

Officer Non Key Executive Decision

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| Relevant Chief Officer (Decision Maker): | John Blackledge, Director of Community and Environmental Services |
| Relevant Cabinet Member (for consultation purposes): | Councillor Mark Smith, Cabinet Member for Business, Enterprise and Job Creation |
| Report Author (Officer name and title): | Jonathan Rutter, Project Manager Enterprise Zone |
| Implementation Date of Decision: | 25 November 2022 |

DIVISION LANE – JUNCTION IMPROVEMENTS

1.0 Purpose of the report:

- 1.1 To approve a cash bond to Lancashire County Council as surety for the works to upgrade Division Lane and Common Edge Junction.
- 1.2 To approve entering into a bond agreement with an approved roads bondsman as surety for the works to upgrade Division Lane and Common Edge Junction.

2.0 Recommendation(s):

- 2.1 To approve a cash bond or bond agreement with an approved roads bondsman for surety for the upgrade of Division Lane and Common Edge Junction and delegate to Blackpool Council's Legal Department to proceed with whichever is more expedient and cost effective.

3.0 Reasons for recommendation(s):

- 3.1 Planning permission was granted by Fylde Borough Council on 8 June 2022 for the construction of a 3 g football pitch, provision of a grass rugby pitch and training area alongside an ancillary changing and spectator building, extension to existing car park with junction works to the existing access road and the creation of a new footway and cycle way to link facilities to common edge road.

Condition 6 of the decision notice stated that no part of the development hereby approved shall be brought in to use until an improvement scheme for the construction of the site access with the B5261 and the off-site works of highway improvement have been submitted to, and approved by the Local Planning Authority.

Following the submission of plans for offsite highway works to Fylde Council, Lancashire County Council have approved the design and have agreed to enter into a section 8 agreement with Blackpool Councils Legal Department. However, in order for Blackpool Council to undertake the works, the County Council now requires surety in the form of an approved bondsman or a cash deposit.

The section 8 agreement with associated bond is there to protect the County Council against the contractor defaulting, or if the works are not carried out to the satisfaction of the highway authority, as standard practice, particularly with private developers.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

No.

It is now standard procedure that all councils who undertake highway works on the adopted highway network throughout Lancashire have the appropriate legal agreement which is supported by a bond or a surety.

4.0 Council Priority:

4.1 The relevant Council Priority is

- "The economy: Maximising growth and opportunity across Blackpool"

5.0 Background Information

5.1 Blackpool Council have been granted planning permission for the first phase of the EZ sports development to improve access into the sports pavilion positioned off Division Lane west and the County Council require Blackpool Council to undertake a section 8 agreement with associated bond.

5.2 90% of the Bond will be paid back to Blackpool Council on completion of the works. The further 10% will be held as retention for 12 months as surety against defects and

then released.

5.3 Does the information submitted include any exempt information? No

5.4 **List of Appendices:**

None.

6.0 **Legal considerations:**

6.1 Blackpool Council's Head of Legal Department will be required to manage the surety bonds.

7.0 **Human Resources considerations:**

7.1 None.

8.0 **Equalities considerations:**

8.1 None.

9.0 **Financial considerations:**

9.1 The cost of borrowing for the cash bond versus the cost to appoint a bondsman will be evaluated by Blackpool Councils Finance Department.

10.0 **Risk management considerations:**

10.1 If a bond is not agreed, then the junction will be delayed and the Sports Village will not be brought into use. There will then be further knock on delays in the programme for upgrading Common Edge Road .

11.0 **Ethical considerations:**

11.1 None.

12.0 **Internal/ External Consultation undertaken:**

12.1 None.

13.0 **Decision of Chief Officer**

13.1 To approve a cash bond or bond agreement with an approved roads bondsman for surety for the upgrade of Division Lane and Common Edge Junction and delegate to

Blackpool Council's Legal Department to proceed with whichever is more expedient and cost effective.

14.0 Reasons for the Decision of the Chief Officer

- 14.1 Planning permission was granted by Fylde Borough Council on 8 June 2022 for the construction of a 3 g football pitch, provision of a grass rugby pitch and training area alongside an ancillary changing and spectator building, extension to existing car park with junction works to the existing access road and the creation of a new footway and cycle way to link facilities to common edge road.

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