

Title: The Myton Path and the New Athletics Facility
 Lead Officer: Chris Elliott / Pdraig Herlihy
 Portfolio Holder: Councillors Jonathan Chilvers and Chris King
 Wards of the District directly affected: Districtwide, but especially
 Warwick Myton and Heathcote

Approvals required	Date	Name
Portfolio Holder	04/06/24	Councillors Jonathan Chilvers and Chris King
Finance	30/05/24	Richard Wilson/Betty Gong
Legal Services	30/05/24	Kathryn Tebbey
Chief Executive	30/05/24	Chris Elliott
Director of Climate Change	30/05/24	Dave Barber
Head of Service(s)	30/05/24	Darren Knight
Section 151 Officer	30/05/24	Andrew Rollins
Monitoring Officer	30/05/24	Graham Leach
Leadership Co-ordination Group	13/06/24	
Final decision by this Committee or rec to another Cttee / Council?	Yes	
Contrary to Policy / Budget framework?	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	Yes – Appendices X to Z inclusive are exempt by virtue of Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No	
Accessibility Checked?	Yes	

Summary

The proposal to construct the Myton Path, which will be a footpath and cycleway between Myton Road and Fusiliers Way, is a vital element of the planned sustainable transport network in the District and is strongly supported by a number of stakeholders. The proposal will also provide a pedestrian rear access to Warwick School and a vehicular access from Fusiliers Way to the new athletics facility and a new vehicular rear entrance to Myton School.

The proposal to construct a new athletics facility on land to the west of Fusiliers Way is part of the Leisure Development Programme that the Council has been pursuing since 2014. The facility is designed to replace the existing athletics facility at the Edmondscote site.

This report seeks to confirm funding for these two proposals and to seek permission to progress these two proposals to the next stage of development and enabling officers to submit a subsequent report to Cabinet to seek permission to begin construction at the appropriate time.

The Masterplan that shows how these two proposals fit in with the other facilities proposed in the Fusiliers Way area is attached as Appendix A to this report.

Recommendations

- (1)** That Cabinet agrees to fund the Myton Path and Relocation of Athletics Facilities on land west of Fusiliers Way for a sum not exceeding the sums as set out in Section 4 of this report from a mixture of Community Infrastructure Levy (CIL); use of capital receipts from the sale of Riverside House; and from the Local Growth Initiatives Investment Plan provided for under the Memorandum of Understanding connected to the West Midlands Investment Zone proposal, with the mix reported back to Cabinet in a future budget report for information.
- (2)** That Cabinet confirms its expectation that the construction of the Myton Path and the New Athletics Facility should be delivered to the Net Zero design standard.
- (3)** Subject to approval of Recommendation 1 and 2 above, that Cabinet approves the submission of a Planning Applications for the proposed Myton Path between Fusiliers Way and Myton Road; and for the proposed new athletics facilities on land West of Fusiliers Way; along with any necessary applications or licences for any other consents to implement these proposals.
- (4)** That Cabinet approves the procurement to provide a new athletics facility and the Myton Path, in accordance with new procurement legislation and, for the construction of the Myton Path and the new athletics facility subject to a further report to Cabinet to seek approval for proceed with the construction of the path and the new facility in due course.
- (5)** That Cabinet approves the draft Heads of Terms as set out in Private and Confidential Appendix G to this report as the basis for the transfer of land from the County Council to the District Council to accommodate the proposed new athletics facility and part of the Myton Path and delegates authority to the Chief Executive in consultation with the Finance, and Place portfolio holders to conclude the transfer with the County Council.
- (6)** That Cabinet delegates authority to the Chief Executive in consultation with the Portfolio Holders for Finance and Place to prioritise and progress the following negotiations and then bring each final agreement back to Cabinet for approval at a later meeting: –
 - a.** with Myton School with a view to preparing draft Heads of Terms for the

transfer of land from the School to the District Council in order to develop the Myton Path.

- b.** with appropriate landowners and site managers of the Warwick Technology Park in order to be able to install pedestrian and cycle links between the Myton Path and the Warwick Technology Park.
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1 Reasons for the Recommendations

1.1 Recommendation 1

Myton Path

- 1.1.1 The Myton Path and the relocation of the athletics facility are two key projects that form the Masterplan reported to this Cabinet under item 12.
- 1.1.2 The Council is seeking to construct the Myton Path between Myton Road and Fusiliers Way. The Myton Path will be an important link in the district's active and sustainable travel network. It will connect the area to the National Cycle Network, to St Nicholas Park, to Warwick Town Centre and to the railway stations in Warwick and Leamington. It will also connect the footpath/cycleways that run alongside Fusiliers Way and Myton Road, which would otherwise be substantially disconnected. The vital role of the Myton Path in the wider sustainable transport network in this area of the district is demonstrated by the map shown as Appendix B to this report. The route is an important strategic link in the local sustainability communications network and is a priority by the County Council.
- 1.1.3 The Myton Path will also provide a rear entrance for both Myton and Warwick Schools. This will help reduce traffic on Myton Road by providing an alternative pick up/drop off. It will also provide access to the proposed relocated athletics facility and to the existing shared sports facility at the John Atkinson Sports Centre. It will provide pedestrian and cycle access to the Warwick Technology Park from both Myton Road and Fusiliers Way. It will also facilitate pedestrian access to the Community Stadium from the Warwick Technology Park on match days.
- 1.1.4 The budget cost for this facility is included in the Private and Confidential Appendix H to this report. The budget proposed here is higher than previous estimates. This is because it is known that there is substantial inflation in the construction industry locally at the present time. It is hoped that the figure agreed with the preferred contractor, if Recommendation 1 is agreed, will be below this figure.

Relocated Athletics Track

- 1.1.5 The Council is also seeking to construct a new athletics facility on land to the west of Fusiliers Way. The new facility is intended to be a replacement and an improvement upon the existing facility at the Edmondscote site. The site at Edmondscote has served the district well for many years, but it is subject to regular flooding and the track surface has therefore had to be repaired on a regular basis. The site is in an edge of town centre location away from schools and access is along residential roads where parking for any events causes conflict with local residents.
- 1.1.6 In contrast to the position of the existing site, the new site off Fusiliers Way offers the following locational advantages:

- 1.1.6.1 A site which will not be at the same risk of regular flooding and so will avoid constant damage and cost of repair.
- 1.1.6.2 A site that is easily accessible on foot, by cycle, bus and car with good connections to the road and rail network for matches against other clubs.
- 1.1.6.3 There will be five schools within traffic-free walking distance, which will substantially increase the amount of use made of the facility during school hours and for after school clubs.
- 1.1.6.4 Parking will be available close to the track for all club use, and additional parking will be available elsewhere on the wider site for larger events.
- 1.1.6.5 Brand new athletics facilities and clubhouse will ensure the future provision for the sport for many years to come.
- 1.1.6.6 Moving to the new site will enable the current Edmondscote site to be used as the location for a new park. This will provide enhanced linkages with riverside walks through the District.
- 1.1.7 The existing facility would need a significant investment in refurbishment in the next 2 to 3 years to continue. Just to replace the track would be expected to cost between £650,000 and £700,000 soon, as well as other regular maintenance costs over the rest of its remaining lifetime. These costs though would be substantially increased if the pavilion was to be refurbished or replaced. Although no costings have been done, it is not unreasonable to expect that a new pavilion would cost in the order of £1.5 million to £2 million, based on cost estimates for the Newbold Comyn football pavilion. Taken together there is potential cost range of £2.15 to £2.7m just to update the existing facilities not considering other costs likely to be incurred through repeated flood events. There is no identified funding for this significant refurbishment so any costs that would be incurred in this way would need to be found within the Council's Medium Term Financial Strategy. It is a more effective use of resources to construct a new facility on a better-located site than to spend money on the existing site.
- 1.1.8 It is considered more likely that the schools will contribute revenue income to the project by way of hire fees, rather than contributing capital towards the construction costs, as local schools have other demands at the present time on any capital resources that they may possess.
- 1.1.9 Moving from Edmondscote also allows that site to become a new park and to open riverside walks from Warwick to the centre of Leamington and beyond via the National Cycle Route eastwards.
- 1.1.10 The budget cost for this facility is included in the Private and Confidential Appendix H to this report. The budget proposed here is higher than previous estimates. This is because it is known that there is substantial inflation in the construction industry locally at the present time. It is hoped that the figure agreed with the preferred contractor, if Recommendation 1 is agreed, will be below this figure.

1.2 **Recommendation 2**

- 1.2.1 The Council declared a Climate Emergency in June 2019 and is working hard, amongst other things, to improve the sustainability of the designs of its buildings. It is therefore appropriate for the Council to require the Myton Path and the athletics facility to be a Net Zero design and being carbon-neutral in operation. Although the Myton Path is not a building it is still possible to insist on a design that is carbon-neutral in operation. The Council will budget to allow

8% additional funding for the requirements of sustainability. The Council may also choose to make off-site contributions to carbon-neutrality at the proposed Queen Elizabeth II Country Park.

1.3 Recommendation 3

Myton Path

- 1.3.1 If Recommendations 1 and 2 are approved, the next step will be to prepare a design for the Myton Path with a view to preparing to submit a Planning Application for the new facility. Cabinet gave their approval on 6th July 2022 to begin the development of this project. The Council has appointed Pick Everard as the Project Managers for the project, and work has started in earnest. Ecological and topographical surveys have been undertaken in recent months, and the results are awaited. Design has commenced and the size and location of the site required is being prepared.
- 1.3.2 Negotiations for the transfer of land from the County Council and Myton School have also begun, and these are discussed in more detail in below.
- 1.3.3 Once the transfer of land is agreed and the design is complete, the next step will be to begin the procurement of a preferred contractor to construct the Myton Path. This process can begin before Planning Permission has been obtained.
- 1.3.4 A proposed programme for the work on the Myton Path is shown as Appendix C to this report.

Relocated Athletics Facility

- 1.3.5 If Recommendations 1 and 2 are approved, the next step will also be to procure a project management company to manage this project. The athletics clubs have been assured that the new design will be 'no detriment' in comparison to the current facility. Specialist accredited project managers and designers will be procured for this specialist facility. It will be designed primarily as a local track to facilitate the training of local athletes, but capable of staging competitions as well. England Athletics will be advising on the design, and local clubs will be closely involved with this process as well. It is noted that field sports are particularly important to local clubs, and this element of the design will be carefully considered. Vehicle access will be from Fusiliers Way and parking will be provided. Parking for larger events can be provided elsewhere on the site. Pedestrian and cycle access will be facilitated by the Myton Path. There will be a modern pavilion provided which will provide enhanced facilities for athletes in multi-use spaces.
- 1.3.6 Once a project management company has been procured then it will be possible to appoint other members of the design team and to begin the design of the facility. Some of the surveys that will be required for the site, such as topographic and ecological, are being conducted at the same time as the same surveys for the Myton Path to reduce costs and ensure a wider coverage.
- 1.3.7 A proposed programme for the work on the athletics facility is shown as Appendix D to this report.

1.4 Recommendation 4

- 1.4.1 The Procurement Regulations for local authorities have recently been amended. It is now a requirement that a Procurement Initiation Document (PID) is completed by a local authority and formally approved before a project is procured. This is also good practice to ensure that the project remains targeted on its initial goals. The PIDs for both the Myton Path and the athletics facility

are shown as Private and Confidential Appendix F to this report. These documents are contained for Member's information within a Private and Confidential Appendix as they contain the budget for the projects, and it would not be appropriate for these budgets to be public knowledge before the procurement of the contractors has taken place.

- 1.4.2 For both projects once Planning Permission has been obtained and a preferred contractor has been identified for each project, with a price agreed between the parties, then it will be possible to submit a further report to Cabinet to seek approval for a contract to be signed with the contractor and for work to start.

1.5 **Recommendation 4**

- 1.5.1 The District Council has been in discussion with the County Council regarding the transfer of land from the County Council to the District Council in order to construct the first section of the Myton Path and the new athletics facility. The County Council has now provided the District Council with the proposed draft Heads of Terms for the transfer of this land from the County to the District. These are shown in Private and Confidential Appendix G to this report. The District Council has made a number of comments on these draft Heads of Terms, and these are also shown in the same Appendix. A response from the County Council is awaited. It is proposed that the Chief Executive should proceed with the transfer on the basis of these draft Heads of Terms and the responses shown.

1.6 **Recommendation 6**

- 1.6.1 To deliver the remainder of the Myton Path it will be necessary for Myton School to transfer land to the District Council. This transfer will also need the approval of the Department for Education. The School and the District Council have begun discussions on these draft Heads of Terms. It will be important to conclude these discussions in a timely manner as it is anticipated that the approval from the Department for Education may take a relatively long period of time to be agreed.
- 1.6.2 To provide links from the Warwick Technology Park estate roads and walkways to the Myton Path, it will be necessary to construct one or more connections between the Technology Park and the Path. These will go across land owned by a few different organisations, and access rights will have to be negotiated in each case. These discussions have already begun, but they will also need to be concluded in a timely manner.

2 **Alternative Options**

- 2.1 The proposed Myton Path represents the only feasible way of connecting Myton Road with Fusiliers Way and represents an important link in the sustainable transport chain. The only alternative would therefore be to not install this link. In that scenario the active travel network in the area would remain disconnected and be much less effective in offering sustainable and active travel choices to local people.
- 2.2 The alternative option to the construction of a new athletics facility would be to refurbish the existing facility at the Edmondscote site. As stated in paragraph 1.3.3 above, it would be expensive to refurbish the existing site, whether a decision was made to just replace the track surface or to replace the track surface and also replace or refurbish the existing pavilion at the Edmondscote site. However, the track at this site has been subject to flooding over the years and requires much higher levels of maintenance than would be expected for a track of this type in a drier location.

- 2.3 Similarly, the pavilion on the existing site has reached the end of its useful life. Whilst still functioning it lacks the facilities that might be expected from a modern changing facility and social space. It would be possible to refurbish the building, but this might prove to be an expensive exercise based on experience elsewhere in the District.
- 2.4 Furthermore, the location of the Edmondscote site, as discussed in paragraph 1.3.1 above, is less appropriate than the new site off Fusiliers Way for a number of reasons. It has therefore been concluded that the preference should be to proceed with the new site off Fusiliers Way.
- 2.5 The complex series of projects in this area will create a significant demand on time, money and staff resources within the District Council. If it is agreed that the project will now be progressed to the next level, it will be necessary to regularly undertake a gap analysis to identify the current resources available and the level of resources required. Alternative options for the closing of any gaps identified can be evaluated and implemented at that time.

3 Legal Implications

- 3.1 If the recommendations in this report are agreed, it will be necessary to agree several leases, licences, contracts and other legal arrangements for the activities to be developed in this location. A specification is being prepared of all the advice that will be needed for these projects. The Council will ensure that it has adequate support for all the elements of this specification.
- 3.2 The confidential Appendices contains financial and/or contractual information which might prejudice the Council's position in respect of forthcoming procurement activities.

4 Financial Services

- 4.1 The current forecast cost for the Myton Path and the new athletics facility are in the Private and Confidential Appendix H to this report. The appendix breaks down the costs and the funding sources by project.
- 4.2 One key funding source will be from the Local Growth Initiative Investment Plan under the Memorandum of Understanding (MoU) connected with the West Midlands Investment Zone. The Masterplan report also on this Cabinet agenda proposes that the WDC Masterplan proposals of which these both are part should form part of the Local Growth Initiatives Investment Plan from which some of the funding for these schemes will be required. It is important that both schemes are fully funded at this stage in their development to ensure that they can come to fruition and to assist with long-term financial planning. Another report on this agenda also relates to the overall Local Growth Initiatives Investment Plan.
- 4.3 The estimated total costing of the two schemes ranges from £6m to £8.1m. The funding proposed to cover this cost involves:
 - The use of £2.5m capital receipts from the sale of Riverside House as agreed by Cabinet in February 2023.
 - The use of £3.180m CIL previously agreed toward both projects.
 - The use of up to £2.420m Local Growth Initiative funding. This will reduce if the actual cost is at the lower end of the cost range.

- 4.4 The Head of Finance will want to take a view on what if any borrowing is needed to facilitate these projects and about what source of funding is used, when.
- 4.5 Not included in the CIL sum above is £150k and £225k already agreed for these projects to enable them to be progressed to the planning stage. £1.605m has been agreed earlier this year for the Myton Path scheme with £1m this year (24/25) and the remainder for the following year (25/26). £1.575m has been identified in the CIL scheme for the athletics track over the period 24/25 to 28/29.
- 4.6 The £2.5m capital receipt is part of the agreement for the redevelopment of the Riverside House sale and is due upon planning permission being granted. Homes England has submitted a planning application and so it is reasonable to assume that this will be determined before the end of the calendar year. It was agreed by the Cabinet in early 2023 that this sum should go towards this project.

5 Corporate Strategy

- 5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation.
- 5.2 **Delivering valued, sustainable services** – the provision of the Myton Path and the new facility for athletics will both contribute to this strategic aim by providing high-quality facilities for local people that will be responsive and accessible to local needs. The Myton Path will contribute significantly to the local sustainable transport network by linking Myton Road, Fusiliers Way and the Warwick Technology Park. The new athletics facility will offer a high-quality, modern facility which will provide for the sport of athletics for many years to come.
- 5.3 **Low cost, low carbon energy across the district** – the two projects covered in this report will contribute to this strategic aim by ensuring that the designs embrace Net Zero design, as stated in Recommendation 4 of this report, such that these facilities are net zero carbon in operation. This will apply to the Myton Path as well as the athletics facility, as both are consumers of energy in operation.
- 5.4 **Creating vibrant, safe and healthy communities of the future** – the overall approach to the project to develop a Community Stadium and related projects in the area between Fusiliers Way and Gallows Hill has vibrant, safe and healthy communities at its core. Combining these two facilities with a range of retail, sport, leisure, community and educational opportunities next to a few significant employment hubs will help provide '20-minute neighbourhoods' for some residents where community, sport, economic and housing needs can be met in the same locale. The installation of the Myton Path will provide a key link in the local sustainable and active travel network, and this will therefore also help facilitate a greater opportunity to allow the local communities to choose sustainable options.

6 Environmental/Climate Change Implications

- 6.1 It should be noted that the environmental target for The Myton Path and the athletics facility is shown as Recommendation 6 to this report, putting environmental and climate change implications at the centre of the work on these related projects.
- 6.2 The creation of the Myton Path will be a boost to the promotion of active

travel choices for local people and will greatly assist in helping the Myton Green area become a 20 minute neighbourhood.

- 6.3 To comply with the Council's policies on sustainability and its Climate Emergency Action Plan the Project Team will consider all aspects of the sustainability of the design of each facility to ensure that each design reaches Net Zero standards.
- 6.4 The Project Team will also continue to monitor developments in this field as the project develops, if the decision is taken to continue, to ensure that any building constructed utilises all appropriate new technologies.
- 6.5 Biodiversity impacts of these proposals will be given careful consideration as part of the design process with a view to minimising on site impacts. Where net gain biodiversity impacts cannot be fully mitigated on site, the proposals will ensure that funding is set aside to enhance biodiversity at the new park to meet the requirements of Biodiversity Net Gain as a minimum.

7 Analysis of the effects on Equality

- 7.1 An Equality Impact Assessment for the project and for the designs for the facilities will be completed at an early stage in the design process. This will be made available to Councillors on request when it has been completed. Both facilities will contain several design features aimed at customers with a disability or other access needs.

8 Data Protection

- 8.1 There are no specific Data Protection implications of the proposal.

9 Health and Wellbeing

- 9.1 The project will make a significant contribution to the health and wellbeing of the residents of the district and the wider area.
- 9.2 The Myton Path and the other active travel linkages proposed will encourage people to make healthier travel choices which will also enhance their health and wellbeing. The community activities offered across the site will encourage social participation and tackle social isolation.
- 9.3 The facilities at the athletics facility will encourage local people to take part in the sport of athletics, which has many different disciplines, and which is a very easily accessible sport.

10 Risk Assessment

- 10.1 The Risk Register for each facility is included as Appendix E to this Report. Each Register is divided into project risks and operational risks.
- 10.2 The series of projects in this area are inter-related. There are a significant number of variables and many of the projects are dependent on the movements in the cost of construction and the resale value of properties to remain viable. Planning Permission will be required for each built element of the projects and may be difficult to achieve, or potentially onerous conditions may be imposed. A significant number of legal agreements need to be agreed and signed in a timely manner to deliver some elements of the projects. Programming of projects will be key if construction processes are to be dove-tailed wherever possible.

11 Consultation

- 11.1 The various elements of the Masterplan and the individual WDC led projects

mean that public and stakeholder consultation will need to be planned carefully. The first piece of public consultation may well relate to the proposal to construct a Business Centre on 'Plot 9' as the developer is keen to get underway with this development as soon as possible. The project team will work with this developer to begin the public consultation on the Myton Path and possibly the new athletics facility at the same time, which will be Summer 2024.

- 11.2 The Planning Application for the Myton Path will be submitted in advance of other elements, given its importance to other elements of the scheme and to sustainable transport routes in the local area. Public consultation will therefore be undertaken on this at the appropriate time, more than the minimum required by planning legislation.
- 11.3 Each element of the area will be subject to public consultation, and steps will be taken to ensure that these consultation events cover as many elements of the site as possible each time, to avoid lots of events one after another and consequent 'consultation fatigue' over the coming time.
- 11.4 The project team is already in and quarterly meetings with the athletics clubs that use the current facility at Edmondscote, to keep both groups closely involved in both the process and the design of the new facilities. The team is also in contact with England Athletics.
- 11.5 The team is in monthly contact with the project teams working on the educational projects on the site and the Myton and Warwick Schools. The team is in regular contact with the sustainable transport team at the County Council regarding the Myton Path.
- 11.6 Regular briefings are provided for the District Councillors from the Ward containing the various sites and their support and advice is greatly valued by the project team.

Background papers:

None

Supporting Papers

None

Appendices:

Appendix A – Masterplan for the Fusiliers Way site and surroundings

Appendix B – The role of the Myton Path in the wider sustainability transport network

Appendix C – A proposed programme for the construction of The Myton Path

Appendix D – A proposed programme for the construction of the new athletics facility

Appendix E – Risk Registers for The Myton Path and for the Athletics Facility

Appendix F – Private and Confidential – Procurement Initiation Documents (PIDs)

Appendix G – Private and Confidential – Draft Heads of Terms for the transfer of land for the athletics facility and part of the Myton Path and commentary

Appendix H – Private and Confidential – Budget costs for The Myton Path and the new athletics facility