



**AGENDA ITEM: 6(e)**

**CABINET: 18<sup>th</sup> June 2013**

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**Report of: Assistant Director Community Services/Borough Planner**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holders: Councillor D. Sudworth/ Councillor M. Forshaw**

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**SUBJECT: USE OF SECTION 106 MONIES IN AUGHTON AND BURSCOUGH**

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Wards affected: Aughton and Burscough West

**1.0 PURPOSE OF THE REPORT**

1.1 To consider the proposals from Aughton and Burscough Parish Council's regarding the use of Section 106 monies received by the Council, from housing developers, for the enhancement of public open space and recreation provision within the wards of Aughton and Burscough West

**2.0 RECOMMENDATIONS**

2.1 That the proposed project to provide new play equipment to Redsands, Rachel Taylor Memorial Field and William Arnold Silcock Memorial Field in Aughton be approved and the Section 106 commuted sum of £11,805 generated in the Aughton area be made available for the project.

2.2 That the proposed project for drainage work to Richmond Park Public Open Space be approved and the Section 106 commuted sum of £28,000 generated in this area be made available for the project.

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**3.0 BACKGROUND**

3.1 Members will recall that Policy DE.1 of the West Lancashire Replacement Local Plan (2001-2016) requires developers to provide open space facilities as part of housing developments. The amount of open space required on site and the level of the commuted sum required to provide or improve open space off site, must be in line with the guidance set out within the Council's Open Space / Recreation

Provision in New Residential Development Supplementary Planning Document (2009). Where financial contributions are collected, the Council can use the commuted sum for the provision of new or the enhancement of existing areas of public open space within its area.

- 3.2 In accordance with the decision of the Planning Committee held on January 10<sup>th</sup> 2002 the views of the relevant Parish Council/ward councillors are sought in respect of the potential use of this money.
- 3.3 In February 2011 an Officer Section 106 Agreements – Public Open Space Working Group was established to co-ordinate the receipt of the commuted sums, and report to Cabinet on proposals for the use of the S106 funding. A function of this group is to establish levels of uncommitted S106 funds across all wards, and consult with Parish Councils and ward councillors as to how this funding could be best utilised in line with the requirements of the S106 agreements.
- 3.4 Information to Parish Councils and receipt of proposals from Parish Councils was received prior to information being sent to ward members. Ward members have been provided with the information and responses received either in support of the proposals or to acknowledge the information. The revised 106 consultation protocol will ensure that ward members are consulted at an early stage and able to add to the options and proposals.

#### **4.0 CURRENT POSITION**

- 4.1 Following consultation with Aughton and Burscough Parish Councils there are two new proposals put forward for consideration for existing Section 106 funding in these areas. The proposals are set out in section 6 of this report. The funding can only be used in accordance with the terms of the related Section 106 agreements for the provision of outdoor play equipment and the enhancement of existing areas of public open space within the localities.
- 4.2 The Borough Planner offers the view that the proposed use of monies is in accordance with planning policy and the terms of the Section 106 Agreement and consequently supports the proposals.

#### **5.0 ISSUES**

- 5.1 The proposals are in keeping with the aims of the Borough Council Play Policy and Cultural Strategy.

#### **6.0 PROPOSALS**

- 6.1 It is proposed to enhance the two areas as below:-

##### **6.1.1 Aughton**

Provision of new and improved play equipment to Redsands, Rachel Taylor Memorial Fields (Cherry Tree) and William Arnold Silcock Memorial Field (Winifred Lane).

### **6.1.2 Burscough**

Drainage improvements to grassed areas of Richmond Park to include football pitch and associated works to improve drainage and improve access for park users across the site.

## **7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

7.1 The projects will support the Council's strategic aims in respect of improving access to quality outdoor space, providing facilities to improve the health and quality of life of the community, and ensuring access to a wide age range.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

8.1 The estimated capital cost of each proposal mentioned in section 6 will be £11,805 for Aughton, £42,000 for Burscough (£28,000 Section 106 commuted sum money and £14,000 from the Football Foundation).

8.2 The applicants are requesting the full Section 106 monies available. Additional project funding of £14,000 has been awarded from the Football Foundation towards the Burscough proposal. The opportunity to undertake the Burscough improvements works is time limited and needs to be undertaken during the football closed season.

## **9.0 RISK ASSESSMENT**

9.1 Section 106 funds need to be spent in accordance with criteria set out in the related planning agreements and usually within a set time from payment. If the Council does not spend the monies in accordance with the set criteria then they will be repayable to the developer. This risk can be mitigated by assessing all project proposals prior to commencement to assure compliance, and working in partnership with the applicants to ensure criteria is adhered to.

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## **Background Documents**

None

## **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix 1 to this report, the results of which have been taken into account in the recommendations contained within this report.

## **Appendices**

Appendix 1            Equality Impact Assessment