



SOUTH
KESTEVEN
DISTRICT
COUNCIL




Officer Delegated Decision

Date: 12 December 2023

Richard Wyles, Deputy Chief Executive
and Section 151 Officer

Distribution of S106 monies in relation to Long Bennington Parish council

Phil Jordan, Development Management & Enforcement Manager

 phil.jordan@southkesteven.gov.uk

Decision made by:	Richard Wyles, Deputy Chief Executive and Section 151 Officer
Decision:	To approve the expenditure of the section 106 funds totalling £22,138.00 + VAT (£26,565.60) for the purpose of funding the extension to the car park at Long Bennington Playing Fields
Public or Exempt:	Public
Reasons for exemption:	N/A
Conflicts of interest:	No
Policy compliant:	Yes
Details of delegation:	In accordance with Part 3 of the Council's Constitution, the Chief Finance Officer has authority to amend the capital budget by up to £50k where the Council has received external contributions. The Financial Regulations sets out the approved limits for Officers.

1 Implications

Taking into consideration implications relating to finance; and legal and governance, the following implications have been identified:

Finance

- 1.1 It is important to ensure that the spending of S106 funds is compliant with the conditions set out in the S106 agreement and in accordance with the Council's Financial Regulations as set out in the constitution. Beyond being accountable for the proper spending of the contributions, there are no other financial implications for the Council. The 2023-24 General Fund Capital Budget will be amended by £27k to reflect the transfer of the funds to Long Bennington Parish Council.

Completed by: Alison Hall-Wright, Deputy Director (Finance and ICT) and Section 151 Officer

Legal and Governance

- 1.2 S106 agreements are legally binding agreements between a developer and the Local Planning Authority. The purpose of a S106 agreement is to mitigate the impact of a development on the local community and infrastructure. The S106 agreement specifies the purpose for the contribution and timeframes for spending the money, and it is important that the Council ensure that it is spent in accordance with those stipulations. The decision is in accordance with the terms of the S106 agreement and the Council's constitution.

Completed by: Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

2 The Purpose of the Report

- 2.1 Long Bennington Parish Council has requested funds totalling £26,565 towards the extension of the car park at Long Bennington Playing Fields. The proposal is to extend the area allocated for parking and to make it more formal with hardstanding. The extended area for formal parking would be approximately 192m², finished with 100mm of permeable hardcore and where required bordered with estate fencing.
- 2.2 South Kesteven District Council (SKDC) is in receipt of £26,434 from planning permission S21/0655 and a sum of £16,076.50 from planning permission S16/1451. In both cases the money was secured via S106 agreements. The total sum available from the two agreements is £42,510.50. The relevant clauses within the S106 agreements specify the money is for the following purposes:

- 2.2.1 S21/0655 To be used to upgrade play equipment solely for the purposes of the provision or upgrade of the children's play facilities at Long Bennington playing fields or such other relevant project as mitigating the development.
- 2.2.2 S16/1451 Towards the provision/improvement of existing Long Bennington Playing field/other public space/children's play equipment off site in Long Bennington
- 2.3 Long Bennington Parish Council has requested that the monies received are released to them to fund an extension to a car park in the existing playing fields in the village. The extension to the car park would provide improved access to the playing fields, which currently includes a children's play area, bowls pitches, tennis courts and playing fields. As such, there is need for some parking provision at the facility for visiting teams and some users of the facility from more remote parts of the village/ parish. The roadside footway associated with planning permission S16/1451 has resulted in a loss of existing roadside parking and therefore directly impacted on parking provision for the facility. The increased population as a result of planning permission S21/0655 will increase the demand on the facilities, and therefore the required parking for the existing facilities.
- 2.4 The Parish Council invited five tenders for the works, receiving two quotes, the Parish Council resolved to accept the lowest quote which totals £26,565.60 (VAT inc.).
- 2.5 The land on which the Car Park is located, is in ownership of the Parish and future maintenance and insurances will be managed on behalf of the Long Bennington Parish Council. SKDC will not be acquiring any additional assets which are subject to liabilities or insurances from this project.
- 2.6 SKDC has confirmed by a Lawful Development Certificate (ref: S23/1305) that the proposed project would be permitted development under Schedule 2, Part 12 of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended).

3. Available Options Considered

- 3.1 The Council could decide not to release the funds to the Parish Council. However, no other projects or bids for the funds have currently been received, although the Parish Council has indicated that they intend to submit a further request for the remaining funding to upgrade the play facilities at the recreation ground; this will be subject to a separate decision.

5. Reasons for the Decision(s)

- 5.1 The proposed project is considered to meet the requirements of the S106 funding specified within both agreements (S16/1451 and S21/0655). No other competing projects or schemes have been submitted.

5.2 If the Council does not release the funds for this project, then there is a risk that no other projects will come forwards. If the contributions remain unspent then these is a risk that the monies will need to be returned to the developer.

Signed by: **Richard Wyles**

Dated: **12 December 2023**