



AGENDA ITEM:

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
9 NOVEMBER 2023**

CABINET: 21 NOVEMBER 2023

Report of: Corporate Director of Place and Community

Relevant Portfolio Holder: Councillor Gareth Dowling

Contact for further information: Nicola Hamilton (Extn.5171)
(Email: nicola.hamilton@westlancs.gov.uk)

**SUBJECT: COMMUNITY INFRASTRUCTURE LEVY ('CIL') FUNDING
PROGRAMME 2023**

Wards affected: Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 To report on the consultation on the draft CIL Funding Programme for 2023 and to propose final recommendations for the CIL Funding Programme in 2023.

**2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY
COMMITTEE**

2.1 That the Committee consider the content of this report and agreed comments be passed to Cabinet for their consideration.

3.0 RECOMMENDATIONS TO CABINET

3.1 That the consultation feedback report provided at Appendix 2 be noted.

3.2 That CIL monies be allocated to the delivery of the following 9 projects of £100,000 or less in 2023/24:

- Holmeswood Play Area Fence Replacement, Rufford and Holmeswood Parish Council - £3,000
- Holmeswood MUGA (Phase 2), Rufford and Holmeswood Parish Council - £13,000
- Replacement Bus Shelters in Rufford and Holmeswood, Rufford and Holmeswood Parish Council - £9,900
- Rufford Park Play Area, Rufford and Holmeswood Parish Council - £4,500

- Aughton Surgery, Aughton - To increase capacity to deliver GP and primary care NHS provision, NHS Lancashire and South Cumbria Integrated Care Board (ICB) - £50,000
 - Hall Green Surgery, Skelmersdale - To increase capacity to deliver GP and primary care NHS provision, NHS Lancashire and South Cumbria Integrated Care Board (ICB) - £25,000
 - Hants Lane Clinic, Ormskirk – To increase capacity for the provision of GP and primary care services, NHS Lancashire and South Cumbria Integrated Care Board (ICB) - £50,000
 - Fairy Glen Green Infrastructure Improvements, WLBC - £55,000
 - Environmental site enhancements at Kiln Lane and Tongbarn playing fields, Skelmersdale, WLBC - £62,700
- 3.3 That CIL monies be allocated to the delivery of the following 3 projects over £100,000 in 2023/24:
- Halsall-Scarbrick Canal Towpath Improvements, Canal and River Trust - £175,095.14
 - UK Shared Prosperity Fund (UKSPF) Community Grant Scheme Match Funding, WLBC - £344,410.50
 - Beacon Country Park Play Area Improvements, WLBC - £346,500
- 3.4 That Ormskirk Neighbourhood CIL monies be allocated to the delivery of the 5 following projects in 2023/24:
- Whittle Drive Changing Facilities, WLBC - £40,000
 - West End Park Improvements, WLBC - £80,000
 - Halsall Lane Park Improvements, WLBC - £16,500
 - Green Lane Rugby Pitch Improvements, Ormskirk Rugby Club - £9,261.97
 - Whittle Drive Pitch Improvements, Ormskirk West End Football Club - £6,100
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4.0 BACKGROUND

- 4.1 The Council has been charging a Community Infrastructure Levy (CIL) on certain new developments in its area since 1st September 2014. A significant portion (70 or 80%, The Strategic Portion) of the revenue that is collected is to be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support new development in West Lancashire.
- 4.2 15 or 25% of the revenue collected is handed over to the Parish or Town Council in which the development occurred (the higher percentage is where the Parish or Town Council has opted to make a Neighbourhood Plan) – this is known as the Neighbourhood Community Infrastructure Levy (NCIL) Portion. In areas where there is no Parish Council, such as Skelmersdale and Ormskirk, any Neighbourhood Portion of CIL is retained by the Council to be spent on projects in the locality.
- 4.3 The Council's Infrastructure Funding Statement sets out the types of infrastructure that will be provided using CIL monies. There are three main types of infrastructure identified:

- Strategic transport and highways improvements – to include cycle network provision and improvements, footpaths, bus stops;
 - Strategic green infrastructure – including improvements to and provisions of: parks, amenity open space, play areas, outdoor sports facilities and playing pitches, semi-natural open space;
 - Community Facilities – including libraries, health facilities, community centres, public realm, leisure centres.
- 4.4 The Council approved a CIL and Section 106 Governance and Expenditure Framework (The Framework) in 2015 that set out the structure of the CIL Funding Programme for the allocation and spending of developer contributions collected through CIL and Section 106 obligations; this document was last updated in 2020.
- 4.5 The Framework explains how the Council will invite stakeholders to submit projects that they want to be funded, either in whole or part, by CIL monies collected by the Council. These projects are then considered against set criteria, shortlisted by Council Officers and added to the Infrastructure Delivery Schedule (IDS).
- 4.6 The IDS is a working document which is regularly updated. The IDS identifies infrastructure projects and improvements which may be needed to support the growth and development set out within the West Lancashire Local Plan. It includes information on infrastructure schemes, projects costs and funding gaps along with timescales and delivery partners.
- 4.7 Of the projects contained within the IDS, further shortlisting takes place to identify suitable projects for inclusion on the draft CIL Funding Programme. The CIL Funding Programme is a shorter list of specific, deliverable projects. If a project is not included in the final CIL Funding Programme, the Council will not spend CIL monies on it.
- 4.8 The shortlisting criteria is:
- a) Does it require CIL funding (value for money)?;
 - b) Is the project a type of infrastructure listed under the Council's Infrastructure Funding Statement list?;
 - c) Is the project required as a result of new development?;
 - d) Is the project deliverable in the short term (1-2 years)?;
 - e) Does the project help meet the Council's Corporate Priorities?;
 - f) Is the project identified within a relevant strategy or policy document?
- 4.9 A round of public consultation takes place before the CIL Funding Programme is finalised and approved by Cabinet.
- 4.10 It is of additional note that The Framework was further updated in July 2020 to reflect legislative changes. It was also agreed that the CIL Funding Programme would focus on smaller-scale projects that required CIL funding of £100,000 or less and limit total expenditure on those projects to £200,000 each year. As a result, the majority of the Strategic Portion is saved and allocated towards larger-scale projects.

4.11 In 2022/23 the CIL Funding Programme had to be suspended pending recommencement in Spring 2023 to cover two full financial years (2024/25 and 2025/26). This was primarily due to the lack of staffing resources within the department at that time. Cabinet ratified this recommendation on the 13 September 2022.

4.12 The CIL Funding Programme subsequently recommenced in March 2023.

5.0 CURRENT POSITION

5.1 A total of £2,944,710.29 of CIL had already been collected during the financial year 2021/22 (i.e. the financial year prior to the suspension of the CIL Funding Programme and therefore no CIL was allocated/spent from this financial year) and £2,087,342.98 of CIL during the financial year 2022/23. Therefore, there is £3,880,297.50 of Strategic CIL collected in the last two financial years that is available to commit to projects that meet the CIL funding spending criteria.

5.2 The Council contacted stakeholders including Members, Parish Councils, internal and external infrastructure service providers on 7 March 2023, with the invitation to provide us with any new or updated information on any existing scheme(s) contained within the IDS.

5.3 Stakeholders were also invited to submit information on new potential specific project(s) and put forward bids for CIL funds that could deliver their suitable projects in the financial years 2024/25 and 2025/26. Bids were to be received by 18 April 2023.

5.4 In total, 22 bids were received:

- 8 bids from other departments/sections within WLBC;
- 5 bids from Parish Councils;
- 9 bids from external/third party infrastructure service providers.

5.5 The total cost of all projects including match funding amounts is £3,442,745.12. Of which, £1,713,308.41 (50%) has been requested as CIL funding.

5.6 Following initial review, the projects were broken down into the following categories for consideration. This is consistent with The Framework.

- a) Projects where CIL requested is £100,000 or less
- b) Projects where CIL requested is more than £100,000
- c) Projects where Ormskirk Neighbourhood CIL/Parish portion exists for funding purposes (including the non-parished areas of Ormskirk and Skelmersdale)
- d) Projects where other more suitable or alternative source of funding exists e.g. S106 monies;
- e) Projects unsuitable for CIL funding/do not meet funding criteria.

5.7 An overview of all bids and projects is provided at Appendix 3 of this report. The contents of each bid are also available at Appendix 1 (i – v) of this report.

6.0 OUTCOME OF PUBLIC CONSULTATION

6.1 As per the Cabinet resolution of 26 September 2023, the draft CIL Funding Programme was put to public consultation between 29 September and 27 October 2023.

6.2 The Council publicised and consulted through the following methods:

- Information on the Council's website and consultation webpages;
- E-mail to all consultees registered on the Council's electronic consultation database;
- E-mail to all Parish Councils and Members;
- E-mail to all infrastructure providers;
- Press release / publicity through Councils' social media platforms;
- Electronic online response form to complete;
- Fliers provided to local libraries and Parish Councils for posting on local notice boards with QR codes for a link to the online information.

6.3 With specific regard to the Ormskirk NCIL/Parish Portion monies, the CIL Regulations require local authorities managing such CIL monies in unparished areas to consult with the local community in that unparished area. This section of the consultation was therefore directed specifically at people who live, work or visit Ormskirk in order to ensure that the respondents do have a connection to the local Ormskirk community.

6.4 88 responses to the consultation were received from the public and stakeholders across all consultation areas. All comments have been considered in making the final recommendations. A summary of the feedback and assessment is provided in the section below. The comprehensive list of all comments received is provided at Appendix 2.

6.5 There were 59 contributors in total, some responded to only the type of project area and some provided responses to more than one or all consultation questions.

6.6 The following table sets out the number of responses to each consultation question in the survey for the shortlisted projects and shows the level of positive support received.

Consultation Question	Number of Responses Received	Number in Support	% in Support
For projects where CIL funding requested is less than £100,000 - Should the Council fund these projects using CIL/NCIL?	37	32	86%
For projects where the CIL funding requested is more than £100,000 - Should the Council fund these projects using CIL/NCIL?	18	14	78%
For projects where Ormskirk Neighbourhood CIL funding identified - Should the Council fund these projects using NCIL?	8	7	88%

6.7 For projects where the amount of CIL funding requested is less than £100,000, the majority of the responses received were in full support of funding the projects. Five responses were not in support and raised objection to more than one project. The comments received are summarised as follows:

- 3 responses considered that CIL funding should not be used to fund the expansion of General Practitioner infrastructure;
- Too much funding is being allocated to Rufford. The distribution of the projects across the Borough seems uneven and therefore unfair;
- Funding could be better spent elsewhere first before funding these projects.

Following assessment of the above comments, the Council position is as follows:

- Improvement works to healthcare facilities within the Borough has been identified on the IDS for some 6 years. The extension or adaptation of healthcare facilities to meet growing needs was assessed as a suitable use of CIL when the CIL charging schedule was being developed and Officers consider that the projects are suitable.
- All Parish Councils were contacted at the start of the funding programme and invited to submit bids for consideration if they chose to do so. It is the responsibility of a Parish Council to identify what projects they consider are appropriate within its parished area and decide whether to request CIL funding for projects.
- The Council has no control over which infrastructure providers, community groups or Parishes choose to submit bids for funding. The Council can only assess those project bids that are put before it through the funding programme.

6.8 Four responses were not in support of the projects over £100,000 and are summarised as follows:

- In reference to the funding proposed for the UKSPF project, it is remarked that these will be blind bids and therefore it is unclear what projects are to be proposed;
- Funding could be better spent elsewhere, funding priorities.

Following assessment of the above comments, the Councils position is as follows:

- In reference to the UKSPF project, the details contained within the bid submission make clear that Officers between Planning and the UKSPF team will work closely together to advise on the ability to use of CIL as match-funding on individual projects that come forward once the UKSPF Community Grant Scheme is open for bids.
- The Council has no control over which infrastructure providers, community groups or Parishes choose to submit bids for funding. The Council can only assess those project bids that are put before it through the funding programme.

- Whilst it is recognised that there are alternative infrastructure projects that may have greater priority or significance to the public, these projects may not meet the CIL funding criteria or may not yet be able to be delivered in the short term or during the current CIL funding programme. Such projects are added to the IDS for future consideration.
- All the shortlisted bids received meet one or more of the Council's priorities.

6.9 One response received in relation to the use of NCIL funding in Ormskirk did not support these projects. The respondent considered that the funding could be better used. However, they did not provide any indication as to what alternative projects the funding could be used for.

6.10 For the projects that have been identified as unsuitable for CIL funding and did not meet the funding criteria, 5 responses were received, 2 of which considered that these projects should be funded using CIL funding.

- Alternative funding should be used for these projects;
- These are community projects or projects that should be given funding as they are overlooked.

Following assessment of the above comments, the Council's position is as follows:

- Officers have contacted those bidders that have not been shortlisted for CIL fundings and have been provided a full explanation as to why their projects do not meet the CIL funding criteria. Information of other sources of funding has also been provided that may be available to them for their projects.

6.11 For those projects where alternative/S106 funding had been identified as a suitable source of funding, of the 3 responses received only 1 was in support of the use of this alternative funding source. However, no specific comments were made in this area of the consultation.

6.12 Contributors were also asked if there were any other projects on the current Infrastructure Delivery Schedule (IDS) or new projects suitable for inclusion on the IDS, that they thought should be considered for CIL funding in 2024/25. 17 responses were received to this element of the consultation. 3 comments were received in support of funding on a number of existing projects in the IDS. 14 new projects have been suggested for future consideration.

6.13 These new project suggestions will be triaged. Where applicable, comments received through the consultation will be forwarded to relevant delivery partners for their consideration. Officers will also assess the suitability of the new project suggestions for CIL funding and ability to be delivered in future. Only those projects suggested that will meet the CIL criteria will be added to the IDS for future consideration.

6.14 Following review of the all the comments received as a result of the public consultation, it is considered that there are no objections to any of the projects that would change Officers' recommendations to fund those shortlisted to receive CIL funding.

7.0 RECOMMENDATIONS

7.1 Considering the level of public engagement and positive support received for the shortlisted projects, it is recommended as at 3.2 above that Cabinet agree to allocate CIL monies to the following 9 projects of £100,000 or less:

- ***Holmeswood Play Area Fence Replacement, Rufford and Holmeswood Parish Council - £3,000*** –This bid is to replace a perimeter safety fence, in poor state of repair, to the Holmeswood play area. Limited Parish funds are available. The works required supports green infrastructure (play area) and the project can be delivered in financial year 2023/24.
- ***Holmeswood MUGA (Phase 2), Rufford and Holmeswood Parish Council - £13,000*** - This project will provide retractable goal netting, goal posts, basketball court, 2x integrated cricket stumps and thermoplastic court markings. This second phase of the works will complete those works carried out in phase 1 for the provision of the MUGA and perimeter fencing. The project delivers green infrastructure and a community facility (outdoor sports facility) and can be delivered in financial year 2023/24.
- ***Replacement Bus Shelters Rufford Holmeswood, Rufford and Holmeswood Parish Council - £9,900*** – This project seeks to replace three existing bus shelters located at The Hesketh Arms, Cousins Lane and Holmeswood Road, two of which have already been removed as they were in a poor state of repair. The project is a community facility and can be delivered in financial year 2023/24.
- ***Rufford Park Play Area, Rufford and Holmeswood Parish Council - £4,500***
The project involves the replacement of existing play equipment (wooden boat) with similar equipment but better quality and using materials with longevity. The project delivers green infrastructure (play area) and can be delivered in financial year 2023/24.
- ***Aughton Surgery, - increase capacity to deliver GP and primary care NHS provision, NHS Lancashire and South Cumbria Integrated Care Board (ICB) - £50,000*** –The allocation of CIL funding will support this proposal for ICB capital funding. The project involves the redesign, reuse of the existing building and an extension to the existing practice to provide two additional clinical rooms. The project is identified as community infrastructure (health centre) in the IDS and can be delivered in 1-2 years, expected to commence in 2023/24.
- ***Hall Green Surgery, Skelmersdale - increase capacity to deliver GP and primary care NHS provision - £25,000*** - This CIL bid seeks to lever in match-funding. The surgery has seen an increase in patient numbers in recent years, attributed to new housing development within the area. The project seeks to address this by expanding room availability and providing additional accommodation for clinical services. The project is identified as community infrastructure (health centre) in the IDS and can be delivered in 1-2 years.

- **Hants Lane Clinic, Ormskirk - increase capacity for the provision of GP and primary care services, NHS Lancashire and South Cumbria ICB - £50,000** – This CIL bid seeks to lever in match-funding. The project involves internal alterations and reconfiguration of the existing facility to create two additional consultation/examination rooms, in order to increase capacity of the facility. All Ormskirk practices have seen growth in patient list sizes driven as a result of additional housing development within the area. The project is identified as community infrastructure (health centre) in the IDS and can be delivered in 1-2 years.
- **Fairy Glen Green Infrastructure Improvements, WLBC - £55,000** – This project is to improve access points, upgrade existing footpath network, provide interpretation and information signage and additional seating for visitors to this area of public open space/woodland. These improvements will also assist in the protection of woodland flora. Fairy Glen has seen a marked increase in visitor numbers over the last few years, from both Borough residents and beyond. The project is strategic green infrastructure (amenity open space/semi-natural open space) and can be delivered in 1-2 years.
- **Environmental site enhancements at Kiln Lane and Tongbarn playing fields, Skelmersdale, WLBC - £62,700** – The areas of open space at Kiln Lane and Tongbarn playing fields are geographically close. The project seeks to combine these areas in order to deliver a co-ordinated approach to habitat creation, improved path network, seating and development of natural play features. There has been significant housing development in Skelmersdale in recent years. The project is strategic green infrastructure (amenity open space/semi-natural open space) and can be delivered in 1-2 years.

In assessment of all the above, it is considered that all of these projects comply with the CIL spending criteria and therefore are recommended to be awarded the CIL funding requested.

The bid submitted by Burscough Richmond Football Club for £4,551.30 to deliver Richmond Park pitch improvements has since been approved using existing Section 106 (S106) funding under delegated authority from the Corporate Director of Place and Community in agreement with the relevant Portfolio Holder for Planning and Community Safety.

7.2 Considering the level of public engagement and positive support received for the shortlisted projects, it is recommended as at 3.3 above that Cabinet agree to allocate CIL monies to the following 3 projects where the amount of CIL requested is more than £100,000:

- **Halsall-Scarisbrick Canal Towpath Improvements, Canal and River Trust - £175,095.14 CIL requirement** – A new bid has been received from the Canal and River Trust to resurface the canal towpath between Summerwood Lane, Halsall and Scarisbrick Marina. This bid also seeks to utilise £15,000 of existing S106 monies received from planning permission 2013/0994/FUL for development of land at 114 Summerwood Lane, Halsall. This amount has been identified within this bid as part-match funding.

- **UK Shared Prosperity Fund (UKSPF) Community Grant Scheme Match Funding, WLBC - £344,410.50 CIL requirement** - A bid has been received from the Economic Development and Regeneration team to use CIL as 50% match-funding for eligible projects seeking to access the Council's UKSPF Community Grant Scheme (CGS).

It is anticipated that there will be a number of projects that wish to access the CGS that may also be eligible for CIL. The supporting documentation that accompanied the Council's UKSPF bid identified a range of interventions that are aligned to the infrastructure types that CIL is used to fund in the Borough. Whilst this is a 'blind bid' so the detail behind each project is not known, Officers between Planning and the UKSPF team will work closely together to advise on the ability to use of CIL as match-funding on individual projects that come forward once the CGS is open for bids.

Since the commencement of the public consultation of this bid, the portion of the CGS has been marginally reduced from £710,000 to £688,821. Accordingly, the CIL bid has therefore also been reduced from £355,000 to £344,410.50 to retain the 50% match-funding and not exceed 50%.

- **Beacon Country Park Play Area Improvements, WLBC - £346,500** - A bid has been received from the Wellbeing and Place team at WLBC to relocate, upgrade and increase the provision of play facilities at Beacon Country Park as part of the wider Beacon Park Strategic Improvements Project.

It is acknowledged that match-funding might be available from the UKSPF for the wider, more strategic project of improvements at Beacon Country Park. At this stage, the costs and timeframes for delivery are unknown, nor whether there will be a request for CIL funding or the UKSPF money used to deliver this.

The CIL bid explains that the relocation and enhancement of the play equipment is required notwithstanding the Beacon Park Strategic Improvements Project. Costings are known for this element of the project identified as strategic green infrastructure and can be delivered within the next 1-2 years.

The detailed master-planning work for the Beacon Park Strategic Improvements Project is underway and has been subject to a separate public consultation. This wider, more strategic project has been added to the IDS and identified as appropriate strategic green infrastructure and a community facility.

In assessment of all the above, it is considered that all of these projects comply with the CIL spending criteria and therefore are recommended to be awarded the CIL funding requested.

It should be noted that £200,200 of CIL funding has now been approved for delivery of part of the Ormskirk to Burscough Linear Park. This project had previously been subject to public consultation and was approved by Cabinet on 26th September 2023.

7.3 Considering the level of public engagement and positive support received for the shortlisted projects, it is recommended as at 3.4 above that Cabinet agree to allocate NCIL monies to the following 5 projects located within Ormskirk.

- **Whittle Drive Changing Facilities, WLBC - £40,000** - Previous funding approved and allocated by way of Ormskirk NCIL (£60,000). However, the works now required by this revised project involving the demolition of the existing building and rebuild of a purpose-built facility go beyond that already allocated.
- **West End Park Improvements, WLBC - £80,000** - This project was previously brought before Cabinet for shortlisting and approved funding in November 2020. The project was unable to be delivered by the spending deadline (2022/23). This resubmission is an amended bid with an uplift of £22,000.

CIL would provide significant investment to this area of open space to deliver improvements including footpath resurfacing, seating bays, picnic areas, fencing improvements, tree management and signage. The project is now in a position where it can be delivered in financial year 2023/24.

- **Halsall Lane Park Improvements, WLBC - £16,500** - This project was previously brought before Cabinet for shortlisting and approved funding in November 2020. The project was unable to be delivered by the spending deadline (2022/23). This resubmission is an amended bid with an uplift of £6,500.

Halsall Lane Park has been identified within the Council's playground improvement programme as a facility in need of investment. This project requires a relatively small amount of NCIL monies to extend the existing play area to include new swings and access. The project is now in a position where it can be delivered in financial year 2023/24.

- **Green Lane Rugby Pitch Improvements, Ormskirk Rugby Club - £9,261.97** – This is a new project, not previously identified on the IDS. The project is to improve the playing pitch by verti-drain works, overseeding, fertilising and sand spreading for one season. It is identified as green infrastructure, outdoor sports facilities and playing pitches, has been fully costed and can be delivered at the earliest opportunity if CIL funding is secured.
- **Whittle Drive Pitch Improvements, Ormskirk West End Football Club - £6,100** – This is a new project, not previously identified on the IDS. The project is to improve the playing pitch by verti-drain works, overseeding, fertilising and sand spreading for one season. It is identified as green infrastructure, outdoor sports facilities and playing pitches, has been fully costed and can be delivered at the earliest opportunity if CIL funding is secured.

In assessment of all the above, it is considered that all of these projects comply with the CIL spending criteria and therefore are recommended to be awarded the CIL funding requested.

7.4 It is considered that two bids do not meet the criteria required for CIL funding. No comments were received during the public consultation that have changed Officers' recommendations to Cabinet to not award CIL funding to these projects. The project bidders have been advised of alternative sources of funding that may be available to them.

- **Hilldale Junior Play Area, Hilldale Parish Council - £32,000** - It is considered that the bid by Hilldale Parish Council for improvements to the play area at Hilldale Playing Fields, does not meet the CIL criteria as there has been little/no development within the parish area in recent years that can be attributed to impact on this infrastructure. As such, officers will direct this Parish Council towards other sources of funding that may be available.
- **Transformation of Ormskirk Tennis Club into a community health and well-being centre, Ormskirk Tennis Club - £100,000** - Whilst it is recognised that there are proposals to hire out/make the facility available to community groups/providers, this facility would remain on an advance booking basis and only when availability permits. The primary function of the tennis club will remain as a private members club only, therefore it cannot truly be considered as suitable strategic infrastructure.

8.0 NEXT STEPS

8.1 Should Cabinet be minded to accept the recommendations at Section 3 of this report, Officers will inform the successful bidders of the decision and arrange for the necessary legal agreements to be put in place to ensure effective spend of the CIL monies prior to awarding the funding.

8.2 The spending and delivery/completion of the projects will be reported within future Infrastructure Funding Statements that are produced and publicised annually by the end of December every year as a statutory requirement.

9.0 SUSTAINABILITY IMPLICATIONS

9.1 The delivery of new infrastructure funded by CIL monies will have positive sustainability implications for the Borough. The allocation of CIL monies to the improvement or provision of green infrastructure and health-care facilities will have positive social and environmental effects on residents and visitors of the Borough. Improvement and provision of new open spaces and sport resources may reduce crime through enhanced usage and surveillance and offering diversionary activities.

9.2 The allocation of funding to green infrastructure assets such as open spaces, footpath improvements and play areas will both '*encourage, enable and promote active travel choices such as walking and cycling*' and '*preserve, maintain and promote the use of Council-owned green space across the Borough*' which are key objectives of the Council's Climate Change Strategy and Action Plan 2030.

10.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 10.1 There is no additional cost to Council resources in the allocation of CIL funding to the projects listed above because any projects prioritised for funding will be funded by CIL monies. A total of £1,139,105.64 of Strategic CIL and £151,861.97 of Ormskirk NCIL is recommended to be allocated to projects and there is sufficient CIL funding available to meet the requirements.

11.0 RISK ASSESSMENT

- 11.1 Whilst there are outline risks relating to the timely collection of CIL monies from developers, there is already sufficient available CIL income to fund the projects set out in this report. Accordingly, the content of this report can be delivered within existing resources.

12.0 HEALTH AND WELLBEING IMPLICATIONS

- 12.1 The delivery of projects proposed through this CIL Funding Programme will have positive effects on health and wellbeing. The schemes include improvements to play areas, sports pitches, green infrastructure assets, and improvements of health-care facilities.

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

- Appendix 1(i) – Shortlisted Projects £100,000 or Less
- Appendix 1(ii) – Shortlisted Projects More than £100,000
- Appendix 1(iii) – Shortlisted Ormskirk Projects
- Appendix 1(iv) – Projects Suitable for Alternative Funding
- Appendix 1(v) – Projects Not Shortlisted
- Appendix 2 – Consultation Responses
- Appendix 3 – Overview of all Projects (Shortlisted/Not Shortlisted)
- Appendix 4 – Infrastructure Delivery Schedule
- Appendix 5 – Equality Impact Assessment



CABINET: 21 November 2023

Report of: Corporate Director of Transformation & Resources

Relevant Portfolio Holder: Councillor Gareth Dowling

**Contact for further information: Nicola Hamilton (Extn. 5171)
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SUBJECT: ALLOCATION OF SECTION 106 (S106) FUNDING FOR HALSALL TO SCARISBRICK CANAL TOWPATH IMPROVEMENTS

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-Scarisbrick 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-Scarisbrick 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 Scarisbrick Bridge at Scarisbrick Marina.

- 3.2 As well as requesting £175,095.15 of CIL, 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.

4.0 CONSULTATION AND ASSESSMENT

- 4.1 The S106 / CIL Officer Working Group met on the 03 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 objections were received nor 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.
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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. *Project bid*
2. *Photographs of current condition*
3. *Equalities Impact Assessment*