



AGENDA ITEM: 5(g)

CABINET: 17th March 2015

Report of: Assistant Director Community Services/ Assistant Director Planning

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

Relevant Portfolio Holder: Cllr. D Sudworth

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**SUBJECT: USE OF SECTION 106 MONIES IN UP HOLLAND, HESKETH BANK &
DOWNHOLLAND**

Wards affected: Up Holland, Hesketh-with-Becconsall & Downholland

1.0 PURPOSE OF THE REPORT

1.1 To consider proposals regarding the use of Section 106 monies received from housing developers for the enhancement of public open space and recreation provision in Up Holland, Hesketh-with-Becconsall and Downholland.

2.0 RECOMMENDATIONS

2.1 That the proposed project to provide new recreational facilities to include a fenced play area aimed at 5-12 years, picnic facilities, seating and fishing platforms at Chequer Lane, Up Holland be approved and the Section 106 commuted sum of £64,631 generated in Up Holland be made available for this project.

2.2 That the proposal to provide new and improved play equipment at Shore Road and Station Road, Hesketh Bank be approved and the Section 106 commuted sum of £8,016 generated in Hesketh-with-Becconsall be made available for this project.

- 2.3 That the proposal to provide new and improved play equipment on Jubilee field, Downholland and boardwalks, interpretation panel, bench and table in Haskayne Cutting, Haskayne be approved and the Section 106 commuted sums of £13,972 and £3,700 respectively generated in Downholland be made available for this project.
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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 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 Up Holland Parish Council and Up Holland Ward Councillors there is one new proposal from the Borough Council to put forward for consideration for existing Section 106 funding in Up Holland. 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 agreement (Chequer Lane, £64,631) indicates that the monies are to be used within the local area.
- 4.2 Following consultation with Hesketh-with-Becconsall Parish Council there is one proposal from them to put forward for consideration for existing Section 106 funding in Hesketh-with-Becconsall. In this case the related agreement (Bullens, £8,016) indicates that the monies are to be used within the local area.
- 4.3 Following consultation with Downholland Parish Council there are two proposals from them to put forward for consideration for existing Section 106 funding in Downholland. In this case the related agreement (5-8 Woods Close, £8,836; Kings Arms, £8,836) indicates that the monies are to be used within the local area.

- 4.4 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 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 5.1 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.

- 5.2 The Council has an Agreement with Upholland, Hesketh-with-Becconsall and Downholland Parish Councils to ensure the expenditure is properly incurred for the purpose of the outlined Section 106 proposals and projects delivered within the allocated time frame.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 The estimated total capital cost of the proposals is £90,319 which can be covered by the Section 106 funds currently available.

- 6.2 On completion of the Up Holland facility the play area will be included as part of the Council's inspection and maintenance schedule within existing budgets. Supervision and maintenance of the recreation areas will be undertaken by the Council's Countryside Ranger service in keeping with pre-existing duties.

- 7.0 On completion of the Hesketh Bank facility the play area will be maintained by Hesketh-with-Becconsall Parish Council.

- 7.1 On completion of the Downholland projects, maintenance will be the responsibility of Downholland Parish Council.

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

1. Equality Impact Assessment