

<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	20 December 2023
<b>Executive Member:</b>	Councillor Jacqueline North– First Deputy (Finance, Resources and Transformation)
<b>Reporting Officer:</b>	Julian Jackson, Director of Place
<b>Subject:</b>	<b>NEW HAWTHORNS SEND SCHOOL – PITCH SCHEME</b>
<b>Report Summary:</b>	Executive Cabinet approved proposals to create the new Hawthorns SEND school on the Longdendale Playing Fields site on 26 April 2023. Approval was also given to the submission of a grant funding application to the Football Foundation for the development of football facilities at the site. It was also determined that a further report to Executive Cabinet would be progressed once the outcome of the application to the Football Foundation was known. The outcome of the Football Foundation bid is now known. This report provides a scheme update, a summary of the Football Foundations support including their standard Terms and Conditions for acceptance/approval, the operational proposals for the site and impact on the approved Hawthorns scheme capital budget.
<b>Recommendations:</b>	That Executive Cabinet be recommended to approve: <ol style="list-style-type: none"> <li>1. That the Council accepts the Football Foundation grant funding and notes the terms and conditions of the award subject to the Section 151 Officer and Borough Solicitor being satisfied that the terms and conditions of the grant do not create any additional risk for the Council.</li> <li>2. That the Council accepts the contribution of £0.020m from Hollingworth Juniors Football Club as the ‘anchor’ club on the site.</li> <li>3. That the Council accepts a legal charge or title restriction as outlined in the grant terms and conditions.</li> <li>4. That the Council provides a lease to Hollingworth Juniors FC.</li> <li>5. That the Council enters into the Football Foundation Framework Agreement to deliver the synthetic turf pitch element of the scheme as a condition of accepting the grant from the Football Foundation.</li> <li>6. That the £0.020m contribution from Hollingworth Juniors is added into the Education Capital Programme.</li> <li>7. That the £0.727m Football Foundation grant is added into the Education Capital Programme.</li> </ol>
<b>Corporate Plan:</b>	Contributes to a number of Health and Wellbeing related themes in the Corporate Plan.
<b>Policy Implications:</b>	In line with existing policy.
<b>Financial Implications:</b>	As reported to Executive Cabinet on 26 April 2023, this pitch scheme was estimated to cost £1.100m with potential funding from the Football Foundation of £0.770m and S106 funding of £0.075m. Funding of £0.255m was identified from Education Capital Grant to
<b>(Authorised by the statutory Section 151 Officer &amp; Chief Finance</b>	

Officer)

support the delivery of this scheme.

	<b>Original Figures £m</b>	<b>Updated Figures £m</b>
Cost of Pitch Scheme	1.100	1.077
Football Foundation Contribution	(0.770)	(0.727)
S106 Contribution	(0.075)	(0.075)
Contribution from Hollingworth Juniors	0.000	(0.020)
<b>Match Funding Required</b>	<b>0.255</b>	<b>0.255</b>

Tendered costs have been received and the updated cost for the scheme is estimated to be £1.077m. The confirmed Football Foundation contribution of £0.727m and S106 funding of £0.075m means there is a capital funding requirement of £0.275m. The difference of £0.020m is to be met from a contribution from Hollingworth Juniors Football Club.

A lease agreement will be required with Hollingworth Juniors which will initially be a peppercorn rent. If commercial rent is applied at a later date, there could be VAT implications, and these will need to be considered before any update of the lease agreement.

The grant from the Football Foundation of £0.727m substantially funds the playing fields element of the Hawthorns site. The Football Foundation attaches terms and conditions to the grant that the Council must consider as to whether they are too restrictive to the authority so as to place the Council at significant risk of breach of terms and therefore repaying part or all of the grant.

**Legal Implications:**  
**(Authorised by the  
Borough Solicitor)**

As outlined in the report, approval is being sought to receive Grant Funding from the Football Association to assist with the delivery of a new synthetic pitch at the Hawthorn New SEND School. The Scheme will require and is conditional upon the Council entering numerous legal agreements, the principal terms of which are yet to be agreed. There are risks inherent in failing to agree any one of these legal agreements and so officers will need to measure the risks of failing to reach agreement with any of the parties and possible claw-back of some or all of the Grant Funding against failing to accept the Grant Funding at this stage.

**Risk Management:**

The risks associated with this scheme are set out in section 8

**Access to Information:**

Not Confidential

**Background Information:**

The background papers relating to this report can be inspected by contacting: Ben Middleton



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## 1. INTRODUCTION

- 1.1 Executive Cabinet approved proposals to create the new Hawthorns SEND School on the Longendale Playing Fields site on 26 April 2023. Approval was also given to the submission of a grant funding application to the Football Foundation for the development of football

facilities at the site. It was also determined that a further report to Executive Cabinet would be progressed once the outcome of the application to the Football Foundation was known.

- 1.2 The outcome of the Football Foundation bid is now known. This report provides a scheme update, a summary of the Football Foundations support including their standard terms and conditions for approval, the operational proposals for the site and impact on the approved Hawthorns scheme capital budget.
- 1.3 Further to the Executive Cabinet's approval to create the new Hawthorns school in April 2023, the S151 officer approved a request on 16 November 2023, to increase the specialist Academy places for primary aged children at Hawthorns Academy. The Academy came forward with a number of amendments, which would enable them to accommodate an additional 26 spaces for pupils (increasing the Academy's capacity from 220 to 246 pupils) and to also provide a specification, which will allow the Academy to meet the needs of pupils with more complex needs, a copy of the signed decision notice is attached as **Appendix 8**.
- 1.4 For primary age pupils, independent places cost on average £0.071m per annum. The outlay of £0.046m as approved by the S151 officer on the capital scheme, would help the Council avoid up to £1.300m in revenue cost to the Dedicated Schools Grant (DSG) over a full financial year as a result of the 26 additional places. Every independent primary place avoided will provide an average cost avoidance of £0.050m and the 10 places that Children's Services are already consulting on would provide a cost avoidance to the Council of up to £0.500m per year. Additional costs that may arise from the use of the independent sector include transport and associated passenger assistance, which are borne by the General Fund.

## **2. BACKGROUND**

- 2.1 The location of the new SEND school is the former Longdendale Playing Fields site which historically was used as public open space and provided four natural turf, adult full-sized football pitches until the site became unusable in the winter months due to poor drainage. Accordingly, in order to support the planning application for the new school, the provision of a 9v9 floodlit synthetic turf pitch, a full-sized natural turf pitch and a basic toilet and changing accommodation was included in the planning application and agreed by Sport England as adequate mitigation for the loss of two of the four former playing fields to the new school footprint and surrounding infrastructure. In addition, the provision of a natural turf pitch is supported by a s106 Agreement under the planning permission granted in December 2020 for residential development on the site of the former 'Organ Inn' public house and associated playing field in Hollingworth.
- 2.2 A grant bid, submitted to the Football Foundation in July 2023 by the Council, in partnership with Hollingworth Juniors FC, has been approved subject to the Council's acceptance of the Football Foundations standard terms of conditions of grant as set out in an offer letter dated 26 September 2023, attached as **Appendix 1**.

## **3. SCHEME OUTLINE**

- 3.1 The scheme is split into three components all of which have planning permission: A 9v9 synthetic turf pitch with fencing and floodlights, a full sized natural turf pitch and a refurbished changing/toilet pavilion with modest kitchen/catering facilities. If approval is given to progress the three elements of the scheme will to be delivered as follows:  
**Synthetic Turf Pitch** – All Football Foundation schemes require the use of their approved procurement framework to deliver the synthetic turf pitch element. The scheme has been tendered and a fixed price established.

**Natural Turf Pitch** – The natural turf pitch to be delivered by the LEP as a variation to the main Hawthorn school design and build contract. A high-level cost plan for this has been established.

**Changing/Toilet Pavilion/Catering** – The existing changing room block at the site will be refurbished by the LEP under the Tameside Additional Services contract. A high-level cost plan has been established.

3.2 The draft programme for the delivery of the pitch scheme is set out below in **table 1**:

**Table 1**

Activity	Start	Completion	Comments
Football Foundation Grant Bid		September 2023	Completed - Offer Letter received
Governance	Report to Board December 2023	Report to Executive Cabinet December 2023	Football Foundation Grant offer to be formally accepted.
Synthetic Turf Pitch	March 2024	July 2024	Delivered by the Football Foundations framework contractor under a JCT form of contract
Natural Turf Pitch	April 2024	March 2025	Pitch requires 12 months of maintenance before use.
Pavilion	February 2024	July 2024	To be undertaken by the LEP under the Tameside Additional Services contact
Operational Start	September 2024	September 2024	Facilities become operational as school completes. The natural turf pitch will come “on line” in Spring 2025

#### 4. FOOTBALL FOUNDATION SUPPORT

4.1 A grant offer letter received by the Council on the 26 September 2023, confirms the offer of grant to support the development of the facilities set out in section 3.1 of this report. A copy of the letter is attached as **Appendix 1**. In order to accept the grant offer the Council must confirm that it is willing to abide by the Football Foundations standard terms and conditions of grant for awards over £0.100m. A copy of the terms and conditions is attached as **Appendix 2**.

4.2 In addition to the standard terms and conditions the Council is required to accept a legal charge or restriction on the freehold title. A copy of the legal pack is attached as **Appendix 3**. The requirement for a legal charge or restriction stems from the Football Foundations need to protect its investment preventing the applicant from using the land for any other purpose without the written consent of the Foundation.

4.3 The delivery of the synthetic turf pitch element of the scheme is to be delivered through the Football Foundations Framework Agreement. A copy of the framework process and associated guidance is provided as **Appendix 4 & 5**. The framework is fully compliant with the Official Journal of the European Union (OJEU) procurement rules. The process requires the Council to enter in to a JCT form of contract for the synthetic turf pitch and Form of Joining Agreement attached as **Appendix 6**.

## 5. FINANCIAL SUMMARY & IMPLICATIONS

- 5.1 The estimated cost of the new school and associated pitch scheme was set out in the 26 April 2023 Executive Cabinet report. In relation to the pitch element the total cost of the scheme was estimated to be £1.100m with 70% contribution provided as grant funding from the Football Foundation of £0.770m which required match funding of 30% of £0.330m from the Council. The total estimated cost of the new Hawthorns school project is £22.762m. This includes the additionality of the football pitches development into the overall cost including an estimate of additional funding of £0.770m from the Football Foundation and the s106 funding of £0.075m from the redevelopment of the former 'Organ Inn' public house in Hollingworth.
- 5.2 **Table 2** illustrates the cost estimates set out in the April Executive Cabinet report, the tendered and priced elements submitted to the Football Foundation and the financial offer made by the Football Foundation.

**Table 2**  
**Cost Estimate**

Original scheme	£m	Updated Position	£m
Bid development fees	0.010	Bid development fees	0.008
Synthetic Turf Pitch	0.725	Synthetic Turf Pitch	0.514
Natural Turf Pitch	0.160	Natural Turf Pitch	0.216
Pavilion	0.130	Pavilion	0.171
Other infrastructure elements	0.025	Other infrastructure elements	0
Contingency	0.050	Contingency	0.043
Total Cost	1.100	Total Cost that FF Contribute Towards	0.952
Likely contribution from FF @70%	(0.770)	Confirmed contribution from FF @76%	(0.727)
		Ineligible costs relating to grass pitch	0.125
Council match requirement	0.330	Revised Council match requirement	0.350

- 5.3 **Table 2** illustrates the ineligible costs relating to the provision of the grass pitch which the Football Foundation would not accept as part of the grant application. The ineligible funding relates to:
- Fees required to recreate the drawing set for the entire scheme including adjustments to the pre-designed drainage system.
  - The cost of additional insurance cover for the variation to the main contract.
  - There is also a financial allocation to cover risk.

The Council's funding match requirement, including the ineligible costs, are set out in **Table 3** below.

**Table 3**

Existing Match commitment	£0.330m	This includes s106 contribution of £0.075m
Contribution from Hollingworth Juniors FC	£0.020m	Capital Contribution from the club. Letter confirming the clubs contribution is attached as <b>Appendix 7</b> .
Total Budget	£0.350m	Value of the match funding to be updated in the capital programme.

## **6. MANAGEMENT ARRANGEMENTS, TENURE & OPERATIONAL SUSTAINABILITY**

- 6.1 The development of facilities such as this require the involvement of an “anchor” football club, which in this case is Hollingworth Juniors FC, they have been based in the area for circa 35 years. Hollingworth Juniors FC is an FA Charter Standard Club. They have been proposed as the ‘anchor’ club by Manchester FA, who recognise them as a progressive and developmentally minded organisation providing a range of opportunities for local young people in the Hollingworth, Longdendale and Hattersley areas of the Borough. The requirement for an anchor club is key to a successful bid to the Football Foundation. Hollingworth Juniors are a joint applicant and will manage the facilities upon completion.
- 6.2 It is proposed that Hollingworth Juniors FC will occupy and manage the two pitches and changing pavilion by way of a lease in a form to be approved the head of legal services taking in to consideration the terms and conditions of the Football Foundation. The Football Foundations lease requirements are set out in the Legal Pack attached as **Appendix 3**.
- 6.3 Part of the grant application to the Football Foundation includes the development of a detailed operational business plan which demonstrates viability. The Football Foundation will not support any application that does not demonstrate a need for the development in any locality or its ability to operate as an ongoing, viable entity. The business plan includes the provision of a sinking fund to replace the synthetic carpet in 10 years’ time. The club will be required to demonstrate operational and development success to the Football Foundation in the form of performance data. The Football Foundation monitors the scheme on a six monthly basis throughout its clawback lifetime including the financial performance of the club. The club is required to set aside a sinking fund to replace the carpet in circa 10 years’ time. If the club is not on target to achieve that then the Football Foundation will request and monitor any corrective action.
- 6.4 Upon completion, the club will manage the facility. The synthetic turf pitch will be made available for the SEND school between the hours of 9am till 4pm Monday to Friday ‘term time only’ to meet the needs of the curriculum. The school’s main use will be the synthetic pitch with the occasional use of the natural turf pitch during the summer months. The management arrangements will be set out in a Community Use Agreement based on the Sport England model. The operational costs of the facility will be met by the club. Parties to the agreement will include Hollingworth Juniors, the new School operator and the Council.

## **7. CHANGING ROOM & TOILET PROVISION (Pavilion) – ADVENTURE LONGDENDALE CLOSURE**

- 7.1 The planned redevelopment of the existing changing room building/pavilion is a key component of the grant application to the Football Foundation. The building is a disused annexe to Adventure Longdendale which sits adjacent and provides power and its water supply.
- 7.2 Adventure Longdendale is no longer managed by Active Tameside and has been returned to the Council. The demolition of the main building and disposal of the site has been approved.
- 7.3 In order to retain the pavilion, it will be refurbished as part of the scheme. An option to demolish the changing room block and replace with a modular installation elsewhere on the site has been considered and discounted due in part to cost. A relocated unit would cost circa £0.340m.

## **8. RECREATIONAL OPEN SPACE PROVISION**

- 8.1 Public consultation for the Hawthorns scheme identified a need to retain an element of recreational space on the site which can be accessed by residents separately from the new school and football pitches. In order to provide accessible recreational space as well as maintain a safe environment for children, staff and parents attending the site changes to the existing security fence are now required.
- 8.2 It is proposed that the cost of the security fence will be met from unallocated S106 monies of for the creation/improvement of greenspaces.
- 8.3 The recreational open space at Longdendale Playing Fields was maintained by the Council's Operations and Greenspace team prior to it being developed as a new school. It is proposed that the retained recreational space will continue to be maintained by the Council.

## **9. RISKS**

- 9.1 Planning permission for the Hawthorns new SEND school scheme is predicated on the provision of new sports pitches and ancillary accommodation on the site.
- 9.2 Until the Football Foundation has received, and approved, the business plan from the 'anchor' football club the grant contribution of £0.727m supporting the delivery of the football pitches will remain at risk.

## **10. RECOMMENDATIONS**

- 10.1 As set out at the front of the report.