

Decision under Delegated Powers

Officer Making the Decision

Head of Contracts (Leisure, Waste and Environment)

Recommendation

That the sum of £1,275.79 of section 106 monies that has been received as a contribution towards the maintenance of Rectory Wildlife Garden in Loughborough is paid to the Rectory Wildlife Gardeners to undertake ongoing maintenance of the open space.

Reason

To enable Section 106 monies that has been received for the maintenance of Rectory Wildlife Garden 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)

Approved 28th 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

The Borough Council adopted land at the former Rectory, Steeple Row, Loughborough (Planning Application Ref: P/03/2984/2) under the provisions of Delegated Decision DD135 Dec 2017. This area is now known as the Rectory Wildlife Garden (see area outlined on plan below).

On adoption the Council and volunteers (The Rectory Wildlife Gardeners) undertook works to improve the open space and make it accessible to the public. The Council entered a Memorandum of Understanding with the Rectory Wildlife Gardeners to manage and maintain the open space.

The Rectory Wildlife Gardeners have continued to maintain and manage the open space, securing grant funding for further enhancements and community engagement activities. Volunteer membership has continued to grow and the Gardeners have successfully organised a number of community events and activities.

The Rectory Wildlife Gardeners now carry out all routine maintenance of the Garden. To enable them to do this it is necessary to purchase tools and equipment and other maintenance materials.

On adoption £9945.20 open spaces maintenance sum has been agreed by the Borough Council from the site owner for maintenance of all public open spaces on the development. This sum was paid to the Borough Council as part of the adoption process. The balance of £1,275.79 remaining is to now be paid to the Rectory Wildlife Gardeners to be used for ongoing tree maintenance and repairs to paths, fencing, etc.

Officers are satisfied that the scheme meets the criteria for the use of the section 106 monies.

Section 106 Monies

The following section 106 monies will be utilised:

PA No	Location	Contribution
P/11/1720/2	land at The Former Rectory, Steeple Row, Loughborough	£143.00 – Maintenance Contribution
P/11/1720/2	land at The Former	£1,132.79 – Maintenance Contribution

	Rectory, Steeple Row, Loughborough	
		Total - £1,275.79

Financial Implications

There are no financial implications for the Borough Council, the monies will be paid directly to the Rectory Wildlife Gardeners volunteer group for ongoing maintenance of the open space.

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
All funding not in place	Low	Medium	All s106 monies received

Key Decision: No
Background Papers DD135 Dec 2017
Memorandum of Understanding between CBC and Rectory Wildlife Gardeners

Rectory Wildlife Garden Site Plan:

