

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	27 APRIL 2022	5
ELSWICK VILLAGE GREEN			

PUBLIC ITEM

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

SUMMARY

In 2020/21 Council approved a capital programme bid to assist Elswick Parish Council in creating a new village green. The works, which propose a new pond, contouring work, the formation of new pathways, together with tree planting and soft landscaping, are to be financed from a range of funding sources including a contribution of £25,000 from Fylde Council's capital programme and £35,000 from payments secured through Sn 106 agreements received to improve the public realm in the village.

Works have been delayed for several reasons and the funds have been slipped into subsequent years' programmes. However, the Parish Council has recently commenced work on the project and are now seeking to draw down this council's agreed contribution to the project.

As this project is being financed from a range of funding sources and as the Parish Council are taking responsibility for the delivery of the project (overseen and assisted by Fylde Council Officers), it is considered that the funds should be transferred to the Parish Council rather than invoices being paid on an individual basis by Fylde. As with similar arrangements used elsewhere in the borough, a legal agreement would be entered into between the two councils to ensure the funds are spent in a timely manner and on the agreed project.

RECOMMENDATION

1. That, subject to the Parish Council entering into a legally binding agreement to return the funding should it not be utilised in accordance with the agreed terms, Committee authorise transfer of £60,000 (£35,000 funded from Sn 106 monies held to improve the public realm in Elswick Village and £25,000 from the approved capital programme) to Elswick Parish Council for use in the formation of a new village green in Elswick village in line with the details approved under planning permission 20/0390.

SUMMARY OF PREVIOUS DECISIONS

At the meeting on 21 January 2020, the Planning Committee resolved to support the capital bids relevant to the Committee's Terms of Reference [which included a proposal to create a new village green at Elswick] for further consideration by the Budget Working Group. The Capital Bid for Elswick Village Green was subsequently approved by Full Council as part of the 2020/21 capital programme.

Planning permission for the works that would be funded by this award was granted under the approved scheme of delegation on 16 March 2022.

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

Introduction

1. In 2013, planning permission was granted for a residential development on the former Elswick Trading Park, High Street, Elswick (application reference 08/0829). This was subject to a section 106 agreement which included the payment of a contribution of £35,000 for the provision of, or to facilitate the provision of, public realm works in Elswick.
2. Elswick Parish Council subsequently proposed the formation of a new Village Green including the provision of a pond, footpaths, benches, landscaping and other associated infrastructure that will act as a focal point in the centre of the village. As the works would improve the public realm of the village, it is considered appropriate to use the Sn 106 contributions to part fund these works. The Sn 106 monies have been held by Fylde for a number of years and will need to be repaid to the developer if they are not spent by May 2022.
3. As the Sn 106 funds alone would not be sufficient to fully fund works of the extent proposed, the Parish Council has sought to secure funds from alternative sources, including a contribution from Fylde Council's capital programme. The relevant report, which provides more detail on the proposal, is attached as an appendix to this report.
4. At that time the project was proposed to be funded as follows:

Cost Heading	Description (Detailed layout plan prepared)	Total £
Section 106 Contributions	Committed (08/0829)	35,000
Elswick Parish Council	Committed	10,000
Lancashire Environment Fund	Bid to be submitted shortly	30,000
Ministry Pocket Park's Initiative	Bid to be submitted shortly	15,000
Fylde Council	Capital Reserve Contribution	25,000
Total		£115,000

5. Whilst the Parish Council was able to secure the funding award from the Lancashire Environment Fund, they were unsuccessful in securing the Pocket Park Funding and so set about securing funding from other sources, which together with inevitable delays resulting from the coronavirus pandemic, has delayed the delivery of the project.
6. The Parish Council were unable to secure additional funding so ultimately resolved to meet the outstanding costs from its own reserves.

Value for Money and Procurement

7. A tender exercise has been undertaken by the Parish Council (with the assistance of FBC) in line with its own procurement rules resulting in the appointment of a contractor. Each of the returns was in excess of the available budget and so a value engineering process was undertaken to reduce the cost of the project.

Financing the scheme

8. The project is now to be funded as follows

Cost Heading	Description (Detailed layout plan prepared)	Total £
Section 106 Contributions	Committed (08/0829)	35,000
Elswick Parish Council	Committed	44,097
Lancashire Environment Fund	Bid to be submitted shortly	30,000
Fylde Council	Capital Reserve Contribution	25,000
Total		£134,097

9. As this project is being financed from a range of funding sources and as the Parish Council are taking responsibility for the delivery of the project (overseen and assisted by Fylde Council Officers), it is considered that the funds should be transferred to the Parish Council rather than invoices being paid on an individual basis by Fylde.
10. The scheme as proposed is supported and is considered to fulfil the objectives of the Section 106 contribution and approved capital programme. The release of the funding to the Parish Council will allow it to implement the improvements to better effect than it would using traditional procurement methodologies engaged with the implementation of larger schemes. This is of course on the basis that the funding is used for the purposes of public realm enhancement.

Risk Assessment

11. There are no risks associated with the scheme itself as it will be implemented and maintained by Elswick Parish Council. It is proposed that the Section 106 and Capital Programme funds will be a transfer to the Parish Council as a contribution to the overall scheme. The Section 106 agreement includes provision to return the funds to the developer in the event that they are not used for the purposes set out in the agreement or not committed within a specified period. If the funds are transferred to the Parish Council, in order to guard against any claim from the developer to return the funds, it would be necessary to require the Parish Council to enter into a legally binding agreement to repay the funds in the event that they are not used in accordance with the terms of the agreement. To ensure that the capital programme contribution is also spent in line with Fylde Council's intentions, it is proposed that the capital monies would also be covered by this agreement.

Alternatives

12. The proposal for a new village green has been the subject of consideration and agreement by the local community and the proposal received the support of Fylde Council when the contribution from the capital programme was originally agreed. The village green will act as a focal point of open space and will be well used by the community. Taking these matters into account, no other alternatives have been considered suitable that would maximise to best effect the funding available.

Conclusions

13. The scheme has previously been approved as part of the council's capital programme and the works have received planning permission. Furthermore, it is considered that the proposal meets the use of Sn 106 funds to help deliver this project is in line with the purposes those contributions were sought. Given the project will be funded from a number of sources and the project is being overseen by the Parish Council as the responsible body, it is considered that it is appropriate to transfer the contributions previously identified by Fylde Council to Elswick Parish Council subject to the completion of a legal agreement to ensure the funds are only used for the intended purposes and that they would be repaid if this were not the case.

IMPLICATIONS

Finance	The capital scheme will be updated as part of the next financial forecast update, to reflect the changes identified within this report
Legal	A suitable legal agreement to ensure the sn 106 and capital programme funds are used for the purposes intended has been prepared and agreed with Elswick Parish Council.
Community Safety	The scheme has been subject of appropriate risk assessments to ensure community safety.
Human Rights and Equalities	The scheme relates directly to enhancements to the public realm would, therefore, benefit and support equality within the community.
Sustainability and Environmental Impact	The scheme will have a positive impact of the character and appearance of this part of the village of Elswick.
Health & Safety and Risk Management	These matters dealt with by the contractor appointed to undertake the works.

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Planning Permission 08/0829	19 November 2008	https://pa.fylde.gov.uk/
Planning Permission 20/0390	16 March 2022	https://pa.fylde.gov.uk/

Attached documents
Capital Programme Bid – 2020/21