



**AGENDA ITEM: 6(b)**

**CABINET: 1 July 2014**

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**Report of: Assistant Director Community Services / Assistant Director Planning**

**Relevant Managing Directors: 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 WRIGHTINGTON**

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Ward affected: Wrightington

**1.0 PURPOSE OF THE REPORT**

1.1 To consider the proposal from Wrightington Parish Council regarding Section 106 monies received from housing developers for the enhancement of public open space and recreation provision to be used within the Wrightington area

**2.0 RECOMMENDATION**

2.1 That the expenditure of the Section 106 commuted sum of £18,774 be approved for the project identified in clause 5.1.

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**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 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.

#### **4.0 CURRENT POSITION**

- 4.1 Following consultation with Wrightington Parish Council there is one new proposal to put forward for consideration for existing Section 106 funding in Wrightington. This is set out in section 6 of this report. The funding received from a particular development can only be used in accordance with the terms of the related S106 agreement. In this case the related agreements (Bullens £5,520, Motacroft £13,254) indicate that the monies are to be used within the local area.
- 4.2 Information regarding available funding with the opportunity to submit proposals has previously been circulated to Wrightington Parish Council and local Ward Councillors.
- 4.3 The Parish Council has provided substantiating correspondence in support of their Section 106 proposal advising that an assessment of recreation facilities had been carried out in Appley Bridge and Mossy Lea.
- 4.4 At present there is no appropriate area where recreation facilities can be developed in Appley Bridge therefore the available space owned by the Borough Council at Mossy Lea village field which can accommodate further development will provide additional facilities able to cater for the wider community.
- 4.5 The Assistant Director Planning offers the view that the proposed use of Section 106 monies is in accordance with planning policy and the terms of the Section 106 Agreement and consequently supports the proposal.

#### **5.0 PROPOSALS**

- 5.1 That the proposed project to provide new and improved play equipment on Mossy Lea village field be approved and the Section 106 commuted sum of £18,774 generated from the development sites be made available for this project.

#### **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 6.1 The project 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 Parish Council subject to them entering into a suitable legal agreement with the Council to ensure the expenditure is properly incurred for the purpose of the outlined Section 106 proposal and project delivered within the allocated time frame.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 The estimated total capital cost of the proposal mentioned in section 5 is £18,774 which can be covered by the Section 106 funds currently available.

7.2 On completion the play facility will be included as part of the Council's inspection and maintenance schedule within existing budgets.

## **8.0 RISK ASSESSMENT**

8.1 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 projects 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**

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 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 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

## Equality Impact Assessment – Use of section 106 Monies in Wrightington

1.	<p>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:</p> <p><i>People of different ages – including young and older people</i></p> <p><i>People with a disability;</i></p> <p><i>People of different races/ethnicities/ nationalities;</i></p> <p><i>Men; Women;</i></p> <p><i>People of different religions/beliefs;</i></p> <p><i>People of different sexual orientations;</i></p> <p><i>People who are or have identified as transgender;</i></p> <p><i>People who are married or in a civil partnership;</i></p> <p><i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i></p> <p><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 open space facilities for all members of the community therefore No the decision to support these projects will not disadvantage or have a disproportionately negative effect on the above groups of people</p>
2.	<p>What sources of information have you used to come to this decision?</p>	<p>Consultation with Wrightington Parish Council on local requirements, and assessment by Section106 Working Group (Public Open Space).</p>
3.	<p>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>Proposals for these schemes were received following consultation with Wrightington Parish Council.</p>
4.	<p><i>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></p> <p><i>Eliminate discrimination, harassment and victimisation;</i></p> <p><i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i></p> <p><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>
5.	<p>What actions will you take to address any issues raised in your answers above</p>	<p>Regular liaison with Wrightington Parish Council throughout the design and implementation process will allow all issues to be considered.</p>