

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PROJECTS AND REGENERATION	EXECUTIVE COMMITTEE	4 JULY 2023	8
<b>RELEASE OF SECTION 106 MONIES – WREA GREEN</b>			

### PUBLIC ITEM

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

### SUMMARY

The report proposes a public realm improvement scheme at Wrea Green, proposed by Ribby with Wrea Parish Council. This will include spending a Section 106 contribution for pedestrian improvements in the village.

The Committee are requested to agree to allocate planning contributions of £26,705 and £10,000 (£36,705) to Ribby with Wrea Parish Council for public realm and highways pedestrian crossing improvements. The sum of £26,705 was a public realm contribution paid under a unilateral planning obligation relating to the housing development at North View Farm, Wrea Green. The sum of £10,000 was a highways contribution paid under a section 106 agreement relating to the housing development off Willow Drive, Wrea Green.

### RECOMMENDATIONS

1. The Executive Committee is requested to approve a fully funded revenue budget increase in the sum of £36,705 in 2023/24 to be met by Section 106 developer contributions held by the Council relating to development in the village of Wrea Green; and
2. That conditional upon receiving approval as above, the Executive Committee is requested to authorise the payment of £36,705 to Ribby with Wrea Parish Council in 2023/24 to carry out improvements at Wrea Green 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 only section 106 agreement expiry date of 10<sup>th</sup> March 2030.

### 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	✓
Tourism – To create a great place to live and visit	✓

## REPORT

1. The planning process can require housing developers to provide public realm improvements or contribute towards improvements to public realm in the vicinity of the new development, this report also includes a contribution made, but remaining unspent for highways works to improve pedestrian crossing facilities in the village.
2. Fylde Council, as the Planning Authority, has received and is holding public realm funds that have been secured through developer contributions associated with a new housing development at land North View Farm, Wrea Green (13/0507) of £26,705 with no repayment date and highways funds from the development for land off Willow Drive, Wrea Green (14/0302) of £10,000 which has to be spent or repaid by 10/03/2030.
3. The terms of the unilateral Planning obligation associated with 13/0507 for this development site states that the contribution is intended *'to prepare implement provide or improve the scheme of public realm works in the village of Wrea Green which is identified in the Fylde Borough Regeneration Framework (September 2010) as Project 8 or any replacement, therefor'. (Project 8 details 'This project is concerned with the refurbishment, replacement and enhancement of street furniture and the public realm in the village, this project is derived from the Wrea Green Parish plan'.)*
4. The terms of the Planning Agreement 14/0302 for this development site in relation to the highway works states that the contribution is intended to secure *'improvements to pedestrian facilities including road crossing facilities in the vicinity of Wrea Green village centre'*.
5. Ribby with Wrea Parish Council have requested that the total section 106 contribution currently held with Fylde Council of £36,705 relating to the two developments is released and allocated to public realm and highway works in Wrea Green, which will meet the requirements of the Planning Agreement. Fylde Regeneration team prepared some indicative drawings back in 2018, the Parish Council no longer wish to proceed with those proposals so have now asked for the money to be paid directly to them, so they can lead on the design and implementation and deliver a scheme they feel best meets the needs of the village.
6. The Executive Committee are requested to consider allocating the total section 106 contribution of £36,705 from the land at North View Farm and Land off Willow Drive developments to deliver these works.
7. The project must be delivered before 10/03/2030 which is the only expiry date on these contributions, the other contribution has no repayment date.
8. All project costs above the £36,705 proposed to be transferred by Fylde Council will be met by Ribby with Wrea Parish Council, who have indicated they have further funds to deliver these projects.
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 and to include an indemnity against Fylde Council being required to pay back the money to the developer should the terms of the relevant agreements not be met by the project.

### IMPLICATIONS

Finance

The Executive Committee is requested to approve a fully funded revenue budget increase in 2023/24 in the sum of £36,705, fully funded from developer contributions and subject to this approval to authorise the payment of £36,705, to Ribby with Wrea Parish Council to improve public realm and road crossing in the village 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	Contributions have been made by developers under specific planning obligations relating to each new development. Each obligation specifies 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 a time period set out in the obligation. With reference to the Wrea Green public realm project, it will be necessary to develop a legal agreement with Ribby with Wrea 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 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

LEAD AUTHOR	CONTACT DETAILS	DATE
Charlie Richards – Karen Hodgkiss	<a href="mailto:Charlie.richards@fylde.gov.uk">Charlie.richards@fylde.gov.uk</a> <a href="mailto:karenh@fylde.gov.uk">karenh@fylde.gov.uk</a>	5 June 2023

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		