

# ICDM Background Paper

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Cabinet Members (Vale): Cllr Roger Cox and Cllr Robert Sharp

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Section 106 Reference: P18/V1650/106

## S106 Request – Abingdon Youth Football Club

### Purpose of paper

1. On the 23 March 2018 the Council received an application for funds from the Abingdon Youth Football Club in the Parish of Abingdon for a total of £66,845.02 from the S106 contribution arising from the following development: The deed of variation did not change or amend the S106 contributions from the original Planning Agreement P12/V2266/FUL dated 23 May 2013.

**Development:** Land East of Drayton Road

**Address:** Abingdon

**Planning Ref:** P14/V1196/FUL

**S106 Ref:** 15V41 (Original Agreement: P12/V2266/FUL - 13/V30)

**Date of agreement:** 11 August 2015

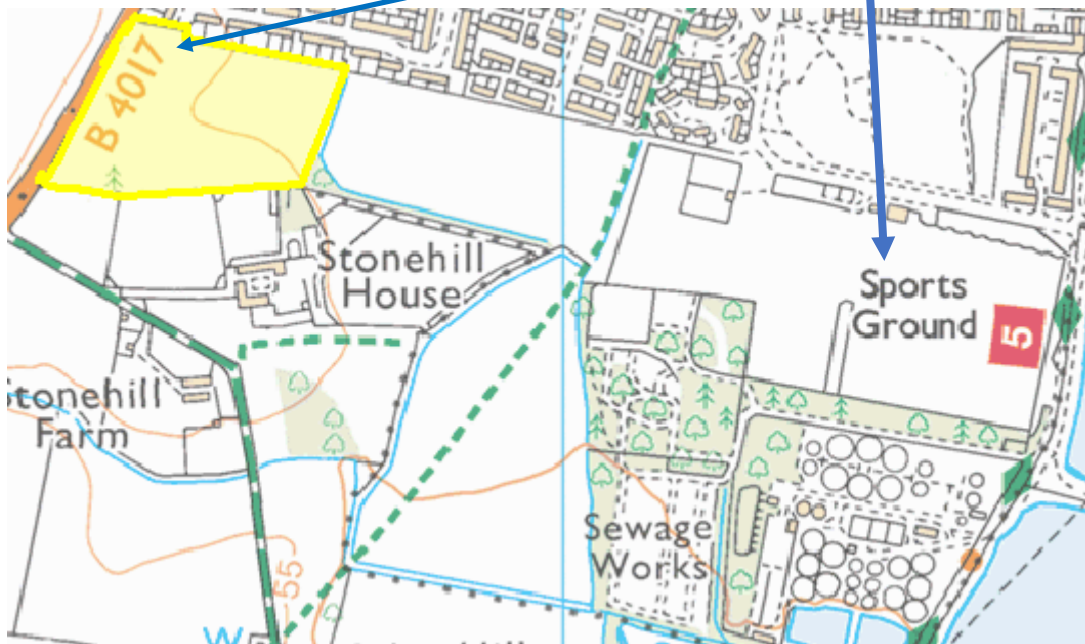
**S106 application ref:** P18/V1650/106

2. The planning decision was determined by Committee 18 March 2015 (P14/V1196/FUL), but the obligation is not clear, it is ambiguous and the sum requested is more than £20,000. In accordance with the Constitution's Finance Procedure Rules (para 75(b)) (extract at Appendix 1) this paper seeks the approval of the Cabinet Member for Planning in consultation with the Cabinet Member for Finance to create a budget and release the funds requested for the purposes described below.

### The S106 contribution

3. The extract below sets out the requirement of each of the S106 contribution and is defined in Clause 1 of the agreement.

- The “Football Pitch Contribution” means the sum of £83,342 to be paid by the Owners/ Developer to the Council to be used towards football pitches in the Vicinity’.
  - Vicinity means within one mile of the Site’.
4. There is no further information of how the contribution should be allocated in the agreement. However, the only football pitches within one mile of the site are situated at Southern Town Park sports ground. During the consideration of the planning application a representation was received from South Abingdon Sports Initiative (SASI). SASI is a joint action group formed to improve the facilities and to encourage more sports participation in the Southern Town Park sports ground area. The parties represented in SASI are the Abingdon Rugby Football Club, the Abingdon Youth Football Club and the Abingdon Lawn Tennis Club, all based in Southern Town Park sports ground in Lambrick Way, Abingdon.
  5. The map below shows the development where the contribution has been secured and Southern Town Park sports ground. The development is shaded in yellow and the ground improvement area is indicated here



6. Clarification has been sought from the planning officer responsible for this development and it is understood the contribution is intended to be used towards football pitches at Southern Town Park sports ground.
7. This agreement has no spend by date therefore the spending of the contributions is not time bound.

8. The figures for the Football Pitch Contribution sums requested by Abingdon Youth Football Club are set out in the summary table below. The contribution received has been confirmed by our finance team on 12 July 2018.

***S106 15V41 - Development of Land East of Drayton Road – Abingdon Youth Football Club application for funds***

<b>Infrastructure category</b>	<b>Contribution towards (extracts from S106 agreement)</b>	<b>Amount in Agreement</b>	<b>Contributions Received (incl indexation)</b>	<b>Previously Transferred</b>	<b>Amount requested</b>	<b>Balance</b>
Outdoor Sport	“Football Pitch Contribution’ means the sum of £83,342.00 towards Football Pitches in the Vicinity’ “Vicinity” means within one miles of the Site’	£83,342.00	£88,142.50 received on 07.10.2016	£12,540.00 Transferred to Abingdon Youth Football Club on 18.04.2018	£66,845.02	£8757.48

9. *The application is to increase the pitches that can be played on with the correct sports grass (currently just normal garden grass).*

**The project**

*Project description*

10. The Abingdon Youth Football Club is seeking to enhance and expand the football pitches by using the correct sports grass so that the facilities are usable by more people and accessible to all.
11. The enhancement will meet the increasing demand from a growing population in the area. The Abingdon Youth Football Club currently have 13 teams playing at Southern Town Park. They have also been accepted as a FA Wildcats centre to increase the number of girls involved in football.

*Planning permission*

12. Planning permission for the project is not necessary.

### *Total project cost and funding*

13. The total project cost is estimated to be £66, 845.02. The allocation of S106 funds of £66, 845.02 will fully fund the project. The quotes and plans have been provided (P18/V1650/106).
14. Earlier this year, Abingdon Youth Football Club applied for £12,540.00 retrospectively for ground improvement works. This was approved, and the funding was allocated on 18 April 2018. The works have been completed.

### *Property Status*

15. The site is owned by the Vale and White Horse District Council and consists of three 7-a-side pitches, two 9-a-side pitches and one 11-a-side pitch football pitch. Part of the site used to be an old refuse tip and surface levels have deteriorated significantly over the past months causing dips and craters which sit with water. Other areas struggle to drain effectively.

## **Consultations**

16. The Council's Community Led Planning Officer, Young People's Co – Ordinator, Estates, Grants, Leisure, Equalities Teams have been consulted on the application for funding.
17. The Community Led Officer has highlighted that as part of the Community Led plan research a brief survey was launched so that people could put forward their ideas about how they would like to see the town develop and what the priorities should be. Although the response rate to the survey was statistically low there was some useful feedback. However, Abingdon Youth Football Club was not specifically mentioned although there were several references to sports and leisure facilities.

Please see below a few of the comments received:

- A public all-weather football pitch is urgently needed!
  - ...better sports facilities that can be used by existing youth-focussed clubs
  - ...direct provision or support of clubs that could engage (teenagers) them would be good.
  - Greater development of inclusive facilities for families and particularly young people 11 to 18 sport activities / open air sport facilities need to be preserved and/or increased.
18. Council's Leisure Service have liaised with Abingdon Youth Football Club directly to ensure that they get the best value for both the public and the club. The project has been identified in the Vale Playing Pitch strategy and has been approved. They have also recommended that the funding is paid according to phases of the work and at the end of each phase Abingdon Youth Football Club will provide the council with a copy of the report from the recommended

independent grounds person to confirm that each phase has been completed in accordance with the Sport of England Natural Turf Guidelines.

The phasing plan for payments is as follows: (incl. VAT)

Phase	Description	Amount	Timescale
One	Purchase of Health & Safety Equipment	£1650.17	To be purchased by the club before levelling work starts for all areas.
	Establishment Plan on Area 1	£10,260.00	Part completed and booked in for September 2018
Two	Pitch work and Establishment Plan for Area 2 plus Pitch Inspection for Area 2	14,460.00	Due to start work 01.09.2018
		£784.80	Independent Grounds Person Report
Three	Pitch work and Establishment Plan for Area 3 plus Pitch Inspection for Area 3	£24,129.00	Due to start work on 01/09/2019
		£806.40	Independent Grounds Person Report
Four	Pitch work and Establishment Plan for Area 4 plus Pitch Inspection	£13,926.00	Due to start work on 01/09/2020
		£828.65	Independent Grounds Person Report
Total Estimate		£66,845.02	

19. The Council's Estates team is happy to support the application. However, concern was expressed that this scheme will provide a massive influx of footballing families that may lead to the neighbouring clubs (rugby and the tennis clubs) being suffocated by this club. Abingdon Youth Football Club has confirmed that they always work with the neighbouring clubs to ensure that there is no conflict of interest at big events.

20. The Council's Grants Officer, Equalities Officer and the Young People's Co-ordinator have all supported the project.

21. There has been no response from the Neighbourhood Plan team.

## Evaluation

*Does the project fall within the spending parameters of the S106?*

22. *The applicant has shown that the proposed project will further support outdoor sports facilities in the parish. The pitch enhancement and increased number of pitches available will provide a safe place to play football for all.*

*Is it a suitable use of the fund?*

*23. The proposed project conforms to the spending parameters of the S106 agreement and is a suitable use of the funds.*

*Can the project be delivered?*

*24. With the S106 contributions sought in this application Abingdon Youth Football Club will have the necessary funds available to deliver the project. The applicant has shown that the proposed project is well developed and hope to complete the works by May 2025.*

*What alternative uses have been considered?*

*25. It is not possible to spend the contributions elsewhere as the obligation is restricted to within one mile of the site. Abingdon Youth Football Club is the only football facility within one mile of the site.*

### **Recommendations**

26. In view of the above factors it is recommended that a budget is created which allocates the requested £66,845.02 to the Football Pitch project and the funds be released to Abingdon Youth Football Club and this is paid in phases as required for each part of the project.

27. It is recommended that the Abingdon Youth Football Club enter into a legal agreement (template attached) which sets out what the funds can be used for and includes a spending deadline to ensure delivery of the project. The funding agreement will also specify the phased payments together with the indicative timescales which will be dependent on receipt of the recommended independent grounds person report at each stage as set out in paragraph 18. The phased payments are summarised below and phases 1 and 2 are sought now so the club can begin work on the pitch improvements.

- Phase 1 = £11,910.17
- Phase 2 = £15,244.80
- Phase 3 = £24, 935.40
- Phase 4 = £14,754.65
- Total = £66, 845.02

28. Once the agreement is complete the parish will be advised of the allocation of the funds in a letter.

## 29.

### Appendix 1

#### Extract from the Council's Constitution June 2017 Finance Procedure Rules

##### **Section 106 and community infrastructure levy (CIL) income and related expenditure**

73. The head of planning shall be responsible for negotiating and gaining the relevant approval for section 106 agreements. Receipt of a section 106 or CIL income does not confer the power to spend. Appropriate budgets must be created in accordance with the financial procedure rules to give heads of service authority to incur expenditure on schemes funded from section 106 or CIL income. Part 2 of this constitution sets out delegations to the head of planning and the head of development and regeneration relating to the community infrastructure levy.

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74. For section 106 or CIL agreements that provide clear and unambiguous details on how the receipts raised must be used, where that agreement has been approved by the Planning Committee and over which further discretion cannot be applied then the strategic management team can request the creation of the relevant revenue or capital budget.
75. For all other section 106 and CIL agreements where contributions are received by the council a budget for the spending of the receipt must be created as follows:
- (a) For agreements of up to £20,000 budgets can be approved by the senior management team.
  - (b) For agreements greater than £20,000 up to £100,000 budgets can be approved by the relevant Cabinet member in consultation with the Cabinet member for finance.
  - (c) For agreements of greater than £100,000 budgets must be approved by Council.