

South Ayrshire Council

**Report by Depute Chief Executive and Director
of Housing, Operations and Development
to Cabinet
15 February 2023**

Subject: Maybole Community Campus Update

1. Purpose

- 1.1 The purpose of this report is to provide an update on the Maybole Community Campus Project and seek instructions on how Officers should proceed with the 2nd all-weather pitch.

2. Recommendation

2.1 It is recommended that the Cabinet:

2.1.1 notes the update on progress;

2.1.2 considers the options for the 2nd all-weather sports pitch proposed in paragraph 4.2 and the associated cost implications of each option in paragraph 6.1; and

2.1.3 provides instructions on how officers should proceed.

3. Background

- 3.1 On 24 August 2021, the Leadership Panel approved Financial Close for the Maybole Community Campus Main Works construction contract between the Council and HubSW.

- 3.2 The main works started on site on 13 September 2021 and work is progressing well, towards occupation of the main building in August 2023 and completion of the remaining external works in summer 2024. The first all-weather pitch was constructed under an advanced works contract and is now complete and in use by the school and community. The sports pavilion and police station are also now complete and in use.

- 3.3 The project includes a second all-weather pitch but the 2nd pitch could not be included in the main works contract because the purchase of the additional land required had not been concluded at that time. An allowance for the 2nd pitch of £2,420,445 was included in the project cost prior to financial close, based on an estimate provided by the contractor at that time.

3.4 Approval was also given by the Leadership Panel on 24 August 2021 to purchase the land required for the 2nd pitch and enter into a license agreement to carry out work on a portion of land to be returned to the owner . Finalising the sale and licence agreement took considerably longer than expected as issues arose regarding the extent of land required for the works and the period of the licence, which required further negotiation between the parties. Following resolution of these issues, the sale completed on 26 May 2022.

3.5 A Soil Investigation (SI) has been carried out to establish the make-up of the land and inform the engineering design for the pitch. Access to carry out the SI was not permitted by the landowner prior to purchase so the SI was carried out immediately after the land had been purchased.

4. Proposals

4.1 The contractor has now concluded initial design work for the 2nd pitch and have reported that the cost for the original proposal will exceed the allowance of £2,420,445 due primarily to inflation and to engineering requirements relating to cut and fill, retaining structures and ground stabilisation. The level of inflation was not anticipated at the time of the initial cost estimate and the engineering requirements could not be established before the SI was carried out.

4.2 The contractor has looked at a number of alternative designs for the 2nd pitch which could be implemented to reduce the cost. The options now available for the Council are described below and the cost implications are provided in 6.1 below.

- **Option 1 – Proceed with current design:** The current design is a full size rugby and football all-weather pitch with fencing and floodlighting and a total carpet area of 120m x 74m, to match the first completed all-weather pitch. It requires substantial retaining structures to retain the land to be returned to the neighbouring owner.
- **Option 2 – Do not progress with a 2nd pitch:** From the start of this project the expectation has always been that 2 all-weather pitches would be provided as part of the campus project. As the additional land has already been purchased, if a decision is taken not to proceed with the 2nd pitch then the additional land could instead be landscaped for use by the school for playspace/ external learning within the existing budget. This would require a further application to planning, which would in turn require consultation with Sportscotland, who may or may not support it due to reduction in sport field area compared to the existing provision. If they do not support it then there is a risk that the project would not comply with the conditions put in place as part of the planning consent already received and the application would have to be referred to Scottish Ministers for final determination.
- **Option 3 – Football Pitch:** This would be the same dimensions as the all-weather football pitch recently built at Ayr Academy with fencing and floodlighting, and a total carpet area measuring 106m x 66m. It would be marked as a full sized football pitch, with three 7-a-side pitches running across the width, but would not accommodate rugby games (although it can be used for rugby training). There would be no requirement for retaining structures with this proposal.

- **Option 4 – Reduced size rugby/ football:** This would be the same dimensions as the all-weather rugby/football pitch recently built at QMA and larger than the old grass pitch at Carrick Academy. It would have fencing and floodlighting and similar markings for rugby and football to the completed all-weather pitch with all dimensions reduced slightly. The pitch can be used for competitive football and for school level competitive rugby and training. The total carpet area would be 114m x 68m. There would be a requirement for some retaining structure.

4.3 There is an agreement in place that a portion of the land acquired for the 2nd pitch will be retained to facilitate the construction and then returned to the owner. The area was to be retained for a period of 12 months from the date of purchase, but will now require to be extended for a further 3 months should Options 1, 3 or 4 be taken forward. This has been verbally agreed with the owner but requires an amendment to the licence document for signing by both parties. This work is underway and should be concluded prior to commencing the works on 19 April 2023.

4.4 Discussions have been held with Education Services, Sport and Leisure, Carrick Academy, Local Members and Portfolio Holders. Given that the first pitch delivered is a full size rugby/football and can accommodate all levels of competitions, the general consensus is that the second pitch wouldn't necessarily need to be as big and that the slightly smaller QMA sized pitch (Option 4) would be an acceptable compromise.

4.5 Members are asked to consider the options in paragraph 4.2 and the associated impact on costs in paragraph 6.1 and provide instructions on how Officers should proceed.

5. Legal and Procurement Implications

5.1 The addition of the second pitch will be instructed utilising the variation mechanism in the current DBDA contract between the Council and SWHub to construct the Maybole Community Campus.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 Three of the 4 options exceed the allowance on the project budget. The cost implications of each option are listed below:

Option	Description	Overall Cost	Allowance in current budget	Additional funding required
1	Proceed with current design - Full size rugby/football	£3,847,529	£2,420,445	£1,427,084
2	Do not progress with 2nd pitch – landscape area for alternative school use	To not exceed £2,420,445	£2,420,445	nil
3	Football size pitch	£3,155,068	£2,420,445	£734,623
4	Reduced size rugby/football	£3,452,507	£2,420,445	£1,032,062

6.2 To progress with options 1, 3 or 4, additional funding would be required to supplement the current allowance of £2,420,445 in the Councils Capital Programme against the Maybole Campus Project. Given the current financial climate and the significant financial pressures being faced by the Council, every effort should be made to minimise capital programme spend wherever possible.

7. Human Resources Implications

7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 Proceeding with options 3 or 4 would require an application to Planning for a Non-Material Variation to the Planning Consent. It is understood that this should be successful as it can be demonstrated that the total proposed pitch provision exceeds the total existing provision on the site for both options.

8.2 *Risk Implications of Rejecting the Recommendations*

8.2.1 Not proceeding with one of these options or proceeding with option 2 to not progress with a 2nd pitch would breach the Planning Condition requiring two outdoor pitches to be available within one year of occupation of the school. This would require a further application to Planning, requiring consultation with SportScotland, who are unlikely to support the proposal.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 1](#).

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - The proposals in this report do not represent a qualifying plan, programme, policy or strategy for consideration for SEA. There exists therefore no obligation to contact the Scottish Government Gateway and no further action is necessary. An SEA has not been undertaken.

11. Options Appraisal

11.1 An options appraisal has been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to Commitment 6 of the Council Plan: A Better Place to Live/ Enhanced environment through social, cultural and

economic activities.

13. Results of Consultation

- 13.1 Statutory consultation has been held as part of the planning application for the project in advance of the Planning submission, which included a 2nd pitch.
- 13.2 Consultation has taken place with Councillor Martin Kilbride, Portfolio Holder for Buildings, Housing and Environment, Councillor Brian Connolly, Portfolio Holder for Sport and Leisure, and Councillor Stephen Ferry, Portfolio Holder for Education, and the contents of this report reflect any feedback provided.
- 13.3 Consultation has taken place with Local Members and the contents of this report reflect any feedback provided.
- 13.4 Education Services, Sport and Leisure and Carrick Academy have also been consulted on the options and have no strong preference and would be able to work with what is provided.

14. Next Steps for Decision Tracking Purposes

- 14.1 If the recommendations above are approved by Members, the Director of Strategic Change and Communities will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Implement instructions provided	22 February 2023	Service Lead - Special Property Projects

Background Papers **Report to Leadership Panel of 24 August 2021 – [Maybole Community Campus – Financial Close](#)**

Report to Leadership Panel of 24 August 2021 – Purchase of Land at Carrick Campus, Maybole (Members only)

Person to Contact **Derek Yuille, Service Lead – Special Property Projects**
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Date: 8 February 2023

South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

1. Policy details

Policy Title	Maybole Campus Update
Lead Officer (Name/Position/Email)	Derek Yuille, Service Lead – derek.yuille@south-ayrshire.gov.uk

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	X
Disability	-	X
Gender Reassignment (Trans/Transgender Identity)	-	-
Marriage or Civil Partnership	-	-
Pregnancy and Maternity	-	-
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	-
Religion or Belief (including lack of belief)	-	-
Sex – (issues specific to women & men or girls & boys)	-	-
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-

Community or Groups of People	Negative Impacts	Positive impacts
Thematic Groups: Health, Human Rights & Children's Rights	-	-

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent's education, employment and income	-	-

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the 'Three Key Needs' of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low
Increase participation of particular communities or groups in public life	Low
Improve the health and wellbeing of particular communities or groups	Low
Promote the human rights of particular communities or groups	Low
Tackle deprivation faced by particular communities or groups	Low

5. Summary Assessment

Is a full Equality Impact Assessment required?	<input checked="" type="checkbox"/> YES
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(A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	NO
Rationale for decision: The proposal does not have a significant positive impact therefore an EQIA is not required	
Signed : Derek Yuille	Service Lead
Date: 10 January 2023	