



AGENDA ITEM: 5(I)

CABINET 12th November 2013

Report of: Assistant Director Community Services/Borough Planner

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

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SUBJECT: USE OF SECTION 106 MONIES IN ORMSKIRK

Wards affected: Derby Ward

1.0 PURPOSE OF THE REPORT

1.1 To consider the proposals from Ward Councillors 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 Derby Ward.

2.0 RECOMMENDATIONS

2.1 That the proposed project to open up three principal access points, new footpaths, seating and signage at Ruff Woods be approved and the Section 106 commuted sum of £25,000 generated in the Ormskirk area be made available for the project. This is to co-ordinate with existing allocation of £10,000 and anticipated grant funding for disability access.

2.2 That the proposed project to provide new shrub beds and planting to compliment existing park provision and support refurbishment of the Victorian water fountain and remedial work to dry stone wall in St Helens Park be approved and the Section 106 commuted sum of £10,000 generated in the Ormskirk area be made available for the project.

2.3 That the proposal to provide support for the development of two bowling greens on the L.C.C. owned playing fields adjacent to Ormskirk Cricket Club for the benefit of the local community be approved and the Section 106 commuted sum of £40,000 generated in the Ormskirk area be made available for the project.

3.0 BACKGROUND

- 3.1 Members will recall that under policy LE.13 of the local plan, developers must provide open space facilities as part of housing developments. Where developments are less than 20 dwellings or on sites where it is not reasonable to expect a developer to provide on-site facilities, and where there is a deficiency of open space, the Council can require a 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 10th 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.

4.0 CURRENT POSITION

- 4.1 Following consultation with Ward Councillors there are currently a range of new proposals put forward for consideration for existing Section106 funding in Derby Ward area. 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 Section106 agreements for the provision of enhancement of existing areas of public open space within the localities.
- 4.2 Ward members are consulting on and considering additional proposals for Derby Ward for the remaining balance of 106 funding.
- 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 Section106 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 areas within the Derby Ward as below:-
- 6.2 That the proposed project to open up three principal access points, tree maintenance, seating and signage at Ruff Woods be approved and the Section 106 commuted sum of £25,000 generated in the Ormskirk area be made

available for the project. This is to co-ordinate with existing allocation of £10,000 and anticipated grant funding for disability access.

6.3 That the proposed project to provide new shrub beds and planting to compliment existing park provision and support refurbishment of the Victorian water fountain and remedial work to dry stone wall be approved and the Section 106 commuted sum of £10,000 generated in the Ormskirk area be made available for the project.

6.4 That the proposal to provide support for the development of two bowling greens on the L.C.C. owned playing fields adjacent to Ormskirk Cricket Club for the benefit of the local community be approved and the Section 106 commuted sum of £40,000 generated in the Ormskirk area be made available for the project.

7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

7.1 The projects will support the Council's strategic aims in respect of improving access to quality facilities, 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 total capital cost of each proposal mentioned in section 6 will be £75,000, the available funds in the derby ward are £210,000 leaving a residual 106 funding available of £135,000.

9.0 RISK ASSESSMENT

9.1 Section106 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.

Background Documents

None

Equality Impact Assessment

There is a 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 – Use of Section 106 Monies in Derby Ward.