

# CABINET



URN: 23-082

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

**Report to:** Cabinet

**Date of meeting :** 25<sup>th</sup> July 2023

**Responsible Cabinet Member:** Daniel Candon

**Responsible Director / Officer :** Natasha Hayes, Executive Director – Place / Sam Hubbard, Strategic Planning Manager

**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 first tranche of spend of developer contributions (Section 106/Section 111 agreements) for open space following approval of a revised process last autumn.

## RECOMMENDATIONS :

That Cabinet approves the use of section 106 funds to deliver the following projects:

- Beaconsfield Road play area Improvement -£57,400 (£41,000 capital, £16,400 future maintenance)
- Blackfriars West play area Improvements - £56,000 (£40,000 capital, £16,000 future maintenance)
- Gorleston Marine Parade play area improvements - £39,300 (£29,500 capital, £9,800 future maintenance)
- Improvements to Wellesley Football Pitch – new dugouts and goals - £18,007.20 capital
- Magdalen Square play area improvements - £47,880 (£34,200 capital, £13,680 maintenance)
- Mill Lane, Bradwell - Adizone Improvements - £72,324 capital
- Rollesby Playing Field – new goals and basketball hoop to complete multi-use games area - £8,800 capital
- Pier Plain Play area improvements -£30,800 (£22,000 capital, £8,800 future maintenance)
- Lichfield Road Play Area Improvements - £31,000 capital

## 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. Contributions for off-site provision have historically been pooled from a small number of developments to deliver more impactful open spaces in the localities of those developments.
- 1.3. In December 2022, the Council's Policy and Resources committee agreed a new process for making decisions on spending of these funds.
- 1.4. The process involves a 12-week window for inviting projects/bids for off-site open space improvements each year. The window normally will take place over July, August and September to give time to assess and consult on projects prior to finalising the capital programme. Given there were several urgent projects that required funding due to no funds being released for a several years it was proposed to have two funding rounds this year.
- 1.5. As such projects/bids were invited from Parish Councils, Ward Councillors, community groups, sport clubs and teams over the period from January to April.
- 1.6. Projects/bids were initially reviewed by the planning team to ensure they met section 106 requirements. Projects/bids submitted were then consulted on for 21 days with:
  - Ward Members
  - Parish Councils where submission hasn't come from them.
- 1.7. Following consultation, projects were further reviewed by an officer group comprising officers from planning and property and asset teams, communities and finance. Proposals for projects under £50,000 would normally 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 delegated powers and instead refer these projects to Cabinet for a decision.
- 1.8. 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 Strategy (2022) and the Play Area Action Plan developed by Property and Asset team.
- 1.9. 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 averages out at approximately 36% of the contribution.
- 1.10. This is the first tranche of recommendations for funding from section 106 obligations. A further round will be opened in August, and we will invite previous unsuccessful applicants to apply again where there project accords with S106 funds.

## **2. Available Funds as of end 22/23**

- 2.1. The table in Appendix 2 details funds currently available by area and the remaining funds available in future if all recommendations set out below are approved. At present there is

£703,571 available for funding open space improvements across the Borough, the total funding for these 9 projects is £361,511. If the recommendations in this report are followed, there will be £342,060 remaining.

### **3. Recommendations for Funding**

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

- Beaconsfield Road play area Improvement -£57,400 (£41,000 capital, £16,400 future maintenance)
- Blackfriars West play area Improvements - £56,000 (£40,000 capital, £16,000 future maintenance)
- Gorleston Marine Parade play area improvements - £39,300 (£29,500 capital, £9,800 future maintenance)
- Improvements to Wellesley Football Pitch – new dugouts and goals - £18,007.20 capital
- Magdalen Square play area improvements - £47,880 (£34,200 capital, £13,680 maintenance)
- Mill Lane, Bradwell - Adizone Improvements - £72,324 capital
- Rollesby Playing Field – new goals and basketball hoop to complete multi-use games area - £8,800 capital
- Pier Plain Play area improvements -£30,800 (£22,000 capital, £8,800 future maintenance)
- Lichfield Road Play Area Improvements - £31,000 capital

3.2. There were a number of other projects which were received which are not recommended for funding at this stage due to several factors including their readiness for delivery, lack of financial and wider details about the project outputs and being out of scope for section 106 funding. Officers will provide further assistance to the groups who submitted these bids to enable them to progress their projects in the future.

3.3. Full details of projects proposed to be funded and the reasoning for recommendations are included in Appendix 1 to this report.

### **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. A number of comments were received from Ward Councillors which were taken into account in making the recommendations in this report. Some of the comments received related to plans for other spaces not currently subject to bids and Council's Property team have fed back with future plans for these spaces.

4.3. Bradwell Parish Council also responded raising concern about the Mill Lane, Adizone project. They considered the area had low levels of use and was vulnerable to vandalism due to lack of CCTV. They argued that most development had taken place in the south of the Parish and had a preference for funds to be spent on Green Lane.

## **5. Financial Implications**

- 5.1. The projects identified are fully funded by section 106 funds.

## **6. Legal and Risk Implications**

- 6.1. Section 106 contributions comprise legal covenants which dictate how the funds should be spent. The projects identified are in line with the agreements concerned.

## **7. Conclusion**

- 7.1. A wide number of projects have come forward for support and the planning and property teams have supported these applications and for those which were 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.

## **8. Appendices**

- 8.1. Appendix 1 – Details of Projects and Assessment
- 8.2. Appendix 2 – Distribution of funds by locality and remaining funds after agreement of proposals

*Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?*

<b>Consultations</b>	<b>Comment</b>
Monitoring Officer Consultation:	Via ELT
Section 151 Officer Consultation:	Via ELT
Existing Council Policies:	Core Strategy / Local Plan Part 2 / Open Space SPD.
Equality Issues/EQIA assessment:	

## Appendix 1

### Great Yarmouth - Central and Northgate Ward

Ref	Project	Submitter	Project Details	Delivery	Total Scheme Costs	Funding Secured	Funds Sought	Open Space Needs Assessment?	Playing Pitch Strategy?	Locality Strategy?	Recommendation	S106 to fund
1	Beaconsfield Play Areas Improvement	GYBC	Play area improvements including basketball, multiplay, and trails.	GYBC	£41,000 capital and £16,400 maintenance	£0	£41,000 capital and £16,400 maintenance	Part – quantity and quality deficit in ward but not priority space.	n/a	1. Health and Wellbeing in more deprived ward	Approve funding. Play area in need of improvement and would address overall quality deficit in ward as identified in Open Space Needs Assessment..	Northgate Hospital development - 06/18/0582/F
7	Improvements to Wellesley Football Pitch to meet FA standards	Gorleston Football and Social Club	New dug-outs for 11aside grass pitch. New goals for 11aside grass pitch and training area. Repairs to changing room. Maintenance of goals and equipment	Gorleston Football and Social Club	£23,507 capital and £5,200 maintenance	£5,500	£23,507 capital and £5,200 maintenance 23,207	n/a	Yes – Football 5	1. Health and Wellbeing in more deprived ward	Approve funding for new equipment of £18,007.20. Proposal is line with Playing Pitch Strategy and would help ensure facility is of sufficient specification to meet FA requirements. Request for maintenance funding seems to relate to maintenance of existing facilities which is not covered by section 106.	Claydon High School development - 06/15/0737/F

## Great Yarmouth – Nelson Ward

Ref	Project	Submitter	Project Details	Delivery	Total Scheme Costs	Funding Secured	Funds Sought	Open Space Needs Assessment?	Playing Pitch Strategy	Locality Strategy	Recommendation	S106 to fund
2	Blackfriars West Play area	GYBC	Redesign of play area including numerous items of new equipment and surfacing	GYBC	£100,000 capital and £16,000 maintenance	£60,000	£40,000 capital and £16,000	Yes	n/a	1. Health and Wellbeing in more deprived ward  4.4 – service design and delivery for disabilities	Approve funding. Play area is in significant need of improvement. Proposal is in line with Open Space Needs Assessment and would address quality deficit in ward. Proposal includes provision of accessible play which is currently missing in ward.	Northgate Hospital development - 06/18/0582/F. Hall Quay development - 06/18/0580F and Marine Parade development - 06/16/0784/F

## Great Yarmouth – Southtown and Cobholm Ward

Ref	Project	Submitter	Project Details	Delivery	Total Scheme Costs	Funding Secured	Funds Sought	Open Space Needs Assessment?	Playing Pitch Strategy	Locality Strategy	Recommendation	S106 to fund
14	New play equipment at Lichfield Road Play Area	GYBC	New play equipment including basketball hoop and inclusive roundabout	GYBC	£31,000 capital		£31,000 capital	Yes	n/a	1. Health and Wellbeing in more deprived ward  4.4 Service design and delivery for disabilities	Approve funding Play area is in need of improvement. The proposal is in line with the Open Space Needs Assessment and would help address a quality deficit within the ward. Proposal includes provision of accessible play which is currently missing in ward.	Horatio House Development - 06/15/0348/O. Boundary Road development. 06/05/0539/.

## Gorleston – Gorleston Ward

Ref	Project	Submitter	Project Details	Delivery	Total Scheme Costs	Funding Secured	Funds Sought	Open Space Needs Assessment?	Playing Pitch Strategy	Locality Strategy	Recommendation	\$106 to fund
6	Improvements to Marine Parade Play Area	GYBC	Play area improvements, including basket swing and inclusive roundabout	GYBC	£29,500 capital, £9,800 maintenance	£0	£29,500 capital, £9,800 maintenance	Yes	n/a	1. Health and Wellbeing 4.4 – service design and delivery for disabilities	Approve funding. Proposal is in line with the open space needs assessment and will help address a quality deficit within the ward. Proposal includes provision of accessible play which is currently missing in ward. Note funds sought increased by £5000 post bid due to provision of path needed for inclusive play.	Claydon High School development - 06/15/0737/F

### Gorleston – St Andrews Ward

Ref	Project	Submitter	Project Details	Delivery	Total Scheme Costs	Funding Secured	Funds Sought	Open Space Needs Assessment?	Playing Pitch Strategy	Locality Strategy	Recommendation	S106 to fund
13	New play equipment at Pier Plain play area	GYBC	New play equipment including multiplay and/or new slide	GYBC	£22,000 capital and £8,800 maintenance	£0	22,000 capital and £8,800 maintenance	Yes	n/a	1.Health and Wellbeing	Approve Funding. Some of existing equipment at end of life. Proposal is in line with Open Space Needs Assessment and would help address quality deficit in ward.	Riverside Road development - 06/17/0225/F

### Gorleston – Magdalen Ward

Ref	Project	Submitter	Project Details	Delivery	Total Scheme Costs	Funding Secured	Funds Sought	Open Space Needs Assessment?	Playing Pitch Strategy	Locality Strategy	Recommendation	S106 to fund
10	New play equipment at Magdalen Square	GYBC	Provision of a megaswing, multiplay and gravity bowl	GYBC	£34,200 capital and £13,680 maintenance	£0	£34,200 capital and £13,680 maintenance	Yes	n/a	1.Health and Wellbeing 4.4 service design and delivery for disabilities	Approve Funding. Proposal is in line with Open Space Needs Assessment and would help address quality deficit in ward. Proposal includes provision of accessible play which is currently missing in ward.	Magdalen House development - 06/14/0773/F



## Bradwell

Ref	Project	Submitter	Project Details	Delivery	Total Scheme Costs	Funding Secured	Funds Sought	Open Space Needs Assessment?	Playing Pitch Strategy	Locality Strategy	Recommendation	\$106 to fund
11.	Redesign of Adizone Area at Mill Lane	GYBC	The project involves a complete redesign of the Adizone area at the Mill Lane playing field. This will include new outdoor gym equipment new basketball provision and activity walls.	GYBC	£90,550 capital	£5,000	£85,550	Yes – quality deficit in Bradwell	n/a	1.Health and Wellbeing 4.4 service design and delivery for disabilities	<p>The project will improve a currently poor quality space nearing its end-of-life.</p> <p>Bradwell Parish Council raised some concerns about this project as detailed above. According to monitoring by the Council's environment team, the space is well-used and does not suffer from an abnormal level of vandalism compared to other spaces. Of the £117,219 which is available for spend in Bradwell, only £72,324 originates from development in the north of Parish near the Mill Lane site.</p> <p>The remaining sum originates from development in the south of the Parish outside of the catchment of Mill Lane and therefore would be less appropriate to spend on this project. On this basis it is recommended to the fund the project to a total of £72,324.</p>	Cotman Drive, Bradwell - 06/99/1026/F

## Rollesby

Ref	Project	Submitter	Project Details	Delivery	Total Scheme Costs	Funding Secured	Funds Sought	Open Space Needs Assessment?	Playing Pitch Strategy	Locality Strategy	Recommendation	S106 to fund
12	New Play equipment at King George V Playing Field, Rollesby	King George V Playing Field, Rollesby Charity	New goal and basket ball hoop to create 2 ended Multi-use games area	King George V Playing Field, Rollesby Charity	£8,800 capital		£8,800 capital	Yes	n/a	1. Health and Wellbeing	Approve funding. The proposal will complete a current single side MUGA. The proposal is in line with the Open Space Needs Assessment.	Meadow Way Development - 06/18/0035/F

## Appendix 2

Area	Type of open space	Sums available	Projects Proposed for Funding	Sum available following recommendations
<b>Bradwell</b>	All types of open space	£117,219 (£72,324 from Land of Cotman Drive – 06/99/1026/F and £44,895 from Cornfields Development – 06/89/0591/F)	11.Redesign of Adizone Area at Mill Lane - £72,324	£44,895
<b>Caister and Ormesby St Margaret</b>	All types of open space.	£140,023 (Pointers East development – 06/15/0309/F)	None	£140,023
<b>Gorleston</b>	All types of open space within Gorleston (originating from development in St Andrews ward –	£30,864 (Riverside Road – 06/17/0225/F )	13.New play equipment at Pier Plain play area - £30,800	£64
	Sports Equipment and Play Equipment with five kilometres of former Claydon High School site (Mayflower Way) (Claydon Ward)	£115,659 (Claydon High School development --06/15/0737/F)	6. Improvements to Marine Parade Play Area - £39,300 7. Improvements to Wellesley Football Pitch - £18,007.	£58,352
	All types of open space within the locality of Burgh Road (Claydon Ward) -	£4,599 (06/06/0998/O)	None	£4,599
	All types of open space within the locality of Magdalen Square (Magdalen Ward) -	£56,041 (Magdalen House - 06/14/0773/F)	10. New play equipment at Magdalen Square - £47,880	£8,161

Area	Type of open space	Sums available	Projects Proposed for Funding	Sum available following recommendations
<b>Great Yarmouth</b>	All types of open space (originating from development in Central and Northgate Ward)	£96,699 (Northgate Hospital development - 06/18/0582/F)	1. Beaconsfield Play Areas Improvement - £57,400. 2. Blackfriars play area improvement - £28,256	£11,043
	All types of open space within the locality of Southtown (Southtown and Cobholm Ward) -	£33,779 (£32,121.95 from Horatio House development - 06/15/0348/O , £1,657.27 from boundary Road development - 06/05/0539/F)	14. Lichfield Road Play Area Improvements - £31,000 capital	£2,779
	All types of open space within the locality of Cobholm (Southtown and Cobholm Ward)	£626.86 (Marsh Road - 06/04/0494/F)	None	£627
	All types of open space within the locality of Hall Quay (Central and Northgate Ward)	£11,235 (06/18/0580F)	2. Blackfriars play area improvement - £11,235	£0
	All types of open space within the locality of Marine Parade (Nelson Ward)	£16,509 (06/16/0784/F)	2. Blackfriars play area improvement - £16,509	£0
<b>Hopton</b>	All types of open space	£29,470 (£27,570.25 from Lowestoft Road – 06/13/0123/O, £1,203.92 from Watsons Close - 06/01/0433/F and £696.24 from Lowestoft Road - 06/00/0264/F)	None	£29,470
<b>Martham</b>	All types of open space	£30,792 (£29,289.38 from White Street - 06/15/0486/F and £1,503.15 from Grove Road - 06/99/0511/D)	None	£30,792

Area	Type of open space	Sums available	Projects Proposed for Funding	Sum available following recommendations
<b>Ormesby St. Margaret</b>	All types of open space	£5,936 (Royal Oak - 06/07/0190/F & 06/09/0501/F)	None	£5,936
<b>Rollesby</b>	All types of open space	£14,119 (Meadow Way, Rollesby)	12.New Play equipment at King George V Playing Field, Rollesby - £8,800	£5,319