



AGENDA ITEM: 7(b)

CABINET: 14 June 2016

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

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

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SUBJECT: USE OF SECTION 106 MONIES IN UPHOLLAND

Wards affected: UpHolland ward

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 UpHolland.

2.0 RECOMMENDATION

- 2.1 That the allocation of £8,836 from the S106 agreement from Land at Crawford Arms to contribute towards the proposed project to install new play facilities at Crawford Village Green, be approved.

3.0 BACKGROUND

- 3.1 Members will recall that under policy LE13 of the Local Plan, 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 Following consultation with UpHolland Parish Council and ward councillors there is one new proposal put forward from Crawford Village and Pimbo Lane Playing Fields Association for consideration for existing Section 106 funding in UpHolland.
- 4.2 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 four S106 agreements in UpHolland :-

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|-------------------------------------|---------|
| • Land at Crawford Arms | £8,836 |
| • Sandcross Station, Sandbrook Road | £13,254 |
| • Parliament Street | £11,045 |
| • Stoney Brow, Roby Mill | £22,090 |

all of the agreements indicate that the monies are to be used within the local area.

5.0 PROPOSALS

- 5.1 Crawford Village and Pimbo Lane Playing Fields Association (“the Association”) wants to install childrens play equipment and outdoor exercise equipment at Crawford Village Playing Field. The play equipment would include a Pirate Ship, various swings, climbing frames, see saw, and spring animals providing for both toddlers and older children. A number of outdoor fitness pieces of equipment would provide for all ages.
- 5.2 The Association have requested an allocation of £33,135, being the total of the funds available from the schemes at Land at Crawford Arms, Sandbrook Road, and Parliament Street shown in paragraph 4.2.
- 5.3 Consultation with UpHolland Parish Council has resulted in them supporting the £8,836 funds from Land at Crawford Arms, but not supporting the bid for the remaining £24,299. The Parish Council have justified this decision by providing information regarding other projects which they are currently working on which they feel would be more appropriate to allocate the remaining funds to. These include improvements to the play areas at Morris Road and Lawns Avenue which are close to the Sandbrook Road and Parliament Street developments, play area

and open space development at Mill Lane, and a possible off road bike area, possibly at Garnett Lees.

- 5.4 The S106 Officer Working Group (Open Space) assessed the Associations bid on 5th April 2016. The Working Group is satisfied that the proposed project meets S106 criteria. However, all of the S106 agreements referred to in para.4.2 above, require the S106 funding to be used in the “local area” or in “the locality” of the development site subject of the S106 Agreement. Previous allocations in the Borough have generally accepted this description as referring to the parish or ward in which the development site is located. If this criterion was applied to this submission, then all of the funds generated in Up Holland would be available for use in the proposed project. However, the location of the project is at some distance from all of the development sites, except Land at Crawford Arms, and the term “locality” or “local area” may not include Crawford Village in this case.
- 5.5 The Working Group Officers have considered the issue of the S106 criteria and the view is that the spatial distance between the development sites and the project location is the determining factor in this instance, and therefore only the £8,836 generated from Land at Crawford Arms should be allocated to this scheme.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 The new play and exercise facilities would help to provide the Crawford Village community with enhanced outdoor recreational provision. This would further the Councils aims for improvements to the health and wellbeing of its communities.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 The estimated capital cost of the project bid currently totals £8,836 which can be covered by the S106 funds currently available.
- 7.2 Future maintenance of the new facilities will be undertaken by the Association as the landowner of the Playing Fields.

8.0 RISK ASSESSMENT

- 8.1 Crawford Village does not currently have a childrens play area. The allocation recommended will only partly cover the cost of the project, and therefore there will be a reliance on other funding streams being generated for the project to progress, this could include bids for the use of Parish Council CIL monies.
- 8.2 Members should consider the factors that determine the term “locality” or “local area” in S106 agreements, and that S106 funding is a means to mitigate the effect on a community of a particular development. If the location of Crawford Village was deemed to be outside of the “locality” or “local area” of the development sites in question then allocating the S106 funds from these developments to this project may leave the decision liable to challenge by the contributing developer and ultimately to the funds being re-claimed.

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 – Equality Impact Assessment