

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PROJECTS AND REGENERATION	COUNCIL	12 OCTOBER 2022	9
<b>RELEASE OF SECTION 106 MONIES – NEWTON COMMUNITY PARK</b>			

### PUBLIC ITEM

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

### SUMMARY

The report details an open space improvement scheme at Newton Community Park, proposed by Friends of Newton Community Park.

Council are requested to agree to allocate section 106 contributions of £37,000 to Newton with Clifton Parish Council for public open space improvements at the Newton Community Park, School Lane, Newton, as detailed in this report, dependent upon the approval of a fully funded addition to the Capital Programme in 2022/23 of £37,000, funded by the S106 developer contribution.

During the period of national mourning following the death of Her Majesty the Queen, the decision had been taken to cancel all formal meetings of committees of the council involving the participation of members and officers. This report was scheduled to go before the Environment, Health and Housing Committee that was subsequently cancelled.

### RECOMMENDATIONS

1. To recommend a fully funded addition to the Capital Programme in 2022/23 in the sum of £37,000 fully funded from the Section 106 developer contributions relating to the development adjacent to Oak Lane, for the same amount;
2. Subject to the approval of 1 above, to agree to allocate the sum of £37,000 to Newton with Clifton Parish Council to carry out recreational improvements at the Community Park, School Lane, Newton as detailed in this report on condition that the Parish Council be required to enter into an agreement with Fylde Council, prior to release of funds, and to provide details of how the funds have been used before the section 106 agreement expiry date of 26 June 2031.

### SUMMARY OF PREVIOUS DECISIONS

No previous decisions

### 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	✓

## REPORT

1. The planning process generally requires housing developers to provide public open space within their site or to contribute towards improvements to public open space in the vicinity of the new development.
2. Fylde Council, as the Planning Authority, has received and is holding funds that have been secured through developer contributions associated with a new housing development adjacent 8-12 Oak Lane, Newton.
3. The terms of the Planning Agreement 20/0315 for the land adjacent to Oak Lane development in relation to the public open space contribution states that *'sums payable under this part of the schedule are intended to be used by the Council to provide recreational facilities at Newton Park, School Lane, Newton'*.
4. Newton with Clifton Parish Council have requested that the total section 106 contribution of £37, 000 relating to the land adjacent to Oak Lane development is released and allocated to open space improvement works at Newton Community Park, School Lane, Newton, which will meet the requirements of the Planning Agreement.
5. Council are requested to consider allocating the total section 106 contribution of £37,000 from the land adjacent to Oak Lane development to deliver the works detailed in this report.
6. Newton with Clifton Parish Council will use the section 106 contributions for drainage work, creation of a new path, trim trail and dog exercise area at Newton Community Park, School Lane, Newton.
7. The project must be completed and paid in full before the section 106 agreement expiry date of 26 June 2031.
8. All project costs above the section 106 contribution of £37,000 will be met by Newton with Clifton Parish Council.
9. The Parish Council has expressed a wish to procure and manage the works independently and will therefore be required to enter into an agreement with Fylde Council, prior to the release of funds to ensure accountability on how the funds will be spent and to include an indemnity against Fylde Council being required to pay back the money to the developer should the terms of the section 106 agreement not be met by the project.

## IMPLICATIONS

Finance	Council are requested to approve a fully funded addition to the Capital Programme 'Newton Community Park' in 2022/23 of £37,000 fully funded from Section 106 developer contributions and subject to this approval to authorise the expenditure of £37,000 to Newton with Clifton Parish Council to Provide recreational facilities at the Community Park, School Lane, Newton as detailed in this report, on condition that the Parish Council be required to enter into an agreement with Fylde Council concerning the use of the funds.
Legal	Section 106 contributions are made by developers under specific planning agreements relating to each new development. The planning agreement will specify how the monies are to be spent in terms of geography and scope and a developer can usually require repayment of S106 contributions, if they have not been spent within 10 years of the Agreement. With reference to the Newton Community Park project, it will be necessary to develop a legal agreement with Newton with Clifton Parish Council to include how the S106 contributions are to be used, to indemnify Fylde Council against having to pay back the monies to the developer, should the terms of the S106 agreement not be met.

Community Safety	Improving the quality of open space facilities provides an opportunity to increase public use and reduce nuisance behaviour.
Human Rights and Equalities	No implications arising from this report
Sustainability and Environmental Impact	No implications arising from this report
Health & Safety and Risk Management	No implications arising from this report

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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		