

APPLICATION NUMBER: P/2014/0627
LOCATION: Sankey Valley Corridor
WARD: Earlestown
CASE OFFICER: Ms Nicola Hamilton
RECOMMENDATION: That Members agree to the proposed method of spending of £3495.30 from the commuted sum monies held by the Council, subject to the terms of the Section 106 agreement dated 15th July 2015.

1.0 Background

- 1.1 Planning permission P/2014/0627 was granted for a residential development comprising the construction of 324 dwellings, creation of public open space and associated works at the former Deacon Trading Estate, Earle Street, Newton Le Willows. The planning permission was granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
- 1.2 The legal agreement signed on the 15th July 2015 requires the developer of the site to pay the Council a total of £239,568.00, comprising of four triggered instalment amounts of £59,892.00 for the Council to expend on "*Green Space Improvement Works*" on identified "*Green Space Land*".
- 1.3 Payment of three amounts has been triggered and a total of £179,676 has been paid to the Council to date. The final instalment of £59,892 is to be paid in due course prior to the occupation of the 195th dwelling.
- 1.4 For the purposes of this Section 106 agreement the "*Green Space Land*" is defined as:
 - That part of the Sankey Valley Corridor situate between Common Road and Red Brow Wood. The area is highlighted in red on the plan attached to this report.

For the purposes of this Section 106 agreement the "*Green Space Improvement Works*" is defined as:

- Those works (which in the opinion of the Council's Development Control Manager) relate to:
 - (i) Providing supporting infrastructure and/or equipment which enable greater use of or enhances the use of the *Green Space Land*;
 - (ii) Maintaining or enhancing the wildlife habitats on the *Green Space Land*;
 - (iii) Maintaining or enhancing heritage assets situate on the *Green Space Land*;
 - (iv) Improving the water quality on and/or water management of water present on the *Green Space Land*; and
 - (v) Works that are directed at implementing measures on the *Green Space Land* which seek to improve the health of persons using such land.
- 1.5 The Section 106 agreement does not specify how and where the money should be spent and officers do not have any clear delegated authority to decide how to spend the commuted sum. This report seeks to gain the agreement of members that a portion of the commuted sum is spent in the manner as outlined in the following sections of this report.

2.0 Proposal

- 2.1 Lancashire Wildlife Trust have received an offer of a grant support for the "*Sankey Valley Wildlife Corridor*" from Enover Community Trust (who distribute Landfill Community Fund Grants for areas including St Helens Borough Council) for the sum of £34,953.00, which is conditional on the provision of a 10% third party contribution of £3495.30 under the terms of the Landfill Community Fund ENTRUST.

- 2.2 The Lancashire Wildlife Trust has approached the Council to seek provision of the third party contribution.
- 2.3 The Lancashire Wildlife Trust - Sankey Valley Project covers an identified area which runs from The Carr Mill Dam catchment area, through Stanley Bank and Clipsley Brook, through the Section 106 Sankey Brook "*Green Space Land*", includes parts of the Newton Brook tributary then south into Warrington Borough, taking in Callands Brook and Penketh Brook and then out towards the Mersey Estuary.
- 2.4 The aims and objectives of the "*Sankey Valley Wildlife Corridor*" project are to deliver a series of environmentally focused works that will:
- Assess and update ecological and environmental information: this will include surveys of a wide range of flora and fauna, involving communities and schools, and events within the Section 106 area which will seek to improve individual and community health and well-being.
 - Carry out a range of capital works to create, restore and manage important habitats: within the Sankey Valley this will include local wildlife sites at Mucky Mountains, grassland south of the tow path /seven arches and Red Brow Woods. Including hay cutting, local seeding, improving structure and habitat of woodland and off-channel riparian works.
 - To install and promote interpretation that creates a "Sankey Valley Wildlife Corridor Nature Trail": this will outline the value of several sites throughout the corridor and links the post-industrial heritage/influence of these sites and their general landscape character with the ecological value the sites already have. A series of interpretation panels will detail how a legacy of industrial development has shaped the landscape and also created a unique natural asset such as the Mucky Mountains and the canal itself.
- 2.5 As the offer of grant support for the "*Sankey Valley Wildlife Corridor*" from Enover Community Trust is time sensitive, Lancashire Wildlife Trust is not yet able to provide officers with full details of specific areas for spend on individual projects or the full costs to be incurred within the "*Green Space Land*".
- 2.6 However, the Council is in full control of the land in question and can therefore ensure tight control over the implementation and delivery of individual projects. It is envisaged that this will be done in consultation with the Council's Grounds Maintenance Section which has already shown support for the Sankey Valley Wildlife Corridor project.
- 2.5 To ensure that the St Helens Council Section 106 contribution is spent in full and appropriately, this will be monitored for compliance on a project by project basis in line with the terms set out in the Section 106 agreement.

3.0 Evaluation

- 3.1 The Trust's proposal does identify site specific projects within the Section 106 "*Green Space Land*". As such, it is considered that the proposal spatially complies with the terms of the Section 106 agreement. The monitoring of individual projects will ensure that the amount of the Section 106 agreement contribution will be spent in the "*Green Space Land*".
- 3.2 In terms of its aims and objectives, it is considered that the Trusts' proposals for the assessment and update of ecological and environmental information involving communities and schools will meet the Section 106 criteria in that it will assist in improving the health of persons using the land and will also in identifying how best to maintain and/or enhance the wildlife habitat of the area.
- 3.3 The works to create, restore and manage important habitats will physically maintain and enhance the wildlife habitat within the "*Green Space Land*" but will also assist the provision and support of infrastructure and equipment, and will enhance and enable greater use of the land.
- 3.4 The provision of interpretation panels will clearly meet the Section 106 criteria in enhancing our heritage assets on the "*Green Space Land*".

3.5 In view of the above, it is considered that the overarching aims and objectives of the “*Sankey Valley Wildlife Corridor*” project meet the Section 106 agreement criteria.

4.0 Recommendation

4.1 It is recommended that Members agree that the “*Sankey Valley Wildlife Corridor*” project meets the criteria of the Section 106 agreement dated 15th July 2015, and to appropriate £3495.30 to this project from the relating Section 106 commuted sum amount currently held by the Council. Also, to agree that authority is delegated to officers to agree the detail of the delivery of those works identified as suitable “*Green Space Improvement Works*” under the terms of the Section 106 agreement.