

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - 5 JUNE 2001

SPORT, LEISURE AND RECREATION FUND

Report by the Director of Development Services

1. PURPOSE OF REPORT

1.1 To outline for approval a formal process whereby developers, whose proposals comprise four or more houses, contribute towards appropriate sport, leisure and recreational facilities to meet the demands of local residents within the area.

2. BACKGROUND

2.1 The Finalised East Ayrshire Local Plan (as modified) was presented to the Development Services Committee on 19 December 2000. It was proposed that Policy TLR 5 be amended requiring "all potential developers of residential sites comprising four or more houses, to enter into a Section 75 Agreement with the Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates".

2.2 The modification has been made to the local plan and there has been no objection to the amended policy.

3. PLANNING CONTEXT

3.1 The East Ayrshire Local Plan (as modified) under paragraph 4.5 highlights specific deficiencies in the provision of sport, leisure and recreational facilities within certain areas. These deficiencies were identified by the Community Services Department following use of the Sportscotland Facilities Planning Model.

3.2 The deficiencies are as follows

- a new indoor swimming pool in Cumnock
- a competition sized sports hall in Kilmarnock
- good quality playingfields in Kilmarnock and Stewarton

3.3 Policy TLR5 was included in the local plan (as modified) to assist the Council in addressing these deficiencies. It provides the means by which funds can be requested by agreements from developers of sites of four or more houses so that the sporting, leisure and recreational needs of the occupiers of such developments and the wider community within which the development relates as identified in the Local Plan under Paragraph 4.5 can be met.

4. THE SPORT, LEISURE AND RECREATIONAL FUND

4.1 The sport, leisure and recreational deficiencies highlighted above relate to the areas covered by Local Planning Committees. It is proposed therefore that a separate fund is established for each Local Planning Committee area and that the funds received are used solely to meet clearly identified local area requirements. Initially funds would be allocated to projects to meet the deficiencies identified above but once these facilities are in place it would be appropriate to publicly review provision and identify new priorities.

4.2 It is suggested that the contributions from developers should relate closely to the total construction costs of the residential development. It is recommended that 1% of construction costs from each development of four or more houses should be deposited with the Council's Finance Department and that this requirement should be contained within the Section 75 Agreement attached to the planning consent or other legal agreement as may be considered appropriate. The Agreement will specify that the contributions received under Policy TLR 5 will only be used to meet the identified sport, leisure and recreation needs of the residents of the development as well as the wider community within the Local Planning Committee area.

4.3 It is recommended that the requirements of Policy TLR 5 be implemented in relation to new applications received following the date of this Committee.

4.4 It is recommended that an annual report be prepared and submitted to this Committee and the Community Services Committee for each Sport, Leisure and Recreational Fund. The annual report should provide information on (1) the number of contributions received in the year, (2) the total amount of funds received in the year, (3) the total amount of funds available and (4) how funds were utilised within the year to either directly meet (or lever in partnership funding from other sources to meet) the specific deficiencies highlighted in the local plan or any subsequent review.

5. POLICY IMPLICATIONS

5.1 There are no policy implications directly arising out of this report as it is consistent with the East Ayrshire Local Plan as approved by Council.

6. LEGAL IMPLICATIONS

6.1 Policy TLR 5 (as modified) would require all residential sites of four or more houses to be supported by a Section 75 Agreement or other appropriate legal agreement.

7. FINANCIAL IMPLICATIONS

7.1 There are no direct financial implications for the Council arising from this report other than incidental costs arising from administering and reporting on the three Local Planning Committee based Sport, Leisure and Recreation Funds.

8. PERSONNEL IMPLICATIONS

8.1 Although additional support would be required from the Council's Legal Section to meet the requirements of Policy TLR 5 there are no other direct personnel implications arising from this report.

9. RECOMMENDATION

9.1 It is recommended that Committee agree to:

- 1) the establishment of three Sport, Leisure and Recreational Funds based on Local Planning Committee areas to receive contributions through Section 75 Agreements attached to planning consents or other appropriate legal agreements from developers of sites within their areas with a capacity of four or more houses;**
- 2) the specific requirements of policy TLR 5 become operative in relation to new applications received after the date of this Committee;**
- 3) the funds generated through Policy TLR 5 be used solely for projects that meet the sport, leisure and recreation deficiencies identified in the local plan or any subsequent public review;**
- 4) annual reports on each Sport, Leisure and Recreation Fund be submitted to future Committees in accord with Paragraph 4.4 above;**
- 5) that a contribution of 1% of total construction costs should be requested from each developer in pursuance of Policy TLR 5;**
- 6) authorise the Director in consultation with the Solicitor to the Council to draw up detailed procedural guidelines for applying these requirements to planning applications and on the administration and use of the fund; and**
- 7) otherwise note the contents of the report.**

Stephen Chorley
Director of Development Services

30 May 2001 (KD/IB)
(FV/AN)

LIST OF BACKGROUND PAPERS **Nil**

For further information please contact Karl Doroszenko on Extension 6751

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AGENDA