

## Decision under Delegated Powers

### Officer Making the Decision

Head of Contracts (Leisure, Waste and Environment)

### Recommendation

That the sum of £33,811.00 of section 106 monies that has been received as a contribution towards the provision of children's play in Barrow upon Soar is paid to Barrow Parish Council to provide funding for the provision of new children's play facilities at King George V Playing Fields, Barrow upon Soar.

### Reason

To enable Section 106 monies that has been received for the provision of children's play facilities in Barrow to be spent.

### Authority for Decision

Authority to pay over Section 106 monies in respect of non-housing items received by the Borough Council as the responsible authority, but which will not result in expenditure by the Council and where the Head of Service has been determined to be the relevant Head of Service by the Head of Finance and Property Services. (item 8 of the delegations to Heads of Service in section 8.3 of the Constitution)

(For the Head of Service to approve the release of funds they must be satisfied that the works to be carried out fulfil the requirements set out in the S 106 agreement and have written confirmation from the relevant body that the monies will be used for their intended purpose).

### Decision and Date

Approved



Matt Bradford  
Head of Contracts (Leisure, Waste and Environment)  
9<sup>th</sup> Feb 2023

### Background

Under the provisions of the Corporate Plan to 2020 - 24, there is a commitment to ensure that a growth in homes and infrastructure benefits residents through improved services and facilities.

Planning agreements negotiated with developers and land owners under Section 106 of the Town and Country Planning Act 1990 (as amended) provide a vehicle for the delivery of contributions towards infrastructure, facilities and amenities which should be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonable related in scale and kind to the development

## **Detail**

Within Barrow there are a number of Section 106 agreements that have been negotiated, with contributions for Children's Play, Community Facilities and Youth and Adult Recreation.

Barrow Parish Council have been working on several schemes to improve community facilities, including the provision of additional children's play facilities within the village to meet an identified local need.

Barrow Parish Council has consulted widely on the proposed play equipment and there is good community support for the project. Ward Councillors have been consulted and are supportive.

The Parish Council propose an imaginative younger child focused scheme to meet identified local need. The scheme encourages imaginative play and allows children to explore and play on a range of new play equipment, offering a variety of activities and play experiences. The equipment includes items that will be accessible to children with extra needs. The Play Area has been designed to offer inclusive opportunities for family recreation.

Barrow has had a significant amount of housing growth in the last few years and this is putting pressure on existing community facilities. This project will create a much needed children's play facility in an excellent location to serve residents. The money was secured with the intention of meeting the needs of children in Barrow and the project achieves this. The scheme is in a position to be delivered quickly and the positive outcomes for the community realised.

There is a high risk that if this project does not go ahead the Section 106 funding currently secured for children's play through P/13/1023/2 will not be spent within the required time limits (Jan 2023) and the money would have to be paid back under the terms of the legal agreement.

Officers are satisfied that the scheme meets the criteria for the use of the section 106 monies. The money will not be released to Barrow Parish Council until invoices have been received to ensure verification that the money has been spent.

Barrow Parish Council has provided information in relation to this project including s106 proforma, evidence of security of tenure, confirmation of the management arrangements for the facility.

## Section 106 Monies

The following section 106 monies will be utilised towards the scheme:

PA No	Location	Contribution
P/13/1023/2	land off Willow Way and Nottingham Road	£33,811.00 – Children's play contribution
		Total - £33,811.00

## Financial Implications

There are no financial implications for the Borough Council, the monies will be paid directly to Barrow Parish Council.

Payment will be made on receipt of invoices and confirmation that works have been completed.

The additional monies towards the scheme will need to be added to the Capital Plan and will be included in the next Capital Amendment Plan Report.

## Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
All funding not in place	Low	Medium	All s106 monies received
Scheme is over budget	Low	Medium	Fixed price contract.

Key Decision:  
Background Papers

No  
Section 106 proforma  
Evidence re security of tenure