



WORTHING BOROUGH
COUNCIL

Executive Member for
Regeneration
21 December 2020

Decision to be taken on or after
31 December 2020

Key Decision: No

Release of s106 Funds to help deliver a new footpath through Northbrook Recreation Ground linking to Titnore Lane.

Report by the Director for the Economy

Executive Summary

1. Purpose

- 1.1 This report seeks authority to release Section 106 funds to deliver a footpath from the entrance of St Barnabas Hospice northwards through Northbrook Recreation Ground to Pennycress Avenue.
- 1.2 The funds are held largely by the County Council (WSCC) but the scheme requires £40,000 held by Worthing Borough Council to fully implement the project. Whilst, these funds are specifically held for transport Improvement schemes, as the total exceeds £25,000 the Executive Member approval is required to release the funds.
- 1.3 The report sets out some of the approval processes already undertaken by the County Council and describes some of the key improvements to be undertaken to improve accessibility given the lack of footways along Titnore Lane.

2. Recommendation

- 2.1 The Executive Member is recommended to release £40,000 towards the provision of the recently completed footpath and to agree that this is added to the capital programme for 2020/21.

3. Context

- 3.1 During the consideration of the West Durrington Strategic Allocation for 700 dwellings, the County Council identified the need for a cyclepath alongside Titnore Lane to improve accessibility from the new strategic housing allocation down to Goring railway station. As part of the negotiations on the West Durrington Section 106 Agreement dated 27 April 2012, a sum of £80,000 was secured for the offsite cyclepath. As this figure was index linked, a total of £101,217 was available for the cyclepath (WB/0275/11) and was paid to WSCC in line with the s106 agreement.
- 3.2 Subsequent developments adjacent to Titnore Lane have also reserved land for the provision of a cyclepath including land within the MET Durrington campus (formerly Northbrook College), a housing development and the construction of the new Hospice for St Barnabas. The Hospice development also secured a financial contribution towards the cyclepath (WB1495/07) of £40,000 and this was paid to the Borough Council.
- 3.4 The scheme was originally for a cyclepath to link through to the bridge over the A259 across Littlehampton Road but the lack of land at the junction with Goring Street and overall cost meant an alternative route had to be considered. WSCC prepared a feasibility scheme to link the partial cyclepaths already constructed with Pennycress Avenue by installing a cyclepath through Northbrook Recreation Ground. However, this was not implemented due to the overall cost, £1.2 million due primarily to the high cost of diverting or bridging over various underground services.
- 3.5 A local resident challenged the lack of progress on the scheme and submitted an alternative proposal for a narrower path which would still ensure a link could be provided to Northbrook College footpath and across Titnore Lane to the Swallows Return PH. This revised proposal was developed by WSCC and has recently been implemented at a cost of less than £200,000.

4. Issues for consideration

- 4.1 As indicated, earlier in this report, as the request for funding exceeds £25,000, the Executive Member for Regeneration's approval is required for release of these funds.

- 4.2 The County Council has already agreed to release its s106 funding for this revised project through its Capital Works Programme for 2020/21 utilising the s106 from the West Durrington and the Hospice developments.
- 4.3 Given that there is a commitment to the delivery of a cyclepath and land has been reserved in the past to ensure its implementation, there is no objection in principle to the use of the s106 funding requested by the County Council. However, it is rather disappointing (notwithstanding funding issues) that this is being implemented as a footpath, as a cyclepath would be far more effective in terms of improving sustainability and providing a safe route for cyclists as well as pedestrians given the restricted alignment and safety issues associated with Titnore Lane.
- 4.4 Nevertheless, the footway has been constructed to a width of 2.5 metres and where possible 3 metres wide to future proof it for possible conversion to cycle facilities and any future cyclepath provision would need to ensure appropriate cycle connections at each end to be made available. The scheme also provides a connection to the entrance of the Swallows Return PH on the west side of Titnore Lane using a pedestrian island to assist crossing.
- 4.5 Whilst, the limitations on funding are understood there is some concern that the wider aspiration for a connection to Goring Street is not being pursued and in particular ensuring cyclepath access around the Northbrook College site to the footbridge even if cyclepath facilities are not available on the south side of Littlehampton Road.
- 4.6 The County Council has been advised of this concern and it is hoped that through better coordination between the Borough and County Council on public realm/sustainability projects, this situation could be avoided in the future. In particular, there is the opportunity for requests from the County Council for Community Infrastructure Levy funding for such projects and whilst such requests would have to be considered against other projects for funding, it would potentially avoid the situation where an incomplete scheme is being implemented. It would also be important that the recently adopted Local Cycling and Walking Plan (LCWIP) helps to ensure that funding is allocated to such projects and also helps inform negotiations on future s106 negotiations.

5. Engagement and Communication

- 5.1 The involvement of the local community has been instrumental to bringing this slightly revised scheme forward to completion and this should be commended. However, as the report has highlighted the need for greater coordination between WSCC and the Borough Council on delivering these larger cyclepath projects would assist and this has been acknowledged by WSCC.

6. Financial Implications

- 6.1 Financial regulations require that the release of S106 funding over £100,000 is approved by the Joint Strategic Committee.
- 6.2 Section 25 of 2003 Statutory Instrument No. 3146 - Local Authorities (Capital Finance and Accounting) regulations 2003 requires that 'the making of an advance or the giving of a grant or other financial assistance to any person, whether for use by that person or by a third party, towards expenditure, which would, if incurred by the authority, be capital expenditure shall be treated as capital expenditure. Consequently, if approved, this scheme will need to be added to the capital programme.

7.0 Legal Implications

- 7.1 Section 106(1) of the Town and Country Planning Act 1990 provides that any person interested in the land in the area of a Local Planning Authority may, by agreement, enter into an obligation requiring a sum of money to be paid to the Authority. Section 106(5) provides that the obligation is enforceable by way of an injunction and section 106(11) provides that the obligation becomes a Local Land Charge.
- 7.2 S106 agreements may require that the Council uses certain contributions for specific purposes such as transport infrastructure improvements. Provided the money from the Council is for transport infrastructure as provided for in the s.106 agreement, use of this money, subject to the Committee's approval, would be lawful.
- 7.3 The Council holds sufficient funds from s106 monies, for transport schemes, to release this funding for this scheme.

8. Recommendation

8.1 The Executive Member for Regeneration is recommended to release £40,000 s106 funding to WSCC as part funding for the recently completed footpath at Northbrook Recreation Ground and agree that this scheme is added to the capital programme.

Background Papers

S106 Agreements dated 27th April 2012 and 12th June 2015

Deed of Variation dated 14th March 2017

Planning Application Reference AWDM/0935/13 and AWDM/1006/16

Officer Contact Details:-

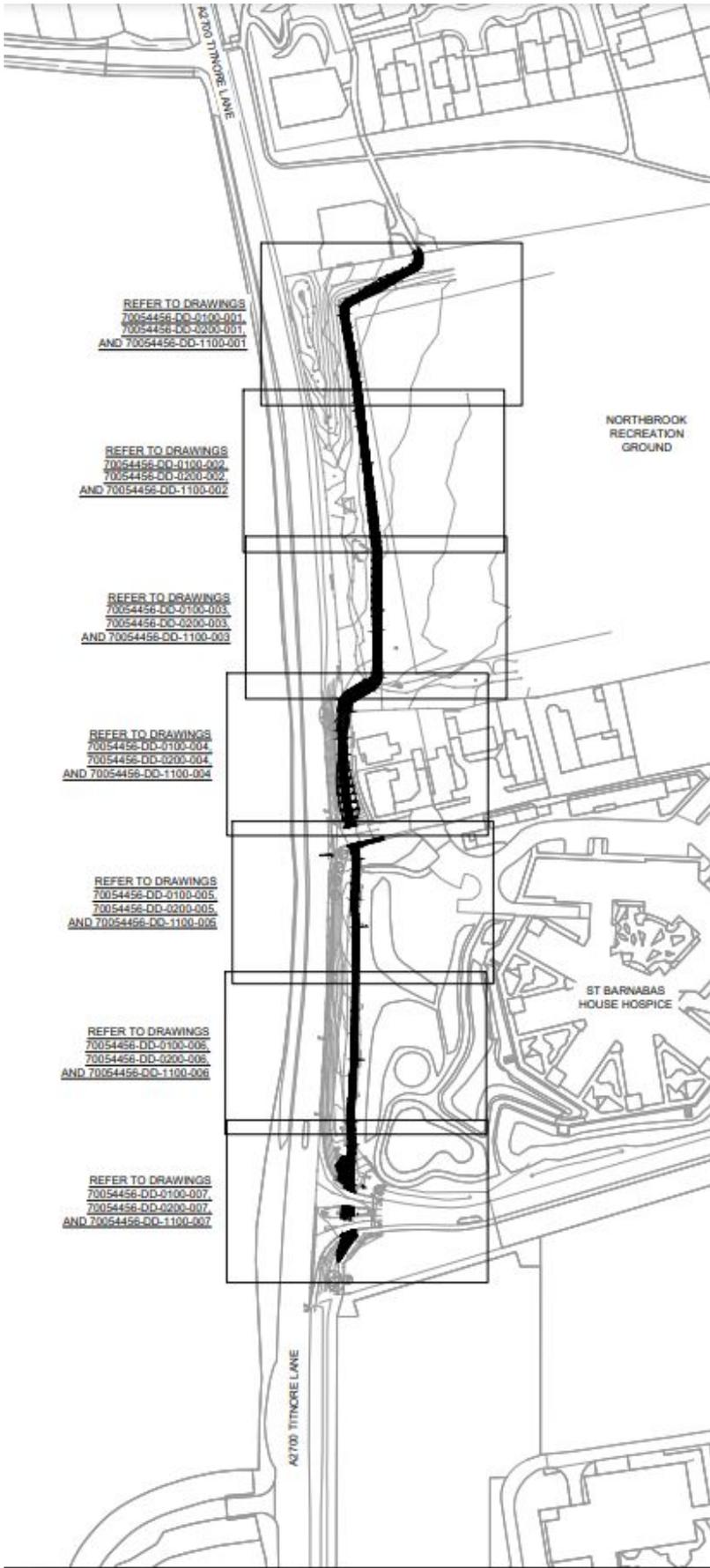
James Appleton

Head of Planning and Development

01903 221334

james.appleton@adur-worthing.gov.uk

APPENDIX 1



Sustainability & Risk Assessment

1. Economic

The proposal would help to deliver improvements to sustainable transport.

2. Social

2.1 Social Value

The provision of the path will encourage sustainable transport and encourage walking to promote health and wellbeing.

2.2 Equality Issues

The footpath will improve accessibility for all.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

2.4 Human Rights Issues

The footpath raises no human rights issues. It will improve accessibility for all.

3. Environmental

Matter considered and no issues identified.

4. Governance

Matter considered and no issues identified.