

Allocation and release of developer contribution to improve tennis courts and cricket square at Memorial Field Paddock Wood

For Portfolio Holder for Culture and Leisure

Summary

Lead Member: Councillor Jane March Portfolio Holder for Culture and Leisure

Lead Director: Paul Taylor

Head of Service: Gary Stevenson

Report Author: Peter Every

Classification: Public document (non-exempt)

Wards Affected: Paddock Wood East and West

Approval Timetable	Date
Portfolio Holder	24 September and 20 October 2021
Report Published	21 October 2021
Decision Due not before	29 October 2021

Recommendations

Officer recommendations as supported by the Portfolio Holder:

1. That £118,450 of expected developer contributions through a planning obligation agreement for Mascalls Farm planning reference 17/03480 and 19/0253, once received by Tunbridge Wells Borough Council, is allocated to Paddock Wood Town Council to fund the refurbishment of tennis courts and cricket square at the Memorial Field Paddock Wood.

2. To release £118,450 to Paddock Wood Town Council once the developer contribution is received and subject to the conditions set out in the S106 agreement being met in full.

1. Introduction and Background

- 1.1 This report seeks Portfolio Holder approval to allocate and then subsequently release £118,450 of Section 106 planning obligation funding to Paddock Wood Town Council once it has been received by Tunbridge Wells Borough Council.
- 1.2 The contribution will fund the Town Council's proposal to upgrade the tennis courts and cricket square facilities located at Memorial Field as part of the development of a new community centre approved under planning reference 20/03848.
- 1.3 The funding will come from a payment of £233,185 expected to be received through a planning obligation for development at Mascalls Farm planning reference 17/03480 and 19/0253 for allocation towards sports provision in the town.
- 1.4 Paddock Wood Town Council have made a request by email sent on the 19th August 2021 to allocate £118,450 towards two projects relating to the upgrade of the tennis courts and cricket wicket on Memorial Field. The proposed projects meet the definitions set out for the sport provision contribution in the Mascalls Farm developer agreement.
- 1.5 The funding requested would be split between the tennis courts at £69,000 and £49,450 for the cricket square, both including a 15% contingency.
- 1.6 The developer contribution will be made to Tunbridge Wells Borough Council subject to the conditions set out in the S106 agreement being met. To date the conditions are still outstanding and no payment has been received.

2. Options Considered

- 2.1 Do nothing and reject the request for funding.
- 2.2 Proceed with supporting Paddock Wood Town Council's request for funding to deliver the projects to upgrade the tennis and cricket facilities at Memorial Field.

3. Preferred Option and Reason

- 3.1 The recommended option is to agree to the request from the Town Council to allocate and release funding and support the projects to upgrade of local sports

facilities located at the Memorial Field through the use of developer contributions collected for that purpose.

- 3.2 The release of the sum of £118,450 to Paddock Wood Town Council is subject to it being received by Tunbridge Wells Borough Council and all conditions and triggers in the S106 agreement being met.

4. Consultation on Options

- 4.1 No further consultation on the options is necessary. The recommended option is that put forward by Paddock Wood Town Council.

5. Implementation

- 5.1 The programming and implementation of the works to upgrade the sports facilities will be undertaken by Paddock Wood Town Council.

6. Appendices and Background Documents

None

7. Cross Cutting Issues

A. Legal (including the Human Rights Act)

Section 106 planning obligation agreements provide a mechanism for collecting contributions from developers through the planning process. Section 106 contributions may only be used for the purpose specified in the agreement. The report states that the proposed use for the contributions in this instance are in accordance with the terms of the agreement and the funding can be utilised as proposed.

Any necessary agreements or contracts entered into on release of the contributions must be in accordance with the Council's Contract Procedure Rules and should be in a form approved by the Head of Legal Partnership

Tracey Wagstaff Senior Planning Lawyer Mid Kent Legal Services 14 09 2021

B. Finance and Other Resources

The Council has not yet received the funds for this S106 agreement as the criteria for releasing them have not been met. The funds therefore will only be paid to Paddock Wood Town Council once the Council has itself received them.

Clare Hazard Accountancy Manager 16.09.21

C. Staffing

No staffing issues

Nicky Carter Head of Human Resources, Customer Services and Culture.

03.09.21

D. Risk Management

The risks associated with the project being funded are the responsibility of Paddock Woos Town Council. Funding is subject to the meeting the conditions of the planning obligations.

Gary Stevenson Head of Housing, Health and Environment 20 October 2021

Name, title and date of report author]

E. Environment and Sustainability

No adverse Issues

Karin Grey Sustainability Manager 06.09.21

F. Community Safety

No adverse community safety issues

Terry Hughes Community safety manager 19.06.21

G. Equalities

Decision-makers are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The Public Sector Equality Duty applies to Parish Councils: Paddock Wood Town Council will be responsible for demonstrating due regard to this in any refurbishment works they carry out.

Sarah Lavallie Corporate Governance Officer 10.09.21

H. Data Protection

No implications

Sarah Lavallie Corporate Governance Officer 10.09.21

I. Health and Safety

Upgrading the quality of the playing surfaces reduces potential risks to all users, including reducing both the chance of injury and the potential severity of injury to players.

Mike Catling Health and Safety Advisor 03.09.21

J. Health and Wellbeing

Refurbishment of the tennis courts and cricket wicket will improve the facilities benefitting local residents by increasing opportunities to be more physically active. This will encourage

community activities and social interaction for a range of ages which will promote health and wellbeing.

Rebecca Bowers Health Improvement Team Leader 08.09.21