

Land at Coventry Stadium, Rugby Road, Coventry, CV8 3GJ

Proof of Evidence of Neil Allen, Director, Sports Planning Consultants

Local Planning Authority Reference: R18/0186

Planning Inspectorate Reference: APP/E3715/W/23/332013

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1.0 Qualifications and experience

- 1.1 My name is Neil Allen. I am a Director at Sports Planning Consultants (SPC), which was formed in June 2022. SPC were formed by Neil Allen and Carolyn Wilkinson in June 2022 having previously worked for Tetra Tech Planning (WYG) for 4-years, following the strategic acquisition of Neil Allen Associates (naa) in May 2018 by WYG. I hold a BA (Hons) degree in Leisure Studies, Recreation and the Environment from Leeds Polytechnic (Carnegie College).
- 1.2 naa was a specialist sports consultancy, formed in March 2007, which worked extensively with local authorities, Sport England, governing bodies of sport, education establishments and with private sector partners to deliver strategic planning solutions for sport. Previously naa was the only sports consultancy to have been accepted by Sport England on its former Strategic Planning Framework across all four sports lots, reflecting the status and the skills of the individual team members. Under the auspices of Tetra Tech, we are now one of the consultancies on Sport England's new *Active Environments Consultant Framework* for Needs Assessments and Town Planning work.
- 1.3 I was a co-author of the Assessing Needs and Opportunities Guidance (ANOG) guidance and supported Sport England to develop this nationally recognised methodology used to undertake NPPF compliant needs assessment work. I have undertaken a multitude of needs assessments across lots of differing sports using the ANOG approach.
- 1.4 I understand the need for my expert evidence to be my true and professional opinion.

2.0 Summary

- 2.1 This Proof of Evidence addresses the Council's case in respect of defending its decision to refuse planning application reference R18/0186, for the development of Coventry Stadium, Rugby Road, Coventry.
- 2.2 The submitted planning application sought outline planning permission (with matters of access, layout, scale, and appearance included) for residential development (Use Class C3) including means of access into the site from Rugby Road, provision of open space and associated infrastructure and provision of a sports pitch, erection of a pavilion and formation of associated car park.
- 2.3 Planning Committee resolved on 09/11/2022 to refuse planning permission on the grounds that the development would result in the loss of a sporting facility that has both local and national significance, and although an alternative sporting provision is proposed there is not a clearly identified need for the alternative sporting provision, and therefore it is considered that the proposed benefits of the new facility do not clearly outweigh the loss of the stadium. The formal Decision Notice was issued on 16/11/2022.

3.0 Introduction

- 3.1 Set out is the proof of evidence from Neil Allen, Director, Sports Planning Consultants acting on behalf of Rugby Council. The proof provides updated evidence on the Coventry Stadium, Brandon Independent Review (September 2019)(CD 15.1.2), which I authored on behalf of Rugby Council, whilst at WYG.
- 3.2 It also comments on the Brandon Stadium Speedway Viability Appraisal by KKP (April 2023)(CD 3.2) and the Brandon Stadium 3G Artificial Grass Pitch Feasibility Study (July 2023 Update)(CD 3.1).
- 3.3 The original 2019 Independent Review was undertaken on the basis of assessing existing evidence put forward by the two parties at the time and providing comment based on this. The Review was not intended to be a needs or viability assessment per se. It was intended for the council use and was not an advisory document for either party. As the KKP Report acknowledges; *detailed information in respect of the previous commercial operation at Brandon Stadium is not available.....ascertaining the viability of speedway as a sport and at Brandon is challenging* (paragraph's 6.1 and 5.1 of CD 3.2).
- 3.4 Given the scope of the Independent Review and the information context set out by KKP, the previous conclusions drawn in terms of needs and viability are still considered to be sound, indeed more so, based on my more informed and updated understanding. The 2019 findings were not disputed at the time by either party.
- 3.5 The proof seeks to address the key issues raised by the Inspector in relation to:
- Whether the stadium is surplus to requirements having regard to national and local planning policies
 - Whether it is financially viable to reinstate the speedway stadium
 - Whether there is identified need for the alternative sports provision proposed
 - Whether the benefits of the alternative sports provision outweigh the loss of the former speedway use.
- 3.6 It should be noted that the Rule 6 Party will also provide evidence on the above issues, particularly in relation to trends and will provide more detail in respect of the issue of viability. This proof provides an overview of the trends and viability issues.

3.7 The key reason for refusal, was that *the benefits of the proposed 3G pitch were considered not to outweigh the harm caused by the loss of the Stadium*. Set out below are my responses to the 4 key questions posed by the Inspector, which will re-confirm the reason for refusal and the findings set out in the previous Independent Review.

4.0 Whether the stadium is surplus to requirements

4.1 The key national planning policy test in relation to the question of whether the stadium is surplus to requirements is National Planning Policy Framework (NPPF) (CD8.1) paragraph 99, which states that:

'Paragraph 99 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;
or

c) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'

4.2 Sport England published the methodology for how NPPF compliant needs assessment work should be undertaken; the *Assessing Needs and Opportunities Guide (ANOG)(CD 15.1.4)*. This represents the 'how to do' needs assessments for indoor and outdoor sport in England and represent Sport England's response to paras 97 and 99 of the NPPF.

4.3 In line with the NPPF, needs assessment work should therefore use the ANOG framework to illustrate how the proposals meet NPPF policy. ANOG looks at *quantity, quality, accessibility and availability* of provision.

4.4 The Independent Review in 2019 used this framework to test the evidence and concluded that a clear case could not be made that the stadium was *surplus*, using the ANOG tests, this was not contested at the time. Indeed, since the independent review was concluded in 2019 and the planning application determined in October 2022 Brandon Estates did not seek to argue the stadium was *surplus*.

4.5 Brandon Estates now appear to be arguing that the stadium is surplus owing to viability and trends in speedway over the past 4-years, which they argue have seen a decline in the sport, which in their view, impacts on the issue of viability and therefore need.

4.6 Considerable weight is given throughout the Appellant's statements to the viability of the stadium. It is contended that if Coventry Stadium is not considered to be

viable, then it can be argued that the facilities are surplus to requirements. This conflates needs and viability.

4.7 Viability is not an exception contained within paragraph 99 of the NPPF or Sport England's Planning Policy Objectives. Nor does paragraph 99 of the NPPF limit open space to its current or last known typology in terms of surplus to requirement. The question is whether the open space and land use, irrespective of typology, is surplus to requirements. This has not been demonstrated.

4.8 The Rugby Local Plan policy HS4 reflects NPPF para 99 and does also not refer to viability as a consideration in relation to need. The Neighbourhood Plan Policies LF1 and H2 do reference viability in the broad context of *Community Facilities* - which Coventry Stadium is stated to be. It references the need that community facilities should be judged on the basis of whether they are needed or viable, where the test is there being no realistic prospect of viability being improved. I believe, and note that the Rule 6 Party, also believes that this is not the case.

4.9 The overriding policy position requires that any development promoters must prove exception 99 a). I have not seen any updated needs assessment using the ANOG tests, which proves this, or addresses other potential land uses. No updated analysis appears to have been undertaken.

4.10 The focus of the Appellant's case is on viability, which I would argue is not relevant and certainly not proven, and trends, which I believe are overstated and certainly not to the determinant of need as stated.

Assessing Need

4.11 Turning first to the issue of surplus in terms of need. The 2019 Independent Review (*CD 15.1.2*) concluded the following using ANOG tests.

Quantity

There is limited evidence that there is an existing good level of quantitative provision and alternatives that can justify the loss of Coventry Stadium.

Quality

Brandon was a fit for purpose stadium, at the time the Appellant bought the site, and a significant venue for the sport.

Accessibility

Brandon Stadium is well located. The closure of Coventry Stadium does leave a gap in the West Midlands for both speedway and Stock Cars.

Availability

Lack of availability and capacity at other sites has had a clear impact in terms of speedway ending and stock car activity being curtailed. There has not been adequate availability of suitable alternative provision and relocation opportunities to allow the sport to continue.

- 4.12 It is these issues that should be the key consideration in planning terms of need.
- 4.13 Since 2019 the position across all the above tests has not changed, other than worsening, with other tracks having closed or threatened with closure. The maps overleaf show the current speedway and stock car provision.

Figure 4.1 – Speedway Stadiums

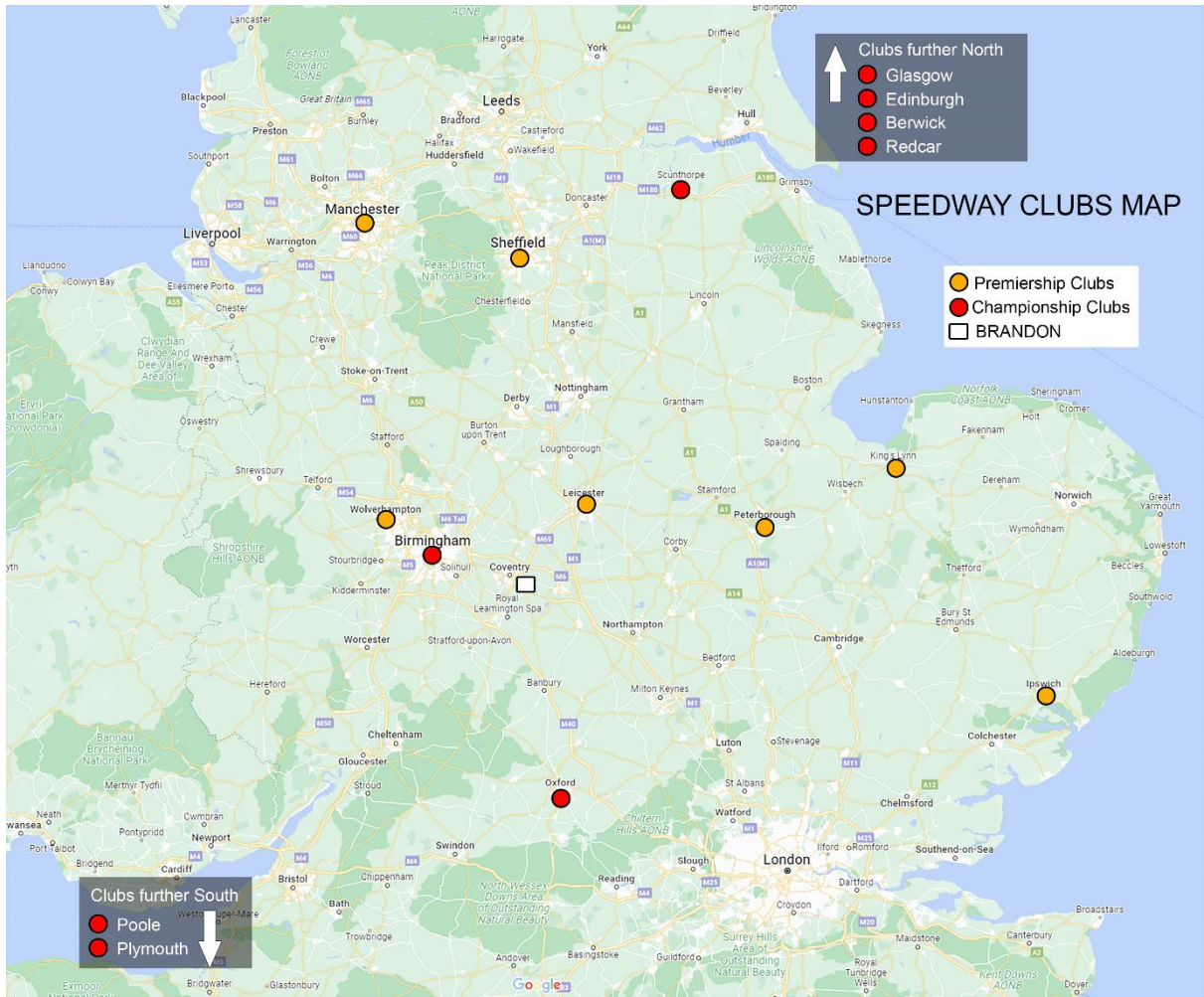
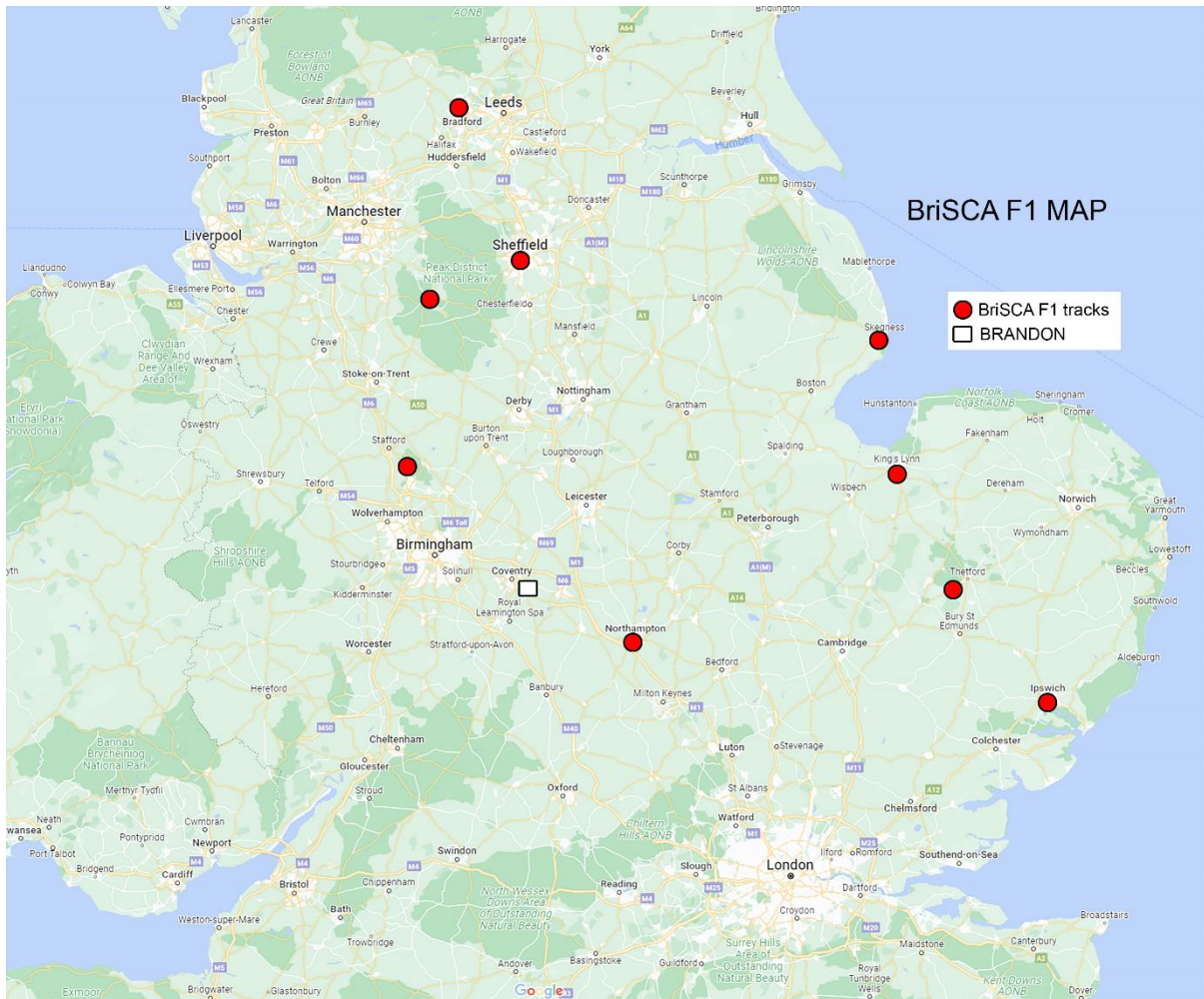


Figure 4.2 – Stock Car Stadiums



- 4.14 As the Appellant has pointed out, Wolverhampton is under threat of development. Birmingham Perry Bar is also under threat (as the owners of Wolverhampton and head lease holders of Birmingham have applied for permission for a dog track at Wolverhampton Racecourse, which they also own, and if granted, are likely to close both stadiums and sell for redevelopment). In addition, Peterborough (who race at the East of England Showground) is also under threat as the owners are seeking to build 1500 houses on the site.
- 4.15 All three clubs are under threat due to land tenure issues as opposed to demand or viability.
- 4.16 This would leave no tracks in the West Midlands and only Leicester in a reasonable catchment for speedway. This was previously used as a temporary home for Coventry Bees (the former team who raced at Brandon), but this did not

work as an alternative venue.

- 4.17 This is the problem speedway faces: tracks and clubs are being lost, not due to lack of demand or viability, they are being lost due to land tenure and it threatens the on-going existence of the sport. As set out, this has worsened since 2019, making the surplus case more difficult to justify 5-years on.
- 4.18 To summarise in **quantitative** terms, there are fewer tracks, particularly in the West Midlands, with more threatened. The previous users of the stadium have not been re-housed, there are not **available** alternative provisions, this is despite there being a demand for an events programme and a need to re-form and re-house Coventry Bees (see paragraph 4.25). At present there is nowhere for this to happen. **Accessibility** to other provision is also diminished and further threatened as illustrated in figures 4.1 and 4.2.
- 4.19 In terms of **quality**, the issue of Coventry Stadium's importance as tracks continue to be lost is further heightened since 2019. Its central location with excellent motorway links makes it easily accessible from all parts of the UK and made it a significant provision. As a facility it is an ideally shaped shale track considered to be amongst the best for speedway racing and the Wembley of the Stock Car Racing world. Brandon was not just a local track it was a stadium of Local, National and International significance for both Speedway Racing and Stock Car Racing unrivalled in the UK and famous throughout the world. This remains the case and is a key issue glossed over by the Appellant, but critical in the context of assessing the benefits of alternative provision, against the strategic importance and quality of provision being potentially lost.
- 4.20 Coventry Stadium was and is a high quality and significant provision. Its central location is unique and this remains so. More facilities have closed and, more are threatened. In the West Midlands there are big gaps with fewer places to play. These threats are down to development and not need.
- 4.21 I therefore believe the 2019 conclusions of the Independent Review in terms of need, which were not disputed, remain valid and are indeed strengthened. Issues of viability and trends as argued by the Appellant do not alter the fundamental issues of need.

4.22 In terms of trends, whilst the sport is not at the height of the 70's, this is the same for many sports, but speedway is far from 'on its knees' as asserted by the Appellant and indeed previously by me. It is acknowledged that the sport is in a different place from its heyday in the 70's, but as are most sports. Indeed, the pace of change across the sporting landscape has never been more volatile and the challenges varied, but speedway is responding.

4.23 Consultation I have subsequently had with the sport has indeed made it clear that speedway is in a more stable position as of 2023, with several positive crucial indicators.

4.24 In the volatile sporting landscape speedway remains a professional sport with 3 functioning leagues, all of which have sponsors, despite closure new tracks have also opened at Workington and re-opened at Oxford, resulting in new teams and the strengthening of the league structure as set out below.

Premiership Clubs / Teams (7)

Belle Vue (Manchester)

Ipswich

Kings Lynn

Peterborough

Wolverhampton

Leicester

Of those, just Wolverhampton is in the West Midlands, but under threat.

Championship Clubs / Teams (9)

Poole

Scunthorpe

Berwick

Birmingham

Oxford

Plymouth

Redcar

Glasgow

Edinburgh

Of those, just Birmingham is in the West Midlands, but under threat.

National Development League (8)

Belle Vue (Manchester)

Berwick

Edinburgh

Kent

Leicester

Oxford

Workington

Mildenhall

None are in the West Midlands.

- 4.25 The re-opening of Coventry Stadium, even before and without the repair of stands, would see the reinstatement of Coventry Bees at a professional level. Teams change from year to year, the asset base is the riders and new licenses are granted to promoters regularly e.g. Oxford and Workington. Coventry Bees are not *defunct* as claimed by KPP (*CD 3.2 para 3.12*). A promoter is in place (*CD 15.1.6*) to reform the team and the BSPL have confirmed this position in-principle. This would further strengthen the league structure and bring speedway back to the West Midlands. Demand exists. This is what is at stake in comparison to another 3G pitch.
- 4.26 Five of the top 7 riders in the world are currently racing in Britain. Two years ago Britain were world champions. Phil Morris has been taken on as Chief Executive of the Premiership League to further grow the sport and commercial appeal. Indeed, the sport has a profile on Eurosport and on an international basis Warner Brothers have committed £100m worth of investment in the sport, supporting the Grand Prix Circuit and the global development of the sport. This is currently in year 2 of a 10-year arrangement.
- 4.27 The closure of the track at Swindon is put forward by the Appellant as a reflection of the declining trends in the sport. The Rule 6 Party will set out in detail how this is more accurately a reflection of the desire for the site to be developed. The Rule 6 Party are clear that the whole situation regarding Swindon has been reverse engineered and there is little in the way of legitimacy of the claim that Swindon Robins folded due to financial viability.
- 4.28 The Appellant also makes great play of the Arena Essex (AE) case, as a parallel to Coventry Stadium. There is no officer's recommendation and there has been no decision on the Arena Essex planning application. The Arena Essex planning application has never progressed to committee in the 5-years since the application was lodged, whilst the track was closed by the previous owners, the case put forward has never been tested and certainly not accepted. Indeed, it is evident to me, having spoken to the interested parties, that much of the analysis has been proven to be no longer correct or relevant.
- 4.29 Thurrock Council, the LPA in respect of Arena Essex, appears to accord with this. The Thurrock Council policy position is clear, that any sporting facilities lost must be replaced, indeed this culminated in a meeting on Wednesday 25th January 2023, when the Council resolved (*CD 15.1.7*) to preserve speedway in Thurrock

and are now seeking to achieve this either on the AE site or at another location in the borough. The resolution reads:

‘Thurrock Council resolves to use the Local Plan process to support the retention of Speedway in Thurrock and identify a new home for Grays Athletic, in the Grays area.’

- 4.30 The arguments previously put forward in respect of AE and set out in the KKP report have therefore not been accepted and are not relevant as some form of precedent or principle.
- 4.31 More crucially in England new tracks have opened in Workington and re-opened in Oxford after 15 years closure. Further detail of this, which is a key precedent, will be set out later in section 5 and by the Rule 6 Party. Suffice to say, the sport is far from ‘on its knees’ and needs places to use like Coventry Stadium.
- 4.32 The Rule 6 Party, as the experts in speedway and stock car racing, will set out the detailed rebuttal, addressing issues like Swindon and point out the inaccuracies in the KKP Speedway Viability Appraisal.
- 4.33 In terms of viability, KKP acknowledge the difficulty of assessing this in the context of the previous stadium operation, given how the facility closed. In terms of future viability, the key determining factor set out by the Appellant focusses on trends in the sport alongside prohibitive costs. The issue of trends has been addressed previously and will be countered in detail by the Rule 6 Party, suffice it to say, it is evident that there are some very positive indicators in the sport. In terms of viability and costs, this is set out in section 5.
- 4.34 Finally and critical to any ANOG assessment of need, is the view of the relevant National Governing Bodies for the Sport (NGBs). The Appellant has not consulted with the NGBs, despite listing them in section 2, no dialogue has taken place. Reference is made to their existence but any dialogue is ignored, the NGBs’ views are critical in any assessment.
- 4.35 The NGB comments are set out below.

Rob Godfrey – Chairman, British Speedway Promoters’ Ltd and Neil Vatcher – Co-Ordinator, Speedway Control Bureau

‘British Speedway Promoters’ Ltd and the Speedway Control Bureau wish to jointly re-iterate our complete opposition to planning application R18/0186 regarding Coventry Stadium.

As already described in detail via correspondence you will no doubt have received, this is one of our sport's most important and historic venues, and it is our firm belief that the appeal should be rejected and all necessary steps should be taken in order for the site to be returned to sporting use.

We also wish to place on record that we do not accept in any way the manner in which the sport as a whole has been portrayed in documents provided by the developers, both in the original planning application and subsequently in the appeal.

It appears that in the absence of any specific evidence relating to Brandon, an attempt has been made to instead paint the gloomiest possible picture of our sport, in order to in some way justify the plans. However, these documents are riddled with misleading, disingenuous statements – as well as untruths at times – and the majority of the 'evidence' is anecdotal, none having been directly received from the sport's authorities. We must stress we have not been consulted by the developers or their representatives, despite what is implied in the reports.

As has been the case throughout the process, we are perfectly willing to engage with the necessary bodies in order to present a fair and accurate picture, which is precisely what we did when Rugby Borough Council commissioned an Independent Report in 2019.

We would be delighted to discuss the matter with you further, and we urge you to reject the appeal when it is heard in September.

(Note: this was part of the original planning application evidence and has been reiterated by the relevant bodies and forwarded to the Inspector).

Steve Rees, Chairman of ORCi and British Stock Car Association F1 and Peter Falding, Chairman of the British Stock Car Drivers Association

'The British Stock Car Racing, F1 & F2, BriSCA Management Board, British Stock Car Drivers Association and the Oval Racing Council International wish to jointly re-emphasise our absolute objection to planning application appeal, R18/0186 regarding Coventry's Brandon Stadium.

As per our earlier representations and the substantial weight of objections received from race fans and competitors, there is compelling evidence to support that Coventry Stadium is a well-supported and much loved centre of oval motorsport excellence in Europe. Without doubt, it's historic relevance cannot be ignored that may be traced back, for Stock Car Racing to post the second world war although significantly earlier for Speedway and Midget Car Racing. The venue has been centric to many of the sports major championships.

Our solidarity on this determines our firm belief that this application must be rejected and every effort invested to return this historic venue as a multi use sporting venue once again. We are disturbed at inaccurate misrepresentations of the sport by the consultants representing the developers in the various information submitted for the planning consent and subsequent appeal.

We also wish to place on record that we do not accept in any way the manner in which the sport as a whole has been portrayed in documents provided by the developers, both in the original planning application and subsequently in the appeal. We challenge and have some knowledge of the source of such information and the assertions are inaccurate and bereft of fact. These must be tasked.

There is no substance to many of the points submitted with regards and in particular, the support nationally and Europe wide for the sport. Indeed the sport is flourishing currently and any decline may be only be attributed in areas because major historic and iconic stadiums based upon their development value and such justification is repeatedly and inaccurately portrayed to ensure a successful outcome.

As you will be aware, there are significant individuals together with the governing bodies, prepared to invest to restore this marque as a successful events arena together with the substantive incremental income generated from major events for the local economy.

We must urge you to reject this appeal as viable alternatives exist to preserve the venues continued use.

As governing bodies we are happy to engage and assist in providing further supplementary evidence to further support the case as may be required.

(Note: this has been forwarded to the Inspector for this Appeal and represents a formal response of the NGB to mirror that of speedway)

Summary

- 4.36 In terms of need, Coventry Stadium is not *surplus* in terms of its land use, the conclusions reached in 2019 remain valid but the position has worsened. The Appellant has not presented evidence in respect of need or proved exception to paragraph 99 a) of the NPPF, as required by policy.
- 4.37 KKP state they have been unable to provide a true picture in terms of trends. The Rule 6 Party will provide a detailed rebuttal of the trends set out in the Appellant's case and comment on the assertions made in respect of Swindon.
- 4.38 What is evident is that there are positive trends in the sport and crucially, although in my view somewhat conflated with need, the viability of re-opening the stadium works. There is a realistic prospect of re-opening the site on a modest phased basis, as set out in the next section and as illustrated at Oxford.
- 4.39 Tracks and clubs are under threat due to land tenure issues as opposed to demand or viability. There remains a need for and the sport needs places to use.

5.0 Whether it is financially viable to reinstate the Speedway Stadium

- 5.1 My view is that viability is not part of the assessment of need. I understand this becomes more of an issue when assessing whether the benefits of any development *outweigh the loss* if it is considered unviable to re-instate. I do not believe this to be the case. The Rule 6 Party will set out in detail the viability case and how Coventry Stadium can be re-instated on a phased basis.
- 5.2 The proposed re-opening of Coventry Stadium will be undertaken on a modest phased basis. This reflects recent openings and re-openings across the sport.
- 5.3 More detail of plans, help and support will be outlined by the Rule 6 Party. Potential partners are interested in the purchase of the stadium, others have expressed support to help fund a phased re-opening and promote the re-establishment of Coventry Bees.
- 5.4 A modest phased re-opening reflects the nature of speedway and stock car facilities. Workington opened recently with a simple track and modest grass banking for spectators. Bradford re-opened for stock cars after circa 20-years of closure.
- 5.5 Most pertinent however is Oxford, which re-opened modestly in 2022 after 15 years' closure. The licence was re-instated by BSPL, which would be mirrored at Coventry, and they now have a Championship and National League Development team operating at Oxford. Crowds are larger than when the stadium closed and it is thriving.
- 5.6 Much of the work to re-open Oxford was done by volunteers / skilled tradesmen, as would be the case at Coventry. Oxford was not badly vandalised or fire damaged but it was disused for longer than is the case with Coventry. The terracing was heavily overgrown with vegetation and damaged in places as a result. This was easily and inexpensively dealt with. When it reopened in 2022, it opened with a restricted capacity (self-imposed) and has progressively extended the capacity.
- 5.7 Over time the grandstand (which is all behind glass and does not have outside seating) has been refurbished (ceilings, bars, food outlets, restaurant, carpets, furniture, etc). A new pits area has been created. The whole stadium was rewired and new LED floodlights installed.

- 5.8 The Oxford case study has distinct parallels with Coventry Stadium and illustrates graphically what can be achieved. The comments below (CD 15.1.5) highlight the success and set out the viability model of what can be achieved at Coventry.

Kevin Boothby, Oxford Stadium Managing Director

'The support we have received for speedway since reopening Oxford Stadium has been truly overwhelming.

Promotional work within our local community coupled with persistent media relations and heavy fan engagement has successfully connected the 'lost generation' and former supporters with the sport.

In our regeneration season (2022), crowds were well above the levels we budgeted for and demonstrated to us a clear demand for speedway locally. It prompted our team to expand our initial audience capacity from 2,000 to 3,500 following the completion of works to restore Oxford Stadium to its previous glory following almost a decade of neglect under lock and key.

Remarkably, Oxford Speedway attendances this season have been even stronger. We are consistently attracting over two-and-a-half times the number of people through our doors compared to when the club initially closed in 2007 with many supporters taking advantage of our U16s go free offer which has inspired a new generation of speedway fans locally.

It is bewildering to us that this space of extraordinary potential was earmarked for housing when its existing provisions served a key purpose to the local community.'

- 5.9 It is not proposed in the short-term to undertake a costly redevelopment of the Coventry Stadium, as set out in the Appellant's viability study. A modest re-opening and a phased approach is proposed. Oxford provides the model of what can be achieved.

- 5.10 An event programme for speedway and stock cars would comprise initial open meetings, challenge matches and one-off events. Coventry Bees Team would be re-issued with a licence once the re-use was established and the business built up on a phased basis. This approach and usage profile is supported by the NGBs.

- 5.11 It is viable to re-open the stadium on a phased basis, without everything in place, with the support of partners. Oxford provides the perfect example.

Summary

- 5.12 The previous Independent Review in 2019 was never scoped to assess viability per se, KKP acknowledge the difficulty of untangling the viability issues from 2019. The Appellant's focus on Arena Essex is no longer relevant.

- 5.13 The premise of the Appellant's case in respect of viability is not what is planned for Coventry Stadium. In a similar vein, the National Speedway Stadium,

Manchester model is not applicable to Coventry or the re-opening plans.

- 5.14 Oxford, Workington and Bradford represent the models, which will be replicated at the Coventry Stadium. A modest re-opening on a phased basis, supported by an events programme, which would be built up over time, including the re-establishment of Coventry Bees, can deliver a viable re-instatement.

6.0 Whether there is identified need for the alternative sports provision proposed

- 6.1 The alternative provision is put forward to meet NPPF paragraph 99 c).
- 6.2 The proposal does not meet NPPF paragraph 99 c). Sport England's comments (CD 9.31) to the original planning application of October 2022 set this out. The proposal is not policy compliant under para 99 c) and should not be considered on this basis. Para 99 c) is concerned with *sport on sport* e.g., where a sports hall might be built on tennis courts.
- 6.3 The majority of the development proposed for the Coventry Stadium site is housing, it is not proposing an alternative sports provision across the whole site and therefore does not meet NPPF policy. Indeed, Sport England made further comment (CD 9.31) on the original application that the proposed 3G could be provided without the loss of the Stadium. The provision of housing results in the loss of the stadium, not the provision of the 3G pitch.
- 6.4 As it is a departure from policy, with the replacement sport representing a very small part of the site, it could only be *considered* if the facility being replaced was proven to be *surplus*, but as this is not proven then para 99 c) is not relevant.
- 6.5 As set out in the KKP 3G Artificial Grass Pitch Feasibility Study (July 2023 Update) (CD 3.1) based on the Rugby Borough Council 2015 Playing Pitch Strategy (PPS) (CD8.13), there is a need for one outstanding 3G pitch in Rugby and 3.75 pitches in Coventry (Coventry City Council PPS, 2023). This is accepted. KKP estimate the theoretical figure for Rugby could potentially be increased to a need 2.25 pitches.
- 6.6 This needs to be put in context. The National Football Facilities Plan (CD 3.1 para 2.7) has a key investment priority to deliver 1,000 3G pitch equivalents on a national basis. There are therefore needs across every local authority area, based on a simple calculation of the number of teams, a one pitch need (or even if accepted 2.25) for Rugby is not significant and is actually very limited in comparison. Typical needs in other authorities are far greater e.g. 8 in my home authority of Warrington in its recent PPS.
- 6.7 The KKP Feasibility Study sets out a list of clubs, teams and other potential 3G schemes across both Rugby and Coventry, which demonstrates the complex and

often opportunistic nature of 3G pitch provision. The theoretical 3G needs outlined across the area if accepted are still small, with a multitude of options to deliver.

6.8 What is more critical to establish is the views of the key partners on the 3G proposal put forward for the Coventry Stadium site and how these could meet priority needs.

6.9 Again, it is not evident if KKP have undertaken any formal consultation? The oral feedback from our consultation discussions is set out below.

Rajvir Bahey, Planning Manager, Sport England

- *Reaffirmed previous comment on the 3G proposal in respect of policy, which is set out at paragraph 6.5 and 6.6*
- *Confirms there is a broad need for modest additional 3G pitches in Rugby based on numbers but would not view Brandon as a strategic site*
- *Would prefer to see provision located to better meet the need in the urban area.*

Tom Kittendorf and Tom Allen, Rugby Borough Council (Sport and Leisure Development, responsible for the PPS)

- *A 3G pitch in Brandon would be better than nothing and would tick the box in respect of the statistical need for one pitch*
- *The Binley Woods area (Brandon) would not be the best location given the relative lack of clubs in the immediate catchment and lack of a youth demographic*
- *The proposal does not appear to be linked to existing club infrastructure, with no anchor club, which is a concern*
- *The Council would not be interested in using or managing the pitch and would be concerned with daytime usage and overall sustainability*
- *Various priorities are emerging re 3G provision at Warwickshire College (Rugby), Houlton School, St Gabriel's and a rugby 3G somewhere in the borough, Brandon does not feature in these discussions.*

Jonathan Hunt, Service Manager Sport, Physical Activity and Wellbeing, Coventry City Council

- *Acknowledges the deficiency in 3G pitches, but geographically in Coventry, ideal locations would be elsewhere, in the north-west and south-west of the city, not bordering Brandon*
- *Brandon is not a priority location to meet the Coventry need. There is not a large population around Brandon*
- *In terms of the proposal itself would like to see it linked to grass pitches, potentially on a school site and a multi-sport element to form a hub site*
- *Recent 3G pitch opening at President Kennedy School (PKS) has successfully incorporated these elements*
- *Commenting on the proposed operation by SBitC. They currently operate Bluecoats, which is nearby and is not at full capacity, and PKS, an additional pitch in the area could impact on the sustainability of both.*

Keely Brown, Football Foundation (FF) Delivery Manager (West Midlands)

- *FA would need to understand and review the associated programme of use and potential outcomes which the 3G at Brandon could deliver, against other priority sites that have started to emerge from PPS work locally*
- *The FF has no active 3G projects in development in Rugby. Although emerging potential schemes include Rugby Borough Sports Trust, Warwickshire College and Bilton School*
- *The FF has no active 3G projects in development in Coventry*
- *We (FF) are aware of proposals for full size 3G pitches to be established at Woodlands Sports Complex and at Cardinal Newman School (in partnership with Christ the King FC). In addition, preliminary discussions have also been held regarding the potential provision of a full size 3G pitch at Coundon Court School. The PPS highlights that with three pitches proposed but only a shortfall of two, that further investigation is required to determine which two of these potential developments are the most feasible*
- *There are other 3G options available if any of the above cannot be delivered and a note that given the proximity of Warwick District Council and their 3G needs that both Local Authorities need to work in collaboration, to determine developments on either side of the border.*

Joe Robinson, Birmingham County Football Association

- *St. Finbarrs FC have aspirations to use Foxford School, initially to get the grass pitches up and running, but long-term wish to explore the option of a 3G facility on site. Again, this is aspirational, but maybe worth noting.*
- *Paragraph 3.36 of the KKP feasibility is all aspirational*
- *We would need to ensure that there was a robust Programme of Use (POU) at Brandon and that it was not there just to cater for SBitC. Maybe look at agreed club nights etc*
- *I would think more consultation is required to see the usage at the other sites operated by SBitC. They are saying they are at capacity, it would be good to see the POU. I know they were struggling to fill a Friday at President Kennedy not so long back and wanted to work with the FA around disability provision*
- *Does suggest it will cater for SBitC first then look to offer it to clubs. Not sure this would work given the amount of demand being suggested by the clubs.*

6.10 Sky Blues in the Community (SBitC) are the proposed operator of the Brandon site. They have re-confirmed this position through email exchange, although the stance is fairly neutral. David Bust, Head of Community, Sky Blues in the Community commented;

'I can confirm that our position hasn't changed regarding the Brandon site -should planning be granted and the site developed we would be interested in managing/using the facility for community activities in Coventry and Warwickshire.'

6.11 In terms of my detailed comments, these echo those of the consultees, as follows. These are based on the KKP Feasibility Study (CD 3.1):

- *Overall, it appears that demand from clubs to use the pitch is a bit tentative, it appears that clubs are hedging their bets a little rather than committing, which is not unusual when asked about potential developments such as this. If the demand was concrete the income generated is probably about right, although*

there are some risks to this. Given that the surplus generated is minimal, the overall financial position needs to be treated with caution

- I would question whether SBitC still have demand to use this site if the other priorities identified with the PPS were developed. Have their facility needs across the city been quantified? This is a concern expressed by other consultees in respect of the capacity at other sites*
- Does this demand still exist if projects identified in the PPS are progressed or are the clubs consulted with just hedging their bets a little bit. Partner comments would suggest this is a real concern*
- It is not clear how the pricing policy has been developed? Is this in-line with similar 3G pitch facilities locally? Has this been shared with the clubs as part of the consultation to check they are comfortable with this?*
- The programme of use shows small sided football leagues running three nights of the week. Has any consultation been carried out to look at demand for this? Desktop search of small sided football leagues in Coventry and Rugby has identified a lot of current activity. Losing one of these nights would impact the business plan significantly, enough to change the surplus to a deficit*
- Weekends are at full capacity for match play (five hours per day). In the consultation only St Finbarr's FC reference demand for match play. Will this fill ten hours across the weekend? All local leagues play on a home and away basis so no central venue fixtures. Currently £15,500 of income generated in year one is from match play, this increases to £17,557 in year four. A relatively small reduction in this could impact the surplus generated and the sustainability of the project. I would have real concern whether this could be achieved*
- Will the preferred management model impact the surplus generated by creating greater overheads from a staffing perspective? Surplus in year four of the project is only £6,673, so there is not much to play with. We would also question how concrete the team demand is, see above. This is actually flagged as a risk by KKP in paragraph 6.3 (CD 3.1)*
- Pavilion utility costs look a little on the low side. For a two team changing pavilion, the FF recommend £6,000 per annum, There is also no sinking in place for the pavilion, the FF typically recommend £5,000 per annum*
- I would probably suggest the opposite to paragraph 6.4 (CD 3.1) of the KKP report. Other 3G proposals need to be considered alongside Brandon to determine the priorities moving forward for both Local Authority areas. This should be based on demand and priorities of the NGBs and Local Authorities, not who can submit first. This just further emphasises the lottery and speculative nature of the Brandon 3G proposal, which is not supported as a priority by any of the partners.*

It is crucial that a 3G at Brandon is assessed against the other priorities identified, is this the best site for a 3G pitch in Rugby or Coventry? Based on the evidence presented and partner comments so far, I do not believe that this is the case. It represents a speculative, developer led proposal with very little support.

- 6.12 Best practise for developing a 3G pitch should be based on demand from local clubs, as this drives the need on the basis of team numbers relative to pitch demands. This should also help to inform the best location for siting such a facility. This should consider the management and operation of such a site as well as

access. Club use is ill-defined at Brandon.

- 6.13 Club use should then inform the development of a robust programme of use centred around a partner club(s). Whilst the evidence provided demonstrates that several clubs have been consulted with regarding this proposal, it does not provide any evidence that the clubs consulted with have committed to the project by providing a letter of support or service level agreement. The programme of use provided also does not detail which clubs will use the facility and when. All partners view the POU as a critical issue, that presented for Brandon highlights a number of red flags as set out under paragraph 6.11.
- 6.14 There should also be a business plan in place that considers all the income and expenditure associated with managing and operating the site. Whilst a high-level business plan has been provided, it does not provide any detail on the management and operation of the site and what impact this may have on the business plan. It also suggests that the site may be closed for large parts of the day, which if not staffed could encourage unofficial use and damage. Demand for daytime use should also be considered to meet the needs and requirements of the local community, this could come from local community groups or charities, walking football sessions or a post 16 education programme. The latter could contribute positively to the business plan as well as daytime management of the site. Best practice would be not to have a 3G pitch left dormant and unused for the majority of the day. Demand for multi-sport opportunities should also be explored. Whilst the document references there is no demand from rugby union, have other sports been consulted with to understand whether demand exists?
- 6.15 There are some clear messages and key themes arising from the consultation and detailed review of the 3G proposal. Brandon is not a priority site to meet 3G need. It is not supported as such by any of the key partners and is not a sound or robust strategic proposition. It represents a speculative proposal.
- 6.16 The lack of population, club infra-structure and the proposed standalone nature of the pitch is a concern expressed by all consultees, as is the POU. Whether the facility would be sustainable given other existing and proposed pitches coming on stream is also questioned and indeed openly acknowledged by KKP as a key risk. The business plan operates at the margins and any of the proposed other 3G pitches coming on stream would impact negatively and threaten viability.

Summary

- 6.17 Key partners agree that whilst the provision of any 3G Pitch would not be unwelcome, and one 3G is probably still required in Rugby, Brandon is not a priority or suitable location. Brandon and the proposal put forward is not supported as a priority in terms of strategic need. It is not supported as such by any of the key partners and is not a sound or robust strategic proposition. It represents a speculative proposal.
- 6.18 The lack of population, club infra-structure and the proposed standalone nature of the pitch is a concern expressed by all consultees. Whether the facility would be sustainable given other existing and proposed pitches coming on stream is also questioned and indeed openly acknowledged by KKP as a key risk. With no anchor club, the business plan operates at the margins and any of the proposed other strategic 3G pitches coming on stream would impact negatively and threaten viability.
- 6.19 Brandon puts forward a single isolated 3G pitch, with no anchor club, does not have grass pitch provision alongside to form a hub and is not a multi-sport offering. Whilst it would be used and will have some benefit the evidence set out highlights it is of little or no strategic significance in comparison to a strategically important stadium provision as represented by Coventry Stadium.

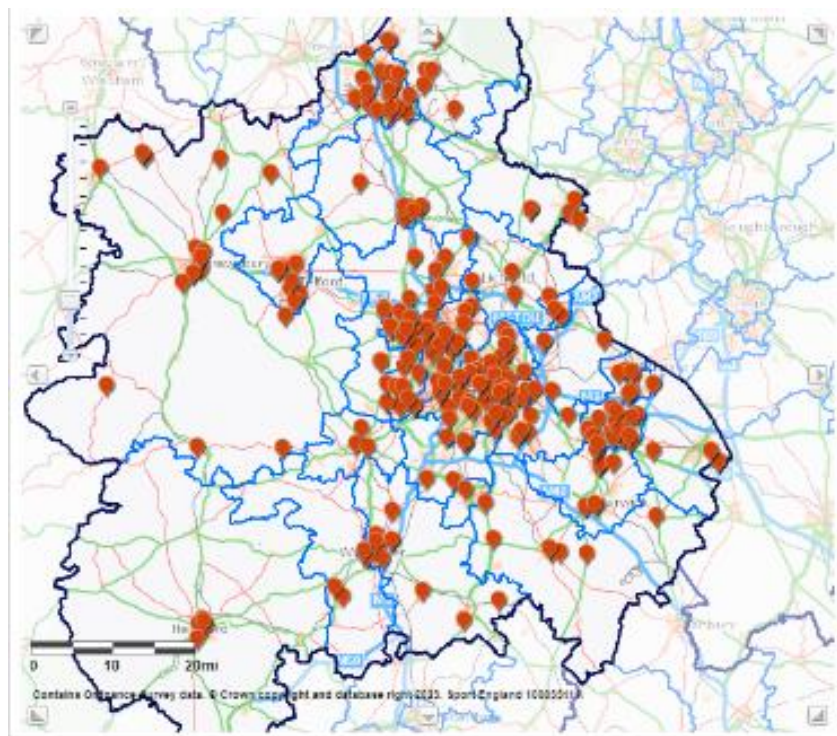
7.0 Whether the benefits of the alternative sports provision outweigh the loss of the former speedway use

- 7.1 The alternative sports provision is not policy compliant in the form presented.
- 7.2 As set out in the KKP 3G Artificial Grass Pitch Feasibility Study (July 2023 Update) based on the Rugby Borough Council 2015 Playing Pitch Strategy (PPS), there is a need for one 3G pitch in Rugby and 3.75 pitches in Coventry (Coventry City Council PPS, 2023).
- 7.3 In order to meet these needs, a pitch at Coventry Stadium is not considered to be a strategic priority by any key partners, in terms of the location and proposed model. Clubs would use it and there would be some benefits. But as other 3G pitches are developed in the catchment, clubs would move around and viability and sustainability would become extremely marginal, as acknowledged by KPP themselves and illustrated in the proposed trading account.
- 7.4 According to Sport England Active Places Database there are 4,563 full-size 3G pitches in England, 443 of which are in the West Midlands. The National Football Facilities Plan has a key investment priority to deliver 1,000 3G pitch equivalents on a national basis. There are therefore needs across every local authority area, based on a simple calculation of the number of teams, a one pitch need for Rugby is not significant and is actually very limited in comparison.
- 7.5 The maps overleaf, from Sport England's Active Places Power tool, illustrate the 3G pitches on a national and West Midlands basis.

Figure 7.1: 3G pitches on a national basis



Figure 7.2: 3G pitches on a West Midlands basis



- 7.6 In contrast there are only 16 speedway stadiums in England, of which there are 2 in the West Midlands at Wolverhampton and Perry Barr in Birmingham, both of which are under threat, as is Peterborough. All due to land tenure issues as opposed to demand and viability.
- 7.7 Clearly participation in football is greater than speedway, but speedway has a demand and also needs places to play. There is a clear plan for re-instating Coventry Stadium, with a phased and viable proposal and an event and usage profile.
- 7.8 A 3G pitch at Brandon would be just one more 3G. It would be used and provide some benefit but it would not be a strategically significant provision for football, with its future viability and sustainability far from guaranteed, as acknowledged by KKP. No key partners support a 3G at Brandon as a strategic priority facility, just state that *it would be a nice to have and better than nothing*.
- 7.9 In contrast, the loss of Coventry Stadium would all but wipe out speedway and stock car racing across the West Midlands.
- 7.10 Indeed, the issue of Brandon's importance is heightened as tracks continue to be lost. Its central location with excellent motorway links makes it easily accessible from all parts of the UK and made it a *significant* provision. As a facility it is an ideally shaped shale track considered to be amongst the best for speedway racing and the *Wembley* of the Stock Car Racing world. Brandon was not just a local track it was a stadium of local, national and international significance for both Speedway Racing and Stock Car Racing unrivalled in the UK and famous throughout the world. This remains the case and is a key issue in the context of assessing the benefits of proposed alternative provision.

Summary

- 7.11 A 3G pitch at Coventry Stadium would have no unique offering or significance. There will be some benefits of the 3G and some usage but this will be limited compared to the loss of an iconic stadium and the end of speedway in the West Midlands.
- 7.12 Replacing Coventry Stadium with an unremarkable 3G pitch is, in my view, comparable to replacing Wembley Stadium with a children's Go-Kart track.

8. Summary and conclusions

- 8.1. In terms of need, Coventry Stadium is not *surplus* in terms of land use, the conclusions reached in 2019 remain valid but the position has worsened. The Appellant has not presented evidence in respect of need or proved exception to paragraph 99 a) of the NPPF as required by policy or met local policy requirements, specifically Policy LF1/H2 of NDP and Policy HS4 of Local Plan.
- 8.2. Tracks and clubs are under threat due to land tenure issues as opposed to demand or viability. The sport needs more places to play not fewer in order to *protect and enhance* the sport.
- 8.3. KKP state they have been unable to provide a true picture in terms of trends. The Rule 6 Party will provide a detailed rebuttal of the trends set out in the Appellant's case.
- 8.4. What is evident is that there are positive trends in the sport and crucially, although in our view somewhat conflated with need by the Appellant, viability works. There is a clear realistic prospect of re-opening the site on a modest phased basis. This will be set out in detail by the Rule 6 Party.
- 8.5. Previous Independent Review in 2019 was never scoped to assess viability per se, KKP acknowledge the difficulty of untangling the viability issues from 2019. The Appellant's focus on Arena Essex is no longer relevant.
- 8.6. The premise of the Appellant's case in respect of viability is not what is planned for Coventry Stadium. In similar vein the National Speedway Stadium, Manchester model is not applicable to Coventry or the re-opening plans at Coventry Stadium.
- 8.7. Oxford, Workington and Bradford represent the models, which will be replicated at the Coventry Stadium. A modest re-opening on a phased basis, supported by an events programme, built up over time, including the establishment of Coventry Bees, can deliver a viable re-instatement.
- 8.8. Provision of any 3G pitch would not be un-welcome, and one 3G pitch is probably still required in Rugby, Brandon however is not a priority location. Brandon and the proposal put forward is not supported as a priority in terms of strategic need. It is not supported as such by any of the key partners and is not a sound or robust

strategic proposition. It represents a speculative proposal. The business plan is very marginal in terms of viability.

- 8.9. The lack of population, club infra-structure and the proposed standalone nature of the 3G pitch is a concern expressed by all consultees. Whether the facility would be sustainable given other existing and proposed pitches coming on stream is also questioned and indeed openly acknowledged by KKP as a key risk. With no anchor club, the business plan operates at the margins and any of the proposed other 3G pitches coming on stream would impact negatively and threaten viability.
- 8.10. Brandon puts forward a single isolated 3G pitch, with no anchor club, does not have grass pitch provision alongside to form a hub and is not a multi-sport offering. Whilst it would be used and will have some benefit it is of little or no strategic significance in comparison to a strategically important stadium provision
- 8.11. A 3G pitch at Coventry Stadium would have no unique offering or significance. There will be some benefits of the 3G and some usage but this will be limited compared to the loss of an iconic stadium and the end of speedway in the West Midlands.
- 8.12. In my view, and supported by the evidence, replacing Coventry Stadium with an unremarkable 3G pitch, is comparable to replacing Wembley Stadium with a children's Go-Kart track.