

Report to: **Executive**

Date: **13 December 2018**

Title: **Release of s106 Funds for Open Space, Sport & Recreation and Ecological Projects**

Portfolio Area: **Customer First**

Wards Affected: **Charterlands** **Newton and Yealmpton**
Dartmouth and East Dart **Salcombe and Thurlestone**
Ermington and Ugborough **Stokenham**
Ivybridge East **Wembury and Brixton**
Ivybridge West
Marldon and Littlehempston

Relevant Scrutiny Committee: **Overview and Scrutiny Committee**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **Following Call In 24 Dec 2018**

Author: **Alexis Huggins** Role: **Specialist – Place Making**

Contact: **01803 861406 / alexis.huggins@swdevon.gov.uk**

Recommendations:

1. To approve the release or allocation of s106 funds for Open Space, Sport & Recreation and Ecological projects as set out in the report.
2. That where a project is identified, that agreement of specific details be delegated to the relevant Specialist in consultation with Ward Member(s) and Portfolio holder.
3. That where an Open Space, Sport and Recreation Plan is proposed, that agreement of details of specific projects within the plan be delegated to the relevant Specialist in consultation with Ward Member(s) and Portfolio holder.
4. Agreement to any substitution of alternative projects to those identified in Table 1 shall be delegated to the relevant Specialist in consultation with Ward Member(s) and Portfolio holder subject to the alternative being in accordance with the s106 agreement and meeting pooling restrictions.

1. **Executive summary**

- 1.1. The Council has a key role as Local Planning Authority in securing funds for appropriate mitigation projects in relation to development. These funds can be deployed either directly on Council projects or released to Town/Parish Councils, community groups and other organisations to develop projects that assist in mitigating the impact of developments. The current mechanism for securing funds is through Section 106 (s106) of the Town and County Planning Act.
- 1.2. The Council has secured s106 funds for a number of Open Space, Sport & Recreation and Ecological projects. The Council's Financial Procedure Rules require that where expenditure is proposed over £30,000 that this be authorised by Executive. The purpose of this report is to request the release or allocation of s106 funds over £30,000 for delivery of a number of projects.
- 1.3. The release of funds will allow the provision of enhancements to open space, sport and recreation facilities as well as enhancements to ecological habitats to mitigate the impacts of specific developments.
- 1.4. The report anticipates expenditure of both funds already held by SHDC, but also those committed in s.106 agreements but yet to be triggered by development. This is to allow a long term and comprehensive approach to be taken to projects and, in particular, allow Town and Parish Councils, community groups and other organisations to plan and phase projects and maximise chances to gain match funding from other sources.

2. **Background**

- 2.1. Where development creates an impact on a local community it is appropriate that reasonable mitigation be put in place to deal with that impact. Where the impact can't be mitigated on the site then it is appropriate to seek financial contributions for offsite projects. The current mechanism for this is through agreements signed under Section 106 of the Town and Country Planning Act. For Open Space, Sport and Recreation, financial contributions are sought in accordance with current DPD policy CS8 and the 2006 Open Space, Sport & Recreation Supplementary Planning Document. Contributions for ecological projects may be sought on a case by case basis.
- 2.2. Under the Community Infrastructure Levy (CIL) Regulations 2012 there are clear constraints on the collection and use of s106 funds. The purposes to which the funds are applied must be:
 - Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.

- 2.3. Since April 2015 there have been restrictions on the pooling of planning obligations. Only five s106 contributions can be pooled for use on the same infrastructure project (dating back to March 2010). The schedule of projects presented for agreement in this item has been reviewed in light of this constraint.
- 2.4. In light of the pooling restrictions and the constraints on the collection and use of s106 funds through the CIL Regulations, it should be noted that where historically s106 agreements often referred to improvements to open, space, sport and recreation facilities within a parish/across the District, new agreements now typically name a specific project(s) based upon evidence of need¹.
- 2.5. The Council has secured s106 agreements for Open Space, Sport & Recreation and Ecological projects in the following wards:
- Charterlands;
 - Dartmouth and East Dart;
 - Ermington and Ugborough;
 - Ivybridge East;
 - Ivybridge West;
 - Marldon and Littlehempston;
 - Newton and Yealmpton;
 - Salcombe and Thurlestone;
 - Stokenham; and
 - Wembury and Brixton.
- 2.6. Some of this money has already been received by SHDC and the remainder has been secured through s106 agreements and will be received by SHDC when the relevant triggers detailed in the agreements are met. It does need to be noted that if development doesn't advance that the contributions won't need to be made.
- 2.7. Once received, funds are held in ring fenced accounts by SHDC and projects are then developed to deliver the required outcomes – with opportunities to maximise benefits and to lever in additional funding being key outcomes from such projects. Some projects take place on SHDC land but a significant number take place on third party land. Where they take place on third party land the funds are offered by way of a conditional grant which secures the Council's interests and the specific requirements of the s106 agreement.
- 2.8. The Council's Financial Procedure Rules require that where expenditure is proposed over £30,000 that this be authorised by Executive. Detailed proposals regarding the expenditure of secured s106 funds can be found in section 5 of this report.

¹ The Evidence Base includes the 2015 Playing Pitch Strategy, 2017 Open Space, Sport and Recreation Study (including Greenspace and Play Audits) and other relevant Town/Parish documents including Neighbourhood Plans.

3. **Outcomes/outputs**

- 3.1. The desired outcome is the provision of enhancements to open space, sport and recreation facilities as well as enhancements to ecological habitats to mitigate the impacts of specific developments.
- 3.2. In combination the received and anticipated funds will deliver a significant number of facility improvements across the South Hams. Early agreement of the funds allows projects to be planned and phased and maximises chances to gain match funding from other sources.

4. **Options available and consideration of risk**

- 4.1. The Council has a legal obligation to spend the s106 funds in accordance with the agreements. There are two main alternative approaches for expenditure of the s106 funds:

Option 1 – SHDC develop and deliver projects

- 4.2. The first option is for SHDC Officers to develop and deliver projects. This allows more control over project plans and potentially more certainty that they will be delivered in accordance with the requirements of the s106 agreement. However there is an implication in with regard to time resource and other partners may be best placed to develop projects, lead community consultation and bring in other funds.

Option 2 – SHDC pass funds to community groups/other organisations to develop and deliver projects

- 4.3. The second option is to pass s106 funds to Town or Parish councils/community groups/other organisations to develop and deliver projects. Where SHDC has done this in the past, the offers of grants have been made with the appropriate terms and conditions securing the interest of the Council and ensuring that the requirements of the s106 agreements are adhered to.
- 4.4. SHDC has also promoted the development of Town or Parish Open Space, Sport & Recreation Plans which help to determine the local priority for spend on Open Space, Sport & Recreation. These plans are informed by the relevant evidence base for the Joint Local Plan, namely the Playing Pitch Strategy and Open Space, Sport and Recreation Study (including Greenspace and Play Audits).
- 4.5. The Neighbourhood Planning process also provides an opportunity for communities to consider the priorities for investing s106 funds in open space, sport and recreation projects.
- 4.6. SHDC is keen to maximise benefits for communities by ensuring that match funding is sought wherever possible.

- 4.7. In reality it is likely that some projects will be developed and delivered via Option 1 and some via Option 2.

5. Proposed Way Forward

- 5.1. Proposals for the expenditure of secured s106 funds are detailed below.
- 5.2. Table 1 overleaf details proposed projects for consideration and agreement in the following wards:
- Charterlands;
 - Dartmouth and East Dart;
 - Ermington and Ugborough;
 - Ivybridge East;
 - Ivybridge West;
 - Marldon and Littlehempston;
 - Newton and Yealmpton;
 - Salcombe and Thurlestone;
 - Stokenham; and
 - Wembury and Brixton.
- 5.3. The final column of Table 1 lists the projects on which it is proposed the funds be spent. Note that in most cases a specific project(s) has already been named within the s106 agreement based upon evidence of need.
- 5.4. In one instance it states that the proposed projects are to be confirmed through a Parish Open Space, Sport & Recreation (OSSR) Plan. Town/Parish OSSR Plans ensure that all local OSSR projects are considered and prioritised in consultation with local sports clubs, community groups and parish residents. This ensures the most effective allocation of any available s106 funds. OSSR Plans will need to be compliant with CIL Regs and any fund pooling restrictions. Plans will be informed by the relevant evidence base for the Joint Local Plan, namely the Playing Pitch Strategy and Open Space, Sport and Recreation Study (including Greenspace and Play Audits).
- 5.5. Consultation with Ward Members and Town and Parish Councils will be undertaken to finalise the specific details of identified projects in Table 1 or to agree priorities for spend through the OSSR Plans.
- 5.6. In recognition that Ward Members and Town and Parish Councils might have different suggestions for projects, alternative projects to those identified in Table 1 may be substituted subject to Ward Member and Portfolio holder agreement (as well as compliance with the s106 agreement and pooling restrictions).
- 5.7. Funds identified for release are either already available and held in an SHDC account or have been secured through a s106 agreement with funds due to be received when the relevant trigger detailed in the agreement is met. No project funds will be released until all supporting payments have been received from the developer and banked by SHDC to allow the full costs to be covered.

- 5.8. The figures given in Table 1 may vary due to:
- Inflationary adjustments that will take place between the point at which the 106 is signed and the point at which the payment is received.
 - Housing numbers and types still being subject to change at the point at which the s106 was signed² and figures in Table 1 therefore being based on assumed numbers and occupancy rates. Final figures will be based on the agreed formula in the s106 agreement once the housing numbers and types have been confirmed.

² This can be the case if a planning application has been granted in outline form. The housing numbers and types are confirmed in a subsequent reserved matters application.

Table 1: s106 Funds over £30,000 for Open Space Sport & Recreation and Ecological Projects

Parish	Site & Related Planning Application	Ward	Financial Contribution or Contribution Remaining and Status	Purpose of s106 funds	Proposed project(s)	Spend or commit by
Berry Pomeroy	Great Court Farm, Totnes 03/2163/14/O	Marldon and Littlehempston	£595 per occupant (75 dwellings) (signed s106 agreement)	Playing pitches and outdoor recreation facilities at KEVICC and/or Borough Park	<u>Named projects:</u> Playing pitch and outdoor recreation facility improvements at: <ul style="list-style-type: none"> • KEVICC; and/or • Borough Park Proposed to spend at Borough Park as KEVICC all weather pitch complete	10 years of receipt
			£62,000 (signed s106 agreement)	Cycle and pedestrian improvements works in the Bridgetown Corridor	<u>Named project:</u> Bridgetown Corridor cycle and pedestrian improvements	Not specified
Brixton	Venn Farm 07/1196/15/F Phase 2a	Wembury and Brixton	£46,451 (funds received)	Play space improvements within Brixton	TBC through Brixton OSSR Plan	5 years of receipt (08/05/2023)
			£49,676 (funds received)	Improvement of sport and recreation facilities at Horsham Playing Fields, Brixton and/or the football pitch at Frankford Park, Brixton and/or access improvements to these	<u>Named projects:</u> Improvement of sport and recreation facilities at: <ul style="list-style-type: none"> • Horsham Playing Fields, Brixton; and/or • the football pitch at Frankford Park, Brixton; • and/or access improvements to these 	10 years of receipt (08/05/2028)
Brixton	Venn Farm 07/1197/15/O Phase 2b	Wembury and Brixton	£595 per occupier (up to 17 dwellings) occupants to be based on Table 3 of OSSR SPD (signed s106 agreement)	Improvement of sport and recreation facilities at Horsham Playing Fields, Brixton and/or the football pitch at Frankford Park, Brixton and/or access improvements to these	<u>Named projects:</u> Improvement of sport and recreation facilities at: <ul style="list-style-type: none"> • Horsham Playing Fields, Brixton; and/or • the football pitch at Frankford Park, Brixton; • and/or access improvements to these 	10 years of receipt
Brixton	Venn Farm (North of Canes Orchard) 1825/16/OPA Phase 3	Wembury and Brixton	£595 per occupier (c.29 dwellings) occupants to be based on Table 3 of OSSR SPD (signed s106 agreement)	Improvement of sport and recreation facilities at Horsham Playing Fields, Brixton and/or the football pitch at Frankford Park, Brixton and/or access improvements to these	<u>Named projects:</u> Improvement of sport and recreation facilities at: <ul style="list-style-type: none"> • Horsham Playing Fields, Brixton; and/or • the football pitch at Frankford Park, Brixton; 	No time limit

Parish	Site & Related Planning Application	Ward	Financial Contribution or Contribution Remaining and Status	Purpose of s106 funds	Proposed project(s)	Spend or commit by
					<ul style="list-style-type: none"> and/or access improvements to these 	
Ermington	Land West of Workshops, Ermington 21/1425/12/F	Ermington and Ugborough	£38,900 (funds received)	Generic OSSR in vicinity of land	New or improved facilities at Ermington Playing Fields Awaiting outcome of land transfer negotiations with Parish Council prior to project progressing	5 years of receipt (21/02/2018) *Spend has been committed to Ermington Playing Fields to ensure it can't be reclaimed.
			£73,000 (s106 signed, land not yet transferred)	Maintenance of new Open Space Land on completion of transfer (to Parish Council or another)	<u>Named project:</u> Maintenance of new Open Space Land	None specified
Holbeton	Land North of Church Hill, Holbeton 25/1720/15/O	Newton & Yealmpton	£380 per occupier (14 dwellings) occupants to be based on Table 3 of OSSR SPD (signed s106 agreement)	Improvements to Holbeton play area and to the provision of a skate park facility on Holbeton Playing Field or other play facilities to be agreed by the Parish Council	<u>Named projects:</u> <ul style="list-style-type: none"> Improvements to Holbeton Play Area Provision of a Skate Facility at Holbeton Playing Field or other Play Facilities to be agreed by PC 	10 years of receipt
			£595 per occupier (14 dwellings) occupants to be based on Table 3 of OSSR SPD (signed s106 agreement)	Improvements to Holbeton Playing Fields to allow increased use for sports	<u>Named project:</u> Improvements to Holbeton Playing Field	
Ivybridge	Woodland Road Phase 1(Persimmon) 1971/16/FUL	Ivybridge West	£154,105 (received £77,869 31/10/2017, remainder invoiced)	Improvements to sports facilities at Filham Park	<u>Named project:</u> Improvements to sports facilities at Filham Park	10 years of receipt (31/10/27)
			£92,981 (invoiced)	Improvements to open space and play facilities at Woodlands Park and Woodburn Close	<u>Named projects:</u> Open space and play facilities at Woodlands Park and Woodburn Close	10 years of receipt
Ivybridge	Cornwood Rd, Ivybridge 2208/16/FUL	Ivybridge West	£46,930 (signed s106 agreement)	Worthele Close Play Area (written agreement obtained to change from St John's Close Play Area)	<u>Named project:</u> Worthele Close Play Area	5 years of receipt
			£73,483 (signed s106 agreement)	Extension to clubhouse at Erme Playing Field Floodlighting for Ivybridge RFC Replacement mats and netting for Ivybridge Cricket Club at Filham Park	<u>Named projects:</u> <ul style="list-style-type: none"> Extension to clubhouse at Erme Playing Field Floodlighting for Ivybridge RFC Replacement mats and netting for Ivybridge Cricket Club at Filham Park	
Kingswear	Noss marina 2161/17/OPA	Dartmouth and East Dart	£975 per resident (39 dwellings approved in full, up to 91 dwellings approved in outline) Payment relating to blue phase	Green infrastructure projects as set out within or in accordance with the Brixham – Kingswear Peninsula Plan	<u>Named projects:</u> Projects set out within or in accordance with the Brixham – Kingswear Peninsula	10 years from payment of final instalment of affordable housing

Parish	Site & Related Planning Application	Ward	Financial Contribution or Contribution Remaining and Status	Purpose of s106 funds	Proposed project(s)	Spend or commit by
			land (subject to full planning permission for 39 residential units) to be reduced by £8,000 in acknowledgement of contributions from application 2266/17/FUL. (signed s106 agreement) £45,000		Plan.	contributions
			(signed s106 agreement) £45,000	Works within SDAONB to create or improve intertidal habitats	Based on Strategic Nature Areas for mudflats – proposed Environment Agency project on River Erme	
Malborough	Adjacent to Malborough Park 0549/17/OPA	Salcombe and Thurlestone	£975 per resident (c.50 dwellings) (signed s106 agreement)	Improvements to Malborough Village Hall, Malborough Playing Fields, adjacent play area on Council land	<u>Named projects:</u> Improvements to: <ul style="list-style-type: none"> • Malborough Village Hall • Malborough Playing Fields • Adjacent play area on Council land 	7 years of receipt
Modbury	Palm Cross 35/0059/15/F	Charterlands	£215,390 £57,050 received 23/08/2017 (signed s106 agreement)	Football drainage and changing facility improvements. Extension to grounds for additional football pitch and/or artificial cricket wicket at QEII Ground	<u>Named projects:</u> Drainage and changing facility improvements for the junior and adult football pitches Extension to the grounds to support additional junior football pitches and/or artificial cricket wicket at QEII Ground	5 years of receipt (23/08/2022)
Modbury	Palm Cross Phase 2 1391/18/FUL	Charterlands	£53,118 (signed s106 agreement)	Improvements to, and maintenance of, off-site public play space at either Memorial Hall, Modbury or Palm Cross Green Modbury.	<u>Named projects:</u> Improvements to, and maintenance of, off site public play at: <ul style="list-style-type: none"> • Memorial Hall; or Palm Cross Green	10 years of receipt
			£49,086 (signed s106 agreement)	Improvements to, and maintenance of, sports facilities (including the extension of those facilities including purchase of additional land) at the QEII grounds, Modbury	<u>Named project:</u> Improvements to, and maintenance of, sports facilities at QEII Ground, Modbury	
Newton and Noss	Parsonage Farm, 3139/16/OPA	Newton and Yealmpton	£34,605 (signed s106 agreement)	Improvements to OSSR facilities at Butts Park	<u>Named project:</u> Improvements to OSSR facilities at Butts Park	7 years of receipt
Salcombe	Batson Cross 41/1915/13/F	Salcombe and Thurlestone	£61,370 (funds received)	Provide an alternative one hectare of land to be enhanced and managed for	Habitat enhancements on National Trust land at Southdown Farm, Malborough	5 years of receipt (16/04/2020)

Parish	Site & Related Planning Application	Ward	Financial Contribution or Contribution Remaining and Status	Purpose of s106 funds	Proposed project(s)	Spend or commit by
				cirl buntings		
Stoke Gabriel	Paignton Road 52/1503/15/F	Dartmouth and East Dart	£93,348 (signed s106 agreement)	Football facility improvements at GJ Churchwood Memorial Ground and Hookhills Pitches, Stoke Road Cricket facility improvements at JE Eastley Memorial Ground Improvements to Stoke Gabriel Boating Association facilities; Improvements to the footpath between the Land and the village I Provision of allotments within the village of Stoke Gabriel.	<u>Named projects:</u> <ul style="list-style-type: none"> Football facility improvements at GJ Churchwood Memorial Ground and Hookhills Pitches, Stoke Road Cricket facility improvements at JE Eastley Memorial Ground Improvements to Stoke Gabriel Boating Association facilities; Improvements to the footpath between the Land and the village Provision of allotments within the village of Stoke Gabriel. 	7 years of receipt
Stoke Gabriel	Gabriel Court Hotel 3903/16/FUL	Dartmouth and East Dart	£51,675 (signed s106 agreement)	Improved play facilities at Orchard Play area Improved pitch facilities at G J Churchward Memorial Ground or JE Eastley Memorial Ground MUGA within the parish	<u>Named projects:</u> <ul style="list-style-type: none"> Improved play facilities at Orchard Play area Improved pitch facilities at G J Churchward Memorial Ground or JE Eastley Memorial Ground MUGA within the parish 	None specified
Stokenham	Old Grist Mill House, Chillington 53/2587/07/F	Stokenham	£35,089 (funds received)	Generic OSSR	Drainage improvements at Chillington Playing Field Further local consultation required as to remainder	None specified
Stokenham	Green Park Way, Chillington 0771/16/OPA	Stokenham	£975 per occupier Occupants to be based on Table 3 of OSSR SPD Up to 65 dwellings (signed s106 agreement)	Improved facilities (including for extension of those facilities including the purchase of additional land) for off-site equipped play space and other outdoor space at Chillington Playing Field and/or Chillington church graveyard	<u>Named projects:</u> Improved facilities (including for extension of those facilities including the purchase of additional land) for off-site equipped play space and other outdoor space at: <ul style="list-style-type: none"> Chillington Playing Field; and/or Chillington church graveyard 	5 years of receipt
Ugborough	Sidings Cross,	Ermington and	£595 per occupier (up to 36	Improvements to OSSR	<u>Named projects:</u>	7 years of receipt

Parish	Site & Related Planning Application	Ward	Financial Contribution or Contribution Remaining and Status	Purpose of s106 funds	Proposed project(s)	Spend or commit by
	Wrangaton 1317/16/OPA	Ugborough	dwelling(s). Occupants to be based on Table 3 of OSSR SPD (signed s106 agreement)	facilities at the Old Cricket Ground, Moorhaven and/or Hillhead Cross, Ugborough	Improvements to OSSR facilities at: <ul style="list-style-type: none"> • Old Cricket Ground, Moorhaven; and/or • Hillhead Cross, Ugborough 	
Ugborough	Land off Rutt Lane, Ivybridge 57/2472/14/O	Ermington and Ugborough	£595 per person (2.5 people per dwelling) Approximately 198 dwellings (signed s106 agreement)	Towards the provision of sports and recreation facilities at Filham Park Ivybridge, the playing fields at Moorhaven, Tweenaway Bittaford and /or Ivybridge Rugby Club	<u>Named projects:</u> Sports and recreation facilities at: <ul style="list-style-type: none"> • Filham Park Ivybridge; • Playing fields at Moorhaven, Tweenaway Bittaford; and/or • Ivybridge Rugby Club 	5 years of receipt
			£100,000 (signed s106 agreement)	Towards provision of a 400m ² play space in a location within the development to be agreed between the Owner and the Council	<u>Named project:</u> Towards provision of a 400m ² play space in a location within the development to be agreed between the Owner and the Council	
Ugborough & Ivybridge	Torhill Farm (Godwell Lane) 27_57/1347/14/F (Barratts)	Ermington & Ugborough Ivybridge East	£430,000 £198,461 received to date	Towards improvements to sports facilities at Filham Park, and/or improvements to recreational access from the eastern side of the River Erme to Longtimber Wood Up to £100,000 towards cost of improving main access drive to Filham Park (written agreement obtained to change from up to £100,000 towards cost of providing pedestrian access to Filham Park from eastern side of development site. Road Safety Audit showed not possible.)	<u>Named projects:</u> <ul style="list-style-type: none"> • Sports facilities at Filham Park; and/or • Improvements to recreational access from the eastern side of the River Erme to Longtimber Wood Improvements to main access drive to Filham Park (Up to £100,000)	None specified

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>s106 agreements are secured under Section 106 of the Town and Country Planning Act to support projects that mitigate the impact of development. The Council has an obligation to spend the funds in accordance with the terms of the agreement.</p> <p>It should be noted that the legislative framework for receipt and expenditure of s106 funds has become increasingly restrictive. Under the Community Infrastructure Levy (CIL) Regulations 2012 there are clear constraints on the collection and use of s106 funds. The purposes to which the funds are applied must be:</p> <ul style="list-style-type: none"> • Necessary to make the development acceptable in planning terms; • Directly related to the development; and • Fairly and reasonably related in scale and kind to the development. <p>Since April 2015 there have been restrictions on the pooling of planning obligations. Only five s106 contributions can be pooled for use on the same infrastructure project (dating back to March 2010).</p> <p>The Council has powers to promote wellbeing under the General Powers of Competence in the Localism Act 2011.</p>
Financial	Y	<p>The Council's Financial Procedure Rules require that where expenditure over £30,000 is proposed that this needs to be agreed by Executive.</p> <p>Proposals for expenditure over £30,000 are set out in section 5.</p> <p>The expenditure relates to s106 funds specifically for the purpose of mitigating impacts from development. The parameters for expenditure (in particular the location and type of project that can be supported) are prescribed in the s106 agreement.</p>
Risk	Y	<p>There is a risk of funds not being spent in accordance with the s106 agreement. To address this, where any s106 funds are passed to</p>

		<p>community groups to develop and deliver projects, offers of grants will be made with appropriate terms and conditions securing the interest of the Council and ensuring that the requirements of the s106 agreements are adhered to. If ambiguity exists over the appropriateness of a project, agreement of the developer will be sought.</p> <p>Some s106 agreements have 'clawback' clauses allowing the developers to be re-paid the money if it is not spent within a certain timeframe. Thus there is a risk of communities losing out if money is not spent within the specific timeframes. Careful monitoring will prevent this from happening. In addition the development of town/parish Open Space, Sport and Recreation Plans (where relevant) ensures that priorities are known and that projects can be readily progressed.</p> <p>There is a risk of funds not being allocated in accordance with community aspirations and that community benefits may not be secured for the long term. The development of town/parish Open Space, Sport and Recreation Plans (where relevant) ensures that the town/parish priorities are known. All plans for expenditure will be agreed with Ward Councillors and Town/Parish Councils and will need to comply with the s106 agreement and pooling restrictions. Any recipients of grant offers will need to hold necessary powers and have a suitable organisational structure in place. Where necessary Community Use Agreements will be implemented to secure long term community use.</p> <p>There is a risk that the requirements of the Council's Financial Procedure Rules will not be met. All payments will be made in accordance with the Rules and contracting/tendering procedures where relevant.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	Projects need to address accessibility issues to ensure access to all wherever reasonable and practicable.
Safeguarding	N	N/A
Community Safety, Crime and Disorder	N	N/A
Health, Safety	Y	Enhancements to Open Space, Sport and

and Wellbeing		Recreation facilities are closely linked with improved health and wellbeing.
Other implications	N	

Supporting Information

Appendices:

None

Background Papers:

None

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Cabinet/Scrutiny)	N/A