

Report of the Portfolio Holders for Resources and Personnel Policy, and Environment and Climate Change

Allocation of Section 106 Funds

1. Purpose of Report

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

2. Recommendation

Cabinet is asked to RESOLVE that the parks and open spaces improvement schemes for Colliers Wood, Hall Park and Jubilee Park be added to the Capital Programme for 2024/25, at a combined cost of £63,550, 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 certain parks and open spaces. Once approved, the funds will need to have been spent within a five-year period. A detailed programme of works is now being drawn up for each of the sites detailed in the table below.

Whilst there are no exact restrictions on what the S106 funding must be spent on, the funding does have to be spent on the sites identified in S106 agreements. When completed, the works will improve the Borough's open space and play areas and will align with the following priorities highlighted in the Council's 'Play Strategy' (2017-2025):

- Improving the quality of play provision.
- Increasing the quality and range of equipped play and recreational provision.
- Providing the necessary resources to improve and develop play and recreational opportunities.

The table below details the proposed developments, their funding levels and an outline of the possible associated improvement to the relevant park or open space:

Development	S106 Funding	Site identified for improvement and potential programme of works.
15/00767/FUL – Mill Road	£15,750 (Indexed)	<p>To improve Beauvale Park, Newthorpe and ongoing maintenance of Colliers Wood, Newthorpe.</p> <p>In 2021, as part of the initial S106 agreement (£36,300). It was agreed that the funding would be split between Greasley Parish Council and Colliers Wood. £20,550 was allocated to Greasley Parish Council for improvements to Beauvale Park in 2020/21.</p> <p>The remainder (£15,750), will now be utilised for Colliers Wood. It will be used to refurbish the dipping platform and the performance area.</p>
17/00706/OUT – Bailey Grove	£29,400 (Indexed)	<p>Will be used at Hall Park, Eastwood to undertake improvements to the 800m² car park surface. Any remaining budget will help to finance the refurbishment and replacement of park furniture in Hall Park. This will help to improve safety and enhance accessibility.</p>
19/00699/FUL – Frearson Farm Court	£18,400 (Indexed)	<p>Will be used at Jubilee Park, Eastwood.</p> <p>The contribution will be used to undertake resurfacing and improvement works to the play area including, a children's sensory panel. Further security enhancements against unauthorised encampments will also be undertaken.</p>

4. Key Decision

As the S106 contributions are allocated for more than 2 electoral wards, this report will be a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

5. Updates from Scrutiny

Not applicable.

6. Financial Implications

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

Although the respective S106 agreements have been agreed and these receipts will provide the necessary funding for the parks and open spaces improvements, the Capital Programme 2024/25 does not currently include these schemes.

If the proposed improvements schemes at Colliers Wood (£15,750), Hall Park (£29,400) and Jubilee Park (£18,400) are approved, these will be added to the Capital Programme in 2024/25, with the combined cost of £63,550 being funded by an allocation from the respective S106 contributions.

7. Legal Implications

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

Section 106 of the 1990 Town & Country Planning Act (as amended) allows Local Planning Authorities to require developers to enter into Legal Agreements to provide measures to mitigate the impact of their development. These Agreements are known as Section 106 Agreements. The planning obligations contained within them either require the developer to deliver on-site mitigation or to make a financial contribution to enable the Council to provide appropriate mitigating measures. By law, these 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

8. Human Resources Implications

Not applicable.

9. Union Comments

Not applicable.

10. Climate Change Implications

Not applicable.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

Not applicable.

13. Background Papers

Nil.