

**REPORT TO: EXECUTIVE**

Date: 4 March 2019

**TOPIC: APPROVAL & RELEASE OF S106 PUBLIC OPEN SPACE FUNDS CROYDE**

**REPORT BY: PROJECT PROCUREMENT & OPEN SPACE OFFICER**

## 1 INTRODUCTION

1.1 This report seeks to allocate S106 public open space funds towards play equipment in Croyde.

## 2 RECOMMENDATIONS

2.1 That Executive allocates:

2.1.1 £40,000 of S106 Public Open Space Funds to Georgeham Parish Council towards the cost of Croyde Play Area.

2.2 Subject to approval of 2.1 above, that Executive recommends Council vary the capital programme by £40,000 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed Head of Corporate and Community Services

## 3 REASONS FOR RECOMMENDATIONS

3.1 To allocate funds in line with the requirement of S106 agreements.

3.2 To protect and enhance public open space, including land and buildings.

## 4 REPORT

### 4.1 Croyde Play Area

In June 2018, Executive allocated £9,015.12 towards the replacement of Croyde play area.

Georgeham Parish Council worked alongside the community and play area contractor to develop bespoke play area with a sea theme. The park provides a range of equipment, including a community shelter, basket swing, balance beam, monkey swing, firemans pole, log steps and a slide, den making frame, along with safety surfacing and footpath access to the site.

This contribution would provide match funding to a project that has delivered an entire replacement play area in Croyde. The project took place with a loan from the Public Works Loan Board. Allocation of this contribution would assist with partially repaying the loans board contribution.

This S106 contribution is specifically for this project, and included within the S106 agreement noted in 5.1.

Georgeham Parish Council were responsible for the delivery of the scheme and its future maintenance of the scheme.

This project is different to other similar projects that the Council has funded in that the scheme has already occurred. A section 106 contribution can only be sought where it meets statutory tests including that it is required in order to make a development acceptable. In this particular case, because the project for which the contribution was sought has already been provided, there is a risk of the developer seeking a repayment. That risk will have to be passed to the Parish Council as part of the funding agreement.

## 5 RESOURCE IMPLICATIONS

### 5.1 Croyde Play Area, Croyde parish Council

Financial: The total project cost is £80,288

That £40,000 be funded from the S106 capital budget from the following sources:

Development Description	Application Number	Amount
Land off Croyde Road, Croyde	60700	£40,000
	Total	£40,000

The remaining project funding is noted below:

- S106 allocation - £9,015.12 (previously allocated)
- Public Work Loans Board - £10,000 (£50,000 less £40,000 contribution noted above)
- Parish Council funds - £13,823
- TAP fund - £2,000
- Devon Council Councillor Grant, Cllr Caroline Chugg - £5,000
- NDC Councillor Grant, Cllr Pat Barker - £450

That any over spend be met by the Parish Council.

## 6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?	Key decision?
4.5.2, Part 3 annex 4	Delegated	No

## 7 STATEMENT OF CONFIDENTIALITY

7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 8 BACKGROUND PAPERS

8.1 The background papers are available for inspection and kept by the author of the report.

## 9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

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Executive Member: Councillor Jones & Moores, Health & Wellbeing

Author: L. Wheeler

Date: 7 February 2019

Reference: I:\Projects\Open Space & S106\Reports\Executive reports\Executive 2019\March 2019\Croyde Play\Executive March S106 Croyde 2019.doc