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### EXECUTIVE DECISION RECORD

<b>A1</b> Service Area	Planning Policy
<b>A2</b> Title	Nation Forest S106 Financial Contribution (P/2014/00039)
<b>A3</b> Decision Taken By	Deputy Leader
<b>A4</b> Chief Officer	Please print name: Sal Khan  Please sign name: <a href="#">Approval by email 121020</a>
<b>A5</b> Leader / Deputy Leader	Please print name: Cllr G Allen  Please sign name: <a href="#">Approval by email 101020</a>
<b>A6</b> Date of Decision	26th October 2020

### Confidentiality

<b>A7</b> Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?	No
<b>A7.1</b> If yes, please state relevant paragraph from Schedule 12A LGA 1972.	N/A

### Scrutiny

<b>A8</b> Which Scrutiny Committee should this decision be submitted to?	<i>(Please tick as appropriate)</i> ✓	
Scrutiny (Audit & Value for Money Council Services) Committee		✓
Scrutiny (Community Regeneration, Environment and Health and Well Being) Committee		✓

<p><b>B1</b> What is the Decision?</p>	<p>To release the money from a S106 contribution to Yoxall Parish Council for a pathway which has been built at Goose Green, a community recreational site owned and managed by Yoxall Parish Council.</p> <p>The S106 agreement includes a clause relating to the National Forest solely for to the provision of landscaping and or the planting of trees within the forest area. National Forest are in agreement that the S106 monies can be spent towards this landscaping project.</p> <p>All monies have been provided by the relevant developer to the Borough Council, Totalling £8335.00 and is to be used as a contribution towards the cost of the project.</p>
<p><b>B2</b> What are the reasons for the Decision?</p>	<p>The public open space is owned and managed by the Parish Council for informal recreation. However due to its location the site is often very wet which limits peoples use. The path provided by the monies will improve the overall site and allow more people to visit and use the site for recreational purposes.</p>
<p><b>B3</b> What are the contributions to Corporate Priorities?</p>	<p>The projects will contribute towards the community regeneration and environment and health and wellbeing proprieties by continuing to provide quality access to public open space.</p>
<p><b>B4</b> What are the Human Rights considerations?</p>	<p>There are no Human Rights issues arising from this decision.</p>

### Financial Implications

<b>B5</b> What are the financial implications?	<p>The main financial issues arising from this decision are as follows:</p> <p>Monies have been received by East Staffordshire Borough Council who have a duty to spend the monies in accordance with their intended use.</p> <p>The referenced S106 agreements do not specify a time limit when the monies need to be spent.</p> <p>The recommendations is that monies received in relation to the S106 for planning application P/2014/00039 totalling £8,335.00 are transferred Yoxall Parish Council</p>
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<b>Revenue</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Yoxall Parish Council	£8,335		
S106 Contributions	(£8,335)		
Impact on MTFS	0.00		

<b>Capital</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
	N/A	N/A	N/A

The finance section has been approved by the following member of the Financial Management Unit:	<p>Please print name: Anya Murray</p> <p>Please sign name: <a href="#">Approval by email</a> 081020</p>
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### Policy Framework

<b>B6</b> Is the Decision wholly in accordance with the Council's policy framework?	Yes
<b>B6.1</b> If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
<b>B6.2</b> Has it got the appropriate approvals under those provisions?	Yes
<b>B7</b> Is the Decision wholly in accordance with the Council's budget?	Yes
<b>B7.1</b> If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
<b>B7.2</b> Has it got the appropriate approvals under those provisions?	Yes

## Equalities Implications

<b>B8</b> What are the Equalities implications:
<b>B8.1</b> Positive (Opportunities/Benefits): Spending the S106 in line with their intended use will ensure continuous access to quality public open space and woodlands for communities
<b>B8.2</b> Negative (Threats): Lack of management at woodlands may mean they become inaccessible for all visitors
<b>B8.3</b> The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required
<b>B8.4</b> N/A

## Risk Assessment

<b>B9</b> What are the Risk Assessment implications:
<b>B9.1</b> Positive (Opportunities/Benefits): Spending the S106 in line with their intended use will ensure continuous access to quality public open space and woodlands for communities
<b>B9.2</b> Negative (Threats): If S106 monies are not spent they can be requested to be returned to the developer and the infrastructure they were intended to provide will not be delivered.
<b>B9.3</b> The risks do not need to be entered in the Risk Register.

## Legal Considerations

<b>B10</b> What are the Legal Considerations:
<b>B10.1</b> The main legal issues arising from this decision are as follows:  That the monies are spend in accordance with the clauses of each individual S106 agreement. An assessment of the relevant clause from the S106 is set out at the end of the report.

This section has been approved by the following member of the Legal Team:

Please print name: Angela Wakefield

Please sign name: [Approval by email](#)  
081020

## Sustainability Implications

**B11** What are the Sustainability implications:

**B11.1** The proposal would result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures). The positive/negative impacts are set out below

**B11.2** Positive (Opportunities/Benefits):

Woodlands play an important role in capturing carbon, cooling the environment, and creating a green infrastructure network for biodiversity as well as controlling water run off rates

**B11.3** Negative (Threats):

Climate change represents a challenge for woodlands as projected increases in temperature, changes in seasonality of rainfall and an increased frequency of extreme weather can impact trees species resilience.

By actively managing woodlands, their resilience to the effects of climate change can be increased.

## Health & Safety Implications

**B12** What are the Health & Safety implications:

**B12.1** A Risk Assessment has not been carried out and entered into Safety Media for all significant hazards and risks because there are no significant hazards or risks arising from this decision.

**B12.2** N/A

**B12.3** N/A

*The questions contained in this questionnaire are not to be altered in any way. If you have any queries regarding the contents of this document, please contact Andrea Davies Ext 1306 or refer to Part 3 Section 6 of the Constitution.*



**B12.3.1 Positive (Benefits)**

Management of public open spaces will ensure they remain accessible to visitors, who will experience health and wellbeing benefits from accessing them.

**B12.3.2 Negative (Threats)**

If public open spaces are not accessible, users may not use the natural asset.

## Key Decision

<b>B13</b> Is this a Key Decision?	No
<p><b>Note: A Key Executive Decision is one where:</b></p> <ol style="list-style-type: none"> <li><b>1. REVENUE – Any contract or proposal with an annual payment or saving of more than £100,000</b></li> <li><b>2. CAPITAL – Any capital project with a value in excess of £150,000</b></li> <li><b>3. A decision which significantly affects communities living or working in an area comprising two or more wards.</b></li> </ol>	
<b>B13.1</b> If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?	No (unless the grant is time limited)
<b>B13.2</b> If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?	NA

**NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.**

Please send the original signed document to [andrea.davies@eaststaffsbc.gov.uk](mailto:andrea.davies@eaststaffsbc.gov.uk)

Developer	Application Number	Clause and Definitions	Total	Comments and Conclusion
Lioncourt Homes	P/2014/00039	<p style="text-align: center;"><b>SCHEDULE 6</b></p> <p style="text-align: center;"><b>National Forest Provisions</b></p> <p><b>1. DEFINITIONS</b></p> <p>1.1 <b>“the Scheme”</b> shall mean a scheme for landscaping and planting trees (which shall be mainly a mix of trees which are native to Great Britain) in the Forest Area approved by the Council such approval not to be unreasonably withheld or delayed).</p> <p>1.2 <b>“the Forest Area”</b> shall mean the sum of all areas of land within the Land (or elsewhere) that are to be the subject of the Scheme the total area of which shall be 0.40 hectares unless the Council acting reasonably agree that there are exceptional circumstances which prevent this requirement as to area being met.</p> <p>1.3 <b>“the Works”</b> shall mean all works required to implement and complete the landscaping and tree planting in accordance with the Scheme.</p> <p>1.4 <b>“the National Forest Sum”</b> shall mean the sum of £8,000 Index Linked</p> <p><b>2. PLANNING OBLIGATIONS</b></p> <p>The Owner covenants with the Council with the intent that these are planning obligations for the purpose of Section 106 of the Act:</p> <p>2.1 Not to Commence the Development without having first:</p> <p style="padding-left: 20px;">2.1.1 submitted to and obtained the approval of the Council to the Scheme provided that such approval shall not be unreasonably withheld or delayed; or</p> <p style="padding-left: 20px;">2.1.2 paid to the Council the National Forest Sum.</p> <p>2.2 Prior to the Occupation of the Development, to make arrangements for the future management and maintenance of the Forest Area (if any) and to</p>	£8,335.00	<p>The S106 states that where onsite landscaping is not provided, and off-site financial contribution shall be made.</p> <p>The clause does not specify what the off-site financial contribution should be spent on (for example only tree planting) and therefore as it is not defined, the clause is compatible with the proposed use of the funds for landscape</p> <p>Paid to ESBC – 30/03/2017</p> <p>No Time limit for expenditure</p> <p>The clause does not specify that the contribution should be provided only by onsite planting or planting within the vicinity of the application site, and therefore the proposal is consistent with the clause</p>

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		<p>obtain the approval of the Head of Planning Services to such arrangements, such approval not to be unreasonably withheld or delayed.</p> <p>2.3 Not to Occupy the Development without having first completed the Works (if any) to the Satisfaction of the Council in accordance with the Scheme.</p> <p>2.4 If applicable after completion of the Works, to maintain and manage thereafter the Forest Area in accordance with good woodland management and the arrangements approved by the Head of Planning Services to the Satisfaction of the Council.</p> <p><b>3. AGREEMENT AND DECLARATION</b></p> <p>3.1 The Owner and the Council further agree and declare pursuant to Section 106 of the Town and Country Planning Act 1990 that:</p> <p>3.2 The Scheme shall show the tree planting and landscaping in detail on a plan at a scale of not less than 1:500 and include necessary lists of proposed works and other schedules of all landscaping and tree planting, fencing, walls, gates and all other necessary works required for the Scheme and shall be in compliance with the technical requirements of the Council contained in the East Staffordshire Local Plan (current at the date hereof).</p> <p>3.3 The Scheme shall contain estimates of the length of time to be taken for the completion of the Works.</p> <p>3.4 The Owner shall inform the Head of Planning Services in writing when it considers that the Works have been completed. The Head of Planning Services will then inform the Owner in writing within two weeks whether or not the Works have been completed to the Satisfaction of the Council. If he does not inform the Owner within three weeks as aforesaid then the</p>		
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		<p>Owner shall be entitled to regard the Works as being completed to the Satisfaction of the Council. If the Head of Planning Services is not satisfied that the Works are completed he shall inform the Owner in writing what works are required to complete the Works and the Owner shall carry out such works.</p> <p>3.5 If the Works are not completed within a reasonable time from their commencement, having regard to the time estimates within the Scheme, the planting seasons and weather conditions, the Council may enter the Land and complete the Works and the Council will be entitled to call upon the Owner to pay, on demand the cost of completing the Works reasonably and properly incurred by the Council.</p> <p>3.6 Upon completion of the Works to the Satisfaction of the Council, the Council shall confirm that the Works have been so completed.</p>		
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