional sports and community facilities from which surrounding communities can benefit.

Full details are in the body of the report, along with any implications for:

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Capital

The Executive approved £750K towards the cost of improvement works at Ronald Johnson Playing Fields on 22nd July 2009 and 6th April 2011. The balance of this sum will be released to FC United pursuant to a grant agreement as the development progresses.

Should the football club take a loan from the Council to meet their funding gap, presently £500K, then such a loan would be on commercial terms to be agreed at no cost to the Council and, as an “invest to save” scheme would not take capital resources from the main programme.

Any loan and grant agreements would be subject to the Gateway process and subject to sign off by the City Treasurer in consultation with the Executive Member for Finance and Human Resources.

Financial Consequences – Revenue

Any leasehold disposal to FC United will require the surrender of the existing lease between the City Council and the Trustees of Moston Juniors Football Club. The rent reserved under this lease is £1,000 per annum. This lease is due to expire in 2032. On surrender of Moston Juniors lease the City Council will cease to receive the rent of £1,000 per annum.

Given the specialist nature of the proposed development, Corporate Property has sought valuation advice from a suitably qualified and experienced independent Valuer as well as undertaking its own valuation. Assuming the planning consent, the restriction to community use and the obligation to build the facilities, the lease is valued at £1.

Any loan to the football club would bear interest thus be at no cost to the Council.

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

- 1 Report to Executive 22nd July 2009
2. Executive Report, 6th April 2011, FC United Options Review
- 3 Planning and Highways Committee report, 27th October 2011, 096289/FO/2011/N1
4. Representations received by the Council following advertisements regarding the appropriation and disposal of land

1. Introduction

- 1.1 Neighbourhood Services have been working collaboratively with FC United to examine the feasibility of transferring the club's original proposals for securing a home for the club from Ten Acres Lane in Newton Heath to Ronald Johnson Playing Fields in Moston.
- 1.2 Key to the transfer of the project from Ten Acres Lane to Ronald Johnson Playing Fields has been their work required with the relevant funding bodies to ensure the new project meets their required criteria to secure investment. It can be confirmed to the Executive that subject to an appropriate lease, the securing of required capital investment by FC United and agreement to a revised FC United revenue business plan, all funding criteria have been met by FC United.
- 1.3 At the 6th April 2011 Executive meeting, members approved four recommendations, including: 1) the undertaking of a public consultation, 2) site investigations and feasibility work on a proposed lease, 3) authorisation of £750K for improvements at Ronald Johnson as part of a joint scheme between FC United and Moston Juniors FC, and 4) Neighbourhood Services to work with the Manchester Sport and Leisure Trust to seek investment for replacement of the all weather pitch at Ten Acres Lane. This report details the progress against each of the recommendations

2 Background

- 2.1 FC United is a supporter owned "not for profit" football club which was established in 2005 and is constituted as an Industrial and Provident Society. The club has reached an in principle agreement with Moston Juniors FC (existing lease holder), who are an amateur junior football club and one of the largest in Manchester with currently 21 affiliated junior teams. The agreement will provide that Moston Juniors benefit from use of the facilities to be provided if the FC United proposals are delivered. Both clubs are affiliated to the Manchester County Football Association.
- 2.2 Proposals submitted to the Council have been led by FC United and have been worked up in partnership and approved by Moston Juniors FC. The unique nature of the partnership between a senior semi professional football club, a junior football club and a City Council is one unique to sport in the UK, and one which is being closely observed by sports governing bodies and if successful has the potential to be replicated as a model of good practice nationally.

3 Consultations and Planning

- 3.1 FC United have undertaken six consultation events during June and July 2011, supported by officers from Leisure Services. Across these events approximately 400 people attended and were given the opportunity to view, discuss and comment on the proposals submitted. In addition to these events, officers from FC United attended various community forums, ward co-ordination meetings and door to door contacts.

- 3.2 FC United have also undertaken detailed consultation with Moston Juniors FC, Sport England, The Manchester College, The FA, The Manchester County FA, national governing bodies of sport including Badminton England, England Athletics, Rugby League and British Gymnastics to develop a plan that supports the local ambition for sport whilst meeting the needs of key stakeholders. All stakeholders have pledged in principle support for the project and where appropriate ring fenced significant funding towards the scheme.
- 3.3 As part of the planning process local residents were given the opportunity to make representations on the proposed development. There was a significant level of public interest with substantial support and opposition to the scheme expressed. There was significant concern about parking issues, event management, littering, anti social behaviour, loss of open space and community access to the site. These concerns were addressed in the planning process. The Planning and Highways Committee resolved to grant planning permission subject to a number of conditions and to a S106 agreement to provide for community use of the site, the production, monitoring and review of a Travel Plan and the provision and availability of off site car parking.

4 Facility Proposals

- 4.1 Proposals for the development of Ronald Johnson Playing Fields, submitted by FC United include the following key elements:
- A 5,000 capacity football stadium,
 - New and regenerated community sports facilities including an adult full size 3G artificial turf pitch and 2 x junior grass pitches,
 - A new public space, creating an area for local people to use for community events, school fetes, outdoor celebrations, parents viewing areas etc,
 - A club house with multi-functional spaces for use by local community groups, young people as well as supporters, incorporating the following facilities:
 - Multi-function community room,
 - Catering facilities,
 - Education and Training Classroom,
 - A smaller classroom and clubroom,
 - Changing facilities,
 - First Aid and medical facilities,
 - FC United offices.
- 4.2 FC United submitted an application for planning permission (096289/FO/2011/N1) which was considered by the Planning and Highways Committee on 27th October 2011. The Committee were minded to grant planning permission provided that a S106 agreement for travel to the site, car parking and community use has been concluded. Planning officers are now working on the conclusion of this agreement which will provide for:
- 1) Travel Plan to encourage travel by means other than the private car and include:

- a. An obligation to provide annual monitoring information including useage of artificial pitch and stadium
 - b. An obligation to provide annual monitoring information on modes of transport used by visitors to the site
- 2) Car parking strategy
 - a. A mechanism for reduced capacity of the tadium if at any time the obligation in relation to the car parking strategy has not been complied with except for the purpose of training without spectators or community use
 - b. Before the commencement of each season to identify which off site car parks will be used and to show evidence of their availability for use by visitors to the stadium.
 - c. Before the commencement of each season to obtain the Council's written agreement that the car parking availability is satisfactory (the Council will take into account travel plan information when reaching this decision)
 - d. An obligation to participate in a review of the car parking arrangements when requested by the Council and if requested after such a review to increase the availability of car parking and/or alter the venues of off site car parking.
- 3) Community Use
 - a. Details of the pricing policy for other community users which should be at a preferential rate to the commercial rate.
 - b. Minimum number of hours per year for which each separate facility (stadium, artificial pitch, grass training pitches, large community room, small community room) will be available for community use
 - c. Confirmation that all community use of sporting facilities will include use of changing facilities
 - d. Dates and times when community use will be available
 - e. Management responsibilities for community use (e.g. cleaning, opening up, locking down)
 - f. Mechanism for review and revision of community use and charging policies through a body approved by all interested parties.

5. Partnership with Moston Juniors

5.1 Fundamental to the proposed scheme has been the agreement for partnership working between Moston Juniors FC and FC United described above. The conditions of partnership have been shared and agreed with both clubs and officers of Neighbourhood Services. Core to Moston Juniors' requirements are the following:

- Maintain existing pitch usage needs and ensure capacity for growth is delivered,
- Maintain identity and independence,
- Maintain ability to secure grants and fundraise.

5.2 Moston Juniors FC has confirmed that in principle these requirements have been met. It is envisaged that a legally binding obligation to deliver pitch usage will be delivered through the S106 agreement and that the clubs will enter a

formal agreement to deliver the other outcomes, following which a surrender of Moston Juniors FC existing 25 year lease will occur.

- 5.3 The proposals indicated for Ronald Johnson Playing Fields result in a net loss of one full size adult grass pitch. A requirement of the scheme has always been to ensure Moston Juniors FC do not suffer any loss of existing playing pitch provision. Therefore the identification and access to a third grass pitch, off site, nearby, fenced, managed and of the same quality as that being removed from Ronald Johnson as required.
- 5.4 A review of options has been undertaken to meet this requirement and the preferred site which has the potential to meet the specification is that located within the infield of the Athletics Facility at Boggart Hole Clough. This facility is already fenced and enclosed, but currently it is not fit for football use and requires some immediate maintenance work to bring into use. Officers are currently working on the detailed plans to enable the facility to meet the requirements. It is intended that the associated costs will be met from existing maintenance budgets. This will enhance the existing sports facility at Boggart Hole Clough.

6. Site Investigation

- 6.1 On the 6th April 2011 the Executive approved the undertaking of site investigation as part of detailed feasibility studies to consider the suitability of Ronald Johnson Playing Fields for such proposals. Site investigation works took place within the period Monday 1st August – Friday 19th August 2011. Manchester City Council as landlords and Moston Juniors FC as tenants, along with the Environmental Health Unit provided all necessary permits and licences to authorise the work. Local residents were informed of the works by letter dated 28th July 2011. Whilst the site investigations did uncover some localised areas of poor ground conditions the conclusion is that the site is suitable for such a development.

7 Community Benefit

- 7.1 The proposals submitted by FC United will provide a significant benefit to the Moston and wider community. If investment is secured, not only will the project bring forward circa £4.5million of new investment to the area, but amongst other outcomes described in the report to the Planning and Highways Committee on 27th October 2011 will create the basis for a sporting hub for North Manchester and a range of outcomes described below.
- 7.2 Community benefit will be reviewed and developed through the mechanism of site governance, management and community engagement. The section 106 agreement to be agreed and enforced by the Planning service will ensure community use is delivered. The lease will ensure that the Council as landlord controls the use and condition of the facilities. The governance arrangements are as follows:
- Site Management – FC United's board will have overall management of the

site consistent with the various planning conditions outlined by the Council.

- Operations Advisory and Monitoring Board – to oversee the achievement of identified outcomes from the project. The board will consist of representatives of: FC United, MCC, Moston Juniors FC and funding partners.
- Community Forum – FC United will establish a Community Forum which will meet regularly during each year to deal with any problems that might be caused by the running of the site. This will include involvement of partners: local schools; local residents' associations; Moston and Charlestown councillors and other community groups who may have an interest.

7.3 FC United working with Moston Juniors FC and a range of other community focused partners is committed to using a sport-based community development approach in addressing social problems faced in the area. FC United will be focused on bringing a range of community benefits including:

- Providing opportunities for increased sports participation in the area for people of all ages and use sports participation as a way of addressing health problems by increasing physical activity.
- Making specific efforts with regard to:
 - The participation of young people in their late teens, addressing the nationally recognised problem of youth drop-out in 16+ age groups
 - Opportunities for older people to be more active as part of an active ageing agenda.
 - Provide ways of engaging young people with development pathways so that they are not at risk of being involved in crime or anti-social behaviour.
 - Provide opportunities for education, training and employment to combat the problem of young people not in education, employment or training (NEETs) through:
 - Building on the work in Moston.
 - Developing a partnership with Manchester College.
 - Opportunities for local schools to use facilities, such as for pre- or-after-school clubs.
 - Providing opportunities for skill development in sports, administration and other areas.
 - Providing volunteering opportunities across the operation of the club
 - Working with health agencies to promote good health, healthy eating, non-smoking and well being programmes.
 - Creating employment.

7.4 The facilities to be developed have significant potential for community use. FC United have projected usage of these facilities as part of their business plan submission to Sport England and various other funding partners. A summary is provided below:

Facility	Description	Participant visits
1x Artificial Pitch	Capacity for 44 weeks of the year. Use by FC United, Moston Juniors, Community Groups	Capacity for 111,056 per year
2x Junior Grass Pitches	Use by: Moston Juniors – 2 teams, per pitch per week x 18 weeks Use by: FC United – 1 team per pitch per week x 18 weeks Use by: community groups through agreed booking process and subject to pitch capacity.	Capacity across the two clubs of 2,660 visits per year
Club House Indoor Function and Education Space	Ground Floor small classroom, first floor multi functional space, divisible into 2 or 3 smaller rooms or 1 large room, used for meetings, education provision, parties, presentation evenings	Predicted conservative estimate of 6,020 visits per year.

8. Change of use and disposal of land

- 8.1 As part of this report, the Executive is asked to agree to the appropriation and leasing of all the land necessary to facilitate the development of FC United's proposals for Ronald Johnson Playing Fields as shown edged red on the plan – Appendix A. This land includes some recreational open space (shown shaded green on the plan). It is a legal requirement that the Council advertises its intention to change the use and grant a lease of open space. Any representations received from the public must be considered before a decision on appropriation and disposal is made.
- 8.2 On 21st November 2011 and 28th November 2011 an advertisement informed the public of the Council's intention to appropriate the part of the site coloured green on the attached plan (Appendix A) for planning purposes and thereafter to dispose of the land on a lease to FC United.
- 8.3 The Council has received 15 representations about the proposed appropriation and disposal, one of which was received after the closing date for comments.
- 8.4 The accompanying table (Appendix B) sets out each objector's details and provides a summary of the issues raised by them in response to the Council's intended appropriation and disposal of the land.
- Objections and representations received following advertisement of the possible appropriation and disposal can be broadly summarised as follows:
 - Object to the appropriation and disposal of the land.
 - Object to proposed use.
 - Land is a much used amenity by local people - loss of land will be devastating.
 - Land currently used by the public to walk around / children to play / for exercise / dog walking / by residents of Sydney Jones Court sheltered accommodation.

- Will split park into three sections.
- Land adjoins park which has won a Green Flag award – disposal may affect prospect of award being granted in future.
- Access to the land limited following lease to Moston Juniors FC. During consideration of the 2005 planning application to fence site the Council recognised the need for some public amenity space and agreed that part of the land was needed for public use. This decision should not be changed.
- Believed from previous consultations that the land would not be removed/be protected.
- Considers that sufficient space already given over to Moston Juniors FC / FC United [sic].
- Moston Juniors FC plans did not come to fruition - no board established; no school or other team given access to fenced-off site.
- Land has seemingly been deemed “surplus”. Land a valuable community resource – not “surplus”.
- Proposed stadium will have a massive effect on local people.
- Proposals will affect locals and wildlife.
- Site is an environmental improvement corridor under UDP policy E3.3.
- Believe other “options” exist for the land.
- Wishes and interests of locals overridden.
- Believe that all public use will eventually be removed from whole site, resulting in the loss of public green open space.
- The proposed public access of the FC United proposal will not be the same as walking around the periphery of an open space as at present.
- Land will be concrete if development proposals go ahead.
- Some believe the land immediately behind their property on St. Mary’s Road, up to the old concrete post line, is theirs.
- Proposals should have been publicly advertised. Not a small item in the legal section.
- Consider there has been a lack of transparency.
- FC United should never have been able to submit plans to build on this land, without this lease being sorted out first.
- Challenges the legality of the disposal.
- Believes the planning permission [for FC United] only related to enclosed land – believes there has been “creep” with the development “growing”. Queries whether the basis of the approval has been undermined.
- The land was “gifted” to the people of Manchester for their recreational use – outrageous that it should be given to a commercial enterprise.
- Believes the Council has been entrusted with the land under covenant and as trustee cannot dispose without the consent of the owners – this being the people of Manchester.
- Do not consider the Council to have the right to appropriate and dispose of the land given to it by Sir Henry Tootal Broadhurst – the land having charitable status.

Consideration of the above objections and representations

- 8.5 It will be noted that many of the objections/representations received in respect of the Council's intention to appropriate and dispose of the land, reflect those already received and considered as part of the determination of the planning application. Although the representations cover the same ground as representations to the Planning and Highways Committee on 27th October 2011, they should be taken into account in this decision.

Overlapping issues

- 8.6 Loss of open space: The Planning and Highways Committee considered the comments of the Head of Planning summarising a city wide study of open spaces which identified the area of open space as predominantly outdoor sports facilities with an area of local park. The study concludes that there was a shortfall of outdoor sports facilities in north Manchester and that the future priority was to secure qualitative rather than quantitative improvements in park provision. The loss of open space and provision of new sporting facilities was considered acceptable in planning terms.
- 8.7 Local people currently use the land coloured green on the attached plan (Appendix A) for informal recreation including dog walking and regard the area as a valuable community resource. In 2005 the Council contemplated fencing the whole area to provide for Moston Juniors Football Club but decided to retain a perimeter area for public access. Although some informal recreational space will be lost, the FC United scheme incorporates a new landscaped public space and provides pedestrian access through the site between St Mary's Road and Lightbowne Road. The land is adjacent to Broadhurst Park Playing Fields to the west of Lightbowne Road and some informal open space to the south west of the site (Broadhurst Clough) which will remain available for local people who currently walk to the area shown green on the attached plan (Appendix A). The loss of the open space is therefore considered to be acceptable.
- 8.8 Adverse effect on wildlife: The Planning and Highways Committee considered the comments of the Head of Planning who had consulted the Greater Manchester Ecology Unit. GMEU concluded that the development would not have a significant impact on a nearby Site of Biological Importance and would not cause significant disturbance to the local bat population.
- 8.9 Although the proposals will affect local wildlife it is considered that the effect is not significant.

Issues raised only in response to advertisement

Disposal of Open Green Space will split park into three sections.

- 8.10 The recreational land in the area has been designated for many years for different uses. The area to the north east is a formal park (Broadhurst Park). The area to the south east is wood used by the public (Broadhurst Clough).

The area to the north west of Lightbowne Road is playing fields (Broadhurst Park Playing Fields). The area to the south east of Lightbowne Road sandwiched between Broadhurst Clough and Broadhurst Park is also used as playing fields (known as Ronald Johnson Playing Fields). The disposal of this land will have no material impact on splitting the site any further. The site is already divided for different uses by the existing fence lines and road.

Adverse Impact on Green Flag Status

- 8.11 The site adjoins a green flag park (Broadhurst Park). Whilst the presentation of neighbouring land is a minor relevant consideration for green flag assessors, it should be noted that the terms of any lease (set out in section 7) will require the lessee to keep the whole of the development in good repair or rebuild so that the facilities are in good condition throughout the term of the lease. Therefore the development of the site will not have an adverse effect on the Council's ability to obtain green flag status for Broadhurst Park in the future.

Precedent will lead to further loss of public open space

- 8.12 Planning permission has already been granted for the proposed development. Any other development in the area, which would require planning permission, would have to be considered on its merits and in accordance with planning policy and guidance. There are no plans to bring forward development that would restrict access to the public open space in the immediate area of the proposed development.

Disposal proposal not transparent

- 8.13 The possibility of leasing the land to FC United was raised in the report to Executive on 6th April 2011. At the meeting, the Executive approved the recommendation that a public consultation be carried out. During June and July 2011 six consultation events on the FC United proposals were undertaken by FC United supported by officers from Leisure Services.
- 8.14 The Council has also, in accordance with its statutory obligation, placed two public notices in the MEN during November 2011, inviting the public to comment on its intention to appropriate and dispose of the open space. The objections it has received are considered within this report.

Legality of disposal

- 8.15 The City Solicitor is of the opinion, having considered the relevant facts, that none of the land to be disposed of is held under a charitable trust and it may therefore be disposed of by the Council as part of its corporate property.
- 8.16 As the land shown green at Appendix A is used as open space, the Council is obliged to keep it available for that purpose. Under S122 of the Local Government Act 1972 the Council is able to appropriate land to any other purpose for which the Council may acquire land. This releases the Council

from any continuing obligation to keep the land available as public open space.

- 8.17 The terms of the conveyances of the land to the Council contain a number of provisions which mean that the Council may be under a continuing obligation to any heirs or successors of the previous owners to comply with a number of restrictions on the use of the land. Under S237 of the Town and Country Planning Act 1990 when the Council has appropriated land for a planning purpose, these restrictions are converted to compensation rights against the person implementing the planning permission in breach of the restrictions. The Council retains a residual liability to pay any compensation in the event of a legitimate claim and in the event that the developer fails to do so. A decision to appropriate the land prior to disposal would allow restrictive covenants on the land to be overridden and enable its development and use in accordance with the planning permission granted to FC United.
- 8.18 While some neighbouring land owners believe that part of the land belongs to them, there is no evidence of this either on the ground or in the registered title to the land.

Conclusion

- 8.19 Although the land coloured green on the plan attached at Appendix A is currently both used and valued by local people as an informal recreation area, there is sufficient similar open space within the immediate vicinity to ensure that this area is not needed. The proposed use will have beneficial effects in terms of the provision of community access to formal sporting and leisure facilities as set out above. The benefits of the new use outweigh the detriment caused by the loss of the open space.

9 Lease

- 9.1 In order to grant a lease to FC United, the existing lessee, Moston Juniors FC, will have to surrender their lease to the Council. Following the surrender, this report seeks authorisation to hold the land currently leased to Moston Juniors for planning purposes. In principle support has been given by Moston Juniors FC for the surrender subject to an agreed set of conditions including a licence from the Council for use of the playing pitch within the Athletics Facility at Boggart Hole Clough so as to ensure that Moston Juniors maintain their existing pitch useage and capacity for growth. Any redevelopment of the site must not only meet the requirement of Moston Juniors FC but also the City Council's aspirations for community use of the site. The purpose for which the land is being held and disposed of is to secure the scale of investment that will underpin the creation of a sporting hub for North Manchester and to secure significant community use of these facilities through a Section 106 planning agreement. It is therefore not considered appropriate to offer a lease of the land on the open market.
- 9.2 As a result of local concerns about the proposals, officers have drafted a set of principles for the lease to meet those concerns and to ensure that the land is

only used for the purpose for which planning permission was granted. If a decision is made to dispose of the land, the principles for the lease will be:

- A term of 125 years,
- For the best consideration reasonably obtainable taking into account the proposed use of the land and the restrictions imposed by the Council to ensure that use,
- For a maximum stadium capacity of 5,000,
- Once facilities are built, to keep the whole of the development in good repair, or rebuild so that the facilities are in good condition throughout the term of the lease,
- The Council will retain control of the potential siting of telecoms masts and advertising within the area to be leased and ensure that an appropriate income share arrangement with FC United is part of the lease terms,
- The site will be used and recognised as the home of FC United,
- If FC United cease to operate the Council will be able to take back the site unless a satisfactory alternative cooperative with the aim of promoting community sports can be found to take on the lease,
- The entire development must be fully completed before the stadium can be brought into use, unless planning permission for a phased development is granted
- The lease will not start until a building contract for the works has been let.

10 Financial Summary

10.1 FC United have been working to identify the required resources to meet the capital costs for the scheme at Ronald Johnson Playing Fields. Given the different nature of the Ronald Johnson Playing Fields site to that of Ten Acres Lane site, the proposals submitted to the Council have resulted in higher costs than those anticipated at Ten Acres Lane. These additional costs have been incurred resulting from:

- An increase in size to the all weather artificial pitch,
- The requirement of an acoustic barrier to the rear of Sydney Jones court.
- Poor ground conditions,
- An increased requirement for land excavation and disposal of surplus materials,
- The reconfiguration of two junior grass pitches,
- A replacement third grass pitch to satisfy the existing needs of Moston Juniors Football Club,
- Alterations to Lightbowne Road enabling vehicular site entrance,
- An increased requirement for additional landscaping.

10.2 Following a tender process undertaken by FC United's Project Managers, the total project costs are now anticipated to be between £4.5m and £4.6m. This is an increase of circa £1m from the indicative costs at Ten Acres Lane of £3.5m.

10.3 Of the £750,000 set aside by the Executive in April 2011, £200,000 has already been applied to the development of the joint FC United/Moston Juniors scheme.

It is now proposed that the balance of £550,000 be given to FC United as a grant contributing to the implementation of the scheme.

- 10.4 Additional resources have been identified by FC United to meet the difference in capital shortfall. These additional resources have been secured in principle from grant funders. In addition, further resources have been identified from FC United's community shares scheme and development fund. However, the net result of the additional costs and increased identified income is a projected funding gap of circa £500K. FC United are currently examining opportunities to close this funding gap to ensure that they have a viable business case to bring forward the development. Should FC United require loan finance and be unable to obtain such from a commercial source, then the City Council could provide this by way of a loan, at nil revenue cost to the Council, subject to the football club providing a viable business plan which identifies how the loan repayments and interest would be resourced.
- 10.5 FC United have also submitted a revenue business plan for the scheme, which prior to planning conditions being outlined was approved by officers. Now that the planning conditions are known, FC United will undertake a review of the business plan and resubmit to the Head of Community and Cultural Services seeking approval for any changes made. No lease will be granted unless the revised business plan is agreed.

11 Ten Acres Lane Future

- 11.1 As authorised at the Executive on 6th April 2011, Neighbourhood Services have been working with the Manchester Sport and Leisure Trust (MSLT) to fully examine alternative arrangements for securing investment into the pitch, building on the recent investment that has been delivered in the sports hall for Martial Arts and Taekwondo.
- 11.2 In principle agreement has been provided by the MSLT to bring forward proposals for alternative management arrangements of the Ten Acres Lane leisure facility. This follows the decision by the Council to reduce revenue expenditure on this site as part of the savings exercise resulting from the challenging local government budget settlement. Furthermore and as required, the MSLT are currently considering plans to secure additional investment in the existing full size all weather pitch and believe a viable business case exists to secure this additional investment.
- 11.3 Neighbourhood Services will continue to work with the MSLT to develop the plans further to secure the required investment and make the Ten Acres Lane pitch fit for purpose.

12 Conclusions and Next Steps

- 12.1 Whilst significant progress has been made over the past six months in understanding the suitability of the Ronald Johnson Playing Fields site, challenges remain to see the proposals delivered. Central to this is FC United's ability to secure the required capital investment to deliver the scheme and to

bring forward a viable business plan. Whilst in principle support is in place to meet the majority of costs with funding bodies, FC United also have a target to secure the investment from their own community shares scheme.

12.2 Whilst funding remains critical, a number of key agreements relating to land transfer need to be in place before FC United are in a position to draw down any identified funding. The surrender of the existing lease by Moston Juniors FC, conditional on agreed requirements being met is the second catalyst for the land transfer to be authorised. Furthermore, a community use and section 106 agreement are also required before planning permission becomes operational.

12.3 A number of interdependent issues and risks have been identified which need to be resolved before the parties commit to agreeing a timescale to deliver practical completion of the development. It is however FC United's intention to begin works on site in spring 2012.

13 Contributing to the Community Strategy

(a) Performance of the economy of the region and sub region

13.1 The development of a stadium and community sports facilities will provide investment and employment in the area.

(b) Reaching full potential in education and employment

13.2 The facilities will enable the creation of a number of jobs in a range of employment sectors.

(c) Neighbourhoods of Choice

13.3 The development will provide the opportunity to deliver appropriate additional sports and community facilities while protecting the amenity of the area.

14 Key Policies and Considerations

(a) Equal Opportunities

14.1 A key outcome will be to capture employment opportunities and ensure that local residents have the opportunity to compete for such job opportunities. In addition, there is a commitment to ensure that design standards will comply with the highest standards of accessibility.

(b) Risk Management

14.2 There is a risk that the proposals will not be fully delivered unless a viable business case is produced by FC United. For this reason no transaction authorised under this report will be completed until the final business plan has been agreed.

14.3 The terms of any proposed lease will mitigate the risk of poor repair or estate

management of the site and will require that the development is completed before the Stadium is brought into use unless planning permission for a phased development is obtained.

14.4 The Council will have a residual liability for breach of any restrictive covenants on the land as set out at paragraph 8.17 above.

14.5 The risk that the proposed community use will not be delivered is covered by the resolution of the Planning Committee on 27th October 2011 to require a S106 agreement in relation to community use.

(c) Legal Considerations

14.6 The Council is required by S122 Local Government Act 1972 and S233 Town and Country Planning Act 1990 to advertise its intention to appropriate and dispose of the open space to be included in any lease before making a decision to change its use and dispose of the land.

14.7 The Council is required by S233 Town and Country Planning Act 1990 to ensure that any lease is granted for the best consideration reasonably obtainable when disposing of land for a planning purpose. In order to ensure that land not subject to an unconditional bidding procedure is sold for the market value and does not amount to state aid the European Commission Communication (97/C 209/03) advises that public bodies should obtain an independent expert evaluation. It further advises that special obligations may be taken into account and set off against the purchase price.

14.8 The Council has powers to make grants and loans to organisations carrying on an undertaking otherwise than for a profit under S19 Local Government (Miscellaneous Provisions) Act 1976. These grants and loans may be used for the provision of sports facilities and premises for the use of athletic, social and recreational clubs. The Council also has powers under S2 Local Government Act 2000 to give grants and loans if the Council considers that financial support is likely to facilitate a scheme that will enhance or promote social and/or economic well being. The interest rate for the loan will be set so as to ensure that the Council meets its own costs in providing such a loan and the rate is not advantageous so as to result in state aid.

PLAN REFERRED TO

Broadhurst Park Playing Fields

Llanbawne Road

St Mary's Road

Primary School

North Centre

Tennis Courts

Bowling Greens

Pavilion

Playing Fields

Cycle Track

Worthington Street

Merridale Road

Teedington Road

Rowbridge Drive

RC Cemetery

Cottage

Court

Shanty Grove

1 to 10

11 to 20

21 to 30

31 to 40

41 to 50

51 to 60

61 to 70

71 to 80

81 to 90

91 to 100

101 to 110

111 to 120

121 to 130

131 to 140

141 to 150

151 to 160

161 to 170

171 to 180

181 to 190

191 to 200

201 to 210

211 to 220

221 to 230

231 to 240

241 to 250

251 to 260

261 to 270

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521 to 530

531 to 540

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551 to 560

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581 to 590

591 to 600

601 to 610

611 to 620

621 to 630

631 to 640

641 to 650

651 to 660

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831 to 840

841 to 850

851 to 860

861 to 870

871 to 880

881 to 890

891 to 900

901 to 910

911 to 920

921 to 930

931 to 940

941 to 950

951 to 960

961 to 970

971 to 980

981 to 990

991 to 1000

Correspondence Received following Open Space notices in MEN re Land adjacent to St.Mary's Road, Moston

Table of Objections

No.	Name	Address	Received	Comments
1	[REDACTED]	[REDACTED], Enderby Road Moston Manchester M40 0EN Dated: 28/11/11	28/11/2011	1. [Land] was left to the local residents. 2. It should have been publicly advertised. No[t] a small item in the legal section. 3. FC United should never have been able to submit plans to build on this land, without this lease being sorted out first.
2	[REDACTED]	[REDACTED], Arbory Avenue Moston Manchester M40 5HJ Dated: 24/11/11	29/11/2011	1. Land belongs to the residents of Moston. 2. Objects to disposal of the land – currently used by the public to walk around.
3	[REDACTED]	[REDACTED], Arbory Avenue Moston Manchester M40 5HJ Dated: 24/11/11	29/11/2011	1. Land belongs to the residents of Moston. 2. Objects to disposal of the land – currently used by the public to walk around.

No.	Name	Address	Received	Comments
4	[REDACTED]	[REDACTED], Lowton Court Teddington Road New Moston Manchester M40 0DW Dated: -	01/12/2011	<ol style="list-style-type: none"> 1. Proposed stadium will have a massive effect on local people. 2. Objects to disposal of the land – states loss will be devastating – currently used by the public to walk around / for exercise / dog walking / by residents of Sydney Jones Court sheltered accommodation. 3. Considers that sufficient space already given over to FC Utd. 4. Has assumed from previous consultations that the land would not be removed. 5. Queries whether legal.
5	Mr. Christopher Ward (for Friends of Broadhurst Park)	[REDACTED], Arbory Avenue Moston Manchester M40 5HE Dated: 29/11/11	02/12/2011	<ol style="list-style-type: none"> 1. Objects to disposal of Open Green Space. 2. Will split park into three sections. 3. Adjoins park which has won Green Flag award – disposal may affect prospect of award being granted in future.
6	[REDACTED]	[REDACTED], Arbory Avenue Moston Manchester M40 5HE Dated: 01/12/11	05/12/2011	<ol style="list-style-type: none"> 1. Objects to disposal of Open Green Space. 2. Will split park into three sections. 3. Adjoins park which has won Green Flag award – disposal may affect prospect of award being granted in future.

No.	Name	Address	Received	Comments
7		<p>■, Kirkby Avenue Moston Manchester M40 5HN</p> <p>Dated: 01/12/11</p>	06/12/2011	<ol style="list-style-type: none"> 1. Object to proposal. 2. Land is a much used amenity by local people. 3. Access recently limited following lease to MJFC – but agreed that part needed to be keep available for public use. 4. The area left open has been well used. 5. MJFC plans not come to fruition - no board established, no school or other team given access to fenced-off site. 6. Will affect locals and wildlife.
8		<p>■, St Marys Road Moston Manchester M40 0BD</p> <p>Dated: 08/12/11</p>	08/12/2011	<ol style="list-style-type: none"> 1. Objects to the appropriation and disposal of the land. 2. Land has seemingly been deemed “surplus”. 3. The land was “gifted” to the people of Manchester for their recreational use – outrageous that it should be given to a commercial enterprise. 4. Consideration of 2005 consent to fence site recognised the need for some public amenity space. 5. Site is an environmental improvement corridor under UDP policy E3.3. 6. Area in use by dog walkers. 7. The proposed public access of the FC Utd proposal will not be the same as walking around the periphery of an open space as

No.	Name	Address	Received	Comments
				<p>at present.</p> <p>8. Does not consider the Council to have the right to appropriate and dispose of the land given to it by Sir Henry Tootal Broadhurst – the land having charitable status.</p> <p>9. Land a valuable community resource – not “surplus”.</p>
9	Cllr. Henry Cooper	<p>17, Nuthurst Road Moston Manchester M40 5QL</p> <p>Dated: 10/12/11</p>	10/12/2011	<p>1. Objects to loss of open space on grounds that it was agreed in MJFC's planning application that the open space would be protected.</p>
10		<p>, St Marys Road Moston Manchester M40 0BF</p> <p>Dated: 11/12/11</p>	11/12/2011	<p>1. Believes the land immediately behind his property, up to the old concrete post line, is his – claims to have enclosed the land and cultivated it since moving in, in 1993.</p>

No.	Name	Address	Received	Comments
11		<p>■, Moston Lane Moston Manchester M40 5QD</p> <p>Dated: 11/12/11</p>	12/12/2011	<ol style="list-style-type: none"> 1. Objects to the proposed appropriation and disposal of the land. 2. Considers there has been a lack of transparency.
12		<p>■, St. Marys Road Moston Manchester M40 0DA</p> <p>Dated: 12/12/11</p>	12/12/2011	<ol style="list-style-type: none"> 1. Objects to disposal of land. 2. Consider the planning permission [for FC Utd] only related to enclosed land – believes there has been “creep” with the development “growing”. Queries whether the basis of the approval has been undermined. 3. Queries whether the land should have been disposed of before considering FC Utd’s planning application. 4. Believes that other “options” existed for the land. 5. Wishes and interests of locals overridden.
13		<p>■, St. Marys Road Moston Manchester M40 0DA</p> <p>Dated: 12/12/11</p>	12/12/2011	<ol style="list-style-type: none"> 1. Objects to disposal of land. 2. Believes that all public use will eventually be removed from whole site, resulting in the loss of public green open space. 3. Queries whether the land should have been disposed of before considering FC Utd’s planning application.

No.	Name	Address	Received	Comments
14	[REDACTED]	[REDACTED], Bluestone Road Moston Manchester M40 9HY Dated: 10/12/11	12/12/2011	<ol style="list-style-type: none"> 1. Challenges legality of the disposal. 2. Believes the Council has been entrusted with the land under covenant and as trustee cannot dispose without the consent of the owners – this being the people of Manchester.
15	[REDACTED]	[REDACTED], Teddington Road Moston Manchester M40 0DP Dated: -	20/12/2011 (after deadline)	<ol style="list-style-type: none"> 1. Has lived opposite park for 45 years – cannot believe that if the proposals go ahead that she will not be able to use the park. 2. Her grandchildren use the park. 3. Considers that enough land has already been lost at the location. 4. Currently a green space – will be concrete if development goes ahead.