

Cabinet Member Decision Session for Leisure, 12 July 2011  
Culture and Social Inclusion

Report of the Assistant Director (Communities and Culture)

## **Improving York's Green Spaces: Use of Section 106 funds**

### **Summary**

1. This report provides seeks approval for new monitoring and ward based input into how the Parks and Open Spaces, and Sport and Active Leisure sections of Communities and Neighbourhood use Section 106 payments to improve York's green spaces.
2. The Cabinet Member is asked to:
  - a) Agree the process for future reporting back; and,
  - b) Agree the process for engaging Ward Members in the use of 106 funds

### **Background**

3. The Town and Country Planning Acts creates 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. The Council has chosen to use this ability since 1996, and the latest refinement is set out as policy L1c Provision of New Open Space in Development April 2005 as part of the 4<sup>th</sup> Set of Changes of the City of York Local Plan.
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 small number of dwellings or where there is existing open space nearby which could be improved to cater for new residents. The payment is based on the number of new bedrooms within the development. For a number of years the payment was based on the "Harrogate formula". In April 2007 a York based system was approved by the Planning Committee, and

published as “*Commuted Sum payments for open space in new developments - A guide for developers*”.

5. Payments from developers are periodically adjusted to keep pace with building trade costs, the most recent update was approved by the Planning Committee in June 2011.
6. To support this policy a two main significant open space audits have been undertaken. In 2006 a playing pitch assessment was carried out by City of York Council on behalf of Active York (York’s strategic sport and active leisure partnership). This audit (updated regularly) and subsequent planning tool were used to develop a playing pitch strategy for the city. The latest version of this strategy was adopted by Active York in 2010. It sets out where there are shortfalls (and in some cases over provision) of pitches and identifies a series of actions and facility projects which Active York recommend to address the issues raised.
7. In 2008 as part of the Local Development Framework (LDF) process an audit of the open space across the city was produced in accordance with Policy Planning Guidance Note 17 (PPG17) – Open Space Sport and Recreation Study. The City’s open spaces were categorised according to the primary purpose of the site in line with the nationally agreed typologies of a) city parks, b) local parks, c) natural and semi natural greenspace, d) amenity green space, e) provision for children, f) provision for young people, g) outdoor sports facilities and h) allotments. This audit is stored on the Council’s electronic mapping system, and can be updated.
8. The final part of the Study was the production of local provision standards (quantity, quality and accessibility) for each type of open space. These were set in accordance with local needs of people living, working and visiting the City of York which was established through a series of consultations, including household surveys, workshops and stakeholder meetings.

### **Use**

9. Over the last decade approximately £1.0m of Section 106 payments has been received. Initially based on local knowledge, then using the playing pitch assessment and Open Space Sport and Recreation Study, funds have been allocated to projects which improve the quality, capacity and accessibility of green spaces across the city. Most areas of York have seen some benefit from these payments, examples can be found from Strensall to Copmanthorpe and Poppleton to Wheldrake.

10. In using the 106 payments officers look at what the money has been received for e.g. children's play, what under provision exists identified in the Open Space Sport and Recreation Study e.g. provision for young people and how far the development opportunity is from the new dwellings. This relationship is set out in the table below.

Section 106 category	Open Space Sport and Recreation Study	Approximate catchment based on walking times
Amenity open space	city parks	960m (20 minutes)
	local parks	720m (15 minutes)
	natural and semi natural greenspace	720m (15 minutes)
	amenity green space	240 m (10 minutes)
	allotments	720m (15 minutes)
Children's play areas	provision for children	480 m (10 minutes)
	provision for young people	720m (15 minutes)
Sports pitches	outdoor sports facilities	720m (15 minutes) or 20 minutes by bus / cycle

11. Often section 106 payments contribute to or leaver in other funds. Schemes where this has happened includes
- Heritage lottery funding - Rowntree Park restoration
  - Playbuilder scheme in Elvington, Bell Farm and Grange Lane
  - Sports lottery funding - Energise all-weather pitch
  - Self generated funds - Clifton park sports club pavilion
12. Where payments are received in Parish or Town Council areas payments are in the vast majority of cases passed on to the local Parish or Town Council to the determine their use. The exception here is where sport pitch payments go directly to local sports clubs e.g. Osbaldwick Cricket Club.
13. Active York hold a city wide portfolio of sports facility projects that are at various stages of delivery. These projects have

been identified by sports clubs and communities across the city. New projects are added to the database all the time through contact with the Council's Sport and Active Leisure team, at Active York city wide forum meetings, directly with Active York board members, or through other partners including schools and ward committees. When section 106 funding becomes available for sport it is used to support projects that

- Contribute to Open Space Sport and Recreation Study improvements
- are on the database
- will increase sporting opportunities,
- are significantly well developed to be achievable,
- in most cases can lever in other sources of funding and
- are within the catchment distance of the development generating the 106 funding.

#### **Proposed administrative improvements**

14. Approval for the use of the funds and reporting back was for many years carried out through the quarterly capital programme monitoring reports to members. With the changes in delegations, the new role of senior members and the development of more ward based planning the opportunity exists to:
  - a) Agree a reporting back process to the Cabinet Member on completed, current and likely future schemes.
  - b) Produce ward based data on what payments have been received and are available or use
15. Proposal a) has the advantage of creating a more transparent process for members and the public to see how the money is being used. If this accepted the first report would be produced for the September meeting and six monthly thereafter. Proposed schemes will be set out using the categories set out in the Open Space Sport and Recreation Study. If it is not selected then officers will record spending decisions through the Officer Delegation Log process.
16. Proposal b) has the advantage of enabling ward members to see what funds are available and to align the use of Section 106 funds with appropriate ward green space priorities. In wards with Parish to Town Councils there will need to be a dialogue between the ward and the local council over the use. If this accepted the first report would be produced for the

September meeting and six monthly thereafter. If it is not selected that officers will continue update ward members on ad hoc basis.

### **Consultation**

17. No specific consultation has been undertaken for the report. The background reports and policy on which the reports is based undertook extensive public consultation and have been through member scrutiny on a number of occasions .

### **Options**

18. The options available for the Cabinet Member are:  
Option 1: Agree to the proposals set out in paragraphs 14  
Option 2: Retain the current approach or suggest further and/or alternative approaches.
19. Whatever option is selected the current basis for charging section 106 payments is due to end in 2014 with the introduction of the Community Infrastructure Levy.

### **Corporate Priorities**

20. The recommendation set out in the report relates to several of the new emerging Council's corporate priorities which are due for consideration at the Council meeting on the 30<sup>th</sup> June.

### **Implications**

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

### **Risk Management**

25. Failure to continue invest in existing and new open space will mean that the ambitions of the Local Development Framework will not be met.

## Recommendations

26. The Cabinet Member is asked to agree the new reporting process set out in Paragraph 14

Reason: To improve transparency in the use of section 106 funds

## Contact Details

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	<b>Report Approved</b>		<b>Date</b>	30.6.11
		✓		
<b>Specialist Implications Officer(s):</b> N/A				
<b>Wards Affected:</b>			<b>AI</b>	✓
<b>For further information please contact the author of the report</b>				

## Background Papers:

Draft Local Plan

Local Development Framework

Active York Playing Pitch Strategy

The Open Space Sport and Recreation Study can be found at:

[http://www.york.gov.uk/environment/Planning/Local\\_development\\_framework/LDF\\_Evidence\\_base](http://www.york.gov.uk/environment/Planning/Local_development_framework/LDF_Evidence_base)