PC109 2627c) s106 consideration

Proposal to retain skate park provision as the first option, with flexibility for alternative youth provision

Section 106 Contributions – Melbourn Recreation Provision

Background

The Parish Council holds two Section 106 contributions allocated towards skate park provision in Melbourn:

- **S/1032/17/FL (46–56 The Moor):** £35,921.49, towards the provision, replacement, extension and/or improvement and/or maintenance of a skate park on Melbourn Recreation Ground. Developer: Stonebond Properties (Chelmsford) Limited.
- **S/2424/18/FL (36 New Road):** £35,735.58, towards the provision and maintenance of a new skate park in Melbourn. Developer: R2 Developments Ltd.

The combined original contributions totalled £71,657.07

At its September 2024 meeting, under minute PC096/24, Council received an update from the Skate Park Working Party. The Working Party concluded that the level of engagement was insufficient to demonstrate wide community support for proceeding with the project, and investigations into alternative uses for the Section 106 funding were undertaken.

The Parish Council continues to review the recreational needs of children and young people in Melbourn and wishes to ensure that these contributions deliver meaningful and sustainable benefits for the community.

Proposed approach – two options

The Parish Council wishes to retain the opportunity to deliver a skate park, while also seeking flexibility to pursue an alternative youth-focused project should a skate park not prove feasible or appropriate.

The proposed approach is therefore:

Option A – Skate park provision

The Parish Council would retain the skate park as its preferred option, subject to establishing that the project is feasible, appropriately located, deliverable within the available funding and supported by sufficient evidence of local need.

Option B – Alternative youth-focused provision

If the skate park is found not to be feasible or appropriate, the Parish Council would seek the ability to select an alternative project that responds to the recreational needs of the youth in Melbourn.

Potential projects for further investigation include:

- Enhancements to the New Recreation Ground, including additional play equipment such as a ninja trail.
- Additional outdoor play and recreational equipment for older children and young people, potentially including multi-use goals at suitable public locations.
- Development of other appropriate play and recreational facilities identified through the Council's ongoing assessment of local needs.

The Council would wish to retain discretion to identify and select the most appropriate alternative project, subject to the terms of the relevant Section 106 agreement, any necessary variation and the approval of the relevant authority.

DRAFT

PC109 2627c) s106 consideration

The Council is not seeking to commit to a particular alternative project at this stage. The preferred option would be developed following consideration of feasibility, location, costs, community need and the funding conditions.

Section 106 requirements and proposed variation

The Parish Council understands that changing the purpose of either contribution would require a deed of variation to the relevant Section 106 agreement, with the agreement of the developer.

The Council also understands that legal costs may be incurred, estimated previously at approximately £3,000 per deed of variation.

The Parish Council recognises that the contributions are subject to specific restrictions and that any alternative use must be acceptable under the relevant agreement as varied. The Council therefore seeks clarification from the S106 Officer on whether the agreements could be varied to provide for the following:

1. The funding may continue to be used for skate park provision if Option A is considered feasible and appropriate.
2. If the skate park is found not to be feasible or appropriate, the Parish Council may select an alternative youth-focused project, subject to the agreed scope of the varied agreement and any applicable restrictions on expenditure.
3. The Parish Council would determine the preferred alternative project following appropriate consideration of local needs, feasibility and costs, with the necessary approvals obtained before expenditure is incurred.

The Council acknowledges that the current agreements may restrict expenditure to children's play equipment. It therefore requests guidance on whether the proposed flexibility could be accommodated and, specifically, whether any wider youth-focused provision would be eligible.

The Council understands that a variation would need to be agreed with the relevant developers and completed before any expenditure could be made on an alternative project.

Request to the S106 Officer

The Parish Council respectfully requests that the S106 Officer considers the principle of varying the relevant agreements to retain skate park provision as an option while allowing a suitable alternative project to be selected if the skate park cannot be delivered.

The Council would welcome advice on the scope of projects that could be included within such a variation, the process for obtaining the necessary approvals, and the likely legal costs and requirements for each agreement.

This approach would allow the Parish Council to continue exploring skate park provision without losing the opportunity to deliver an alternative project that responds more effectively to local needs, should the skate park prove unfeasible.

The objective is to ensure that the Section 106 contributions deliver a practical, sustainable and demonstrable benefit for children and young people in Melbourn.

DRAFT