

Meeting:	Combined Executive Member Decision Session
Meeting date:	7 October 2025
Report of:	Director of Housing & Communities
Portfolio of:	Deputy Leader and Economy & Culture

Decision Report: Heworth Without Multi Use Games Area (MUGA) Outcome and Next Steps

Subject of Report

1. In accordance with a Section 106 Agreement dated 11 October 2019, on 6 September 2022 the then Executive Member resolved the following in respect of a Multi Use Games Area (MUGA) to be sited in Heworth Without:

That authority be delegated to the Director of Customer and Communities to:

- a. undertake a public consultation on where the MUGA should be sited;
 - b. apply for planning permission for the new scheme on the preferred site as necessary;
 - c. appoint the contractor to undertake the works, in accordance with the council's contract procedure rules and subject to the project being deliverable within the available budget and planning permission being granted.
2. This report will outline the reasons why the MUGA could not be delivered in line with the consultation outcomes, including that the Heworth Without Parish Council (HWPC) on 28th April 2025 '*Resolved that HWPC does not wish to have a MUGA on Stray Road Play Area / Playing field*'. The next steps will also be considered for the s106 funding allocation of £46.7k.

Benefits and Challenges

3. Challenge - this report outlines the non delivery of previous delegations (b and c above) given the outcome of protracted discussions and issues regarding the location and cost of a MUGA in Heworth Without.
4. Benefit – the funding can be still used with a refreshed approach within the boundaries of the original agreement, and the funding is safeguarded for that purpose.

Policy Basis for Decision

5. Aside from statutory planning regulations and a locally determined s106 planning agreement, contents of the report meet the following core competencies set down in the Council Plan.
 - a. **Equalities and Human Rights** - S106 funding for the purpose of sports and leisure activities funds activities that should be able to be available to all in a local area;
 - b. **Affordability** – these facilities should be or low cost to access for local residents;
 - c. **Climate and Environment** – the facilities should be nearby to reduce the need for costly in inefficient travel and transport;
 - d. **Health** – s106 funded activities of this nature contribute to community wellbeing and active activity, improving health healthy lives.

Financial Strategy Implications

6. There is no cost to this report, rather a return of £46.7k funding to be reallocated to another equivalent purpose which meets the relevant planning obligation.

Recommendation and Reasons

7. The Executive Member is asked to:
 - a. note the outcome of the original public consultation undertaken in late 2022;
 - b. note the outcome of the Heworth Without Parish Council vote on 28th April 2025;
 - c. authorise the return of the £46.7k s106 Hungate funding for reallocation to a new project;
 - d. agree for officers to work with the planning team on a suitable alternative provision, and Public Health to target health and sports provision needs in the area, securing any associated agreed variations to the original s106 planning obligation.

Reason: To secure the spending of the Section 106 contribution from the Hungate Development for the purposes set down in the planning permission to help meet the demand for increased sports and leisure facilities for children and young people in the area.

Background

Background Information

Planning Decision

8. Pursuant to a Section 106 Agreement dated 21 April 2017 (as varied by Deeds of Variations dated 26 October 2017, 20 December 2017 and 11 October 2019) relating to the Hungate Development, the council secured an Open Space Contribution part of which (£45k) is to be used to build a MUGA in the Heworth Without Ward. The other named schemes are Burnholme Sports Centre and Hull Road Park buildings and sports areas.
9. The Hungate Development required a S106 contribution for Sport because it did not provide on-site facilities. Options for the proposed beneficiaries were considered at a Planning Meeting on 18 April 2019:
<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=132&MIId=11088>

This meeting was where the decision was made regarding updates to the S106 through a S106 Deed of Variation.

The Proposed MUGA

10. For the new facility, officers reviewed suitable community sites within the Heworth Without Ward that could support the installation of a MUGA which was to be a free-to-access facility for children and young people.
11. In an Executive Member Decision report dated 6th September 2022 the proposal was made to offer the following options in a public consultation on where the MUGA could best be sited:
 - a. To build a MUGA on the existing grass football pitch in Stray Road Play Area;
 - b. To build a MUGA on the existing Hempland Field;
 - c. To build a MUGA on another site within Heworth Without Ward, to be suggested by consultees, that is in line with the Section 106 agreement.
12. Following the September 2022 report. the public consultation described in Paragraph 17-25 below was undertaken.
13. After the passage of time, by early 2025 it became clear that there was little agreement between different parties around whether to proceed with the MUGA, particularly within the local Parish Council (HWPC).
14. In light of this, had the design work started in preparation for a tender pack this would have put £10k of the expected £46.7k of funding at risk. There was also a financial risk for the Parish Council to be considered as ongoing maintenance costs would fall to the Parish Council in future.

15. The Director (now of Housing & Communities) become aware that the HWPC were aiming to become closer involved in the procurement of the MUGA, but advised them that this sat outside of their powers in this matter. In light of her own delegations from the previous Executive Member decision (in 2022) she asked for a final decision from the HWPC as a major stakeholder in the project, and was informed of the following by the Parish Council made on 28th April 2025:

To vote on whether HWPC wishes to have a MUGA (Multi Use Games Area, with an artificial surface installed on Stray Road Playing Field.

This vote will clarify HWPC's intention to accept the new legal situation, outlined by Pauline Stuchfield on 17th March 2025. HWPC's Clerk will then inform Pauline Stuchfield, CYC Director of Housing and Communities with the outcome of this vote.

It was Reported that CYC Officer has authority to take the MUGA to tender. Currently HWPC cannot vote after tender, which is not what they were initially led to believe, this is why the vote is taking place.

It was Resolved that HWPC does not wish to have a MUGA on Stray Road Play Area / Playing field.

16. As such the Executive Member is being asked to make a decision on the next steps as the Director cannot fulfil her original delegations approved in September 2022.

Consultation Analysis

17. The following options were consulted upon with residents as per the requirements of the 6 September 2022 report:

- To build a MUGA on the existing grass football pitch in Stray Road Play Area.
- To build a MUGA on the existing Hempland Field.
- To build a MUGA on another site within Heworth Without Ward, to be suggested by consultees, that is in line with the Section 106 agreement.

18. The public consultation was undertaken from 23 November 2022 through to 30 December 2022, this consisted of publishing the consultation on the council consultation webpage and a public meeting at The Centre @ Burnholme on 13 December 2022.
19. The consultation summary showed the Council survey had 263 respondents of which 80% were in favour of siting a MUGA at Stray Road.
20. 189 / 79.08% said they would use a MUGA in the Heworth Without Ward. 50 / 20.92% said they wouldn't use it. Regarding the preferred location 169 / 80% said Stray Road Play Area and 42 / 19.81% said Hempland Field. 35 comments were received regarding where else should be considered to site a MUGA in the Heworth Without Ward with most popular locations suggested to be: Heworth Stray, within the Hungate area and Burnholme Sports Centre.
21. Regarding the age of respondents 82 / 35.50% were Under 16 and 74 / 32.03% were 40-45 years. Of all the respondents who supplied a home postcode 199 / 75.67% were from a YO31 postcode.
22. At the same time Heworth Without Parish Council (HWPC) pursued their own survey with the following questions and responses with a deadline of 3 January 2023.
 - They had 149 respondents. 74 respondents selected *I would like a MUGA on Stray Road Playing Field*, 65 respondents selected *I do not want a MUGA on Stray Road Playing Field*.
 - 41 respondents selected *I would like the alternative offer of a separate basketball shooting area (one goal) and moveable goal mouths on Stray Road Playing Field*, 24 respondents selected *I do not want any additional sport facilities on Stray Road Playing Field*.
 - The HWPC suggested that a number of responses should not be taken into consideration as they appeared to be photocopied or from the same household. If the questionable papers are taken out 74 becomes 15 in favour of a MUGA on Stray Road and 65 becomes 63 not wanting a MUGA on Stray Road.

23. The HWPC Survey did not ask about Hempland Field as this is just outside the Parish Council's boundary.
24. The HWPC Survey does not reflect the delegated options given to the Assistant Director by the Executive Member on 6 September 2022 and therefore would not be taken into account any officer decision to progress to procurement.
25. Notwithstanding this, all results are shown for transparency but given that the HWPC survey has been disregarded for the purpose of this decision, no further scrutiny of the alleged questionable papers has been undertaken.

Options Analysis and Evidential Basis

26. The current Executive Member is being asked to rescind the previous delegation from the former Executive Member decision as outlined in paragraph 1b and c above, despite the consultation outcome in 2024 which the HWPC originally disputed. The HWPC appeared to eventually accept the site to progress to the design and procurement phase, with the possible intention of not appointing a contractor after procurement. The funding would be returned to be allocated back into the funds for the original areas as specified in the 2019 Deed of Variation. Further variations to the agreement can be made if all signatories are in agreement, this would need to be initiated and costs borne by the council. This decision is recommended.
27. The Executive Member could accept the original consultation outcome, however the key stakeholder, the Parish Council is likely to be opposed to the site and its ongoing costs. Given the passage of time this is no longer recommended.
28. The Executive Member could consider recommencing the process with a fresh up to date consultation, including the option not to have a MUGA at all. This is not guaranteed to have any new outcome, and in the meantime the s106 money remains unspent when it could be delivering positive health and wellbeing outcomes for residents. This option is not recommended.

Organisational Impact and Implications

29.

- **Financial**, A sum of £46.7k is held within the council accounts paid by the developer for expenditure on open spaces. Further variations to the agreement can be made if all signatories are in agreement, this would need to be initiated and costs borne by the council.
- **Human Resources (HR)**, there are no Human Resources implications to this report.
- **Legal**, there are no additional legal implications of this report, Any changes to the Section 106 Agreement would need to be agreed by all parties to the Agreement and formally executed as a Deed of Variation.
- **Procurement**: All works and/or services must be procured via a compliant, open, transparent, and fair process in accordance with the council's Contract Procedure Rules and where applicable, the Procurement Act 2023. Further advice regarding the procurement process and development of additional procurement strategies must be sought from the Commercial Procurement team.
- **Health and Wellbeing**: While open spaces for exercise and leisure are welcome, the continued use of MUGAs (Multi-Use Games Areas) is not supported. Evidence, including *Make Space for Girls (2021)*, highlights that MUGAs are often male-dominated and exclusionary by design—described as "caged areas" that discourage use by girls and younger or less confident individuals.

Consultation appears to have focused solely on the inclusion of a MUGA, rather than asking the broader question: "What kind of facility should we have?" This overlooks successful alternative models, such as the community-led *Creating Space for Teenage Girls* project in Rowntree Park.

Public Health recommends reconsidering both the locations proposed for MUGAs and the assumption that a MUGA is the default or only option. Feedback from residents, HWPC, and evidence against the inclusivity of MUGAs should inform a broader, more inclusive approach—one that also considers the needs of older people, currently unaddressed in the proposal.

- ***Environment and Climate action***, there are no direct environment and climate action implications of this report.
- ***Affordability***, The recommendations in this report mean that free to use facilities will no longer be available at the original site selected by public consultation. It is hoped that the recommendation will ensure an alternative facility will become available for use in the near future.
- ***Equalities and Human Rights***, whilst there was an EIA for the original proposal, this may change if the recommendation in this report is to be supported. It is likely that any new projects are likely to have positive impacts but of a different form given the nature of funding, and requirement to have accessible and affordable facilities.
- ***Data Protection and Privacy***,
The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.
- ***Communications***,
This issue will be dealt with as part of business as usual reactive corporate communications support, should the need arise. No proactive corporate communications around the decision at this point. We may wish to highlight next steps for the reallocation of funding at an appropriate time.
- ***Economy***, there are no economic implications of this report.

Risks and Mitigations

30. In compliance with the council's risk management strategy the main risks that were identified in this report are those which could lead to the inability to meet business objectives and failure to meet stakeholders' expectations, which was the case. The action proposed in this report seeks to mitigate these impacts and the risk score has been assessed at "Low". This means that the risk level is acceptable and that regular active monitoring of progress against delivery of an alternative scheme will be required.

Wards Impacted

31. Heworth Without Ward.

Contact details

For further information please contact the authors of this Decision Report.

Author

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Job Title:	Director of Housing & Communities
Service Area:	Housing & Communities
Report approved:	Yes
Date:	29 September 2025

Background Papers:

Planning Committee 18th April 2019

Agenda for Planning Committee on Thursday, 18 April 2019, 4.30 pm (york.gov.uk)

Decision Session – Executive Member for Culture, Leisure and Communities 6th September 2022

Agenda for Decision Session - Executive Member for Culture, Leisure and Communities on Tuesday, 6 September 2022, 10.00 am

Annexes

None

Abbreviations

CYC	City of York Council
DPIA	Data Protection Impact Assessment
EIA	Equalities Impact Assessment
HWPC	Heworth Without Parish Council
k	Thousand
MUGA(s)	Multi Use Games Area(s)