



Michael Jones
Plans Processing Unit
City of York Council
9 St Leonards Place
York
YO1 7ET

16th November 2011

REF: IW/11/0838

Dear Michael

RE : Application 11/02581/outm – Huntington Stadium, York

We write to record our objection to the proposed planning application on the following basis.

1. The scheme does not adequately cover loss of facilities for York City Knights i.e. no training facilities for First Team, Reserve Grade, Academy and Scholarship, plus facilities for playing Reserve Team Matches (see enclosed minimum standards required for Reserve Grade Matches).
2. No facilities provided to carry out our community programmes.
3. No agreement detailing where we will play when the new stadium is being built and how our loss will be covered. We are also required to submit a minimum standards ground certification to the RFL so that alternative grounds can be inspected and authorised.
4. The business case provided by City of York Council is not sustainable.
5. The business case provided by City of York Council does not cover the loss of revenue that York City Knights will incur and therefore we will not be able to afford to play at the new stadium and should the scheme go ahead it will result York City Knights going out of business.
6. The proposal submitted will be less of a community stadium than the current one at Huntington.
7. The proposal gives no consideration to York City Knights.

8. We understand that the new stadium will be part of a S106 enabling development and our understanding is that part of this S106 should be an agreement that ensures that the facilities are affordable to the end users and sustainable, however the submitted application covers none of this. We also ask you to ensure that the application meets PPG17 and City of York Councils Open Space, Sport and Recreation Study (2008) as a minimum.
9. The business case states that York City Knights pay a rent of £70,000 and York City Football Club pay £130,000. We believe that the rent that the clubs are expected to pay is not affordable and it is unreasonable to ask us to pay an extra 360% on rent paid now for less community facilities. The business model is not sustainable.
10. We have no proposed lease agreement.
11. City of York Council/stakeholders brief to consultants contained the following items as a minimum;

Vision for the Community Stadium

- Be for all the people of York, a source of pride and community cohesion.
- Promote the success of the City's Professional Clubs and profile of the City.
- Promote sport in the City, increase the number of sports opportunities available to the community.
- Engage the community in both its design and its business plans in order to ensure its long term sustainability.
- Offer a high quality experience for spectators and visitors.
- Generate business activity to ensure financial viability and contribute to the wider economy of York.
- Inspire people of York to be participants and contribute to the City's targets on increasing;
 - Adult participation in both sport and active lifestyles
 - Young peoples participation in PE and Sport
 - Young peoples participation in positive activities

Active York - Requirements

In line with the City's Sport & Active Leisure Strategy the facility must cater for the full sports development continuum. It must be accessible by the community as a training and participation venue and as the route to excellence. It must be viewed as a city wide multi sports facility.

York City Football Club – Minimum Requirements

- Accommodation meeting the minimum specification for entry to the Football League, 5,000 capacity of which 2,000 are to be seated.

- A design that will facilitate future expansion to a 10,000 all seater facility.
- A high quality grass pitch suitable for use for professional football (and which will not be degraded by use for Rugby League).
- Commercial facilities that will improve the trading performance of the club by the way of new income streams.

York City Knights – Minimum Requirements

- Provide accommodation meeting the required specification for the Rugby Football League and is fit for purpose.
- Potential for future expansion to meet specification required for Superleague Rugby.
- Provide commercial facilities that will improve the trading performance of the club by the way of new income streams.
- Lease agreement to cost no more than we are paying now for Ground/Bar rent.
- Provide gym facilities with no restricted times of use.
- Free transport to and from the stadium by way of public transport.
- First option on the ground on Thursdays, Fridays and Sundays.
- Internal training facilities for use in winter.
- Provide Reserve, Academy and Scholarship facilities in accordance with Rugby Football Leagues Operational Rules (Section E8, see attached).

City of York Athletics Club – Requirements

- 8 lane synthetic running track and field facilities capable of hosting county level competition.
- Flood lighting
- Covered accommodation for a minimum of 500 spectators and competitors.
- Access to changing and storage facilities and rooms for administration, coaching support and sports development activities.
- Co-location with other sports facilities in order to provide parking and on site management of the facility. Location with the stadium would be ideal but relocation (funded within the total project budget) may be acceptable if it is demonstrated to be more practicable and cost effective.

City of York Council - Minimum Requirements

- Available for a variety of community uses throughout the day.

- Community accessible space that can be used as a base for Health & Fitness and Sport Development activity, both inside and outside the stadium building.
- Flexible community meeting space.
- An outdoor concert venue capable of hosting larger music and other community events.
- A high standard of sustainability with an 'Excellent' BREAEAM rating.
- Ensure that the clubs are no worse off in both facility and financial terms.

All of the above objectives have not been met.

Section 106 Agreements is a legal planning obligation between the planning authority and the applicant/developer and any others that have an interest in the land, in this case City of York Council. The obligation should ensure the developer provides a financial contribution in relation to their development proposal. The agreement is to be made under section 106 of the Town and Country Planning Act 1990 (as amended), and enable development proposals to meet the needs of the community. It is clear that the proposal does not meet the needs of the community and will only lead to loss of facilities due to not been sustainable or affordable for the end users.

As you are aware Enabling Development is a legitimate planning tool for when a planning application is contrary or departures from local, regional or national planning policies. It is necessary to consider the effects of these departures on the objectives that the policies were designed to achieve and the amenities that they were designed to protect.

To give weight to the Enabling Development proposed the applicant needs to demonstrate that the public will benefit by securing the future of the proposed stadium and it will be economical and sustainable in the long term.

The benefits of the scheme do not outweigh the disbenefits and bring into question the application and whether it is legitimate.

The explanation by City of York Council that time is an issue due to York City Football Clubs financial situation should have no bearing on this application and you should ensure that facilities are fit for purpose, financially sustainable and affordable for the end users, whilst bearing in mind the Enabling Development Policy and Guidance which states "the benefits must clearly outweigh the disbenefits of the development" and be demonstrated. Planning decisions should not be made on grounds of popularity.

The application submitted is for a Community Stadium for both football and rugby to use but it is clear that it is not fit for purpose. Without a true financial business plan we do not understand how applicants have demonstrated that it fits into an Enabling Development (i.e. an assessment of needs with costs/income to ensure long term sustainability for the public's benefit).

If it is decided that the enabling development meets the correct criteria, planning permission should only be granted if the impact of the development is precisely defined at the outset, through the granting of full, rather than outline, planning

permission, which will demonstrate the benefits and outweigh the disbenefits of breaching other public policies.

Full information is necessary, not just regarding physical impact, but particularly to establish and quantify need, since the financial considerations involved are fundamental to the decision and outline planning applications are not appropriate. Enabling development is a type of public subsidy and so should be subject to the same degree of financial scrutiny, transparency and accountability as cash grants from public sources.

Our understanding is that the legal basis for requiring the justification necessary to determine this planning application are as follows;

- a) The scheme is necessary to generate the funds to provide and secure the future of the Community Stadium.
- b) Planning permission should only be granted if the impact of the development is precisely defined at the outset, through the granting of full, rather than outline planning permission. Matters reserved for later approval is not appropriate. The illustrative material may be convincing but it cannot be regarded as representing how the scheme would appear when built.
- c) Seek associated applications, that are directly connected to the Enabling Development or are part of the Community Stadiums objectives/benefits, so that they can be considered concurrently with the planning application and to ensure all the benefits promised are covered and sustainable (this would also satisfy Sport England's Objectives).
- d) Use your powers to demand the information reasonably necessary to make a justifiable decision.
- e) The Community Stadium must be specific to fit the needs of users demands and also to fit the financially supportable needs of a particular user.
- f) Establish who will be responsible for long term management, how the exercise of that responsibility can be ensured, and how the public as well as any private interest in so doing will be safeguarded.
- g) Establish how it will be funded in the long term – either a capital endowment, rent income from part of the enabling development, or a practical and enforceable obligation on those who benefit directly to cover maintenance cost etc.
- h) The onus is on the applicant to justify an assertion that a particular form of development is the least damaging way of achieving what may be a common objective (i.e. the damage to York City Knights from this application/proposal would be substantial to the extent that the club would go out of business).
- i) The applicant should carry out a development appraisal and provide this to the Local Authorities for them to carry out a due diligence exercise. Local Authorities should employ qualified and experienced professionals who are familiar with this type of development and who can investigate and verify the figures been put forward to ensure that a full overall view of the scheme is

financially viable and sustainable, plus show the benefits of the scheme do outweigh the disbenefits.

- j) Since the concept of enabling development involves public disbenefit being accepted in return for a greater public benefit, consultation with the communities and the stakeholders involved is particularly important. Where the impact on a definable community or stakeholder is known, consultation should reasonably extend beyond statutory notification procedures to encompass active participation in line with the authorities statement of community involvement. This will ensure that the applicant does not manipulate the community in raising expectations or demand to demonstrate enabling development is required without the stakeholders agreement.

The process of decision making, its transparency, and the clarity of the reasoning underlying it are particularly important when the interests of many stakeholders and significant public subsidy are involved, and for this reason we do not have sufficient information to support the Community Stadium.

Yours sincerely
For and On Behalf of
York City Knights RLFC

A handwritten signature in dark ink, appearing to be 'JG', followed by a long, horizontal, slightly wavy line that extends to the right.

John Guildford
Executive Chairman