

Committee:	Executive	Agenda Item No.:	10.
Date:	2 <sup>nd</sup> August 2010	Status	Open
Category	Key decision included in the Forward Plan		
Subject:	Former Markland Campus, Creswell – Future Management of Sports Ground, Changing Rooms and Children’s Play Area		
Report by:	Head of Leisure		
Other Officers Involved	Special Projects Officer Senior Principal Solicitor		
Director	Director of Neighbourhoods		
Relevant Portfolio Holder	Councillor A. Syrett, Portfolio Holder for Arts & Leisure		

**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 this project 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 the Council's Sports Development and Sports Facilities Strategies. This approach will enable partners to deliver economies of scale by pooling resources and enabling 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**

### **Background**

Bolsover District Council has been responsible for the management and maintenance of 3.13ha of land with two football pitches and two disused tennis courts adjacent to the former Markland School Campus, Creswell.

Following closure of the school, the ownership of Markland Campus passed to Chesterfield College who ran the campus as an outlying campus of Chesterfield College. In recent years the campus buildings were occupied by a number of local organisations including Clown Community Transport, Groundwork Creswell and Junction Arts.

An outline application for the redevelopment of the Markland Campus site for residential use was submitted by Chesterfield College in 2003 (03/00740/OUTMAJ). A Section 106 Agreement was drawn up as part of the application process.

As the existing open space was outside the boundary of the development site it was not affected by the residential development. However, through negotiations as part of the Section 106 Agreement, the developer was responsible for the provision of additional recreational facilities including a children's play area and a changing room facility. A commuted sum of some £36,389 was also agreed towards the provision of further formal recreation provision.

It has always been the intention that the freehold interest in the open space would be transferred to the Council on completion of the development. To this end, a sum of £58,372 would be paid upon the transfer of the open space as a contribution towards the future maintenance of the open space.

Following the submission and approval of further planning applications, redevelopment of the site commenced in 2007.

The residential development was largely completed in 2009. Work on the changing facility commenced in 2008 but suffered a number of delays but was completed (barring some snagging) in May 2010. The children's play area was installed in early 2010. In line with the Section 106 Agreement, the developer is responsible for the maintenance of the open space until it is transferred to the Council, although Elmton with Creswell Parish Council has undertaken to cut the grass to ensure that the pitches are maintained in a playable condition. As a result of this, and the relocation of a set of rugby posts from Oxcroft Miners Welfare, Creswell Crusaders RUFC began using the Markland site in 2009.

### **Current situation**

Elmton with Creswell Parish Council, as part of its Sport and Arts in the Community project (report presented to Executive in 2008) is taking a keen interest in the open space and additional recreation provision at Markland Campus. Leisure Services has been liaising with the Parish Council regarding the development of a multi-use games area (MUGA) on one of the former tennis courts.

The Parish Council has recently expressed a desire to take on the management and maintenance of the site following completion [letter of 5 March 2010].

The aim of the Sport and Arts in the Community project is to 'increase a desire to excel in sports and arts activities within the young people of the community'. The Parish Council propose to achieve this by bringing facilities up to a high standard, providing coaching across a number of activities and creating clubs / groups with a view to them ultimately becoming self sustaining activities.

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

The Parish Council believe that they can enhance their chances of attracting funding to support the project by holding the lease on the former Miners Welfare Cricket Ground. Although the Parish owns other areas of land for sport, they feel it is insufficient for them to fulfil the needs of the project they have developed.

The Bolsover District Sports Development Strategy explains that Sports development is about putting in place the building blocks and creating the right conditions so that sport can flourish at all levels. It introduces people to sport, teaches them the basic skills and gives them the opportunity to participate at their own level, whether this is a game of Sunday morning football or representing your country.

As a rural area without large centres of population the community relies on a strong network of schools, village halls, miners' welfares and community centres where some level of sports activity can take place.

Parish Councils and Miners Welfares, as key providers of neighbourhood sports and recreational facilities across the District, are often too small to raise the investment to

maintain and improve these facilities from their annual precepts and many lack the expertise or time needed to secure funding from other sources such as the lottery.

## **STRATEGIC GOALS**

- Increase participation in sport
- Improve levels of performance in sport
- Use sport to improve quality of life

## **Some of our KEY OBJECTIVES**

- Help develop a network of good quality and locally accessible neighbourhood sports facilities.
- Help our sport clubs to become stronger.
- Help enable our gifted and talented players to reach their full potential.
- Use sport to deliver neighbourhood renewal and regeneration priorities.

One of the key barriers to participation in sport, cultural and leisure activities is the availability of suitable facilities at an affordable price.

In an attempt to tackle this and other barriers to participation, this Authority has developed a number of strategies and worked collaboratively on many projects.

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,
- partnership working,
- empowerment,
- increased opportunity,
- support of the voluntary sector,
- improved access,
- better facilities,
- enhanced quality of life,
- increased participation,
- development of a network of facilities,
- help given to clubs and other voluntary organisations to become sustainable and strong.

By working in partnership with other agencies, many benefits can be gained:

- Partnership working allows services to be delivered in a joined up way. This has benefits both strategically, in terms of providing a well-balanced service and operationally in terms of pooling resources
- Bringing together the various parts of service delivery provides a unique opportunity to develop new and innovative approaches to service provision
- Economies of scale can be achieved as service providers pool not only resources, but effort and managerial time
- Through coming together and focusing on a common goal, a shared vision is formed of what partners want to achieve and how they want to achieve it
- Partnership working co-ordinates action between organisations which can provide additional momentum to get things done
- Partnership working also allows many organisations to access funding

Elmton with Creswell Parish Council could be described as proactively seeking to improve the sports and arts provision in their community through their ***Sports and Arts in the Community Programme***.

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

As part of the programme the Parish Council aims to:

- Bring four playing surfaces up to match standard
- Add two hard tennis courts
- Provide a programme of activities and coaches/deliverers for the activities
- Provide the necessary equipment (where needed) to enable the activities to take place
- Develop a number of clubs/activity groups that will after initial support go on to become self sustaining
- Contribute to the development of sports and arts, environmental improvement, healthy living, , life long learning , community safety and employment growth in the community
- Assist the creation of community cohesion and civic pride within Elmton with Creswell Parish

The Parish Council estimate this programme will take 5 years to come to fruition and around £300,000 - £400,000 to fund. It is hoped that funding can be sourced externally; as such a number of applications are being prepared to send to funding bodies such as:

- Big Lottery
- Coalfields Regeneration Trust
- Landfill tax

The Markland Campus site is one of the key sites in Creswell that will provide facilities for:

- Football
- Rugby
- Tennis
- Hockey
- Various activities within the MUGA (multi use games arena)

The Parish Council would act as booking and management agent for the site.

### **ISSUES/OPTIONS FOR CONSIDERATION**

Members are asked to note that within the section 106 agreement associated with this site there are a number of requirements that the Landowner and the Council shall meet:

- *Prior to the occupation of 70% of the dwellings comprising the development or in accordance with the programme agreed with the Council pursuant to the Approved Scheme to transfer to the Council the freehold interest in the Neighbourhood Open Space in accordance with the provisions of the Fourth Schedule. To pay the sum £58,372 (Fifty eight thousand three hundred and seventy two pounds) upon the transfer of the Neighbourhood Open Space as a contribution towards the future maintenance of the Neighbourhood Open Space.*

Despite having passed the trigger of 70% occupation, the land has not yet been transferred nor has the commuted maintenance sum been paid. If the land were transferred to the Parish Council the commuted maintenance sum would be paid to the Parish Council.

- *The council hereby agrees that any land transferred under the provisions of this schedule shall be subject to a restrictive covenant by the transferee with the transferor preventing the use of the land for any purpose other than that for which it was transferred and in particular but without prejudice to the generality of the foregoing the land concerned shall be subject to a covenant preventing any built development on the land other than small scale development which would enhance the facility for recreational use but which is wholly ancillary to it such as children's play equipment.*

If the land were transferred to the Parish Council, this covenant would remain in place.

Depending upon the decision reached by Executive and the timing of this report in relation to the land transfer by the developer – there would be the possibility of the freehold interest in the open space being transferred directly to the Parish Council rather than indirectly through the District Council.

## **IMPLICATONS**

### Financial:

There is a considerable financial value to the land as well as substantial sums relating to the site via the section 106 agreement.

If Bolsover District Council retained the management of the site, the costs associated with this would be in the region of:

- Pitches, Pavilion, Play area, MUGA maintenance = £5000 - £6000 p.a.
- Water & Electricity = £1000 - £1500 p.a.
- General management and administration = £2000 - £3000 p.a.

This would effectively mean an increase of between. £8000 - £10,500 p.a.

However this option would also generate income in the region of £2000 pa

However, by transferring the land to the Parish Council, the cost of managing and maintaining the site would be borne by the Parish Council rather than the District Council, although this would be offset by the commuted maintenance sum.

There is an opportunity for leveraging in additional funding from external agencies via the Parish Council's proposed programme if the land were transferred to the Parish Council.

### Legal:

If the land were transferred directly to the parish council an amendment would be needed to the current section 106 agreement which could require a decision by Planning Committee.

As detailed earlier in this report – there is a restrictive covenant upon the land *preventing the use of the land for any purpose other than that for which it was transferred* . If it were to be decided to transfer the land to the Parish, Members may wish to consider the requirement of a 'claw back' clause in the event that the Parish became unable to fulfill their aspirations.

### Human Resources:

None

## **RECOMMENDATIONS**

- 1) **Executive considers the transfer of the land to Elmton with Creswell Parish Council**
- 2) a. **If Executive approves the transfer of the land to Elmton with Creswell Parish Council , then along with the transfer of the land, the provision in the section 106 agreement for the maintenance / revenue sum of £58,372.00 would also be reassigned to the Parish to allow them to manage and maintain the site in future.**
  - b. **In addition a recommendation to this affect be made to Planning Committee.**

## **REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION**

To take advantage of the possible extra funding which the Parish Council could obtain for this recreation facility.

ATTACHMENTS:            Plan of the site  
FILE REFERENCE:        None  
SOURCE DOCUMENT:     Background papers held by the Head of Leisure.