

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	FINANCE AND DEMOCRACY COMMITTEE	30 JANUARY 2023	12
<b>FULLY FUNDED REVENUE BUDGET INCREASE - EDUCATION CONTRIBUTION RELATING TO SECTION 106 AGREEMENT FOR DEVELOPMENT LAND MOSS FARM, CROPPER ROAD, WESTBY</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

This report requests the transfer of Section 106 funds originally paid to Fylde Borough Council as a contribution towards the provision of additional primary school places in relation to planning application 12/0717, (Land to the rear of Moss Farm, Cropper Road) approved 16 May 2013. Lancashire County Council, in their role as local Education authority, have requested that the money that has been paid to Fylde Council by the developer of the site now be paid to fund the provision of additional primary school places to serve the needs of the development in accordance with the terms of the agreement.

### RECOMMENDATIONS

1. That the Committee approve a fully funded revenue budget increase of £160,000 in 2022/23 to be met by Section106 monies held by the Council towards the improvement of local primary school places (application reference 12/0717) and that the sum of £160,000 be paid to Lancashire County Council for the provision of additional school places at Heyhouses Endowed Church of England Primary School in accordance with the terms of the agreement.

### SUMMARY OF PREVIOUS DECISIONS

On 18 January 2023, Planning Committee RESOLVED:

1. That the Finance and Democracy Committee is recommended to approve a fully funded revenue budget increase of £160,000 in 2022/23 to be met by Section106 monies held by the Council towards the improvement of local primary school places (application reference 12/0717).
2. Subject to the approval of the fully funded budget increase, to authorise the sum of £160,000 be paid to Lancashire County Council for the provision of additional school places at Heyhouses Endowed Church of England Primary School in accordance with the terms of the agreement.

### CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

## REPORT

1. Planning permission was granted for a development of up to 146 dwellings at Land to the rear of Moss Farm, Cropper Road, Westby in October 2013. The planning permission was granted subject to a section 106 agreement that secured a range of contributions including a contribution towards the provision of additional primary school places to serve the needs of the residents of the development. This report relates to the first instalment of £160,000. A second payment of £218,206.74 has also been received which is still to be allocated by Lancashire County Council.
2. The agreement defines the education contribution as a contribution “... towards the funding of additional primary school place provision to serve the needs of the residents of the development...”. The agreement also makes provision for a review of the contribution due, so there is a second trigger payment still to be allocated.
3. The developer has paid Fylde Council the agreed contribution of £160,000 in line with the first trigger set out in the agreement. Following the original assessment of the impacts of the development, Lancashire County Council initially advised that there had been changes in demand for primary school places resulting in a general surplus of primary school places in the area. However, they have subsequently advised that there have been further changes in school rolls, and it is now proposed that this payment be used to assist in the provision of a further 31 additional primary school places at Heyhouses Endowed Church of England Primary School where there has been a recent increase in demand for places. Whilst there is a further primary school at Staining, Lancashire County Council have confirmed that Staining is outside their school planning areas and has not increased their admission number or net capacity, so would not serve this development.
4. Lancashire County Council consider that Heyhouses Endowed Church of England Primary School, located on Clarendon Road North, is the closest school to the development at Cropper Road and so is a local primary school that the children living at the development are most likely to attend. The transfer of funds to the Local Education Authority to increase the number of places at this school would be in line with the provisions of the legal agreement.
5. This money cannot be used other than to ensure education provision in accordance with the terms of the Section 106 Agreement. Consequently, Fylde Council will continue to ensure that the terms of any S106 reflect the requirements for appropriate education provision in the Borough. Should this contribution not be spent by the 6th July 2023 the Council will be required to repay the money to the developer.
6. Planning Committee have considered the proposal to transfer these funds to LCC to allow them to provide the additional school places at Heyhouses Endowed C of E Primary School. They recommended that this committee approve a fully funded revenue budget increase of £160,000 in 2022/23 to be met by Section 106 monies held by the council towards the improvement of local primary school places (application reference 12/0717) and that subject to that approval the sum be paid to Lancashire County Council for the provision of additional school places at Heyhouses Endowed Church of England Primary School in accordance with the terms of the agreement.

IMPLICATIONS	
Finance	The report recommends Finance and Democracy Committee approve a fully funded revenue budget increase of £160,000 to be met in full by Section 106 monies held by Fylde Council for this purpose and to authorise the sum of £160,000 be paid to Lancashire County Council for the provision of additional school places at Heyhouses Endowed County Primary School in accordance with the terms of the agreement.
Legal	The use of the funds for the purposes set out in the report are considered to be in line with the purposes set out in the Section 106 agreement.
Community Safety	None

Human Rights and Equalities	None
Sustainability and Environmental Impact	The monies would be used to increase the number of places available at a local school, thereby reducing the need to travel further afield.
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Planning permission 12/0717	11 October 2013	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>