

Report of Interim Town Clerk

S.106 Funding for sport and play in Berwick upon Tweed

Background

1. A number of elected members noticed an error or omission in a recent documented circulated by Northumberland County Council concerning the proposed Section 106 agreement funding for sports and play required as part of the conditions for the Seton Hall development. The error made it appear as if funding arising as a condition of the Seton hall development were being allocated to Alnmouth parish.
2. As a result we contacted Northumberland County Council; their response to both the specific inquiry and a more general question appears at 3 below and may be informative for members.
3. 11/03407/OUT Seton Hall, Ord Road, Tweedmouth

I can confirm that following the discovery of the error in the original agreement for Seton Hall that immediate arrangements were made to rectify the mistake.

A deed of variation was drafted and signed by all parties to change the wording so that the contribution was for the Parish of Berwick and not Alnmouth. The contribution being for provision, upgrade and maintenance of open space, sporting provision and recreational facilities.

Please be assured that the wording and use of Alnmouth was merely a 'copy and paste' error from a solicitor using a previous agreement as a template. Please see attached a copy of the deed of variation. I trust this addresses everyone's concerns about this matter.

Please note, payment of the contribution is only required prior to commencement and we have not yet received any reserved matters application as yet, so it may be possible the development does not proceed and no money will be paid. Reserved matters application is required before 13th October 2017.

With regards to S106 money available for the Berwick area, I can confirm there is currently no money available for Sport or Play for the Berwick area. This is because the planning policies for the former Berwick Borough did not require specific contributions to be made towards sport and play, unlike Wansbeck District Council who adopted a Supplementary Planning Document (SPD) to require a set contribution per new dwelling.

Local Planning Authorities can only seek contributions to make an unacceptable development 'acceptable' and obligations should only be used where it is not possible to address unacceptable impacts through a planning condition

There are very few planning permissions in the Berwick area where we have been able to request contributions for sport and play to mitigate any deficiencies. Substantial need evidence is required to ensure that obligations should be necessary, directly related to development and fair and reasonably related in scale and kind.

The Parish and Town Council's are considered best placed to receive sport and play contributions. Please see attached link which shows how you can apply for the funding should any be paid by a developer.

<http://www.northumberland.gov.uk/Business/Grants/Grants-Funding.aspx#fundingforsportplay>

I will contact you in the event of any money being received and advise you how much you can apply for.

Please do not hesitate to contact me if you have any questions.

Recommendations

1. That members note the report, and
2. That members indicate any steps they wish the Town Clerk to take in connection with the future use of S.106 monies.