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Tuesday, 21 February 2017

Notice of Reports Received following Publication of Agenda.

Cabinet

Wednesday, 1st March, 2017 at 2.00 pm,
Council Chamber - Council Chamber

Attached are reports that the committee will consider as part of the original agenda but were submitted to democratic services following publication of the agenda.

Item No	Item	Pages
4.4	<p>Kingfisher Rise Section 106 Funding <u>Division/Wards Affected:</u> Magor with Undy</p> <p><u>Purpose:</u> To agree the allocation of the Section 106 (S106) off-site recreation funding from the Kingfisher Rise (Magor West) development site.</p> <p><u>Author:</u> Mike Moran, Community Infrastructure Coordinator</p> <p><u>Contact Details:</u> mikemoran@monmouthshire.gov.uk</p>	1 - 12

Paul Matthews
Chief Executive

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SUBJECT:	KINGFISHER RISE SECTION 106 FUNDING
MEETING:	CABINET
DATE:	1st MARCH 2017
DIVISION/WARDS AFFECTED:	MAGOR AND UNDY

1. PURPOSE

To agree the allocation of the Section 106 (S106) off-site recreation funding from the Kingfisher Rise (Magor West) development site.

2. RECOMMENDATIONS

- 2.1 that a capital budget of £219,710 be created in 2017/18 to contribute towards the cost of the projects set out in 2.2 below and that this is funded by a corresponding contribution from Section 106 balances held by the County Council in respect of the Kingfisher Rise development, Magor (Finance Code N579);
- 2.2 that £73,236.50 be allocated to each of the following three projects and that officers work closely with the organisations concerned to help bring the projects to fruition:

Project

Three Fields Site Development
Sycamore Field Recreation Improvements
Undy Playing Field Improvements

- 2.3 that the grants to Undy Athletic Club and Magor with Undy Community Council be made subject to the Council's standard S106 terms and conditions and subject to the respective applicants submitting, in advance of any payments being released, a satisfactory business plan to support their proposals, including details of existing and projected future usage.

3. KEY ISSUES

- 3.1 The S106 Agreement relating to the development of 90 properties on land at Magor West contained a clause requiring the developer to make a £249,210 contribution for off-site adult/youth recreation provision in the local area. That payment was received on 31st July 2014 and since that time the Council has spent £29,500, leaving an unspent S106 balance of £219,710. This funding needs to be spent in full by 30th July 2019 (5 years from the date of payment by the developer), otherwise any unspent funds have to be repaid to the developer plus interest accrued in the intervening period.
- 3.2 In 2009 the open spaces study carried out by consultants on behalf of the Council to support the LDP (Local Development Plan) process identified significant deficiencies in outdoor sports provision, equipped play spaces and allotment provision in Magor and Undy (5.8, 1.25 and 1.12 hectares respectively). Since 2009, 90 new dwellings have been built at Kingfisher Rise, there is a current planning application (to be reported to

Planning Committee shortly) for 266 new dwellings at Rockfield Farm and there is provision in the LDP for the development of another 225 houses on land at Vinegar Hill. These additional 581 dwellings represent an increase in the population of Magor with Undy of approximately 23%. In the intervening period no corresponding increase in recreation or community facilities has taken place, which means that the shortfalls identified in the 2009 study have and will become more acute.

3.3 It is important, therefore, that the Council and the local community seek to improve and, if possible, to increase the recreation facilities in the local area to try and address these identified shortfalls. For this reason it is proposed to utilise the remaining S106 balance from Kingfisher Rise on three strategic recreation sites in the locality. In each case the Council will work closely with partners from the local community to deliver the intended outcomes. These three projects are outlined in more detail below.

3.4 Three Fields Site

3.4.1 The Council purchased the Three Fields Site back in the late 1990s with a view to providing new community and recreation facilities to serve the growing population of the area. Despite best endeavours, it has not proved possible for successive local groups to deliver a viable scheme so it is proposed that the Council designs and builds a new community and recreation facility on the site, drawing on S106 monies and other available funds. As part of this process the Council will work closely with the Three Fields Trust and will also invite expressions of interest from other local groups interested in delivering this project in partnership with the Council.

3.4.2 The first priority is to prepare a design for the site and to submit a formal planning application that will act as a basis for further local consultation and as a focus for fulfilling the needs of local residents, as identified in the community survey carried out by the Three Fields Trust in 2016. The intention is that the new facility will accommodate localised delivery of leisure and well-being services. The aim is to identify potential trustees/community stewards of the facility once it is developed. It is anticipated that the total cost of developing facilities at the Three Fields Site will be in the region of £1million. The funding proposed in this report will enable the relevant design and feasibility commissioning work to be carried out.

3.5 Sycamore Field Site

3.5.1 Sycamore Field, which is owned by the County Council and leased to the Community Council on a long term basis, is located adjacent to the Three Fields Site and there is a footpath/cycleway link between the two sites. The site houses the first multi-use games area (MUGA) to be developed in Monmouthshire back in the 1980s. The courts have fallen into disrepair in recent years and need to be completely upgraded so that they can continue to provide much needed recreation facilities in the local area. The estimated cost of the upgrading works is circa £80,000 for which a formal quotation has been received. Further quotations are being sought by Magor with Undy Community Council, which is the lead body for this project.

3.5.2 In the longer term the support facilities (toilets/kitchen/changing rooms) for Sycamore Field will be provided as part of the new community provision at the Three Fields Site. The funding proposed in this report will be used to completely upgrade the playing

facilities at Sycamore Field. There is also a proposal to install lighting along the footpath/bridge link between the two sites for the safety of users. The detailed design for this will be looked at as part of the Three Fields site development proposals.

3.6 Undy Playing Fields

3.6.1 Undy Playing Fields have been leased by the Council to Undy Athletic Club for a period in excess of 30 years. The site comprises of four football pitches, a cricket square, a children's play area and a small skate ramp (the play area and skate ramp are owned and managed by the Community Council). The Club is the major provider of outdoor sports facilities and participation opportunities for the local communities of Magor and Undy. Undy Athletic Club is the largest sports club in Monmouthshire in terms of player registrations and has expanded its facilities over the years to enable it to accommodate the growing demands of the expanding local population.

3.6.2 There is no further room to expand the size of the leased area (the site is the subject of a CAT (community asset transfer) application), so it is proposing a major redevelopment of the site that will allow it to absorb more users. The estimated cost of the redevelopment scheme is likely to be in the region of £500,000 and it has already started to raise significant funding towards this overall cost. The final format of the scheme is still being discussed with Sport Wales and the governing bodies of sport but one aspect of the proposals that will definitely go ahead is the floodlighting of the main football pitch, which is an essential prerequisite to enable the club to comply with the facility requirements of the FAW (Football Association of Wales). Failure to comply with this regulation will mean that the club cannot continue to play in the first division of the Welsh League beyond the end of the 2017/18 football season. The cost of the floodlighting scheme will be approximately £80,000 and it could be more, depending on the possible need to increase the electrical capacity at the site. The Council has, in the last three years, allocated grants from S106 balances to Caldicot Town Football Club, Goytre Football Club and Monmouth Rugby Club to install floodlighting to their playing pitches so this proposal is in keeping with the Council's established policy and practice.

4. REASONS

- 4.1 To ensure that the Council meets its legal obligation under Clause 11.1 of the Section 106 Agreement to use the funding provided by the developer on the off-site provision of adult/youth recreation in the local area;
- 4.2 To ensure that the funding is used on strategic recreation projects in the Magor with Undy area.

5. RESOURCE IMPLICATIONS

The off-site recreation contribution of £249,210 from the Kingfisher Rise development was received on 31st July 2014. To date the following payments have been made:

Item	Amount Committed	Date	Remaining Balance
	£		£
Developer payment received	-	31/07/14	249,210
Contribution to Severnside 3G pitch	17,500	02/04/14	231,710
Contribution to GRIP 3 process	12,000	07/12/16	219,710

If the recommendations in this report are agreed then the full S106 balances from the Kingfisher Rise development will be committed and officers can then work with the respective organisations to ensure that the funding is fully utilised before the spend by date of 30th July 2019.

If the full contribution (or part thereof) is not used by this date then the Council has to refund to the developer the amount remaining unspent, together with accrued interest between the date of payment (31st July 2014) and “use by” date of 30th July 2019.

6. FUTURE GENERATIONS EVALUATION

See attached at **APPENDIX A**

7. CONSULTEES

Cabinet Members	Local Members
Senior Leadership Team	Magor with Undy Community Council
Head of Legal Services	Monitoring Officer
Assistant Head of Finance/Deputy S151 Officer	

8. BACKGROUND PAPERS

Magor West Section 106 Agreement dated 11th April 2011

9. AUTHOR:

Mike Moran, Community Infrastructure Coordinator

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Name of the Officer: Mike Moran Phone no: 07894 573834 E-mail: mikemoran@monmouthshire.gov.uk	Allocation of Section 106 funding in Magor and Undy
Name of Service: Enterprise	Date completed: 20 th February 2017





NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc


4. Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	The projects recommended for approval in this report will enable the organisations concerned to access grants from other external bodies, making efficient use of the available resources.	
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	Neutral	

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	The projects recommended for approval involve improving peoples' physical and mental well being.	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	Neutral	
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	Neutral	
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	There are no specific proposals in this report to promote and protect the Welsh language but the funding recommended will encourage people to play sport and/or participate in recreational activities	Encourage the successful projects to use Welsh language in their standard stationery, publicity and on site signage
A more equal Wales People can fulfil their potential no matter what their background or circumstances	The three funding recipients have equality and/or equal rights policies in place and they each encourage participation by disabled people and people with other protected characteristics	

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Long Term</p> <p>Balancing short term need with long term and planning for the future</p>	<p>One of the main areas of assessment for S106 funding is the achievability and sustainability of proposed projects. In each case the organisations concerned have provided evidence of the longer term sustainability of their projects.</p>	<p>Continue to work with the funding recipients proposed to ensure that proper measures are in place to sustain their projects in the future.</p>
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>All three projects involve partnership working with other parties or partners.</p>	
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>The three projects are based on feedback from existing users and research carried out as to future needs. The views of the local members and the Community Council have also been sought.</p>	
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Each of the three projects involve the enhancement of facilities and the development of services, as per the broad intention of the Section 106 Agreement from which the money has accrued. Problem prevention is not the basis upon which the funding has been given but by investing in new assets or improving existing facilities this will help to prevent problems occurring.</p>	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>Individually, these projects will have a positive impact on the health & well being of the existing and prospective new members of the applicant bodies and users of their services. Taken together on a collective basis, the projects will significantly improve the well being of local residents across all age ranges for the foreseeable future.</p>	

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link:

<http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or alanburkitt@monmouthshire.gov.uk

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	No employment/training issues identified		
Disability	All three projects recommended for approval, insofar as they relate to buildings, land and services will be designed to be accessible to people with disabilities.		

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Gender reassignment	Neutral		
Marriage or civil partnership	Neutral		
Pregnancy or maternity	Neutral		
Race	Neutral		
Religion or Belief	Neutral		
Sex	Neutral		
Sexual Orientation	Neutral		
Welsh Language	Neutral	Although the report's recommendations are considered to be neutral they do nothing to promote use of the Welsh language	It may be possible in the future, when advertising the availability of S106 funding, to encourage applications that actively promote the Welsh language

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4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	Each of the organisations concerned either has its own safeguarding policy or they have adopted the safeguarding policies of their respective Governing Bodies.		When applications from sports clubs are received for S106 funding, it is a pre-requisite that they either have their own safeguarding policies in place or, as an alternative, they have adopted the safeguarding policy of the appropriate Governing Body.
Corporate Parenting	Neutral		

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What evidence and data has informed the development of your proposal?

- Quantitative and qualitative data supplied by individual applicants
- Local population data taken from the 2011 Census figures

6. **SUMMARY:** As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

Positive Impacts

- The proposals comply with the statutory tests relating to Section 106 funding
- The projects recommended for approval will have a positive impact upon the health and well being of local residents
- The package of proposals, taken as a whole, will benefit new & existing residents in the local community
- Groups of people with protected characteristics will benefit from the recommended projects

Negative Impacts

- It is difficult to demonstrate in all cases that the projects will have a meaningful benefit for promoting the Welsh language

The above impacts have not materially changed the recommendations of the assessment panel but it may be prudent in the future to invite applications that will have a more positive impact on promoting the use of the Welsh language.

7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress

8. MONITORING: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

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The impacts of this proposal will be evaluated on:	Impacts to be reviewed in July 2019 (use by date for funding recommended) – to be reported to Section 106 Working Group
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9. VERSION CONTROL: The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1	Meetings and discussions with the promoters of the three projects	November 2016 – January 2017	Clarification sought regarding details of the projects proposed
2	Consultation with local elected members and Magor with Undy Community Council	February 2017	Observations sought from local elected representatives
3	Consideration of report by MCC Cabinet	1 st March 2017	Final decision on allocation of funding sought

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