



AGENDA ITEM: 5(s)

CABINET: 15 September 2015

Report of: Assistant Director Community Services/ Assistant Director Planning

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

Relevant Portfolio Holders: Cllr. Y. Gagen/Cllr. J. Hodson

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SUBJECT: USE OF SECTION 106 MONIES IN BURSCOUGH AND ORMSKIRK

Wards affected: Burscough, Derby

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 Burscough and Ormskirk

2.0 RECOMMENDATION

- 2.1 That approval is given to the use of S106 monies for the funding of the projects identified in paragraphs clause 5.1 and 5.2 of this report.

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 or 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 February 2011 an Officer Section 106 Agreements – Public Open Space

Working Group was established to co-ordinate the receipt of the commuted sums, seek views of Parish or ward Councillors, and report to Cabinet on proposals for the use of the S106 funding.

4.0 CURRENT POSITION

4.1 The S106 Working Group have received bids for Burscough and Ormskirk (Derby ward).

4.2 The following funds are currently available in the Burscough area :-

- £40,000 from development at Pickles Drive/Furnival Drive
Section 106 agreement states to be used “for the purpose of upgrading and enhancement of facilities on the existing public open space at Pickles Drive/Furnival Drive, Burscough”
- £15,463 from the development at 5 Moss Lane
- £2,209 from the development at 82 Orrell Lane

4.3 The following funds are currently available in Derby ward, Ormskirk :-

- £60,909 from the development at Ormskirk Hospital
Section 106 agreement states to be used “to create or improve a nearby area of public open space.”

5.0 PROPOSALS

5.1 In Burscough it is proposed that S106 monies be used to enhance the existing multi use games area (MUGA) located on land adjacent to Hesketh Avenue. The works will include a much needed enhancement of the MUGA through the provision of new and improved recreational equipment (including seating, and boundary fencing). The estimated cost of the proposed works is approx. £40,000.

5.2 In Ormskirk it is proposed that S106 monies be used to upgrade land at Station Approach. The works will involve the construction of new pathways and access points, installation of park furniture (including benches and picnic tables), habitat management (including tree thinning, path and vegetation clearance), information boards, and public artwork. The estimated cost of the proposed works is approx. £45,000. These works will contribute towards the Council's aspiration set out in its Local Plan and the West Lancashire Highways and Transport Masterplan, to provide a Linear Park between Ormskirk and Burscough. .

5.3 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 Agreements and consequently supports the proposals.

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.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 The estimated total capital costs of the proposals is £85,000 which can be covered by the Section 106 funds currently available.
- 7.2 On completion of the Burscough facility the play area will be included as part of the Council's inspection and maintenance schedule within existing budgets.
- 7.3 On completion of the Ormskirk facility at Station Approach the maintenance of the site will be undertaken by the Council utilising existing parks and public open space revenue provision.

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.

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.

Appendix
1. EIA