

**WYRE FOREST DISTRICT COUNCIL****CABINET**  
**25<sup>TH</sup> AUGUST 2009****Allocation of Funding into the Council's Capital and Revenue Budgets, in respect of Section 106 Agreements for White Wickets and Franchise Street Developments**

<b>OPEN</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b>	Improving Health and Wellbeing
<b>CORPORATE PLAN AIM:</b>	A Better Quality of Life A Well Run and Responsive Council
<b>CABINET MEMBER:</b>	Councillor Marcus Hart
<b>DIRECTOR:</b>	Director of Community and Partnership Services
<b>CONTACT OFFICER:</b>	Kay Higman ext 2902 Kay.higman@wyreforestdc.gov.uk
<b>APPENDICES:</b>	None

**1. PURPOSE OF REPORT**

- 1.1 To approve the allocation of Section 106 monies received from Franchise Street and White Wickets developments into the Council's Capital and Revenue budgets.

**2. RECOMMENDATION****2.1 The Cabinet is asked to DECIDE that:**

**The monies paid pursuant to agreements made under S106 of the Town & Country Planning Act 1990 of £78,795.55 from the Franchise Street development and £87,408.80 from Wilton Avenue development be allocated into the Council's Capital and Revenue budgets accordingly.**

**3. BACKGROUND**

- 3.1 The Section 106 agreement for Franchise Street detailed contributions as follows:  
£62,207.02 for improvement of open space in Brinton Park  
£9,331.05 for public art linked to the Heritage Trail within Brinton Park  
£7,257.48 for biodiversity improvements and management of grass and heathlands
- 3.2 The Section 106 agreement with Wyre Forest Community Housing Group relating to Wilton Avenue details contributions as follows:  
£80,000 for a replacement play area to be situated at White Wickets  
£ 7,408.80 for open space contribution at White Wickets
- 3.3 It is necessary to report on these sums in order to ensure they are correctly allocated into the Council's capital programme and revenue budget as applicable.

**4. KEY ISSUES**

Franchise Street

- 4.1 £7,257.48 for biodiversity has to be used to ensure a biological gain. This is to be spent at Habberley Valley to improve the quality of the European/UK and locally significant habitat of lowland heath/acid grassland, and also the local and national conservation target species, the adder. The Section 106 contribution will therefore fund the physical works necessary to introduce grazing to the most northerly region of the Valley. Fencing will be kept discreet as far as possible and at perimeters, and stock will be determined through ecological surveying.
- 4.2 £62,207.02 is to be spent at Brinton Park. This potentially could be used as the Council's match funding for an application to the Parks for People fund. The resultant monies would then fund improvements within the park, for example upgrading tennis courts, improving footpaths, additional water play, another Multi Activity Play Area, (MAPA), new planting schemes and additional skate boarding provision. Much more work is needed to submit a whole park application but if this option is not realised then the actual Section 106 sum will be spent delivering improvements to Brinton Park to that value.
- 4.3 £9,331.05 is to be spent on a public art project which could be linked to the Parks for People project in 4.2. If this was not successful then a public art project would be delivered, for example fencing or paving.

Wilton Avenue

- 4.4 £80,000 is to be spent on a play area at White Wickets as a replacement for the one previously in place in Wilton Avenue, prior to the Community Housing Group development. This play area for the under 12's will be significantly improved and will be situated adjacent to the MAPA at White Wickets. The play area is currently being procured and when operational the Community Housing Group has agreed to maintain.
- 4.5 £7,408.80 is to be spent on repairs to the drive way into White Wickets and the production of appropriate signage. This will be added to the sum of £2,469 which has already been received under a separate Section 106 agreement.

**5. FINANCIAL IMPLICATIONS**

- 5.1 The Section 106 sums of £78,795.55 from Franchise Street (£62,207.02 capital and £16,588.53 revenue) and £87,408.80 (capital) from White Wickets are to be allocated into the Council's capital and revenue budgets accordingly.
- 5.2 There will be no additional revenue costs for the Council.

**6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 The sums to be allocated into the Council's budget are subject to legal documents in the form of Section 106 agreements which prescribe within certain areas how the

monies are to be spent. If they are not spent as prescribed, the Council may be obliged to repay them. This is to ensure that the developments to which the agreements relate benefit from the improvements brought about by the contributions.

6.2 There are no additional legal or policy implications.

**7. RISK MANAGEMENT**

7.1 If the monies are not utilised in accordance with the terms of the S106 agreements, there is a risk that they will be repayable by the Council to the Developers.

**8. CONCLUSION**

8.1 It is necessary in accordance with Council policy that these Section 106 monies are correctly allocated into the Council's budget.

**9. CONSULTEES**

9.1 Director of Legal and Corporate Services  
Director of Resources  
Cabinet Member for Community and Partnership Services

**10. BACKGROUND PAPERS**

10.1 Section 106 agreements for Franchise Street and Wilton Avenue, Franche.