

<b>Subject:</b>	<b>Community Stadium – Park Wall Farm</b>		
<b>Date of Meeting:</b>	<b>9 June 2011</b>		
<b>Report of:</b>	<b>Strategic Director, Resources</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Angela Dymott</b>	<b>Tel: 291450</b>
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<b>Key Decision:</b>	<b>No</b>		
<b>Wards Affected:</b>	<b>Moulsecoomb &amp; Bevendean</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT**

- 1.1 This report makes recommendations for the disposal of land that was previously part of Park Wall Farm, for a car park adjacent to the stadium site. See Appendix 1 for site plan. This report is complemented by a report on part 2 of the Agenda.

**2. RECOMMENDATIONS**

- 2.1 That Cabinet agrees in principle the disposal to The Community Stadium Ltd of land that previously formed part of Park Wall Farm (shown on plan attached at Appendix 1) on long leasehold for 125 years and that agreement to the terms of the disposal be delegated to the Strategic Director Resources in consultation with the Cabinet Member for Finance and Central Services.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The existing planning consent for the stadium includes consent for the provision of a car park on land which was previously let as part of a farm tenancy known as Park Wall Farm. The car park is for 119 spaces and would provide parking on match days for Club Directors, senior staff, players and people with disabilities. On the other days the stadium can use the land as negotiated and set out in the lease terms, for staff and visitors. There is no intention for there to be a charge for the use of the car parking spaces.
- 3.2 In January 2009 a report was presented to Cabinet setting out a recommendation to negotiate with The Community Stadium Ltd (“the club”) terms for a disposal of this site by way of a long leasehold interest. It was recognised that the site had a value and Cabinet agreed in principle to the disposal and that the terms of the disposal be delegated to the Director of Environment (advised by the Director of Finance and Resources and the Assistant Director Property and Design) in consultation with the Cabinet Member for Enterprise, Employment and Major Projects. Given the effluxion of time since that Cabinet decision and the change

in Leadership it is considered pertinent to revisit the decision now that terms of the transaction have been agreed with the club.

- 3.3 In October 2009 the council took a surrender of this land from the farmer's tenancy.
- 3.4 Following completion of the surrender of the land the club were granted a licence to complete the majority of the construction works of the car park. In addition, during this time, the council also granted a temporary licence to Network Rail for their use of the land whilst they were completing repair works to the adjacent railway embankment. The licence to the club will come to an end when the lease is entered into.
- 3.5 Terms have now been agreed for the transfer of a long leasehold interest in the site to the club, to be co-terminus with their lease of the Amex Community Stadium site. The council's agents, Cluttons, have advised that the proposed premium equates to the open market value of the Park Wall Farm land, thus ensuring that the requirements of the s123 Local Government Act 1972 regarding best consideration are satisfied in respect of this transaction based on 119 car parking spaces.

#### **4. CONSULTATION**

- 4.1 The terms of the transaction have been agreed in consultation with colleagues in legal and finance. The council's managing agents have advised on the terms of the deal and have provided valuation advice. The previous Leader of the Council was advised of progress made periodically as part of the community stadium briefings.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The negotiated fee for the disposal plus any reimbursement of costs will be used to support the corporate Strategic Investment Fund.

*Finance Officer consulted: Rob Allen*

*Date: 13/05/11*

##### Legal Implications:

- 5.2 The legal implications are addressed in the main body of the report, including 3.5.

*Lawyer Consulted: Bob Bruce*

*Date: 10/05/11*

##### Equalities Implications:

- 5.3 In accordance with the planning permission granted the site will in part provide parking facilities for disabled visitors to the stadium.

##### Sustainability Implications:

- 5.4 When considering the sustainability implications, the recommendation of this

report can not be considered in isolation as the site forms part of the Amex Community Stadium development and provides the only match day on site car park. The Travel Management Plan for the community stadium is currently being considered and it is understood that the stadium is promoting sustainable transport methods with a high proportion of visitors to the site choosing to travel by sustainable transport methods. Air quality implications will be taken into account in the Travel Management Plan.

Crime & Disorder Implications:

- 5.5 There are no direct crime and disorder implications arising from this report.

Risk & Opportunity Management Implications:

- 5.6 There is minimal risk to the council. Should the long leasehold interest on the car park land fail to be granted the club will be requested to reinstate the car park land as required under the licence granted.

Corporate / Citywide Implications:

- 5.7 The sale of this long leasehold interest of this site is in accordance with the council's priorities to identify and dispose of underused sites and is in the spirit of the council's supportive role for the development of a community Stadium by the club.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 Given the previous Cabinet decision (15 January 2009), the planning permission granted, the construction works completed by the club and the limited access to the land by any other party it would be impractical to consider alternative options at this stage.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The existing planning consent for the stadium includes consent for the provision of a car park on the subject land to provide spaces (119no) on match days for Club Directors, senior staff, players and people with disabilities.
- 7.2 In January 2009 Cabinet agreed to a disposal of this site by way of a long leasehold interest to support the club's endeavours whilst achieving a capital receipt for the council reflective of the land's value. Those terms have now been agreed.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Plan identifying car park land and Park Wall Farm Cottages

### **Documents in Members' Rooms**

None

### **Background Documents**

1. Cabinet Report dated 15 January 2009 titled Community Stadium