



CABINET: 14 September 2021

Report of: Corporate Director of Place and Community

Relevant Portfolio Holder: Councillor David Evans

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SUBJECT: USE OF SECTION 106 FUNDS IN BURSCOUGH

Wards affected: Burscough West

1.0 PURPOSE OF THE REPORT

- 1.1 To consider a proposal to authorise the use of Section 106 (S106) monies for improvements to children's play equipment at Mere Avenue, Burscough.

2.0 RECOMMENDATION TO CABINET

- 2.1 That the use of £8,070 of S106 monies be approved to enable improvements to be made to children's play equipment at Mere Avenue, Burscough.
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3.0 BACKGROUND & PROPOSALS

- 3.1 Members will be aware that under Policy EN3 of the West Lancashire Local Plan 2012-2027, where new development is planned that generates an increased demand for open space and recreational facilities, the Council will expect contributions towards meeting that need. Policy EN3 states that where there is a deficiency of open space, new residential development will either be expected to provide public open space on site (where appropriate) or a financial contribution towards the provision of new off-site public open space, or enhancement of existing public open space, to meet the demand created by the new development.
- 3.2 Most public open space provision in the Borough is now delivered through the Community Infrastructure Levy (CIL), but some monies collected through Section 106 (S106) Agreements still remain available to spend across the Borough.
- 3.3 Members have previously determined (Planning Committee, 10 January 2002) that the views of relevant ward councillors / parish councils should be sought in relation to the potential use of S106 sums received by the Council. Therefore,

ward councillors and parish councils are contacted at least annually with an update of those monies available in their area, and invited to submit suggestions of public open space schemes that relevant monies could be spent on. Reports of those unallocated monies are also publically available through the Council's Infrastructure Funding Statement (see <https://www.westlancs.gov.uk/planning/planning-policy/community-infrastructure-levy/cil-receipts-and-expenditure/annual-reports.aspx>).

- 3.4 An Officer working group is in place to co-ordinate and assess such proposals and report to Cabinet on the use of S106 funding. Part of the function of the group is to liaise with ward councillors and Parish Councils as to how S106 funding could be best utilised in line with the requirements of the S106 agreements, and to check that proposals for the use of S106 monies, whether from Members, parish councils or officers, adhere to the stipulations and wording of the relevant S106 agreement(s). Those proposals which are deemed to accord with the requirements of the S106 are then put to Cabinet for a final decision.

4.0 CURRENT POSTITION

- 4.1 Burscough Town Council (BTC) have submitted a proposal to deliver improvements to children's play equipment at Mere Avenue play area, Burscough, with the aim to enhance the play equipment already in situ and improve the facility for children aged 2 to 10 years old.

- 4.2 The total cost of the project is quoted at £16,140 (excluding VAT) and BTC are seeking the award of £8,070 of S106 monies to the scheme with the remaining £8,070 to be funded through the town council's Neighbourhood CIL (NCIL) monies.

- 4.3 In terms of available S106 sums in Burscough West, there is currently £70,047 available for allocation to public open space schemes, deriving from three developments/S106s. They are:

- Land at 5 Moss Lane (2013/0661/FUL) - £3,463
- Former 82 Orrell Lane, Burscough (2013/0740/FUL) - £2,209
- Palais buildings, Liverpool Road North (2001/0786) - £64,375

Each of the S106s specify that the monies must be used for the provision of new and/or the enhancement of existing/future areas of public open space within the local area, or for carrying out improvements to a nearby areas of public open space.

- 4.4 The proposed scheme at Mere Avenue would i) deliver improvements to existing public open space; and ii) is within the area local to the original developments from which the money derives. The scheme therefore satisfies the legal requirements of each of the S106 agreements.

- 4.5 In terms of financing the scheme, the Council typically has ten years, from the receipt of the S106 monies, in which to spend the sums. The standard approach is thereby to take funding from those developments on which the monies expire soonest, and so it is proposed the scheme is funded as follows:

• Land at 5 Moss Lane (2013/0661/FUL) -	£3,463
• Former 82 Orrell Lane, Burscough (2013/0740/FUL) -	£2,209
• Palais buildings, Liverpool Road North (2001/0786) -	<u>£2,398</u>
	£8,070

A total of £61,977 of S106 monies would then still remain available for allocation in Burscough West, which must be spent by 2027. There is therefore ample time to ensure these remaining S106 funds are spent.

- 4.6 In relation to match funding, Burscough Town Council have received £318,495 of NCIL (at April 2021) and this project is an appropriate scheme on which to utilise NCIL monies. The joint use of S106 and NCIL encourages best value for money and ensures that S106 monies are spent before their financial expenditure deadline. As local councils (here, BTC) must spend their NCIL monies within 5 years of receipts, this also ensures that BTC's NCIL monies are spent before their deadline. Should S106s monies remain unspent, then this carries a risk that monies would need to be returned to the developer.

5.0 SUSTAINABILITY IMPLICATIONS

- 5.1 The installation of new play equipment would help widen play facilities to meet the needs of children aged 2 to 10 years and encourage healthy outdoor play and recreation. This would further the Borough Council's aims of improving the health and wellbeing of its local community.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 The proposals will be funded through Section 106 funding as per the recommendation at 2.1 (and 4.5) above.
- 6.2 There are sufficient S106 sums available, and the remainder of the costs will be met by BTC's Neighbourhood CIL monies.
- 6.3 Future maintenance will be the responsibility of Burscough Town Council, as they are responsible for the Mere Avenue play area.

7.0 RISK ASSESSMENT

- 7.1 There is a limited risk for the scheme's delivery, associated for the Council with a decision in line with the recommendation at paragraph 2.1 above, given it is utilising Section 106 monies that the Council is already in receipt of.
- 7.2 Should the S106 monies remain unallocated, or unspent, within ten years of receipt then there is a risk that the Council would need to return the monies to the developer. In this case, this would require the relevant S106 sums to be spent by 2024 and 2027. However, as a scheme has been identified, with delivery expected in 2021/22, it is considered that there is a very minimal risk of return.
- 7.3 Installation of play equipment in an area requires support from the local community to ensure effective use and local ownership to help monitor condition

and misuse. BTC will be responsible for ensuring any necessary planning consents or other consents are obtained as part of their delivery of the project.

8.0 HEALTH AND WELLBEING IMPLICATIONS

- 8.1 The improvement of a children's play area, through this proposal, will have positive health and wellbeing implications on local children.

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