

## 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. This supports the priorities for environment to continue to invest in our parks and open spaces and with protecting the environment for the future.

#### 2. Recommendation

**Cabinet is asked to RESOLVE that the parks and open spaces improvement schemes for Jubilee Park, Eastwood; Dovecote Lane Recreation Ground Beeston; Hetley Pearson Recreation Ground, Beeston; and Cator Lane Recreation Ground, Chilwell, be added to the Capital Programme for 2025/26 at a combined cost of £62,000 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.
Beeston Care Home 21/00575/FUL	£43,446 (Indexed)	Second half of public open space contribution to be used for the improvement and enhancement of Dovecote Lane, Beeston Hetley Pearson, Beeston and Cator Lane Recreation Grounds, Chilwell.  These funds will be used to improve accessibility (path improvements) and security (replacement fencing).
Freason Farm 19/00699/FUL	£18,593	Second half of public open space contribution allocated for the enhancement and maintenance of Jubilee Park, Eastwood.  These funds will be used for security enhancements (Height restriction barriers, knee rail and earth bunds), accessibility improvements (path and play area resurfacing), along with habitat improvements (Hedging and wildflower areas).

#### 4. Key Decision

As the S106 contributions are allocated for more than two 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 2025/26 does not currently include these schemes.

If the proposed improvements schemes at Jubilee Park (£18,600), Dovecote Lane, Hetley Pearson and Cator Lane recreation grounds (£43,400) are approved, these

will be added to the Capital Programme in 2025/26, with the combined cost of £62,000 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.