

Committee: Cabinet

Agenda Item

Date: 10 July 2017

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Title: S106 Community Pot Stansted

Portfolio Holder: Cllr Ranger

Key decision: Yes

Summary

1. As part of the approval for the residential development of land at Rochford Nurseries/Forest Hall Road Stansted a number of S106 legal agreements were entered into by the developers. These have provided, amongst other things, financial contributions which are intended to be used for, "such leisure recreational and/or community facilities in the District of Uttlesford as arise out of or are reasonably related to the needs of persons occupying or to occupy the dwellings within the Development".

Recommendation

2. It is recommended that
 - i. Subject to the agreement of the developers; a sum of £200,000 is allocated to Stansted Parish Council to fund the release of all "reserved rights" held by a third party over all of the Parish Council-owned land at Crafton Green.
 - ii. The allocation of £52,290 for the skateboard park is removed and the monies added back to the available pot.

Financial Implications

3. The funding requested will be drawn from ring fenced S106 funds available for this purpose. There are no other financial implications arising from this report.

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

Impact

Communication/Consultation	The community hub project has been developed following community consultation.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None

Sustainability	None
Ward-specific impacts	Improvements to Stansted South and Stansted North wards.
Workforce/Workplace	None

Situation

5. Within the S106 Community Pot Stansted there has been £1,403,250.45 collected from developers and £1,203,695 allocated leaving a balance of £199,555.45 remaining to be allocated.
6. Within the sum of £1,203,695 there is an allocation of £52,290 towards the Stansted skatepark. Stansted Parish Council have advised that this sum is no longer needed as external grants were obtained that covered the cost. This increases the available balance to £251,845.45
7. The monies are provided by the developers to mitigate the impact of the new development and to provide the necessary leisure, recreation and community facilities within the local area to support the development.
8. The Council has received a request from Stansted Parish Council (Appendix One) which requests the release of a further sum of £200,000 from the pot to fund the release of all 'reserved rights' held by a third party over all of the Parish Council owned land at Crafton Green.
9. This is the site on which it is proposed to build the community hub and for which a sum of £600,000 has already been allocated from this pot.
10. It is appropriate for this type of legal expenditure to be funded from the pot, as by doing so it enables the community hub, which is for the benefit of all residents of Stansted including Forest Hall to go ahead.
11. It is normal practice to seek approval of the allocation from the developer(s) and they have been notified of the request.
12. Should Members and the developers agree to this allocation the pot will be left with the sum of £51,845.45 to be allocated.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
The sum will be insufficient to release all reserved rights	1 The figure has been agreed between the two parties	4 The project would be delayed further	Agreement has been reached following a period of arbitration

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix One

SUBMISSION TO CABINET FOR ADDITIONAL FUNDING FROM THE S.106 COMMUNITY FUND RELATING TO FORESTHALL PARK, STANSTED MOUNTFITCHET

The Parish Council wishes to apply for £200,000 to be taken from the above fund in order to fund the release of all “reserved rights” held by a third party over all of the Parish Council-owned land at Crafton Green. This will not only permit the community hub project to be re-started but will enable the Council to use the remainder of the site in the best interests of all the parishioners.

To remind members of the Cabinet, the project will deliver a modern building, environmentally sound which will house the Library, Parish Council, a public toilet, CIC representation by UDC, and will lead to the ability of the Library and Parish Council to function over much longer opening hours without an increase in costs. In addition, it will provide the ability to house the Registrar, CAB and outreach services from Essex County Council.

The contract for this project totalled £840,000 of which £600,000 was allocated out of the S.106 Community Fund for Foresthall Park. The acquisition of the rights will significantly increase the cost in completing this project and of releasing the remainder of the site from any restrictions.

It is urgent to arrive at a settlement with the third party as costs are being incurred every week that the project is delayed (project on hold from September 2016) and if funding is not available, it is unlikely that the project will be deliverable in its current form. In order for members to have a full picture, it should be borne in mind that the former library building has been demolished and thus Stansted Mountfitchet and the surrounding area is now without a permanent library and thus has deprived parishioners of a long-established service.

All of the services that would be met on this site, and anything that could occur in the future, will be of benefit to all the residents of the parish, and beyond, and thus we believe meets the requirements of the S.106 Community Fund.