



Chelmsford City Council Cabinet

18 October 2022

Section 106 Spending Plan

Report by:
Cabinet Member for Sustainable Development

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Purpose

To consider and endorse a proposed spending plan for S106 planning contributions currently held by the City Council.

Options

- a) Endorse the S106 Spending Plan, as presented
- b) Endorse the S106 Spending Plan, with amendments
- c) Not endorse the S106 Spending Plan

Preferred option and reasons

Option (a) Endorse the S106 Spending Plan, as presented, to enable the City Council to spend the held balances within the timeframes specified by the S106 agreements.

Recommendations

That Cabinet recommends the S106 Spending Plan is referred on to Full Council for approval and that the following delegations are approved:

1. The Director of Public Places, in consultation with the Cabinet Member for Greener and Safer Chelmsford, is authorised to spend the approved S106 contributions for Open Spaces and Strategic Sports Provision, as detailed in Appendices 1 and 3.
 2. The Director of Sustainable Communities, in consultation with the Cabinet Member for Sustainable Development, is authorised to approve the S106 Healthcare allocations on receipt of the proposed spend from the NHS as set out in Appendix 4.
 3. The Director of Sustainable Communities, in consultation with the Cabinet Member for Sustainable Development, is authorised to spend the approved S106 allocations for highways and transport as detailed in Appendix 5 and
 4. The Director of Sustainable Communities, in consultation with the Cabinet Member for Fairer Chelmsford, is authorised to agree the spend of the approved S106 allocations for affordable housing projects as set out in Appendix 6.
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1. Introduction

- 1.1. For a number of years, Chelmsford City Council has collected financial contributions from developments across its administrative area using agreements known as S106's, under the Town and Country Planning Act 1990. The majority of these contributions are linked to the Planning Contributions Supplementary Planning document, which was adopted in 2008. Although this policy framework has been superseded by the new Local Plan and the adoption of the Community Infrastructure Levy (CIL), a number of S106 contributions are still collected and held by the City Council.
- 1.2. With the advent of the Community Infrastructure Levy, adopted in 2014, the number of new developments that generate direct financial contributions via S106 has reduced significantly. However, the City Council is currently in receipt of funding that needs to be planned for in line with the S106 to which it is linked.
- 1.3. This report sets out a Spending Plan for 2022 onwards for S106 funding currently held by the City Council.
- 1.4. In determining the spend of S106 funding the following key principles have been borne in mind:
 - The S106 legally specifies what the funding can be spent on
 - In many cases, the S106 funding must be spent in specific locations and on specific projects or infrastructure types

- Any expenditure in relation to the funding is, in the majority of cases, time limited, and if not spent by that date must be returned to the developer

1.5. A separate process is in place to allocate CIL receipts.

2. Summary of S106 Balances

2.1. The current balances held by the City Council are summarised in the table below. This is based on information at September 2022 and the Spending Plan deals with these held balances only.

S106 Purpose	Amount (£)
Strategic Sports & Recreation	2,847,156.76
<i>Beaulieu & Channels</i>	<i>1,339,651.69</i>
<i>Former Runwell Hospital</i>	<i>1,507,505.07</i>
Strategic Water Management	932,090.42
Open Space	682,570.78
<i>Local open space</i>	<i>194,229.82</i>
<i>Strategic open space</i>	<i>488,340.96</i>
Healthcare	530,154.68
Transport and Highways	530,608.43
Local Highways	440,847.73
Strategic Transport:	89,760.70
<i>Widford Park & Ride</i>	<i>6,108.14</i>
<i>Chelmer Valley Park & Ride</i>	<i>13,958.06</i>
<i>Army & Navy</i>	<i>20,455.87</i>
<i>Chelmsford Railway Station</i>	<i>22,295.38</i>
<i>North-East Bypass</i>	<i>26,943.25</i>
Affordable Housing	147,514.04
TOTAL	5,670,095.11

2.2. Appendices 1 - 6 detail proposed project spend.

2.3. The preparation of the S106 Spending Plan has been facilitated through internal and external engagement.

3. Strategic Sports and Recreation

- 3.1. The largest sum held relates to the provision of strategic sports and recreation provision using S106 funding from the Beaulieu and Channels developments and the former Runwell Hospital development.
- 3.2. Appendix 1 sets out proposed project spend.
- 3.3. The funding from the Beaulieu and Channels development is proposed to be spent on the following 4 projects:
 - a) The development of the new community sports facility as part of the Chelmsford Garden Community east of New Hall School
 - b) Improvements to the existing Beaulieu Sports Ground
 - c) The development of a new 3G sports pitch facility in Chelmsford
 - d) Improvements to the athletics track and centre at Chelmsford Sports and Athletics Centre
- 3.4. The funding from the former Runwell Hospital development is proposed to be spent on the following requirements of the S106 agreement:
 - a) The extension and refurbishment of the clubhouse facility
 - b) A 7v7 3G floodlit pitch facility

4. Strategic Water Management

- 4.1. The held contributions will be used as part of the Council's already agreed contributions to flood protection and alleviation measures to reduce the risk of flooding.

5. Open Spaces

- 5.1. The proposed spend on opens spaces is set out in Appendix 3 to the report.
- 5.2. The allocations take into account the purposes specified in the relevant S106 agreements, which in most cases are prescriptive.
- 5.3. The Spending Plan in Appendix 3 lists a range of 22 projects for improvements and investments across the City's parks, green spaces and strategic sports facilities.
- 5.4. Funding of £30,500 will be transferred to the Parish Councils under the terms of the relevant S106 agreements.
- 5.5. Ongoing revenue costs in relation to the projects set out in the Plan can be met from within existing budgets.

6. Healthcare

6.1. The NHS is currently preparing a plan for the spend of the £0.5m held contributions for the enhancement of healthcare provision.

7. Transport/Highways

7.1. There are a number of contributions held for local and strategic transport projects which will be used as schemes come forward, working in partnership with Essex County Council and the Local Highways Panel.

7.2. The local highways balance has been collected for the provision of local transportation schemes often to be delivered by Essex County Council and will be transferred to them once appropriate schemes have been identified that link to the purpose set out in the S106 agreements. This follows the previous process agreed between the City Council and Essex County Council.

7.3. The proposed spend on identified local transport and highways projects is set out in Appendix 5.

8. Affordable Housing

8.1. The held balances will be allocated to projects that support the delivery of the City Council's Housing & Homelessness Strategy.

9. Conclusion

9.1. The S106 Spending Plan sets out the proposed spend of the £5.7m currently held by the City Council.

9.2. It allocates funding to a range of projects that will be delivered by the City Council and partner organisations.

9.3. The Spending Plan has been prepared having regard to the purposes set out in the S106 agreements and matching these to City Council and partner organisation priorities.

List of appendices:
S106 Spending Plan.

Background papers:

Planning Contributions SPD, 2008

Relevant S106 agreements

Corporate Implications

Legal/Constitutional:

The spend of the S106 contributions needs to accord with the defined purpose set out in the S106 agreement and regard has been had to this in preparing the Spending Plan.

Financial:

The S106 contributions are in the majority of cases time limited and if not spent by a specified date must be returned to the developer. If this occurs the opportunity to improve facilities and infrastructure will be lost.

Potential impact on climate change and the environment:

A number of the contributions and the associated projects are linked to sustainable transport improvements to the natural environment which will have a positive impact on climate change and the environment.

Contribution toward achieving a net zero carbon position by 2030:

Investment in cycling, walking and public transport projects contributes to sustainable transport measures and an alternative mode of transport to the car.

Personnel:

None.

Risk Management:

None.

Equality and Diversity:

None.

Health and Safety:

None.

Digital:

None.

Other:

None.

Consultees:

CCC Directors, Essex County Council, NHS England

Relevant Policies and Strategies:

LDF 2001-2021; Planning Contributions Supplementary Planning Document,
Adopted Local Plan May 2020.

Appendix 1: Strategic Sports & Recreation

	PROJECT	AMOUNT (£)
1	<p>a) A maximum of £528,000.00 to be spent on the development and improvements of outdoor sports facilities in accordance with the Sports and Playing Field Development Plan as set out in the priorities of Our Chelmsford, Our Plan. This includes sports pitch layout, cricket, and club facilities. Works are planned from April 2023 onwards.</p> <p>b) £27,550.00 to be spent on the existing sports ground in Beaulieu Park. This includes the 3G sports pitch, fencing, and floodlight project. Works are scheduled to take place shortly.</p> <p>c) £375,000.00 to be spent on the development of an additional full floodlit 3G facility/facilities in Chelmsford. Springfield, Chancellor Park and Writtle Warren Farm area are examples of where this/these could be implemented. This would likely start from 2023 and assumes 50% contribution from the FA/Football Foundation per pitch.</p> <p>d) £300,000.00 to be spent on track and centre improvements at Chelmsford Sports & Athletic Centre. Works are likely to begin in 2023. Whilst the centre is closed for essential track works there is an ideal opportunity to enhance and improve other aspects of the indoor and outdoor facilities. A separate project brief is being formalised.</p>	1,339,651.59
2	<p>a) An extension and refurbishment of the existing clubhouse</p> <p>b) A 7v7 floodlit 3G artificial pitch</p>	1,507,505.07
	TOTAL	2,847,156.76

Appendix 2: Strategic Water Management

PROJECT	AMOUNT (£)
To be used as part of the Council's contribution to the flood alleviation measures	932,090.42
TOTAL	932,090.42

Appendix 3: Open Spaces

	PROJECT	AMOUNT (£)
1	Admirals Park Strategic Outdoor Pitch and Sports Pavilion Improvements	330.40
2	Andrews Park Strategic Outdoor Pitch and Sports Pavilion Improvements	3,170.87
3	Avon Road Play Area	59,466.05
4	Beaulieu Park Strategic Outdoor Pitch and Sports Pavilion Improvements	328.94
5	Central Park Lake Improvements Phase 3	31,759.49
6	Chancellor Park Strategic Outdoor Pitch & Sports Pavilion Improvements	1,523.91
7	Chelmer Park Strategic Outdoor Pitch and Sports Pavilion Improvements	3,520.30
8	Coronation Park Landscape Improvements	1,958.62
9	Coronation Park Play Area Refurbishment	1,617.80
10	Hylands Park Accessibility Improvements	4,076.49
11	John Shennan Field Play Refurbishment	1,757.56
12	Landscape Improvements Central Park	1,798.88

Agenda Item 6.2

13	Lionmede Park Strategic Outdoor Pitch & Sports Pavilion Improvements	654.78
14	Melbourne Park Strategic Outdoor Pitch & Sports Pavilion Improvements	466,584.83
15	Noakes Park Landscape Improvements	2,699.27
16	Saltcoats Park Strategic Outdoor Pitch and Sports Pavilion Improvements	2,308.43
17	Saltcoats Park/Compass Gardens Sport Facility Improvements	2,447.68
18	Saltcoats Park/Compass Gardens Strategic Outdoor Pitch & Sports Pavilion Improvements	336.22
19	Springfield Green/Pollards Meadow Play Area	812.30
20	Springfield Hall Park Strategic Outdoor Pitch & Sports Pavilion Improvements	4,787.10
21	Woodland and Native Hedge Planting at Andrews Park	11,589.46
22	5 th Avenue Play Area Refurbishment	9,466.26
23	To be transferred to Parish Councils	30,661.24
24	To be determined	34,758.86
	TOTAL	682,570.78

Appendix 4: Healthcare

PROJECT	AMOUNT (£)
Currently under consideration by NHS	530,154.68
TOTAL	530,154.68

Appendix 5: Transport/Highways

	PROJECT	AMOUNT (£)
1	Align to Essex County Council/LHP project	125,060.08
2	East Chelmsford Cycle Links	12,315.45
3	Army & Navy Sustainable Transport Package Contribution	170,233.65
4	Tindal Square	87,206.03
5	Maintenance of Station Square	22,295.38
6	Chelmsford North East Bypass	26,943.25
7	To be determined	86,554.59
	TOTAL	530,608.43

Appendix 6: Affordable Housing

PROJECT	AMOUNT (£)
Housing/Homelessness Strategy priorities	147,514.04
TOTAL	147,514.04