



**CABINET: 8 November 2016**

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**Report of: Director of Leisure and Wellbeing  
Director of Development and Regeneration**

**Relevant Portfolio Holders: Councillor Y Gagen/Councillor J Hodson**

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**SUBJECT: USE OF SECTION 106 MONIES IN SKELMERSDALE**

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Wards affected: Ashurst, Birch Green and Skelmersdale North wards

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To consider a proposal regarding the use of section 106 monies received by the Council from housing developers, for the enhancement of public open space and recreation provision in Skelmersdale.

## **2.0 RECOMMENDATION**

- 2.1 That the use of £6,254 of S106 monies to help fund the proposed project to upgrade public access in Tawd Valley Park be approved.

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## **3.0 BACKGROUND**

- 3.1 Members will recall that under policy LE13 of the Local Plan, developers must provide open space facilities as part of housing developments. Where developments are less than 20 dwellings or on sites where it is not reasonable to expect a development to provide on-site facilities, and where there is a deficiency of open space, the Council can require a commuted sum for the provision of new or the enhancement of existing areas of public open space within its area.
- 3.2 In accordance with the decision of the Planning Committee on January 10th 2002 the views of the relevant Parish Council/ward councillors are sought in respect of the potential use of this money.

- 3.3 In February 2011 an Officer S106 Agreements – Public Open Space working group was established to co-ordinate the receipt of S106 commuted sums and report to Cabinet on the use of S106 funding. A function of this group is to establish levels of uncommitted S106 funds across all wards and liaise with ward councillors and Parish Councils as to how this funding could be best utilised in line with the requirements of the S106 agreements.

#### **4.0 CURRENT POSITION**

- 4.1 The funding from a particular development can only be used in accordance with the terms of the related Section 106 agreement. The Council currently has received monies from one S106 agreement in Skelmersdale North ward (£13,254 from the former St. Edmunds Church) of which £6,254 is still unallocated. Following consultation with ward councillors there is one new proposal put forward from the Borough Council for consideration for existing Section 106 funding in Skelmersdale North ward.

#### **5.0 PROPOSALS**

- 5.1 The Borough Council is currently working with Groundwork Cheshire, Lancashire and Merseyside and the Environment Agency to develop a new public footpath route in Tawd Valley Park, Skelmersdale (see appendix 1 – Tawd Valley Footpath).
- 5.2 The new footpath along the River Tawd would involve bank stability works, including natural revetment and erosion control, on sections of the river and construction of a new path on or close to the bank.

Running for 500 metres from Houghtons Road northwards to Summer Street the path will create an alternative pedestrian route along the riverside to complement the planned Tawd Valley Cycle Route, which moves away from the river at this section due to construction constraints.

#### **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 6.1 Providing this facility would improve accessibility to green space in Skelmersdale, helping to provide opportunities for healthy outdoor recreation. This would further the Councils aims for improvements to the health and wellbeing of its communities.

#### **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The capital cost of the project is £30,157, with £6,254 requested from the S106 funds currently available.
- 7.2 The remaining funds have been secured from external grant schemes (Whitemoss Community Fund £15,903, and Tesco Bags of Help £8,000).

- 7.3 Future maintenance of the site will be undertaken by the Council Ranger Service, utilising existing revenue provision, with support from the Environment Agency.

## **8.0 RISK ASSESSMENT**

- 8.1 External funding of £23,903 has already been secured for this project, subject to the £6,254 of S106 funds being approved. Without the S106 funds the other external funds could be withdrawn, and the scheme may not be able to progress. This would reduce the accessibility of Tawd Valley Park, and prevent bank erosion measures on the River Tawd from progressing.
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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 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. Tawd Valley Footpath
2. Equality Impact Assessment