



Date of Meeting	29 <sup>th</sup> September 2020
Portfolio	Cabinet Member for Planning, Development & Housing
Report Author	Nick Barton
Public/Private Document	Public

## Section 106 Formal Sport

### Executive Summary

- 1.1 This report seeks approval for the allocation of Section 106 Formal Sport contributions to be allocated to a project at Heywood St. James FC (Phoenix Park).

### Recommendation

- 2.1 It is recommended that Cabinet Members approve the allocation of funds from relevant Section 106 receipts to support the replacement of changing facilities at Heywood St. James FC (Phoenix Park).

### Reason for Recommendation

- 3.1 In accordance with the relevant Council policies, the allocation of s106 Formal Sport contributions received from new residential developments are considered on a strategic and Boroughwide basis. As such, when the specific use of the contribution is not agreed in the Section 106 agreement, this requires Cabinet approval.
- 3.2 The recommendations relating to the allocation of Formal Sport contributions in this report are guided by the Playing Pitch Strategy in consultation with elected member for the wards in which the contributions are generated.

### Key Points for Consideration

- 4.1 Rochdale's Supplementary Planning Document 'Provision of Recreational Open Space in New Housing', states that contributions may be used towards the provision (including 20 year maintenance) and / or improvement of open space within 5 years of receipt. In the case of Formal Sport, this sort of facility is frequently accessed by car or public transport and therefore it would be acceptable for the areas to be provided in the same area of the Township as the development, and elsewhere in the Borough in some cases. All Formal Sport provision provided / improved should however, be easily accessible by

public transport.

- 4.2 Formal sport provision is usually the provision of formal sports pitches, which are clearly laid out for that purpose, available for public use and frequently for supervised activities. Examples include tennis courts, bowling greens, sports pitches, athletics tracks, school and other institutional playing fields and other outdoor sports areas. It is important to note that these contributions cannot be used towards indoor facilities, except where these indoor facilities are essential to the function of outdoor facilities. Examples of which include toilets and changing rooms. In these cases, consideration will be given to the minimum requirements set out by the relevant sports governing bodies and leagues.
- 4.3 Heywood St. James Football Club are replacing the changing facilities at their Phoenix Park ground that were severely damaged by fire. The club has estimated the cost of the project as £45,000 and have fundraised to meet a significant part of that cost. This allocation of £22,500 would enable them to complete the project.

### **Alternatives Considered**

- 4.4 The Council is required to spend s106 Formal Sport contributions in accordance with legal agreements and local and national planning policy. Not delivering projects as set out in s106 legal agreements would result in contributions being returned to developers and a loss of facilities for residents of the borough.

### **Costs and Budget Summary**

- 5.1 Section 106 Formal Sport contributions are monitored and managed to ensure that they are received and spent in accordance with policy and financial regulations.
- 5.2 The total identified cost of the project (£45,000) can be met by contributions from Heywood St. James FC (£22,500) and Section 106 contributions of £22,500.
- 5.3 The Section 106 funding for this projects are made up from a contribution from the Gort Sand Quarry development on Green Lane, Heywood.

### **Risk and Policy Implications**

- 6.1 The projects contained within the report will be managed in accordance with the Council's established project management methodology.
- 6.2 As identified within the report, contributions from s106 agreements, must be spent within the parameters of each of those legally binding documents. Where the 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.

6.3 Where there are any queries or where there is any uncertainty on spending contributions obtained through s106 planning obligations, this should be raised and advice should be sought from Legal Services and where

<b>Consultation</b>
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7.1 Consultation has been carried out with Ward and Township councillors.

<b>Background Papers</b>	<b>Place of Inspection</b>
8.1 Provision of Recreational Open Space in New Housing Supplementary Planning Document	Planning and Development, Floor 3, Number One Riverside or online at: <a href="http://rochdale.gov.uk/pdf/2017-02-21-recreation-open-space-spd-updated-v2.pdf">http://rochdale.gov.uk/pdf/2017-02-21-recreation-open-space-spd-updated-v2.pdf</a>

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