



S106 OUTDOOR RECREATION CONTRIBUTIONS INFORMATION SHEET

WHO IS ELIGIBLE TO APPLY FOR FUNDING?

- Town and Parish Councils
- Organisations acting on behalf of Town and Parish Councils (eg management committees)
- Town/Parish sports and recreation clubs (not necessarily owned/managed by the Town/Parish Council)
- Babergh District Council

FUNDS CAN BE USED

- All funds must be spent on Public land or land that has public access for the benefit of the community in perpetuity
- For the provision of new public open space with/without play equipment on a nearby alternative site or
- To enhance and improve the nearest existing provision as follows:
 - Provision of play equipment
 - Provision of pitched sports areas such as football, hockey and rugby
 - Provision of non pitched sports areas such as tennis courts, bowling greens and sports training areas
 - Drainage and ground works
 - Provision of seating facilities
 - Replacement of existing play equipment in poor condition (where this would result in a real upgrade or an addition to the type of facilities available)
 - Upgrading access to an area to conform to the Disability Discrimination Act
 - Tree and shrub planting and the provision of waste disposal facilities for existing sites

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- The provision of car parking or physical infrastructure, subject to these improving access to, and/or improving the quality of, recreation provision.
- Other facilities or provision as the Council considers eligible under the terms of the relevant Section 106 Obligation(s)
- provision of allotments provided they are managed by town/parish councils or vested in an allotment association which exists for community benefit in perpetuity;
- provision of appropriate equipment which will improve or upgrade the leisure usage of town/parish sports and recreation clubs (not necessarily owned by the town/parish council) provided the land on which the equipment is provided is public land or has public access for the benefit of the community in perpetuity;

Projects must meet relevant standards, with play equipment or related items this is primarily EN 1176.

FUNDS CANNOT BE USED FOR

- Projects on private land
- Payment of anything already started or completed.
- Routine repairs and maintenance of public open space facilities and/or play equipment
- Replacement of play equipment on a like for like basis and where there is no, or limited, added play value
- Indoor facilities (including village hall provision) or golf
- Anything not connected with recreation and/or directly related to the impact of development

PROCESS

- Babergh District Council will inform Town/Parish Councils on a regular basis of the current total available for each parish
- All proposals submitted not from Town/Parish Councils will be subject to consultation with the relevant Town/Parish Council
- Any proposals should be discussed with the District Council prior to any scheme being submitted to:
 - Ensure the scheme qualifies for funding

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- Determine whether the proposal requires planning permission
 - Ensure the proposal meets the Council's protocol relating to distance between play areas and residential properties
 - Determine whether the proposal is suitable for the proposed site and the needs of the community
- Scheme to be submitted with competitive quotations where appropriate
 - Babergh Ward member to be advised of application for information
 - Application will be assessed by council technical officers, decision made and offer made by the Head of Contract and Asset Management
 - On completion of the scheme, or an agreed phase of it, inspection to be undertaken by the District Council and, if satisfactory, funding released.

MAINTENANCE

- Once the process above is complete, the applicant takes on responsibility for operating and maintaining the recreational facility

POLICY

- This policy was adopted by Babergh District Council on 31st July 2008 and amended in February 2011. It applies to the allocation of financial contributions received by the Council under the terms of Section 106 Obligations in respect of off-site recreational facilities.
- A contribution secured under a Section 106 Obligation is paid over to the Council in order to offset the impact of the development. The contribution has to be spent in accordance with the provisions of the Section 106 Obligation and not for any other purpose. The contribution has to be expended by the authority within a fixed period of years as set out in the Obligation, failing which any unspent amount has to be returned with accrued interest. In order to involve fully local communities Babergh District Council will engage with parish and town councils even when Babergh owns the land, and also consider proposals from Town/Parish sports and recreation clubs (not necessarily owned/managed by the Town/Parish Council), to develop suitable schemes. However, it is stressed that first and foremost it is Babergh District Council's responsibility to improve the recreational opportunities in the area through these Section 106 Obligations
- It is the obligation for Babergh District Council to interpret and apply this policy at its sole discretion. The Council's decision on the allocation of Section 106 Obligations for recreational purposes is final.

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HOW PROPOSALS WILL BE ASSESSED

- All proposals received will be considered by Babergh District Council against the following criteria:
 - Proposals must comply with the policy and eligibility criteria as detailed above
 - The proposal must be considered to reasonably relate to the development or developments that provided funding under the Section 106 Obligation. Usually this will be within the same Parish, however, the Council has the discretion to consider exceptions to this, where proposals relate to development the subject of the Section 106 Obligations, but fall outside the Parish boundary
 - The level of recreational value afforded by the proposal as tested against a range of questions
 - Local Areas of Play, Neighbourhood Equipped Areas of Play and Local Equipped Areas of Play must adhere to the Council's advice for planning a play area (available from the Open Spaces Section of Babergh District Council). This is particularly relevant for a skateboard park.
 - Multiple schemes in one parish will have to be prioritised. The parish council will have the opportunity to submit reasons for suggested priorities in such cases
 - Where two or more schemes are submitted in close proximity (eg adjoining parishes) the relevant parish councils will be encouraged to work together but ultimately Babergh District Council will use its discretion to determine which scheme or schemes will proceed.
 - Proposals should have regard to the results of Babergh's Planning Policy Guidance 17 audit and any need identified in that audit (this audit is an assessment of the quantity, quality and accessibility of open space, sport and recreational facilities within each parish)

Please note that this is a summary of the relevant Policy only. If you require further information please contact the Open Spaces Section

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