

To: Councillor D Edwards (Chair);
Councillors Ayub, Grashoff, Hoskin, Steele,
Williams, and Woodward

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3 October 2016

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NOTICE OF MEETING - HEIGHTS FREE SCHOOL SUB COMMITTEE - 11 OCTOBER 2016

A meeting of the Heights Free School Sub Committee will be held on Tuesday 11 October 2016 at 6.30pm in the Council Chamber, Civic Offices, Reading.

AGENDA

	WARDS AFFECTED	PAGE NO
1. DECLARATIONS OF INTEREST Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.	-	-
2. MINUTES To confirm the Minutes of the Sub Committee's meeting on 12 July 2016		1
3. PETITIONS & QUESTIONS	-	-
4. PROPOSAL FROM THE EDUCATION FUNDING AGENCY The report advises of a revised proposal from the Education Funding Agency regarding potential acquisition of part of Mapledurham Recreation Ground/Playing Fields for the purpose of building a new school for the Heights Free School.	MAPLEDURHAM	4
5. MAPLEDURHAM PLAYING FIELDS AND PAVILION The report provides updated information and possible next steps regarding Mapledurham Playing Fields and Pavilion.	MAPLEDURHAM	43

6. FIT 4 ALL - PROPOSAL FOR MAPLEDURHAM PLAYING FIELDS MAPLEDURHAM To follow FOUNDATION

The report informs the Sub-Committee of a potential alternative proposal for the future use of Mapledurham Recreation Ground/Playing Fields which is being developed by Fit4All.

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Members of the public who participate in the meeting will be able to speak at an on-camera or off-camera microphone, according to their preference.

Please speak to a member of staff if you have any queries or concerns.

HEIGHTS FREE SCHOOL SUB-COMMITTEE MINUTES - 12 JULY 2016

Present: Councillor D Edwards (Chair); Councillors Ayub, Grashoff, Hoskin, Steele, R Williams and Woodward

1. MINUTES

The Minutes of the meeting of the Sub-Committee held on 23 March 2016 were agreed as a correct record and signed by the Chair.

2. PETITIONS AND QUESTIONS

Questions on the following matters were submitted, and answered by the Chair:

Questioner	Subject
Elisa Miles	Mapledurham Playing Fields and Pavilion - Alternative Proposal
Elisa Miles	Mapledurham Playing Fields - Sale Of Further Land
Elisa Miles	Heights Free School Sub-Committee - change of Chair
Mark Corbett	Heights Free School Sub-Committee - Consideration of Options
Mark Corbett	Loss of Sports Pitches And Parking
Martin Brommell	Restoration or Rebuilding of the Pavilion
Martin Brommell	Mapledurham Playing Fields - Status of Land in Event Of School Closure
Martin Brommell	The Heights School - risk to other local schools
A N Other (asked by Martin Brommell)	Heights Free School - Size of Proposed Site
Jane Bickerstaffe	Mapledurham Playing Fields - Value of Land
Andrew Morris	Mapledurham Playing Fields - Consideration of Other Bids

Questions on the following matters were submitted, and answered in writing:

Bob O'Neill	Council Policy on Loss of Public Open Space
Barbara Garden	Mapledurham Playing Fields - Meeting to Discuss Alternative Proposal
Barbara Garden	Planning Policy - Development on Public Open Space
Barbara Garden	Mapledurham Playing Fields - Value of Land
Robin Bentham	EFA Proposals - Traffic Data
Robin Bentham	EFA proposals - Access to Playing Fields
Nick Gale	Sale valuation for the 1.231 acre EFA request

HEIGHTS FREE SCHOOL SUB-COMMITTEE MINUTES - 12 JULY 2016

Nick Gale	Mapledurham Playing Fields - Proceeds of sale or lease
Jacqui and John Kavanagh	Future Care, Repair And Management of the Mapledurham Playing Fields and Pavilion
Jacqui and John Kavanagh	Sale of Land at Mapledurham Playing Fields
Hannah Smith	EFA Proposals - Timetable For Consideration
Kerry Parr	Mapledurham Playing Fields - Precedent for Further Development
Hannah Smith	Consultation on EFA Proposals
Kerry Parr	EFA offer
Annie Ellison	Heights Free School site - Spending of Purchase Monies
Matt Leach	Mapledurham Pavilion - Benefits of Community Asset Status
Alex Bradbury	Heights Free School - Traffic and Parking
Tom Walton	Trust responsibilities
Stasha Lauria	Sale of land at Mapledurham Playing Fields - pledge and conflict of interest
Stasha Lauria	Mapledurham Playing Fields - Value of Land

(The full text of the questions and replies was made available on the Reading Borough Council website).

3. PROPOSAL FROM THE EDUCATION FUNDING AGENCY

The Head of Legal and Democratic Services submitted a report advising the Sub-Committee of a proposal from the Education Funding Agency (EFA) in respect of the acquisition of part of Mapledurham Recreation Ground/Playing Fields (The Trust Land) for the purpose of building a new Free school. The report advised the Sub-Committee of the various options which were open to it in respect of the charity trusteeship of the Recreation Ground Charity delegated to it by Reading Borough Council.

The report explained that the Borough Council held the Trust Land in its capacity as charity trustee and the object of the Charity was:

“the provision and maintenance of a recreation ground for the benefit of the inhabitants of the parish of Mapledurham and the Borough of Reading without distinction of political, religious or other opinions.”

The report explained that the Sub-Committee had delegated authority, with the support of officers, to discharge the Council’s functions as charity trustee and had a duty to make all decisions in what it considered to be the best interests of the Charity and in order to advance the object of the Charity. Therefore, any decision made in respect of the proposal would need to be in line with all relevant charity law and other legal restrictions.

The proposal from the EFA was attached as Appendix 1 to the report.

The report summarised the salient points of the proposal, which involved transfer of 1.231 acres of Trust Land (about 5% of the total) in the North West corner of the Playing Fields as a site for the Heights Free School; a request for free use of the Playing Fields for sport related activities; the sharing of certain facilities outside of school hours; potential to improve existing parking facilities if these could be used for additional school use; and an offer of £1.36m to the Borough Council, of which £30,775 was in respect of the part of the Trust Land which the EFA wished to purchase.

The report also advised that an application had been made by Warren and District Residents' Association to list part of the Trust Land as an Asset of Community Value and this had been agreed by the Council.

At the invitation of the Chair, the Sub-Committee received spoken representations from:

Mr Daniel Pagella and Mrs Kelly Parr on behalf of Trustees and parents at the Heights Free School

Mr Martin Brommell, Chair of Mapledurham Playing Fields Action Group

Councillor Ballsdon, local Ward Councillor

In discussion the Sub-Committee concluded that it would be in the best interests of the Trust to give further detailed consideration to the proposal with the support of independent valuation, property and legal advice, all of which would be considered in public.

Resolved -

- (1) That the EFA proposal be considered in more detail, with the benefit of independent professional property and legal advice with a view to deciding whether to accept or reject the offer set out in the proposal;
- (2) That further meetings of the Sub-Committee be arranged to consider these matters in public, with independent legal and property advice; and
- (3) That officers seek confirmation from the EFA that it will meet the cost of obtaining independent legal and property advice for the purpose of reaching an informed decision on the proposal.

(The meeting started at 6.30 pm and finished at 7.30 pm).

READING BOROUGH COUNCIL

REPORT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES AND CHIEF VALUER

TO:	THE HEIGHTS FREE SCHOOL SUB-COMMITTEE			
DATE:	11 OCTOBER 2016	AGENDA ITEM: 4		
TITLE:	PROPOSAL FROM THE EDUCATION FUNDING AGENCY			
LEAD COUNCILLORS:	COUNCILLOR EDWARDS	PORTFOLIO:	MAPLEDURHAM	PLAYING FIELDS CHAIR OF TRUSTEES
SERVICE:	TRUSTEE OF CHARITY	WARDS:	MAPLEDURHAM	
LEAD OFFICER:	BRUCE TINDALL CHRIS BROOKS	TEL:	0118 937 2594 0118 937 2602	
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1. PURPOSE AND SUMMARY OF REPORT

- 1.1 Further to Minute 3 of the Sub-Committee's meeting on 12 July 2016, this report advises the Sub-Committee of a revised proposal which has been received from the Education Funding Agency (EFA) in respect of the acquisition of part of Mapledurham Recreation Ground/Playing Fields (the Ground) for the purpose of building a new school for The Heights Free School.
- 1.2 The Sub-Committee had delegated authority, with the support of Officers, to discharge the Council's functions as sole charity trustee for the Recreation Ground Charity at Mapledurham (the Charity), and has a duty to make all decisions in what it considers to be the best interests of the Charity in order to advance its charitable objects. Therefore, any decision made in respect of the EFA proposal must be in line with all relevant charity law and other legal restrictions.
- 1.3 The EFA proposal is that the school will require the transfer of 1.231 acres of land at the Ground, within a total specified area of 2.7 acres. This wider area is shown on the attached plan (Appendix 1), hatched green within a red boundary.
- 1.4 The revised EFA proposal is at Appendix 2. Within its submission the EFA has identified a draft initial layout (Fig. 1 of Appendix 2) showing the indicative area of where the 1.231 acres will be located. It has also confirmed that the EFA has no intention of building in a way that inhibits access to the pavilion or playing fields. However it is possible that during the planning process and further detailed SI the layout of the school may need to change, albeit that it would always remain within the 2.7 acre site.
- 1.5 Despite being asked to do so, the EFA have not been prepared to confirm where the 1.231 acres of land they require for the school will be located within the wider area. This is because they consider that the greater area of 2.7 acres provides them with some flexibility should some changes be needed to the initial design layout, for example following intrusive survey works.
- 1.6 The revisions made by the EFA to the proposal considered by the Sub-Committee in July 2016 are as follows:

- The 2.7 acre area requested has been re-drawn to provide for at least a 3 metre gap between the site and the existing Pavilion and tennis courts (see Appendix 1).
 - The school hall and MUGA will be available for community use, subject to charges to users at affordable rates.
 - The Charity will provide the school with access to one sports pitch, for which it will pay a nominal usage charge, which meets the Grass Pitch Quality Standard. There is an obligation on the Charity to bring one pitch up to the Grass Pitch Quality Standard (which can be reviewed on the FA website).
 - Recognition that the future management arrangements for the Ground will be for the Council as trustee of the Charity to determine, and reiteration that the school will be willing to cooperate with any such arrangements put in place.
- 1.7 The EFA proposal includes a total payment from the EFA to the Charity of £1,360,000 (£1.36M). In this regard, the EFA consider the purchase price for the unspecified 1.231 acre site to be £30,775 (at £25k an acre based on their Red Book Valuation).
- 1.8 The EFA proposal was made on the basis that it was open for acceptance for a period of 16 weeks, until 14 October 2016. Therefore the EFA are looking for the Council, as trustee of the Charity, to make a decision on the proposal by this date. EFA are aware that it is impossible for a final decision to have been reached by 14 October 2016 because much information is still outstanding and a process of consultation (with the public and the Charity Commission) is required. However, they have a timetable for applying for planning permission in order to get the school ready for occupation in September 2018 which requires a decision "in principle" by 14 October 2016 so that they can proceed with design work and the planning application. If the Sub-Committee's decision is to progress the EFA offer, then the Charity will not be contractually committed to proceed with the sale until contracts have been exchanged and the EFA will have to take comfort from the Sub-Committee's approval to proceed, subject to such conditions as the Sub-Committee deem appropriate.
- 1.9 The EFA are prepared to accept a condition that, once the site design has been confirmed as part of the planning application, the Sub-Committee has 12 weeks (from receipt of the site plans) to comment on and finally agree the 1.231 acre area and associated access to the school and access during the construction period; and to consult with the beneficiaries upon the scheme. The Sub-Committee may impose any other conditions they feel necessary on their "in principle" decision on the EFA's proposal.
- 1.10 On 29 September 2016, the Chair received a letter from Gordon Watt, Chairman of the Mapledurham Playing Fields Foundation, setting out and attaching what is described as an alternative proposal to that submitted by the EFA, under the heading 'Fit4All'. This is to undertake the enhancement, management and operation of the Mapledurham playing fields with a 25 year lease. This is Appendix 4.

NB - a more detailed proposal on 'Fit4All' was received from Mr Watt on the day of publication of this report, and this will be the subject of a further report to the Sub-Committee, which will follow, under a separate agenda item.

- 1.11 The following documents are attached:

Appendix 1 - Revised plan showing boundary change to 2.7 acre site
 Appendix 2 - Revised EFA Proposal

Appendix 3 - A new home for The Heights - Consultation Proposal by The Heights Free school for a site at the Mapledurham playing Fields

Appendix 4 - Mapledurham Playing Fields Foundation - letter dated 29 September 2016 and enclosed leaflet onm 'Fit4All'.

- 1.12 The Sub-Committee should read this report in conjunction with the report by the Leisure and Recreation Manager on the impact of the EFA proposal on the Ground and Pavilion which is also on tonight's agenda; and also the latest proposal on 'Fit4All', referred to above, which will be the subject of a further report, to follow, on the agenda. No decision should be taken until both have been considered.

2. RECOMMENDED ACTION

- 2.1 That the EFA revised offer, at Appendix 2, be received.
- 2.2 That the EFA be informed that there is a lack of clarity within its proposals which results in the members of the Sub-Committee being asked to make a decision without full facts of the effect of the proposal on the Ground, in particular concerning the location of the 1.231 acres that it is proposed to be transferred for the school site, and its impact on the playing areas and sports pitches at the Ground.
- 2.3 That, notwithstanding this unsatisfactory circumstance, if the Sub-Committee is satisfied that, in principle and without creating any binding legal commitment, the EFA's revised offer is capable of being in the best interests of the Charity (i.e. because it is considered to be capable of enhancing the amenity value of the Ground) the Sub-Committee advise the EFA that they are prepared to continue to discuss the revised proposal, subject to the EFA:
- 2.3.1 Clarifying the location of its 1.231 acre site at the earliest opportunity.
- 2.3.2 Seeking planning consent for its proposed development on the Ground in consultation with the Sub-Committee on the likely effect of the various design options upon the amenity value of the Ground, so that the planning application that is submitted is acceptable to the Sub-Committee.
- 2.4 That, subject to the EFA carrying out the actions identified in section 2.3 above, the Sub-Committee should:
- 2.4.1 Obtain and consider a report from Bruton Knowles pursuant to section 117 Charities Act 2011, which should also address the amenity value of the Ground in respect of (and as a consequence of) the EFA proposal (including in particular any enhancement of the amenity value attributable to the EFA proposal).
- 2.4.2 Consult with the public and the Charity's Management Committee on the basis set out in section 8 of this report.
- 2.4.3 Consult with the Charity Commission on the basis set out in section 8 of this report.
- 2.5 That it be noted that a further submission regarding the Ground is expected to be made by representatives of the Mapledurham Playing Fields Foundation and that the Sub-Committee will consider any proposal if it is made.

3. POLICY CONTEXT

- 3.1 Reading Borough Council holds the Ground in its capacity as charity trustee of the Charity. The Charity is registered with (and therefore regulated by) the Charity Commission. The charitable object of the Charity is:

"the provision and maintenance of a recreation ground for the benefit of the inhabitants of the Parish of Mapledurham and the Borough of Reading without distinction of political, religious or other opinions."

The beneficiaries of the Charity, therefore, are the inhabitants of the Parish of Mapledurham and the Borough of Reading. The Ground is an asset of the Charity and is held "in specie" i.e. specifically in order to advance the Charity's object.

- 3.2 The Sub-Committee has delegated authority, with the support of the Officers, to discharge Reading Borough Council's functions as charity trustee of the Charity. The Sub-Committee has a duty to make all decisions in what it considers to be the best interests of the Charity and in order to advance the object referred to above and any such decision must be in line with all relevant charity law and other legal restrictions. This duty applies in respect of the sub-committee's consideration of the proposal submitted by the EFA which is referred to in paragraph 4 below.

- 3.3 At its meeting on 10 July 2016 this Sub-Committee resolved:

- (1) That the EFA proposal be considered in more detail, with the benefit of independent professional property and legal advice with a view to deciding whether to accept or reject the offer set out in the proposal;
- (2) That further meetings of the Sub-Committee be arranged to consider these matters in public, with independent legal and property advice; and
- (3) That officers seek confirmation from the EFA that it will meet the cost of obtaining independent legal and property advice for the purpose of reaching an informed decision on the proposal.

- 3.4 With regard to (3) above, the EFA have agreed to instruct their solicitors to provide an undertaking to meet the cost of obtaining legal and property advice up to an agreed maximum of £20,000 plus VAT in respect of the Charity's legal costs; and up to £7,500 plus VAT in respect of the Charity's property costs. The EFA has not agreed to cover further costs at the moment, and any further requests will need to be made and approved following the Sub-Committee meeting, the Sub-Committee should take this position into consideration when reviewing the EFA proposal.

4. THE POSITION

4.1 Revisions to Original EFA Proposal

Since your last meeting, Officers have been in regular contact with the EFA regarding their original proposal to get the EFA to clarify its proposals so that they can be considered by the Sub-Committee. The salient areas are as follows:

4.1.1 The actual area which is required

Whilst the EFA has confirmed that the extent of the fenced area for the school is 1.231 acres it has not been able to give a categorical assurance where this will be located within the larger 2.696 acres. The EFA has however advised that pedestrian

access would be available from the current pavilion to the Ground. The indicative 1.231 area is shown on the original consultation document and this will be the basis of any consultation. However this plan appears to identify that a larger area than the 1.231 acres will in effect be 'sterilised' ie the rear boundary of the school does not appear to abut the current boundary thereby leaving an area which will have minimum amenity value [and which will become a maintenance liability].

The proposal would appear to affect 2 existing pitches as shown at Appendix 2. However in the event that the 1.231 acre site requirement is amended then upto 3 pitches may be affected. There are no proposals within the EFA submission for these to be replaced - please see Leisure & Recreation Manager's report elsewhere on today's agenda. The Sub-Committee needs to know as a matter of urgency how many of the existing pitches will be affected before carrying out the consultation and before a valuation can be undertaken regarding the amenity of the land to be lost.

4.1.2 Access to the proposed school site

The EFA has advised that it is proposed to use the existing access way to service the site. The EFA advise that the actual works required to the access road will only be finalised if a planning application is submitted. This may involve widening of the access road and/or providing passing bays and provision of pedestrian access.

The EFA advise that use of the school car park (within the 1.231 acres) may be used after school hours and during holidays. In addition the EFA may upgrade the existing car park (outside the 1.231 acres) to allow for parent parking. The EFA will need to confirm what works it expects the Charity to carry out.

4.1.3 The sum of £1.36M

This will be ring-fenced for use by the Charity. However the EFA has decided that the new school will require access to a pitch to carry out its curriculum and that the school will pay a nominal charge; and the EFA has also advised that whilst the sum of £1.36m is available for the Charity, it is also subject to the Charity upgrading a pitch to enable the school to use it. The cost of this is currently being obtained. Please also see the Leisure & Recreation Manager's report on today's agenda.

4.1.4 Community Use of School Hall and MUGA

The EFA has confirmed that the school will allow the proposed MUGA and hall to be used by the community outside school use at a cost which has yet to be advised but which will be at a level to cover the school's costs.

4.1.5 Building Works

If the proposal by the EFA for the school proceeds then the school will need to be constructed. Any construction process is likely to disrupt access to the playing fields and also may compromise use of additional pitches during the construction period. The EFA is unable to advise of the details of construction and additional effect on the land required. However, a licence to occupy for a short period would not constitute a disposal for which the Charity Commission's consent or a surveyor's report would be required.

It is believed that the EFA's money offer will be inclusive of any licence fee.

4.2 Other Updates

4.2.1 Advisors

The EFA has confirmed that it will pay the Charity's legal and surveyor's fees up to a maximum of £20,000 plus VAT in respect of the Charity's legal costs; and up to £7,500 plus VAT in respect of the Charity's property costs whether the matter reaches completion or not. Further costs are likely to be incurred if the EFA proposal proceeds, and further requests will need to be made and approved by the EFA.

The Trustees have appointed Bruton Knowles, following a competitive process, to advise on the following:

- Reviewing the offer/heads of terms made by the EFA.
- Providing strategic advice and negotiate the offer made by the EFA.
- Providing a report in compliance with The Charities (Qualified Surveyors' Reports) Regulations 1992 for the consideration of the Sub-Committee to enable a decision to be made on whether the proposed disposal is in the best interests of the Charity.
- Providing a report on the amenity value of the part of the Ground which would not be purchased by the EFA to enable the Sub-Committee to assess the scope for advancing the Charity's objects (and its beneficiaries) if the Sub-Committee were to accept the EFA's offer, compared with the amenity value of the Ground if the EFA's offer is not accepted.
- Attending meetings of the Sub-Committee and beneficiaries to answer questions on the proposed disposal.

4.2.2 'Fit4All'

Officers have met with representatives of the Mapledurham Playing Fields Foundation (MPFF) - a new charity formed in June 2016 who have advised that they are preparing an alternative proposal for the Playing fields. The Chairman, Gordon Watt, wrote to the Chair of the Sub-Committee on 29 September 2016, enclosing a leaflet on 'Fit4All' which proposes that the Foundation undertakes the enhancement, management and operation of the Ground with a lease for 25 years: both are attached at Appendix 4.

MPFF's objects are:

"To provide or assist in the provision of facilities at Mapledurham playing fields in the interests of social welfare for recreation or other leisure time occupation of individuals who have need of such facilities by reason of their youth, age infirmity or disability, financial hardship or social circumstances with the object of improving their conditions of life".

The representatives have asked if the EFA proposal could be delayed pending the submission of their proposals later this year. The Sub-Committee is asked to note the position and confirm that once received it will consider a proposal from the MPFF [but Officers do not consider that it is in the best interests of the Charity to delay proceeding with the EFA proposal].

As explained at para. 1.10 above, a more detailed proposal on 'Fit4All' was received from Mr Watt on the day of publication of this report, and this will be the subject of a further report to the Sub-Committee, which will follow, under a separate agenda item.

4.2.3 Asset of Community Value

The Mapledurham Pavilion, access road and car park is now an Asset of Community Value. It should be noted that under the Localism Act the proposals from the EFA would not trigger a disposal.

5. IMPACT ON MAPLEDURHAM RECREATION GROUND

- 5.1 There is a separate report on tonight's agenda, from the Leisure and Recreation Manager, which explores the possible impact of the EFA proposal on the Ground and Pavilion. This cross-refers to the EAF proposal, and should be read in conjunction with this report, before the Sub-Committee takes a decision on the EFA's proposal.

6. DECISION

- 6.1 In line with the duty to act in the best interests of the Charity mentioned above, the Sub-Committee is asked to consider and decide on the most appropriate response to the EFA proposal at this stage.
- 6.2 The EFA has made it clear that it is unable to provide further information on the exact location of the school and access arrangements until such time as it proceeds through the planning process. This leaves the Sub-Committee in a position where you are being asked to agree to a proposal whilst not being in full possession of all of the facts.
- 6.3 The valuation of the school site may change when the exact location of the school is known, and there is a clearer understanding of the number of existing pitches which will be affected by it.
- 6.4 The EFA has also advised that it will not proceed to further work unless the Sub-Committee agrees, in principle, that the proposals are in the best interest of the Charity.
- 6.5 The Sub-Committee should refer to paragraph 9, and in particular para. 9.3, in respect of the decision you are being asked to make in respect of the EFA proposal.

7. COMMUNITY ENGAGEMENT AND INFORMATION

- 7.1 In February and March 2016, the Council (as local education authority) undertook a public consultation exercise on behalf of, and at the request of, the EFA, in respect of five sites proposed by the EFA for the new The Heights Free School. The results of this consultation were handed to the EFA.
- 7.2 The outcome of the consultation is set out in the EFA proposal, at appendix 1: see para. 2.
- 7.3 This report is recommending that the Trustees advise the EFA that they are prepared to continue to discuss the revised proposal, and to consult on it in line with the requirements of the Charities Act 2011. This will require the Council, as trustee of the Charity, to undertake the following consultation:

- (1) Under section 121 of the Charities Act 2011, the Sub-Committee should give public notice of any proposal to dispose of part of the Ground and invite representations from the public which it should then consider before taking any final decision. This consultation should allow for at least 1 month during which

representations can be made, but Officers recommend that a period of 6 to 8 weeks would be appropriate.

(2) Officers also recommend that the Sub-Committee should consult with the members of the Charity's Management Committee in relation to any proposal. This consultation should be carried out during the period of public consultation.

7.4 As indicated at section 8.6 of this report, the Charity Commission should also be consulted in relation to any proposal to dispose of part of the Ground or use by the school.

7.5 The consultations should make clear that any amendments that the EFA are obliged to make to the site plan and designs submitted at the request of planning officials, the planning committee, or statutory consultees as evidenced through documentation, will be subject to approval by the Sub-Committee but will not trigger a further consultation providing that the build area remains within the designated 2.7 acres.

8. EQUALITY IMPACT ASSESSMENT

8.1 Under the Equality Act 2010, Section 149, a public authority must consider whether the decision will or could have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief.

8.2 The Charity will not carry out an Equality Impact Assessment at this stage. When the EFA has confirmed the location of the 1.231 acre site and the consultation has been carried out an Equality Impact Assessment will be carried out.

9. LEGAL IMPLICATIONS

9.1 As indicated earlier in this report, the Sub-Committee has been delegated the power to consider the EFA proposal by the Council acting in its capacity as sole corporate trustee of the Charity.

9.2 The principal duty owed by the Council (and therefore the Sub-Committee) in relation to consideration of the EFA proposal is whether it is in the best interests of the Charity and its beneficiaries. Because the Ground is held "in specie" for the purposes of recreational use by the Charity's beneficiaries, the duty owed in relation to a decision to dispose of part of the ground for use by the school is effectively to decide whether or not the EFA proposal will (or will not) enhance the amenity value of the Ground for the Charity's beneficiaries, taking into account both the loss of amenity value for the beneficiaries attributable to the disposal of part of the Ground to be used by the school, and whether the EFA proposal (and in particular the price it has offered) will enable the amenity value of the part of the Ground which is not sold for the purposes of the school to be enhanced.

9.3 As indicated earlier in this report, Officers' recommendation is that the terms of the EFA's offer are not sufficiently clear to enable the Sub-Committee to make a decision to dispose of part of the Ground on the basis set out in paragraph 9.2. The decision for the Sub-Committee is therefore whether they now consider:

(1) that the EFA offer as it has currently been articulated is not in the best interests of the Charity (i.e. because it does not enhance the amenity value of the Ground or, in line with Officers' recommendation) and should not therefore be proceeded with any further (option (1)); or

- (2) that the EFA's offer is, in principle and without creating any binding legal commitment, capable of being in the best interests of the Charity (i.e. because it is considered to be capable of enhancing the amenity value of the Ground) and should therefore be pursued, subject to the conditions recommended by Officers (and any other conditions the Sub-Committee thinks are appropriate and necessary) (option (2)).
- 9.4 The Sub-Committee should take into account that there is a specific requirement under the Charities Act 2011 (section 117) which means that the Sub-Committee could not decide to enter into any legally binding agreement to sell part of the Ground for the purposes of the school without having first either obtained the consent of the Charity Commission or having obtained a report on the proposed disposition from a qualified surveyor and that, having considered that report, being satisfied that the terms of the sale are the best which are reasonably obtainable for the Charity. Bruton Knowles have been instructed to prepare a report for the Sub-Committee on this aspect as well as in relation to the amenity value of the part of the Ground which would not be purchased by the EFA, taking into account the proceeds of sale available to the Charity. Any proposed disposition must be advertised in accordance with any recommendations in the report (unless the report advises that such advertisement would not be in the interests of the Charity). This provision will be relevant in due course if the Sub-Committee decides to pursue option (2), albeit subject to the clarification by the EFA recommended by Officers.
- 9.5 There is also a specific requirement under the Charities Act 2011 (section 121) in relation to "specie" land that any proposal to dispose of it must be notified and any representations received in response are considered. This requirement applies to the Charity. Any disposal of the Ground must therefore be subject to this process of consultation. This provision will also be relevant in due course if the Sub-Committee decides to pursue option (2), albeit subject to the clarification by the EFA recommended by Officers.
- 9.6 The Sub-Committee should also take into account that the Council (as trustee) does not have an express power to sell any part of the Ground unless the proceeds of sale are used to purchase replacement property with an equivalent or enhanced amenity value (which is not proposed by the EFA) or, in line with the Charity Commission's own guidance, if the disposal is of only a small proportion of the Charity's land that will not affect its ability to carry out its charitable recreational object (when the Charity may be able to dispose of the land using the statutory power of disposal under the Trusts of Land (Appointment of Trustees) Act 1996). The Charity Commission will therefore need to authorise a disposal of part of the Ground for use by the school, unless the Commission accepts that the part of the Ground being disposed of is "small" and will not affect the Charity's ability to carry out its object. In either case, therefore, the Charity Commission must be consulted in relation to any proposal to dispose of part of the Ground and will expect that to have happened before any final decision to dispose of part of the Ground to the EFA is taken by the Sub-Committee. Again, this is relevant if the Sub-Committee decides to pursue option (2), albeit subject to the clarification by the EFA recommended by Officers.
- 9.7 In reaching the decision referred to in section 9.3 above, the members of the Sub-Committee have a number of obligations:
- (1) They must act in good faith and exclusively in the interests of the Charity i.e. in a way which they honestly believe to be in the Charity's best interests.

- (2) They must act within their powers (as explained in section 9.6 above, the Charity Commission will need to be consulted in relation to this should the Sub-Committee be minded to pursue option (2) and may need to authorise any disposal).
- (3) They must ensure that they have any legal, property or other advice they consider is required in order to inform and support their decision-making. The Sub-Committee should have regard to this report (including the legal advice set out in it), the Appendices to this report, and the report by the Leisure and Recreation Manager on the impact of the EFA proposal on the Ground and Pavilion which is also on tonight's agenda. The Sub-Committee should also consider whether there is any other advice they believe is required before making a decision.
- (4) They must ensure that they are adequately and properly informed and have all relevant information.
- (5) They must ensure that they take into account all relevant factors. Such factors will only relate to the Charity and its ability to advance its charitable, recreational object. Such relevant factors include:
 - The risks associated with the EFA proposal and, in particular, whether a decision to dispose of part of the Ground will negatively impact on the Charity's ability to advance its charitable, recreational object.
 - The benefits associated with the EFA proposal and, in particular, whether a decision to dispose of part of the Ground will positively impact on the Charity's ability to advance its charitable, recreational object (and, if so, whether this outweighs any negative impact and can be justified in the best interests of the Charity).
 - Whether progressing the EFA's proposal in line with option (2) above will incur any cost for the Charity.
 - The Charity Commission's guidance on public benefit, which is relevant to most decisions taken by charity trustees:
<https://www.gov.uk/government/publications/public-benefit-the-public-benefit-requirement-pb1/public-benefit-the-public-benefit-requirement>
- (6) They must not take into account any irrelevant factors. In particular, the Sub-Committee must not take into account the interests of the Council as local education authority or planning authority, nor any interest that the public will or may have in the provision of education to local children (including the results of the public consultation previously carried out by the Council as local education authority at the behest of the EFA).
- (7) They must manage conflicts of interest. The Sub-Committee has been established with delegated powers in order to manage the potential conflicts of duty that may otherwise arise for members and officers of the Council in relation to the Charity and the EFA's proposal. Any role played by any member of the Sub-Committee which may relate to the Charity in any other respect or may conflict with their role as a member of the Sub-Committee should be declared at the outset of the Sub-Committee meeting.
- (8) They must make a decision that falls within the range of decisions a reasonable trustee body could make. This is in line with the Charity Commission's guidance on decision-making.

- 9.8 Each of these considerations is set out in more detail in the Charity Commission's guidance on decision-making by charity trustees (CC27). This makes it clear that some of these factors are inter-related e.g. a member of the Sub-Committee who takes into account the interests of the Council as local education authority is unlikely to be acting in good faith and solely and exclusively in the best interests of the Charity. The Commission's guidance is available here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/476870/CC27.pdf

- 9.9 The same (or similar) considerations to those outlined above in section 8 will apply to any subsequent decision by the Sub-Committee to enter into a binding agreement with the EFA to dispose of part of the Ground for the purposes of the school. As indicated above, the decision Officers consider the Sub-Committee should make at this stage is whether or not, in the light of the information which is available at this stage, the EFA proposal is capable of being in the best interests of the Charity (i.e. because it is considered to be capable of enhancing the amenity value of the Ground) and should therefore be pursued, subject to the conditions recommended by Officers.

10. FINANCIAL IMPLICATIONS

- 10.1 The EFA proposal includes a financial offer of £1.36M.
- 10.2 If the EFA proposal is ultimately accepted then these funds will belong to the Charity and must be applied solely and exclusively to meet the charitable, recreational object of the Charity. An understanding of how those funds could be applied is therefore an intrinsic part of assessing whether the EFA proposal (and in particular the price it has offered) will enable the amenity value of the part of the Ground which is not sold for the purposes of the School to be enhanced (as referred to in section 8.3 above).
- 10.3 Officers recommend that the Sub-Committee should cross-refer to the separate report prepared by the Lesiure Manager on tonight's agenda on the impact on the EFA Proposal on the Ground and pavilion, which sets out two costed scenarios for ways in which the proceeds of disposal currently on offer from the EFA could be used to enhance the amenity value of the Ground. The Sub-Committee will note that the impact on amenity value appears to depend to a significant extent on that part of the Ground which is actually used to build the school within the total area specified by the EFA of 2.7 acres (see section 1.3 above). Officers' view is that this will need to be addressed by Bruton Knowles in preparing their report in relation to the Ground.

11. BACKGROUND PAPERS

- 11.1 [Structural survey of Mapledurham Pavilion January 2016]
- 11.2 Appendix 1 - Revised plan
- 11.3 Appendix 2 - EFA Proposal
- 11.4 Appendix 3 - A new home for the heights - Consultation Proposal
- 11.5 Appendix 4 - 'Fit4All' - Letter and leaflet of 29 September 2016 from Gordon Watt

SUBJECT TO CONTRACT AND AGREEMENT OF HEADS OF TERMS

BEST AND FINAL OFFER: FREEHOLD/LEASEHOLD ACQUISITION

Note: Although this offer is not intended to be legally binding, once accepted, it will inform the production of a number of documents including the heads of terms and contract or agreement for lease. It will therefore not be possible to agree variations to the commercial terms set out below.

- 1. Introduction** The Mapledurham Playing Fields (**MPF**), within which the Property is located, is held in the Charitable Trust. The Charitable Trust is administered by Reading Borough Council (**RBC**) as its sole trustee. When making decisions on behalf of the Charitable Trust, RBC is required to act in the best interests of the Charitable Trust and its beneficiaries, which are the inhabitants of Mapledurham and the Borough of Reading and not in its capacity as a Local Authority or a Local Education Authority.

The Buyer offers to acquire the Property from the Charitable Trust for the creation of a school on the terms set out in this document. This offer is open for acceptance by the Charitable Trust within the timeframe indicated in section 7 below.

2. Consultation History

2.1 Review of previous consultation activity and choice of MPF

Following an extensive site search, the Education Funding Agency (**EFA**) purchased "High Ridge", a one-acre residential plot, with the intention of developing this for The Heights Primary School (the **School**). Purchase of the site proved highly controversial with local residents, with a number suggesting there were better locations available locally for the School. At the EFA's request, RBC led a consultation to seek local views on where the School should be located on a permanent basis. Of 4,376 respondents 70% were in support of siting the School on a part of MPF. This was by far the most popular choice of the five potential sites under review (including "High Ridge"). Based on the outcome of the consultation exercise the EFA decided to pursue an acquisition of part of MPF. The results of the consultation exercise can be found in Appendix 2.

2.2 MPF ownership and designated purpose

The freehold of the MPF is held in the Charitable Trust but because it does not have a legal identity and cannot therefore hold title to the land in its own name, it is held by the Official Custodian for Charities on its behalf. MPF has a designated purpose as set out in the Charitable Trust's governing document. Accordingly, MPF can only be used for the specified purposes which are "the provision and maintenance of a recreation ground for the benefit of the inhabitants of the Parish of Mapledurham and the Borough of Reading without distinction of political, religious or other opinions".

2.3 Review of current site

The site is located south of Upper Woodcote Road in Caversham, Reading and falls under the planning jurisdiction of RBC.

The total area of the site is approximately 110,125 sq.m or 11.01 hectares. The site is

surrounded by Hewett Ave to the west, Chazey Road to the south, Upper Woodcote Road to the north and St Peter's Ave to the east.

The site is primarily made up of open playing fields, with the following landscape features and elements:

1. The car park which is accessed via Upper Woodcote Road. The surface is predominately compacted gravel with timber parking space demarcation. There are also several demarked DDA parking spaces with tarmac surface adjacent to the tennis courts.
2. A pavilion building next to the four existing tennis courts. Following a survey undertaken by RBC the pavilion building is currently closed pending further investigation. However, it has traditionally been used as changing facilities and for organised clubs and meetings.
3. Tennis courts and associated ball stop fencing.
4. Marked out football pitches and goalposts. There are three pitches located within the site. One is located towards the north of the site and its dimensions are 100m x 66m. The other two are located side by side (along the short edge) towards to the southern portion of the site and dimensions of these pitches are 90m x 60m each. All of the pitches fall within the Sports England recommended football pitch sizes for outdoor club use (minimum 90m x 45.5m and maximum 120m x 90m).
5. An area used as an informal kick-about or warm up space prior to the organised football games on marked out pitches.
6. Play area which includes swings, multi play unit, zip-wire, see-saw and springees. The play area covers approximately 520 sq.m and is located towards the centre of site. It has a bark safety surface, is surrounded with bow-top fencing and has self-closing gates to restrict dog access to the play area.
7. Hard surfaced ball court and basketball area. The surface is tarmac and there are two end hoop units fixed into the ground. The total area of this space is approximately 662 sq.m.
8. An orchard that includes an interpretation panel at the north eastern corner which explains in detail the fruit species and layout.
9. An area of regenerated broad-leaved woodland along the eastern edge of the site. As noted in the Preliminary Ecological Appraisal (**ADAS**) there is a diverse mix of species which include Oak (*Quercus* sp), Field Maple (*Acer campestre*), Elder (*Sambucus nigra*) and Hazel (*Corylus avellana*). The understory is dominated by Ivy (*Hedera helix*), with occasional woodland species such as Wood Avens (*Geum urbanum*), Lords-and-Ladies (*Arum maculatum*) and Stinking Iris (*Iris foetidissima*).
10. Existing boundary tree and vegetation.

Following a qualitative survey, the below observations were made of current user groupings, purpose of use and timings:

- At MPF the groups undertake a mixture of activities which utilise different aspects of the site, such as the pavilion building, football pitches and

ecological resources.

- The groups use the playing fields and pavilion at a range of times throughout the day. Most of the groups use the site at least once a week. The Caversham Trents Football Club uses the site every day of the week.
- The Bridge Group and the Caversham Trents Football Club use the site continually throughout the year and Escape Toddler group were using the site for 11 months of the year. The other main user groups use the site for 10 months (volunteer football club) and 8 months (Friends of Mapledurham Playing Fields). August is the month when all of the non-year round users stated they did not use the site.
- It is acknowledged that in some cases usage extended considerably beyond 5 years to 17 years and 30 years for the Friends of Mapledurham Playing Fields and Bridge Club respectively. When cross-checking within the surveys it was mentioned by Escape Toddlers that they have been using the site for in excess of 15 years prior to the pavilion being closed.
- All of the groups use the site for at least 2 to 3 hours when present.
- Group participants travel to the site from a range of distances, the modal response being between 500m and 1km.

The site is well used throughout the year by groups which have a variety of interests. Based on the responses received, Caversham Trents Football Club is the largest user of the outdoor space and the Bridge Club and Escape Toddlers were the largest users of the pavilion.

The recent community engagement events, which had 332 attendees and 1,142 written respondents, indicated that the majority of respondents, 71%, were supportive of a school being built on a small part of MPF. The opportunity to make use of the new school hall and Multi Use Games Area (**MUGA**) outside of school hours was particularly welcomed. There were questions about whether the development could also help to secure the repair of the pavilion and improve the football facilities. Concerns were also raised about the impact of traffic and parking associated with the School. This offer has been designed to address these concerns and our proposals are detailed later in this offer.

2.4 *Spatial analysis of required area*

In considering the area of land that we wish to purchase to enable delivery of a new primary school, we have made use of the national guidelines, namely Building Bulletin 103 available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/324056/BB103_Area_Guidelines_for_Mainstream_Schools_CORRECTED_25_06_14.pdf

The area that we anticipate to be required for the School, including the MUGA and school hall, but not a school pitch area, is approx. 4,983 sq.m/1.231 acres. Our intention is to limit the impact and 'land take' required for the School. Hence, in response to

issues raised by the local community, we are suggesting that we do not attempt to purchase more land than is absolutely necessary to deliver the School and in particular do not incorporate a dedicated school pitch within our development proposals. Instead our offer includes additional financial contribution that could be used to improve the existing pitches which will remain within the ownership and maintenance responsibilities of the Charitable Trust. In return, however, we would expect that the School has reasonable access, with a nominal charge, to an existing pitch during School hours/term time as necessary for the purposes of teaching the curriculum.

It is proposed by us and the school that the School's MUGA (which will be approximately 960 sq.m) will be available for hire outside of school hours/term time. It will be suitable for sports such as five a side football, cricket practice and netball. This would substantially add to the current sporting facilities in the community.

The new school hall will be approx. 180 sq. m. Again, we and the school are proposing that this is available for hire outside of school hours/term time. It will be appropriate for activities such as yoga, aerobics, residents' meetings, adult learning and social gatherings.

We anticipate that the total area required for the School, including the MUGA and the hall will be approx. 4,983 sq.m /1.231 acres. This takes up under 5% of the total site area, still leaving a large site for other sporting activities/leisure whilst enhancing its access/usage with improved sporting facilities/leisure activities on site.

Whilst we anticipate that the total area required by the School to be 1.231 acres, due to the project still being in its early stages of architectural design it is requested that the Charitable Trustee permits the EFA to develop plans within a larger area of the site, 2.7 acres. This will enable the design to develop in line with stakeholder and planning requirements and ensure the most efficient siting of the School. Once the design is finalised, the red line plan showing the extent of the Property (as attached in Appendix 1) will be modified to reflect the final boundary of the Property. Please note that it is not our intention to create a School site that is 2.7 acres. We are requesting only that we are able to plan a 1.231 acre site within this area. This is to avoid a situation where any modifications to our design would then require us to re-enter negotiations to secure a slightly different part of the site. Land that is not within the final School boundary will remain in the Charitable Trust ownership. Please note that we have no intention of building in a way that inhibits access to the pavilion or playing fields.

To further expand on the BB103 area calculations the following aims to develop an indicative layout and associate any proposals with the completed surveys and analysis. Figure 1 illustrates a draft initial layout for consideration and future consultation.

1. Proposed access – following recommendations within the transport and highway survey (Transport feasibility appraisal, February 2016) opportunity to provide for improved main access to playing fields, pavilion, and car park and proposed School. Given existing width of the current access road, the layout/design will need to consider need for vehicular access (drop off and deliveries), passing points, and pedestrian access.

2. Proposed building location and orientation. Double storey building with school hall towards south east of building. Main entrance to the north access via proposed car park.
3. Hard surfaced informal outdoor space.
4. Soft informal area.
5. New School car park (but may be shared with MPF users outside school hours/term time).
6. New MUGA (available for hire outside school hours/term time).
7. Potentially improved shared soft outdoor PE pitch.
8. Potential improvement to access points into playing fields



Figure 1 – Indicative Building and External Space Layout

2.5 *Site constraints*

Based on the above analysis of space required, current uses and sensitivities of the site (determined by site surveys), Figure 2 below sets out what is considered the most appropriate location for the School.

Indicated in red hatching are areas where it is felt any potential for development is not possible due to an existing constraint. Whilst the areas shown in blue hatching are potentially developable lack of appropriate access makes them unviable.

We are therefore proposing that the School is positioned in the green area indicated. We are seeking to purchase a 1.231 acre site within this 2.7 acre area, the precise location of School site boundary to be determined.



Figure 2 – Development Constraint Analysis

2.6 *Review of recent consultation activity*

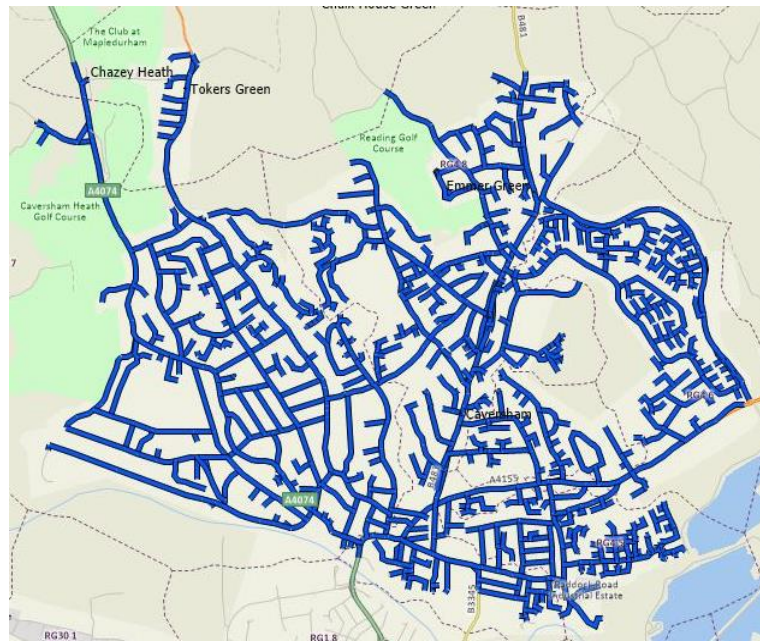
Residents consultation

The EFA has undertaken an extensive programme of public consultation to ensure that all local residents are fully informed about, and given the opportunity to submit feedback on the plans to position the School on MPF.

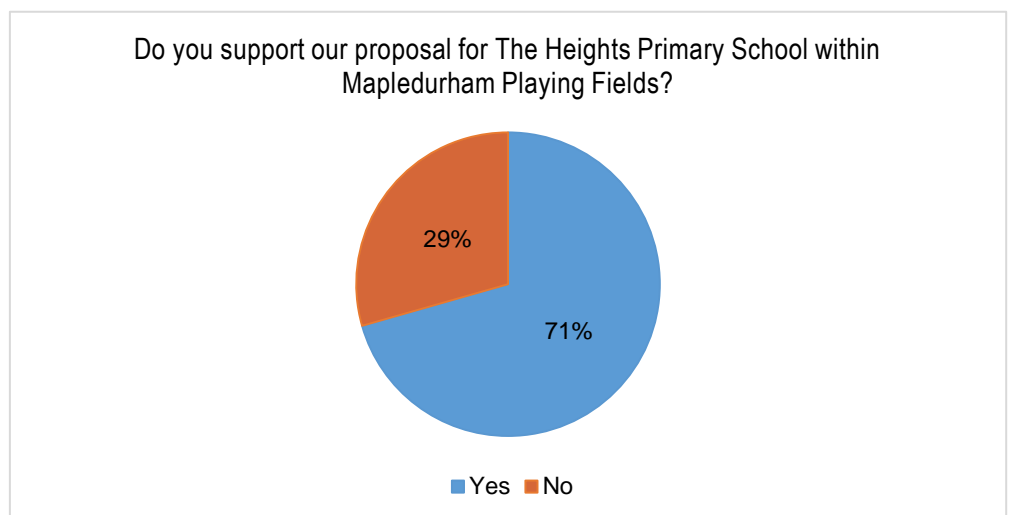
The headline summary of the steps taken in the consultation process are as follows:

- 13,500 community newsletters were distributed in Caversham to all residents surrounding MPF and further to the east. The distribution map for newsletters can be seen below. Furthermore, a press advertisement was also taken out in the Reading Chronicle and Reading Midweek publicising the exhibitions and it was also publicised in local libraries.
- Invitations were issued to a stakeholder preview consultation, which took place on Thursday 17th March 2016 from 6pm-9:30pm. A number of near neighbours, regular users, sports groups and other interested parties attended to preview and discuss the proposals with the EFA project team.
- In total, 332 local residents attended two public exhibitions held at Church Street, 59 Church Street RG4 8AX on Monday 21st March from 5pm-9pm and Mapledurham Golf Course, RG4 7UD on Tuesday 22nd March from 3pm-7pm. Eight exhibition boards were on display informing residents on the proposals and feedback forms were available so that members of the public could let us know their thoughts.

- A project-specific website, <http://www.anewhomefortheheights.com>, was established with information which featured at the public exhibitions for those who could not attend. Also advertised on the site was an email address, info@anewhomefortheheights.com, which allowed residents to pose questions to the EFA project team.
- 1,142 responses were received to the question 'Do you support our proposal for The Heights Primary School within Mapledurham Playing Fields?' 806 respondents (71%) answered 'Yes', indicating their support for the proposal.



Newsletter Distribution Map



The Trust will be aware that there is a group of local residents who strongly oppose the sale

of any land for the purpose of a school, arguing that this is against the designated purpose for which the land is held. Our aim is not to undermine the strength of the trust but rather to demonstrate how our offer will make a substantial contribution to the objects of the charity that outweigh the loss of land. The recent consultation exercise with the local community provided an invaluable opportunity to listen to what residents would like to see enhanced on MPF in relation to sport and leisure. We consider that our offer provides the Trust with an opportunity to address those concerns. It will help to create a genuine sports and leisure 'hub for the community' as well as providing a much needed primary school for local families. There are other cases where land held in such Trusts has been sold. The Trust, in accepting our offer, may also wish to consider making a statement reassuring residents of the position of the rest of MPF, as concerns were raised at our community events that the sale of land for a school would be a precursor to the sale of more land for other purposes.

Traffic and Parking

Beyond general support for the scheme, a number of respondents raised concerns about the travel plan which would accompany the proposed School. Specifically, a common response questioned the impact that the School would have on local traffic congestion and whether highways adjustments would have to be made to ensure that the site is sufficiently accessible.

In response to those concerns, as part of our offer, we want to assure stakeholders that the EFA has a proven track record of working positively with the traffic and highways teams within local authorities to devise safe drop off/pick up, emergency access and parking facilities that address such concerns. Our specialist contractors have already undertaken an initial feasibility of the site access issues and are confident that appropriate safe arrangements can be made. We are also willing to discuss, as part of the planning process, any necessary mitigating actions to limit the impact of traffic and parking from the development on near neighbours. EFA has routinely, as part of its developments, been asked to put in place measures such as traffic calming, pedestrian crossings, limited hour and residential parking only zones. These are often conditioned as part of planning approval and hence must legally be complied with. The EFA is willing to work with the local authority and residents to devise the most appropriate measures for this School. The Charitable Trust may also wish to use some of our financial contribution to improve existing MPF parking facilities. In addition, we are willing to consider how the new parking facilities developed for the School can be made available for community use outside of school hours/term times.

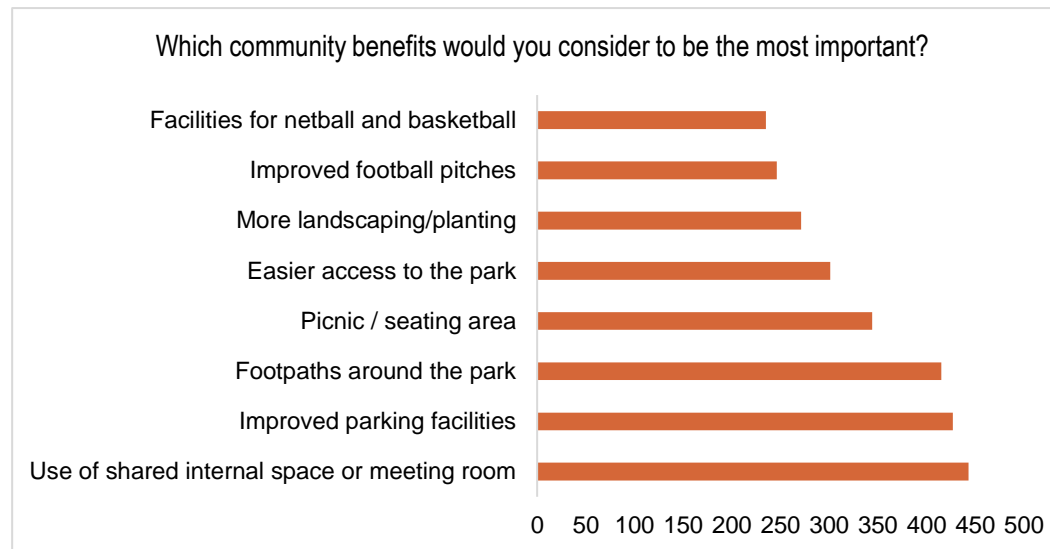
More Sports and Leisure

The current proposal is that the new School hall and the MUGA that are incorporated within the School development are made available for hire at affordable rates by the community outside of school usage. This proposal was widely welcomed in our community engagement events.

Some respondents also indicated that they would welcome further investment in sports

and leisure facilities on MPF to ensure that the development is in keeping with the objects of the Charitable Trust. In particular, the football club was concerned about investment in the pitches, and others were concerned about securing the repair and reopening of the pavilion for wider leisure use.

In addition to this, the community were asked which community benefits they considered to be the most important. The chart below indicates the local desire for an accessible site with community spaces and improved parking facilities.



Our offer therefore includes an additional financial contribution, significantly above valuation of the land required for the School, to enable the Charitable Trust to fund improvements for sports and leisure facilities on MPF. The funds will be paid to the Charitable Trust on legal completion of the proposed acquisition, which is subject to a planning approval for the school being secured. The amount of this additional contribution is of a level that we consider to be sufficient to enable the Charitable Trust to invest, should it choose to, significantly in the pitches, the pavilion, existing parking facilities and possibly other benefits for the local community. Accordingly, our offer would help to improve not only the current state of the recreational grounds and facilities thereon but also to bring additional benefits for the local community. This in turn would enable the Charitable Trust to further its charitable objectives namely to provide and maintain recreation ground for the benefit of the inhabitants of the Parish of Mapledurham and the Borough of Reading. Accordingly, if the EFA's offer is accepted by the Charitable Trust, planning secured and RBC (as a sole trustee) agrees to invest the funds on the priorities identified by the community, then residents and users will have both the benefit of a much needed, new and aspiring primary school for local families alongside significantly improved sports and leisure facilities on MPF. As mentioned above, this would include a new School hall and MUGA for hire outside of school hours/term time, a reopened pavilion offering changing rooms for sports and also space for social activities/group meetings/toddler groups and improved football pitches. MPF would be a genuine 'hub of the community' offering a range of sports and leisure facilities for all. This will help return vibrancy to the fields and engage the community in new sports and leisure activities on the site.

With the anticipated increase in the range and number of activities and facilities on offer to the community on MPF, this offer is subject to confirmation by the Trustees that it will ensure a fit for purpose management structure will be maintained to provide fair access for the whole community whilst ensuring the school will have appropriate access to be able to meet the requirements of its curriculum.

- 3. **Seller** Playing Field and Recreation Ground Charity (registered number 304328) at Mapledurham, Berkshire (**Charitable Trust**)
- 4. **Buyer** THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT, 4th Floor, Fry Building, 2 Marsham Street, London, SW1P 4DF
- 5. **Property** Freehold or 125 year lease (in either case with vacant possession) of 1.231 acres within the area of 2.7 acres (as shown edged red on the plan in Appendix 1) at Mapledurham Playing Fields, Woodcote Road, Caversham, Reading RG4 7EZ.

- 6. **Purchase Price and Additional Financial Contribution**
 - 6.1 The total amount payable to the Charitable Trust will be £1,360,000, inclusive of any VAT that may be payable on the transaction. This amount will be paid in full on completion.
 - 6.2 This amount includes the following:
 - a. Purchase price for the Property in the amount of £30,775 (which is £25,000 per acre, based on a Red Book Valuation);

This valuation has been undertaken in line with the recommendations of the Royal Institution of Chartered Surveyors Professional Standards for Valuation to meet the statutory requirements of the Charities Act. It has concluded that Reading Borough Council's adopted planning policies prevent development on Public and Strategic Open Space, explicitly precluding it from development. This severely limits its value in the open market.

In contrast, the provisions of planning guidance issued by the Secretary of State for Communities and Local Government jointly with the Secretary of State for Education established a presumption in favour of development for Free Schools, providing a basis on which consent could be granted for the development of a new school . This unique situation renders the EFA a special purchaser for the determination of value.

- b. Notwithstanding the restrictions on value identified above the EFA recognises that further financial consideration is required to ensure the development of the school is able to enhance the provision of sport and recreation on the playing fields as a whole. The purchase price therefore includes a contribution in the amount of £1,329,225 (which

can be used as determined by the Charitable Trust in furtherance of its charitable objects).

6.3 In addition to paying the Charitable Trust for the land and making significant financial contribution that can be spent on the priorities identified by residents, the Buyer also proposes to address concerns raised by local community through the following:

- making available the School hall for hire at reasonable times outside of school hours/ term time at affordable rates;
- the School's MUGA will also be available for hire at affordable rates and at reasonable times outside of school hours/term time;
- The typical hours of operation for the school and its associated breakfast and after school clubs, which will help stagger the impact of arrival and departure times, will be 8am-6.30pm, Monday to Friday, for approx. 42 weeks of the year. Outside of these times, the school trust is willing to commit to the MUGA and the school hall being available for use by the community provided certain conditions are met. The full arrangements will need to be set out in a community use agreement, but indicatively these could include:
 - *The provider agrees to commit to appropriate terms and conditions of usage (typical community use agreements include things such as abide by appropriate health and safety legislation, insurance for the activities, agreed charges are paid etc.);*
 - *The type of usage and hours of operation do not contravene any planning conditions that may be imposed on the site/facilities e.g. late night usage, noise etc;*
 - *The full costs of the usage are met and contribute to the overall viability of the facilities e.g. if someone is needed to open and close the site late at night/weekends etc. these costs are met in full and it is possible to secure staff to undertake this work;*
 - *Facilities are returned in the appropriate state for school usage/the next user e.g. cleaning is paid for etc.*
 - *Community use agreements by schools are now common place. Sports England produce guidance on them at: <http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/community-use-agreements/>*
 - *In relation to charges, it is common place for schools to make distinctions in their charging regimes depending on the nature of the group, its ability to pay, the activity, the resourcing implications (e.g. cleaning, finding someone to open/close at the weekends) and an assessment of value to the community. It is also the case that costs will vary depending on days and hours of hire and resources to be used. This is because, for example, it is likely to cost more to employ someone to attend late evening at a weekend to open and close a venue etc. than say early evening during the week. We commit to engaging with the community about activities to be put on and the associated charging regime. The EFA and the school remain committed to contributing effectively to the community and fully plan for fees to be reasonable and relate to the ability of the group to pay and costs.*
- considering potential improvement of existing parking facilities on MPF if the Charitable Trust allows these to be used for the School, for example - for parental drop off or similar;

- willing to work with the residents and Charitable Trust to devise an arrangement whereby the School's new car parking facilities could also be used by the visitors and users of MPF outside school hours/term time;
- working with the school, local authority, traffic and highways and residents to create a traffic and parking management strategy for the school to implement. This has been welcomed by the school which has already established a strong culture of sustainable travel to its existing site, working in partnership with RBC and Sustrans. It intends to continue and develop this culture further once it has relocated to a site within its primary catchment area;
- Improving (possibly widening) main access to MPF.

6.4 Whilst our additional financial contribution could be used by the Charitable Trust as it sees fit (provided this is in the furtherance of its charitable objects) we believe that this amount (in conjunction with any sums raised by residents) could refurbish / reopen the pavilion, and enable the current pitches to be improved. The Buyer is leaving RBC (as a sole trustee) to determine the priority for expenditure.

The pavilion, pitches and improved pitches and any other sports and leisure facilities RBC Choses to develop with the funds outside of the School site boundary will remain in the ownership of the Charitable Trust who would retain the responsibility for repair and maintenance.

Whilst RBC can determine priority for the investment of our financial contribution, given that we are deliberately limiting the 'land take' of the School by not building a pitch for the bespoke use of the School, our offer is made on the basis that we expect investment by the Charitable Trust in a sports pitch which would then be made available for use by the School at a nominal charge during school hours/term time to enable it to meet the requirements of its curriculum. We expect that sufficient funds are made available to bring the playing pitches up to Grass Pitch Quality Performance Standard, as adopted by Sports England. We have not made an assessment of how much this will cost, but as improvements to the playing field are contributing to the amenity value of the retained playing fields, the cost should not be considered an effective reduction of the payment that EFA is proposing.

The availability of this arrangement is what will enable the School to operate within its 1.231 acre site.

- 7. Timing**
- 7.1 This offer is open for acceptance for a period of 16 weeks (until 14TH October 2016). We believe this allows a sufficient period for the Charitable Trust's Management Committee to consider the terms of this offer, undertake any consultation with its beneficiaries (as it deems necessary or desirable) and then (if appropriate) to accept this offer.
- If written acceptance of this offer is not received within 16 weeks period, this offer will lapse.
- Should however this offer be accepted, the Buyer recognises that there may be a subsequent requirement to consult with and / or seek prior consent of the Charity Commission. The Heads of Terms will set out indicative timetable within which the parties will seek to exchange and complete this acquisition, having regard to any necessary consultation or requirement to seek prior consents.
- 7.2 Completion will take place following satisfaction of all of the Conditions Precedent for Completion though the Buyer will be permitted to elect to complete earlier at its discretion.
- 7.3 The Contract (or Agreement for Lease) will permit the Buyer to assign the Contract (or Agreement for Lease) to another Secretary of State or a school trust prior to completion without the Seller's consent being required.
- 8. Conditions Precedent for Exchange of Contracts**
- 8.1 Satisfactory completion of title investigation and due diligence;
- 8.2 Receipt of Ministerial approval to proceed with the transaction on the agreed terms;
- 8.3 The Charitable Trust procuring any necessary consents to proceed with this transaction.
- 8.4 Receipt of satisfactory survey results.
- 9. Conditions Precedent for Completion**
- 9.1 Completion will be conditional upon the Buyer obtaining satisfactory planning permission (without a challenge being made during the JR period) for the construction, opening and operation of a school on a permanent basis upon terms acceptable to the Buyer (as determined by the Buyer in its absolute discretion) and free from the EFA standard onerous planning conditions
- 9.2 The long-stop date for the satisfaction of the conditions will be 24 months from the date of planning application.
- 10. Costs**
- The Seller's reasonable and proper legal costs (up to £20,000 including VAT less any funds already made available) in relation to this transaction will be met by the Buyer.



A new home for The Heights

Welcome to our exhibition

Thank you for coming to our exhibition. We are sharing our proposals for The Heights Primary School which will be presented for consideration by the charitable trust that owns Mapledurham Playing Fields.

The proposals are for a non-selective, highly inclusive primary school for the Caversham Heights / Mapledurham area serving the needs of the local community. Following a thorough review of Mapledurham Playing Fields, the north corner of the playing fields has been identified as the most suitable location.

This area of the site was selected following extensive surveying work undertaken to determine where the school can best be placed to minimise impact on users whilst maximising the benefits to the local community.

Summary of Proposals

- A purpose built school which meets the needs of the local community and addresses a rising demand for primary school places.
- A two-storey design which aims to minimise the footprint area.
- Enhancement of existing facilities.
- Improved access to playing fields.
- Using less than five per cent of Mapledurham Playing Fields. The new site will include a multi-use games area for the school and the community to share.
- Site chosen with strong support from the local community as seen from the results of the council consultation.



About us

The Heights Primary

The Heights is a Government funded, non-selective, highly inclusive primary school for the Caversham Heights / Mapledurham area. The school opened in September 2014 with two reception classes and a Year 1 class in response to an increasing need for primary school places in West Caversham. The Heights is growing organically with two new reception classes of 25 children per class joining every year and will reach its full capacity of 350 children across reception to Year 6 in 2020.

The school is currently located on a temporary site on Gosbrook Road. Due to the expected expansion of the school, and the increasing demand for primary school places in the area, The Heights needs to find a permanent home.



The Heights' Motto

Achieving
Success
Promoting
Individual
Responsibility and
Excellence



Education
Funding
Agency

The Education Funding Agency

The Education Funding Agency (EFA) manages funding to support all state-provided education for eight million children aged three to 16, and 1.6 million young people aged 16 to 19. The EFA is funding the development of The Heights in accordance with standard free school funding policies.

Why Mapledurham?

Following a Council led consultation on the behalf of the EFA on potential sites for the new school, the Mapledurham Playing Fields emerged as the strongly preferred option.

Of the 4,376 people who responded to the consultation, 3,042 (70%) said they supported the use of Mapledurham Playing Fields for the school's permanent home.

The site and how we got here



- ① Existing access from Upper Woodcote Road
- ② Existing pavilion building
- ③ Existing tennis courts
- ④ Existing football pitches
- ⑤ Existing informal footpath training/kickabout area
- ⑥ Existing play area
- ⑦ Existing basketball court
- ⑧ Existing community orchard and wildflower area
- ⑨ Existing broad-leaved woodland
- ⑩ Existing boundary vegetation and trees

Following a thorough review of Mapledurham Playing Fields, the north corner of the playing fields has been identified as the most suitable location. This site arches the corner between Hewitt Avenue and Hewitt Close, and the school boundary line represents under five per cent of Mapledurham Playing Fields. The new site will include a multi-use games area for the school and the community to share. To minimise the amount of land required the school will also make use of the existing pitch facilities during school hours. No additional fencing or alterations will be necessary and the pitches will still be available for booking by other organisations.

This location for the school was informed by a range of surveys and is based on minimising any impact on the local environment alongside maximising opportunities to enhance the playing facilities through shared usage and improvement.

The proposed layout of the school building has been designed to be two storeys, with the aim of minimising the footprint area.

Site Constraints

These plans consider where the most appropriate location for the school could be. This is based on the playing fields in their present form, existing play features, community facilities and conclusions of the surveys undertaken.

Indicated in red on the map below are areas where it is considered that any potential for development is limited by an existing constraint. These include archaeology, ecology and flood risk constraints. Areas shown in blue are available space but limited by access.



Free space, but inaccessible



Existing constraints limit possible locations for school



- ① Existing access and car park
- ② Existing building form
- ③ Existing organised sports areas
- ④ Existing kick about / training area
- ⑤ Existing play and recreational areas
- ⑥ Existing basketball court
- ⑦ Existing community orchard
- ⑧ Existing broad-leaved woodland
- ⑨ Existing informal pedestrian entrances
- ⑩ Filtered views into playing fields



Community Benefits

Extensive surveying work has been undertaken to determine how the school can best be placed to minimise impact on users. These surveys have also sought to determine possible improvements that a new permanent home for The Heights could bring to Mapledurham Playing Fields and its regular users. Mapledurham Playing Fields is held in charitable trust for sports and leisure use and therefore we want to talk to the community about what we can do to address this whilst developing our plans.

The main improvements that we are currently suggesting are:

- The school will seek to work with users of the park to further develop ongoing community involvement and organised activities within the playing fields.
- The range of activities in the park could be enhanced through shared use, at evenings and weekends, of the school hall and external sports provision e.g. through community groups meeting in the school hall or use of the Multi-Use Games Area for activities such as five-a-side football or 'quick' cricket.
- Access points into the park could be improved through better entrance treatments and surfacing including improved car park surfacing.
- Opportunities to improve the drainage of the existing football pitches.
- A joint management committee that oversees the use of the shared areas within the park could be established to ensure that fair access for all users is maintained.

We would also like to hear your ideas about other potential improvements. For example:

- Would users welcome the provision of some hard surfaced footpaths and, if so, where?
- Is there more that can be done to improve the use of the woodland area or biodiversity of the site?
- These proposals leave the Pavilion untouched. Given that is currently closed and in need of extensive refurbishment, what are the views of users around community space provision / adult changing areas etc.?

Transport and Highways

Following a Highways and Transport survey, it has been concluded that vehicular and pedestrian access via the existing access to the tennis courts and pavilion from Upper Woodcote Road is the best option for the proposed primary school.

It has been determined due to land constraints and existing residential dwellings that access via Chazey Road would not be suitable for the provision of a vehicular access to the site and that a pedestrian access, with the occasional informal vehicular access remaining as is.

Access from the north of Hewett Avenue is deemed a viable option in terms of highway design and accessibility, given that the access point would still be within close proximity of Upper Woodcote Road and the fact that no residential properties face onto Hewett Avenue.

The Heights Primary is committed to encouraging sustainable travel to school through the development of a Travel Plan, encouraging families to walk and cycle wherever possible.

Many pupils and parents currently walk, scooter or cycle part or all of the way to and from their homes to the school's temporary site on Gosbrook Road.



Proposal Overview

Under five percent of the playing field area is being proposed for the boundary of the school. This also includes a new multi-use games area for the school and the community to share. The key aspects of the proposal are:

- A purpose built school which meets the needs of the local community and addresses a rising demand for primary school places.
- A two-storey design which aims to minimise the footprint area.
- Improved access to playing fields.
- Using under five per cent of Mapledurham Playing Fields, the new site will include a multi-use games area for the school and the community to share.
- A site chosen with the strong support of the local community as seen from results of council consultation.



What do you think?

We want to hear your thoughts. Please provide your comments on the response forms provided, or alternatively you can fill out the response forms online at www.anewhomefortheheights.com



Next Steps

All the feedback received will be reviewed by the project team and taken into consideration when preparing our final proposal for the Mapledurham Playing Fields Charitable Trust. Following the exhibition, the materials we present will be available on our website for those who are unable to attend.

Thank you for coming to our exhibition.

5 Balliol Road,
Caversham
Reading,
RG4 7DT

Councillor Deborah Edwards,
Chairman of The Heights Free School Sub-Committee,
Reading Borough Council,
Civic Offices,
Bridge Street,
Reading
RG1 2LU

29th September 2016

Dear Councillor Edwards,

I am writing to assure that you are aware that there is a proposal for Mapledurham Playing Fields (Fit4All) being finalised by the Mapledurham Playing Fields Foundation, a registered charity, which is an alternative to the proposal submitted by the Education Funding Agency. I request that you defer any decision on variations to the "Recreation Ground Charity" scheme until this can be finalised and presented to The Heights subcommittee. This will be no later than by the end of this year.

I attach a leaflet outlining Fit4All. In summary it proposes that Mapledurham Playing Fields Foundation undertake the enhancement, management and operation of Playing Fields with a lease for 25 years. In contrast to the EFA's proposal, Fit4All is not a one-time fix which will eventually be exhausted, but a transformation to re-establish the financial viability and enhance the vitality of the Recreation Ground Charity.

We believe the proposal will be very interesting to Reading Borough Council as it resolves an immediate critical problem, the restoration of Mapledurham Pavilion, relieves it of a chronic problem, the upkeep of Mapledurham Playing Fields, and absolves Reading Borough Council of an open ended financial liability in return for a modest contribution. Furthermore Fit4All is in accordance with best practice identified by research conducted by the Charity Commission. In its advice on "Village Halls and Community Centres" the Charity Commission states "As a general rule, active, vibrant governance and an active vibrant village hall go hand in hand. Our research revealed a clearly identifiable link between the ability of village hall and community centre charities to attract users, their ability to attract trustees and other volunteers, and their ability to generate funding". Mapledurham Playing Fields Foundation has already 9 designated trustees and over 70 registered volunteers.

To ensure that the anticipated proposal from the Education Funding Agency was not compromised, development at Mapledurham Playing Fields was suspended for almost two years. In particular the plans for restoration of the pavilion were halted and the long term security of tenure, required by Caversham Trents Football Club to secure grants and loans, was withheld. It would not seem unreasonable to grant us the relatively modest consideration of deferring any decision on variations to the scheme for a maximum of a further three months.

I am mindful that the Education Funding Agency set an arbitrary 4 month period of validity on its offer, which expires on 14th October. However I am advised that Reading Borough Council stated, at the Heights Free School subcommittee meeting on 12th July, that it would not be bound by this and would take as long to consider the proposal as necessary.

I should be grateful if you could confirm that Reading Borough Council will defer any decision on variations to the "Recreation Ground Charity" scheme until the Fit4All can be finalised and presented to The Heights Free School subcommittee, at the latest by the end of this year.

Yours sincerely,

Gordon Watt

Chairman of the Mapledurham Playing Fields Foundation

P.S. I am sending a copy of the letter to the Charity Commission which has encouraged us to submit our proposal to you.

cc. John Lewis, Charity Commission, Permissions and Compliance Team

P.P.S. I am also sending copies to organisations which have asked to be kept informed of the progress of the Fit4All proposal:

cc. Mark Pover, Head of Investment and Facilities, Football Association
Liz Pill, County Development Manager, Berks-Bucks Football Association
Vicky Aston, Planning Manager, Sports England
David Sharman, Development Manager, Fields in Trust
Nicole O'Donnell, Community Development Officer, Oxfordshire Playing Fields Association

Fit4All

Let's make Mapledurham Playing Fields fit for all without losing land

Stalemate

Mapledurham Playing Fields has been for many years a valued recreational and social hub. The playing fields themselves are very popular, especially with footballers, though more pitches are needed and they need to be properly maintained, with better amenities. Mapledurham Pavilion has been in regular use by community groups but its condition has deteriorated so much over the past 15 years that it has had to be closed.

Reading Borough Council has twice proposed to sell land from the Playing Fields to fund repairs to the pavilion and other enhancements to the facilities. The first proposal, in 2001, was rejected because of the ecological damage that it would cause. The second proposal, in 2006, was put to public consultation and was overwhelmingly rejected. It now seems likely that the Council will put forward a third proposal to sell land, this time as a site for The Heights Primary School.

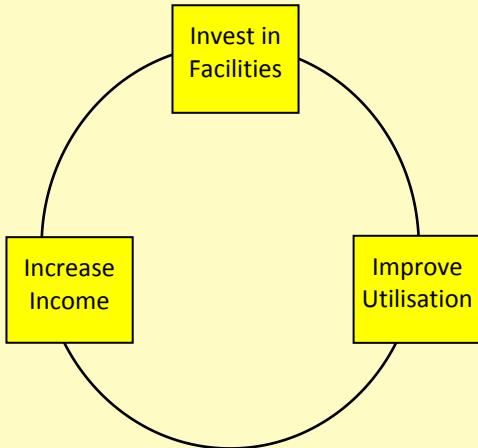
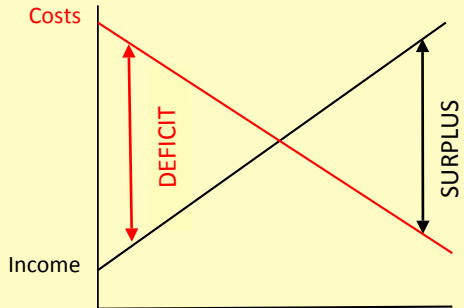
Recent volunteer initiatives have demonstrated the opportunities to restore Mapledurham Playing Fields to its former vibrancy.

- £185,000 has been raised by The Warren and District Residents Association (WADRA) to restore the pavilion. The work is being delayed by Reading Borough Council pending an offer from the Education Funding Agency to buy land for the new school.
- Caversham Treants Football Club (CTFC) has grown from 8 to 25 teams in the last seven years. Further growth, including increasing the number of teams for girls and launching a club for players with disabilities, cannot progress without the security of a long lease. The Council is not willing to grant this lease until the outcome of any proposal to build The Heights Primary School is known.
- In 2014 Mapledurham Lawn Tennis Club (MLTC), with financial support from Sports England, undertook an ambitious program to improve its facilities and to triple court usage, including providing access and coaching for players who have disabilities. The final part of the plan, to provide for wheelchair players, is being delayed because an accessible toilet cannot be installed until the pavilion is restored.
- Friends of Mapledurham Playing Fields (FoMPF) work to conserve the site's natural environment and increase biodiversity. In 2002 the Mapledurham Management Committee recommended that the Playing Fields should be awarded Local Nature Reserve status, but the Council's Parks Department did not make the necessary registration.

Mapledurham Playing Fields could be radically enhanced, without the need to sell land to raise funds, if the constraints were removed and volunteering allowed to flourish.

Turnaround

Mapledurham Playing Fields currently has an annual deficit: the cost of maintenance is greater than income generated from rental of the pavilion and lease of pitches and courts. It must be made financially viable, ideally creating a surplus to support investment in facilities and community engagement.



How can this be done? Essentially the spiral of decline has to be reversed by removing constraints on volunteer initiatives and investing in the facilities, which will allow increased utilisation and, in turn, increase income to support further investment.

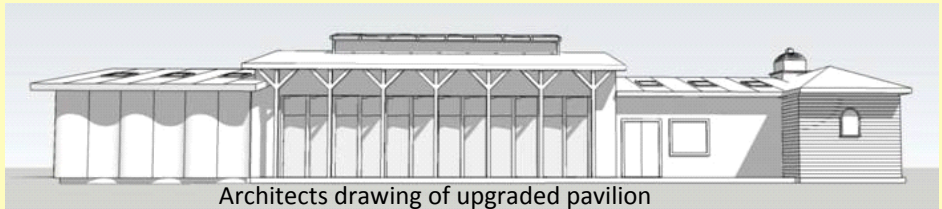
WADRA has already raised sufficient funds to renovate the pavilion. The plans have been drawn up. The tendering process could be completed and the pavilion made fit for use. With active marketing and management, utilisation could be extended to match similar local facilities and revenue could be dramatically increased. At the same time, renovation would reduce the need for and cost of maintenance by restoring the fabric and fixtures of the building.

Caversham Trents Football Club has funds which could be invested in enhanced facilities. CTFC has also had preliminary discussions with the Football Association, which has indicated willingness, in principle, to invest in enhancing the facilities. Any investment is only viable if CTFC is guaranteed continuing benefit over a reasonably long time frame, such as 20 years. This should be granted to allow the object of the Recreation Ground Charity (the provision of a recreation ground) to be fulfilled.

Steps

The turnaround should be planned in steps, to deliver the biggest improvements as soon as possible without disrupting access and availability more than necessary.

Step 1 The first step should be to restore the pavilion, reopen it to groups which have been displaced, attract new users and reinstate this vital source of income. Key to attracting new users will be making booking easier and marketing the facilities more effectively.



Architects drawing of upgraded pavilion

Step 2 The next step should be to build new changing rooms. This would allow the Playing Fields to host sports to higher standards. FA regulation changing rooms are required for higher level men's football and for players with disabilities, but could also be offered as a courtesy to visiting tennis and cricket teams. The original changing rooms should be refurbished to provide additional smaller studios and meeting rooms. All development initiatives should be conducted through the Recreation Ground Charity, to allow easy integration of volunteer involvement, sponsor engagement and maximum tax efficiency.

Step 3 Easy enhancements to outdoor facilities should then be undertaken. The football pitches should be improved by installing better drainage and regular top dressing, the basketball court should be restored and the Playing Fields should be registered as a Local Nature Reserve, to ensure the continued protection of the natural environment and biodiversity. All contracts for development and ongoing maintenance should be competitively tendered to secure the best value for money.

Step 4 Attention can then be turned to more major undertakings. The playground should be relocated closer to the pavilion and it should be upgraded. This will also allow reconfiguration of the Playing Fields to accommodate more football pitches and a cricket pitch. New secure storage for sports equipment, with electricity and water for maintenance, should be installed.

Step 5 Beyond this there are numerous suggestions for new sporting and recreational amenities which can be considered, including all weather pitches for football or rugby, and outdoor gym equipment, which could be installed around the periphery of the Playing Fields.

Drive

To make this all happen we need supporters and volunteers.

In the first place we need to gather sufficient supporters to demonstrate the strength of community commitment to “making Mapledurham Playing Fields fit for all without losing land” to get the proposal considered. If you would like to register your support and be kept informed of the latest developments please **email “Me Too” to info@ProtectMPF.uk**. If you do not have email please call Gordon Watt on 07957 481133.

When the proposal is accepted we will need volunteers to help. At this point it is not possible to identify all of the skills which may be required, but there are interim opportunities:

- CTFC would like to work in partnership with a committee of local people who are committed to improving our playing fields and create a lasting legacy for future grass roots football and our community.
- WADRA has been extraordinarily successful in raising funds for the pavilion restoration. It plans to continue and would welcome support in instigating or undertaking community initiatives.
- Mapledurham Playing Fields Action Group (MPFAG) is committed to protecting the Playing Fields. This will soon involve interacting with the Charity Commission and submitting a proposal including business plan. It would very much welcome advice, assistance or support from anyone who shares this commitment and would like to be involved in this initiative.

If you would like to know more or indicate your interest in any of these **please include the appropriate initials, WADRA, CTFC, MLTC, FoMPF or MPFAG, in your “Me Too” email**. If you are interested in Mapledurham Lawn Tennis Club or Friends of Mapledurham Playing Fields, please include the initials **MLTC** or **FoMPF**.

If you would like to know more about the history of Mapledurham Playing Fields and the course of the campaign to protect them **please access our website at www.ProtectMPF.uk**

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	HEIGHTS FREE SCHOOL SUB-COMMITTEE		
DATE:	11 OCTOBER 2016	AGENDA ITEM:	5
TITLE:	MAPLEDURHAM PLAYING FIELDS AND PAVILION		
LEAD COUNCILLOR:	COUNCILLOR GITTINGS	PORTFOLIO:	CULTURE, SPORT AND CONSUMER SERVICES
SERVICE:	ECONOMIC AND CULTURAL DEVELOPMENT	WARDS:	MAPLEDURHAM
LEAD OFFICER:	BEN STANESBY	TEL:	0118 937 5071
JOB TITLE:	LEISURE AND RECREATION MANAGER	E-MAIL:	Ben.stanesby@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To update the Committee on the current position and possible next steps for the pavilion at Mapledurham.
- 1.2 An outline of the current position and implications of different scenarios that may be proposed by the Education Funding Agency (EFA).

2. RECOMMENDED ACTION

- 2.1 That a decision on refurbishing or replacing Mapledurham pavilion is made only after the Sub-Committee is confident in the implications of a proposal from the EFA or other potential interested parties.

3. POLICY CONTEXT

- 3.1 Reading Borough Council holds The Trust Land in its capacity as charity trustee and the object of the Charity is: "the provision and maintenance of a recreation ground for the benefit of the inhabitants of the Parish of Mapledurham and the Borough of Reading without distinction of political, religious or other opinions."
- 3.2 The sub-committee has delegated authority, with the support of the Officers, to discharge Reading Borough Council's functions as charity trustee of the Charity. The sub-committee has a duty to make all decisions in what

it considers to be the best interests of the Charity and in order to advance the object referred to above and any such decision must be in line with all relevant charity law and other legal restrictions. This duty applies in respect of the sub-committee's consideration of the proposal submitted by the EFA.

4. THE PROPOSAL

Current Position

- 4.1 Mapledurham pavilion remains closed following a structural survey which identified significant deterioration requiring additional supports to stabilise the building.
- 4.2 The Education Funding Agency (EFA) proposal does not include enough detail to allow a comprehensive assessment of the impact of the scheme.
- 4.3 The proposal does identify the area in which the EFA are considering locating the school as fig 1 below.

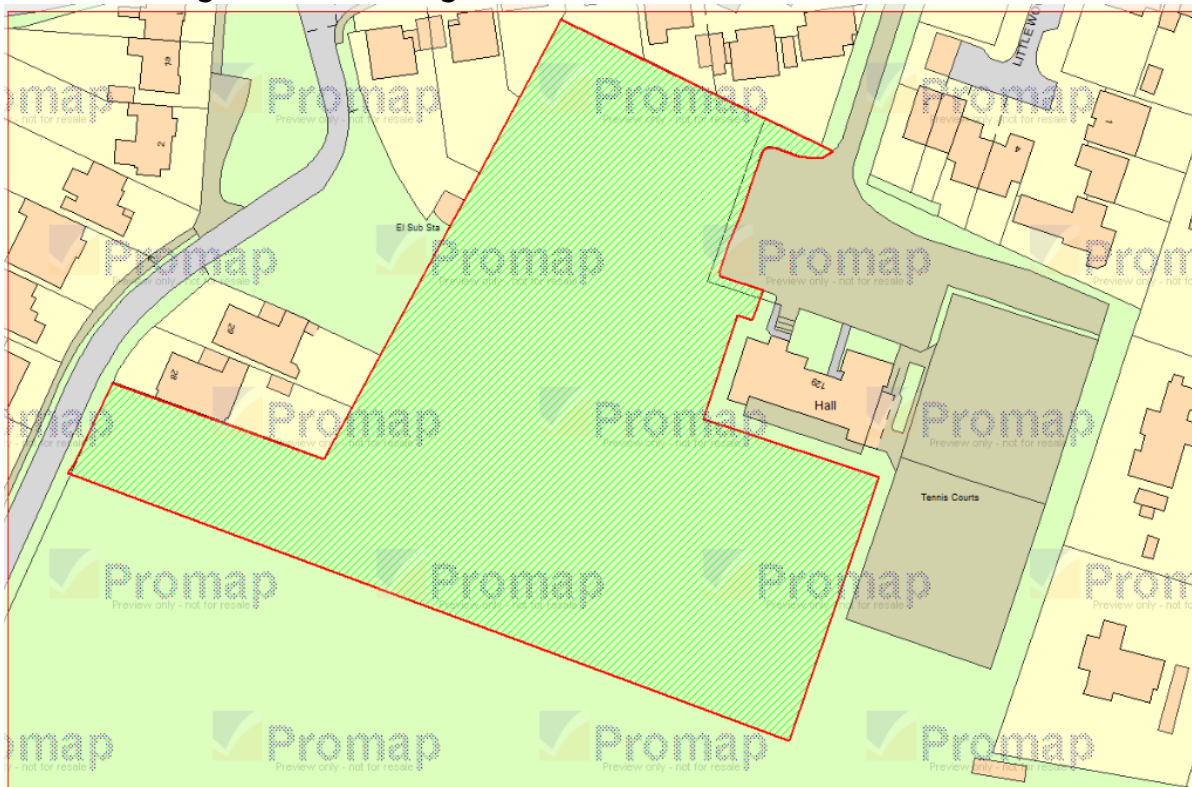


Fig. 1

- 4.4 Mapledurham is a principle site for football north of the Thames within Reading. The other sites close to Mapledurham are at capacity, namely Emmer Green Recreation Ground, Highdown School and Clayfield Copse. There is capacity at Christchurch Meadows although work is required to bring pitches back into use and the site does not have the space to become the principle home venue for the principle user of Mapledurham. There are

a number of other limitations at Christchurch, such as car parking, lack of social facilities and variable ground conditions.

- 4.5 There are 8 football playing areas/pitches that are used for formal football at Mapledurham. Their locations are shown below:

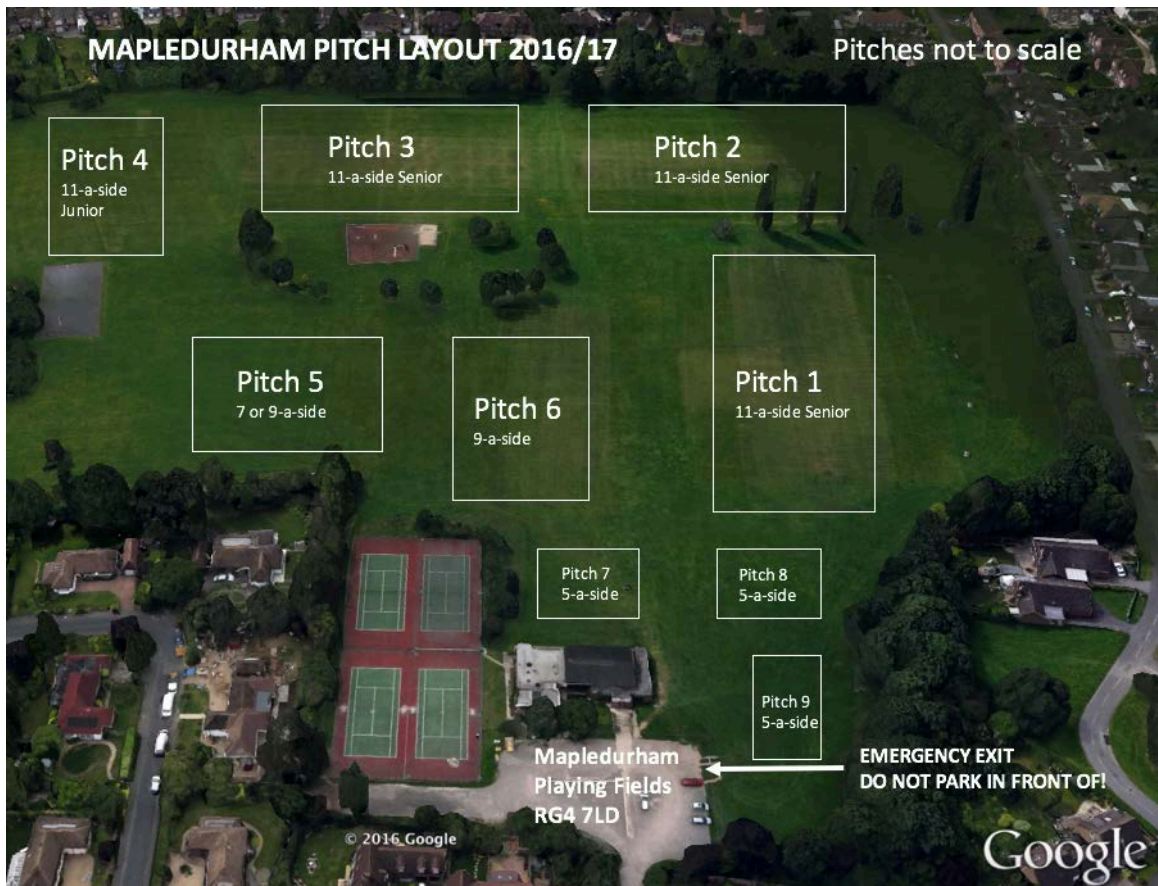


Fig. 2 Note orientation north is towards the bottom of the photo.

- 4.6 The senior pitches (1,2 & 3) are currently used more frequently than the maximum number identified as their capacity. The carrying capacity is 6 games a week and they are currently used for 6.5 games a week.
- 4.7 Pitch 4 is often water logged and is unusable for large parts of the season.
- 4.8 Pitches 5 and 6 are lightly used for matches but are heavily used for training by junior and senior teams during the season. Pitches 7, 8 and 9 are used heavily for pre-season training and non-league games. They are often water logged during the winter.
- 4.9 Caversham Trents are a well-established football club that are rapidly growing
- 4.10 and are expected to be using Mapledurham Playing Fields to its full capacity in the next 3-5 years potentially displacing some of the current users.

4.11 As the EFA have not provided either detail or definitive information, it is therefore necessary to consider a number of scenarios.

SCENARIO A

4.12 Should the school be located to the immediate south of the pavilion, this would separate the pavilion from the playing fields, significantly impacting upon its effectiveness both in terms of providing changing facilities and a hall/community facility that can be used in conjunction with the playing fields. This would necessitate the relocation of the pavilion to the south of the tennis courts. This would require demolition of the existing building and re-providing facilities that meet current standards. Car parking will also need to be reconfigured if it is possible to provide parking next to the pavilion. This is essential to support use by those less mobile.

4.13 Clearly, pitches 5, 6 and 1 will be bisected by the new development (see Fig. 2) and it is likely without removing trees and/or moving the play area, only one pitch could be re-provided on site. It is also likely that pitches 7, 8 and 9 would also be lost. It may be possible to relocate these within the playing fields.

4.14 This arrangement would not accommodate current demand for pitches

4.15 The school have identified a MUGA but not its dimensions nor type of surface. This would not be able to provide replacement facilities for the pitches lost. There is not capacity or space available to re-provide pitches in the Mapledurham locality.

4.16 This leaves three options;

- Provision of a new artificial turf pitch on site (size to be determined),
- Caversham Trents FC being co-located between Mapledurham and Christchurch Meadows if this can be brought back into use. Caversham Trents' development plans however, are based around a single home venue, their development may not be possible with a split site.
- The third option is for no re-provision to be made and accepting a reduction in service. This would not meet the objects of the trust.

4.17 It is also worth noting that the EFA proposal includes use of pitch 1 which is currently at capacity. Additional use here will necessitate further provision elsewhere being made available.

4.18 While the school may only occupy a portion of the 1.091ha the recreational value of the land around the school would be so degraded the effective reduction of the open space would be equivalent to the full 1.091ha. An equivalent re-provision or significant facilities to allow more intensive use would be required.

4.19 In order to continue to provide similar community hall/pavilion facilities that serve the playing fields and accommodate the current (and expected future) use of the playing fields, the following should be provided:

- Full size artificial turf pitch capable of use for football matches
- New pavilion with hall (and ancillary accommodation).
- New sports changing
- Car parking to support playing field and pavilion use.
- The existing pavilion does not meet current Sport England minimum standards. A replacement would therefore occupy a greater footprint if it were to provide the same services as the existing.

COSTS:

4.20 Sport England publishes model designs and costs for a number of affordable sports facilities. The facilities within the pavilion are broadly equivalent to Sport England's one court sports hall and outdoor two team changing rooms pavilion. A provision for the tennis club's room would also need to be made.

- The cost for these facilities is circa £1m Ref: <https://www.sportengland.org/media/10289/facility-costs-2q16.pdf> (excluding professional fees).
- Alternatively, using industry standard square metre rates to calculate the build costs, the figure increases to £1.5m - £2m (Rates from recent Leisure works)
- Demolition of existing Pavilion up to £0.1m
- Re-provision of car parking is likely to be an additional cost, depending upon ability to share school car parking.
- Floodlit artificial turf pitch to replace lost pitches 1, 5 & 6 £885k.
- In total, the cost of works to ensure existing use can continue to be accommodated will be between £2m and £3m.

4.21 It is clear that the offer from the EFA will not be able to fund the changes required to maintain the same quantity of facilities as currently provided and any work supporting intensified use to offset loss of open space would need to be funded by the Council.

SCENARIO B

4.22 The school is built in the north east of the area identified and not impacting on either the interaction between the pavilion and the playing fields or pitches 1 to 6.

4.23 In terms of sport, in order to maintain the existing capacity, the training areas around the pavilion would need re-providing. This includes both the formal spaces (pitches 7, 8 & 9) and adjacent areas. Pitches 7, 8 & 9 are used for both games and matches and use is concurrent.

- 4.24 Replacement facilities will need to cater for the 3 groups training/playing at any one time requiring a 60m x 40m pitch. Given the level of use an Artificial Turf Pitch (ATP) suitable for football will be required. Asphalt is unsuitable for the regular training required by the football clubs.
- 4.25 The senior pitches are currently being over used and cannot cater for the current demand. The school could however use either the junior pitches or the ATP.
- 4.26 Warren and District Residents Association (WADRA) have stated they will not be able to contribute funds or believe volunteers would be willing to contribute significant time to assist in the management and or rebuilding of the pavilion. In this instance, the full cost of building refurbishment would fall upon the Council.
- 4.27 In order to accommodate current and expected use, the following would be required:
- Floodlit Artificial Turf Pitch: Rubber filled £385k
 - Pavilion Refurbishment/Rebuilding £450k - £600k
 - Improvements to other infrastructure such as car parking and access are not included.
 - This would leave £450k - £600k for investment into the rest of the playing fields to support intensified use.

Other Considerations

- 4.28 The positioning of the school in intermediary position will have varying impact on how the pavilion can be used. The pavilion overlooks the playing field and the relationship between the two is an essential characteristic of the pavilion. If this is compromised then the pavilion will need to be moved. The cost of this is likely to be in excess of a payment from the EFA. An assessment will need to be made of any detailed proposal to assess the impact on the pavilion and whether the pavilion needs replacing.
- 4.29 To prevent the interaction between the pavilion and playing fields being compromised, it is important that the school does not occupy land immediately to the south of the pavilion. Building should be avoided on the blue area on the plan below:



Fig. 3

- 4.30 Similarly the impact on variants to any proposals will need assessing to determine the impact on football pitches and what alternative provision is required on site.
- 4.31 In order to determine whether it is appropriate to start work to repair the pavilion, greater clarity is required in terms of what the school are proposing.

Options to support intensified use

- 4.32 The building of the school will reduce the total recreational space available which will have the largest impact upon football. While playing of adult football is declining generally in Mapledurham, demand for senior pitches is greater than supply. Junior football is growing generally and Caversham Trents is showing consistent and ongoing increases in numbers of young people playing and participating. Facilities are therefore required to both cater for the displaced activity and allow the existing clubs using Mapledurham to continue to implement their existing development plans. Assuming the adult pitches are retained the minimum size for replacement junior facilities is a 60m x 40m (ATP) as previously identified.
- 4.33 Other infrastructure improvements that should be considered are:
- A perimeter footpath and linking paths eg: to play area (£125k - £150k)
 - Entrance improvements (£25k - £50k)

- Play area - upgrade and relocate next to pavilion (£150k - £200k)
- Fitness stations around perimeter path (£25k - £50k)
- Relocate ball area to next to school (£60k - £100k)
- New furniture (seats/bins etc) - £10k - £20k
- Extend ATP to full football pitch size (£500k)

4.34 The list above identifies estimates for some options, but the extent of any provision requires determining through consultation with both public and interested parties. This will also determine costs.

4.35 An assessment as to whether this additional provision would offset the loss of open space/charity land would also require determination.

SCENARIO C

4.36 A proposal is being prepared by the local community to refurbish the pavilion using a contribution from the Council. This however, is predicated on the Council not accepting an offer from the EFA which would result in the building of the Heights School on the playing fields.

4.37 A formal proposal is awaited.

PROPOSED NEXT STEPS

4.38 Should work be undertaken to the pavilion and a proposal from the EFA as described in Scenario A be implemented, funds expended on refurbishment would be lost as the pavilion will need relocating.

4.39 Therefore, before any work is undertaken to the pavilion, confirmation is required that any developments will not compromise use of the pavilion to the extent that it will need relocating.

4.40 Should the position be reached where it is clear that work can commence to the pavilion, agreement should be sought with WADRA to ensure that the proposals do not compromise any future proposals they may wish to make.

5. CONTRIBUTION TO STRATEGIC AIMS

5.1 Leisure and recreation services are a key contributor to producing a sustainable environment and economy within the Borough and to meeting the 2015-18 Corporate Plan objective for “Keeping the town clean, safe, green and active.”

5.2 Equal Opportunities:

5.2.1 Being mostly free to use and open every day, parks are particularly important to people with limited income and limited open space at home.

There is little barrier to use, whether by ethnic origin, social background, physical or financial means. Consequently, parks and open spaces in general are the most frequently used Council service by choice.

5.2.2 Enhancements to the town's leisure facilities will encourage greater and safer use by the local community. Access to improved local facilities is essential in order to provide everyone with an opportunity to improve their quality of life.

5.3 Sustainability Implications:

5.3.1 Parks and open spaces are a key contributor to a sustainable and healthy environment whilst encouraging an active and healthy lifestyle of those participating.

5.3.2 Well-designed and well-maintained public open spaces and leisure facilities contribute to social well-being and help reduce the fear of crime.

6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 Consultation with user groups will be required before any refurbishment works are undertaken.

7. EQUALITY IMPACT ASSESSMENT

7.1 Under the Equality Act 2010, Section 149, a public authority must consider whether the decision will or could have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief. Approval of the decisions to carry out any of the improvement work will not have a differential impact on any of the above.

7.2 An Equality Impact Assessment will be considered before any works are undertaken.

8. LEGAL IMPLICATIONS

8.1 These are dealt with in detail in Agenda Item 4.

9. FINANCIAL IMPLICATIONS

9.1 The financial implications are different for each of the scenarios. Very broad estimates have been made. Before any work is undertaken, an assessment of costs and implications will be made.

10. BACKGROUND PAPERS

10.1 Outline proposal from EFA