

MAIDSTONE BOROUGH COUNCIL

**RECORD OF DECISION OF THE CABINET MEMBER FOR COMMUNITY
AND LEISURE SERVICES**

Decision Made: 23 September 2011

**PROPOSALS FOR ALLOCATION OF SECTION 106 DEVELOPER
CONTRIBUTIONS RECEIVED FROM WALLIS YARD, HART STREET**

Issue for Decision

To consider the proposed allocation of funds received as an off-site Section 106 Developer Contribution of £205,782.39 from the Wallis Yard, Hart Street (MA/04/0951) development.

Decision Made

That the developer contribution of £205,782.39 from the Wallis Yard, Hart Street, Maidstone development, be allocated as follows:-

1. £58,000 towards Tovil Riverside (including Bridge Mill Way Play Area improvements).
2. £27,500 towards Woodbridge Drive Play Area improvements.
3. £10,000 towards Camden Street Play Area improvements.
4. £15,000 for the clearing and decontamination of Fant Wildlife Area.
5. £4,500 for improvements to the Rose Garden.
6. £20,000 towards the current improvement plans for the Archbishop's Palace/All Saints conservation area.
7. £5,000 towards River Len improvements.
8. £5,000 towards Whatman Park Skate Ramps.
9. £10,000 for improvements to Palace Wood.
10. £47,722.39 towards the Mote Park Improvement Project.
11. £3,060 for Project Management and Fees

Reasons for Decision

A Section 106 (S106) contribution has two forms;

- the first an on-site contribution;
- the second, an off-site contribution.

The former involves incorporation of significant, usable open space into the development design and/or installation of play facilities to a borough council agreed standard to benefit those who will occupy the

development. There is currently a movement away from acceptance of such non-strategic methods of amenity provision, from which arise 'pocket handkerchief' and low play value play areas.

The latter is based on a situation where it is clear the developer is not able to incorporate a meaningful amenity space into the development and as a consequence is asked to make an off-site financial contribution. The proposed targeted spend for such contributions is submitted within a report.

Officers have looked at the location of the development and have identified suitable off site schemes that would improve green spaces in the proximity of the development and within the stipulated two mile radius.

Therefore it was recommended that the S106 developer contribution of £205,782.39 from the Wallis Yard, Hart Street, Maidstone development be allocated as follows:

£58,000 to be contributed towards funding improvements to the Tovil Riverside. The land includes Millers Wharf, Bridge Mill Way play area, Bridge Mill Way open space and Hudson's Quarry and these works will also include a contribution of £50,000 towards the Parish Council's play area improvements.

£27,500 towards Woodbridge Drive Play Area improvements. This play area is code RED in the "Analysis of Borough Wide Play Area provision – Summary of Play Area scoring" matrix and needs improving. Existing equipment would be replaced with new equipment for up to 14 year olds, the footprint of the play area would be increased and a new path to the play area would be installed.

£10,000 towards Camden Street Play Area Improvements. This play area is also code RED in the "Summary of Play Area scoring" and needs improving. Current equipment would be rejuvenated and there would be some minor replacement works as well as the planting of shrubs and perennials to soften the site.

£15,000 towards Fant Wildlife area. There are large quantities of historic fly-tipping on the Fant Wildlife area. This sum would go towards the removal of contaminated waste from the site and making good the area of removal. This work is required to allow the site to apply for LNR status.

£4,500 towards the Rose Garden. Improvements to the garden to the east of Lockmeadow footbridge. To include improvements to planting at the entrance area of the garden, replacement of the plaques and rejuvenation of planting throughout the garden.

£20,000 as a contribution towards the improvements to the Archbishop's Palace/All Saints conservation area. These works include replacement of railings, replanting of high profile planting, cutting back shrubs to better display the area, improvement of the Carriage Museum Gardens and continuing landscape works in line with the improvement plan. Other contributions to this scheme include Devolved budget contribution from Councillors.

£5,000 towards River Len improvements. This would be a contribution towards the ongoing management and improvements to the nature reserves as per the Len Valley Nature Reserve Management Plan 2009-2014. These improvements will include improvements to paths, installation of interpretational and directional signage.

£5,000 towards a youth project to replace the skate ramps in Whatman Park. A group of young people have formed a group and are looking to replace the existing skate ramps in Whatman Park. This will enable them to make a start and will be used as match funding to secure funding from other sources.

£10,000 for Palace Wood improvements. To be used for the writing and implementing of a management plan and associated works, such as coppicing, paths, removal of barbed wire fencing and interpretational signage. This will make the site safer and allow greater public access, understanding and management of the woodland.

£47,722.39 towards the Mote Park Improvement Project. There is currently a £2.6 million Heritage Lottery supported regeneration project happening in Mote Park. As Mote Park is the largest, most used park in the borough and less than a mile from this development this contribution will go towards the overall project and is part of match funding for the lottery. The project is designed to encourage new visitors to this regional park by increasing the facilities available. Individual items of the scheme include; circular paths, improvements to the heritage waterfall and volunteers pavilion, improved vehicle management, additional play provision for all ages and maximizing biodiversity habitats. As well as these works there will be a programme of volunteering opportunities and events. It is proposed that this contribution should be used specifically towards the introduction of the Lakeside Boulevard, which is a new area to be created as part of the scheme.

£3,060 for Project management and fees. These fees are to cover the costs to design, consult and implement the schemes identified above. Most of this work will be completed in the current financial year (2011-12)

Alternatives considered and why rejected

This developer contribution could be allocated in a different way. Consultation with Ward Councillors was undertaken and a number of options looked at during the process of producing these recommendations. The works listed are therefore those most highly recommended on a priority basis for the locality given.

Another alternative which is not recommended is to not allocate this contribution at this time; this should be avoided as after a period of 5 years the contribution, if unused has to be returned to the developer, with accrued index-linked interest. This would not benefit the residents of the Borough in any way or fulfil the reasoning behind writing an off-site contribution into the Heads of Terms of the S106 during the application process.

Background Papers

Maidstone Borough Council Strategic Plan 2011-15
Open Space Development Plan Document (2006)

Should you be concerned about this decision and wish to call it in, please submit a call in form signed by any two Non-Executive Members to the Head of Change and Scrutiny by: **30 September 2011**

