



## Democratic Services

**Location:** Phase II

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**CMD No:** 1443

**To: COUNCILLOR STEVE TUCKWELL  
CABINET MEMBER FOR PLANNING, HOUSING &  
GROWTH**

**COUNCILLOR MARTIN GODDARD  
CABINET MEMBER FOR FINANCE &  
TRANSFORMATION**

c.c. All Members of the Residents' Services Select  
Committee

c.c. Nikki Wyatt & Sophie Wilmot, Place Directorate

c.c. Karrie Whelan, Place Directorate

**Date:** 29 May 2025

## Non-Key Decision request

## Form D

### New Allocation & Capital Release of S106 Contributions 2025/26: Improvements to the Grand Union Canal Towpath in Hayes (Release No. 1)

Dear Cabinet Members,

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 6 June 2025** 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.

Anisha Teji  
Democratic Services

**Title of Report:** New Allocation & Capital Release of S106 Contributions 2025/26:  
Improvements to the Grand Union Canal Towpath in Hayes (Release No. 1)

**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 Planning, Housing & Growth/ Cabinet Member for Finance &  
Transformation*

## New Allocation & Capital Release of S106 Contributions 2025/26: Improvements to the Grand Union Canal Towpath in Hayes (Release No. 1)

<b>Cabinet Member &amp; Portfolio</b>	Cllr Steve Tuckwell, Planning, Housing & Growth Cllr Martin Goddard, Finance and Transformation
<b>Responsible Officer</b>	Karrie Whelan, Place Directorate
<b>Report Author &amp; Directorate</b>	Nikki Wyatt & Sophie Wilmot, Place Directorate
<b>Papers with report</b>	Appendix A – Capital Release Appendix B – Location of works

### HEADLINES

<b>Summary</b>	To seek Cabinet Member approval to allocate and release funds from the S106 contributions held at PT/274/589C, PT/242/554C, PT/193/242I & PT/192/242H towards improvements to a section of Grand Union Canal Towpath in Hayes, between Printing House Lane and Station Road as detailed within this report.
<b>Putting our Residents First</b>  <b>Delivering on the Council Strategy 2022-2026</b>	This report supports our ambition for residents / the Council of: Live active and healthy lives  This report supports our commitments to residents of: A Green and Sustainable Borough
<b>Financial Cost</b>	This report seeks the allocation and release of £192,620 from S106 funds made available from the redevelopment of sites in the London Borough of Hillingdon and detailed within this report towards enhancement schemes across the borough.  The works will commence upon release of the funds and are due for completion by July 2025.
<b>Select Committee</b>	Residents' Services
<b>Ward(s)</b>	Hayes Town

### RECOMMENDATIONS

**That the Cabinet Member for Finance & Transformation, in consultation with the Cabinet Member for Planning; Housing & Growth:**

- 1) **Approve the allocation of £192,620 from the S106 contributions held at PT/274/589C, PT/242/554C, PT/193/242I & PT/192/242H to be used towards improvements to a section of Grand Union Canal Towpath in Hayes (between Printing House Lane and Station Road).**
- 2) **Approve the capital release requesting £192,620 towards the scheme, as outlined in Appendix A to this report.**

### **Reasons for recommendation(s)**

This report requests the approval for the S106 funds held at case references detailed in this report to be committed as outlined in this report, towards improvements to a section of Grand Union Canal Towpath in Hayes, between Printing House Lane and Station Road.

### **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.

### **Democratic compliance / previous authority**

In accordance with the Council's Constitution, the allocation of Section 106 (S106) and Section 278 (S278) funds is required to be formally approved by the Cabinet Member for Finance & Transformation on a case-by-case basis – and any capital release, in conjunction with the relevant Cabinet portfolio holder.

### **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 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 agreements. 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.

### **Details of S106 contribution held at case reference PT/274/589C**

3. A contribution of £104,734.36 (including indexation) has been received in accordance with a S106 planning agreement dated 24<sup>th</sup> August 2021 and relating to the redevelopment of the Crown Trading Estate, Clayton Road, Hayes (planning reference 73955/APP/2020/139).

4. The funds have been received as the "Grand Union Canal Quietway /Cycleway contribution" and under the terms of the agreement, the funds are to be used towards initiatives within the Authority's area to improve the GUC Quiet Way to provide residents living in the development the option to walk/cycle to various destinations along the GUC. The funds are to be spent within 7 years of receipt (July 2030).

#### **Planning background**

5. On 15th September 2021 the Council's Major Applications Planning Committee, considered the grant of planning permission for the redevelopment of the Crown Trading Estate for a residential-led mixed use development comprising buildings between 3&11 storeys to provide residential units (class C3) and ground floor employment space (class B1) with associated access and car parking, landscaping and amenity area. At Committee, officers reported that LB Hillingdon in partnership with the Canal & Rivers Trust are building the Grand Union canal Quietway/Cycleway. Given the site's proximity to the canal, officers requested that the developer provide a financial contribution towards the cost of resurfacing the Hayes section of the towpath, as completing this section would provide residents living in the development with the opportunity to cycle or walk to numerous destinations along the canal, including employment centres such as Stockley Park and Hayes Town Centre. The planning application was therefore agreed subject to the completion of a s106 agreement to secure several planning obligations, including a financial contribution towards improvements to the Grand Union Canal Quietway/Cycleway.

### **Proposed allocation of PT/274/589C**

6. Officers are requesting that the funds held at PT/274/589C (£104,734.36) are allocated towards improvements to the section of Grand Union Canal Towpath in Hayes (between Printing House Lane and Station Road as part of the Quietway work programme and as set out in paras 15-20 below.

### **Details of S106 contribution held at case reference PT/242/554C**

7. A contribution of £50,522.79 (Including indexation) was received in two instalments in accordance with a S106 planning agreement dated 2nd October 2019 and relating to the redevelopment of Chailey Industrial Estate, Pump Lane, Hayes (planning reference 2102/APP/2018/4231). Funds have been received as the "Canal Quiet Way Contribution" to be used towards upgrading the canal towpath within the vicinity of the land to Quietway standard. The contribution is to be spent within 7 years of payment (November 2027).

#### **Planning background**

8. On 19th June 2019 the Council's Major Applications Planning Committee, considered the grant of planning permission for the redevelopment of land at Chailey Industrial Estate to provide 3 buildings ranging from 2-10 storeys, delivering 331 residential units and 710sqm of ground floor

commercial space, together with associated parking, access, landscaping and infrastructure. The planning application was agreed subject to the completion of a s106 agreement to secure a number of planning obligations, including a contribution towards upgrading the towpath in the area. At Committee, officers advised that given the large number of residential units and commercial activity proposed, the development would lead to increased use of the canal towpath and that this should be mitigated by a developer contribution towards the upgrade of the towpath for walking and cycling. A developer contribution of £50,000 was therefore sought towards upgrading the towpath for walking and cycling to Quietway standard.

### **Proposed allocation of PT/242/554C**

9. Officers are requesting that the funds held at PT/242/554C (£50,522.79) are allocated towards improvements to the section of Grand Union Canal Towpath in Hayes (between Printing House Lane and Station Road as part of the Quietway work programme and as set out in paras 15-20 below.

### **Details of S106 contributions held at case references PT/193/242I & PT/192/242H**

#### **PT/193/242I**

10. A contribution of £249,091.68 (including index linking) was received in accordance with a S106 planning agreement dated 30<sup>th</sup> September 2010 and relating to the redevelopment of the former NATS site off Porters Way, West Drayton (now known as Drayton Garden Village, planning reference 5107/APP/2009/2348). The funds were received as the "British Waterways Works Contribution" and are to be used towards the cost of improvement works to the Grand Union Canal, to be carried out in accordance with the British Waterways works specification. There are no time limits for spending this contribution.

#### **PT/192/242H**

11. A contribution of £31,136.46 (including index linking) was also received in accordance with the same S106 planning agreement dated 30<sup>th</sup> September 2010 and relating to the redevelopment of the former NATS site off Porters Way, West Drayton (now known as Drayton Garden Village, planning reference 5107/APP/2009/2348). The funds were received as the "Parking Management Contribution" and are to be used towards the cost of establishing a parking management scheme in the West Drayton Area. There are no time limits for spending this contribution. The Council may also retain any unexpended balance of the contribution, where this is less than £10,000 for any other relevant purpose relating to the development.

### **Planning background**

12. On 25 May 2010 at the Council's Central & South Planning Committee, planning permission for the redevelopment of the former NATS site to provide a mixed-use development including 773 dwellings, an 80 bed nursing home, healthcare facility, community facility, office and retail use along with supporting amenity space was agreed subject to the completion of a s106 agreement to secure several obligations. At Committee, officers had reported that because of its proximity to the Grand Union Canal, the new development could be expected to have an impact on the canal towpath, as an increase in residents would be likely to increase the demand

for its use as a transport link and public open space. Officers had therefore negotiated a financial contribution to be used to provide improvements to the canal towpath to British Waterways works specification. In addition, officers also reported that the level of parking for the development needed to be balanced with the need to reduce car use in favour of alternative sustainable modes of transport. To sufficiently cater for the parking needs of occupiers and reduce pressure for parking in the surrounding area, a financial contribution was therefore also required towards the implementation of parking management schemes in area. Following the satisfactory completion of the s106 agreement, planning permission was subsequently approved and the above contributions duly received

### **Proposed allocation of PT/193/242I & PT/192/242H**

13. A total of £249,091.68 from the contribution held at PT/193/242I was allocated and £215,664.30 spent towards towpath improvement works on the Grand Union Canal between Horton Bridge Road and Trout Road, as part of the Quietway towpath improvement programme (Cabinet Member Decision 21/09/2018). Similarly, a total of £31,136.46 from the contribution held at PT/192/242H was allocated and £27,200 spent towards the implementation of a parking scheme in West Drayton, zone WD5 (Cabinet member Decision 22/10/2019).

14. Officers are now requesting that the remaining balances from these contributions held at PT/193/242I (£33,427.38), and PT/192/242H (£3,936.46) respectively, are allocated towards the next phase of the Quietway programme improvement works as outlined in paras 15-20 below

### **Project Proposal: Improvements to the Grand Union Canal Towpath between Printing house Lane and Station Road, Hayes**

15. The Grand Union Canal runs north/south through the Borough and provides an off-road cycle route and pedestrian link and recreational amenities for residents. The canal is owned and managed by the Canal and River Trust (CRT), but with agreement the Council's Highways Term Contractor, O'Hara Bros, have been undertaking works on the Grand Union Canal on their behalf.

16. Transport for London (TfL) has identified the Grand Union Canal as a key cycling asset, and it has been designated a cycling Quietway. A Quietway is a high quality well-signed cycle route designated to overcome the barriers to cycling, specifically targeting less confident cyclists and those who prefer a more relaxed journey. The London Borough of Hillingdon and CRT have been working together for some time now to upgrade the canal towpath in Hillingdon to Quietway standard using Section 106 contributions from new developments located close to the canal.

17. This programme of upgrades has, so far, been very successful, with approximately three miles of towpath being upgraded to date, in sections along the six miles of canal running between Oxford Road, Uxbridge and the borough boundary at Bulls Bridge, Hayes. The works consist of creation of a two-meter-wide kerbed towpath (where possible) with a buff resin bound surface.

18. The next section proposed for upgrade is the section between Printing House Lane and Station Road, Hayes. The works will continue from previous improvements up to Printing House Lane and then at Station Road, provide access into Hayes Town Centre and the vinyl factory area of Hayes. A plan is attached at Appendix B.

19. The works will be undertaken by the Council's Term Contractor, O'Hara, via a third-party permit agreement with the Canal and River Trust. A summary of the cost estimate for the works is provided below, with the civil works being based on agreed O'Hara rates. To note, the cost of the scheme is slightly higher than for other comparable sections of the towpath, due to the need for works to the retaining wall, to allow a wider towpath to be provided.

**Table 1: Cost Plan**

Scheme Element	Amount
Civil Works	£190,000
Fees (10%)	£19,000
Contingency (10%)	£19,000
CRT permit costs	£5,000
<b>TOTAL</b>	<b>£233,000</b>

20. Subject to approval, the costs of the scheme will be met from S106 (£192,620). The remaining balance of £40,380 will be funded from the 2025/26 Transport for London, grant allocation which is being released in parallel to this report.

### Financial Implications

**(S106 2025/26 Budget £436k; Previously Released £243k; Capital Release Requested £193k) - Appendix A**

The report seeks the allocation and release of £193k from the four S106 contributions as detailed in Table 2 below:-

**Table 2: S106 Contributions**

S106 Reference	Funding	Scheme	Amount	Time Limit to Spend
PT/192/242H		Fmr NATs site, Drayton Garden Village, Porters Way, West Drayton	3,936	N/A
PT/193/242I		Fmr NATs site, Drayton Garden Village, Porters Way, West Drayton	33,427	N/A
PT/242/554C		Chailey Industrial Estate, Pump Lane, Hayes	50,523	Nov 2027
PT/274/589C		Crown Trading Estate, Clayton Road, Hayes	104,734	Jul 2030
<b>Total Contribution</b>			<b>£192,620</b>	

The S106 funds are to be used towards towpath improvements to the Grand Union Canal between Printing House Lane and Station Road. The cost of the works is based on scheduled rates within the Council's Highways term contract and includes engineer's fees and contingency at 10% each of the works' cost.

The total cost of the scheme is £233k which is to be funded £193k from the S106 and £40k from the TfL Local Implementation Plan funding for which a separate capital release is being progressed.

The release of the £193k will enable the scheme to progress. The proposals meet the conditions stipulated by the developer on the intended use of the S106 contributions.

## 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 & Engagement carried out (or required)**

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

## CORPORATE CONSIDERATIONS

### **Corporate Finance**

Corporate Finance have reviewed this report and concur with the Financial Implications set out above, noting that approval is sought to the allocation and capital release of £193k S106 contributions to be used towards the improvements to a section of the Grand Union Canal Towpath in Hayes.

Furthermore, it is noted that the total estimated cost of the scheme is £233k, which will be funded from the £193k of the developer contributions in accordance with the planning obligation agreements, along with £40k contribution from the Transport for London Grant for which a separate capital release request is in progress.

### **Legal**

Legal Services have considered the content of the Section 106 agreements referred to in this report and concludes that the recommendations presented to approve £192,620 from identified s106 contributions held by the Council towards the implementation towards improvements to a section of Grand Union Canal Towpath in Hayes (between Printing House Lane and Station Road) are consistent with the terms of the respective agreements.

### **Comments from other relevant service areas**

The schemes have been developed in consultation with relevant service groups as appropriate

## BACKGROUND PAPERS

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



## CAPITAL RELEASE APPENDIX A

### S106 Allocation & Release 2025/26 - Improvements to the Grand Union Canal Towpath between Printing House Road and Station Road, Hayes - Release 1

Location	Project / Expenditure Title	Information	Funds Release Sought £000's	Approve	Hold	More Information Required
Grand Union Canal	Upgrades to the towpath	Improvements to provide Quietway standard between Printing House Lane and Station Road, Hayes	193			
<b>Total seeking release</b>			<b>193</b>			
<b>Previously released</b>			<b>243</b>			
<b>Budget</b>			<b>436</b>			
<b>Remaining budget</b>			<b>0</b>			

## APPENDIX B LOCATION ON PROPOSED WORKS

Red = extent of improvements

