



**CABINET: 8 March 2021**

---

**Report of: Corporate Director of Place and Community**

**Relevant Portfolio Holder: Councillor Gaynar Owen**

**Contact for further information: Heidi McDougall (Extn. 5191)  
(Email: Heidi.mcdougall@westlancs.gov.uk)**

---

**SUBJECT: USE OF SECTION 106 FUNDS IN UP HOLLAND**

---

Wards affected: Up Holland

### **1.0 PURPOSE OF THE REPORT**

- 1.1 To consider a proposal to authorise the use of Section 106 (S106) monies to deliver improvements to cycle infrastructure in Up Holland.

### **2.0 RECOMMENDATION TO CABINET**

- 2.1 That the use of £72,000 of S106 monies be approved to enable improvements to be made to cycle infrastructure in Up Holland.
- 2.2 That delegated authority is granted to the Director of Place and Community, in consultation with the Portfolio Holder for Planning, to consider and authorise any reasonable changes to the details of this project that may be necessary to facilitate its subsequent delivery.
- 

### **3.0 BACKGROUND & PROPOSALS**

- 3.1 Planning permission 2012/0809/OUT was granted in September 2012 for a residential development at Chequer Lane, Up Holland. A S106 Agreement was attached to it, requiring the developer to pay a commuted sum of £72,000 to be used for the provision of sustainable transport measures in accordance with The Planning Obligations in Lancashire policy.
- 3.2 An Officer working group is in effect between West Lancashire Borough Council (WLBC) and Lancashire County Council (LCC), as the transport and highways authority, to identify and prepare proposals for the use of S106 transport monies. Appropriate proposals are then put to Cabinet for a final decision.

## 4.0 CURRENT POSITION

- 4.1 In response to the available £72,000 of S106 monies, which must be used to fund sustainable transport measures in Up Holland, LCC have identified a scheme to deliver improvements along the public footpath between Castlehey, Skelmersdale and Chequer Lane, Up Holland, which crosses Stannanought Road (A577). The monies would be used improve cycling infrastructure by funding resurfacing improvements to the existing footpath, replacing damaged kerbs and edgings and installing new street lighting to illuminate the path.
- 4.2 The total cost of the project is quoted at c.£67,200 (excluding VAT), allowing for a 20% change in overhead costs given the current volatility in material and labour prices. Whilst this cost falls below the available £72,000, minor changes to the scheme may also arise during the delivery of the project and so an allocation of the full £72,000 towards this project is proposed to help address any necessary contingencies and their related costs – for example, any additional works that may be needed once existing overgrowth has been cut back and the condition is better known. LCC have advised that further works, including lining and signage, could be delivered with any remaining funding. Once scheduled, LCC have indicated that the works could be delivered across four weeks.
- 4.3 There are associated ongoing discussions in relation to anti-social behaviour barriers which are currently in situ to prevent motorcycles being ridden along the existing footpath, and whether or not these could be removed to facilitate better cycle and pedestrian access. Whilst the barriers do not directly form part of this proposal, LCC Highway officers will continue to liaise with Lancashire Police and WLBC Crime and Safety officers as to whether or not it would be appropriate to, temporarily or permanently, remove the barriers to support this scheme.
- 4.4 The proposed project would therefore help improve cycle accessibility and connectivity between Dignumoor and the south of Up Holland, thereby supporting greater opportunities for active travel. LCC advise that in the east of Skelmersdale and into Up Holland, cycling infrastructure is extremely limited to advisory cycle lanes along the A577 (Parliament Street) whilst the Dean Brook valley, M58 and lack of 'quiet' off-road alternatives can create a major barrier to safe, comfortable cycling in the area. However, there is a dense network of footpaths straddling the M58 corridor south of Up Holland, and it is this network, combined with the existing pedestrian bridge over the M58, that provide the most direct, off-road route options from the south-east of Skelmersdale and the west of Wigan borough. Using the available S106 monies to improve the surfacing of an existing footpath, to better support cycling, would therefore help improve both pedestrian and cycle accessibility between Dignumoor and the south of Up Holland, and link closely to the Chequer Lane development (which the S106 monies stem from).

### Future opportunities

- 4.5 As outlined above, Skelmersdale has a dense network of off-road foot/cycle-paths, but cycling infrastructure is more limited in the east of the town and into Up Holland. In particular, the east and south-east of Up Holland has a lack of adequate cycling and walking infrastructure which could link the area to the adjacent Wigan area (Orrell). Whilst there are some existing footpaths, many are

currently overgrown and unsuitable for everyday journeys. LCC have, however, identified potential opportunities to create a new strategic active travel route between the east of Skelmersdale and the west of Wigan, utilising existing public rights of way. Such a route could be delivered in a series of phases, and funded using CIL monies, subject, of course, to favourable assessments for funding and Council priorities at that time. As Up Holland Parish Council are also in receipt of significant amounts of Neighbourhood CIL, they could also consider helping fund such active travel opportunities.

- 4.6 Council officers will continue to work with LCC in respect of developing any suitable opportunities, and will liaise, as relevant, with relevant Members and the Parish Council. Such proposals will be taken through the appropriate processes at the necessary times, but an outline of the wider strategic potential is provided here to indicate how this S106 proposal could eventually form part of wider, strategic active travel routes as well as providing immediate improvements to an existing route.

## **5.0 SUSTAINABILITY IMPLICATIONS**

- 5.1 The improvement of cycling infrastructure would help improve accessibility and connectivity and support opportunities for active travel. This would further the Borough Council's aims of improving the health and wellbeing of its local community.

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 The proposals will be funded through Section 106 funding as per the recommendation at 2.1 above. There are sufficient S106 sums available.
- 6.2 Future maintenance will be the responsibility of Lancashire County Council as they are the highways and transport authority.

## **7.0 RISK ASSESSMENT**

- 7.1 There is a limited risk for the scheme's delivery, associated for the Council with a decision in line with the recommendation at paragraph 2.1 above, given it is utilising Section 106 monies that the Council is already in receipt of.
- 7.2 The relevant monies must be spent or committed by September 2022. Should the S106 monies remain unspent or uncommitted beyond this date then there is a risk that the Council would need to return the monies to the developer. However, as a scheme has been identified, with delivery expected in 2022, it is considered that there is a very minimal risk of return should Cabinet agree to the allocation and thereby 'commit' S106 monies to this project.

## **8.0 HEALTH AND WELLBEING IMPLICATIONS**

- 8.1 The improvement of a cycling infrastructure, through this proposal, will have positive health and wellbeing implications for local people by better supporting active travel.

## Background Documents

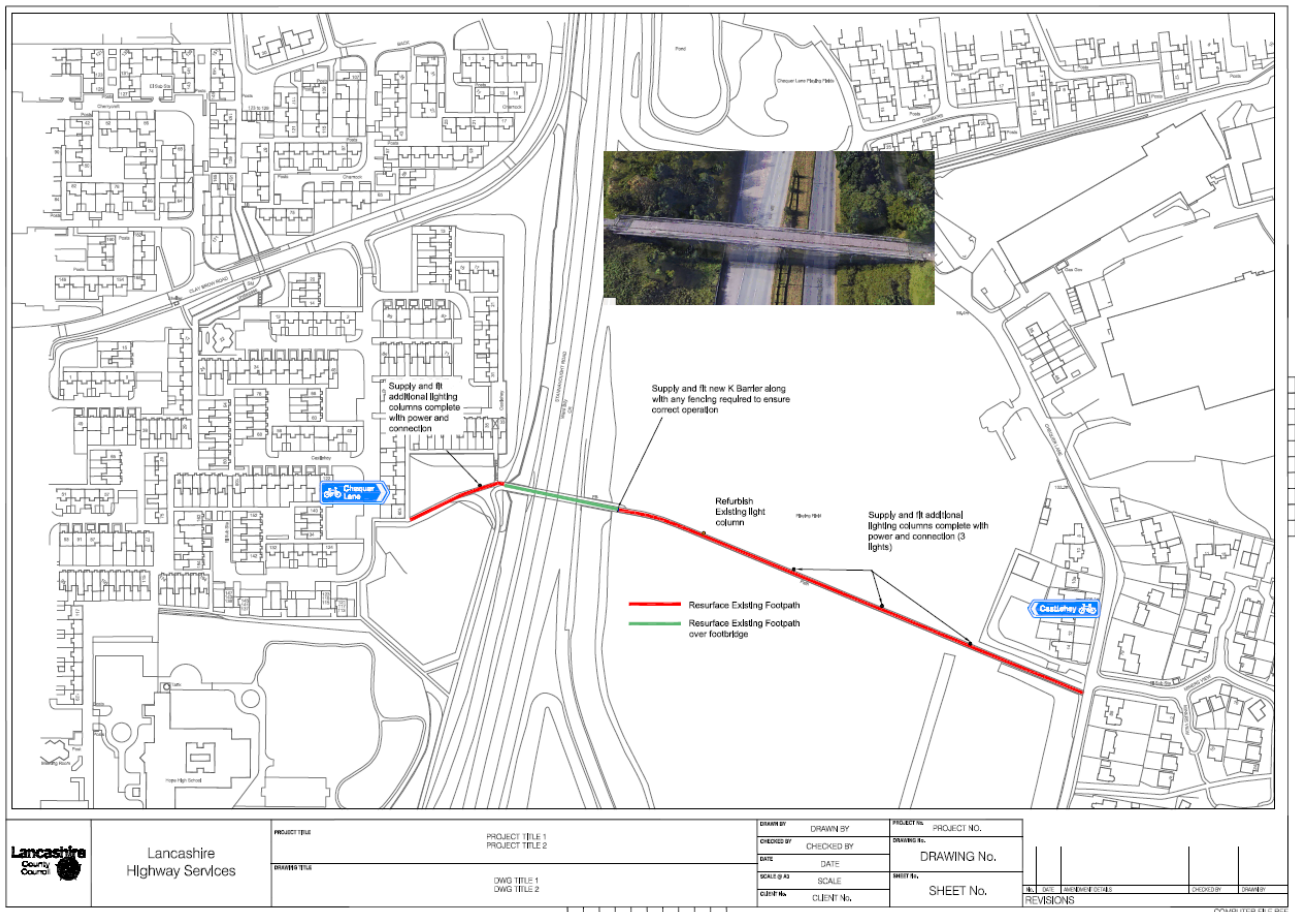
There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

## Equality Impact Assessment

There is a 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 in the Recommendations contained within this report.

## Appendices

1. Proposed stretch of path improvements between Castlehey and Chequer Lane  
(Source: LCC)



2. Equality Impact Assessment