



AGENDA ITEM: 6(a)

CABINET 1 July 2014

Report of: Assistant Director Community Services/ Assistant Director Planning

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

Relevant Portfolio Holders: Councillors D Sudworth & M Forshaw

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**SUBJECT: USE OF SECTION 106 MONIES IN UPHOLLAND AND HESKETH
BANK**

Wards affected: Upholland and Hesketh-with-Becconsall

1.0 PURPOSE OF THE REPORT

1.1 To consider the proposal from Upholland and Hesketh-with-Becconsall Parish Councils regarding Section 106 monies received by housing developers for the enhancement of public open space and recreation provision to be used within the Upholland and Hesketh-with-Becconsall Wards.

2.0 RECOMMENDATIONS

2.1 That the expenditure of the Section 106 commuted sum of £19,411 be approved for the project identified in clause 5.1

2.2 That the expenditure of the Section 106 commuted sum of £3,690 be approved for the project identified in clause 5.2

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, Members agreed that applications/proposals for the use of S106 funding would first be scrutinised by an Officer Working Group to ensure that proposals are compliant with the related S106 agreements and that the proposals are sustainable, supported by planning policy and strategies adopted and approved by the Council. It was also agreed that Parish Councils and ward councillors would be consulted about what funds are available and invited to suggest proposals as to how this funding could be best utilised in line with the requirements of the related S106 agreements and planning policy.

4.0 CURRENT POSITION

- 4.1 Following consultation with Upholland Parish Council there is one new proposal put forward for consideration for existing Section 106 funding in the Upholland area.
- 4.2 Following consultation with Hesketh-with-Beconsall Parish Council there is currently one new proposal put forward for consideration for existing Section 106 funding in the Hesketh Bank Area.
- 4.3 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.
- 4.4 The items identified below in 6.1 and 6.2 have been considered by the officer S106 Working Group, in addition the Assistant Director Planning offers the view that the proposed use of monies is in accordance with the terms of the related Section 106 agreements for the enhancement of existing areas of public open space within the localities.
- 4.5 The proposals are in keeping with the aims of the Borough Council Play Policy and Cultural Strategy.

5.0 PROPOSALS

- 5.1 It is proposed to continue to improve access to Dean Wood, Upholland with Phase 3 of an improvement scheme which will improve footpaths on the eastern side of Dean Brook, completing a circular walk through the woodland, and the Section 106 commuted sum of £19,411, generated from Freedom House, Parliament Street (17,926) and The Grove (£1,485) be made available for this project. Previous works have included installation of a new footbridge, and footpath enhancements and were funded by a S106 allocation of £20,000 in 2011 (see Cabinet 14 June 2011 - "Use of Section 106 Monies"). Phase 3 is proposed to continue the collaboration between the Parish, Borough and County Councils which has developed the project to date.
- 5.2 It is proposed to provide new play equipment to enhance the existing play area on Shore Road Recreation Ground, Hesketh Bank and the Section 106 commuted sum of £3,690 generated from Land at Moss Lane (£2870) and Bullens Wood (£820) in the Hesketh-with-Becconsall area be made available for this project.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 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.
- 6.2 The commuted sum will be paid to the respective Parish Councils subject to them entering into suitable legal agreements with the Council to ensure the expenditure is properly incurred for the purpose of the outlined Section 106 proposals and projects delivered within the allocated time frame.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 The estimated total capital cost of the proposals mentioned in section 6 will be £23,101 which can be covered by the Section 106 funds currently available.
- 7.2 The Upholland project is situated in Dean Wood on land in the ownership of the Borough Council. On-going maintenance will be undertaken by the Council's Ranger Service using existing staff and revenue provision.
- 7.3 The Hesketh Bank project will be maintained by Hesketh-with-Becconsall Parish Council

8.0 RISK ASSESSMENT

- 8.1 Section106 funds need to be spent in accordance with the terms of the related planning agreements and in accordance with the statutory criteria and relevant policies. Failure to do so could leave the decision open to challenge and may result in the monies being 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

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

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

1. Equality Impact Assessment

Appendix 1

Equality Impact Assessment – Use of Section 106 Monies in UpHolland and Hesketh Bank

<p>1. Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people: <i>People of different ages – including young and older people</i> <i>People with a disability;</i> <i>People of different races/ethnicities/ nationalities;</i> <i>Men; Women;</i> <i>People of different religions/beliefs;</i> <i>People of different sexual orientations;</i> <i>People who are or have identified as transgender;</i> <i>People who are married or in a civil partnership;</i> <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i> <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p>Use of Section 106 monies in the way proposed will improve access to recreational facilities for all members of the community therefore No this decision to support this scheme will not disadvantage or have a disproportionately negative effect on the above groups of people</p>
<p>2. What sources of information have you used to come to this decision?</p>	<p>Consultation with the Parish Councils on local requirements, and assessment by S106 Working Group (Public Open Space).</p>
<p>3. How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>Proposal for schemes for which funds are proposed to be used have been developed and proposed by the local Parish Councils</p>
<p>4. Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:- <i>Eliminate discrimination, harassment and victimisation;</i> <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i> <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>Consideration of the needs of all the community will be considered as part of the design process, therefore support for the scheme can only help our ability to meet our duties under the Equality Act 2010</p>
<p>5. What actions will you take to address any issues raised in your answers above</p>	<p>Regular liaison with the Parish Councils throughout the design implementation process will allow all issues to be considered.</p>