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<b>Subject:</b>	<b>ALLOCATION OF DEVELOPMENT CONTRIBUTIONS FOR PROVISION OF OPEN SPACE FACILITIES IN AYLESHAM</b>
<b>Meeting and Date:</b>	<b>Developer Contributions Executive Committee – 8 May 2017</b>
<b>Report of:</b>	<b>Nadeem Aziz, Chief Executive</b>
<b>Portfolio Holder:</b>	<b>Councillor Nicholas Kenton, Portfolio Holder for Environment, Waste and Planning</b>
<b>Decision Type:</b>	<b>Non-Key</b>
<b>Classification:</b>	<b>Unrestricted</b>

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**Purpose of the report:** The Committee is requested to consider the allocation of contributions received from the Aylesham development towards 'Youth Provision', 'Aylesham Primary School Pitch' and 'Ratling Road and Play Area'.

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**Recommendation:** To approve transfer of £10,000 to Aylesham Parish Council for the development of a detailed project proposal regarding provision of a skate park and invite the Aylesham and Snowdown Social Welfare Scheme to prepare a project proposal for increasing the capacity of their outdoor sports facilities.

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## 1. Summary

The Council has received contributions from the Aylesham development towards 'Youth Provision', 'Aylesham Primary School Pitch' and 'Ratling Road and Play Area' with a total value of £281,007. On 6th September 2016 Aylesham Parish Council, Aylesham Primary School and the Aylesham and Snowdown Social Welfare Scheme (A&SSWS) were invited to notify the Council of projects that could be funded by these contributions. In response

- Aylesham Parish Council proposes the creation of a skate park, teen shelter, outdoor gym and teen play equipment to be located in station field, and has requested £10,000 from the 'Youth Provision' contribution to progress a detailed project proposal.
- A&SSWS proposes the creation of a play area and outdoor gym at the Welfare ground and has requested £42,000 from the 'Youth Provision' contribution, to part fund the project.
- The Area Education Officer indicated that KCC will not request the 'Aylesham Primary School Pitch Contribution' contribution because in his view it would be best used to increase capacity of pitches at the A&SSWS.

Both the Parish Council and A&SSWS project proposals are at an early stage of development, for example neither organisation has secured planning permission. However, the Parish Council project is better supported by evidence of need, has been subject to a rigorous site selection process, better meets the terms of the 'Youth Provision' contribution Agreement and will be subject to a transparent governance process. Therefore it is recommended that the Parish Council should be awarded the sum they have requested.

The majority of the available funding was secured for the purpose of increasing the capacity of formal outdoor sports facilities, particularly pitches, but unfortunately no project proposals have been received that would meet this objective. A number of outdoor sports facilities are located at the Aylesham Welfare Leisure Centre (AWLC), including natural grass pitches and a practice sized artificial grass pitch, and therefore it is recommended that A&SSWS should be invited to request funding from the 'Aylesham Primary School Pitch' and 'Ratling Road and Play Area' to develop a detailed investigation into possible improvements of the pitches.

## 2. Introduction and Background

### Source and Purposes of the Development Contributions

- 2.1 Development of more than 1,000 houses in Aylesham (reference DOV/07/01081 and amended by DOV/08/01095) will provide numerous financial contributions. The purpose of these contributions is to fund provision of the infrastructure that is required to meet increased demand created by the new housing. Most of the contributions are controlled by a Planning Financial Contributions Agreement (PFCA); there have been three iterations of this document.
- 2.2 The first PFCA dated 5<sup>th</sup> November 2012 defined a 'Stake Park Improvement Contribution' as 'the sum of Eighty thousand pounds (£80,000) for works and alterations to the existing Skate Park facility in Aylesham to bring it up to a useable standard'. The skate park referred to in that document was located at the youth centre on Ackholt Road. On 20<sup>th</sup> November 2012 Kent County Council announced the closure of several youth centres, including the one at Aylesham, and therefore subsequent iterations of the PFCA changed the definition of the relevant contribution. The third PFCA dated 19<sup>th</sup> December 2014 secured a 'Youth Provision' contribution to the value of £80,000 plus indexation, payable prior to the first occupation in the development. The purpose of this contribution is defined as being 'for recreation and youth schemes and works to be used by children and young persons in Aylesham up to the age of 18'. A payment of £84,039 was received by DDC on 3rd August 2015.
- 2.3 KCC requested transfer of the contribution in November 2015 but did not specify a project to which this funding would be allocated. Following correspondence with Dover District Council, Kent Youth Services stated it would be appropriate to use the funding to pursue the delivery of a skate park in Aylesham.
- 2.4 Condition 40 of planning consent DOV/08/01095 required the provision of a sports pitch at Ratling Road. Condition 41 required the provision of a sports pitch at Aylesham Primary School. Condition 42 required the detailed schemes for these pitches to be approved in consultation with Sport England, in addition Condition 39 required the council to approve details of a play area at Ratling Road. Condition 43 stipulated that the Aylesham Primary School pitch should be made accessible for community use in accordance with an approved Community Use Scheme.
- 2.5 Plans for the creation of a full sized football pitch and low key play area at Ratling Road were submitted by the developers in 2014, along with a specification for the pitch at Aylesham Primary School. The plans were approved because they met requirements set out in the decision notice, and local adopted open space standards set out in the Land Allocations Local Plan policy DM27. However, when an application was made to discharge Conditions 40 and 41, it became evident that the proposals were no longer useful as they had been overtaken by events and did not take into account the various improvements in sports provision that had occurred

since the Aylesham Masterplan Supplementary Planning Guidance document was adopted in 2005.

- Local sports provision had changed through excellent work by the A&SSWS to improve facilities at the AWLC. All competitive pitches are now located AWLC, so that participants can make use of the associated changing and storage facilities.
  - DDC had re-examined the level of pitch provision in Aylesham and the balance between supply and demand for natural grass pitches. Findings are published in the Playing Pitch and Outdoor Sports Facilities Strategy 2015.
  - Provision of a full formal playing pitch at Ratling Road was not feasible because when run-offs are included a pitch could only just fit onto the site. In consequence, there would be no space for changing facilities and conflicts would be likely between the pitch use and an adjacent play area (as required under Condition 39) and the railway.
  - National guidance, such as Sport England's Active Design Guidance Summary, emphasises the importance of co-locating sports facilities to enhance long term sustainability. The location of Ratling Road away from the AWLC means it would not be used much for formal sport. In addition the site lacks supervision and storage space for goals and flags.
  - Consultation with the local community, including the Parish Council, the A&SSWS and clubs confirmed that there was no demand for a pitch at Ratling Road.
  - An application for funding under the Education Funding Agency scheme had potential implication for the siting of the playing pitch as approved under Condition 42.
- 2.6 There was concern that the original provisions would not best meet Aylesham's needs. It was concluded that the most sensible way forward was to include the sums previously allocated for direct provision by the developers in a financial agreement. This would allow DDC to ensure that the money is used in a way that will best meet the needs of the local community. Specifically, to a project that would best increase the capacity for participation in competitive outdoor sport in Aylesham.
- 2.7 Planning consent DOV/13/00120 varied conditions 40, 41 and 43 and secured financial contributions through a S106 agreement. The cost of constructing a competitive standard pitch at Ratling Road that meets the approved specification was costed at £80,000, while the approved play area design was calculated as £15,671.50, therefore a 'Ratling Road and Play Area' contribution was secured to the value of £95,672 plus indexation. In addition, an 'Aylesham Primary School Pitch Contribution' was secured to the value of £91,178 plus indexation. In the agreement, the purpose of both contributions is described as being towards the creation of open space / sports facilities at Ratling Road and / or Aylesham Primary School or facilities to meet need as identified in the Council's playing fields and outdoor sports facility strategy within Aylesham.
- 2.8 Payments were received late in 2016 of £100,852 for the Ratling Road and Play Area' contribution and £96,116 for the 'Aylesham Primary School Pitch Contribution'.

#### Project Proposals

- 2.9 On 6<sup>th</sup> September 2016 an email was sent to the Parish Council, A&SWSS and Aylesham Primary School describing the contributions and asking for suitable projects to be identified. The organisations were requested to support any request for funding with evidence that the project is needed, deliverable and sustainable. Subsequent engagement, e.g. at a consultation event on Wednesday 21<sup>st</sup> September 2016 at St Peters Church, revealed that a two stage application process would assist in project delivery. This would allow deliverable projects to be developed prior to award of the bulk of the funding. For example, planning permissions could be secured prior to transfer of the capital costs.
- 2.10 Requests for funding have been received from the Parish Council and A&SWSS. KCC's Area Education Officer indicated informally that the 'Aylesham Primary School Pitch Contribution' contribution would probably be better used to increase capacity of pitches at the Aylesham and Snowdown Social Welfare scheme than at the school, due to the challenges associated with making the school pitch publicly accessible. The Head Teacher of Aylesham Primary School had previously raised concerns about a community use scheme for a pitch on the site. No application for this funding has been forthcoming from KCC.
- 2.11 The Parish Council proposes a new skate park, teen shelter, outdoor gym equipment, teen play equipment and basketball hoop at the north end of Station Field. This project was developed through consultation of local residents by means of 'wish list postcards' inviting comments on the type(s) of open space facilities needed by young people in Aylesham. These postcards were distributed at venues such as the schools, school buses and youth groups. Of 275 responses received, 84% were from young people under the age of 18 and the most popular facility was a skate park (identified by 39% of respondents).
- 2.12 Following the consultation, the Parish Council identified a set of possible locations for a skate park and engaged with Dover District Council to obtain an informal assessment of the proposed sites. In planning terms the most favourable sites were Station Field (which is owned by Dover District Council) and the AWLC. The Parish Council engaged with the land owners of the preferred sites to determine whether they would be willing to be involved in the project. The ASWSS committee voted against a skate park. Discussions are underway between the Parish and District Councils regarding a possible lease of the Station Field site. As part of the site selection process, an acoustic test of the area was been carried out and submitted to the Council.
- 2.13 Should the project be funded, its delivery will be managed by a Procurement Board, made up of 2-3 Parish Councillors and the Clerk supported by an Advisory Board, made up of residents, young people, youth service providers, the PCSO and other stakeholders. In the longer term, maintenance will be funded by the Parish Council.
- 2.14 The Parish Council has requested £10,000 from the 'Youth Provision' contribution in the first instance. This will be used to employ a project manager who will develop the outline proposal into a deliverable project. Tasks to be funded by this initial transfer include preparation and submission of a planning application and securing tenure of the site. As part of the planning application it will be necessary to establish that the proposals do not negatively affect attenuation tanks located in Station Field.
- 2.15 The total capital cost of the project as currently proposed is estimated at £150,000. The Parish Council intend to request the full value of the 'Youth Provision' contribution and the play area element of 'Ratling Road and Play Area' contribution. However, even if all of this funding is awarded to the project it will not fully cover the

estimated capital cost, therefore another element of the project manager's role will be to identify additional sources of funding. The Parish Council has also indicated that it will allocate resources to this project from its own reserves.

- 2.16 Proposals for a play area at the AWLC were prepared in response to a request from the parents of Aylesham Junior Football Club, while the provision of an outdoor gym was suggested by the leisure centre manager. The A&SSWS obtained drawings of a proposed layout and showed the plans to various local groups, including the junior football club members and their parents, Aylesham Bowls Club, senior citizens from Snowdown Court and attendees at Snowdown Rugby Club VP day. All of the 374 people consulted approved of the plans.
- 2.17 The only site considered for this project is the area between Aylesham Leisure Centre and Spinney Lane, which is owned by the A&SSWS. If funded the project would be delivered and maintained by the A&SSWS management committee, which includes representatives from a number of organisations such as the football, rugby and bowling clubs.
- 2.18 Total capital cost of the proposed project is £89,413. The A&SWSS requested £42,000 from the 'Youth Provision' contribution which would fund approximately half the capital cost of the play area, half the cost of the outdoor gym and preparation of drawings to be submitted with a planning application. The remainder of the capital funding would be sought from other sources and the A&SWSS report that representatives from the National Lottery, Sport England and KCC Sports Development are interested, although discussions are at an early stage.

#### Analysis

- 2.19 Ideally organisations within Aylesham would have collaborated in order to prepare a set of project proposals that meet locally identified strategic needs. In fact two different organisations have submitted requests for funding from the same development contribution, so it is necessary to compare the credibility of the two proposals.
- 2.20 The Parish Council project is more robust because it is supported by evidence of open consultation with the target demographic, an appropriate site selection procedure has been applied, the governance arrangements are transparent and financing of the project is more clearly defined. In addition, by structuring the project as a two stage bid, the Parish Council delivery plan takes account of the need to secure planning permission before the bulk of any capital funding is transferred. Both project proposals require some further work before they can be delivered, however the unresolved issues affecting the A&SWSS proposals would be more difficult to resolve. For example, the Parish Council should consider a boundary fence to exclude dogs, while the A&SWSS should consider the suitability of their proposed location between a busy road and the leisure centre windows and fire doors.
- 2.21 Both organisations aspire to secure additional external funding; if this is not achieved then the A&SWSS has indicated informally that the play area would be delivered first; the gym would be delivered as and when possible. The Parish Council proposal is supported by a commitment to allocate its own resources to the project if necessary.
- 2.22 Both proposals request funding from the 'Youth Provision' contribution. Neither organisation has requested transfer of the Aylesham Primary School Pitch' contribution, nor the pitch element of 'Ratling Road and Play Area' contribution. The

only local sports pitches in current public use are located at the AWLC; therefore the A&SWSS is best placed to develop projects for the remaining funds. A five-year development plan prepared by A&SSWS Management Committee recognises the need to renovate its pitches. In the first instance a relatively modest sum could be requested to develop detailed proposals, perhaps a pitch specialist could be engaged to undertake a geophysical and level survey.

### **3. Identification of Options**

3.1 Option 1 - to approve transfer of the requested funds to Aylesham Parish Council and the A&SWSS

3.2 Option 2 - to approve transfer of the requested funds to Aylesham Parish Council but not to the A&SWSS

3.3 Option 3 - to approve transfer of the requested funds to the A&SWSS but not the Parish Council

3.4 Option 4 - not to approve transfer of any funds

### **4. Evaluation of Options**

4.1 Option 1 is not recommended because if funds are transferred to both organisations then neither will be in a good position to deliver effective projects. Although the amount requested by the A&SWSS amount to around half the 'Youth Provision' contribution, there are fundamental outstanding issues underlying their project proposal.

4.2 Option 2 is the recommended option because the project proposed by Aylesham Parish Council is well evidenced and meets the terms of the specific Planning Financial Contribution. Therefore allocation of the funds requested by the Parish Council is likely to lead to delivery of appropriate infrastructure. The A&SWSS could be invited to apply for funding from the other development contributions with the objective of increasing the capacity of their outdoor sports facilities.

4.3 Option 3 is not recommended because the Parish Council proposal is better evidenced and meets the terms of the specific Planning Financial Contribution.

4.4 Option 4 is not recommended because if the funding is not allocated to an appropriate project, it will have to be returned to the developer within ten years of the date of receipt.

4.5 Notwithstanding the recommendation to allocate funding to the Parish Council proposal rather than the current A&SWSS proposal, there is potential merit in exploring options for increasing the capacity of outdoor sports facilities at the AWLC. Therefore it is recommended that the A&SWSS should be invited to prepare a proposal that will meet this objective.

### **5. Resource Implications**

The contributions were received for the purpose of providing infrastructure in Aylesham and would have to be returned to the developer if they are not allocated to deliverable projects. There are no wider corporate financial implications.

### **6. Corporate Implications**

- 6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add (SB).
- 6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 6.3 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications, however in discharging their responsibilities members are required to comply with the public section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

## 7. **Appendices**

Appendix 1 – Letter from Cllrs Keen and Cowan

Contact Officer: Emma-Jane Allen, Principal Infrastructure and Delivery Officer.

## Appendix 1

Dear Developer Contributions Committee members (meeting on 8 May)

I am writing in connection with the decision you are to make about the allocation of the first sum listed below – the £84,309 for youth and children provision, for which Aylesham Parish Council have submitted a bid to provide a skate park.

£84,309	for youth and children provision.	Undesignated site.
£100,852	Ratling Road play area .	Designated site.
£96,166	Aylesham primary school /Ratling Road	Designated site

Aylesham Parish Council have set a clear strategic priority over the past year for focusing on youth service provision in the village. The old skate park – which was to be refurbished using this money in the original Section 106 funding allocations – is no longer available, following closure and reallocation of the youth club site where it used to be. The skate park was heavily used and the loss of the facility is the subject of much local complaint.

Working closely with DDC officers, Parish Cllrs have undertaken a fully participative consultancy exercise with the young people of the community – essentially asking them for a ‘wish list’ of what they would like to see available in Aylesham. Joint top of the young people’s list – and supported in meetings with young people, which I have attended myself – were a swimming pool (clearly unfeasible) and a skate park. There is clearly a strong local demand for a new one.

Following their consultation results, Parish Cllrs have worked extremely hard in identifying a suitable site for a new skate park (it was not possible to use the Aylesham & Snowdown Social Welfare Scheme site), and preparing a comprehensive business plan to construct one, using this section 106 funding pot.

This project is an excellent example of effective partnership working between the local Parish Council, DDC and the Developers. Gordon and I, as local ward Cllrs, fully endorse the Parish Council’s admirable project which enjoys strong support from the local community, and we hope very much that you will all be able to support this project too.

(The other two pots of cash could not be used for most of their original purpose, for various technical reasons, and our understanding is that much of this money can be spent on improving facilities at the Aylesham & Snowdown Social Welfare Scheme Leisure Centre.)

Thank you for reading this.  
Cllr Linda Keen