

***Please note Part 2 report is now confidential appendix.***

## **London Borough of Enfield**

### **Portfolio Report**

**Date:** 30 September 2021

**Report of:** Mark Bradbury – Director of Property & Economy

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**Subject:** Leasing of Whitewebbs Park Golf Course

**Cabinet Member:** Cllr Caliskan – Leader of the Council

**Executive Director:** Sarah Cary - Place

**Ward:** Chase

**Key Decision:** KD5177

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### **Purpose of Report**

1. This report details the marketing and evaluation process for the leasing of Whitewebbs Park and Golf Course (WPGC) and proposes the approval of an Agreement for Lease to the preferred bidder Tottenham Hotspur Ltd (THL) and subject to planning, grant of Lease.

### **Proposal**

2. To approve entering into an Agreement for Lease based on the heads of terms attached to the Confidential Appendix and subject to planning permission for the proposed use, the granting of a 25-year Lease for the area shown edged blue on the attached plan to THL.
3. To delegate authority to the Director of Property & Economy in consultation with the Director of Legal and Governance to make minor amendments to the heads of terms and to finalise the Agreement for Lease, Lease and associated documents, including such variations that may be necessary to cover existing third party rights affecting the site.
4. Note that all agreements to be entered into as contemplated by this report are to be approved in advance of commencement by Legal Services on behalf of the Director of Law and Governance.

### **Reasons for Proposals**

5. Following an extensive two stage marketing process THL's submission achieved the highest evaluation score. The bid was underpinned by a

masterplan which set out how the Council's objectives as set out during the marketing process would be achieved across the WPGC site.

6. The proposal would see part of the leased site used as a football academy and it is proposed that the remainder of the golf course area would be transformed to parkland with enhanced open access provided to all park users.
7. The proposal excludes the majority of Whitewebbs Wood and part of the golf course to the south of the woods. These areas will not be included in the leased area and will continue to be managed by the Council.
8. The following is a summary of the proposed improvement works to be carried out under the terms of the lease:
  - Creation of an Academy for Women's and Girls' Football;
  - Refurbishment and extension of the Northern Clubhouse to create an education centre for Women's and Girls' Football;
  - Reinstatement of parkland on the southern part of the golf course:
  - Tree surveys, habitat survey, hydrological survey and woodland management survey;
  - Improvements to Southern Clubhouse and car park to incorporate a new visitor centre, café and WCs and improved public car parking;
  - Expansion of a THFC Turf Academy, training the next generation of ground staff and greenkeepers in conjunction with other leading sports venues;
9. The proposal bid also outlined the provision of grassroots and community football coaching and other community engagement.
10. In addition to a rental income, the proposal will see an initial capital receipt or premium to the Council to facilitate investment in improving footpaths and bridleways in Whitewebbs Woods and around the site.
11. There will also be a commitment by the Council to invest in grass roots football in more deprived areas of the borough.
12. A lease will not be entered into unless and until planning consent is granted for the proposals, with works to be completed in accordance with planning permission and building regulations consent.

### **Summary**

13. The detailed bid submitted by THL achieved the highest evaluation score, and will deliver an initial capital sum and an annual rental income for the Authority from year 5 onwards which represents best consideration reasonably obtainable
14. The THL proposal clearly understood and detailed how each use supported the Councils vision for WPGC.

### **Relevance to the Council's Corporate Plan**

*Good homes in well-connected neighbourhoods*

15. The granting of the proposed lease for WPGC will support well-connected neighbourhoods within Enfield, by creating a site with wider recreational and leisure activities, improved facilities and increased accessible parkland. No homes will be built through this lease and investment into WPGC.

*Sustain strong and healthy communities*

16. The proposed investment in WPGC, will create improved recreational and leisure facilities within the borough, with significant ecological enhancement within the park. It is anticipated that this will create a safe and enjoyable meeting point for adults and children, whilst providing all year-round leisure activities in the local neighbourhood and increase the footfall across the sites.

*Build our local economy to create a thriving place*

17. The award of the lease will generate a capital sum for investment in the park, create a lease income, and potentially create a boost to the local economy and local employment.

**Background**

18. WPGC is located at the northern border of Enfield and is a 241 acres site, including the site of the former 18-hole golf course. The golf course was closed in March 2021. The site has two basic club houses, (one of which is considered dilapidated) and a mobile catering concession. The property's location in the Green Belt provides significant protection against inappropriate development.
19. In addition to the golf course WPGC includes Whitewebbs Woods and areas of parkland. Whitewebbs Woods is deemed ancient woodland and is classed as a Site of Metropolitan Importance for Nature Conservation.
20. For many years WPGC was run at a cost to the Authority. During this time, significant measures were taken to improve the online profile and accessibility for the golf course and new marketing campaigns have been undertaken. Despite these measures, the number of rounds of golf played and annual income fell over time. In January 2021, the golf course was closed due to the Covid-19 pandemic. In March 2021, Portfolio Decision KD5177 - PL 20.087 P was taken for the golf course to close permanently with immediate effect.
21. Whitewebbs House is located within the grounds of the WPGC site and is not affected by this proposal. Whitewebbs House is leased to Whitbread PLC (since assigned to Mitchells & Butler Retail Ltd) and operates as a Toby Carvery. The site is leased for 99 years from 29 September 1997.
22. Also located within the grounds, is a residential property known as The Limes, as well as an electricity substation. The house is privately owned but part of the grounds are subject to a lease from the Council. The substation is subject to a lease. Neither is affected by this proposal.

23. As a result of a condition in the lease of Whitewebbs House, there is a restriction on the selling of alcohol, food and drink across the majority of the remainder of the WPGC site.

### **Marketing of WPGC**

24. In March 2019, Portfolio Decision KD4849, gave authority for the marketing of WPGC, taking a flexible approach in order achieve a sustainable future that optimised delivery of the Council's Corporate Objectives.
25. On 11 April 2019, the Overview & Scrutiny Committee agreed to confirm the Portfolio decision. Knight Frank were appointed as agents to market the property on behalf of the Council.
26. The marketing was split into two phases. Phase 1 was open to any party to submit an expression of interest (EOI). Phase 1 ran from 2 August 2019 to 31 October 2019. Bidders were required to submit their EOI proposals, based on a 25-year lease, providing details of the proposed use and how it supported the Council's outlined vision. Interested parties were provided the option to include the entirety of the WPGC site in their bids, or specific parts of the site.
27. Prior to the marketing of Whitewebbs Park, the Council engaged directly with stakeholders of the park, to inform them of the Councils plans to market the site and to engage them in setting the marketing criteria. The stakeholders engaged by the Authority at that stage were:
- Ward Councillors
  - The Friends of Whitewebbs Park
  - The Friends of Hilly Fields
  - The Greenbelt Forum
  - Whitewebbs Golf Club
  - Whitewebbs Golf Course Users
28. Council officers prepared a vision document which outlined the Authority's objectives for the leasing of the site which was included in the marketing material. Stakeholders helped officers develop the stated ambitions and the scoring criteria for the bid assessment. The following were the key criteria: -
- *Retention or enhancement of public access* - There are a number of footpaths and permissive footpaths running through the property, mostly through the woodland area. LB Enfield (LBE) is seeking a proposal that will, at a minimum, retain this level of public access. The maintenance of these permissive paths will be the responsibility of the tenant.
  - *Maintenance of woodland and open areas* - The existing woodland, and golf course, provides an important habitat and open space for wildlife and local residents. Applicants are asked to demonstrate how these areas will be maintained, and potentially enhanced, to improve

biodiversity through further planting or more active management of the wood and grassland areas included within any proposal.

- *Range of activities* - There are already a range of existing leisure uses at the property, predominantly with the pay and play golf course. LBE is seeking a tenant who provides a business plan that incorporates a range of activities. Some potential activities suggested by the local community are included later in this documentation. Within the leisure proposals, LBE require applicants to demonstrate how the proposed activities will be open to a range of users.
- *Provision of refreshments and welfare facilities* - At present there is a mobile café serving refreshments at the southern clubhouse. In addition, there are some welfare facilities at the northern clubhouse. All submissions must demonstrate how the availability of refreshments and welfare facilities will be provided to visitors to the park and golf course.
- *Community Engagement* - LBE wishes to see continuing positive community engagement between local stakeholders and community groups and new tenants. All submissions should describe their approach to local community engagement.

29. By 31 October 2019, 18 EOIs were registered with the Council's agents, Knight Frank.

30. Following the receipt of the EOIs, independent planning advice was sought by LBE for each proposed use.

31. Before launching the Phase 2, the marketing information and requirements for bidders were enhanced, based on the proposed planning use appraisal and taking into account stakeholder and public feedback. In Phase 2 bidders were required to demonstrate how the following updated objectives would be met within their bid submission:

- *Enhancement of Public Access* - LBE is seeking a proposal that will enhance the existing level of public access and maintain all current public rights of way going forward.
- *Community Engagement* - all bids should detail how the proposed tenant proposes to engage with the community and stakeholders. LBE wish the applicant to provide a comprehensive communication plan which, as a minimum, should include details of using social media and a website to provide details of their plans for Whitewebbs and provide updates (in partnership with LBE). The new tenant will be required to provide digital and traditional platforms for engagement with the local community that allows for feedback.
- *Maintenance of Woodland & Open Areas* - the property provides an important habitat and open space for wildlife and local residents. Applicants must explain how these areas will be enhanced and

managed in their proposals, detailing clearly where there will be improvements.

- *Range of Activities* - the acceptable proposed use must be outdoor leisure or sport led. Proposals with no element of outdoor leisure use will not be considered.
- *Provision of Refreshments and Welfare Facilities* - all submissions must include provision of refreshment and welfare facilities to all users of the park, not just users of the proposal.

32. Phase 2 of the marketing of WPGC launched on 19 December 2019 and was limited to those parties that had previously registered an EOI. Bidders were notified of five qualifying bid requirements, as follows: -

- Maximum lease term of 25 years, to be contracted out of Sections 24-28 of Landlord & Tenant Act 1954 and therefore giving no automatic right to renewal;
- The acceptable proposed use must be outdoor leisure or sport led. Proposals with no element of leisure use would not be considered;
- All bidders were required to submit a pre-application planning advice request by 27 January 2020, the outcome of the pre-app advice will form a key part of the evaluation;
- Any bids that included importation of material for landscaping were required to demonstrate that the importation was essential for a viable leisure/sport led business following completion of the importation;
- The preferred bidder(s) would be required to engage with the public once selected and bids must provide a comprehensive communication plan.

33. Bidders were notified that all qualifying bids were to be submitted by 2 March 2020 and would be evaluated by a panel of appropriately qualified council officers, using a predetermined scoring matrix. The scoring matrix set out the five following scoring categories and score weightings:

- Meeting the Council's Objectives – 30%
- Pre-application Planning Advice – 10%
- The applicant's experience in comparable leisure uses – 10%
- The Applicant's Financial Standing and Business Plan – 15%
- Rent/Premium Offered – 35%

34. 6 compliant submissions were received and were put forward for assessment and scoring. The following is a summary of the submitted compliant bids:

<b>Bidder</b>	<b>Proposed Use</b>
Bidder A	<i>Use of Whitewebbs for rewilding, educational, livestock and community use</i>
Bidder B	<i>Redesigned golf course including substantial imported material for landscaping, alongside other leisure uses both paid for and free of</i>

	<i>charge - including dog agility, community hub, drone flying, fishing, team activity events</i>
Bidder C	<i>Modern driving range with large Food and Drinks offering, plus an adventure golf course, reduced golf course with substantial imported material for landscaping</i>
THL	<i>Use of part of the golf course for football pitches for women's football; rewilding and return of part of the site to parkland plus development of a community hub including café and welfare provisions.</i>
Bidder E	<i>Wildlife visitor and educational centre and rewilding of Whitewebbs</i>
Bidder F	<i>Development of a sizeable events venue, reconfigured golf course and community park.</i>

## Bid Evaluations

35. Bid assessment and scoring was undertaken on 16 March 2020. The process was observed by an officer from Legal Services to ensure the process was correct and compliant. The evaluation panel was made up of Officers from the following departments from across the Council together with a Senior representative from Knight Frank: -

- Strategic Property Services,
- Commercial Services,
- Planning Services,
- Finance,
- Sports & Leisure,
- Parks,
- Watercourses,

36. The following table provides a summary of the total scoring for the final bids:

Bidder	Leisure Experience (10%)	Rental Offer (35%)	Business Plan & Financial Standing (15%)	Pre-App Planning Advice (10%)	Meeting Councils Objectives (30%)	Final Score
Bidder A	7.5	0	7.5	10	22.5	47.5
Bidder B	2.5	17.5	7.5	5	15	47.5
Bidder C	2.5	35	3.75	2.5	7.5	51.25
THL	10	14	11.25	7.5	22.5	65.25
Bidder E	10	6.713	7.5	2.5	22.5	49.213
Bidder F	2.5	16.8	3.75	2.5	7.5	33.05

## COVID 19

37. Shortly after the bid evaluation the Global economy was affected by the Covid 19 pandemic. All bidders were contacted by Knight Frank on 27 March 2020,

providing 14 days to bidders to notify Knight Frank of any required revisions to submitted bids. On 10 April, Knight Frank confirmed to the council that Bidder E's bid had been withdrawn, but no other bids had been withdrawn or revised.

38. The marketing process was then put on hold whilst the Council prioritised its response to the pandemic

### THL'S Proposal

39. THL's proposal details 4 different zones within the park as follows: -

## LOCATION

The Club is proposing to take a lease on part of the site (edged blue), with Whitewebbs Wood being retained in Council control and unchanged (edged red). Subject to further consultation and planning, the proposals include:

1. Ecological and recreational value of Whitewebbs Wood enhanced through public access and landscape improvements
2. Restoration of areas of historic parkland on site of former golf course.
3. Ecological and landscape improvements around Cuffley Brook
4. New Women & Girls' Football Academy centred on Northern Clubhouse and with playing pitches set out amongst ecological and landscape improvements
5. Ecological and landscape improvements to the northern boundary to provide a link into Dickenson's Meadow and the existing Training Centre beyond
6. Redevelopment of Southern Clubhouse to provide new food & beverage/visitor facilities amongst ecological and landscape improvements



### Area 1

The majority of Whitewebbs Wood (and the area of the golf course to the south of the woods see area 3) will not be included within the lease area and to a large degree, this area will remain as it is.

The Council's focus would be on enhancing the ecological, accessibility and recreational value of these 50 Ha, albeit with continuation of less intrusive recreational activities, such as walking, running, cycling and horse riding.

The area will continue to be managed by the Local Authority, who will undertake infrastructure improvements, funded from a capital premium from the lease agreement. The schedule of improvements is to be finalised following surveys and further discussion with the planning authority but could include the following works:

- Bridleway and footpath improvements
- Boundary and knee rail installation and improvements
- Interpretation boards and signage
- Improved DDA Access



- More seating and bin installation
- Natural flood management by way of native tree planting
- CCTV at entry points

#### *Area 2*

Much of the remaining area of the former golf course would be largely returned to parkland, based on the 19th century layout. This area will be included within the lease but will be fully accessible by the public. Inclusion within the lease allows the works to be carried out by THL at their cost and for the park to be maintained by THL during the 25 year term of the lease.

#### *Area 3*

Would see an enhanced riparian (waterside) landscape around Cuffley Brook, providing a valuable ecological link to the south of Whitewebbs Wood. This area is excluded from the proposed lease and will be retained and maintained by the Council with open public access.

#### *Area 4*

THL propose five to six natural (grass) pitches and two artificial pitches. These would be located at the northern end of the golf course site. Each pitch would be surrounded by biodiverse wildflower meadows and enhanced by extensive tree planting. Pitches would be used for women and girls' football. The use will include the provision of grassroots and community coaching details of which will be set out in the agreement for lease and lease.

The Northern Clubhouse would be retained, renovated and extended to provide built accommodation for the proposed football academy for women and girls.

In addition to providing use specifically for female grassroots and community football development through the Club's charitable Foundation and Global Coaching teams, the facility will also enable the Club to enhance its offer to schools more generally using classroom space and access to elite pitches.

This area is to be included in the proposed lease to THL.

#### *Area 5*

At the northern end of the site it is proposed to link Whitewebbs Wood with the proposed new nature reserve at Dickenson's Meadow to the east via an enhanced wildlife corridor.

This area is to be included in the proposed lease to THL.

#### *Area 6*

The Southern Clubhouse would be converted or redeveloped into an upgraded café and visitor centre with toilet facilities with the adjacent car parking improved and retained for public use.

This area is to be included in the proposed lease to THL

### *Private Dwelling*

There is a privately-owned dwelling to the north of the golf course within WPGC. This is not subject to these proposals.

### *Whitewebbs House*

As set out above Whitewebbs House is the subject of an existing lease, is not subject to these proposals and will continue to be operated as a carvery.

### *Substation*

The substation is subject to an existing lease and is not subject to these proposals.

40. THL detailed their experience of operating within the leisure & sports industry for 138 years. It was noted by the evaluating panel that they were extremely experienced in operating a public facing facility, through their football stadium in Haringey, which includes pitch maintenance and facilitating public visitors and customer experiences.
41. As part of the bidder assessments, credit checks were undertaken for all bidders. The Equifax analysis report for THL confirmed their strong financial standing. A further credit check of THL was undertaken in November 2020, which confirmed that analysis of their financial position remains unchanged.
42. As part of the submission requirements, THL obtained pre- planning advice from the Local Planning Authority. Although it was noted that further detail would be required for a full assessment, the initial feedback was favourable.
43. THL proposals demonstrated a clear understanding of the Council's objectives for WPGC including a developed plan for how each of the five objectives would be delivered. The following is a summary of the submitted responses for each objective:

#### *A. Enhanced Public Access*

The former golf course was only accessible to golfers on payment of a membership fee or pay and play green fees. There was no public right of access to the majority of the course with access only via the public rights of way or permissive paths.

THL's bid proposes to replace the golf course at WPGC with a football academy to the north and the creation of additional open parkland to the south.

The proposed change of use of part of the golf course to parkland will create an additional 20 hectares of usable green and open space for all

members of the public. It is proposed that this area will be laid out in a way that reflects the 19<sup>th</sup> century layout but unlike that time when it was part of a private estate this will be open and freely accessible to the public. The cost of landscaping and ongoing maintenance will sit with THL.

In addition to an annual rental, a premium will be paid which will finance improvements to be made to the infrastructure of the park area, outside of the proposed lease area, which will improve access and accessibility.

### *B. Community Engagement*

A detailed community engagement and communications programme was submitted, including both digital and traditional communications. THL committed that: -

If selected to take on the lease, through the planning process, maintain an open dialogue with stakeholders through planning, construction and throughout operation of the new facilities.

### *C. Maintenance of Woodland & Open Areas*

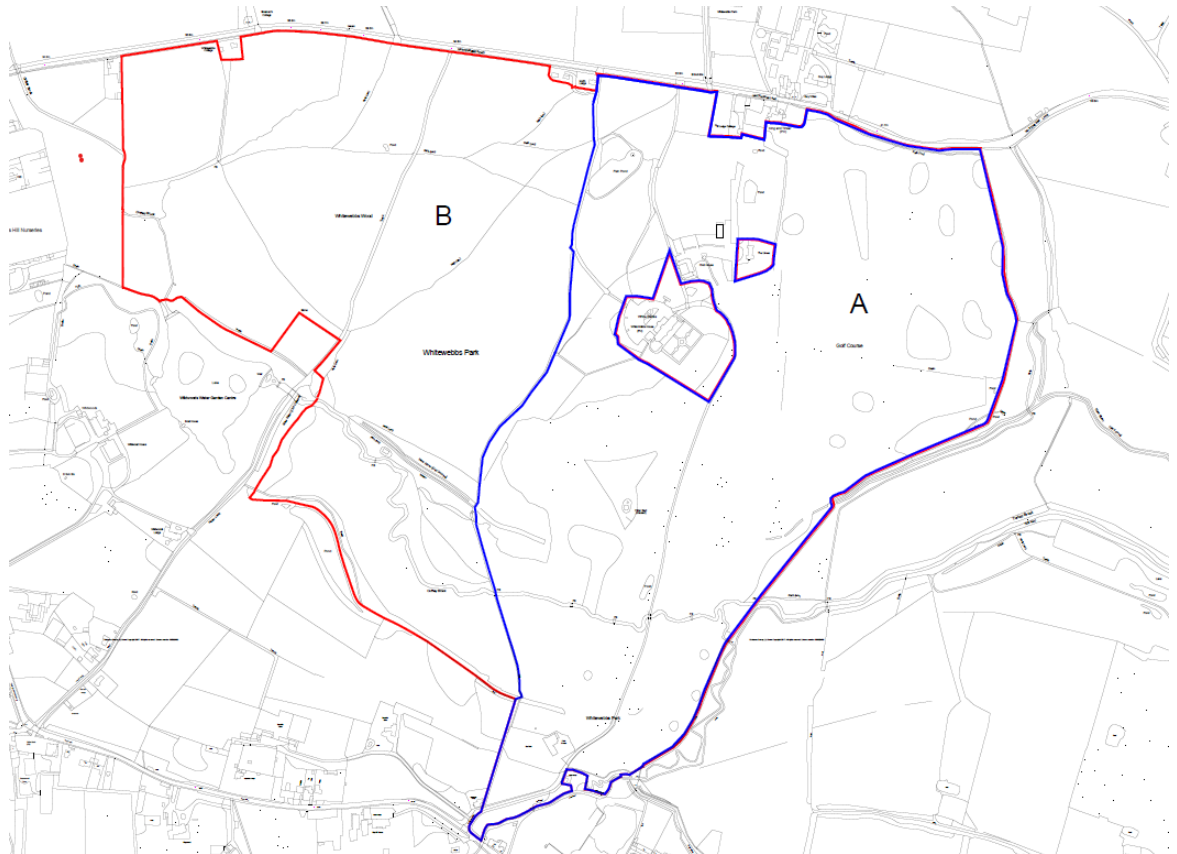
Exclusion of the woods from the lease but with investment in improvements to paths and bridleways through the provision of a capital sum from the lease will ensure that these areas remain open and accessible to the public.

The proposal includes a scheme of re-wilding including tree planting of an area of circa 11.13 hectares of the riparian (waterside) habitat around Cuffley Brook.

This area will be outside of the leased area and will be maintained by Enfield Council.

The landscape proposals for the new parkland to be created across the southern portion of the golf course include new native specimen tree planting within park locations and expansive hay meadow creation, maintaining a network of mown paths to provide a series of walks through the parkland. As stated above this area will be maintained by THL but open to the public.

The proposed lease boundary is outlined in blue on the plan below: -



The proposed lease boundary includes the access roads at the north and south of the site. The intention is for the access road at the north of the site to be maintained by THL with access for the Council, the public, Whitewebbs House, the Limes and users and invitees of Whitewebbs House and the Limes. The access road at the South will also be maintained by THL with access for the Council and Public.

#### *D. Range of Activities*

The submission confirmed that a variety of activities would be available to the public. These would include:

- Provision of grassroots and community coaching,
- Sporting competitions,
- Guided trails,
- Seasonal wildlife events,
- Children's events with potential links to local schools,
- Cycling with additional cycle tracks,
- Improved horse-riding provisions.

#### *E. Provision of Refreshments and Welfare Facilities*

THL's bid included the enhancement of public welfare facilities by developing the Southern Clubhouse to include an enlarged café offer, improved public toilets and a visitor centre together with improvements to public car parking.

44. Following the announcement of THL as the highest scoring bidder on 8<sup>th</sup> June 2021, the Council has provided Stakeholders with details of the proposals and invited them to comment by mid July. It has published details on its website and allowed time for stakeholders and the public to respond before making this decision.

45. The following stakeholders have responded: -

Herts Wildlife Trust

Have asked that when a planning application is submitted they will expect the proposal to deliver a biodiversity net gain.

Friends of Whitewebbs Park

Have arranged a public event and supplied a letter to the council stated to have been signed by 164 people opposing the bid, setting out concerns that they have not been properly consulted with; expressing concern that the park will become a private estate and requesting further consultation with stakeholders to inform an alternative proposal for the park.

Other correspondence

The CPRE have written expressing a number of concerns around the use of the land and compliance with Green Belt and Planning policy. These will be addressed through the planning process.

Around 30 people have written individually expressing concerns regarding the proposal. These concerns raised are either addressed in this report or will be addressed in pre planning application consultation and through the planning process.

### **Petition**

46. In December 2019, a petition titled 'Whitewebbs Park' was lodged with the Authority. The petition ran on the Enfield Council website from 20 December 2019 until 31 January 2020. The petition stated:

We the undersigned petition the Council to

1. Call upon the Council to avoid any measures or developments that will in any way restrict the citizens of Enfield from freely enjoying full access to the woodlands, amenities, current physical activities, golf and the open spaces of Whitewebbs Park.

2. Ask that the Council restrict developments and landholding in the park to those that will maintain full use of the park by ordinary citizens and to those that will not damage or radically change the atmosphere, usage and environment of the park.

3. Ask that no development will be permitted that will have an adverse effect on the climate and air quality of Enfield through construction work and traffic generation.
4. Ask that nothing be done that will adversely affect the ancient woodland and biodiversity of the whole park.
5. Ask that there be full public consultation with all interested park users before any proposals are agreed and implemented
47. At the closure of the electronic petition, on 31 January 2020, 3,464 people had signed the petition. It was presented to Council for consideration on 26 February 2020 and Council referred the petition was referred to the Councils Executive Director for Place for consideration.
48. The following responses to the petition are provided in relation to the preferred bidder:
49. THL's proposal will offer a wider and more inclusive benefit to the local community, in line with planning policies and that met with the Council's visions for the site.
50. THL's proposal includes increased and improved access across the park, an additional 3km of bridle and cycle ways, and an increased area of open access by reverting part of the golf course to parkland. The submission also included an improved café and welfare facilities, maintenance of green spaces and woodland, improvement of biodiversity within the park and an extensive community engagement and communications programme.
51. The Council's aim in leasing Whitewebbs Park Golf Course is for the park to be used in a way that benefits the wider local community.
52. In response to feedback from residents, the requirements were strengthened for the second marketing stage, to ensure public access and facilities would be enhanced and the valued green space and woodland at Whitewebbs protected via both the bid evaluation and planning process.
53. THL's submission sets out significant improvements to the facilities for park users. The proposals will see the publicly accessible park area extended and returned to historic parkland. Most of the woodlands and an area to the south of the woods will be excluded from the lease and maintained by the Council with investment in improved access, rewilding and increased biodiversity. As part of the proposals, community access to sports pitches will be provided and will be formalised with the lease agreement.
54. The submission sets out proposed improvements to existing public and permissive rights of way to improve public accessibility and enjoyment of an improved recreational facility.
55. Any development of WPGC will be subject to planning permission and will need to comply with national and local planning policies, which seek to protect green and open spaces. THL's planning applications will need to demonstrate

that the proposed scheme, including during any required construction phase, will not have an unacceptable environmental or ecological impact.

56. It is anticipated that the proposed investment in biodiversity at WPGC, along with the return of a significant part of the park to historic parkland, will assist in improving air quality and support the council's commitment to combat climate change. The landscape proposals include new native specimen tree planting within historic parkland locations and expansive meadow creation.
57. Whitewebbs Wood is classed as Ancient Woodland as well as a Site of Metropolitan Importance for Nature Conservation. This was noted within the marketing particulars.
58. Ancient woodlands require special consideration when they are affected by planning applications. The National Planning Policy Framework published in 2012 is the government policy document relating to planning decisions affecting ancient woodland. The importance of ancient woodlands as an irreplaceable habitat is set out in paragraph 118 of the NPPF, which states: 'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'
59. Within THL's proposal, Whitewebbs Wood would, to a large degree, remain as it is. It will largely be excluded from the lease and be managed by the Council. The focus would be on enhancing the ecological and recreational value of these 50 Ha, albeit with less obtrusive recreational activities, such as walking, cycling, horse riding.
60. THL's submission demonstrates significant investment to enhance the parks biodiversity. The following are included in their biodiversity proposals:
  - The creation of additional woodland meadow on restored historic parkland;
  - Wildflower habitat creation and long-term management would also be introduced to significant areas of the new sports pitch layout;
  - A restored historic landscape and naturalised landscape of great scenic and biodiversity value;
  - Riparian habitats will be bolstered by the introduction of scrub and grassland communities along the length of the waterway and broadleaved woodland planting
  - The potential establishment of a pioneering 60 hectare Habitat Bank
61. Before launching the Phase 2, the marketing information and requirements for bidders were enhanced, based on the proposed planning use appraisal and taking into account stakeholder and public feedback.
62. Prior to the preparation of this report the Council has announced THFC as its preferred bidder and provided anonymised details of the other bids received to the public and stakeholders and has allowed time for comments to be made and considered in advance of the decision making process.

63. As stated above, no lease will be entered into unless and until planning consent is granted. THL will carry out consultation prior to the submission of a planning application and the application will be subject to the statutory consultation process.

### **Main Considerations for the Council**

64. The decision to market WPGC was based on bringing an end to the ongoing annual cost of the site to the Council, whilst delivering defined objectives, that would improve the facilities and accessibility of the park for the local community. Whilst the decision to close the course has already been made it is appropriate that the Council now decided whether to proceed with the outcome of the marketing process.
65. THL's proposal will result in investment in the site and the ongoing maintenance of a significant area being met by the proposed tenant. In addition to an annual rent, the agreement of a lease will provide a capital payment for improvements to park infrastructure.
66. The proposed scheme includes enhancements across the park, creating an improved recreational offering for the local community. The proposal includes investment to improve park pathways and bridleways, increased cycle paths, increased parkland space, improved café and community facilities and coaching will be provided to the local community to sport pitches.
67. The proposed use of WPGC will also realise significant investment to enhance the parks biodiversity, which include native specimen tree planting and expansive hay meadow creation which will assist in improving local air quality and supporting actions to mitigate climate change.
68. Prior to their proposal submission, THL obtained pre- planning advice from the Local Planning Authority. Although it was noted that further detail would be required for a full assessment, the initial feedback from the Local Planning Authority was favourable in principle. In light of the benefits of the scheme, it is considered that the proposal and outcomes are achievable.
69. The marketing of the property was undertaken with guidance from both Legal and Property Services throughout the process, to ensure that it was compliant with both the council's Property Procedure Rules and its legal responsibilities.

### **Safeguarding Implications**

70. There are no major safeguarding implications arising from this report.

### **Public Health Implications**

71. The proposal includes increasing publicly accessible open space, the provision of community facilities and an investment in biodiversity and park infrastructure. The proposals will provide an increased and improved space for all park users, which will help narrow the gap of best and poorest physical and mental health, by providing increased exercise space, improved air quality, facilities for social connectedness.



72. The proposed improved café and community facilities will provide local residents and park users with a space which could better assist in strengthening community resilience to support health & wellbeing through better social connection.
73. The proposed improvements to park infrastructure, through improved bridleways, cycle tracks and paths, will better promote WPGC as a destination for exercise and active travel.

### **Equalities Impact of the Proposal**

74. Although the decision to enter into an Agreement to Lease to THL is not relevant to the Public Sector Equality Duty, the Council's objectives in defining the terms of the agreement will help the Council fulfil its duties under the Public Sector Equality Duty (s.149 of the Equality Act 2010), which are to:
  - Eliminate unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
  - Advance equality of opportunity between people who share a protected characteristic and those who do not,
  - Foster good relations between people who share a protected characteristic and those who do not
75. There is evidence that access to good quality green spaces has significant health benefits which include better self-rated health; lower body mass index, overweight and obesity levels; improved mental health and wellbeing; increased longevity. There is also evidence of unequal access to green space, with people living in the most deprived areas less likely to live near green spaces and therefore have fewer opportunities to experience the health benefits of green space compared with people living in less deprived areas. Increasing the use of good quality green space for all social groups is likely to improve health outcomes and reduce health inequalities. It can also bring other benefits such as greater community cohesion and reduced social isolation. (Public Health England: Local action on health inequalities: Improving access to green spaces)
76. Additionally, the proposed improvement works are likely to have a positive impact on the protected characteristic of sex, as it provides for the creation of a football academy for girls, thereby providing opportunities for girls and promoting the status of women's football.
77. An equalities impact assessment is attached to this report.
78. The equality impact assessment confirmed that the proposed use of WPGC will have a positive impact on the following protected characteristics:
  - Disability – The improvements to park infrastructure will provide an opportunity to improve park accessibility to all residents. At design stage, accessibility options should be considered, including wheelchair accessible paths and sensory elements for visually impaired.

- Race - Some of the most acute effects of deprivation are felt by black and minority ethnic communities living on a low income in urban areas. The poor quality of their local environment has a considerable impact on their health and wellbeing. Improving access to green spaces is likely to have a positive impact on the health and wellbeing on the grounds of race.
- Sex – The women’s football academy would be one of the first of its kind in the UK and would be inspirational facility for female participation in sport.

### **Environmental and Climate Change Considerations**

79. The proposed investment in biodiversity at WPGC, along with returning a significant part of the park to parkland, will assist in improving air quality and significantly supports the council’s effort to combat climate change. These proposals include new native specimen tree planting within the site, which will support the councils reforestation programme and provide natural flood relief.
80. In order for the proposed football academy to obtain planning permission, under current adopted planning policies an application will be expected to demonstrate that the proposal has a minimal environmental impact, in both construction and operational stages.

### **Risks that may arise if the proposed decision and related work is not taken**

81. Continued uncertainty regarding the future of the site will lead to continued speculation regarding its future. Alternative uses will need to be identified for the northern clubhouse otherwise it will fall into disrepair. Whilst the southern clubhouse remains subject to a lease there is no certainty that the lease will continue.
82. Not securing the proposed investment in upgrades to footpaths, bridleways and other public facilities could lead to reduced access and accessibility to the site.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

83. In order to implement their proposals, THL will require planning permission for the change of use of the WPGC site. Pre-application advice was obtained by THL, as per the submission requirements and the initial advice received was favourable. A lease will not be entered into until planning permission has been obtained to ensure the delivery of the proposals. A planning application will be expected to be submitted shortly after the decision to award is made by the Authority.
84. As previously experienced through the marketing exercise there may be misunderstanding regarding the future of the site. A detailed communications plan will be agreed between THL and the Council, to ensure the future plans for the site are accurately and widely publicised.

## **Financial Implications**

85. The proposal will deliver an initial premium of £500,000 followed by an annual rental from year 6 to 25 of £75,000 per annum. The rental will be reviewed every 5 years linked to the growth in the Consumer Price Index.
86. The Lease site will not include most of Whitewebbs Wood which will continue to be managed by the Council, and its operating costs are met from within existing resources (Parks Operations Services).

## **Legal Implications**

87. Section 1 of the Localism Act 2011 provides the Council with the power to do anything an individual may do, provided it is not prohibited by legislation and subject to public law principles. This is referred to as the "general power of competence". A local authority may exercise the general power of competence for its own purpose, for a commercial purpose and/or for the benefit of others.
88. In entering into property transactions, the Council must comply with the provisions of its Constitution, including but not limited to its Property Procedure Rules, which set out mandatory procedures regarding (amongst other things) the acquisition, management and disposal of property assets. In addition, Section 123(2) of the Local Government Act 1972 requires a Local Authority to secure the best consideration reasonably obtainable when it disposes of land except on a short tenancy, unless it has the benefit of an express or general consent of the Secretary of State. A short tenancy is defined as a lease of not more than 7 years or the assignment of a lease which at the date of the assignment has not more than 7 years unexpired of the term.
89. It is noted that a marketing exercise was undertaken and that THL's submission achieved the highest evaluation score and has been selected as the preferred bidder, representing best consideration reasonably obtainable.
90. The Council is required as a best value authority under section 3 of the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. It is considered that this duty is fulfilled by the proposals described in this report.
91. The WPGC site includes open space land. In accordance with s123(2A) of the Local Government Act 1972 the Council may not dispose of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.
92. There are various occupational arrangements affecting parts of the WPGC site with follow up needed, pursuant to the Landlord and Tenant Act 1954.
93. See Part 2.

94. Section 5 of the Green Belt (London and Home Counties) Act 1938 contains restrictions on disposal relating to green belt. The purchase of the WPGC site predates this enactment, (being 1 September 1931), therefore consent pursuant to the 1938 Act is not applicable.
95. The Council is required to act in accordance with the Public Sector Equality Duty under section 149 of the Equality Act 2010 and have due regard to this when carrying out its functions which includes making new decisions. The Council will have to ensure that it removes or mitigates any potential factors which may interfere with its Public Sector Equality duty. It is noted that an Equality impact Assessment has been conducted, which confirms that the proposed use of the Property will have a positive impact on protected characteristics.
96. See Part 2.
97. See Part 2.
98. See Part 2
99. The proposals set out in this report are within the Council's powers and duties. Advice from external Counsel has been taken throughout the marketing and decision making process.
100. All legal documents to be entered into in connection with the subject matter of this report must be approved in advance by Legal Services on behalf of the Director of Law and Governance.
101. See Part 2.
102. See Part 2

### **Workforce Implications**

103. Following the earlier decision to close the golf course there are no workforce implications of this proposal.

### **Property Implications**

104. This report has been co-authored by the Commercial team and Strategic Property Services team. Property implications are therefore embedded within the body of this report.

### **Procurement Implications**

105. The procurement of the Agreement to Lease is subject to the Property Procedure Rules and does not fall within the scope of the Contract Procedure Rules.

### **Other Options Considered**

106. Not to enter into a lease and to retain the whole site in Council management. Whilst this approach will potentially deliver wider access to the whole site it will not secure funding for investment in the creation and maintenance of new parkland or the upgrading of public rights of way. It will also not deliver investment in improved refreshment and welfare facilities or their maintenance over the term of the proposed lease.
107. There would be no investment in Women's and Girls Football either at elite or grassroots level.

## **Conclusions**

108. This report recommends that the Council enters into an agreement for lease with THL and subject to the grant of planning consent and the satisfaction of other conditions enters into a 25 year lease.

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Date of report

## **Appendices**

Confidential Part 2 report.

## **Background Papers**

The following documents have been relied on in the preparation of this report:

- Appendix 1: See Part 2 report
- Appendix 2 : Plan of the area proposed to be leased to THL shown edged blue
- Appendix 3: WPGC 2019 Marketing Particulars
- Appendix 4: See Part 2 report
- Appendix 5: Anonymised detailed final evaluation scoring and scoring notes
- Appendix 6: See Part 2 report
- Appendix 7: See Part 2 report
- Appendix 8: See Part 2 report
- Appendix 9: Equalities Impact Assessment