

Silverdale Community Facility Scheme

Submitted by: Kim Graham

Portfolio: Regeneration, Planning and Town Centres

Ward(s) affected: Silverdale and Parksite

Purpose of the report

The Council has been working with a range of partners for several years to develop a community scheme as part of the development on the former Silverdale Colliery site. This report outlines progress with the plans and seeks approval to enter into a range of agreements in order to facilitate the development.

Recommendations

- a) That Cabinet approves the transfer of land at the former Silverdale Colliery from the Homes and Communities Agency to the Borough Council (in accordance with the requirements of the S106 agreement dated 7 April 2010).
- b) That Cabinet approves the principle of minor revisions being made to the design of the Community Facility as agreed by the Silverdale Community Facility Steering Group and that the necessary planning permission is sought.
- c) That Cabinet accept Thomas Vale Construction (the lowest tenderer) as the main contractor to carry out the Community Facility building works.
- d) That Cabinet gives approval to enter into a s185 agreement with Severn Trent Water Ltd in order to progress the sewer realignment.
- e) That Cabinet authorises officers to complete the ongoing discussions with partner agencies to meet the requirements of the s185 agreement and supply of services to the community facility.
- f) That Cabinet approves the proposed management arrangements for the facility.

Reasons

The approvals recommended are required in order to develop and implement the Community Facility scheme in line with the planning S106 agreement and in line with the Silverdale Community Facility Steering Group and wishes of the community of Silverdale and Parksite.

1. **Background**

- 1.1 Members will be aware that the former Silverdale Colliery site was included in the National Coalfields Programme in 2001. English Partnerships (EP) acquired the site in 2002 and took on responsibility for remediation of the site and its re-use. Remediation work started on site in 2007 funded through EP and managed by White Young Green. In 2008 English Partnerships and Housing Corporation were amalgamated to form the Homes and Communities Agency (HCA).

- 1.2 The HCA facilitated a comprehensive remediation and redevelopment scheme following a master planning and public consultation exercise that saw a housing led development come forward on the former pit-head area. The HCA selected Barratts David Wilson (BDW) as the preferred developer to undertake the development of 300 new homes. As part of the comprehensive regeneration of the wider area there was a commitment to deliver a community facility, sports pitches and changing rooms.
- 1.3 It was agreed by Cabinet (on 9 September 2009) that the Council would be the accountable body for the community facility. It was also agreed that officer time would be provided to support the development of the scheme and an elected member would be identified to sit on the management board. A Community Steering Group was established to develop proposals through to implementation of the community facility and its management arrangements to meet the needs of Silverdale and Parksite communities. It was agreed that the Community Steering group would be a sub group of Silverdale Parish Council. This was formally accepted at the Parish Council meeting 20 August 2009.
- 1.4 In April 2010 the Council signed up to the S106 agreement with the HCA and BDW to accept funding of £1,143,100 to provide community facilities in accordance with the agreement (to be provided within 5 years of the date of signing).
- 1.5 Since signing the S106 agreement, work has progressed in line with the Community Steering Group recommendations to develop the senior and junior pitches on the Community Facilities land. This work was completed August 2011.

2. Issues

- 2.1 In order to deliver a new community facility for Silverdale in line with the s106 agreement it is necessary to address the following issues.

2.2 **Land transfer**

- 2.2.1 Once the Council, as local planning authority, is satisfied that all the S106 obligations have been met the Council will be in a position to accept transfer of the relevant land parcel as detailed in the S106 agreement.

2.3 **Design, finance and build contract.**

- 2.3.1 The design of the Community Facility has been agreed with the Silverdale Community Facility Steering Group and gained planning approval in January 2012. As detailed earlier the total budget for the project is £1,143,100.

- 2.3.2 In order to deliver a Community Facility within the available budget that meets the requirements of the community it has been necessary to revisit the designs to reduce the likely costs. At this stage it is anticipated that minor modifications will need to be made to the building's roof design and therefore a new planning application will be required. If this application is made before January 2013 there will be no additional costs. It is therefore recommended that this is progressed.

- 2.4 The Council has utilised Staffordshire County Council's Property Services Procurement Framework to complete competitive tendering for the build of the community facility. This sought tenders based on two approaches; modular construction and traditional. These tenders were assessed on the standard approach to ensure value for money with the lowest tenderer being Thomas Vale Construction on a traditional build method. It is recommended that the Council accepts Thomas Vale Construction (the lowest tenderer) as the main contractor to carry out the Community Facility building works.
- 2.5 Officers are continuing to negotiate with partner agencies to ensure the services can be supplied to the Community Facility. It is recommended that Cabinet authorise officers to continue these negotiations to ensure that sufficient finance is secured to ensure the obligations of the s106 agreement and s185 agreement are met. Once officers have secured the necessary financial requirement the transfer of the land from the HCA to the Borough Council can proceed.
- 2.6 Barratts David Wilson has also requested to pay the remaining balance of the S106 funding (£730,576) in full and final settlement of its S106 obligations by the end of June 2012.
- 2.7 **S185 – Sewer realignment**
- 2.7.1 Unfortunately the foul sewer was laid in the wrong position, running directly across the site for the Community Facility and will need to be realigned in order for the building works to commence.
- 2.7.2 In order for the realignment to take place a s185 agreement will need to be in place with Severn Trent Water Ltd (STW). Originally this agreement was between HCA and STW. The HCA have requested that the sewer realignment is now included in the main programme of building works, which means that the s185 agreement needs to be between the Council and STW.
- 2.7.3 The Community Facilities land is required to be in the ownership of the Council before we are able to enter into the s185 agreement as the agreement is between STW and the owner of the land. Once the land is transferred from HCA to the Council we require authority for the Council's legal services to enter into the s185 agreement with STW to realign the sewer. Once this is complete the main building works will be able to proceed.
- 2.8 **Management of the facility**
- 2.8.1 At the Community Steering Group meeting held 5 February 2010 it was agreed in principle to go ahead with the first phase of the Community Facility project, which included the development of the pitches, changing facilities and community room.
- 2.8.2 It was also agreed that Silverdale Athletic Football Club (SAFC) should be asked to take over responsibility of the pitches and changing rooms until the second phase was underway. It was thought at this time that it would be possible to secure further funding to extend the facility to provide extra community space. However sources of external funding are less readily available now so there are no plans at present to extend the facility.

- 2.8.3 SAFC have been established in the area for 30 years and were involved in the original consultation regarding a community facility for Silverdale and Parkside which took place in 2004 when Silverdale New Vision Steering Group was established.
- 2.8.4 It was originally envisaged that a lease would be in place between the Council and Silverdale Parish Council (SPC), who would then have a separate lease with SAFC. Draft Heads of Terms were sent to SPC 18 October 2011. SPC had a number of concerns with these and sought legal advice from the National Association of Local Councils. Based on their comments the Draft Heads of Terms were amended and sent back to SPC 31 May 2012. However, at the SPC meeting held on 21 June, it was made clear that SPC felt the terms were still too onerous and did not want to take on responsibility for the management of the facility. SPC Chair felt there had been a shift in emphasis regarding the role of SPC and that it was never the responsibility of SPC to take on this role. The Council will continue to engage with the Parish Council to ensure wider support for the scheme.
- 2.8.5 In line with the recommendations of the Community Facility Steering Group, Draft Heads of Terms have been sent to SAFC 25 June 2012 for them to consider in relation to taking on responsibility for management of the facility. It is recommended that the Council agrees an appropriate management agreement with Silverdale Athletic Football Club as they have demonstrated commitment to the development of community facilities in the area and are a long term partner on the development of the project through many years of work. It is also worth noting that this approach is aligned to other corporate policies of supporting community management and is similar to other partnerships with sporting groups in the Borough.

3. Proposal

- 3.1 Subject to Members views on the issues outlined above it is proposed that the Council takes ownership of the land, agrees to the principle of amending the building design subject to future planning approval, accepts the additional funding from the HCA, agrees the necessary s185 agreement and contracts with the preferred developer.

4. Reasons for the Preferred Option

- 4.1 The proposed actions are recommended to enable the new Community Facility in Silverdale to progress in line with the s106 agreement and the wishes of the community.

5. Financial and Resource Implications

- 5.1 Funding of £1,143,100 for the project has been secured from HCA and BDW through the s106 agreement. From this funding £405,333.41 has to date been utilised to deliver the football pitches, security fencing, statutory fees (planning and building regulations), site investigation/ecology and Borough Council fees. This report highlights the current progress in securing the remaining requirements. The costs of these remaining elements are not yet fully costed as they involve a range of complex issues, however officers will continue to work with partner agencies to finalise all issues and costs. It is important to note that the recommended negotiations will be completed on the

basis that the Council's costs to delivering the scheme will be met from the agreed s106 funding.

- 5.2 Officer time will continue to be required to support and manage the development of the initiative.

6. Outcomes Linked to Corporate Priorities

- 6.1 Creating a cleaner, safer and sustainable Borough – the development offers the opportunity to enhance the provision of accessible leisure facilities which will in turn have a positive impact on health improvement, quality of life and support for disadvantaged communities, community safety and regeneration.

- 6.2 Creating a healthy and active community – the proposed community facilities will provide local access to opportunities that will address social inclusion.

7. Legal and Statutory Implications

- 7.1 The Council has powers, under the Local Government Act 2000, to improve the social, economic and environmental well-being of the Borough's residents.

- 7.2 The design alterations to the community facility will require a new planning application to be submitted and considered through the necessary channels.

8. Equality Impact Assessment (EIA)

- 8.1 The community facility will be open to use by all sections of the community and will comply with requirements of the Disability Discrimination Act.

- 8.2 An EIA will be undertaken in line with the Council's equal opportunities policy and procedure to enhance community cohesion. The Heads of Terms and Lease for the facility will clearly stipulate the Council's requirements of the management organisation to be responsible for ensuring this is delivered.

9. Major Risks

- 9.1 A full risk assessment is in place and is reviewed regularly in line with council requirements.

10. Key Decision Information

- 10.1 Whilst this scheme is located within one ward, residents from other wards are likely to utilise the facility and the scheme brings together significant investment from a range of partner agencies.

11. Previous Cabinet Decisions

- 11.1 Cabinet 9 September 2009:

- That the Council agrees to become the accountable body for the proposed new Silverdale Community Facility
- That it be agreed to provide officer time to support the development of the initiative

- That Cabinet agrees to identify an elected member to sit on the proposed new management board for the facility

11.2 Cabinet 21 July 2010 Silverdale Colliery Community Facility:

- That the scope and content of the scheme of community facilities is agreed and approved.
- That the Council utilises the Staffordshire County Council Framework for the procurement of the works and that the Council engages Staffordshire County Council for 'Design and Build' services for the project.
- That officers of Newcastle-under-Lyme Borough Council project manage the scheme and ensure that the agreed notifications are given within the required timescales to enable the release of funding when required.
- That officers of the Council continue to assist the steering group in agreeing the detailed elements of the project and the setting up of the community management committee for the future running of the facility.

12. Appendices

12.1 None.

13. Background Documents

13.1 Further information on the scheme is available on request including the S106 agreement 7 April 2010, community centre design drawings and the draft s185 agreement.