



**CABINET: 21 November 2023**

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**Report of: Corporate Director of Transformation, Housing & Resources**

**Relevant Portfolio Holder: Councillor Gareth Dowling**

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**SUBJECT: ALLOCATION OF SECTION 106 (S106) FUNDING FOR HALSALL TO SCARISBRICK CANAL TOWPATH IMPROVEMENTS**

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Wards affected: Halsall

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To seek authorisation to allocate Section 106 (S106) monies received from planning permission 2013/0994/FUL for development of land at 114 Summerwood Lane, Halsall, to The Canal and River Trust (CRT) to assist in the delivery of improvements to a section of the Halsall-Scarlsbrick Canal Towpath Improvements.

## **2.0 RECOMMENDATIONS TO CABINET**

- 2.1 That, subject to the approval of the allocation and spending of Community Infrastructure Levy funding for the Canal and River Trust bid for Halsall-Scarlsbrick Canal Towpath Improvements Project, Cabinet approve the allocation and spending of £15,000 of S106 funding from planning permission 2013/0994/FUL to assist in the delivery of this project.

## **3.0 BACKGROUND**

- 3.1 As part of the Community Infrastructure Levy (CIL) Funding Programme 2023, the Council received a bid from the Canal and River Trust to request funding to deliver 2.25km of towpath improvements along a stretch of the Leeds and Liverpool Canal between Halsall Warehouse Bridge on Summerwood Lane to Scarlsbrick Bridge at Scarlsbrick Marina.

- 3.2 As well as requesting £175,095.15, the CRT has identified £15,000 of existing S106 funding available for the provision of sustainable transport measures and has requested its allocation to enhance the CIL bid.
- 3.3 A full copy of the bid is contained within Appendix 1 of this report. Photographs of the current condition of the route is provided at Appendix 2 of this report.
- 3.4 Planning permission 2013/0994/FUL for the demolition of existing buildings and erection of 14 semi-detached dwellings at land to the rear of 114 Summerwood Lane, Halsall was granted and subject to a S106 Agreement.
- 3.5 The S106 Agreement required the developer to pay the Council a commuted sum of £15,000 as a transport contribution for the "provision of sustainable transport measures" upon commencement of the development.
- 3.6 This contribution was received by the Council on 02 December 2014. The S106 requires the Council to allocate or spend this amount on the provision of sustainable transport measures within the locality within 10 years of receipt i.e. by 02 December 2024.

#### **4. CONSULTATION AND ASSESSMENT**

- 4.1 The S106 / CIL Officer Working Group met on the 3<sup>rd</sup> October 2023 and the proposal for the use of the aforementioned S106 monies was tabled for discussion at item 4 of the Agenda.
- 4.2 All working group members present unanimously agreed this was a suitable use of S106 funding for this project and confirmed that there were no current internal proposals/projects on which to spend the monies.
- 4.3 The Senior S106 / CIL Officer notified Halsall Parish Council and Ward Members of the project and proposal to utilise the S106 monies and requested confirmation of any proposed allocation for the monies, or objections to the use of the monies in this way. No other alternative options for the use of the funding was provided.
- 4.4 The Project is considered a suitable use of this S106 funding, as defined in the S106 Agreement. The Project is a sustainable transport project and is located within the vicinity of the development site in Halsall.

#### **5.0 NEXT STEPS**

- 5.1 Should Cabinet authorise the allocation of the S106 funding for this project this will be subject to a Service Level Agreement to ensure that both the awarded S106 and CIL funding are appropriately spent and that any underspend is returned to the Council and returned to the S106 / CIL funding pots accordingly.

#### **6.0 SUSTAINABILITY IMPLICATIONS**

- 6.1 The improvement of the canal towpath will promote walking and cycling which will have positive sustainability implications for Halsall, Scarisbrick and the wider Borough through reducing congestion, reducing greenhouse gas emissions and will improve air quality as people change from using cars to more active forms of travel. The scheme will encourage a more active and healthier lifestyle for those travelling between Halsall and Scarisbrick and beyond. This helps contribute towards achieving the objectives of "improve the health of residents through providing attractive opportunities for recreation and sustainable travel" and "capitalise on any opportunities to provide or enhance provision for cycling, whether through planning obligations, or specific funded projects" as identified in the Council's Green Infrastructure and Cycling Strategy (2017).
- 6.2 The provision of high-quality walking and cycling routes is also identified as objectives in the Council's Climate Change Strategy and Action Plan 2020 – 2030 under Priorities 3: Transport and Travel and 7: Natural Environment. The allocation of S106 funding towards the delivery of part of the towpath improvements would contribute significantly towards achieving the objectives of "promote sustainable travel choices such as walking and cycling" and "prioritise the development of a high quality cycling and walking network".

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The proposal will be funded through Section 106 funding, as outlined at Section 4 of this report.

## **8.0 RISK ASSESSMENT**

- 8.1 There is a limited risk for the scheme's delivery given it is utilising S106 monies that the Council is already in receipt of and is facilitating the delivery of part of a key project for the Council.
- 8.2 Should the S106 monies remain unallocated or unspent by 02 December 2024 then there is a risk that the Council would need to return the monies to the respective developers. However, as this scheme has been identified with delivery expected in the next 12-24 months, it is considered that there is a very minimal risk of returning the monies to the developers.

## **9.0 HEALTH AND WELLBEING IMPLICATIONS**

- 9.1 The proposal will promote health and wellbeing by providing an opportunity to increase active travel which is proven to improve both mental and physical health.

## **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. *Project bid*
2. *Photographs of current condition*
3. *Equalities Impact Assessment*