

# Refurbishment of play equipment at Locket Green Horsmonden - Release of S106 funds

For Cabinet Member for Leisure, Wellbeing and Culture

## Summary

**Lead Member:** Cllr Wendy Fitzsimmons - Cabinet Member for Leisure, Wellbeing and Culture

**Lead Director:** Paul Taylor - Director of Change and Communities

**Head of Service:** Gary Stevenson - Head of Housing, Health and Environment

**Report Author:** Peter Every - Parks and Sports Team Leader

**Classification:** Public document (non-exempt)

**Wards Affected:** Horsmonden

Approval Timetable	Date
Cabinet Member	24 August 2023
Report Published	24 August 2023
Decision Due not before	4 September 2023

## Recommendations

Officer recommendations as supported by the Cabinet Member:

1. That £3,358.00 of developer contribution is released to Horsmonden Parish Council towards the refurbishment of equipment in Locket Green Play area, Back Lane, Horsmonden received through a planning obligation completed in respect of planning application 17/00763 and 18/02559 Land West of Maidstone Road.

## 1. Introduction and Background

- 1.1 Horsmonden Parish Council have submitted a request for the release of S106 funds held by Tunbridge Wells Borough Council from the development of Land West of Maidstone Road. The terms set out in the associated agreement for children's play space towards the improvement of recreation facilities.
- 1.2 Locket Green play area is located in Back Lane Horsmonden, the contribution will fund the refurbishment of two cradle swings and five areas of safety surfacing.
- 1.3 The funding will come from a payment of £49,589.38 which has been received through a planning obligation agreement dated 28 March 2018 secured in respect of the development of the land West of Maidstone Road planning reference 17/00763 for allocation towards the provision of children's play.
- 1.4 Horsmonden Parish Council have submitted a request to allocate £3,358.00 towards the project to refurbish equipment in the play area. The proposed project meets the conditions set out in the S106 agreement.
- 1.5 The work will commence on the release of the S106 funds to Horsmonden Parish Council. Quotations have been sought and the company offering the best value for money selected.

## 2. Options Considered

- 2.1 Do nothing – The agreement is specific towards the use of the funding, failure to allocate the funds may result in the funds being paid back to the developer. The expiry date for the funds is November 2028
- 2.2 Agree the project meets the terms of the agreement and allocate the funds to Horsmonden 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 Horsmonden Parish Council. The project will extend the life of the equipment in a safe and usable condition.

## 4. Consultation on Options

- 4.1 Horsmonden Parish Council did not carry out any consultation.

## **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 01 08 2023

### **B. Finance and Other Resources**

The Section 106 funds have been received and can be used for this purpose.

Clare Hazard, Accountancy Manager 24/07/2023

### **C. Staffing**

There are no staffing implications for Tunbridge Wells Borough Council.

Peter Every Parks and Sports Team Leader 18 July 2023

### **D. Risk Management**

The project will be undertaken by Horsmonden Parish Council. No risk implications for Tunbridge Wells Borough Council.

Peter Every Parks and Spots Team Leader 18 July 2023

### **E. Environment (inc. Biodiversity) and Sustainability**

The project will extend the life of the assets for Horsmonden Parish Council preventing early replacement.

Peter Every Parks and Sports Team Leader 18<sup>th</sup> July 2023

## **F. Community Safety**

No community safety issues connected to this report

Terry Hughes Community Safety Manager 18 July 2023

## **G. Equalities**

No equality issues connected to this report.

Peter Every Parks and Sports Team Leader 18<sup>th</sup> July 2023

## **H. Data Protection**

No data protection issues connected to this report.

Peter Every Parks and Sports Team Leader 18<sup>th</sup> July 2023

## **I. Health and Safety**

Upgrading the quality of the facilities on site reduces potential risks to users, these works will also reduce the likelihood of insurance claims against the council from any injured parties.

Mike Catling Health and Safety Advisor 18<sup>th</sup> July 2023

## **J. Health and Wellbeing**

The repairs to the equipment will benefit local residents providing opportunities for outdoor play and will promote community activity and social interaction.

Peter Every Parks and Sports Team Leader 18<sup>th</sup> July 2023