



**AGENDA ITEM: 5(g)**

**CABINET: 11 November 2014**

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<b>Report of:</b>	<b>Assistant Director Planning</b>
<b>Relevant Managing Director:</b>	<b>Managing Director (Transformation)</b>
<b>Relevant Portfolio Holder:</b>	<b>Councillor M Forshaw</b>
<b>Contact for further information:</b>	<b>Peter Richards (Extn. 5046) (e-mail: <a href="mailto:peter.richards@westlancs.gov.uk">peter.richards@westlancs.gov.uk</a>)</b>

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**SUBJECT: USE OF SECTION 106 MONIES FOR SUSTAINABLE TRANSPORT MEASURES IN BURSCOUGH WEST AND SCOTT WARDS**

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Wards affected: Burscough West and Scott Wards

**1.0 PURPOSE OF THE REPORT**

1.1 To seek Cabinet's authority to allocate S106 monies from planning application 2012/0080/FUL (Land North of Junction with Pippin Street / Liverpool Road South, Burscough) to spend on suitable transport measures to improve accessibility to the application site by means other than the private car.

**2.0 RECOMMENDATIONS**

2.1 That the allocation of the £100,000 of Section 106 monies from application 2012/0080/FUL to the design, costing and delivery of the section of the Ormskirk-Burscough Linear Park between the eastern end of Abbey Lane, across the A59 Liverpool Road South and to the northern end of Lordsgate Lane, with a connection from this route directly into the application site be approved.

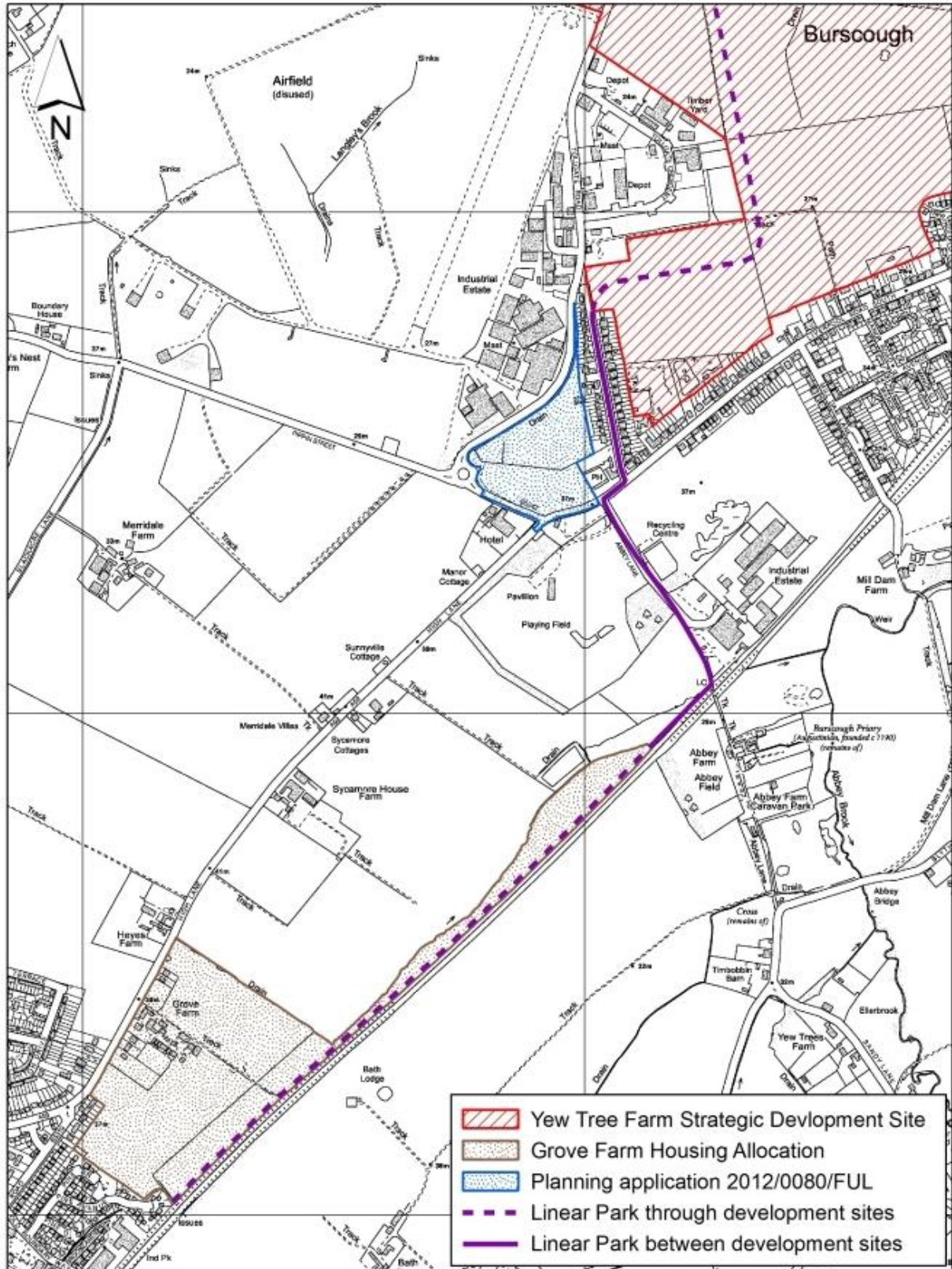
2.2 That authority be delegated to the Assistant Director Planning in consultation with the Portfolio Holder for Planning and Development to undertake all matters related to the implementation of this project.

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### **3.0 BACKGROUND & CURRENT POSITION**

- 3.1 As part of the permission granted to application 2012/0080/FUL, a Section 106 agreement was signed that committed the developer of the application site to contribute £100,000 to the Council to spend on “*suitable transport measures to improve accessibility to the application site by means other than the private car*”. This sum has now been received by the Council.
- 3.2 Application 2012/0080/FUL involves the development of a Booths supermarket and other retail and commercial uses, and so it is important to ensure that local residents and visitors to the area can access the facilities on the application site in a sustainable manner.
- 3.3 The application site is adjacent to the A59 Liverpool Road South, with the eastern corner of the site lying virtually opposite the entrance to Abbey Lane onto the A59. As such, the application site is in direct proximity to the proposed route of the Ormskirk-Burscough Linear Park which, in this section of the route, would travel along Abbey Lane, cross the A59 and then travel along Lordsgate Lane (see map on next page), and there is an opportunity to link the application site to this Linear Park and deliver this key section of the Linear Park (which runs between the two major development sites of Grove Farm and Yew Tree Farm through which the majority of the Linear Park will be delivered) using the S106 monies secured through this application.
- 3.4 By using the S106 monies in this way, the application site will be made accessible by means other than the private car, in line with the terms of the section 106 agreement, with residents from across Ormskirk and Burscough (and visitors to the area) being able to access the facilities on the application site in a safe and sustainable manner by bicycle or on foot if they wish.
- 3.5 It is therefore recommended at 2.1 above that Cabinet authorise the allocation of the £100,000 of Section 106 monies from application 2012/0080/FUL to the delivery of the section of the Ormskirk-Burscough Linear Park between the eastern end of Abbey Lane, across the A59 Liverpool Road South and to the northern end of Lordsgate Lane, with a connection from this route directly into the application site.



## **4.0 NEXT STEPS**

- 4.1 Should Cabinet authorise the allocation of this S106 funding as described above, Lancashire County Council will be commissioned to draw up an appropriate and costed design solution for the section of Linear Park along Abbey Lane, across the A59 and along Lordsgate Lane, incorporating a link into the application site, using a small proportion of the S106 funds. Once this design solution has been drawn up to the satisfaction of WLBC officers, any necessary land acquisitions will be negotiated, the route will then be developed out and appropriate arrangements for the maintenance of the route will be put in place.

## **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 5.1 The delivery of a key section of the Ormskirk-Burscough Linear Park will provide a positive benefit for sustainability in terms of the general movement between Ormskirk and Burscough, but also in relation to the access to the application site and its facilities. Ongoing maintenance of the route will be key to sustaining this positive sustainability impact and to ensuring that the route is safe and secure from a crime perspective.

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 There are no financial and resource implications arising from the recommendations in this report as any design (and ultimately construction) costs will be sourced from the S106 monies and the officer input required will be sourced from the Planning Service's revenue budgets. Proposals for the maintenance of the Linear Park will be developed as part of the wider proposals for the route, with a view to ensuring that the maintenance does not provide an ongoing liability to the Council, and a report will be brought to Cabinet with final proposals for maintenance of the route should those proposals involve any ongoing cost or liability to the Council.

## **7.0 RISK ASSESSMENT**

- 7.1 There are no significant risks associated with the recommendations in this report. The use of the S106 monies as proposed is in adherence to the terms of the S106 agreement. It must also be borne in mind that S106 monies must be spent within a certain timescale, or else be handed back to the developer, and so it is prudent to bring forward a suitable project to spend the monies as quickly as possible, especially given that, in this case, the proposed project is the best-use of the resources within the constraints of the S106 agreement.
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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account when undertaking the actions detailed within this article.

### **Appendices**

Appendix A – Equality Impact Assessment

## Appendix A – Equality Impact Assessment

### Equality Impact Assessment - process for services, policies, projects and strategies

<p>1. Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:</p> <p><i>People of different ages – including young and older people</i>  <i>People with a disability;</i>  <i>People of different races/ethnicities/ nationalities;</i>  <i>Men; Women;</i>  <i>People of different religions/beliefs;</i>  <i>People of different sexual orientations;</i>  <i>People who are or have identified as transgender;</i>  <i>People who are married or in a civil partnership;</i>  <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i>  <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p><b>Unlikely to disadvantage or have a negative effect on the groups of people listed.</b></p>
<p>2. What sources of information have you used to come to this decision?</p>	<p><b>Census 2011 data</b></p>
<p>3. How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p><b>Wider proposal for an Ormskirk-Burscough Linear Park has been part of several consultations on the Local Plan, the Yew Tree Farm Masterplan SPD and the Grove Farm Development Brief</b></p>
<p>4. Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-</p> <p><i>Eliminate discrimination, harassment and victimisation;</i></p> <p><i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i></p> <p><i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p><b>The delivery of a Linear Park between Ormskirk and Burscough, with direct access into the application site, will advance equality of opportunity by creating more choice for all residents and visitors to the area as to how they travel.</b></p>
<p>5. What actions will you take to address any issues raised in your answers above</p>	<p><b>N/A</b></p>