



Democratic Services

Location: Phase II
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**To: COUNCILLOR MARTIN GODDARD
CABINET MEMBER FOR FINANCE**

**COUNCILLOR EDDIE LAVERY
CABINET MEMBER FOR RESIDENTS' SERVICES**

c.c. All Members of the Residents' Services Select Committee
c.c. Nicola Wyatt – Place Directorate
c.c. Perry Scott – Corporate Director of Place
c.c. Ward Councillors for Hayes Town and West Drayton

Date: 6 February 2023

Non-Key Decision request

Form D

NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2022/23: LAKE FARM COUNTRY PARK FOOTPATH IMPROVEMENTS (Phase 2) & MANAGEMENT OF FRAYS ISLAND LOCAL NATURE RESERVE

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 14 February 2023** 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.

Liz Penny
Democratic Services Officer

Title of Report: New Allocation of S106 Contributions & Capital Release 2022/23: Lake Farm Country Park Footpath Improvements (Phase 2) & Management of Frays Island Local Nature Reserve

Decision made:

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

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

Signed Date.....

Cabinet Member for Finance / Cabinet Member for Residents' Services

NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2022/23: LAKE FARM COUNTRY PARK FOOTPATH IMPROVEMENTS (Phase 2) & MANAGEMENT OF FRAYS ISLAND LOCAL NATURE RESERVE

Cabinet Members	Councillor Martin Goddard Councillor Eddie Lavery
Cabinet Portfolios	Cabinet Member for Finance Cabinet Member for Residents Services
Officer Contact	Nicola Wyatt, Place Directorate
Papers with report	Appendix A with capital release requests for approval Appendix B Map of footpath works Lake Farm Country Park

HEADLINES

Summary	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.
Putting our Residents First Delivering on the Council Strategy 2022-2026	This report supports our ambition for residents / the Council of: Enjoy access to green spaces, leisure activities, culture and arts This report supports our commitments to residents of: A Green and Sustainable Borough
Financial Cost	This report seeks the allocation and release of £123,801 from S106 contributions currently held by the Council towards the schemes detailed within this report.
Relevant Select Committee	Residents Services Select Committee
Ward(s) affected	Hayes Town & West Drayton
Portfolio Member approval received	Councillor Eddie Lavery

RECOMMENDATIONS

That the Cabinet Member for Finance:

- 1) Approve the allocation of £115,014 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 £8,787 from the S106 contribution held by the Council at E/02/18 to be used towards tree works and Pennywort removal at Frays Island Nature Reserve.**

That the Cabinet Member for Finance and Cabinet Member for Residents Services approve the capital release requesting £115,014 towards the scheme as outlined in Appendix A.

Reasons for recommendations

In accordance with the Council Constitution, the allocation of Section 106 (s106) and Section 278 (s278) funds is required to be formally approved by the Cabinet Member for Finance on a case-by-case basis – and any capital release, in conjunction with the relevant Cabinet portfolio holder. This report requests the approval for the s106 funds held at the case references detailed in this report to be committed as outlined in this report

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.

Select 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 the associated development contribute 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.

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

Details of contribution

3. A contribution of £178,834 (including indexation) was received in 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.

Planning background

4. 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

5. A total of £80,382 from the contribution held at E/140/434B was allocated and £63,820 spent towards Phase 1 footpath improvements at Lake Farm Country Park (Cabinet Member Decision 05/05/2021). Officers are now requesting that the remaining balance (£115,014) is allocated and spent towards Phase 2 of the project as outlined in paragraphs 6-8 below.

1) Proposed allocation: Footpath improvements - Lake Farm Country Park (Phase 2)

6. 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.
7. Officers have proposed to improve and reinstate the network of paths around the park in two phases. Phase 1 was completed in 2021/2022 (Phase 1 is shown in Appendix B as Map 2). Phase 2 of the scheme is planned to be implemented in 2022/23 and is shown as Map 3 in Appendix B. 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.

8. The estimated costs of implementing Phase 2 of the scheme are outlined in the table below:

Phase 2 – Cost of proposed works

Description	Amount
Re-grade and re-lay Coxwell gravel footpaths (1200m x3m wide)	91,000
Information boards/ entrance signs (x4)	5,160
Lecterns (x3)	2,490
Notice boards (x2)	3,580
Install Interpretation boards	2,620
Project management fees	10,164
Total	£115,014

S106 contribution held at case reference E/02/18

Details of contribution

9. The Council currently holds a balance of £8,787 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 41706/C/91/0904). 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

10. 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 site's 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

11. 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.

12. Officers have consulted with LWT and propose that the current balance held at E/02/18 (£8,786) is allocated towards required tree works to reduce the tree canopy covering the reserve and to remove Pennywort from the water course.
13. It is envisaged that the proposed tree works will encourage more wetland vegetation, species diversity and bank stabilisation. It will also rejuvenate and prolong the life of the trees as well as reducing the risk of limbs falling onto footpaths and in the river creating a hazard.
14. Pennywort is a highly invasive aquatic species that grows very rapidly in rivers and waterways forming dense patches on the river surface that deplete oxygen levels and reduces light penetration. It also outcompetes other plant species and can cause blockages and flooding. Timely removal is therefore imperative to maintain the health and diversity of the waterways.
15. 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 2022/23 £9k

S106 Capital Budget £179k, Previously Released £64k; Capital Release Requested £115k – Appendix A

The report requests the allocation of £124k 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 £115k 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. Previously £64k was spent on the Phase 1 Lake Farm Country Park footpath improvement project.

The £115k cost of the works relate to Phase 2 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 internal project management fee of 10% of the works costs. There is no contingency allowed in the project.

The S106 contribution of £9k 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.

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 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 Supplementary Planning Document 2014

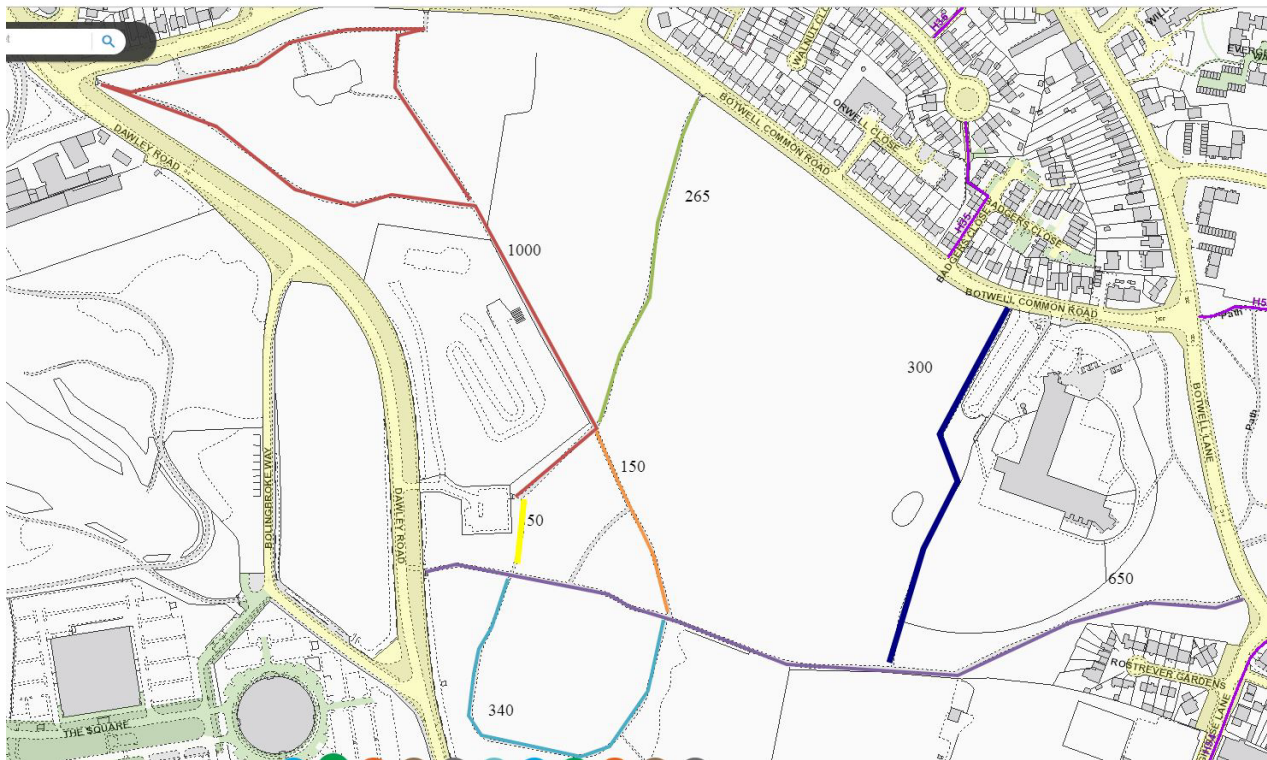
APPENDIX A

S106 Capital Release 2022/23: Lake Farm Country Park Footpath Improvements & Management of Frays Island Local Nature Reserve

Location	Project / Expenditure Title	Information	Funds Release Sought £000's	Approve	Hold	More Information Required
Lake Farm Country Park	Phase 2 footpath improvements & interpretation	Upgrade and reinstatement of footpath & signage	115			
Total seeking release			115			
Previously released			64			
Budget			179			
Remaining budget			0			

APPENDIX B

Map 1 – Lake Farm Country Park – Footpath network



Map 2 – Lake Farm Country Park - First phase of footpath works completed 2021/22.



Map 3 – Lake Farm Country Park - Phase 2 footpath works to be completed 2022/23.

