**Planning Permision – RR/2015/545/P – Station Road, Northiam**

**Granted, subject to s106 planning obligation by agreement, on 24 December 2015**

**Northiam Recreation Ground Contribution**

**Summary**

* A contribution to Northiam Recreation Ground of £192,920 was secured from the developers of the Station Road site through a s106 legal agreement in 2015. The contribution was justified by Rother’s Playing Pitch Strategy 2012-2018, which recommended improvements to the changing accommodation and upgrading of the pitch at Northiam.
* The contribution was received by Rother District Council in 2018.
* Discussions with Northiam Parish Council took place in 2018 in relation to proposals to provide the improvements.
* Quotes were obtained by Northiam Parish Council to improve the parking area and the pitch and a portion of the contribution was spent on this work. £167,334.80 of the contribution remains to be spent and is held by Rother District Council.
* Northiam Parish Council has recently contacted Rother District Council to continue to discuss proposals to improve the facility. Rother District Council will work to ensure that the proposals respond to the issues identified in the Playing Pitch Strategy 2012-2018, as referred to in the planning committee report, on the basis of which the contribution was secured. Note that the need for a new pavilion and changing provision at Northiam Playing Fields is identified in the recently published Hasting and Rother Playing Pitch and Built Facilities Strategies 2023-2039.

**Background**

Section 106 Legal Agreement

The definition of the Northiam Recreation Ground Contribution is - *means the sum of one hundred and ninety two thousand nine hundred and twenty pounds (£192,920) payable to the Council as a contribution to the improvement of Northiam Recreation Ground in accordance with the provisions of Part 3 of Schedule 3 save to the extent that this is altered in accordance with Clauses 6.18 and 10*

Clause 6.18 states that where payment payable under the terms of this Deed is made more than 14 working days after the specified date, Interest shall be payable.

Clause 10 states that the contribution shall be increased through application of a formula relating to the Construction Index.

Part 3 of Schedule 3 states that - *the Northiam Recreation Ground Contribution together with any Interest or Indexation thereon payable under this Deed prior to the first Occupation of the thirty-fourth (34th) Dwelling to be Occupied and not to Occupy more than 33 Dwellings until the Northiam Recreation Ground Contribution has been paid to the Council.*

Paragraph 3 of Part 1 of Schedule 5 states that - *on receipt of the Northiam Recreation Ground Contribution to pay the said contribution into an interest bearing account and not to spend the said contribution except on making improvements to the Northiam Recreaton Ground in consultation with the Parish Council.*

Paragraph 7 of Part 1 of Schedule 5 states that any contributions not spent within fifteen years of receipt shall be paid back to the owners of the land.

The Northiam Recreaton Ground Contribution was received by Rother District Council on 16 April 2018. It therefore needs to be spent by 16 April 2033.

Planning Committee Report

The planning committee resolved to grant planning permission, subject to a s106 legal agreement, on 20 August 2015. They agreed the recommendation set out in the planning committee report. This listed, in paragraph 6.12.2, the matters ‘related to the development, proportionate and necessary’ for inclusion in the section 106 agreement and included ‘contribution towards improving changing accommodation and pitch upgrading at the existing playing fields in the village’.

Paragraph 6.10.5 of the planning committee report explained why this contribution was required advising that - *the existing sports facilities in the village fall short of local need in terms of quality, particularly in relation to the changing accommodation. The Council’s Playing Pitch Strategy recommends that improvements to both changing accommodation and pitch upgrading be supported in Northiam. The Council considers that a contribution should be sought from the developer to help address these issues and that such a contribution would meet the three tests in the CIL Regulation 2010.*

Hastings Borough and Rother District Councils Playing Pitches and Built Facilities Strategies 2023-2039

Page 60 of the document lists Figure 4.2 – Actions for Rother. It includes an action for Northiam Playing Fields – ‘New pavilion and changing provision needed’.

A Playing Pitch Strategy for Rother District Council – 2012-2018

Page 22 sets out recommendations for future provision for the Rother Levels. It supports improvements to changing accommodation and in upgrading pitches at Peasmarsh and Northiam.