

CAMPBELL  
TICKELL

Friends of Wormwood Scrubs

Future options for the  
Linford Christie Stadium  
*Confidential final report*

August 2018

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## 1. EXECUTIVE SUMMARY

### Background

- 1.1 Friends of Wormwood Scrubs (FOWWS) commissioned Campbell Tickell to undertake an options appraisal for the Linford Christie Stadium (LCS). LCS is situated on Wormwood Scrubs Park ('the Scrubs'), the largest green open space in the London Borough of Hammersmith and Fulham and one of the largest areas of common land in London. It has been a designated area of open space since 1879.
- 1.2 This project has come about in response to interest from Queens Park Rangers Football Club (QPR) in developing a new stadium on the site of LCS. Also, the current grounds maintenance contract (with Idverde, formerly Quadron) comes to an end in March 2022, so there is potentially scope for a change of contractor. This has caused local groups to speculate about Council income and expenditure in the area and whether a choice exists for stewarding the resources to better answer their needs and interests.
- 1.3 FOWWS is a pressure group comprising local residents and users of the Scrubs, among whom are walkers, birdwatchers, runners, and sports enthusiasts. The group has a long history of campaigning to protect the integrity of the Scrubs.
- 1.4 The Scrubs space is managed by the Wormwood Scrubs Charitable Trust (the Trust), and the sole corporate trustee for the Trust is the London Borough of Hammersmith and Fulham – the management committee is delegated operational responsibilities but the decision-making body is the Council.
- 1.5 The stadium and surrounding pitches are currently used by a number of sports clubs, primarily Kensington Dragons Football Club (KDFC) and Thames Valley Harriers (an athletics club). It is widely acknowledged that the stadium is in a poor state of repair and would benefit from refurbishment; indeed there have been several attempts over the years to refurbish the stadium and consider how it could be developed.
- 1.6 FOWWS has commissioned this report to explore alternative options which would facilitate the refurbishment of LCS while protecting the natural habitat of the Scrubs and the interests of the current users, and respecting its designation as an area of open space.
- 1.7 We have not prepared a full cost analysis of the different options because it is has become clear during the course of this review that: a) there will be no disaggregation of the budget being spent on Scrubs upkeep and maintenance (the Council is likely to argue that it has an imperative to deliver best value for money); b) there is therefore no 'magic bullet' in terms of a significant sum of readily available income to transform LCS; and c) the question therefore is less about how to rebalance resources but rather about who the best possible investor in the site is likely to be.
- 1.8 LB Hammersmith and Fulham determines what can happen to the site and is currently conducting its own feasibility study. We have focused on providing a summary of what is known about the position of key stakeholders at the time of writing the report (March –

June 2018). We have tried as far as possible to provide an accurate, objective and balanced report of our findings. We have also set out what we see to be the range of possible interventions in the site, and have given consideration to which are likely to be the most satisfactory to the interested parties.

### Summary findings

- 1.9 LB Hammersmith and Fulham wants to improve the facilities and is currently undertaking a feasibility study of the options. However the Council is under severe financial pressures and any solution will need to be economically viable. A range of criteria will be taken into consideration as part of the decision-making and then the consultation process (including legal, economic benefit, practical feasibility, environmental impact, stakeholder views, fit with health and wellbeing policies etc.). It is unlikely that the chosen solution will fully satisfy all interested parties. FOWWS and KDFC can prepare to be flexible, look to influence and support the decision-makers where they can, and decide where they are willing to compromise. There will be an opportunity to positively influence plans during the consultation stage. With two members of the FOWWS attending the Trust board as observers, there is scope to influence the Trust's decision-making process in a constructive way.
- 1.10 The range of potential options for LCS that may have the most traction fall somewhere between a low-impact community-run facility with investment from funders (though the Council currently does not appear convinced of the benefits – if FOWWS and/or KDFC want to take promote this option they may need support to do so from an independent community advocate), and a third party contractor (whether that is a leisure operator or Imperial College or other) which would look to refurbish and manage the facility on a long-term basis, but which would offer assurance that it could become financially sustainable. (This latter option could be untenable for KDFC if the third party operator took first priority for popular times of the week.)
- 1.11 We believe that the next steps in this process should be about the Council convening a series of 2-3 joint meetings with local stakeholder groups to engage in some joint determination of how they are viewing the options along the spectrum, accepting that 'do nothing' and 'the QPR option' are out of the frame. The Council could set out its own position clearly, and work collaboratively with the local groups to set out a vision for LCS and a process to attain that vision, with some clear objectives framed by the local groups which need to be met by any party (whether a community company or other third party).
- 1.12 This kind of joint working might help to re-emphasise that there is a responsibility among all concerned to find some common points of convergence, and it is unlikely to be arrived at successfully through simply engaging one-to-one with each group. It might also underline that the Council's position is strengthened by working together with the local community. Finally, it might help to co-ordinate the diffuse efforts of various local stakeholders.

- 1.13 Any long term solution will be years in the making. In the interim, work needs to be done to improve the facilities. The Council carries out repairs and some current users have recently secured funds to renew aspects of the facilities.

## 2. METHODOLOGY

- 2.1 We were never issued a formal brief for this project; we fed back to FOWWC and KDFC what we understood to be the brief on the basis of an initial meeting with both parties. We have interpreted our work as examining a future option for LCS that best meets the interests of a wide range of stakeholders to improve usage of the facility, while protecting the uniqueness of the Scrubs.
- 2.2 Our work has comprised:
- 2.2.1 Review of available documentation (see Appendix 2)
  - 2.2.2 Interviews with FOWWS and other stakeholders (see Appendix 1)
  - 2.2.3 Consideration of, and application of judgment to, the options as we understand them.
- 2.3 It has not always been straightforward to access data and facts, rather than opinions. It is fair to say that the research has not followed a straightforward trajectory; sometimes we have found that we are in meetings that appear to be running concurrently with the clients seeking their own meetings. The positive aspect of this is that it demonstrates the indefatigable drive and commitment among the local stakeholders to secure something positive from the options; people are dogged in their pursuit of change. It may also, however, suggest that efforts could be better co-ordinated among local groups (but this is a truism perhaps for any communities looking to effect change).

## 3. CONTEXT AND STAKEHOLDERS

- 3.1 We set out here what we have learned about some of the different – and prominent – stakeholders in the area with potential interest of some kind in LCS, as well as our understanding of the broader context.

### **Wormwood Scrubs**

- 3.2 Wormwood Scrubs is a c.80-hectare (200-acre) area of open space which forms the largest green open space in the London Borough of Hammersmith and Fulham and one of the largest areas of common land in London. It has been a designated area of open space since 1879.
- 3.3 It provides local people and Londoners with the opportunities to have access to nature, sports pitches and space for recreation and relaxation. The Scrubs is managed by the Wormwood Scrubs Charitable Trust whose consent is needed to any enhancements to the space.

- 3.4 The Scrubs has various physical barriers which contain the space.
- 3.5 The Scrubs benefits from statutory protection and various designations which safeguard its continued existence as open space for recreation:
- The Wormwood Scrubs Act of 1879. The land was bought by the then War Office to obtain a large area of land usable for military training. Alongside military training, the land could be given over to "the perpetual use thereof by the inhabitants of the metropolis for exercise and recreation" (in effect meaning that the Scrubs is open to use by all Londoners). The Ministry of Defence continue to have rights of use for military training purposes. The Act gives rights and authority to the public, the Army and the Metropolitan Board of Works and its successors (now the Ministry of Defence and the London Borough of H&F). Changing the public's rights would require an Act of Parliament. (In 2005, the government made clear that the Act is still adhered to by all parties, and that the military does still use the area for training.)
  - The Commons Act 2006 ("An Act to make provision about common land and town or village greens; and for connected purposes")
  - Metropolitan Open Land (MOL) in the London Plan, which affords the Scrubs the same level of protection as Metropolitan Green Belt – in effect, it seeks to protect land from development.<sup>1</sup>

#### **Wormwood Scrubs Charitable Trust**

- 3.6 The Scrubs space is managed by the Wormwood Scrubs Charitable Trust (the Trust), and the sole corporate trustee for the Trust is the London Borough of Hammersmith and Fulham – the management committee is delegated operational responsibilities but the decision-making body is the Council.
- 3.7 The Trust's management committee comprises three Councillors and two co-opted members. At the beginning of this project the Councillors on the committee were Wesley Harcourt (Lab), Joe Carlebach (Con) and Elaine Chumnerly (Lab). Membership has changed since May 2018 – Wesley Harcourt continues to chair the committee, joined by Belinda Donovan (Con) and Alexandra Sanderson (Lab). The two co-optees were and continue to be Miriam Shea and Stephen Waley-Cohen (observers with no voting rights), who are also members of the Friends of Wormwood Scrubs.

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<sup>1</sup> To be designated as such it needs to meet one of the following criteria: a) it contributes to the physical structure of London by being clearly distinguishable from the built up area; b) it includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London; c) it contains features or landscapes (historic, recreational, biodiversity) of either national or metropolitan value; d) it forms part of a Green Chain or a link in the network of green infrastructure and meets one of the above criteria.

- 3.8 The Trust's charitable objective dates back to the 1879 Act, to hold the land in trust for the 'use by the inhabitants of the metropolis for exercise and recreation'.
- 3.9 The Trust contributes to the up-keep of an athletic stadium located on the Trust grounds, not as a cost apportionment exercise but in furtherance of the objectives of the Trust to support recreation. Linford Christie Stadium is managed by the Environmental Services Department of the Council.
- 3.10 In 2016/17 the Trust made a contribution of £31,500 (£31,500 in 2015/16) towards the running costs of the Linford Christie Stadium and other sports facilities on the Trust grounds, to promote the objectives of the Trust to support exercise and recreation (source: Wormwood Scrubs Charitable Trust Annual Report 2016-17).
- 3.11 There should be a confluence of interest between the Trust and the community group Friends of Wormwood Scrubs. Friends of Wormwood Scrubs is 'a community of people that enjoy, love and want to protect the green area of Wormwood Scrubs, West London'. The Friends see themselves as a pressure group which aims to 'constructively' counter threats to the integrity of the Scrubs. They see themselves as representing the spectrum of interests in the Scrubs – local residents, dog walkers, sports enthusiasts, bird-watchers etc.
- 3.12 Both parties are, at least in theory, seeking to:
- Retain an open space that is more wild than tamed
  - Conserve and enhance existing biodiversity (the Scrubs has a number of biodiversity designations)
  - Protect the Scrubs from any loss of land and protect its integrity
  - Safeguard 'heritage views' from the Scrubs
  - Continue to maintain the Scrubs for its use by the public for exercise and recreation
- 3.13 Friends of Wormwood Scrubs would like to encourage better use of Linford Christie Stadium, such as a better take-up from local schools and sports clubs (a forest school and ecology centre was mentioned) and by the local hospital.

#### **Linford Christie Stadium**

- 3.14 The Stadium is sited at Wormwood Scrubs and maintained by the Council (Hammersmith & Fulham).
- 3.15 It has the following facilities:
- A football pitch in the centre of the track
  - Four all-weather five-a-side pitches
  - All-weather 400-metre track
  - Two eight-lane 100-metre straights
  - athletic field areas, including long jump, triple jump, pole vault, high jump, shot put, discus and hammer
  - elevated spectator stand
  - one full sized all-weather pitch in poor condition

- male and female changing rooms with showers and toilets (no lockers)
  - separate Kensington Dragons changing rooms (funded in part by the Football Association)
  - Floodlit training facilities.
- 3.16 Some of the playing and changing facilities are in a poor state of repair. The facilities include an unused commercial kitchen, refreshment kiosk, bar and servery, and an adjacent community room suitable for 100 people which is used occasionally.
- 3.17 There is an illuminated cycle track which connects North Kensington to Old Oak, passing the perimeter of the Linford Christie Stadium, which is part of the expanding London Cycle Network.

#### **Queens Park Rangers Football Club**

- 3.18 The current home of Queens Park Rangers Football Club (QPR FC) is the Loftus Road Stadium in Shepherds Bush (South Africa Road, W12 7PJ), where the club has been situated since 1917. The stadium can hold up to 18,439 supporters. QPR FC would like to relocate to a different site in the borough to attain a larger stadium capacity. The arising proposition for Loftus Road Stadium is a change of use to allow residential property to be developed on the site.
- 3.19 QPR has made its interest in developing a new 30,000 seater stadium on the site of LCS public. QPR has met with the Council Leader and other councillors.
- 3.20 QPR has been granted permission to develop a training ground on Metropolitan Open Land in the London Borough of Ealing.<sup>2</sup>
- 3.21 It is said that the Council would like to keep three professional football clubs within the Borough.

#### **Kensington Dragons Football Club**

- 3.22 Kensington Dragons Football Club (KDFC) is a registered charity and a company limited by guarantee, founded in 2001. Its objects are:
- “to promote community participation of, primarily, children and young people regardless of race, sex, creed, financial means or social and economic circumstances in healthy recreation in particular by the provision of facilities for the playing of association football and other sports capable of improving health and to advance the education of children and young people so that they might grow to maturity as individuals, become responsible members of society and their conditions of life may be improved.”*
- 3.23 It has eight boys’ youth teams, one girls’ team and two senior teams. It also runs a training

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<sup>2</sup> <https://www.getwestlondon.co.uk/news/west-london-news/qpr-training-facility-hanwells-warren-12717803>

programme for players and coaches to attain accreditation in first aid, coaching and refereeing. It draws its service users from Hammersmith and Fulham, North Kensington and Brent South.

3.24 KDFC uses:

- the grass pitch in the centre of the Linford Christie Stadium running track on Saturdays and Sundays
- the all-weather pitches on week days
- the pitches on the open scrubs from time to time.

3.25 The KDFC priorities in respect of this project are to:

- secure a suitable Home Ground for the first team to progress in the National League System.<sup>3</sup> The first team is currently in Step 7, in the Premiership of the Middlesex County Football League, but the facilities at LCS do not meet the requirements of a Step 6 ground (which KDFC describes as modest)
- secure ongoing investment in and maintenance of the facilities at LCS, with a view to improved facilities attracting better use of the Stadium and thereby attracting better income generation, and an interest in KDFC being the lead partner in the refurbishment
- acquire a better management structure for LCS – the current management is seen to be ‘cumbersome and complex which leads to increased expense and reduced performance’<sup>4</sup>
- create motivational pathways for amateur players and increase participation rates in amateur football in the Borough
- collaborate with other interested groups to create an optimal environment for members of the public to engage in exercise and recreation
- take whatever steps are necessary to safeguard KDFC’s sustainability.

### Thames Valley Harriers

3.26 Thames Valley Harriers (TVH) is keen to improve the condition of the LCS and generate income. It would like to see:

- A new track surface
- a 4G pitch in the middle
- the indoor track reinstated to its proper length
- a side wall to the indoor track to protect it from weather
- a seating/standing viewing area
- a bigger gym, clubhouse and grandstand

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<sup>3</sup> This progresses from Step 7 to Step 1 which is the Conference, a league one below the Football League. The general principle is that clubs have to achieve the appropriate grade by March 31st of their first season after promotion. There is some overlap between grades but expectations are set in respect of the ground (e.g. capacity, car parking, pitch perimeter, playing area etc.), spectator facilities, dressing room facilities and medical treatment facilities.

<sup>4</sup> KDFC submission to Earth Regeneration to assist the feasibility study into LCS.

- more toilets.

3.27 In September 2015, the London Borough of Hammersmith and Fulham and Thames Valley Harriers, represented by Tim Dye and Steven Kaye, appointed the team led by AFLS&P acting as architect and Watts acting as cost consultant, to undertake a feasibility study for the development of Linford Christie Stadium. Proposals for a joint athletics and tennis centre were drawn up, but we have not seen costings.

#### **Wormwood Scrubs Pony Centre**

3.28 The Pony Centre has been operating on Wormwood Scrubs for thirty years and provides riding lessons for children with disabilities. It is directly adjacent to the Linford Christie Stadium and would be adversely affected by any major development of the stadium, both during the building work and with the increase in footfall. The Pony Centre is seriously concerned that any major development would force them to close, as it would disturb the horses and their clients, and they would not be able to continue to operate.

#### **Other groups which use the Scrubs**

- London Junior Baseball League
- Fulham Irish GAA
- Tackle Africa Football Tournament
- Race for Life event
- Old Oak community day
- British Athletic League Meetings
- Weekend 5k Parkruns
- West London Lacrosse (use the Scrubs for regular training and league matches)
- Extensive school usage, including district sports day
- There is an active model aircraft flying club which uses a designated flying area in the centre of the Scrubs.

#### **The Old Oak Estate**

3.29 The Old Oak Estate is a group of 22 streets in the London Borough of Hammersmith and Fulham, built between 1915 and 2024 in the Arts and Crafts style, and now a strict conservation area under Article 4 Directions. It houses around 3000 residents. It is represented by the Old Oak Friends and Residents Association (OOFRA), which is about to seek full Tenants and Residents Association (TRA) status from LBHF.

3.30 The residents of the Old Oak Estate are considerable users of the Scrubs, some of them having lived alongside it for more than 40 years, and are the permanent group most affected by any changes to the Scrubs, especially in respect of the LCS. Various views have been expressed by residents as to how they would like to see the LCS developed.

#### **Hammersmith Hospital**

3.31 Hammersmith Hospital is situated on land neighbouring the Scrubs on Du Cane Road. Car

parking space is leased to the Hospital and generates income for the Scrubs. FOWWS have raised concerns that road access to the hospital is already limited and that if the QPR proposal is successful, large football crowds would add further pressure, particularly if roads have to be closed on match days. Hammersmith Hospital reportedly has its own plans to develop part of the back of the hospital.

### **Imperial College London**

- 3.32 Imperial College is one of the largest stakeholders in the area, with a major new campus development at White City either side of the A40 at Wood Lane/Scrubs Lane, and student housing elsewhere in Acton and Ealing. Imperial College is incidentally the landlord of QPR at Loftus Road.
- 3.33 Imperial’s website states its commitment to building links with the local community:
- “Imperial is committed to making a positive impact in the local area around the White City Campus. Our aim is to work together with White City residents, businesses and organisations to create new opportunities, support local talent, and collaborate on research, education and innovation that makes a difference to local people’s lives. We’re building a programme of events and activities to involve the local community in our work and share the wonder of science and research. We’re also working to support local education, health, enterprise and employment, in collaboration with community partners.”*
- 3.34 Imperial has an ambitious new sport strategy which aims to ‘promote, support and enable our students and staff to enjoy a more active lifestyle’.<sup>5</sup>
- 3.35 Various meetings have taken place between senior staff from Imperial College and LBHF officers and members of FOWWS to discuss LCS.
- 3.36 We spoke to John Anderson, Director of Financial Strategy at Imperial, and his colleague Ellie Fielding. In summary:
- Imperial College has commissioned a feasibility study which looks at the potential to develop a sports facility at LCS. Such a facility could also take on the management of the pitches on the Scrubs.
  - The plans are for a modest development which would remain in the true red gra area of LCS and the existing pitches. The plans include a sports hall and changing rooms, a varsity stadium which seats around 250 people, an athletics track – these facilities would provide continuity of use.
  - Imperial students would have first access to the facilities, but community use agreements could be drawn up to ensure that the existing users have access at

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<sup>5</sup> Imperial College Be Active Sport Strategy 2018-2021 <http://www.imperial.ac.uk/sport/about-us/strategy/>

mutually agreed times. They cautioned that developing the facilities might lead to an increase in hire costs.

- The estimated cost is significant at around £33-35m, and means that Imperial would only consider taking on the project as part of a wider consortium to spread the cost.

### **Old Oak and Park Royal Development Corporation**

- 3.37 The London Borough of Hammersmith and Fulham (LBHF's) core strategy has five key regeneration areas: Old Oak; White City Opportunity Area; Hammersmith Town Centre and Riverside; Earls Court and West Kensington Opportunity Area; and South Fulham Riverside Regeneration Area. The Old Oak Regeneration Area has an impact on Wormwood Scrubs and this has been the subject of an ongoing consultation.
- 3.38 There are proposals to regenerate the area of industrial and railway land between Old Oak Common Lane, Wormwood Scrubs, Scrubs Lane and Willesden Junction. The GLA set up a Mayoral Development Corporation (MDC) on 1 April 2015 to oversee and co-ordinate the delivery of the regeneration of Old Oak Common linked to the new HS2/Crossrail station. The name of the MDC is 'Old Oak and Park Royal Development Corporation' (OPDC). Public consultation on the proposed structure and powers that the OPDC could have as well as the proposed OPDC boundary was undertaken in summer 2014. The OPDC took over planning powers on 1 April 2016 and has been consulting on a Local Plan,<sup>6</sup> which will be submitted to the Secretary of State this year.
- 3.39 While the OPDC is the planning authority for the OPDC area the Council remains responsible for day to day services such as waste collection, street cleansing, highways maintenance etc. It should be noted that one of OPDC's key aims is 'protecting and improving Wormwood Scrubs'.<sup>7</sup> In the chapter relating to 'spaces' in the revised Local Plan, Policy P12 focuses on Wormwood Scrubs and sets out as the vision:

*V1. Wormwood Scrubs will continue to be a cherished public open space, important ecological asset and a protected area of Metropolitan Open Land. New sensitive connections to the north and east alongside carefully considered improvements will bring Old Oak and White City together making the Scrubs more accessible to all Londoners.*

*V2. OPDC will work with stakeholders and agree any proposals with the Wormwood Scrubs Charitable Trust, the London Borough of Hammersmith and Fulham and in discussion with the local community to conserve and enhance Wormwood Scrubs.*

- 3.40 OPDC's plan goes on to say:

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<sup>6</sup> <https://www.london.gov.uk/about-us/organisations-we-work/old-oak-and-park-royal-development-corporation-opdc/get-involved-o--8>

<sup>7</sup> Ibid., 1.11d, p.6.

*“Recommended enhancements to Wormwood Scrubs include providing high quality access to nature, natural play and trails, outdoor improved leisure and sports facilities. Any essential ancillary facilities will only be acceptable if they maintain the openness of the Scrubs reflecting its designation as Metropolitan Open Land. The existing sports pitches and areas in the east and west of the Scrubs are also identified to be susceptible to surface water flooding which restricts their access and their use. Sensitive interventions within and around Wormwood Scrubs will be required to address this flooding which could also fulfil a more strategic management role. Further work will be required to define the amount, form, location and delivery of these elements.”*

#### 4. THE COUNCIL AND THE OPTIONS

- 4.1 It is clear that power rests with the Council as to the future of LCS. Indeed it is reasonable to question how useful it is to undertake a separate piece of work while the Earth Regeneration research has yet to reach its conclusory end, but we understand this undertaking within the context of the perturbation stirred by the prospect of QPR redeveloping LCS; local groups have wanted act to prevent what they see as a wholesale dramatic intervention that might have a deleterious impact on the environment and community usage and enjoyment of a local facility, and saw some urgency in doing so.
- 4.2 Given the Council’s pivotal position in the determination of choices, we have always taken the view that everyone’s interests are best served by understanding the Council’s priorities first and then seeing what the scope is to best align with them. We see no particular reason why stakeholders cannot work collaboratively and jointly to establish a solution for LCS. This is in everyone’s interests.
- 4.3 LBHF is also the sole corporate trustee of the Wormwood Scrubs Charitable Trust and therefore has a responsibility to protect the use of Wormwood Scrubs for sport and recreational use by Londoners.
- 4.4 There is no MasterPlan for the whole area – and our sense is that the Council needs to take a pragmatic view about the medium-term for LCS as the long term involves engagement with monoliths such as the NHS or the Ministry of Justice, where responsiveness and decision-making is likely to be slow and turgid. We didn’t perceive a strong impulse among Council stakeholders at the current time to press for a broader plan.
- 4.5 As we have understood the process from the Council perspective, LBHF is currently reviewing the options for LCS and the process is being project managed by David Burns, Head of Growth. According to him, LCS is reasonably high up the political and strategic agenda (perhaps understandably) because:
- It needs subsidy each year;
  - It is underused and in poor condition (and it attracts anti-social behaviour) and presents an opportunity for regeneration (one Council stakeholder described it as ‘derelict’);

- The surrounding areas (White City and Old Oak Park Royal) are undergoing major regeneration, which will bring many more people into the area. Demand for sports facilities will go up.
  - From the perspective of the Leisure & Parks department it is also an opportunity – there is a deficiency of sports and leisure facilities in the borough. The Scrubs as a whole is perceived as being underused.
  - For the same team there are issues with anti-social behaviour around the facility, as well as complaints from users about the adequacy or accessibility of the facility.
- 4.6 LBHF is the client for a feasibility study being conducted by Earth Regeneration examining the various options for managing and developing LCS, including the aspirations of Queens Park Rangers Football Club to relocate. An options report went to the Trust last June. This latest feasibility study has not yet been made available.
- 4.7 As we understand the process, Earth Regeneration has sought to capture the requirements of all stakeholders including Kensington Dragons FC, Thames Valley Harriers, Imperial College, the local schools etc.
- 4.8 Broadly speaking the options according to Earth Regeneration (and reported to us by David Burns) are:
- Do nothing (not preferred)
  - Refurbish the existing facilities (not preferred as it wouldn't reach more people or make more money)
  - Redevelop the facilities
  - A larger redevelopment with additional facilities.

#### **Decision-making process**

- 4.9 With local elections having created an *interregnum* in Council decision-making processes, the feasibility study is expected to go to Members at the time of writing (late June) and then be shared with the Wormwood Scrubs Charitable Trust for consideration. The Council officers are expecting a long decision-making process, including a number of legal steps: for example, there will have to be a public enquiry because it is on Metropolitan Open Land. There will of course need to be a business plan and decisions made about how it will be funded.
- 4.10 The Council's decision-making criteria include:
- Legal feasibility under the Act of Parliament
  - Practical feasibility
  - Financial sustainability of the Charitable Trust
  - Economic benefit to the Council
  - Environmental impact (though these concerns were said to be likely to be dealt with through the planning process. Any new building would need to be low impact. HS2 is also

funding an ecology study of the area, led by LBH&F).

- 4.11 Decisions will also be influenced by political will and appetite.
- 4.12 The Council reported to us that Sport England has made known its view that there is a huge public space that should be publicly accessible and used. Generally, the Council acknowledges a dearth of facilities across the borough. The loss of central Government money in 2020 means that the Council must focus on the sustainable management of its finances and therefore cannot commit to investments which are unlikely to generate a decent economic return. (This is a common picture across local authorities, with many Councils exploring the establishment of trading companies of various kinds.)
- 4.13 From the perspective of the Council's Leisure & Parks department, the extent to which LCS can maximise its commercial potential is dependent on several interrelated issues; these include:
- Investment required from the Council and external partners
  - Return on investment and the payback period
  - Optimum facility mix to create key income streams
  - Efficient management and control of all expenditure including staffing, maintenance, utilities, supplies and services.
  - Ability of the Council to reclaim VAT on investment, and
  - Contribution towards the Council's medium-term financial strategy requirements.
- 4.14 Any operating model would need to provide best value and align with the Council's aim and objectives. The Council's focus is on social value, and local economic and community benefits. Through its facilities, the Council seeks to:
- Provide a range of sporting opportunities for local communities by delivering inspirational programmes, campaigns and events, in all of its facilities
  - Foster young sporting talent and established athletes through its sports grants scheme
  - Provide inclusive and accessible programmes designed to accommodate diverse groups in its local community.
- 4.15 Any proposals should also take into account the Council's objectives to reduce the impact on the environment, ensure employment opportunities, and improve the health of the community.
- 4.16 There are several related local and national policy documents:
- The new *LBHF Health and Wellbeing Strategy (2017-2021)* which aims to support good mental health for all, support children and families to be healthier, and reversing the rising numbers of acquired long term health conditions;
  - Public Health England's *Everyone Active Every Day*

- Sport England’s *Towards an Active Nation*;
- The Government’s *Sporting Future: a New Strategy for an Active Nation and Childhood Obesity: A Plan for Action*.

4.17 We set out below the current position as we understand it. We then explore the theoretical options around change and the pros and cons.

**Financial position of LCS**

4.18 In our interviews with stakeholders, it was widely understood that the Linford Christie Stadium cannot operate without a subsidy and that the Council makes a significant contribution to that subsidy. The current poor state of the facilities restricts the income.

4.19 The figures set out below are approximations and are drawn from documents that have been shared with us by FOWWS and LBHF.

4.20 The hire of LCS facilities and pitches on the wider Scrubs generates around £200,000 p.a. for the Council (£155,000 in 2016/17) and, of this, in 2016-17, KDFC paid £26,000.

4.21 In April 2018, LBHF told us that the current financial position for 2017/18 for the stadium and pitch hire was an income of around £155,000 and expenditure of £271,000, making a net loss of £116,000 (described as the net cost to the Council). The management of the stadium facilities is operated in-house, with income collected by an external supplier. The biggest areas of expenditure were (approximate costs):

- Employment: £164,000
- Energy: £41,000
- Reactive repairs and maintenance: £26,000
- Equipment, furniture and materials: £22,000

4.22 LBHF shared the following summary with us, with the caveat that costs<sup>8</sup> are approximate (below and overleaf).

<b>Linford Christie Stadium Income and expenditure 2017/18</b>	
<b>EXPENDITURE</b>	<b>£</b>
Salaries	103,241
Employer's National Insurance Contribution	12,744
Employers Pension Contribution	12,118

<sup>8</sup> Additional caveats around the costs in the view of KDFC would include (a) whether some of the salary and associated payroll costs should be allocated to the wider Scrubs (b) uncertainty as to whether the costs include the cost of booking facilities in LCS (though LBHF told us that they were included) (c) although there is a budget for cleaning costs there appears to be no actual cost of cleaning.

<b>Linford Christie Stadium Income and expenditure 2017/18</b>	
<b>EXPENDITURE</b>	<b>£</b>
Employee Allowances	28,544
IAS19 Adjustments	7,290
Employee Benefits (non-payroll)	400
Reactive repairs and maintenance - Buildings	26,287
Energy	41,454
Water Services	8,472
Trade Waste and Refuse Collection	3,759
Vehicle Lease and hire Costs	2,621
Staff travelling expenses	-13
Equipment, furniture and materials	21,896
IT Software Purchase	1,118
Telephony	540
Internal Trading Charges - Legal	652
<b>EXPENDITURE Total</b>	<b>271,121</b>
<b>CAPITAL CHARGES</b>	
Depreciation	144,995
<b>CAPITAL CHARGES Total</b>	<b>144,995</b>
<b>INCOME</b>	
Contributions towards expenditure	-31,500
Sales	
Fees and Charges	-123,480
Interest and Investment Income	-43
<b>INCOME Total</b>	<b>-155,023</b>

4.23 The Trust contributed £31,500 to the running of Linford Christie Stadium in 2016-17.

4.24 The Trust reported a deficit of £37,339 in 2016-17; incoming resources in the same financial year totalled £698,745. The Trust aims to break even within the next few years.

#### **Grounds maintenance contract**

4.25 The grounds maintenance for the whole of LBHF has been contracted out to Idverde UK, formally Quadron, since 2008. The Trust believes that proportionately more of the contract

costs is allotted to the Scrubs and LCS. The contract expires in March 2022.

4.26 KDFC is of the view that if the costs and revenue relating to the Scrubs and LCS were ringfenced, the income of at least £800,000 p.a. should be sufficient to maintain the land and facilities.

4.27 The Wormwood Scrubs Charitable Trust's annual report 2016/17 reported that:

*"The grounds maintenance work undertaken at Wormwood Scrubs is undertaken by the Council's external contractor under a Grounds Maintenance contract that was tendered in 2008, originally for a period of 7 years. The award of this contract was considered in the best interests of both the Council and the Trust. The Trust funds the full cost of grounds maintenance costs at Wormwood Scrubs. Grounds Maintenance services are currently provided by Idverde UK through a contract with the Environmental Services Department of the Council. This contract was extended in 2015 and expires in March 2021 [sic]. Routine grounds maintenance is undertaken in accordance with a series of schedules that form part of the contract. The fixed element of the contract has increased from £664,931 in 2015/16 to £668,655 in 2016/17 due to a 0.56% inflationary uplift in line with the terms of the contract. Non-routine Grounds Maintenance is identified and commissioned on behalf of the Trust by the contractor."*

4.28 The Wormwood Scrubs Charitable Trust's annual report 2016/17 reported that the maintenance contract covered the following elements:

- Inspecting daily three on-site play areas
- Maintaining three on-site play areas
- Strimming across the site and Linford Christie Stadium
- Grass cutting all non-pitch areas across the site
- Grass cutting areas of Linford Christie Stadium
- Maintaining all wildlife and copse perimeters
- Maintaining and pruning of all shrub bed areas
- Pruning and maintenance of all hedges
- Low level tree works
- Spraying of hard surface areas
- Maintaining dog areas
- Litter picking across the site
- Litter picking within the Linford Christie Stadium
- Emptying of litter bins
- Emptying of dog bins
- Cleansing hard surfaces across the site
- Cleansing hard surfaces within the Linford Christie Stadium
- Cleansing and sweeping synthetic pitch areas within Linford Christie Stadium
- Maintenance of the Red Gra area
- Leaf clearance across the site

- Attending to fly tips
- Attending to vandalised or damaged equipment, facilities or surfaces
- Liaising with site and facility users
- Liaising with Parks Constabulary
- Assisting in the preparation for large events
- Assisting with Groundwork/Volunteer initiatives

4.29 The annual report also stated that three capital projects were under way on the Scrubs in the 2016/17 financial year as part of the Council's capital programme (which means that the costs did not fall to the Trust). These were:

- The supply and installation of a play area for young children, completed in 2016/17 at a cost of £46,000.
- The supply and installation of a pull up gym behind Linford Christie Stadium, completed in 2016/17 at a cost of £34,000.
- The BMX track facility – this project has a budget of £15,000 and is expected to be completed in 2017/18.

4.30 As we understand it, income from the car parks is reported to generate in total around £600k p.a. and this is used to fund the maintenance of the Scrubs.

4.31 There has also been income from filming and hire of the 'Red gra' area (currently in use by a school<sup>9</sup> post-Grenfell). There is anticipated future income from UK Power Networks in the form of annual rent for Trust land. (We assume that this is also used to fund the upkeep of the Scrubs, i.e. that it is technically income to the Trust and not to LCS – the latter two are treated as quite different income and expenditure streams by the Council.)

#### **Framework for exploring the options**

4.32 It is clear from our research that any proposal that will respond to the Council's concerns about pace and investment, and which has a chance at succeeding without considerable community opposition will need to satisfy the following criteria:

1. Sustainable income and management in the long term
2. Short/medium term investment to improve the facilities
3. Guaranteed accessibility for the community
4. The degree to which there is a coalition of the willing among existing users and the Friends of Wormwood Scrubs, and a willingness to find a point of compromise

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<sup>9</sup> Post the Grenfell fire, the Kensington Aldridge Academy (KAA) relocated from its new premises in the Royal Borough of Kensington & Chelsea (at the foot of Grenfell tower) to a 'temporary' portacabin school for 1,160 pupils on the red gra area next to Woodman Mews and the Pony Centre. The pupils have full-time access to LCS and the Scrubs playing fields.

5. Consideration of the environmental impact on the Scrubs.

4.33 From the Council's perspective, any project must satisfy its criteria:

- Legal feasibility under the Act of Parliament
- Practical feasibility
- Financial sustainability of the Charitable Trust
- Economic benefit to the Council

4.34 We see the options as falling on a spectrum of 'interference' or impact on the environment of the Scrubs – at one end, the 'do nothing' option; at the other, major third party (i.e. of the QPR-type) investment and development into a much larger sports stadium. Neither extreme is considered to be optimal for a number of reasons. In the middle are a range of options which may have more or less traction with the Council.

4.35 This segment of the report sets out our consideration of the different options. We set out with a short description of each; some broader thoughts about benefits and disadvantages; and then a summary of the options against a range of evaluation criteria.

**OPTION ONE: No action taken**

4.36 The starting point of this options appraisal is the 'status quo' – that the Council continues to manage LCS in the way it is currently doing, with no additional financial or resource input.

4.37 There are no obvious benefits to this – without investment LCS will continue to decline, which will diminish the value of the asset, potentially lose users, and make it more difficult to attract new users. The Council will continue to lose money and expend staff resources dealing with repairs and anti-social behaviour. The site could become more vulnerable to 'takeover' proposals.

4.38 We have not met or interviewed a single stakeholder who supports or advocates this as an option, and it does not therefore merit any serious consideration.

**OPTION TWO: Fundraising campaign to refurbish the existing facilities**

4.39 Building on past fundraising successes, a more planned and coherent approach could be adopted to fundraise for the facilities. A group of willing volunteers could set up a committee which could report to the Trust, agree a project plan for refurbishment in consultation with stakeholders, set a fundraising target, and seek various sources of funds, for example:

- Sport England: Sport England can provide funding for community sports facilities. The Sport England Community Asset Fund (guide available online) is open for bids of up to £150,000 (though awards of more than £100,000 are rare). Statutory bodies (such as LBHF) need to: Provide a minimum of pound-for-pound partnership funding; demonstrate the strategic need for their project proportionate to the scale of investment requested; and limit requests to a maximum of £150,000 within any 12 month period.

- The Football Foundation: there has been success in the past in obtaining grant for the creation of changing rooms, and KDFC were encouraged to make further applications.
- Crowdfunding: Crowdfunding is the practice of funding a project or venture by raising many small amounts of money from a large number of people, typically via the Internet.
- Community events: ad hoc community events and one-off fundraisers would provide another income stream.
- Corporate sponsorship, and individual philanthropy.

4.40 **Benefits.** The benefits of this approach are that current stakeholders maintain control and utilising the agency of local people may create momentum and dynamism – there is an opportunity to attract new volunteers with particular skills, such as writing funding bids or running social media campaigns. This option could raise the profile of current users, clubs and activities.

4.41 It is also clear from a meeting with the Council that there is openness and receptivity to proposals for ‘interim’ work to LCS.

4.42 **Disadvantages.** Of course this is a short-term option which may keep the facilities ‘ticking over’ for a few more years but won’t address long-term questions about economic sustainability. Local authorities cannot bid for more than £100k from Sport England. (However the charitable Trust or KDFC could raise money independently.)

4.43 It’s hard to predict how much could be raised and over what time period. For example, Sport England funding is highly competitive and it is not guaranteed that a bid would be successful. Ad hoc fundraising events may only generate small sums.

4.44 It is a serious amount of work for a voluntary committee – first, to submit funding applications, run a crowdfunding campaign, seek corporate sponsors etc.; second, to see the development project through to completion. There may be conditions which restrict how funds are applied, depending on the sources of income.

### Case study: Herne Hill Velodrome

Herne Hill Velodrome is a specialist cycling facility in south London with a long history of supporting grass-roots sports development. Originally opened in 1891, it is the only remaining venue still in operation from the 1948 Olympic Games. More recently it became famous as the place Bradley Wiggins began his cycling career. The site needed serious investment to repair a dilapidated pavilion. A management committee of cyclists and coaches took over the management of the velodrome on behalf of the Herne Hill Velodrome Trust. A crowdfunding campaign raised around £90,000 and the pavilion has since been rebuilt and reopened. <https://www.hernehillvelodrome.com/about/>

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**OPTION THREE: Community Asset Transfer**

- 4.45 This model is predicated on the establishment of some kind of legal entity (such as a Development Trust or a Community Interest Company) to take on the management of the Linford Christie Stadium and sports facilities on the Scrubs, on behalf of the local authority.
- 4.46 Transferring management in this way, at less than the market value and to achieve a local social and economic benefit, is known as Community Asset Transfer. Many buildings and spaces across England, including leisure centres, town halls, libraries and parks, have been taken on and successfully managed by community organisations.
- 4.47 A new board would need to be set up to oversee the company, with clear lines of communication with the local authority to give assurance about the management of the facilities. Local authorities used to have a place on the management board for an officer or a Councillor, but this is not always the best way to achieve assurance, due to potential conflicts of interest and time commitments of Councillors.
- 4.48 There are several legal options for Community Asset Transfer, but most tend to be long-term leasehold arrangements (25+ years at a ‘peppercorn’ rent) to enable external funding to be secured.<sup>10</sup>
- 4.49 **Benefits.** There are a number of potential benefits to a community asset transfer for current users, the local community, and the local authority:
- 4.49.1 Creating a CIC could provide security and sustainability for the clubs currently using the stadium and, ultimately, improving the site would increase user satisfaction and provide opportunities to increase participation in sport and attract new users.
  - 4.49.2 Creating a CIC could facilitate income generation and create a more sustainable financial position. The CIC could source funding for capital investments to the facilities. It could reduce the costs to the local authority. The CIC would be able to access funds from sources not available to the local authority. The local authority could still retain control through the governance structure.
  - 4.49.3 It would enable current users to protect LCS as a community asset, keeping control at a local level. Current users could be involved in managing the services and designing the upgrade of the stadium and other facilities. It could be a catalyst for raising the profile of the facilities locally and getting more people involved.
  - 4.49.4 It could support the local authority’s policy objectives around health and wellbeing (see LBHF’s *Health and Wellbeing Strategy 2017-2021*, Public Health England’s

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<sup>10</sup> More detail on the Locality website <https://mycommunity.org.uk/take-action/land-and-building-assets/community-asset-transfer/>. Sport England has an online toolkit <https://www.sportengland.org/facilities-planning/community-asset-transfer/>

*Everyone Active Every Day* and Sport England's *Towards an Active Nation* and the government's *Sporting Future* and *Childhood Obesity* reports).

4.49.5 It could potentially boost the local authority's relationship with the local community.

4.49.6 There could be other benefits from charity registration.

4.50 **Disadvantages.** Making changes may not save money in the short term. The costs and effort of initial set up may be expensive and time consuming. Lack of leadership, poor communication between parties and issues such as fears over loss of autonomy, power, lack of buy-in and visible commitment and transparency between parties etc. would hinder the process and future management of the site.

4.50.1 There can be legal and tax complexities.

4.50.2 CICs do not enjoy any special tax status and the CIC would therefore be subject to corporation tax in the normal way. However any surplus generated would be

### Case study: Gunnersbury Park Sports Hub

Gunnersbury Park is a Grade II listed park located in LB Hounslow, bordering LB Ealing. It is designated metropolitan open land. The two boroughs have been the joint owners of the park since an agreement on the joint stewardship of the Gunnersbury estate was established in 1927.

As part of plans to develop the whole park, the derelict sports facilities are being transformed into a brand new sports centre, which will become one of the largest outdoor sporting facilities in London. The hub will comprise a multi-use sports centre and gym, two external floodlit artificial grass pitches, new tennis courts, cricket and football pitches, as well as a cafe. It is expected to cost £13.8 million and is being jointly funded by Ealing and Hounslow Councils, with a contribution of £2 million from the University of West London. The development is due to begin in spring 2018.

The renewal of the park has been a long time coming. Friends of Gunnersbury Park have been campaigning to renovate the park and its buildings for over 30 years. An options appraisal in 2004 recommended that the freehold of the site be put into an independent charitable trust with council representation on the board. In 2014, the two councils set out their plans to establish a Community Interest Company (CIC) to manage the operations of the Gunnersbury site, with a separate charitable trust established to fundraise. Formed in April 2015, the CIC will operate the site from April 2018.

The CIC will manage all aspects of the park on a 25 year lease basis and will have a service contract with both boroughs covering the management and operation of the site. The two boroughs will retain ownership of the park and will also oversee the CIC performance against the contract through regular reporting processes and executive board meetings. Gunnersbury has been able to access funding from the Heritage Lottery Fund and the Big Lottery Fund.

reinvested back into the facilities.

4.50.3 There may be significant differences in strategic and risk appetite and approach between the local authority and the new management company (though this is

unlikely if the company is owned and overseen by the local authority). It appears that the Council currently has little real interest and commitment to this as an option.

4.50.4 Inertia and poor project management could escalate start up investment costs.

#### **OPTION FOUR: THIRD PARTY INVESTMENT AND MANAGEMENT**

4.51 By third party investment and management, we mean an organisation that is neither a community group nor the Council, and which may be a commercial organisation (such as a leisure provider or indeed a football club) or some other kind of public sector organisation (such as a university). The key ingredient is having sufficient and reasonably significant capital funds (e.g. upwards of £10m) to invest in the refurbishment of LCS, with an expectation that that investment is recouped or increased through future revenue streams.

4.52 There are pros and cons in common regardless of the operator, as well as specific advantages and disadvantages for each option.

#### **4.53 *Common benefits***

4.53.1 Substantive financial investment to allow for remodelling of the facilities and a long term interest in the success of the venture (because of needing a return on the investment)

4.53.2 Longevity of management arrangements and depth of management expertise

4.53.3 Potential to raise the profile of LCS and Wormwood Scrubs and bring in more users. It could be argued that if more people use the Scrubs, it is more likely to be protected as an open space in the future

4.53.4 A significantly increased revenue stream for the Council (depending on how a deal is constructed).

#### **4.54 *Common disadvantages***

4.54.1 Community groups which use the facility may not have the same access they currently enjoy – however this could potentially be mitigated by a contractual agreement

4.54.2 Charges for use of LCS are likely to increase considerably.

#### **Specific pros and cons**

##### **Imperial College**

4.55 Imperial College University is a significant local stakeholder with a major new campus in White City, near to the south eastern corner of the Scrubs. Imperial has expressed an interest in developing a sports complex on the existing footprint of the site.

#### **4.56 *Benefits***

4.56.1 Imperial College would be able to provide significant capital investment for the

refurbishment of the stadium and other facilities.

- 4.56.2 It would also be able to provide expert management of the facilities.
- 4.56.3 Imperial College's involvement would save the local authority the financial burden of upgrading and managing the facilities.
- 4.56.4 Imperial College has a stated interest in building links with the local community; therefore there may be opportunities for KDFC, TVH and other local groups to work with Imperial College on its plan.

#### 4.57 **Disadvantages**

- 4.57.1 Imperial College students and staff would have priority access to facilities, meaning existing users may not be able to continue using the facilities in the way/ at the times of the week they are used to (Imperial College sees clashes as most likely to occur on Saturdays). If this approach were pursued, KDFC would be implacably opposed to this as an option.
- 4.57.2 Loss of control for existing users and probably less opportunity to increase control with this option.
- 4.57.3 There is likely disruption for all stakeholder groups with a major redevelopment of LCS.
- 4.57.4 Imperial College is a large organisation (albeit a charitable one ultimately) with its own strategies and objectives, which may not always be aligned with those of the existing users and other local community stakeholders.

### Examples of university partnerships

University of East London <https://www.uel.ac.uk/sport> - Partnerships with Essex County Cricket, West Ham United, Millwall Lionesses

University of Hull and West Hull ARLFC <http://www.westhullarafc.com/university-partnership.html>

#### **QPR**

- 4.58 It is important to note that Queens Park Rangers being allowed to site a football stadium at LCS is a choice that would antagonise a number of local groups, but in particular FOWWS. It is reportedly not seen as a viable option by LBHF.
- 4.59 **Benefits.** Beyond the common benefits pertaining to third-party investment, the benefits that a football club might bring are possibly around generating other economic activity in the area and creating somewhat of a local 'buzz' – they are still a local football club after all.
- 4.60 There are some stakeholders, such as TVH, Imperial College and KDFC, which could find alignment with QPR *if they had to* – because of the ability potentially to guarantee provision of facilities to meet their particular needs – and we did find some pragmatism among them. Again, if they had to, they would negotiate.

#### 4.61 *Disadvantages*

- 4.61.1 Impact on the Scrubs: There would likely be damage to the wilderness area of the Scrubs from noise and light pollution, and the effects of having a large footfall on match days (litter, damage to the ground etc.). (While a Council stakeholder suggested that this kind of impact might not be that different to that of Imperial College students using LCS, it is hard to believe that intensive use by 30,000 people isn't substantively different to that of a much smaller number.)
- 4.61.2 Impact on users: Some of the current users of the Scrubs and the LCS and surrounding sports facilities would likely be adversely affected, particularly on match and training days.
- Weekends are an active time on the Scrubs. As well as local teams playing many different sports, people run, bird-watch, walk dogs, picnic, fly drones, and enjoy the natural environment. The Scrubs is one of the few places in west London that offers such diverse facilities so close to the city centre.
  - The use of the site by QPR would reduce its use by other community-based sports.
  - The Pony Centre would likely have to cease operation as the disturbance from large scale development would be too great for the horses and clients.
- 4.61.3 Local infrastructure may not be able to support large numbers of football fans – the tube station is small, parking is limited, and road access is shared with the hospital. Access to surrounding facilities such as the Pony Centre, the hospital and the school would be affected. Parking is reportedly already a concern for local residents on the Old Oak Estate. Surrounding roads, particularly Scrubs Lane and Old Oak Common Lane, are reportedly already severely congested.
- 4.61.4 Hammersmith Hospital is right next to LCS, and has expressed concerns, in terms of risks to its healthcare provision, due to excessive noise, reduced access due to crowds and traffic congestion, and road closure on match days, and reduction of parking for staff and patients. Imperial Healthcare, which operates the Hospital, is starting to look at ways to develop the site so as to improve facilities for Londoners. These may come into conflict with QPR's proposals.
- 4.61.5 Building a new stadium would affect the integrity of the Scrubs itself, as the current LCS site is not large enough to support a 30,000 seater stadium. A stadium with high sides would impact on the views from the Scrubs, and lighting would affect wildlife and might cause problems for the hospital.
- 4.61.6 We are strongly of the view that such a step would provoke a series of legal challenges, particularly given the protection of the Scrubs through the Act of Parliament (see Appendix 3), which is the deliberations of a lawyer who is engaged in FOWWS. It is clear that the option, while palatable to some groups, would stir the greatest opposition from FOWSS.

5. COMPARISON OF OPTIONS

Option	Criteria 1: Legal	Criteria 2: Practical	Criteria 3: Financial sustainability of the Charitable Trust	Criteria 4: Economic benefit to LBHF	Criteria 5: Political will
1. No action taken	✓	✗	✗	✗	✗
2. One-off fundraising	✓	✓	✗	✗	✗
3. Community asset transfer	✓	✓	?	?	✗
4. Third party – small sports facility	✓	✓	?	✓	✓
5. Third party – large sports facility	?	✗	?	✓	✓

## 6. CONCLUSIONS

- 6.1 This is a project rendered complex by the fact that it is sometimes easier to locate what different stakeholder groups can find to disagree about than it is to find the commonest points of agreement. Understandably, each group has its different priorities and objectives – the sports groups for some form of redevelopment and control of LCS, and the FOWWS and Pony Club for minimal disturbance to the unique characteristics of the Scrubs. Meanwhile, for the Council, there are hard political realities, rendered acute by the post-austerity environment forced by successive Conservative governments, but also a positive orientation towards wanting longer term benefits for the residents of the borough – however these are realised. It is unrealistic to think that everyone will get exactly what they want.
- 6.2 We do, however, perceive some points around which all parties should be able to coalesce. While our interviews with stakeholders are unlikely to have been exhaustive, we have not found anyone yet who doesn't care about the preservation of the Scrubs. There are some interests among FOWSS which pertain to the governance of the Scrubs which probably extend beyond the remit of our work, since we have not been hired simply to answer the question of how to protect the Scrubs and the governance of the Scrubs.
- 6.3 We have viewed the choices available to FOWWS and to KDFC as existing along a spectrum, with a 'leave as is' at one end of the spectrum and a huge third-party investor (typified by Queens Park Rangers) at the other end of the spectrum.
- 6.4 We have seen no evidence and little stakeholder interest in the 'do nothing' option: the Council is in effect subsidising the facility amidst an environment where many Councils are now focusing their budgets on their statutory obligations because of the drops in income to them from central Government. Local sports groups are frustrated by the quality of the facilities. The asset is declining, and with that decline come other problems – anti-social behaviour, complaints and bigger maintenance challenges.
- 6.5 At the other end of the spectrum, the biggest concern that appeared to drive this project from the beginning was a desire not to have Queens Park Rangers take up the site of Linford Christie Stadium, even though it was a solution that might answer some of the needs of some of the groups – while individual groups might have benefited in one way or another from such an option, it is clear that there is an overarching concern among many about what the impact of this kind of option would have made on the wider environment of the Scrubs. Because of this (in our view, rightful, even ethical) concern, we have never seen this as an option the Council should be pursuing and our belief is that the various legal designations for the Scrubs land – emphasising openness, use for exercise and recreation, biodiversity, protection from development – would have meant that any Council decision in favour of this option would have triggered a series of ongoing challenges from local people, and in particular from FOWSS.
- 6.6 Regarding other options along the spectrum, it is clear that there have been assumptions by some stakeholders about how income across different budgetary lines could be aggregated

and utilised – i.e. the money spent on the upkeep of the LCS and the car-parking income spent on the Scrubs. This kind of proposition won't be something the Council will want to consider for a range of reasons, but probably chiefly value for money derived from aggregating grounds maintenance contracts and an obligation to procure these efficiently, and a need to consider the 'bigger budgetary picture' beyond LCS. We are sceptical that there is value in pursuing this idea, but note that community groups might feel that the Council is conflicted in managing its budget and at the same time separately being the Trustee of the Scrubs.

- 6.7 In respect of some of the other choices along the spectrum, we do not see them as necessarily mutually exclusive. It is perfectly feasible for example for local groups to undertake fundraising, with a view to smaller-scale changes to the site (i.e. a c. £20-100k budget), which might be effected quicker than the process of consultation and engagement around a longer term solution, but which would not hinder such a process taking place.
- 6.8 The range of potential options for LCS that may have the most traction fall somewhere between a low-impact community-run facility with investment from funders and a third party contractor (whether that is a leisure operator or Imperial College or other) which would look to refurbish and manage the facility on a long-term basis, but which would offer assurance that it could become financially sustainable.
- 6.9 The former raises questions about the drive and commitment from local groups to run and sustain such a facility, since it is clear that whatever the next significant intervention the Council wishes to make at LCS needs to be one that solves some of the issues around the site for the long term (i.e. for a decade and more). The focus of our interviews was much more on the clarity of the vision of what different stakeholders need from the facility, rather than how it should be managed in the future. It is important for the Council to understand that at different times engaged stakeholders have sought to draw up their own plans for redeveloped facilities; we have seen plans produced by KDFC, by TVH and by Imperial College precisely because there is significant aspiration for LCS to be a facility that is well provided and well used.
- 6.10 This option is also perhaps weakened by the fact that the Council currently does not appear convinced of the benefits – if FOWWS and/or KDFC want to promote this option, a huge amount of effort will need to be consumed by setting out the case for how it is going to work in practice over the long term.
- 6.11 In terms of the investment and redevelopment by a third party contractor, much would depend on the strategic positioning of that party – what are they looking to invest, how are they seeking returns, which facilities would they offer, how would they frame access to the wider community, how would they work with and involve local groups, and how would they look to protect the environment of the Scrubs while ensuring a well provided facility for use by local groups.
- 6.12 We believe that the next steps in this process should be about the Council convening a series of 2-3 joint meetings with local stakeholder groups to engage in some joint determination of

how they are viewing the options along the spectrum, accepting that 'do nothing' and 'the QPR option' are out of the frame. The Council could set out its own position clearly, and work collaboratively with the local groups to set out a vision for LCS and a process to attain that vision, with some clear objectives framed by the local groups which need to be met by any party (whether a community company or other third party).

- 6.13 This kind of joint working might help to re-emphasise that there is a responsibility among all concerned to find some common points of convergence, and it is unlikely to be arrived at successfully through simply engaging one-to-one with each group. It might also underline that the Council's position is strengthened by working together with the local community. Finally, it might help to co-ordinate the diffuse efforts of various local stakeholders.

**Radojka Miljevic, Alice Smith**

**August 2018**

## Appendix 1: People interviewed

### **Friends of Wormwood Scrubs**

Stewart Dalby

David Jeffreys

Carmel McLoughlin

Nina Hall

Tony Curzon-Price

Smita Dave

Miriam Shea

Stephen Waley-Cohen

### **Kensington Dragons Football Club**

Chris Shirley

Martin Murphy

Peter Chapman

### **Thames Valley Harriers**

Tim Dye

### **Wormwood Scrubs Pony Centre**

Mary-Joy Langdon

### **London Borough Hammersmith & Fulham**

Cllr Wesley Harcourt, ward councillor and Chair of the Trust

Ullash Karia, Head of Leisure & Parks, Environment, Leisure and Residents Services

David Burns, Head of Growth

### **Imperial College London**

John Anderson, Director of Financial Strategy

Ellie Fielding, Strategic Manager

## Appendix 2: Documentation reviewed

Friends of the Scrubs Annual Report 2016-2017

Friends of the Scrubs Annual Report 2017-2018

Wormwood Scrubs Charitable Trust Annual Report 2016-17

Status of the Scrubs and Linford Christie Stadium, note by David Jeffreys (FOWWS) June 2017

Heritage assets, note by David Jeffreys (FOWWS)

Note on OPDC and Wormwood Scrubs/the Friends of the Scrubs, Stewart Dalby (FOWWS) November 2017

Linford Christie Stadium Development November 2015, AFLS&P for LBHF and TVH

The Linford Christie Stadium: A Proposal, KDFC

Imperial College London Linford Christie Stadium 01.02.2018, Space Place

Minutes of the AGM of Friends of the Scrubs (or Wormwood Scrubs) held on Monday 3 April 2017 at the Pavilion, Wood Lane, London W12 0HQ

Extract from Draft London Plan 2018

Letter from David Benson, Principal of Kensington Aldridge Academy to Nina Hall, FOWWS, Re: Use of Wormwood Scrubs Common (12 October 2017)

Letter from Stewart Dalby (FOWWS) to Council Leader Stephen Cowan, The future of Linford Christie Stadium (LCS) (7 December 2017)

Letter from Cllr Wesley Harcourt (LBHF) to Stewart Dalby (FOWWS), Re: Your letter 7th December 2017 - The future of Linford Christie Stadium (LCS) (16 February 2018)

Letter from Andrea Comer, LBHF in response to FOI request from Carmel McLoughlin (FOWWS) (2 February 2018)

Deed of Variation between LBHF and Quadron (24 January 2013)

Summary Notes of the LBHF Contract for Grounds Maintenance in the Borough (including Wormwood Scrubs), Carmel McLoughlin (FOWWS), 2 March 2018

LCS 2017/18 Financial position, Ullash Karia (LBHF), email 24 April 2018

Various email correspondence between the members of FOWWS

## Appendix 3: Legal status of the Scrubs and Linford Christie Stadium

Prepared by David Jeffreys and Carmel McLoughlin , Friends of Wormwood Scrubs

The Scrubs boundary and its ownership

1. The Scrubs is called in some documents Wormwood Scrubs Park to distinguish it from the Prison. In others it is called simply Wormwood Scrubs or Wormwood Scrubs and Old Oak Common. The current boundary is as shown on the attached plan. The original boundary was as set by the Wormwood Scrubs Act 1879 and seems not to have included a triangle of land in the north western corner, the eastern margin of which was formed by Stamford Brook. This triangle is still shown on some maps as part of Old Oak Common which also covers much of the railway land to the north of the Scrubs. Stamford Brook became an underground sewer roughly along the line of the present path that runs diagonally north east towards the embankment (and is the postcode boundary between W3 to the west and W12 to the east).

2. At the time of the passing of the Wormwood Scrubs Act 1879 (the Act) the owner of the Scrubs (and certain land adjoining the Scrubs) was the Secretary of State for War on behalf of the Crown. **Under the Act the freehold of the Scrubs was transferred to the Metropolitan Board of Works upon trust for such military purposes as the Secretary of State should direct and for its perpetual use by the inhabitants of the metropolis for exercise and recreation.** The Metropolitan Board of Works was effectively replaced by the London County Council in 1889 which in turn was replaced by the Greater London Council in 1965. The GLC was abolished in 1985 and by virtue of the Local Government Reorganisation etc Order 1986 the Scrubs (described as a "Wormwood Scrubs and Old Oak Common") was transferred to LBHF. The creation of the Greater London Authority in 1999 made no changes in this respect.

3. **The Land Registry describes the owner of the Scrubs and Old Oak Common to be LBHF (Title Number BGL 75687).** The plan however does not include Old Oak Common to the north of the Scrubs, i.e. it covers the Scrubs as we know it. In the agreement between the Secretary of State for Transport and LBHF of 16 October 2016 concerning the sewer works on the Scrubs, LBHF is described as owning the freehold title to the area of land known as Wormwood Scrubs.

The Charitable Trust

4. The Act by its terms created a charitable trust. The trust was first registered with the Charity Commission as the Wormwood Scrubs Charitable Trust in 1994 (no. 1033705). **The trustee is shown in the Charity Commission Register as LBHF.** In 2013 the Wormwood Scrubs Charitable Trust Committee was established by LBHF *inter alia* to discharge the Council's role as Sole Trustee for the Wormwood Scrubs Charitable Trust in line with Charity Commission guidance. (Previously the Audit, Pensions and Standards Committee exercised the Council's duties for the Trust's accounts). The Committee currently comprises three councillors and two co-opted non-voting members (members of the Friends of the Scrubs). The Committee, assisted by Council officers, oversees the management of the Scrubs.

The 1879 Act and other legislation

5. (a) **The 1879 Act provides that no permanent building or erection except rifle butts shall be constructed on the Scrubs without the consent (now) of LBHF or the Secretary of State for Defence.** LBHF is further entitled to "lay out, drain, level, plant and improve the Scrubs in such manner as may...be agreed upon with the Secretary of State for Defence..." There is provision for arbitration in the event of disagreement. **LBHF is in addition required to "maintain the Scrubs... in such condition as may make the Scrubs most suitable for the trusts and purposes declared by this Act..." Under section 8, if the Scrubs or any part of it ceases except with the consent of the Secretary of State for Defence to be used for exercise and recreation by the**

**inhabitants of the metropolis, the Scrubs reverts to the ownership of the Secretary of State for Defence (hence the importance of obtaining their consent).**

(b) the Scrubs is a common registered with LBHF and shown on DEFRA's database of registered commons, no. 23034. The map in LBHF's file is out of date but includes the area currently occupied by Linford Christie Stadium. **Under section 38 of the Commons Act 2006 certain works may not be carried out without the consent of the Secretary of State for the Environment. These include works which have the effect of preventing or impeding access to or over the common such as fencing and the construction of buildings.**

(c) **Under the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 a local authority has a limited power to provide facilities for recreation, fairs and amusements etc on a public park or common. The power cannot be exercised so as to be at variance with any trust affecting the land concerned. The erection of any building or permanent enclosure of any part of a common in the exercise of this power requires the consent of the Secretary of State for the Environment.** A means of circumventing the limits of this power is for the local authority to dispose of land under section 123 (2A) of the Local Government Act 1972 by way of a tenancy of not more than seven years. In the case of the Scrubs however an issue could arise of the consistency of such a course with the 1879 Act.

MOL and Green Belt

**6. The Scrubs is designated Metropolitan Open Land (MOL). MOL is designated through the Local Development Framework (LDF) process which means the group of documents outlining a local authority's planning policies. Hence the boundary of an MOL is set by its inclusion in e.g a Local Plan which has to be approved by a Planning Inspector examining the Plan and can only be removed by a similar process. Policy 7.17 of the London Plan provides**

**"A The Mayor strongly supports the current extent of MOL...and its protection from development having an adverse effect on the openness of MOL.**

**B The strongest protection should be given to London's MOL and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL**

**C Any alterations to the boundary of MOL should be undertaken by Boroughs through the LDF process, in consultation with the Mayor and adjoining authorities**

**D To designate land as MOL boroughs need to establish that the land meets at least one of the following criteria:**

- it contributes to the physical structure of London being clearly distinguishable from the built up area
- it includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities which serve either the whole or significant parts of London
- it contains features or landscapes (historic, recreational, biodiversity) of either national or metropolitan value
- it forms part of a Green Chain or a link in the network of green infrastructure and meets one of the above criteria

**Paragraph 7.56 of the London Plan says that the "policy guidance of paras 79-92 of the NPPF (National Planning Policy Framework) on Green Belts applies equally to MOL...Appropriate development should be**

**limited to small scale structures to support outdoor open spaces and minimise any adverse effect on the openness of MOL...”**

7. The following are paragraphs (or extracts from paragraphs) of the NPPF:

83...Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan...”

**87. As with previous Green Belt policy, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”.**

**88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations**

**89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are (*confined to those relevant to the Scrubs*)**

**provision of appropriate facilities for outdoor sport, outdoor recreation...as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it**

**the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building**

**the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.**

8. Local Planning Authorities

(a) The LPA for the Scrubs **with the exception of the Linford Christie Stadium and the Pony Centre** is the Old Oak and Park Royal Development Corporation (OPDC). This is a Mayoral Development Corporation (MDC) that came into existence in 2015. It is governed by a board and has its own planning committee, one member of which is currently Councillor Wesley Harcourt (LBHF), chair of the Wormwood Scrubs Charitable Trust. The OPDC’s draft Regulation 19 Local Plan is being published on 29 June 2017.

(b) **The LPA for the stadium is LBHF**

LBHF’s Local Plan

9. LBHF’s proposed submission Local Plan (examination in public 14 June 2017) includes Policy OS1

“The council will protect, enhance and increase provision of parks, open spaces and biodiversity in the borough by:

a. designating a hierarchy of open space that includes MOL...

c. improving existing parks, open spaces and recreational facilities throughout the borough

**Policy OS2 includes**

**“The council will seek to reduce open space deficiency and to improve the quality of, and access to, existing open space by:**

**a. refusing development on public open space and other green space of borough-wide importance...unless it can be demonstrated that such development would preserve or enhance the open character, its function as a sport, leisure or recreational resource, and its contribution to biodiversity and visual amenity;**

**d. seeking improvements to existing open space and facilities within them such as Linford Christie Stadium, where appropriate and when development proposals impact upon provision.”**

Para 6.153 “The council considers that it is important to have a general presumption against development on existing open spaces, however, notwithstanding the need to protect, improve and increase open space in the borough, situations may arise when the benefits of protecting open spaces (private and public) need to be considered against the benefits of allowing some limited development on them...”

The Scrubs is described in Appendix 4 as an area of Borough-wide importance.

Para 6.127 “As the facilities give residents and visitors to the borough the opportunity to participate in a range of activities that help to improve quality of life, health and well being, the council will seek to protect existing uses, such as the Apollo, the Lyric Theatre and Linford Christie Stadium, and assist in providing new facilities”.

10. The Plan places the Scrubs at the top of its Open Space Hierarchy in Appendix 3, categorising it as a metropolitan park and noting it is MOL, also noting that it is now within the OPDC. Hence there is little other mention of it. The Plan deals with possible redevelopment of the Loftus Road site under Strategic Site Policy WCRA2 and in para 5.37.

#### Planning decisions

11. The guiding principles for a local planning authority considering an application are (a) “to have regard to the provisions of the development plan so far as material to the application and to any other material considerations” (section 70 (2) Town and Country Planning Act 1990) (b) “If regard is to be had to the development plan for the purpose of any determination under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise” (section 38 (6) Planning and Compulsory Purchase Act 2004). “Development plan” includes the London Plan and any Local Plan. The NPPF is a material consideration.

12. The NPPF at para 14 states that “at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as the golden thread running through both plan-making and decision-taking”. At paras 117-118 it urges preservation of biodiversity.

13. Parts of the Scrubs are designated Local Nature Reserve (LNR) and Site of Importance for Nature Conservation. These designations would be material considerations (to which the local planning authority should have regard) under section 70 (2) above.

14. The Secretary of State has the power under section 77 of the 1990 Act to “call in” a local planning application which means he/she makes the decision. There will be a public inquiry held by a planning inspector who will make a recommendation to the Minister. The procedure is currently used sparingly, the overriding criterion being that the application is of more than local importance. Recent cases have concerned fracking and major Green Belt development.

15. Certain applications have (by virtue of S.I. 2008 no. 580) to be referred to the Mayor of London. These include applications for development on Green Belt or MOL. In such a case the local authority is obliged to notify the Mayor of the application. It may only proceed to determine the application itself if (a) the Mayor indicates he does not wish to be consulted or (b) it has notified the Mayor of its likely decision and the Mayor approves its decision. He also has the power to direct that the local authority should refuse the application. In addition he may call in the application if the development would have a significant impact on the implementation of the London Plan, it would have significant effects likely to affect more than one London Borough and there are sound planning reasons for intervening. There would then have to be a

“representation hearing” in public presided over by a Deputy Mayor. The public can comment on referable applications and their comments will be considered as part of the referral process.

Linford Christie Stadium

16. (a) The Linford Christie Stadium (then the West London Stadium) was built in the 1960’s when the GLC was trustee of the Scrubs. According to the Charitable Trust’s accounts there is no available documentation to demonstrate that approval was obtained from the Secretary of State for Defence. **In 1992 LBHF, by now Trustee of the Scrubs (which had been designated MOL), applied for permission to expand the stadium, involving some encroachment onto an area alongside the existing stadium and adding certain rooms (the proposal included a restaurant and bar not, it seems, developed). The overall proposed appearance was much as we see it today. The application was called in by the Secretary of State for the Environment and a planning inspector appointed (see above). The policy then in force was Planning Policy Guidance 2: Green Belts (PPG 2) which preceded the NPPF. Its terms were similar to (but not the same as) the current NPPF and included (3.1) a general presumption against inappropriate development. “Such development should not be approved except in very special circumstances”. The inspector found that the circumstances of the case justified an exception to the general presumption against inappropriate development, principally on the ground that there would be no significant loss of openness or public accessibility and only limited harm to the character and appearance of the area.**

(b) In 2001 LBHF a planning inspector reviewed the status of the stadium as part of his examination of LBHF’s UDP (Unitary Development Plan, the then local plan). The council had proposed its removal from MOL but the inspector concluded that it was suitably included. In 2011 LBHF again proposed its removal, this time as part of the Core Strategy (the successor to the UDP and precursor of the current Local Plan) on the ground that this would make it easier for the development of improved sports facilities, although such development might need to include “some form of non sports use”. On this occasion the inspector concluded that there were no exceptional circumstances (as required by PPG 2 for the alteration of the boundary) such as to justify its removal and so it remains part of MOL.

17. The above is an attempt to summarise the statute law and planning policies that apply to the Scrubs but it should not be treated as exhaustive, nor is infallibility claimed for it so please regard it as E and OE. It is expressed in neutral terms but those parts of the text which seem to be of particular relevance to any QPR proposal have been emboldened.

David Jeffreys and Carmel McLoughlin, June 2017

## Appendix 4: Note on OPDC and Wormwood Scrubs/the Friends of the Scrubs

1. This Note is prepared by the Friends of the Scrubs (“the Friends”).
2. The background to the inclusion of the Scrubs in the original MDC boundary and our objection to it are contained in our letter to members of the London Assembly of 15 December 2014 (attached) which we ask to be read before this Note. It is to be noted that in the supplementary consultation 93% of respondents were against the revised boundary principally on the ground of the inclusion of the Scrubs. Of the consequent anomalies, we emphasise the separation of the Stadium, which is part of the Scrubs MOL and governed by the WSCT, from the rest of the Scrubs. Hence the OPDC is planning authority for the Scrubs excluding the Stadium, LBHF is planning authority for the Stadium and the WSCT is responsible for the management of both. It is worth bearing in mind that LBHF, as successor in title to the Metropolitan Board of Works (which became owner and trustee of the Scrubs under the 1879 Act), is sole trustee of the Scrubs and that the WSCT committee is simply a delegate of LBHF in its capacity as trustee.
3. The Assembly considered the proposal at its meeting of 17 December 2014 when members were given a presentation by then Deputy Mayor for Planning Sir Edward Lister and Victoria Hills then Director of the Proposed MDC. The full question and answer session is transcribed on the London Assembly website at <https://www.london.gov.uk/moderngov/ieListDocuments.aspx?Cid=0&Mid=5564&Ver=4>, in the course of which and the debate that followed, substantial opposition to the inclusion of the Scrubs emerged. A principal reason for the inclusion of the Scrubs given by Sir Edward was the need for “permeability” from north to south, an expression that sums up our fears over intrusion into the Scrubs. The meeting was unable to approve a modified version of the proposal e.g the proposed MDC excluding the Scrubs: it could only either approve or reject it. Because the majority supported in principle the creation of an MDC for Old Oak Common and Park Royal the proposal was not rejected but the Assembly passed motions which included  
“The inclusion of Wormwood Scrubs within the boundary of the OPDC is unjustified and unnecessary. This unique open space of scrub, grassland, and woodland supporting a wide variety of plant and wildlife is an important community amenity. We note that the Mayor argues it must be included within the OPDC boundary in order to “mitigate development impacts”, but this is unnecessary because the land is protected by the Wormwood Scrubs Act 1879 and other designations including as Metropolitan Open Land. We welcome the removal of Linford Christie Stadium, the hospitals, and HMP Wormwood Scrubs from the boundary, and call on the Mayor to do the same for Wormwood Scrubs itself.” A resolution was passed to similar effect. to add to the recommendation concerning the designation of the MDC area  
“bring forward proposals to exclude Wormwood Scrubs from the boundary of the OPDC following the provisions in section 199 of the Localism Act 2011” See: <https://www.london.gov.uk/moderngov/documents/g5564/Public%20minutes%20Wednesday%2017Dec2014%2013.30%20London%20Assembly%20Plenary.pdf?T=11>
4. These motions were not binding on the Mayor and he took no action to implement them. The OPDC (as it was now called) was duly established on 1 April 2015. 5. After Sadiq Khan’s election as Mayor in May 2016 he ordered a review of “the strategic direction and current work programme and priorities of the Old Oak and Park Royal Development Corporation (OPDC)”. The review was conducted by Fiona Fletcher-Smith (Executive Director, Development, Enterprise and Environment, GLA) and completed in November 2016. Its findings included
- 5.3. The review also heard representations that the OPDC boundary should be redrawn so as to exclude Wormwood Scrubs. And the case for including Wormwood Scrubs is less clearcut than for Park Royal and needs to be examined. Removing the Scrubs could potentially allow the MDC a more singular focus on its

core development and regeneration purpose and allay concerns the Scrubs will serve as a substitute for new green space within Old Oak. Wormwood Scrubs could be protected as a valuable amenity and ecological space outside the OPDC boundary.” and recommended “5.A. That the OPDC, working with the GLA, investigates the feasibility and implications of redrawing the Corporation’s boundary so as to exclude Wormwood Scrubs” 6. We heard nothing of any such investigation until our Secretary, Miriam Shea emailed the Chairman of the OPDC Liz Peace on 14 August 2017 enquiring what action had been taken to implement the recommendations of the review. In her reply of 22 August, the Chairman directed us to a report presented to the OPDC Board on 11 July 2017 on progress in implementing the recommendations from the Strategic Review. In relation to the redrawing of the boundary so as to exclude the Scrubs the report said

5a: That the OPDC, working with the GLA, investigates the feasibility and implications of redrawing the Corporation’s boundary so as to exclude Wormwood Scrubs. If the Mayor wished to redraw the Corporation’s boundary, this would require relaying the OPDC’s establishment statutory instrument, and prior to that would required a public consultation and meeting with the London Assembly. It is anticipated that the process would take up to one year to complete. The local plans of both the Old Oak and Park Royal Development Corporation and the London Borough of Hammersmith and Fulham (LBHF) would require amendment to reflect the redrawn boundary. As both authorities are in the process of adopting their local plans, with the latter scheduled for adoption in late 2017 and the former in Spring 2018, OPDC have consulted with LBHF officers and noted that any future consultations related to boundary matters should wait until such time as both statutory Local Plans had been adopted.”

7. Assuming this is the extent of the investigation of the feasibility and implications of redrawing the boundary so as to exclude the Scrubs we have the following observations:

If the report is suggesting that re-laying a statutory instrument, public consultation and meeting with the London Assembly were significant obstacles in the way of re-drawing the boundary, we would point out that they were precisely the tasks that were undertaken with such energy and without difficulty to create the MDC in the first place

It was well known to the OPDC at the time of the review that LBHF and the OPDC were in the process of preparing their draft Local Plans. It may be unrealistic to suppose that those plans could have been held up in order to carry out the process of consultation etc necessary to redraw the boundary although, given sufficient will, some means might have been found. Had the Mayor acted on the London Assembly’s motions quoted above it might have been a different matter. The consequence is that it is now too late to embark on the process of implementing any redrawing of the boundary so that it could be included in the latest Local Plans. If the OPDC happened not to favour the redrawing of the boundary then our obvious comment is that the timing of the latest Local Plans has worked to their advantage.

8. We are extremely disappointed at the outcome. We contend that the combined effect of the response to the original consultation, the views of the London Assembly in December 2014 and not least the OPDC’s own review is that there is an overwhelming case for the exclusion of the Scrubs from the OPDC boundary. We would be grateful for some indication from the OPDC that they accept this.

9. As for the issues surrounding the Scrubs to which the Chairman refers in her email of 22 August 2017, these are set out in our response to the Regulation 19 Consultation. In a sentence, we fear for the conservation of the Scrubs as a cherished open space that is more wild than tamed – or “managed wilderness” as it is called elsewhere. The review has identified at 5.3 our underlying concern that “the Scrubs will serve as a substitute for new green space within Old Oak.

Stewart Dalby Chair, Friends of the Scrubs November 2017

## Appendix 5: Summary notes of the LBHF contract for grounds maintenance in the borough (including Wormwood Scrubs)

Prepared by Carmel McLoughlin, Friends of Wormwood Scrubs

**Contract Period:** LBH&F entered into a contract with Quadron for Grounds Maintenance Services for a **14 year period** from the 3<sup>rd</sup> March 2008 to the 6<sup>th</sup> March 2022 (although Condition 3.4 refers to a slightly later end date of the 27<sup>th</sup> March 2022) with a review after an Initial Period of 7 years.

**Contract Performance:** The Contract is subject to an annual review on the 30 March in each year. The Contractor is required to perform the contract to the required standard and to employ adequate staff to carry out the contract properly. The Contractor is required to provide management and other information related to the provision of the Service to demonstrate proper performance of the Contract, including up-to-date records of its own monitoring system. The Contractor is required to take any necessary action required to correct or pre-empt any problems. The Contractor is subject to deductions for works not properly carried out and the contract can be terminated if deductions are at a specified proportion of the monies to be paid to the Contractor.

**Contract Payment:** Under the original Contract, the Contractor was paid the Contract Price (which is the amount which the Contractor tendered as the price which it would require to perform the Services but this was changed by the Deed of Variation as set out below) subject to satisfactory performance of the Services and an annual review of prices, at 4 weekly intervals following a request for payment from the Contractor for the previous 4 week period. Under the Deed of Variation, the payment process was radically changed so that the Contractor is now paid quarterly in advance

**Deed of Variation:** The Contract was varied by a Deed of Variation effective from the 1<sup>st</sup> April 2011 (but not completed until 24<sup>th</sup> January 2013). Under its terms the programming of works under the contract, the payment and default provisions were changed. The Specification document was also replaced by a new Specification and the Pricing Document replaced with a new formulation of the Contract Price.

The **Specification** is the key document in the Contract as it sets out how and what the Contractor is required to do under the Contract. However, as this Contract relates to Ground Maintenance across housing estates, cemeteries, schools as well as parks and sports facilities there are a lot of requirements which are not relevant to the Scrubs, and it is difficult to see what items are relevant to the management of the Scrubs.

The **new Contract Price** is stated to be a fixed sum of £3,397,021 for 2010/11, and £3,293,400 for 2011/12 (a reduction of over £100k), with indexation in subsequent years, with the Contractor entitled to a guaranteed maximum profit margin of 6.5%p.a. The Contractor is required to provide in March each year a forward budget for the upcoming April to March period showing how they will use it to resource the contract, broken down into categories such as staff costs, vehicle costs, materials, etc.

There is a requirement in the Contract for a Fundamental Review to be carried out after 5 years of the Contract Period. We have not seen evidence that this has been carried out. In any event it would seem that the Contract Period will continue until 2022.

**What's Missing:** It is interesting to note that there is nothing in the Contract Documents (or the Specification) provided regarding collection of monies from rental of the pitches and other facilities on the Scrubs (including Linford Christie Stadium) although it would appear that these functions are being carried out by the Contractor on behalf of the Borough. The covering letter dated 2<sup>nd</sup> Feb 2018 which accompanied the documents states:

‘Until 1<sup>st</sup> January 2018 Quadron didn’t generate any income from the rental of pitches, prior to this they merely collected income on behalf of the Council’.

It begs the question as to how these monies are accounted for under the Contract, and what kind of diligence and oversight is paid by the Council to monies collected. In addition, it would seem that there is no requirement under the Contract for the Contractor to manage or market the pitches and other facilities. If that is the case are the facilities being utilised to their full potential and could they be better managed if they were e.g. in a stand-alone contract for the Scrubs rather than lumped in to the Borough wide GM Contract?

In addition, it is not clear how the sum which is re-charged to the Trust for the proportion of the Contract attributable to maintenance of the Scrubs is arrived at (again set out in the covering letter) and whether the income generated from the rental of the pitches is deducted from a gross sum, to give the net sum charged.

In the light of these unanswered questions, a further FOIA request has been submitted to LBHF. We may or may not get an answer. It has taken around 6 months to obtain the information provided to date. Perhaps these questions about management and rental of the facilities should be asked by the Trust of the LBHF.

Carmel McLoughlin, 2<sup>nd</sup> March 2018

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