

Improvements to Langton Green Recreation Area - Release of S106 funds to Speldhurst Parish Council

For 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: Speldhurst and Bidborough

Approval Timetable	Date
Cabinet Member	13 March 2023
Report Published	13 March 2023
Decision due not before	21 March 2023

Recommendations

Officer recommendation as supported by the Cabinet Member:

1. That £8,190.97 of developer contribution is allocated to Speldhurst & Bidborough Parish Council towards the enhancements on Langton Green Recreation Ground received through a planning obligation completed in respect of planning application 21/02886 Ashurst Place.

1. Introduction and Background

- 1.1 Speldhurst & Bidborough Parish Council have submitted a request for the release of a public realm developer contribution held by Tunbridge Wells Borough Council collected pursuant to the planning obligation completed on 11 July 2022 in respect of the development Ashurst Place (planning reference 21/02886) The terms set out in the planning obligation agreement for public realm facilities refers to use towards a new footpath in the recreation ground four park benches and tables and ecological enhancements within the vicinity of the ward area of the development . The recreation ground being the Langton Green Recreation Ground.
- 1.2 Contributions have been held by Tunbridge Wells Borough Council pending Speldhurst & Bidborough Parish Council proposing a suitable project to allocate the funds.
- 1.3 The project relates to the installation of a footpath between the cricket nets and the junior playground to improve access during the winter months. The supply and installation of four benches to be located outside the sports pavilion. Ecological enhancements to include bat and bird boxes and wildflower seed.
- 1.4 Speldhurst & Bidborough Parish Council obtained quotes in line with the Parish Councils financial regulations and advised the planning officer of the proposal.
- 1.5 Speldhurst & Bidborough are seeking the release of £8,190.97 of developer contributions relating to the development Ashurst Place (21/02886) The total cost of the work is £8,754.97 with the shortfall being met through Speldhurst & Bidborough budgeted funds.
- 1.6 On completion of the project Speldhurst & Bidborough Parish Council will take responsibility for future maintenance.

2. Options Considered

- 2.1 Do nothing – the wording of the agreement is specific towards the use for public realm enhancement in Langton Green Recreation ground. Failure to allocate the funds will result in the funds being paid back to the developer. The expiry date for the funds is July 2037.
- 2.2 Agree the funds meet the terms of the s106 agreement and allocate the funds to Speldhurst & Bidborough Parish Council.

3. Preferred Option and Reason

3.1 The recommended and most durable option is to allocate the funds and contribute to the project set out by Speldhurst & Bidborough Parish Council. This project will enhance the facility for the local community.

4. Consultation on Options

4.1 Speldhurst & Bidborough Parish Council considered the views of the public and local councillors in public meetings and promoted and the Parish Councils website.

5. Cross Cutting Issues

A. Legal (including the Human Rights Act)

Planning obligations provide a mechanism for collecting contributions from developers through the planning process. Such contributions may only be used for the purpose specified in the agreement or undertaking.

Any release of funds should be subject to the conditions set out in the relevant planning agreement or undertaking being met in full.

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.

There are no issues regarding the Human Rights Act.

Tracey Wagstaff Senior Lawyer Mid Kent Legal Services 09 03 2023

B. Finance and Other Resources

The Section 106 funds have been received and can be used for this purpose Clare Hazard, Accountancy Manager 10/03/2023

C. Staffing

No staffing issues connected to Tunbridge Wells Borough Council.

Peter Every Parks and Sports Team Leader. 8 March 2023

D. Risk Management

This project is being undertaken by Speldhurst & Bidborough Parish Council therefore there is no risk to Tunbridge Wells Borough Council.

Peter Every Parks and Sports Team Leader 8 March 2023

E. Environment (inc. Biodiversity) and Sustainability

This project relates to the enhancement of Langton Green Recreation ground and will include the installation of bird and bat boxes along with the creation of wildflower areas increasing the biodiversity in the recreation ground.

Peter Every Parks and Sports Team Leader 8 March 2023

F. Community Safety

No community safety issues arise from this report Section 17, Crime and Disorder Act 1998

Terry Hughes Community Safety Manager 10 March 2023

G. Equalities

This project will not impact on the Councils equality obligations.

Peter Every Parks and Sports Team Leader 8 March 2023

H. Data Protection

The project will not impact on data protection obligations for the Council

Peter Every Parks and Sports Team Leader 8 March 2023

I. Health and Safety

Upgrading the quality of play equipment reduces potential risks to users, including reducing both the chance of injury and the potential severity of injury to users. Ongoing responsibility for inspection and maintenance rests with Speldhurst Parish Council Mike Catling Health and Safety Advisor 10 March 2023

J. Health and Wellbeing

Releasing the funds to enhance the recreation ground ensuring the grounds will remain available for use, supporting healthier lifestyle opportunities and general health and wellbeing.

Peter Every Parks and Sports Team Leader 8 March 2023