

Committee:	Executive	Agenda Item No.:	15
Date:	26 th January 2009	Status	Open
Category	Decision within the functions of Executive		
Subject:	Section 106 Funding Requests for Formal Leisure/Sport Provision by; 1) Elmton with Creswell Parish Council, 2) Old Bolsover Town Council.		
Report by:	Leisure Operations Manager		
Other Officers Involved	Senior Sports Development Officer, Special Projects Officer, Principal Planner Development Control.		
Director	Strategy		
Relevant Portfolio Holder	Social Inclusion		

RELEVANT CORPORATE AIMS

REGENERATION – Developing healthy, prosperous and sustainable communities

Contribute to improving the health of the district. Develop vibrant town centres. Develop flourishing rural communities.

SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning

Ensure all our services are provided in a fair and equitable manner. Promote the development of skills and learning within communities.

ENVIRONMENT – Promoting and enhancing a clean and sustainable environment

Protect, enhance and improve the natural and built environment in a sustainable way.

CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services

Strengthen community consultation and involvement. Design and deliver services to meet the needs of customers.

COMMUNITY SAFETY – Ensuring that communities are safe and secure

Tackle Anti Social Behaviour (ASB) and its causes.

TARGETS

The facilitation of these projects will contribute directly to the delivery of Community Safety, Environment, Regeneration and Social Inclusion priorities and targets within the Council's Corporate Plan.

VALUE FOR MONEY

Working collaboratively is a guiding principle running through our Sports Development and Sports Facilities Strategies. This approach will enable partners to deliver economies of scale by pooling resources and enable partners to work more efficiently together by avoiding duplication and waste as well as improving overall effectiveness by working to shared aims and adding value to each others work.

THE REPORT

Section 106 (S106) of the Town and Country Planning Act 1990 allows a Local Planning Authority (LPA) to enter into a legally-binding agreement or planning obligation with a land developer over a related issue. The obligation is termed a Section 106 Agreement. Section 106 Agreements can often require developers to minimise the impact on the local community and to carry out tasks that will provide community benefits.

As sport and recreation are now viewed as essential components of life and offer strong community benefits, the S106 process helps Local Authorities satisfy the desire of the public to engage in outdoor leisure pursuits. Distance from facilities can become barriers to participation, it is important that people have access to open space and sport/leisure/play related facilities close to where they live in order for them to participate in a more healthier lifestyle.

Depending on their size, new housing sites may require public open spaces for sport and recreation within the development and/or may place additional stress on existing outdoor leisure facilities. Proposals for new housing development take these factors into consideration and make adequate provision for open space and sport/leisure/play facilities either on-site or off-site by making financial payment towards provision elsewhere or by a combination of these two methods.

The types of sport/leisure/play provision that could be identified are categorised as one or a combination of the following:

- Play areas/informal sports facilities
- Formal sports facilities
- Open space

If it is not possible to provide some or all of the open space/sport/leisure/play facilities on the residential site then developers are asked to provide a sum of money towards the provision of new or upgrading of existing, open

space/sport/leisure/play facilities off-site by way of a commuted payment. Such payments will be appropriate provided they can be targeted to sites within suitable walking and driving distances of the proposed residential development.

The following requests have been made to the Authority in order to access commuted sums generated by developments in their respective Parishes

Request from Creswell with Elmton Parish Council in support of their 'Sports and Arts in the Community' programme.

Background

Elmton with Creswell Parish Council have committed to undertake a number of projects, one of them being a ***Sports and Arts in the Community*** project. The Parish Council have conducted consultation in the community to establish the local needs and requirements. Amongst the consulted were – schools & teachers, youth club, village forum and general public. The Parish also discussed their ideas with the Youth Service, PCT, Derbyshire Sport and Police who have all made supportive comments.

The projects aim was to 'increase a desire to excel in sports & arts activities within the young people of the community'. The Parish proposed to achieve this by bringing facilities up to a high standard, provide coaching across a number of activities and create clubs/groups with a view to them ultimately becoming self sustaining activities.

The Parish hoped to create & deliver this programme of activities and coached sessions at various venues on a partly funded basis i.e., the 1st year activities would be free in order to generate interest and maximum attendances, the 2nd year activities would be partly funded and in year 3 the activities would be paid for by the customers fully.

The Parish felt that this is a long term project and will take around 5 years to come to full fruition. It was hoped that the youngsters being coached in years 1 & 2 of the project will become the coaches in subsequent years. It was felt by the Parish that this approach not only benefits sustainability of the project but also adds to a sense of community pride.

Members may recall the report taken to Executive on 16th June 2008, Creswell Miners Welfare Sports Ground, when it was resolved that;

That (1) the report be received,

(2) Executive approve 'in principle' the hand over of the Creswell Miners Welfare Cricket Ground site including Bowling Green to Elmton with Creswell Parish Council to be used for recreational purposes only (subject to Planning Committee views),

(3) Executive approve 'in principle' that along with the hand over of the site, the provision in the section 106 agreement for the capital sum of £18,000 and the maintenance/revenue sum of £44,823.79 would also be handed over to the Parish to assist them develop and deliver their programme and allow them to maintain the site in future,

(4) Executive approve that any further funding arising from a new section 106 agreement should be subject to a further report,

(5) Executive approve 'in principle' that a 'surrender' clause in relation to the Parish Council's possible failure to achieve the project aims, should be negotiated by the District Council Senior Valuer & delegated powers given to the Director of Strategy in consultation with the Chief Executive Officer, Leader of the Council, Deputy Leader of the Council & Portfolio Holders for Social inclusion and planning, to agree terms of 'clawback' provision,

(6) Executive approve 'in principle' that a 'claw back' clause in relation to the value of the land significantly changing in future, should be negotiated by the District Council Senior Valuer & delegated powers given to the Director of Strategy in consultation with the Chief Executive Officer, Leader of the Council, Deputy Leader of the Council & Portfolio Holders for Social inclusion and planning, to agree terms of clawback provision.

Current situation....

Since the original 2008 report was presented, Elmton with Creswell Parish Council have pursued the renovation/development of the Old Colliery Sports Ground as part of their 'Sports and Arts in the Community' programme. To date works have taken place levelling and seeding the field, removal of shrubbery and the installation of fencing around the cricket field. Other works have included the drainage works at Fox Green which will facilitate junior football matches to take place on the site. Although funding has been sourced and received from a variety of agencies/organisations, a shortfall has been experienced to the value of £18,830 which has meant that some works are still to be completed. As a result the Parish Council has approached Leisure Services to assist the programme via section 106 monies held by us for the benefit of Creswell and the surrounding areas.

ISSUES/OPTIONS FOR CONSIDERATION

Both the District Arts Development Strategy and the District Sports Development Strategy along with the Building Schools for the Future Programme, place great emphasis on;

- collaboration,
- increased opportunity,
- improved access,
- better facilities,
- increased participation,
- development of a network of facilities,

This proposal fits well with the District Council's approach to working in partnership to achieve common objectives;

- Increase participation in Sports and Cultural activities.
- Help develop a network of good quality and locally accessible neighbourhood sports facilities.
- Help our sport clubs to become stronger.
- Use sport to deliver neighbourhood renewal and regeneration priorities.
- To enhance the quality of life for people living and working in the District.

There are currently monies available generated through the Skinner Street development at Creswell which are held for the 'provision and improvement of formal sports and recreation facilities within the Parish of Elmton with Creswell' - the 'Sports and Arts in the Community' programme fits the criteria to access the monies held.

IMPLICATONS

Financial: The amount requested is £18,830 to complete the fencing around the cricket field site, levelling and seeding the cricket field, removal of shrubbery from the site and the drainage solution to the Fox Green playing area. However, this is a £77,830 scheme which is a part of the wider 'Sports and Arts in the Community' programme of which £59,000 has already been attracted and received from other sources including DCC.

Legal: None

Human Resources: None

Request from Old Bolsover Town Council (OBTC) in support of their 'Playground Enhancement' programme.

Background

Old Bolsover Town Council have taken the decision to pursue the refurbishment and upgrade of its play equipment and play area stock over the coming years. It was envisaged that this would be funded via a capital programme financed mainly by land sales, however considering the current economic climate and the downturn in land values etc. other means of funding the programme are now being investigated.

Current situation

One of the sites identified for improvement is OBTC owned Shuttlewood Recreation Ground. 2 years ago Bolsover District Council used section 106 monies to secure the site from 2 busy roads by installing a fencing scheme that would contain the users who were undertaking leisure activities on the site.

The site contains a football pitch and play area at present, OBTC wish to upgrade the play facilities and install a teenage focused recreation activity facility (multi use games area). The cost of the project is £40,000 – funding has been secured from DCC Community Fund = £20,000, OBTC = £4,000 therefore a shortfall of £16,000 remains.

Old Bolsover Town Council have requested that the funding shortfall (£16,000) for the project be met from section 106 monies held by BDC for formal/informal recreation generated through planning gain that is associated with the Gleeson Developments in the area. The section 106 monies are to be used for the purpose of the 'improvement of youth and adult recreational facilities within the Parish of Old Bolsover' - the Old Bolsover Town Council 'Playground Enhancement' programme fits the criteria to access the monies held.

ISSUES/OPTIONS FOR CONSIDERATION

Old Bolsover Town Council is a member of the Bolsover District Council led '***Bolsover District play Partnership***', it is envisaged that all of their playground upgrade programme works/supply shall be undertaken by the partnerships commercial play provider SMP and as a result shall enjoy the discounts that they bring to the partnership.

Some of the partnership objectives and functions are to work collaboratively to:

- provide a strategic overview of all play activity within Bolsover district and advise the Bolsover Local Strategic Partnership and Derbyshire Partnership Forum on how best to develop play opportunities for the benefit of the whole community.
- increase physical activity levels in Bolsover district by extending access to a range of community based play opportunities.
- help raise awareness of the benefits of play and change perceptions of the risk associated with play by undertaking targeted marketing and promotional campaigns to parents & carers.
- coordinate & develop a network of good quality, affordable and accessible play facilities across Bolsover district.
- enable the community and other local stakeholders involved in the development and coordination of play to help set the vision and priorities for Bolsover district.
- work with the national and regional play agencies to ensure that play services within the Bolsover district are adequately supported and resourced to deliver national, regional and local play priorities
- develop & deliver play focused community safety diversionary activities.
- develop & deliver play focused healthy living initiatives.

IMPLICATONS

Financial: The amount requested is £16,000 to make up the shortfall of the £40,000 project to upgrade and add to the existing provision at the Shuttlewood Recreation Ground site.

Legal: None

Human Resources: None

RECOMMENDATION(S)

That;

(1) the report be received,

(2) Executive approves the use of the section 106 monies gained via the Skinner Street development to the value of £18,830 to support the 'Community Sports and Arts' programme.

(3) Executive approves the use of the section 106 monies gained via the Gleeson developments in the area to the value of £16,000 to support the Old Bolsover Town Council 'Playground Enhancement' programme.

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION

To consider support for these particular programmes from monies secured and held by this authority through section 106 contributions.

ATTACHMENTS: None
FILE REFERENCE: None
SOURCE DOCUMENT: Background papers held by the Leisure Operations Manager.