

## CABINET



**URN:** 24-051

**Report Title:** Spending of Developer Contributions (Section 106/Section 111) on Open Space – Recommendations for Spend

**Report to:** Cabinet

**Date of meeting:** 16 May 2024

**Responsible Cabinet Member:** Cllr Daniel Candon

**Responsible Director / officer:** Natasha Hayes, Executive Director – Place / Nick Fountain, Principal Strategic Planner

**Is this a Key decision?** No

**Date added to Forward Plan of Key Decisions if a Key Decision:** n/a

### EXECUTIVE SUMMARY / INTRODUCTION FROM CABINET MEMBER

This report sets out recommendations for the spend of developer contributions (Section 106/Section 111 agreements) for open space.

### RECOMMENDATIONS

That Cabinet:

1. Approves the use of section 106 funds to deliver the following projects:
  - Playing Field Lane, Martham - 2 Bay net practice cricket facility - £28,000
  - King George V Playing Field, Allendale Road, Caister - Non-turf artificial wicket - £11,000
  - King George V Playing Field, Allendale Road, Caister - Play equipment - £89,402
  - King George V Playing Field, Allendale Road, Caister - wheelchair access equipment and floodlighting for bowling green - £16,900
  - Southtown Common, Gorleston - Play equipment - £70,000 (£50,000 capital plus £20,000 for maintenance)
  - Burnet Road, Bradwell - Play equipment - £35,794.52
  - King Charles Coronation Garden, Bradwell - path, bird boxes, bench - £9,100.48
  - St Clare Court, Hopton - play equipment - £25,000.
2. Notes the progress to date on the most recent round of funded projects

## **1. Introduction**

- 1.1. The Council requires developers of new housing developments under Policy H4 of the Council's Local Plan Part 2 to provide new open space on-site or make financial contributions towards the provision of open space off-site. This is to ensure that our communities have the open spaces that they need to thrive, and they are expanded in line with the growth in population.
- 1.2. On 25 July 2023, the Council's Cabinet endorsed the first round of open space funding for successful bids. An update on these projects is provided in Appendix 3.
- 1.3. Following this, a second 12-week window for inviting projects/bids for off-site open space improvements was open between 7 August 2023 and 7 November 2023. Projects/bids were invited from Parish Councils, Ward Councillors, community groups, sport clubs and teams.
- 1.4. Projects/bids were initially reviewed by the planning team to ensure they meet section 106 requirements. Eligible Projects/bids submitted were then consulted on for 4 weeks with:
  - Ward Members
  - Parish Councils (where submissions had not come from them).
- 1.5. Following consultation, eligible projects were further reviewed by an officer group comprising officers from planning and property and asset teams, communities, and finance. Following discussion, the bids were assessed against criteria, and scored with justification for bid approval or refusal recommendations.
- 1.6. Proposals for projects under £50,000 can be determined and signed off by the Executive Director with responsibility for open spaces under existing delegations. Projects above this figure will be determined by Cabinet. Given the number of projects under £50,000 received this time, the Executive Director has decided not to use their delegated powers and instead refer these projects to Cabinet for a decision.
- 1.7. The adopted Open Space SPD sets out how contributions will be prioritised. Spending will be prioritised in line with the recommendations of the Open Space Needs Assessment (2022) the Playing Pitch and Outdoor Sports Strategy (2022) and the Play Area Action Plan developed by Property and Asset Team. Please see section 9 of the report for the links to background papers.
- 1.8. Developer contributions collected under the new Policy H4 include an element to be reserved for funding the maintenance of these spaces (over a 20yr period). This varies by type of open space but has been capped at 40% of the capital cost where applicable for spending.

## **2. Available Funds as of July 2023**

- 2.1. The table in Appendix 2 details funds currently available, which projects are derived from which development and the remaining funds available in future if all recommendations set out below are approved. This sets out a budget of £371,868.00.

### **3. Projects received**

3.1. The following projects were received. Full details can be found in Appendix 1 to the report:

- 1. Community Centre, Playing Field Lane, Martham – various projects - £66,000
- 2. Playing Field Lane, Martham - 2 Bay net practice cricket facility - £28,000
- 3. Land off Staithe Road (proposed new development site), Martham - £45,000
- 4. King George V Playing Field, Allendale Road, Caister - Non-turf artificial wicket - £11,000
- 5. King George V Playing Field, Allendale Road, Caister - Play equipment - £89,402
- 6. King George V Playing Field, Allendale Road, Caister - wheelchair access equipment and floodlighting for bowling green - £16,900
- 7. All Saints Parish Hall, Scratby - sport/play – football/tennis/MUGA - £197,730
- 8. Runham Bowls Club, The Street, Runham – green equipment/shed/toilet - £4,208.92
- 9. Southtown Common, Gorleston – play equipment - £50,000 (plus maintenance)
- 10. Southtown Common, Gorleston – MUGA - £39,115
- 11. Gorleston Lawn Tennis Club, Orde Avenue, Gorleston – floodlighting - £35,000
- 12. Burnet Road, Bradwell - play equipment - £35,794.52
- 13. King Charles Coronation Garden, Bradwell - path, bird boxes, bench - £10,275.57
- 14. St Clare Court, Hopton - play equipment - £25,000.

### **4. Comments from Borough Councillors and Parish Councils**

- 4.1. Borough Councillors and Parish Councils with projects in their area were consulted in April for their views on the submitted projects.
- 4.2. Several comments were received from Ward Councillors which were taken into account in making the recommendations in this report.
- 4.3. Bradwell Parish Council supported proposals for play area equipment at Burnet Road. Concern was raised regarding vandalism within the parish, particularly at Mill Lane, and the need to replace equipment. A question was raised as to the potential need for CCTV and police community support measures.
- 4.4. Caister Parish Council raised no objections to the Caister Cricket Club bid but did have concerns with replacement floodlighting for the Caister Bowls Club bid given the proximity of surrounding properties and the likely need for planning permission.

## **5. Recommendations for Funding**

5.1. The projects set out below are recommended to be funded:

- Playing Field Lane, Martham - 2 Bay net practice cricket facility - £28,000
- King George V Playing Field, Allendale Road, Caister - Non-turf artificial wicket - £11,000
- King George V Playing Field, Allendale Road, Caister - Play equipment - £89,402
- King George V Playing Field, Allendale Road, Caister - wheelchair access equipment and floodlighting for bowling green - £16,900
- Southtown Common, Gorleston - Play equipment - £70,000 (£50,000 capital plus £20,000 for maintenance)
- Burnet Road, Bradwell - Play equipment - £35,794.52
- King Charles Coronation Garden, Bradwell - path, bird boxes, bench - £9,100.48
- St Clare Court, Hopton - play equipment - £25,000.

5.2. The other projects are not recommended for funding at this stage due to several factors including their ability to meet spending requirements for planning obligations, readiness for delivery, and lack of financial information, lack of community value and wider details about the project outputs. Officers will provide further assistance where possible to support the groups who submitted these bids to enable them to progress their applications in the future.

5.3. Full details of projects and reasoning for recommendations are included in Appendix 1 to this report.

5.4. Should the recommendations be taken forward, this would commit £285,197 of spending on open space projects and leave the remaining budget at £86,671.

## **6. Financial Implications**

6.1. The projects identified are fully funded by section 106 and section 111 funds. Two members of the Council's Finance Team, the Financial Services Manager, and a Senior Accountant, have been included within the officer level consideration process.

## **7. Legal and Risk Implications**

7.1. Section 106 contributions comprise legal covenants which dictate how the funds should be spent. The projects identified are in line with the agreements concerned. The Monitoring Officer was included within the officer working group considering the bid proposals.

## **8. Conclusion**

8.1. A wide number of projects have come forward for support and the planning and property teams have supported these applications and for those which are unsuccessful, officers will provide further information and guidance as to what additional information may be required for future applications. It is recommended that cabinet agree the funding of the projects identified in Section 5 above.

## 9. Background Papers

- 9.1. [Open Space Supplementary Planning Document \(SPD\)](https://shorturl.at/auyAD) - <https://shorturl.at/auyAD>
- 9.2. [Open Space Needs Assessment \(2022\)](https://shorturl.at/dDIVW) - <https://shorturl.at/dDIVW>
- 9.3. [Playing Pitch and Outdoor Sports Strategy \(2022\)](https://shorturl.at/ckry3) - <https://shorturl.at/ckry3>
- 9.4. [5-year Play Area Action Plan developed by Property and Asset Team following the Playground & Open Space Audit](#) (see Appendix 1 & 2 of report).

## 10. Appendices

- 10.1. Appendix 1 – Details of Projects and Assessment
- 10.2. Appendix 2 – Distribution of funds by locality and remaining funds after agreement of proposals
- 10.3. Appendix 3 – Update on open space spending approved in July 2023

Consultations	Comment
Monitoring Officer Consultation:	Verbal advice that the report is not a key decision on 4 April 2024. Draft report provided for review on the 4 April 2024.
Section 151 Officer Consultation:	Draft report provided for review on the 4 April 2024.
Existing Council Policies:	Core Strategy / Local Plan Part 2 / Open Space SPD.
Equality Issues/EQIA assessment:	Having considered the Borough Council's guidance, officers are of the opinion that a full EQIA is not required on the basis that the above bids relate to various open spaces which cater for various uses and a wide variety of needs. Each funding bid has been assessed including consideration of open space needs across the Borough in accordance with existing evidence, policies and strategies. Some of the capital bid proposals are specifically designed to include equipment that will increase accessibility for users such as specialist disability equipment. The overall conclusion is that funding will improve accessibility for all potential users of open spaces.

## Appendix 1

### Gorleston – Claydon Ward

Project	Submitter	Project details	Delivery	Ward	Total Scheme Costs	Total score	Recommendation comments following assessment	Recommended funding?	£106 to fund
<b>Southtown Common Play Area</b>	GYBC	Children's play equipment	GYBC	Claydon	£49,975 - £50,000	13	The site is already well used by the community, and it includes a children's play space. Play facilities would be open to full public use. The OSNA identifies quantity and quality deficits in play within the Ward. 2 quotations were received to demonstrate best value. Support was provided from Ward Councillor(s) via engagement with the Council's Properties Team. The bid scores strongly against the criteria and demonstrates clear value for the local community. The lowest bid should just be within the budget for that area. Recommendation: funding to be awarded.	<b>£50,000 capital + £20,000 maintenance</b>	Claydon High School - sports /play
<b>Southtown Common MUGA</b>	GYBC	MUGA, Children's play equipment	GYBC	Claydon	£50,000	11	The site is already well used by the community, and it includes a children's play space. Play facilities would be open to full public use. The OSNA identifies quantity and quality deficits in play within the Ward. No quotations received; this is based on an estimated cost. Potential funding gap for this project given the limited pots available. Support was provided from Ward Councillor(s) via engagement with the Council's Properties Team. While the project scores reasonably well, the bid is not supported by quotes and a lack of supporting funding challenges whether the project is deliverable. Recommendation: no funding awarded. Consideration should be given to potential alternative funding streams or future funding pots.	<b>£0</b>	N/A

## Gorleston – Gorleston Ward

Project	Submitter	Project details	Delivery	Ward	Total Scheme Costs	Total score	Recommendation comments following assessment	Recommended funding?	S106 to fund
<b>Tennis at Orde Avenue, Gorleston-on-sea</b>	Gorleston Lawn Tennis Club	Replacement floodlighting	Gorleston Lawn Tennis Club	Gorleston	£15,000 - £26,293	10	Tennis facilities already existing with floodlighting, but in need of replacement. Private club facilities which do allow public use subject to entrance fee. The OSPPS identifies a need to replace floodlighting at this facility following consultation with providers. 3 quotes were received to demonstrate best value. While the bid scores reasonably well against the criteria there is a lack of community value in the project as the facility will largely be in use for club members. Recommendation: no funding awarded.	<b>£0</b>	N/A

## Bradwell – Bradwell South & Hopton Ward

Project	Submitter	Project details	Delivery	Ward	Total Scheme Costs	Total score	Recommendation comments following assessment	Recommended funding?	S106 to fund
<b>Play at Burnet Road, Bradwell</b>	GYBC	Children's play equipment	GYBC	Bradwell South & Hopton	£35,838 - £52,532	13	The site is already well used as children's play space. Play facilities would be open to full public use. The OSNA identifies quantity and quality deficits in play within the Ward. 2 quotations received to demonstrate best value. Support provided from Ward Councillor(s) via engagement with the Council's Property Services Team. Bradwell PC raised concern at potential for anti-social behaviour. The bid scores strongly against the criteria and demonstrates clear value for the local community. The lowest bid should just be within the budget for that area, this leaves a small deficit which will need to be covered by other sources. Recommendation: funding to be awarded.	<b>£35,794.52</b>	Bradwell - all types
<b>King Charles Coronation Garden, Bradwell</b>	Bradwell Parish Council	Path Construction, surfacing, Sheds, Garden tools for Shed. Materials for Local Schools to make Bird boxes, bee houses, bird tables and feeders etc. Water Butt. Glasdon Bench Seat. Fitting of Bench in ground - est. based on previous work.	Bradwell Parish Council	Bradwell South & Hopton	£10,276	12	The site could be appropriate for the uses specified subject to the appropriate land agreement. The shed and tools would not be appropriate for funding. Facilities would be open to full public use. A little bit of concern was raised in relation to potential anti-social behaviour. Quality deficit in informal amenity space for Bradwell South Two quotations received for the paving element of the project to demonstrate best value. The project was proposed by the parish council. The bid scores well against the criteria, subject to being limited to open space facilities (without equipment - shed, tools, water butt) and land use agreement. Recommendation: funding to be awarded.	<b>£9,100.48</b>	Bradwell - all types



## Caister-on-Sea – Caister South Ward

Project	Submitter	Project details	Delivery	Ward	Total Scheme Costs	Total score	Recommendation comments following assessment	Recommended funding?	S106 to fund
<b>Cricket at King George V Playing Field, Allendale Road, Caister</b>	Caister Cricket Club	Non-Turf wicket - cricket training facility	Caister Cricket Club	Caister South	£9,000 - £11,000	13	The site is already in use for cricket. The proposed non-turf wicket would prevent wear and tear on the match square. The existing local sports club runs through several ages including youth teams which will enable expansion. There is also the potential to link facilities with the schools. The OSPPS identifies cricket facilities as 'standard' with scope for improvement. The lack of training facilities is causing further use of the cricket square. Only a single bid received. Support was received from 1 local councillor and the parish council. The bid scores strongly against the criteria and demonstrates clear value for the local community. Recommendation: funding to be awarded.	<b>£11,000</b>	Caister / Ormesby (all types)
<b>Play at King George V Playing Field, Caister</b>	Caister Parish Council	Children's play equipment	Caister Parish Council	Caister South	£89,402 - £100,928	14	The site is already well used by the community and it includes a children's play space. Play facilities would be open to full public use. The Ward is in deficit of play in terms of quantity as evidenced by the OSNA. 3 bids received with some variation in pricing and demonstrating best value for money. The bid was proposed by the parish council and supported by 1 local councillor. The bid scores strongly against the criteria and demonstrates clear value for the local community. The lowest bid should just be within the budget for that area. Recommendation: funding to be awarded.	<b>£89,402</b>	Caister / Ormesby (all types)

Project	Submitter	Project details	Delivery	Ward	Total Scheme Costs	Total score	Recommendation comments following assessment	Recommended funding?	S106 to fund
<b>Bowls at King George V Playing Field, Caister</b>	Caister Bowls Club	Wheelchair ramp £1,400 (£254 already committed by club), Lawn cutting equipment, £4,102.71, Chemical Sprayer £1083, Floodlighting £16,000.	Caister Bowls Club	Caister South	£19,900	12	<p>The site already contains a bowling green which is in regular use. The equipment is not considered appropriate apart from the wheelchair ramp which would improve accessibility. Floodlighting would be subject to planning permission. The facility is widely used by the local club and the proposed facilities will improve access. The OSPPS identifies that the Borough has poor quality greens and that Caister is a well-used facility approaching maximum capacity. The items appear to be subject to only 1 quote for works. The club has secured some funds. The proposal received support from 1 councillor, the parish council raised concern at floodlighting in respect of impacts on nearby properties and the likely need for planning permission. The bid scores well against the criteria, subject to being limited to wheelchair access equipment and floodlighting. Floodlighting may require planning permission; therefore, such funding would be conditional. Recommendation: funding to be awarded.</p>	<b>£16,900</b>	Caister / Ormesby (all types)

## Martham – West Flegg Ward

Project	Submitter	Project details	Delivery	Ward	Total Scheme Costs	Total score out of 15	Recommendation comments following assessment	Recommended funding?	S106 to fund
<b>Martham various</b>	Martham Parish Council	Defibrillators, Green / Informal Space in centre of village, Allotments - security gate / road improvements / signage / area for produce & compost / fencing, Community centre - kitchen upgrades / solar panels, Bowls Club DDA compliant toilet, Football Club - tea/kitchen hut, Cricket Club - machine to cut grass, Footpaths - cutting machinery & ecological seating	?	West Flegg	£66,000	N/A	The bid listed several uncosted projects. The bid failed to meet obligations tests and an email was sent requesting further information on those items that could be considered. No further response was received. The bid could not be scored. Recommendation: no funding awarded.	<b>£0</b>	N/A
<b>Land off Staithe Road, Martham</b>	Saffron Housing Trust	Informal and public open space including a LEAP (children's play)	Saffron Housing Trust	West Flegg	£45,000	N/A	The bid has scored zero on the basis that the site does not currently benefit from planning permission and a policy compliant scheme should include open space as part of the development. Play facilities would be open to full public use. The Ward is in deficit of play in terms of quantity and quality as evidenced by the OSNA. Only a single bid received. The bid is not suitable for funding on the basis that the site does not benefit from planning permission and the scheme would be expected to include play	<b>£0</b>	N/A

							provision through planning policy. Recommendation: no funding awarded.		
<b>Cricket at Playing Field Lane, Martham</b>	Martham Cricket Club	Double bay net cricket training facility	Martham Cricket Club	West Flegg	£28,000 - £35,592	13	<p>The site is already in use for cricket. The proposed training facility would prevent wear and tear on the match square. The existing local sports club runs through several ages with 2 adult teams and multiple children's clubs. Such training facilities could support further use. While Martham is the best kept cricket green in the Borough it is well used, and specific training facilities will help to maintain a good quality pitch. This is referenced in the OSPPS. 3 quotes were received to demonstrate best value for money. The bid scores strongly against the criteria and demonstrates clear value for the local community. The lowest bid should just be within the budget for that area.</p> <p>Recommendation: funding to be awarded.</p>	<b>£28,000</b>	Martham (all types)

## Hopton – Bradwell South & Hopton Ward

Project	Submitter	Project details	Delivery	Ward	Total Scheme Costs	Total score	Recommendation comments following assessment	Recommended funding?	S106 to fund
<b>Play at St Clare Court, Hopton</b>	Hopton Parish Council	Children's play equipment	GYBC	Bradwell South & Hopton	£22,567 - £25,998	14	The site is already well used as children's play space. Quantity & quality deficits in play provision in Bradwell South & Hopton - St Clare Court specifically referenced as existing facilities in poor state (noting the potential to remove completely). The bid scores strongly against the criteria and demonstrates clear value for the local community. 3 quotes have been received to demonstrate best value. Support provided from Ward Councillor(s). The bid was proposed by Parish Council. The lowest bid should just be within the budget for that area. Maintenance has also been sought, given that the Borough is responsible for the sites the recommendation: funding to be awarded for the Borough Council to deliver. Recommendation: funding to be awarded.	<b>£25,000.00</b>	Hopton - all types

### Scratby – Ormesby Ward

Project	Submitter	Project details	Delivery	Ward	Total Scheme Costs	Total score	Recommendation comments following assessment	Recommended funding?	S106 to fund
<b>Play at All Saints Parish Hall, Scratby</b>	All Saints Parish Hall	MUGA - Tennis / Football	All Saints Parish Hall	Ormesby	£197,930 - £296,280	13	There is currently a lack of any play facilities in Scratby for open public use. Play facilities would be open to full public use. The OSNA identifies quantity and quality deficits in play within the Ward and specifically identifies a need for Scratby. While 3 bids have been received, the cost of the proposed facility is significant and unlikely to have budget. External funding would be required to pick up any shortfall. The bid was submitted by a councillor on behalf of All Saints Parish Hall. While the bid does score well against the criteria, the proposed bid is large and would require further funding which raises a question as to whether the scheme can be delivered. Recommendation: no funding awarded. Consideration should be given to potential alternative funding streams or future funding pots.	<b>£0</b>	N/A

### Runham – Fleggburgh Ward

Project	Submitter	Project details	Delivery	Ward	Total Scheme Costs	Total score	Recommendation comments following assessment	Recommended funding?	S106 to fund
<b>Bowls at The Street, Runham</b>	Runham Bowls Club	Seeds, Bowls Equipment, Green Equipment, Shed, Portable toilet	Runham Bowls Club	Flegg	£4,209	N/A	The project failed to meet obligations tests and there is a lack of funding available. The bid could not be scored. Recommendation: no funding awarded.	<b>£0</b>	N/A

## Appendix 2

Settlement	Area spending requirements	Current Budget	Budget remaining (based on acceptance of recommended spend)
Bradwell	Bradwell - all types	£44,895.00	£0.00
Caister/Ormesby	Caister/Ormesby - all types	£140,023.00	£22,721.00
Gorleston	Gorleston (from Dev in St Andrews) - all types	£64.00	£64.00
Gorleston	Claydon High School Site - Sports / Play equipment	£58,352.00	£0.00
Gorleston	Locality of Burgh Road - all types	£4,599.00	£4,599.00
Gorleston	Locality of Magdalen Square - all types	£8,161.00	£8,161.00
Gorleston	All types of open space within Claydon Ward - all types	£14,338.00	£2,690.00
Great Yarmouth	From development in Central and Northgate Ward (Northgate Hospital) - all types	£11,043.00	£11,043.00
Great Yarmouth	Locality of Southtown - all types	£2,779.00	£2,779.00
Great Yarmouth	Locality of Cobholm - all types	£627.00	£627.00
Great Yarmouth	Outdoor sports facilities serving Great Yarmouth and neighbouring settlements	£4,924.00	£4,924.00
Great Yarmouth	Play space serving Central and Northgate Ward	£2,342.00	£2,342.00

Settlement	Area spending requirements	Current Budget	Budget remaining (based on acceptance of recommended spend)
Great Yarmouth	Informal amenity space serving Central and Northgate Ward	£1,988.00	£1,988.00
Great Yarmouth	Play space serving Nelson Ward	£293.00	£293.00
Great Yarmouth	Allotments serving Nelson Ward	£42.00	£42.00
Hopton	Hopton - all types	£29,470.00	£4,470.00
Martham	Martham - all types	£31,642.00	£3,642.00
Ormesby	Ormesby - all types	£5,936.00	£5,936.00
Rollesby	Rollesby - all types	£5,319.00	£5,319.00
Borough-wide	Accessible Natural Greenspace	£5,031.00	£5,031.00



## Appendix 3

- A3. The following update is provided on open space funding agreed from the Cabinet meeting of 25 July 2023:
1. Beaconsfield Road play area Improvement - £57,400 (£41,000 capital, £16,400 future maintenance): pending award of tender (completion anticipated by school summer holidays, 19 July 2024)
  2. Blackfriars West play area Improvements - £56,000 (£40,000 capital, £16,000 future maintenance): pending award of tender (completion anticipated by school summer holidays, 19 July 2024)
  3. Gorleston Marine Parade play area improvements - £39,300 (£29,500 capital, £9,800 future maintenance): New equipment completed, pending further improvements to accessibility.
  4. Improvements to Wellesley Football Pitch, new dugouts and goals - £18,007.20 capital: completed.
  5. Magdalen Square play area improvements - £47,880 (£34,200 capital, £13,680 maintenance): New equipment installed (complete).
  6. Mill Lane, Bradwell - Adizone Improvements - £72,324 capital: pending award of tender (completion anticipated by school summer holidays, 19 July 2024)
  7. Rollesby Playing Field – new goals and basketball hoop to complete multi-use games area - £8,800 capital: Project in progress with parish council managing.
  8. Pier Plain Play area improvements - £30,800 (£22,000 capital, £8,800 future maintenance: New equipment installed (complete).
  9. Lichfield Road Play Area Improvements - £31,000 capital: New equipment installed, pending further improvements surface to MUGA.