

HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
14 June 2011

Subject: USE OF PUBLIC OPEN SPACE, SPORT AND RECREATION RELATED S106 FUNDS

**All Ward(s)
Scrutiny Committee
Cabinet Member for Leisure and Health: Councillor P R Wilkinson**

1.0 PURPOSE AND BACKGROUND:

- 1.1 The Council's policy is to secure sustainable appropriate public open space, sport and recreation provision within the site of a new development. Occasionally this is not possible and so Section 106 agreements are negotiated with developers to secure commuted sums for community recreational projects off site where they can be related to the development.
- 1.2 The purpose of this report is to approve a more strategic and efficient process for allocating S106 funds by approving Public Open Space, Sport and Recreation Sub Area Action Plans.
- 1.3 The Council has adopted the Public Open Space, Sport and Recreation SPD that is now used to determine how much open space needs to be provided on site for new developments, and once this has been agreed, for calculating the balance of the requirements for off site provision that will be expected to be provided for by contributions to the Council. Commuted sums are calculated for all dwellings (new or extended) and could relate to allocated sites in the LDF or windfall sites.
- 1.4 The SPD states that the Council will determine the local needs and priorities for allocating commuted sums by using Sub Area Action Plans that will be developed through consultation with Parish Councils and Community Forums. A guideline for developing robust individual Action Plans to inform the Sub Area Action Plans is detailed in Annex 2.
- 1.5 By approving Sub Area Action Plans the decision making process for allocating future S106 monies can be simplified as it would allow certain thresholds to be adopted. This would make the process more strategic and efficient for Members and officers as the projects will already have been agreed locally, be based on a clearly identified need and offer value for money. The process for approving public open space, sport and recreation action plans and suggested thresholds for allocating future S106 funds is detailed in Annex 1.
- 1.6 Priority will be given to support communities that have a housing allocation in the LDF or a S106 agreement in place to develop individual action plans as they are more likely to secure commuted sums in the foreseeable future.
- 1.7 It is intended that all individual action plans, where appropriate as some parishes are too small to justify any public space, sport or recreation facility, will be adopted by June 2012.

2.0 DECISIONS SOUGHT:

- 2.1 The decision sought relates to agreeing a more strategic and efficient process for allocating S106 funds by approving Public Open Space, Sport and Recreation Sub Area Action Plans and thresholds as set out in Annex 1

3.0 LINK TO CORPORATE PRIORITIES:

3.1 This links primarily to the Health priority of the Council.

4.0 RISK ASSESSMENT

4.1 The overall risk to the Council associated with this decision is low.

5.0 SUSTAINABILITY IMPLICATIONS:

5.1 The Council's approach to all public open space, sport and recreation projects is that they need to be sustainable at a local community level and for that reason the projects are owned, delivered and managed by local community groups.

6.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES:

6.1 The main method of delivery of S106 allocations is to passport external funding from developers to community groups. Funds will not be committed or released to organisations until the Council is in receipt of the monies from the developer.

6.2 Funding allocations will be subject to 12 monthly reviews to determine progress. Following a review, if a project is unlikely to proceed, the offer of funding will be withdrawn and re-allocated. There are no revenue implications for this Council.

7.0 LEGAL IMPLICATIONS:

7.1 There is a legal responsibility upon the Council to ensure this funding is used in a way consistent with the individual S106 Agreements.

8.0 SECTION 17 CRIME AND DISORDER ACT 1998:

8.1 Some of the projects will have the potential to reduce crime and disorder through providing diversionary activity for young people.

9.0 EQUALITY/DIVERSITY ISSUES:

9.1 All projects in receipt of this funding should have equal access and be available for the general public to use.

10.0 RECOMMENDATION:

10.1 It is recommended that the process for approving a more strategic and efficient process for allocating S106 funds by approving Public Open Space, Sport and Recreation Sub Area Action Plans and thresholds as set out in Annex 1 is approved.

DAVE GOODWIN

Background papers: None
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HAMBLETON DISTRICT COUNCIL**PROCESS FOR APPROVING PUBLIC OPEN SPACE, SPORT AND RECREATION ACTION PLANS FOR ALLOCATING S106 FUNDS**

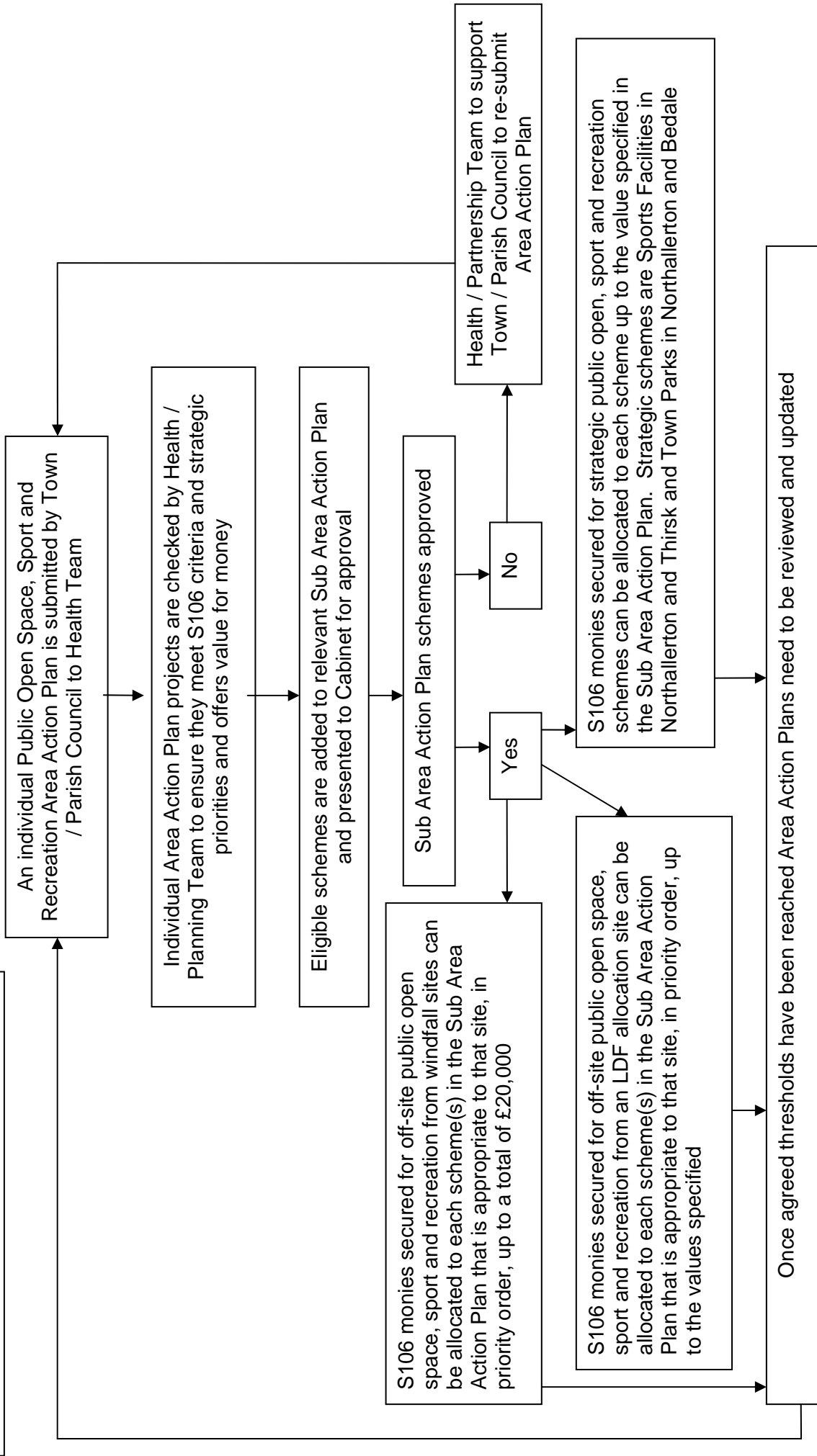
1. The Public Open Space, Sport and Recreation Supplementary Planning Document (SPD) was adopted by the Council in February 2011. It states that the Council will determine the local needs and priorities for allocating commuted sums by using Sub Area Action Plans that will be developed through consultation with Parish Councils and Community Forums
2. The Health and Partnership Teams will support Town and Parish Councils to produce an individual public open space, sport and recreation action plan – details from which can then be incorporated into their Sub Area Action Plan. The guideline proposes the following steps to completing an Action Plan to ensure it is robust and takes account of all needs:
 - To complete an audit of public open space, sport and recreation to ascertain what is already provided
 - To consider public open space, sport and recreation projects that are included in the local Community or Parish Plan to identify existing need
 - To consult other community groups that manage public open space, sport or recreation facilities to identify future need
 - When Action Plan is complete, to consult with and gain support of District Council Elected Member, the Local Area Forum and the local Area Partnership – then submit to the District Council's Health Team

See 'Guidelines for Producing a Public Open Space, Sport and Recreation Action Plan' for further details

3. Once completed the Action Plan will be checked by the Health and Planning Teams to ensure projects are eligible and meet S106 criteria and strategic priorities set out in the Public Open Space, Sport and Recreation SPD. A check will also be carried out to ensure the project(s) offer value for money (with budgets being based on actual costs) and that the need is clearly identified. The Action Plan will then be signed off by an Executive Director.
4. The Health Team will then incorporate details of each eligible project(s) in the appropriate Sub Area Action Plan (Bedale, Easingwold, Northallerton, Stokesley or Thirsk) and present these to Cabinet.
5. There are potentially 3 means of securing S106 monies for off-site public open space, sport and recreation projects as follows:
 - From LDF allocations that are linked to the four strategic public open space, sport and recreation schemes that have already been identified in the SPD (sports facilities in Northallerton and Thirsk and Town Parks in Bedale and Northallerton)
 - From LDF allocations where a contribution for off-site provision for public open space, sport and recreation is required
 - From Unilateral undertakings for windfall sites (sites not identified in the LDF – extensions, in-fill etc) where a contribution for off-site provision for public open space, sport and recreation is required
6. By approving Sub Area Action Plans for Public Open, Space and Recreation, allocating future S106 monies will be more strategic and efficient as the projects will have been agreed locally, are based on a clearly identified need and offer value for money

7. It is proposed that the following process and thresholds are adopted:
- S106 monies secured for strategic public open, sport and recreation schemes can be allocated to each scheme up to the value specified in the Sub Area Action Plan. Strategic schemes are Sports Facilities in Northallerton and Thirsk and Town Parks in Northallerton and Bedale
 - S106 monies secured for off-site public open space, sport and recreation from an LDF allocation site can be allocated to each scheme(s) in the Sub Area Action Plan that is appropriate to that site, in priority order, up to the values specified
 - S106 monies secured for off-site public open space, sport and recreation from windfall sites can be allocated to each scheme(s) in the Sub Area Action Plan that is appropriate to that site, in priority order, up to a total of £20,000
 - Once thresholds have been reached the Action Plan will be reviewed and updated accordingly
 - Each Sub Area Action Plan will be reviewed every 12 months and re-submitted to Cabinet for approval, to ensure that the data is accurate and up to date
8. Public Open Space, Sport and Recreation Sub Area Action Plans will be presented to Cabinet on a rolling basis for approval

Process for approving Sub Area Action Plan and S106 thresholds for Public Open Space, Sport and Recreation schemes



GUIDELINES FOR PRODUCING A PUBLIC OPEN SPACE, SPORT AND RECREATION ACTION PLAN

Step 1	Working with officers from the Council's Health Team; Town and Parish Councils to complete an audit of existing public open space, sport and recreation* spaces located within the parish incorporating data from the Council's Play Space, Sport and Allotment Audits (see Sub Area Action Plan)
Step 2	Review recreation related projects identified in local Community Plan / Parish Plan to determine if any schemes need to be included in the Public Open Space, Sport and Recreation Action Plan
Step 3	Consult with other relevant community groups, if required, to determine their future needs/plans (for example; Playing Field Associations; Sports Clubs; Allotment Associations)
Step 4	Based on information gathered from steps 1-3 produce a Public Open Space, Sport and Recreation Action Plan using the attached template. Prioritising schemes if there are more than one
Step 5	Circulate the Action Plan to the appropriate Elected Member, Area Partnership and Area Forum for comment / support
Step 6	Revise plan if necessary and submit final version of Public Open Space, Sport and Recreation Action Plan to the Council's Health Team

Note

Whilst individual communities may have aspirations it is for the Council to ultimately determine the use of S106 and each Action Plan scheme(s) and priority will be considered by the Council to ensure that it meets the criteria set out in the Public Open Space, Sport and Recreation Supplementary Planning Document adopted in February 2011.

If an agreement cannot be reached the Council's Health Team and/or Partnerships Team will advise on the most appropriate action.

Community facilities that are not related to public open space, sport and recreation can be included in the action plan. These may be considered for S106 funding if there is a clear need that would be exacerbated by further development.

** Public open space, sport and recreation includes green open spaces, children's play areas, teenage recreation, outdoor and allotments/community gardens*

HAMBLETON**DISTRICT COUNCIL****PUBLIC OPEN SPACE, SPORT AND RECREATION ACTION PLAN**

Town / Parish Council

Contact Name

Contact Telephone number

Email

PLEASE TICK EACH BOX BELOW TO CONFIRM THE FOLLOWING:**An audit of public open space, sport and recreation has been completed**(incorporating data from the Council's Public Open Space, Sport and Recreation Audit
- see www.hambleton.gov.uk/openspace)**Public open space, sport and recreation projects in the local Community Plan / Parish Plan have been considered (if there are any)****Community groups managing public open space, sport and recreation facilities have been consulted regarding future needs (if there are any)****Public Open Space, Sport and Recreation Action Plan produced (using template attached)****District Council Elected Member(s) support the action plan priorities****The local Area Forum supports the action plan priorities**

(i.e. Bedale, Easingwold, Northallerton Stokesley or Thirsk Area Forum)

The local Area Partnership supports the action plan priorities

(i.e. Bedale and Villages Community Forum, Easingwold and Villages Forum, Northallerton and Villages Community Forum, Stokesley and Villages Community Regeneration Group or Thirsk Regeneration Initiative)



PUBLIC OPEN SPACE, SPORT AND RECREATION ACTION PLAN (example)

Name of Town / Parish

What POS / Sport / Recreation facilities do you have already?	Managing organisation and contact details	Future actions	How do you know there is a need for this project?	Estimated cost (£)	Community Priority (1 = highest priority)
1 play area	ABC Parish Council	Installation of new play equipment to benefit 8-13 year olds	Public consultations held in 2010	£35,000	1
2 x tennis courts, football pitch and bowls club	ABC Sports Club	Resurfacing tennis courts and building a multi-use games area	Public consultations held in 2011 and data from Sport England	£140,000	2
10 allotments	ABC Allotment Society	None	Not applicable	£0	-

Continue on a separate sheet if required