



CABINET: 14 January 2020

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**Report of: Corporate Director of Place and Community**

**Relevant Portfolio Holder: Councillor Y. Gagen**

**Contact for further information: Mr S. Kent (Extn. 5169)**  
**(E-mail: [Stephen.kent@westlancs.gov.uk](mailto:Stephen.kent@westlancs.gov.uk))**

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**SUBJECT: USE OF SECTION 106 MONIES IN ORMSKIRK**

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Wards affected: Derby ward

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To consider a proposal regarding the use of Section 106 (S106) monies for the enhancement of public open space provision in Ormskirk.

## **2.0 RECOMMENDATION**

- 2.1 That the use of £11,001 of S106 monies be approved to enable improvements to be made at Thompson Avenue Play Area, Ormskirk, subject to a sum of £28,999 CIL funding also being approved.

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## **3.0 BACKGROUND**

- 3.1 Members will recall that under policy EN3 of the West Lancashire Local Plan 2012-2027, 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 development 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 on January 10th 2002 the views of the relevant Parish Council/ward councillors have been sought in respect of the potential use of this money.
- 3.3 An Officer working group was established in February 2011 to co-ordinate the receipt of S106 commuted sums and report to cabinet on the use of the funding. A function of this group is to establish levels of uncommitted S106 funds across all wards and liaise with ward councillors and Parish Councils as to how this funding could be best utilised in line with the requirements of the S106 agreements.

#### **4.0 CURRENT POSITION**

- 4.1 A project currently proposed in Derby ward is the replacement of the play area at Thompson Avenue. This play area is in distinct need of improvement and the proposal is to remove the old equipment currently in place and replace with a new play area designed specifically for children aged under 13 years. This project complies with the Councils current Leisure Strategy and has been costed at £40,000.
- 4.2 The Council currently has an unallocated S106 sum of £11,001 received from 2 developers, to be used in the Derby ward of Ormskirk. This comprises £10,265 from the Atkinson & Kirkby development, and £736 from Coronation Park car park.  
Both S106 agreements state that the funds should be used for new/enhanced public open space in Derby Ward, Ormskirk.
- 4.3 This project has also been put forward as a CIL bid and has recently been through the CIL local consultation process, and is to be recommended for approval elsewhere on this Cabinet agenda.
- 4.4 It is thought that the better way of funding this project would be to allocate the £11,001 S106 funds available and supplement this with £28,999 CIL funding to establish the full project costs of £40,000

#### **5.0 PROPOSALS**

- 5.1 It is proposed that the £11,001 S106 funds currently available for use in Derby ward be allocated towards the Thompson Avenue play area project, subject to Cabinet also approving a sum of £28,999 CIL funding to the same project.

#### **6.0 SUSTAINABILITY IMPLICATIONS**

- 6.1 These improvements will contribute towards enhancing the availability of healthy outdoor play facilities in Derby ward, Ormskirk, and a process of community engagement will be undertaken to decide upon the design of the new play area.

#### **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The sum of £11,001 is currently available from S106 funds for this project. Co-ordination of the project will be undertaken by our existing staffing resource, and the new play area will continue to be included on the play area maintenance schedule undertaken by Environmental Services.
- 7.2 This project will only be able to be carried out if £28,999 is also allocated from CIL funding, which is being reported upon elsewhere on this agenda.

## **8.0 HEALTH AND WELLBEING IMPLICATIONS**

- 8.1 By improving play facilities, especially for younger children will allow for increased physical activity with its resultant improvement in physical health, and will also create more opportunity for families to interact which could have a significant impact on improving the mental health of the community.

## **9.0 RISK ASSESSMENT**

- 9.1 Implementation of these improvements will be a great asset to the local community but will have to be maintained effectively to continue that benefit. Local ownership will be of paramount importance and the Tawd Valley Project has initiated good community buy in through an extensive consultation and engagement process. However, this will have to be continued to ensure the future success of the Project

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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. Area of the proposed new play area at Thompson Avenue, Ormskirk
2. Equality Impact Assessment

