

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

**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 31<sup>st</sup> 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 30<sup>th</sup> 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 31<sup>st</sup> 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	<b>219,710</b>

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 30<sup>th</sup> 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 (31<sup>st</sup> July 2014) and “use by” date of 30<sup>th</sup> 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 11<sup>th</sup> April 2011

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