



## Democratic Services

**Location:** Phase II  
**Ext:** 0185  
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**CMD No:** 707

**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. Hayley Thomas – Place Directorate  
c.c. Perry Scott – Corporate Director of Place  
c.c. Ward Councillors for Wood End

**Date:** 16 February 2023

## Non-Key Decision request

## Form D

### NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2022/23: Minet Country Park Improvements (Release No 2)

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 Friday 24 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: Minet Country Park Improvements (Release No 2)

**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: Minet Country Park Improvements (Release No 2)

<b>Cabinet Member(s)</b>	Councillor Martin Goddard Councillor Eddie Lavery
<b>Cabinet Portfolio(s)</b>	Cabinet Member for Finance Cabinet Member for Residents Services
<b>Officer Contact(s)</b>	Nicola Wyatt – Place Directorate Hayley Thomas – Place Directorate
<b>Papers with report</b>	Appendix A with capital release requests for approval

## HEADLINES

<b>Summary</b>	To seek Cabinet Member approval to allocate and release £462,940 from the S106 contribution held at E/151/557A towards a scheme of recreational and ecological improvements at Minet Country Park.
<b>Putting our Residents First</b>	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
<b>Financial Cost</b>	This report seeks to allocate £462,940 from a s106 contribution held by the Council to progress the scheme outlined in this report.
<b>Relevant Select Committee</b>	Residents' Services Select Committee
<b>Relevant Ward(s)</b>	Wood End

## RECOMMENDATIONS

- 1) That the Cabinet Member for Finance approves the allocation of £462,940 from the S106 contribution held at E/151/557A and relating to the redevelopment of Southall Gas Works, towards recreational / ecological improvements at Minet Country Park; and
- 2) That the Cabinet Member for Finance and the Cabinet Member for Residents' Services approve the capital release request of £337,940 towards the scheme as set out 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 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.

## Select Committee comments

None at this stage.

## SUPPORTING INFORMATION

### Purpose of Planning Obligations

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/151/557A**

#### Details of agreement

3. In accordance with a S106 planning agreement dated 29 September 2010 and subsequent DOV dated 7 September 2017, the Council has received the first instalment of the Minet Country Park contribution £462,939 (i.e £380,000 plus indexation) from the former Southall Gas Works development, now known as the Green Quarter. The contribution must be spent within 5 years of receipt (May 2026). Two further instalments of £730k each (plus any indexation), are also due to be received by the Council as the development reaches the following two triggers;

- 12 months before completion of Springfield Road pedestrian and cycle bridge or prior to occupation of 1,500 dwellings (whichever is earlier).
- 12 months before completion of Minet Country Park bridge or prior to occupation of 3,000 dwellings (whichever is earlier).

4. Under the terms of the agreement, the contribution is to be spent by the Council towards the provision of improvements to the Country Park, having regard to the scope of works identified in Appendix 4 of the agreement.

#### Planning background

5. The former Southall Gas Works site straddles the boundary between the London Boroughs of Ealing and Hillingdon. On 25<sup>th</sup> March 2010, the GLA resolved to grant planning permission to redevelop the site to provide a mixed-use development including 3,750 new homes, as well as new office, leisure and retail facilities, and a new access road linking the site to the Hayes by-pass (planning ref: 54814/APP/2009/430). Permission was approved subject to the completion of an appropriate s106 agreement to mitigate the impacts of the development on the surrounding area. As part of a package of obligations, it was determined that a contribution of £1.8 million was required to implement mitigation measures and provide capacity enhancements to Minet Country Park (which lies adjacent to the site). The obligation was deemed necessary due to the expected increase in use of the park by residents/users of the new development and to reinstate habitat lost due to the implementation of the new access road.

#### Proposed allocation

6. Officers are requesting that £462,940 from the first instalment of the Minet Country Park contribution (held at E/151/557A) is allocated towards a programme of recreational and ecological improvements to Minet Country Park as set out in paras 8 -11 below.

7. Further proposals will be brought forward as each of the remaining two instalments of the contribution are received, and further funds become available. The priority works identified as phase 1 improvements are supported by the Cabinet Member for Residents' Services.

#### Minet Country Park (Phase 1 proposals)

8. Minet Country Park is a 36-hectare site located to the east of the Hayes by-pass. It was created to provide leisure and recreational facilities for the community and to improve the ecological and wildlife value of the area.

9. The Council has received the first instalment of S106 Minet Country Park Contribution towards improvements to the Country Park from the Southall Gas Works development. The aim of the funding is to reinstate and create new habitats and environments as well as upgrade existing facilities. It is intended that improvements to the park will be made in stages as further funding becomes available.

10. Following consultation with The Friends of Minet Country Park, it is proposed that Phase 1 of the project will focus on the following identified priorities for improving the park.

- Upgrades to the existing car park, including resurfacing/repairs to extend the life of the current Coxwell gravel surface, new lighting and CCTV.
- A new footpath to be implemented to the east of the existing cycle circuit which will connect with existing footpaths to the north and south of the cycle circuit.
- Additional signage, interpretation boards and furniture to be implemented throughout the site

- A new post for a 'Countryside Ranger' to be created for an initial three-year period with recruitment from 2023-24.
- Improvements to the existing ponds to take place along with the creation of three new wildflower planting areas and the start of a programme of treatment works to remove invasive plant species such as Hemlock and Himalayan Balsam.

11 The estimated costs of the proposals have been prepared in conjunction with the Council's Term Contractors and Human Resources and are detailed in the table below.

### **Cost breakdown**

<b>Description</b>	<b>Amount (Capital)</b>	<b>Amount (Revenue)</b>
Car park resurfacing/repairs	40,000	
Traffic order, signs, and ticket machines	14,500	
Car park lighting (inc. design fees)	114,000	
Car park CCTV	11,000	
New footpath (east side)	74,000	
Countryside Ranger post (Apr 23 – Mar 26)		109,000
Signage upgrades	13,500	
Wildflower planting	£2,500	
Invasive species removal (yrs. 1-4)		16,000
Upgrades to existing ponds	50,000	
New furniture	10,000	
Project management fees	8,440	
<b>SubTotal</b>	<b>£337,940</b>	<b>£125,000</b>
<b>Grand Total</b>	<b>£462,940</b>	

### **Financial Implications**

#### **S106 Revenue Budget 2022/23 £125k**

**(S106 2022/23 Capital Budget £338k (from this allocation), Previously Released Nil, Capital Release Requested £338k) – Appendix A**

The report requests the allocation of £463k towards the Minet Country Park improvement works, from the S106 contribution held at E/151/557A relating to Southall Gas Works Site, Hayes bypass, Southall. The funds have a time limit to spend by May 2026. The project expenditure will be both capital and revenue in nature as specified in the table above. The revenue expenditure will be accounted for under S106 revenue projects.

The £338k capital works relate to Phase 1 of the improvements to be carried out at Minet Country Park and are based on scheduled rates from the Council's Highways, Lighting and Green Spaces term contractors and includes internal project management fees of approximately 2% and no contingency. The S106 allocation also includes £109k to fund a Countryside Ranger post for three years and £16k for invasive species removal.

The proposal of the scheme meets the conditions stipulated by the developer on the intended use of the S106 contribution.

## **RESIDENT BENEFIT & CONSULTATION**

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

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

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

Appropriate consultation to be carried out as part of individual project development.

## **CORPORATE CONSIDERATIONS**

### **Corporate Finance**

Corporate finance notes that the proposed improvement works detailed in this report and creation of associated new ranger post for three years can be financed from Section 106 monies related to Minet Country Park, with no impact on Council resources.

### **Legal**

Legal Services have considered the content of the Section 106 agreement referred to in the report and conclude that the recommendations presented are consistent with the terms of the respective agreement.

In procuring any of the services required for the scheme, officers must ensure that they observe the Council's Contract and Procurement Standing Orders.

### **Infrastructure / Asset Management**

Asset Management can confirm that the proposal above does not contravene any plans or strategy held by the department and the recommendation can move forward from an Asset Management perspective.

### **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 - CAPITAL RELEASE REQUESTS FOR APPROVAL

### Minet Country Park Improvements (Phase 1) - Release No 2

Location	Project / Expenditure Title	Information	Funds Release Sought £000's	Approve	Hold	More Information Required
Minet Country Park, Hayes	Minet Country Park – Recreational & ecological improvements	Project to be funded from s106 contribution E/151/557A	338			
<b>Total seeking release</b>			<b>338</b>			
<b>Previously released</b>			<b>0</b>			
<b>Budget</b>			<b>338</b>			
<b>Remaining budget</b>			<b>0</b>			