

Release of Developer Contributions in North Baddesley

Report of the Planning and Building Portfolio Holder

Recommended:

1. That Section 106 developer contributions secured for improvements to Sports Ground/Formal recreation in the locality, up to the value of £156,372, received from developments granted planning permission within the parish of North Baddesley be used to fund North Baddesley Parish Council's proposal for installing new land drainage on the cricket field side of North Baddesley recreation ground to provide two additional football pitches and an improved outfield for cricket.
2. That the expenditure and funding be added to the Council's capital programme.

SUMMARY:

- The Council is required to use developer contributions secured through the grant of planning permission by means of s106 (planning obligations) from development in North Baddesley to fund the provision and/or improvement of public open space in the parish of North Baddesley. This report recommends the allocation of up to £156,372 to fund new land drainage on the cricket field side of North Baddesley recreation ground to provide two additional football pitches and an improved outfield for cricket

1 Introduction

- 1.1 As part of granting planning permission it is appropriate for certain types of new development to contribute to the improvement of local infrastructure required to mitigate the effects of that development in line with the Community Infrastructure Levy Regulations 2010. The mitigation is often in the form of financial contributions from developers which are secured through the planning process by means of planning obligations under Section 106 of the Town and Country Planning Act 1990. These contributions are transferred to the council to use directly, or allocate to other bodies to deliver improved infrastructure as is recommended in this case, or are given directly to other infrastructure providers such as Hampshire County Council.
- 1.2 The developments included in the Annex and related contributions towards public open space improvements are recommended to be used for new land drainage on the cricket field side of North Baddesley recreation ground to provide two additional football fields and an improved outfield for cricket. A full list of contributions and their purpose is displayed within the Annex.

2 Background

- 2.1 North Baddesley Parish Council has applied for developer contributions secured through a number of planning permissions in the parish, by means of Section 106 agreements, to install new land drainage on the Cricket field side of North Baddesley recreation ground.
- 2.2 Officers from Planning and Building responsible for managing Section 106 agreements (planning obligations), and Community Infrastructure Levy (CIL) along with members of the Community Engagement team met with the Parish council on site in May 2023. It was understood from these discussions that the land in question needed drainage improvements to make it suitable for new football pitches and an improved cricket outfield. This was the funding the Parish were seeking.
- 2.3 The parish council was advised that if they were pursuing external funding from the council to deliver the project, Section 106 contributions were the most suitable form of funding of these works. This is because there is sufficient developer contributions available to cover the whole costs of the project, which would satisfy the requirements of the relevant planning obligations, and it would meet the Sports Ground/Formal recreation description from the local plan.

3 Corporate Objectives and Priorities

- 3.1 The proposal meets Sustainability, Connection and Environment priorities as set out in the 2023 – 2027 Corporate Plan as shown below.
- 3.2 Sustainability – Using developer contributions in this way would bring forward additional/improved public open space/recreational facilities that will benefit the local community in the form of enhanced sports provision.
- 3.3 Connection – Providing additional and improved space for organised sports should help to promote the potential development of additional teams and the expansion of existing teams. This encourages more people to become involved in sports in their local communities thereby supporting shared interests and the many connections that bring people together.

4 Consultations/Communications

- 4.1 As per the Council procedure, consultation has been carried out with officers in Planning Policy, Community and Leisure and Finance as well as the Planning and Building Portfolio holder and North Baddesley Ward Members.

5 Options

- 5.1 Option 1 – The council agrees to fund the works proposed by the parish council using financial contributions secured by planning obligations relating to developments permitted in the parish. . This will provide improved drainage to the recreation ground and, as a result, two new football pitches will be available as well as an improved cricket field.
- 5.2 Option 2 - Not approve the funding sought by the Parish Council to improve local recreational facilities.

6 Option Appraisal

- 6.1 Option 1 - Agree to fund the works requested – This will greatly benefit the local community of North Baddesley as well as communities further afield. It will provide new and improved public open space sports facilities funded from contributions taken from developments in the area with the purpose of mitigating the impact of that development and improving infrastructure in the locality. There are no disadvantages which have been identified through option 1. There are no other projects the Parish has requested funding to support, and no other bodies or agencies have come forward and asked for funding to deliver these types of new or improved recreational facilities in the area.
- 6.2 It is also worth noting that the council is required, as per the terms of Section 106 agreements relating to the developments permitted in this area, to spend or commit the contributions within a 10 year period. Some of the contributions highlighted for release in this case are nearing this time (Annex). If these are not committed or released to appropriate projects then this money is at risk of being returned to the developer. This means that it is appropriate to allocate this funding to the project now, to avoid this issue arising, and deliver mitigation required when these developments were permitted. If the contributions are not used to support these works, it would be necessary to look at identifying other suitable projects that could be delivered in the timeframe. However, at present, there are no other schemes that have come forward.
- 6.3 Option 2 – Do not agree to allocate the funds - If this project is not funded through Section 106 the parish council will need to explore alternative funding options and there is a risk that the improvements to the recreation ground would not be realised or would at least be significantly delayed. It would be possible, as one alternative, for the parish council to pursue a bid for the Community Infrastructure Levy funding. However, there is no assurance that such a request would be successful at this point and, if such funding were subsequently agreed, it would potentially reduce or remove opportunities for the council to support other projects in other communities that could only be funded by the council through CIL.
- 6.4 The recommended option in this case is Option 1. This is because the contributions in the requisite Legal Agreements specify that the use of the contributions are to support the provision of Sports Ground/Formal Recreation in the parish of North Baddesley and the scheme, subject of this funding request, is considered to meet these requirements.

7 Risk Management

- 7.1 No risks identified to the council as a result of approving the recommendations.

8 Resource Implications

- 8.1 Funding for the whole project will come from Section 106 funds and no other resources would be used.

9 Legal Implications and Statutory Authority

- 9.1 We are required legally to ensure the contributions are spent/committed in line with the wording of the legal agreement. This has been checked and confirmed by the council's Policy Officer to be the case.

10 Equality Issues

- 10.1 An EQIA is not needed because the issues covered do not raise any equality concerns, therefore a full EQIA has not been carried out.

11 Sustainability and Addressing a Changing Climate

- 11.1 This will provide local and accessible outdoor public open space facilities for residents of Test Valley to use and benefit from.

12 Other Issues

- 12.1 Wards/Communities Affected – North Baddesley will be main beneficiary if given approval; however wider residents of Test Valley and beyond will also be able to use and enjoy the enhanced recreational facilities. As mentioned the Section 106 developer contributions are to be used towards the provision and/or improvement of public open space within the parish of North Baddesley.

13 Conclusion and reasons for recommendation

- 13.1 It is recommended that council approve the use of appropriate developer contributions secured from developments in the locality up to £156,372 to fund the project to install new land drainage on the Cricket field side of North Baddesley recreation ground to provide two new football pitches and an improved cricket outfield. It is considered that this would be an appropriate use of these funds to enhance the recreational offer on North Baddesley for the benefit of the local community and beyond.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	N/A
(Portfolio: Planning and Building) Councillor P Bundy			
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Report to:	Council	Date:	25 October 2023