

Report of the Portfolio Holder for Resources and Personnel Policy

CAPITAL PROGRAMME 2023/24 UPDATE – PARKS AND OPEN SPACES, BEAUVALE PARK – ALLOCATION OF SECTION 106 FUNDS1. Purpose of Report

To seek approval for Section 106 (S106) open space contributions to be used to fund improvements to the parks and open spaces and for the capital schemes to be included in the Capital Programme for the relevant years.

2. Recommendation

Cabinet is asked to RESOLVE that the scheme for Parks and Open Space improvements at Beauvale Park in Newthorpe be added to the Capital Programme 2023/24, at a cost of £28,750, to be funded by an allocation from the respective Section 106 contributions.

3. Detail

S106 developer contribution funds have now been received by the Council for improvements within Beauvale Park in Newthorpe. The proposed development, funding level and the associated improvement to the relevant park is shown below:

Development	S106 Funding	Site Identified for improvement
19/00443 - 80 Dovecote Road, Newthorpe	£26,245 (index linked £28,725)	Beauvale Park, Newthorpe – Contributions will assist towards the provision, maintenance, and ongoing management of the open space. As in previous schemes, Greasley Parish Council will identify areas to spend the contribution and obtain standing orders. When the scheme is completed invoices will be raised to Broxtowe Borough Council for the agreed amount.

S106 monies must be spent on the sites identified in the agreements. When completed the works will improve the Borough's open space and play areas for site users and aligns with the priorities within the Play Strategy.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

Although the respective S106 agreement has been agreed and these receipts will provide the necessary funding for the Parks and Open Spaces

improvements, the Capital Programme 2023/24 to 2025/26 does not currently include these three schemes.

Members are therefore asked to approve that the improvements scheme at Beauvale Park in Newthorpe (£28,750) be added to the Capital Programme 2023/24.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

Planning obligations are covered by Section 106 of the Town and Country Planning Act 1990 and known as Section 106 agreements. By law, planning obligations can only be required where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and in kind to the development. Payments can be made in the form of a capital or revenue contribution, as a lump sum or phased payments, due on defined dates or triggered as the development progresses. Local planning authorities are required to use the funding in accordance with the terms of the individual Section 106 agreement and if not spent by the date specified in the agreement must be returned to the developer.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:
N/A

7. Union Comments

The Union comments were as follows.

N/A

8. Data Protection Compliance Implications

N/A

9. Equality Impact Assessment

N/A

10. Background Papers

Nil