

BABERGH DISTRICT COUNCIL

FROM: Head of Natural and Built Environment

REPORT NUMBER: **K196**

TO: OVERVIEW AND SCRUTINY (COMMUNITY SERVICES)

DATE OF MEETING: 1 February 2011

RECREATION CONTRIBUTIONS FOR THE PROVISION OF OUTDOOR RECREATION FACILITIES AND OPEN SPACE SECURED FROM DEVELOPERS UNDER SECTION 106 PLANNING OBLIGATIONS UNDER LOCAL PLAN POLICY HS32

1. **PURPOSE OF REPORT**

1.1 This report provides an update and proposes changes to the eligibility criteria for expenditure of S106 monies secured under Local Plan policy HS 32 (development sites of up to 1.5ha). This follows concerns raised by Members at Strategy Committee on 13 January.

2. **RECOMMENDATIONS**

2.1 That the proposed additions to the eligibility criteria set out in paragraph 6.6 below be adopted.

The Committee is asked to make a recommendation to Strategy Committee on the above matter.

3. **FINANCIAL IMPLICATIONS**

3.1 There are no direct financial implications to the Council in respect of the proposals.

3.2 However, the proposals in this report should help to accelerate the expenditure of S106 contributions (HS32 only).

4. **RISK MANAGEMENT**

4.1 Key risks are set out below:

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
Return of unspent monies	Almost impossible	Critical	Expenditure of the Section 106 monies in accordance with robust procedures
Risk of challenge if monies misspent	Almost impossible	Critical	Operation of robust Procedures

5. **EQUALITY AND DIVERSITY IMPACT**

5.1 There are no equality and diversity issues arising from this report.

6. **KEY INFORMATION**

6.1 Planning obligations, are intended to make acceptable development which would otherwise be unacceptable in planning terms. They might be used to prescribe the nature of a development e.g. affordable housing, or to secure a contribution from a developer to compensate for loss or damage created by a development e.g. loss of open space, or to mitigate a development's impact e.g. increased public transport.

6.2 In Babergh the majority of contributions are secured for affordable housing or recreation. On large developments recreation is usually provided "on site" e.g. open space, play equipment. On small developments of less than 1.5 ha recreation is normally provided "off site" under Policy HS32 and the supplementary planning guidance in the form of contributions according to the bedroom size of the dwelling i.e. the more bedrooms, the greater the contribution.

6.3 The implementation of Policy HS 32 commenced in summer of 2008. Babergh's Recreation Contributions Fund process which includes the eligibility criteria approved by Members in 2008 is attached as Appendix 1. The position as at 17 January 2011 for each parish showing S106 contributions under HS32 only is also attached as Appendix 2.

6.4 Since the policy was implemented just over £800,000 has been collected. Of this about £300,000 is either committed, or has already been spent. Officers are working with parish and town councils to spend the remaining sum on appropriate schemes linked to S106.

6.5 Whilst this policy allows parish/town council to be proactive in applying for funding, and being prepared to maintain the recreational facility once provided, Babergh has recently been more proactive and developed some schemes working with parish/town councils to deliver projects e.g. Belle Vue Park.

6.6 Following the discussion at Strategy Committee officers have re-evaluated the approved eligibility criteria in line with evolving national guidance. On this basis and in order to assist with an acceleration of expenditure of the HS32 monies, additions to the eligibility criteria are proposed for consideration by Members as follows:-

- provision of allotments provided they are managed by town/parish councils or vested in an allotment association which exists for community benefit in perpetuity;
- provision of appropriate equipment which will improve or upgrade the leisure usage of parish/town sports and recreation clubs (not necessarily owned by the parish/town council) provided the land on which the equipment is provided is public land or has public access for the benefit of the community in perpetuity;
- car parking subject to it improving access and the quality of recreational provision.

- 6.7 Members are also advised of the existence of Planning Policy Guidance (PPG) No 17 audit recently undertaken by the Council which shows the deficiency in provision in parishes, issues of quality and indicates where funding can be used depending on the type of provision. Proposals submitted under the eligibility criteria will have regard to the audit as this now provides a robust evidence base.
- 6.8 Members are advised that the following other measures are in the course of being implemented with the intention of them being fully in place by 1 April 2011:-
- Improve publicity especially the web site and make the spending summary attached available online. Email parishes quarterly rather than bi-annually with updated funds available and encouraging them to participate.
 - Provide quarterly feedback to Members to advise on activity in their parishes.
 - Advise members and parish/town councils of the results of the PPG 17 audit and that proposals for spend need to have regard to the need identified in the audit.
 - Officers will engage with Glemsford and Long Melford Parish Councils and Hadleigh Town Council where funding available is substantial with a view to agreeing schemes for implementation as soon as possible.

7. **APPENDICES**

Appendix 1 - Eligibility criteria for HS32 spend

Appendix 2 - Project spending on a Parish basis showing funding available for HS32 only

8. **BACKGROUND PAPERS REFERRED TO**

None

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Babergh Recreation Contributions Funds

Summary

This page contains information on Babergh Recreation Contributions Funds. This includes eligibility, what the funds can and cannot be used for, the application process and Frequently Asked Questions (FAQs)

1. Quick links;

- [Introduction.](#)
- [Who is eligible?](#)
- [What funds can be used for.](#)
- [What funds cannot be used for.](#)
- [The process.](#)
- [Maintenance of completed project.](#)
- [Summary of Policy.](#)
- [How proposals will be processed.](#)
- [FAQs](#)

2. Introduction

The Recreation Contributions present an opportunity for parishes to be involved with the District Council in utilising contributions secured by the authority, for recreation purposes, from developers who have developed property ranging from a single dwelling up to sites of 1.5 hectares. These recreation contributions have been paid over to the Council in order to offset the impact of the development. Whilst it is the responsibility of Babergh District Council to improve the recreational opportunities in the area through these obligations, the Council is keen to engage with parish and town councils to involve local communities in developing such schemes.

3. Who is eligible for funding?

- Town and Parish Council
- Organisations acting on behalf of Town and Parish Councils (eg management committees)
- Babergh District Council

4. Funds can be used

- For the provision of new public open space with/without play equipment on a nearby alternative site or
- To enhance and improve the nearest existing provision (either provided by the District Council or Town/Parish Council) as follows:
 - Provision of play equipment
 - Provision of pitched sports areas such as football, hockey and rugby
 - Provision of non pitched sports areas such as tennis courts, bowling greens and sports training areas
 - Drainage and ground works
 - Provision of seating facilities
 - Replacement of existing play equipment in poor condition (where this would result in a real upgrade or an addition to the type of facilities available)

- Upgrading access to an area to conform to the Disability Discrimination Act
- Tree and shrub planting and the provision of waste disposal facilities for existing sites and the provision of car parking for existing Parish/Town/District owned village sites
- Other facilities or provision as the Council considers eligible under the terms of the relevant Section 106 Obligation(s)

Please note: Projects must meet relevant standards, with play equipment or related items this is primarily EN 1176.

5. Funds cannot be used for

- Payment of anything already started or completed.
- Routine repairs and maintenance of public open space facilities and/or play equipment
- Replacement of play equipment on a like for like basis and where there is no, or limited, added play value
- Indoor facilities (including village hall provision) or golf
- Anything not connected with recreation and/or directly related to the impact of development

6. Process

Babergh District Council will inform Parish Councils on a six monthly basis of the current total available for each parish

Any proposals should be discussed with the District Council prior to any scheme being submitted to:

- Ensure the scheme qualifies for funding
- Determine whether the proposal requires planning permission
- Ensure the proposal meets the Council's protocol relating to distance between play areas and residential properties
- Determine whether the proposal is suitable for the proposed site and the needs of the community
- Scheme to be submitted with competitive quotations where appropriate
- Babergh Ward member to be advised of application for information
- Application will be assessed by council technical officers, decision made and offer made by the Head of Contract and Asset Management
- On completion of the scheme, or an agreed phase of it, inspection to be undertaken by the District Council and, if satisfactory, funding released.

7. Maintenance

- Once the process above is complete, the applicant takes on responsibility for operating and maintaining the recreational facility

8. Policy

- This policy was adopted by Babergh District Council on 31st July 2008. It applies to the allocation of financial contributions received by the Council under the terms of Section 106 Obligations in respect of off-site recreational facilities.

- A contribution secured under a [Section 106 Obligation](#) is paid over to the Council in order to offset the impact of the development. The contribution has to be spent in accordance with the provisions of the Section 106 Obligation and not for any other purpose. The contribution has to be expended by the authority within a fixed period of years as set out in the Obligation, failing which any unspent amount has to be returned with accrued interest. In order to involve fully local communities Babergh District Council will engage with parish and town councils to develop suitable schemes even when Babergh owns the land for which is for recreational purposes. However, it is stressed that first and foremost it is Babergh District Council's responsibility to improve the recreational opportunities in the area through these Section 106 Obligations
- It is the obligation for Babergh District Council to interpret and apply this policy at its sole discretion. The Council's decision on the allocation of Section 106 Obligations for recreational purposes is final.

9. How proposals will be processed

All proposals received will be considered by Babergh District Council against the following criteria:

- Proposals must comply with the policy and eligibility criteria as detailed above
- The proposal must be considered to relate reasonably to the development or developments that provided funding under the [Section 106 Obligation](#). Usually this will be within the same Parish, however, the Council has the discretion to consider exceptions to this, where proposals relate to development the subject of the Section 106 Obligations, but fall outside the Parish boundary
- The level of recreational value afforded by the proposal as tested against a range of questions
- Local Areas of Play, Neighbourhood Equipped Areas of Play and Local Equipped Areas of Play must adhere to the Council's advice for planning a play area. This is particularly relevant for a skateboard park (available from the Open Spaces Section of Babergh District Council).
- Multiple schemes in one parish will have to be prioritised. The parish council will have the opportunity to submit reasons for suggested priorities in such cases
- Where two or more schemes are submitted in close proximity (eg adjoining parishes) the relevant parish councils will be encouraged to work together but ultimately Babergh District Council will use its discretion to determine which scheme or schemes will proceed.

10. Frequently Asked Questions

FAQs will be added to this page as they arise



Planning Obligations Public Open Space Off-Site Project spending by Parish and Case - Summary v2

This report lists by Parish the planning obligation funds; received, available to spend, pre-allocated to projects, allocated to projects under evaluation, allocated to projects which have been approved but not yet paid, allocated to projects which have been approved and paid, and the funds remaining for the parish.

APPENDIX 2

Date: 17 Jan 2011

	Amount Received for Parish	Funds Unavailable	Funds Available to Spend	Funds Pre Allocated	Funds allocated to projects under evaluation	Funds approved but not yet paid	Funds approved and paid	Funds remaining
Acton	£20,454.57	£1,906.00	£18,548.57					
Funds Remaining								£18,548.57
Assington	£5,639.71	£0.00	£5,639.71					
Funds Remaining								£5,639.71
Belstead	£7,536.21	£0.00	£7,536.21					
Funds Remaining								£7,536.21
Bentley	£3,943.09	£0.00	£3,943.09					
Funds Remaining								£3,943.09
Bildeston	£29,420.24	£1,087.00	£28,333.24	£13,000.00		£5,500.00		
Funds Remaining								£9,833.24
Boxford	£5,614.52	£0.00	£5,614.52				£2,784.52	
Funds Remaining								£2,830.00
Brantham	£24,840.48	£0.00	£24,840.48			£6,052.27	£8,522.83	
Funds Remaining								£10,265.38
Brettenham	£1,134.10	£0.00	£1,134.10					
Funds Remaining								£1,134.10

	Amount Received for Parish	Funds Unavailable	Funds Available to Spend	Funds Pre Allocated	Funds allocated to projects under evaluation	Funds approved but not yet paid	Funds approved and paid	Funds remaining
Bures St Mary	£16,656.50	£0.00	£16,656.50	£16,656.50				
Funds Remaining								£0.00
Capel St Mary	£11,007.96	£0.00	£11,007.96					
Funds Remaining								£11,007.96
Chelmondiston	£5,674.14	£0.00	£5,674.14					
Funds Remaining								£5,674.14
Chilton	£9,728.30	£0.00	£9,728.30					
Funds Remaining								£9,728.30
Cockfield	£25,079.42	£0.00	£25,079.42				£13,760.00	
Funds Remaining								£11,319.42
Copdock & Washbrook	£1,984.00	£0.00	£1,984.00					
Funds Remaining								£1,984.00
Great Cornard	£71,423.86	£566.00	£70,857.86			£7,111.00	£16,366.98	
Funds Remaining								£47,379.88
East Bergholt	£21,954.09	£0.00	£21,954.09			£5,248.00		
Funds Remaining								£16,706.09
Elmsett	£1,951.74	£1,906.00	£45.74					
Funds Remaining								£45.74
Glemsford	£63,178.24	£0.00	£63,178.24					
Funds Remaining								£63,178.24

	Amount Received for Parish	Funds Unavailable	Funds Available to Spend	Funds Pre Allocated	Funds allocated to projects under evaluation	Funds approved but not yet paid	Funds approved and paid	Funds remaining
Hadleigh	£94,667.79	£1,132.00	£93,535.79				£8,700.00	
Funds Remaining								£84,835.79
Harkstead	£1,134.79	£0.00	£1,134.79					
Funds Remaining								£1,134.79
Hartest	£15,436.74	£0.00	£15,436.74					
Funds Remaining								£15,436.74
Hintlesham	£19,202.58	£1,984.00	£17,218.58				£10,006.00	
Funds Remaining								£7,212.58
Hitcham	£11,385.54	£0.00	£11,385.54				£11,385.54	
Funds Remaining								£0.00
Holbrook	£9,282.01	£3,522.00	£5,760.01					
Funds Remaining								£5,760.01
Kersey	£6,226.00	£0.00	£6,226.00				£2,830.00	
Funds Remaining								£3,396.00
Lavenham	£1,136.11	£0.00	£1,136.11					
Funds Remaining								£1,136.11
Lawshall	£12,852.58	£2,830.00	£10,022.58				£5,949.03	
Funds Remaining								£4,073.55
Layham	£8,379.00	£0.00	£8,379.00				£5,660.00	
Funds Remaining								£2,719.00

	Amount Received for Parish	Funds Unavailable	Funds Available to Spend	Funds Pre Allocated	Funds allocated to projects under evaluation	Funds approved but not yet paid	Funds approved and paid	Funds remaining
Leavenheath	£11,088.26	£0.00	£11,088.26				£5,000.00	
Funds Remaining								£6,088.26
Long Melford	£82,831.93	£2,830.00	£80,001.93					£80,001.93
Funds Remaining								£80,001.93
Monks Eleigh	£6,622.55	£0.00	£6,622.55				£2,985.00	£3,637.55
Funds Remaining								£3,637.55
Nayland with Wissington	£4,903.66	£0.00	£4,903.66					£4,903.66
Funds Remaining								£4,903.66
Nedging with Naughton	£6,720.00	£0.00	£6,720.00					£6,720.00
Funds Remaining								£6,720.00
Newton	£2,039.61	£0.00	£2,039.61				£2,039.61	£0.00
Funds Remaining								£0.00
Polstead	£0.00	£0.00	£0.00					£0.00
Funds Remaining								£0.00
Raydon	£5,438.00	£0.00	£5,438.00				£5,438.00	£0.00
Funds Remaining								£0.00
Shimpling	£11,304.21	£0.00	£11,304.21				£5,725.21	£5,579.00
Funds Remaining								£5,579.00
Shotley	£11,425.28	£0.00	£11,425.28					£11,425.28
Funds Remaining								£11,425.28

	Amount Received for Parish	Funds Unavailable	Funds Available to Spend	Funds Pre Allocated	Funds allocated to projects under evaluation	Funds approved but not yet paid	Funds approved and paid	Funds remaining
Sproughton	£20,092.43	£0.00	£20,092.43					
Funds Remaining								£20,092.43
Stoke by Nayland	£1,984.00	£0.00	£1,984.00			£1,984.00		
Funds Remaining								£0.00
Stratford St Mary	£0.00	£0.00	£0.00					
Funds Remaining								£0.00
Stutton	£8,670.19	£1,174.00	£7,496.19				£7,496.19	
Funds Remaining								£0.00
Sudbury	£126,371.05	£2,720.00	£123,651.05	£7,000.00		£94,843.82	£10,797.25	
Funds Remaining								£11,009.98
Great Waldingfield	£2,935.00	£2,935.00	£0.00					
Funds Remaining								£0.00
Wattisham	£1,984.00	£0.00	£1,984.00					
Funds Remaining								£1,984.00
Whatfield	£2,826.90	£0.00	£2,826.90					
Funds Remaining								£2,826.90
Woolverstone	£2,719.00	£0.00	£2,719.00			£1,500.00		
Funds Remaining								£1,219.00

Total Amount Received	Funds Unavailable	Funds Available to Spend	Funds Pre Allocated	Funds allocated to projects under evaluation	Funds approved but not yet paid	Funds approved and paid	Funds remaining
£816,880.38	£24,592.00	£792,288.38	£36,656.50	£0.00	£122,239.09	£125,446.16	£507,946.63
