



Report of: Assistant Director Planning & Regulatory Services

Relevant Lead Member: Councillor Deputy Leader of the Council & Lead Member for Planning & Community Safety

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SUBJECT: ALLOCATION OF COMMUNITY INFRASTRUCTURE LEVY (CIL) FUNDING FOR HALSALL TO SCARISBRICK CANAL TOWPATH IMPROVEMENTS (REVISED BID)

Wards affected: Halsall; Scarisbrick;

1.0 PURPOSE OF THE REPORT

- 1.1 To seek authorisation to allocate strategic Community Infrastructure Levy (CIL) funding of £238,623.68, to the Canal and River Trust (CRT) to spend on the delivery of improvements to a section of the Leeds to Liverpool Canal Towpath between Halsall and Scarisbrick Marina.

2.0 RECOMMENDATIONS TO POLICY & RESOURCES COMMITTEE

- 2.1 That the allocation of £238,623.68 of Strategic Community Infrastructure Levy funding for the Canal and River Trust bid for Halsall-Scarisbrick Canal Towpath Improvements Project be approved.
- 2.2 That, subject to the approval of this funding bid, the previous authorisation of 21 November 2023 for the allocation of £175,095.14 of CIL funding allocated towards this project be disregarded.
- 2.3 That the Assistant Director of Planning and Regulatory Services be given delegated authority to enter into a legal Grant Agreement with the Canal and River Trust and take all other associated steps to deliver the project using the CIL and S106 funding.

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 (CRT) 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 Scarisbrick Bridge at Scarisbrick Marina.
- 3.2 As well as requesting £175,095.15 of CIL, the CRT had 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 Committee will recall the previous reports put before Cabinet on 21 November 2023 for the authorisation to allocate £175,095.14 of CIL and £15,000 of available S106 funding. Cabinet duly authorised this allocation. A copy of these reports are available at Appendix 1 to this report.
- 3.4 The allocation of the S106 portion of funding stands and remains committed to this project for expenditure.

4.0 CURRENT POSITION

- 4.1 Since this time however, the CRT has reviewed its bid and have realised that there is a shortfall in the amount of funding previously requested in order to fully deliver this project. The CRT has recognised its failure to factor in design and contingency costs into its original bid.
- 4.2 The CRT submitted a revised funding bid to the Council on 5 July 2024 and this is provided at Appendix 2 of this report. The project description and detail has not changed, nor has the amount required for physical works. The bid now includes a realised amount for design costs and factors in a contingency amount. The total uplift in the bid for CIL strategic funding is £63,528.54.
- 4.3 The CRT has provided explanation that that the previous bid submission contained incomplete costings. It failed to include full design costs and accurate contingency costs. The revised bid now includes the costings for concept and design, and risk and optimism bias, which are a requirement for any scheme such as this. WLBC Officers have undertaken further due diligence in assessing the design costs and contingency amount and consider that it is proportionate to a project of this scale and potential complexity.
- 4.4 The current Governance and Expenditure Framework for CIL and S106 permits that project bids requiring over £100,000 of CIL funding may be presented to Committee for authorisation at any time. Procedures exist that may permit the Assistant Director of Planning and Regulatory Services in consultation with the Lead Member to authorise minor project changes under delegated powers. It is considered that the uplift in the amount of funding now being requested is outside the scope of these powers and therefore this should be a decision for Members to take.

- 4.5 There is no requirement to publicly consult on this project as it has already been publicised and consulted upon through the Annual CIL Funding Programme 2023 in October 2023.

5.0 CONSULTATION AND ASSESSMENT

- 5.1 The CIL/S106 Officer Working Group met on the 30 July 2024 and the project and revised bid for additional CIL funding was discussed.
- 5.2 All working group members present unanimously agreed that the project remained suitable to received CIL strategic funding and that the uplift in funding reasonably reflected suitable design costs and contingency to deliver the project.

6.0 NEXT STEPS

- 6.1 Should Committee authorise the allocation funding for this project this will be subject to a legal Grant Agreement to ensure that both the previously awarded S106 and new CIL funding amount are appropriately spent and that any underspend is returned to the Council and returned to the S106 / CIL funding pots accordingly.

7.0 SUSTAINABILITY IMPLICATIONS

- 7.1 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).
- 7.2 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".

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 There are no significant financial or resource implications arising from this report.

8.2 The proposal will be funded through Community Infrastructure Levy Strategic funding, as outlined at Sections 3 and 4 of this report. Section 106 funding has already been allocated to the project.

9.0 RISK ASSESSMENT

9.1 Without the additional funding sought, there is a risk that the project will not be delivered. The CRT have limited funds available themselves to undertake the project and rely on capital funding, such as CIL and S106, to deliver important infrastructure projects across the Borough. Approval of the additional funding sought will help deliver an important infrastructure project for the benefit of communities in the immediate and wider area.

9.2 There is a risk that the project is not delivered and therefore the S106 funding will go unspent and require re-allocation before it expires in December 2024.

9.3 The legal Grant Agreement that the CRT will enter into with WLBC will secure the use of the funding on the project and should the project fail to deliver the Council will be able to seek reimbursement from the CRT and the monies can be re-allocated elsewhere.

10.0 HEALTH AND WELLBEING IMPLICATIONS

10.1 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. *Cabinet Reports of 21 November 2023 for CIL and S106 Project Funding*
2. *Revised Project Bid 5 July 2024*
3. *Equalities Impact Assessment*