

Report to:	EXECUTIVE
Relevant Officer:	Alan Cavill, Director of Communications and Regeneration
Relevant Cabinet Member	Councillor Mark Smith, Cabinet Member for Business, Enterprise and Job Creation
Date of Meeting	27 February 2023

REVOE COMMUNITY SPORTS VILLAGE – SITE ASSEMBLY

1.0 Purpose of the report:

1.1 To report on progress of the Revoe Community Sports Village project which is being brought forward by Blackpool Football Club (BFC) and supported through the Council’s Town Deal programme and which helps to kick start the implementation of the ‘Revitalising Revoe Masterplan’.

To consider the approach to assembling a site for the development of the Community Sports Village and the proposed transfer of the land.

2.0 Recommendation(s):

2.1 To agree, in principle, that if all other options are exhausted then the Council would consider the use of Compulsory Purchase Order powers to assemble the site outlined in Appendix 8a (Land Assembly Plan).

2.2 To authorise the Director of Communications and Regeneration to pursue detailed negotiations with interested parties as necessary.

2.3 To authorise the Director of Communications and Regeneration to pursue negotiations with Blackpool Football Club in relation to the transfer of the land required to deliver the Revoe Community Sports Village project, as shown on the plan in Appendix 8b. (Masterplan).

2.4 To delegate authority to the Director of Communications and Regeneration to authorise expenditure and contracts pursuant to clauses 2.1, 2.2 and 2.3 above.

2.5 To instruct relevant Officers to commence all necessary preparatory works for the making of a Compulsory Purchase Order to support the site assembly of the land required and any associated road improvements and road closures.

2.6 That Officers be requested to bring a further report to the Executive to seek the authority prior to the making of a Compulsory Purchase Order should such powers be required.

2.7 To authorise the Head of Legal Services to prepare legal documentation and enter into and complete appropriate documents/contracts as necessary to complete the transactions

3.0 Reasons for recommendations:

3.1 To enable the development of the Revoe Community Sports Village scheme to progress, which will see the development of one full size artificial grass football pitch and a 5-a-side pitch. This will regenerate a deprived area of the town supporting healthier lifestyles and providing access to all weather sporting provision in the inner areas. The project will also support and facilitate the growth and development of the Club with the delivery of new East Stand at Blackpool Football Club's Bloomfield Road stadium, including the delivery of associated public realm space.

3.2 The new sports pitches will be used by Blackpool FC ladies football team and will be used to run local sports programmes being delivered by Blackpool Football Club Community Trust. Access to the pitches will also be made available to local community groups and schools for recreational sport and for the delivery of education programmes.

3.3 Proposals for the new East Stand include the demolition of the existing temporary structure and the construction of a new stand. The new stand will have up to date facilities and will complete Bloomfield Road stadium. The East Stand phase of the scheme will be further enhanced by the delivery of a significant amount of public realm in and around Bloomfield Road stadium to allow for safe and more appropriate dispersal of fans on match days, but also to provide enhancement to the north area of the stadium.

3.4 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.5 Is the recommendation in accordance with the Council's approved budget? No

4.0 Other alternative options to be considered:

4.1 The alternative options considered by Blackpool Football Club and the Council have ranged from a 'Do nothing' option to the review of a variety of layouts for the community pitches and the option of delivering an East Stand proposal on the existing footprint.

Whilst these options do offer a degree of regeneration in the Revoe area, they would not deliver the intended aspirations or benefits of the proposed scheme. The development of the artificial pitches for example looks to bring forward additional funding and a development of the East Stand on the existing footprint would substantially compromise the Club's long term development plans, with a restriction and limitation on the stand's capacity and ancillary facilities.

5.0 Council priority:

5.1 The relevant Council priorities are both:

- "The Economy: Maximising growth and opportunity across Blackpool"
- "Communities: Creating stronger communities and increasing resilience"

6.0 Background information

6.1 In November 2019 the government launched its Towns Fund programme in order to address growth constraints, drive forward economic regeneration and level up communities. In line with requirements under the programme, Blackpool Council submitted Business Cases for 7 projects, including the delivery of the Revoe Community Sports Village scheme.

6.2 The details of the Town Deal programme have been well documented in previous Executive Reports (see list of background papers in paragraph 14.0).

6.3 On 2 March 2022 the Council received approval to the Business Case for the Revoe Community Sports Village project from the Department for Levelling-Up, Housing and Communities (DLUHC). This approval principally granted agreement to the investment of £6.54m of Towns Funds into the project, conditional upon the scheme being delivered.

6.4 The overall project was estimated within the Business Case to cost in the order of £24m. The majority of the scheme is to be funded via Blackpool Football Club, and Blackpool Council (via the Towns Fund).

6.5 Blackpool Football Club together with their appointed team of consultants have continued to work up the detailed proposals for their scheme over the previous 10 months. The masterplan proposal has been included within Appendix 8b. The proposals for the delivery of the scheme will be in two phases. Phase 1 will see the delivery of the new sports pitches to the north of Bloomfield Road stadium, which includes one full size artificial grass pitch, with a smaller 5-a-side artificial pitch, car parking and ancillary access paths. Phase 2 of the development will see the delivery of the new East Stand and associated public realm works. See Appendix 8c (Phasing Plan)

6.6 The sports pitches are to be located on an area of land which is owned either by Blackpool Council or Blackpool Football Club Stadium and Property Ltd. The area of the

land on which the Council hold the freehold title had previously been earmarked for Phase 4 of the Foxhall housing. This site has lain vacant since the housing developer (Hollinwood Homes) went into administration in 2019. The adjacent area of land is held under the ownership of Blackpool Football Club and is currently utilised as car parking for the Club's occupants.

- 6.7 Given that the property titles rest with either the Council or Blackpool Football Club and providing negotiations between the parties can be agreed, there should be no impediment to a successful land transaction to facilitate the delivery of the Phase 1 proposals.
- 6.8 A report relating to the appropriation of this particular area of land was approved at the Council's Executive on 5 December 2022 (EX53/2022)
- 6.9 Blackpool Football Club made a planning application for Phase 1 proposals on 1 November 2022 (planning Ref: 22/0859). The application was approved at Planning Committee on 24 January 2023.
- 6.10 It is anticipated that the planning application for Phase 2 (East Stand) will be submitted by Blackpool Football Club during spring 2023.
- 6.11 The Council is in support of the scheme being undertaken by Blackpool Football Club and have in principle committed to facilitating the assembly of the land required in order to deliver the project. The development proposals presented will see substantial redevelopment of an inner area of the town, which lies within one of the most deprived wards in the country (Index of Multiple Deprivation (IMD) 2019). The underlying benefits of the development will be the inclusion, promotion and enhancement of women's football, community engagement in health and wellbeing programmes based around sport, engagement of youth and community groups and the wider accessibility of facilities to schools in the local area and across the borough a number of which have very limited access to outdoor provision (namely Blackpool Football Club School, Revoo Academy and Blackpool Gateway Academy).
- 6.12 The land required to deliver Phase 2 of the proposed scheme is currently under the ownership of a variety of third parties, with a number of residential dwellings and businesses in occupation. There are in total 27 property interests in the land required. The Council currently hold no property interests in the land required, however the land to the rear of the properties on the west side of Henry Street and to the front is owned by the Council and maintained as adopted highway.
- 6.13 The Council (via its appointed agent) have been in correspondence with the owners of all 27 properties, with a number of offers to acquire properties being made to date. Discussions will continue to proceed on this basis, with every effort being made to obtain the required properties by negotiation with relevant owners where possible. Where all

lines of negotiation have been exhausted the Council may need to consider use of its statutory powers in order to acquire the land and property required to facilitate the delivery of the scheme in a timely manner.

6.14 **Compulsory Purchase Powers**

There are a range of powers which the Council can use to facilitate land assembly. In the circumstances it is considered that the powers under Section 226 of the Town and Country Planning Act 1990 would be the most appropriate. This allows the Council to acquire land which is 'suitable for and required in order to secure the carrying out of development, re-development or improvement' or is required for the 'proper planning of an area'.

The Council recognises that it would be premature at this stage to make a Compulsory Purchase Order whilst negotiations are continuing. Consequently, it is proposed that a further report be submitted to the Executive to authorise a Compulsory Purchase Order should the negotiations for the remaining interests not be concluded in a timely manner and upon the Council being satisfied that there is a compelling case in the public interest to do so and that the relevant requirements are met.

The Director of Communications and Regeneration accepts that the Executive will need to be satisfied that all reasonable attempts have been made to assemble the site through negotiation as compulsory purchase should only be used as a 'last resort'. The Council has been progressing voluntary acquisitions for some time and will continue to do so.

6.15 Does the information submitted include any exempt information? No

7.0 **List of Appendices:**

- 7.1 Appendix 8a: Land Assembly Plan
- Appendix 8b: Revue Sports Village Masterplan
- Appendix 8c: Phasing Plan

8.0 **Financial considerations:**

- 8.1 The funding for the project is outlined within the Business Case submitted to the Department for Levelling-Up, Housing and Communities in September 2021.
- 8.2 The Business Case illustrates that £6.54m from Town Deal Fund would be granted towards the delivery of the project, with the funds being allocated towards the provision of sports pitches, public realm, acquisition of properties and land remediation.
- 8.3 The final terms of each property /land acquisition will be subject to valuation and negotiation with individual property owners.

- 8.4 A copy of the Acquisitions Schedule was included in the original Town Deal Business Case which is exempt from publication. The assessment of costs provided within the Business Case were given as a best estimate at the time of writing and therefore allocations within the proposal are subject to change in accordance with future tender costs, market fluctuations and the negotiations with relevant property owners.
- 8.5 The Council is looking to acquire the assets in the short term before entering into a land transfer (long lease) or sale arrangement with Blackpool Football Club. There will be a period of time from the point properties are acquired to the completion of the land transfer. During this period, properties will be held by the Council on the vacant property register and there will be costs incurred in securing the properties and holding them prior to eventual demolition. The costs for holding and demolition are to be met from within the existing project budget.
- 8.6 In reviewing the legal arrangement for the transfer of land, the Council will need to consider the requirements of Subsidy Control Act 2022 and will need to consider the financial effects on the project budget. Under the new regime public sector organisations will need to make assessments of how subsidies comply with the relevant rules. Where a subsidy is present, the sources should be checked to establish whether the subsidy is prohibited or can be lawfully awarded, in many cases this will be subject to meeting particular conditions. Section 123 of the Local Government Act 1972 incorporates the concept that a council should dispose of most land interests for the best consideration that can reasonably be obtained and though this may equate to a market value, in subsidy control terms, it does not automatically do so. Where a land transaction, would under subsidy control, mean that a local authority is deemed to have given a subsidy to an economic actor then it will be necessary for that authority to undertake the subsidy control principles assessment, even if the transaction would be permitted under sections 123. Advice will be sought to determine if the proposed land transaction is likely to be viewed as a subsidy.

9.0 Legal considerations:

- 9.1 The Council will need to consider its obligations under Section 123 of the Local Government Act 1972, when considering the disposal of the land. Local authorities have certain fiduciary duties and before deciding to dispose of land at any undervalue, ought to consider whether this would be a prudent course of action. As the general principle is that a local authority ought to dispose of land at best consideration even where the purchaser is a voluntary sector organisation or charity, before taking a decision to dispose at an undervalue, a local authority ought to give consideration as to whether or not this would be prudent and in line with its fiduciary duties and financial circumstances.

Under the General Disposal Consent (England) 2003 local authorities can dispose of any interest in land held by them for less than the best consideration reasonably obtainable providing the undervalue does not exceed two million pounds, where the authority considers that this will help it to contribute to the promotion or improvement of the economic social or environmental well-being of its area. Generally it is expected that land should be sold for the best consideration reasonably obtainable. However, it is recognised that there may be circumstances where an authority considers it appropriate to dispose of land at an undervalue. Authorities should clearly not divest themselves of valuable public assets unless they are satisfied that the circumstances warrant such action. The Consent has been issued to give local authorities autonomy to carry out their statutory duties and functions, and to fulfil such other objectives as they consider to be necessary or desirable. However, when disposing of land at an undervalue, authorities must remain aware of the need to fulfil their fiduciary duty in a way which is accountable to local people.

9.2 The Council have taken initial legal advice from DWF LLP on the proposed scheme in relation to the transfer of the land and will be seeking further advice prior to the agreements being finalised.

9.3 A further report will be taken to the Executive in relation to seeking authority to make a Compulsory Purchase Order if the land required to assemble the site is unable to be acquired by means of negotiation with the relevant land and properties owners in a timely manner.

10.0 Risk management considerations:

10.1 As noted above, the financial provision for the acquisition of properties and land required for the development has been earmarked within the original budget plan. There is no additional funding being made available by the Council for the development.

10.2 Delivery of Phase 2 of the scheme requires the land to be assembled which is currently owned by multiple third parties. This phase cannot be delivered without the acquisition of all these interests. The Council will be responsible for the management of the properties until all assets have been acquired and demolished, and the land transfer agreement exchanged and completed with Blackpool Football Club.

10.3 At the time of the report the Planning application for Phase 2 of the development had not yet been received. The application for this element of the scheme will be made during Spring 2023.

11.0 Equalities considerations:

11.1 The Council is aware that a number of the residential dwellings are rented out by private landlords, it will therefore give consideration to the tenants of the properties throughout

the course of the negotiations. The Council has allocated a member of staff to assist with providing advice and guidance to tenants where required to support their relocation.

- 11.2 The envisaged outcomes of the development are outlined within the Business Case and include increased participation in sports and generally a focus on healthier lifestyles for residents within the local area who participate in the use of the facilities. Reduced physical and mental health illness, reduced obesity and increased life expectancy within the local population.

12.0 Sustainability, climate change and environmental considerations:

- 12.1 Part of the proposed scheme utilises a brownfield site within the established built-up inner area of Blackpool and provides a complimenting use to Blackpool FC and contributes to the sporting facilities of the area.
- 12.2 The project is directly supported by the Town Deal funding and it will therefore give consideration to the Council's Climate Change declaration, with sustainability and carbon reduction as core principles. A Sustainability Assessment will be undertaken as part of the scope of the project to support this agenda and review reasonable appropriate measures of sustainability that can incorporated into the development to reduce the overall carbon footprint.
- 12.3 Consideration relating to the sustainability, climate change and environmental have been noted within the planning application, for example; Reduced travel distances to existing sports provision. Provision for new electric vehicle charging points within car parking areas.
- 12.4 With specific regards to the land assembly, the main considerations given at this stage will relate to the methods for holding and demolishing properties once they have been acquired, for example demolition, waste disposal or reclamation of materials.

13.0 Internal/external consultation undertaken:

- 13.1 Within the Council there has been consultation undertaken within the Town Deal Board, Corporate Leadership Team, Growth and Prosperity Board, Finance and Legal Departments. In additional via the Town Deal process there has been consultation with the Department for Levelling-Up Housing and Communities.
- 13.2 There have been some consultation with residents in the immediate vicinity to the site in relation to works undertaken on land at the corner of Rigby Road and Central Drive, together with further correspondence being communicated to the properties that are required to be acquired to deliver Phase 2 elements of the scheme. Statutory consultation has also been undertaken as part of the Planning procedure.

13.3 Blackpool Revoelution Community Groups commissioned the initial 'Revitalising Revoe – a Community led Masterplan', which included aspirations for elements of the proposed.

14.0 Background papers:

- 14.1
- Revitalising Revoe Community Led Masterplan
 - Town Deal Heads of Terms report 16 November 2020 Executive (EX48/2020)
 - Town Deal report to Executive March 2021 (EX16/2021)
 - Town Deal report Executive December 2021 (EX63/2021)
 - Town Deal Board papers are available on the Town Deal section of the Council's website.
 - Proposed Appropriation Of Land On The South Side Of Rigby Road Blackpool 5th December 2022 (EX53/2022)

15.0 Key decision information:

- 15.1 Is this a key decision? Yes
- 15.2 If so, Forward Plan reference number: 1/2023
- 15.3 If a key decision, is the decision required in less than five days? No
- 15.4 If **yes**, please describe the reason for urgency:

16.0 Call-in information:

- 16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No
- 16.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

17.0 Scrutiny Committee Chairman (where appropriate):

Date informed: 17 February 2023 Date approved:

18.0 Declarations of interest (if applicable):

18.1

19.0 Summary of Discussion:

19.1

20.0 Executive decision:

20.1

21.0 Date of Decision:

21.1

22.0 Reason(s) for decision:

22.1

23.0 Date Decision published:

23.1

24.0 Alternative Options Considered and Rejected:

24.1

25.0 Executive Members in attendance:

25.1

26.0 Call-in:

26.1

27.0 Notes:

27.1