

# **Executive Committee**

**9 August 2016**

## **Allocation of developer contributions for enhancement of recreation provision in Dorchester**

### **For Decision**

#### **Portfolio Holder:**

Cllr Ian Gardner - Planning

Cllr Mary Penfold - Enabling

#### **Senior Leadership Team Contact:**

S Hill, Strategic Director

#### **Report Author:**

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#### **Statutory Authority:**

Town and Country Planning Act 1990 (as amended)

The Community Infrastructure Levy Regulations 2010 (as amended)

#### **Purpose of Report**

1. To present to the committee information on the developer contributions received by the council for the enhancement of recreational facilities in Dorchester and to seek agreement as to a process for the allocation of these contributions to appropriate projects.

#### **Officer Recommendations**

2. That the Committee endorses the process for the allocation of developer contributions in Dorchester as set out in paragraphs 23 and 24 of this report, including:
  - a) the establishment of a member panel comprising the district councillors for the wards of Dorchester, Puddletown, Winterborne St Martin, Cerne Valley, and Broadmayne & Crossways and the portfolio holders for Planning and for Enabling.
  - b) the presentation, in due course, of the member panel's recommendations to the Executive Committee for approval.

## **Reason for Decision**

3. To establish a process for the allocation of developer contributions in Dorchester to appropriate local projects for the enhancement of community infrastructure.

## **Background and Reason Decision Needed**

### **(a) Audit of sport, cultural and community facilities**

4. To inform the allocation of developer contributions, the district council, in partnership with Dorchester Town Council, undertook a thorough audit of sports and cultural facilities and community venues in 2014. This audit included site visits, meetings with club representatives and some consultation with governing bodies for sport (such as the Dorset Football Association).
5. The audit did not include play facilities as the town council indicated that Dorchester is well served for play areas and has a plan in place to refurbish them from time to time. There is, however, one identified gap in provision, which is not linked to a specific new development, and a plan to expand provision in the strategically located Borough Garden.
6. In summary, the key development/enhancement projects (as opposed to works that are primarily maintenance or like-for-like replacement) which are planned by local organisations are set out below.

<b>Location</b>	<b>Project</b>
Dorchester Sports Centre	Expansion of fitness facilities.
Dorchester Town Football Club	Installation of artificial turf pitch.
Dorset County Museum	Major expansion of galleries and storage.
The Great Field	Toilet/changing facilities.
The Maltings, Brewery Square	Conversion of old malthouse to arts centre / theatre.
Poundbury Cemetery	Roadways and boundary wall
Shire Hall	Development as tourist attraction and educational resource.
St Osmunds Community Sports Centre	New fitness facilities and exercise studio.
Thomas Hardye School	New arts facility for school and community use.

7. For most of the above projects further details are available, including indicative costing. However, at this stage, not all have the necessary permissions (e.g. planning) or match funding. For many of the projects, any contribution from S106 money held by the council is only likely to form a proportion of the total budget required.

8. In addition to the above ‘major’ projects, the audit identified many other smaller projects for the enhancement of existing facilities. These projects, which could be assisted either with the developer contributions or the council’s Leisure Development Fund, include the following:
  - New accommodation for Dorchester Amateur Boxing Club
  - Multi-Use Games Area at Hawthorn Road open space.
  - Additional tennis court at Dorchester Tennis & Squash Club
  - Outside of the town (but with many Dorchester residents as members) Martinstown Cricket Club is proposing club house expansion.
9. The audit also addressed the issue of ‘community venues’, such a church and community halls and meeting rooms, and the following is a summary of existing provision:
  - 11 community centres and halls
  - 5 churches and parish centres
  - 3 large halls (with lighting and sound equipment).
  - 3 outdoor performance or meeting areas
  - 2 schools (with community-accessible halls)
  - 5 sports clubs and pavilions
  - 3 museums/History Centre (with community accessible halls/rooms)
10. In terms of capacity, these venues were assessed as providing:
  - 22 small rooms with a maximum seating capacity of 50 people
  - 20 medium rooms with a maximum capacity of 100 people
  - 11 large rooms/ halls with a capacity of over 100 people
11. The audit also attempted to assess whether these community venues were operating at maximum capacity or whether they could still accommodate more bookings and greater community use. Although respondents to the survey found it difficult to accurately assess capacity, it was clear that in broad terms the provision of accessible and affordable meeting spaces exceeds current demand. However, there are very few large venues which can accommodate audiences in a ‘theatre format’. The largest of these are the Thomas Hardy School theatre (500 seats) and the Corn Exchange (300 seats) – although both have short-comings in terms of meeting the expectations of users.
12. In terms of medium-sized venues, Dorchester has many good-quality facilities which are distributed across the town. These include: Dorford Centre, Brownsword Hall, Dorchester Youth & Community Centre, Dorset County Museum (Victorian Hall), The Keep, St Mary’s Community Hall, and the Town Hall. In particular, the halls/rooms associated with religious institutions offer a good range of community meeting spaces and this provision will be further enhanced when the Dorchester Community Church opens its new facility in Poundbury.
13. However, what is clear is that the town does lack a significant, high-quality arts/theatre venue (excluding the cinemas) which is designed and fitted out for this purpose. The nearest such venue is the Pavilion theatre in

Weymouth, operated by a community interest company, and with a maximum capacity of 1000 seats. Further afield, the nearest arts/theatre facilities (not including private school venues) are the Lighthouse in Poole (2,500 seats) and the Octagon Theatre in Yeovil (626 seats).

14. It should be noted, that the outline planning permission for phases 3 and 4 of the Poundbury development requires the provision of a 300-seater community hall prior to the occupation of the 600<sup>th</sup> house. Given the current level of provision across the town and the potential need for a bespoke arts venue, it may be appropriate to review this requirement.

**(b) Available developer contributions**

15. The council has collected a significant amount of money for the enhancement of recreation, open space, cultural and community facilities in Dorchester as a result of Section 106 agreements for developments in the town, particularly from the Poundbury development. At present this amounts to approximately £1.8 million, the majority of which is derived from the Duchy of Cornwall's Poundbury development. It should be noted that the council also secures significant developer contributions for waste management, transport, education, and other types of community infrastructure and that this money is transferred directly to the body responsible for implementation.
16. In other parts of the district, smaller amounts of Section 106 contributions are allocated through consultation with town and parish councils and liaison with local members and with the approval of the senior officer with delegated authority. However, in Dorchester, given the amount of money available and its potential to contribute to projects of districtwide (if not countywide) significance, it would seem appropriate to have a more strategic approach and for priorities to be agreed by the Executive Committee following local consultation prior to the allocation of funding.
17. To date, Section 106 recreation contributions have, for example, assisted with the provision of excellent leisure facilities at the Dorchester Sports Centre and the Thomas Hardy School, and enhancements at Borough Gardens, the Corn Exchange and various town council play areas. Over recent years, other organisations have benefitted from S106 money, including the town council, sports clubs, museums and arts organisations.
18. As reported to the Executive Committee in April 2016, the following S106 money is currently held by the district council for Dorchester:

<b>Purpose</b>	<b>Amount</b>
Public Open Space	£16,745
Recreation	£1,714,382
Parks, gardens & outdoor sport	£38,877
Play areas	£34,719
Allotments	£4,361
Amenity Space	£2,032
Natural greenspace	£16,515
Community venues	£58,181
Museums	£13,476

19. When deciding on the allocation of the contributions to projects, the following key issues need to be borne in mind:
- Does the project relate to the purpose the money was secured for (e.g. play areas)?
  - Does the project enhance the facility and increase its capacity to accommodate more users (in response to a growing community)?
  - Is the project likely to take place within a reasonable timescale (given that some S106 agreements contain time-limits) - this is influenced by issues such as planning permission and match funding?
20. In addition to the above criteria, the Section 106 agreement governing Phase 2 of the Poundbury development places the following additional restrictions on the way that contributions towards recreation can be spent:
- 83% must be applied to:

*... the provision and maintenance of land for such reasonable formal recreational facilities as are needed directly to serve the Property* (defined in this context as "All that land at Poundbury Dorchester in the County of Dorset compromising 74 hectares known as Phase II of the Poundbury Development ...") *as the Council's Director of Planning for the time being shall reasonably consider appropriate having regard to:*

    - The Council's policies plans strategies and criteria in respect of recreational need and provision in the area of the Property*
    - The criteria of government bodies and agencies responsible for funding formal recreational facilities*
    - Any proposals by third parties to provide formal recreational facilities serving the Property and*
    - His Royal Highness's proposals in respect of the provision of formal recreational facilities at the Poundbury Development.'*  - the remaining 17% of the contribution needs to be applied to:

*... the provision and maintenance of land for amenity open space as is needed directly to serve the Property as the Council's Director of Planning for the time being shall reasonably consider appropriate'.*
21. In terms of the categories set out in paragraph 18 above (e.g. amenity space), most are defined in the council's Planning Obligations Guidelines Supplementary Planning Document (2010), although the general category of 'recreation' was only utilised in old S106 agreements, primarily the Poundbury agreement.
- (c) Proposed process for allocating developer contributions**

22. Given the need to balance the priorities of the town council with the aspirations of other organisations in the town (e.g. Duchy of Cornwall, Thomas Hardy School, sports clubs, arts organisations and museums) it would seem appropriate that the district council's Executive Committee takes a lead role in setting priorities for the town informed by the audit of facilities and consultation with key stakeholders.
23. To inform the allocation process it is proposed that a panel is established comprising the following (reflecting the membership of the panel created to inform the Local Plan review):
- district council ward members for Dorchester;
  - district council ward members for Puddletown, Winterborne St Martin, Cerne Valley, Broadmayne & Crossways – this wider rural view will be useful given the likely strategic nature of the projects to be considered;
  - district council portfolio holders for Enabling and for Planning.
- The panel would be supported by officers from the district council's Planning and Leisure & Commissioning services and the Dorchester Town Clerk.
24. The following process is proposed:
- a) Panel convenes for initial meeting (September 2016) to review full findings of the facilities audit and undertake initial ranking of projects based on available information. The Panel will also agree the timetable for the allocation process.
  - b) Projects are invited to submit applications (using WDDC proforma) setting out full project details – e.g. costings, permissions, evidence of need, business case, sustainability / viability and timescales. Although projects identified in the audit will be invited to apply, the process will be publicised in order to allow other projects to come forward if appropriate.
  - c) WDDC offices, in consultation with town clerk, assess applications and draft evaluation reports based. Officers seek the views of the Duchy of Cornwall on any projects that might be eligible to benefit from Poundbury contributions.
  - d) Panel convenes for second meeting to consider officer evaluation reports and make provisional allocations.
  - e) Report presented to Executive Committee with recommendations of panel for consideration and endorsement.
  - f) Implementation meeting of panel held in due course to review progress with all projects.
  - g) Progress report presented to Executive Committee as part of update on planning obligations in West Dorset.

25. The Executive Committee is asked to consider the process as outlined above as a method for allocating the very significant developer contributions currently held by the council.

## Implications

26. **Corporate Plan.** *Empowering Thriving and Inclusive Communities.*
27. **Financial.** The developer contributions referred to in this report are currently held by the council.
28. **Equalities.** It is important to health and wellbeing that sports, cultural and community facilities are sufficient to meet the needs of the growing community and are in accessible locations.
29. **Economic Development.** Many sports and cultural facilities make a significant contribution to the local economy either as employers (as in the case of sports centres) or as tourist attractions (e.g. museums and arts facilities). The enhancement of these facilities can, therefore, benefit the community not only in terms of education and wellbeing, but also from an economic perspective.
30. **Risk Management (including Health & Safety).** The council will need to ensure that its evaluation of proposed projects is robust and that no funding is released until a project is in progress and its deliverability is certain.

## Consultation and Engagement

31. Over the last two years, officers have liaised closely with Dorchester Town Council with regard to both the audit of facilities and the proposed process for the allocation of the developer contributions. In addition, there is continuing liaison with the Duchy of Cornwall with regard to the allocation of its contributions made via the S106 agreements for Poundbury.
32. The portfolio holders for Planning (Cllr Ian Gardner) for Enabling (Cllr Mary Penfold) have also been consulted on the proposals set out in this report.

## Appendices

33. None.

## Background Papers

34. Audit for sports, cultural and community facilities in Dorchester 2014-15.

## Footnote

35. Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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