

Release of Section 106 Funds to Pembury Parish Council for improvements to facilities in the Lower Green Recreation Ground

Cabinet Member for Leisure, Wellbeing and Culture.

Summary

Lead Member: Cllr Wendy Fitzsimmons

Lead Director: Paul Taylor

Head of Service: Gary Stevenson

Report Author: Peter Every

Classification: Public document (non-exempt)

Wards Affected: Pembury.

Approval Timetable	Date
Cabinet Member	30 January 2023
Report Published	31 January 2023
Decision Due not before	8 February 2023

Recommendation

Officer recommendation as supported Cabinet Member for Leisure, Wellbeing and Culture

1. That £10,815.00 of developer contributions, received through a planning obligation 17/00756 at Henwood Green Road, is allocated and released to Pembury Parish Council towards the development at Lower Green Recreation Ground.

1. Introduction and Background

- 1.1 Pembury Parish Council have submitted a request for the release of Section 106 funds held by the Council from the development in Henwood Green Road (17/00756).
- 1.2 Contributions have been held by Tunbridge Wells Borough Council pending Pembury Parish Council identifying a suitable project to allocate the funds.
- 1.3 The funds applied for are from the contribution for Youth and Adult facilities totalling £10,716.98 plus inflation applied to the funds.
- 1.4 Pembury Parish Council Open Spaces committee identified two project they wished to undertake (A) Two rounded corner table tennis tables totalling £5,660.00 and (B) Work to upgrade the disabled toilet in the cricket pavilion totalling £7,440.00
- 1.5 The work is completed. Pembury Parish Council sought quotations following the parish Council procurement rules and appointed the contractors offering the best value.
- 1.6 Pembury Parish Council are seeking the release of £10,716.98 plus any inflation applied of developer contributions relating to Henwood Green Road. The total cost of the work is £13,100.00 with the difference being met through parish Councils budgeted funds.

2. Options Considered

- 2.1 Do Nothing. The agreement is specific towards the use of the funding, failure to allocate the money will result in the funds being paid back to the developer. The expiry date for the funds is June 2031
- 2.2 Agree the project meets the terms of the S106 agreement and allocate the funds to Pembury Parish Council.

3. Preferred Option and Reason

- 3.1 The recommended and most durable option is to allocate the funds and contribute towards the project set out by Pembury Parish Council. This project will add play value to the recreation ground and improve the facilities for disabled users of the pavilion.

4. Cross Cutting Issues

A. Legal (including the Human Rights Act)

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.

Any release of funds should be subject to the conditions set out in the S106 agreement being met in full and 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 the Mid Kent Legal Partnership

Tracey Wagstaff Senior Planning Lawyer Mid Kent Legal Services 08 12 2022

B. Finance and Other Resources

The section 106 funds have been received by the Council and can be used for this purpose.

Peter Every Parks and Sports Team Leader 30 November 2022

C. Staffing

There are no staffing implications for Tunbridge Wells Borough Council.

Peter Every Parks and Sports Team Leader 30 November 2022

D. Risk Management

The project is being undertaken by Pembury Parish Council and they will be responsible for future maintenance therefore there is no risk to Tunbridge Wells Borough Council.

Peter Every Parks and Sports Team Leader 30 November 2022.

E. Environment (inc. Biodiversity) and Sustainability

The project is being undertaken by Pembury Parish Council therefore no environmental implications for Tunbridge Wells Borough Council.

Peter Every Parks and Sports Team Leader 30 November 2022

F. Community Safety

No community safety issues identified.

Peter Every Parks and Sports Team Leader 30 November 2022

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 decisions recommended through this paper could directly impact on end users. The Public Sector Equality Duty applies to Parish Councils. Pembury Parish Council Parish Council will be responsible for demonstrating due regard to this in any works or development they carry out.

Peter Every Parks and Sports Team Leader 30 November 2022.

H. Data Protection

No data protection issues relating to this report.

Peter Every Parks and Sports Team Leader 30 November 2022.

I. Health and Safety

The project is being undertaken by Pembury Parish Council therefore no implications for Tunbridge Wells Borough Council.

Peter Every Parks and Sports Team Leader 30 November 2022

J. Health and Wellbeing

Releasing these funds for playground improvements will support the increase of physical activity and outdoor play for children in the local area. This will provide parents and families with a safe outdoor space for their children.

Peter Every Parks and Sports Team Leader 30 November 2022