

Delegated Decision Report

Decision below £250k



Subject:	Failsworth Tow Path, Section 106 Improvements
Decision maker: Senior Officer	Nasir Dad, Director of Environment
Decision maker: Cabinet Member	Cllr Chris Goodwin, Cabinet Member for Don't Trash Oldham
Decision date:	28 November 2024
Report author:	Robin Durkan, Landscape Architect
Ward (s):	Failsworth

Reason for decision

To seek approval for the allocation of resources secured through Section 106 planning obligations from DB389 Land at Failsworth Mill (PA/337967) to fund improvements along a section of Failsworth Tow Path between Bridge 79-78D. Delegation is also sought to award contracts following procurement exercises carried out for elements that will not be carried out in-house or by nominated delivery partners.

Recommendation(s)

1. To approve the allocation of £33,253.83 resources secured through Section 106 planning obligations from DB389 Land at Failsworth Mill (PA/337967) (plus interest accrued) to fund improvements along a section of Failsworth Tow Path between Bridge 79-78D.
2. Delegation is also sought to award contracts following procurement exercises carried out for elements that will not be carried out in-house or by nominated delivery partners.
3. To progress the programme of path improvement works, clear-ups and greenspace improvements & planting involving the local community and install biodiverse floating islands to the canal.

Background

Planning permission for the development at Failsworth Mill (planning application number 337967) was granted subject to the developers entering into Section 106 obligations for the improvement of the public canal towpath between the Tesco Bridge (78D) and Ashton Road West (Bridge 79). This obligation was signed on 15 August 2016 and given the reference DB389.

The Planning Obligation required the owner to pay the Council £30,400 for the improvement of the public canal towpath between the Tesco Bridge and Ashton Road West (Bridge 79) before any part of the development is occupied. The sum was paid on the 25 January 2018 and with

interest now stands at £33,253.83 and it is proposed to whole this whole amount towards the scheme described in this report.

The Canal and Rivers Trust manage the canal and towpath and the path is generally in a good condition, and with their agreement, it is proposed that the S106 funds are used to enhance the space for the benefit of the community and nature as opposed to being transferred for works that already hold a maintenance budget.

This proposal does include some clearance and improvements to the path surface where damage has occurred to maintain good accessibility and to carry out additional environmental and greenspace improvements to enhance the biodiversity of the stretch of canal/tow path, and to encourage increased use of the route supporting active travel & reducing local journeys by car.

The proposed works are summarised below:

Towpath & greenspace improvements between Bridge 79 – 78D:

Site clear-up & Path repair

Removal of invasive species/weed clearance & moss removal prior to surfacing repairs, improvements/topping up. Path surface repairs.

Canal litter pick

4 paddle board litter picks days to remove litter within the canal in a creative and interesting way involving young people encouraging active citizenship and improving the physical appearance of the Canal across this section.

Pollinator Patches

Planting areas of wildflowers.

Orchard

Planting fruit trees creating a Failsworth Fruit Route, linking up 2 community growing hubs - Failsworth Growing Hub at the Town Hall and Grass Roots. Located just past either end of the section of towpath.

Site interpretation

Bespoke signage will be created to help communicate the works carried out and help people to reengage with nature.

- Pollinator patches,
- Fruit Route,
- Map of route/area & local points of interest.
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To include QR codes and webpage creation/hosting, mapping the route and points of interest along it from community spaces, points of interest, natural assets and local history

Floating islands

These floating islands transform hard-edged waterbodies into living water greenspaces, providing sheltered refuges for birds, shelter and feeding grounds for fish, habitats for microorganisms that use algae, carbon and excess nutrients to help purify the water. Bespoke planting mixed can be specified to help species identified in local biodiversity action plans

Canal and Rivers Trust support the proposals and will be actively involved in the specification and installation of the floating habitat islands.

Project budgets:

Prelims – included in work phases, use of Grassroots for welfare.

Demolition & Clearance: £3,580

Including community paddleboard clear-up sessions.

Soft Landscaping: £3,590

Including pollinator patches & fruit route.

Site/Street Furniture/Equipment (signage): £2,700

Including design, development and admin of digital input.

Path Repairs £2,500

Including resurfacing and patching damaged surface.

Floating Islands: £18,500

Supply including all plant material and associated costs. Installation in partnership with Canal and Rivers Trust.

Costs include a contingency sum of approximately 7.5%. Any remaining funds on completion will be used to further enhance the planting and softworks.

Procurement regulations will be adhered for all elements of the proposal.

Site clearance, planting and interpretation costs fall under procurement thresholds and will be directly awarded to delivery partner due to the benefit of established community engagement & promoting ownership with locality to community allotment site.

Competitive quotes from Oldham Highway Operations or approved contractors will be obtained for the path repairs.

Alternative option(s) to be considered

Do nothing: this would mean that the funds would need to be returned to the developer and the terms of the S106 agreement would not be complied with. Or,

Transfer the funds to Canal and Rivers Trust to add to management costs already in place for the maintenance of the path.

Consultation

Consultation and development has been carried out in partnership with local community interest company, Northern Lily CIC, who manage the former Grass Roots site at Marlborough Drive community allotment, close to the section of tow path. Comprising a team of horticulture experts, paddle sports instructors, forest school leaders, ecologists, and artists, they offer a broad range of services to residents delivered from the site with each project approached with a unique perspective and investment is channelled back into the local community through local employment, training, and activities. The enterprise creates a circular economy of local employment and training, which in turn helps to improve the local community and environment.

Ward councillors and Canal and Rivers Trust have been consulted and support the proposals.

Risks

The proposed work at this location is under a Section 106 agreement with the developer and will provide an opportunity for the Council to work with the Canal Trust to enhance the area in a creative and innovative way. The Council should ensure any groups/ contractors used as part of this scheme have the appropriate level of insurances in line with the Contract Procedure Rules.

Vicki Gallacher
Head of Insurance and
Information Governance

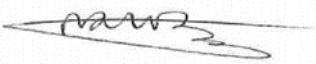
Implications

Financial	<p>Capital Implications</p> <p>The proposed work would be a charge to the Environment Capital Programme. The costs would be wholly defrayed in 2024/25 and be fully funded from the S106 contribution and accumulated interest. Any additional cost over the S106 contribution and accumulated interest will need to be met by the service. Jit Kara (Senior Accountant)</p> <p>Revenue Implications</p> <p>Oldham Council holds a maintenance agreement with the Canals & River Trust, in which has been contributed into since July 2000. Any future maintenance required due to these works, will be the responsibility of the Canal & Rivers Trust and therefore no additional revenue implications to the Authority. (John Edisbury)</p>
Legal	The proposals are an appropriate use of the S106 funding. (A Evans)
Equality impact including	It is considered not necessary to carry out an EIA following

implications for Children and Young People	screening ascertaining the proposal not to have any negative impact on any groups, including Children and Young People.
Other	The recommended proposals set out in this report would make improvements to a section of canal tow path, including a site clear-up, litter pick, pollinator patches, an orchard, and the creation of a floating island. These improvements will improve the area for residents who use it and make it more appealing area for active travel and leisure. We are also consulting with residents on this proposal and as such, we are working in a cooperative way. (James Mulvaney, Policy Manager)

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?	Yes
Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?	Yes
Are any of the recommendations within this report contrary to the Policy Framework of the Council?	No

Report author sign-off	Robin Durkan
Role	Landscape Architect
Date of sign-off	14.11.24

Approval	
Officer approval sign-off	Nasir Dad 
Role	Director of Environment
Date of sign-off	28 Nov 2024