



Date of Meeting	4 th July 2018
Portfolio	Councillor Daalat Ali Cabinet Member for Planning, Development & Housing
Report Author	Nick Barton
Public/Private Document	Public

Section 106 - Milnrow Memorial Park

Executive Summary

- 1.1 This report seeks approval to allocate funds currently held from s.106 open space contributions in the Milnrow and Newhey Ward to contribute to improvements to children's play within Milnrow Memorial Park.

Recommendation

- 2.1 To approve the allocation of £5,810 of s.106 open space contributions from development at Wickenhall Mill to contribute to improvements to children's play within Milnrow Memorial Park.

Reason for Recommendation

- 3.1 Pennine Township Members have previously requested that all s.106 open space funded schemes be approved by Members by way of a report to an appropriate committee. A similar process of reporting exists in all other Townships.
- 3.2 A costed scheme has been prepared by the Council's Environmental Management Service and is supported by the Ward Councillors.
- 3.3 The scheme is within the parameters of the s.106 agreement and the Council's 'Provision of Recreational Open Space in New Housing' Supplementary Planning Document.

Key Points for Consideration

- 4.1 Rochdale Council's Supplementary Planning Document 'Provision of Recreational Open Space in New Housing', states that contributions may be used towards the provision (including 20 years maintenance) and / or improvement of open space within 5 years of receipt. In the case of informal open space, provision should be within 20 minutes walking distance of the development generating the contribution.

- 4.2 An s.106 contribution has been received for £5,810 in relation to the development of Wickenhall Mill, Ogden Lane, Newhey.
- 4.3 A scheme prepared by the Council's Environmental Management Service to provide a basket swing, an inclusive roundabout and a rubber safety surface within the park has been costed at £17,330.
- 4.4 Members are asked to approve the allocation of £5,810 of s.106 open space contributions towards this project.

Alternatives Considered

- 4.5 The Council is required to spend s.106 contributions in accordance with legal agreements and local and national planning policy. Not bringing forward projects to spend s.106 contributions in accordance with these agreements and policies risks the loss of investment in local facilities, and the refunding of monies held from s.106 contributions where there is a time limited period for spend.
- 4.6 Proposals put forward in this report have been the subject of consultation with Ward Members and reflect their priorities. The use of resources has been considered to maximise the funding available.

Costs and Budget Summary

- 5.1 S.106 contributions are monitored and managed to ensure that they are received and spent in accordance with policy and financial regulations.
- 5.2 The Council's Environmental Management Service will seek funding from alternative sources for remaining £11,520 required to implement this project.
- 5.3 The works will not incur additional revenue costs such as increased maintenance requirements.
- 5.4 The identified funding of £5,810 is made up of s.106 open space contributions from development at Wickenhall Mill, Ogden Lane, Newhey.

Risk and Policy Implications

- 6.1 As identified within the report, contributions from s.106 agreements must be spent within the parameters of each of those legally binding documents. Where money is not spent within the appropriate parameters, then this risks legal challenge, which would present significant financial and reputational as well as legal risk to the Council.
- 6.2 Where there are any queries or where there is any uncertainty on spending contributions obtained through s.106 planning obligations, this should be raised and advice should be sought from Legal Services and where appropriate the Section 151 Officer, as any misspending may obviously impact on that function.

Consultation

7.1 The project contained within this report has been developed in consultation with Ward Members.

Background Papers	Place of Inspection
8. 'Provision of Recreational Open Space in New Housing' Supplementary Planning Document	Planning and Development, Floor 3, Number One Riverside or online at: http://www.rochdale.gov.uk/pdf/2017-02-21-recreational-open-space-spd-updated-v2.pdf

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