



Democratic Services

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To: **OUNCILLOR MARTIN GODDARD
CABINET MEMBER FOR FINANCE**
**OUNCILLOR JONATHAN BIANCO
CABINET MEMBER FOR PROPERTY, HIGHWAYS
AND FINANCE**
c.c. All Members of the Property, Highways and Transport Select Committee
c.c. Nicola Wyatt – Resources Directorate
c.c. Dan Kennedy – Corporate Director of Place
Date: 18 August 2023

Non-Key Decision request

Form D

NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2023/24: GRAND UNION CANAL TOWPATH UPGRADES (RELEASE NO. 5)

Dear Cabinet Member

Attached is a report requesting that a decision be made by you as an individual Cabinet Member. Democratic Services confirm that this is not a key decision, as such, the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 notice period does not apply.

You should take a decision **on or after Tuesday 29 August 2023** in order to meet Constitutional requirements about publication of decisions that are to be made. You may wish to discuss the report with the Corporate Director before it is made. Please indicate your decision on the duplicate memo supplied, and return it to me when you have made your decision. I will then arrange for the formal notice of decision to be published.

Ryan Dell
Democratic Services Officer

Title of Report: New Allocation of S106 Contributions & Capital Release 2023/24: Grand Union Canal Towpath Upgrades (Release No. 5)

Decision made:

Reasons for your decision: (e.g. as stated in report)

Alternatives considered and rejected: (e.g. as stated in report)

Signed Date

Cabinet Member for Finance / Cabinet Member for Property, Highways and Transport

NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2023/24: GRAND UNION CANAL TOWPATH UPGRADES (RELEASE NO. 5)

Cabinet Members	Councillor Martin Goddard Councillor Jonathan Bianco
Cabinet Portfolios	Cabinet Member for Finance Cabinet Member for Property, Highways and Transport
Officer Contact	Nicola Wyatt – Resources Directorate
Papers with report	Appendix A – Capital release requests for approval Appendix B – Location Plan

HEADLINES

Summary	To seek Cabinet Member approval to allocate and release funds from the S106 contributions held at PT/217/427B, PT/227/440A and PT/251/559A towards upgrade of the Grand Union Canal Towpath between Rockingham Road and Oxford Road, Uxbridge.
Putting our Residents First	This report supports our ambition for residents/ the Council of: Live active and healthy lives.
Delivering on the Council Strategy 2022-2026	This report supports our commitments to residents of: A Green and Sustainable Borough.
Financial Cost	This report seeks the allocation and release of £101,677 from S106 funds made available from the redevelopment of sites in the London Borough of Hillingdon and detailed within this report towards enhancement of the Grand Union Canal Towpath. The works will commence upon release of the funds and are due for completion by March 2024.
Relevant Select Committee	Property, Highways and Transport Select Committee.
Relevant Ward	Uxbridge.

RECOMMENDATIONS

That the Cabinet Member for Finance and Cabinet Member for Property, Highways and Transport:

- 1) Approve the allocation of £70,095 from the S106 contributions held at, PT/227/440A and PT/251/559A to be used towards improvements to the Grand Union Canal to Quietway standard between Rockingham Road and Oxford Road, Uxbridge.**
- 2) Approve the reallocation of £31,582 from the S106 contribution held at PT/217/427B to be used towards the above scheme.**
- 3) Approve the capital release requesting £101,677 towards the scheme, as outlined in Appendix A to this report.**

Reasons for recommendations

In accordance with the Council's Constitution, the allocation of Section 106 (S106) and Section 278 (S278) funds is required to be formally approved by the Cabinet Member for Finance on a case-by-case basis – and any capital release, in conjunction with the relevant Cabinet portfolio holder. This report requests the approval for the S106 funds held at case references detailed in this report to be committed as outlined in this report.

Alternative options considered

The Cabinet Members may agree to fund the scheme and/ or suggest alternative projects to which funds could be allocated within the terms of the relevant legal agreements. If the S106 funds are not allocated to an appropriate scheme, the unspent funds may need to be refunded.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

1. Planning obligations, or S106 agreements, are an established mechanism for mitigating planning effects arising from development proposals. The agreements are usually negotiated within the context of planning applications, between local planning authorities and persons with an interest in the piece of land (owners, leaseholders or developers). They are intended to make development acceptable, which would otherwise be unacceptable in planning terms.
2. Any S106 monies generated from planning agreements must be spent on their intended purpose and that the associated development contributes to the sustainability of the area by addressing the impacts of the development proposals. As a result, expenditure of S106 funds must relate to a specific development and must be in accordance with the corresponding legal agreements. If a contribution is not used for the intended purpose or not spent within the period allocated in the S106 agreement, the monies may need to be returned.

S106 contribution held at case reference PT/217/427B

Details of contribution

3. A contribution of £31,582 (including indexation) was received in accordance with a S106 Agreement dated 26 April 2017 and relating to the redevelopment of the former Waterloo Wharf, Waterloo Road, Uxbridge (planning ref 43016/APP/2016/2840). The funds were received as the "Canalside Improvement Contribution" to be used by the Canals & Rivers Trust towards canal-side improvement works on the land immediately opposite the site (shown on plan attached to the agreement). Works to include towpath and access improvements. There are no time limits for spending this contribution.

Planning background

4. On 26 October 2016, the Council resolved at its Major Applications Planning Committee to grant permission for the demolition of existing buildings and the erection of a four-storey building containing 52 apartments and a commercial unit on the former Waterloo Wharf. Planning permission was granted subject to the completion of a S106 agreement to secure a number of financial obligations in order to mitigate the impact of the development on the surrounding area. As the site sits immediately adjacent to the Grand Union Canal, these included a contribution towards improvements to the canal towpath which is located directly opposite the site and is expected to experience an increase in use as a result of the new residential development.

S106 contribution held at case reference PT/227/440A

Details of the contribution

5. A contribution of £57,557 (including indexation) was received in accordance with a S106 Agreement dated 09 November 2017 and relating to the redevelopment of the former Dolphin Bridge House, Rockingham Road, Uxbridge (planning ref 35248/APP/2017/3013). The funds were received as the "Public Realm Contribution" to be used by the Council towards the improvement of the canal towpath between Rockingham Road and Oxford Road as a Quiet Way. Funds are to be spent within 10 years of receipt (December 2029).
6. On 25 October 2017, the Council resolved at its Major Applications Planning Committee to grant prior approval for the change of use of Dolphin Bridge House from office accommodation to 41 residential units. Permission was granted subject to the completion of a S106 agreement to secure several financial obligations in order to mitigate the impact of the development on the surrounding area. As the site sits immediately adjacent to the Grand Union Canal, these included a contribution towards improvements to the canal towpath which is located directly opposite the site and is expected to experience an increase in use as a result of the new residential development.

S106 contribution held at case reference PT/251/559A

Details of the contribution

7. A contribution of £12,538 (including indexation) was received in accordance with a S106 Agreement dated 26 June 2020 and relating to development at Bridge House, Oxford Road, Uxbridge (planning ref 40050/APP/2018/1737). The funds were received as the "Canals &

"River Trust Contribution" for the purposes of upgrading the canal towpath in the vicinity of the site to TFL Quiet Way specification (as shown on a plan attached to the agreement). Funds are to be spent within 7 years of receipt (April 2028).

8. On 21 August 2019, the Council resolved at its Major Applications Planning Committee to grant prior approval for a two-storey extension to Bridge House to provide 25 additional residential units. Permission was granted subject to the completion of a S106 agreement to secure several financial obligations in order to mitigate the impact of the development on the surrounding area. As the site sits immediately adjacent to the Grand Union Canal, these included a contribution towards improvements to the canal towpath which is located directly opposite the site and is expected to experience an increase in use as a result of the new residential development.

Proposed allocation

9. Officers are requesting that the contributions held at PT/217/427B (£31,582), PT/227/440A (£57,557) and PT/251/559A (£12,538) are allocated towards canal towpath improvements between Rockingham Road and Oxford Road as outlined in paragraphs 11-17 below. The scheme includes the section of towpath immediately opposite the Bridge House development as defined in the relevant S106 obligation.
10. The contribution held at PT/217/427B was previously allocated towards upgrading the stretch of towpath between Cowley Mill Road and Rockingham Road (Cabinet Member Decision 08/10/2020), which was completed last year. This scheme was completed using time limited TFL funding. Officers are therefore requesting that this contribution is used towards completing the next section of the towpath in lieu of the Council resources used.

Project Proposal: Upgrades to the Grand Union Canal Towpath between Rockingham Road and Oxford Road

11. The Grand Union Canal runs north/ south through the Borough and provides an off-road cycle route and pedestrian link and recreational amenities for local residents. The canal is owned and managed by the Canals and River Trust (CRT), who now allows the Council's Highways Term Contractor, O'Hara Bros, to undertake works on the Grand Union Canal on their behalf.
12. TfL has identified the Grand Union Canal as a key cycling asset and it has been designated a cycling Quietway. A Quietway is a high quality well-signed cycle route designated to overcome the barriers to cycling, specifically targeting less confident cyclists and those who prefer a more relaxed journey. The London Borough of Hillingdon and CRT have been working together for some time now to upgrade the canal towpath in Hillingdon to Quietway standard using Section 106 contributions from new developments located close to the canal.
13. As part of works to improve the footpaths along Cowley Mill Road in 2017/2018, a new footpath was constructed with bitumen macadam connecting Cowley Mill Road to the Grand Union Canal towpath. Following which the towpath between Cowley Mill Road and Rockingham Road was upgraded to Quietway status using a combination of S106 developer funding and Transport for London funding.

14. It is proposed to use the funds secured from the two development sites detailed within this report as a contribution towards the upgrade of the Grand Union Canal further north between Rockingham Road and Oxford Road. This will improve connection to the large number of employment sites as well as New Bucks University and access into Uxbridge Town Centre.
15. London Borough of Hillingdon engineers have been on site and provided an estimated cost for the resurfacing of the towpath, from Rockingham Road, northwards to the next main access point at Oxford Road. The section is a total of 832 metres (see attached map at Appendix B). The full cost of completing this section is £200,000 based on rates by the Council's Term Contractor, O'Hara, who will undertake the works.
16. A breakdown of costs is provided in Table 1 below:

Table 1: Cost Plan

Description	Amount (£)
Traffic Management	2,400
Excavation	25,800
Edging and Surfacing	118,000
Pontoon	25,000
Engineering fees	14,400
Contingency	16,077
TOTAL	£201,677
Financed by:	
TFL Grant (release approved June 23)	100,000
S106 Contributions (Appendix A)	101,677
TOTAL	£201,677

17. In order to complete the section in full, there is a shortfall of £100,000. A total of £100,000 has been released from the 2023/24 Transport for London Local Implementation Plan funding.

Financial Implications

(S106 2023/24 Budget £102k; Previously Released Nil, Capital Release Requested £102k) – Appendix A

The report seeks the allocation of £70k, the reallocation of £32k and capital release of £102k from the three S106 contributions as detailed in Table 2 below:

Table 2: S106 Contributions

S106 Funding Reference	Scheme	Amount	Time Limit to Spend
PT/217/427B	Waterloo Wharf, Waterloo Road, Uxbridge	31,582	N/A
PT/227/440A	Dolphin Bridge House, Rockingham Road, Uxbridge	57,557	Dec 2029
PT/251/559A	Bridge House, Oxford Road, Uxbridge	12,538	Apr 2028
Total Contribution		£101,677	

The S106 funds are to be used towards towpath improvements to the Grand Union Canal between Rockingham Road and Oxford Road. The cost of the works is based on scheduled rates within the Council's Highways term contract and includes engineer's fees and contingency at approximately 10% each of the works' cost.

The total cost of the scheme is £202k which is to be funded £102k from the S106 and £100k from the TfL Local Implementation Plan funding which has had capital release in June 2023. The release of the £102k will enable the scheme to progress. The proposals meet the conditions stipulated by the developer on the intended use of the S106 contributions.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon residents, service users and communities

The recommendations will enable external funds to be spent to maximum effect to provide viable improvements for the benefit of local communities.

Consultation carried out or required.

Consultations will be carried out as part of individual project development.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance concurs with the financial implications set out above, noting that these works will be funded from a combination of Section 106 monies and Transport for London grant of £100k, subject to a separate capital release approval.

Legal

Legal Services has considered the contents of the Section 106 agreements referred to in the report and concludes that the recommendations presented are consistent with the terms of the agreement.

Infrastructure/ Asset Management

The Property & Estates Team confirm that there are no property implications resulting from the recommendations that would impede on any proposal or strategy from an Asset Management prospective.

Capital Release Protocol

The release of all capital funds, and certain revenue funds, held by the Council is to be made by a formal democratic decision. No expenditure can be placed or committed by officers until this formal approval is given by Democratic Services. Release of funds must be for identified projects only and strictly not for the general release of funds for projects to be identified at a later date. No block releases of capital or funding will be allowed, except if authorised by the Leader of the Council in advance to Corporate Finance. The release of funds will only be made if previous Council, Cabinet or Cabinet Member agreement has been given to the project and only if there is an approved budget.

BACKGROUND PAPERS

Planning Obligations Supplementary Planning Document 2014

APPENDIX A - CAPITAL RELEASE REQUESTS FOR APPROVAL

S106 Capital Release 2023/24: Signage and access onto the Grand Union Canal Towpath (Release No 5)

Location	Project/ Expenditure Title	Information	Funds Release Sought £000's	Approve	Hold	More Information Required
Rockingham Road & Oxford Road, Uxbridge	Upgrade of the Grand Union Canal Towpath	Upgrade of the canal towpath to Quietway standard (2m wide with resin bound surface)	102			
Total seeking release			102			
Previously released			0			
Budget			102			
Remaining budget			0			

