MAIDSTONE BOROUGH COUNCIL

CABINET MEMBER FOR COMMUNITY AND LEISURE SERVICES

REPORT OF ASSISTANT DIRECTOR OF ENVIRONMENT AND REGULATORY SERVICES

Report prepared by Jason Taylor
Date Issued: 15 September 2011

1. PROPOSALS FOR ALLOCATION OF S106 DEVELOPER CONTRIBUTIONS RECEIVED FROM WALLIS YARD, HART STREET (MA/04/0951)

1.1 Issue for Decision

1.1.1 To consider the proposed allocation of funds received as an off-site S106 Developer Contribution of £205,782.39 from the development named above.

1.2 Recommendation of the Assistant Director of Environment and Regulatory Services.

That the Cabinet Member for Community and Leisure Services approves the proposed allocation of £205,782.39 from the Wallis Yard, Hart Street, Maidstone development, and that it is allocated for works to the eleven separate projects shown below, for the reasons detailed in the body of this report:

It is recommended that the developer contribution is utilized 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

1.3 Reasons for Recommendation

1.3.1 A Section 106 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 such as this.

1.3.2 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.

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

1.3.4 £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.

1.3.5 £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.

1.3.6 £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.

1.3.7 £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.

1.3.8 £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.

1.3.9 £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.

1.3.10 £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.

1.3.11£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.

1.3.12 £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.

1.3.13 £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.

1.3.14 £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)

1.4 Alternative Action and why not Recommended

1.4.1 This developer contribution could be allocated in a different way. Consultation with Ward Councilors 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.

1.4.2 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 fulfill the reasoning behind writing an off-site contribution into the Heads of Terms of the S106 during the application process.

1.5 Impact on Corporate Objectives

1.5 As specified above, spending the money as indicated contributes to achieving the following corporate objectives and outcomes as detailed in the Councils Strategic Plan 2011-15:-

i) For Maidstone to be a decent place to live and continue to be a clean and attractive environment for people who live and visit the Borough

1.6 Risk Management

1.6.1 The Council is subject to the risk of having to repay the developer its index-linked contribution should the monies not be spent within the allocated time span (5 years from receipt). It could also open itself to adverse public and representative criticism should it fail to do carry out the proposed works. To allow the money to remain unspent would eventually involve an unwarranted Legal department engagement at the point where the developer claims its money back.

1.7 Other Implications

1.7.1

1. Financial	X
2. Staffing	
3. Legal	
4. Equality Impact Needs Assessment	

5.	Environmental/Sustainable Development	
6.	Community Safety	X
7.	Human Rights Act	
8.	Procurement	
9.	Asset Management	

1.7.2 Financial implications – the costs are met from the S106 agreement,

1.7.3 Community Safety implications – the Council's Community Safety team and the Police architectural liaison officer have been consulted and agree to the proposals.

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

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes [ ] No [X]

If yes, when did it appear in the Forward Plan? _____

Is this an Urgent Key Decision? Yes [ ] No [X]

Reason for Urgency

[State why the decision is urgent and cannot wait until the next issue of the forward plan.]

How to Comment

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

Cllr John A Wilson — Cabinet Member for Community and Leisure Services
Telephone: (01622) 720989
E-mail: JohnAWilson@maidstone.gov.uk

Jason Taylor — Parks & Leisure Manager
Telephone: 01622 602753
E-mail: JasonTaylor@maidstone.gov.uk