



## Democratic Services

**Location:** Phase II  
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**My Ref:** SC

**To: COUNCILLOR IAN EDWARDS  
LEADER OF THE COUNCIL**

**COUNCILLOR MARTIN GODDARD  
CABINET MEMBER FOR FINANCE**

**COUNCILLOR EDDIE LAVERY  
CABINET MEMBER FOR ENVIRONMENT,  
HOUSING AND REGENERATION**

c.c. All Members of Executive Scrutiny Committee  
c.c. Dan Kennedy, Director of Planning,  
Environment, Education and Community Services  
c.c. Chairman of the Residents, Education and  
Environmental Services Policy Overview Committee  
c.c. Nicola Wyatt, Residents Services  
c.c. Ward Councillors for Botwell & West Drayton  
c.c. Conservative and Labour Group Offices  
(inspection copy)

**Date:** 19 April 2021

## Non-Key Decision request

## Form D

### **NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2020/21: LAKE FARM COUNTRY PARK FOOTPATH IMPROVEMENTS & MANAGEMENT OF FRAYS ISLAND LOCAL NATURE RESERVE (RELEASE NO 6)**

Dear Cabinet Member

Attached is a report requesting that a decision be made by you as an individual Cabinet Member. Democratic Services confirm that this is not a key decision, as such the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 notice period does not apply.

You should take a decision **on or after Tuesday 27 April 2021** in order to meet Constitutional requirements about publication of decisions that are to be made. You may wish to discuss the report with the Corporate Director before it is made. Please indicate your decision on the duplicate memo supplied, and return it to me when you have made your decision. I will then arrange for the formal notice of decision to be published.

Steve Clarke  
Democratic Services Officer

**Title of Report: New Allocation of S106 Contributions & Capital Release 2020/21:  
Lake Farm Country Park Footpath Improvements & Management of Frays Island  
Local Nature Reserve (Release No 6)**

**Decision made:**

**Reasons for your decision:** (e.g. as stated in report)

**Alternatives considered and rejected:** (e.g. as stated in report)

Signed .....Date.....

*Leader of the Council / Cabinet Member for Finance / Cabinet Member for Environment,  
Housing and Regeneration*

## NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2020/21: LAKE FARM COUNTRY PARK FOOTPATH IMPROVEMENTS & MANAGEMENT OF FRAYS ISLAND LOCAL NATURE RESERVE. (RELEASE NO 6)

<b>Cabinet Members</b>	Councillor Ian Edwards Councillor Martin Goddard Councillor Eddie Lavery
<b>Cabinet Portfolios</b>	Leader of the Council Cabinet Member for Finance Cabinet Member for Environment, Housing & Regeneration
<b>Officer Contact</b>	Nicola Wyatt, Residents Services
<b>Papers with report</b>	Appendix A with capital release requests for approval Appendix B Map of footpath works Lake Farm Country Park

### HEADLINES

<b>Summary</b>	To seek Cabinet Member approval to allocate and release funds from the S106 contributions held at E/140/434B and E/02/18 towards footpath improvements at Lake Farm Country Park and footbridge maintenance works at Frays Island Local Nature Reserve.
<b>Putting our Residents First</b>	This report supports the Council objective of 'Strong Financial Management'.
<b>Financial Cost</b>	This report seeks the allocation and release of £106k from S106 contributions currently held by the Council towards the schemes detailed within this report.
<b>Relevant Policy Overview Committee</b>	Residents, Education and Environmental Services
<b>Ward(s) affected</b>	Botwell & West Drayton

### RECOMMENDATION

That the Leader of the Council and Cabinet Member for Finance:

- 1) Approve the allocation of £80,382 from the S106 contribution held by the Council at E/140/434B to be used towards footpath improvements and at Lake Farm Country Park; and

- 2) Approve the allocation of £25,657 from the S106 contribution held by the Council at E/02/18 to be used towards footbridge maintenance works at Frays Island Nature Reserve.

**That the Cabinet Member for Finance and Cabinet Member for Environment, Housing and Regeneration approve the capital release requesting £80,382 towards the schemes as outlined in Appendix A.**

### **Reasons for recommendation**

The allocation of S106 and Section 278 (S278) funds is now required to be formally approved by the Leader of the Council and the Cabinet Member for Finance on a case-by-case basis. This report requests the approval for the S106 funds held case references detailed in this report and to be committed as outlined in this report, along with capital release.

### **Alternative options considered**

The Cabinet Members may agree to fund the scheme and/or suggest alternative projects to which funds could be allocated within the terms of the relevant legal agreements. If the S106 funds are not allocated to an appropriate scheme, the unspent funds may need to be refunded.

### **Policy Overview Committee comments**

None at this stage.

## **SUPPORTING INFORMATION**

1. Planning obligations, or S106 agreements, are an established mechanism for mitigating planning effects arising from development proposals. The agreements are usually negotiated within the context of planning applications, between Local Planning Authorities and persons with an interest in the piece of land (owners, leaseholders or developers). They are intended to make development acceptable, which would otherwise be unacceptable in planning terms.
2. Any S106 monies generated from planning agreements must be spent on their intended purpose and that the associated development contributes to the sustainability of the area by addressing the impacts of the development proposals. As a result, expenditure of S106 funds must relate to a specific development and must be in accordance with the corresponding legal agreement. If a contribution is not used for the intended purpose or not spent within the period allocated in the S106 agreement, the monies may need to be returned.
3. In July 2008, the Council adopted a Supplementary Planning Document (SPD) for Planning Obligations which outlined the Council's approach, policies and procedures in respect of planning obligations. This document has recently been replaced by the Updated Planning Obligations SPD (adopted July 2014) which reflects the introduction of Hillingdon's Community Infrastructure Levy (CIL). The original SPD is, however, still relevant for contributions negotiated before the introduction of CIL on 1 August 2014 and provides stakeholders with a fair, transparent and predictable basis for the implementation of S106 agreement. Details of the financial planning obligations held by the Council and the progress being made in their allocation and implementation are reported to Cabinet on a

quarterly basis through the 'Planning Obligations Financial Monitoring Report.' The purpose of this report is to further assist in providing a transparent approach to the allocation of S106 funds.

## **S106 contribution held at case reference E/140/434B**

### **Details of contribution**

4. A contribution of £87,500 has been received as the first of two instalments in accordance with a Section 106 planning obligation dated 7 March 2019. The contribution relates to the redevelopment of 30-32 Blyth Road, Hayes (planning reference 68974/APP/2018/2146). The funds have been received as the "Public Open Space Contribution" and are to be used towards footpath improvements at Lake Farm Country Park and provision of new site signage and wayfinding in the Authority's area. The funds must be spent within seven years of receipt (April 2026 for the first instalment); and any unspent money must be returned to whoever made the contribution. A second instalment is due to be paid prior to occupation of the development to a total contribution of £175,000 (plus indexation).

### **Planning background**

5. On 14 November 2018 at the Council's Major Applications Planning Committee, planning permission for the demolition of buildings at 30-32 Blyth Road, Hayes to enable development of 118 residential units and commercial floor space, was agreed subject to the completion of a Section 106 agreement to secure a number of planning obligations. At Committee, officers had reported that the amount of amenity space proposed by the development would fall short of that required by the Council's Design guidelines. In order to mitigate the impact of the shortfall, the developer had therefore agreed to provide a financial contribution to deliver enhancements to Lake Farm Country Park which is the closest public open space to the site. Following the satisfactory completion of the Section 106 agreement, planning permission was subsequently approved, and the above contribution duly received.

### **Proposed allocation**

6. Officers are requesting that a total of £80,382 from the contribution held at E/140/434B is allocated towards the project outlined in paragraphs 7-10 below.

### **1) Proposed allocation: Footpath improvements - Lake Farm Country Park (Phase 1)**

7. Lake Farm Country Park is a popular open space, with a large Primary school attached to the North end of the park, and a BMX club off the Western edge of the park. The area has a comprehensive footpath network (Map 1 within Appendix B) which is well used and, due to the increasing number of regular park users, there is now a significant need to upgrade the footpaths and improve wayfinding and information around the park.
8. Officers plan to improve and reinstate the network of paths around the park in two phases (phase 1 is shown in Appendix B as Map 2). Alongside this, officers plan to update and improve the interpretation and information boards; these are key for visitors to understand the park, its facilities, future events, and the ways in which the public can get involved with management of the park.

9. The estimated costs of implementing phase 1 of the scheme are outlined in the table below;

**Phase 1 – Cost of proposed works**

Re-grade and re-lay Coxwell gravel footpaths (1202m x2m wide)	£70,577
2x Information (combi-units) boards	£5,305
Install Interpretation boards	£2,000
Contingency	£2,500
Total	£80,382

10. It is proposed that further improvements to the footpath network will be carried out as phase 2 of the scheme, once the second instalment of the S106 contribution held at E/140/434B has been received.

**S106 contribution held at case reference E/02/18**

**Details of contribution**

11. The Council currently holds a total of £25,657 in accordance with a Section 106 planning agreement dated 20 December 1994. The contribution relates to land at Old Mill House (now Waterford House), Thorney Mill Road, West Drayton (planning reference 41706C/91/904). The funds have been received under the terms of a Rent Charge Deed attached to the agreement. under which the owners of the land are required to provide a sum of £4,000 per annum towards the management and maintenance of a nature reserve to be established on nearby land. The nature reserve was established in 1995 and is now known as Frays Island and Mabey's Meadow Local Nature Reserve.

**Planning background**

11. On 4 November 1991 at the Council's Environment Sub-Committee, planning permission for the erection of six 1 bedroom flats and 34 2 bedroom flats in part 3 storey and part 4 storey blocks was agreed on land forming part of Old Mill House, Thorney Mill Road, West Drayton. subject to the completion of a Section 106 agreement to secure several planning obligations. At Committee, officers had reported that the development was located within the Metropolitan Greenbelt, the Colne Valley Regional Park and a site of Metropolitan Importance for Nature Conservation. Due to the sites special significance, the developer had therefore agreed to provide a number of planning obligations to protect the land including; the dedication of land surrounding the proposed development for the purpose of nature conservation; the sum of £20,000 for the establishment of a nature reserve on the land and a commitment to make an annual payment of £4,000 to the Council for the management of the nature reserve by London Wildlife Trust.

## **2) Proposed allocation: Maintenance works at Frays Island Local Nature Reserve**

13. Frays Island and Mabey's Meadow is a nature reserve located to the south of Uxbridge and is managed on the Council's behalf by The London Wildlife Trust (LWT). The site is part of a site of Metropolitan Importance for nature conservation and lies within the Metropolitan Green belt.
14. Officers have consulted with LWT and propose that the current balance held at E/02/18 (£25,657) is allocated towards repairs to the main footbridge, which crosses the River Frays and management of trees on the site. The bridge requires significant repair works which will include stripping back the wood to the original metal frame and replacement of all the timber.
15. The proposed works will be carried out by the Council's term contractor. Estimated costs are set out below:

Stripping back and replacement of all timber on footbridge, including renewal of handrails.	£24, 510
Management of selected trees on the site	£990
Contingency	£157
Total	£25,657

16. Officers and LWT have also agreed a programme of planned maintenance works to be carried out over the next four-year period. Agreed works will be subject to receipt of the annual maintenance payment due under the terms of the above obligation (see para 11 above). Works proposed are as follows:
- Year 1 - Replace all front post & rail along the main road.
  - Year 2 - Improve and repair footpaths and sightlines in the wooded Fray's Island area.
  - Year 3 - Update signage & interpretation.
  - Year 4 - Improvement to visibility at entrances to the reserve to encourage public use

### **Financial Implications**

#### **S106 Revenue Budget 2020/21 £26k**

#### **S106 Capital Budget £88k, Previously Released Nil; Capital Release Requested £80k – Appendix A**

The report requests the allocation of £106k from two S106 contributions towards two schemes, for which expenditure is both capital and revenue in nature.

Furthermore, the report is seeking capital release of £80k towards footpath improvements at Lake Farm Country Park from the S106 contribution held at E/140/434B relating to 30-32 Blyth Road,

Hayes. The funds have a time limit to spend by April 2026.

The £80k cost of the works relate to Phase 1 of the footpath improvement works at Lake Farm Country Park and are based on scheduled rates from the Council's Highways term contractor and includes a contingency of approximately 4% of the works costs.

The S106 contribution of £26k held at E/02/18 relating to Old Mill House, Thorney Mill Road, West Drayton is to be used towards maintenance works at Frays Island Local Nature Reserve. These costs will be accounted for under S106 revenue projects.

The proposals for both schemes meet the conditions stipulated by the developer on the intended use of the S106 contributions. The remaining £8k S106 contribution held at E/140/434B is subject to the S106 allocation and release process.

## **RESIDENT BENEFIT & CONSULTATION**

### **The benefit or impact upon residents, service users and communities**

The recommendations will enable external funds to be spent to maximum effect to provide viable improvements for the benefit of local communities.

### **Consultation carried out or required**

Consultations will be carried out as part of individual project development.

## **CORPORATE CONSIDERATIONS**

### **Corporate Finance**

Corporate finance concurs with the financial implications above, noting that the proposed schemes will be funded from Section 106 contributions in accordance with the planning agreements, with no impact on Council resources.

### **Legal**

Legal Services has considered the contents of the Section 106 agreements referred to in the report and concludes that the recommendations presented are consistent with the terms of the respective agreements.

### **Infrastructure / Asset Management**

There are no property implications resulting from the recommendations. As noted in the report LWT manages the Frays Island Local Nature Reserve on behalf of the Council. LWT holds a lease of this land and officers have consulted with LWT who have agreed to the repair works and the programme of planned maintenance works.

### **Capital Release Protocol**

The release of all capital funds, and certain revenue funds, held by the Council is to be made by a formal democratic decision. No expenditure can be placed or committed by officers until this formal approval is given by Democratic Services. Release of funds must be for identified projects



only and strictly not for the general release of funds for projects to be identified at a later date. No block releases of capital or funding will be allowed, except if authorised by the Leader of the Council in advance to Corporate Finance. The release of funds will only be made if previous Council, Cabinet or Cabinet Member agreement has been given to the project and only if there is an approved budget

## **BACKGROUND PAPERS**

Planning Obligations Quarterly Monitoring Report to Cabinet March 2021.

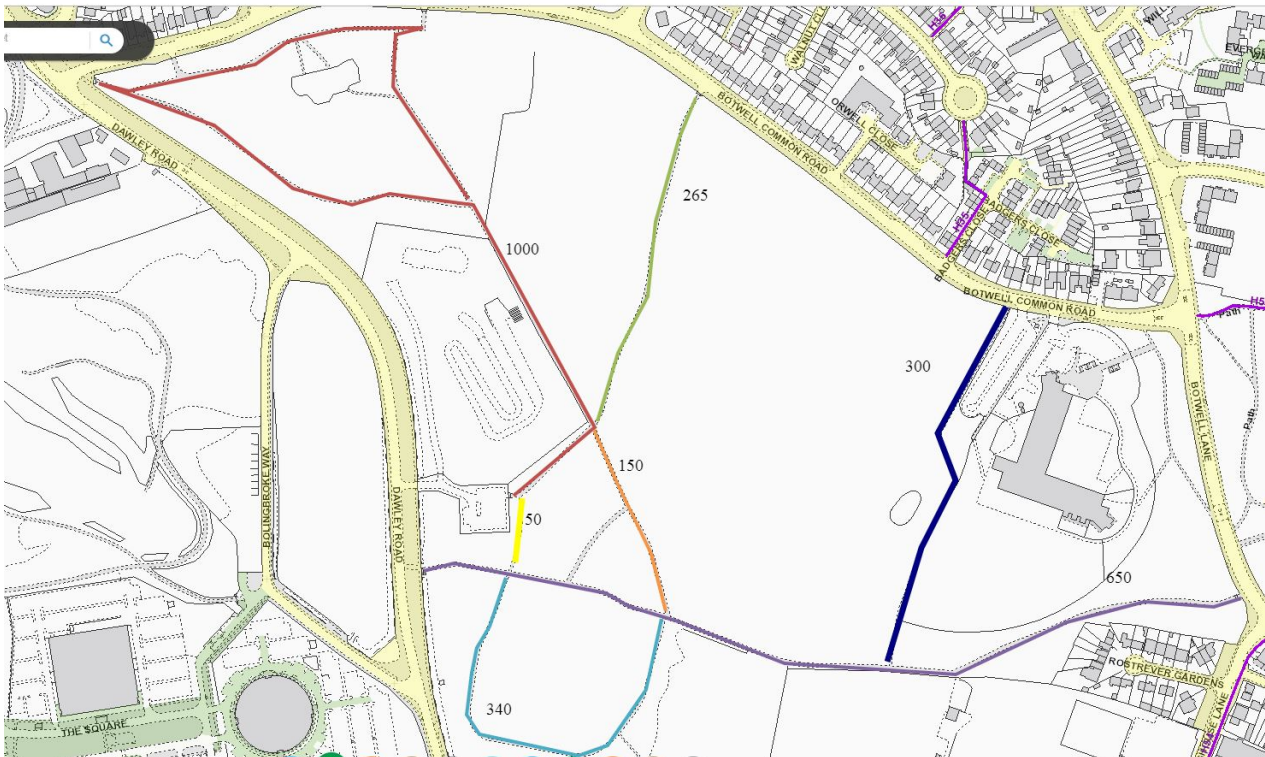
Planning Obligations Supplementary Planning Document Adopted July 2008 and amended July 2014.

## APPENDIX A

### S106 Capital Release 2020/21: Lake Farm Country Park Footpath Improvements & Management of Frays Island Local Nature Reserve (Release No 6)

Location	Project / Expenditure Title	Information	Funds Release Sought £000's	Approve	Hold	More Information Required
Lake Farm Country Park	Phase 1 footpath improvements	Upgrade and reinstatement of footpath & signage	80			
<b>Total seeking release</b>			<b>80</b>			
<b>Previously released</b>			<b>0</b>			
<b>Budget</b>			<b>88</b>			
<b>Remaining budget</b>			<b>8</b>			

## APPENDIX B



Map 1 – Lake Farm Country Park – Footpath network



Map 2 – Lake Farm Country Park - First phase of footpath works to be completed.