



CABINET: 14 March 2017

---

**Report of:** Director of Leisure and Wellbeing  
Director of Development and Regeneration

**Relevant Portfolio Holders:** Councillor Y. Gagen/Councillor J. Hodson

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

---

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

---

Wards affected: Burscough wards

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To consider a proposal regarding the use of section 106 monies received by the Council from housing developers, for the enhancement of public open space and recreation provision in Burscough.

## **2.0 RECOMMENDATION**

- 2.1 That the use of £21,292 of S106 monies to help fund the proposed project to create a new public picnic area and improve public access from the Leeds and Liverpool Canal at Burscough Cricket Club be approved.

---

## **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 are sought in respect of the potential use of this money.

- 3.3 In February 2011 an Officer S106 Agreements – Public Open Space working group was established to co-ordinate the receipt of S106 commuted sums and report to Cabinet on the use of S106 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 The funding from a particular development can only be used in accordance with the terms of the related Section 106 agreement. The Council currently has received monies from one S106 agreement in Burscough East ward (£64,799 from land at 10 Ivy Close) all of which is still unallocated. Following consultation with ward councillors and Burscough Parish Council there is one new proposal put forward by a ward councillor for Burscough East, on behalf of Burscough Cricket Club for consideration for existing Section 106 funding in Burscough east ward.

#### **5.0 PROPOSALS**

- 5.1 Burscough Cricket Club has proposed the development of a new area of public recreational space on its current site with enhanced public access via a new footpath that will link the Leeds and Liverpool Canal and School Lane in Burscough, through the cricket clubs ground.( see appendix 1 – Burscough Cricket Club S106 Project)
- 5.2 The proposed new recreational space will be a picnic area created from an area of rough ground and a pond that is located on the club grounds alongside the canal towpath. Part of the pond will be infilled to extend the land available and picnic seating and facilities will be installed.
- 5.3 A full ecological survey of the proposal has been undertaken, particularly due to the impact on the pond. The report concluded that the proposed works would have an impact on the nature conservation of the site, but if mitigation measures outlined in the report (including only partially infilling the pond) were adhered to the site would be enhanced from its present status for both its amenity and ecological value. The club have given an undertaking to comply with all the recommendations in the report.
- 5.4 The site will be managed by the club and will create an additional facility for visitors to the canal. It will also be accessible from a new footpath being created through the club ground from School Lane which will not only create access to the picnic area but will also create a good link between the canal, School Lane , and the wider footpath network. This fenced off path will be permanently accessible through a permissive agreement with the club, who will also manage the route.

## **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 6.1 Providing this facility would improve accessibility to green space in Burscough, would complement proposed future improvements to the canal towpath, and will help to provide opportunities for healthy outdoor recreation. This would further the Council's aims for improvements to the health and wellbeing of its communities.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The bid from Burscough Cricket Club is for £21,292 from S106 funds as a contribution towards the overall project costs of £78,000. All other costs for creation of the picnic area, ecological and landscaping works will be covered by the club.
- 7.3 Future maintenance of the site will be undertaken by the club.

## **8.0 RISK ASSESSMENT**

- 8.1 Open access to this new facility by the public is a crucial factor in the success of this project. Allocation of the funds to the club will be conditional upon the club confirming their undertaking to allow this open access as an additional condition within the usual S106 agreement issued to recipients. The Club has indicated that they would be happy to agree to this additional condition.

---

---

### **Background Documents**

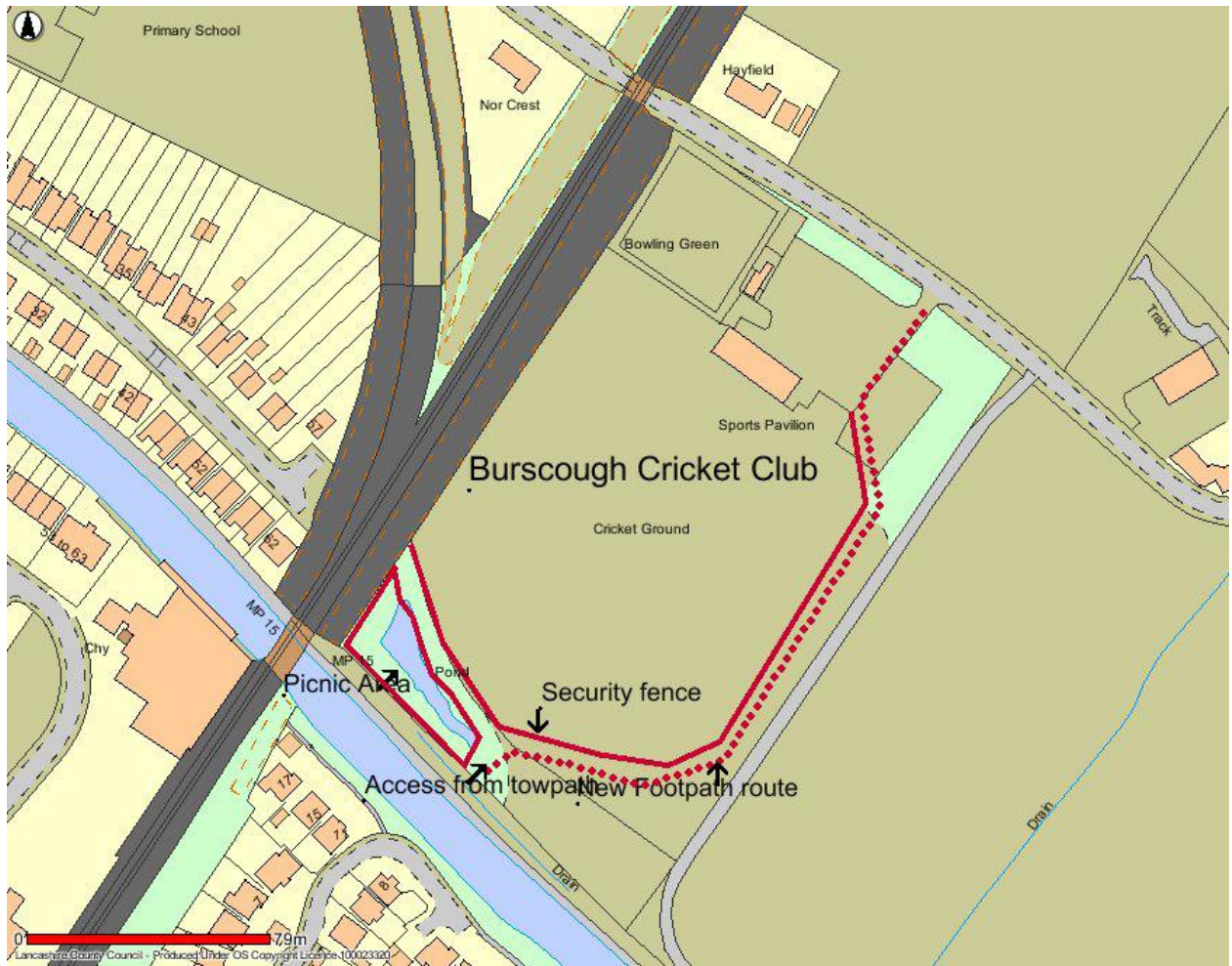
There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **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

### Appendix 1 – Burscough Cricket Club Open Space Project



## Appendix 2 – Equality Impact Assessment

<h1 style="text-align: center;">Equality Impact Assessment Form</h1> 	
Directorate: Leisure and Wellbeing	Service: Leisure, Cultural & Arts
Completed by: Stephen Kent	Date: 27/1/2017
Subject Title: Use of S106 monies in Burscough	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	No <span style="float: right;"><i>*delete as appropriate</i></span>
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	Yes
Is a programme or project being planned:	Yes
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No
Details of the matter under consideration:	
<i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i> <i>If you answered <b>No</b> to all the above please complete Section 2</i>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to <b>Section 3</b></i>	
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Burscough residents and canal visitors
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	See above

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	Yes
Gender	No
Disability	Yes
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Site is currently not being used due to accessibility and overgrowth problems
What will the impact of the work being carried out be on usage/the stakeholders?	Works will provide public access to a new open space facility, and create better footpath network links, for local residents and visitors
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	Unauthorised accessibility to Burscough Cricket ground has been an issue raised by the club, Parish Council, and ward councillors. This scheme would help to resolve some of these issues by providing accessible space
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	Impact will be assessed by monitoring once works have been undertaken, and liaison between ward councillors, Parish Council and the club
If any further data/consultation is needed and is to be gathered, please specify:	Future monitoring through liaison with the above
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	New facility will allow access for wheelchair users from the canal towpath, and increase family access including the elderly
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	Monitoring use will establish any negative issues and deal with them accordingly through the club
What actions do you plan to take to address any other issues above?	On-going liaison <i>If no actions are planned state no actions</i>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	January 2018. Reviewing officer – Stephen Kent