

Report to: **Executive**

Date: **22 April 2021**

Title: **Release of Section 106 Funds for Dartington Woodland Adventure Bike Track Project**

Portfolio Area: **Parks and Play Parks, Health and Wellbeing – Cllr Jonathan Hawkins**

Wards Affected: **Dartington and Staverton**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **Upon the expiry of the Scrutiny call-in period**

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RECOMMENDATION:

That the Executive approve the release of £11,387 Section 106 funds towards the Dartington Woodland Adventure Bike Track project.

1. Executive summary

- 1.1. The Council has a key role as Local Planning Authority in securing funds for appropriate mitigation projects in relation to development. These funds can be deployed either directly on Council projects or released to community groups and other organisations to develop projects that assist in mitigating the impact of developments. The current mechanism for securing funds is through Section 106 (s106) of the Town and County Planning Act.
- 1.2. The Council has secured £133,208.46 s106 funds in Dartington for “*improvements to sports facilities*”.
- 1.3. The Executive meeting on 10 September 2015 resolved that the project(s) on which these funds should be spent was “*TBC by a Dartington Open Space Sport and Recreation (OSSR) Plan*” with agreement of specific projects within the plan delegated to the Assets Lead specialist in consultation with the Ward Member(s) and Portfolio Holder.
- 1.4. Dartington produced an OSSR Plan in 2017, and this was updated in 2019. In January 2021, relevant clubs and sports organisations were invited to apply for the available s106 funds, with bids to be made by 26 March 2021.

- 1.5. Dartington Recreation Association submitted a number of applications, including one for a Woodland Adventure Bike Track. The Ward Member has expressed concerns about this project relating to the potential impacts of the bike track on the woodland and its associated wildlife, and does not support the expenditure. For this reason, the application has been brought to the Executive.

2. Background

- 2.1. The Council has secured £133,208.46 s106 funds in Dartington for “*improvements to sports facilities*”. £77,248.75 of this is from the Sawmills development (planning application number 14/1744/13/F0) and £55,959.71 from the Webbers Yard development (planning application number 14/1745/13/O).
- 2.2. Dartington Recreation Association (“DRA”) has submitted an application to the Council to use part of these s106 funds for the provision of a Woodland Adventure Bike Track. The application is considered in further detail below. The site location is shown in Appendix 1, and a plan and visualisations in Appendix 2.
- 2.3. The proposal is to create a two loop bike track within an existing woodland setting. The bike track is proposed to be suitable for all ages and abilities. The outer loop is primarily for beginners, those learning to ride their bikes or those on three or four wheel adaptive bikes. The inner loop is for more experienced riders looking for a challenge and to develop new skills. It will have berms (banked turns), rollers and jumps.
- 2.4. The total cost of the project, including planning, is £48,589 and DRA are requesting £11,387 s106 funds to enable the project to go ahead.
- 2.5. In respect of s106 applications for OSSR, projects are considered against the following criteria:

Criterion	Justification
Community Need	Evidence of need for the project
	Inclusion of the project with a Town/Parish OSSR Plan or other relevant evidence studies such as the Council’s OSSR Study, Playing Pitch Strategy, Green Infrastructure Framework etc
Community support	Evidence of community support for the project e.g. through public consultation
Provides/Improves Community OSSR facilities	Evidence of community benefit
	Lasting impact
Deliverable	Ownership of the asset and whether necessary consents e.g. planning permission and licenses are in place for any works
Value for money	Suitable quotes/tendering process
	Amount of match funding secured

- 2.6. The application is considered against these criteria in the sections below.

Community Need

- 2.7. The application states that the current recreational provision at Meadowbrook is in need of an upgrade with the community currently lacking quality recreational provision, and forcing residents to drive to neighbouring towns to access alternative facilities. New houses have also increased pressure on the facilities which already required improvement.
- 2.8. The Dartington OSSR Plan recommends that the Meadowbrook Community Centre and surrounding area become a hub for sport and recreation. Recent improvements to play provision at the site (partly funded via s106 funds) show the potential of the site to become a thriving hub within Dartington.

Community Support

- 2.9. Extensive consultation with the community has been carried out in recent years, and has shown clear community support for the bike track project.
- 2.10. Local children and young people have also been involved with the track design. A key element of the design is its inclusive nature, with the track providing an opportunity for disabled people to have the same opportunity for outdoor sport and play as their able-bodied peers. Bidwell Brook School, an additional needs school located adjacent to the site, has been involved in the design and is fully supportive.
- 2.11. A recent online consultation in March 2021 found 196 of the 208 respondents supportive of the project, with reasons including:
 - Something for children to do, especially older children
 - Fun activity
 - To improve bike skills
 - To be in nature
 - For physical and mental health benefits
 - Because the facilities are free, inclusive and benefit many
 - The track location is close to home or school and nearer than other options
- 2.12. The 12 people who did not support the track cited reasons such as environmental damage, wildlife damage to the woodland and worries that the track wouldn't last.
- 2.13. Letters of support have been provided with the s106 application including from all of the local schools (Dartington primary, River Dart Academy and Bidwell Brook), Dartington Youth Club, local BMX riders and coaches, and a local bike shop.

Provides/Improves Community Facilities

- 2.14. The project will provide a new community facility, open to all abilities. There is also a desire to promote the facility to female and disabled riders.
- 2.15. A bike track committee has been formed with 5 key members (including chair, vice chair, treasurer and secretary) as well as a wider network of 13 volunteers and youth representatives. This gives confidence that there will be a lasting impact. The relationship between DRA and the bike club will be managed via a User Agreement. Weekly upkeep will be undertaken by local volunteers. A local BMX rider and track designer will be contracted for a quarterly maintenance day.

Deliverability

- 2.16. The site is owned by Dartington Hall Trust and is on a long lease to DRA.
- 2.17. Planning permission for the bike track was secured in October 2019 (planning application number 2428/18/FUL). The planning process considered the potential impacts on both the woodland and its associated wildlife, with both the Tree Officer and Ecologist satisfied that the development was acceptable, subject to planning conditions.
- 2.18. The following conditions were secured:

Condition number	Description
1	Time limit.
2	Accord with plans.
3	Submission of a Tree Protection Methodology prior to construction.
4	Submission of a plan indicating where mitigation planting will be carried out prior to construction.
5	Adherence to Ecology Report.
6	Written confirmation that the provisions in the ecology report have been properly created by a suitably qualified ecologist.
7	Landscape and Ecology Management Plan to be approved by the LPA prior to construction.
8	No lighting within the woodland.
9	Development to be carried out in accordance with the submitted Flood Risk Assessment and mitigation details.

Value for money

- 2.19. Quotes from several contractors were obtained.
- 2.20. The total cost of the project is £48,589 and DRA are requesting £11,387 s106 funds to allow the project to go ahead. They have funded the planning element themselves and an external grant has been secured subject to securing funding for the remainder of the project.

Conclusion

- 2.21. It is considered that the need for the project has been demonstrated. Despite concerns from some members of the community, there is overall community support for the project, evidenced through community consultation and involvement in the design. The facility will provide a new facility open to all abilities, and a bike track committee and volunteers has been formed giving confidence that there will be a lasting impact of the project. The project has secured planning permission and is thus considered to be deliverable. The proportion of s106 funding being requested is relatively small, with other funding secured, and the project is thus considered to represent good value for money.

3. Outcomes/outputs

- 3.1. The desired outcome is the provision of enhanced facilities for sport and recreation to provide for both new and existing residents.

4. Options available and consideration of risk

- 4.1. If funding from s106 is not allocated to this project then there is a risk that the other external grant funding may be lost. This leaves a risk that the community benefits of the project in relation to sport and recreation, and its associated physical and mental health benefits, are not realised.

5. Proposed Way Forward

- 5.1. That the Executive approves the release of £11,387 s106 funds towards the Dartington Woodland Adventure Bike Track project.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>Contributions are secured by planning obligations under Section 106 of the Town and Country Planning Act 1990 to support projects that mitigate the impact of development.</p> <p>The Council has an obligation to spend the funds in accordance with the terms of the agreement.</p>
Financial implications to include reference to value for money	Y	<p>The Council's Financial Procedure Rules require that authorisation of expenditure using funds received from s106 agreements must be sought from the Section 151 Officer for amounts up to £30,000 by the appropriate Senior Officer, following consultation with the relevant Ward Member as a minimum.</p> <p>The proportion of s106 funding being requested is relatively small, with other funding secured, and the project is thus considered to represent good value for money.</p>
Risk	Y	<p>There is a risk of funds not being spent in accordance with the s106 agreement. To address this, where any s106 funds are passed to community groups to develop and deliver projects, offers of grants are made with appropriate terms and conditions securing the interest of the Council and ensuring that the requirements of the s106 agreements are adhered to.</p> <p>Some s106 agreements have 'clawback' clauses allowing the developers to be re-paid the money if it is not spent within a certain timeframe. Thus there is a risk of communities losing out if money is not spent within the specific timeframes.</p> <p>There is a risk of funds not being allocated in accordance with community aspirations and that community benefits may not be secured for the long term.</p>

Supporting Corporate Strategy		Communities
Climate Change – Carbon/Biodiversity Impact	Y	<p>Biodiversity impact was considered as part of the planning application process, with the Ecologist satisfied that the bike track was acceptable, subject to planning conditions.</p> <p>The project will encourage cycling and is located at the end of the Totnes to Dartington cycle track, on Sustrans National Cycle Network route 28.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	<p>The bike track project has considered equality and diversity.</p> <p>A key element of the bike track design is its inclusive nature, with the track providing an opportunity for disabled people to have the same opportunity for outdoor sport and play as their able-bodied peers.</p> <p>Bidwell Brook School, an additional needs school located adjacent to the site, has been involved in the design and is fully supportive. There is also a desire to promote the facility to female and disabled riders.</p>
Safeguarding	Y	The bike track committee has developed a comprehensive 'Safeguarding Children and Disabled People' policy
Community Safety, Crime and Disorder	Y	The bike track committee has carried out a comprehensive risk assessment for the track which considers vandalism and anti-social behaviours. The Police Architectural Liaison advice in Crime Prevention through Environmental Design will be followed.
Health, Safety and Wellbeing	Y	<p>The bike track committee has carried out a comprehensive risk assessment for the track.</p> <p>Enhancements to Open Space, Sport and Recreation facilities are closely linked with improved health and wellbeing.</p>
Other implications	N	

Supporting Information

Appendices:

Appendix 1: Site Location

Appendix 2: Plan and Visualisations of the track

Background Papers:

None