



SHEPHERD+ WEDDERBURN



HANDY GUIDE

Constructing Sporting Infrastructure

Constructing Sporting Infrastructure

Our specialist construction, engineering and infrastructure team are well-equipped to advise sports clubs, sporting organisations, sporting regulatory bodies, contractors and public bodies.

Whether the works are in relation to the construction of a new stadium or training facilities, upgrade works, temporary structures, hospitality upgrades or any other construction work relating to the sporting sector, our team can help.

Some of the typical areas we advise on include:

- Acted for contractors in relation to international multi-sport events such as the Commonwealth and Olympic Games;
- Frequently advising in relation to temporary infrastructure for some of the World's largest sporting events;
- Advised a number of new golf course developments and clubhouse upgrade works;
- Acted for a major UK sports venue in relation to energy generation capability;
- Advised a major UK sports venue on upgrades across their portfolio including the installation of energy generation and construction of additional sports facilities;
- Advising local authorities in relation to large scale new development and upgrade works of sports facilities

Points to consider

Given the nature of the sports sector, there are specific risks that those carrying out construction work in this setting should consider.

Particular consideration should be given to timescales. Sports clubs often have tight timescales for work to be completed, for example upgrade works to a stadium carried out over the off season will need to be completed prior to the commencement of the new season. In a football context this means prior to any preseason games, thus reducing the timescales further. In other sports, it will be ensuring the works are completed well in advance of any major events in the calendar.

Delays on construction projects are common and, in many circumstances, unavoidable. In the sports sector, any delay could result in significant reputational damage, loss of income and the possibility of having to find alternative accommodation which may result in increased cost and stakeholder difficulties.

If there are delays, organisations should consider whether taking partial possession is possible to reduce the level of upheaval. However, player/participant, employee and supporter safety should be the paramount consideration. If the works are relatively minor in nature, an alternative may also be to give thought to whether the work can be carried out outside of match time (including at night). This could though still result in an element of the stadium or training facility being taken out of use when it may be needed.

Even when redevelopment works run to schedule, consideration should be given the impact this may have on loss of revenue. For example, if venue tours are an income stream, consideration should be given to how a portion of this revenue could be maintained, for example through virtual experiences. Additionally, upgrade works may impact upon merchandise facilities, which are an important commercial aspect for many organisations. If this is the case, organisations should consider the viability of renting an alternative premises to allow merchandise sales to continue.

In a sporting context, there are a number of unique considerations which are not prevalent in traditional construction works. For example, will the pitch or training facilities be impacted by construction work? In this scenario, a growing period should be built into the programme for the contract. Additionally, consideration should be given to whether consultants with particular niches should be appointed as part of the professional team. For example, if a new sound system is installed, do existing employees have the requisite knowledge on how to install or maintain the system? Other specialist consultants can include catering consultants, pitch consultants and consideration should be given to whether a clerk of works/project manager should be appointed or whether the organisation has the requisite experience to manage this in house.

Another issue that may face sporting organisations is how to fund works, particularly at a time when the supply chain is increasingly constrained and key materials such as steel are rising in cost. Unless an organisation has a wealthy owner or benefactor (or holds a lot of cash at the bank), a club's balance sheet is generally impacted by sporting performance, which is only known at the end of the season. With this level of unpredictability, there is always the temptation to rush to get works started when a season looks like it may be a success. This may result in a lack of planning which will increase the risk profile of the works.

Opportunities for the sector – energy generation

Given rising costs across the sector, not least the high energy costs of running a sporting organisation at any level, organisations are increasingly trying to find new and innovative revenue streams.

One advantage sporting organisations have over many other organisations, is that their facilities generally include relatively large areas of land, whether this is the stadium itself or training facilities. As a result, a number of organisations are considering utilising the assets they have to produce or store energy in order to diversify their incomes. Many of the major United States franchises have been particularly successful in this regard, with the Philadelphia Eagles recently installing 11,000 solar panels on the roof of their Lincoln Financial Field Stadium. Opportunities for rooftop solar is something that we are seeing across a variety of industries - and the sporting sector is particularly well-suited to adopt this.

Organisations don't need to have NFL-grade facilities, for example, any structure with a flat roof can provide a suitable location for rooftop solar. Not only would this reduce electricity costs, but depending on the amount of energy generated, excess energy could be sold back to the grid. Organisations should consider whether they have unused land or space which could be utilised for similar projects such as solar or battery storage. Developers are increasingly looking at land close to urban centres to store excess energy generated at times of low demand and release it back to the grid at times of high demand.

Get in touch to discuss your development

If this guide has raised any questions you may have in relation to the construction or works at a sporting facility, please do get in touch. To find out more about our sports law expertise [click here](#), and to find out more about our construction and energy experience [click here](#).

Key contacts



Paul Young

Partner, Infrastructure

M +44 (0)734 206 0659

T +44 (0)131 473 5149

E paul.young@shepwedd.com



Colin Bathgate

Solicitor, Infrastructure

M +44 (0)776 816 4167

T +44 (0)131 473 5291

E colin.bathgate@shepwedd.com



SHEPHERD+ WEDDERBURN
