

Faraday FAQs

1. *What was the summary judgment of the High Court?*

We have not produced a summary but we refer you to our commentary which covers both the High Court and Court of Appeal.

2. *What was the summary judgment of the Court of Appeal decision?*

Please refer to our commentary.

3. *Why did the Council not seek leave to appeal to the Supreme Court?*

Great delay in delivering regeneration on the LRIE has been incurred while fighting the legal challenges. The Council sought leading QC's advice on the prospect of directly appealing the decision at the Supreme Court. The Council decided that it was expedient and efficient to go out to the market and appoint a joint venture partner. It is now developing plans to do so.

The regeneration of the LRIE remains very important to the Council.

4. *Was the Council attempting anything unusual either in its approach to acquiring*

St.Modwen as development partner or in terms of the agreement it entered into with St.Modwen?

The manner in which the Council entered into a joint venture with St.Modwen as a development partner and the form of agreement entered into, was and remains a process and agreement that has been widely utilised.

5. *How long has work continued on the LRIE?*

The Council has been actively working on the project since 2010.

6. *What was the cost of legally defending the Council's position?*

The Council has spent £363,545.66 to date on legal costs defending the legal challenges in the High Court and Court of Appeal.

7. *What was the cost of officer time in bringing forward development proposals?*

It is not possible to reasonably quantify this. A substantial number of officers have had input into the project over nearly 10 years.

8. *What was the cost of specialist consultant advice in bringing forward development proposals?*

£119,000 for land agent consultants advice.

9. *What was the cost of delivering the new road into the LRIE?*

£4,041,824, of which £1,939,000 was received from Thames Valley Berkshire LEP with the remainder of the monies from Section 106 contributions and DfT Challenge Funding.

10. *Is there any benefit to the new road into the LRIE now that development proposals are on hold?*

Yes, there are substantial benefits. The efficient redevelopment of the LRIE, including creating the best developable plots, is greatly dependant on delivering a new road network both into the LRIE and within the LRIE. One half of that exercise is now complete and means that future development can be speeded up and where the Council has increased control over development.



- 11** *Is all email correspondence available over the time period in which work has been carried out?*
No. Email correspondence has not been saved in a central file, due to the input by different services over the years. Therefore, in order to locate and retrieve this correspondence the Council's ICT department would need to carry out a search on the various Officers email accounts, spanning nearly a decade, using keywords such as; 'London Road Industrial Estate' and 'LIRE'. Any such search is likely to capture hundreds of email threads and their separate attached documents, some of which will not be relevant. There is also a chance that this search will not detect certain emails that are relevant, if they do not contain the keywords used by ICT during their search. As a result it would not possible to guarantee that any search will be accurate or relevant and against a great deal of work. The Council believes that the work required to complete any such search will exceed the appropriate limit governed by FOI legislation and would place a disproportionate burden on the authority if the exercise were to be carried out regardless of the facts set out above.
- 12** *Will there be a full review of the process to acquire St.Modwen as a development partner?*
The Overview and Scrutiny Committee will be reviewing the process.
- 13** *What action will the Council take now - carry on plans and / or abandon?*
The Council fully intends to deliver regeneration on the LRIE and to that end is now looking at its options to restart the process as quickly and as securely as possible. The Council will give progress updates via this website.
- 14** *Will the football club be reinstated now redevelopment plans are on hold?*
No. The lease on the football ground ended in June 2018 and where the Council made it clear no new leases would be granted since the football ground would form part of the LRIE regeneration. The old football ground pitch will reopen this year, under council control, as a grassed multi use games area. By once again having direct control of the site, the Council maximises its freedom of action to deliver regeneration as and when that can take place.
- 15** *Will the football stand remain on site?*
No. The stand is half way through being carefully dismantled and transported by others to another football ground in the authority area. This is at no cost to the Council and with no financial benefit to the Council.
- 16** *Why was the football stand removed?*
Now that the football ground has been vacated the Council has no further use for the stand. Other parties liaised over how the stand might be transferred to another football ground in the authority area and therefore contacted the Council. The Council was happy to see the stand be removed on the basis of a gift and is similarly happy to see the stand being put to good new use and to the continued benefit of the public which would not be the case should the stand have remained in situ.
- 17** *What plans are being looked at to bring the football club back into Newbury town?*
Although no decision has been taken as yet on this, there is two phased plan to return the football club to Newbury. Phase one is based on finding a temporary home within Newbury for the next four years and which will allow the club to be promoted to the next level. Phase two is creating a permanent new home for the football club based around a regeneration scheme for leisure facilities at Northcroft. This permanent home has the ability to deliver facilities required to allow the club to be promoted again from any promotion it achieves in the phase one temporary location.

18 ***What is the cost to the Council for removing the football stand?***

There is no cost to the Council. All works, which are compliant with both Planning and Building Control, are being carried out by others who are likewise bearing the cost of removal.

19 ***What will happen to the old football ground?***

The old football ground pitch will reopen this year, under council control, as a grassed multi use games area. This facility will remain in place until such a time as when the ground is required as part of the LRIE redevelopment.

20 ***What lessons have been learnt?***

The Council is entirely comfortable with the procedures and governance that was in place while procuring a development partner. Along with other local authorities, what the Council has acquired via the legal challenge process is knowledge of how the law now stands in respect of a particular legal point of procurement which the Council understands sets a legal precedent.