

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

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13 June 2017

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**NOTICE OF MEETING - MAPLEDURHAM PLAYING FIELDS TRUSTEES SUB COMMITTEE -
21 June 2017**

A meeting of the Mapledurham Playing Fields Trustees Sub Committee will be held on Wednesday 21 June 2017 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 20 December 2016		1
3. MINUTES OF OTHER BODIES To receive the approved minutes of the Mapledurham Playing Fields Management Committee from their meetings on 10 October and 15 December 2016.		5, 17
4. PETITIONS & QUESTIONS	-	-
5. THE HEIGHTS PRIMARY SCHOOL: PLANNING APPLICATION AND CONSULTATION To consider the current planning application being prepared by the Education Funding Agency and arrangements for public consultation.	MAPLEDURHAM	25

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MAPLEDURHAM PLAYING FIELDS TRUSTEES SUB-COMMITTEE MINUTES -
20 DECEMBER 2016

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

8. MINUTES

The Minutes of the meeting of the Sub-Committee held on 11 October 2016 were agreed as a correct record and signed by the Chair.

9. MINUTES OF MAPLEDURHAM PLAYING FIELDS MANAGEMENT COMMITTEE

The Minutes of the meeting of the Mapledurham Playing Fields Management Committee held on 20 April 2016 were received for information.

10. MAPLEDURHAM PAVILION CONDITION AND DRAFT ACCOUNTS

The Director of Environment & Neighbourhood Services submitted a report updating the Sub-Committee on the current condition of Mapledurham pavilion and presenting the draft accounts prior to their submission to the Charity Commission.

The Sub-Committee was advised that an income of £125 from Mapledurham Parish Council had been omitted inadvertently from the draft accounts for 2015/16, which had been circulated with the papers. This sum would be included before submission of the accounts to the Charity Commission.

In addition to the information on the building's condition set out in the report, the Sub-Committee was advised that officers had commissioned work to establish the cost of bringing the Pavilion facilities back into use as quickly as possible, depending upon the decision of the Sub-Committee to either reject or pursue the proposal from the EFA.

Resolved -

- (1) That a decision on either refurbishing or replacing Mapledurham pavilion be made after both the implications of any proposals from the Education Funding Agency (EFA), or other parties, have been considered and affordability established;
- (2) That the Head of Cultural and Economic Development submit the draft accounts to the Charity Commission subject to auditing from the Accountancy Team and comments from the Management Committee.

11. PROPOSAL FROM THE EDUCATION FUNDING AGENCY

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

Sharon McHale on behalf of the Education Funding Agency

Karen Edwards, Headteacher of The Heights Free School

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Councillor Ballsdon, Chairman of Mapledurham Playing Fields Management Committee and local Ward Councillor

Robin Bentham on behalf of WADRA, Mapledurham Lawn Tennis Club, Caversham Trents Football Club, Friends of Mapledurham Playing Fields and Mapledurham Users Group

Gordon Watt on behalf of Mapledurham Playing Fields Foundation and Fit4All.

Revd. Keith Knee-Johnson on behalf of Mapledurham Parish Council

Further to the discussion at the previous meeting (Minute 5 refers), the Head of Legal and Democratic Services submitted a report advising the Sub-Committee of a revised proposal which had 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. The report advised the Sub-Committee that it had delegated authority, with the support of Officers, to discharge the functions as sole charity trustee for the Recreation Ground Charity at Mapledurham (the Charity), and had a duty to make all decisions in what it considered 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 was required to be in line with all relevant charity law and other legal restrictions.

The Sub-Committee was advised that a legal claim had been issued against the Trustees which sought to remove Reading Borough Council as Trustee of the Playing Fields Charity. The claim had been issued very recently and the Borough Council had not yet responded to it but would do so in due course. In the meantime, the Charity Commission was being kept fully informed of all the deliberations and decisions in respect of the Playing Fields.

The report explained that the EFA's revised proposal was that the Secretary of State for Communities and local Government (acting by the EFA) would acquire a 125 year lease of 1.231 acres of land at the Ground, as indicated on the plan attached to the report at Appendix 1.

The revised proposal from the EFA was reflected in the Heads of Terms which had been discussed by Officers and the EFA since the previous meeting on 11 October 2016. The Heads of Terms were subject to contract, were not legally binding and were set out at Appendix 2 to the report.

The report explained that the revisions made by the EFA to the proposal considered at the October 2016 meeting were as follows:

- The larger area within which the EFA proposed the school should be located had been removed;
- The consideration was no longer split between land and other payment - but was a single lease premium of £1.36m;
- The basis terms for a Community Use Agreement in relation to car parking and the use of facilities (including a MUGA) were referred to in the Heads of Terms;

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- The Heads of Terms also clarified the position in relation to the use of the existing car park which would be retained by the Council;
- The vehicular access route into the site had been clarified, including leaving a route for emergency vehicles.

An independent valuer's report prepared by Bruton Knowles relating to the EFA's proposal and the Heads of Terms, was attached to the report at Appendix 3.

A report prepared by the Council's Leisure and Recreation Manager (the Amenity Report), providing an initial assessment of the impact of the EFA proposal on the amenity value of the Mapledurham Recreation Ground, was attached to the report at Appendix 4.

A report on the latest position in relation to the proposal made by Fit4All, which had been considered by the Sub-Committee at its previous meeting (Minute 7 refers) was attached to the report at Appendix 5.

The legal implications of the proposals were detailed in section 8 of the report.

The Sub-Committee was advised that, if the Sub-Committee decided to proceed with the EFA's offer, the EFA intended to prepare a planning application to be discussed with the Sub-Committee in January 2017 prior to its submission to the Council's Planning Applications Committee.

Resolved -

- (1) That the Heads of Terms and revised plan, attached as Appendices 1 and 2 of the report, be noted;
- (2) That the Property Report attached as Appendix 3 of the report be noted;
- (3) That the Amenity Report attached as Appendix 4 of the report be noted;
- (4) That, taking into account the Property Report, the Amenity Report and the legal advice and other information set out in the report, the EFA's offer is, subject to contract, capable of being in the best interests of the Charity (i.e. considered to be capable of enhancing the amenity value of the ground) and should therefore be pursued in line with the Heads of Terms;
- (5) That this decision be subject to the EFA providing an additional undertaking in respect of the Charity's costs, which the Sub-Committee noted had been agreed for up to £35,000;
- (6) That the Head of Legal and Democratic Services be instructed to:
 - (i) implement a consultation with the Charity's beneficiaries and Management Committee, as anticipated by the heads of Terms;
 - (ii) consult with the Charity Commission, as anticipated in the Heads of Terms;

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- (7) That the Fit4All report be noted and any further progress in relation to the Fit4All proposal made by the Mapledurham Playing Fields Foundation be reported to the Sub-Committee.

(The meeting started at 6.30 pm and finished at 7.25 pm).

READING BOROUGH COUNCIL

MAPLEDURHAM PLAYING FIELDS MANAGEMENT COMMITTEE

MINUTES OF THE MEETING HELD ON 10 OCTOBER 2016

Present:

Councillor I Ballsdon	(Chairman)
Councillor E Hopper	
Councillor J Skeats	
Mr N Stanbrook	Mapledurham Users' Committee
Rev K Knee-Robinson	Mapledurham Parish Council

Also in attendance:

Mr S Ayers	Friends of Mapledurham Playing Fields
Mr R Bale	CARPS (Catchment Area Residents' Preferred Site)
Mr R Bentham	Warren & District Residents' Association
Mr S Bolton	Caversham & District Residents' Association
Mr C Brooks	Head of Legal & Democratic Services
Ms A Elliott	Mapledurham Bridge Club
Mr K Macrae	Friends of Mapledurham Playing Fields
Mr D Maynerd	Mapledurham Lawn Tennis Club
Ms P Mead	Escape Toddler Group
Ms E Miles	Warren & District Residents' Association
Mr B O'Neill	
Mr M Payne	Mapledurham Bridge Club
Ms N Simpson	Committee Administrator
Mr B Stanesby	Leisure & Recreation Manager

Apologies:

Mr G Thornton	Head of Economic & Cultural Development
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1. MINUTES & MATTERS ARISING

The Minutes of the meeting held on 20 April 2016 were confirmed as a correct record, subject to the following amendment:

- In the third paragraph of Minute 3, amend the wording "...and his view of the perceived inadequacy of the reply,..." to "...saying that the Leader of the Council's reply had not answered his question,..."

Further to Minute 1 (2), regarding the presentation of the nearly £200k total available for rebuilding of the pavilion as being raised by WADRA, Councillor Ballsdon reported that she had written to the Chair of WADRA about how the figures on fundraising by WADRA for the rebuilding of the pavilion were presented and publicised, and she had received confirmation of the breakdown of the money available, which included £85k remaining from the Section 106 money, £50k from Festival Republic, and the remainder from WADRA fundraising.

Further to Minutes 2 (3) and (4), it was reported that the children's play area had been weeded and had its sand refreshed and an order had been placed for a replacement sign at the entrance to the playing fields, with wording to include reference to the charity, and that delivery of the sign was expected imminently. In response to an enquiry about the exact wording to be on the sign, Chris Brooks said that he would obtain the full wording and confirm it to members of the Management Committee.

Further to Minute 3 (3), Nigel Stanbrook reported that, as agreed, he had checked with Daniel Mander from Caversham Trents FC about the Club's position on the EFA Heights School proposal and Daniel Mander had said that the Club wanted the refurbishment of the pavilion to proceed as soon as possible, without waiting for any further information from the EFA. Nigel Stanbrook had also emailed this information to members of the Management Committee to clarify the position, as agreed.

AGREED:

- (1) That the position on these matters be noted;
- (2) That Chris Brooks confirm the details of the wording included on the new entrance sign to members of the Management Committee.

2. PROPOSALS FROM THE EDUCATION FUNDING AGENCY & FIT4ALL

Chris Brooks presented copies of two reports to the Heights Sub-Committee, which were to be considered at its meeting on 11 October 2016, on proposals affecting Mapledurham Playing Fields, one on the EFA proposal and one on a Fit4All proposal.

(a) Education Funding Agency Proposal -

The first report was on a revised proposal 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;

The report had attached:

Appendix 1 -Revised plan showing boundary change to 2.7 acre site (also repeated in Figure 1 in the report on the Pavilion referred to in Minute 3 below)

Appendix 2 -Revised EFA Proposal

(Updated Appendix 2 - Further Revised EFA Proposal - circulated after the original despatch)

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 on 'Fit4All'

Appendix 5 - (for the Mapledurham Management Committee only) Heights Free School Sub-Committee Minutes from the meeting on 12 July 2016

A proposal 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 had originally been received from the EFA and circulated to members of the Management Committee in June 2016, and had been considered by the Heights Free School Sub-Committee at a meeting on 12 July 2016. The Sub-Committee had agreed that the proposal should 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. The Minutes from 12 July 2016 were appended to the report for the Management Committee's reference.

The report advised the Sub-Committee of a revised proposal which had since been received from the EFA and explained that the Sub-Committee had the delegated authority, with the support of officers, to discharge the Council's functions as sole charity trustee for the Recreation Ground Charity at Mapledurham, and had a duty to make all decisions in what it considered to be the best interests of the Charity in order to advance its charitable objects.

The EFA proposal was that the school would require the transfer of 1.231 acres of land at the Ground, within a total specified area of 2.7 acres. This wider area was shown on the plan attached at Appendix 1, hatched.

The revised EFA proposal was attached at Appendix 2 and an updated version of Appendix 2 had been circulated before the meeting. Within its submission, the EFA had identified a draft initial layout (Fig. 1 of Appendix 2) showing the indicative area of where the 1.231 acres would be located, in the North West corner of the Ground. The EFA had also confirmed that it had no intention of building in a way that inhibited access to the pavilion or playing fields. However, it was possible that during the planning process and further detailed site investigation the layout of the school might need to change, although it would always remain within the 2.7 acre site.

The report stated that, despite being asked to do so, the EFA had not been prepared to confirm where the 1.231 acres of land they required for the school would be located within the wider area, because they considered that the greater area of 2.7 acres provided them with some flexibility should some changes be needed to the initial design layout, for example following intrusive survey works.

The revisions made by the EFA to the proposal considered by the Sub-Committee in July 2016 were listed in the report, as follows:

- The 2.7 acre area requested had 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 would be available for community use, subject to charges to users at affordable rates.

- The Charity would provide the school with access to one sports pitch, for which it would pay a nominal usage charge, which met the Grass Pitch Quality Standard. There was an obligation on the Charity to bring one pitch up to the Grass Pitch Quality Standard (which could be reviewed on the FA website).
- Recognition that the future management arrangements for the Ground would be for the Council as trustee of the Charity to determine, and reiteration that the school would be willing to cooperate with any such arrangements put in place.

The EFA proposal included a total payment from the EFA to the Charity of £1.36M. In this regard, the EFA considered the purchase price for the unspecified 1.231 acre site to be £30,775 (at £25k an acre based on their Red Book Valuation).

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 were looking for the Council, as trustee of the Charity, to make a decision on the proposal by this date. The EFA were aware that it was impossible for a final decision to have been reached by 14 October 2016 because much information was still outstanding and a process of consultation (with the public and the Charity Commission) was required. However, they had a timetable for applying for planning permission in order to get the school ready for occupation in September 2018 which required a decision "in principle" by 14 October 2016 so that they could proceed with design work and the planning application. If the Sub-Committee's decision was to progress the EFA offer, then the Charity would not be contractually committed to proceed with the sale until contracts had been exchanged and the EFA would have to take comfort from the Sub-Committee's approval to proceed, subject to such conditions as the Sub-Committee deemed appropriate.

The EFA were prepared to accept a condition that, once the site design had been confirmed as part of the planning application, the Sub-Committee had 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 could impose any other conditions they felt necessary on their "in principle" decision on the EFA's proposal.

On 29 September 2016, the Chair of the Sub-Committee had received a letter from Gordon Watt, Chairman of the Mapledurham Playing Fields Foundation, setting out and attaching what was described as an alternative proposal to that submitted by the EFA, under the heading 'Fit4All', to undertake the enhancement, management and operation of the Mapledurham Playing Fields with a 25 year lease. This was attached at Appendix 4, and a more detailed proposal on 'Fit4All' had been received from Mr Watt on the day of publication of the report, which was the subject of a further report to the Sub-Committee, which had been circulated later, under a separate agenda item on the Sub-Committee's agenda.

The report recommended that the Sub-Committee should read the 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 was also on the Sub-

Committee's agenda (see Minute 3 below); and also the latest proposal on 'Fit4All', referred to above and in Minute 2 (b) below, and that no decision should be taken until both had been considered.

(b) Fit4All Proposal

The second report was on a proposal received from the recently established Mapledurham Playing Fields Foundation to enhance the facilities and operations at Mapledurham Playing Fields without the need to sell land to fund the enhancements, entitled "Fit4All", as an alternative to the EFA proposal.

The Mapledurham Playing Fields Foundation had been founded as a charity with the following object: "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."

A letter from Gordon Watt, the Chairman of the Foundation to the Chair of the Sub-Committee and an initial leaflet summarising the proposal had been included in the original papers for the Sub-Committee and the Management Committee. An officer covering report and the full proposal had been circulated after the original despatch. The Fit4All proposal set out proposed plans for the Foundation to undertake the enhancement, management and operation of the Playing Fields with a lease for 25 or 30 years. A letter from Robin Bentham, Chair of the Warren & District Residents' Association (WADRA), to the Mapledurham Playing Fields Foundation regarding the release of funding had also been circulated after the original despatch.

(c) Discussion

Chris Brooks said that the lack of clarity in the EFA proposal, in particular concerning the location of the 1.231 acres, made it difficult for the Property Adviser and Leisure & Recreation Manager to assess the impact and implications of the proposal for the Sub-Committee.

He explained that the Sub-Committee would be asked to decide whether (1) The EFA offer as currently articulated was not in the best interests of the Charity and should not therefore be proceeded with any further; or (2) That the offer was, in principle and without creating any binding legal commitment, capable of being in the best interests of the Charity (ie 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 thought appropriate and necessary.

The conditions recommended in the report were for the EFA to clarify the location of the 1.231 acre site at the earliest opportunity and to seek planning consent 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 was submitted was acceptable to the Sub-Committee.

The report recommended that, subject to the EFA carrying out the actions set out in the conditions, the Sub-Committee should obtain and consider a report from Bruton Knowles, Property Advisors, on the EFA proposal in relation to the potential sale of land and regarding amenity value and also consult with the public, the Management Committee and the Charity Commission.

Chris Brooks said that, due to the timescale of receiving the Fit4All proposal, which had not originally been expected to be ready before the end of the year, officers had not yet had time to assess the proposal in detail, but it had been brought to the Sub-Committee so that they were aware of the proposal. An initial officer meeting had been held with representatives from the Mapledurham Playing Fields Foundation at which a lot of issues that needed further work had been identified.

In the discussion on the reports, the points made included:

- Councillor Ballsdon had been asked, as Chairman of the Management Committee, to speak on the item at the Heights Sub-Committee meeting and it was suggested that the Management Committee agree a statement for her to present;
- The EFA proposal was only to acquire the 1.231 acres, not the rest of the land within the 2.7 acres, which would remain as part of the Trust;
- Concern was expressed, however, that accepting the EFA proposal could leave the Ground open to further land grab and development;
- The EFA had been told that, in order for the Sub-Committee to take the proposal forward, they would need to provide details of the position of the 1.231 acres, so that consultation with the public, the Management Committee and the Charity Commission could take place;
- If the school was built in front of the current pavilion, this would affect access to the remaining recreation ground, so this should be avoided. If the school was too far into the playing fields this could also leave unusable land behind the school. Siting of the school should be done to minimise loss of usable space;
- The Council had appointed an independent legal adviser from Veale Wasbrough Vizards, who was experienced in charity law.

The meeting discussed possible wording for a statement for the Chairman to present at the Heights Sub-Committee on 11 October 2016 on behalf of the Management Committee.

The Management Committee agreed the following statement, with Councillors Ballsdon, Hopper and Skeats voting for the statement and Keith Knee-Robinson and Nigel Stanbrook abstaining because they had not had time to consult their respective groups on the EFA proposal:

“Should the Sub-Committee decide to pursue the EFA proposal further, the EFA should be urged to site the school as far into the North West corner of the site as possible, in order to minimise the loss of usable space in the

playing fields and, in particular, to avoid putting the school in front of the pavilion.”

AGREED:

- (1) That the reports and position be noted;
- (2) That Councillor Ballsdon address the Heights Sub-Committee meeting on 11 October 2016 as Chairman of the Management Committee, presenting the statement set out above;
- (3) That it be noted that Keith Knee-Robinson and Nigel Stanbrook would be consulting with members of Mapledurham Parish Council and Users of the Pavilion and Playing Fields respectively on both the EFA and Fit4All proposals.

3. MAPLEDURHAM PLAYING FIELDS PAVILION

Ben Stanesby submitted a copy of a report to the Heights Sub-Committee, to be considered at its meeting on 11 October 2016, giving an update on the current position on and possible next steps for the pavilion at Mapledurham Playing Fields.

The report explained that the pavilion remained closed following the structural survey which had identified significant deterioration requiring additional supports to stabilise the building.

It stated that the EFA proposal currently did not include enough detail to allow a comprehensive assessment of the impact of the scheme. However, the proposal identified the overall area within which the EFA were considering locating the school. The report gave details of the current football playing pitches at the playing fields and their use, and considered two different scenarios, depending on the location of the school, giving details of possible impact on the playing fields and possible costs:

Scenario A - if the school was located to the immediate south of the pavilion;
Scenario B - if the school was built in the north east of the area identified.

The report also gave details of options that might be needed to support intensified use as a result of reduction in recreational space available.

The report explained that the positioning of the school in an intermediate position would have varying impact on how the pavilion could be used and, if the relationship between the two was compromised, then the pavilion would need to be moved. The cost of this was likely to be in excess of a payment from the EFA. An assessment would need to be made of any detailed proposal, in order to assess the impact on the pavilion and whether the pavilion would need replacing.

It stated that, to prevent the interaction between the pavilion and playing fields being compromised, it was important that the school did not occupy land immediately to the south of the pavilion. In order to determine whether it was appropriate to start work to repair the pavilion, greater clarity was required in terms of what the EFA was proposing.

The report also noted that a proposal was being prepared by the local community to refurbish the pavilion, which was predicated on the Council not accepting the offer from the EFA which would result in the building of the school on the playing fields. It stated that a formal proposal was awaited, as the report had been written before the Fit4All proposal had been received.

The report explained that, should work be undertaken to the pavilion and then a proposal from the EFA be implemented such as that in Scenario A, any funds expended on the refurbishment would be lost as the pavilion would need relocating. Therefore, before any work was undertaken to the pavilion, confirmation would be required that any developments would not compromise the use of the pavilion to the extent that it would need relocating. Should the position be reached where it was clear that work could commence to the pavilion, agreement should be sought with WADRA to ensure that the proposals did not compromise any future proposals they wished to make.

The report recommended that a decision on refurbishing or replacing the pavilion should be made only after the Heights Sub-Committee was confident in the implications of the proposals from the EFA or other potential interested parties.

The meeting discussed the possible impact of the EFA proposal on the timescales for being able to do any work to the pavilion. It was noted that any planning application would need to specify the position of the school, but that there might be more clarity on the position earlier than the submission of the planning application and, conversely, applicants sometimes made amendments to planning applications or could submit an amended application. However, in this case, the Sub-Committee was being recommended in the previous report to require the EFA to seek planning consent in consultation with the Sub-Committee. It was pointed out that the position of the school would also need to be established to carry out consultation on the proposal.

Councillor Ballsdon suggested that, in her address to the Sub-Committee as Chairman of the Management Committee, she should make it clear that the user groups would like the pavilion refurbished and rebuilt as soon as possible, as that is what they were telling the Management Committee; users were suffering as a result of the hall being shut.

In response to an enquiry, Ben Stanesby said that there was due to be another structural survey of the pavilion soon and that there had been no further damage to the pavilion since a break-in a couple of months previously.

The meeting also discussed the position with regard to funding any works to the pavilion, noting that, although it might be possible for a contractor to carry out works with the ~£185k available, £85k of this was from the Council, £25k from Festival Republic and £75k from WADRA, so all parties would need to provide their funding. Ben Stanesby said that WADRA had expressed a view that it did not wish to invest money into the pavilion until there were more guarantees or a higher degree of certainty about what was going to happen on the site. In response to a question about the current position, Robin Bentham, Chairman of WADRA, said that, if money was spent on work on the pavilion which was then negated by a later decision to move the pavilion, recompense for the funds invested would be

expected and he said that he would like to consult with WADRA members about the situation.

Chris Brooks also noted that, in the letter from WADRA to the Mapledurham Playing Fields Foundation circulated in relation to the Fit4All proposal in the previous report, it stated that WADRA would hold its pavilion funding until a satisfactory contract for the restoration of the pavilion was in place, subject to inclusion of the RBC funding and maintaining the integrity of the Mapledurham Playing Fields Trust in its entirety. Chris Brooks noted that, if the EFA proposal went forward, this could provide funding to invest in the recreation ground, but the position regarding the pavilion would be made more difficult if there were caveats from WADRA.

In response to a question, Chris Brooks said that he understood that the name of the Heights Sub-Committee was due to be changed to the Mapledurham Playing Field Trustees Sub-Committee at a future Policy Committee meeting.

AGREED:

- (1) That the report and position be noted;
- (2) That Councillor Ballsdon address the Heights Sub-Committee meeting on 11 October 2016 as Chairman of the Management Committee, presenting the following statement:

“The Sub-Committee should be informed that the user groups would like the pavilion to be refurbished and rebuilt as soon as possible, as they are suffering as a result of the hall being shut.”

4. MAPLEDURHAM PLAYING FIELDS USERS REPORT

Nigel Stanbrook gave a verbal report as the representative of Users of Mapledurham Playing Fields and Pavilion. The report gave an update on the views of users about the situation on the pavilion, the Management Committee and the Trustees; it gave details of the activities of and current venues being used by User Groups; and it set out information Nigel Stanbrook had reported to User Group representatives following the previous Management Committee meeting. A copy of the text of the report is appended to the Minutes.

Councillor Ballsdon noted that the Management Committee had a very restricted remit, with no budget, and that even simple requests had to go via officers, and past the Council Administration if there were any budgetary implications. She said that she understood why residents were tempted to blame the Management Committee for lack of progress, and that she shared residents' frustration that the building was closed and unable to be used by the community, but noted that the Management Committee had little power. She said that on behalf of user groups she had pressed the Trustee, the Heights Sub-Committee, to get on with refurbishment/rebuilding of the pavilion, but it was their prerogative to look holistically at the situation and then make their decision.

She also noted that WADRA did not want to put the money they had raised into refurbishing the pavilion at the current time, so the situation could not currently be changed, and she said that there was a need to help the community understand

the way that the Council worked and how limited the Management Committee's remit was.

AGREED: That the report be noted.

5. DATE AND TIME OF NEXT MEETING

It was noted that the timing of the next meeting would depend on the decision taken by the Heights Sub-Committee at its meeting on 11 October 2016. A meeting was likely to be needed sooner if the EFA proposal was rejected and later if it was to be pursued further; in the latter case, consultation with the Management Committee by the Heights Sub-Committee would also need to be factored in.

AGREED: That the next meeting be organised by email when needed, depending on the decision of the Height Sub-Committee on 11 October 2016.

(The meeting started at 6.30pm and finished at 8.00pm)

Mapledurham Playing Fields User Report for Management Meeting 10 October 2016

In August I copied the user group representatives my requests to the management committee members, and the negative responses received back from them, to have an urgent management meeting to discuss the latest proposals from the EFA, the alternative Fit4All proposal and the situation on the pavilion and to dispel the perception of the management committee having an uncaring and indifferent attitude to the whole situation.

Prior to this management meeting representatives from Caversham Trent Football Club, Mapledurham Tennis Club, Escape, Bridge Club and Beavers have all reiterated that the refurbishment of the pavilion should go ahead immediately.

The Bridge Club have said the Trench Green Hall location will become more unsatisfactory in the winter as its location will discourage older members from attending. The Escape toddler group say their venue is OK but is really in the wrong place with parking a difficulty and is really too small. They say they are currently just keeping their heads above water. Equally the Beavers have started using Trench Green Hall but will need to review their needs at the year end. CTFC use the changing rooms regularly are going ahead with pitch refurbishments and purchasing goals for the club's increased usage of the playing fields: (five age groups with over 400 members)

I have been on the end of much criticism of our Management Committee, receiving the following comments:

- The football club state they have no confidence in us as a committee and wish to see the elected members replaced by people who have the will and drive to improve Mapledurham Playing Fields as a community hub. These Councillors have wilfully let the pavilion run into disrepair by their inaction and uncaring attitude towards their own constituents.
- I have also received a comment from the Beaver group that to see a super local facility be allowed to fall into such a poor state only reflects poorly on the Trustees lack of stewardship and leadership.
- The Tennis Club are very unhappy that the EFA have asked for an area of land which could go along the back of the pavilion and along court 4 fence. This not only blocks the footballers entrance to the changing rooms but blocks the back gate to the tennis courts. This back gate is used by members walking or cycling from Chazey Road, etc. In addition, the tennis club have planted shrubs and trees along this fence and maintained them to give protection from wind and to provide a very attractive bank of shrubs around the courts.
- Friends of Mapledurham Playing Fields continue their work to enhance/manage the environment for the betterment of wildlife and the public. Their programme of events will commence later in October. They are in conversation with the Beaver Scout Group and intend to organise a planting day with them. This may not be until spring 2017 when the supply of free trees/shrubs from the Woodland Trust and/or TCV (the conservation volunteers) is more readily available. The Group continues to support the aim to prevent the selling of any land for any purpose outside that laid down by the original wording of the Trust.

Following the Management Meeting of 20 April 2016 I reported to User Group representatives:

1. My request to Reading Borough Council Policy Committee on 11 April 2016 to acknowledge publicly the Council's failure to maintain the pavilion, ignoring their own professional surveyor's reports from 2007 to 2010 on the poor structural condition of the pavilion.
2. My request to the Policy Committee to cease blocking the refurbishment of the pavilion and to progress the tender process for the works.
3. That Councillor Lovelock failed to answer my question over maintenance and also said no public money would be spent on the pavilion at this time.
4. These points were repeated by me at the April management meeting but the Councillors had shown no interest in supporting me on this with Mr Brooks saying the pavilion falling into disrepair was a complicated matter and RBC had to operate within Council budgetary constraints.
5. That I had stressed to the Management Committee the users wanted the promised refurbishment of the pavilion without waiting to hear from the EFA.
6. I had secured the decision of the Management Committee to retain the toddlers play area (I have subsequently informed them that weeding of the play area has taken place with some sand added).
7. A bespoke new sign for the playing fields to replace the current damaged sign is to be pursued and costed.

As you can see from my previous paragraphs the above are very unhappy with the situation and the ineffectiveness of our committee which since the initiation of the school proposal has achieved nothing in the protection or support of the pavilion or the playing fields.

READING BOROUGH COUNCIL

MAPLEDURHAM PLAYING FIELDS MANAGEMENT COMMITTEE

MINUTES OF THE MEETING HELD ON 15 DECEMBER 2016

Present:

Councillor I Ballsdon	(Chairman)
Councillor E Hopper	
Councillor J Skeats	
Mr N Stanbrook	Mapledurham Users' Committee
Rev K Knee-Robinson	Mapledurham Parish Council

Also in attendance:

Mr R Bale	CARPS (Catchment Area Residents' Preferred Site)
Mr R Bentham	Warren & District Residents' Association
Mr S Bolton	Caversham & District Residents' Association
Mr C Brooks	Head of Legal & Democratic Services
Mr A Maclean	
Mr B O'Neill	
Ms N Simpson	Committee Administrator
Mr G Thornton	Head of Economic & Cultural Development

Apologies:

Mr S Ayers	Friends of Mapledurham Playing Fields
Ms P White	Mapledurham Bridge Club

1. MINUTES & MATTERS ARISING

The Minutes of the meeting held on 10 October 2016 were confirmed as a correct record, subject to deletion of the second paragraph in Minute 4.

Further to Minute 2 (3), where it had been noted that Keith Knee-Robinson and Nigel Stanbrook would be consulting with members of Mapledurham Parish Council and Users of the Pavilion and Playing Fields respectively on both the EFA and Fit4All proposals, Keith Knee-Robinson now reported that he had consulted with members of the Mapledurham Parish Council on the EFA and Fit4All proposals. He said that the Parish Council had felt that there was merit in moving forward on the Fit4All proposal. However, with regard to the EFA proposal, the Parish Council had written to the Trustees saying that it did not see the benefit in the EFA's proposal for the charity and objected to a school being built on the playing fields. It had also raised the ambiguity over the extra area to be used for the school's recreational purposes on the fields, which took a significant proportion of the flat green area of the charity and was therefore against the purposes of the open area for carrying out recreational activity. It hoped that the Charity Commission would object to the proposal.

Nigel Stanbrook said that the feedback from user groups was reflected in his User Group report later on the agenda. He asked whether professional independent legal and property advice for the Trustee had been sought on the EFA proposal, and Chris Brooks confirmed that it had, and the legal advice from expert charitable law solicitors was contained within the legal implications section of the report to the Sub-Committee to be considered later on the agenda, and the property advice in Appendix 3 to that report (see Minute 3 below).

At this point in the meeting, it was established that Bob O'Neill was recording the meeting, without having asked the Chair, the members of the Management Committee or the others present. The meeting discussed whether the recording should be allowed. Chris Brooks advised that recording could be allowed as long it was not done in secret, those present did not object, the fact that recording was happening did not stymie debate, and, if the recording was used to report what had been said, it was reported accurately. All those present were asked if they were happy for the meeting to be recorded and consent was given by all but one observer, who said that, if they spoke at the meeting, they would take a view then as to whether they were happy for that to be recorded.

AGREED: That the positions be noted.

2. MAPLEDURHAM PAVILION CONDITION AND DRAFT ACCOUNTS

Grant Thornton presented a report which had been published for submission to the Mapledurham Playing Fields Trustees Sub-Committee on 20 December 2016, giving an update on the current condition of Mapledurham pavilion and presenting the draft 2015/16 accounts prior to their submission to the Charity Commission.

The report explained that the draft accounts would be submitted to the Charity Commission, subject to any comments from the Management Committee being considered and subsequent auditing by the accountancy team. It also said that, to allow the Council to respond quickly following any decision relating to proposals affecting the playing fields, a review of costs and options to refurbish or partially rebuild the pavilion was being undertaken.

Councillor Ballsdon noted that the draft accounts did not include the usual £125 figure for the Parish Income from Mapledurham Parish Council. It was noted that there had been problems with transfers of cheques in previous years and that the figure might have been in the wrong bank account and therefore not listed in the accounts. Grant Thornton and Keith Knee-Robinson agreed to check and clarify the situation and Grant to report verbally to the Sub-Committee. Councillor Ballsdon also queried why the insurance costs had increased from £196 in 2014/15 to £333 in 2015/16.

AGREED:

- (1) That the report be noted;
- (2) That Keith Knee-Robinson and Grant Thornton check out and clarify the situation with regard to receipt of the Parish Income and its

inclusion in the 2015/16 draft accounts and Grant report verbally to the Sub-Committee;

- (3) That Grant Thornton investigate why the insurance costs had increased from 2014/15 to 2015/16 and email the Management Committee.

3. REVISED PROPOSAL FROM THE EDUCATION FUNDING AGENCY

Further to Minute 2 of the previous meeting, Chris Brooks presented a report which had been published for submission to the Mapledurham Playing Fields Trustees Sub-Committee on 20 December 2016, advising the Sub-Committee of a revised proposal which had 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.

The following documents were attached:

- Appendix 1 - Revised plan showing boundary change to site
- Appendix 2 - Heads of Terms (with a draft lease attached)
- Appendix 3 - The Property Report
- Appendix 4 - The Amenity Report
- Appendix 5 - The Fit4All Report

The report advised the Sub-Committee that it had delegated authority, with the support of officers, to discharge the functions as sole charity trustee for the Recreation Ground Charity at Mapledurham (the Charity), and had a duty to make all decisions in what it considered 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 was required to be in line with all relevant charity law and other legal restrictions.

The report explained that the EFA's revised proposal was that the Secretary of State for Communities and Local Government (acting by the EFA) would acquire a 125 year lease of 1.231 acres of land at the Ground, as indicated on the plan attached to the report at Appendix 1.

The revised proposal from the EFA was reflected in the Heads of Terms which had been discussed by officers and the EFA since the previous meeting on 11 October 2016. The Heads of Terms were subject to contract, were not legally binding and were set out at Appendix 2 to the report.

The report explained that the revisions made by the EFA to the proposal considered at the October 2016 meeting were as follows:

- The larger area within which the EFA proposed the school should be located had been removed;
- The consideration was no longer split between land and other payment - but was a single lease premium of £1.36m;

- The basis terms for a Community Use Agreement in relation to car parking and the use of facilities (including a MUGA) were referred to in the Heads of Terms;
- The Heads of Terms also clarified the position in relation to the use of the existing car park which would be retained by the Council as Trustee;
- The vehicular access route into the site had been clarified, including leaving a route for emergency vehicles.

An independent valuer's report prepared by Bruton Knowles, relating to the EFA's proposal and the Heads of Terms, was attached to the report at Appendix 3.

A report prepared by the Council's Leisure and Recreation Manager (the Amenity Report), providing an initial assessment of the impact of the EFA proposal on the amenity value of the Mapledurham Recreation Ground, was attached to the report at Appendix 4. The report recommended that, if the EFA proposal was pursued, a landscape plan should be produced to allow a more detailed assessment of the impact. The report included an initial, non-exhaustive list of improvements that could be carried out and rough costings for these, explaining that not all could be carried out and that they and the landscape plan would be consulted on with the beneficiaries, with the consultation to be arranged in conjunction with the Management Committee.

A report on the latest position in relation to the Fit4All proposal made by the Mapledurham Playing Fields Foundation (MPFF), which had been considered by the Sub-Committee at its previous meeting, was attached to the report at Appendix 5. This report should have had appended a note of a meeting held on 2 November 2016 between representatives of the Council and MPFF, which had been omitted in error, and copies of the note were tabled at the meeting.

Chris Brooks updated the Management Committee on the progress made on the conditions set by the Sub-Committee on 11 October 2016 for continuing to discuss the EFA proposal, saying that the location of the 1.231 acre site and the school had now been defined, and that the planning application for the development was being worked on but had yet to be finalised. He said that the Heads of Terms addressed many other issues, such as the width of and improvement to the standard of the access road and providing a tarmac finish to the car park.

He explained that the Sub-Committee would be asked to decide whether (1) The EFA offer as currently articulated in the Heads of Terms was not in the best interests of the Charity and should not therefore be proceeded with any further; or (2) That, taking into account all the information in the report, the offer was, subject to contract, capable of being in the best interests of the Charity (ie 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 thought appropriate and necessary. If option (2) was taken, the EFA would need to provide an additional undertaking in respect of the Charity's costs, and consultations with the Charity's beneficiaries, Management

Committee and the Charity Commission would be carried out, as anticipated by the Heads of Terms.

He also noted that, as set out in the report at Appendix 5, officers had met with representatives of MPFF on 2 November 2016 to discuss the Fit4All proposal, where a number of action points had arisen and were being worked on by both sides. He reported that he had checked with Mr Watt from MPFF, and they were still working on a revised Fit4All proposal to be put to the Sub-Committee, hopefully via the Management Committee.

The meeting discussed the timing of production of reports for the Sub-Committee and the lack of time for getting feedback from the User Groups and Mapledurham Parish Council prior to the meeting to make representations at the Sub-Committee. Chris Brooks explained that officers had been working hard to meet the short timescale given to them to produce the reports needed, and had not been withholding the reports. He said that, if option (2) above was taken, there would be more actions to take, including consultations with the beneficiaries and Management Committee. The meeting also agreed that the Parish Council should be informed and consulted, not just Keith Knee-Robinson as its representative on the Management Committee, with the same principle for the User Groups and Nigel Stanbrook.

Keith Knee-Robinson noted that the EFA proposal would block off a recognised local route into the Playing Fields from Hewett Avenue and so a footpath at the back of the houses to the South might be needed to get into the Playing Fields. He also queried whether the area to the North of the school would be fenced.

Councillor Ballsdon said that the consultation period would be an appropriate time to voice specific concerns such as these but asked for any overall views on the proposal from the Management Committee that they would like her to pass on to the Sub-Committee at the meeting on 20 December 2016, when she spoke as Chair of the Management Committee. She noted that others could also ask to speak on the item at the Sub-Committee meeting, by getting in touch with the Committee Administrator for the Sub-Committee.

Nigel Stanbrook raised the issue of whether Councillor Ballsdon had a biased and predetermined position on the EFA proposal on the basis of her previous statements. Chris Brooks explained what predetermination was and that predetermination was only relevant when a decision was to be made. He said that the Management Committee had a clear remit, which did not involve decision-making on the EFA proposal, but in this case was considering the reports going to the Sub-Committee and making any comments. Chris Brooks said that, whilst Nigel Stanbrook might have concluded that Councillor Ballsdon had a predetermined position on the EFA proposal, he was not aware from what he had heard or read that Councillor Ballsdon was in a predetermined position. He noted that, in due course, she could potentially be involved in making decisions at the decision-making Committees that she sat on and it would be for her to consider the issue and take advice as appropriate as to her involvement. Councillor Ballsdon suggested that, if Nigel Stanbrook wanted to make a complaint or articulate his position further, that he should do so in writing to Chris Brooks.

The meeting discussed the fact that everyone wanted the pavilion refurbished or rebuilt as soon as possible, but it was noted that, even if it was considered that the EFA proposal did not affect the current pavilion and so work should start immediately, the situation with regard to the money held by WADRA had not changed, as they would not release the money they held for refurbishment unless the integrity of the Mapledurham Playing Fields Trust was maintained in its entirety. This meant that the funds were not currently available to go forward.

It was noted that, if the EFA proposal was pursued, the £1.36m lease premium might potentially be available within the next 24 months, depending on progress of the planning application and other outstanding issues. It was queried whether a bridging loan might be a possibility to make progress on the pavilion, and Chris Brooks said that this would have to be looked at. It was also suggested that a phased approach could be taken and that the EFA should be asked to pay a deposit on exchange of contracts, to provide a pot of money for the pavilion work, although Chris Brooks said that this was not currently in the contract, a purchaser would be unlikely to give a deposit and the EFA would be unlikely to accept this.

In relation to consultation on the EFA proposal and the development of the landscape plan, it was suggested that the Trustee should present a vision so that people could see the situation holistically rather than piecemeal. It was also suggested it would be helpful for everyone to know what the format and timescale would be for the consultation and that it would be useful for the Management Committee to have a meeting with users early in the consultation to ensure that all views were considered.

The Management Committee discussed the issues that they wished to be raised with the Sub-Committee by Councillor Ballsdon in her statement, and agreed the following points:

- Should the Sub-Committee decide not to pursue the EFA proposal further, the Mapledurham Management Committee, users and beneficiaries should have a meeting with the Sub-Committee as soon as possible to work out how to refurbish and reopen the pavilion using existing funds.
- Should the Sub-Committee be minded to pursue the EFA proposal further, then:
 1. The Sub-Committee be informed again, as previously stated, that the User Groups would like the pavilion to be refurbished and rebuilt as soon as possible, and the Management Committee suggest that the Sub-Committee should give consideration to asking the EFA to provide a deposit before completion, in order to start the refurbishment/rebuild of the pavilion as soon as possible.
 2. The Sub-Committee be asked to provide an outline of the consultation process, the form it would take, and the timetable, as the Management Committee and users would like to know as soon as possible.
- The Sub-Committee also to be informed that the consultation should be directed both to the Mapledurham Parish Council, and to its representative on the Mapledurham Management Committee, Rev. Keith Knee-Robinson; and both to the User Groups of the Pavilion and Playing Fields, and to their

representative on the Mapledurham Management Committee, Nigel Stanbrook.

AGREED:

- (1) That the reports and position be noted;
- (2) That Councillor Ballsdon address the Mapledurham Playing Fields Trustees Sub-Committee meeting on 20 December 2016 as Chairman of the Management Committee, presenting the points set out above;
- (3) That anyone else wishing to speak at the Mapledurham Playing Fields Trustees Sub-Committee meeting on 20 December 2016 contact Peter Driver, Committee Administrator for the Sub-Committee.

4. MAPLEDURHAM PLAYING FIELDS USERS REPORT

Nigel Stanbrook submitted a report as the representative of Users of Mapledurham Playing Fields and Pavilion, giving an update since the report to the previous meeting on information given to the users and feedback from user groups.

Nigel Stanbrook referred back to a position taken previously by the Management Committee against sale of land at the playing fields and expressed concern that if land was sold for a school, this could set a precedent and there was no guarantee that there would not be further loss of land, which would not be in the interest of the Trust. Councillor Hopper noted that officers had explained previously that there was no guarantee currently that nothing would be built on the playing fields and that this would not change if something was built, as each case had to be considered separately; if land was sold, this did not make it more likely that more land would be sold. Chris Brooks explained that sale of land for development was hugely restricted and use for a school was the only contemplated use which might realistically meet the special circumstances for planning consent within land protected by open space policies, as set out in the property report at Appendix 3 to the previous item. He also said that the statement within the Users report "Further loss of land at Mapledurham Playing Fields if the school goes ahead is now a potential reality as a direct consequence from implementation of the EFA proposal, as confirmed by the RBC Head of Legal Services." was inaccurate, as he had not confirmed such a statement.

Councillor Ballsdon noted that, when valuation of the land had been carried out, the recommendation had been not to put it to market, as only the EFA proposal was likely to be successful. She expressed concern that people were being needlessly worried by scaremongering about a potential domino effect following any successful EFA proposal, and said that this would not happen.

Nigel Stanbrook asked a question about a potential Deed of Dedication being entered into, and whether this might provide protection in perpetuity. Chris Brooks replied that officers had committed to investigate and report back to the Sub-Committee on the Deed of Dedication's implications at the Sub-Committee meeting on 11 October 2016; officers were still carrying out this investigation and

would report back to the Sub-Committee once a clear position had been established.

Nigel Stanbrook reported that Steve Ayers was in discussion with Giles Sutton, the Council's Ecologist, about the best way that the woodlands at the playing fields could be protected, and that Steve, Giles and Ben Stanesby would be meeting to look at the site regarding the ecological value of the woodlands.

Nigel Stanbrook also reported that, on 9 December 2016, Mapledurham Tennis Club had been given the Community Venue of the Year Award by the Lawn Tennis Association.

AGREED: That the report be noted and the Tennis Club be congratulated on its award.

5. DATE AND TIME OF NEXT MEETING

It was suggested that the next meeting could possibly be combined with a consultation meeting with the beneficiaries, but that it would depend on the Sub-Committee's decision and the timescale of the consultation process.

AGREED: That the next meeting be organised by email when needed, depending on the decision of the Mapledurham Playing Fields Trustees Sub-Committee on 20 December 2016.

(The meeting started at 6.30pm and finished at 8.25pm)

READING BOROUGH COUNCIL

REPORT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES AND CHIEF VALUER

TO:	MAPLEDURHAM PLAYING FIELDS TRUSTEES SUB-COMMITTEE		
DATE:	21 June 2017	AGENDA ITEM:	5
TITLE:	THE HEIGHTS PRIMARY SCHOOL - PLANNING APPLICATION AND CONSULTATION		
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
JOB TITLE:	CHIEF VALUER HEAD OF LEGAL AND DEMOCRATIC SERVICES	E-MAIL:	bruce.tindall@reading.gov.uk chris.brooks@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 Further to Minute 5(3) of the Heights Free School Sub-Committee's meeting on 11 October 2016, this report has attached the Planning Statement for The Heights Primary School, prepared for the Education Funding Agency (EFA) by TP Bennett in March 2017. This is to permit the Sub-Committee to see the intended location of the 1.231 acre site for the school at the Mapledurham Playing Fields, and to be satisfied that the application is acceptable to the Council as Trustee of the Recreation Ground Charity. The Planning Statement is attached at Appendix A. It may be cross-referred to a more detailed set of planning application documents which can be accessed through the following dropbox:
<https://www.dropbox.com/sh/ef6mb1glgksjqbe/AAAM-INson7PxfJ6SivwvQrxa?dl=0>
- 1.2 Further to Minute 11(6) of the re-named Mapledurham Playing Fields Trustees Sub-Committee meeting on 20 December 2016, the report further has attached the draft consultation document on the EFA's proposal to purchase 1.231 acres of land at Mapledurham Playing Fields and Recreation Ground (the Ground) for the purpose of building a new school for The Heights Free School This is currently work in progress and is being prepared by officers with help from Veale Wasborough Vizards LLP (VWV), who are providing legal advice to the Council as Trustee on the EFA proposal., It is attached at Appendix B. The Charity Commission will be made aware of the consultation document and method of consultation and any issues or feedback raised by them will need to be taken into account.
- 1.3 Under Legal Implications, the report updates the Sub-Committee on the view taken by the Charity Commission on a complaint made to them about the Council's approach to managing its conflicts of interest on the prospective transfer of part of the Ground to the EFA, including the establishment of this Sub-Committee to manage the conflict. Proceedings were also commenced in the High Court on 12 December 2016 to remove the Council as Trustee of the Charity. The Claimant has withdrawn the proceedings and has agreed pay the Council costs in defending the proceedings.

- 1.4 The EFA's proposal and offer were reported to the Sub-Committee at its meeting on 20 December 2016. They were that the Secretary of State for Communities and Local Government (acting by the EFA) will acquire a 125 year lease of 1.231 acres of land at the Ground, in the sum of £1.36M. The Sub-Committee resolved, at Minute 11(4) that the EFA's offer was, subject to contract, capable of being in the best interests of the Charity (ie considered to be capable of enhancing the amenity value of the Ground) and should therefore be pursued in line with the Heads of Terms which were also submitted to that Sub-Committee meeting.
- 1.5 The Council has also received an alternative proposal headed 'Fit4All' from the Mapledurham Playing Fields Foundation, which was the subject of reports to both of your above-mentioned meetings. A copy of the Fit4All proposal is attached at Appendix C.

2. RECOMMENDED ACTION

- 2.1 That the Sub-Committee notes the officer comments on the Planning Statement (Appendix A), set out in para 4.4 below, and considers the Planning Application the Planning Statement and their likely effect on the upon the amenity value of the Ground so that the Planning Application which is proposed to be submitted by the EFA is acceptable to the Sub-Committee;
- 2.2 That the Sub-Committee notes and comments on the public consultation document at Appendix B and agrees that officers progress this, subject to the final document being agreed by members of the Sub-Committee via e-mail communication, and taking into account any comments that the Charity Commission may make.
- 2.3 That the Sub-Committee notes that the legal challenge referred to in paragraph 1.3 was unsuccessful and that the Complainant has agreed to pay the Council's legal costs.
- 2.4 That the Sub-Committee notes the outcome of a complaint made to the Charity Commission in respect of the Council's role as Trustee of the Charity (as referred to in paragraphs 1.3 and 8.8).

3. POLICY CONTEXT

- 3.1 Reading Borough Council holds the Ground in its capacity as charity trustee (Trustee) of the Charity (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.

3.3 At its meeting on 11 October 2016 this sub committee resolved, *inter alia*:

(3) That notwithstanding this unsatisfactory circumstance, 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) and accordingly advises the EFA that they are prepared to continue to discuss the revised proposal, subject to the EFA:

(i) Clarifying the location of its 1.231 acre site at the earliest opportunity.

(ii) 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.

(4) That, subject to the EFA carrying out the actions identified in resolution (3) above, the Sub-Committee shall:

(i) 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 enhancements of the amenity value attributable to the EFA proposal)

(ii) Consult with the public and the Charity's Management Committee on the basis set out in section 8 of the report.

(iii) Consult with the Charity Commission on the basis set out in section 8 of this report.

3.4 At its meeting on 20 December 2016, the re-named Sub-Committee resolved as follows:

(4) That, taking into account the Property Report, the Amenity Report and the legal advice and other information set out in the report, the EFA's offer is, subject to contract, capable of being in the best interests of the Charity (i.e. considered to be capable of enhancing the amenity value of the ground) and should therefore be pursued in line with the Heads of Terms;

(6) That the Head of Legal and Democratic Services be instructed to:

(i) implement a consultation with the Charity's beneficiaries and Management Committee, as anticipated by the heads of Terms;

(ii) consult with the Charity Commission, as anticipated in the Heads of Terms;

4. PLANNING APPLICATION

4.1 The EFA submitted their planning Documentation and associated documentation to the Trustees on 28 March 2017.

4.2 The following detailed documents have been prepared and are available by dropbox: <https://www.dropbox.com/sh/ef6mb1qlgksjqbe/AAAM-INson7PxfJ6SivwvQrxa?dl=0>

- Application Drawings (David Miller Architects), including landscaping proposals (Ryder Landscape Consultants)
- Design and Access Statement (David Miller Architects)
- Planning Statement (tp bennett)
- Sports Pitches Agronomic Assessment (Tom O'Hare)
- Transport Assessment (MLM)
- Framework School Travel Plan (MLM)
- Energy Statement (BSD)
- Sustainability Statement (BSD)
- BREEAM Pre-Assessment Report (ZED)
- Flood Risk Assessment (CampbellReith)
- Surface Water Management Plan (CampbellReith)
- Archaeological Desktop Study (Oxford Archaeology)
- Contamination Desktop Study (RPS)
- Noise Assessment (Accon UK for CampbellReith)
- Air Quality Assessment (Accon UK for CampbellReith)
- Arboricultural Planning Statement, incorporating Arboricultural Impact Assessment (ADAS)
- Preliminary Ecological Appraisal (CampbellReith)
- Phase 1 Preliminary Risk Assessment and Phase 2 Environmental and Geotechnical Site Investigation Report (RPS)
- Utilities Statement (BSD)
- Statement of Community Involvement (tp bennett) (not yet completed)

These documents are largely finalised but remain in draft pending the outcome of the Sub-Committee's consideration. Hard copies will be circulated to Sub-Committee members on request. Officers understand that the planning application will be submitted on-line.

4.3 The accompanying Planning Statement, prepared for the EFA by TP Bennett, is at Appendix A. This includes, at para. 3.1.2, the site location map, with the site propped for the school shown outlined in blue. It comprises the north-western corner of the Mapledurham Playing Fields (MPF), together with the access road from Upper Woodcote Road and the informal car park adjoining the current Mapledurham Playing Fields Pavilion.

4.4 TP Bennett have asked that the Sub-Committee's attention is drawn to the following issues:

- (1) *"The land proposed to be purchased from the [Charity] (edged blue on the site location plan) forms only part of the application site. The formal application site also includes the access road from Upper Woodcote Road, the MPF car park, and land in the northwestern corner of the site; works are proposed to widen the access and to improve the car park. The EFA will therefore need to serve notice on RBC as Trustee [of the Charity] (under the planning regulations) when it submits the application."*

Officer view: as regards works to the access road and car park - need to ensure that the EFA is paying for this work and does not form part of the £1.36m payment.

- (2) *"The area of land in the northwestern corner of the MPF site falls outside the school boundary. The intention at this stage is to fence off this area. It may be that this land could provide additional MPF or school parking."*

Officer view: the land cannot be fenced off but must continue to form part of the land enjoyed by the public. It may be the case that the land will be used in the future for overspill car parking.

- (3) *"RBC Core Strategy Policy CS28 states that development of designated open space land may exceptionally be allowed if recreational enhancements outweigh the loss of open space. The Planning Statement includes a list of possible enhancements to the MPF recreational facilities that would be enabled through the purchase of the site by the EFA. The detail of such enhancements is clearly a matter for the [Charity] and its beneficiaries, but it is likely that RBC as Local Planning Authority (LPA) will seek to link their delivery to the school development by way of planning obligation (ie S106 agreement). It may be that the sub-committee uses its forthcoming consultation to canvass views on what these improvements should comprise and share them with the LPA [local planning authority] accordingly."*

Officer view: The EFA has only asked the Council as Trustee of the Charity to improve one pitch. The Trustees have agreed to carry out this work. Other enhancements which may be undertaken will be the decision of the Trustees and not the Local Planning Authority.

- (4) *"The [Charity] will be seeking the authority of its beneficiaries shortly to allow sale of the school site to the EFA. This exercise will likely overlap with the planning application process. The EFA intends arranging an exhibition after Easter to enable local people to view the application proposals in detail. The EFA envisage this would be on two weekday evenings (say 4-7.30pm), one at a venue near the MPF, the other at a town centre location. There would also be relevant announcements in the press and social media."*

Officer view; The legal requirement under the Charities Act 2011 is to seek representations from the Charity's beneficiaries (rather than their authority), which will be dealt with via the proposed consultation. The town centre venue should ideally be Caversham town centre.

4.5 Representatives from the EFA will be present at the Sub-Committee meeting to talk to their planning application and associated documents, and to answer questions.

4.6 In line with their decision at their meeting on 11 October 2016 (as referred to in paragraph 3.3 of this report), the members of the Sub-Committee are asked to consider the Planning Statement and planning application and their likely effect on the upon the amenity value of the Ground so that the planning application which is submitted is acceptable to the Sub-Committee. In doing so, the members of the Sub-Committee must not take into account the interests or policy of the Council as local planning authority, nor as local education authority.

4.7 In this regard, the sort of planning issues which it may be appropriate for the Sub-Committee to consider are listed below:

- Access road to the site
 - to be ungraded to allow two-way traffic

- improved lighting and security
- emergency access to site
- Car park at playing fields
 - to be upgraded and resurfaced
 - possible capacity issues if shared with school
 - improved lighting and security
 - use of land owned by the Council outside the area owned by the Charity for overspill parking
- Site location
 - The site has moved to the North East however the movement is not considered material
 - Within 1.231 acres
 - Precludes the envisaged extension of the Pavilion
- Impact on playing fields
 - School MUGA
 - Loss of 5-a-side pitches
 - Boundary treatments
 - Loss of trees
 - Impact on visual amenity
 - Greater use of playing fields arising from increased footfall to school
- Community Use Agreement
 - School grounds and facilities
 - School hall
 - Disability access / use of facilities

4.8 These issues can be cross-referred to the consultation document at Appendix B.

5. CONSULTATION DOCUMENT

5.1 A detailed public consultation proposal is being prepared by officers and VWV and is attached in draft at Appendix B for consideration. The purpose of the consultation proposal is to seek the views of the Beneficiaries of the Charity on four issues:

- 1) If the Council were to grant a lease to the EFA as Trustee of the Charity, how should it consider applying the premium of £1.36M in order best to enable the Charity to use the Ground for recreation?
- 2) Is the grant of the lease to the EFA likely to enhance the amenity value of the Ground for Beneficiaries?
- 3) Or should RBC prefer the Fit4All proposal made by the Mapledurham Playing Fields Foundation?
- 4) If the lease is granted to the EFA, should the Council take steps to impose a legal restriction on the remainder of the Ground in order to ensure that it can only be used by the Charity for recreational purposes in the future?

These issues are expanded and commented upon in the introduction to the draft consultation document at Appendix B.

5.2 The Beneficiaries of the Charity are the inhabitants of the Parish of Mapledurham and the Borough of Reading without distinction of political, religious or other opinions.

5.3 The Amenity Report prepared for the Sub-Committee's meeting on 20 December 2016 commented on how the funds received from the EFA could be applied in order to enhance amenity value. Officers consider that this is a matter that should be consulted upon with the Charity's beneficiaries as part of the wider consultation on

the EFA's proposal that will be carried out and considered by the Sub-Committee prior to any exchange of contracts with the EFA.

- 5.4 The Sub-Committee will be aware that the Council has, since the 1980s, established the Mapledurham Playing Fields Management Committee (MPFMC), which exercises a general supervision over the activities at the playing fields and ensures that the objects of the charity are achieved. MPFMC has a specific function to ensure that adequate consultation is carried out with the users of the playing fields by liaison with the Ground's Users' Organisations, with whom it shall organise a meeting at least once a year.
- 5.5 The Sub-Committee is asked to consider the following proposals for the process and timetable for consultation with the Beneficiaries (and others):
1. Meet wider user groups representative (Week 1)
 - Launch
 - Workshop to launch consultation
 - Friends of Mapledurham Playing Fields
 - Caversham Trents Football Club
 - Mapledurham Lawn Tennis Club
 - User Representatives
 - RBC Parks
 - Users of Pavilion
 - Mapledurham Playing Fields Management Committee
 - Fit4all
 2. Publish consultation on line (RBC website) and distribute leaflets to residents living in Mapledurham Parish and Mapledurham ward, advertise consultation on Council website and notify local press. Note that the Beneficiaries are all residents in Reading not just those who live in Mapledurham ward. (Week 1)
 3. Exhibition at 1 site (Caversham Library) (Week 5)
 4. Consultation closes (Week 7)
 5. Report findings to Management Committee (Week 9)
 6. Report findings to Sub-Committee (Week 10)
- 5.6 The above consultation process will be organised and coordinated by Ben Stanesby, Recreation Manager. He and the other officers supporting the Sub-Committee will report back to the Sub-Committee on the outcome of the exercise.
- 5.7 The draft consultation document may change to reflect any comments received from the Charity Commission.
- 5.8 The consultation will be through the Council's website. It will be the subject of a Council press release, and advertised through the website, and in Council buildings and amenities in Caversham, including Caversham Library, local community and children's centres, community notice boards, and parks and playgrounds. Details will also be circulated to all libraries and schools in Reading.
- 5.9 A Leaflet will be distributed by post to the properties in the Parish of Mapledurham and to properties that lie within 400 metres of Mapledurham Recreation Ground.

5.10 The consultation will give details of both the EFA and Fit4All proposals, and seek views on both (issue 3).

6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 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.

6.2 At your meeting on 20 December 2016 you were told that if the decision of the Sub-Committee was to proceed with the EFA's proposal, the Council, as trustee of the Charity, would need 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 recommended 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.

6.3 The Charity Commission has been consulted in relation to the EFA's proposal, and will be consulted on the consultation document at Attachment B.

6.4 The process and timetable for consultation with Beneficiaries is set out in para. 5.4 above.

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.

7.2 An Equality Impact Assessment will be carried out when the consultation with the Charity's beneficiaries and Management Committee has been carried out.

8. LEGAL IMPLICATIONS

8.1 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.

8.2 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 by way of a lease 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.

- 8.3 The Sub-Committee, at its meeting on 20 December 2016, and having taken into account the Property Report, the Amenity Report and the legal advice and other information presented to you at that meeting, took the decision that the EFA's offer was, subject to contract, 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 in line with the Heads of Terms, subject to the EFA providing an additional undertaking in respect of the Charity's costs which the Sub-Committee noted had been agreed for up to £35,000.
- 8.4 There is a specific requirement under the Charities Act 2011 (Section 117) which means that the Sub-Committee as Trustee cannot decide to enter into any legally binding agreement to sell or dispose of 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. The Property Report considered at your meeting on 20 December 2016 addressed this requirement, as well as addressing the amenity value of the part of the Ground which would not be purchased by the EFA, taking into account the proceeds of disposal available to the Charity. The Sub-Committee should note that, for the reasons set out in the Property Report, the authors Bruton Knowles do not advise that the grant of a lease in line with the Heads of Terms should be advertised.
- 8.5 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.
- 8.6 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.
- 8.7 Since your last meeting the Charity Commission has written to the legal advisors to the Council (acting as Trustee) on 9 March 2017, concluding as follows:

“The transfer proposal relates to an offer by EFA to have transferred to it a parcel of land currently held in trust (1.231 acres of the 27 acre site, which represents 4% or thereabouts of the whole) under a lease for a term of 125

years in order to build a free school. The EFA land, if transferred, will not be available to further the objects of the Charity. Under the proposal, however, the Charity stands to obtain a significant amount of money (in the order of £1,360,000) which could be used to enable it to further its objects, in return for the loss of a relatively small area of its land. We are therefore satisfied that the decision to explore the proposal is a decision that a reasonable body of trustees might make.”

Conflict of Interest

- 8.8 The Charity Commission has also received and considered a complaint made to them about the Council’s approach to managing its conflicts of interest on the prospective transfer of part of the Ground to the EFA, including the establishment of this Sub-Committee to manage the conflict. As officers understand it, the argument put to the Charity Commission was that the Council as Trustee of the Charity is unable to make a valid decision because the inherent conflict is so pervasive that it is impossible for the Trustee to make an un-conflicted decision. On this matter, the Charity Commission, in its letter of 9 March 2017 (please see Appendix D), concluded as follows:

“Having considered the available information, we do not agree that the conflicts of interest are so persuasive [sic] that they cannot be managed. You have provided evidence to indicate that the Trustee has taken appropriate steps to manage the conflict” [Please note that this was subject to a point made about Councillor Edwards also being a member of the Council’s Adult Social Care, Children’s Services and Education Committee. Councillor Edwards stepped down from that Committee from 27 January 2017].

The Commission is of the view that the subcommittee can make a delegated decision that will be a valid decision if they ensure they act in accordance with their legal duties to take into account all relevant matters, including appropriate professional advice (including legal and chartered surveyor advice), and to also bear in mind the responses to public consultation and any issues or steps that arise as a consequence. In addition all irrelevant matters must be ignored.”

Obligations as Trustee

- 8.9 In reaching any decision in relation to the Charity, the members of the Sub-Committee when performing the Council’s function as Trustee have a number of obligations:
- (1) You must act in good faith and exclusively in the interests of the Charity i.e. in a way which you honestly believe to be in the Charity’s best interests.
 - (2) You must act within your powers (and as explained above, the Charity Commission will again need to be consulted if, following consultation, the Sub-Committee be minded to authorise any disposal of land at the Ground to the EFA).
 - (3) You must ensure that you have any legal, property or other advice you consider is required in order to inform and support your decision-making. The Sub-Committee should also consider whether there is any other or further advice you believe is required before making a decision.

- (4) You must ensure that you are adequately and properly informed and have all relevant information.
- (5) You must ensure that you 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 will incur any cost for the Charity.
 - The Charity Commission's guidance on public benefit, which is relevant to 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) You 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 the Council as local education authority at the behest of the EFA).
- (7) You 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) You 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) You should take into account the view expressed by the Commission referred to in paragraph 8.8 above.

8.10 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

8.11 The same (or similar) considerations to those outlined above will apply to any subsequent decision by the Sub-Committee to enter into a binding agreement with

the EFA to grant a lease of part of the Ground for the purposes of the school. As indicated above, the decision Officers consider the Sub-Committee should make at every stage is whether or not, in the light of the information which is then available, 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 any conditions recommended by Officers.

8.12 Fields in Trust

8.12.1 An approach has been received from Fields in Trust, (a successor organisation to the NPFA) regarding the possibility of the Trustees entering into a Deed of Dedication in respect of this site. This would place a restriction on the site in perpetuity, further supporting the object of the charity.

8.12.2 Provisions of the Deed of Dedication could however still allow the Trustees to dispose of charitable land, however the consent of FIT would also be required, which would involve replacement land and a further Deed of Dedication for that replacement land.

8.12.3 Charity commission Consent would also be required before a Deed could be entered into.

8.12.4 Officers believe however that this additional restriction should be considered further and should form part of the consultation process.

9. FIT4ALL PROPOSAL

9.1 The financial elements of the Fit 4 All proposal are predicated on the group being able to:

9.1.1 Access bank funding to meet a shortfall for funding its proposed works to the pavilion, estimated at £75,000 which assumes that WADRA and the S106 payment monies amounting to £185,000 are released - the group has advised that the loan application cannot be made until such time as a decision is taken by the Trustees to proceed with its proposal.

9.1.2 Obtain annual funding from Reading Borough Council in the sum of £21,000 per annum. This will require a decision by the Council's Policy Committee and is not something that this sub committee has the power to agree to.

The Fit 4 All proposal also assumes that the cost of repairs to the pavilion is in the region of £266,000 the latest estimate is that this sum may not be sufficient to restore or replace the pavilion.

10. FINANCIAL IMPLICATIONS

10.1 The EFA proposal includes a financial offer to pay a lease premium of £1.36M.

10.2 The lease premium 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 The Amenity Report to your meeting on 20 December 2016 commented on how the funds received from the EFA could be applied in order to enhance amenity value. Officers consider that this is a matter that should be consulted upon with the Charity's beneficiaries as part of the wider consultation on the EFA's proposal that will be carried out and considered by the Sub-Committee prior to any exchange of contracts with the EFA.
- 10.4 The question of how any funds which may ultimately be received from the EFA should be applied will be considered by a future meeting of this Sub-Committee, taking into account the outcome of the consultation with the Charity's Beneficiaries. The decision taken by the Sub-Committee on 20 December 2016 was that it was satisfied that the lease premium was capable of enabling 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 8.2 above) and that it was therefore capable of being in the interests of the Charity, albeit that any specific enhancements will need to be decided upon by the Sub-Committee in due course.
- 10.5 The Sub-Committee should note that, as local authority, Reading Borough Council has committed £85,000 of section 106 monies to the refurbishment of the Pavilion. The Warren and District Residents Association (WADRA) has indicated that it has in the region of £95,000 available to enhance the facilities at the Ground, but that it will not make these funds available if the EFA proposal proceeds.

11. BACKGROUND PAPERS

- Appendix A - The Heights Primary School - Planning Statement - TP Bennett for Education Funding Agency
- Appendix B - Draft consultation document & flyer
- Appendix C - Fit4All Proposal
- Appendix D - Recreation Ground Charity (Mapledurham) - 304328 - Letter from Charity Commission to VWV

The Heights Primary School
Mapledurham Playing Fields
129 Woodcote Road
Caversham
RG4 7LH



Planning Statement

tp bennett

for

Education Funding Agency

April 2017



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1. INTRODUCTION

1.1 This Planning Statement is submitted in support of a planning application made by the **Education Funding Agency** [EFA] for the following proposal:

Erection of 2FE primary school (350 pupils) with associated landscaping, multi-use games area (MUGA), car and cycle parking and servicing.

1.2 The application is being made to Reading Borough Council [RBC] as Local Planning Authority [LPA].

1.3 In 2012, RBC identified a shortage of primary school places in the Caversham and Mapledurham area of the Borough. It called for a proposer group to secure Central Government funding to establish a new Free School – and The Heights Primary Free School [THPS] was approved in principle in 2013.

1.4 The EFA carried out an extensive site search exercise, and, in early 2014, initially purchased a site at High Ridge, Upper Warren Avenue to accommodate the new school. This proved contentious, however, and a further review of sites was undertaken. RBC led a wide-ranging public consultation on a shortlist of five potential sites that served the school catchment. The Mapledurham Playing Fields site emerged from this process as the most suitable and potentially available site. It also commanded greatest public support, albeit there remained a significant level of local opposition.

1.5 The Mapledurham Playing Fields (MPF) is owned by a Charitable Trust administered by RBC. The EFA is negotiating the purchase of a 0.5ha site from the MPF Charitable Trust to accommodate a permanent home for THPS.

1.6 In the meantime, THPS has opened in temporary accommodation outside the catchment area, on the site of a former children's nursery at 82 Gosbrook Road. The temporary planning permission on this site runs out on 31 August 2018.

1.7 This Planning Statement assesses the proposals against the policies in the Development Plan and other material considerations. The Statement is structured as follows:

- Section 2 – provides detail of the application proposals
- Section 3 – briefly describes the site and surrounding area
- Section 4 – outlines the site's planning history, including pre-application discussions with the LPA
- Section 5 – provides an overview of the principal planning policy and guidance relevant to the assessment of the proposed development

- Section 6 – provides an assessment of the proposal against the provisions of the Development Plan and other material considerations
- Section 7 – sets out the likely approach to planning obligations
- Section 8 – conclusions

1.8 This Planning Statement should be read in conjunction with the following documents which form part of the planning application:

- Application form (on-line)
- CIL questionnaire
- Application Drawings (David Miller Architects), including landscaping proposals (Ryder Landscape Consultants)
- Design and Access Statement (David Miller Architects)
- Sports Pitches Agronomic Assessment (Tom O'Hare)
- Transport Assessment (MLM)
- Framework School Travel Plan (MLM)
- Energy Statement (BSD)
- Sustainability Statement (BSD)
- BREEAM Pre-Assessment Report (ZED)
- Flood Risk Assessment (CampbellReith)
- Surface Water Management Plan (CampbellReith)
- Archaeological Desktop Study (Oxford Archaeology)
- Contamination Desktop Study (RPS)
- Noise Assessment (Accon UK for CampbellReith)
- Air Quality Assessment (Accon UK for CampbellReith)
- Arboricultural Planning Statement, incorporating Arboricultural Impact Assessment (ADAS)
- Preliminary Ecological Appraisal (CampbellReith)
- Phase 1 Preliminary Risk Assessment and Phase 2 Environmental and Geotechnical Site Investigation Report (RPS)
- Utilities Statement (BSD)
- Statement of Community Involvement (tp bennett)

1.9 The proposal has a gross external floor space of 2,176m². The requisite planning application fee of £11,550 has been paid by bank transfer directly by the applicant.

2. PROPOSED DEVELOPMENT

2.1 The proposal is to erect of 2FE primary school for 350 pupils, with associated landscaping, multi-use games area (MUGA), car and cycle parking and servicing.

2.2 As set out in detail in the accompanying Design and Access Statement and scheme drawings (by DMA), the development includes:

- a new school building of 2,176m² (GEA), containing a full suite of new teaching facilities: multi-purpose hall, library, classrooms, kitchen and staff accommodation
- new external landscaping, including informal social play areas, new perimeter fencing, replacement tree planting, and a floodlit multi-use games area (MUGA)
- cycle/scooter and car parking, improved access from Upper Woodcote Road, with drop-off, service access and turning in a resurfaced car park adjoining the pavilion

2.3 THPS has a standard class size of 25 pupils. The following table sets out how the school roll will increase over the coming years, from the 168 pupils currently at the school's Gosbrook Road site, to the full complement of 350 pupils from September 2020.

<i>Year (Sept)</i> <i>Class</i>	2016	2017	2018	2019	2020
YR	50	50	50	50	50
Y1	50	50	50	50	50
Y2	50	50	50	50	50
Y3	18	50	50	50	50
Y4		18	50	50	50
Y5			18	50	50
Y6				18	50
Total	168	218	268	318	350

2.4 It should be noted that the submitted Transport assessment assumes a class size of 30 (and a total school roll of 420). This is solely for the purpose of providing a robust assessment of potential transport impacts (ie a worst case scenario). THPS's class size policy is not under review.

3. SITE AND SURROUNDING AREA

3.1 The site

- 3.1.1 A detailed analysis of the site and surrounding area is provided in the submitted Design and Access Statement (DMA).
- 3.1.2 The application site (see Fig 1 below) comprises the north-western corner of the Mapledurham Playing Fields, together with the access road from Upper Woodcote Road and the informal car park adjoining the MPF pavilion.

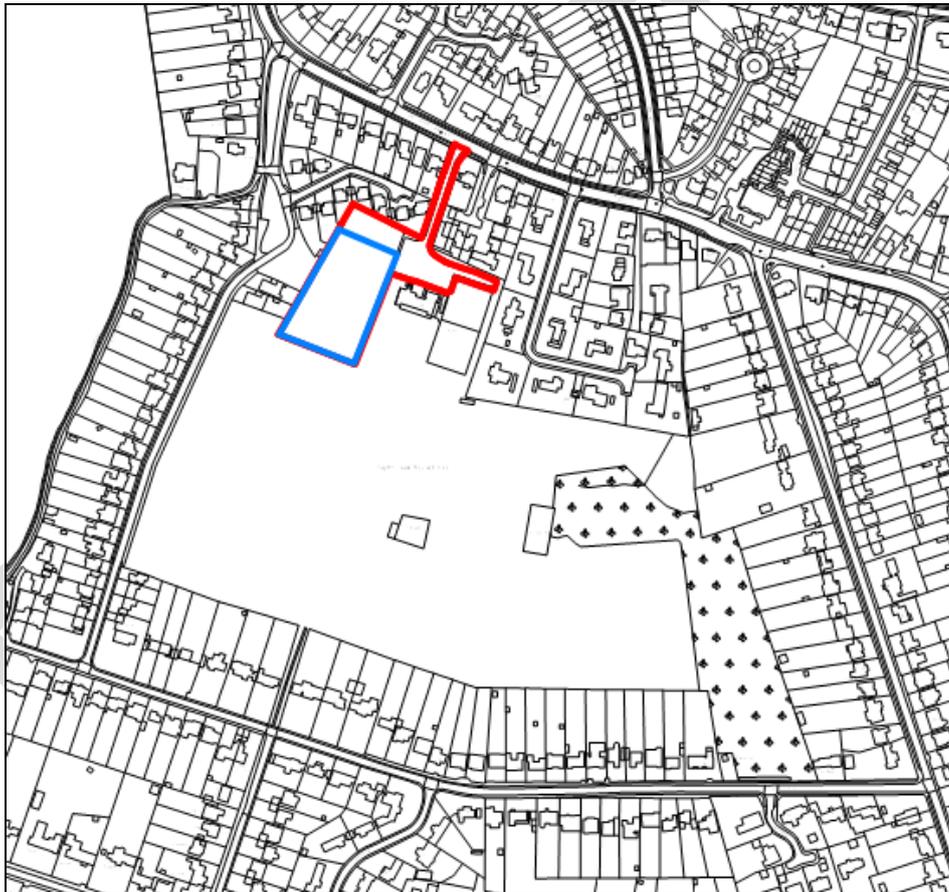


Figure 1: Site location plan

- 3.1.3 The MPF site was gifted in 1938 by Charles Hewett to the National Playing Fields Association, for use as a recreation ground. It is held in trust by RBC. The charitable purpose of MPF 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.”

- 3.1.4 The EFA is in negotiation with the Trust to purchase the land for the school (0.5ha), shown blue in Fig 1.
- 3.1.5 The MPF is some 11ha in size. Its facilities include a car park, pavilion (currently largely closed), four floodlit tennis courts with fencing, a children’s play area in the centre of the site, a hard-surfaced ball court, and community orchard. At the eastern end of the site is a protected dry valley and a local wildlife site. There are wooded boundaries and stands of trees.
- 3.1.6 The site’s main vehicular access is from Upper Woodcote Road. There is a secondary gated entrance off Chazey Road in the south east corner of the site. There are numerous informal entrances used by visitors on foot as the boundary fence is missing in many locations – including in the northwestern corner of the site where the new school is proposed to be sited.
- 3.1.7 The sports use of MPF is mainly by local football clubs – Caversham Trents FC, Soulball (coaching for Caversham Trents U8s) and Volunteer FC. A bridge club and a toddler group used to use the pavilion.

Group	No of participants	Facilities used	Frequency/ timing	Notes
Caversham Trents FC	>100	Pitches, changing rooms	M-Th eves training Sa-Su 9am-1pm matches Sa Summer training	Also use Emmer Green Recreation Ground and Highdown astroturf
Volunteer FC	20-30	Pitches	>2x/week	Also use other parks
Soulball	20-30	Pavilion	1x/week	Pavilion not now available; also use Emmer Green Primary School
Mapledurham Bridge Club	30-40	Pavilion	1x/week	Pavilion not now available; now meets elsewhere
Escape Toddler Group	30-40	Pavilion	>2x/week	Pavilion not now available; now use 1st Reading YMCA Sea Scouts HQ, The Warren RG4 7TH

[Sources: Ryder Landscape Consultants Landscape Review March 2016 and pre-application response from RBC Leisure and Recreation received 10.1.17]

- 3.1.8 There is considerable informal use of the recreation ground, particularly by dog walkers. The children’s playground tends to be used more in the summer; there is no footpath access to it.

3.2 The Surrounding Area

3.2.1 The site and its surroundings are shown in the aerial photograph below (Fig 2).



Fig 2: Aerial photograph of application site

3.2.2 The MPF is bordered to the north, east and south by residential gardens. On the western side is Hewett Avenue.

3.2.3 The proposed school site lies to the south of Hewett Close and to the east of 92 and 82 Hewett Avenue. Between these there is an open area of grass that allows for informal access into MPF.

4. PLANNING HISTORY

4.1 Planning history

4.1.1 The Mapledurham Playing Fields site has a limited planning history relating to the pavilion and the tennis courts, the most relevant of which is as follows:

<i>Reference</i>	<i>Description of development</i>	<i>Decision/date</i>
890904	Single storey flat roof extension to the pavilion's changing rooms.	Permitted 10.1.1990
930614	Creation of a tennis court.	Permitted 28.4.1994
940439	Erection of floodlighting to two tennis courts.	Refused 19.10.1995
981046	Provision of floodlighting to two tennis courts.	Allowed on appeal 8.4.1999
130613	Replacement and extension of roof, installation of new roof lights and construction of glazed veranda on east elevation	Permitted 1.7.2013

4.1.2 The 2013 permission for works to the pavilion has been started and is therefore extant; it has not been completed. The 1999 permission on appeal for floodlighting is pertinent as the school MUGA is proposed to be floodlit.

4.1.3 The existing Heights Primary School is located at 82 Gosbrook Rd, Reading RG4 8BH, the site of a former children's nursery. It initially received planning permission for a two-year period in July 2014. This was subsequently extended until 31 August 2018. A recent application for a standalone music building was withdrawn given concerns about noise breakout and impact on residential neighbours. The full planning history is as follows:

<i>Reference</i>	<i>Description of development</i>	<i>Decision/date</i>
140940	Demolition of existing nursery school buildings and construction of a temporary single storey modular unit and minor external works associated with the site's use as a non-residential institution (Class D1) for 2 years.	Permitted 25.7.2014
151283	Construction of a first floor classroom extension over existing single-storey classrooms to form enlarged temporary school, for an extended temporary period until 31 August 2018.	Permitted 10.3.2016
160676	Application for approval of details reserved by condition.	Discharged 15.6.2016
162290	Erection of a freestanding garden building for use as a music teaching room. The proposed structure is 3.1m x 3.7m x 2.4m high with a floor area of 11.47 sqm.	Withdrawn 3.3.2017

4.2 Pre-application advice

4.2.1 The EFA submitted a formal request for the receipt of pre-application advice from RBC and there has been a number of pre-application meetings. The outcome of these discussions was contained in a formal pre-application response from RBC dated 14 March 2017 (see Appendix 1). This letter refers to and briefly summarises consultation responses from RBC transport, leisure, tree, ecology and environmental protection officers, and Sport England.

4.2.2 A summary of the issues discussed and agreed in these meetings is as follows:

4.2.3 *Land use and impact on open space:* there is strong policy objection to the principle of the proposed school on this designated open space site. There are supportive policies in relation to community uses and sustainable travel, but there would need to be significant benefits to overcome this policy objection. Impacts on trees and ecology should be minimised.

4.2.4 *Design:* in the absence of detailed drawings at this stage, officer comments were limited to encouraging a material palette sympathetic to the playing field setting. Information on access, public realm and boundaries should be provided in the application.

4.2.5 *Parking, traffic and access:* the location is considered suitable in accessibility terms subject to improvements to crossing points on Upper Woodcote Road and upgrading of the existing access road. Co-location of the turning area with the pavilion is likely to be acceptable subject to appropriate management arrangements.

4.2.6 *Environmental considerations:* outlines the range of documentation relating to energy/sustainability, BREEAM pre-assessment, air quality and noise that would be required to support this application. Others to be submitted include archaeology and contamination, though not specifically required. Overlooking is unlikely to be an issue but lighting should be the minimum necessary.

4.2.7 *Planning obligations:* the areas where obligations were likely to be required including: package of measures to upgrade and provide enhanced leisure provision on the MPF in conjunction with operators and landowners; upgrading the pavilion car park; off-site highways works; and employment and skills plan. Schools attract a nil CIL charge.

4.3 Community engagement

4.3.1 The proposals have been the subject of several phases of both general and specific public consultation.

4.3.2 Having identified a shortfall in primary provision in the Borough, RBC undertook a series of "Let's Talk Education" events in 2012- 2013. This identified eight schemes for permanent school expansion schemes.

- 4.3.3 In the Caversham area the absence of a primary school meant that RBC needed to promote a new school – and THPS was the result, Free Schools being the Government’s preferred model for delivery of new schools. The EFA initially purchased High Ridge for the school, but this was controversial and ultimately unsuitable. RBC therefore undertook a consultation March-May 2015 on five possible school sites. That process also included a call for alternatives, though none was forthcoming.
- 4.3.4 The MPF site emerged from that process as the most suitable and potentially available site, as well as the one attracting widest public support (see Appendix 3). The EFA subsequently undertook local consultation early in 2016, before it had been established that the EFA purchase would include a sizeable sum for improvements to the MPF facilities.

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5. PLANNING POLICY CONTEXT

5.1 Introduction

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan comprises the following Reading Borough Local Development Framework documents:

- Core Strategy (adopted January 2008; updated 27 January 2015) [CS]
- Sites and Detailed Policies Document (adopted October 2012; updated 27 January 2015) [SDPD]

5.1.2 Supplementary guidance material to the consideration of the application includes:

- Employment, Skills and Training SPD (April 2013)
- Planning Obligations SPD (April 2015)
- Revised Parking Standards and Design SPD (October 2011)
- Revised Sustainable Design and Construction SPD (July 2011)

5.1.3 The National Planning Policy Framework (2012) [NPPF] is also a material planning consideration in the determination of planning applications.

5.1.4 RBC is reviewing its main planning policies which will replace the CS and SDPD documents above (as well as the Reading Central Area Action Plan). Consultation took place on issues and options in early 2016 and a full draft Plan will be published during 2017. This will in due course be submitted to the government for public examination. Given the status of this emerging policy document, it is unlikely to be material in the determination of this planning application.

5.2 National Planning Policy

5.2.1 National planning policy is contained in the National Planning Policy Framework (NPPF, 2012). At the heart of the NPPF is a presumption in favour of sustainable development.

5.2.2 In making decisions on planning applications:

“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.” [NPPF para 187]

5.2.3 In relation to school provision, the NPPF states:

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.”* [NPPF para 72, emphasis added]

5.2.4 This post-dates the earlier ‘Policy Statement – planning for schools development’ (August 2011) which sets out the government’s commitment to support the development of state-funded schools and their delivery through the planning system. The document states:

“The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- *There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.*
- *Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.*
- *Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95. Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.*
- *Local authorities should ensure that the process for submitting and determining state-funded schools’ applications is as streamlined as possible, and in particular be proportionate in the information sought from applicants. For instance, in the case of free schools, authorities may choose to use the information already contained in the free school provider’s application to the Department for Education to help limit additional information requirements.*
- *A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.*

This statement applies to both change of use development and operational development necessary to the operational needs of the school.” [emphasis added]

5.3 Local Planning Policy

5.3.1 Local development plan policies for the area are contained within:

- Core Strategy (adopted January 2008; updated 27 January 2015) [CS]
- Sites and Detailed Policies Document (adopted October 2012; updated 27 January 2015) [SDPD]

5.3.2 The relevant policies from the CS, considered in detail in Section 6 of this document, comprise the following:

- CS1: Sustainable Construction and Design
- CS4: Accessibility and the Intensity of Development
- CS5: Inclusive Access
- CS7: Design and the Public Realm
- CS9: Infrastructure, Services, Resources and Amenities
- CS20: Implementation of the Reading Transport Strategy
- CS22: Transport Assessments
- CS23: Sustainable Travel and Travel Plans
- CS24: Car/Cycle Parking
- CS28: Loss of Open Space
- CS30: Access to Open Space
- CS31: Additional and Existing Community Facilities
- CS36: Biodiversity and Geology
- CS37: Major Landscape Features and Strategic Open Space
- CS38: Trees, Hedges and Woodlands

5.3.3 The relevant policies from the Development Policies, considered in detail in Section 6 of this document, comprise the following:

- SD1: Presumption in Favour of Sustainable Development
- DM1: Adaptation to Climate Change
- DM2: Decentralised Energy
- DM3: Infrastructure Planning
- DM4: Safeguarding Amenity
- DM12: Access, Traffic and Highway-Related Matters
- DM17: Green Network
- DM18: Tree Planting

- DM19: Air Quality
- SA16: Public and Strategic Open Space

5.3.4 The following plan (Fig 3) shows an extract from the Reading Proposals Map (adopted October 2012):



Fig 3: extract from Reading Proposals Map

5.3.5 The site is the subject to two designations:

- Public and Strategic Open Space (SDPD Policy SA16 refers)
- Air Quality Management Area along Upper Woodcote Road (SDPD Policy DM19)

5.3.6 Beyond the application site, the Proposals Map indicates proposed and existing green links (SDPD Policy DM17) and, at the eastern end of the MPF site, a major landscape feature (North Reading Dry Valleys, CS Policy CS37 and SDPD Policy SA17), and a local wildlife site (CS Policy CS36 and SDPD Policy DM17). The RBC ecologist states that these designations also relate to a lowland mixed deciduous woodland, a priority habitat.

6. ASSESSMENT OF THE PROPOSAL

6.1 Introduction

6.1.1 As outlined in Section 2, the application seeks planning permission for

Erection of 2FE primary school (350 pupils) with associated landscaping, multi-use games area (MUGA), car and cycle parking and servicing.

6.1.2 The main issues to be considered in respect of this application are:

- Principle of the proposed land use on the site (section 6.2):
 - Loss of open space
 - The need for additional primary school places
 - The lack of alternative available sites
 - Sport England policy
- Design (6.3)
- Ecology and trees (6.4)
- Sustainable design and energy (6.5)
- Transport, highways and parking (6.6)
- Flood risk and surface water drainage (6.7)
- Noise (6.8)
- Air quality (6.9)
- Contamination (6.10)

6.2 Land Use

6.2.1 As noted in section 5.2 above, national planning policy is highly-supportive of school development proposals. NPPF para 72 states that the Government “attaches great importance to ensuring a sufficient choice of school places is available to meet the need of existing and new communities” and that LPAs “should take a proactive, positive and collaborative approach in meeting this requirement” (note that detailed pre-application discussions have taken place). Similarly, the August 2011 Policy Statement on schools sets out a presumption in favour of the development of state-funded schools and the enabling role of LPAs.

Loss of open space

6.2.2 Notwithstanding this context, the fact is that the application site is a designated open space site. CS Policy CS28 therefore applies, and it reads as follows:

Development proposals that will result in the loss of open space or jeopardise its use or enjoyment by the public will not be permitted. In exceptional circumstances, development may be permitted where it is clearly demonstrated that replacement open space, to a similar standard, can be provided at an accessible location close by, or that improvements to recreational facilities on remaining open space can be provided to a level sufficient to outweigh the loss of the open space. The quality of existing open space should not be eroded by insensitive development on adjoining land. [emphasis added]

6.2.3 The first part of this policy is restated in SPDP Policy SA16:

Important areas of Public and Strategic Open Space, as shown on the Proposals Map, will be protected from development. Proposals that would result in the loss of any of these areas of open space, or jeopardise their use or enjoyment by the public, will not be permitted.

6.2.4 The policies effectively set a presumption against the development of open space sites. At the same time, however, Policy CS28 allows for exceptions to this where improvements to recreational facilities can be provided to off-set the loss of open space. This test is emphasised in the pre-application advice received (see Appendix 1).

6.2.5 The proposed EFA purchase of 0.5ha would take 4.5% of the overall site.

6.2.6 As noted in para 3.1.7 above, the MPF are currently used principally by the Caversham Trent Football Club, together with a coaching social enterprise and a voluntary club. There are currently six full-size football pitches and three five-a-side pitches marked out. Tim O’Hare Associates carried out an agronomic assessment of the site in February 2016. Three full-sized pitches were marked out and assessed in relation to soil and turf quality, and drainage.

The overall condition of the pitches was assessed as “reasonable” but requiring intervention to maintain usage levels. The pitches are currently undrained and higher usage could be sustained if this were introduced alongside periodic sand amelioration and/or top-dressing. The report also sets out a recommended maintenance regime involving decompaction, aeration, top-dressing, overseeding, fertilizing, lime application, weed control, scarification and mowing – alongside management of usage.

6.2.7 The EFA’s proposed purchase price for the school site (£1.36m) includes a substantial premium (over £1m) above the land value that is specifically intended to compensate for the loss of this part of the MPF. The Trust’s charitable purposes mean that this sum must be directed towards enhancement of the MPF’s facilities.

6.2.8 In pre-application discussions, officers suggested that there should be a detailed scheme of enhancements to the recreational facilities on the site to demonstrate compliance with Policy CS28. The detail of any such scheme is necessarily a matter for the Trust and its beneficiaries to determine, but the mitigation and enhancements are likely to include the following:

- Improvements to sports pitch surfaces and drainage (as recommended by the Agronomic Assessment)
- Additional tree planting
- Contribution to the permitted pavilion scheme
- Improved children’s play area
- Resurfacing of the car park
- Repairs to boundary fencing

6.2.9 Nevertheless, it is recognised that any grant of planning permission would be subject to a planning obligation to link the school development with these measures, even if the detail is left for the Trust and beneficiaries to decide.

6.2.10 In addition, it is proposed that the school hall and MUGA would be made available for community use. The building has been designed specifically to allow for such use, with separate direct entrances and the ability to access the hall and related facilities while preventing access to the rest of the school accommodation. It is anticipated this would be managed through a formal community use plan, secured by way of planning obligation or condition.

The need for additional primary school places

6.2.11 CS Policy CS31 supports the provision of additional community facilities in accessible locations. At the same time, CS Policy CS4 promotes a balance between the scale and density of development and its accessibility.

- 6.2.12 RBC has a statutory duty to ensure there is a school place available for every resident Reading child who requests one between the ages of 5 and 17. There is an identified and documented need for additional primary school places in this part of Reading. In October 2012, RBC Cabinet received a report (School Places Forecast) which outlined a national shortage of school places in the primary phase. In Reading, to meet this demand on a permanent basis, some 2,520 additional places in Primary schools were required – including 1-2FE in the North Planning Area (which includes Caversham). Cabinet received further reports in January and April 2013.
- 6.2.13 In the short-term, RBC met this demand for additional places through the provision of *bulge classes* on existing school sites. And, through a series of “Let’s Talk Education” events in 2012-2013, RBC identified eight schemes for *permanent school expansion* that were considered the most appropriate in terms of locations, school and parental support.
- 6.2.14 In the Caversham Heights area of the Borough, the overall shortage of places is coupled with a geographical imbalance of existing schools. The lack of a primary school in the western part of Caversham area is clearly illustrated in the map below (Fig 4). Primary age children have to travel east across Caversham to school and often do not obtain their first choice of school given the distance they live away. The shortfall in places cannot be addressed by the expansion of an existing school without exacerbating this situation.

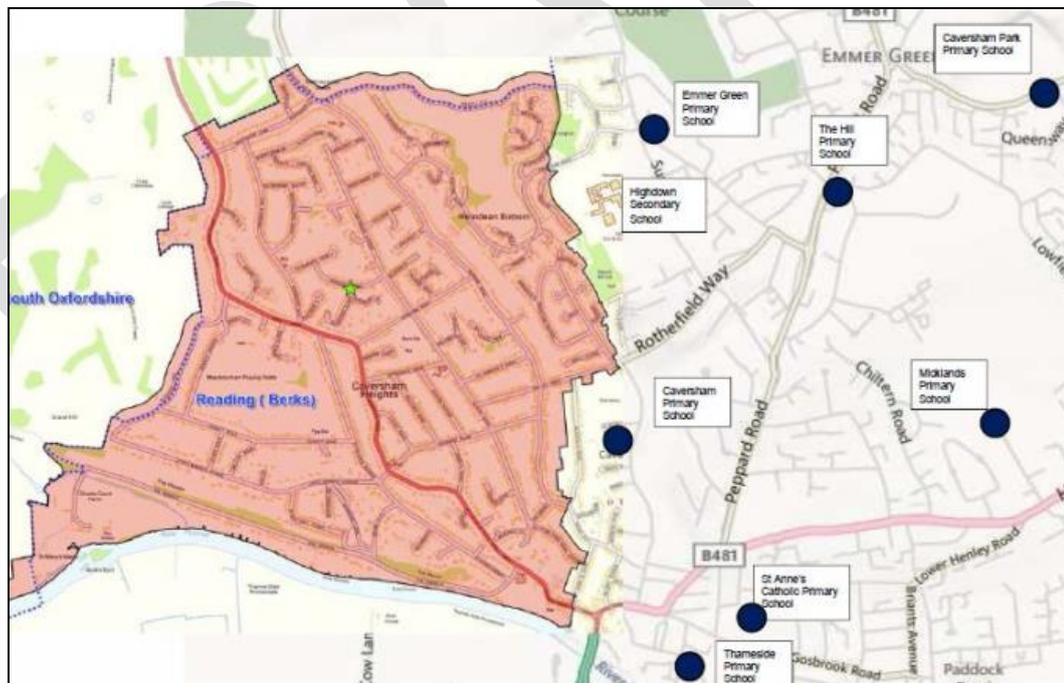


Fig 4: Map of Primary Schools in Caversham and TPHS Catchment Area

- 6.2.15 For new school provision, the Department for Education [DfE] prefers these to be provided through the Free Schools programme. Such schemes receive capital funding directly from central Government. The local authority can seek to open a new Academy with DfE support

but the Council would be responsible for capital funding. Only if no Free School or Academy comes forward can the local authority consider a community school and then only with Secretary of State approval.

6.2.16 The creation of THPS emerged from a specific call by RBC as Education Authority to meet the need for additional primary school places in the Caversham Heights area.

The lack of alternative available sites

6.2.17 As noted in the introduction, the EFA, having carried out an extensive site search exercise, in early 2014 purchased a site at High Ridge, Upper Warren Avenue to accommodate the new school. This proved contentious, however, given its location in a residential road, its small size and steeply-sloping topography; a further review of sites was therefore undertaken. Between March and May 2015, RBC led a wide-ranging public consultation on a shortlist of five sites that potentially served the school catchment. The consultation involved both a public survey and a public meeting which took place on 25 March 2015 at Rivermead Leisure Centre, Richfield Avenue, Reading.

6.2.18 The five shortlisted sites are shown in Fig 5 below and comprised:

- Albert Road Recreation Ground (1)
- Bugs Bottom (2)
- The Mapledurham Playing Fields (3)
- High Ridge, Upper Warren Avenue (4)
- Land at Shepherds Lane and Kidmore Road (5)

6.2.19 The key criteria for considering sites were as follows:

- Location within THPS catchment area
- Within walking distance of the majority of pupils (ie reasonably centrally located within the catchment)
- Of sufficient size to accommodate a school based on the guidance contained in Building Bulletin 103 (building footprint ~900m², school site including playgrounds, car park and drop-off ~4100m², including all sports fields ~1.4ha)

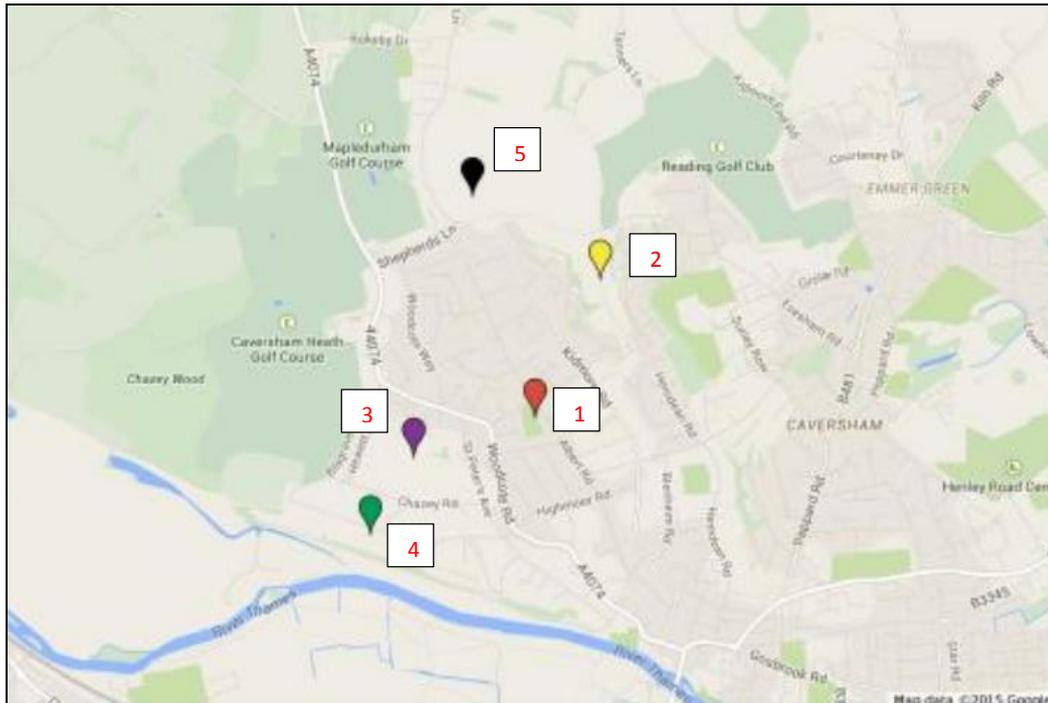


Fig 5: Potential alternative school sites considered in 2015 public consultation

6.2.20 The attributes of these sites are summarised in the table below:

Site	Area	Ownership	Comments
1. Albert Road Recreation Ground	1.2ha	RBC in trust	Centrally located within catchment. Well-used recreation ground with children’s play area, tennis courts and bowling green. School would require removal of many of these facilities.
2. Bugs Bottom	xx	RBC	Eastern edge of catchment close to Caversham and Emmer Green Primary Schools. Meadow grassland and woodland. Nature conservation designations. Steep access via residential roads.
3. The Mapledurham Playing Fields	11ha	RBC in trust	Centre of catchment. Sufficient size to accommodate school. Open space designation.
4. High Ridge, Upper Warren Avenue	xx	EFA	Southern edge of catchment. Residential plot, steeply sloping. Poor access. Too small to accommodate school building satisfactorily. Reliant on access to MPF for sports provision.
5. Land at Shepherds Lane and Kidmore Road	xx	Private	Outside catchment in South Oxfordshire. Risk of being needed for SODC educational needs. Outside urban area.

- 6.2.21 The consultation exercise also requested details of any other potential sites: none was forthcoming.
- 6.2.22 The Mapledurham Playing Fields site emerged from this process as the most suitable and potentially available site. Some 4,376 responses were received to the consultation, with all but a handful coming from within the area of RBC and some 2,935 from within THPS catchment area. Overall MPF commanded the greatest public support with 3,042 (70%) support; within the catchment this figure is 1,985 (68%). The full statistical summary of THPS survey is included in Appendix 3.

Sport England policy

- 6.2.23 Sport England is a statutory consultee on planning applications affecting playing fields under the terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Sport England considers proposals affecting playing fields in the light of the NPPF (in particular para 74), and its Playing Fields Policy: ‘A Sporting Future for the Playing Fields of England’. Its policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply:

Summary of Exceptions	
E1	An assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no special significance for sport
E2	The development is ancillary to the principal use of the playing field and does not affect the quantity/quality of pitches
E3	The development only affects land incapable of forming part of a playing pitch and would lead to no loss of ability to use/size of playing pitch
E4	Playing field lost would be replaced, equivalent or better in terms of quantity, quality and accessibility
E5	The proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field

- 6.2.24 Sport England was consulted informally as part of the pre-application process and stated that it would likely object to any forthcoming planning application. It would, however, reconsider this position if replacement playing fields were provided and a solution to ensure that the needs of the community use groups using the MPF would not be adversely affected.
- 6.2.25 Sport England also called on RBC to demonstrate that it has thoroughly considered alternative locations for the proposed school. Such evidence is set out above (paras 6.2.17-6.2.22).
- 6.2.26 SE Policy Exception E3 is relevant since the land proposed to be taken by THPS is used only informally for warming up. There are some pitch markings on this part of the site, apparently

for five-a-side pitches, though they were not present at the time of the February 2016 agronomic assessment. There is ample space in other parts of the MPF site to accommodate such requirements.

- 6.2.27 SE Policy Exemption E4 also applies as it is clear that the EFA purchase will enable significant improvements to the recreational facilities on the MPF site to be provided. Improved pitch drainage and surfacing will enable more intensive use of the site to off-set the loss of warm up pitches (as set out in para 6.2.8 above).

Land use – summary

- 6.2.28 In summary, the provision of new school facilities on this site would meet an established need for additional primary school places in the Caversham Heights area. At present THPS is located outside its catchment and its temporary home is too small to accommodate its ultimate capacity.
- 6.2.29 The EFA and RBC have carried out an extensive site search exercise and consulted on a shortlist of five potential sites within THPS catchment area. The MPF site is the only suitable site that could satisfactorily accommodate the school – subject of course to relevant processes to obtain the agreement of MPF charity’s trustees (RBC) and its beneficiaries (local people). It is noted that, while a majority of local people within THPS catchment support the site’s release for the school’s permanent home, a sizeable minority (26.5%) do not.
- 6.2.30 The site’s open space designation would normally preclude built development not directly associated with its recreational use. CS Policy CS28, however, allows for exceptions where improvements to recreational facilities can be provided to off-set the loss of open space. The EFA’s purchase of the site will allow for a range of such improvements to be undertaken: while the detail will be for the Trust and beneficiaries to agree, it is anticipated that this will be secured through a planning obligation attached to any grant of planning permission.

6.3 Design

6.3.1 The application is supported by a Design and Access Statement prepared by the architects DMA.

6.3.2 There is a wide range of local policy that encourages good design, principally CS Policy CS7. This reflects current national policy on good design:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

[NPPF para 56]

6.3.3 The Free Schools programme through which the school will be procured is a highly cost-driven exercise. Prospective contractors will be required to deliver the required learning environment (set out in the Facilities Output Specification, FOS **check** and informed by Building Bulletin 103) in a cost-effective manner. This places limitations around the design flexibility of the school proposals such as this, whatever the context.

6.3.4 The Design and Access Statement sets out the process undertaken to design a building of a size required to accommodate a 2FE school with 350 pupils and 35 FTE staff. The key aspects of the design are as follows:

- A two-storey building with multi-use hall
- Green roof and PV panels
- External KS1 play/external learning area
- Soft and hard informal play/learning areas
- Fenced and floodlit MUGA
- Boundary fencing
- Comprehensive soft landscaping scheme
- Scope for out of hours community use of hall and MUGA with appropriate, secure segregation
- 20 on-site car parking spaces (including two for disabled users), 34 cycle spaces, 24 scooter spaces
- Use of improved MPF car park and access road for drop-off and pick-up

6.3.5 The design seeks to respond to the site context by being contained within the northwestern corner of MPF and with minimum landtake. This, combined with the need to maintain access to the west of the pavilion, necessarily means the school encroaches into the group of trees along this boundary. As set out in section 6.4 below, however, these trees are of poor quality with limited life expectancy, and a comprehensive tree-planting scheme along this boundary and elsewhere within the MPF site would be provided by way of compensation.

- 6.3.6 The elevational treatment is designed to meet appropriate daylighting and natural ventilation of teaching and other spaces. A mix of yellow multi-stock bricks reflective of the local area, combined with white render, is proposed. The choice is informed by a desire to limit the visual impact of the school on the wider open space.
- 6.3.7 The accommodation is fully accessible throughout, with flush thresholds and a lift – in accordance with the requirements of CS Policy CS5.
- 6.3.8 The nearest residential property to the school building is 29 Hewett Avenue, a bungalow: its rear elevation will be 17m from the closest part of the school building, 6m beyond its rear garden boundary. The separation distance to 28 Hewett Avenue is 24m. The closest property in Hewett Close (no 3) is some 27m away and most of the remaining houses on the south side of Hewett Close (nos 4-9) are more than 35m from the school building. The closest property to the north-east (7 Little Woodcote Close) is 42m away; it has a high hedge on its southern and western boundary. To the east, 4 Knowle Close is some 70m away, beyond the floodlit tennis courts.
- 6.3.9 The closest part of the western elevation of the school building is blank. The central part of the elevation has three windows at first floor level, two serving a Y5 classroom, one a staff room. The separation distance, together with replacement boundary planting and the oblique views, mean that this relationship is unlikely to lead to any issue of overlooking of the residential properties at 28 and 29 Hewett Avenue. Nor would this be likely to give rise to issues of sunlight or daylight, visual dominance or sense of overbearing effect. The proposal therefore accords with these aspects of SDPD Policy DM4.
- 6.3.10 It is proposed that the MUGA and car park will be floodlit. The proposed floodlights will be 10m and 8m tall respectively and directed/shielded in line with good practice to avoid light spillage. This is set out in detail in Exterior Lighting (BSD, 15.3.17) and on drawing no E207A. No exterior lighting is proposed on the western side of the school building closest to residential properties.
- 6.3.11 The existing tennis courts on the MPF site are floodlit. Planning permission for some of the floodlights was allowed on appeal in 1999. In allowing the appeal, the Inspector noted that there would be no significant light spillage into back gardens and that the boundaries were in any case heavily-vegetated. The same issues apply here, notwithstanding concerns raised in pre-application advice in this regard. The potential ecological impacts of floodlighting is addressed in section 6.4 below. It is anticipated that a planning condition would ensure compliance with the lighting specification proposed.
- 6.3.12 Noise and vibration issues are addressed in section 6.8 below. The access road from Upper Woodcote Road will be widened within its existing boundaries. There will be more comings and goings arising from the school use, principally on foot with some increase in vehicular

movements (see section 6.6). This activity is likely to impact adversely on the residential amenities of 127 and 131 Upper Woodcote Road, 8 and 9 Hewett Close, and 7 Little Woodcote Close, notwithstanding the strong existing boundary conditions. But these impacts represent intensification of an existing access to MPF which is already heavily used on occasion. On balance, such impacts are considered acceptable when set against the need for the school and the mitigation of car use through the School Travel Plan.

- 6.3.13 Construction impacts (eg dust, vibration, hours of working etc) will be addressed through a construction management plan, as required by condition.
- 6.3.14 The kitchen and plant are located in the south east corner of the proposed school building, at the furthest point from residential properties. They would be most unlikely to give rise to any adverse impacts on residential amenity.
- 6.3.15 Currently there is unfettered access into the MPFs through the eastern boundary of the site from Hewett Avenue. The new school will bring a greater level of passive surveillance to this part of the MPF. New and replacement boundary fencing will be provided, securing the boundary for the first time for many years. The proposal is likely therefore to reduce the potential for crime and safety issues to arise.
- 6.3.16 In summary, the design of the new school, its external spaces and its relationship with the wider MPF site, is the product of detailed consideration by the design team. It is a product of both the design brief/EFA requirements and an appropriate response to the site and its context. It will have very little direct impacts on adjoining residents. The design thereby meets the requirements of CS Policy CS7 and SDPD Policy DM4.

6.4 Ecology and trees

- 6.4.1 The application is supported by a Preliminary Ecological Appraisal carried out by CampbellReith and by an Arboricultural Planning Statement (incorporating an Arboricultural Impact Assessment (ADAS).
- 6.4.2 CS Policy CS36 seeks to protect features of biodiversity interest. Development which would have a direct or indirect impact on the site will not be permitted unless the need for the development outweighs that interest or if appropriate mitigation is incorporated. SDPD Policy DM18 promotes tree planting as part of development proposals. CS Policy CS38 protects trees, hedges and woodland.
- 6.4.3 A Phase 1 habitat survey was undertaken in March 2017. The majority of the site is amenity grassland with an area of broad-leaved woodland to the west. The latter has potential for nesting birds, but the trees within the site boundary were found to have negligible potential for roosting bats. There were no signs of badger or fox activity.
- 6.4.4 The development would result in the loss of amenity grassland and broad-laved woodland. This is not considered significant in ecological terms given these habitats are common locally and occur elsewhere on this site. Their removal can also be mitigated in the landscape design. The Preliminary Ecological Appraisal sets out a range of mitigations measures to mitigate habitat loss and disturbance of wildlife, including: bird and bat boxes, native species planting, replacement woodland planting, green roof, removal of vegetation outside the nesting season, and sensitive lighting to avoid spillage onto surrounding ecological features (see para 6.3.10 above).
- 6.4.5 In line with the requirements of 'BS5837:2012 Trees in Relation to Construction: Recommendations' (BS5837:2012), ADAS provided arboricultural advice in relation to the proposed development. An ADAS Arboricultural Consultant carried out a full Arboricultural survey of the site on 19th and 20th January 2016, and as a result of this survey have provided on-going advice in order to guide the proposed development layout. The tree survey identified a total of 141 individual trees, 23 groups of trees, 13 hedgerows and 4 woodlands which have the potential to be impacted by the development proposals. In line with the recommendations contained within Table 1 of BS5837:2012, of these trees and groups of trees, 130 were awarded a low C grade, 47 were awarded a moderate B grade and one tree was awarded a high A grade (T50). Three trees were awarded a very low U grade (T80, T81, T154) and should be removed for reasons of sound arboricultural management irrespective of any development proposals. Of the 130 trees, groups of trees, woodlands and hedgerows on site, seven will need to be removed in full or in part,

in order to facilitate the development proposals, in particular the access road. The application scheme would involve removal of 6 individual trees and 54% of tree group G147. The remaining trees will be reserved and protected.

- 6.4.6 RBC have confirmed that third party trees T13, T34, T35, and T37 growing outside the site boundary are protected by Tree Preservation Orders (see Appendix 8). These trees will be unaffected by the development proposals. The site is not within a Conservation Area.
- 6.4.7 In order to ensure the successful integration of retained trees into the proposed development, various tree protection measures will be incorporated into the design which are intended to maintain the trees in a safe and healthy condition.
- 6.4.8 The application proposal's main impact is on the group of trees in the northwest corner of the site. This, however, contains many trees in poor condition and has only limited ecological value. Appropriate mitigation through landscaping, replacement tree planting and the incorporation of bird/bat boxes and a green roof, will off-set these impacts. In ecological terms, the scheme will accord with CS Policy CS36. Tree planting and tree protection measures will be carried out in line with SDPD Policy DM18.

6.5 Sustainable design and energy

6.5.1 The application is supported by the following documents:

- Sustainable Design and Construction Statement (BSD) (incorporating BREEAM pre-assessment prepared by ZED)
- Energy Statement (BSD)
- Utilities Statement (BSD)

6.5.2 CS Policy CS1 promotes sustainable design and construction. SPDP Policy DM2 promotes the use of decentralised energy. SPDP Policy DM1 promotes adaptation to climate change. **SPD**

6.5.3 The submitted Energy Statement shows how, by adopting passive design measures and on-site renewable energy production in the form of photovoltaic panels, the scheme will achieve a reduction of 20.4% in regulated CO2 emissions over the Building Regulations Part L (2013) baseline.

6.5.4 The Sustainable Design and Construction Statement sets out the process by which the application scheme has sought to incorporate sustainable features throughout the design process. The key features of the proposal are:

- Energy efficiency and carbons savings (see para 6.5.3)
- Water efficiency measures and devices will be installed to reduce the maximum daily water usage
- Recycling facilities will be provided
- The use of sustainable transport modes will be encouraged
- The building will be designed to meet applicable Building Regulation Part M requirements
- The proposed development includes the provision of dedicated cycle and scooter storage areas
- A green roof is incorporated into the design to benefit biodiversity
- The existing ecology of the site and environs will be protected and enhanced through careful landscape planning and design
- Sound insulation values are to be improved on Building Regulations Part E
- Where practical, building materials will be sourced locally to reduce transport pollution and support the local economy. All timber will be purchased from responsible forest sources. Materials will be selected based on their environmental impact, with preference given to high rated materials from the BRE Green Guide wherever possible
- Construction impacts will be minimised and monitored

- 6.5.5 On the basis of these measures, the scheme is targeting a BREEAM “excellent” rating, with an indicative score at this design stage of 71.9%.
- 6.5.6 The Utilities Statement indicates that the school development can be adequately serviced and supplied for energy, water and sewerage requirements.
- 6.5.7 Overall the application scheme exceeds CS Policy CS1 policy requirements. It also accords with the general advice set out in the Revised Sustainable Design and Construction SPD.

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6.6 Transport, Highways and Parking

- 6.6.1 The application is supported by a Transport Statement prepared by MLM. There is also a draft School Travel Plan prepared by MLM for the School.
- 6.6.2 There is a range of local policy relating to transport: CS Policy CS20 on Reading's Transport Strategy; Policy CS22 on transport assessments; Policy CS23 on travel plans; policy CS24 on car and cycle parking; SDPD Policy DM12 on access and traffic.
- 6.6.3 The TA notes that the existing THPS school site currently has 168 pupils; it will continue to grow organically with 2FE with a class size of 50 pupils a year. It is notable that one of the key issues arising from RBC's Let's Talk Education consultation process was local concern about transport impacts. In this context, therefore, the TA is based on a more typical class size of 30 pupils, ie an annual intake of 60 not 50 pupils. THPS, however, will continue to operate with the smaller class size.
- 6.6.4 The TA looks at existing road conditions, on-street parking capacity, public transport services, accident records, and existing transport use by THPS pupils and staff at its Gosbrook Road site.
- 6.6.5 It is proposed to widen the existing access from Upper Woodcote Road from 3.9m to 4.8m to allow for two-way working and rearrange the MPF car park to improve vehicular and pedestrian circulation. There would need to be minor improvements to the junction of the access road with Upper Woodcote Road and improvements to signage, road markings and a new pedestrian refuge. The car park would provide appropriate drop-off and pick-up space for the school, as well as improved facilities for MPF recreational users at evenings and weekends. There will be a dedicated footpath to the school gates.
- 6.6.6 The provision of 20 staff car parking spaces (including 2 disabled) accords with RBC parking standards and is based on predicted requirements of the school. There will be managed drop-off in the mornings in this car park, supervised by staff. Experience elsewhere shows how this can make for efficient vehicle movements through the site, avoiding the need for parents to park and walk. This arrangement would not be practical for the afternoon pick-up; rather, this would take place within the MPF car park. There will be no need for parents to park in the MPF car park other than at these times. At all other times the car park will be available for MPF users. Indeed, its improved surface, layout and capacity will enhance the parking facilities for the MPF. There will be on-going dialogue between THPS and MPF to ensure that there is no disruption to MPF use and that appropriate coordination and management measures are in place both generally and for school events.
- 6.6.7 Cycle parking will comprise three covered cycle/scooter pods with a total 48 spaces, and five stands (10 spaces) for staff.

- 6.6.8 The staff car park will be available for community use of the school facilities outside the school day.
- 6.6.9 Currently some 76.5% of pupil trips to the Gosbrook Road site are by car. At MPF this would be reduced to 23.4% - 99 pupils if the school were occupied at a class size of 30 (which it will not be). The TA shows that these numbers can easily be accommodated on the local road network and with the proposed access arrangements. In any case, there will be a school travel plan to promote walking and cycling to school. The school will operate below capacity when it moves to MPF and will monitor the access and travel arrangements to ensure they can operate effectively and safely without undue impact on adjoining occupiers or road users.
- 6.6.10 As noted above, there will need to be some off-site highways works and these would be secured through a s278 agreement by way of planning obligation.
- 6.6.11 Overall, the Transport Assessment demonstrates that there are no transport or highways reasons to prevent THPS relocating to the MPF site. Relevant assessment has been made in line with CS Policy C22, a school travel plan will mitigate transport impacts in line with CS Policy CS23, and car and cycle parking is provided in accordance with CS Policy CS24. Overall the scheme accords also with SDPD Policy DM12. There are, therefore, no transport related reasons for resisting the development: NPPF para 32 states that development should only be prevented or refused on transport grounds where there are severe impacts, which is not the case here.

6.7 Flood Risk and Surface Water Drainage

- 6.7.1 The application is accompanied by a Flood Risk Assessment [FRA] and Surface Water Management Plan [SWMP] prepared by CampbellReith.
- 6.7.2 Relevant policy on flood risk is set out in the NPPF and NPPF Technical Guidance. CS Policy CS1 promotes the use of sustainable urban drainage systems.
- 6.7.3 The FRA is submitted as the application proposal is a major development. But the site is Flood Zone 1 and is at a low risk of fluvial flooding. A school is considered a “more vulnerable” use in terms of flood risk and is an appropriate use in Flood Zone 1. There is similarly low risk of surface water or groundwater flooding – though the eastern part of the MPF (well outside the application site) is at high risk of surface water flooding.
- 6.7.4 The SWMP sets out how the scheme will use SUDS to contain surface water runoff within the site through a combination of permeable surfacing and cellular storage. Further investigation of the ground is required fully to assess the means of infiltration to be used.
- 6.7.5 The overall flood risk to the site is low and the development proposals incorporate appropriate surface water management measures to maintain greenfield run off rates.

6.8 Noise

- 6.8.1 The application is supported by a Noise Assessment prepared by Accon Ltd for CampbellReith.
- 6.8.2 SDPD Policy DM4 seeks to safeguard residential amenity, including in relation to noise.
- 6.8.3 External noise levels on-site are generated mainly by aircraft, MPF and tennis court, users and traffic on Hewett Avenue. Based on the worst case scenario transport assessment (which considers the impacts of a conventional primary school with 420 pupils) the additional traffic movements will have only negligible increase in noise levels for existing properties on the nearby road network. The same applies to the houses adjoining the access road, though this would rise to a medium increase during peak hours.
- 6.8.4 While difficult to estimate, the likely noise generation from the proposed play areas has been assessed. During school break times there would be an increase in ambient noise levels of 8dB in some adjoining gardens, within the guideline criteria. Internal noise criteria would be very slightly exceeded (assuming windows are open) but this would occur only twice a day and at times of least noise sensitivity. There are unlikely to result in any significant noise impacts for existing noise sensitive receptors and there is no risk of significant adverse impacts on health.
- 6.8.5 The noise survey shows that the school proposal can be pursued without undue noise impacts in line with SDPD Policy DM4.

6.9 Air Quality

- 6.9.1 The application is supported by an Air Quality Assessment prepared by Accon Ltd for CampbellReith.
- 6.9.2 The northern part of the site falls just within the designated Air Quality Management Area [AQMA] along Upper Woodcote Road. SDPD Policy DM19 promotes improvements in air quality and appropriate mitigation of air quality impacts.
- 6.9.3 The Air Quality Assessment has modelled NO₂, PM₁₀ and PM_{2.5} concentrations both in the opening year (2018) and in 2023 when the school would reach maximum capacity (under the worst case scenario considered by the Transport Assessment with class sizes of 30 not 25). The study concludes that there would be negligible impact on all existing receptors in the area, HAQOs would not be exceeded, and no mitigation is required. This is on the basis that the school travel plan mitigates traffic impacts.
- 6.9.4 The same applies to the construction phase, which would in any case be controlled through a Construction Management Plan secured by planning condition.
- 6.9.5 The application thereby accords with SDPD Policy DM19.

6.10 Contamination

- 6.10.1 Notwithstanding the pre-application advice that no such assessment was required to support a planning application, a Phase 1 Preliminary Risk Assessment and a Phase 2 Environmental and Geotechnical Site Investigation Report prepared by RPS, has been prepared.
- 6.10.2 CS Policy CS34 resists development that would be damaging to the environment in terms of air, land, noise or light pollution or affects ground and surface water quality, or water resources.
- 6.10.3 A site investigation was carried out, comprising two cable percussion boreholes to a depth of 10.00m below ground level (bgl), six window sample boreholes to depths of up to 5.00m bgl and the installation of monitoring wells within three boreholes. The Phase 1 Preliminary Risk Assessment for the site identified a number of potential pollutant linkages to human health receptors and controlled water receptors associated with the site. A Phase 2 Environmental and Geotechnical Site Investigation was therefore undertaken to determine whether these linkages were active and to inform preliminary foundation and floor slab design.
- 6.10.4 Contaminants of concern were not recorded within soil samples analysed from beneath the site at concentrations in excess of adopted assessment criteria (AC). The potential risk to human health receptors from these concentrations of contaminants of concern is therefore considered to be LOW.
- 6.10.5 Groundwater was not encountered within monitoring wells installed as part of the intrusive works, screened across the Boyn Hill Gravel Member and White Chalk Subgroup to depths of up to 10.00m bgl and an assessment of the contamination status of groundwater beneath the site could not be made. However, contaminants of concern were not recorded within soils sampled from beneath the site at concentrations considered to represent a significant risk to groundwater receptors. The significant thickness of variably permeable unsaturated zone beneath the site is also considered to offer a significant degree of protection against the downward migration of potential contaminants of concern toward groundwater receptors.
- 6.10.6 Based on the available information, the potential risk to groundwater receptors from concentrations of contaminants of concern detected beneath the site is considered to be LOW. Based on ground gas monitoring undertaken on site as part of the current investigation CIRIA Characteristic Situation 1 (CS1) is applicable to the site, whereby ground gas protection measures are not required for new buildings. The risk posed by ground gas to human health receptors and infrastructure is therefore considered to be LOW.
- 6.10.7 The scheme therefore accords with the requirements of CS Policy CS34.

- 6.10.8 An Archaeological Desktop study has also been undertaken (by Oxford Archaeology). While recent archaeological investigations within 200m of the site have not identified any archaeological features or finds, there is high potential for significant archaeological remains dating from the prehistoric period (at the time of stone tool production) and perhaps for Roman activity. It is anticipated that there would be a planning condition requiring appropriate archaeological investigation early in the construction period.

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7. PLANNING OBLIGATIONS

7.1 Para 204 of the NPPF states that:

Planning obligations should only be sought where they meet all of the following tests:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

7.2 The EFA's proposed purchase price for the school site (£1.36m) includes a substantial premium (over £1m) above the land value that is specifically intended to compensate for the loss of this part of the MPF. The Trust's charitable purposes mean that this sum must be directed towards enhancements to the MPF's facilities.

7.3 In pre-application discussions, officers suggested that there should be a detailed scheme of enhancements to the recreational facilities on the site to demonstrate compliance with Policy CS28. While the detail of any such scheme is a matter for the Trust and its beneficiaries to determine, the mitigation and enhancements are likely to include the following:

- Improvements to sports pitch surfaces and drainage (as recommended by the Agronomic Assessment)
- Additional tree planting
- Contribution to the permitted pavilion scheme (or an alternative)
- Improved children's play area
- Resurfacing of the car park
- Repairs to boundary fencing

7.4 Nevertheless, it is recognised that any grant of planning permission would be subject to a planning obligation to link the school development with these measures, even if the detail is left for the Trust and beneficiaries to decide.

7.5 Pre-application discussions have touched briefly also on the matter of planning conditions: the ambition of both applicant and officers is to avoid pre-commencement conditions wherever possible, apart from provision of a construction management plan.

8. CONCLUSION

8.1 This Planning Statement is submitted in support of a planning application made by the Education Funding Agency for the following proposal:

Erection of 2FE primary school (350 pupils) with associated landscaping, multi-use games area (MUGA), car and cycle parking and servicing.

8.2 In 2012, RBC identified a shortage of primary school places across the Borough, including a need for an additional 1-2FE in the Northern Planning Area including Caversham and Mapledurham. Following consultation, a group proposed to secure Central Government funding to establish a new Free School to serve the Caversham Heights area; The Heights Primary Free School [THPS] was approved in principle in 2013. Having carried out an extensive site search exercise, the EFA, in early 2014, initially purchased a site at High Ridge, Upper Warren Avenue to accommodate the new school. This proved contentious, however, and a further review of sites was undertaken. RBC led a wide-ranging public consultation on a shortlist of five potential sites that served the school catchment. The Mapledurham Playing Fields site emerged from this process as the most suitable and potentially available site. It also commanded greatest public support, albeit there remained a significant level of local opposition.

8.3 THPS opened in temporary accommodation outside the catchment area, on the site of a former children's nursery at 82 Gosbrook Road. The temporary planning permission on this site runs out on 31 August 2018.

8.4 The MPF site is a designated open space site as well as being held in trust for the provision of recreational facilities to the benefit of local people. CS Policy CS28 allows for exceptions to the development of open space sites where there is compensatory enhancement sufficient to outweigh the loss of open space. In this case, the EFA purchase will provide a sizeable cash sum that will be directed to a range of improvements to the site (as set out in para 7.3 above). While the detail of these enhancements will be for the Trust and its beneficiaries to determine, it is anticipated that a planning obligation will be required to link this directly to the school proposal.

8.5 In addition, it is important to note that national planning guidance establishes a presumption in favour of the development of state-funded schools (NPPF para 72 and the 2011 Policy Statement).

8.6 The design of the school responds positively to the site context while necessarily meeting the EFA brief for a new school, informed by Building Bulletin 103 guidance. The building is modest in size and sits in the northwestern corner of the MPF site to minimise impact on openness while allowing access past the pavilion to the main body of the site. Materials are

designed to make the building relatively unobtrusive in this context with yellow multi-stock bricks and white render.

- 8.7 The siting of the school will require removal of a large part of the tree group in this part of the site. These trees are assessed as being of limited quality and there will be a comprehensive scheme of replacement planting and landscaping in mitigation.
- 8.8 There will be limited impact on residential amenity from the school in this location, other than at the beginning and end of the school day. The main external space is located beyond the nearest houses in Hewett Close.
- 8.9 The building will achieve a BREEAM rating of excellent. The scheme adopts a “fabric first” approach to designing for energy efficiency. Energy demand is minimised through natural ventilation with heat recovery, high levels of natural daylight, an efficient building envelope and high thermal mass. It incorporates a green roof and PV panels to off-set 20% of carbon emissions from energy.
- 8.10 The application site is located at the centre of THPS catchment. It is anticipated therefore that a very large proportion of pupils will walk (or scoot or cycle) to school. The Transport Assessment (which is based on a worst case scenario of a school with 30 in a class, not the 25 that THPS has) predicts that nearly 70% of pupils would walk to school, compared with 64% who travel by car to the existing THPS site; there will be a marked reduction in the number of car-based pupil trips even if the school were to operate with a class size of 30 (as opposed to THPS 25). Nearly half the staff would continue to travel by car to the MPF site, but 29% would walk and 23% would use public transport. A school travel plan, based on the one already in place at the school, would further impact on these travel mode choices.
- 8.11 On this basis the amount of car and cycle parking provided is sufficient. The access road from Upper Woodcote Road, widened to accommodate two-way car movements, is suitable for the numbers of predicted movements. There would need to be some off-site highway works to improve crossing points on Upper Woodcote Road, secured through the S106 agreement.
- 8.12 The site is at low risk of flooding and the scheme incorporates a SuDS scheme to manage surface water runoff at greenfield run-off rates. The site is assessed as being suitable for its proposed use in terms of air quality and can be largely naturally-ventilated, underpinning its energy performance and providing an appropriate learning environment. Ambient noise levels are acceptable for the proposed use. New plant will be specified to avoid impacts on adjoining residents. The site is not contaminated.
- 8.13 In summary, the scheme is an appropriate form of development on this site. The proposed use of an open space site is justified in policy terms given the need for additional primary school places in this part of Reading, the lack of alternative suitable sites, and a package of

enhancements to the recreational facilities on the site. It accords with all other provisions of the development plan and any adverse impacts can be satisfactorily mitigated.

- 8.14 On balance, therefore, the application proposal is considered sustainable development for which there is a presumption in favour of permission being granted.

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Appendices

Appendix 1:	Pre-application advice (letter from RBC 14.3.2017)
Appendix 2:	Policy extracts from Core Strategy and Site and Detailed Policies Document
Appendix 3:	Statistical Summary of THPS Survey 30 March – 1 May 2015

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APPENDIX 2:
CORE STRATEGY AND SITES AND DETAILED POLICIES DOCUMENT
POLICY EXTRACTS

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Policy CS1: Sustainable Construction and Design

Proposals for new development, including the construction of new buildings and the redevelopment and refurbishment of existing building stock, will be acceptable where the design of buildings and site layouts use energy, water, minerals, materials and other natural resources appropriately, efficiently and with care and take account of the effects of climate change.

To meet these requirements: -

- All new housing is required to meet the most up to date Eco-Homes 'Very Good' as a minimum standard, and all new commercial developments are required to meet the most up to date BREEAM 'Very Good' as a minimum standard;
- On larger developments of more than 10 dwellings or 1,000 m2 of floorspace, ensure that 50% of the provision meets the most up to date Eco-Homes and BREEAM 'Excellent' standards;
- All new developments maximise the use of energy efficiency and energy conservation measures in their design, layout and orientation to reduce overall energy demand;
- All developments of more than 10 dwellings or 1000m2 floorspace incorporate on-site generation of energy from renewable sources and energy efficient design measures (including the use of CHP where appropriate) to off-set at least 20% of predicted carbon dioxide emissions from the estimated energy usage of the completed and occupied development;
- All developments reduce mains water use and demonstrate that water conservation measures are incorporated so that predicted per capita consumption does not exceed the appropriate levels set out in the Code for Sustainable Homes or BREEAM Standards
- Developments incorporate sustainable urban drainage facilities and techniques as part of the layout of a development as appropriate and as advised by the Environment Agency, including minimising the size of impermeable areas so that peak run-off and annual water run-off is reduced where possible and in any case is no greater than the original conditions of the site. Particular care will be needed in areas of flood risk where different solutions may be required.

Policy CS4: Accessibility and the Intensity of Development

The scale and density of development within the Borough will be related to its level of accessibility by walking, cycling and public transport to a range of services and facilities. Sites will be assessed in terms of their level of accessibility to a defined district or local centre with a good range of facilities by pedestrian routes, and to a bus stop served by a strategic bus service.

Unless it can be demonstrated that the accessibility of a site is to be significantly upgraded, for example, by providing high quality pedestrian routes or providing access to good public transport services, any new development must be at a scale, density and intensity appropriate to that level of accessibility as set out in other policies in this document, other Development Plan Documents or Supplementary Planning Documents.

Policy CS5: Inclusive Access

All buildings should be located, sited and designed to provide suitable access to, into and within, its facilities, for all potential users, including disabled people, so that they can use them safely and easily.

Policy CS7: Design and the Public Realm

All development must be of high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located. The various components of development form, including: -

- Layout: urban structure and urban grain;
- Landscape;
- Density and mix;
- Scale: height and massing; and
- Architectural detail and materials.

will be assessed to ensure that the development proposed makes a positive contribution to the following urban design objectives: -

- Character - a place with its own identity and sense of place
- Continuity and enclosure
- Quality of the public realm
- Ease of movement and permeability
- Legibility - clear image and easy to understand
- Adaptability – capable of adaptation over time
- Diversity – meets a wide range of needs.

Developments will also be assessed to ensure that they: -

- Respond positively to their local context and create or reinforce local character and distinctiveness, including protecting and enhancing the historic environment of the Borough and providing value to the public realm;
- Create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion;
- Address the needs of all in society and are accessible, usable and easy to understand by them; and
- Are visually attractive as a result of good high quality built forms and spaces, the inclusion of public art and appropriate materials and landscaping.

Applications for major and minor developments should be accompanied by a design and access statement that deal with all the above matters.

Policy CS9: Infrastructure, Services, Resources and Amenities

Proposals for development will not be permitted unless the local planning authority is satisfied that infrastructure, services, resources, amenities or other assets lost or impacted upon as a result of the development or made necessary by the development will be provided or re-provided at the appropriate time, in order to ensure that the development is both sustainable and contributes to the proper planning of an area in accordance with relevant planning policies. Such contributions may be pooled, in order to allow necessary infrastructure to be secured in a fair and equitable way. The local planning authority will require planning obligations entered into by agreement or other means to secure the replacement and enhancement of additional physical and social infrastructure, services, resources, amenities or other assets. A Supplementary Planning

Document will be prepared that will detail: -

- The scale and form of obligation;
- The financial contribution sought;
- The role of pooled payments;
- Maintenance payments; and
- Charges for preparing agreements.

Policy CS20: Implementation of The Reading Transport Strategy (Local Transport Plan 2006-2011)

Planning permission will not be granted unless the proposed development contributes appropriately to the provision of a balanced transport network as outlined in the Reading Transport Strategy, including the implementation of the core transport infrastructure projects and area action plans.

Such projects and plans will include the provision of measures that make alternatives to the use of private cars (such as walking, cycling and the use of public transport) more attractive, and contribute to improved accessibility and transport safety in accordance with Policy CS4.

Policy CS22: Transport Assessments

Planning permission will not be granted unless development proposals make appropriate provision for works and contributions to ensure an adequate level of accessibility and safety by all modes of transport from all parts of a development, particularly by public transport, walking and cycling, in accordance with an agreed transport assessment submitted as part of the application.

Policy CS23: Sustainable Travel and Travel Plans

Planning permission will not be granted for major development proposals unless there is a commitment to implement measures to promote and improve sustainable transport facilities, such as through provision to encourage walking, cycling and the use of public transport; and through agreed travel plans, safe routes to schools, safe routes to parks and similar measures.

Policy CS24: Car/ Cycle Parking

Maximum car parking standards and cycle parking requirements will be applied in relation

to the accessibility of locations within the Borough to sustainable transport facilities, particularly public transport.

Policy CS28: Loss of Open Space

Development proposals that will result in the loss of open space or jeopardise its use or enjoyment by the public will not be permitted. In exceptional circumstances, development may be permitted where it is clearly demonstrated that replacement open space, to a similar standard, can be provided at an accessible location close by, or that improvements to recreational facilities on remaining open space can be provided to a level sufficient to outweigh the loss of the open space. The quality of existing open space should not be eroded by insensitive development on adjoining land.

CS30: Access to Open Space

In areas with relatively poor access to open space facilities (possibly as a result of severance lines), new development should make provision for, or contribute to, improvements to road and other crossings to improve access to green space and/ or facilitate the creation or linking of safe off-road routes to parks.

Policy CS31: Additional and Existing Community Facilities

Proposals for new, extended or improved community facilities will be acceptable, particularly where this will involve co-location of facilities on a single site. Community facilities should be located where there is a choice of means of travel (including walking and cycling), and in existing centres where possible.

Proposals involving the redevelopment of existing community facilities for non-community uses will not be permitted, unless it can be clearly demonstrated that there is no longer a need to retain that facility.

Policy CS34: Pollution and Water Resources

Development will only be permitted where it would not be damaging to the environment through air, land, noise or light pollution; where it would preserve or ideally enhance ground and surface water quality; and where existing water resources, sewerage and wastewater treatment infrastructure are adequate to support the proposed development.

Proposals for development that are sensitive to the effects of air, noise or light pollution will only be permitted in areas where they will not be subject to high levels of such pollution, unless adequate mitigation measures are provided to minimise the impact of such pollution. Development will be permitted on land affected by contamination where it can be demonstrated, to the satisfaction of the LPA, that the contamination can be satisfactorily remediated so that it is suitable for the proposed end use.

CS36: Biodiversity and Geology

a) Development should retain, protect and incorporate features of biodiversity or geological interest (including protected species and their habitats) found within the application site into their schemes.

On sites with recognised biodiversity or geological value, development will not be permitted where there would be a direct or indirect adverse impact on the site, unless it can be clearly demonstrated that:

- i. The need for development clearly outweighs the need to protect the value of the site; and
- ii. Appropriate compensation, impact minimisation, mitigation and compensation are provided.

b) Local Nature Reserves and Wildlife

Heritage Sites will be safeguarded and where possible, enhanced. Permission will not be granted for any development that would adversely affect a designated nature reserve or Wildlife Heritage Site.

c) Any development that would sever or threaten the integrity of an established wildlife link, as indicated on an adopted proposals map, will not be permitted. Where applicable, developments should be designed to protect, consolidate, extend and enhance the network of wildlife links and corridors in and adjoining the Borough, working with neighbouring authorities where appropriate.

CS37: Major Landscape Features and Strategic Open Space

Planning permission will not be granted for any development that would detract from the character or appearance of areas designated as a Major Landscape Feature. The designated areas are: -

- The Thames Valley;
- The Kennet and Holy Brook Meadows;
- The West Reading wooded ridgeline;
- The East Reading wooded ridgeline; and
- The North Reading dry valleys.

CS38: Trees, Hedges and Woodlands

Individual trees, groups of trees, hedges and woodlands will be protected from damage or removal, and the Borough's vegetation cover will be extended.

SD1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

A positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Where appropriate, the Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Planning applications that accord with the policies in the development plan (including, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Proposed development that conflicts with the development plan will be refused, unless other material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then permission will be granted unless material considerations indicate otherwise – taking into account whether:

- ☐ Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- ☐ Specific policies in that Framework indicate that development should be restricted.

DM1: ADAPTATION TO CLIMATE CHANGE

All developments will demonstrate how they have been designed to incorporate measures to adapt to climate change. The following measures shall be incorporated into development:

- ☐ New buildings shall be orientated to maximise the opportunities for both natural heating and ventilation and reducing exposure to wind and other elements;
- ☐ Proposals involving both new and existing buildings shall demonstrate how they have been designed to maximise resistance and resilience to climate change for example by including measures such as solar shading, heating and ventilation of the building and appropriately coloured materials in areas exposed to direct sunlight, green and brown roofs, etc;
- ☐ Use of trees and other planting, where appropriate as part of a landscape scheme, to provide shading of amenity areas, buildings and streets, designed with plants that are carefully selected, managed and adaptable to meet the predicted changed climatic conditions; and
- ☐ All development shall minimise the impact of surface water runoff from the development in the design of the drainage system.

DM2: DECENTRALISED ENERGY

In meeting the most up to date Ecohomes (including Code for Sustainable Homes for new build residential) or BREEAM standard, developments of the sizes set out below shall demonstrate how consideration has been given to securing energy for the development from a decentralised energy source, including CHP.

Any development of more than 20 dwellings and/ or non-residential development of over 1,000 sq m shall consider the inclusion of a CHP plant, or biomass-fuelled heating scheme, or other form of decentralised energy provision, within the site, unless it can be demonstrated that the scheme is not suitable or feasible for this form of energy provision.

Where there is existing decentralised energy provision, including a CHP plant or a district energy network present within the vicinity of an application site, further developments of over 10 dwellings or non-residential development of 1,000 sq m will be expected to link into the existing decentralised energy network or demonstrate why this is not feasible.

DM3: INFRASTRUCTURE PLANNING

Proposals for development will make appropriate provision for the following infrastructure, services, resources and amenities. Such provision will be secured through planning obligations and/or the Community Infrastructure Levy as relevant.

In determining appropriate provision or contributions, the highest priority will be given to the following:

- ☐ Transport infrastructure including major cross boundary or sub-regional infrastructure projects;
- ☐ Open space, green infrastructure and other measures to improve or enhance biodiversity;
- ☐ Education including cross boundary facilities;
- ☐ Economic development services and infrastructure, including employment, skills and training development initiatives and childcare provision.

Where relevant a high priority will also be given to the appropriate provision of the following:

- Energy infrastructure, including decentralised energy projects;
- Health provision; and
- Police Service infrastructure.

Other measures, as follows, may also be considered, where a specific need is identified and justified: -

- ☐ Community facilities;
- ☐ Leisure and cultural infrastructure, including public art, library and archive services;

- ☒ Reading Central Area infrastructure and amenities, including public realm and street care enhancements;
- ☒ Environmental improvements outside the Central Area, such as within local centres, including off site street tree and other tree planting;
- ☒ Measures to tackle poor air quality or for on-going air quality monitoring; and
- ☒ Flood mitigation and prevention measures.

Developers are required to contribute towards the ongoing local authority costs of monitoring the implementation and payment of planning contributions.

DM4: SAFEGUARDING AMENITY

Development will not cause a significant detrimental impact to the living environment of existing or new residential properties, in terms of:

- ☒ Privacy and overlooking;
- ☒ Access to sunlight and daylight;
- ☒ Visual dominance and overbearing effects of a development;
- ☒ Noise and disturbance;
- ☒ Artificial lighting;
- ☒ Vibration;
- ☒ Dust and fumes;
- ☒ Smell; or
- ☒ Crime and safety.

The position of habitable rooms, windows and outdoor living spaces will be particularly important. A back-to-back distance of 20 metres between dwellings is usually appropriate, although the circumstances on individual sites may enable dwellings to be closer without a detrimental effect on privacy.

As well as immediate impacts, other aspects to which this policy applies will include matters such as hours of operation of businesses, and effects of traffic movements, particularly of heavy goods vehicles (HGVs). Proposals which would generate regular movements of HGVs on residential roads will not be acceptable.

Where an otherwise acceptable development could change its character to a use that would have a greater impact on amenity without needing planning permission, conditions will be applied to restrict such changes.

DM12: ACCESS, TRAFFIC AND HIGHWAY-RELATED MATTERS

In determining proposals involving a new or altered access onto the transport network,

improvement works to the transport network, the creation of new transport infrastructure or the generation of additional trips on the transport network, consideration will be given to the effect on safety, congestion and the environment.

Development will only be permitted where:-

- ☐ Accesses and works to the highway comply with the adopted standards of the Transport Authority;
- ☐ The development would not have a material detrimental impact on the functioning of the transport network;
- ☐ The proposals would not be detrimental to the safety of users of the transport network, including pedestrians and cyclists;
- ☐ The proposal would not generate regular movement of heavy goods vehicles (HGVs) on unsuitable roads, or on roads without easy access to the Classified Highway Network; and
- ☐ For non-residential uses, or new dwellings on classified roads, off-street servicing would be provided.

Proposals involving either the construction of a new site access, or a material increase in the use of an existing site access, directly onto the Classified Highway Network will not be acceptable if they would be likely to result in the encouragement of the use of the network for short local trips or compromise the safe movement and free flow of traffic on the network or the safe use of the road.

DM17: GREEN NETWORK

The identified Green Network comprises Local Wildlife Sites, Local Nature Reserves, Areas of Biodiversity Action Plan (BAP) habitats and designated open space plus both existing and potential Green Links, all of which are shown on the Proposals Map. It also includes Biodiversity Opportunity Areas, shown in Figure 4. These Green Links shall be maintained, protected, consolidated, extended and enhanced.

New development shall demonstrate how the location and type of open space, landscaping and water features provided within a scheme have been arranged such that they maintain or link into the existing Green Network and contribute to its consolidation. Such features should be designed to maximise the opportunities for enhancing this network. All new development should maximise opportunities to create new assets and links into areas where opportunities are as yet unidentified on the Proposals Map.

DM18: TREE PLANTING

New development shall make provision for tree planting within the application site, or off-site in appropriate situations, to improve the level of tree coverage within the Borough, to maintain and enhance the character and appearance of the area in which a site is located, to provide for biodiversity and to contribute to measures to reduce carbon and adapt to climate change.

DM19: AIR QUALITY

Development should have regard to the need to improve air quality and reduce the effects of poor air quality.

i. Development that would detrimentally affect air quality will not be permitted unless the effect is to be mitigated. The following criteria should be taken into account:

☐ Whether the proposal, including when combined with the cumulative effect of other developments already permitted, would significantly reduce air quality;

☐ Whether the development is within, or accessed via, an Air Quality Management Area; and

☐ Whether it can be demonstrated that a local reduction in air quality would be offset by an overall improvement in air quality, for instance through reduction in the need to travel.

ii. Where a development would introduce sensitive uses (such as residential, schools and nurseries, hospitals, care facilities) into, or intensify such uses within, an Air Quality Management Area, detrimental effects on that use will be mitigated. Mitigation measures should be detailed in any planning application.

iii. Where required, planning obligations will be used to secure contributions to measures to tackle poor air quality or for air quality monitoring.

SA16: PUBLIC AND STRATEGIC OPEN SPACE

Important areas of Public and Strategic Open Space, as shown on the Proposals Map, will be protected from development. Proposals that would result in the loss of any of these areas of open space, or jeopardise their use or enjoyment by the public, will not be permitted.

SA17: MAJOR LANDSCAPE FEATURES

The following areas, as shown on the Proposals Map, are defined as Major Landscape Features:

☐ The Thames Valley;

☐ The Kennet and Holy Brook Meadows;

- ☒ The West Reading wooded ridgeline;
- ☒ The East Reading wooded ridgeline; and
- ☒ The North Reading dry valleys.

Where the urban area meets the Chilterns Area of Outstanding Natural Beauty (AONB), as shown on the Proposals Map, there should be no development which would have a detrimental impact on the AONB in terms of scale, design, layout or location.

DRAFT

Appendix 3:
Statistical Summary of THPS Survey 30 March – 1 May 2015

DRAFT

Mapledurham Playing Fields Consultation *Have Your Say*

Draft: 13 June

Overview

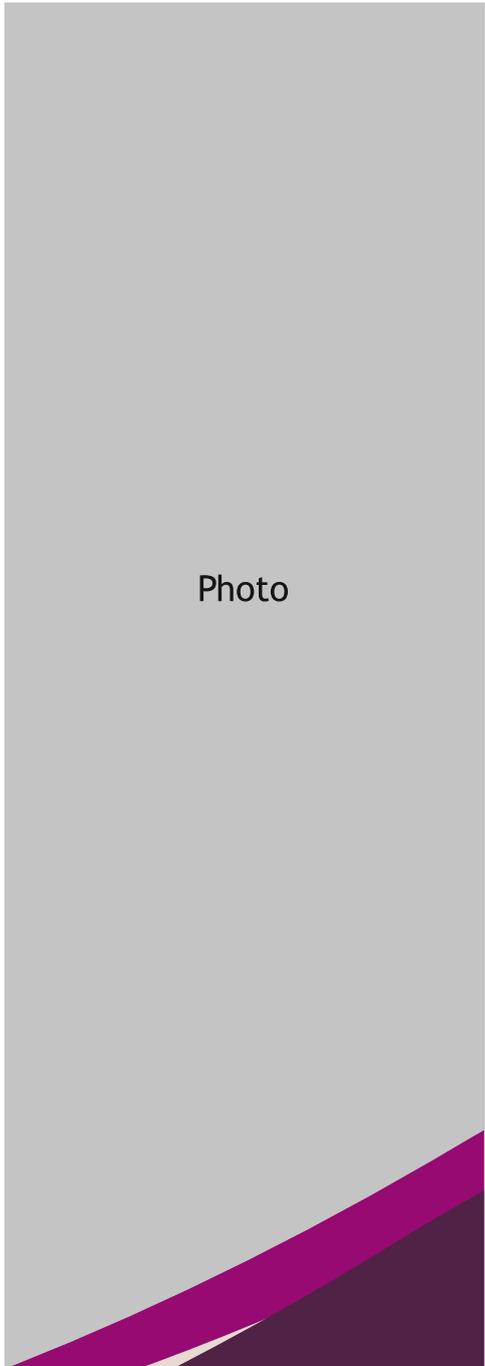
Reading Borough Council (the **Council**) is the trustee of the Recreation Ground Charity at Mapledurham (registered charity no. 304328) (the **Charity**). As trustee, it is responsible for delivering the object of the Charity, which is the provision and maintenance of the recreation ground at Mapledurham (the **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**).

The Council has received two proposals relating to the Ground and is undertaking this consultation in its capacity as trustee of the Charity to seek Beneficiaries' views on those proposals, particularly in relation to the Amenity Value of the Ground (i.e. the value of the Ground for recreation).

- **Proposal from Education Funding Agency:**
To lease part of the Ground to build a school and to provide £1.36 million to improve facilities.
- **Proposal from Mapledurham Playing Fields Foundation:**
To lease all of the Ground so they may fund raise to improve facilities and manage the Ground, without loss of open space.

More detail is provided in this document.

Please note that responsibility for decisions in relation to the Charity and the Ground has been delegated to a Sub-Committee of the Council (the Mapledurham Playing Fields Trustees Sub-Committee). The members of this Sub-Committee are referred to in this document as the Trustees.



Photo

We want to hear your views regarding these proposals.

You can return your completed Feedback Form on the back of this document to:

XX

Or you can respond on-line at:

www.reading.gov.uk/council/consultations/

Or why not drop in to one of our consultation sessions, where you can discuss proposals directly with Council officers. These will take place

XX

Closing date for response: xxxxxxxx

Background

The Charity owns the freehold title to the 25 acres of land which make up the Ground.

The playing fields provide for a number of sports and activities shown on **Map 1**.

The Ground includes a Pavilion which includes limited changing (for users of the Ground) but which is in poor condition and does not meet current standards.

The Pavilion also includes a hall, kitchen and meeting space, which have been closed for over a year and requires major building work before they can be reopened.

1.1 While the Council provides support for the Charity, it has very limited financial resources. Over the last few years the Charity's income was between £15K and £20K per annum while its expenditure is normally between £40K and £50K, the Council providing a grant to the Charity of about £30K per annum.

The Charity's income is generated primarily by letting space at the Ground and the Pavilion (when open) and is subsidised by the Council out of its own resources as local authority.

1.2 The Council does not currently have the financial resources available to it to pay for any capital improvements to the recreational facilities at the Ground. While the Council has allocated £85,000 from its own resources to help pay for the refurbishment or replacement of the Pavilion at the Ground, this sum is not sufficient to pay for the refurbishment or reconstruction of the Pavilion which is required in order to make it fit for purpose.

1.3 The Council understands that the Warren and District Residents Association (WADRA) has raised £75K with a further £20K promised towards the refurbishment of the Pavilion. WADRA has stated that this funding will only be released should the EFA proposal not proceed.

Map 1 NOT TO SCALE



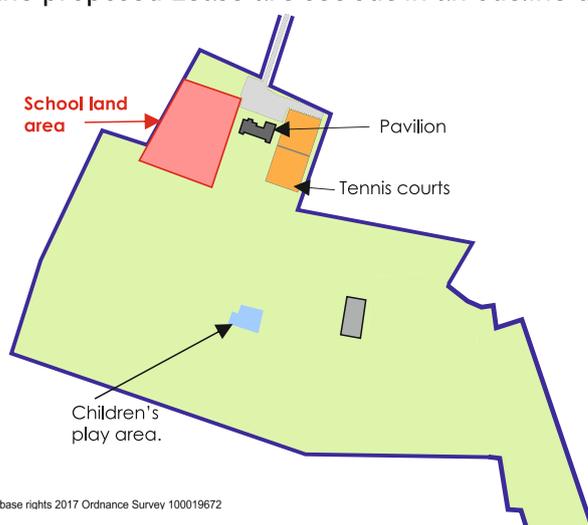
2 Proposal from Education Funding Agency

2.1 The Secretary of State for Communities and Local Government, acting by the Education Funding Agency (the EFA), has made an offer to the Council to take a 125 year lease (the **Lease**) of part of the Ground for use as the site for a free school (see Plan A). The conditions relating to the proposed Lease are set out in an outline document called Heads of Terms which may be viewed at [\[add link\]](#).

2.2 If the Trustees were to agree to grant the Lease proposed by the EFA (see Plan A), the Charity will receive a payment of £1,360,000. (This is known as the **Payment** in this document).

2.3 In return for the Payment, the Trustees would grant the Lease to the EFA of 1.231 acres of the Ground (around 4.5% of the total acreage of the Ground). The part of the Ground which would be subject to the Lease is outlined in red on Plan A.

Plan A



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2.4 The Trustees have obtained a report (the **Amenity Report**) from the Council's Leisure and Recreation Manager in relation to the amenities that would be affected by agreeing to grant the Lease to the EFA. The full Amenity Report is available at [\[add link\]](#), but the key points are:

- The highest quality pitch (pitch 1 on Map 1) will be constrained in how it is used and maintained, reducing its availability and standard.
- Two 5 a side pitches/training areas A and B (on Map 1) will be lost.
- Previous proposals to upgrade changing rooms to meet current Sport England standards by rebuilding them to the west of the Pavilion will no longer be possible.
- The overflow car parking next to the Pavilion area will be lost.
- The area of trees to the north of the Ground will have a significantly lower Amenity Value than at present.
- The effective space for recreation will be reduced.
- The number of people aware of and using the Ground may increase as a result of greater awareness of the Ground due to the increased footfall to the proposed free school.
- The visual amenity of the Ground will be affected.

General
Photos

2.5 The Trustees have obtained a report from a firm of independent professional surveyors called **Bruton Knowles** (the **Bruton Knowles Report**) in relation to the impact of the grant of the Lease to the EFA on the Amenity Value of the Ground. The full **Bruton Knowles Report** is available at [\[add link\]](#), but the key comments are:

- The EFA will pay to upgrade and enhance the existing access to the Ground to a Highway Standard, this being widened to 4.8m, thereafter allowing for two way traffic. Such an improvement will reduce traffic congestion and improve the use of Ground, as well as minimising the Charity's cost of maintaining the existing access in the short/medium term. Future maintenance costs will be shared with the EFA on a 'user pays' basis. Greater pressure on access was identified within the Amenity Report - the EFA proposal appears, subject to planning, to be a deliverable solution and of benefit for the part of the Ground which would not be subject to the Lease to the EFA, enhancing the Amenity Value of the Ground.
- The EFA will upgrade/surface the existing unmade car parking spaces, enhancing the use of the Ground and reducing short and medium term maintenance costs. Future maintenance will also be on a "user pays" basis with the EFA.
- The EFA have confirmed that they will improve services (utilities) into their development of the school, which the Charity will be given rights to connect to (at the Charity's cost). This may assist with the regeneration of the Pavilion and reduce associated costs.
- The EFA will provide improved lighting and security to the access and car parking, thereby enabling the Ground to be used more safely and extensively, particularly during winter months.
- A Community Use Agreement is a condition for exchange of contracts with the EFA. It will provide the opportunity to agree terms which should result in the improved use of Ground and school facilities for the benefit of the Charity's Beneficiaries. Increased use of facilities may help to increase the sustainability of the Pavilion when it is regenerated and maintenance costs for the Ground will be supported through EFA funding.
- Use of the school hall by Beneficiaries is likely to provide an additional facility for alternative sporting facilities such as indoor football and badminton.
- The EFA development will be built in such a way that the facilities widen the reach and attraction to groups of people currently excluded through impairments.

2.5 Cont.

- The EFA has confirmed that boundary treatments will be agreed to be undertaken in a sensitive way with appropriate landscaping and planting to protect the natural setting and the Ground.
- The EFA proposal does reduce overflow car park space to the north of the proposed new school boundary, but not entirely and furthermore new school parking spaces will be available for Beneficiaries. The new access to the school over the part of the Ground which is not subject to the Lease will require careful planning and traffic management. The EFA has accepted this and confirmed that a travel plan will be agreed through the planning process, which will seek to limit unnecessary traffic - the Community Use Agreement will be used to further clarify how different community groups can make best and most efficient use of available car parking and the access.
- The loss of pitches A and B and possible short term impact on pitch C may be regarded as a negative impact on the Amenity Value of the Ground. However the completion of a landscape plan will define how a reconfiguration of the existing playing fields can offset this negative impact with the Payment from the EFA, with the possible provision of a new artificial turf pitch.
- The loss of land and impact upon trees to the north of the Ground, as well as the likely removal of 4 poplar trees to enable a reconfiguration of playing pitches, can be offset through a planned tree planting scheme(s) which can enhance the appearance of the Ground whilst concurrently encouraging biodiversity, flora and fauna for the benefit and enjoyment of Beneficiaries.

2.6 In summary, the grant of the Lease would generate a capital sum of £1,360,000 which the Trustees would be able (and legally obliged) to spend by enhancing the Amenity Value of the Ground, but would also reduce the area of the Ground which is available for use as a recreation ground by Beneficiaries. In addition to the Payment of £1,360,000, the Council has identified the sum of £85,000 which it could apply to advance the recreational objects of the Charity. The Trustees understand that the Warren and District Residents' Association ("WADRA") has also raised £75,000 (with another £20,000 committed) which could also potentially be made available to advance the Charity's recreational objects, although the Trustees' understanding is that this funding will only be released if the EFA proposal **does not** proceed. The total amount that could be available to the Charity for its recreational objects if the EFA proposal were to proceed (and assuming no contribution from WADRA) would be £1,445,000.

3 Proposal by Mapledurham Playing Fields Foundation

- 3.1 Mapledurham Playing Fields Association (**MPFF**) is a charity established to provide or assist in the provision of recreational facilities at the Ground in the interests of social welfare for recreation or other leisure time occupation where such facilities are to be available to members of the public at large, with the object of improving the conditions of their lives.
- 3.2 MPFF has made a proposal to the Trustees (referred to as the **Fit4All proposal**) which envisages that the Trustees should grant a lease of all of the Ground of 30 years to MPFF which would enable MPFF to make all decisions in relation to the management and improvement of the Ground during the term of the lease and which is also intended to enable it to raise funds to enhance the Amenity Value of the recreational facilities at the Ground. The proposed lease would be granted at a peppercorn rent, so that MPFF would rely upon its ability to raise funds from third party sources (including obtaining some bank lending) in order to make improvements, but in the Trustees' view access to funds is less certain. A copy of the Fit4All proposal is set out in Appendix 3 link and is also available at [\[link\]](#).
- 3.3 MPFF has confirmed that it has received an assurance from WADRA that the sum of £95,000 it has raised (or had committed) for the refurbishment of the Pavilion at the Ground could be used by MPFF to contribute towards the refurbishment.
- 3.4 The Trustees understand that WADRA will only make this funding available to MPFF if the proposed Lease to the EFA does not proceed. The Trustees also understand that, from the perspective of MPFF, the Fit4All proposal is only available if the proposed grant of the Lease to the EFA does **not** proceed.

4 What is this consultation about?

- 4.1** The Trustees have previously concluded that, in principle, the EFA's proposal to take the Lease is, subject to contract, 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 in line with the Heads of Terms.
- 4.2** As trustee of the Charity, the Trustees must ultimately decide whether granting the Lease to the EFA is (or is not) in the best interests of the Charity and its ability to advance its charitable recreational objects. While this is ultimately a decision for the Trustees, the views of the Charity's Beneficiaries are obviously very important.
- 4.3** This consultation is therefore intended to seek the views of the Beneficiaries of the Charity on the following issues:
- 4.3.1** If the Trustees were to grant the Lease to the EFA, how should they consider applying the Premium of £1,360,000 in order to best enable the Charity to provide the Ground for recreation?
- 4.3.2** Is the grant of the Lease to the EFA likely to enhance the Amenity Value of the Ground for Beneficiaries?
- 4.3.3** Or should the Trustees prefer the Fit4All proposal made by MPFF?
- 4.3.4** If the Lease is granted to the EFA, should the Trustees take steps to impose a legal restriction on the remainder of the Ground in order to ensure that it can only be used by the Charity for recreational purposes in the future?
- 4.4** The remainder of this document explains these questions in more detail and provides some more information to help you decide how you wish to respond.

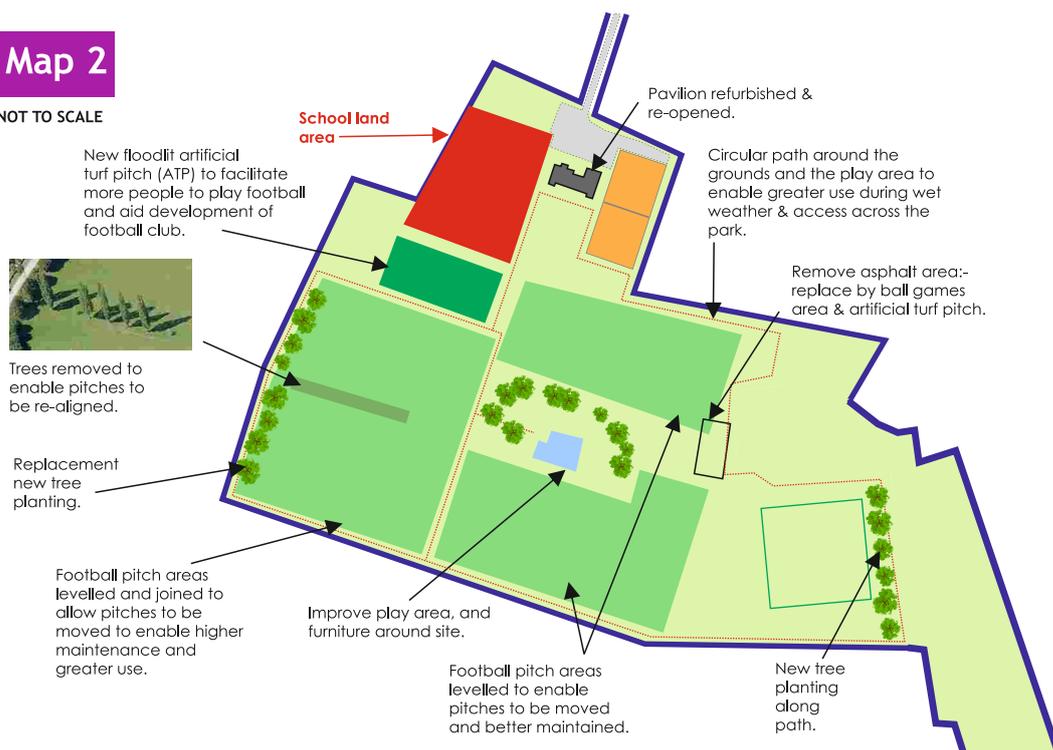
5 Issue 1 If the Lease is granted to the EFA and the Payment is received, how should it be used by the Charity?

- 5.1** In the Trustees' view, whether granting the Lease to the EFA is in the best interests of the Charity and its ability to advance its charitable recreational objects will depend upon whether and how the Payment (and other available funding) can be applied to enhance the Amenity Value of the Ground for the Beneficiaries in a way which outweighs the loss of Amenity Value attributable to the grant of the Lease.

A number of possible improvements have been identified along with an indicative cost estimate.

Map 2

NOT TO SCALE



The following two questions seek the Beneficiaries' views on the options open to the Trustees in seeking to apply the Payment to enhance the Amenity Value of the Ground.

5.2 Question 1A

If the Lease were to be granted to the EFA, do you think the enhancements based upon the proposal in Map 2 are likely to enhance the Amenity Value of the Ground for use by the Beneficiaries?

Please give your response on the Feedback Form at the back of this document.

Elements included/not currently included:

A	Pavilion Refurbishment/Rebuilding, maintaining a similar layout to existing	£450k - £800k	<input checked="" type="checkbox"/>
B	A perimeter footpath and linking paths to play area and ball court. Likely to promote use of the walk in wet periods.	£125k - £150k	<input checked="" type="checkbox"/>
C	Entrance improvements such as gates, signs and link to in perimeter path	£25k - £50k	<input checked="" type="checkbox"/>
D	Small Floodlit Artificial Turf Pitch (60mx40m capable for small 7v7 games)	£385k	<input checked="" type="checkbox"/>
E	New furniture (seats/bins etc)	£10K - £20K	<input checked="" type="checkbox"/>
F	New tree planting next to selected paths	£20K - £30K	<input checked="" type="checkbox"/>
G	Grass football pitch improvements	£50k - £100k	<input checked="" type="checkbox"/>
H	Full size Floodlit Artificial Turf Pitch	£500k	<input checked="" type="checkbox"/>
I	Play Area - Upgrade and relocate next to Pavilion (*upgraded but not moved)	£150k - £200k*	<input checked="" type="checkbox"/>
J	Fitness stations around perimeter path	£25k - £50k	<input checked="" type="checkbox"/>
K	Relocate asphalt area nearer to school	£60 - £100k	<input checked="" type="checkbox"/>
L	Boundary improvements	£15k	<input checked="" type="checkbox"/>
M	A sum reserved for future maintenance and capital investment	£100K - £200K	<input checked="" type="checkbox"/>

5.4

Question 1B

Do you think these (or different) options should be included in the proposal referred to in Question 1A? If so, please identify these on the Feedback Form at the back of this document.

6

Issue 2

Is the grant of the Lease to the EFA likely to enhance the Amenity Value of the Ground for Beneficiaries?

- 6.1 As explained, the Trustees' view is that whether granting the Lease to the EFA is in the best interests of the Charity and its ability to advance its charitable recreational objects will depend upon whether the Payment (and other available funding) can be used to enhance the Amenity Value of the Ground for the Beneficiaries in a way which outweighs the loss of Amenity Value attributable to the grant of the Lease.

Question 2

With the options referred to in relation to Question 1 in mind, Question 2 seeks the views of Beneficiaries about whether the grant of the Lease to the EFA and the receipt of the Premium is very likely, more likely, less likely or not likely to enable the Charity to enhance the Amenity Value of the Ground, taking into account in particular whether the benefits of enhancement are likely to outweigh the loss of Amenity Value attributable to the grant of the Lease to the EFA.

Please respond on the Feedback Form at the back of this document.

7 Issue 3 Should RBC prefer the Fit4All proposal to the EFA proposal?

- 7.1 The detail of the Fit4All proposal can be seen at [\(Link\)](#). As described at 3.2 this proposal envisages that the Trustees would lease all of the Ground (including the Pavilion) to MPFF which would enable them to make all decisions relating to the management and improvement of the Ground during the term of the lease. MPFF intend to raise funds through sources such as voluntary activity, from third parties and some bank lending to refurbish the Pavilion and improve the Ground over time. This would not involve the loss of part of Ground but in the Trustees' view MPFF's access to funds is less certain.
- 7.2 The Trustees' view is that there are potential benefits to the Charity and the Amenity Value of the Ground in exploring whether it is possible to both accept the EFA proposal (so that the Payment is available to the Charity) and to progress the MPFF proposal.

Question 3A *Have Your Say*

MPFF regard their Fit4All proposal as an alternative to the EFA proposal. The Trustees would be grateful for Beneficiaries' views as to whether the Trustees should consider only the MPFF proposal and reject the EFA proposal or whether the Trustees should consider only the EFA proposal and reject the current MPFF proposal.

Please give us your views on the Feedback Form at the back of this document.

Question 3B *Have Your Say*

The Trustees would be grateful for Beneficiaries' views as to whether, if the EFA proposal is accepted, it would or would not be in the interests of the Charity for the Trustees to seek to progress discussion of the Fit4All proposal with MPFF on the basis set out in paragraph 7.2 of this document.

Please give us your views on the Feedback Form at the back of this document.

8 Issue 4 If the Lease is granted to the EFA, should the Trustees take steps to impose a legal restriction on the remainder of the Ground in order to ensure that it can only be used by the Charity for recreational purposes in the future?

- 8.1 The Trustees are aware of concerns raised previously by some Beneficiaries that the grant of the Lease to the EFA would "open the door" to further disposals of parts of the Ground in the future which would have an impact on its Amenity Value for Beneficiaries.
- 8.2 While the EFA and Fit4All proposals are the only such disposals which the Trustees are currently considering, the Trustees have looked at the options open to them in order to secure the use of the Ground for recreational purposes only in the future.
- 8.3 The Trustees have identified that it would be possible for them to enter into an arrangement with Fields in Trust which could have this effect. Fields in Trust (previously known as The National Playing Fields Association) is a registered charity (registered number 306070), whose purpose is to promote the provision and maintenance of recreational grounds and other facilities for the public.
- 8.4 Fields in Trust operates a scheme which allows the owners of recreational space to enter into a covenant with Fields in Trust not to dispose of that space without Fields in Trust's consent.

Question 4 *Have Your Say*

The Trustees would be grateful for Beneficiaries' views as to whether they should seek to discuss how an arrangement of this kind could work in relation to the Ground with Fields in Trust.

Please give us your views on the Feedback Form at the back of this document.

9 Responding to this consultation

- 9.1 This consultation document has been issued on [issue date] and will be open for a period of [x] weeks, ending on [closing date]. Responses received by the Council after the closing date will not be considered.
- 9.2 Beneficiaries are encouraged to respond to this document in the following ways:
- 9.2.1 [specify how responses can be submitted]
- 9.3 Beneficiaries should please ensure that before responding they read the important information set out in section 11 of this document.

10 What will happen after this consultation?

- 10.1 As explained above, the Trustees have concluded that, in principle, granting a Lease to the EFA is capable of being in the best interests of the Charity because the Payment (and other available funding) will enable the Amenity Value of the Ground to be enhanced.
- 10.2 However, before any final decision is taken by the Trustees to grant the Lease proposed by the EFA, the following steps must be taken:
- 10.2.1 Following the close of this consultation with Beneficiaries, the Trustees will review and consider all responses and take them into account in relation to any decision. This is expected to take between [x] and [y] weeks.
- 10.2.2 If, having reviewed and considered the consultation responses, the Trustees remain of the view that granting the Lease proposed by the EFA is capable of being in the best interests of the Charity, the Council will need to make an application to the Charity Commission for its consent to the grant (or confirmation from the Charity Commission that no such consent is required).
- 10.2.3 If, on the other hand, the Trustees conclude that granting the Lease to the EFA would not be in the best interests of the Charity, they will not proceed with the EFA proposal and will, taking into account the responses to this consultation, consider what (if any) other steps it should take in relation to the Charity and the Ground, including progressing the Fit4All proposal and/or engaging in discussion with Fields in Trust.
- 10.3 As has been the approach to date, decisions in relation to the Charity and the Ground will continue to be made transparently, with public access to the papers made available to the Trustees and to meetings of the Trustees.

11 Important Information

- 11.1** This document has been prepared and issued by the Council solely and exclusively in its capacity as trustee of the Charity and not its capacity as local planning authority or local education authority. This document has also been issued in compliance with section 121 of the Charities Act 2011.
- 11.2** Only Beneficiaries are eligible to respond to this consultation. In order to qualify as a Beneficiary, you must be a resident of the Parish of Mapledurham or the Borough of Reading aged 16 or over at the time you make your submission. Each resident can only make one submission in response to this consultation. The Council will take steps to verify this and will not take into account any or (at its discretion) only one of multiple submissions made by the same Beneficiary.
- 11.3** Consultation responses should relate only to the Charity's recreational purposes and the Amenity Value of the Ground to Beneficiaries.
- 11.4** Comments within consultation responses which in the Trustees' view relate to issues of planning will not be taken into account by the Trustees but, where possible, will be passed to the officers responsible for planning decisions within RBC for consideration by them (to the extent that they are relevant).
- 11.5** Comments within consultation responses which in the Trustees' view relate to education issues (e.g. the educational benefits of a free school being located on the Ground as a result of the EFA's proposal) will not be taken into account by the Trustees.
- 11.6** As indicated above, responsibility for decisions in relation to the Charity and the Ground has been delegated to the Mapledurham Playing Fields Trustees Sub-committee.
- 11.7** Please note that the figures included in this document for the cost of enhancements to the Ground are indicative only and subject to change. They do not commit the Council as trustee of the Charity to expenditure of the kind described.
- 11.8** The Charity's Management Committee has been consulted by the Trustees in relation to this document and, where possible, their comments have been taken into account in preparing it. This committee is composed of 3 Reading Borough Councillors (including the Mapledurham ward Councillor within which the playing fields are located), a representative of Mapledurham Parish Council and a representative of the users of the pavilion and grounds.

12 Data Protection

In order to carry out this consultation, the Council will hold information about Beneficiaries who respond.

What information is held?

Name (mandatory), Home address (mandatory), Date of Birth (mandatory), Email address (Other TBC)

How is the information used?

The information is used to assess consultation responses and to verify that those who respond are eligible to do so.

Who can access this information?

A limited number of Council staff working in (TBC) and the Trustees will have access to the information.

Who else is this information passed to?

We will pass the information to third party organisations if we are legally obliged to do so. We may also pass information to the Charity Commission, if we are asked or required to do so by the Commission. Information will not be passed to the EFA or MPFF.

How is the information stored?

The information is stored on a secure encrypted electronic system. The secure area can only be accessed with a username and password. Each system user has an individual username and password and a user profile which only allows them to access the details they need to carry out their job or discharge their role.

How long is the information kept?

The information will be kept for 6 months.

How can I access my personal information?

You can ask us for a copy of the information we hold about you at any time. While you are not obliged to do so, you can use the link below to make a request: [www.reading.gov.uk/media/1577/Subject-Access-Request-Form/pdf/Subject Access Request Form1.pdf](http://www.reading.gov.uk/media/1577/Subject-Access-Request-Form/pdf/Subject%20Access%20Request%20Form1.pdf)

Background Information

The following information is available on the RBC website: www.reading.gov.uk (Link to be added)

Appendix 1: Heads of Terms from Education Funding Agency (to lease part of the Ground)

Appendix 2: Fit4All proposal

Appendix 3: Amenity Report

Appendix 4: Bruton Knowles Report

Appendix 5: EFA site plan

Appendix 6: Sub-committee papers* 12/07/16

Appendix 7: Sub-committee papers* 11/10/16

Appendix 8: Sub Committee papers* 20/12/16

*Please note the Heights Free School Sub-Committee was renamed the Mapledurham Playing Field Trustees Sub-Committee

Copies of previous Sub-Committee meeting papers are available on the Council's website within the committee meeting archived agendas and papers.

Mapledurham Playing Fields Consultation *Feedback Form*

We are seeking your feedback for the following points:

5 Issue 1 If the Lease is granted to the EFA and the Payment is received, how should it be used by the Charity?

5.2 Question 1A If the Lease were to be granted to the EFA, do you think the enhancements based upon the proposal in Map 2 are likely to enhance the Amenity Value of the Ground for use by the Beneficiaries?
 YES NO

5.4 Question 1B Do you think these (or different) options should be included in the proposal referred to in Question 1A? If so, please identify these in the table below, together with your reasons. This can include items not identified in the list of options at 5.2.

Please list additional items to 5.3 if necessary.

Option/s to be **included** in the proposal:

Option/s to be **excluded** from the proposal:

6 Issue 2 Is the grant of the Lease to the EFA likely to enhance the Amenity Value of the Ground for Beneficiaries?

6.1 Question 2 With the options referred to in relation to Question 1 in mind, do you think that the grant of the Lease to the EFA and the receipt of the Payment is very likely, more likely, less likely or not likely to enable the Charity to enhance the Amenity Value of the Ground to be enhanced, taking into account in particular whether the benefits of enhancement are likely to outweigh the loss of Amenity Value attributable to the grant of the Lease to the EFA.

Response (Please tick ONE box only)

Very likely to enable the Amenity Value of the Ground to be enhanced.	
More likely to enable the Amenity Value of the Ground to be enhanced.	
Less likely to enable the Amenity Value of the Ground to be enhanced.	
Not likely to enable the Amenity Value of the Ground to be enhanced.	

Further comments on the above issue:

Mapledurham Playing Fields

Consultation

Have Your Say

Mapledurham Playing Fields is a 25 acre Recreation Ground providing a range of facilities.

The Playing Fields are part of a Charity called the Recreation Ground Charity at Mapledurham (registered charity no.304328).



Mapledurham Pavilion contains a community hall, meeting space, kitchen and changing rooms (All but the changing rooms have been closed for over a year due to their poor condition).

The playing fields include:

- Football pitches
- Tennis courts*
- Play area
- Woodland
- Orchard

(*Leased to Mapledurham Tennis Club)

Reading Borough Council is the Trustee of the Recreation Ground Charity with the Playing Fields being provided for the benefit of the people of Reading and Mapledurham.

The Council have received 2 proposals for the Playing Fields:

- To lease slightly less than 5% of the site to the Education Funding Agency to build a school and invest approximately £1.4m in improving the rest of the Playing Fields and pavilion.
- To lease the whole site to a community organisation to manage and fund raise to improve facilities without the loss of any of the recreation ground.

As Trustees the Council must consider what options are in the best interest of the Charity and the people who the Charity was set up to benefit. As a resident of Reading Borough or Mapledurham Parish, the charity was set up to benefit you. To guide the Trustee's decision, we are asking your views on the proposals. This includes:

- What improvements could be made to the playing fields?
- Which proposal should we consider?
- Could we consider both proposals?
- Should we introduce a greater legal protection to the Playing Fields?

The Trustee can only consider the impact of any development on the Playing Fields' ability to provide recreational facilities, also known as its Amenity Value. The consultation will therefore only consider these factors.



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The Playing Fields are located off the Woodcote Road to the North of Reading (RG4 7LB).

Existing Grounds:



NOT TO SCALE

Have Your Say

More detail about the Charity and the proposals is provided within the consultation documents that can be found at (link), along with a feedback form. Alternatively, you can view and obtain copies of the document, including the feedback form, at Caversham Library. Or write to XXXXX or telephone XXXX

The consultation starts on xx, concluding on xx xxxxxx 2017.

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

This proposal is to enhance the facilities and operations at Mapledurham Playing Fields (MPF), without need to sell land to fund it. It is put forward, on behalf of a large group of volunteers who have collectively committed to dedicate their time, energy and expertise to ensure its implementation and sustained success, as an alternative to the proposal submitted by the Education Funding Agency (EFA).

In contrast to the EFA proposal this is not a one-time fix, which will eventually be exhausted, but a transformation to safeguard the long-term sustainability of the object of the trust, the provision and maintenance of a recreation ground. It builds on ongoing voluntary initiatives, which have already realised substantial achievements and demonstrate the strength of commitment of the community to the protection, maintenance and enhancement of MPF.

Enhancement of the facilities and operations at MPF will be undertaken by the Mapledurham Playing Fields Foundation (MPFF), a charity with the object “to provide or assist in the provision of facilities at Mapledurham Playing Fields ...” To be able to do this it needs Reading Borough Council (RBC), as Trustee of the Recreation Ground (Registered Charity #304328), to:

- Grant MPFF a 30 year lease of the Mapledurham Playing Fields, including the Pavilion, Car Park and Drive, at a nominal rent .This will entail obtaining Charity Commission approval of a variation to the scheme governing the Recreation Ground Trust (Registered Charity #304328) and require negotiation of the registration of the Pavilion, Car Park and Drive as an “Asset of Community Value”. WADRA, the registrant, has already indicated its willingness to co-operate in this.
- Delegate MPFF full management control of Mapledurham Playing Fields, within the terms of the scheme, including usage of Mapledurham Playing Fields, development of Mapledurham Playing Fields and collections and disbursement of all income and expenditure incurred in the operation, maintenance and development of Mapledurham Playing Fields. This will entail transfer of all responsibilities from the Mapledurham Management Committee to MPFF. As the Mapledurham Management Committee was established as part of the scheme governing the Recreation Ground Trust (Registered Charity #304328), this will entail obtaining Charity Commission approval of a variation to the scheme.
- Allow MPFF to grant Caversham Trents Football Club a 25 year “Right to Hire” of all marked football pitches, designated practice areas and equipment storage facility. As this is beyond the authority of the trustee, it will entail obtaining Charity Commission approval of a variation to the scheme.

It also needs Reading Borough Council (RBC), as local authority, to:

- Release the remaining £85,000 Section 106 funds promised for the refurbishment of the Pavilion.

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

- Agree to make an annual contribution of £21,000, which is in proportion to that received from Mapledurham Parish Council.

The details of the proposal are specified in the following sections:

- **Background** – provides the context of the proposal
- **Objective** - outlines the programme of improvements by which MPF will be made fit for all without losing land.
- **Organisation** – describes the structure of MPFF.
- **Funding** – details the various sources of funding for the proposal.
- **Pavilion Restoration** – shows the floor plans of planned phases of restoration of the Pavilion.
- **Business Plan** – details how the proposal will be funded and the Recreation Ground Trust transformed to a self-sustaining enterprise.
- **Support** – comprises letters of support, for the proposal, from national sporting organisations.
- **Volunteers** – list the names and addresses of volunteers committed to dedicate their time, energy and expertise to ensure the implementation and long-term success of the proposal.
- **WADRA Letter of Consent** – is a copy of the letter from WADRA consenting to the release of the funds it has secured to MPFF for the restoration of the Pavilion
- **Quotations and Calculations** – is the alternative quotation for ground maintenance.
- **Trust Comparisons** – compares and contrasts hall rental income with other similar local trusts to illustrate the potential attainable.

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

Background

Mapledurham Playing Fields has for many years been 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 usable changing rooms and better amenities. Mapledurham Pavilion has been in regular use by community groups for decades, but its condition has deteriorated so much over the past 15 years that it has had to be closed.

RBC has twice proposed to sell land from MPF 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 overwhelmingly rejected. A third proposal to sell land, this time as a site for The Heights Primary School, is under consideration.

Recent volunteer initiatives have demonstrated collective commitment to protect MPF from development inappropriate to its object and restore it to its former vibrancy.

- The Warren and District Residents Association (WADRA) has raised £100,000 to restore the pavilion. RBC has committed and reconfirmed that it will provide £100,000 contribution, of which £15,000 has been spent. The work has been delayed by RBC pending consideration of an offer from the EFA to buy land to build The Heights Free 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 long term tenure. RBC declined to grant this until the outcome of any proposal to build The Heights Free School is decided.
- 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 access for wheelchair players, has been delayed because a suitable 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 parts of the Playing Fields should be awarded Local Nature Reserve status, but RBC did not submit 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.

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

Objective

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. To revitalise MPF it must be made financially viable, ideally creating a surplus to support investment in facilities and community engagement. To achieve this, 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.

This turnaround is planned in steps, to deliver the biggest improvements and greatest increase in income as soon as possible, without disrupting access and availability more than necessary.

Step 1 will 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. WADRA has already £100,000 to renovate the Pavilion and RBC has promised a further £100,00 of Section 106 funds of which £15,000 has been spent.. The plans have been drawn up and planning permission granted. An acceptable tender has been received and could be revalidated. With the security of a long lease, a loan can be obtained from the Charity Bank to cover any shortfall and the pavilion could be made fit for use. With active marketing and management, utilisation could be extended to match other similar local facilities and revenue dramatically increased. At the same time renovation would, by restoring the fabric and fixtures of the building, reduce the need and cost of maintenance.

Step 2 will 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 disabled and higher level men's football, 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. CTFC 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 25 years.

Step 3 will be to undertake easy enhancements to outdoor facilities. 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 its natural environment and biodiversity.

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

Step 4 will be to turn attention to more major undertakings. The playground should be relocated closer to the Pavilion, to be more accessible, and upgraded. This will also allow reconfiguration of the Playing Fields to accommodate more football pitches.

Step 5 will be to follow up the numerous suggestions for new sporting and recreational amenities, which can be considered. All weather pitches, for football and/or rugby, are in constant demand. Outdoor gym equipment, to be installed around the periphery of the Playing Fields, has been previously proposed and proves popular in other parks.

All development initiatives should be conducted through MPFF, to allow easy integration of volunteer involvement, sponsor engagement and maximum tax efficiency.

All contracts for development and ongoing maintenance should be competitively tendered to secure the best value for money. This does not exclude purchasing services from RBC where appropriate.

No specific timescales for these steps has been planned but, for the purpose of the business plan, it has been assumed that they will be implemented in successive years.

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

Organisation

All improvements to the facilities at MPF will be instigated and supervised and ongoing operations managed by the MPFF, a charity (registration number 1167739) founded with the object "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."

MPFF is a Charitable Incorporated Organisation (CIO). This structure best suits the proposal, which is essentially the confederation and extension of ongoing volunteer initiatives, by providing a robust governance structure while affording trustees limited liability. It lends itself to the control substantial funds and assets, entering into contracts, employing staff and engaging in charitable activities involving financial risks. It has initially been configured as the "foundation model" where the only voting members are the charity trustees, but it is straightforward to expand the trustees and/or change the constitution if a wider voting membership becomes more appropriate. The arrangement is designed to reassure RBC, as Trustees of the Recreation Ground Charity, that Mapledurham Playing Fields Foundation will provide a well regulated, efficiently run, cost effective platform for volunteering activities that will continue to benefit from the advantages accruing to charitable status.

. MPFF will be governed by trustees representing all interested parties:

- Chairman: Gordon Watt
- Treasurer and Regulatory Compliance Officer: Mark Corbett
- Marketing and Business Development Officer: Elisa Miles
- Facilities and Operations Officer: Martin Brommell
- Caversham Trents Football Club Representative: Daniel Mander
- Mapledurham Lawn Tennis Club Representative: David Maynerd
- Friends of Mapledurham Playing Fields Representative: Steve Ayres
- WADRA Representative: Robin Bentham
- Recreation Ground Trustee Representative (either an RBC Councillor or Council Officer with special interest in playing fields): TBA

Major improvement initiatives will be managed and controlled by:

- Architect: Shaun Tanner MCIAT
- Project Manager: Nick Clark MCIOB
- Volunteer and Resources Co-ordinator: Keith Hutt (names and addresses of volunteers are listed in Appendix 1)

Progress and financial accounts will be reported to Recreation Ground Trustees and to the Charity Commission annually.

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

Funding

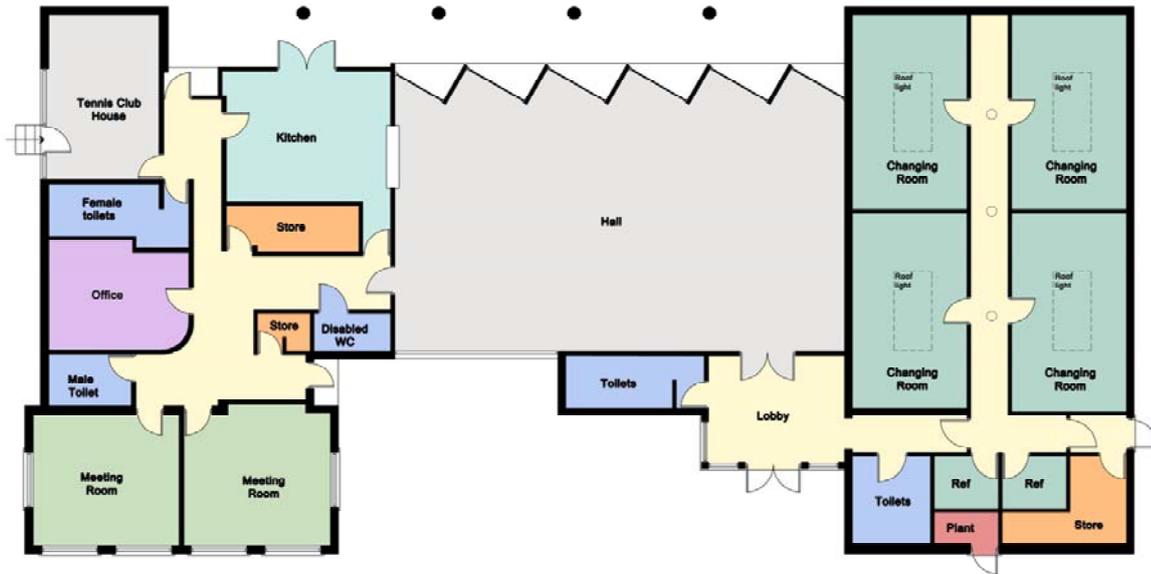
There are six prospective channels of funding available to the Fit4All programme:

1. WADRA has raised £100,000 towards the cost of the restoration of Mapledurham Pavilion and has the assurance of a further £85,000 from Reading Borough Council. WADRA has consented to release these funds to MPFF for the restoration of the Pavilion (see WADRA Letter of Consent).
2. A loan will be taken, at the outset of the project, from the Charity Bank to bridge the difference between this and the cost, previously quoted as £238,000, to allow work to start as soon as possible. This has been discussed at length and the bank had indicated its receptiveness to a request, advised on terms and assured that MPFF would meet the qualifying conditions. The loan, interest accrued and repayment schedule shown in the business plan.
3. A number of other sources of funding, appropriate to this proposal, have been researched and will be approached when this proposal is accepted. These include Playing Fields Legacy Trust, Garfield Weston Foundation, Robin Greaves Sports Foundation, Bernard Sunley Charitable Foundation, Big Lottery Fund, PF Charitable Trust, Tesco Fieldwork and ASDA. Grants from one or more of these sources will reduce or entirely obviate recourse to funds borrowed from the Charity Bank. No funding from these sources has yet been included in the business plan.
4. The strategy underlying Fit4All is to transform the Recreation Ground Trust into a financially self-sustaining enterprise. This will be achieved by rationalising costs and increasing utilisation, and hence rental income generated, enhanced facilities, by effective marketing and efficient operations. The target level of income incorporated into the business plan is shown to be eminently achievable by comparison with other similar local facilities serving comparably sized communities. (see Trust Comparisons).
5. Funding for additional sporting facilities will be from club funds and grants from sports sponsoring organisations. MLTC has already secured a grant from Sports England. CTFC has funds available for investment, provided they have guaranteed tenure for a reasonable period. The FA has indicated its willingness to consider sponsorship proposals, again dependent on the club's security of access and influence on future plans.
6. WADRA plans to continue fund raising. In the recent past this has afforded regular contributions from local events, metal recycling and camping equipment salvage as well as a substantial donation from the organisers of the Reading Festival. Future proceeds of fund raising have not been factored into the business plan, but would be used to minimise borrowing requirements or early loan repayment.

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

The second phase of the Pavilion restoration will be to build four new changing rooms and secure storage room adjoining the existing structure and reconfigure the internal layout of the existing structure to convert the changing rooms to two studios / meeting rooms



Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

Business Plan

IMPROVEMENT INITIATIVE	2,014	Year 1		Year 2		Year 3		Year 4		Year 5	
	Baseline	£	Notes	£	Notes	£	Notes	£	Notes	£	Notes
INCOME											
Pavillion Rental	8,483	1,414	1	11,876	8	16,627	11	23,277		29,927	
Football Pitch Rental	3,232	3,232		3,232		5,387	12	7,541	14	7,541	
MLTC Lease	1,237	1,237		1,237		1,237		1,237		1,237	
RBC Contribution		21,000	2	21,000		21,000		21,000		21,000	
MPC Contribution	125	125		125		125		125		125	
OUTGOINGS											
Operational Management											
Ground Maintenance	30,160	8,000	3	8,000		8,000		8,000		8,000	
Pavillion Maintenance	7,495	0	4	11,900	9	11,900		11,900		11,900	
Pavillion Cleaning	4,045	674		4,045		4,045		4,045		4,045	
Utilities	1,425	1,425		1,425		1,425		1,425		1,425	
Rates	419	419		419		419		419		419	
Insurance	188	188		188		188		188		188	
Interest on Loans		3,900	5	4,110		4,110		4,093		3,456	
NET OPEX	-30,655	12,402		7,383		14,289		23,111		30,397	
FUNDING											
Opex Surplus		12,402		7,383		14,289		23,111		30,397	
WADRA Held Funds		100,000									
RBC Section 106 Contribution		85,000									
Charity Bank Loan		65,000		10,000							
ADDITION TO RESERVES		0		7,383	9a	0		2,579		0	
INVESTMENT											
Pavillion Restoration Phase 1&2		255,900	6								
Pavillion Restoration Phase 3				10,000	10						
Basket Ball Court Renovation						14,000	13				
Playground Relocation								12,500	15		
All Weather Pitch										0	17
NET CAPEX		6,502	7	0		289		10,611		30,397	
RESERVES		0		7,383		7,383		9,962		9,962	
LOAN REPAYMENT		0		6,502		0		289		10,611	
OUTSTANDING LOAN		65,000		68,498		68,498		68,209		57,598	
INVESTMENT FUND		0		0		0		0		0	

Note	
1	No income during mobilisation (3 months), construction (5 months) and commissioning (2 months) of Pavilion restoration.
2	RBC contribution in proportion to MPC contribution: £1 / Band D+ property / year (See Quotations and Calculations).
3	Reduced ground maintenance following reletting of ground maintenance contract (see Quotations and Calculations) plus £1,000 ad
4	No maintenance required during restoration.
5	6% Interest on Charity Bank loan.
6	Original quote =£238,000. Allow 5% uplift to revalidate. Add £5,000 building control fee and £1,000 considerate constructors fee.
7	Capex surplus is used for outstanding loan repayment and then accumulated in the investment fund
8	Increased usage and rental income from improved facility and effective marketing
9	Provision for maintenance is 5% of refurbishment cost.
9a	Maintain reserve of 3 months' outgoings
	New changing rooms funded by CTFC / FA. Reconfiguration of existing changing rooms will be undertaken by volunteers with provisio
10	professional help and materials.
11	Increased rental income from rental of additional studios / meeting rooms created in Phase 2
12	Increased rental as number of pitches increased from 3 to 5
13	Pitch improvement funded by FA /CTFC. Provision for renovation / enhancement of basketball pitch
14	Increased rental as number of pitches increased from 5 to 7
15	Pitch expansion funded by FA / CTFC. Provision for relocation and enhancement of childrens' playground
17	Funded by Sport England / FA, assume no rental income

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

Business Plan (Continued)

IMPROVEMENT INITIATIVE	2,014	Year 6		Year 7		Year 8		Year 9		Year 10	
	Baseline	£	Notes								
INCOME											
Pavillion Rental	8,483	29,927		29,927		29,927		29,927		29,927	
Football Pitch Rental	3,232	7,541		7,541		7,541		7,541		7,541	
MLTC Lease	1,237	1,237		1,237		1,237		1,237		1,237	
RBC Contribution		21,000		21,000		21,000		21,000		21,000	
MPC Contribution	125	125		125		125		125		125	
OUTGOINGS											
Operational Management		10,000	18	10,000		10,000		10,000		10,000	
Ground Maintenance	30,160	10,500	19	10,500		10,500		10,500		10,500	
Pavillion Maintenance	7,495	11,900		11,900		11,900		11,900		5,000	
Pavillion Cleaning	4,045	4,045		4,045		4,045		4,045		4,045	
Utilities	1,425	1,425		1,425		1,425		1,425		500	
Rates	419	419		419		419		419		419	
Insurance	188	188		188		188		188		188	
Interest on Loans		1,632		449		0		0		0	
NET OPEX	-30,655	19,721		20,904		21,353		21,353		29,178	
FUNDING											
Opex Surplus		19,721		20,904		21,353		21,353		29,178	
WADRA Held Funds											
RBC Section 106 Contribution											
Charity Bank Loan											
ADDITION TO RESERVES		2,202		0		0		0		0	
INVESTMENT											
Pavillion Restoration Phase 1&2											
Pavillion Restoration Phase 3											
Basket Ball Court Renovation											
Playground Relocation											
All Weather Pitch											
NET CAPEX		19,721		20,904		21,353		21,353		29,178	
RESERVES		12,164		12,164		12,164		12,164		12,164	
LOAN REPAYMENT		27,201		7,480		0		0		0	
OUTSTANDING LOAN		27,201		7,480		0		0		0	
INVESTMENT FUND		3,196		15,437		36,341		57,694		79,047	

Note

- 18 Appoint part-time manager / caretaker @ £10,000 / annum
- 19 Additional £2500 /annum ground maintenance for care of all weather pitch

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

Support

Letters of support, for the proposal, from national sporting organisations.



Berkshire LTA
Caversham Park Tennis Club
200 Caversham Park Road
Caversham
Reading RG4 6AA
Tel: 0118 9476020

15 July 2016

Mr David Maynerd,
Chairman, Mapledurham Lawn Tennis Club,
Mapledurham Playing Fields,
129 Upper Woodcote Road,
Reading RG4 7EZ

Dear David,

LTA Support for Protection of Mapledurham Playing Fields

On behalf of the Lawn Tennis Association, we are keen to support the initiatives being undertaken by volunteers to protect the land at Mapledurham Playing Fields which, we understand, was bequeathed to the community to be held in trust and kept solely for recreation.

Following a recent upgrade of the tennis facilities at Mapledurham Playing Fields, your club has significantly increased its membership, obtained Sport England funding to expand the facility and we know you run a vibrant, inclusive programme for both able-bodied and disabled players.

We were extremely impressed to hear that the local residents' association (WADRA) has assured £185,000 to restore the community pavilion. We share your frustration that plans for this have been held in abeyance for over a year, pending an anticipated alternative proposal to sell land to fund improvements. It is disappointing that this has resulted in the closure and loss of use of the pavilion.

We understand that there is also a vibrant youth football club whose exciting plan for further development and expansion is also inhibited pending the anticipated alternative proposal to sell land. The community have clearly worked hard to secure support.

With the growing need for new people to be involved in regular exercise and sporting activities due to the government paper on healthy lifestyles - it seems wrong that this highly used recreation area is being considered as an ideal site to build houses or a school.

As a matter of principle we believe this recreational space should be preserved and that volunteer initiatives to build and develop access to recreation should be encouraged and allowed to continue and thrive in the community.

Yours sincerely

Denise Walker
Hon Secretary
BERKSHIRE LTA

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land



Helping communities make
good space for sport and play

Mark Corbett,
Trustee of Mapledurham Playing Fields Foundation,
61 St. Peters Avenue,
Caversham,
Reading RG4 7DP

2nd August 2016

Dear Mark,

Oxfordshire Playing Fields Association's Support for Protection of Mapledurham Playing Fields

Oxfordshire Playing Fields Association works to help local communities ensure that they have good quality outdoor recreation space that is accessible for all. Good quality outdoor recreation spaces are vital community assets. They provide opportunities to have fun, enhance physical and mental health, improve social cohesion and combat isolation. OPFA fully supports the community projects that have made so much difference to the playing field site at Mapledurham and understands the strength of local feeling for the preservation of the site.

OPFA works to the standard principle that playing field land should not be built upon. Playing field land is vital; once lost it cannot be replaced. In today's society, where we are facing an inactivity epidemic, where our children play outside at least 50% less than their parents did, and many children do not have easy access to green spaces, it is becoming increasingly more important that we preserve our community green spaces. In the rare circumstance that playing field land is to be used for development, then there should be an alternative site offered, of equal size and equal quality.

It is extremely disappointing that the proposed sale of land has jeopardised several improvement projects, amounting to a loss of finance, and already loss of facilities. In December 2015, the government published their new Sports Strategy, 'Sporting Future: A New Strategy for an Active Nation'. This recognises the importance of green spaces for outdoor sport and recreation, not only for formal sport but also generally to enable people to take part in physical activity. It includes the fact that people do not travel far to take part in sport and therefore local green space is vital. As such, the report stresses the fact that the planning system needs to be support this, and that local government, in partnership with other organisations has a responsibility for this.

For all of the reasons above, OPFA fully supports the community initiatives to increase participation on the site and to preserve the Mapledurham playing field without development.

Yours sincerely,

Nicole O'Donnell
Community Development Officer, Oxfordshire Playing Fields Association

Oxfordshire Playing Fields Association (Registered charity: 304398)
Colin Sanders Business Innovation Centre, Mewburn Road, Banbury, OX16 9PA
Phone: 01295 817662 E-mail: oxfordshirepfa@gmail.com Web: www.opfa.org.uk

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

Patron
Her Majesty The Queen
President
HRH The Duke of Cambridge KG

The FA Group
Wembley Stadium
Wembley
London HA9 0WS

Postal address
Wembley Stadium
PO Box 1966
London SW1P 9EQ

Telephone
+44 (0)800 169 1863
Facsimile
+44 (0)800 169 1864

Visit
TheFA.com
TheFA.com/sgp
wembleystadium.com



Mr G Watt
5, Balliol Road
Caversham
Reading
RG4 7DT
21st March 2016

Dear Mr Watt

Mapledurham Playing fields and pavilion - Caversham

I am writing to add our support to your proposals in relation to the playing fields and pavilion. The site is well known to Berks & Bucks County FA and has strategic importance to football with a number of clubs and teams using the pitches regularly. The FA would not want to see any loss of pitches or facilities and we support clubs and organisations taking over the management and operation of key sites to make them more sustainable and relevant to the local communities they serve. The quality of pitches and changing rooms has a significant impact on participation particularly women and girls so any improvements will help to retain and grow the game.

Please continue to liaise with the County FA and also keep me informed of any developments and if you need any further help please let me know

Yours Sincerely

Mark Pover
FA Head of Facilities and Investment
Football Participation and Development Division
The FA Group
Wembley Stadium, Wembley, London, HA9 0WS
Postal address: Wembley Stadium, PO Box 1966, London, SW1P 9EQ
T +44 (0) 844 980 8200 # 4760 | F+44 (0) 844 980 0682 | M +44 (0)7903253448
Mark.Pover@TheFA.com www.TheFA.com www.wembleystadium.com



The Football Association (Limited by guarantee) Registered Office: Wembley Stadium, Wembley, London HA9 0WS Registered Company No. 27797

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

Volunteers

Names and addresses of volunteers committed to dedicate their time, energy and expertise to ensure the implementation and long-term success of the proposal.

Forename	Surname	Address
Kate	Angwin	112 Woodcote Road RG4 7EY
Roderick	Angwin	112 Woodcote Road RG4 7EY
Toby	Bainton	32 Harrogate Road RG4 7PN
Stephen	Bale	79 York Road RG1 8DU
Daphne	Barker	77 St Peters Avenue RG4 7DP
George	Bickerstaffe	7 Hewett Avenue, Reading RG4 7EA
Jane	Bickerstaffe	7 Hewett Avenue, Reading RG4 7EA
Hayley	Brommell	12 Hewett Avenue RG4 7EA
Martin	Brommell	12 Hewett Avenue RG4 7EA
John	Brunnen	16 Hewett Avenue RG4 7EA
Lucy	Bureau	47 Chazey Rd RG4 7DU
Nicholas	Clark	152 Upper Woodcote Road RG4 7LD
Susan	Clark	152 Upper Woodcote Road RG4 7LD
Matthew	Coome	78 Albert Road RG4 7PL
Mark	Corbett	61 St. Peters Avenue RG4 7DP
Mike	Eggleton	6 Treetops RG4 7RE
Linley	Elgeti	62 Albert Road RG4 7PF
Valerie	Elgeti	62 Albert Road RG4 7PF
Anna	Elliott	6, Buxton Avenue RG4 7BU
Nick	Gale	79 Chazey Road RG4 7DU
Bryce	Gibson	16 Fernbrook Road RG4 7HG
Belinda	Gross	2 Hewett Avenue RG4 7EA
Barbara	Harding	75 St. Peters Avenue RG4 7DP
John	Heaps	135 Upper Woodcote Road Rg4 7LB
Pat	Heaps	135 Upper Woodcote Road Rg4 7LB
Lynn	Higgs	67 Chazey Rd RG4 7DU
Michelle	Holdaway	22 Hemdean Road RG4 7SU
John	Holland	51 Chazey Road RG4 7DU
Michael	Howes	5 Knowle Close RG4 7LH

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

Volunteers (Continued)

Forename	Surname	Address
Keith	Hutt	28 Hewett Avenue RG47EA
Brian	Jamieson	8 Orwell Close RG4 7PU
Karisma	Jarakana	62 Albert Road RG4 7PF
Nancy	Jarakana	62 Albert Road RG4 7PF
Rico	Jarakana	62 Albert Road RG4 7PF
Gráinne	Keogh	28 Kidmore Road RG4 7LU
Mark	Keogh	28 Kidmore Road RG4 7LU
Jane	Lang	53 Chazey Road, RG4 7DU
Amanda	Launchbury	8 Hewett Avenue, Reading RG4 7EA
Alastair	Letchford	46 Chazey Road RG4 7DU
Leone	Letchford	46 Chazey Road RG4 7DU
Paul	Letchford	46 Chazey Road RG4 7DU
Tony	Maunder	19 Fernbrook Road RG4 7HG
Elisa	Miles	Larks Mead Upper Warren Avenue RG4 7EB
Andrew	Morris	Holly Trees, Peppard Hill RG9 5ES
Carol	Morton	9 Hewett Avenue RG4 7EA
Rohan	Morton	9 Hewett Avenue RG4 7EA
Margaret	Moss	51 St. Peters Avenue RG4 7DL
Tony	Moss	51 St. Peters Avenue RG4 7DL
Bob	O'Neill	199 Upper Woodcote Road RG4 7JP
Alan	Penton	66 Chazey Road RG4 7 DU
Rodney	Pinchen	35A St. Peters Avenue RG4 7DH
Sue	Pitt	97 St Peters Avenue RG4 7DP
Peter	Raeburn-Ward	77 Chazey Road RG4 7DU
Alan	Reynolds	Ferndale, Upper Warren Avenue RG4 7EB
Pam	Reynolds	Ferndale, Upper Warren Avenue RG4 7EB
Charlotte	Richardson	13 Belmont Road BR7 6HR
Mark	Richardson	13 Belmont Road BR7 6HR
Stephen	Scrace	164 Upper Woodcote Road RG4 7LD
Paul	Smith	19 Hewett Avenue RG4 7EA
Susan	Spires	11 Hewett Avenue RG4 7EA
Sandra	Walton	55 Chazey Road RG4 7 DU
Tom	Walton	55 Chazey Road RG4 7 DU
Helen	Wernham	76A Chazey Road RG4 7DU
Tony	Wernham	76A Chazey Road RG4 7DU
Anne	White	109A Upper Woodcote Road RG4 7JZ
Derek	White	109A Upper Woodcote Road RG4 7JZ

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

WADRA Letter of Consent

WADRA has orally committed to transfer the funds it has raised, for the restoration of the Pavilion, to MPFF when the contract for restoration work is signed. A letter is being prepared.

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

Quotation & Calculations

The provision for ground maintenance, in the business plan, is 15% (£1,100) higher than quoted to allow for ad hoc maintenance not itemised in the quotation.

IAN KENDRICK Ltd

Garden Maintenance | Landscape Gardening | Carpentry & Joinery | Property Maintenance | Project Management | Fencing,
Decking | Timber Buildings
Vines Farm Estate Office and Workshops | Reading Road | Cane End | Reading | RG4 9HG
Tel & Fax 0118 972 4277 | Mobile 07702 415 494
Email info@iankendrickltd.co.uk | Website www.iankendrickltd.co.uk

Mr J Holland
51 Chazey Road
Caversham
Reading
RG4 7DU

Quotation No MPF1

18th July 2016

QUOTATION

Thank you for showing me the work you would like done at the above address. I have pleasure in quoting as follows;

To carry out grounds maintenance work at Mapledurham Playing fields. Work to include

18 cuts per year
Autumn/winter spiking single pass
Re seeding and top soil to goal mouths at end of season
Winter cutting back around the inside of the perimeter.

Labour, machine use, fuel £6900.00

This to be paid in 12 monthly instalments of £575.00

If you would like to accept this work please complete and return the acceptance form in the envelope provided. All prices exclude VAT. If you have any questions please do not hesitate to contact me.

Yours sincerely



Ian Kendrick
Director

Registered in England: No 4563780 VAT No 786 4949 57 Registered Office 32 Queens Road Reading RG1 4BA
Director I D Kendrick

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

Calculation of Reading Borough Council Contribution

Mapledurham Parish Council makes an annual payment to Reading Borough Council towards the cost of upkeep of the Mapledurham Playing Fields. The Council paid a grant of £300 in 1978, and thereafter paid an annual grant of £100 until 1982. No further grant was paid until 1987, when the current schedule, an annual grant of £125, was instituted.

The rationale for the payment was to acknowledge the Parish's stake in the Playing Fields. The present payment, of £125, represents £1 from each Band D property in the Parish, from their Council Tax. However, as you will observe from the above, the payments started under the old domestic rating system, persisted through the Community Charge period and subsists in the Council Tax era. It just so happens that the figure bears the current relationship to the Council Tax Base of the Parish.

Band	# Reading Households	Payment of £1/D+ Household
A	5,674	
B	13,519	
C	27,998	
D	10,497	£10,497
E	5,356	£5,356
F	3,246	£3,246
G	1,809	£1,809
H	82	£82
	68,181	£20,990

Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

Trust Comparisons

28/03/2013
Accrual Basis

Woodcote Village Hall Management Committee
Profit Loss
March 2013 through to February 2014

	<u>Mar '13 - Feb 14</u>	<u>Mar '12 - Feb 13</u>
Ordinary Income/Expense		
Income		
Bank Interest Earned	6.98	5.41
Fund Raising Events	857.83	848.79
Gifts and Donations Income	3,316.31	361.00
Hire of Village Hall	28,416.06	31,267.47
Total Income	<u>32,597.18</u> (note 1)	<u>32,482.67</u>
Expense		
Dues and Subscriptions	915.05	976.38
Insurance Expense	1,386.13	1,182.73
Maintenance		
Repair of Non-Accidental Damage	2,420.61 (note2)	2,846.41
Major Alterations/Modifications	3,000.00 (note2)	0.00
Maintenance - Other	2,146.67	3,407.10
Maintenance - Cleaning	831.30	629.34
Miscellaneous Expense		0.00
Refreshments for events	146.31	29.73
Miscellaneous Expense - Other	418.48 (note 3)	185.95
Office Expense		
Consumables	60.00	37.70
Office Expense - Other	54.35	17.25
Payroll	14,302.06	14,120.65
Professional Fees	253.10	222.00
Purchase of Equipment	0.00	240.00
Refunded Deposit	0.00	25.00
Small Tools and Equipment	0.00	67.52
SWAP Shop	39.86	(72.03)
Utilities Main Hall	4,455.49 (note4)	5,369.77
Utilities Youth Centre	2,034.59	1,958.45
Total Expense	<u>32,464.00</u>	<u>31,243.95</u>
Total Income	<u>32,597.18</u>	<u>32,482.67</u>
Profit/(Loss) for the Year:	<u>133.18</u>	<u>1,238.72</u>



Fit4All

A proposal to make Mapledurham Playing Fields fit for all without losing land

Shiplake Memorial Hall and Institute Charity # 304360

Income and Expenditure Account

	Year to end of	31-December-15	31-December-14
Income			
Hire of Hall		29,915	26,702
Nursery		1,858	1,858
Hire of Sports Fields		3,393	3,528
Investment Income		981	1,006
Interest on Deposits (gross)		238	261
Flat Rent		9,000	9,000
Donations	0		100
Phillimore Charitable Trust	2,000		2,000
		<u>2,000</u>	<u>2,100</u>
Total Income		<u>47,385</u>	<u>44,455</u>
Expenditure			
Wages		8,273	7,307
Water		1,814	1,209
Insurance		2,092	2,157
Electricity		822	2,345
Electricity		-1,627	-1,667
Gas		4,364	3,367
Building repairs (Note 2)		7,690	9,346
Playing Fields and Gardens		383	1,354
Telephone		673	538
Cleaning		2,740	2,292
Sundry		180	336
Performing Right / Licences		633	346
Total Expenditure		<u>28,037</u>	<u>28,930</u>
Cash Generated from Operations		19,348	15,525
Depreciation of Building Improvements		8,890	9,780
Depreciation of Fixtures and Fittings		8,455	8,455
SURPLUS for the Year		<u>2,003</u>	<u>-2,710</u>
Transfer to Maintenance reserve		0	0
Transfer to General reserve		<u>2,003</u>	<u>-2,710</u>

Points Raised at Fit4All Second Review

2nd November 2016 at Council Offices

Reading Borough Council
Chris Brooks
Ben Stanesby
Bruce Tindall

Mapledurham Playing Fields Foundation
Mark Corbett
Gordon Watt

1. The object of Mapledurham Playing Fields Foundation (MPFF) is not aligned with the object of The Recreation Ground Charity, often referred to as Mapledurham Playing Fields (MPF). In particular the object of MPFF is to benefit particular disadvantaged groups whereas the object of MPF is to provide and maintain a recreation ground for the people of Mapledurham and Reading. Charity Commission clarification on this point has been requested. (MPOFF)
2. Mapledurham pavilion and car park have been registered as Asset of Community Value (ACV) by The Warren and District Residents' Association (WADRA). There is no mechanism for WADRA to deregister the pavilion and car park as ACVs and merely foregoing the opportunity to bid for them may not fully resolve the issue. Mr. Tindall will determine what process has to be followed. (RBC)
3. Re page 1 requirements of RBC as trustee bullet point 3. As written Caversham Trents Football Club's 'Right to Hire' appears to imply a degree of exclusivity, which would not be acceptable to the trustee, Reading Borough Council (RBC). It is suggested that the details of this arrangement are redrafted to make it clear that it is primarily afforded to enable access to grants, improve pitches, etc. (MPFF)
4. Re page 1 requirements of RBC as trustee bullet point 3. It has not yet been confirmed that the 'Right to Hire' agreement will satisfy Sport England's funding conditions. This will be checked with Berks and Bucks County Football Association. (MPFF)
5. Re. page 2 requirements of RBC as local authority bullet point 2. It was pointed out that the proposed £21,000 contribution from RBC would have to be approved by RBC Policy Committee. (No action required)
6. Re. page 3 recent volunteer initiatives bullet point 2. It is contended that the CTFC lease was withheld pending a guarantee of funding not pending the EFA proposal. It was further contended that other, potentially conflicting, prospective lease arrangements had to be resolved before any further agreement could be reached. This will be checked in the Mapledurham Management Committee minutes and amended as necessary. (MPFF)
7. Re. page 3 recent volunteer initiatives bullet point 4. It is believed that part of Mapledurham Playing Fields is already designated a local nature reserve. BS will provide the link to a map showing this designation. If it is not, then the part of Mapledurham playing Fields to be designated must be specified. (MPFF)

8. Re. page 4 Objective Step 1. Need to state that funds raised by WADRA comprise £75,000 banked and £25,000 promised, by Festival Republic, on signing of the contract for restoration of the pavilion. Also need to state the medium in which the promise has been made (i.e. word of mouth, email or manuscript communication). (MPFF)
9. Re. page 6 MPFF trustees bullet point 9. It was suggested that the trustees should include both an RBC councillor and an RBC officer. (MPFF)
10. Re. page 7 point 2. A number of concerns were raised concerning the amounts and terms and conditions of the loan from the Charity Bank.
 - Concern was raised that the quotation received may understate the full cost of restoration of the pavilion because there are a large number of exclusions. (MPFF)
 - A question was raised as to whether the spec, against which the quote was produced, covers both Phase 1 and 2. This should be clarified. (MPFF)
 - What happens if the cost overruns – will the Charity Bank extend the loan? It should be made clear that the terms of the loan will be a matter for negotiation between the Charity Bank, RBC as trustee of MPF and MPFF. (MPFF)
 - What recourse does the Charity Bank have if MPFF defaults on its repayments? It should be made clear that the terms of the loan will be a matter for negotiation between the Charity Bank, RBC as trustee of MPF and MPFF. (MPFF)
 - Does the Charity Bank require a charge on the land? If so what is it? It should be made clear that the terms of the loan will be a matter for negotiation between the Charity Bank, RBC as trustee of MPF and MPFF. Until this is resolved should include in the business plan as an unsecured, with higher interest rate. (MPFF)
11. Re. page 4 turnaround step 2. It is suggested that the area of the proposed new changing rooms should be specified, as there is sometimes concern about using open space to build changing rooms. (MPFF)
12. Re. page 4 turnaround step 3. Need to clearly identify what ground maintenance will be undertaken by Caversham Trents Football Club. (MPFF)
13. Re. page 5 turnaround step 4. It is thought that the provision for moving playground, in the business plan, is understated. Need to include a sinking fund for replacement of play equipment. (MPFF)
14. Re. page 10 business plan ground maintenance. Need to include provision for additional ground maintenance tasks identified by RBC Parks Department. (MPFF)
15. Re page 78 Funding. Need to state explicitly that MPFF is eligible for funding from all sources detailed as per their published terms and conditions. (MPFF)



**CHARITY COMMISSION
FOR ENGLAND AND WALES**

Mr Con Alexander
By email only

Charity Commission
PO Box 211
Bootle
L20 7YX

**Your ref: CXA/CKRS/2RC14.0003
Our ref: JL/304328/446616/Ops**

Date: 9 March 2017

Dear Mr Alexander

Recreation Ground Charity (Mapledurham) - 304328

Thank you for your letter dated 20 January 2017. You have helpfully provided information relating to the Council's approach to managing its conflicts of interest in the matter of a prospective transfer of part of the Mapledurham Recreation Ground land (land which is held on designated charitable trusts) to the Education Funding Agency (EFA).

Whilst no decision to dispose of land has as yet been made, our interest here is focussed on whether the Council is capable of managing its conflicts of interest in this matter - and whether it appears to be taking adequate steps to do so. This matter was the subject of a recent application by opponents of the proposal to take charity proceedings against the Council (as trustee of Recreation Ground Charity – 304328 (the Charity)).

We will not at this stage draw any conclusions as to whether the trustees can rely on any existing power of sale to dispose of the land or whether such a transaction would require authorisation by the Commission. In the event that a decision to sell land is taken, you have committed to communicate the final agreed terms to us with a view to giving us opportunity to comment on this.

We have now given detailed consideration to the information provided by the trustee and by opponents to the proposals. We apologise for the time that it has taken to deliver our conclusions.

Conflicts of Interest

The duty to avoid or manage a conflict of interest applies to a corporate trustee because it (acting by its councillors) is in a fiduciary position with regard to the Charity and is consequently under a duty to act exclusively in the interests of the charity.

On track to meet your deadline?

Visit www.gov.uk/charity-commission for help on filing your annual return and accounts

t: 0300 066 9197 (General enquiries)
0300 066 9219 (Textphone)

w: www.gov.uk/charity-commission

In addition to the trustee's fiduciary duties the self-dealing rules apply if the sale is from the Charity to itself as local authority. This is not what is proposed here as the lease is to be granted (if approved) to the Education Funding Agency (EFA) which is an executive agency of the Department for Education and is not connected, as far as we are aware, with Reading Borough Council in its capacity as Local Authority, as Local Education Authority or as Planning Authority. In addition, under s.118 of the Charities Act 2011, there is no connection of EFA with the Local Authority as charity trustee.

The duty to avoid or manage a conflict of interest also applies when a conflict of interest may be one where no actual benefit to the councillors can arise. Such a conflict may still damage the reputation of the charity.

The duty to avoid or manage a conflict of interests ensures that a trustee does not allow their other public interests (in this case their other statutory duties as local authority, education authority and planning authority) to influence or be seen to influence a decision of the Charity.

The issue of conflicts of interest for local authorities acting as sole trustee for a charity is well recognised and [guidance is provided on the Commission's website](#).

Where conflict is not, or cannot be, properly managed and action is taken to set aside decisions made there is often financial loss, legal challenge and serious reputational damage. It is therefore important that the Trustee takes all reasonable measures to mitigate against such risks.

Measures taken by the Council

You have set out the steps that the Trustee has taken to manage its conflicts of interest. His includes the setting-up of a subcommittee with delegated power.

We do take the view that the steps taken by the Council in establishing a subcommittee and delegating the decision making in relation to the EFA proposal to the subcommittee is capable of managing the conflicts of interest that exist.

The appointment of Councillor Deborah Edwards as new Chair of the subcommittee in May 2016 was problematic in the Commission's view as it impacted upon the Trustee's management of the conflicts that arise in this transfer process. She was a member of the Council's Adult Social Care, Children's Services and Education Committee (ACE) and Chair of subcommittee delegated to consider the EFA proposal. Rather than stepping down from the subcommittee she has stepped down from the ACE committee as from 27 January 2017.

You have asserted that as a committee member of ACE Councillor Edwards has not participated in any decision of ACE which relates in any way to the Charity, the Ground or the free school (I am assuming that this can be backed up with evidence from the Council's disclosed minutes online). If this case finds itself in Court (which we think is likely) these matters will be subject to scrutiny and it is a matter for the trustee to ascertain whether removal from ACE is the correct approach or whether it is appropriate, because of the reputational issues that arise in any event, for Councillor Edwards to step down from the subcommittee instead.

We have given advice and guidance about this issue in December 2016 and whilst we are not of the view that Councillor Edwards' chair position is so prejudicial as to prevent the conflict being managed it is nevertheless a matter for further consideration by the Trustee. The Trustee should address its mind to whether Councillor Edwards' position on the subcommittee is a matter which impacts upon the transparency issue and the need to be able to demonstrate that the decision making process in relation to the EFA proposal is proper, and in the best interest of the Charity.

Decision making and transparency

The principles that charity trustees should follow to make sound decisions and fulfil their legal responsibilities have been developed and reviewed by the courts, and these are set out in our guidance [Its your decision: charity trustees and decision making](#) (CC27). We are informed that the subcommittee has been properly advised of their duties

The Commission notes that all of the papers for the subcommittee have been made available to the public via the Council's website and that supporters and opponents are invited to speak at public meetings.

You have confirmed that the Council is very aware of the importance of ensuring public trust and confidence in the Charity (as well as in charities more generally) and believes that this level of transparency is the best way of helping to demonstrate that the decision-making process in relation to the EFA proposal has been correct, appropriate and in the best interests of the Charity.

It is appropriate for all of the decision making in advance of any final decision (if it is made to proceed with the EFA proposal) to be made transparently and with supporting local authority officers who are not linked with any other committees that are related in any way to the Charity or the Ground.

You have confirmed that the Trustee will conduct a public consultation on the proposals. It is essential that a genuine and meaningful engagement in the consultation process is made.

We note that the Trustee does not accept parts of Mr Watts witness statement as presenting an accurate picture. It may be that the Charity will need to use media to explain its position very clearly indeed (and in its consultation paperwork). It is a matter for the Trustee to conduct an effective communication strategy.

Conclusions

The transfer proposal relates to an offer by EFA to have transferred to it a parcel of land currently held in trust (1.231 acres of the 27 acre site, which represents 4% or thereabouts of the whole) under a lease for a term of 125 years in order to build a free school. The EFA land, if transferred, will not be available to further the objects of the Charity. Under the proposal, however, the Charity

stands to obtain a significant amount of money (in the order of £1,360,000) which could be used to enable it to further its objects, in return for the loss of a relatively small area of its land. We are therefore satisfied that the decision to explore the proposal is a decision that a reasonable body of trustees might make.

The Commission is aware that Mr Watt and those who support his position oppose the proposed transfer, and they seek to rely upon the inability of the Trustee to make a valid decision because the inherent conflict is so persuasive that it is impossible for the Trustee to make an un-conflicted decision.

Having considered the available information, we do not agree that the conflicts of interest are so persuasive that they cannot be managed. You have provided evidence to indicate that the Trustee has taken appropriate steps to manage the conflict (subject to the point I make above in relation to Councillor Edwards).

The Commission is of the view that the subcommittee can make a delegated decision that will be a valid decision if they ensure they act in accordance with their legal duties to take into account all relevant matters, including appropriate professional advice (including legal and chartered surveyor advice), and to also bear in mind the responses to public consultation and any issues or steps that arise as a consequence. In addition all irrelevant matters must be ignored.

The Commission has denied a request for S115 (2) consent recently indicating that we would consider using our own powers under S115 (3). In this case we have reviewed the capability of the Trustee to act and provided advice and guidance to the Charity regarding the management of conflicts of interest.

Yours sincerely

John Lewis
Charity Commission – Permissions & Compliance Team