

AGENDA MANAGEMENT SHEET

Report Title:	Parks and Open Space Section 106 Projects
Name of Committee:	Cabinet
Date of Meeting:	8 January 2024
Report Director:	Chief Officer - Leisure and Wellbeing
Portfolio:	Leisure and Wellbeing
Ward Relevance:	All
Prior Consultation:	Section 106 Legal Agreements, Section 106 officer, Finance department, Ward Councillors
Contact Officer:	Tom Kittendorf- Chief Officer Leisure & Wellbeing
Public or Private:	Public
Report Subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	Yes
Corporate Priorities:	This report relates to the following priority(ies): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input checked="" type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input checked="" type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) Corporate Strategy 2021-2024 <input type="checkbox"/> This report does not specifically relate to any Council priorities but
(C) Climate (E) Economy (HC) Health and Communities (O) Organisation	
Summary:	The report outlines capital and revenue budget requests for the utilisation of Section 106 as confirmed within the legal agreements.
Financial Implications:	As detailed in the main report.
Risk Management Implications:	Risk management implications include the potential non delivery of capital projects should

recommendations and budget requests not be approved.

Environmental Implications:

None arising directly from this report

Legal Implications:

Projects identified are identified as appropriate projects for the utilisation of section 106 funding received and subject to signed legal agreements. Refusal of projects could result in section 106 funding being returned to the developer if not approved as appropriate within the timescales.

Equality and Diversity:

An Equalities Impact Assessment has been completed and is attached as appendix B.

Options:

1) Approve the capital budget requests and enable S106 expenditure on projects identified.

2) Reject the capital budget requests

Recommendation:

1. A 2023/24 supplementary capital budget of £19,000 for identified health and safety improvements at Aspen Road Play Area to be fully funded through section 106 be approved; and

2. IT BE RECOMMENDED TO COUNCIL THAT -

(a) a 2024/25 capital budget of £44,350 for green gym equipment replacement at Cawston NEAP to be fully funded through section 106 funding, be approved;

(b) a capital budget of £80,200 for Brindley Road/Lennon Close Play Areas and Hillmorton Recreation Ground as per legal agreement, to be fully funded through Section.106 income for 2024/25 be approved;

(c) a capital budget of £70,800 for the development of community allotments at Centenary Park, Newbold, to be fully funded through Section.106 income, be approved for 2024/25;

(d) a capital budget of £93,000 for the required refurbishment and installation of the Betony Road Play Area following transfer from the developer as per the planning permission to

be funded through section 106 income for 2024/25 be approved;

(e) a capital budget request for play equipment refurbishment and youth provision of £50,000 from 2024/25 and onwards annually to be funded from section 106 income be approved; and

(f) a capital budget of £70,000 for accessibility improvements to footpaths as part of the Park Connector Scheme from 2024/25 to be funded from section 106 income be approved.

**Reasons for
Recommendation:**

The capital budget requests will enable efficient and effective financial processes for the Council to deliver parks and open spaces projects through the appropriate use of section 106 funding.

Cabinet - 8 January 2024

Parks and Open Spaces Section 106 Projects

Public Report of the Chief Officer - Leisure and Wellbeing

Recommendation

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 - (b) a capital budget of £80,200 for Brindley Road/Lennon Close Play Areas and Hillmorton Recreation Ground as per legal agreement, to be fully funded through Section.106 income for 2024/25 be approved;
 - (c) a capital budget of £70,800 for the development of community allotments at Centenary Park, Newbold, to be fully funded through Section.106 income, be approved for 2024/25;
 - (d) a capital budget of £93,000 for the required refurbishment and installation of the Betony Road Play Area following transfer from the developer as per the planning permission to be funded through section 106 income for 2024/25 be approved;
 - (e) a capital budget request for play equipment refurbishment and youth provision of £50,000 from 2024/25 and onwards annually to be funded from section 106 income be approved; and
 - (f) a capital budget of £70,000 for accessibility improvements to footpaths as part of the Park Connector Scheme from 2024/25 to be funded from section 106 income be approved.

1. Executive Summary

- 1.1 This report seeks to approve supplementary budget requests for the appropriate utilisation and expenditure of section 106 funding. Section 106 agreements are legal agreements between Local Authorities and housing developers where it is considered a development will have a significant impact on the local area. Obligations for section 106 agreements include contributions to:

- Public open space
- Affordable Housing
- Education
- Highways

1.2 The content of a section 106 agreement is agreed through the consultation period of the planning application with identified projects confirmed as part of the legal agreement.

1.3 The projects outlined within the report seek to ensure the following Corporate Strategy objectives are achieved:

- Rugby Borough Council is a responsible, effective and efficient organisation.
- Residents live healthy, independent lives with the most vulnerable protected.
- Link places together with good quality, green infrastructure and improve biodiversity across the borough
- Make sure residents are proud of their community and their borough.
- Support residents to lead active lives with high quality, accessible green space and recreational facilities.

1.4 The Council delivers a variety of capital and revenue projects each financial year that are funded through section 106 funding as outlined. The Council's financial procedures ensure projects are identified and appropriate budget requests brought forward for approval to ensure transparency and effective management of the Council's expenditure.

1.5 The report seeks to outline a series of capital projects that have section 106 contributions receipts confirmed towards public open space improvements, including:

Project Identification	Section 106	Value
Health and Safety Improvements – Aspen Road Play Area	B098	£19,000
Cawston NEAP Green Gym Equipment	B112	£44,350
Brindley Road and/or Lennon Close and Hillmorton Recreation Ground	B111	£80,200
Centenary Park –	B086	£41,300
Centenary Park –	B149	£29,500
Betony Road Play Area	B087	£93,000
Park Connector Programme	B105, B107, B112, B129, B131	£70,000

- 1.6 The report further sets out a request to create an annual capital budget of £50,000 for the ongoing refurbishment and replacement programme of projects that are subject to section 106 expenditure. The budget would enable officers to respond efficiently to refurbishment needs and utilise section 106 funding as appropriate and ensure health and safety compliance across the open space sites.
- 1.7 The Council's Capital Strategy sets out to support the delivery of corporate strategy priorities and ensure the delivery of the Council's core functions.
- 1.8 Capital projects are required to be added to the Council's capital programme with proposals up to £50,000 requiring Cabinet approval, with those projects over £50,000 requiring Council approval.
- 1.9 Projects will have a designated budget manager who is accountable for the approved budget and delivery of the projects.
- 1.10 The management of the projects through section 106 funding are deemed low risk to the council as the funding is secured through legal agreements as part of the planning process.
- 1.11 The section 106 legal agreements can be subject to expiry dates whereby funding is returned to the developer if it cannot be demonstrated that funding has been committed to an appropriate project or expenditure.
- 1.12 The projects outlined in this report are to be fully funded through section 106 and will not require the Council to seek additional capital loans to finance the projects.

2. Introduction

- 2.1 The Council receives section 106 contributions as per the planning process for local infrastructure including for parks and open space development and maintenance.
- 2.2 Section 106 contributions are outlined through legal agreements as part of the application for housing development. Projects are identified and contributions sought for specific projects for the benefit of the local residents.
- 2.3 As per the Council's Capital Strategy, it is appropriate for reports to be brought forward for council approval of the budget expenditure and ensure the Council is an effective and efficient organisation.
- 2.4 The projects outlined are to be fully funded through the section 106 contributions.

3. Health and Safety Improvements – Aspen Road Play Area

- 3.1 Through inspection and monitoring of the Council's open spaces, there has been identification of required works to be funded through section 106.
- 3.2 Identified capital works at Aspen Road Play Area totalling £19,000 including replacement equipment, replacement of safety matting and installation and surfacing.
- 3.3 Section 106 B098 is ringfenced for the play areas ongoing maintenance and refurbishment.
- 3.4 The Parks and Open Spaces have an annual budget of £50,000 for capital health and safety repairs, however, this specific play area has section 106 funding assigned and is therefore requested to approve additional capital expenditure of £19,000, through the section 106 funding for 2023/24.

4. Cawston NEAP – Green Gym Equipment

- 4.1 The Cawston NEAP green gym equipment maintained and monitored by qualified operatives within the Parks and Open Spaces and Grounds Maintenance teams.
- 4.2 The equipment is outlined for replacement as per its condition and replacement schedule. Section 106 agreement, coded B112 specifically sets out developer contribution for the replacement of the Cawston NEAP equipment.
- 4.3 A 2024/25 capital budget code to be created for the £44,350 for green gym equipment replacement at Cawston NEAP.
- 4.4 The replacement programme of installation will be coordinated and managed by the Parks and Open Spaces team.

5. Brindley Road and/or Lennon Close Play Area and Hillmorton Recreation Ground

- 5.1 Section 106 agreement B111 outlines developer contributions for the "provision, enhancement, improvement and maintenance of public open space in the vicinity of the development. The application was for the former sidings and ballast pits, Lower Street, Hillmorton.
- 5.2 The local open space amenities in the area have the funding committed to the development of the play areas at Brindley Road and Lennon Close, and Hillmorton Recreation Ground in Hillmorton as suitable sites.
- 5.3 Brindley Road play area was last refurbished in 2006 and Lennon Close play area was in 2007 respectively. Both play areas have equipment or surfacing that is now nearing the end of its useable life.

- 5.4 It is therefore proposed to bring the play areas forward for enhancement and improvement utilising the section 106 funding and ensure the funding is appropriately committed to ensure it is utilised before the expiry of the agreement.
- 5.5 Officers will consider the impact the funding can have and bring forward options for ~~both the~~ play areas and recreation ground for the utilisation of the funding.
- 5.6 Therefore a capital budget request of £80,200 is requested for approval for 2024/25.

6. Centenary Park – Community Allotment

- 6.1 The Green Flag Award winning Centenary Park was created on a former allotment site after the land was returned to the Council following the construction of the Western Relief Road.
- 6.2 The Council developed a masterplan for the site in collaboration with a number of organisations, including Newbold-on-Avon Community Partnership, Butterfly Conservation, Warwickshire Wildlife Trust and Newbold Riverside Academy.
- 6.3 The masterplan has seen significant improvement to the site with the park area opening in ~~2016~~2015. The site masterplan also outlined the development of community allotments on the council owned land and the project is now at a stage of being able to bring the works forward for Council approval.
- 6.4 The Council owns a number of allotment sites within the borough that are consequently managed by Community Allotment Associations. Upon completion, the site would be managed and coordinated by an appropriate community allotment association, to be determined.
- 6.5 A capital budget of £70,800 for the development of community allotments at Centenary Park, Newbold is therefore requested for 2024/25.

7. Betony Road Play Area

- 7.1 Betony Road Play Area is part of the Coton Park development that has seen significant growth of housing on the outskirts of the urban area.
- 7.2 As part of the section 106 obligations, a play area was approved with planning permission that would then be transferred to the Council and supported with 12-month maintenance funding.
- 7.3 Since the installation of equipment on Betony Road, officers have inspected and monitored the play area and raised concerns to the developer that the equipment installed was not as per the confirmed planning permission and subsequent concerns around the quality and appropriateness of the equipment.

- 7.4 Through discussion with the section 106 officer, legal colleagues and appropriate enforcement action, it has been agreed with the developer that they will be liable for a commuted sum payment for the Council to install a new play area and accept the formal transfer of the land to the Council.
- 7.5 A payment has since been made and funding of £93,000 has been confirmed following quotes received for the correct installation and subsequent management fee for the Council to undertake the works.
- 7.6 Therefore a capital budget request of £93,000 is requested to ensure the expenditure is appropriately budgeted for 2024/25.

8. Annual budget for section 106 expenditure

- 8.1 The parks and open spaces budget currently includes provision for health and safety improvements that occur across the financial year.
- 8.2 To ensure identified works and small sized replacement projects that are to be completed through section 106 funding can take place, it is proposed to establish an annual capital budget of £50,000 for 2024/25 and onwards to be fully funded by section 106.

9. Park Connector Programme

- 9.1 The Park Connector Network aims to improve access to open spaces and create a series of 'green' travel corridors to encourage walking and cycling.
- 9.2 The Park Connector Network and the shift towards greater use of active travel have a vital role in reaching our net zero targets while supporting biodiversity and protecting our natural environment.
- 9.3 Works identified for accessibility improvements include council open spaces at; Freemantle open space, Swift Valley open space and Ashlawn Road.
- 9.4 Section 106 expenditure will be brought forward as per the legal agreements and timelines for commitment to projects.
- 9.5 A capital budget of £70,000 following initial works quotes received from external contractors with the work to be completed in the 2024/25 financial year to be funded from section 106 funding.
- 9.6 Improvements will continue to develop the Council's park connector scheme with the objective of linking the borough's green and open spaces and allow increased accessible travel within the borough.

10. Conclusion

- 10.1 The report seeks the approval for the various capital projects for officers to undertake the necessary works and improvement programmes as per their organisational remit.

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Subject Matter: Parks and Open Spaces Section 106 Projects
Originating Department: Leisure and Wellbeing

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A