

WYRE FOREST DISTRICT COUNCIL

CABINET
25TH AUGUST 2009

Allocation of Section 106 Funding (Oldington Sports Ground/Stourport Rd) to Stourport Sports Club

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME	Improving Health and Well Being Meeting the Needs of Children and Young People
CORPORATE PLAN AIM:	A Better Quality of Life A Well Run and Responsive Council
CABINET MEMBER:	Councillor Marcus Hart
DIRECTOR	Director of Community and Partnership Services
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APPENDICES	Appendix 1 Memorandum of Articles Appendix 2 Management Agreement <i>The appendices to this report have been circulated electronically and a public inspection copy is available on request. (See front cover for details).</i>

1. PURPOSE OF REPORT

- 1.1 To set out a proposal for the development of a “Sports Village” at Stourport Sports Club and to approve the allocation of Section 106 Funding (Oldington Sports Ground/Stourport Rd) to Stourport Sports Club towards professional fees and implementation of a proposed new “Sports Village” on the site.

2. RECOMMENDATION

The Cabinet is asked to **DECIDE** that:

- 2.1 **Approval is given to allocate Section 106 funding of £329,863 (Oldington Sports Ground/Stourport Road) to Stourport Sports Club, on a phased basis, towards the development of a “Sports Village” on the Stourport Sports Club site subject to conditions. The allocation to the Capital Programme or Revenue Budget to be determined as appropriate.**
- 2.2 **Delegated authority is granted to the Director of Community and Partnership Services, in consultation with the Cabinet Member for Community and Partnership Services, the Director of Resources and the Director of Legal and Corporate Services to determine the conditions of the grant allocation to the Stourport Sports Club.**

- 2.3 The grant is subject to clear conditions outlining the use of said grant for the purposes of enhancing sporting provision.**
- 2.4 Delegated authority is granted to the Director of Legal and Corporate Services in consultation with the Director of Community and Partnership Services and the Cabinet Member for Community and Partnership Services to enter into all necessary documentation with Stourport Sports Club and those giving grants to enable additional land at the Kingsway to be developed and used for sports facilities for a period to end when the current management arrangements for the existing facilities end in 2125.**

3. BACKGROUND

- 3.1 An agreement under Section 106 of the Town and Country Planning Act (1990) (as amended) between Wyre Forest District Council and Brintons Limited has realised £329,863 for the provision, upgrading or enhancement of sports facilities on land off Kingsway, Stourport-on-Severn.
- 3.2 The Section 106 funding must be spent by 19 December 2015 which is ten years from the date funding was received and may be utilised for the provision, upgrading or enhancement of sports facilities. Initial discussions included proposals for sports pitch development (2 football pitches) changing rooms and car parking and possibly an artificial wicket for cricket depending on costs.
- 3.3 An opportunity has now arisen at Stourport Sports Club to develop an exciting range of sporting facilities through potential external funding of £300,000 from British Cycling, £400,000 from the Department for Children, Schools and Families (DCSF) and £60-£70,000 per pitch from the Rugby Football Union (RFU). In addition to this discussions are taking place with the football league in relation to a potential stadium pitch development. Including the Section 106 outlined in 3.1 and 3.2 there is an overall total project budget amount of approximately £1 million.
- 3.4 These opportunities have arisen through a range of partnership work involving Stourport High School, the Wyre Forest Cycle Racing Club and British Cycling, Stourport Sports Club Limited, the Rugby Football Union, Wyre Forest District Council and the Herefordshire and Worcestershire Sports Partnership. Stourport Rugby Football Club are investigating alternative locations to their current home ground which is prone to flooding.
- 3.5 It is envisaged that a range of sporting facilities including a 1.5 km cycle track, a sports conditioning suite and teaching space, two full size rugby pitches and one training pitch, changing accommodation and extended and improved car parking facilities could be provided on the Stourport Sports Club site in a combined, co-ordinated development utilising the various funding packages that are available.
- 3.6 The Section 106 funding would fund sports pitches (Rugby / Football), changing accommodation and car parking.
- 3.7 A key outcome of the proposed developments is to build on the Sports College status of Stourport High School and the recently rebuilt Stourport Sports Club with its extensive sporting provision to provide sustainable, sporting opportunities to the community and encourage life long participation and opportunities for progression in sports, and in particular develop youth and junior sports opportunities.

- 3.8 In order to progress phase one of the proposed development it is crucial that professional project management and architects are engaged to develop the overall plans in preparation for a planning application in October 2009.
- 3.9 British Cycling has agreed to a proportionate contribution to phase one of the development, based on their £300,000 funding contribution and this report seeks agreement for Section 106 funding to also contribute in the form of a grant to Stourport Sports Club on a phased basis.
- 3.10 Stourport Sports Club has agreed to act as the lead organisation and as such will assume responsibility for co-ordination of funding bids, project management and procurement. The Stourport Sports Club is a Company Limited by Guarantee (Memorandum of Articles attached in Appendix 1) and is subject to charity law and associated regulations in its operation and management. The Club is made up of a number of partners who make an annual contribution to the running costs of the Stourport Sports Club and who all operate under a management agreement. These include Wyre Forest District Council, Worcestershire County Council, Kidderminster and District Athletic Club, Stourport Hockey Club and Stourport High School. (Appendix 2 Management Agreement).
- 3.11 In order to maximise the opportunities presented by the external funding it is deemed expedient to offer a grant to the Stourport Sports Club to precipitate phase one and facilitate the project.

4. KEY ISSUES

- 4.1 British Cycling and DCSF funding must be spent by March 2010 and in order to achieve this, a planning application must be prepared for 8 September 2009, for a submission in October 2009.
- 4.2 In order to achieve the desired site footprint of facilities it will be necessary to have discussions with landowners on future land acquisitions adjacent to the site.
- 4.3 The British Cycling funding is subject to a successful bid from Stourport Sports Club and Wyre Forest Cycle Racing Club, although a very firm commitment has been made from them to this project.
- 4.4 This project relies on a number of critical dates and deadlines being met, the agreement to Section 106 funding in the form of a grant to the Stourport Sports Club will enable flexibility and responsiveness throughout the very short but critical time frame for the project.
- 4.5 Sport England has indicated support for the provision of replacement pitches on the site and in particular the potential for youth and junior development of rugby.
- 4.6 This proposal requires Stourport Sports Club and its partners to assume responsibility for the future maintenance of the new facilities, sports provision and grounds maintenance. The Council will not be responsible for any future maintenance other than the annual contribution paid by the Council to the Stourport Sports Club as part of the management agreement. This enables the Council to accomplish enhanced sporting provision through the Section 106 agreement without having to identify ongoing revenue funding as outlined in 5.2.

5. FINANCIAL IMPLICATIONS

- 5.1 This Council currently holds £329,863 Section 106 funding for which approval to allocate as grant towards this project is now sought. Allocation to the Capital Programme or Revenue Budget to be determined as appropriate.
- 5.2 Stourport Sports Club will act as the lead organisation and co-ordinating body, as such the Club will assume responsibility for future maintenance of the enhanced facilities under its existing management agreement and this will be a considerable efficiency for the Council.
- 5.3 The potential new partners, British Cycling and Stourport Rugby Football Club would become partners of the Stourport Sports Club and therefore part of a management agreement that includes responsibility for the sustainability and maintenance of the Club's facilities. This Council, as an existing partner, has no future obligations for sustainability or maintenance of the proposed Section 106 funded development.
- 5.4 The management agreement would include the ongoing grounds maintenance of sports pitches and the management and maintenance of changing accommodation.
- 5.5 The Council is not required to identify funding for the future maintenance of the facilities and therefore this proposal is economically advantageous to the Council.
- 5.6 Any payment of grant from the Section 106 monies given to the Stourport Sports Club will be conditional on adherence to conditions laid out in legal documentation and will be proportionate to the Section 106 funding contribution available. It must be solely spent on the enhancement of sporting provision as outlined in the Section 106 agreement and will be paid grant over on a percentage basis together with other funders.
- 5.7 It is likely that as a condition of the funding, the Council will be asked to agree to a Deed of Dedication in respect of the land to ensure that for a period of time the Council will commit to the land being used for the purpose of the project for which the funding has been given. However, by entering into the revised management arrangements with Stourport Sports Club, this commitment will already be given so it is not placing an additional obligation on the Council.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 A new management agreement would be required at the Stourport Sports Club and there would be an impact on legal services to ensure that the Council's interests were not adversely affected.
- 6.2 The proposed Sports Village development is subject to planning approval and satisfying ecological survey and assessment, in particular, impact on acid grassland and wildlife corridors as outlined in the Natural Environment Rural Communities Act (NERC) and Planning Policy Statement 9 (PPS 9).
- 6.3 The proposed enhancement to sports facilities encourages the active participation of our communities in sport and recreation and young people's participation in

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positive activities and therefore addresses at least two of the Worcestershire Local Area Agreement (LAA) targets.

- 6.4 The proposal will also contribute to the health and well being of the community in providing increased opportunities for fitness and recreation as well as addressing a number of education LAA targets.
- 6.5 An equality impact needs assessment has been undertaken to ensure that there is no negative impact as a result of the proposed provision of new pitches, cycle track, changing accommodation and car parking to any section of the community.
- 6.6 The Section 106 agreement prescribes within certain areas how the monies are to be spent. If they are not spent as prescribed, the Council may be obliged to repay them. Delivery of the sports facilities would ensure compliance with the terms of the agreement.

7. RISK MANAGEMENT

- 7.1 The Council will demonstrate a responsive and flexible approach in order to assist in facilitating the proposed development project. There may be a risk of criticism, should the Council be unable to respond appropriately to an opportunity that has arisen very recently and with a very short timescale for completion.
- 7.2 The critical timescales for planning and spend of external funding present a degree of risk to the achievement of the scheme.
- 7.3 Stourport Sports Club's agreement to act as the lead organisation mitigates the Council's risk.
- 7.4 If the monies are not utilised in accordance with the terms of the S106 agreement, there is a risk that they will be repayable by the Council to the Developers.

8. CONCLUSION

- 8.1 The proposal to grant Stourport Sports Club access to Section 106 funding enables the Club to co-ordinate and facilitate a development project to provide enhanced sporting provision and to respond to an opportunity that has recently arisen.

9. CONSULTEES

- 9.1 Cabinet Member for Community and Partnership Services
Director of Planning and Regulatory Services
Director of Resources
Director of Legal and Corporate Services

10. BACKGROUND PAPERS

- 10.1 None