

**Bath & North East Somerset Council**

MEETING/ DECISION MAKER:	<b>Cllr Martin Veal, Cabinet Member for Communities</b> <b>Cllr Charles Gerrish, Cabinet Member for Finance &amp; Efficiency</b>	
MEETING/ DECISION DATE:	<b>On or after : 1 March 2017</b>	EXECUTIVE FORWARD PLAN REFERENCE:  E2931
TITLE:	<b>Capital Improvements Works in Parks - Approval to spend financial contributions obtained under section106 Agreements</b>	
WARD:	All Wards in Bath and Keynsham	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>  N/A		

## **1. THE ISSUE**

- 1.1 To approve capital expenditure for improvement projects in various parks across the district, thus discharging responsibilities associated with a number of Section 106 Agreements. Proposals for improvement projects at each site have been informed by the recommendations of the Council's Green Space Strategy 2015 ("GSS"), and all capital expenditure will be funded by using developer financial contributions (s.106 contributions ) ensuring that the work is cost neutral for the Authority.

## **2. RECOMMENDATION**

- 2.1 That full approval is given for the capital expenditure of £289k on improvement projects located at various B&NES' green spaces, in order for the Council to discharge its responsibilities associated with s.106 agreements, as detailed in section 5 of this Report in 17/18.

## **3. RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 All works will be funded exclusively from financial contributions received through s.106 agreements associated with developments at a number of sites across the district.
- 3.2 All works will be cost neutral to the Authority. Where works are anticipated to carry an additional revenue costs for maintenance, these revenue costs will be managed within existing budgets, or met through separate financial contributions for maintenance which have been collected from developers through s.106 Agreements.

- 3.3 Specific s.106 agreements have been identified to fund project proposals and have been chosen to fund projects based on their proximity to sites and by reference to specifications and timetables dictated by the terms of the s.106.
- 3.4 The proposed works will allow the Council, as landowner, to maintain its site infrastructure in good order and safe condition.

#### **4. STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 This work will support the authority to meet its statutory responsibilities, i.e.
- To the health and wellbeing of the inhabitants of its area and to reducing inequalities amongst its population;
  - To promote the welfare of children under the Children Act 2004
  - To protect the natural environment under the Natural Environment and Rural Communities Act 2006
  - To ensure that the facilities that it provides in public places are safe, fit for purpose and sufficiently insured to protect the Council's liability.
- 4.2 This work will also be used to reduce longer term maintenance costs and enable the Service to help manage its estate more efficiently.

#### **5. THE REPORT**

- 5.1 The Council has recently completed a review of its Green Spaces Strategy which made a number of recommendations to improve the provision and quality of green space assets across the District.
- 5.2 The following projects represent the first phase of a strategic programme of site improvements that were identified as priorities for improvement within the Green Space Strategy Review (GSSR). Project plans have been developed by prioritising sites for improvement using the recommendations of the GSSR site quality audits and through reference to management plans and the outcomes of consultation with officers, local councillors and members of the public.
- 5.3 This programme will deliver capital improvements and will discharge B&NES responsibilities for delivering benefits to the community secured by way of s.106 Agreements associated with the following sites:
- Bloomfield Green Open Space, Bath: – site improvements at the open space – to include all weather access
  - Brickfields Park, Bath: – improvements to Brickfields play area as agreed with local councillors
  - Carrs Wood, Bath: – improvements to access to the site and some infrastructure improvements connected to the Bathscape project – focusing on Walwyn Close.
  - Hedgemoor Park, Bath: - Improvements to the Grade II listed park to include signage, landscaping work and the completion of improvements to the play area as agreed with local councillor Patrick Anketell-Jones
  - Innox Park, Bath: - Park improvements as agreed with Ward Cllr Tim Ball to include solar lighting along the new access path, new gates and signage, improvements to the play area, and tree planting

- Kelston Road, Keynsham: - park improvements to be developed through further scoping work and public consultation which is anticipated to include landscaping and drainage works and improvements to the site play area
- Linear Park, Bath: - for the cost of removing shrub beds and installing fencing adjacent to the railway bridge at Bellotts Road to reduce long term maintenance costs
- Newbridge Allotments development, Bath: - for development work associated with providing new allotments in Newbridge to address a deficit in provision and a high waiting list in the Weston/Newbridge area. A site has been identified and further design, development work and consultation is needed in summer/autumn 2017.
- Open space improvements at Corston View, Entry Hill and the Tumps, Bath: - for enhancements at three green spaces in the south of Bath. Project plans to follow the recommendations of the Green Space Strategy and include new footpaths, seating and small landscaping work

5.4 The above programme of works will contribute towards the Council's objective of creating neighbourhoods where people are proud to live, and help deliver the Core Strategy.

## **6. RATIONALE**

6.1 Approval of these proposals will enable the Council to deliver the improvements identified in the GSSR through the use of contributions secured by way of s.106 Agreements.

## **7. OTHER OPTIONS CONSIDERED**

7.1 To not undertake any improvement works. This would:

- a) Put the Council in breach of its covenants under the appropriate s.106 Agreements incurring possible litigation to compel it to perform its obligations with the attendant costs.
- b) Lead to a further deterioration of assets which could potentially put the Council in breach of its responsibilities as set out in paragraph 4.1

## **8. CONSULTATION**

8.1 Those consulted in preparing this report include Directors Development Group (DDG) and officers in Parks, Planning and Finance Teams.

8.2 The detail and timing of the works will be discussed with local ward members as is usual practice.

8.3 The Council's Monitoring Officer, Section 151 Officer and Strategic Director for Place have had the opportunity to input to this report.

## **9. RISK MANAGEMENT**

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>Paul Pearce 01225 396879</i>
<b>Background papers</b>	The Children Act 2004 The Natural Environment and Rural Communities Act 2006 The Council's Green Spaces Strategy 2015 – <a href="http://www.bathnes.gov.uk/services/sport-leisure-and-parks/parks-green-spaces-information/green-space-strategy-review">http://www.bathnes.gov.uk/services/sport-leisure-and-parks/parks-green-spaces-information/green-space-strategy-review</a>
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