

**Decision Session - Cabinet Member for
Leisure, Culture and Social Inclusion**

13 December 2011

Report of the Assistant Director (Communities and Culture)

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

Summary

1. This report is brought to the Cabinet Member in response to the policy paper *Improving York's Green Spaces: Use of Section 106 funds* agreed at the July Cabinet Member decision session for Leisure, Culture and Social Inclusion.
2. The report seeks the approval of the Cabinet Member to use Section 106 payments to improve York's green spaces as set out in Annex 1.

Background

3. 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.
4. 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 councils web site at:

<http://www.york.gov.uk/environment/Planning/guidance/OpenspaceAdviceNote/>

5. 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.
6. 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. In 11/12 over £115k of external funding from the lottery and sporting governing bodies has been secured for projects in the city with the help of section 106 funds. Future projects may involve working with the Environment Agency, Yorkshire Wildlife Trust and the SITA Trust (landfill tax).
7. 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. All of this information is provided at ward level.
8. In wards with a parish or town council where no money is being held this is usually because the money has already been passed to the Parish or Town Council in that area. In 2011/12 payments have so far been made to Elvington, Heslington, Huntington, Murton, Osbaldwick, Stockton on the Forest and Strensall Parish Councils.

Consultation

9. 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

10. 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 schemes for inclusion in Annex 1
 - Option 3: Request further updates on a six monthly or annual basis

Analysis

11. This report responds to the requirements of the Cabinet members July decision to “*To improve transparency in the use of section 106 funds*” as such it is the first ever report to provide details of the amount of section 106 money held at a ward level, current and future ward schemes, and likely future payments. In so doing it enables a wide audience to understand how the money is being used, how it fits with the LDF process and how its use can contribute to ward priorities.

Council Plan

12. The actions set out in the report contribute to the following corporate 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

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

Risk Management

17. 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

18. The Cabinet Member is asked to approve the use of section 106 funds on those schemes identified in Annex 1
Reason: To meet the ambitions of the Local Development Framework and the legal requirements of each section 106 payment agreed by the Council.

Contact Details

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	Report Approved		Date 21.11.11
		✓	
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

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Ward	Current and on-going projects	Money available to allocate	Possible projects for 2012/13	Known Future payments - Section 106 in place
Acomb		£10,000	<ul style="list-style-type: none"> • Acomb Green play area – supporting the lottery grant to improve the play area • Viking Road play area, • Carr allotments • Acomb Cricket Club practice nets 	£33,000
Bishopthorpe		£3,000		£6,500
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. 	£13,000	<ul style="list-style-type: none"> • Clifton Park phase II -club house extension. 	£109,000
Derwent		Nil		Nil
Dringhouses and Woodthorpe	<ul style="list-style-type: none"> • Chapman's Pond 	£2,000	<ul style="list-style-type: none"> • Acorn Rugby League Club training pitch improvements 	£16,500

Fishergate	<ul style="list-style-type: none"> • Fulford and Knavesmire sports pitch - to support agreed lottery grant for new pitches. • Low Moor allotments – parking and plot development 	£98,000	<ul style="list-style-type: none"> • Heslington Outgang - club house access and quality improvements. • Ouse river bank improvements 	£181,000
Fulford		Nil	<ul style="list-style-type: none"> • Parish facilities 	£5,500
Guildhall	<ul style="list-style-type: none"> • Tower Gardens – creating access to river frontage 	£95,000	<ul style="list-style-type: none"> • Museum Gardens • Clarence Gardens bowling greens • City Walls wildlife enhancements 	£114,000
Haxby and Wigginton		Nil	<ul style="list-style-type: none"> • Haxby Town Junior Football Club – changing room re-provision. • Wigginton Sports Club Facility improvements 	£22,500
Heslington		Nil		£1,000
Holgate	<ul style="list-style-type: none"> • Back Park – improved community use of landscape 	£8,500	<ul style="list-style-type: none"> • Ward play areas 	£26,500
Heworth	<ul style="list-style-type: none"> • Bell Farm Adventure Playground – access measures • Melrosegate playing fields – access improvements to new sports pitch 	£54,000	<ul style="list-style-type: none"> • Arran Place play and sports facilities, • Monkbridge Gardens – footpath and access improvements 	£80,000
Heworth Without		Nil	<ul style="list-style-type: none"> • Parish facilities 	£1,000

Huntington and New Earswick	<ul style="list-style-type: none"> • New Earswick Rugby League Club pitch drainage 	£10,000	<ul style="list-style-type: none"> • Hopgrove MUGA 	£45,500
Hull Road	<ul style="list-style-type: none"> • Hull Road Park – toilets and landscape improvements 	£10,000		£4,000
Micklegate	<ul style="list-style-type: none"> • Knavesmire pitches to support lottery funding 	£13,000	<ul style="list-style-type: none"> • Scarcroft Green - bowling green and allotments. • Little Knavesmire football facilities • Clementhorpe and adjacent river bank improvements 	£83,000
Osbaldwick		Nil		Nil
Rural York West		Nil	<ul style="list-style-type: none"> • Parish play and sports facilities 	£8,000
Skelton, Rawcliffe and Clifton Without	<ul style="list-style-type: none"> • Rawcliffe Country Park bike track and fitness facilities 	£11,000	<ul style="list-style-type: none"> • Rawcliffe recreation field – mini soccer pitch 	£6,000
Strensall		Nil	<ul style="list-style-type: none"> • Strensall Football Club - provision of new pitches • River Foss access and wildlife enhancements 	£75,000
Wheldrake		Nil	<ul style="list-style-type: none"> • Parish play and sports facilities 	£4,000

Westfield	<ul style="list-style-type: none"> • Acomb Green including the play area 	£37,500	<ul style="list-style-type: none"> • Acorn Rugby League Club - training pitch improvements • Acomb Cricket Club practice nets to support governing body funding. • Bachelor Hill wildlife enhancements 	£6,000
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