



Portfolio Holder Report

The portfolio holder will make a decision on this item after seven days have elapsed (including the date of publication).

Report of:	Portfolio Holder	Date of publication
Kathy Winstanley, Assistant Director of Environmental Services	Councillor Simon Bridge, Street Scene, Parks and Open Spaces Portfolio Holder	12 December 2024

Capital Projects - Allocation of S106 monies to Myerscough and Bilsborrow Parish Council for the provision of a Multi-Use Games Area (MUGA)

1. Purpose of report

- 1.1 To seek approval for the transfer of S106 monies secured from the development at 799 Garstang Road, Barton, PR3 5DQ, to Myerscough and Bilsborrow Parish Council to deliver a Multi-Use Games Area (MUGA) on the land adjoining St John Church of England primary school in Bilsborrow.

2. Council priorities

- 2.1 Place and climate – A cleaner, greener and more sustainable place.
- 2.2 People and communities – Residents live happier, healthier and safer lives.

3. Recommendations

- 3.1 That approval is given for the transfer of £50,448 received via the S106 planning obligation associated with 15/00072/FULMAJ to Myerscough and Bilsborrow Parish Council to deliver a MUGA on land adjoining St John Church of England primary school in Bilsborrow.
- 3.2 That the council's 2024/25 capital programme be amended to include the transfer of funds to Myerscough and Bilsborrow Parish Council.
- 3.3 That delegated authority be granted to the Assistant Director of Environmental Services to approve the scheme design and project delivery plans – the parish council will act as the lead project manager for the project, including administering the funding, procuring equipment, be responsible for any overspend and overseeing the works and installation of the equipment; the parish council will be responsible for the annual

maintenance and inspection of the MUGA and manage future upkeep within existing revenue budgets.

4. Background

- 4.1** Planning permission (15/00072/FULM) was granted for the erection of 29 dwellings following demolition of the existing dwelling and outbuilding at 799 Garstang Road, Barton, with S106 planning obligations in lieu of on-site provision of public open space.
- 4.2** In October 2017, Wyre Council received the £50,448 S106 contribution for open space provision in Bilsborrow from the developer, Wain Homes (North West Limited).
- 4.3** The existing playing field at Sycamore Road, Bilsborrow is owned by Wyre Council and comprises of a grass football pitch and playground with limited scope to expand provision on site; the parish council have a 30 year lease for the use of the site.
- 4.4** St John Church of England primary school is approximately 190m from the playing field and provides a suitable alternative site to locate the MUGA. This will benefit local school children during term time and providing wider community out of school hours.
- 4.5** Wyre Council wrote to the developer to propose amending the S106 agreement to state 'the provision of a MUGA on the school land' rather than 'Bilsborrow Playing Field Improvements'. No objection was received from the developer. The school and wider community were supportive of the change.
- 4.6** A deed of indemnity was subsequently signed between Wyre Council and Wain Homes (North West Limited) in August 2024 and a deed of covenant has been agreed with Myerscough and Bilsborrow Parish Council. This includes a table of requirements formalising the release of funds and the obligations on the parish council to project manage the construction of the MUGA. The covenant also clarifies ongoing maintenance responsibilities, opening hours and site restrictions.

5. Key issues and proposals

- 5.1** To use the S106 monies from 15/00072/FULM for the provision of a community MUGA on the St John Church of England school land.
- 5.2** The council will incorporate this project within the 2024/25 Capital Programme.
- 5.3** Myerscough and Bilsborrow Parish Council will administer and oversee the installation of the new MUGA which needs to be paid by no later than the 17 October 2027. Myerscough and Bilsborrow Parish Council will also be responsible for ongoing repairs, maintenance and inspection of the MUGA.

6. Alternative options considered and rejected

- 6.1** The original S106 agreement made provision for the MUGA at Bilsborrow playing fields. However, this was amended by agreement to state ‘the provision of a MUGA on the school land’, given the limited scope to expand at the original location.
- 6.2** It is a condition of the S106 obligation that the funding is spent by 16 October 2027, or Wyre Council shall refund the developer together with any interest accrued. The deed of covenant agreed with the parish council complies with this timescale.

7. Delegated functions

- 7.1** The matters referred to in this report are considered under the following executive function delegated to the Street Scene Parks and Open Spaces Portfolio Holder (as set out in Part 3 of the Council’s Constitution): “To consider matters relating to parks, gardens, open spaces, playing fields, playgrounds and allotments”.

Financial, Legal/MO and Climate Change implications	
Finance	The provision of this new MUGA is to be funded by S106 monies received from the developer totalling £50,448. The parish council will be responsible for funding any overspend on the scheme. Ongoing revenue costs will be met from within existing parish council budgets.
Legal/MO	The council will transfer the funds to Myerscough and Bilsborrow Parish Council on approval of the scheme and acceptance of the deed of covenant.
Climate Change	This project will have a positive impact on climate change. Any negative climate implications will be outweighed by a number of factors including; materials will be free of any packaging and local contractors should be considered where possible. This new facility will help promote sustainable communities by providing accessible local play provision, helping to reduce travel emissions by removing the need to travel to similar facilities further away.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
health and safety	x

risks/implications	✓ / x
asset management	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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List of background papers:		
name of document	date	where available for inspection
N/A		

List of appendices

None