

Cabinet

11 June 2024

Release of s106 funding for use on Deangate Community Parkland

Portfolio Holder: Councillor Simon Curry, Portfolio Holder for Climate Change and Strategic Regeneration

Report from: Peter Garrett, Greenspace and Access Programme Manager

Authors: Joe McCarthy, Greenspace Development Officer

Summary

This report requests that the Cabinet agree to the release of specific s106 funding to enable the development and subsequent ongoing management of Deangate Community Parkland, a site which sits on the part of the Medway Council Owned former Deangate Ridge Golf Course. This will ensure that the Council delivers the open space scheme which as of February 2024 has Planning Permission subject to the approval of conditions.

1. Recommendations

1.1. The Cabinet is requested to agree to the release of s106 monies to be used on the proposed Deangate Community Parkland. Subject to its agreement of recommendation 1.1, the Cabinet is requested to note that the Chief Operating Officer will make the following s106 additions to the Capital Programme, using authority delegated to him in the Council's Employee Delegation Scheme:

- £558,552.39 from MC/17/1884, £360,163.57 from MC/16/2837 and £149,005.73 from MC/18/0247
- A further £98,374 from s106 agreement MC/19/3129 to be committed to the capital Programme when its trigger point is met.

2. Suggested Reasons for decisions

2.1. These decisions will help the Council deliver its obligations to create open space at Deangate and offer an enhanced greenspace for the wider community.

- 2.2. The s106 monies will enable a Change of use from former golf course to community park comprising works to existing access and car park, cycle parking, formation of footpaths, landscaping, tree/scrub planting, boundary treatments, site interpretation and benches with associated works.

3. Budget and Policy Framework

- 3.1. The strategic need for new parkland was initially identified in the SEMS (Strategic Environmental Management Scheme) programme which formed part of the larger £170 million HIF (Housing Infrastructure Fund) Scheme. Until the removal of funding by Homes England in 2023 the site known as Deangate Community Parkland was to be brought forward as part of SEMS to mitigate/manage potential future impacts of housing in Medway. At the time of the removal of HIF £1.7 million had been allocated to the creation of Deangate Community Parkland.
- 3.2. The required environmental package of mitigations will come forward as part of the Local Plan Process. However, the Deangate Community Parkland application was intended to be a proactive approach to ensure that this land is available to provide it in the future if the evidence base demonstrates it is required. This is why despite the loss of HIF funding the decision to seek planning permission for Deangate Community Parkland was made, with the intention to seek alternative funding for its creation and management.
- 3.3. The Medway Plan sets out objectives related to Healthy and Active communities and a Clean and Green Environment, both of which can be achieved by using s106 funding to help deliver Deangate Community Parkland.

4. Background

- 4.1. The site was originally used as a golf course to the South of the Lodge Hill Training Area on the Hoo Peninsula, within Medway Council's administrative boundary. The proposed Deangate Community Parkland covers a total of 43.3 hectares within the former golf course boundary.
- 4.2. The golf course permanently closed in 2018. As stipulated in the Medway Council 2018 committee paper, the Cabinet approved the closure of Deangate Ridge Golf Course and associated golf facilities on the basis of ongoing substantial financial loss; an average yearly net loss of £192,555.28 between the years 2007 and 2017. This financial loss was determined as unsustainable, and site was not viable to continue due to these losses. Since the permanent closure of the golf course in March 2018, the site has not been in formal use.
- 4.3. The proposed Deangate Community Parkland was previously a HIF funded scheme with its entire planning application cost being funded by HIF, excluding the final planning application fee of £2092 which was paid for by revenue funded s106.

- 4.4. In February 2024, the Council was successful in its application for Deangate Community Parkland. Following the successful application, discussions with s106 officers within the council identified that certain s106 contributions could become available for Deangate Community Parkland.
- 4.5. The Council have identified a total of £1,166,095.69 in s106 funding that could be used for Deangate Community Parkland. A table setting out the individual s106 identified can be seen in appendix 1.
- 4.6. Appendix 1 shows the monies each s106 contains, when it's spend by date is and the covenant which sets out what the money is to be used for. All the s106 funding listed in the table have covenants which are satisfied by Deangate Community Parkland. Of keynote for this paper is MC/17/1884 which is the only s106 in the table currently recognised as to be used for capital spend. Crucially the spend by date for this is 15/03/2025 so it has been identified as the most pressing s106 to be assigned to a capital project.
- 4.7. Work is being completed to achieve match funding for the site with the s106 currently available being eligible for match funding. For example, Officers are working to provide complimentary match funding with the National Heritage Lottery fund (NHLF) and the Rural England Prosperity Fund (REPF) both of which can provide further funding opportunities for Deangate.
- 4.8. This work will also allow the Council to help deliver the administration's pledge to provide new greenspace and improve access to greenspace across the Borough.

5. Options

- 5.1.1. Option 1 – Greenspaces to utilise S106 monies of £1,166,095.69 for the delivery and future management of Deangate Community Parkland.
- 5.1.2. The use of S106 funding for Deangate Community Parkland will help to enable the discharge of conditions as per the decision notice given to the successful Deangate Community Parkland planning application on 16/02/2024. With the conditions discharged Medway Council will preserve this area of Greenspace for the public, granting formal access and protection of the bordering Site of Special Scientific Interest (SSSI).
- 5.2.1. Option 2 – Do Nothing
- 5.2.2. This would mean that the majority of s106 funds provided will remain unspent at a risk of being returned to the various developers.
- 5.2.3. The standard and accessibility of Deangate would remain poor and objectives and standards set within the Local Plan and the Medway Plan would not be met.
- 5.2.4. The site is being accessed by the local community in an unregulated way and a number of health and safety issues need to be resolved to minimise risk.

6. Advice and analysis

- 6.1. The plans for Deangate Community Parkland have developed over time since the beginning of HIF. In 2022 the redline boundary was agreed for Deangate Community Parkland at which point Medway Council consultants BPTW and LUC were instructed to begin work on the planning application. Officers have been very careful to align all this work within planning guidelines throughout the application process.
- 6.2. The release of funds will allow this work to continue post planning approval to ensure the delivery of a quality open space that will best serve the local community.

7. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Future Management of the site	Management of site is unable to be achieved within budgets.	Adapt future site management should further s106 receipt not be received. Car Parking will also be charged to help contribute to the future management of the parkland.	BIII
Site of Special Scientific Interest (SSSI)	Part of the site is designated SSSI	To ensure the continuation of this habitat a management plan was created as part of the design and planning work. Work will be done within the budget to ensure this is funded.	BIII
Budget	The current s106 allocated budget is not enough to deliver the latest £1.7 million cost plan for Deangate. Future trigger points not met and additional S106 and match funding not available.	The creation of Deangate Community Parkland will be phased, utilising the s106 with shorter spend by dates first to complete initial works and discharge the necessary conditions. This will help secure the planning permission and public access to the parkland. Future funding made available will be used to deliver later features of the development.	BIII

Likelihood:	Impact
A Very likely	I Catastrophic
B Likely	II Major
C Unlikely	III Moderate
D Rare	IV Minor

8. Consultation

- 8.1. As per the Deangate Community Parkland Planning Application (MC/23/2597) a Statement of Community Involvement was completed which set out three stages of Consultation work completed on Deangate Community Parkland. The first two consultations were wider HIF Consultations but the third focused solely on Deangate Community Parkland which achieved broad support from various key stakeholders along with 78% individuals asked agreeing with the current proposals.
- 8.2. The Council's future management of the site will also include working with a Friends Group and other voluntary organisations who will assist with the site's management.

9. Climate change implications

- 9.1. The creation of Deangate Community Parkland and its ongoing management for nature and people's enjoyment of nature will make a significant contribution to the Council's target for Medway to become carbon neutral by 2050.

10. Financial implications

- 10.1. The Chief Operating Officer has delegated authority, set out within the Employee Delegation Scheme, to: approve in-year additions to the capital programme and revenue budget in consultation with the Finance Portfolio Holder, subject to:
- (i) funding coming from external sources;
 - (ii) no financial contribution being required from the Council;
 - (iii) funding being ring fenced for specific purposes.
- 10.2. Therefore, subject to Cabinet approval to progress with the works outlined at Option 1, the Chief Operating Officer will add to the Capital Programme for Deangate Community Parkland:
- £558,552.39 from MC/17/1884, £360,163.57 from MC/16/2837 and £149,005.73 from MC/18/0247
 - A further £98,374 from S106 agreement MC/19/3129 to be committed to the capital Programme when its trigger point is met.
- 10.3. These sums will be used to help discharge the conditions set out in the planning decision notice (MC/23/2597) and deliver the required open space improvements. Also, they will help to assist the sites ongoing management.

11. Legal Implications

- 11.1. If the conditions are not discharged within 3 years of the planning decision notice, the planning permission for Deangate Community Parkland will expire.

11.2. If the various s106 is not spent within the designated spend by dates, the Developer will be able to request the re-payment of the individual s106 monies.

Lead officer contact

Peter Garrett, Greenspace and Access Programme Manager. Tel 07970344212.

Email: Peter.garrett@medway.gov.uk

Appendices

Appendix 1 – s106 identified for Deangate Community Parkland

Background papers

None