



SHEFFIELD CITY COUNCIL South Community Assembly Report

Report of: South Community Assembly Manager

Date: 10th January 2013

Subject: Allocation of Open Space Section 106 Funds in the South Community Assembly Area

Author of Report: James Barnes: Projects Team Manager, Parks and Countryside

Summary:

Money has been received from developers for open space Section 106 Agreements in the South Community Assembly area. Members' agreement is now sought to allocate the funds to proposed sites where funding has been received.

Reasons for Recommendations:

Section 106 agreement funds need to be allocated to projects as soon as possible so that design and procurement work can commence. Developers may make a case for repayment if they can demonstrate that there are no plans to spend the money.

Recommendations:

It is recommended that the Community Assembly allocate the open space Section 106 agreements funds to proposed sites where funding has been received.

Background Papers:

None

Category of Report: OPEN

If Closed add – ‘Not for publication because it contains exempt information under Paragraph... of Schedule 12A of the Local Government Act 1972 (as amended).’

* Delete as appropriate

Statutory and Council Policy Checklist

Financial Implications
YES Cleared by:
Legal Implications
YES Cleared by:
Equality of Opportunity Implications
YES (South Community Plan EIA) Cleared by:
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
YES
Economic impact
NO
Community safety implications
YES
Human resources implications
YES
Property implications
YES
Area(s) affected
South Assembly
Relevant Cabinet Portfolio Leader
Relevant Scrutiny Committee if decision called in
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

OPEN SPACE SECTION 106 AGREEMENTS

1.0 SUMMARY

- 1.1 Money has been received from developers for open space Section 106 Agreements in the South Community Assembly area. Members' agreement is now sought to allocate the funds to proposed sites where funding has been received.

2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE

- 2.1 There will be further investment in improving local open spaces in the South Community Assembly area.

3.0 OUTCOME AND SUSTAINABILITY

- 3.1 Improved open spaces contribute to a number of Sheffield City Council's 'City of Opportunity' Corporate Plan priorities including:
- Improving parks and open spaces
 - Increasing participation in sport and physical activity
 - Reducing anti social behaviour and crime
 - Improving children's health

4.0 FULL PROPOSAL

4.1.1 Allocation of agreements to project sites

Money has been received from developers for open space Section 106 Agreements in the South Community Assembly area. Members' agreement is now sought to allocate the funds to proposed sites where funding has been received.

Development Site	Project Site	Value
Unit A Centenary Works 150 Little London Road	Barbers Field: it is proposed the funding will contribute towards footpath lighting.	£9,250

285-317 Psalter Lane	Endcliffe Park: This agreement is in the South Community assembly. However, an agreement on Cowlshaw Road, which is in the South West, was allocated to Chelsea Park. The amounts are similar and this redresses the balance.	£5,562
Land at 26-30 Meadowhead Avenue	Barbers Field: it is proposed the funding will contribute towards footpath lighting.	£3,337

4.3 Financial Implications

Monies have been received for the agreements discussed in this report. Once project sites have been agreed, it will be necessary for approval for capital spend to be gained under the council's capital approval procedure.

4.4 Legal Implications

Section 106 Agreements are legally binding agreements between developers and the City Council made using powers under the Town and Country Planning Act. It is important that all aspects of agreements are adhered to since failure to do so may result in challenge by the developers and potential claw back of funds. Developers frequently contact the Planning Service to check if their funds have been spent and what they have been used for.

4.5 Equality of Opportunity Implications

Higher quality open spaces will result from using section 106 funds. This will bring a general benefit to most members of the community. Wherever possible, open space design attempts to improve safety and to improve accessibility for physically disabled people.

4.6 Human Resource Implications

Staff salaries in the Environmental Planning Design Team are partly funded by the fee element of Section 106 design work. Allocating funds to external organisations reduces the viability of the team.

4.7 Environmental and Sustainability Implications

Where open space projects are designed in house, care is always taken to use sustainably sourced materials and to provide solutions with low maintenance requirements. The two external organisations that may benefit from these funds are also known to adopt this approach.

4.8 Mitigation of risk

For in projects designed in house, a business plan and risk register is always prepared, the work is subject to the requirements of the corporate project management process, corporate procurement process and health and safety regulations. Where external organisations receive funds, the Environmental Planning Team manager works with them to ensure that the funds are used correctly and that the work is carried out in accordance with requirements.

5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 There are various open space sites in the vicinity of some of the S106 agreements, the sites suggested are those which are thought to be priority sites within the South Community Assembly area.

6.0 REASONS FOR RECOMMENDATIONS

6.1 Section 106 agreement funds need to be allocated to projects as soon as possible so that design and procurement work can commence. Although funds from the agreements which are the subject of this report have no specified clawback date, developers may make a case for repayment if they can demonstrate that there are no plans to spend the money.

7.0 REASONS FOR EXEMPTION (if a Closed report)

7.1 This report is not presented as an exempt item

8.0 RECOMMENDATIONS

- 8.1 It is recommended that the Community Assembly allocate the open space Section 106 agreements funds to proposed sites where funding has been received.

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