

RECORD OF URGENT DECISION

Date: **5 March 2024**

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Part D, Section 6 of the Council’s Constitution provides that the Head of Paid Service (or in their absence a nominated deputy) shall have delegated authority to take urgent decisions following consultation with the Monitoring Officer and the Section 151 Officer (or their deputies). In respect of Executive Functions the Head of Paid Service (or their nominated deputy) will consult with the Leader of the Council (or in their absence the Deputy Leader or in their absence a Portfolio Holder), and in respect of non-Executive functions the Head of Paid Service (or their nominated deputy) will consult with the Chairman of the Council (or in their absence the Vice-Chairman of the Council or in their absence the Chairman of the relevant Committee) and the Leader of the largest opposition group.

If the matter is likely to be a key decision and has not been advertised for a minimum of 28 clear days on the Council’s website, the decision can still be taken if a) it is impracticable to defer the decision until it has been possible for 28 clear days’ notice to be given; b) the Monitoring Officer has informed the Chairman of the Policy & Performance Improvement Committee.

Note – this urgent decision record will be reported to the next available meeting of the Full Council.

Decision Record Summary	
Nature of Decision	Open (Exempt Appendix containing legal advice) Non-Key Decision
Decision Title	Commitment of Section 106 Off-site sports and Suitable Alternative Natural Greenspace (SANGS) contributions to the Council’s Capital Programme.
Decision	That: a) a budget of £228,314.60 is added to the Capital Programme, financed by receipts received through S106 agreement reference AG1087 – Off-site sports contribution to improve sports provision at Joesph Whitaker School and deliver community value and benefit for the local community; and b) a budget of £35,556 SANGS contribution received through S106 agreement reference AG1087 is used by the District

	<p>Council for improvements to habitats and visitor facilities at Vicar Water Country Park.</p>
<p>Reason for Decision</p>	<p>To approve the recommendation to enable the Council to pass the £228,314.60 to Joesph Whitaker School to enhance the quality of sports provision for the benefit of the community thereby contributing positively to Community Plan objectives 'Improve Health and Wellbeing' and 'Protect and enhance the district's natural environment and green spaces'.</p> <p>Partnership work with Nottinghamshire Wildlife Trust has identified the potential for improvements to both habitats and the visitor experience at Vicar Water Country Park, contributing to Community Plan objectives 'Protect and enhance the district's natural environment and green spaces' and 'Reducing the impact of climate change'.</p>
<p>Alternative Options Considered</p>	<p>The only alternative is to return the S106 receipt to the developer in accordance with the S106 agreement which would result in a reduction in investment in sporting infrastructure in the Parish of Rainworth and Suitable Alternative Natural Greenspace in the west of the District.</p>
<p>Decision Taker and Consultation</p>	<p>The Head of Paid Service in consultation with Section 151 Officer, Director of Planning and Growth and Monitoring Officer.</p>
<p>Members Consulted</p>	<p>Consultation has been undertaken with Members as follows: -</p> <p>Cllr. Paul Peacock – Leader of the District Council Cllr. Rhona Holloway - Leader of the Council's largest opposition Group, Cllr. Andy Freeman – Chair of Planning Committee Cllr. Matthew Spoor – Portfolio Holder for Sustainable Economic Development Cllr. Mike Pringle – Chair of Policy & Performance Improvement Committee Cllr. Linda Tift - Ward Member, Rainworth North & Rufford Cllr. Clare Penny - Ward Member, Rainworth North & Rufford Cllr. Celia Brooks – Ward Member, Edwinstowe & Clipstone</p>
<p>Reason for Urgency</p>	<p>The ability to spend the relevant Section 106 monies is time restricted. Although it was anticipated that an extension of time could be secured to allow time to develop and deliver suitable schemes this has not been possible, therefore, the Council now needs to commit the receipts held in order to prevent the monies being returned through the urgency procedure set out above.</p>

1.0 Background

- 1.1 An off-site sports contribution was secured under S106 Agreement AG 1087 in March 2019 with a 5 year spend by date. Due to the lapse of time as a result of external factors including Covid we now need a formal decision from the Council to commit the balance of monies held of £228,314.60 to a number of projects in Rainworth that will enhance the current facility provision. This commitment is necessary to satisfy the requirements of the S106 agreement which requires the contributions to be either expended or committed within the 5-year timeline. Accordingly, a decision from the Council will commit the monies for the purpose they were intended to be used for.
- 1.2 The project that has been identified is for improvements at Joseph Whitaker School to indoor and outdoor sports pitches at the site which is open to the community outside of school hours.
- 1.3 The same S106 agreement included a contribution for Suitable Alternative Natural Greenspace (SANGS) of £35,556.00 to be spent in the West of the District.
- 1.4 In the early Autumn of 2023 Vicar Water Country Park received its worst flood damage in memory with a number of the pathways being washed away and many left inaccessible for long periods whilst the waters were high.
- 1.5 In the late autumn of 2023 Newark and Sherwood District Council Entered a partnership with Nottinghamshire Wildlife Trust to deliver the Three Rivers Project. This project is a run by Nottinghamshire Wildlife Trust (NWT) and funded Severn Trent to deliver a programme of essential measures to improve the water environment in three rivers within the Idle Catchment, for which NWT are the Catchment Hosts. The rivers are Rainworth Water, Vicar Water and the Bevercotes Beck.
- 1.6 As part of the work with Nottinghamshire Wildlife Trust areas of Vicar Water beyond the park boundary are to be de-culverted for the first time in a number of years which will help maintain the flow downstream and reduce the risk of flooding in the park.
- 1.7 The funding for the Three Rivers Project is limited and crucially a number of areas in the park will benefit from these improvements. This includes a portion of the stream which runs through a culvert under one of the footpaths and an area which has great potential for additional wetland habitat creation.

2.0 Options Considered and Reasons for the Decision

Community Facilities

- 2.1 The District Council does not have any directly provided sports provision in Rainworth therefore it is appropriate that £228,314.60 is directed, by agreement, to Joseph Whitaker School to enhance the quality of sports provision as part of ongoing improvements being made to the site.

SANGS

- 2.2 It is proposed that the £35,556 is utilised to add additional value to the work being undertaken at Vicar Water Country Park.
- 2.3 Work will continue with Nottinghamshire Wildlife Trust to develop the plans for the site and will utilise the funds for the following:
- Potential de-culverting of the stream through near Station Road/Vicar Dale
 - Development of new wetland habitats
 - Enhancement of the visitor experience for the site

3.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

3.1 Financial Implications (FIN23-24/1013)

- 3.1.1 The £228,314.60 Off Site Sports and the £35,556 SANGS contributions are available in S106 with reference to the legal agreement AG1087.
- 3.1.2 Due to the expenditure being Capital in nature, the budgets will be added to the Capital Programme, financed by the S106 receipts.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None