



COUNCIL CABINET
9 December 2015

Report of the Leader

ITEM 9

Use Of Section 106 Money For Improvements To Leisure Facilities In Littleover and Blagreaves

SUMMARY

- 1.1 Some £333,000 has been secured from a Section 106 Agreement from developers for improvements to leisure facilities within a 1 mile radius of the eastern side of Heatherton. It must be spent by 2019 or returned to the developer. In order to ensure that this money is spent before the 2019 deadline, there is a need to move forward and identify schemes urgently.
- 1.2 To this end, officers were asked to draw up a list of the options for schemes, together with cost estimates. The full list of options considered is set out in Appendix 2 to this report and summarised in paragraph 4.7. From this list, the following schemes are being recommended for Cabinet's approval for implementation:
- Improvements to Griffie Field Park - £20,000
 - Improvements to Millennium Wood - £40,000
 - Improving the paths and relocating the play area at Sunnydale Park – up to £100,000 (of which about £15,000 has already been spent in 2014/15 on improvements to Sunnydale Park following approval from Neighbourhood Board)
 - Improvements to the Staunton Avenue rec to provide new outdoor gym and play equipment and new fencing around the play area - £90,000
 - Developing Clemson's Park as an arboretum with specimen tree planting - £5,000
 - Replacing seating on the parks across the area, use of recycled plastic benches that look like wood - £10,000
 - Improvements to Heatherton Pond - £35,000
 - Improvements to the footway entrance to the open space off Glenmoy Close – £15,000 (depending on precise area and improvements)
 - Contingency budget - £18,000

- 1.3 Given the amount of money involved, and the need to make choices between different schemes being put forward, it is considered that the best way forward is through Cabinet. There has been plenty of opportunity for Ward Members and other parties to put forward ideas and indeed they have.
- 1.4 In reaching the recommended schemes for implementation, consideration has been given to the officer comments in the schedule attached as Appendix 2. In particular, consideration has been given to the complexity and deliverability of the schemes as well as the benefits they are likely to bring to either the Heatherton estate itself, to nearby areas or to both. Opportunities for upgrading and improving existing facilities and open space areas rather than creating entirely new ones have also been taken into account.

RECOMMENDATION

- 2.1 To approve the selections set out in paragraph 1.2 for detailed design and implementation as soon as is practicable.

REASONS FOR RECOMMENDATION

- 3.1 To ensure that the £333,000 secured from the Heatherton Section 106 Agreement is spent in a timely manner.



Derby City Council

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Report of the Acting Strategic Director of Communities and Place

SUPPORTING INFORMATION

- 4.1 Some £333,000 has been secured from developers for improvements to leisure facilities within a 1 mile radius of the eastern side of Heatherton. This money is part of a Section 106 Agreement, signed in 2003, for that phase of the Heatherton development. The money was paid to the Council in April 2009 when the first 50 homes had been built, in line with the agreement. It must be spent by 2019 or returned to the developer. Approximately £15,000 of this was spent on improvements to paths in Sunnydale Park in 2014/15 following approval by the Neighbourhood Board.
- 4.2 It had initially been intended to use this money towards implementing the long standing City Park proposal in the green wedge between Moorway Lane and Oaklands Avenue. This would have benefited new residents of Heatherton as well as existing residents of nearby areas. However, it became apparent that the s106 money on its own would not be sufficient to purchase the additional land and that as the 2019 deadline for spending the money is fast approaching there is a need to consider alternative schemes.
- 4.3 Officers have therefore been asked by Leadership to draw up options for alternative schemes. These are set out, together with an estimate of costs, in Appendix 2 and summarised in paragraph 4.7 below. They have been drawn from known schemes which are being promoted by local Ward Members and residents as well as from officers. There is clearly insufficient money in the pot for all the schemes and so choices will need to be made.
- 4.4 The Section 106 Agreement requires that suitable schemes must be for leisure facilities within 'an area extending in all directions from the boundaries of the development site for a distance of one mile'. All of the options put forward in Appendix 2 meet these requirements.
- 4.5 The usual way of considering which schemes to spend 'unallocated' Section 106 money on is set out in the Council's 'Members Guide' which is available as a background document. This indicates that Councillors and Neighbourhood Boards can influence the use of Section 106 money by contacting officers with details of their proposals. Officers will consider these in the development of the Capital Programme.

- 4.6 In this situation, various schemes for spending the money have already been put forward. Choices over which schemes will go forward need to be made before detailed schemes can be worked up and included in the Capital Programme. Given this, and the amount of money involved, it is considered that the most appropriate way forward in this case is through the Cabinet and Scrutiny process. Agreed schemes will then be set out in the s106 Quarterly report.
- 4.7 The options considered were:
1. Improvements to Griffie Field Park (£20,000)
 2. Adding lighting columns on or around open space in the Heatherton area into an established PFI scheme (£20,000)
 3. Improvements to the infrastructure across parks in littleover – use of better bins such as the 'Big Belly Bins' used in Nottingham (£25,000)
 4. Improvements to Play Areas within Heatherton (£5,000 – £10,000)
 5. Improvements to Millennium Wood (£40,000)
 6. Extensions to Millennium Wood (£2,780,000 at residential value)
 7. Creation of a cycleway-walkway between Blagreaves and Heatherton (£120,000 – 150,000 for the physical works. Land acquisition costs would need to be considered separately.)
 8. Improving paths and relocating the play area and improving equipment at Sunnydale Park (up to £100,000 of which £15,000 has already been spent)
 9. Improvements to the Staunton Avenue Recreation Ground (£90,000)
 10. Developing Clemson's Park as an arboretum with specimen tree planting (£5,000)
 11. Resurface the Clemson's Park entrance via Elliot Road (£5,000)
 12. Replacing seating in the parks across the area, use of recycled plastic benches that look like wood (£10,000)
 13. Improvements to Heatherton Pond (£35,000)
 14. Improvements to Glenmoy Close Recreation Ground (£15,000)
 15. Potential lighting on the Bendall Green play area and additional bins to improve attractiveness and usability of the area (10,000)
 16. Improvements to the pavilion, cricket facilities and additional gym equipment on KGV (£65,000 in total)

- 4.8 The Leadership is recommending that Cabinet agree a selection from this list and these are set out in paragraph 1.2 of this report. Officer opinion is that whilst these represent their choice, they all meet the terms of the s106 agreement for money to be spent on them. Locations of the options relative to a 1 mile distance from the boundaries of the development site are shown on the attached Map.
- 4.9 The Leaderships' recommended schemes total £315,000 leaving a contingency reserve of about £18,000 in case detailed design indicates that some schemes are more expensive than estimated. As precise costs are better understood, additional schemes may be drawn up using the contingency reserve.
- 4.10 Agreed schemes will be worked up and costed in more detail over the next few months and implementation will begin as soon as is practicable. It is considered that all schemes can be implemented or mostly implemented by the end of the 2016/17 financial year.

OTHER OPTIONS CONSIDERED

- 5.1 None.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Director(s) Other(s)	Stephen Teasdale, Planning and Highway Solicitor Amanda Fletcher, Head of Finance – Communities and Place Liz Moore, Acting Head of HR Casework Christine Durrant, Acting Strategic Director of Communities and Place Duncan Cowie, Parks Development Manager
For more information contact: Background papers: List of appendices:	Andrew Waterhouse 01332 642124 andrew.waterhouse@derby.gov.uk "A Guide to Planning Obligations and Section 106 Agreements for Councillors and Neighbourhood Boards" Appendix 1 – Implications Appendix 2 – Schedule of Options Map 1 – Locations of the options relative to a 1 mile distance from the boundaries of the development site

IMPLICATIONS

Financial and Value for Money

- 1.1 All schemes will be designed to ensure value for money. Parks Officers have confirmed that the schemes will not need an additional revenue budget as they should not require any additional maintenance when compared with existing items. The schemes will be designed in a way that ensures the on-going revenue costs are no more than current costs. There will be no increase in revenue maintenance costs as a result of these schemes.

Legal

- 2.1 Section 106 of the Town and Country Planning Act 1990 enables local planning authorities to secure planning obligations, including financial contributions, from developers to regulate development and offset its impact. Planning obligations should only be sought where the tests set out in the NPPF (Paragraph 204), namely; being necessary to make the development acceptable in planning terms; directly related to development; and fairly and reasonably related in scale and kind to the development.

Personnel

- 3.1 Detailed schemes will be worked up and implemented by existing Council staff.

IT

- 4.1 None

Equalities Impact

- 5.1 Schemes will be designed to be inclusive. The proposals for Heatherton Pond include specific measures to benefit disabled anglers.

Health and Safety

- 6.1 None arising directly from the report. Subsequent projects will need to be designed and managed to meet health and safety requirements.

Environmental Sustainability

- 7.1 Improved facilities will benefit areas of open space and encourage more activity, benefiting health.

Property and Asset Management

- 8.1 All schemes will be affordable in terms of long term maintenance.

Risk Management

- 9.1 Detailed design may result in higher or lower costs than currently estimated.

Corporate objectives and priorities for change

- 10.1 "a safe and pleasant environment for you to live and work" – from the Council Plan 2015 – 18.