



## Democratic Services

**Location:** Phase II  
**Ext:** 0833  
**DDI:** 01895 25 0833  
**My Ref:** RD

**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 / Dragana, Knezevic, Residents  
Services  
c.c. Ward Councillors for Uxbridge North  
c.c. Conservative and Labour Group Offices  
(inspection copy)

**Date:** 20 April 2021

## Non-Key Decision request

## Form D

### **NEW ALLOCATION OF S106 CONTRIBUTIONS AND CAPITAL RELEASE 2020/21: Hillingdon House Farm Wetland Creation and Ecological Improvements**

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 Wednesday 28 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.

Ryan Dell  
Democratic Services Apprentice

**Title of Report: NEW ALLOCATION OF S106 CONTRIBUTIONS AND CAPITAL  
RELEASE 2020/21: Hillingdon House Farm Wetland Creation and Ecological  
Improvements**

**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 AND CAPITAL RELEASE 2020/21: Hillingdon House Farm Wetland Creation and Ecological Improvements**

<b>Cabinet Member(s)</b>	Councillor Ian Edwards Councillor Martin Goddard Councillor Eddie Lavery
<b>Cabinet Portfolio(s)</b>	Leader of the Council Cabinet Member for Finance Cabinet Member for Environment, Housing and Regeneration
<b>Officer Contact(s)</b>	Nicola Wyatt/ Dragana Knezevic, Residents Services
<b>Papers with report</b>	Appendix A with capital release requests for approval Appendix B Site map

### **HEADLINES**

<b>Summary</b>	To seek Cabinet Member approval to allocate £30k from the S106 contribution held at E/146/450A and release funds totalling £70k towards the creation of wetlands and ecological improvements at Hillingdon House Farm, Uxbridge.
<b>Putting our Residents First</b>	The report supports the Council objectives of strong financial management.
<b>Financial Cost</b>	This report seeks to allocate a total of £30k from a S106 contribution held by the Council towards the project outlined in this report, and release £70k capital funding, comprising £30k from the S106 contribution and a £40k GLA grant.
<b>Relevant Policy Overview Committee</b>	Residents, Education and Environmental Services
<b>Relevant Ward(s)</b>	Uxbridge North

### **RECOMMENDATIONS**

1. That the Leader of the Council and the Cabinet Member for Finance approve the allocation of £30k from the S106 contribution held at E/146/450A relating to development at Uxbridge College, Park Road, Uxbridge towards wetland creation and ecological improvements at Hillingdon House Farm; and

2. That the Cabinet Member for Environment, Housing and Regeneration and the Cabinet Member for Finance approve the capital release request of a £70k budget comprising £30k from the S106 contribution held at E/146/450A and £40k GLA grant towards the creation of wetland and ecological improvements at Hillingdon House Farm as set out in Appendix A.

### **Reasons for recommendations**

The allocation of Section 106 (S106) and Section 278 (S278) funds is 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 at the case reference detailed in this report to be committed, as outlined in this report.

### **Alternative options considered / risk management**

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 for Planning Obligations, which outlined the Council's approach, policies and procedures in respect of planning obligations. This document has 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 01 August 2014, and provides stakeholders with a fair, transparent and predictable basis for the implementation of S106 agreements. 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/146/450A**

#### **Details of contribution**

4. A contribution of £30,000 was received in accordance with a S106 agreement dated 24 October 2019 and relating to the development of land at Uxbridge College, Park Road, Uxbridge (planning ref 1127/APP/2018/4375). The funds were received as the "construction and water management contribution" and are to be used towards the construction and ongoing maintenance of off-site surface water management improvements associated with the ordinary water course between the site and the River Pinn on Council land. The funds must be spent within 7 years of receipt.

#### **Planning background**

5. On 12 March 2019, at the Council's Major Applications Planning Committee, authority to determine a planning application for the erection of a 3-storey building within the existing car park to create a new institute of technology, erection of a single storey car parking deck and reconfiguration of existing car park at Uxbridge College, was delegated to the Director of Residents Services. Authority was deferred subject to the completion of an S106 agreement to secure a number of obligations including a financial obligation towards the ongoing maintenance of off-site surface water management. At Committee, officers had reported that the drainage proposals for the site did not provide any amenity or biodiversity benefits and would increase the water discharge rate on to the surrounding greenfield area. A financial contribution was therefore requested towards off site surface water maintenance and improvement associated with the water course which runs between the site and the River Pinn.

#### **Proposed allocation**

6. Officers are requesting that the contribution held at case reference E/146/450A (£30,000) is allocated and spent towards a programme of ecological and flood alleviation works at Hillingdon House Farm, as described in paragraphs 7-11 below. The works are to be carried out in areas along the River Pinn corridor adjacent to Uxbridge College (see map Appendix B). The funds will be used to match fund a Community Green Spaces Grant of £40,000 received from the GLA towards flooding alleviation works and ecological improvements on the site.

### **Proposal: Wetland creation and ecological improvements at Hillingdon House Farm**

7. Hillingdon House Farm is approximately 50 ha in size and is situated within the floodplain of the River Pinn. It is recognised for both its nature conservation and recreational value. An area of more formal space which includes short-mown grass and sports fields is situated in the south-west side of the site. Most of the site, however, is dominated by open grassland, criss-crossed by lines of scrub, ditches, the River Pinn and scattered trees.
8. This site, especially 5.5 ha east of Hillingdon Leisure Centre (see map Appendix B), has a great potential for improvement to extend the existing ecological features. Additional ponds and backwaters, planted with native wetland plants, will provide a new habitat for

amphibians (including Great Crested Newts), water invertebrates and other species, therefore improving the overall biodiversity of the site. The proposals will provide an improved connection between the River Pinn and existing ecologically rich areas. The creation of additional wetlands will provide more space for water, away from residential areas and thus reduce the likelihood of flooding.

9. TCV (The Conservation Volunteers) is already managing the land to the east of the leisure centre. This funding will enable TCV volunteers to expand their working area and develop new skills whilst creating new wetland features to support the Great Crested Newt population and other wildlife. An improved entrance, the new bird hide, shelter and interpretation boards will attract local residents and visitors to discover this important riverine environment that is currently underappreciated. Volunteers will be involved in the design and building of these structures and will use them for educational purposes.
10. The following actions are proposed to be taken by the Council officers and TCV officers leading community groups and various contractors employed by the London Borough of Hillingdon:
  - Engineering works to create a mosaic of ponds and scrapes in the wetland meadow, contractors will need to be employed to excavate and relocate soil, followed by;
  - The planting of wetland vegetation around the ponds and ditches, engaging and involving local volunteers and children; and
  - Scrub restoration will be completed by TCV volunteers, outside of bird-breeding season.
11. The cost of the works proposed is approximately £70,000 and will be funded from the S106 contribution held at E/146/150A (£30,000) and a Community Green Spaces Grant of £40,000 from the GLA. The table below provides a proposed cost outline for the scheme.

Description	Funded by Green City Fund - Community Green Space Grant	Funded by S106	Total Funding
Interpretation boards	£5,000	£2,300	£7,300
Construction of bird hide and shelter	£6,000		£6,000
Construction works	£12,000	£15,500	£27,500
The Conservation Volunteer (TVC) funding	£8,000	£9,000	£17,000
Tools Purchase - Waders, Loppers, Chain Saw	£2,500	£3,000	£5,500
Pond Dipping Nets Educational Equipment	£500		£500
Plants	£3,000	£200	£3,200
Forward Trust Contractor Costs	£3,000		£3,000
<b>TOTAL</b>	<b>£40,000</b>	<b>£30,000</b>	<b>£70,000</b>

## **Financial Implications**

### **Budget £70k; Previously Released Nil; Capital Release Requested £70k - Appendix A**

The report is seeking the allocation of £30k from the S106 contribution held at E/146/450A relating to the development at Uxbridge College, Park Road, Uxbridge towards the creation of wetlands and ecological improvements at Hillingdon House Farm.

In July 2020, Cabinet accepted £40k grant funding from the Greater London Authority under the Greener City Fund Community Grant Scheme for the creation of wetlands and ecological improvements at Hillingdon House Farm. Match funding of £30k is required to supplement the grant funding and this is proposed to come from the S106 fund being allocated.

The report also seeks the release of £70k for the creation of wetlands and ecological improvements at Hillingdon House Farm, to be funded £30k from S106 and £40k from the GLA grant funding. The release request includes the cost of the Council's term contractor O'Hara Bros for the construction costs of £28k. The remainder of the costs are based on estimates, where quotations / tenders will be sought at a later date.

If the S106 contribution held at E/146/450A is not spent on its intended purpose of ecological improvements by the stipulated deadline of May 2027, then the funds will need to be returned to the developer as per the S106 agreement.

The project will be monitored as part of the Environmental and Recreational Initiatives Programme once capital allocation and release is approved.

## **RESIDENT BENEFIT & CONSULTATION**

### **The benefit or impact upon Hillingdon 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**

Consultation has been carried out as part of individual project development.

## **CORPORATE CONSIDERATIONS**

### **Corporate Finance**

Corporate Finance concurs with the financial implications set out above, noting that the scheme will be fully funded from a combination of GLA grant and Section 106 match funding, with no impact on Council resources.

### **Legal**

The Borough Solicitor confirms that the Council is responsible for carrying out this function pursuant to Section 19 of the Local Government (Miscellaneous Provisions) Act 1976. Legal Services have considered the contents of the Section 106 Agreement referred to in the report and conclude that the recommendations presented are consistent with the terms of that respective

agreement. There are no legal impediments to the Council authorising the necessary capital release or the allocation of the Section 106 contribution.

### **Infrastructure / Asset Management**

There are no property implications resulting from the recommendations.

### **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



## CAPITAL RELEASE APPENDIX A

### Wetland Creation and Ecological Improvements at Hillingdon House Farm

Location	Project / Expenditure Title	Information	Funds Release Sought £000's	Approve	Hold	More Information Required
Hillingdon House Farm	Wetland Creation and Ecological Improvements	Scheme to be funded from an S106 contribution and GLA grant funding	70			
<b>Total seeking release</b>			<b>70</b>			
<b>Previously released</b>			<b>0</b>			
<b>Budget</b>			<b>70</b>			
<b>Remaining budget</b>			<b>0</b>			

## APPENDIX B

