



CABINET: 14 September 2021

Report of: Corporate Director of Place and Community

Relevant Portfolio Holder: Councillor David Evans

**Contact for further information: Helen Hatch (Extn. 5171)
(E-mail: helen.hatch@westlancs.gov.uk)**

SUBJECT: USE OF SECTION 106 FUNDS IN NORTH MEOLS

Wards affected: North Meols

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 Schwartzman Drive / Hesketh Avenue, Banks.

2.0 RECOMMENDATION TO CABINET

- 2.1 That the use of £31,580 of S106 monies be approved to enable improvements to be made to children's play equipment at Hesketh Avenue, Banks.
-

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 North Meols Parish Council (NMPC) have submitted a proposal to refurbish the children's playground at Hesketh Avenue play area, Banks, which would deliver resurfacing and the installation of new and upgraded play equipment.

- 4.2 The total cost of the project is quoted at £44,528 (excluding VAT) and NMPC are seeking the award of £31,580 of S106 monies to the scheme, with the remaining £12,948 to be funded through the parish council's available Neighbourhood CIL (NCIL) monies (£3,682) and other capital funds (£9,266).

- 4.3 In terms of available S106 sums in North Meols, there is currently £31,580 available for allocation to public open space schemes, deriving from the following development/S106.

- Land rear of 24-38 Chapel Lane, Banks £31,580

The S106 specifies 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.

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

- 4.5 Funding would be taken from the entirety of that S106 sum.

- 4.6 In relation to the match funding provided by Neighbourhood CIL, North Meols Parish Council have received £3,682 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, NMPC) must

spend their NCIL monies within 5 years of receipt, this also ensures that NMPC'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 improve play facilities to meet the needs of children and encourage healthy outdoor play and recreation. This would further the Borough Council's aims of improving the health and wellbeing of its local communities.

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 4.3) above.

6.2 There are sufficient S106 sums available, and the remainder of the costs will be met by NMPC's Neighbourhood CIL and capital monies.

6.3 Future maintenance will be the responsibility of North Meols Parish Council, as they own the land to which this bid relates and are responsible for the maintenance of the Hesketh 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 sum to be spent by 2024. 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. NMPC 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.

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