

Report to: Cabinet



Date of Meeting: 8 June 2022

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Exemption applied: None

Review date for release N/A

Reallocation of capital funding from Brixington scheme to Axminster Community Skatepark – a pathfinder example of Town and Parish Council criteria to access EDDC capital funding in the forthcoming Play Strategy

Report summary:

It is suggested that Axminster skatepark, phase 2 be funded through the re-allocation of the capital funding assigned to Brixington park improvement scheme. Brixington won't lose out as the scheme is double funded, having secured s106 funding through the Exmouth Sports Vote.

The delivery of the scheme at Axminster is to be used as a pathfinder project to set out criteria for funding community play schemes which have 75% funding from s106 or the community and require further funding to allow them to progress. Suggested criteria for EDDC providing such funding are set out in section 3.2, and it is recommended that these be included in the forthcoming Play Strategy and termed 'fairer play'. Cabinet wish to provide access for community groups to funding which can help make play schemes viable, as they recognise that access to good quality play across our communities is important for children's development, health and wellbeing. Our Play Strategy setting out the standards for delivery across East Devon, and including this funding mechanism for community groups will come to the next meeting of Cabinet.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. Cabinet recommends to Council that Axminster Skatepark is an example of fairer play provision for community groups, and approves the reallocation of £100k as partnership funding for a pathfinder example of this strategy as set out in 2.7, utilising capital funding assigned to Brixington, because the Brixington scheme is now alternatively funded with S106 monies.
2. Cabinet agrees to the principles of fairer play funding for Town and Parish Councils, and requests that the Play Strategy is finalised and reported to a future Cabinet meeting, to include a section which will propose that community groups can bid into the Council's capital budget for up to 25% of a project total, if the budget is available and the stated criteria are met.

Reason for recommendation:

Allows for funding of Axminster Skatepark, enabling for it to make a cut off deadline for completion.

Proposes a future mechanism for Town and Parish council's to bid for additional funding towards projects in their community.

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk; Procurement of schemes should consider embodied carbon impact of delivery and longevity of equipment in the scoring of bids.

Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
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Report in full

1. Funding phase 2 of Axminster Skatepark as a pathfinder example of fairer play provision to be included in EDDC's forthcoming Play Strategy:

- 1.1. We want East Devon's outstanding environment to work for everyone. A big part of this is ensuring we provide outstanding play facilities, that offer our children and young people life enhancing daily experiences that positively impact their health and wellbeing across land. We have responsibility for setting standards that other landowners, such as Town and Parish Councils and community groups, can use as guidance, but also helping such group get a project across the line which otherwise could not progress, to ensure all our communities have fair and good access to important play provision.

- 1.2. Axminster skatepark is a community facility previously operated by Cloakham Lawns Sports Centre (CLSC) and now to be run by Axminster Skatepark (ASP) charity, and this report sets out how this can be a forerunner for 'Fairer play provision for Town and Parish Councils and Community Groups, which we suggest should then be detailed in the subsequent Play Strategy.
- 1.3. The original skatepark (a wood and metal construction) was probably not really adequate in the first place. Although initially very well used, its use declined as it quickly fell into disrepair and the grounds were not properly maintained by CLSC. Antisocial behaviour subsequently followed. Eventually the old Skatepark was removed in 2019 after the contents of a dog poo bin were smeared on the Skatepark, twice. By this point, the Skatepark had been unsafe and not in use for a long time although public pressure (and anger) had been consistently mounting to have the park replaced with something more fit for purpose.
- 1.4. In September 2019, an application was put forward to EDDC and Axminster TC for a new skatepark made of concrete to be paid for using s106 money from another development. The plans, which had been drawn up some years before, would be on the same site but would be fit for purpose and easier to maintain. The full scheme was estimated at £216k and the TC and EDDC agreed that £150k of the s106 would be assigned to this project with the rest assigned to other projects. However, this left a significant funding deficit and the s106 expenditure receipts would need to be submitted by September 2022 to avoid a clawback.
- 1.5. Little to no movement took place on this until last summer. There was however a lot of speculation about why the skatepark was removed, who was responsible for raising the remaining funds, and who would be responsible for the new skatepark once installed; meanwhile, the clock was ticking and s106 money was at risk.
- 1.6. Around this time, the Bovis/Linden homes estate hit their occupancy threshold and the freehold for the land that CLSC occupied was transferred to them.
- 1.7. Recognising the rapidly vanishing timescales, Cabinet discussed things with members of SMT and a site visit took place. This was attended by planning officers, Dave Cook EDDC Engineer, representatives from the police, representatives from CLSC and ASP (Axminster Skatepark), some Members and the clerk of Axminster Town Council, district ward Members and a couple of Members of Cabinet.
- 1.8. It was agreed that the scheme be delivered in 2 phases so that the S106 money was not lost whilst the shortfall for the second phase of the scheme was found. EDDC benefit from reduced cost as it is not liable for VAT, thus making the budget go further.
- 1.9. The required funding for phase 2 of the scheme is £182k and this report considers the re-allocation of £100k of capital funding from the Brixington scheme, which is available as the Brixington scheme has become double funded, having achieved s106 funding through the Exmouth sports vote.

2 The suggestion and subsequent general agreement to allow the project to move forward in the required timeframe was as follows:

- 2.1 CLSC would transfer the freehold (and responsibility) of the land which it acquired for nothing itself, to one of the Councils at nil cost. EDDC was the preferred option as it meant that a new planning application would not be required and the build could be achieved through permitted development. This would buy valuable time in the delivery of the project to avoid s106 clawback by the developer.
- 2.2 EDDC would lease the skatepark land to ASP who would be responsible for its ongoing maintenance and management once built out. Effectively, the skatepark would be managed by the community that uses it from there on out. The Police representatives suggested that a sense of community ownership usually reduced antisocial behaviour. It also relieved EDDC from having to pick up the maintenance of the facility via a team who were already over stretched and where additional budget would be needed (and has not been set). This is an important principle, that EDDC can support community delivery, but can't generally increase its revenue costs.
- 2.3 The Engineers Team would work with ASP to make sure that EDDC procured a design that met local people's needs and ascertain updated project costs, and if necessary deliver the scheme in 2 phases so that the S106 money was not lost whilst the shortfall for the second phase of the scheme was found. EDDC benefit from reduced cost as it is not liable for VAT, thus making the budget go further.
- 2.4 Once in EDDC ownership, the site could qualify for capital allocation funding which would make a bid toward the shortfall for phase 2 possible. Ahead of the proposed fairer play section for the Play Strategy which we will come onto, at the time of coming up with a solution it was felt this was needed so that there was a logic of access to EDDC's capital fund for a site which was not previously in our ownership. The section below explains how this thinking has now evolved and we've recognised the need to formalise a proposal to add criteria for community access to our capital fund for play provision and part funding of a project through our Play Strategy.
- 2.5 Axminster TC is keen to contribute too and is prepared to commit £82k toward the project, subject to EDDC covering the £100k shortfall, as this would enable works to be committed before the end of 2022 and the project to be completed.
- 2.6 At a later meeting, Axminster TC committed to supporting ASP with an annual grant toward Insurance and maintenance costs.
- 2.7 In the recommendations it is proposed that Cabinet agree in principle and recommend to Council that £100k of the capital funding which was approved for the Brixington park enhancement scheme be reallocated to the Axminster skatepark phase 2 project. This is because Brixington park was successful in the Exmouth s106 sports vote and achieved funding via section 106. This would leave a further £50k which could go towards a future community bid if the criteria are approved as part of the Play Strategy.

3 Fairer play provision for Town and Parish Councils and community groups:

- 3.1 Whilst working on the draft Play Strategy, which we will bring forward to a future Cabinet, one of the key deliverables we have set is fairer play provision for all. In discussion with Cabinet and our Portfolio Holder it has become clear that this is a very important principle for service delivery, especially something as pivotal to children's development as play provision. It is an area of the policy that was lacking a delivery mechanism, and that this pathfinder project has helped us to shape.

3.2 EDDC is committed to assist communities in the progression of a play or skatepark scheme where;

- 1) The community own the land upon which the facility is to be located
- 2) The community have local support through a resident vote and from their Town or Parish Council
- 3) The community have a constituted group that will look after the maintenance of the equipment, insurance and cleaning of the area (or can contract to EDDC to do the same).
- 4) Have raised 75% of the project cost through CiL, s106 or other means.

In these scenarios EDDC will accept a bid into its capital allocation budget and when funds are available will provide up to 25% capital funding to help deliver the community project, alongside support and delivery assistance from our Engineering team.

3.3 In recommendation 2 we suggest that the criteria for community access to EDDC's capital programme for play provision is constrained in our Play Strategy and that this strategy is brought to the next suitable Cabinet meeting. The Play Strategy will set out our broader aims for play provision including standards of provision and quality, carbon reduction, natural play, fairer provision and future resourcing.

Financial implications:

The financial details are contained in the report. The proposal is to fund the project from existing capital resources.

Legal implications:

There are no specific implications arising from the recommendation to re-allocate funding. Including the ability for community groups to bid for funding from the capital budget as part of the Play Strategy is acceptable. Adopting the Play Strategy will be a matter for Cabinet.