

**Decision Session - Cabinet Member for
Leisure, Culture and Tourism**

27 February 2013

Report of the Assistant Director (Communities, Culture and the Public Realm)

Improving York's Green Spaces: Use of Section 106 Funds

Summary

1. This report seeks the approval of the Cabinet Member to use Section 106 payments that have already been received by the Authority to improve York's green spaces as set out in Annex 1.

Background

2. The Town and Country Planning Acts create the ability for Local Authorities to seek a payment from developers in lieu of providing children's play space, amenity space and sports pitches within new housing developments. This is commonly known as a Section 106 payment.
3. Payments are generally made where it is not practical or desirable to have open space within a development, for example where developments are for individual or a small number of dwellings or where there is existing open space nearby which could be improved to accommodate the additional use from new residents. Payment is based on an approved formula related to the number of new bedrooms within the development. Full details can be found on the Council's web site at:
<http://www.york.gov.uk/environment/Planning/guidance/OpenspaceAdviceNote/>
4. Section 106 payments received by the Council must be used for the benefit of the residents who will live in the development which is generating the payment.
5. Information is then taken from two audits which support the Local Development Framework (LDF) process - the playing pitch assessment and the Open Space Sport and Recreation Study to identify sites for investment.

In bringing forward sites for investment additional factors are often taken into account, including :

- Investment supports quality initiatives such as the Green Flag award or club mark.
 - Investment will increase access by all sectors of the community
 - Schemes are significantly well developed or have enough funds to be achievable. (106 payments can be made at different times depending on when a project starts or house sales are achieved which means it is difficult to forecast when payments will be received by the Council)
 - Schemes that lever in other sources of funding
6. Information regarding where, and on what, existing 106 payments are being used is provided as Annex 1. This provides an outline of possible future schemes and, where confirmed, the amount of future 106 payments. This information is provided at ward level, it should be noted that many schemes benefit residents from two or more wards.
7. In wards with a parish or town council payments have been made to Stockton on the Forest and Strensall, Copmanthorpe and Wigginton Parish Councils, and, Haxby Town Council. The value of these and further payments which are in the process of being made are detailed in Annex 1.

Consultation

8. No specific consultation has been undertaken for the report. The basis for seeking section 106 payments has been through a several consultations exercises as part of the planning process and individual schemes are subject to local consultation with residents, users and interest groups as appropriate.

Options

9. The options available to the Cabinet Member are:
- Option 1: Agree to the proposals set out in Annex 1
 - Option 2: Suggest further and/or alternative proposals for inclusion in Annex 1

Analysis

10. This report responds to the requirements of the Cabinet Member's July 2011 decision to "*To improve transparency in the use of section 106 funds*", and is the second report to provide details of the amount of section 106 money held at a ward level, current and future ward schemes.
11. A number of schemes contribute to the Reinvigorating York, Smarter York and Neighbourhood planning agendas by making our landscapes more fit for purpose, improve maintenance operations and improve community facilities.
12. It should be noted that section 106 processes is set to change in 2014 with the advent of the community infrastructure levy (CIL). Money raised from the community infrastructure levy can be used to support development by funding infrastructure that the council, local community and neighbourhoods want, like new or safer road schemes, park improvements or a new health centre.

Council Plan

13. The actions set out in the report contribute to the following priorities as set out in the Council Plan 2011-15:
 - Building stronger communities - by encouraging and involving residents and users in green space design and management. And, by supporting the voluntary sector and creating volunteering opportunities.
 - Protecting the environment by enhancing green space for public, wildlife and habitat benefit and making spaces more accessible

Implications

14. **Financial** – There are no specific financial implications of the report's recommendations.
15. **Legal and Property** - Where specific projects have property implications e.g. lease or lettings Legal and Property Services will be involved in any arrangements.
16. **Equalities** – Many of the schemes undertaken will improve access to land.
17. There are no Human Resources, Crime and Disorder, or Information Technology implications arising from this report.

Risk Management

18. Failure to continue invest in existing and new open space will mean that the ambitions of the LDF will not be met. Failure to use sections 106 payments within the contractually agree time frame may result in money being returned to developers.

Recommendations

19. The Cabinet Member is asked to approve the use of section 106 funds on those schemes identified in Annex 1

Reason: To meet the requirements of the planning process and Council ambitions.

Annex 1: Project list

Contact Details

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Vicky Japes Senior Sport and Active Leisure officer – Policy and Planning Communities and Neighbourhoods Tel No. 01904 553377	Report Approved		Date 15.02.13
Specialist Implications Officer(s): N/A			
Wards Affected:			All ✓
For further information please contact the author of the report			

Background Papers:

Cabinet Member decision session for Leisure, Culture and Social Inclusion Improving York's Green Spaces: Use of Section 106 funds 12 July 2011.

Annex 1: Project list

Ward	Completed project	on-going projects	Planned and possible new projects for 2013/14 and 14/15	funds for new projects
Acomb	<ul style="list-style-type: none"> • Acomb Green play area – supporting the lottery grant to improve the play area • Acomb Cricket Club practice nets 		<ul style="list-style-type: none"> • Viking Road play area • Carr allotments 	£8k
Bishopthorpe		<ul style="list-style-type: none"> • Sports club • Parish play area table tennis provision (£2.5k) 		£0
Clifton	<ul style="list-style-type: none"> • Bootham allotments – supporting the lottery funded security, drainage and community plots • Bumper Castle pitches - ground works to create new pitches. 	<ul style="list-style-type: none"> • Opening up public space to the rear of Clifton Green School 	<ul style="list-style-type: none"> • Clifton Park phase II - club house extension. • Bumper Castle / Rawcliffe juniors provision of club house and changing facilities 	£4k
Derwent				£0

Dringhouses and Woodthorpe		<ul style="list-style-type: none"> • Chapman's Pond footpath and access works (part grant aided) 	<ul style="list-style-type: none"> • Acorn Rugby League Club training pitch improvements • New fishing platforms at Chapman's Pond 	£10k
Fishergate	<ul style="list-style-type: none"> • New woodland creation 	<ul style="list-style-type: none"> • Fulford and Knavesmire sports pitch - to support agreed lottery grant for new pitches. • Hull Road Park Community Pavilion 	<ul style="list-style-type: none"> • Heslington Outgang – Pitch improvements, youth sports facilities, cricket scoreboard, play and outdoor fitness equipment. • Low Moor allotments 	£84k
Fulford			<ul style="list-style-type: none"> • Parish pitch drainage and improvement work. 	£0k
Guildhall		<ul style="list-style-type: none"> • Tower Gardens – footpath, seating and improving access to river frontage • Museum Gardens children's sculptures and landscape 	<ul style="list-style-type: none"> • Clarence Gardens play area • City Walls wildlife enhancements • Navigation Road play area 	£89k

Haxby and Wigginton	<ul style="list-style-type: none"> • Payments made to Haxby Town Council (£4.9k) • Payment made to Wigginton Parish Council (£3.9) 		<ul style="list-style-type: none"> • Haxby Town Junior Football Club – changing room re-provision. • Wigginton Sports Club Facility improvements 	£0k
Heslington			<ul style="list-style-type: none"> • Heslington Outgang – Pitch improvements, youth sports facilities, cricket scoreboard, play and outdoor fitness equipment. 	£0k
Heworth	<ul style="list-style-type: none"> • Melrosegate playing fields –access improvements to new sports pitch 	<ul style="list-style-type: none"> • Arran Place play and sports facilities, • Monkbridge Gardens – footpath and access improvements 	<ul style="list-style-type: none"> • Burnholme pitch improvements for community access. • Heworth Tennis club. • Heworth Cricket club pitch drainage. • Expansion of Glen Gardens play area • Hempland Allotments - raised beds • Glen allotments – improved security 	£142k

Heworth Without				£0k
Holgate	<ul style="list-style-type: none"> • Back Park – improved landscape and garden area 		<ul style="list-style-type: none"> • Ward play areas • Re-provision of youth sports facilities following flood defence work. • Howe Hill allotments – raised beds and toilet provision 	£11k
Huntington and New Earswick		<ul style="list-style-type: none"> • New Earswick Rugby League Club pitch drainage • Payments being made to Huntington Parish Council (£15.6k) 	<ul style="list-style-type: none"> • Hopgrove MUGA 	£0k
Hull Road		<ul style="list-style-type: none"> • Hull Road Park – new footpath to access to existing park paths • Hull Road Park Community Pavilion 	<ul style="list-style-type: none"> • 	£6k
Micklegate		<ul style="list-style-type: none"> • Knavesmire pitches to support lottery funding • Scarcroft Bowling green – access and security improvements 	<ul style="list-style-type: none"> • Scarcroft Green - allotments. • Little Knavesmire football facilities 	£20k

Osbaldwick		<ul style="list-style-type: none"> • Payment being made to Osbaldwick Parish Council (£2.3k) 	<ul style="list-style-type: none"> • Parish play facilities • Sports club access improvements 	£0k
Rural York West	<ul style="list-style-type: none"> • Payment made to Copmanthorpe Parish Council (£3k) 		<ul style="list-style-type: none"> • Parish play and sports facilities • Copmanthorpe FC new pitch project 	£0k
Skelton, Rawcliffe and Clifton Without		<ul style="list-style-type: none"> • Rawcliffe Country Park bike track phase II • Payment being made to Skelton Parish Council (£3k) 	<ul style="list-style-type: none"> • Rawcliffe recreation field – mini soccer pitch • Review / relocate skate facilities 	£7k
Strensall	<ul style="list-style-type: none"> • Payments made to Strensall Parish Council (£24.5k) • Payment made to Stockton on the Forest Parish Council (£3k) 	<ul style="list-style-type: none"> • Payment being made to Strensall Parish Council (£1.4k) 	<ul style="list-style-type: none"> • Strensall Football Club - provision of new pitches 	£0k
Westfield		<ul style="list-style-type: none"> • Acomb Green – footpath access and entrance improvements • Cornlands Road play area 	<ul style="list-style-type: none"> • Acorn Rugby League Club - training pitch improvements 	£15k
Wheldrake		<ul style="list-style-type: none"> • Payments being made to Wheldrake Parish Council (£7k) 	<ul style="list-style-type: none"> • Parish play and sports facilities • Elvington playing pitch drainage 	£0k