

Notice of Meeting

CABINET

**Tuesday, 17 September 2024 - 7:00 pm
Council Chamber, Town Hall, Barking**

Members: Cllr Darren Rodwell (Chair); Cllr Saima Ashraf (Deputy Chair) and Cllr Dominic Twomey (Deputy Chair); Cllr Sade Bright, Cllr Cameron Geddes, Cllr Syed Ghani, Cllr Kashif Haroon, Cllr Jane Jones, Cllr Elizabeth Kangethe and Cllr Maureen Worby

Invited: Cllr John Dulwich and Cllr Simon Perry (non-voting)

Date of publication: 9 September 2024

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Chief Executive

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Please note that this meeting will be webcast via the Council's website. Members of the public wishing to attend the meeting in person can sit in the public gallery on the second floor of the Town Hall, which is not covered by the webcast cameras. To view the webcast online, click [here](#) and select the relevant meeting (the weblink will be available at least 24-hours before the meeting).

AGENDA

- 1. Apologies for Absence**
- 2. Declaration of Members' Interests**

In accordance with the Council's Constitution, Members are asked to declare any interest they may have in any matter which is to be considered at this meeting.
- 3. Minutes - To confirm as correct the minutes of the meeting held on 23 July 2024 (Pages 5 - 13)**
- 4. Revenue Budget and Capital Programme Monitoring 2024/25 (Quarter 1, June 2024) (Pages 14 - 36)**
- 5. Be First Development Update (Pages 37 - 46)**

6. **Permanent Pavement Licensing Regime (Pages 47 - 52)**
7. **Supported and Semi-Independent Accommodation Open Framework Tender (Pages 53 - 78)**
8. **Change to Loan Terms and Conditions to Barking & Dagenham Trading Partnership Ltd (Pages 79 - 82)**
9. **Adoption of the Planning Obligations Supplementary Planning Document (Pages 83 - 134)**
10. **Adoption of Barking and Dagenham 2037 Local Plan (Pages 135 - 218)**
11. **Debt Management Performance Quarter 1 2024/25 (Pages 219 - 228)**
12. **Contract for the Provision of Print Services for Marketing and Information Materials and Web-to-Print (Pages 229 - 241)**
13. **Utilising the Levelling Up Fund Grant to Acquire Commercial and Residential Leaseholder Properties at Dagenham Heathway (Pages 242 - 267)**
 Appendices 4, 5 and 6 to the report are exempt from publication as they contain commercially confidential information (exempt under paragraph 3, Part 1, Schedule 12A of the Local Government Act 1972 (as amended)).
14. **Any other public items which the Chair decides are urgent**
15. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted**
Private Business

The public and press have a legal right to attend / observe Council meetings such as the Cabinet, except where business is confidential or certain other sensitive information is to be discussed. Item 13 above includes appendices which are exempt from publication, as described. **There are no other such items at the time of preparing this agenda.**

16. **Any other confidential or exempt items which the Chair decides are urgent**

Our Vision for Barking and Dagenham

ONE BOROUGH; ONE COMMUNITY; NO-ONE LEFT BEHIND

Our Priorities

- Residents are supported during the current Cost-of-Living Crisis;
- Residents are safe, protected, and supported at their most vulnerable;
- Residents live healthier, happier, independent lives for longer;
- Residents prosper from good education, skills development, and secure employment;
- Residents benefit from inclusive growth and regeneration;
- Residents live in, and play their part in creating, safer, cleaner, and greener neighbourhoods;
- Residents live in good housing and avoid becoming homeless.

To support the delivery of these priorities, the Council will:

- Work in partnership;
- Engage and facilitate co-production;
- Be evidence-led and data driven;
- Focus on prevention and early intervention;
- Provide value for money;
- Be strengths-based;
- Strengthen risk management and compliance;
- Adopt a “Health in all policies” approach.

The Council has also established the following three objectives that will underpin its approach to equality, diversity, equity and inclusion:

- Addressing structural inequality: activity aimed at addressing inequalities related to the wider determinants of health and wellbeing, including unemployment, debt, and safety;
- Providing leadership in the community: activity related to community leadership, including faith, cohesion and integration; building awareness within the community throughout programme of equalities events;
- Fair and transparent services: activity aimed at addressing workforce issues related to leadership, recruitment, retention, and staff experience; organisational policies and processes including use of Equality Impact Assessments, commissioning practices and approach to social value.

MINUTES OF CABINET

Tuesday, 23 July 2024
(7:00 - 8:45 pm)

Present: Cllr Saima Ashraf (Deputy Chair in the Chair), Cllr Dominic Twomey (Deputy Chair), Cllr Cameron Geddes, Cllr Syed Ghani, Cllr Kashif Haroon, Cllr Jane Jones, Cllr Elizabeth Kangethe, Cllr Maureen Worby and Cllr Simon Perry

Apologies: Cllr Darren Rodwell, Cllr Sade Bright and Cllr John Dulwich

20. Declaration of Members' Interests

There were no declarations of interest.

21. Minutes (18 June 2024)

The minutes of the meeting held on 18 June 2024 were confirmed as correct.

22. Revenue Budget Monitoring 2024/25 (Period 2, May 2024)

The Cabinet Member for Finance, Growth and Core Services presented a report on the Council's revenue budget monitoring position for 2024/25 as at the end of May 2024 (Period 2).

The Council's General Fund revenue budget for 2024/25 was £212.93m, which represented a new increase of £13.9m from the previous year to meet known demand and cost pressures and provision for the expected Local Government pay award. The forecast expenditure at the end of Period 2 was £221.925m which, after planned transfers to and from reserves, resulted in a net break-even position. The Cabinet Member referred to several of the key factors and risks pertinent to the Period 2 position, which included the drawdown of £11.95m combined from the Budget Support Reserve and Investment and Acquisition Strategy (IAS) Reserve to support the in-year position, delivery of planned savings of £15.6m, the likely impact of reduced dividends from subsidiary companies, temporary accommodation costs and ongoing pressures in Adult and Children's services. The Cabinet Member clarified that the Budget Support Reserve stood at £6.59m following the drawdown.

The Housing Revenue Account (HRA) was showing a projected underspend of £0.374m and the Capital Programme gross expenditure at Period 2 was £21.164m against the full-year budget of £263.073m.

Cabinet **resolved** to:

- (i) Note the projected break-even revenue forecast at Period 2 for the General Fund for the 2024/25 financial year, as set out in sections 2 and 3 and Appendix A of the report;
- (ii) Approve the net projected year-end drawdown of £11.95m reserves to support the in-year position;

- (iii) Note the projected £0.374m revenue underspend forecast for the Housing Revenue Account, as set out in section 6 and Appendix A of the report;
- (iv) Note the projected returns for the Investment and Acquisition Strategy as set out in section 4 and Appendix A of the report;
- (v) Note the movement in Reserve drawdown as indicated in section 5 of the report and that the Cabinet shall be asked to approve the drawdown of reserves to support any overspends at final outturn (post March 2024), subject to finalisation of the actual spend against budget; and
- (vi) Note the period 2 Capital Monitoring update as set out in section 7 and Appendix A of the report.

23. General Fund MTFs Update and Budget Strategy 2025/26 - 2027/28

The Cabinet Member for Finance, Growth and Core Services presented a report on the updated position regarding the Council's Medium Term Financial Strategy (MTFS) and plans to consult on the Budget Strategy for 2025/26 to 2027/28.

By Minute 64 of its meeting on 28 February 2024, the Assembly had approved the latest General Fund Medium Term Financial Strategy 2024/25 to 2026/27. At that time, the budget gap for 2025/26 was projected at £11.69m; however, the latest MTFs forecasts predicted a budget gap of £25.9m for 2025/26, rising to £29.9m in 2027/28. The gap of £25.9m was attributed to £15.6m for the Council's core pressure and £10.3m to reflect the removal of the Be First dividend.

The Cabinet Member referred to his optimism that the new Labour Government would implement fairer funding arrangements that properly reflected population growth, deprivation and demand issues and while the Council would be actively lobbying the Government in that respect, he acknowledged that the Council would still need to take difficult decisions to balance its budget in the years ahead.

The Cabinet Member referred to the savings and growth proposals alongside revised inflation and demand factors that had influenced the revised MTFs, which were detailed in Appendix A to the report, and the impact on the Council's reserves position should adequate additional funding and/or further service efficiencies not be achieved.

Following on from that, the proposed strategic approach to future years' budget strategy would focus on the following six key objectives:

- Delivery of the B&D Corporate Plan objectives;
- Appropriate resources set aside to deliver key strategies;
- Resources are allocated to key priorities;
- Opportunities for innovative and modern ways of working will be adopted as far as possible;
- The Council delivers value-for-money for local Council Tax payers in the delivery of its services; and
- Maximising outcomes for the residents, visitors and citizens of the Borough.

There would also be a series of key principles that would underpin those objectives, namely:

- Appropriate investment is made available in transformation activity;
- Invest-to-save initiatives underpinned by robust business cases;
- Adequate investment in core infrastructure is maintained;
- Modern and efficient target operating models (ToMs);
- Opportunities for Artificial Intelligence (AI) and Digital solutions are maximised to reduce/eliminate non-value adding activity for staff and/or enhance outcomes for residents;
- Cashable procurement savings are delivered;
- The Council derives maximum benefits from the assets at its disposal;
- Staffing structures are lean but skilled;
- Whole Council approach to reduce demand for services;
- Zero-based budgeting for key areas;
- Greater use of the voluntary and community sector (VCS) to achieve better outcomes for residents;
- Specific savings targets (shared on appropriate methodology);
- Growth only considered on evidence-based, business case basis; and
- Use of benchmarking tools is maximised to assess the Council's cost and delivery performance.

Cabinet colleagues spoke on some of the opportunities to reduce the £25.9m budget gap for 2025/26, referring to areas such as reablement following hospital admission, IT and AI advances in care and other service provision, and services for working-age people receiving Adult social care.

Cabinet **resolved** to:

- (i) Note the latest MTFS projections and forecast budget gap for 2025/26 of £25.9m;
- (ii) Note the assumptions set out in the report underlying those forecasts as well as the financial risks and uncertainties;
- (iii) Note the outline budget setting timetable for 2025/26 as set out in section 10 of the report; and
- (iv) Approve the Budget Strategy and approach to setting the 2025/26 budget as set out in section 9 of the report.

24. Private Sector Housing Licensing Schemes 2024 - 2029

The Cabinet Member for Enforcement and Community Safety presented a report on proposals to introduce new licensing schemes in respect of private rented properties and houses in multiple occupation (HMOs) in the Borough.

By Minute 54 (Assembly, 19 February 2014), the Council had introduced a five-year Borough-wide Private Rented Property Licensing (PRPL) Scheme relating to homes let to single households or two unrelated sharers, and an Additional Licensing of HMOs Scheme, with the combined aims of reducing anti-social behaviour (ASB) associated with private rented accommodation and to provide

greater protections for private tenants, many of whom were regarded as economically vulnerable individuals and families. By Minute 80 (Cabinet, 22 January 2019), the Council adopted a new five-year Borough-wide PRPL Scheme.

In anticipation of the expiry of the latest scheme, public consultation had commenced on the potential introduction of new five-year Borough-wide Selective Licensing and Additional Licensing of HMO's schemes. The Cabinet Member referred to the extensive consultation that was undertaken and advised that there was strong overall support from local residents and other stakeholder groups to the proposals, albeit that landlords and managing / letting agents overwhelmingly disagreed with the schemes.

The two new schemes would help the Council achieve its priority that "residents live in good housing and avoid becoming homeless" and the Cabinet Member confirmed that the proposals had been developed in accordance with Government guidance and were fully supported by a strong evidence base. It was noted that the schemes would be self-financing through the introduction of a fees structure to cover the costs of application checks, inspections, enforcement etc. and that the Borough-wide Selective Licensing Scheme would be subject to the approval of the Secretary of State for the Ministry of Housing, Communities and Local Government.

Cabinet colleagues spoke in strong support of the proposals and the benefits for the entire community as well as those living in private rented accommodation. Reference was also made to discussions in other forums on the wider determinants of health and tackling health inequalities, where the Council's Borough-wide schemes were viewed as exemplars.

Cabinet **resolved** to:

- (i) Note the Property Licensing Consultation 2024 Proposal and Evidence Report, the Property Licensing Consultation 2024 Outcome Report, the Proposed Council Response to Consultation Representations Report and the Supplementary Supporting Data for Final Proposals Report, as set out at Appendices 1, 2, 3 and 4 to the report;
- (ii) Agree the licensing designations and proposal for a five-year Borough-wide Selective Licensing Scheme, as detailed in Appendix 5 to the report, and to submit the application to the Secretary of State;
- (iii) Agree to introduce a five-year Additional Licensing of Houses in Multiple Occupation (HMO's) Scheme across all wards;
- (iv) Agree that the Borough-wide Selective Licensing Scheme shall be cited as the London Borough of Barking & Dagenham Designations for Areas for Selective Licensing 2024;
- (v) Agree that the Additional Licensing of HMO's Scheme shall be cited as the London Borough of Barking & Dagenham Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2024;

- (vi) Agree the licence fee structure as set out at Appendix 7 to the report and delegate authority to the Operational Director, Enforcement and Regulatory Services, in consultation with the Cabinet Member for Enforcement and Community Safety, to periodically review the fee structure and determine any change for the duration of the Selective and Additional HMO licensing schemes;
- (vii) Agree the proposed licence conditions that shall accompany any granted Selective Licence in Designations 1-3, as set out in Appendix 5 to the report.
- (viii) Agree the proposed licence conditions that shall accompany any granted Additional HMO Licence, as set out in Appendix 6 to the report; and
- (ix) Delegate authority to the Operational Director, Enforcement and Regulatory Services, to:
 - a) agree the final application requesting confirmation of the Selective Licensing designation from MHCLG;
 - b) agree minor changes to the proposed implementation and delivery of the schemes, including their general administration and any changes to licence fees and conditions where necessary, in consultation with the Cabinet Member for Enforcement and Community Safety; and
 - c) ensure that all statutory notifications are carried out in the prescribed manner for the licensing designations.

25. School Place Planning and Capital Investment Update

The Cabinet Member for Educational Attainment and School Improvement presented the latest update report on demand for education places in primary, secondary and special needs settings, along with details of new grant allocations received from the Department for Education (DfE), new projects to create additional specialist places and proposed changes to the current programme of capital investment.

The Cabinet Member referred to the intake number for Reception-age children starting school in September 2024 and confirmed that, whereas the Borough had experienced considerable growth in demand for school places over the past decade, the latest figures and projections showed a slowing in that trend. It was pointed out, however, that there was a general decline in primary pupil numbers across London and whilst that was also the case in areas of Barking and Dagenham, there continued to be areas of growth across Barking and Dagenham primarily due to major housing redevelopments.

London as a whole continued to experience increasing demand for pupils with Special Education Needs and Disabilities (SEND) and Barking and Dagenham was at the forefront of that increasing demand, with very high caseloads of children and young people with more profound needs requiring additional specialist placements. Data published by the DfE in January 2024 showed that the number of pupils with an Education Healthcare Plan (EHCP) in the Borough had almost doubled since 2015/16 and now equated to 3.7% of the school population. To that end, the Cabinet Member referred to the various projects

either underway or in the pipeline to meet the increasing demand for SEND and Additional Resource Provisions (ARPs), including the allocation of £650,000 High Needs Capital Grant funding to support works at Barking and Dagenham College campus to create additional post-16 SEND places for local students, which was referred to later on the agenda.

The Cabinet Member advised on the DfE grant funding received to support repair and maintenance works at existing school sites and High Needs capital works for 2024/25 and also outlined proposed changes to the Council's Capital Programme to support various projects associated with school improvements and/or expansions.

Cabinet **resolved** to:

- (i) Note the actions being taken by officers to manage school places across the Borough and to meet the demand for specialist places;
- (ii) Approve the proposed projects, allocations of funding and procurement routes as set out in sections 8 and 9 of the report, to support the provision of new specialist places and school improvements; and
- (iii) Delegate authority to the Strategic Director, Children and Adults, in consultation with the Cabinet Member for Educational Attainment and School Improvement and the Head of Legal, to conduct the procurements and award the respective project contracts.

26. Council Tax Support Scheme 2025/26 - Options and Consultation

The Cabinet Member for Finance, Growth and Core Services presented a report on options for the Council Tax Support Scheme (CTSS) for 2025/26 and arrangements for public consultation, ahead of the Assembly determining the final scheme at its meeting in January 2025.

The Cabinet Member explained that at the height of the cost-of-living crisis, the Council had enhanced the CTSS for 2023/24 by increasing the maximum award level from 75% to 85%, meaning that qualifying applicants were only required to pay 15% of their Council Tax bill. By Minute 57 (31 January 2024), the Assembly had approved the CTSS for 2024/25 which retained the same level of maximum award of 85% while moving to a new 'income banded discount' model which was more aligned with new benefits regime and simpler for claimants to understand. The Assembly had also agreed to carry forward £250,000 Council Tax Discretionary Hardship Funding, provided within the Welfare Reserve, from 2023/24 to 2024/25, to provide additional support for those local residents who may be slightly worse off under the new CTSS.

A range of options for the CTSS for 2025/26 were set out in the report and the Cabinet Member alluded to the key components and financial modelling associated with each option. He advised that the enhanced maximum award level of 85% introduced in 2023/24 was always intended to be a temporary measure and a key consideration in the development of the options for the 2025/26 CTSS was the wider challenging financial position of the Council. To that end, the preferred model (Model 2) proposed two main changes to the 2024/25 scheme,

namely a reduction to the maximum award level from 85% to 80% and an increase in the flat rate non-dependant deduction amount from £7.50 to £10.00 for all adults in the property to reflect increases in non-dependant income, while continuing to maintain the current exemptions for those in receipt of disability benefits. The Cabinet Member referred to the detailed Equalities Impact Assessment at Appendix 1 to the report and the plans for consultation with precepting Authorities and the local community.

Cabinet **resolved** to:

- (i) Endorse Model 2, as detailed in section 4 of the report, as the Council's draft proposed CTSS for 2025/26;
- (ii) Agree the commencement of public consultation on the proposed amendments to the CTSS for 2025/26; and
- (iii) Note that following the public consultation, the final proposed CTSS for 2025/26 shall be determined by the Assembly in early 2025.

27. Productivity Plan

The Cabinet Member for Finance, Growth and Core Services introduced the inaugural Productivity Plan, outlining the Council's strategies to enhance efficiency and resource utilisation, in line with new Government requirements.

Cabinet **resolved** to approve the Council's Productivity Plan as set out at Appendix 1 to the report.

28. Corporate Plan 2023-2026 - Outcomes Framework Performance Report Q3 and Q4 2023/24

The Cabinet Member for Finance, Growth and Core Services introduced the corporate performance monitoring report covering the period October 2023 to March 2024.

The Cabinet Member explained that the report reflected the new performance framework which underpinned the Council's Corporate Plan for 2023-2026, approved by the Assembly in May 2023. The report included an assessment of the 54 outcomes measures within the framework, indicating the direction of travel and 'RAG' status of each. The new approach aimed to provide a holistic and strategic perspective on progress towards the seven priorities within the Corporate Plan, highlighting significant performance improvements and challenges during the period.

Cabinet Members referred to several issues highlighted in the report, including:

- The positive achievements against many of priority outcomes measures, such as resolving safeguarding enquiries and reducing the number of people needing to go into a care home, while recognising that there were still improvements required in a number of areas;
- The support being given to school leavers wishing to go into apprenticeships and the year-on-year increase in placements;

- The support offered by the Council's Homes and Money Hubs, generating almost £2m in income maximisation through the support offered to claimants;
- The increase in the percentage of household waste recycled, albeit that Barking and Dagenham still lagged behind some of its neighbouring boroughs; and
- Fly-tipping levels being at an all-time high and the pro-active action taken by the Council's Enforcement services which, perversely, may explain some of the spike in cases due to the speed of removals.

Cabinet **resolved** to note the performance during quarters three and four of the 2023/24 financial year in respect of the Council's Corporate Plan Outcomes Framework, as set out in Appendix 1 to the report.

29. Commissioning of a Community Healthy Weight Development Partner

The Cabinet Member for Adult Social Care and Health Integration presented a report on proposals to commission a development and delivery partner to work collaboratively with the Council, its partners and communities to design and deliver new ways of supporting healthy weight for many more people in the Borough.

The Cabinet Member referred to the previous report which showed that excess weight was particularly prevalent in Barking and Dagenham amongst both children and adults. In response, a new strategic approach that moved away from providing traditional individual weight loss programmes and towards delivering a plan of action for the whole population was being taken, the principles of which had been endorsed by the Council's Health and Wellbeing Board / ICB Sub-Committee (Committees in Common) and the Health Scrutiny Committee.

A key step towards achieving the local priority of "Residents live healthier, happier, independent lives for longer" was to involve local residents in the development and implementation of initiatives that would help and encourage them, as individuals and collective groups, to build their own healthy weight plan around the way that they lived their lives. Commissioning a partner with expertise in the field, to work with the Council, voluntary and community organisations and local residents, was seen as a positive move away from the "one size fits all" approach that had often been applied in the past. It was also noted that the new initiative would not require additional funding, as it would be resourced from other weight-related services that had been decommissioned.

The Cabinet Member referred to the three main pillars of the project, namely "healthy weight", "good food" and "movement and activity", and gave an example of the creation of localised walking clubs as an initial way of encouraging residents to start to exercise, which could then lead to them participating in more vigorous activities in the future.

Cabinet Members welcomed the proposals and commented on existing facilities and initiatives that could be promoted via the new project, such as the use of the Borough's allotments for growing fruit and vegetables and the Council's 'Come Cook With Us!' initiative.

Cabinet **resolved** to:

- (i) Agree that the Council proceeds with the procurement of a contract for a Community Healthy Weight Development Partner in accordance with the strategy set out in the report; and
- (ii) Delegate authority to the Strategic Director, Children and Adults, in consultation with the Cabinet Member for Adult Social Care and Health Integration and the Head of Legal, to conduct the procurement and award and enter into the contract and all other necessary or ancillary agreements, including periods of extension, to fully implement and effect the proposals.

30. Urgent Action - Barking and Dagenham College: New Post-16 SEND Provision

Cabinet **resolved** to note the action taken by the Chief Executive, in accordance with the Urgent Action procedures set out in Part 2, Chapter 16, paragraph 4 of the Council Constitution, in relation to:

- (i) Agreeing the allocation of £650,000 High Needs Capital Grant funding to support the conversion of an existing building at Barking and Dagenham College campus to create additional post-16 SEND places for local students; and
- (ii) Authorising the Strategic Director, Children and Adults, in consultation with the Cabinet Member for Educational Attainment and School Improvement, the Strategic Director, Resources and the Head of Legal, to enter into all necessary or ancillary agreements to fully implement and effect the proposals.

31. Sale of Front Garden Land at 25 Trefgarne Road, Dagenham RM10 7QT

The Cabinet Member for Finance, Growth and Core Services introduced a report on the proposed terms of the sale of an area of Council-owned land at the front of 25 Trefgarne Road to the owner/occupier.

Cabinet **resolved** to:

- (i) Approve the sale of the Council-owned land at the front of 25 Trefgarne Road, as shown edged red in the site plan 1 at Appendix 1 to the report, on the terms set out in Appendix 2 to the report;
- (ii) Delegate authority to the Strategic Director, My Place, in consultation with the Cabinet Member for Finance, Growth and Core Services and the Head of Legal, to agree the final terms to fully implement the sale of the site; and
- (iii) Authorise the Head of Legal, or an authorised delegate on her behalf, to execute all the legal agreements, contracts and other necessary documents on behalf of the Council.

CABINET

17 September 2024

Title: Revenue Budget and Capital Programme Monitoring 2024/25 (Quarter 1, June 2024)	
Report of the Cabinet Member for Finance, Growth and Core Services	
Open Report	For Decision
Wards Affected: None	Key Decision: Yes
Report Author: Nurul Alom, Head of Finance – MTFS & Budgetary Control	Contact Details: E-mails: nurul.alom@lbbd.gov.uk
Accountable Executive Team Director: Richard Harbord, Interim Strategic Director, Resources	
Summary <p>This report sets out the Council’s revenue budget monitoring position for 2024/25 as at the end of June 2024 (Quarter 1), highlighting key risks and opportunities and the forecast position.</p> <p>As at the end of June expenditure is now forecast to be £225.590m against a budget of £221.745m, resulting in a forecast overspend of £3.844m. This is after transfers to and from reserves of £8.371m as outlined in Section 6 of the report. This represents an adverse movement of £3.844m from Period 2, which was presented to Cabinet in July 2024 as part of the MTFS update. Going forward, Cabinet will receive quarterly budget monitoring reports.</p> <p>The adverse movement relates to the forecast IAS returns being lower than budget with the key driver being the deterioration in the financial performance of the IAS residential and commercial assets. Details are set out in Section 5 of the report. As reported in Period 2, independent advisors are currently reviewing the IAS portfolio and any recommendations to de-risk the portfolio will be considered by officers in conjunction with the portfolio holder for Finance, Growth and Core Services.</p> <p>Cabinet should note that there are significant pressures of c£2.1m within the Adults Service, after full utilisation of the £4m contingency held centrally. This could lead to an increased forecast overspend if mitigations and management actions are not successful in managing these pressures. Directorate forecast details are as set out in Section 3 of the report.</p> <p>There is the on-going inherent risk that demand costs increase and other unforeseen costs materialise which result in additional expenditure or shortfalls of income not currently include within the Q1 forecast. This could require further mitigating actions to be developed or a higher overspend.</p> <p>Cabinet should also note that within the total figures there is a forecast underspend of c£6m on Employee Costs due to the on-going management control of vacancies. This is only a temporary financial benefit unless those vacancies are then offered as a permanent</p>	

budget saving. Therefore, if these vacancies are filled, then the Council's forecast overspend will increase.

Section 4 highlights progress on the delivery of in-year **savings** of £15.595m for 2024/25 and currently **£4.449m is off track** and at risk of not being delivered. This section also highlights the latest progress on savings to bridge the £25.946m budget gap for 2025/26.

As set out in the Council's constitution, Strategic Directors are required to operate within their approved budget envelope, and it is very important this year that the Council does not have an overspend for 2024/25. The Council's reserves have been reduced significantly over the last few financial years and the budget smoothing reserve is currently at £6.59m.

The forecast overspends of £3.844m above is predominantly as result of the IAS overspend. The opening balance on the IAS reserves was £33.96m. It is therefore proposed to fund this overspend with a drawdown on these reserves, which will result in a forecast closing balance of £27.01m, taking into consideration the planned drawdown of £3.08m.

In the MTFs update reported to Cabinet in July, the budget gap for 2025/26 has increased to £25.946m and therefore, the budget smoothing reserve would be insufficient to meet this gap. The Council does have other earmarked reserves, but these were comprehensively reviewed during 2023/24, and any remaining usable reserves are earmarked for specific purposes or to manage key financial risks.

At the end of June, there is also a **projected underspend of £395k** on the **Housing Revenue Account (HRA)**. The BDMS contract has been reduced from £27.8m in 2023/24 to £22m in the current year. This has been achieved by removing one off legacy items included in the previous year as well as an additional c£3m savings target been given to BDMS. The impact on the subsidiary's finances is being closely monitored.

Cabinet should note that at the end of June, there is a **forecast overspend of £4.137m** on the **Dedicated Schools Grant**, within the High Needs Block. The overspend is predominantly due to increase in demand and provider costs for Out-of-Borough and an increase in demand for Post 16 top-up payments. Details are set out in Section 9.

Currently corporate funding is expected to be in line with the budget but this year's dividend from Be First (estimated at c£10.3m) is unlikely to be realised in full. It is currently expected that £7.5m will be received and the balance of £2.89m will be met from the balance on the IAS Muller Reserve. This is a one-off mitigation and a strategic review of the company's ability to generate future dividends is currently underway. The gap of £25.946m for 2025/26 highlighted above prudently assumes no future dividend.

At the end of Q1 the **Capital Programme** is forecasting an **underspend of £0.255m** against the re-profiled budget of £260.533m. This is due to programme of works at Woodward Arts and Culture Centre being cancelled and arrangements for funds to be returned are underway.

Recommendation(s)

Cabinet is recommended to:

- (i) Note the projected £3.844m revenue overspend forecast at Q1 for the General Fund for the 2024/25 financial year, as set out in sections 2 and 3 of the report;
- (ii) Approve a further drawdown of £8.37m of General Fund reserves and £3.871m from IAS reserve as set out in Section 6 of the report;
- (iii) Note the progress on delivery of savings as set out in section 4 of the report;
- (iv) Note the projected £0.395m revenue underspend forecast for the Housing Revenue Account, as set out in section 7 of the report;
- (v) Note the projected £4.137m overspend within the Dedicated Schools Grant, as set out in Section 8 of the report;
- (vi) Note the Q1 Capital Monitoring forecast of £260.278m as set out in Section 9 of the report; and
- (vii) Approve the reprofiling of the Capital budget as set out in Section 9 of the report.

Reason(s)

As a matter of good financial practice, the Cabinet should be regularly informed about the Council's in-year financial position including financial risks, spending performance and budgetary position. This will assist in holding officers to account and inform further financial decisions and support the objective of achieving Value-for-Money.

Chapter 2 of Part 4 of the Council's Constitution requires regular reporting to Cabinet on the overall financial position of each service and the current projected year-end outturn together with corrective actions as necessary.

1. Introduction and Background

- 1.1 This budget monitoring report to Cabinet reflects the forecast position for the end of the 2024/25 financial year as at end of June 2024 (Quarter 1).
- 1.2 This financial year continues to see the high level of financial risk realised in 2023/24 outturn despite c£25.6m of growth and budget corrections. Rising inflation and interest rates not only drives increases in demand for Council services and support as the cost living increases but also directly impacts the costs paid by the Council to staff and suppliers. The financial performance of the Council's companies has also been impacted which continues to impact on their ability to pay dividends to the Council.
- 1.3 The overspend identified in this report contains both one-off and permanent budget pressures and has been factored into the Council's Budget and MTFs Planning process in terms of long-term financial implications on the Council. It is important

that the Council begins to significantly reduce the forecast overspend in order to ensure the Council remains financially sustainable over the coming years.

- 1.4 Using reserves is only a temporary form of funding and permanent solutions will need to be found for ongoing budget pressures. Significant earmarked reserves were utilised in closing off the 2022/23 and 2023/24 budget, and the continued drawdown of reserves to support budget pressures is unsustainable. As using reserves is only a temporary funding source, viable solutions will still need to be identified to deliver permanent budget savings and in a relatively short space of time.

2. Overall Financial Position - General Fund

- 2.1 The 2024/25 budget was approved by the Assembly in February 2024 and was £221.745m – a net increase of £27.285m from the previous year. Growth funding was supplied to most services to meet known demand, cost pressures, legacy budget issues and a central provision was made for the expected Local Government pay award. In addition, there were £15.595m of savings included in the budget.
- 2.2 The forecast expenditure at Q1 is £225.590m, after planned transfers to and from reserves, resulting in a **net overspend of £3.884m**. Approved transfers to and from reserves are not normally considered to be overspends since they are planned and agreed spending for which funding sources has been identified – often grant income brought forward from previous years. The table below summarises the overall financial forecast for the Council followed by an explanation highlighting the key drivers behind the forecasts.

Table 1: Overall Financial Forecasted Position by Directorate

	This Years Budget	Actuals/Forecast		Reserves	Variances Inc Reserves		
	Revised Budget	YTD Actuals	Current Forecast	Net Movement in Reserves	Variance	Last Period Variance	Movement from Last Period
PEOPLE & RESILIENCE	135,596,578	27,201,878	143,046,983	(2,131,300)	5,319,104	4,292,413	1,026,691
STRATEGY	6,130,023	1,288,433	6,831,023	(701,000)			
INCLUSIVE GROWTH	932,323	781,857	1,765,297	(581,024)	251,950	350,062	(98,112)
MY PLACE	15,896,935	16,130,037	13,891,831	191,481	(1,813,623)	(642,475)	(1,171,148)
RESOURCES	30,994,057	17,462,554	33,253,301	(2,374,244)	(115,000)		(115,000)
SUB-TOTAL DIRECTORATES	189,549,916	62,864,759	198,788,435	(5,481,087)	3,642,432	4,000,000	(357,568)
CENTRAL EXPENSES	16610173	82,014	12,610,173		(4,000,000)	(4,000,000)	
DIVIDENDS INCOME	(10,390,000)		(7,500,000)	(2,890,000)			
INTEREST PAYABLE	10,139,085	(3,722,074)	7,570,133		(2,568,952)	(1,930,960)	(637,992)
INTEREST PAYABLE ON ST BORROWG							
INTEREST RECEIVED	(6,502,960)	(245,120)	(6,030,155)		472,805	1,930,960	(1,458,155)
DEBT MANAGEMENT			2,311,200		2,311,200		2,311,200
MRP	10,791,938		10,791,938				
LEVIES PAID	16,245,900	3,627,665	16,245,900				
SUB-TOTAL CORPORATE EXPENSES	36,894,136	(257,515)	35,999,189	(2,890,000)	(3,784,947)	(4,000,000)	215,053
GENERAL FUND I&E (EXC. IAS)	226,444,052	62,607,244	234,787,624	(8,371,087)	(142,515)	0	(142,515)
IAS COMMERCIAL (NET OPERATING RETURN)	(5,907,735)	(1,664,387)	(6,523,994)		(616,259)	1,963,111	(2,579,370)
IAS RESIDENTIAL (RESIDE SCHEME SURPLUS)	(2,000,000)		(2,000,000)			(2,000,000)	2,000,000
PROPERTY CHARGES INCOME	(600,000)		(600,000)				
IAS OTHER	(36,889)	1,909,553	2,164,787		2,201,676	36,889	2,164,787
IAS INTEREST PAYABLE	20,709,300		17,758,524		(2,950,776)		(2,950,776)
INTEREST PAYABLE ON ST BORROWG							
IAS INTEREST RECEIVED	(19,125,765)		(13,714,278)		5,411,487		5,411,487
IAS MRP	2,262,500		2,088,022		(174,478)		(174,478)
SUB-TOTAL IAS	(4,698,589)	245,166	(826,939)		3,871,650		3,871,650
GENERAL FUND I&E	221,745,463	62,852,411	233,960,685	(8,371,087)	3,729,135	0	3,729,135

Directorate key movements

2.2.1 **People and Resilience: £1.026m increase in forecast expenditure**

The projected overspend is £5.3m, increased from the reported position in period 2 and is predominantly as a result of continued high volumes in domiciliary care costs. The 2024-25 Q1 data suggests an average of 73,053 hours consumed per month which is a significant increase relative to the average for 2023-24 which averaged 66,139 per month (equivalent to a 10.5% increase). The number of clients receiving this service has also marginally increased from an average last year of 1160, compared to an average of 1204 in Q1 (equivalent to a 3.8% increase). Therefore, the key cost driver is not a significant increase in numbers of clients requiring domiciliary care but rather the hours individuals are receiving due to more clients requiring double handed care.

2.2.2 **My Place: (£1.171m) decrease in forecast expenditure**

The projected underspend in at P3 is £1.8m, which is a favourable movement of £642k from the P2 reported position. This net movement is made up of variations across the 'Enforcement' (£0.264m adverse), 'Public Realm' (£0.325m favourable), and 'Homes and Assets' (£1.111m favourable) service areas.

- The adverse movement in P3 for **Enforcement** service of £0.264m is predominantly due to staffing costs increases and a reduction in License and Permits income within Private Sector Housing (PSH).
- **Public Realm** favourable movement of (£0.325m) in P3 is mainly driven by additional income within off street Parking and Safe and Sustainable Transport.
- **Homes and Assets** favourable movement of (£1.111m) in P3 is due to a combination of reduced voids within Temporary Accommodation resulting in additional income of £0.3m, a positive movement in the corporate cleaning costs of £0.231m and £0.5m staff vacancy mitigations as a result of the recruitment freeze within the service in view of an imminent restructure. The underspends are currently offsetting a under achievement of income within the Commercial Property portfolio of £0.485m.

2.2.3 **Inclusive Growth: (£0.098m) decrease in forecast expenditure**

The Inclusive Growth Directorate is forecasting to overspend by £251k at the end of Period 3. The main driver for the overspend is a shortfall in income from the Leisure contract as reported in period 2, offset by vacancy savings due to the freeze on recruitment.

2.2.4 **Central Expenses: £0.215m reduction in forecast income**

The movement from period 2 mainly relates to movement in the Council's general treasury management activities. Interest payable and interest receiveable relating to the IAS are reported seperatly (see Section 5). However, within Central Expenses the impact of treasury activity relating to the IAS and the management of the large borrowing and cash balances is reported.

For Q1 there is a forecast underspend of (£0.569m) on interest payable and a forecast over achievement of income of (£1.458m) against interest receiveable, mainly due to borrowing relating to the IAS having been undertaken but not utilised

due to scheme slippages, resulting in large surplus cash balances which has been invested in the money markets. The borrowing costs relating to this are shown within the IAS, as detailed in Section 5.

Members should note that a provision of £2.311m has been made against the treasury management budgets due to interest on working capital loan to BDTP (£5.925m) and asset purchase loan to LEUK (£28.981m), which are not forecast to be paid in 2024/25. An independent review of BDTP indebtedness has been undertaken and a separate report is presented to Cabinet on this agenda. The Council is currently undertaking a strategic review of the LEUK asset in conjunction with the BDTP group and a report will be presented to Cabinet later in the year.

The overall provision against loans are set out in Section 5 of the report.

It is assumed the Be First dividend of £10.3m will be met by a dividend payment of £7.5m from Be First, and the balance of £2.89m will be met from the IAS reserve.

2.2.5 IAS: £3.872m reduction in Forecast Income

The IAS is forecasting (£0.827m) against a budget of (£4.699m), which is a forecast deficit of £3.872m against the budget.

The key drivers in the forecast deficit are set out in the table below;

Driver	Amount	
	£m	Comments
Shared Ownership on-lending (Ewars Marsh)	0.936	79 units forecast to remain unsold in 2024/25
Reside on-lending (Gascoigne West 2)	0.770	Forecast 5 month delay in handover and letting
Direct costs	0.666	Costs incurred by the Council for assets under construction and the commercial portfolio
Reside Ltd and Abbey Road	1.500	Loss from rental income being significantly below the amount paid to the funder.
	3.872	

Overall, the IAS should be able to meet its budget target from rents, but due to delays in selling and letting Private Rental schemes, as well as pressure from high levels of bad debts, this is significantly impacting on the ability for the IAS to meet its target in the current financial year.

A review of the commercial assets is being carried out, but this will likely have a limited impact on the 2024/25 position.

The IAS reserves on 1 April 2024 was £33.96m. It is important that this reserve is available to smooth out pressures within the IAS.

2.3 Key Organisational Risks contained within the forecast are outline below

- 2.3.1 Temporary Accommodation rental properties being available. We are currently at capacity within our own hostels and have received several hand-back requests for Private Sector Landlord's which may lead to the Council being forced to move tenants into more expensive accommodation such as into B&B's and Hotels. Modelling is being carried out against various assumptions which will enable a more robust forecast. This is a national issue. This will also impact support for Social Care clients with the immigration status of No Recourse to Public Funds (NRPF).

- 2.3.2 Social Care budgets are highly dependent on demand for services and effects of price rises on provision of care packages. As costs of care are very high even small changes in numbers of people needing support can cause large swings in the overall forecast. The Adult's service was holding some health funding in reserve to offset against potential winter pressures, but this has now been released to offset budget pressures much earlier than anticipated, which carries significant risk.
- 2.3.3 My Place is the managing agent for Reside properties. It therefore attracts expenditure which in turn must be passed to the relevant reside company. There is currently an issue with the breakdown of the expenditure between HRA and Reside properties and this may impact on My Place being able to secure payment for invoices from the relevant company, leaving the service with an overspend.
- 2.3.4 Commercial Services – Leisure Income: The income target for the Leisure contract management fee is £1.2m. This will not be met under the new contract as the Council will make a payment to the leisure operator in 2024/25 as opposed to receiving income.
- 2.3.5 HB subsidy and overpayments recovery, the forecasts are based on the current returns and are subject to change throughout the year. There are new providers in the market that are claiming the Supported Exempt Status, this means they are exempt from Universal Credit and can claim HB. DWP will only pay the amount in rent to the LA that is advised by the rent officer. Where there are new entrants to the market there is no comparator for rent and therefore there are risks that the LA will be picking up the cost of the gap between the rent officer rate and the provider rate.
- 2.3.6 The impact of interest rate pressure is reducing although there remains a risk. The Council has a significant amount of borrowing that will need to be refinanced over the next 12 months and this is likely to be at higher interest rates. The Treasury Strategy will seek to manage these risks within the prudential indicators but will result in additional costs. The higher interest rates have also caused a number of schemes to not progress due to viability issues. The Council will need to consider wider operational matters to manage this risk.
- 2.3.7 The Council's IAS programme has invested heavily on asset acquisition and wider regeneration particularly on residential schemes. This has required significant amount of borrowing to support the investment. Over 2024/25 the performance of the IAS has reduced, and returns have dropped significantly both as a result of longer durations to let new properties, bad debts, a loan for London Road not progressing, Ewars Marsh remaining empty and the impact of higher interest rates. As the IAS section 5 shows, at the moment, this is projected to generate a small profit, but an overall significant deficit against budget and should the issues around managing the assets remain this could result in further costs to the General Fund.
- 2.4 **Key assumptions made within the Organisational Forecast are outlined below**
- 2.4.1 Forecasts are provided by budget holders and service managers with Finance advice and support. based on existing data and information.

- 2.4.2 Care and Support figures are based on known clients and care packages held on CONTROC and does not factor in clients going through the onboarding process. Any increases in clients or shifts in types of placements above this assumption will create variances. Since individual clients can require very expensive packages these budgets can be very volatile. Further work is now being picked up to better forecast for placement spend with a clear model being developed.
- 2.4.3 A forecast has not been included for bad debt provision movement and it is assumed the final position will be provided for at year end from the individual services.
- 2.4.4 As highlighted above, it is assumed that the company dividends of £10.3m will not be fully met, with £7.5m expected and the balance of £2.89m will be covered from the IAS reserve using the Muller Profit.
- 2.4.5 Parking Income has been forecast to include the current trend. Currently forecasting additional off-street income of £0.8m, which is included in the outturn position.

3. Service Variances

3.1 People & Resilience – forecast overspend £5.319m

People and Resilience										
Income/Expenditure	Prior Year	Current Year			Reserves		Variances inc Reserves			Notes
	Outturn	Budget	Actual YTD	Forecast	Transfers To	Transfers From	Variance	Last Period Variance	Movement	£250k deminimus
Adult's Disabilities	24,101,059	23,273,759	6,907,878	25,721,406	0	0	3,447,647	517,474	2,930,172	
Adult's Care and Support	30,433,779	27,679,412	9,562,038	29,605,810	0	(305,000)	1,621,398	2,694,426	(1,073,029)	
Commissioning Care and Support	24,787,856	13,407,755	1,051,362	13,407,041	0	0	(714)	(0)	(714)	
Public Health	1,806,876	318,750	(4,852,588)	2,029,450	0	(1,710,700)	0	0	(0)	
Children's Care and Support	48,674,834	48,421,933	10,716,811	49,947,413	0	(115,600)	1,409,880	2,024,454	(614,574)	
Education, Youth and Childcare	5,462,799	4,188,114	1,268,316	4,188,114	0	0	0	9,422	(9,422)	
Early Help Service	2,031,997	2,137,906	(1,165,377)	2,137,906	0	0	0	0	0	
Children's and Young People Disabilities	12,254,911	12,960,320	2,171,227	11,801,214	0	0	(1,159,106)	(953,364)	(205,742)	
Localities	6,285,709	3,208,629	1,241,725	3,208,630	0	0	0	0	0	
Grand Total	155,839,819	135,596,578	26,901,393	142,046,982	0	(2,131,300)	5,319,104	4,292,413	1,026,691	

- 3.1.1 There is a projected overspend of £5.3m in P3, which is primarily driven by Adults Care & Support (inc. Disabilities) as the service have indicated, they feel, that they cannot mitigate this overspend. Therefore, require the full release of the centrally held contingency of £4m in Q1. There is no further in-year contingency available.
- 3.1.2 The projected overspend of £5.3m is predominantly as a result of a projected continued high volumes in domiciliary care costs in Homecare. The 2024-25 Q1 data suggests an average of 78,904 hours consumed per month which is a significant increase relative to the average for 2023-24 which averaged 74,457 per month. However, the number of clients receiving has only increased from an average last year of 1160, compared to an average of 1204 in Q1. Therefore, the key cost driver is not a significant increase in numbers of clients requiring domiciliary care but rather the hours individuals are receiving due to more clients requiring double handed care. Further to this, there is an additional pressure associated with bed-based case (Nursing, Residential and Supported Living) which is largely driven by clients receiving 1 to 1 care.
- 3.1.3 In addition to the £5.3m, the service is also unable to deliver the full £1m savings approved by Cabinet for double handed care, which would have required the average of 66,139 per month to reduce to c62,264 in Adults Care & Support. The

service is currently carrying out a review of double handed homecare packages to try and reduce the averages that have been experienced in Q1.

3.1.4 Additionally, there is an in-year **budget pressure of £2.1m** within Adults Care & Support (Inc. disabilities) due to the following:

- Adults Care & Support (inc. Disabilities) has experienced forecasted pressures within Nursing & Residential and Supported Living due to small projected increases in market prices.
- There is insufficient evidence from the Reablement project to determine the full impact of the proposed savings of c£300k. This is as a result of data issues regarding the hourly rate, which is currently being reviewed and rectified on the system. Until the issue is resolved it is being assumed that the savings are not being projected to be fully met as there is not sufficient data to evidence this.
- There are slippages of c£330k in the savings proposal to close 30 Gascoigne Road due to delays in releasing notices to staff and re-placing clients into appropriate third-party placements.
- The redesign of Adults Front Door has also experienced slippages which is contributing to the pressure by £500k.
- Where savings are not achieved in 2024-25 the service will need to find alternative in-year mitigations to offset the savings gap.

3.2 Resources – forecast break-even

	This Years Budget			Actuals/Forecast		Transfers to/from Reserves		Variances Inc Reserves	
	Revised	Controlled	UnControlled	YTD Actuals	Current Forecast	Transfers to	Transfers from	Variance	Last Period Variance
RESOURCES	30,994,057	30,994,057		17,462,554	33,253,301		(2,259,244)	0	0
STRATEGIC LEADERSHIP	1,116,114	1,116,114		173,521	918,671			(197,443)	0
FINANCE	20,294,809	20,294,809		14,408,380	22,647,068		(2,166,492)	185,767	0
WORKFORCE CHANGE / HR	2,445,838	2,445,838		1,198,565	2,680,761			234,923	0
LEADERS OFFICE	313,551	313,551		72,272	307,368			(6,183)	0
LAW AND GOVERNANCE	3,538,010	3,538,010		1,549,353	3,276,959			(261,051)	0
COMMUNITY SOLUTIONS	3,285,735	3,285,735		60,463	3,422,475		(92,752)	43,988	0

3.2.1 Whilst there are variances within the services, the Resources directorate is forecast to spend £30.9m which is in line with the 2024/25 budget.

3.3 Central Expenses – forecast underspend (£3.785m)

	This Years Budget			Actuals/Forecast		Transfers to/from Reserves		Variances Inc Reserves	
	Revised	Controlled	UnControlled	YTD Actuals	Current Forecast	Transfers to	Transfers from	Variance	Last Period Variance
CENTRAL EXPENSES	36,894,136	36,894,136		(257,515)	35,999,189		(2,890,000)	(3,784,947)	(4,000,000)
CORPORATE MANAGEMENT	(641,000)	(641,000)			(641,000)				
MRP	10,791,938	10,791,938			10,791,938				
LEVIES PAID	16,245,900	16,245,900		3,627,665	16,245,900				
INTEREST PAYABLE ON LT BORROWG	10,139,085	10,139,085		(3,722,074)	7,570,133			(2,568,952)	(1,930,960)
DEBT MANAGEMENT BDP					2,311,200			2,311,200	
INTEREST RECEIVED	(6,502,960)	(6,502,960)		(245,120)	(6,030,155)			472,805	1,930,960
CENTRAL EXPENSES	17,251,173	17,251,173		82,014	13,251,173			(4,000,000)	(4,000,000)
DIVIDENDS INCOME	(10,390,000)	(10,390,000)			(7,500,000)		(2,890,000)		

3.3.1 There is a forecast underspend of £3.785m in central expenses. This incorporates the release of the full £4m contingency budget held centrally to mitigate People and Resilience services pressure and £0.215m relating to interest payable/receivable and BDP provision against interest costs.

3.4 Strategy – forecast break even

	This Years Budget			Actuals/Forecast		Transfers to/from Reserves		Variances Inc Reserves	
	Revised	Controlled	UnControlled	YTD Actuals	Current Forecast	Transfers to	Transfers from	Variance	Last Period Variance
STRATEGY	6,130,023	6,130,023		1,288,433	6,966,110		(701,000)	0	0
INSIGHT AND INNOVATION	1,375,351	1,375,351		433,028	1,337,138		(77,000)	(115,213)	0
PMO	331,873	331,873		66,017	396,749		(80,000)	(15,124)	0
STRATEGY	761,879	761,879		210,330	675,877			(86,002)	0
CUSTOMER CONTACT	2,003,931	2,003,931		410,114	2,125,159			121,228	0
PARTICIPATION AND ENGAGEMENT	739,219	739,219		184,106	1,239,499		(544,000)	(43,720)	0
MARKETING & COMMUNICATION	917,770	917,770		(15,162)	1,056,602			138,832	0

3.4.1 The Strategy directorate is forecast to break-even at Period 3. Underspends may arise in later months due to vacant positions but at this stage in the year a prudent approach is being taken to financial reporting. Underspends will only be reported when there is certainty that those underspends will remain in the budget to financial year-end.

3.4.2 The £701k transfer from Reserves represents a drawdown of £77k from the Supporting Families grant for the One View programme and £80,000 for Community Banking, plus £544k Participation NCIL Contribution to BD Giving Endowment.

3.5 Inclusive Growth – forecast overspend of £0.252m.

	This Years Budget			Actuals/Forecast		Transfers to/from Reserves		Variances Inc Reserves	
	Revised	Controlled	UnContro	YTD	Current	Transfers	Transfers	Variance	Last Period
INCLUSIVE GROWTH	932,323	932,323		781,857	1,765,297		(581,024)	251,950	350,061
COMMERCIAL	(2,044,547)	(2,044,547)		(756,291)	(1,313,186)		(171,800)	559,562	558,492
INCLUSIVE GROWTH	2,976,870	2,976,870		1,538,148	3,078,482		(409,224)	(307,611)	(208,431)

3.5.1 The Inclusive Growth Directorate is forecast to overspend by £252k at the end of Period 3. The main driver for the overspend is a shortfall in income from the Leisure contract offset by vacancy savings due to the freeze on recruitment.

3.5.2 The existing Leisure contract comes to end on 14th September 2024. Management fee income to the end of the existing contract is £564k against an income target of £1.228m. The new contract has not yet been let but it is anticipated that the Council will have to pay a fee to the new operator from contract commencement to the end of the year. This will be partly offset by the £171.8k balance of the termination fee income.

3.6 My Place – forecast underspend of (£1.814m)

	This Years Budget			Actuals/Forecast		Transfers to/from Reserves		Variances Inc Reserves	
	Revised	Controlled	UnControlled	YTD Actuals	Current Forecast	Transfers to	Transfers from	Variance	Last Period Variance
MY PLACE	15,896,935	15,896,935		16,130,037	13,891,831	221,481	(30,000)	(1,813,623)	(642,475)
ENFORCEMENT	2,921,908	2,921,908		(439,640)	2,384,519			(537,389)	(802,377)
HOMES AND ASSETS	2,932,350	2,932,350		6,201,233	2,591,818		(30,000)	(370,532)	740,391
PUBLIC REALM	10,042,677	10,042,677		10,368,445	8,915,494	221,481		(905,702)	(580,488)

3.6.1 My Place is projecting a (£1.814m) underspend.

3.6.2 Enforcement is forecasting a (£0.537m) underspend which is predominantly due to the recruitment freeze. Currently there are 33 vacant positions across the service. Further investigation is being carried out in areas such as the Barking Market, to firm up the impact of SLAs on the service. A restructure is underway and recent structural changes also need time to bed in.

3.6.3 Homes and Assets is forecasting a (£0.371m) underspend driven by reduction in the Corporate Cleaning Contract (£0.231m), staff recruitment pause (£0.302m) due to a combination of reduced voids within Temporary Accommodation resulting in additional income of (£0.323m). These are currently offsetting an underachievement of income within the Commercial Property portfolio of £0.485m.

3.6.4 Public Realm is projecting an underspend of (£0.906m). This is mainly being generated through increased income in off-street parking (£0.800m), which was also the main cause of the positive movement, and a new Street Cleansing recharge for services to Barking Market to make the cost of the market more transparent within Enforcement.

4 Savings Progress and Overview

4.1 Savings Progress

4.1.1 The 2024/25 budget approved by Assembly on 28 February 2024 included savings of £15.595m. The table below provides a summary by directorate on the progress of savings delivery.

Directorate	Complete	On Track	Off Track, In Control	Off Track, Not in Control	Total saving	RAG
Community Solutions	(443,712)	(926,474)	(350,000)		(1,720,186)	Yellow
Inclusive Growth	(173,167)				(173,167)	Green
Law & Governance	(246,919)				(246,919)	Green
My Place	(1,541,860)	(1,872,751)	(611,000)	(60,000)	(4,085,611)	Red
People and Resilience	(2,300,000)	(2,046,251)	(1,485,682)	(1,048,000)	(6,879,933)	Red
Resources	(243,440)	(506,475)	(494,182)		(1,244,097)	Yellow
Strategy	(545,234)	(300,000)	(200,000)	(200,000)	(1,245,234)	Red
Grand Total	(5,494,332)	(5,651,951)	(3,140,864)	(1,308,000)	(15,595,147)	

4.1.2 Savings of £5.494m have already been delivered and a further £5.652m is on track to be delivered in 2024/25. However, £4.449m (£3.141m + £1.308m) of the savings is currently off track. It is crucial the savings proposals are delivered, or alternatives found.

4.2 Savings Overview

4.2.1 Assembly on 28 February 2024 approved the savings in the table below for 2025/26 and 2026/27. Officers should be working on plans for delivery of these savings.

		2025/26	2026/27
*negative values (in brackets) are savings		£k	£k
New Savings			
Service Area	Saving Proposal		
My Place	Review Depot Facilities Management Team	(9,677)	
People and Resilience	Increase Continuing Health Care contributions	(147,000)	(147,000)
People and Resilience	CSC Care Leaver Housing	(35,000)	
People and Resilience	CSC Adolescent Support Pathway	(687,000)	(687,000)
People and Resilience	CSC CARES academy	(80,000)	
Resources	Azure CSP	(67,318)	
Strategy	Income from commercial events	200,000	
Core	Streamline IT Procurement	(50,000)	
My Place	Parking Services Income	(150,000)	(150,000)
My Place	Property Management & Capital Delivery	(72,000)	
Total		(1,097,995)	(984,000)

- 4.2.2 The 2024/25 budget approved by Assembly on 28 February 2024 had a budget gap of **£8.9m** (temporarily funded from reserve). Officers were asked to come forward with savings proposals by 30 June 2024 to bridge this gap on a permanent basis. Proposals totalling **£0.646m** were received i.e a gap of £8.254m remains.
- 4.2.3 The £8.9m gap increased to £11.693m for 2025/26 per the February 2024 report. However, a revised MTFs was presented to Cabinet in July 2024 which highlighted the gap for 2025/26 has increased to £25.946m. Therefore, taking into account the £0.646m savings proposals received to date, the revised a total of £25.3m savings still needs to be found in order to set a balance budget for 2025/26.
- 4.2.4 It is understood that further savings proposals are being developed and formal proposals will be submitted in September, in line with the budget setting timetable.

5. Investment and Acquisition Strategy and Treasury Management

5.1 Investment Acquisition Strategy

- 5.1.1 The Council's Investment and Acquisitions Strategy (IAS) was established in 2016 with a primary purpose of increasing housing supply and regeneration of the Borough. The strategy also targeted a 5% return with investment being around £100m. For 2024/25 total borrowing is forecast to be in the region of £1bn.
- 5.1.2 The IAS portfolio contains both commercial assets as well as residential assets. The commercial assets are owned directly by the Council as well as the market rent residential units (PRS). The affordable residential units are transferred to the Council's subsidiary (Reside) under a loan and lease arrangement. These transactions impact the Council's General Fund budget in several ways.
- 5.1.3 Firstly, there is an IAS interest payable budget in respect of the borrowing required and an interest receivable budget for interest received on loans made to the Council's Reside subsidiary. The interest rate charged on the on-lending includes a margin, as relevant codes of practice require a commercial rate to be charged. Where schemes are not viable at a commercial rate, then the interest rate is reduced which creates a subsidy. Members should note that these arrangements are currently subject to an independent expert review.
- 5.1.4 At Q1 the **interest payable** on the IAS schemes is forecast an underspend of £2.95m, including capitalisation of interest. However, the interest receivable is

forecasting under recovery of £6.24m which has resulted in a **net cost to the General Fund of £3.29m.**

5.1.5 There is also an **MRP payable budget** in respect of both the commercial and residential IAS schemes. Any MRP payable on the commercial assets is a direct cost to the Council. The arrangements with Reside mean that they make principal repayments on the affordable residential units, on a 50-year annuity basis to mirror the MRP that would be payable. MRP payable on the PRS units is also a direct cost to the Council. At Q1 the MRP payable is forecasting an underspend of £0.174m and forecasting MRP receivable from Reside of £0.824m (unbudgeted), leading to an overall **underspend of £0.998m.**

5.1.6 To offset the borrowing costs on the commercial portfolio the Council also receives a **net operating return** from renting out the units. At Q1 there is a positive variance of £0.616m against the net return budget. However, there are also additional unbudgeted costs of £0.578m. Therefore, the overall **net operating return is £0.038m.**

2024/25 IAS Forecast	IAS 2024/25 Budget			Assets Under Construction	IAS - Commercial	Total IAS	Variance
	IAS Budget	Reside Affordable Rent	Operational SO / PRS	AUC	IAS - Commercial	Total IAS	2024/25 Budget
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Interest Payable	20,709	6,991	4,237	7,901	6,883	26,012	5,303
Capitalised Interest				(7,901)	(353)	(8,254)	(8,254)
Commercial Costs	6				584	584	578
Residential Costs		1,500		81		1,581	1,581
MRP	2,263	751	73		1,263	2,088	(174)
Total Financing Costs	22,978	9,243	4,310	81	8,377	22,011	(967)
Interest Receivable	(19,126)	(8,913)	(3,977)			(12,890)	6,236
Principal Repayments (MRP) - Residential		(751)	(73)			(825)	(825)
Commercial Income (net operating return)	(5,908)				(6,524)	(6,524)	(616)
Residential Rents (Scheme Surplus)	(2,600)	(2,532)	(68)			(2,600)	
IAS Other	(43)						43
Total Financing Returns	(27,677)	(12,197)	(4,118)		(6,524)	(22,838)	4,838
Deficit / (Surplus)	(4,699)	(2,954)	193	81	1,853	(827)	3,872

5.1.7 It is not currently possible to breakdown the IAS borrowing costs budgets above between the different asset classes, but this is being worked on and will be available for Q2. Whilst its not possible to report variance against budget, in actual forecasts the commercial portfolio is forecasting an overall net cost of £1.853m (net of interest payable, and net operating returns). Commercial income has deteriorated further as Industria lettings remain behind target and there will be similar letting issues when 12 Thames Road completes later this year.

5.1.8 Currently the shared ownership units (SO) have not transferred to Reside and so are a cost to the Council. These costs are reported with the **PRS costs** and at Q1 is forecasting a **net cost of £0.193m** (net of interest payable, interest receivable and net operating returns).

5.1.9 Although the IAS was set up to be self-funding, as schemes become operational, active asset management is required to ensure that rental returns and operational costs are well managed to allow the borrowing costs to be covered and surpluses generated. The affordable housing units transferred to Reside also generate an overall operating surplus/loss. In 2024/25 a budget of £2.6m is included for overall scheme surpluses. At Q1 this is forecast to budget, as the Council is waiting for

Reside to provide scheme forecasts. This is in the scope of the independent review. Key pressures are:

- Ewars Marsh is a shared ownership scheme which completed in September 2023 but remains empty with significant interest costs. Work will begin in September 2024 to market the properties and to carry out checks to ensure any issues with the properties can be resolved by the developer. Currently no income is being forecast for Ewars Marsh for 2024/25 and this has negatively impacted the IAS by £940k.
- Delays in handing over the properties and the time it takes to fully let the PRS units has resulted in a forecast £770k loss of interest for Gascoigne West 2.
- Issues around tenancy fraud and bad debt have impacted on the financial performance of the IAS assets which, in turn impacts on the overall scheme surpluses returned to the Council. Currently bad debts are over 6% compared to model assumptions being 1.5% to 2%. In 2023/24 c£2m bad debts were provided for.
- Losses on Reside Limited (William Street Quarter & Thames View) continues to impact the financial performance of the IAS. Currently £1.5m in losses are included in the forecast. There is potential for this position to improve but more detailed forecasts are required from Reside to confirm.

5.1.10 Taking into account all the factors above, the IAS is currently forecasting an overspend of £3.871m.

5.2 Treasury Management

5.2.1 Treasury activity in relation to the IAS is complex due to the long-term nature of the asset construction, and the uncertainty around the profiling of borrowing requirement. These factors coupled with the sustained increases in interest rates have led to a situation where the Council's short-term borrowing position has increased significantly. This is because longer-term rates have been higher than short-term rates making it unaffordable to lock into more certain rates. The position has begun to improve after the Bank of England reduced interest rates in July.

5.2.2 At Q1 short-term variable rate borrowing is forecast to reach a peak of £450m in 2024/25 at an average interest rate of 5%. Whilst this is not causing a budgetary pressure at Q1, the position will need to be closely monitored.

5.2.3 The loan duration for longer-term investment properties should be fixed funding on a maturity profile that matches the long-term nature of the assets. The Council's treasury advisors (Link) are supporting the Investment Fund Manager in the implementation of the Borrowing Strategy as set out in the Treasury Strategy report approved by Members in February 2024.

5.2.4 The Council's has general borrowing (non-IAS) of £43.2m. Overall, the Council has a significant amount of debt, and this will create further risk particularly as some of the debt needs to be refinanced which will be at higher interest rates.

5.2.5 Treasury Management also includes the loans made to the Council's commercial subsidiaries, which includes both working capital loans and loans for asset purchases. The table below sets out the current loan position for the subsidiaries:

	Initial Loan	Accumulated Interest (31 March 2024)	Closing balance (31 March 2024)	Interest Chargeable 2024/25	Provision (31 March 2024)	Provision 2024/25	Total Provision	Forecast closing balance (31st March 2025)
	£m	£m	£m	£m	£m	£m	£m	£m
LEUK	21.640	7.341	28.981	2.691	7.281	1.824*	9.105	28.114
BDTP Working Capital Loan	5.000	0.925	5.925	0.665	5.925	0.487*	6.412	5.747
BD Energy	12.738	0.983	13.721	0.74				14.461
BE First	4.108	1.37	5.478	0.478				5.956

*Provision for non-payment

- 5.2.6 At Q1 the forecast assumes that **B&D Energy** will be in a position to meet the interest costs arising from the debt, although it is unlikely that the actual cash payments will be forthcoming in this financial year. The amounts are being accrued as part of the loan and projected to be payable by 2025/26. The loan consists of two working capital facilities for which a total of £2.7m has been drawn down to date accruing c£600k in interest costs.
- 5.2.7 For Be First the Council has received the £1.369m of interest that had accumulated on the £4.2m working capital loan as at 1 April 2024. The Q1 forecast assumes that the interest chargeable of £0.478m for 2024/25 will be paid in full.
- 5.2.8 As set out in the table above, the Council has advanced a £5m working capital loan to BDTP which had accumulated unpaid interest at 1 April 2024 of £0.925m. A full provision has been made for non-payment of this interest in previous years due to the financial position of the subsidiary. Interest chargeable for 2024/25 is £0.665m and originally their draft business plan indicated that they would be in a position to start servicing this debt.
- 5.2.9 However, Members approved a BDMS contract fee in May 2024 which required them to deliver an additional c£3m of savings in-year. This has therefore impacted on their ability to service the working capital loan and a provision has been made for non-payment of this interest. The working capital loan agreement ended at the end of July 2024. Given the financial position of the entity, a number of strategic discussions are underway and therefore it was not possible to bring a formal report to Cabinet prior to the end of the agreement. However, there is a separate agenda item in respect of this working capital loan.
- 5.2.10 Similarly, a provision has been made at Q1 on the interest due on the LEUK loan. The Council has engaged a Strategic Asset Investment Advisor to lead on a strategic review of this asset. Once the review has concluded, a report will be presented to Cabinet before the end of the financial year.
- 5.2.11 Overall, an **interest receivable** budget of £6.503m was set for 2024/25 and the latest forecast indicates an under achievement against budget of £0.473m. Whilst interest rates have been higher, the Council's cash balances available for investment have been reducing due to the use of reserves. In addition, the provisions for non-payment of interest on the subsidiary loans have led to an additional cost of £2.311m, giving a total **under achievement** against budget of **£2.784m**.
- 5.2.12 In contrast, the **interest payable** budget is showing an **underspend of £2.569m**. The overall net position therefore for the treasury management budgets is overspend of £0.215m.

6. Reserves

	Opening Balance	Budgeted Drawdown 24-25	Planned Drawdown 24-25	Closing Balance After Reserve Adj's	Overpend at Q1	Revised Closing Balance
	£'m	£'m	£'m	£'m	£'m	£'m
General Fund Reserves	(14.40)			(14.40)		(14.40)
Budget Support Reserve	(15.40)	8.81		(6.59)		(6.59)
Sub total	(29.80)	8.81	0.00	(20.99)		(20.99)
Ring-fenced Reserves	(25.54)		4.35	(21.19)		(21.19)
PFI Reserves	(14.04)			(14.04)		(14.04)
Collection Fund Reserves	(6.70)			(6.70)		(6.70)
Levy Funding Reserve	(7.56)			(7.56)		(7.56)
Sub total	(53.84)	0.00	4.35	(49.49)		(49.49)
Non Ring-Fenced Reserves (Directorates)						
Corporate Reserves	(6.61)		0.09	(6.52)		(6.52)
People & Resilience	(0.35)		0.12	(0.24)		(0.24)
Legal, Governance & HR	(0.41)			(0.41)		(0.41)
Strategy	0.00			0.00		0.00
Inclusive Growth	(1.80)			(1.80)		(1.80)
Community Solutions	(2.40)		0.62	(1.77)		(1.77)
My Place	0.00			0.00		0.00
Non Ring-Fenced Reserves	(11.57)	0.00	0.83	(10.73)		(10.73)
IAS Reserves	(33.96)	0.00	3.19	(30.77)	3.87	(26.90)
Total Reserves	(129.16)	8.81	8.37	(111.98)	3.87	(108.11)

- 6.1 The table above shows that the Council had £129.16m in brought forward usable reserves from 2023/24 which includes £14.4m General Fund Reserve and £15.40m Budget Support Reserve. All other reserves have been reviewed and are set aside for specific purposes, i.e earmarked.
- 6.2 As part of the February 2024 budget setting Assembly approved the use of £8.81m to enable the budget to be set for 2024/25. This has reduced the **Budget Support Reserve to £6.59m**.
- 6.3 The Council's approved Reserve Policy requires a minimum of £12m to be maintained in the **General Fund reserve**. Therefore, there is only £2.4m that could be used for other purposes, which together with the Budget Support reserve means there is a total of £8.99m available to balance the budget for 2024/25 and 2025/26.
- 6.4 As highlighted in the table above, further drawdowns and transfers to reserve are now proposed, and Cabinet approval is sought for their use:

Ring Fenced Reserves	£
Public Health	1,710,700
Adult Social Care Winter Grant	305,000
Household Support Fund	1,616,492
Discretionary Council Tax Fund	250,000
Supporting Families Grant	77,000
Film Endowment Fund	219,000
New Town Culture	190,000
Leisure termination	172,000
Housing Support Fund	30,000

Parking Surplus	<u>(221,481)</u>
	4,348,711
Non-Ringfenced Reserves	
Redundancy Reserve	92,752
Participation Co-ordinator and Apprentice	115,600
NCIL	544,000
Community Banking	<u>80,000</u>
	832,352
IAS Reserves	
EY Work and Strategic Asset Investment Advisor	300,000
Be First Dividend	<u>2,890,000</u>
	3,190,000
Total Planned Drawdown	8,371,063

- 6.5 The drawdowns from the ringfenced reserves are in relation to previous grant funding which has been ringfenced for specific purposes and therefore Members do have discretion over the use of these reserves. The non-ringfenced reserve drawdowns are in respect of specific pre-agreed uses. The Q1 forecast assumes approval of the use of these reserves.
- 6.6 If approval is given, total usable reserves will reduce to £111.98m. However, it is proposed to utilise a further £3.871m of the IAS reserve to mitigate the forecast overspend on the IAS at Q1. This will then reduce the IAS reserve to £27.01m and overall usable reserves to £108.11m.
- 6.7 Whilst the IAS reserves are not ring-fenced, these reserves are set aside to manage the financial risks associated with the scale of development that the Council is undertaking. Some of these risks have already crystallised and resulting financial pressures have been highlighted in Section 5. The Council has also commissioned a review of the IAS and until the outcomes of the review are known, the amount of IAS reserves that should be maintained cannot be quantified.
- 6.8 The Council has been notified a HMRC VAT reclaim has been successful in the sum of c£2.5m and after deduction of advisor costs a net c£2.3m will be paid to the Council. Once received, it is proposed to transfer these funds to a Leisure reserve to smooth the loss of Leisure income arising from the re-tendering of the Leisure contract.

7 Housing Revenue Account (HRA)

P2 VARIANCE	2024/25 FORECAST OUTTURN				
	REPORT LEVEL	BUDGET	FORECAST	VARIANCE	CHANGE
		£'000	£'000	£'000	£'000
(£2,849)	SUPERVISION & MANAGEMENT	51,094	48,650	(£2,443)	£406
£2,323	REPAIRS & MAINTENANCE	25,365	27,524	£2,159	(£164)
£231	RENTS, RATES ETC	3,775	4,150	£375	£144
£207	INTEREST PAYABLE	10,826	11,033	£207	£0
£1,000	DISREPAIR PROVISION	0	1,000	£1,000	£0
£0	BAD DEBT PROVISION (BDP)	3,309	3,309	£0	£0
(£165)	CDC RECHARGE	945	781	(£165)	£0
£747	TOTAL EXPENDITURE	95,314	96,446	£1,133	£385
£588	DWELLING RENTS	(£96,750)	(96,307)	£443	(£145)
£25	NON-DWELLING RENTS	(£801)	(776)	£25	£0
(£1,131)	CHARGES FOR SERVICES & FACILITIES	(£24,375)	(26,068)	(£1,693)	(£562)
(£602)	INTEREST & INVESTMENT INCOME	(£276)	(879)	(£602)	£0
(£1,121)	TOTAL INCOME	(£122,202)	(£124,030)	(£1,828)	(£707)
(£374)	NET TOTAL BEFORE CAPITAL	(£26,888)	(£27,584)	(£695)	(£322)
£2	DEPRECIATION	22,613	22,613	£0	(£2)
(£2)	TRANSFER TO MAJOR REPAIR RESERVE (MRR)	2,075	2,075	£0	£2
(£0)	CAPITAL PROGRAMME FUNDING	£24,688	£24,688	£0	£0
(£374)	NET TOTAL AFTER CAPITAL	(£2,200)	(£2,895)	(£695)	(£322)
£0	TRANSFER TO HRA LEASEHOLDER RESERVE	£2,200	2,500	£300	£300
(£374)	TRANSFER FROM/(TO) HRA RESERVE	£0	(£395)	(£395)	(£22)

- 7.1 The HRA is projecting a (£0.395m) underspend at Period 3.
- 7.2 For 2023/24, the BDMS R&M contract was £27.801m, which included some one-off legacy related commitments. The 2024/25 contract is estimated at £22.089m. This reduction has meant the HRA is not facing the same pressures as last year.
- 7.3 The latest BDMS contract includes an in-year savings target of c£3m which the company is working towards. However, the agreement is not currently signed and hence, the parties are still operating at risk. There is a separate report to Cabinet with regards to BDTP group cashflow and debt position.
- 7.4 There are pressures within the budget of c£1m for cost of disrepair provision but is being contained by a reduced recharges to HRA following savings across the Council.

8 Dedicated Schools Grant (DSG)

Dedicated schools Grant (DSG Budget)	2024/25 Funding	2024/25 Outturn	(Surplus) Deficit
	£'000	£'000	£'000
Schools Block (ISB)	197,662	197,662	
Central Services Block	2,118	2,118	
High Needs Block	52,296	56,433	4,137
Early Years Block	33,181	33,181	
	285,257	289,394	4,137
DSG reserves B/f			(7,955)
Less EY Clawback			379
Revised DSG Reserve 24/25			(7,576)

8.1 The DSG is forecasting to spend £289.394m against funding of £285.257 resulting in a forecast overspend of £4.137m. The overspend is within the High Needs Block and a result of the following:

- Increase in Panel top-up payment applications from schools. There were 1043 applications in 2023/24 as compared to 559 in 2022/23, an increase of 87%. This is not sustainable. we've assumed no further growth in applications for 24/25.
- Forecast Out of Borough (OOB) overspend due to increase demand and uplift in placement costs from providers. The estimated average increase in OOB placement was about 13% in 2023/24 as compared to 22/23. In addition, we estimate an average of 4% - 6% increase in cost is related to uplifts in provider charges.
- Post16 top up payments in support of continued growth for 16-25 due to increase placements with this cohort. There's been 15% increase in demand year on year since 2022/23. Post16 continues to be a 'demand driven area', extra commissioning of places are usually known in December/January.

8.2 The early years clawback of £0.379m relates to 2-year-old underspend, this is due to lower pupil numbers during the year compared to the census figures. Although the early years census now measures actual attendance on census day, fluctuations in take up over the academic year mean that not all funding are spent. In addition, settings continue to find it difficult to recruit staff and are therefore not operating at full capacity. However, attendance continues to rise from an all-time low during the pandemic and with actual 2-year-old and universal 3-and-4-year-old numbers now matching pre-pandemic figures. The DfE will confirm the actual clawback later in the year.

9. 2024/25 Capital Programme – Q1 Update

9.1 The 2024/25 Capital Programme was agreed by Cabinet in February 2024. The budget was re-profiled as part of the 2023/24 Period 10 Budget Monitoring report,

presented to Cabinet in March 2024. The budget was further re-profiled as part of the 2023/24 Outturn report presented to Cabinet in June 2024. The table below summarises the movement in the budget.

	24-25 Initial Budget £000s	P10 Re- profile (23-24) £000s	23-24 CFwd £000s	24-25 Total Revised Budget £000s
General Fund	12,791	21,156	16,870	50,817
HRA	4,400	20,289	1,585	26,274
IAS	192,274	1,196	(15,116)	178,354
Total	209,465	42,641	3,339	255,445

- 9.2 Subsequently, a reprofiling exercise has been completed on the various projects to update the capital programme for additional cost pressures within the IAS and to include the levelling up spend for the Heathway. Cabinet is asked to agree the reprofiled budget of £260.533m for 2024/25.

	24-25 Total Revised Budget £000s	24-25 (Q1) Reprofile Adj £000s	24-25 Reprofiled Budget £000s
General Fund	50,817	-1,763	49,055
HRA	26,274	3,448	
IAS	178,354	3,402	
Total	255,445	5,088	260,533

- 9.3 The reprofiling completed has resulted in a number of changes to individual budgets. The overall increase includes Change Requests that have been put forward for Roxwell and Woodward Road, which are included in a separate paper at this Cabinet.
- 9.4 General Fund spend at Q1 is £3.231m against a budget of £49.054. This will be closely monitored as the General Fund came in under budget in 2023/24, which was not in line with the forecast.
- 9.5 HRA spend at Q1 is £327k against a budget of £29.722m due to accruals from 2023/24 still reducing the impact of spend in 2024/25. From period 4 spend is likely to increase to reflect the current forecast spend.
- 9.6 IAS Residential and Commercial spend at Q1 is £32.791m against a revised budget of £181.756m.
- 9.7 Overall spend at Q1 is £36.349m against a revised budget of £260.278m.

Table 1: Capital Programme 2024/25 Budgets as at Q1

Strategic Function	Reprofiled Budget £000s	Actuals to P03 £000s	Forecast £000s	Forecast Variance £000s	Change in Variance £000s	Reprofiled Budget 2025/26 £000s	Reprofiled Budget 2026/27 £000s	Reprofiled Budget 2027/28 £000s	Financing Current Year	
									Other Sources £000s	Borrowing £000s
GF - CARE & SUPPORT	3,673	400	3,673	0	0	0	0	0	3,673	0
GF - INCLUSIVE GROWTH	3,253	138	3,253	0	0	1,236	0	0	1,372	1,882
GF - CIL	620	58	620	0	0	0	0	0	320	300
GF - TFL	6,771	557	6,771	0	0	2,200	0	0	6,761	10
GF - ICT	1,482	8	1,482	0	0	2,488	416	0	939	543
GF - COMMUNITY SOLUTIONS	4	0	4	0	0	0	0	0	0	4
GF - CULTURE & HERITAGE	1,244	5	989	(255)	(255)	344	30	29	673	572
GF - PARKS COMMISSIONING	4,195	247	4,195	0	0	83	0	0	2,641	1,554
GF - MY PLACE	3,230	227	3,230	0	0	2,266	2,334	0	15	3,215
GF - PUBLIC REALM	9,410	87	9,410	0	0	5,617	0	0	1,946	7,463
GF - EDUCATION, YTH & CHILD	15,092	1,504	15,092	0	0	10,398	8,150	0	15,092	0
GF - SALIX	80	0	80	0	0	0	0	0	80	0
General Fund	49,054	3,231	48,799	(255)	(255)	24,632	10,930	29	33,510	15,544
HRA STOCK INVESTMENT	21,029	(92)	21,029	0	0	26,642	35,426	0	20,029	1,000
HRA ESTATE RENEWAL	4,874	528	4,874	0	0	0	0	0	4,874	0
HRA NEW BUILD SCHEMES	3,819	(109)	3,819	0	0	2,960	0	0	2,722	1,097
HRA Total	29,722	327	29,723	0	0	29,601	35,426	0	27,626	2,097
IAS RESIDENTIAL	176,289	32,586	176,289	0	0	110,023	25,589	1,472	39,398	136,891
IAS COMMERCIAL	5,466	205	5,466	0	0	3,960	0	0	2,890	2,576
Investments Total	181,756	32,791	181,756	0	0	113,983	25,589	1,472	42,289	139,467
Total	260,532	36,349	260,278	(255)	(255)	168,216	71,945	1,501	103,424	157,108
Financed By:										
Borrowing	157,108	17,948	156,854	0	0	119,253	26,035	1,501		
Other Sources	103,424	18,402	103,424	(255)	(255)	48,963	45,910	0		
	260,532	36,349	260,278	(255)	(255)	168,216	71,945	1,501		

9.8 There is a £255k underspend forecast on Woodward Arts and Culture Centre as the programme of works at this site are cancelled and arrangements for funds to be returned are underway.

9.9 Members should note that the Capital Programme across 2024 – 2027 has been reprofiled and the table below provides a summary of the changes.

	2024/25	2025/26	2026/27
	£m	£m	£m
Budget Agreed (Feb 24)	209.465	164.296	57.668
2023/24 Reprofiling	45.980	4.896	(0.300)
2024/25 Q1 Re-profile	5.088	(0.975)	14.577
Revised Budget	260.533	168.217	71.945

10. Financial Implications

Implications completed by: Jahangir Mannan, Interim Director of Financial Services (Deputy 151 Officer)

- 10.1 This report is one of a series of regular updates to Cabinet about the Council's financial position and the main body of the report provides key financial implications.

11. Legal Implications

Implications completed by: Dr Paul Feild, Principal Standards & Governance Lawyer

- 11.1 Local authorities are required by law to set a balanced budget for each financial year. During the year, there is an ongoing responsibility to monitor spending and ensure the finances continue to be sound. This does mean as a legal requirement there must be frequent reviews of spending and obligation trends so that timely intervention can be made ensuring the annual budgeting targets are met.
- 11.2 In spite of inflationary pressures such as the war in Ukraine, the post 'Brexit' uncertainty and a technical recession, the fiduciary duty to Council taxpayers and the Government for proper stewardship of funds entrusted to the Council together with ensuring value for money plus the legal duties to achieve best value still apply. Furthermore, there remains an obligation to ensure statutory services and care standards for the vulnerable are maintained.
- 11.3 We must continue careful tracking of all costs and itemise and document the reasoning for procurement choices to ensure expenditure is in line with the Local Government Act 1999 duty to secure continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency, and effectiveness. If there should be need to make changes in services provision, then there is a duty to carry out proper consultation and have due regard to any impact on human rights and the Council's Public Sector Equality Duty under the Equality Act 2010 before finalising any decision.

12. Other Implications

- 12.1 **Risk Management** – Regular monitoring and reporting of the Council's budget position is a key management control to reduce the financial risks to the organisation and features on the Council's strategic risk register.
- 12.2 **Corporate Policy and Equality Impact** – Regular budget monitoring is key to the Council being a well-run organisation, which provides value for money for residents. It also ensures that the Council will be able to focus resources on delivering the priorities set out in the Corporate Plan 2023-26. Where any new savings proposals are put forward, or if there is need to make changes in services provision, the Council has a duty to carry out proper consultation and have due regard to any impact on people with protected characteristics, as part of the Council's Public Sector Equality Duty under the Equality Act 2010. The equality implications should be considered at the early stages of planning, through the use of an equality impact assessment. The annual budget report also reviews the cumulative impact of

multiple savings proposals on people with protected characteristics to ensure that no group is disproportionately affected, and that where negative impacts are identified, mitigating or minimising actions can be put into place.

Public Background Papers used in preparation of this report:

- The Council's MTFS and budget setting report, Assembly 28 February 2024

<https://modgov.lbbd.gov.uk/internet/documents/s166293/Budget%20Framework%202024-25%20Report.pdf>

List of appendices: None

CABINET

17 September 2024

Title: Be First Development Update	
Report of the Cabinet Member for Regeneration and Economic Development	
Open Report	For Decision
Wards Affected: Gascoigne, Goresbrook, Thames View / Barking Riverside	Key Decision: Yes
Report Authors: Rebecca Ellsmore, Strategic Head of Place and Development Tim Porter, Delivery Director, Be First	Contact Details: Rebecca.ellsmore@lbbd.gov.uk Tim.porter@befirst.london
Accountable Executive Team Director: Rebecca Ellsmore, Strategic Head of Place and Development	
Summary This report provides an update on the number of new build homes completed, or soon to be completed, via Be First in 2024. The report then escalates three projects where extensions to budgets are required in order to ensure that the Council fulfils its contractual obligations and that the constructions can be completed.	
Recommendation(s) The Cabinet is recommended to: (i) Note the successful delivery by Be First of 745 new homes to date during 2024 and the planned handover of a further 212 homes in the remainder of 2024; (ii) Approve the following increases to the Capital budgets for the respective schemes, as detailed in paragraphs 2.7 to 2.20 of the report: <ul style="list-style-type: none">• Woodward Road – £3.6m• Gascoigne East Block I - £750,000 (iii) Approve, in principle, a budget increase of up to £2.5m for the Roxwell Road scheme, for the reasons set out in paragraphs 2.21 to 2.24 of the report, and delegate authority to the Strategic Director, Resources, to agree the final budget requirement and increase the respective Capital budget accordingly.	
Reason(s) These recommendations seek budget extensions to ensure that the Council fulfils its contractual requirements in relation to construction contracts that will deliver new housing in the borough.	

1. Introduction and Background

- 1.1. Members have received regular reports seeking approval to construct homes via Be First. This report updates Members on the significant number of new homes that have been completed in 2024 and on the hundreds of new homes where completion is imminent.
- 1.2. The report also provides an update on three active construction projects where additional funding is required in order to fulfil the council's contractual obligations on these schemes. Authority to increase the capital programme for these schemes is sought via the recommendations.

2. Proposal and Issues

2024 Development Update

- 2.1. Be First was established in 2017 as the Council's planning and delivery arm. Since its inception it has delivered over 2000 new homes in the borough. The following sections of this report give an update on Be First development activity in 2024.
- 2.2. Over the course of 2024 the following housing schemes have been delivered directly by Be First on behalf of the Council. The schemes have been funded with a combination of council borrowing, right to buy receipts and GLA grant.

Scheme name	Handover	Homes	Tenures	Tenure key
Gascoigne East Block Phase 3a Block J	March 2024	124	LAR: 66 AR:58	TR: Target Rent
Gascoigne West Phase 2	March 2024	386	LAR: 46 AR: 122 TR: 60 MR: 158	LAR: London Affordable Rent AR: Affordable Rent
Padnall Lake Phase 1 and 2	June 2024	70	LAR: 13 AR:57	MR: Market Rent
Oxlow Lane	July 2024	63	LAR: 22 AR: 41	MR: Market Rent
Gascoigne East Phase 3a Block I	August 2024	102	AR: 102	
Total		745		

Table 1: Homes completed by Be First in Jan 2024 - Aug 2024

- 2.3. All of these homes are currently being let by one of the Reside group of companies or by Barking and Dagenham Homes Ltd. 79% of the homes delivered in 2024 are to be let on affordable tenures with the range of tenure options, including properties let at market rent, meaning that all sections of the Barking and Dagenham community are able to benefit from high quality new homes.
- 2.4. All the schemes have proven to be popular and whilst any schemes that are above 18m tall have had to achieve registration with the new Building Safety Regulator which has slightly delayed occupation in some cases, residents have been starting

to move in to all blocks with some of the earlier handovers now approaching full occupancy.

- 2.5. Two further schemes are due to complete in the coming months. These schemes will add a further 212 new homes to the Reside/BDHL portfolio. The schemes also include a number of commercial units (Thames Road) and community units (Woodward Road), that will be retained within the Council's portfolio providing an ongoing income stream.

Scheme Name	Handover date	Homes delivered	Tenures
12 Thames Road	September 2024	156	LAR: 77 AR: 79
Woodward Road	November 2024	56	LAR: 1 AR: 55
		212	

Table 2: Homes to be completed by Be First in Sept 2024 - Dec 2024

Future Developments

- 2.6. A further six schemes are already in construction or are contractually committed. These will provide a further 1350 new homes over the next two and a half years.

Scheme name	Anticipated completion date	Homes delivered
Town Quay	January 2025	62
Transport House	March 2025	149
Gascoigne East Phase 3B	May 2026	334
Roxwell Road	June 2026	87
Trocoll House	October 2026	198
Beam Park Phase 6	January 2027	520
Total		1350

Table 3: Homes to be completed by Be First in Jan 2025 – Jan 2027

Schemes escalated for additional budget

- 2.7. As is not uncommon with large scale development projects, some of the schemes that are currently in the construction phase have encountered issues which have extended the construction period and/or increased the costs. The next sections highlight challenges that have been encountered on three schemes and seeks authority, or delegated authority as appropriate, to increase the capital funding required to ensure that the schemes can be completed. These issues and the impacts of the budget request have been discussed in depth at the Council's Investment Panel and Assets and Capital Boards. Both Boards have supported the request to progress these recommendations for Cabinet decision.
- 2.8. In entering into the construction contracts the risk of cost overrun has been managed by agreeing fixed costs wherever possible. However, construction contracts are rarely ever totally fixed with some risks remaining with the Council as client. These risks relate to items outside of contractor control, such as legal agreements between the Council and utility providers, or to risk associated with specifications where the Council has identified the particular material or equipment to be used, such as Council specification of lifts. The cost escalations reported

here have all been assessed as client risks or relate to additional scope under the contract. Whilst in these particular circumstances the use of this type of contract has yielded additional costs there is a balance to be struck between seeking to fix more items under the contract, in which case contractors will increase their costs at the outset and may receive payment for risk items that don't materialise, or allowing contractors more freedom to determine final specifications which may increase future operational costs to the Council due to lower quality materials or non-standard specifications.

- 2.9. The current contractual approach is consistent with industry standard and is still considered to strike the appropriate balance between risk and reward for both the Council and the contractor. Analysis of the full Be First portfolio shows that overall costs have increased by 2.9%, given that construction price inflation has been 15-20% in recent years this shows that the current approach is performing effectively.

Gascoigne East Phase 3a Block I

- 2.10. In April 2021 a Placemaking Strategy was presented to Cabinet for the Gascoigne neighbourhood which focused on improving the external environment including connections to surrounding areas and assets. As part of this strategy, a number of projects were identified including the Eastern Green Route which incorporates a link road between GEP3a and GEP3b. Whilst a number of the placemaking initiatives had already secured funding through individual scheme appraisals, it was acknowledged that the same approach would need to be considered for future activity and factored into the decision-making process.
- 2.11. The budget for Gascoigne East Phase 3a was reviewed and updated in December 2022. This budget included c. £4.6m for public realm works across entire Gascoigne East Phase 3a site. This amount was based on an estimate from the contractor.
- 2.12. Following completion of final design in February 2023 and a firming up exercise with the contractor, the external works scope around Block J was further extended to include final wearing course to the road, parking bays, service bays and kerbs as well as signage, road lining and chamber covers that had previously been excluded.
- 2.13. The final design has been tendered and as a result of increases in materials and labour costs has resulted in a budget shortfall of £750,000. Approval is therefore sought to increase the budget allocated to Gascoigne East 3a Block I by £750,000 in order to ensure that these essential works are completed. This will be an addition to the capital programme which will need to be funded by additional council borrowing.
- 2.14. Increasing the budget by this amount means that the agreed Investment and Acquisitions Strategy metrics have deteriorated slightly since the current approval but that, overall, the hurdle rates are still achieved, further detail on the financial impact is contained within the financial implications section.

Woodward Road

- 2.15. The Woodward Road scheme has been subject to several issues relating to availability of materials and delays from utilities companies and building control. These issues have extended the construction period significantly from April 2023 to September 2024. One extension of time claim has already been granted to the contractor and a further two extensions of time claims have been received. The professional team employed by Be First have thoroughly interrogated the contractors claims and have advised that under the terms of the contract the contractor is eligible to claim these additional costs.
- 2.16. Approval is therefore sought to increase the budget allocated to Woodward Road by £3.6m to £29.34m. This will be an addition to the capital programme which will need to be funded by additional council borrowing.
- 2.17. The current approved budget for this scheme is £25.7m. Previous increases to the budget have already moved the scheme to a negative net present value position, the additional budget will worsen this position, further detail on the financial impact is contained within the financial implications section.
- 2.18. Despite this negative viability position, in entering into the construction contract the council is bound its terms. The events that have led to the delay are classed as relevant events or relevant matters in the contract and the contractor is therefore eligible for compensation to the amount currently requested in this report.
- 2.19. As the contract is nearing completion there is no opportunity to seek value engineering options to mitigate this impact. In order to maximise the grant funding able to be allocated to the scheme, the tenures of 15 units has been changed from London Affordable Rent to Affordable rent and the funding therefore switched from GLA grant (at a flat rate of £100k per unit) to the use of right to buy receipts at 40% of unit cost. This has increased the amount of subsidy allocated to the scheme and improved viability. The scheme includes the refurbished former library and a new build community space. At present the viability modelling assumes that these spaces would need to be let at a peppercorn rent. However, Be First have potentially secured a tenant who will take on the community space at a market rent, final negotiations are taking place but if successful this will improve the viability position.
- 2.20. It is however likely that the scheme will generate negative cashflows for the lifetime of the loan to Reside. In order to limit the impact of future negative cash flows it will be very important to ensure efficient lettings and tight control over the operational costs of the whole Reside portfolio so that Reside can return a surplus to the IAS and offset the impact of the unviable schemes. Officers will work closely with B&D Reside Weavers LLP and B&D Homes Ltd as appropriate to ensure this is understood and acted upon.

Roxwell Road

- 2.21. Roxwell Road has also been subject to substantial delays related to utilities connections and associated legal arrangements. The contractor has now submitted two extension of time claims, together with additional costs related to associated fees and capitalised interest, the total budget impact could be up to £2.5m. The

claims are currently being assessed by the Be First professional team. It is likely that this assessment will result in an element of additional costs required to be paid to the contractor, but the value has not yet been fully determined.

- 2.22. In order to ensure the council can deal with this claim in a timely manner following assessment by the professional team, delegated authority is requested to the Strategic Director of Resources to increase to budget on this scheme by up to £2.5m subject to being satisfied that thorough due diligence on the contractor's claim has been completed.
- 2.23. 40% of the cost of this scheme is currently funded with right to buy receipts. There is limited opportunity to fund this budget increase with the same level of right to buy funding as the receipts are finite and have already been allocated to other schemes. It is therefore likely that the required addition to the capital programme will need to be funded in full by additional council borrowing.
- 2.24. Increasing the budget on this scheme by £2.5m will worsen the viability metrics. This scheme already had a negative net present value of -£0.7m which would increase further however the number of negative cashflow years are likely to be minimal. Despite the challenging viability metrics, as with the Woodward Road scheme the Council is obliged to abide by the terms of the contract and there is likely to be little option other than to provide additional funding. Roxwell Road does have a longer construction period remaining and value engineering options will be considered throughout the remainder of the contract.

3. Options Appraisal

- 3.1. Whilst the budget increases set out in this report have been driven by different circumstance the schemes are all operating under the same form of contract and therefore the options set out below apply to all three escalated schemes.
- 3.2. Option 1 - Do not increase the budgets: Should the professional team appointed to administer each of the contracts determine that costs are due to the contractor and the Council doesn't subsequently increase the budget the Council would be in breach of contract. Contractual mechanisms set out in the contract to settle disputes would be enacted and the Council would likely incur further construction costs associated with delayed decision making, significant costs in legal fees as well as significant reputational damage.
- 3.3. Option 2 – Agree to the budget increases and funding options set out in this report and ensure all cost mitigation options are pursued: This is the recommended option. As set out in the report, the Council is contractually bound by the terms of the construction contract and in these particular cases there is little option to not increase the budget. Any increase in budget without a commensurate increase in income worsens the viability position and in the cases of Woodward Road and Roxwell Road the viability position is already negative. Measures must therefore be pursued to ensure that the impact on Council finances is mitigated as far as possible. For all schemes the mitigation is likely to come from an overperformance in the income derived from the schemes which will in turn increase the returns from Reside and support the overall Investment and Acquisition Strategy. Reside are on a transformation journey and this needs to be closely monitored.

- 3.4. Option 3 – secure alternative funding sources: The Council and Be First have been discussing funding requirements with both the GLA and MHCLG. Whilst the GLA is potentially able to offer increased grant levels for future schemes there is currently no additional funding available for schemes already in construction that have benefitted from prior rounds of GLA funding. The recently announced flexibilities on the use of right to buy receipts now allow councils to fund 100% of scheme costs with right to buy receipts. Whilst this is a welcome change, in delivering the significant number of homes in the completed and ongoing pipeline the Council has already allocated all its right to buy receipts. Any increased allocation of right to buy receipts on these schemes would require an equivalent reduction on another scheme and the capital pressure would therefore simply be moved rather than being resolved.
- 3.5. Option 4 – Dispose of the schemes for a capital receipt: Should the Council wish to minimise the ongoing impact of the schemes it could explore a disposal to a third party for a capital receipt. However, in order to maximise the capital value it would need to first complete the construction works and the immediate capital pressure would therefore not be removed. The value that the Council derives from the scheme is not purely financial, with an increase in high quality, affordable accommodation in the borough and the prospect of a long term income stream being other drivers. This would not necessarily translate into a capital value that is equivalent to the construction cost and a disposal in the current market is likely to not cover the costs of the scheme. This is therefore discounted at present, however, the Council is currently undertaking a Strategic Asset review which may in the future propose disposal of some assets for capital receipts.

4. Consultation

- 4.1. The proposals in this report have been considered and endorsed by the Council's Investment Panel and Assets and Capital Board on the following dates:

Scheme	Investment Panel	Assets and Capital Board
Gascoigne East Block I	July 2024	August 2024
Woodward Road	April 2024	July 2024
Roxwell Road	June 2024	August 2024

Table 4: Consultation with Investment Panel and Assets and Capital Board

- 4.2. Reside and BDHL are aware of the current potential costs and remain content to take head leases of the schemes at the current level. This will be subject to final Board approval at the appropriate point when lease and loan terms are finalised.

5. Financial Implications

Implications completed by: Jahangir Mannan, Interim Director of Financial Services, (Deputy 151 Officer)

Gascoigne East 3a Block I

- 5.1. This report seeks to increase the total budget for GE3a Block I (including interest) by £750.5k, from £51.5m to £52.2m. This has resulted from increases in materials and labour costs at the final design stage.

- 5.2. This increased spend does not increase the market value of the asset, which is currently valued at £34.5m, which remains above the net required borrowing of £33.2m for the scheme.
- 5.3. As result of the change, the NPV will reduce from £1.3m to £0.6m. Overall, the impact reduces the amount of surplus available but remains marginally positive.

Woodward Road

- 5.4. The current approved budget for Woodward Road Scheme is £25,750,695. £7.15m of this is funded from subsidy (£1.6m GLA grant and £5.55m Right to Buy Receipts) leaving net amount to be funded from borrowing of £18,600,695.
- 5.5. Additional identified works and issues with material availability has resulted in the completion date slipping by 17 months from April 2023 to September 2024.
- 5.6. The contractor is claiming Extension of Time (EoT) costs totalling £3,399,467. These have been reviewed and accepted by Be First. Given the scheme is now almost at completion, there is very little flexibility to contain the additional costs within existing budget.
- 5.7. Revised costings for the scheme total £29,337,960, which includes the additional EoT and related costs (mainly development interest). The budget changes are included in the table below:

IAS Metric	Current Approval	EoT2 and EoT3 Current Position (v14)
NPV	-£4,284,937	-£7,765,664
IRR	3.85%	2.75%
TSC/MSV	131.85%	164%
Yr Surplus	35	56
TSC inc Int	£25,750,695	£29,337,960
GLA Grant	£1,600,000	£100,000
RtB	£5,550,000	£10,004,504
Total Subsidy	£7,150,000	£10,104,504

- 5.8. As a result of the changes to tenure the updated budget appraisal includes funding of £100k GLA funding (reduced from £1.6m) and £10.004m RTB funding (increased from £5.55m), leaving a balance of £19,333,456 to be funded from General Fund borrowing. The change in subsidy funding is detailed further in section 2.19.
- 5.9. The table also illustrates a scheme IRR of 3.85% and a negative NPV of £4.2m at the agreed budget. This is already considered low but the proposed changes will reduce this further to IRR of 2.75% and a negative NPV of £7.765m.
- 5.10. At completion the homes are transferred and managed by the council housing company by way of loan and lease agreements. Any costs increases will therefore also impact the managing company's operating surpluses as it will be taking on higher borrowing costs.

Roxwell Road

- 5.11. Roxwell Road scheme has been impacted in a similar way to Woodward Road scheme and requires an increase in the approved budget of £2,425,906 to cover 13 months slippage in scheme, with a new completion date of June 2026.
- 5.12. This total is made up of EoT claims totalling £2,193,031, taking the contractual sum from £26,679,042 to £28,872,073, as well as associated interest costs.
- 5.13. The total scheme budget will change from £33.9m to £36.3m with the addition of £2.425m and will reduce the scheme NPV from -£0.7m to -£1.7m.

	Previous Approved Position (CRF23)	Latest Position (CRF29)
	EOT 1 (v6)	EOT 2 & 3 (v7)
PC Date	May 2025	June 2026
TSC inc. INT	£33.9m	£36.3m
RTB (AR)	£8.7m (40%)	£9.4m (40%)
GLA Grant (LAR)	£3.75m	£3.75m
HRA	£1.8m	£1.8m
S106	£1.5m	£1.5m
Loan inc. INT	£18.1m	£19.8m
NPV	-£0.7m	-£1.7m
TSC/MSV %	134%	144%

- 5.14. Overall, the portfolio for new build schemes is still forecast to deliver a surplus although this has not achieved budgeted levels due to delays in starts, as well as void and bad debt levels on completed schemes. There is currently a review being undertaken by external consultants on the long-term viability of the programme.

6. Legal Implications

Implications completed by: Paul Field, Principal Standards and Governance Lawyer, and Yinka Akinyemi, Contracts and Procurement Solicitor

Gascoigne East 3a Block I

- 6.1. This report recommends allocation of an extra £750,000 provision to the GEP3a project due to cost increases in carrying out the necessary works. As explained in this report the expenditure is necessary to complete the works. Competition has been carried out to ensure that there is value for money.
- 6.2. There are insufficient contingency funds available therefore the budget allocation will need to a Cabinet decision.

Woodward Road

- 6.3. The proposal in this report is to seek approval for the revised Contract Completion date for the development at Woodward Road from April 2023 to September 2024

and an increase in the approved budget of £3,399,467 to Mullaley & Co. Ltd for the reasons set out in this report.

- 6.4. The original contract was procured in via framework as detailed in the award report dated 7th of February 2021. Any variation to the contract must be considered in accordance with Regulation 72 of the Public Contracts Regulations 2015 and Rule 66 of the Council contract rules.
- 6.5. Regulation 72 (b)(ii) of the PCR 2015 and contract Rule 66.2 (b), provide that an existing contract, may be modified without a new procurement process, where additional work, which is to be performed by the original Contractor has become necessary and a change in contractor cannot be made for economic or technical reasons and it would cause significant inconvenience or substantial duplications of costs in re-procuring.
- 6.6. The circumstances for the additional work, as outlined in this body of the report, appears to align with the requirement Regulation 72(b) of the PCR 2015 and the Council contract Rule 66.2 (b) because the increase in price for the additional work is not higher than 50% of the value of the original contract and the work has become necessary as stipulated in the report, and for both economic and the continuity reasons.

Roxwell Road

- 6.7 Legal Implications to be assessed via delegated authority.

7. Other Implications

- 7.1. **Property / Asset Issues** – Approval has been previously secured from Cabinet through a number of reports to dispose of the completed schemes to either B&D Reside Weavers LLP or Barking and Dagenham Homes Ltd. Work is ongoing to formally document the required loans and leases to implement these decisions.

Public Background Papers Used in the Preparation of the Report: None

List of appendices: None

CABINET

17 September 2024

Title: Permanent Pavement Licensing Regime	
Report of the Cabinet Member for Enforcement and Community Safety	
Open Report	For Decision
Wards Affected: All	Key Decision: No
Report Author: Karen Collier - Service Manager Environmental Health	Contact Details: E-mail: karen.collier@lbbd.gov.uk
Accountable Director: Gary Jones - Operational Director, Enforcement, Regulatory Services & Community Safety	
Accountable Executive Team Director: Leona Menville - Strategic Director of My Place	
Summary <p>On 31 March 2024, the government commenced the pavement licensing provisions laid out in the Levelling Up and Regeneration Act 2023. The provisions introduced a permanent pavement licensing regime in England to replace the temporary provisions (the 2020 regime) which were introduced in response to Covid by the Business and Planning Act 2020. The temporary legislation was due to expire at the end of September 2024, however, the provisions to make the pavement licence scheme permanent came into force unexpectedly on 31 March 2024.</p> <p>The new permanent regime retains the key features of the 2020 regime, intended to streamline processing and reduce costs, but also incorporates some changes, outlined in this report, to ensure the long-term sustainability of the model. The Levelling Up and Regeneration Act 2023 introduces several new provisions including the ability to set fees on a cost recovery basis subject to a maximum cap, the ability to determine the duration of licences up to a maximum of two years, changes to the consultation timelines, and new enforcement powers.</p> <p>This report sets out the matters considered by the Licensing Service in setting the proposed fees and the rationale for the proposed licence duration.</p>	
Recommendation(s) <p>The Cabinet is recommended to:</p> <ul style="list-style-type: none">(i) Agree that Pavement Licences issued in accordance with the Levelling Up and Regeneration Act 2023, enabling the hospitality sector to place furniture on the highway for the purposes of seating and serving customers outdoors in connection with the use of their premises, be valid for a maximum duration of 12 months; and(ii) Agree that the fees be set at £350 for premises which already hold a pavement licence and a maximum of £500 for new applicants.	

Reason(s)

The pavement licensing regime will ensure that residents are safe and benefit from inclusive growth and regeneration.

1. Introduction and Background

- 1.1 The Business and Planning Act 2020 was given Royal Assent on 22 July 2020 and introduced a number of measures with the purpose of supporting the hospitality sector to operate whilst managing the risks of the COVID-19 pandemic.
- 1.2 This included temporary fast-track provisions and reducing regulatory barriers for businesses serving food and drink to apply for permission in the form of a pavement licence, to place furniture on the highway for the purposes of seating and serving customers outdoors, in connection with the use of their premises.
- 1.3 Prior to this, businesses had to apply for a 'tables and chairs' permission under the provisions of the Highways Act 1980, which had a more complex and lengthier consultation period.
- 1.4 On 31 March 2024, the government commenced the pavement licensing provisions laid out in Schedule 22 of Levelling-up and Regeneration Act 2023, amending the statutory fee charging regime for pavement licences within the Business and Planning Act 2002 as follows:
 - a) Increase in the fee local authorities can charge applicants, from £100 to a maximum of £350 for premises which already hold a pavement licence, and a maximum of £500 for new applicants. The fee, intended to allow local authorities to recover the costs of processing, monitoring, and enforcing licences, is to be set by the local authority.
 - b) Extend the maximum duration of pavement licences from 1 year to 2 years. The length of a licence is however at the discretion of the local authority.
 - c) Extend the public consultation period and local authority determination period from 7 days to 14 days, therefore a total of 28 days from date of valid application to date of determination.
 - d) Provides a streamlined renewal process for existing licence holders seeking to renew their pavement licence on the same terms and conditions as before.
 - e) Provides that pavement licences can be amended by the local authority with the consent of the licence holder if it is considered that the conditions on the licence are not being met.
 - f) Prohibits a local authority from granting a tables and chairs licence under the old regime (Highways Act 1980) if a pavement licence is capable of being granted under this Act.

- g) A new enforcement schedule providing powers to the local authority to give notice to businesses who have placed furniture on the highway without the required licence and to remove the furniture if the notice is not complied with.
- h) Scope for an internal review of officer decisions to a relevant committee.

1.5 Applications for pavement licences are summarised in the table below:

	Year 1 2020-21	Year 2 2021-22	Year 3 2022-23	Year 4 2023-24
Pavement Licence applications received	10	9	7	6
New	10	2	2	1
Renewal	0	6	5	5
Refused	4	1	0	0
Surrendered	0	0	0	0
Live licences	6	8	7	6

1.6 There are currently 6 pavement licences issued which are all due to expire on 30 September 2024.

1.7 The Government has set out transitional arrangements in the Guidance, which enable existing licence holders to retain their licences granted under the 2020 regime until the expiration date on their licence. Those licence holders will be able to renew their licences on the same terms under the 2024 regime.

2. Proposal and Issues

2.1 The Levelling-up and Regeneration Act 2023 extends the maximum duration of licences from 12 months to 2 years but enables the local authority to specify the duration of licences granted within its geographic area.

2.2 The guidance asks local authorities to support business and be pragmatic when specifying the duration of the licence with an expectation that the licences will be granted for two years. However, the length of a licence is still at the discretion of the local authority.

2.3 At present, the fee is based on the maximum permitted fee setting allowed which is £100.

2.4 Using data currently available, the Licensing Service has carried out a cost calculation of the administrative, compliance and enforcement work in respect of pavement licences. Whilst the administrative function has been well established since 2020, the compliance and enforcement costs are not fully realised yet. This is because the Licensing Service did not initially monitor licences during the temporary provisions as the scheme was intended to remove regulatory burdens.

2.5 A breakdown of the cost calculation is as follows:

	New Licence Grant	Renewal of an existing licence
Processing application - Validate application - Check correct paperwork submitted - Check fee paid	£140	£70
Site visit and consultation Time to - carry out consultation, - Assess comments/ objections - Consider any representations Determine whether to grant/refuse	£250	£90
Issue licence, update systems	£70	£40
Appeals & Policy cost	£70	£35
Compliance and Enforcement costs	£0	£160
Total	£530	£395

- 2.6 The fully on-costed officer hourly rate is approx. £70. Processing a pavement licence application takes on average 3 to 4 hours for a renewal application and 5 to 6 hours for a new application. For renewal applications, this time includes the time to validate the application, ensuring that all the relevant paperwork has been provided with the application and the correct fee has been paid. Time is also spent undertaking the consultation process and once the consultation period has ended, assessing any comments and/or objections made by Environmental Health, Highways Planning and local residents and other persons who have made any representations, determining the application and granting or refusing the application.
- 2.7 For new applications, or where there is a significant change from a previous licence, this will be similar to the above but will also include additional time to ensure the suitability of the proposed location, the number of tables and chairs proposed etc, and assessing the merits of the application.
- 2.8 If a licence holder wishes to amend their licence, this will be deemed as a new licence application as there are no provisions in the 2024 regime to vary a licence. A business without an existing licence must apply for a new licence.
- 2.9 As referred to in paragraph 1.4 above, the legislation sets maximum fees of £350 for premises which already hold a pavement licence and a maximum of £500 for new applications. A benchmarking exercise with neighbouring boroughs has found that neighbouring authorities are charging the maximum permitted fee:

	New Grant	Existing Licence	Duration of Licence
Redbridge	£500	£350	12 months
Newham	£500	£350	(not known)
Havering	£500	£350	24 months
Tower Hamlets	£500	£350	6 months

Therefore, setting the renewal fee at £350 and the fee for new grants at £500 would allow the Council to recover the vast majority of its projected costs for processing these applications, inspecting, monitoring and enforcing the pavement licensing regime.

- 2.10 Based on the above, it is recommended that the fees for new Pavement licences are set at the statutory cap of £500, and the fee for the renewal to existing licences is set at the statutory cap of £350. This is with the aim of administering the pavement licence regime on a cost recovery basis, notwithstanding any additional compliance and enforcement costs, or cleansing costs that may arise as the 2024 regime beds in.
- 2.11 Further cost calculations will be carried out annually to ensure the fees remain set on a cost recovery basis as far as possible considering the statutory cap. These fees will be incorporated into future Fees and Charges reports that are presented annually to the Cabinet.
- 2.12. With regard to the length of Pavement licences, a 12-month licence is the most viable option in terms of administration and managing the service in the borough. This would allow for licences to be reviewed after 12 months at renewal which will enable officers to monitor pedestrian numbers, changes to the highway and demand for external public space. During the temporary arrangements licences were issued for 12 months.

3 Consultation

- 3.1 The proposals in this report were considered and endorsed by the Executive Management Team at its meeting on 29 August 2024.

4. Financial Implications

Implications completed by: Kenny Leshi, Finance Business Partner

- 4.1 This paper proposes to increase Pavement licence issue to £500 and renewal to £350 from £100 for a duration of 12 months starting from October 2024. The increase will cover the cost associated with the processing of these applications. Finance will monitor the process as part of the monthly monitoring agreement for the service area to ensure no overspend.

5. Legal Implications

Implications completed by: Dr Paul Feild, Principal Governance and Standards Lawyer

- 5.1 As is set out in this report the law regarding Pavement Licensing has been changed by Schedule 22 of the Levelling-up and Regeneration Act 2023, amending the statutory fee charging regime for pavement licences within the Business and Planning Act 2002.
- 5.2 The setting of fees and charges, including for Licensing, is a Cabinet function. These new arrangements have fallen outside of the normal cycle whereby the Cabinet considers the annual Fees and Charges report, hence this separate report.

The annual review of these fees will be incorporated into future Fees and Charges reports to Cabinet.

6. Other Implications

- 6.1 **Risk Management** - The pavement licensing regime is intended to balance the need to support businesses in optimising the use of outdoor space whilst providing a safe and accessible environment for pedestrians.
- 6.2 **Corporate Policy and Equality Impact** - S.14 of the Equality Act 2010 places a duty on local authorities to have due regard to the need to eliminate unlawful discrimination, to advance equality of opportunity between people who share a protected characteristic and to encourage good relations between those who share a protected characteristic and those who do not. The Council has had due regard to this duty when setting the fees and specifying the conditions which should be attached to the pavement licence.

When determining applications, the licensing authority will give due regard to the public and highway safety of other highway users in line with all the criteria it will take into account in determining whether or not an application should or should not be granted. The statutory conditions also take account of the needs of persons with mobility and visual impairments.

Public Background Papers Used in the Preparation of the Report: None

List of appendices: None

CABINET

17 September 2024

Title: Supported and Semi-Independent Accommodation Open Framework Tender	
Report of the Cabinet Member for Children’s Social Care and Disabilities	
Open Report	For Decision
Wards Affected: All	Key Decision: No
Report Authors: Andrew James, Interim Commissioning Manager and Claudia Wakefield, Commissioning Manager	Contact Details: Tel: 020 8227 5276 E-mail: andrew.james@lbbd.gov.uk ; claudia.wakefield@lbbd.gov.uk
Accountable Director: April Bald, Operational Director Children’s Care and Support	
Accountable Executive Team Director: Elaine Allegretti, Strategic Director, Children and Adults	
Summary <p>This report seeks the authority for the London Borough of Barking and Dagenham (LBBd) to establish an Open Framework for the provision of accommodation and support for our looked-after young people aged 16 and older (up to a maximum age of 25). The aim of the Open Framework is to establish a range of placement provisions that best meet the individual needs of our looked-after young people, acknowledging that these needs are often ongoing. The Open Framework would be composed of four (4) lots and would seek Providers as follows:</p> <ul style="list-style-type: none">a) Providers of supported accommodation for those aged 16-17 years, under the new supported accommodation regulations (OFSTED), that do not provide semi-independent accommodation;b) Providers of semi-independent accommodation for those over 18 who have not, or cannot, move into independent accommodation, that do not provide supported accommodation;c) Providers of both supported accommodation and semi-independent accommodation types in order to ensure consistency and continuity of care and relationships for a Young Person; andd) Providers of both supported accommodation (OFSTED regulations) and semi-independent accommodation types in order to ensure consistency and continuity of care and relationships for Young People that are parents. <p>As defined under the new Procurement Act 2023, an Open Framework is a scheme of frameworks that provides for the award of successive frameworks, on substantially the same terms at regular periods. This aspect of the act commences 28 October 2024, which will coincide with the publication date of the tender for the Open Framework. As ‘a scheme of successive frameworks’, the Open Framework will need to be reopened by law at least once within three years from the day of the award of the first framework in the scheme and then at least once within the next five years from the day of the award of the</p>	

second framework in the scheme. The final framework will expire at the end of the period of eight years beginning with the day on which the first framework under the scheme is awarded.

The Commissioning team is planning on reopening the Framework within two years of the original day of award and then in two-yearly cycles, up to the eighth year of the original day of award. As such, the Open Framework will commence on 1 April 2025 for an initial two-year period (24 months). The second framework in the scheme will begin in April 2027 for a further two years, the third framework in the scheme will commence in April 2029 for a further two years, and the final framework in the scheme will commence in April 2031 for a further two years. In line with all frameworks, the caveat is that the Framework can be terminated early if there is substantial change required within the framework requirements. Additional detail in regards to the benefits of the Open Framework can be found from Paragraph 3.4 of this report.

The Open Framework will ensure a pool of good quality pre-approved Providers, which meet the needs of our looked-after young people aged 16 and older (up to a maximum age of 25), represents value for money and is compliant with the Procurement Act 2023. The Open Framework will also enable LBB to meet its strategic priorities, as underpinned in the Corporate Plan, Corporate Parenting Plan, the Looked After Children Sufficiency Strategy and our CARES Practice Standards. This Open Framework will enable improved financial controls and budgetary management.

Recommendation(s)

The Cabinet is recommended to:

- (i) Agree that the Council proceeds with the procurement of the Open Framework, in accordance with the Council's Contract Rules, the Procurement Act 2023 and the strategy detailed in the report; and
- (ii) Delegate authority to the Strategic Director, Children and Adults, in consultation with the Cabinet Member for Children's Social Care and Disabilities, the Strategic Director, Resources and the Head of Legal, to conduct the procurement and award and enter into the Open Framework and all other necessary or ancillary agreements with the successful bidders.

Reason(s)

- To support the Council's vision to "protect the most vulnerable, keeping adults and children healthy and safe";
- To provide an appropriate, best-value service that delivers excellent outcomes for children and young people; and
- To help relieve budget pressures by ensuring the best value for money options are available to the Nominated Officer when seeking to place a young person.

1. Introduction and Background

- 1.1 Section 22G of the Children Act 1989 requires Local Authorities to secure sufficient accommodation for Looked After Children (LAC) that meets their needs and is within the local area wherever this is reasonably practicable. The Council has a

statutory duty to ensure that there is sufficient, good quality and safe provision for the young people in its care. The proposed provision should represent value for money and will be sourced in compliance with the Procurement Act 2023 and the Council's Contract Rules to ensure best value for both the young people and the Council together with Part 1 of the Local Government Act 1999.

- 1.2 The Council's belief is that children and young people are best cared for within their families wherever this can be safely achieved, and that investing in services that are able to promote change in families can be more effective than removing children and young people and placing them in alternative care.
- 1.3 Where children and young people cannot remain safely with their families, the Council seeks to provide suitably matched high-quality homes, preferably within family settings such as foster care and as near as possible to the child's home locality to maintain links with their families and communities. The aim is for children and young people to be in care for the shortest time possible and to achieve a sustainable exit from care that meets all of their needs.
- 1.4 In order to ensure access to a range of high-quality and flexible provision that seeks to deliver excellent outcomes for our children and young people, particularly in light of increasing national demand for placements exacerbated by the Covid-19 pandemic, and increased difficulty in finding placements for children and young people with complex and challenging needs, this report is requesting permission from the Cabinet for the London Borough of Barking and Dagenham to establish an Open Framework for the provision of supported and semi-independent accommodation and support for our looked-after young people aged 16 and older (up to a maximum age of 25).
- 1.5 Supported accommodation provides accommodation with support for 16- and 17-year-old looked after children and care leavers within the regulations of the Office for Standards in Education, Children's Services and Skills (OFSTED). The aim of supported accommodation is to support young people to develop their independence in preparation for adult living while keeping them safe in a homely and nurturing environment. The young people also have access to keyworkers who can meet with them regularly and assist with any support needs, as well as floating support. In Barking and Dagenham, supported accommodation provides approximately 13% of all of our looked after children's care arrangements and plays a critical role in meeting our sufficiency for looked after children and young people.
- 1.6 Semi-independent accommodation provides accommodation with support for care leavers aged 18 years and older (up to a maximum age of 25); whilst there are no OFSTED regulations associated with this type of provision, these provisions may be registered with the Care Quality Commission (CQC) if personal care is provided. The young people also have access to keyworkers who are able to meet with them regularly and assist with any support needs, as well as floating support. In Barking and Dagenham, semi-independent accommodation provides approximately 28% of all of our looked after young people's care arrangements.
- 1.7 Supported accommodation for young people who are parents aims to ensure that young parents aged 16-25 are given a safe and supportive environment, where they can live together with their children. Placements provide a structured and holistic

setting, with support provided to facilitate the young parents' preparation for independent living whilst supporting a family.

2. Existing Arrangements

- 2.1 From 2 July 2019 until 13 July 2024, the Council had been a part of the access agreement with the Commissioning Alliance for the provision of residential, supported accommodation and independent foster care services for children and young people in its care. Whilst the Partnership enabled the Council to explore opportunities to engage in shared services and joint working, a number of issues presented:
- A lack of suitable provision for our children and young people, with the majority of placement requests made by the Council to the Commissioning Alliance having been unsuccessful;
 - Limited responses from Providers through the Commissioning Alliance's CarePlace technology platform;
 - An inability to effectively utilise the data available through CarePlace due to a lack of placements, resulting in reduced opportunities to support evidence-based commissioning, support daily purchasing decisions and monitor both expenditure and savings;
 - Limited contract management and premises monitoring support; and
 - No ceiling prices for Supported and Semi-Independent Accommodation.
- 2.2 The Council was paying the Commissioning Alliance £50k per year for commissioning services, access to the Dynamic Purchasing Vehicle (DPV) and contract management; in addition, a further £50K was being paid for the use of the CarePlace technology platform (datahub and eBrokerage). As such, the Council was spending a total cost of £100k per annum for access to the Commissioning Alliance, with a discount of £5k due to two other additional local authorities having joined. This did not include the cost of individual placements for our children and young people. Ultimately, the Commissioning Alliance decommissioning was a part of a redesign programme of commissioning arrangements in line with the Council's financial situation, whilst improving children and young people's outcomes.
- 2.3 To overcome the challenges associated with the issues presented above, the Council joined the London Borough of Newham's Dynamic Purchasing System (DPS), following Cabinet approval to enter into an Access Agreement with Newham and call-off from the DPS, on 16 April 2024 (minute 110 refers). This provides the Council with access to a pool of pre-approved Providers of Children's Residential Care Homes and Independent Foster Care Agencies, until 8 March 2026. This initial period will allow LBBB to evaluate if this DPS meets the needs of our children. If successful, we will have the option to request to continue with this arrangement for a further four (4) years from March 2026 until March 2030. As the Newham DPS does not cover supported or semi-independent accommodation, LBBB is looking to establish its own Open Framework for Providers of these types of provision.
- 2.4 Current supported and semi-independent placements made through the Commissioning Alliance will continue post-July 2024, as long as these continue to meet the needs of our children and young people. Any new placements made following this date will be spot purchased until the proposed supported and semi-independent Framework outlined in this report is established in March 2025.

3. Proposal for an Open Framework

- 3.1 In order to be needs-led and responsive, the Council is proposing an Open Framework that is enabled by light touch contracts. The Open Framework would be composed of four (4) lots, as detailed in the report summary.
- 3.2 The Open Framework will enable the Council's Placement team to identify and call off placements quicker than seeking spot purchase and there are also currently no other frameworks for this type of accommodation that the Council would be able to join. There would also be the option to add other local authorities to our Framework at a later date at a cost, whilst improving the purchasing power through the Framework.
- 3.3 The aim is to commission the Framework to achieve the best outcomes for care leavers, whilst maximising the opportunities that are offered by the Procurement Act 2023.
- 3.4 This is an Open Framework as defined under the new Procurement Act 2023. The Commissioning team is planning on reopening the Framework every two years, which will enable the local authority to:
 - a. Avoid having a closed framework that locks Providers entry onto the Framework for a long term. This historically has been detrimental to the Framework's efficiency and effectiveness as Providers change, whilst standards and costs stagnate over time and lead to expensive legacy costs;
 - b. Provides Providers with regular windows to address fee changes and opportunity to continue or not on the Framework, whilst giving the local authority the opportunity to remove non-active members;
 - c. Avoids resource-hungry and costly fee reviews as an annual fee review or uplift needs do not occur, as every two years, the Providers will be able to resubmit fees, outside of exceptional circumstances. This will enable the local authority to:
 - i. Have improved financial, budgetary and human resource control with a clear calendar of events;
 - ii. Enhance communication, flexibility, consistency, continuity and effectiveness of the contracts;
 - iii. Enable new Providers in the market to access the Framework especially if they are local; and
 - iv. Make use of contracts that can enhance the consistency and continuity of relationships and environments for the care leavers as they can stay with one Provider and its staff even if the property changes;
 - d. Through light touch contracts, the local authority can make direct placements, both directly with providers dependent on individual need and through operating a Brokerage/Provider meeting. This will enable conversations based on the young person's needs, without relying on the written referral form content, and working directly with Providers to find the best option. The Framework pricing schedule will address the value for money aspect. The cost can be attributed to the Framework contract supported by the Individual Placement Agreement (IPA). Please note that this does not exclude a competitive selection from the list of Framework providers where the young person's needs dictate and value

for money becomes a factor, or in developing mini competitions from those listed for future development work;

- e. Achieve improved outcomes, consistency and effectiveness for the Young Person;
- f. Support Permanency Planning for young people and care leavers; and
- g. Remove certain in-house processes, such as competitive selection, and its subsequent documentation and planning, which impacts on operational teams.

4. Call-off Procedure

4.1 There will be three methods for the Council to call-off of the Open Framework, as and when the need arises for a young person's placement:

- a) Direct award;
- b) Competitive selection for placement processes from the Open Framework Providers; and
- c) Children's Brokerage and Provider Placement Meeting.

4.2 The Council can direct award to a specific Provider on the relevant Framework, when the needs of the child or young person dictate.

4.3 The Competitive selection for placements processes will involve referrals for care being sent to all Providers on the relevant Framework only. The Providers will return an offer based on their costs submitted for the Framework, including any discounts. The Framework costs will be submitted every two years, based on the specification and the terms and conditions. The Council's relevant Operational Children's team will then select the best option for our young person, dependent on quality and price, and once agreed, the Council's Placement team can initiate the IPA.

4.4 The Children's Brokerage and Provider Placement Meetings will bring together selected Children's placement Providers who are experienced and have a proven track record, social workers, care professionals and the Council's Brokerage team. This will enable the Council to explore the placement market directly with Providers to find the best placement possible and pathway plan option for those children for whom a placement is unable to be found, or where step up/step down options are not available or offered by the market within a timely fashion. The Council will then be able to make the relevant placements directly with Providers. The top five Providers on each Framework will be invited to attend these meetings, which will aim to find the right placement at the right time for our young people in care whilst ensuring value for money for the local authority.

5. Improving Quality and Outcomes

5.1 The Open Framework will improve the quality of provision and ensure that good services are in place to meet all of our young people's identified needs. The Framework will also ensure that a consistent quality assurance monitoring approach is used across each type of Provider. Furthermore, the proposed Children's Brokerage and Provider Placement Meetings will ensure continued collaboration, partnership-working and feedback mechanisms between the Council and the Providers on the Open Framework. The Council will also continue to gather feedback through market engagement events.

6. Proposed Procurement Strategy

6.1 Outline specification of the works, goods or services being procured

6.1.1 The Council is proposing an Open Framework that is enabled by light touch contracts. The Open Framework would be composed of four (4) lots, as detailed in the report summary.

6.1.2 Additional services to be delivered to LBBD young people as part of the four Framework lots would include the following:

- Ensuring that young people are accommodated and supported in high quality and fully vetted alternative homes fulfilling the Council's Corporate Parenting responsibilities; and
- Supporting delivery of the Council's Corporate Parenting Plan, the Looked After Children Sufficiency Strategy and CARES Practice Standards.

6.1.3 Providers would also be expected to be able to provide single sex accommodation where required.

6.2 Estimated Contract Value, including the value of any uplift or extension period

6.2.1 The value of the contract is based on 2023/24 outturn figures of £940,209; however, some costs were incorrectly coded to residential care, with the estimated total costs of 2023/24 being £1.9 million. The forecasted spend for 2024/25 is currently set to £2.5 million; based on these figures, the total spend across the Framework is estimated to be £5 million between March 2025 and March 2027 although this may fluctuate due to the numbers of children in care. With a two-yearly opening of the Framework, we will not be anticipating annual fee uplifts, unless in exceptional circumstances.

6.3 Duration of the contract, including any options for extension

6.3.1 The Open Framework will provide for the award of successive frameworks on substantially the same terms every two years, for a period of eight years. As detailed below, towards the end of the two-year period, the Framework will reopen, giving Providers the opportunity to address fee changes and to decide whether they wish to continue on the Open Framework, before the next two-year period begins. Should any substantial variations need to be made to the Open Framework, or new legislation arises resulting in significant change, the Framework would need to be terminated and a new Framework with the added changes, need to be established.

6.3.2 By offering the Providers a two-yearly cycle of fee reviews, the Council will eliminate unbudgeted annual fee increases, unless there are exceptional circumstances.

6.4 Is the contract subject to (a) the Public Contracts Regulations 2015 or (b) Concession Contracts Regulations 2016? If Yes to (a) and contract is for services, are the services for social, health, education or other services subject to the Light Touch Regime?

6.4.1 Framework contracts are subject to the Procurement Act 2023, which encompasses a light touch contract element.

6.4.2 When placing a child with a Provider on the Framework, an Individual Placement Agreement (IPA) will be arranged between the Council and the Provider.

6.5 Recommended procurement procedure and reasons for the recommendation

6.5.1 In order to be needs-led and responsive, we are proposing an Open Framework that is enabled by Light Touch contracts. The advantages of an Open Framework are detailed in paragraph 3.4. The Light Touch contracts are possible due to the social care common procurement vocabulary (CPV) codes being applicable by law to such an option; light touch contracts enable us to direct award based on the child or young person's needs.

6.6 The contract delivery methodology and documentation to be adopted

6.6.1 The service is to be delivered by external Providers. The Council will be responsible for contract procurement, management and monitoring functions.

6.6.2 The establishment of the Open Framework will enable:

- A better choice of quality homes for our young people;
- For us to work with suppliers who share our passion to achieve the best possible outcomes for our young people;
- A range of flexible provision that meets the needs of our young people, improves stability and reduces breakdown, in turn achieving better value for money; and
- The creation of strong partnerships with selected suppliers and the promotion of local small- and medium-sized companies.

6.6.3 Requirements will be detailed as part of the contract terms and conditions and the specifications of service. The Council will also seek increased value for money, with discounts based on the volume of placements that it places with Providers, as well as for siblings placed together.

6.7 Outcomes, savings and efficiencies expected as a consequence of awarding the proposed contract

6.7.1 All Providers must work to any specific outcomes agreed with the Contracting Body at time of call-off and set out in the child or young person's Individual Placement Agreement (IPA). In addition, Providers must work towards achieving the outcomes listed below:

- a) The young person enjoys good physical, emotional, mental and sexual health; has a healthy lifestyle, and has access to information about health issues that allows them to make informed choices;
- b) The young person is physically safe, stable and emotionally secure. They are protected from ill-treatment, neglect, violence and sexual exploitation; they are free from bullying and discrimination; and are protected from social exclusion through involvement in crime, anti-social behaviour and other risk-taking activities;

- c) The young person attends and fully engages in education, training or employment and receives encouragement and recognition for their achievements; and
- d) The young person positively participates in their own development and with the local community; they are actively involved in making decisions about their future; they develop self-confidence and can deal with change and other life challenges; they understand the effects of racism and discrimination and are able to challenge this behaviour; they demonstrate enterprise and a will to contribute to the well-being of others.

6.7.2 As detailed in paragraph 3.4c, the proposed Open Framework will avoid resource-hungry and costly fee reviews. There will also be benefits through removing internal Council processes.

6.8 **Criteria against which the tenderers are to be selected and contract is to be awarded**

6.8.1 The objectives for the tender evaluation process will be as follows:

1. To have for each lot, sufficient high-quality Providers who ensure competitive pricing and best outcomes for our young people;
2. To identify the top five scorers to be invited onto the Brokerage/Providers meeting for each Framework lot. Nevertheless, the Local Authority reserves the right to invite other Providers from the specific Framework lot to these meetings as appropriate, e.g. those with a higher capacity, locality and volume.

6.8.2 The Framework will ensure compliance with national regulations under the Procurement Act 2023. It will be used to call off individual contracts and for mini competitions for any block contracts for all types of supported and semi-independent accommodation. In discussions with Procurement, evaluation criteria of 50 per cent quality and 40 per cent cost are proposed for each Open Framework lot to encourage cost competitive bids with a clear focus on quality for our young people. While quality is critical, the agreed ratio of quality and cost will ensure a focus on value for money given the current overspend. All Providers will have to meet a minimum quality threshold of 50% per evaluation criteria before their services are considered.

6.8.3 The quality scoring for the Open Framework will require Providers to submit case studies in response to the following evaluation criteria:

- a. Service Delivery & Design;
- b. House Safety and Safeguarding;
- c. Young Person Preparation for Adulthood/Independence;
- d. Recruitment, Expertise & Credentials;
- e. Quality Assurance;
- f. Equality and Inclusion; and
- g. Supporting Young Parents (where applicable).

6.8.4 The weighting for each lot's evaluation criteria will differ slightly due to the difference in provision.

- 6.8.5 The Providers will be requested to provide a young person-friendly case study for sections A, B and C, which young people will be invited to score.
- 6.8.6 The remaining 10% of the evaluation will focus on social value, with the Council seeking additional community-level outcomes for the benefit of local children, young people and residents.
- 6.8.7 All Providers will be required to meet mandatory exclusions requirements, discretionary exclusions requirements, financial credit checks and to submit up-to-date company records. All Providers will be required to provide their CQC ratings where applicable, and all Providers of 16-17 supported accommodation will be required to provide their OFSTED registration details.
- 6.9 How the procurement will address and implement the Council's Social Value policy**
- 6.9.1 10% of the evaluation criteria will focus on social value; Providers will be asked to focus on 'investment in local people' and 'investment in local economy' as social value themes, in addition to providing supported and semi-independent accommodation for our young people.
- 6.9.2 The successful Providers will be subject to contract monitoring, which will oversee how they are meeting the commitments outlined in their social value delivery plans and method statements. Social value outputs will be required of all Providers entering onto the Open Framework, irrespective of their volume of referrals.
- 6.10 London Living Wage (LLW)**
- 6.10.1 Tenderers will be required to pay the London Living Wage (LLW) as a minimum to staff and ensure that all such costs are transparently declared as required by the Council. Suppliers outside of London will also be required to pay National Living Wage as a minimum to staff.
- 6.11 How the Procurement will impact/support the Net Zero Carbon Target and Sustainability**
- 6.11.1 The Procurement will support the Council's Net Zero Carbon targets, as the Council will be looking primarily at placing young people with local providers where possible, so that young people are able to maintain connections with their families, friends and schools. This would also enable young people to either walk or utilise public transport when attending visits and activities, which would prove more environmentally sustainable. It would also assist social workers in using public transport when visiting young people, as well as reducing their travel time.
- 6.11.2 The Open Framework will also work to promote improved outcomes, consistency and effectiveness for the Young People, supporting in permanency planning. Through lot three in particular (Providers of both supported accommodation and semi-independent accommodation types in order to ensure consistency and continuity of care and relationships for a Young Person), the Council will look to place a young person with Providers who are able to support them all the way through from 16 up to a maximum age of 25, reducing the need for additional placement movements and promoting sustainability.

7. Options Appraisal

7.1 Option 1: Rejoin the Commissioning Alliance

Advantages

- Access to the Commissioning Alliance Dynamic Purchasing Vehicle (DPV) and all arrangements under this (contract monitoring, contract advice and queries, KPIs);
- CarePlace and processes were previously in place to procure from the DPV, which could be resumed at short notice.

Disadvantages

- A lack of suitable provision for our children and young people, with the majority of placement requests made by the Council to the Commissioning Alliance having been unsuccessful;
- Limited responses from Providers through the Commissioning Alliance's CarePlace technology platform;
- An inability to effectively utilise the data available through CarePlace due to a lack of placements, resulting in reduced opportunities to support evidence-based commissioning, support daily purchasing decisions and monitor both expenditure and savings;
- Limited contract management and premises monitoring support (the Commissioning Alliance's fees included some contract monitoring but at a strategic level and which was not responsive to emergency or individual level needs);
- Buying into the Commissioning Alliance model is significantly more expensive than the proposed Open Framework, which will continue to add pressure to service budgets and provide an inconsistent service to our young people;
- No ceiling prices for Supported and Semi-Independent Accommodation; and
- The Commissioning Alliance does not require Providers to pay employees the London Living Wage.

7.2 Option 2: Undertake spot purchasing arrangements for all supported and semi-independent accommodation placements

Advantages

- Ability to undertake without the need for a tender process;
- Can enable very individualised, bespoke services for young people with complex needs;
- Ability to seek and procure individual placements quickly, which can be particularly useful when emergency placements are required.

Disadvantages

- Inconsistencies in quality and pricing, with no clear and consistent expectations for services in place;

- Individual spot purchasing arrangements would be both time and resource intensive, with implications across Commissioning, Quality Assurance and Procurement functions;
- Reduces the impact of the Council to manage the market and shape service development; and
- Lack of clarity about the provision available for young people from Barking and Dagenham.

7.3 **Option 3: Establishment of the Open Framework (preferred option)**

Advantages (explored in further detail at Paragraph 3.4)

- By establishing our own Open Framework, we would be able to ensure access to a wide range of high-quality services and Providers for our young people;
- Avoids a long-term framework that locks Providers entry onto the Framework. This historically has been detrimental to the framework's efficiency and effectiveness as Providers change, whilst standards and costs stagnate over time and lead to expensive legacy costs;
- Provides Providers with regular windows to address fee changes and the opportunity to continue or not on the framework, whilst giving the local authority the opportunity to remove non-active members;
- Avoids resource-hungry and costly fee reviews;
- Through light touch contracts, the local authority can make direct placements through operating Brokerage/Provider meetings, enabling us to work directly with Providers to find the best option to meet our young people's needs;
- We would be able to build strong relationships with smaller and local Providers;
- Our own framework could be offered to other local authorities, which could generate additional income for the Council.

Disadvantages

- Going out to market on our own would not offer the same opportunities for economies of scale;
- A single borough service procurement would be both time and resource intensive, with implications across Commissioning, Quality Assurance and Procurement functions;
- Partnership working with other local authorities enables greater wider market shaping possibilities.

7.4 **Option 4: Establishment of a Dynamic Purchasing System (DPS)**

Advantages

- LBBB would have access to a wide range of high-quality and pre-approved Providers;
- Providers on a DPS submit pre-agreed fees, which include core prices and additional placements costs;
- We would be able to build strong relationships with smaller and local Providers;
- A DPS would be open to new Providers throughout its lifespan; as such, new Providers can onboard at any time and there is scope to grow the number of Providers on a DPS;

- Our own DPS could be offered to other local authorities, which could generate additional income for the Council;
- Electronic call-offs can capture all of the data of the contract setting.

Disadvantages

- A single borough service procurement would be both time and resource intensive, with implications across Commissioning, Quality Assurance and Procurement functions;
- Partnership working with other local authorities enables greater wider market shaping possibilities;
- Resource-intensive for local authorities, due to the monitoring of new submissions onto the DPS;
- Providers do not have regular windows to address fee changes, meanly that regular resource-intensive and costly fee reviews are likely to arise.

7.5 Option 3 (establishment of an open framework) would assist the Council in establishing pricing with Providers in advance, as well as in avoiding regular fluctuations in fees as is currently the case; Providers would instead be given two-yearly windows to address fee changes with the Council. This would also assist the Council in better financial monitoring and modelling, as well as support it in establishing greater market control. Lot three in particular (providing continuity of care contracts for young people, ensuring that they are able to remain supported by the same Provider through their 16+ supported accommodation to 18+ semi-independent accommodation), will ensure that costs to the Council are better spread throughout the duration of the young person's placement. Lot three in particular will also ensure greater control within the system, as well as reduce pressure within the Council's Brokerage and Social Work teams through decreased referrals for young people needing 18+ semi-independent placements. Spend across all lots is demand-driven, depending on the number of our young people requiring placements, as well as the support needed for them.

8. Waiver

8.1 Not applicable.

9. Consultation

9.1 The Framework will be reopened every two years, to enable new Providers to join and for current Providers to decide whether they wish to continue on the Framework. Market engagement events will be held in advance of these reopenings, with the first event to be held in September/October 2024; during these events, LBBD Commissioners will work to promote the Framework, gather feedback and encourage Providers to bid to join the Framework. The Commissioning Team will also hold Provider Forums on a quarterly basis, during which the Team can further promote the Framework to Providers; the first Provider Forum promoting the Framework will be held in July 2024. A Prior Information Notice (PIN) will be issued for each market engagement event on the UK 'Find a Tender' service, where organisations can search for opportunities within the public sector in the UK.

- 9.2 The proposals in this report were considered by the Procurement Board at its meeting on 19 August 2024. This report will also be considered at the Council's Cabinet meeting on 17 September 2024.

10. Corporate Procurement

Implications completed by: Francis Parker, Senior Procurement Manager

- 10.1 The proposed procurement process is compliant with the Procurement Act 2023 and the Council's contract rules.
- 10.2 Using an Open framework for these services is likely to yield the best value for money due to the widest possible competition and ability to run mini competitions amongst the framework providers.
- 10.3 The nature of Open frameworks means that new providers to the market are not excluded, and more flexibility is available.

11. Financial Implications

Implications completed by: Antony Envoldsen-Harris, Finance Manager

- 11.1 The 2024/25 budget for supported accommodation/semi-independent placements is £2m, with a forecast spend at P2 of £2.3m, a pressure of £0.3m that is yet to be addressed.
- 11.2 The proposed open framework for supported accommodation/ semi-independent placements would ensure fixed costs for placements and promote stability of costs, thus reducing uncertainty of fluctuating costs. Additionally, there framework would ensure a reduction of spot purchases which would ensure further control of quality of placements and allow for better clarity in projecting costs for placements.
- 11.3 The proposed open framework could also create a range of placement provisions that best meet the individual needs of our looked-after young people, acknowledging that these needs are often ongoing and would cost the council more if there is a reliance on spot negotiations.
- 11.4 The estimated cost across the first two years of the framework, from March 2025 to March 2027, is £5m, an increase of £0.5m per annum over current budget available. However, there is sufficient budget to accommodate this proposal from other larger placement budgets which will have a projected reduced expenditure due to the implementation of the open framework.

12. Legal Implications

Implications completed by: Lauren van Arendonk, Acting Principal Contracts and Procurement Lawyer

- 12.1 This report seeks to approve the setting up of a framework for supported accommodation.

- 12.2 The procurement shall be let under the Procurement Act 2023 (PA 2023). The PA 2023 outlines several key provisions essential for setting up a framework in social care. Section 4 emphasises the principles of procurement, including transparency, equal treatment and non-discrimination, proportionality, and integrity.
- 12.3 According to Section 10, framework agreements can be established to provide a structure for awarding contracts, with a maximum duration of four years unless justified otherwise by the nature of the services. As the procurement is light touch and there is sufficient justification to have a longer term, this is acceptable within the intention and meaning of s 10.
- 12.4 Section 12 allows for the use of various competitive procedures, such as open, restricted, and negotiated procedures, to align with the complexity of social care services. In this instance, an open tender is proposed.
- 12.5 Award criteria, detailed in Section 14, must be pre-established and may include factors like quality, cost-effectiveness, and social value, as outlined in the report. Public contracts, as described in Section 18, must comply with specific thresholds and requirements and be advertised in the public procurement portal to ensure openness and competition. Additionally, the light-touch regime applicable to social care services allows for some flexibility in the procurement process, recognising the unique nature of these services.
- 12.6 Given that PA 2023 is the biggest change in procurement legislation for many years, it is recommended that legal support with the process, document review and preparation where required.

13. Other Implications

- 13.1 **Risk and Risk Management** – There is recognition that the current level of spend on Supported and Semi-Independent Accommodation is higher than the set budget, which poses a financial risk to the local authority. This is a demand-driven service which means that costs could rise as well as fall. Opening the Framework locally will enable improved outcomes for young people and this will increase placement stability and therefore reduce costs, as costs increase with instability. This Open Framework is the first step in applying financial control and best commissioning practice to a system that currently relies on spot purchase prices which are subject to supply, matching and annual fee reviews. These currently make setting an accurate budget difficult.

The new Open Framework will fix the services' accommodation and support fees for a period of two years, removing the annual fee requests whilst giving Providers the opportunity to resubmit fees at regular periods. By reviewing fees three to six months prior to the start of each scheme, the local authority will be able to budget more accurately. Through use of the Framework, the local authority will be able to identify the platform on which the placement was let, enabling better planning and cost monitoring. Through the partnership arrangements, it will enable the local authority the flexibility to use block contracts for a group of stable placements with local small and medium-sized enterprises (SMEs) to gain a better fee and planning through economies of scale. The overall aim would be to move away from over reliance on the Framework and into improved contractual options. Once the Framework is active, care leavers could be moved into better quality and priced

accommodation. The use of continuity contracts will remove time pressure and workload from brokerage and social workers, thus impacting on costs elsewhere.

A risk assessment has also been undertaken, highlighting key areas of risk associated with the tender and procurement process and is attached at Appendix 1.

- 13.2 **Corporate Policy and Equality Impact** - The recommendations in this report support all local policies relating to looked after children and care leavers; these policies are underpinned by statutory guidance published by the Department for Education. The statutory guidance that relates to this report is the Children Act 1989, the Care Leavers Regulations 2010 and the Supported Accommodation (England) Regulations 2023. The recommendations in this report also support the Council in its statutory responsibilities as a Corporate Parent.

The service will impact on Looked After Children. The service will contribute towards reduced levels of placement disruption for those young people in care. Wellbeing of children in the Borough and ensuring that potentially vulnerable children and young people are safely housed and supported based on their needs, is a fundamental responsibility for the Council, staff and Members. Indeed, this is a responsibility for all Members as corporate parents. The services will enable children and young people to be safeguarded while being housed and allows them to experience services within the community in a safe way, thereby, contributing to positive life chances, educational and social development.

The Equality Impact Assessment Screening Tool is attached at Appendix 2.

- 13.4 **Safeguarding Adults and Children** - The Children Act 1989 requires Local Authorities to provide services for children in need for the purposes of safeguarding and promoting their welfare. The Providers are required to adhere to the duties under the Children Act 1989 and all of the Council's local safeguarding procedures. These are explicitly addressed within the service specification that forms a schedule of the contract that has been scrutinised by the Council's Legal Department.
- 13.5 Staff working with the young people and vulnerable adults will be expected to have a current Disclosure and Barring Service (DBS) check. In addition, as a part of the Contract, all providers will be thoroughly assessed on child protection and safeguarding methods they employ, ensuring that they have updated policies in place, along with annual training which must be delivered to their staff.
- 13.6 **Health Issues** - The wellbeing of young people in the Borough is a fundamental responsibility of the Council and this service, which will contribute to positive health outcomes for our looked after children and young people.

Public Background Papers Used in the Preparation of the Report: None

List of appendices:

- **Appendix 1:** Risk Register
- **Appendix 2:** Equality Impact Assessment Screening Tool

Risk Register- Supported and Semi-Independent Accommodation Open Framework Tender

ID	Date raised	Risk description	Likelihood of the risk occurring	Impact if the risk occurs	Severity <i>Rating based on impact & likelihood.</i>	Owner <i>Person who will manage the risk.</i>	Mitigating action <i>Actions to mitigate the risk e.g. reduce the likelihood.</i>	Contingent action <i>Action to be taken if the risk happens.</i>
1	05/06/24	There is no guarantee that Barking and Dagenham will be able to fully meet its demand for placements through the Supported and Semi-independent Accommodation Open Framework	Low	High	Medium	Commissioning Team	The Open Framework will be reopened every two years, and will last up to a maximum of eight years. This will enable new Providers to join the Open Framework, as well as provide Providers who have already joined the Framework with regular windows to address fee changes, which should incentivise them to remain a part of this. The Call-off procedures will also enable the Council to better tailor placements to the needs of our children and young people, with direct awards and Children's Brokerage and Provider Placement meetings encouraging greater relationships between the Council and Providers, as well as providing the Council with a greater ability to find the right placements at the right time for our young people in care. Market warming events and consultation are also being held by the Council, which have so far been positive.	Maintaining some spot purchase arrangements if needed could help to mitigate this risk. LBBD is promoting the Open Framework to its current Providers, to encourage them to join this. Ongoing market engagement will also continue throughout the life of the Open Framework, as well as before each reopening of this, in order for the Council to gather feedback and promote the Framework to Providers.
2	05/06/24	The risk of market failure cannot be ruled out	Low	High	Low	Commissioning Team	LBBD is currently working with its existing Providers to encourage them to join the Open Framework, with market engagement currently taking place to attract more Providers to the Framework. The Framework will also support creating a sustainable pricing structure and therefore is attractive to Providers with the ability for Providers to submit fee changes every two years, which should reduce the risk of Providers joining and then leaving the Framework.	The Open Framework will be reopened at regular periods, on substantially the same terms, within certain time constraints; new Providers will be able to join the Framework every two years. LBBD is working with its existing Providers to encourage them to join the Framework. Ongoing market engagement will also continue throughout the life of the Open Framework, as well as before each reopening of this, in order for the Council to gather feedback and promote the Framework to Providers.

ID	Date raised	Risk description	Likelihood of the risk occurring
1	[enter date]		
2	[enter date]		
3	[enter date]		
4	[enter date]		
5	[enter date]		
6	[enter date]		
7	[enter date]		

Impact if the risk occurs	Severity <i>Rating based on impact & likelihood.</i>	Owner <i>Person who will manage the risk.</i>	Mitigating action <i>Actions to mitigate the risk e.g. reduce the likelihood.</i>	Contingent action <i>Action to be taken if the risk happens.</i>

Progress on actions	Status	Useful resources

Equality Impact Assessment Screening Tool

Equality Impact Assessments help the Council to comply with its public sector duty under the Equality Act 2010 to have due regard to equality implications. EIAs also help services to be customer focussed, leading to improved service delivery and customer satisfaction.

The Council understands that whilst its equalities duty applies to all services, it is going to be more relevant to some decisions than others. We need to ensure that the detail of Equality Impact Assessments (EIAs) are proportionate to the impact of decisions on the equality duty, and that in some cases a full EIA is not necessary.

This tool assists services in determining whether plans and decisions will require a full EIA. It should be used on all new policies, projects, functions, staff restructuring, major development or planning applications, or when revising them.

Full guidance on the Council’s duties and EIAs and the full EIA template is available at [Equality Impact Assessments](#).

Proposal/Project/Policy Title	Supported and Semi-Independent Accommodation Open Framework Tender
Service Area	Children’s Care and Support (Commissioning)
Officer completing the EIA Screening Tool	Claudia Wakefield, Commissioning Manager
Head of Service	Heather Storey, Head of Commissioning Children’s
Date	04/06/2024
Brief Summary of the Proposal/Project/Policy Include main aims, proposed outcomes, recommendations/decisions sought.	By establishing an Open Framework for a) Providers of Supported Accommodation for those aged 16 -17 years, under the new Supported Accommodation regulations (OFSTED), that do not provide Semi-independent accommodation; b) Providers of Semi-Independent accommodation for those over 18 who have, or can, not move into independent accommodation, that do not provide supported accommodation; c) Providers of both supported accommodation and semi-independent accommodation types in order to ensure consistency and continuity of care and relationships for a Young Person; and d) Providers of both supported accommodation (OFSTED regulations) and semi-independent accommodation types in order to ensure consistency and continuity of care and relationships for Young People that are parents, the Council will ensure a pool of good quality pre-approved Providers, which meet the needs of our looked-after young people aged 16 and

older (up to a maximum age of 25). The aim of the Framework is to source placements that best meet the individual needs of our looked-after young people, acknowledging that these needs are often ongoing. The Framework will assist LBBB in meeting its statutory duty to ensure that there is sufficient, good quality, and safe provision for the young people in its care. This provision represents value for money and will be sourced in compliance with the Procurement Regulations 2023 and the Council's Contract Rules, to ensure best value for both the young people and the Council. It is also important to note that Section 149 of the Equality Act requires public authorities to remove or minimise disadvantages affecting any particular equality group. This means that giving due regard to Equality will require the procurement process, tender specification and award of the tender to take into account the needs of young people and care leavers who are disabled or where appropriate, commission specialist services or require main suppliers to use specialist subcontractors to respond to the specific disability support needs of care leavers. In the event that a looked after young person or care leaver with physical and sensory disabilities and long-term conditions required specialist accommodation and support services, these would be commissioned on a case-by-case basis. It is also important to note that as part of the evaluation of the tender, Providers will be requested to provide a young person-friendly case study for sections A, B and C, which care-experienced young people will be invited to score.

Protected characteristic	Impact	Description
Age	Positive impact (L)	<p>This proposal will provide looked after young people with good quality accommodation arrangements with access to education, health and wellbeing support whilst also providing seamless transitional arrangements.</p> <p>The Open Framework will provide a range of high-quality Providers that will meet the diverse needs of young people in the Borough. Young people with complex needs will be given bespoke individual support.</p> <p>This proposal will also ensure that LBBB has a range of high-quality assured Providers capable of providing accommodation and support to young people within LBBB and in neighbouring boroughs to a very high standard.</p>

		<p>All looked after children and young people from age 16 (up to a maximum age of 25) will be catered to, with placements that best meet the individual needs of the young person. All young people will also be supported to develop their independence in preparation for adult living while keeping them safe in a homely and nurturing environment.</p> <p>Through standards established in the service specifications, targets set and contract monitoring, Providers will be required to demonstrate how they are meeting the emotional needs of our young people, to ensure that any issues are addressed promptly.</p>
Disability	Positive impact (L)	<p>Providers will be expected to support young people with disabilities to access education (mainstream/ special schools), training and meaningful activities.</p> <p>In the event that a looked after young person with physical and sensory disabilities and long-term conditions required specialist accommodation and support services, these would be commissioned on a case-by-case basis.</p>
Gender re-assignment	Positive impact (L)	<p>All looked after young people will be supported as appropriate, with placements and tailored support that best meet the individual needs of the young person.</p> <p>Capturing gender, identity and sexual orientation will be achieved through standards established in the service specifications, targets set and contract monitoring; Providers will be required to demonstrate how they are meeting these needs. Providers will also be required to submit details of incidents and their response to keep young people safe including bullying, issues related to their sexuality or sexual identity and other protected factors.</p>
Marriage and civil partnership	Positive impact (L)	<p>The Open Framework covers young people who are parents and is able to support them with their relationships.</p>

<p>Pregnancy and maternity</p>	<p>Positive impact (L)</p>	<p>The Open Framework has considered the needs of young parents with child/ren, with this element of service covered specifically under the fourth Open Framework lot (Providers of both supported accommodation (OFSTED regulations) and semi-independent accommodation types in order to ensure consistency and continuity of care and relationships for Young People that are parents).</p> <p>This Framework lot will aim to ensure that young parents aged 16 and over are given a safe and supportive environment, where they can live together with their children. Placements will provide a structured and holistic setting, with support provided to facilitate the young parents' preparation for independent living whilst supporting a family.</p> <p>Furthermore, pregnant young people in care will be supported through their allocated key workers within their provisions to access appropriate anti-natal and post-natal support.</p>
<p>Race</p>	<p>Positive impact (L)</p>	<p>All looked after young people across the diverse population of LBBD will be supported as appropriate, regardless of their race. Placements and tailored support that best meet the individual needs of the young person will be put into place through the Open Framework. Furthermore, unaccompanied asylum-seeking children and young people (UASC) will be supported to settle into the community through their placements.</p> <p>Providers will also be expected to address cultural needs through providing interpreting, advocacy support and befriending services as required.</p>
<p>Religion</p>	<p>Positive impact (L)</p>	<p>All looked after young people in care across the diverse population of LBBD will be supported as appropriate, regardless of their religion. Placements and tailored support that best meet the individual needs of the young person</p>

		will be put into place through the Open Framework. Providers will also be expected to support young people with practicing their faith and to provide support with faith celebrations and festivals.
Sex	Positive impact (L)	<p>All looked after young people will be supported as appropriate, with placements and tailored support that best meet the individual needs of the young person.</p> <p>Capturing gender, identity and sexual orientation will be achieved through standards established in the service specifications, targets set and contract monitoring; Providers will be required to demonstrate how they are meeting these needs. Providers will also be required to submit details of incidents and their response to keep young people safe including bullying, issues related to their sexuality or sexual identity and other protected factors.</p>
Sexual orientation	Positive impact (L)	<p>All looked after young people will be supported as appropriate, with placements and tailored support that best meet the individual needs of the young person.</p> <p>Capturing gender, identity and sexual orientation will be achieved through standards established in the service specifications, targets set and contract monitoring; Providers will be required to demonstrate how they are meeting these needs. Providers will also be required to submit details of incidents and their response to keep young people safe including bullying, issues related to their sexuality or sexual identity and other protected factors.</p>
Socio-Economic Disadvantage¹	Positive impact (L)	All looked after young people will be supported as appropriate, with placements and tailored support that best meet the individual needs of the young person.

¹ Socio-Economic Disadvantage is not a protected characteristic under the Equality Act. London Borough of Barking and Dagenham has chosen to include Socio-Economic Disadvantage as best practice.

		<p>Young people who enter care are often from families who experience socio-economic disadvantage².</p> <p>Care-experienced people also experience socio-economic disadvantage throughout their lives³. This makes finding appropriate placements for each young person, that set them up as well as possible for later life, important for combatting inequality.</p> <p>This Framework will offer these young people improved preparation for independence and safety whilst also enabling support during the early months of independence.</p>
<p>How visible is this service/policy/project/proposal to the general public?</p>		<p>Medium visibility to the general public (M)</p>
<p>What is the potential risk to the Council's reputation?</p>		<p>High risk to reputation (H)</p>

If your answers are mostly H and/or M = **Full EIA to be completed**

If after completing the EIA screening process you determine that a full EIA is not relevant for this service/function/policy/project you must provide explanation and evidence below.

This screening tool has identified that a full EIA is not required at this time, with the establishment of the Open Framework resulting in a positive impact against all protected characteristics listed above; however, the impact on protected characteristics will continue to be reviewed and monitored over the lifespan of the Framework.

The Framework will be reopened at regular periods, on substantially the same terms, within certain time constraints. The Framework will need to be reopened by law at least once within three years from the day of the award of the first framework in the scheme and then at least once within the next five years from the day of the award of the second framework in the scheme. The final framework will expire at the end of the period of eight years beginning with the day on which the first framework under the scheme is awarded. The Commissioning team is planning on reopening the Framework within two years of the original day of award and then in two-yearly cycles, up to the eighth year of the original day of award, with the Framework due to commence in April 2025. As such, another EIA screening will be completed in April 2027, prior to the next reopening of the Framework.

²(https://assets.publishing.service.gov.uk/media/5a7c4b2d40f0b6321db3836b/33571_2901304_CMO_Chapter_11.pdf,p5)

³(<https://www.sciencedirect.com/science/article/abs/pii/S0190740922002560#:~:text=In%20essence%2C%20care%20leavers%20continue,as%20causes%20of%20occupational%20disadvantage.>)

CABINET

17 September 2024

Title: Change to Loan Terms and Conditions to Barking & Dagenham Trading Partnership Ltd	
Report of the Cabinet Member for Finance, Growth and Core Services	
Open Report	For Decision
Wards Affected: None	Key Decision: Yes
Report Author: Jahangir Mannan, Interim Director of Financial Services (Deputy 151 Officer)	Contact Details: E-mails: jahangir.mannan@lbbd.gov.uk
Accountable Executive Team Director: Richard Harbord, Interim Strategic Director, Resources	
Summary <p>In 2021 Members agreed to lend Barking & Dagenham Trading Partnership Ltd (BDTP) a £5.0m Working Capital Loan (WCL) to 31 July 2024 with a commercial rate applied. The agreement has now expired. Officers were hoping to be able to bring a formal report to Members ahead of the expiry date. However, external advisors were commissioned to review the BDTP group's indebtedness position and therefore there has been a time delay from the outcomes of that review to be discussed.</p> <p>Following their review, the external advisors have advised that the most appropriate solution would be for the working capital loan to be converted to an equity investment. However, this would only be possible if it can be demonstrated that the Council will be in receipt of long-term value and benefits from that investment.</p> <p>Strategic discussions between the Council and the BDTP Board are currently in progress and will be discussed in more detail at the Shareholder Panel meeting in September led by Cabinet Members.</p> <p>The BDTP Group were originally planning to start to pay the interest on the working capital loan in 2024/25 but the additional c£3m of savings to be delivered by the BDMS company, within the Group, approved by Cabinet in May 2024 has meant that the Group is now unable to service the loan.</p> <p>It is anticipated that the BDTP Group strategic discussions and outcomes will be concluded by the end of the calendar year and a formal report will be presented to Cabinet thereafter. In the meantime, this report seeks approval to extend the working capital loan facility until 31 March 2025 on the expired agreement's terms.</p>	

<p>Recommendation(s)</p> <p>Cabinet is recommended to agree the extension of the current loan of £5.0m to Barking & Dagenham Trading Partnerships Ltd, from the current repayment date of 31 July 2024 to 31 March 2025 based on the same terms as the previous agreement.</p>
<p>Reason(s)</p> <p>To support the day-to-day delivery of services provided by the Council-owned company BDTP.</p>

1. Introduction and Background

- 1.1 In July 2021, as part of the establishment of the Barking & Dagenham Trading Partnership Ltd (BDTP), cabinet approved the request for the Council to issue up to £5m for working capital loan (WCL) to the BDTP Group. Initially a £1.5m WCL was provided to BDTP, but this was extended to a total of £5m due to ongoing cashflow issues caused by the timing of payments into and out of the company.
- 1.2 Since the loan was issued to BDTP, the Company has been unable to pay the interest on the loan and this has resulted in the Council putting in a provision for both the loan and the interest, with the total provision to 31 March 2024 for the WCL of £5.9m.
- 1.3 In the original draft Business Plan for 2024/25 the Company was projecting to begin to service part of the interest payments with full servicing of the interest from 2025/26. However, in May 2024 Cabinet approved the BDMS contract fee which include an additional c£3m of savings to be delivered for the HRA which was not included within the Company's Business Plan.
- 1.4 A discrepancy had been highlighted between the contract fee included within the HRA approved by Members in February 2024 and the contract fee that the BDMS company were applying for 2024/25. The additional savings that the company has been asked to find in-year has impacted significantly on the BDTP Group's finances, which now means that they cannot being to service the interest on the loan.
- 1.5 The Council's S151 Officer commissioned Ernst Young (EY) to undertake a review of the BDTP's indebtedness taking into account the Group's overall financial health.

2. Loan Options

- 2.1 Several options were reviewed with regards to the WCL, including:
 1. converting the loan to equity;
 2. converting the loan to a revolving credit facility;
 3. continue to roll up the interest on the loan; and
 4. providing an interest free period.

- 2.2 Converting the loan to equity means that the interest-bearing loan has been exchange for a shareholder cash investment which is non-interest bearing. Any equity investments feature last in terms of repayment of funds in the event of any winding up of the company. Repayment of debt is prioritised over return of shareholder cash investments.
- 2.3 A Revolving Credit Facility means that the company would have a facility of up to £5m but would only draw down the actual amount required on a periodic review basis. This would potentially mean that the overall loan balance and therefore interest payable.
- 2.4 Continuing to roll up interest on the loan would mean that the Council would need to provide for the interest at year end as BDTP will not be able to pay the interest for 2024/25 for the reasons outlined above. This would like to require a further provision of approximately £600k to £700k and would increase the total amount owed on the WCL to over £6.5m.
- 2.5 Given the overall financial health of the BDTP Group, EY has recommended that the most appropriate solution would be to convert the interest-bearing working capital loan to an equity investment. However, the Council could only take this decision providing it can be demonstrated that there is long-term value derived to the Council from this investment.
- 2.6 Strategic discussions are currently taking place between portfolio holders, Council senior officers and the BDTP Group Board and a report will be presented to Cabinet once those discussions are concluded and outcomes known.
- 2.7 However, given that the existing loan agreement has now expired it is proposed to extend that agreement, under the same terms, until the end of the financial year. The company has insufficient cash to repay the loan and therefore any calling-in of the loan facility would initiate the winding-up of the company.
- 2.8 Although provided for, it is not possible to write-off the loan and accumulated interest as this would represent a subsidy. Any arrangements with the Council's subsidiaries must be on an arms-length and commercial basis.
- 2.9 In the event of a winding-up and dissolution of the BDTP Group, any debt write-off by the Council would not constitute a subsidy but ultimately is a cost to the Council to bear.

3. Options Appraisal

- 3.1 The Options with regards to the BDTP loan are detailed in Section 2. A wider options appraisal will be presented following the conclusion of strategic discussions around future service delivery.

4. Consultation

- 4.1 The proposed decision does not require formal consultation at this stage. However, the proposals in this report have been considered and endorsed by the Executive Management Team.

5. Financial Implications

Implications completed by: Jahangir Mannan, Interim Director of Financial Services (Deputy 151 Officer)

- 5.1 The BDTP working capital loan principal is £5m with accrued interest to 31 March 2024 being £946,843. These amounts have been provided for in full in the Council's accounts.
- 5.2 For 2024/25, the interest charge on the WCL is £665k and in the Quarter 1 Budget Monitoring Report which is a separate agenda item, this has been forecast not to be paid and, again, provided for. For any loans to subsidiaries, the Council is required to charge a commercial rate on an arms-length basis. The current rate of interest on the loan is BoE Base + 6%.

6. Legal Implications

Implications completed by: Dr Paul Feild, Principal Standards & Governance Solicitor

- 6.1 As explained in the body of this report, the company BDTP is facing a challenge regarding the pay-back of the working capital loan.
- 6.2 What is being proposed is a short-term measure to tide the company over until a later decision regarding re-financing. It will be at a commercial rate. This is necessary otherwise the arrangement could fall foul of the Subsidy Control Act 2022 which forbids under market rate loans by the public sector unless they relate to recovery plans of a short-term nature.
- 6.3 It is important that objective real-time monitoring is carried out on the company to ensure that it remains a going concern as the Council owes a fiduciary duty to Council taxpayers, the Government and other funders to make sure it is observing sound stewardship of public funds. The extension of the loan should not be seen as in any way fettering the Council's ability for further decision making regarding the company.

Public Background Papers Used in the Preparation of the Report: None

List of Appendices: None

CABINET

17 September 2024

Title: Adoption of the Planning Obligations Supplementary Planning Document	
Report of the Cabinet Member for Regeneration and Economic Development	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Marilyn Smith, Head of Planning and Assurance Bronte Smith, Principal Policy Manager, Be First	Contact Details: E-mail: Marilyn.smith@lbbd.gov.uk bronte.smith@befirst.london
Accountable Directors: Rebecca Ellsmore, Strategic Head of Place and Development Caroline Harper, Deputy Managing Director, Be First	
Accountable Executive Team Director: Rebecca Ellsmore, Strategic Head of Place and Development	
Summary <p>This report seeks approval to adopt the Planning Obligations Supplementary Planning Document (SPD). The SPD provides detailed and up to date guidance to the community, developers and planning officers on the Council's approach to Section 106 planning obligations alongside the Community Infrastructure Levy.</p> <p>Community consultation on the SPD occurred between September and November 2022. The SPD has been revised taking into account feedback received through the consultation, to provide improved clarity and justification for contributions. Adoption is now sought alongside the new LBBD Local Plan 2037.</p> <p>The SPD aims to provide a consistent approach to the negotiation of planning contributions, to balance ongoing viability challenges with the need for planning applications to contribute to infrastructure to mitigate the impacts of growth.</p> <p>Once adopted the SPD will be a material consideration in the determination of planning applications.</p>	
Recommendation(s) <p>The Cabinet is asked to recommend the Assembly to:</p> <ul style="list-style-type: none">(i) Note the Planning Obligations Supplementary Planning Document (SPD) Consultation Summary Report at Appendix 2 to the report and the changes made to the SPD as a consequence of the consultation, as set out in paragraph 2.7 of the report;(ii) Adopt of the Planning Obligations SPD as set out at Appendix 1 to the report; and	

- (iii) Delegate authority to the Strategic Director, Inclusive Growth and Place to make any final minor edits to the SPD prior to publication of the final version.

Reason(s)

This Planning Obligations Supplementary Planning Document (SPD) has been prepared to provide detailed guidance on the Council's approach to negotiating Section 106 (S106) planning obligations and will form part of the planning framework for the borough.

The SPD provides improved clarity to developers and the community as to how the Council will seek developer financial and non-financial contributions, the justification for seeking contributions, in some cases, how these contributions will be spent. The SPD aims to provide a consistent approach to Council's negotiation of contributions to secure its wider social, environmental and economic corporate objectives.

1. Introduction and Background

- 1.1. Policy DMM 1 of the draft Local Plan sets out that Council will seek planning obligations through the planning process to address the impact of development on the community and infrastructure. The potential impacts on growth are wide ranging, and include housing, transport infrastructure, social infrastructure such as schools and hospitals and the environment.
- 1.2. This Planning Obligations SPD provides detailed guidance on the Council's approach to negotiating Section 106 (S106) planning obligations alongside the Community Infrastructure Levy (CIL). This SPD forms part of the LBBDD's planning framework to shape delivery of future development and regeneration across the borough.
- 1.3. The SPD should be read alongside the Council's Infrastructure Delivery Plan (IDP), which identifies key infrastructure requirements to unlock future regeneration, and the associated costs where known.
- 1.4. Community consultation on the SPD was undertaken between September and November 2022. Following this consultation, the SPD has been revised to address feedback received. The adoption of the SPD was paused so that the SPD could be considered alongside the draft Local Plan and sit within the new development framework provided by the draft Local Plan, once adopted. The draft SPD has informed negotiations on contributions since it was first published as a consultation document.
- 1.5. The SPD has been prepared in line with the National Planning Policy Framework (NPPF), the London Plan (2021), the LBBDD Local Plan and the legislative framework provided by the CIL Regulations 2010 (as amended).
- 1.6. Regulation 122 of the CIL Regulations 2010 (as amended) states that for a planning obligation to constitute a reason for granting planning permission it must be:
 - Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and

- Fairly and reasonably related in scale and kind to the development.

2. Proposal and Issues

2.1 The SPD sets out that Council expects new development to provide site specific contributions, and contribute to the provision of broader borough infrastructure needs through a combination of the following mechanisms:

- S106 planning obligations;
- Planning conditions;
- CIL (for strategic local and borough wide infrastructure); and
- S278 highways agreements.

2.2 The SPD applies to the entirety of the borough, forms part of the Barking and Dagenham Local Plan framework and will be a material consideration in the determination of planning applications.

2.3 The SPD aims to provide a balanced approach to the collection of developer contributions, recognising the challenging viability context of the borough while also addressing the need to seek contributions to mitigate the impacts of growth on the community. The SPD provides planning officers a basis to negotiate planning obligations and secure contributions to contribute to infrastructure priorities and support the achievement of council priorities.

2.4 The SPD provides clarity on the borough's expectations to enable consistent application but aims to allow flexibility where site specific constraints or viability challenges necessitate it.

Content of the SPD

2.5 A summary of the content of the SPD at Appendix 1 is set out below:

Chapter 1 provides the introduction and purpose of the SPD.

Chapter 2 sets out the national, regional and local policy context and legislative requirements provided by the Town and Country Planning Act (1990) and CIL Regulations 2010 (as amended).

Chapter 3 provides an explanation of S106 planning obligations, CIL and Section 278 agreements.

Chapter 4 provides a general explanation of how CIL and Section 106 contributions are sought, the appropriate thresholds used to determine where they are required, the approach to monitoring, the various S106 trigger points and the potential for Council to see area-based planning contributions.

Chapter 5 sets out a detailed description of the contributions that may be required for housing and infrastructure needs, including:

- Affordable housing;
- Carbon Offsetting;
- Air Quality;
- Employment, skills and supply chain development;
- Affordable workspace;

- Education, Healthcare and other Community Infrastructure
- Public realm and streetscape;
- Highways and sustainable transport;
- Parks, open space and playspace; and
- Nature and biodiversity.

Annex 1 to the document provides a summary of how the Local Plan policies and sections of the SPD apply to development.

Annex 2 to the document sets out the standard monitoring fees for S106 agreements.

Response to consultation

2.6 Key matters raised through the consultation include:

- Conformity with the London Plan – responses noted the need for improved consistency with policies of the London Plan, including clarifying wording for affordable housing thresholds.
- Impact of development on infrastructure capacity – comments were received from residents noting the need for additional infrastructure to support current and future development in the borough.
- Need for additional clarity for monetary contributions – responses requested further clarity on how monetary contributions were arrived at and how they are intended to be used.
- The impact on viability – responses noted concerns over the impact of monetary contributions on viability.
- Approach to monitoring – clarity sought on when monitoring costs are expected to be paid and additional detail on the approach to monitoring.

Key changes made to the SPD following consultation

2.7 Following the public consultation on the SPD, several changes have been made to provide additional clarity around the approach to developer contributions, the circumstances in which they would be required, and how they would be calculated. Other key changes that have been made to the SPD include:

- Changes to ensure conformity with the London Plan in relation to affordable housing, additional clarity around the application of the Fast Track Route for affordable housing and adding additional references to the relevant London Plan policies.
- Updating the approach to when financial contributions to the Carbon Offset Fund are collected. Carbon offset contributions are currently collected at the practical completion of development. The SPD updates to split the collection of carbon offset contributions, with 50% paid on commencement and 50% paid on practical completion.

- This change would provide greater certainty around when funding is available, brings us into alignment with GLA guidance on the carbon offset fund and is intended to encourage carbon savings to be considered and achieved through the development.
- Providing additional clarity on the approach to seeking contributions for open space and playspace and including scope within the public realm and open space sections to seek contributions towards maintenance for a 10 year period.
- Changes to the biodiversity and nature section, to ensure that the document is in alignment with the Biodiversity Net Gain regulations introduced in early 2024.
- Splitting the monitoring fees and formulas into a separate appendix, so that these are all available in one place, and can be updated separately by Council as required.

3. Options Appraisal

3.1 This paper recommends the adoption of the Planning Obligations SPD. The options considered in making this recommendation were:

Option 1 - Do not seek adoption of the Planning Obligations SPD – Do not adopt the SPD and instead keep the SPD in draft form.

Option 2 - Seek adoption of the Planning Obligations SPD – Adopt the SPD alongside the Local Plan 2037, to provide detailed, consistent guidance on Council's approach to seeking planning contributions.

3.2 Option 1 was not considered favourable as its important that contemporary, detailed guidance is provided to aid Planning Officers in the negotiation of contributions. It is also critical to provide clear and consistent information to developers, to set clear expectations. Adopting the SPD means that it will provide detailed and up to date advice to developers and be given full weight as a material consideration in determining planning applications.

4. Consultation

4.1 Internal consultation and workshops occurred through the development of the SPD with officers across Council.

4.2 Public consultation on the SPD was undertaken for six weeks between September 2022 and November 2022. Appendix B provides the Consultation Summary report, setting out the key issues raised and Council's response.

4.3 Consultation has also occurred with Planning Committee Members. The Overview and Scrutiny Committee will be consulted on the SPD at its 11 September 2024 meeting.

4.4 This report and the final Planning Obligations SPD were considered and endorsed by the Assets and Capital Board at its meeting on 15 July 2024. It has been considered and endorsed by the Executive Management Team at its meeting on 22 August 2024.

5. Financial Implications

Implications completed by: Alison Gebbett, Capital Accountant

- 5.1 This report sets out the proposed SPD which is the framework for planning contributions from developers. A robust SPD is required to secure appropriate and sufficient section 106 and Community Infrastructure Levy (CIL) contributions, which are a key source of income for the Council's capital programme along with some revenue projects.
- 5.2 As the amount of developer contributions increases and other available resources are under significant pressures, it is paramount that the Council is able to effectively manage these financial resources, working alongside Be First officers. Processes to allow effective governance and allocation of these resources were approved by Cabinet on 17th October 2023.

6. Legal Implications

Implications completed by: Dr Paul Feild, Principal Standards & Governance Lawyer

- 6.1 The Planning and Compulsory Purchase Act 2004 (the "Act") required the Council to replace its Unitary Development Plan (UDP) with a Local Development Framework (LDF). As observed above the Draft Planning Obligations Supplementary Planning Document is a key LDF documents.
- 6.2 The Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004 provide that adoption of LDF documents are not an Executive function, so the resolution to adopt LDF documents under section 23 of the Act must be carried out by the Assembly.

7. Other Implications

- 7.1 **Corporate Policy and Equality Impact** – The Planning Obligations SPD provides supplementary guidance to the Local Plan 2037. A full Equality Impact Assessment (EqIA) was undertaken as part of the development of the Local Plan. Council's Strategy and Participation Team has confirmed that further assessment is not required for the Planning Obligations SPD.

Public Background Papers Used in the Preparation of the Report:

- Draft LBBB Local Plan 2037
- Draft Planning Obligations Supplementary Planning Document (SPD) Update and Consultation Report to Cabinet on 12 July 2022

List of appendices:

Appendix 1 – Planning Obligations SPD
Appendix 2 – Consultation Summary

PLANNING OBLIGATIONS

Supplementary Planning Document



**Barking &
Dagenham**



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1. INTRODUCTION

Barking and Dagenham's Local Plan 2037 outlines a target of over 40,000 new homes in the borough over the course of the Local Plan period. In addition to this, table 4.1 of Policy H1 in the London Plan (2021) sets a ten year housing target for the borough of 19,440 to 2028/29. This level of growth will result in increased pressure on, and create demand for, local infrastructure, services and facilities.

The Council and developers have a responsibility, through the planning process, to ensure that any impact caused by development is mitigated and that the necessary infrastructure is provided. The Council's Infrastructure Delivery Plan (IDP) identifies key infrastructure requirements to unlock future regeneration, and the associated costs where known. This Supplementary Planning Document (SPD) should be read alongside the IDP as the key reference point for planning obligations.

The Council expects new development to contribute to site-specific and wider infrastructure needs through a combination of the following mechanisms:

- Planning obligations to secure developer contributions or works in kind, such as Section 106 agreements (generally site-specific);
- Community Infrastructure Levy (strategic local and borough-wide infrastructure);
- Planning conditions (site-specific); and
- S278 highways agreements.



1.1. Purpose of this SPD

This SPD provides detailed guidance on the Council's approach to negotiating Section 106 (S106) planning obligations alongside the Community Infrastructure Levy (CIL). This SPD forms part of the Barking and Dagenham Local Plan framework, which guides the Council's decision making on planning applications.

The purpose of this document is to:

- Set out how the Council will implement Policy DMM 1 of the Local Plan;
- Explain the Council's approach to planning obligations to local residents, developers, and the wider community;
- Establish the circumstances where planning obligations (requiring financial and non-financial contributions) will be sought and used;
- Explain how financial and non-financial planning obligations will mitigate the cumulative impacts of a development in the borough; and
- Clarify the approach to S106, CIL, and the relationship between them.

1.2. Status of this SPD

This SPD has been prepared to meet the requirements of Part 5 of the Town and Country Planning (Local Planning) Regulations 2012 and associated regulations, national guidance on SPDs and relevant case law at the time of publication. This SPD applies to the entirety of the London Borough of Barking and Dagenham (LBBD) and is a material consideration in determining planning applications.

The guidance in this SPD is consistent with the National Planning Policy Framework (NPPF), policies in the London Plan (2021), and the Council's Local Plan 2037 and should be read in conjunction with these documents.

The period for this SPD aligns with the Local Plan period, until 2037. There may be other obligations, not covered in this SPD, which may be required, and arise on a case-by-case basis to mitigate against site-specific development impacts. These will be discussed in detail as required through negotiations with Planning Officers.





Barking Park Lake

2. POLICY AND LEGISLATIVE CONTEXT

2.1. Legislative Context

Section 106 of the Town and Country Planning Act 1990 (TCPA 1990) provides planning authorities with the ability to enter into agreements to obtain obligation(s) with a person interested in the land that is located within their area.

The Community Infrastructure Levy (CIL) was introduced in the Planning Act 2008, with further details set out in the Community Infrastructure Levy Regulations 2010 (the CIL Regulations). The purpose of CIL is to ensure that the provision of infrastructure to support the development of an area can be funded (wholly or partly) by levying a charge(s) on owners or developers of land when they secure planning permission for development that is subject to the levy.

Regulation 122 of the CIL Regulations (as amended) states that for a planning obligation to constitute a reason for granting planning permission it must be:

- a. Necessary to make the development acceptable in planning terms;
- b. Directly related to the development; and
- c. Fairly and reasonably related in scale and kind to the development.

The Council is required to publish an Annual Infrastructure Funding Statement to demonstrate how CIL and S106 contributions have been spent, the first of which was published in December 2020.

2.2. National Policy Context

The Government's guidance on planning obligations is contained in the National Planning Policy Framework (NPPF) paragraphs 56-59 (July 2024). The National Planning Practice Guidance provides further advice on the nature of planning obligations.

2.3. Regional Policy Context

The Mayor's policy for planning obligations is set out in Policy DF 1 of the London Plan. Key weight is given to the prioritisation of affordable housing and infrastructure through planning obligations and Policy DF 1 (E) indicates how these Mayoral priorities should feed into each authority's CIL Charging Schedule, to determine which infrastructure will be funded through CIL contributions.

2.4. Barking and Dagenham's Local Plan

Chapter 11 of the Local Plan sets out policies guiding development to fulfil the strategic vision and strategy for the borough. Policy DMM 1 of the Local Plan sets out how the Council will deliver the provision of adequate and appropriate infrastructure for the Local Plan. Other relevant policies are outlined in **Appendix I**.

2.5. What is CIL?

CIL is a non-negotiable planning charge which is a tool to help the Council in delivering infrastructure to support development in their area. It was introduced to provide developers with more certainty upfront about how much money they will be expected to contribute towards local infrastructure needs.

CIL provides a standard charge (or charges) that can be levied on most developments. It is based on the size and type of development and charged on the basis of '£ per m²' for developments that involve an increase of 100m² or more of gross internal floorspace, or creating a dwelling even where this is below 100m². Some developments are exempt, such as those incorporating social housing, developments by charities of buildings used for charitable purposes and self-build developments, for example new residential extensions or annexes.

CIL monies can be spent on, or contribute towards, new or improved infrastructure deemed necessary to deliver the Local Plan. Through the IDP, the Council has identified several pieces of key infrastructure needed to support the successful delivery of the Local Plan objectives, which may benefit from CIL funding. These include strategic transport improvements listed in the Local Plan and the Borough Transport Strategy¹, provision of several new schools and medical facilities, provision of additional green and blue infrastructure, and cultural and community infrastructure to support over 40,000 new homes to be delivered during the Local Plan period.

There are two types of CIL charge payable in the borough: Borough CIL (Barking and Dagenham CIL) and Mayoral CIL.

Further information is available at:

- [National Planning Policy Framework](#)
- [CIL guidance](#)
- [Planning Portal](#)
- [Local Plan review | LBBB](#)

2.6. Barking and Dagenham CIL

Barking and Dagenham's CIL became effective on 3rd April 2015. The Council's charging schedule can be viewed on the website². CIL generates funding to deliver infrastructure to support growth in the borough and is split into Strategic CIL and Neighborhood CIL.

Strategic CIL is spent on infrastructure such as transport, education, cultural facilities, parks and health facilities to mitigate the impacts of growth. Required infrastructure is identified in the Council's Infrastructure Delivery Plan, which will be reviewed every two years.

Neighborhood CIL can be used to fund local infrastructure or may also be used to address the demands that development places on an area. Council has a process in place to engage with the community on how best to spend Neighborhood CIL to ensure that it is spent on a range of projects to support development.

The CIL Regulations provide guidance on how CIL funding should be split. As such, the Council's CIL funding is split as follows:

- Strategic CIL 80%
- Neighborhood CIL 15%
- Administration 5%

¹LBBB Borough-Wide Transport Priorities:2021-2037 <https://yourcall.befirst.london/13753/widgets/39553/documents/21324>

²LBBB CIL Charging Schedule October 2014 https://www.lbbd.gov.uk/sites/default/files/2022-08/LBBB-CIL-Charging-Schedule-October-2014_0.pdf

2.7. Mayoral CIL?

The Council is a Collecting Authority for Mayoral CIL (MCIL). The Mayor's CIL Charging Schedule can be viewed on the Greater London Authority website³.

MCIL 1 was introduced in April 2012 to help finance the construction of Crossrail. In April 2019, MCIL2 came into force, superseding MCIL1 (for all planning consents from 1st April 2019 onwards) funding Crossrail 1 (the Elizabeth Line) and Crossrail 2. Barking and Dagenham is a 'Band 3 borough' and is assigned a charge of £25 per square metre (plus indexation) for MCIL 2.



³MCIL2 Charging Schedule https://www.london.gov.uk/sites/default/files/mcil2_charging_schedule_-_final.pdf



3. PLANNING OBLIGATIONS IN BARKING AND DAGENHAM

Planning obligations enter the developer into a legal commitment to undertake specific works, provide land or facilities, or provide a financial contribution towards the provision of a service or piece of infrastructure.

S106 planning obligations are used to address negative impacts of development and are designed to mitigate the additional burdens that new development may place on local infrastructure. This SPD aims to provide a balanced approach to the collection of developer contributions, recognising the borough's viability challenges while also addressing the need to mitigate the impacts of growth on the community. Each agreement will vary depending on the nature of a development and will be subject to negotiation with Planning Officers.

3.1. Types of Planning obligations – Standard Obligations

Some obligations are considered 'standard obligations' and are used as a starting point for drawing up a S106 agreement. Obligations are then added or subtracted from the list, depending on the nature and location of the scheme in accordance with statutory requirements.

The following 'standard obligations' apply to new or refurbished major developments (commercial/mixed use schemes of 1,000 square metres or more, or sites providing 10 or more residential units) and change of use on major developments. Contributions may also be sought for temporary permissions where unacceptable

impacts may result from the development. Obligations include, but are not limited to the following areas:

- Affordable housing provision;
- Public realm;
- Highways works
- Parks, playspaces and amenity areas
- Transport and parking restrictions;
- Health, education and other social, cultural and community infrastructure;
- Employment, skills and suppliers;
- Sustainability, such as through the carbon offset fund and district energy networks;
- Air quality; and
- Biodiversity

The Council may also seek to secure contributions where a development proposal is below the minimum threshold but creates an exceptionally large impact. This SPD does not cover all the planning obligations that may be sought. Larger development schemes may have wide-ranging or cumulative impacts which will require more significant measures to be put in place. These will be set out by the Council as and when necessary.

Contributions for infrastructure such as education and health facilities will be assessed against the existing provision in the locality of the development. In some circumstances, the Council may also seek contributions for flooding mitigation or to support repair, restoration, maintenance or access to heritage assets.

The financial or non-financial contribution amount due for each obligation is calculated using the formulas and methodologies set out in this SPD or will be communicated throughout the application process. These formulas are based upon:

- An assessment of the scale and nature of the impacts of a development; and
- Needs and planning requirements applicable to development throughout the borough or in a particular part of the borough.

3.2. Relationship Between CIL and Planning Obligations

CIL Regulations were updated in September 2019, changing the relationship between CIL and S106 obligations. These updates removed the pooling restrictions on S106 monies as well as the requirement for charging authorities to produce a list of possible projects or categories of infrastructure that CIL monies will be spent on (Regulation 123 list).

To improve transparency and accountability on the spending of CIL funds, local authorities are now required to produce an Infrastructure Funding Statement (IFS) on an annual basis, with Barking and Dagenham's first IFS published in December 2020. The IFS is intended to be a more flexible tool which sets out infrastructure priorities and communicates to the community and developers how planning obligations have been, and intend to be, spent in future years.

3.3. What are planning conditions?

Planning conditions are requirements made by the local planning authority, in the granting of planning permission, to ensure that certain actions or elements related to the development proposal are carried out. They may also be used as a mechanism for the provision of essential on-site design requirements. While they mainly relate to the proposed development and associated site, they can also be used to secure off-site provision in some circumstances. In order to speed up the delivery of development, the local authority will only impose conditions which are absolutely necessary and will encourage developers to provide the necessary detail in their planning application to limit the number of conditions required.

Planning conditions may cover items such as the following:

- The submission of reserved matters;
- Controls over materials to be used;
- Controls over the occupation of new buildings or further stages of development until certain other actions are completed;
- The requirement to undertake further investigations as work proceeds (for example, archaeological investigation);
- Construction in accordance with the submitted method statement; and
- The requirement to implement works in accordance with the submitted plans such as landscaping, tree planting, drainage works, etc.

3.4. Section 278 agreements

Works which are required to the public highway will be secured through an agreement made under Section 278 (S278) of the Highways Act 1980. Examples of these works include:

- New junctions (with and without traffic lights);
- Roundabouts;
- Right turn lanes;
- Improved facilities for pedestrians and cyclists;
- Improvements to existing junctions;
- Traffic calming measures; and
- Traffic regulation orders.

Requirements for S278 agreements will be negotiated separately, although the obligation for applicants to enter into a S278 agreement will form part of the S106 agreement itself. The Council encourages applicants to undertake discussions with its Transport Development Management Officers at the early stages of an application to identify any works on the public adopted highway network that will be necessary for planning permission to be granted.



A House for Artists



Sebastian Court

4. SECTION 106 AGREEMENTS

The Council encourages applicants to undertake the correct process when negotiating, preparing and completing planning obligations to ensure applications and obligations are dealt with in a timely and efficient manner. They should:

- Engage in pre-application discussions as early as possible;
- Agree detailed Heads of Terms with the Council; and
- Ensure all documents are submitted on time and in line with validation requirements.

4.1. Pre-application Advice

Applicants, agents and developers are encouraged to seek pre-application advice (fee applicable) prior to submission of a formal planning application. The pre-application process offers the opportunity to discuss with Planning Officers and other Council officers, without prejudice, the acceptability of the proposed scheme. This will enable informed and detailed discussion on the types of obligations to be entered into, both on-site or off-site, 'in kind' or financial contributions. If discussions for draft Heads of Terms fail to result in an agreement, the applicant will be invited to provide justification and alternatives for consideration. Please refer to Council's website for further details⁴. Please note that where planning applications meet the criteria for referral (Mayor of London or Transport for London (TfL)), the applicant should engage with these bodies.

4.2. Application Stage

When draft Heads of Terms have been identified as part of the application, it is essential that they are submitted as part of the application, and as part of the validation process to avoid delays.

4.3. Thresholds

Appropriate thresholds have been set for each type of S106 obligation to provide clarity as to when particular contributions will be sought. In setting thresholds, the Council's intention has been to balance the objective of ensuring that new development makes a proportionate contribution to mitigate the impacts it will generate, so as not to overburden smaller developments which do not typically generate cumulative impacts that are equivalent to those of larger schemes.

The Council has sought to develop a simplified approach, so whilst different thresholds are applied in relation to the various types of S106 obligation, these have been kept to a minimum where practicable. The Council may also employ smaller scale S106 agreements, or Unilateral Undertakings where the cumulative impacts of the development are lower. Appendix I sets out the application of Local Plan policies, and how this SPD will apply. This table is a guide only and mitigation for each individual application will be subject to discussion with Planning Officers.

⁴Council website: <https://www.lbbd.gov.uk/planning-building-control-and-local-land-charges/planning/step-by-step/make-planning-application-1>

4.4. Monitoring

The Council will start managing and monitoring each S106 agreement as soon as it is signed. The requirement on the Council to monitor all aspects of S106 agreements carries a financial cost that constitutes an impact from new development. Appendix 2 sets out the monitoring fees that will be sought for each S106 agreement. These fees will be reviewed and revised by the Council periodically.

Monitoring fees will be sought and must be paid on completion and signing of the S106 agreement. Planning permission will not be granted until the agreement is signed and monitoring fees paid. In exceptional circumstances where this does not occur, all monitoring costs should be index-linked to the Building Cost Information Service (BCIS) All-in Tender Price Index from the date planning permission was granted to the date of actual payment, to ensure that the value of the obligation does not reduce over time due to inflation.

These monitoring fees exclude all legal costs associated with the preparation of S106 agreements. All planning obligations, whether financial or in-kind, require monitoring to ensure the obligation is fully complied with and in line with the trigger date as well as the relevant legal requirements.

The Council has an established process for monitoring S106 Agreements and other relevant legal agreements, managing the implementation of developer contributions and non-monetary Heads of Terms. The delivery of non-financial contributions, or obligations in-kind will also be monitored by Council.

4.5. Financial Contributions

Upon receipt of a S106 financial contribution, Monitoring Officers will notify the service area or organisation with the responsibility for delivery of the associated project. These projects will be specific to the development, such as specific works in a park or the public realm and identified as such in the legal agreement.

Strategic CIL is allocated by the Council for strategic infrastructure projects, to support new growth and mitigate the impacts on the community. Projects funded through CIL will be prioritised based on their contribution to the Council's strategic objectives and regeneration agenda, and ability to deliver positive social and economic outcomes.

4.6. S106 Trigger points

During the negotiation process, trigger points for each obligation will be agreed between the developer and the Council. There are established trigger points which are suitable for S106 agreements and triggers selected in each case will be based on the nature of the obligation and the stage at which the mitigation is required. For larger multi-phase developments, trigger points upon implementation of each phase may be agreed. Trigger points will be monitored by the Council.

4.7. Area-based planning contributions

The Local Plan outlines the key Transformation Areas where significant levels of development will take place over the Local Plan period. Many of these areas, such as Dagenham Dock, Thames Road and Castle Green, have poor infrastructure and public realm and others such as Barking Town Centre which are of better quality, are all projected to see significant levels of growth within the Local Plan period which will place pressures on its infrastructure.

In some circumstances, to address this growth and ensure that improvements are made to the public realm and infrastructure in a holistic manner, the Council may look to establish an area-based approach to S106 contributions. The intention of this is to provide a consistent and comprehensive approach to the negotiation of contributions that is specific to the area and the development coming forward. Contribution schedules will be published as part of any SPD or masterplan and will be regularly considered and revised.



4.8. Payment of S106 and CIL contributions

Payment of S106 financial contributions should be paid in line with the trigger points agreed. This will enable mitigation and improvement works to commence during construction of the development and, where feasible, be coordinated with the completion of development. The payment process for CIL contributions is as follows:

- A CIL Liability Notice is issued after planning permission is granted outlining the potential CIL charge;
- The developer must submit a Commencement Notice to Council not less than 14 days prior to commencement of development stating the proposed commencement date;
- A CIL Demand Notice is issued after notification of commencement and the developer must pay within 60 days of commencement, in line with Regulation 70 of the CIL Regulations (as amended); and
- If the total amount payable is over £100,000, the Council will allow payments by two instalments, as set out by the Council's CIL Instalment Policy⁵.

Details of how to make a payment to the Council is provided within the Demand Notice. A payment form as standard will be appended to the agreement and any payments should be made using this form, following the instructions provided. The payment should be made through a BACS/CHAPS payment. Once received, the payment will be logged onto the Council's systems.

Index-linking payments, interest and enforcement of obligations

All S106 financial contributions should be index-linked to the BCIS All-in Tender Price Index from the date planning permission was

granted to the date of actual payment, to ensure that the value of the obligation does not reduce over time due to inflation. Should a payment not be made on the date payment is due, interest will be charged to disincentivise late payments. As a final recourse, where obligations are not subsequently complied with, the Council will take legal action against those in breach of a S106 agreement and enforce against non-payment of CIL.

Interest Bearing Accounts

To compensate for any loss of value of received S106 receipts arising from inflation, pending expenditure, all monies received will be held in interest bearing accounts. Any interest accrued will be applied by the Council to S106 related projects.

Review of fees and formulas

Specific numerical information relating to prices, formulas and, subsequently, the level of contributions due will be updated by Council on a regular basis so that the document remains relevant. Area-based planning obligations strategies will also need to be reviewed as part of this process to ensure the contributions are based on the most reliable and up to date evidence. The changes will be published in the Annual Monitoring Report. Any amendments to fee schedules will also be published on the Council's website.

Most S106 payments must be spent within 5 years of receipt, otherwise they are returned to the developer. Additionally, the Council has an established process for allocating and monitoring the spend of CIL and S106 contributions.



⁵CIL Instalment Policy https://www.lbbd.gov.uk/sites/default/files/2022-08/CIL-Instalment-Policy-January-2018_0.pdf



River Roding

5. STANDARD SECTION 106 OBLIGATIONS AND CHARGES

This section sets out the standard obligations and associated charges which may be sought by the Council through S106 agreements. While this is intended to provide clarity and transparency to officers and developers alike, it should not be considered an exhaustive or complete list of planning obligations which might be required. Some developments may require additional, case-specific forms of mitigation to address all site-specific impacts and be acceptable in planning terms. This will be negotiated on a case-by-case basis.

There may be exceptional cases where on-site provision of obligations necessary to make a development acceptable cannot be delivered on-site, in which case the Council will expect off-site contributions, whether as alternative provision or a commuted sum.

5.1. Affordable Housing

Context

The Policies of the Local Plan 2037 set out the Council's approach to affordable housing, including defining the types of affordable housing and the expected tenure split. There is a significant shortage of affordable housing across London, with the Greater London Authority (GLA) Strategic Housing Market Assessment (SHMA) (2017) identifying that this comprises 65% of London's overall housing need. The shortage of access to affordable dwellings across all tenures is felt as strongly in Barking and Dagenham as anywhere across London, with the 2020 SHMA indicating a net annual requirement for affordable housing of 1,581 units per annum. In the period to 2029, the Borough's indicative housing delivery target is 19,440. Policy DMH 1 of the Local Plan includes a strategic 50% on-site affordable housing target and acknowledges the London Plan threshold approach.

Additionally, the Council will seek to maximise affordable housing delivery from all sources, including non-conventional housing such as some C2 Use Classes (such as student housing, or housing for vulnerable or older adults), as well as conventional residential developments (in Use Class C3). This is justified by the need for affordable homes in conjunction with the borough's challenging viability context.

S106 agreements are the most appropriate mechanism for securing affordable housing and the Council will use this mechanism to deliver it. Current CIL Regulations do not enable affordable housing to be allocated funding or to be delivered as infrastructure in-kind from CIL funding.

Indicative Section 106 requirements

1. Residential schemes of ten units or over should aim to deliver the Local Plan strategic target of 50% of units as on-site affordable housing. The S106 agreement must also ensure that the affordable housing delivered is compliant with the policy requirements and is acceptable under the terms of the planning application. This should be shown in a breakdown of numbers which demonstrate that development can meet the required mix of affordable housing tenures, and the required mix of housing sizes within the affordable housing units, as set out by the policies of the Local Plan.
2. Where the required level of affordable housing provision does not meet the criteria of the Fast Track Route set out by Policy H5 of the London Plan, the Viability Tested Route should be followed. Costs related to the assessment of viability to meet the Viability Tested Route will be met by the developer.
3. In line with Policy H5 of the London Plan, all schemes are expected to maximise the delivery of genuinely affordable housing above threshold levels and should utilise grant or other public subsidy funding where available to increase the proportion of affordable housing.
4. Off-site provision will only be accepted in exceptional circumstances where it can be demonstrated that development viability cannot accommodate affordable housing on-site. This must be provided in the borough and, where possible, in the vicinity of the site.
5. Only in exceptional circumstances, when it is demonstrated to the Council's satisfaction that on-site delivery is unviable and off-site provision is not possible, will payment of a commuted sum to support the delivery and supply of affordable housing elsewhere in the borough be considered, as set out in paragraph 64 of the NPPF and paragraph 2.56 to 2.59 of the Mayor's Affordable Housing SPG (or updated equivalent). This will be calculated on a case-by-case basis and should be paid as soon as is practicably possible.
6. In line with Policy H5 of the London Plan and Policy DMM 1 of the Local Plan, Viability Review mechanisms will be put in place through S106 agreements. The Council will appoint a third party viability assessor to review the assessment, the costs of which will be met by the developer. Following the review, additional payments towards affordable housing may be required.
7. Where two or more adjacent sites with the same ownership come forward with separate planning applications, officers may conclude that they should be judged as a single scheme. This will play a key role in determining the required affordable housing requirements for the site(s) in question.



5.2. Carbon Offsetting

Context

The Council has a target to become a carbon neutral council by 2030 and net zero carbon as a borough by 2050. There is an urgent need to tackle climate change through reducing carbon emissions, and the Local Plan seeks to encourage a best practice approach to sustainability and energy efficiency in development. Policy DMSI 1 and DMSI 2 set out the requirements for major development with regard to energy efficiency, carbon emissions and the need to connect to District Energy Networks. Commitment to connect to, and contributions towards District Energy Networks and associated infrastructure may be sought through a S106 agreement.

As set out in Policy DMSI 2 of the Local Plan, where a 100% onsite carbon reduction is not achieved, a carbon offset contribution will be required. In these cases, contributions will be secured through S106 agreements.

The GLA Carbon Offsetting Guidance provides guidance to Local Authorities on how the Carbon Offset Fund should be collected, spent and monitored. This guidance also recommends that financial contributions are collected early in the process, to encourage carbon savings and maximise the benefit of the Carbon Offset Fund.

The Planning Act (2008) does not define carbon offsets as infrastructure, and as such, they are not eligible to be allocated funding or to be delivered as infrastructure in-kind under the CIL Regulations. Non site-specific infrastructure, such as District Energy Networks and other associated infrastructure required to operate the wider decentralised energy network may be funded through CIL.

Indicative Section 106 requirements

1. Where it is clearly demonstrated through the Energy Assessment that the zero-carbon target cannot be achieved on-site and that there is a well-justified shortfall, applicants will be expected to make a financial contribution in agreement with the Council, either through a cash in lieu contribution to the Council's Carbon Offset Fund, or agreement of sufficient alternative offsetting arrangements within the borough via planning obligations.
2. If a developer can demonstrate off-site provision on an alternative site, where delivery can be ensured, this will be acceptable provided that this site is also within the borough. Otherwise, financial contributions will be required to the borough's Carbon Offset Fund. This will be calculated at the recommended GLA rate of:

$$\text{£95 per tonne} \times 30 \text{ years} = \text{£2850 per tonne}$$

3. Where required, payments to the carbon offset fund should be made in two installments:
 - a. 50% of the financial contribution to the carbon offset fund should be paid on commencement (based on the final design stage Energy Assessment), and
 - b. the remaining 50% (or adjusted amount) paid at practical completion (based on the as-built Energy Assessment).

4. Monitoring fees will be sought to support the ongoing monitoring of carbon offset obligations. Contributions may also be sought to fund a technical assessment of the energy statement, to ensure that the stated outcomes are being met, and this will be assessed at practical completion.
5. This funding will be spent on initiatives including, but not exclusively:
 - Nature based carbon storage, including tree planting
 - Implementation of 5 nature reserves across the borough
 - Retrofit of social housing
 - Retrofit of schools and civic buildings
 - Implementation of a decentralised energy network
 - Investment in renewable energy projects
 - Low-carbon lighting projects.



5.3. Air Quality

Context

All developments in London are expected to be at least Air Quality Neutral, while large-scale developments and masterplans subject to an EIA require specific and detailed commitments to Air Quality Positive measures, in line with London Plan Policy SI 1 and as set out by Policy DMSI 4 of the Local Plan.

The Council's Air Quality Action Plan (AQAP) sets out proposed measures to improve air quality within the borough boundary. Further review and assessments have confirmed earlier findings which identified road traffic as the main source of pollutants. The Council's review and assessment of air quality is periodically updated and the report of the latest review and assessment, including maps of predicted Nitrogen dioxide (NO₂) and Particulate Matter (PM₁₀) concentrations, can be downloaded from the Council's website⁶.

Developments which may have a negative impact on air quality or are located in an area where the existing air quality is poor and therefore will have a further detrimental impact on the local environment, will require a contribution towards the implementation of the AQAP.

The need for further Air Quality specific guidance is being reviewed by the Council and may form part of future policy.

The following are identified as the primary ways in which a development may have a significant air quality impact:

- If the development is likely to cause a deterioration in local air quality (i.e. once completed it will increase pollutant concentrations);
- If the development is located in an area of poor air quality (i.e. it will expose future occupiers to unacceptable pollutant concentrations/new exposure);
- If the demolition/construction phase will have a significant impact on the local environment (e.g. through fugitive dust and exhaust emissions);
- If the development prevents implementation of measures in the AQAP; and
- If the Air Quality Assessment concludes that the Air Pollution Exposure Criteria is five percent below the 2010 proposed objectives for each pollutant (APEC – from the London Council Planning Guidance).

A SI06 Agreement is considered to be the most suitable mechanism for securing financial contributions towards air quality, where air quality neutral cannot be achieved on site.

Indicative Section 106 requirements

1. Developments are required to meet or exceed the 'Air Quality Neutral' benchmarks. Measures required to achieve Air Quality Neutral or Air Quality Positive (when required) will be secured through conditions or SI06 agreements.
2. Where development is unable to meet the Air Quality Neutral standard, contributions will be sought, either through financial contributions or as off-site measures. Contributions will be calculated based on the formula set out within the London Plan Air Quality Neutral Guidance⁷ (or updated equivalent) for offsetting payments.
3. Financial contributions will be used towards monitoring of air quality and implementing the Air Quality Action Plan across the borough. Payment will be required upon practical completion.
4. Contributions may also be sought towards the purchase of specialist air quality monitoring equipment to be used to ensure the construction and operational phases of the development do not negatively impact on the local area. Funding will also be used to implement measures contained in the Council's AQAP, which will improve air quality. Local air pollution is not confined to a development, therefore SI06 obligations will be used to mitigate residual emissions which have a wider impact on borough air quality.



5. This funding will be spent on measures, such as:

- Implementation of the actions contained within the Borough's Air Quality Action Plan; and
- Purchase, upkeep and maintenance of air pollution monitoring equipment.

⁶LBBB Air Quality - <https://www.lbbd.gov.uk/pests-pollution-noise-and-food/report-air-quality-issues>

⁷London Plan Air Quality Neutral Guidance <https://www.london.gov.uk/sites/default/files/2023-02/Air%20Quality%20Neutral%20LPG.pdf>



5.4. Employment, skills and supply chain development

Context

The Council is committed to maximising the number and variety of jobs and apprenticeships available whilst improving skills, training and employment opportunities for local residents as the borough grows in the coming years.

Policy SP 5 of the Local Plan affirms that new developments will generate employment, skills, training and supply chain opportunities during both the construction and occupation phases, and the Council will ensure that residents have ample access to such opportunities. This seeks to both meet the needs of the construction industry and the communities in which the Council works – addressing skills gaps through the creation of clear employment and training pathways that also enable local people to access good jobs in the construction industry and build the capacity of local supply chains.

The Council's dedicated construction team⁸ provides advice and support to help developers meet these requirements, helping them to tap into local talent, connecting them to local training providers and schools, and supporting them in understanding the local supply chain. Available support includes:

- Advice to understand S106 employment, skills and supply chain targets and develop realistic plans for delivery.
- A free recruitment service to help developers advertise and promote vacancies in the borough, with a specialist construction team that trains and selects candidates to meet

the required standard.

- Support to identify and access trusted local training provision that meets developers' needs and to organise work experience placements and careers activities.
- Support to understand and reach out to relevant local suppliers about upcoming opportunities.

Access to jobs and training in construction developments must be advertised to borough residents through the construction team in the Council's established job brokerage service. Prior to and throughout the application process, developers will be expected to engage with designated Council officers who broker employment, training and supply chain opportunities to support delivery of the Employment, Skills and Supplier Plan, as well as contributing to the ongoing costs of supporting developers to understand, deliver and evidence that they have met their commitments.

The Planning Act (2008) does not define employment and training as infrastructure, and as such it is not eligible to be allocated funding or to be delivered as infrastructure in-kind under the CIL Regulations. Therefore, S106 is the appropriate mechanism for securing contributions towards employment and training.

⁸Council's construction team can be contacted at: ESSP@lbbd.gov.uk

Indicative Section 106 requirements

1. A fixed Continued Engagement Fee of £3,000 for a scheme of up to 149 units and £5,000 for schemes exceeding 150 units or 1000 square metres of floorspace will be sought to be paid towards employment, skills and supply chain commitments. Additional contributions will be sought in large or complex cases to reflect additional time and resources required to ensure commitments are met. This covers the costs of supporting and ensuring that developers meet their commitments.
2. Contributions to provide employment and training opportunities, both financial and/or non-financial and during both the construction and occupation stages, will be sought for all major residential and commercial developments via S106. This agreement will also set out monitoring targets and reporting arrangements, to ensure that the associated benefits are delivered.

Construction Phase (including demolition, ground and remedial works)

Employment and Skills Plan:

3. Applicants are required to submit an Employment and Skills Plan, no less than 6 months prior to commencement of construction (including demolition, ground or remedial works) on site, to the Council's job brokerage team. This plan is to include, but is not limited to, a forecast of the estimated full-time equivalent (FTE) workforce, the estimated duration of the development, number of vacancies, training opportunities

and work experience placements that will be created over the lifetime of the development.

4. This must be accompanied by a method statement setting out how this will be delivered, including the named person in the organisation that will be responsible for managing recruitment and training, how they will ensure compliance by trade contractors, how health and safety issues will be managed, and how they will engage with the Council, community and key local training partners to meet their commitments.

Employment during Construction:

5. Developers will be required to:
 - a. Ensure that a minimum of 20% of the total jobs (calculated on a FTE basis) during the construction phase are new jobs. These should be advertised to borough residents;
 - b. Ensure that at least 25% of the total workforce (calculated on a FTE basis) during the construction phase are residents of Barking and Dagenham;
 - c. Advertise all vacancies for jobs through the Council's job brokerage service – with notification for job vacancies made available exclusively through these services for a minimum of 10 days before being advertised more widely;
 - d. Work with the Council to achieve the targets, including by providing a skills forecast for the development and highlighting any shortages to the Council's job brokerage service; and
 - e. Work to ensure that all construction workers on the development are directly employed and paid at least the London Living Wage. This would apply to the developer as well as sub-contractors.

Training and work experience during construction:

6. Developers will be required to provide:
 - a. At least one training opportunity for every 10 construction workers (calculated on a full-time equivalent basis) – including short courses, internships and other training related opportunities to support Barking and Dagenham residents to obtain and progress within employment. These training outputs must include at least one apprenticeship for every 20 FTE workers, delivered at or progressing to at least a Level 3 qualification. At least half of these must be new apprenticeships recruited through the Council's job brokerage service;
 - b. At least 10 weeks' work experience for every six months duration of the build, with each placement lasting a minimum of 2 weeks;
 - c. At least one educational workshop/visit per educational term for the duration of the construction phase to support local schools and careers services.
7. When delivering these, developers and their sub-contractors are asked to support our efforts to create clear routes into the sector for residents by using the council's preferred local education and training providers where possible. In lieu of the provision of work experience and careers events for young people, developers can provide a financial contribution to support the Council to coordinate programmes in schools to help young people understand and access careers in construction. This would be determined on a case by case basis.





Financial contributions relating to employment and training:

8. There will be some exceptional circumstances where the above obligations cannot be met, such as where new developments are built off-site via Modern Methods of Construction (MMC), where there are lots of unfilled vacancies and a shortage of candidates, or, in some cases, where the length of a build doesn't allow for an apprenticeship. In such cases, the Council will seek a financial contribution to generate alternative training, employment and local procurement opportunities elsewhere in the borough, using the following formulas:

- **The target number of jobs for LBBD residents (25% of FTE workforce) X £5,000 (average cost of supporting an unemployed borough resident into work); and**

- **The target number of apprenticeship starts (5% of FTE workforce) X wage costs of a one-year apprenticeship paid at the London Living Wage rate.**

9. These contributions are only due when targets cannot be met. For example, if the development has an FTE workforce of 200, the targets will be to ensure 50 jobs and 10 apprenticeships are created and filled by residents of Barking and Dagenham. If the developer is unable to meet any of the employment targets, a financial contribution would be due of £250,000 (50 x £5,000). For apprenticeships, the cost would be calculated based on 10 (the target) X 1,820 (35 hours a week for 52 weeks) X the most recent hourly London Living Wage rate (as set by the Living Wage Foundation). If they can meet some of these obligations, the contribution will be calculated based on the shortfall against these targets.

Supply chain development:

10. Developers are required to:

- Ensure that at least 25% of all spending related to the construction phase is spent with businesses based in Barking and Dagenham.
- Supply the Council's Construction Team with a full Procurement Plan identifying the different trades to be on site, the tender event schedule, and how they will achieve a minimum of 25% spend. This includes but is not limited to: goods, materials and services;
- Ensure companies based in Barking and Dagenham will be given a genuine opportunity to tender for all contracts and sub-contracts arising from a development, ensuring feedback when a business is unsuccessful;

- Submit a list of work packages being offered to competitive tender for the developer and all sub-contractors, including timeframes, values of packages and framework requirements;
- Provide details when a package is awarded including information about any local contractors that have tendered for work (both successful and unsuccessful, with reasons why);
- Participate in at least two events in each year of the development to promote opportunities to local suppliers and build their capacity, and/or contribute financially to the delivery of such activity to ensure local suppliers are able to access opportunities arising from the development at a cost of £500 per event; and
- Provide support to local businesses through the Council's Business Forum and Meet the Buyer events.

Monitoring

- Once the development has commenced monitoring, information must be submitted to the Council on a monthly basis by the designated recruitment and training coordinator. The Council's job brokerage service will advise and agree with developers on what will be acceptable as evidence of compliance.
- This designated coordinator will attend regular site visits or meetings with the Council to ensure compliance with their commitments and discuss progress. These will take place quarterly. In cases where the Council has concerns about compliance, these visits may be required monthly, and additional evidence may be required. Where there are no concerns, such visits and meetings will be held on a less regular basis at the Council's discretion. The designated coordinator is also encouraged to attend the Council's quarterly Construction Forum meetings, which enable us to

identify common challenges developers face when meeting S106 employment, skills and supply chain commitments and coordinate efforts to resolve these across the sector.

13. The achievement of targets will be monitored throughout the construction phase and confirmation that all obligations have been met – or appropriate alternative contributions agreed – must be provided before the Council will approve a developer's application for discharge. Employment and training compensation will be calculated based on the shortfall against the formulas outlined in Clause 8 above.

Reasonable endeavours approach

- When considering how to apply the financial contributions set out for employment, skills and supply chain development, the Council will assess whether 'reasonable endeavours' have been made to meet the targets.
- When assessing whether developers have used 'reasonable endeavours' to meet their obligations, the Council will take into account the following:

- whether the developer has provided a designated coordinator to manage recruitment, training and supply chain commitments;
- whether this person has responded positively to requests for meetings, monitoring information and evidence as required;
- whether all vacancies have been advertised through the Council's job brokerage services; and
- whether any problems affecting the developer's ability to meet targets have been raised with the Council's job brokerage services and alternative options agreed, such as appropriate financial compensation.



Occupation Phase

Employment and Skills Plan:

16. Applicants are also expected, within their Employment and Skills Plan, to outline operational phase employment opportunities. Developers/leaseholders must notify the Council's construction team when the lease is signed and date of occupation is agreed. End users are expected to meet with the job brokerage service prior to occupation to discuss their employment, skills and training plan, to provide a skills forecast for the development, highlight any shortages and agree staggered targets and penalties with the Council. Typically, the end-user phase starts at the point of occupation and lasts five years. Longer end user phases may apply to more complex development and this would be agreed with Council.

17. End users are to ensure that:

- a. In retail use (Class E) and hotels (Class C), a minimum of 25% of the estimated total jobs (FTE) are filled by residents of Barking and Dagenham;
- b. In business class floorspace (E-class), a minimum of 10% of the estimated total jobs (FTE) are filled by residents of Barking and Dagenham;
- c. New apprenticeships are created for Barking and Dagenham residents – calculated on a case-by-case basis with the Council based on the total FTE;
- d. All vacancies are advertised through the Council's job brokerage service, with notification of job vacancies exclusively available to residents for a minimum of 10 days before being advertised more widely; and
- e. End-users commit to pay at least the London Living Wage to their staff.

18. If the above obligations cannot be met, and reasonable efforts cannot be demonstrated, the Council will seek a financial contribution to support training, employment and local procurement at the occupation stage, based on the following formula:

- **The target number of jobs for LBBD residents (10% or 25% of FTE workforce) x £5,000 (average cost of supporting an unemployed borough resident into work).**

5.5. Affordable workspace

Context

The Council has a target to deliver at least 20,000 new jobs as part of the Local Plan 2037, creating a wider employment base by focusing on growing a thriving and productive enterprise and small business economy, alongside new inward business investment. It is important that the Council supports a diverse range of new and existing businesses to develop and grow by providing flexible and affordable premises, as outlined in Local Plan Policy DME 2. This will also provide a long-term economic benefit to the borough, with the Institute of Public Policy's 2016 study estimating that London's open and flexible workspaces host 31,000 people and generate £1.7 billion in Gross Value Added.

As outlined in Policy DME 2 of the Local Plan, development which creates 1,000 square metres or more of employment floorspace will be required to make provision for affordable workspace to meet the needs of local start-ups, small-to-medium enterprises (SMEs) and creative industries, along with sectors which have a social value such as charities, voluntary and community organisations or social enterprises. The need for each planning application to provide affordable workspace will be assessed independently.

Planning obligations will be required to secure and maintain this supply of affordable workspace in new developments. As such, provision is site-specific and as the Planning Act (2008) does not define workspace as infrastructure, it is not eligible to be allocated funding or to be delivered as infrastructure in-kind under the CIL Regulations. Therefore, S106 is the most appropriate mechanism for securing contributions towards this.



Dagenham Heathway CGI

Indicative Section 106 requirements

1. S106 will be used to secure the provision of affordable workspace where there is demonstratable need, at capped rental levels in perpetuity where it is provided, with at least 10% of floorspace being secured at rents maintained at least 20% below current market rates and with priority given to companies based in the borough. Applicants should work with Planning Officers to ascertain where affordable workspace is required.
2. Workspace is to be fitted out to Category A standards (or suitable equivalent) prior to being leased. Leases of affordable workspace should be for a minimum of 15 years, with the first 12 months' rent-free.
3. Additionally, affordable workspace should be activated prior to occupation of residential units or remaining commercial floor space and, when positioned within a development, should be designed to be balanced with other commercial units in terms of visibility, to help accessibility.
4. The Council will require developers to provide a Workspace Management Plan to show how this will be delivered and that an annual return on delivery will be achieved. This will also include ensuring that the space provided is appropriate and affordable, taking into account rent paid – along with other fees such as service charges that an operator may levy. The Council will monitor and where necessary enforce this on an ongoing basis.

5. Where a scheme involves the redevelopment of existing low-cost workspace provision, a requirement may be sought within the S106 agreement for existing occupants to be given the option of being accommodated in the new development where possible.
6. In some circumstances, the Council will consider alternative options that will achieve equivalent value and impact via an off-site contribution to be agreed with Planning Officers, for example, contributions to existing facilities in the borough or provision of new facilities on another site. This includes when:
 - viability appraisals demonstrate that on site provision is not feasible; and
 - an area is already considered to be well served with affordable workspace, or where it is unlikely to work on the development site.
7. Any off-site contribution should be of an equivalent or greater value than the rental discount that would have otherwise been offered and will be spent on options including, but not limited to:
 - provision of, or funding towards affordable workspace on another site within the borough;
 - include targeted subsidies for either businesses or workspace providers; and
 - a fit-out capital programme or refurb capital programme.
8. In some circumstances, financial contributions to affordable workspace may be accepted in lieu of provision and this would be determined on a case by case basis with the Council.

5.6. Education, healthcare and other community infrastructure

Context

As outlined in Local Plan Policy DMS 2, new developments must help to meet the increasing demands that they will place upon the borough's social infrastructure by contributing towards the upgrade or enhancement of existing facilities or provision of new facilities. Social and community infrastructure includes, but is not limited to:

- Education
- Healthcare
- Community facilities
- Sport and leisure facilities
- Libraries, museums and other cultural facilities
- Youth centres

The Council will work proactively with key local government delivery partners and borough officers on an ongoing basis to ensure that suitable levels of infrastructure development take place.

Overall, there is a cumulative impact of development on social and community infrastructure across the borough. As such, the Council will consider a range of funding mechanisms to support the delivery of social and community infrastructure in the borough, including through CIL. Where the impact of a development gives rise to a site-specific requirement for new or enhanced social or community infrastructure, the Council will seek to mitigate these impacts through S106 contributions.

There may be increased demand for early years placements following the recent Government announcement on additional funding to provide free childcare for young children aged 9 months and over.





Indicative Section 106 requirements

1. Contributions will be typically sought where the proposed development creates a need that isn't met by existing infrastructure, or where provision of on-site facilities forms part of a Local Plan site allocation. Site allocations and related infrastructure needs are outlined in Appendix 2 of the Local Plan. Provision should be specific to site allocations and agreed through S106 agreements, with engagement of relevant Council officers to ensure that infrastructure is appropriately located and designed to meet future needs and appropriate rental levels are charged. S106 may also be used to secure provision of off-site social and community facilities.
2. The exact requirements to be sought through S106 will vary with each development depending on the proposal, any site allocation, projected population growth (determined through the GLA Population Yield Calculator) and other factors such as current capacity and projected expansion or loss of facilities. Further information is set out below.

Educational facilities

3. As a general rule, any new homes will generate additional pupils and impact on delivery of adequate school places. The Council's education team will review planning applications to ascertain whether the forecast numbers of homes would impact on mainstream and specialist school places. As a guide for larger developments, 2,100 homes would typically generate a requirement in the locality for a new 3 form (630 pupils) entry primary school and 10,000 new homes would generate a demand for a new secondary school of up to 10 form

(1,800 pupils). Currently, approximately 3.7% of pupil yield arising from the new development will require specialist places, catering for children or young people with Special Education Needs or Disabilities (SEND).

4. Where there is no site allocation for new educational facilities, but where development comes forward which creates additional demand for school places, the Council may seek contributions through S106 for increased or improved education provision, where there are not sufficient places locally. This includes early years, primary, secondary, SEND and further education.
5. The local education authority will not seek to secure additional places where it is known that there will be a long-term surplus, as schools receive revenue funding based on pupil numbers. Any funding secured through CIL or S106 identified for school provision will be used to improve the school facilities in the borough to improve the offer to local children.
6. Financial contributions received for education will also be used for day care nurseries and will fund the provision of additional early years childcare places for the benefit of local workers. This may be in the form of a start-up grant for a new childcare provider or a financial contribution to expand childcare provision at an existing facility in the vicinity of the development site.

Healthcare and social care

7. As set out in Policy DMD 1, all major developments must provide a Health Impact Assessment. Major development will be expected to mitigate the impact on health infrastructure through S106 contributions to expand existing capacity. This may be sought through financial contributions, or through land and property. Calculation of financial contributions should be based on the NHS Healthy Urban Development Unit (HUDU) "Planning Contribution Model for London".
8. Where developments provide new in-kind health facilities, sites will be required to be sustainable and affordable to the NHS and be designed to meet all NHS technical standards⁹. Where possible, sites should be available on a freehold or long leasehold basis, at a discounted capital cost. Where shorter leases are available, these should be at a peppercorn or below market rents.

Community facilities, sports facilities and cultural facilities

9. Where a requirement for on-site community facilities, sporting facilities or cultural facilities has been identified, in line with Policy SP4 and SP6 and DMNE 1 of the Local Plan, this may be secured through S106. New community facilities must be fully fitted out, with spaces being available to be let at peppercorn rent in perpetuity. Individual lease periods should be provided for a minimum of 20 years.
10. In some circumstances, S106 may also be used to secure provision of off-site social, sport, community, and cultural facilities (including faith spaces/places of worship). Any

re-provision of facilities should be in line with the relevant Policies of the Local Plan and should have regard to the existing local supply, as in some cases contributions may be more effectively used to upgrade existing community space instead of providing new floorspace or amenity space. This will be determined on a case-by-case basis in conjunction with the Council's community participation and engagement team.

Emergency services provision

11. Emergency service infrastructure requirements are set out in the Council's Infrastructure Delivery Plan. Contributions may be sought towards policing infrastructure, buildings and equipment such as real-time surveillance infrastructure, CCTV, vehicles, mobile IT and Police National Database. Calculation of financial contributions will be based on the formula developed by the Metropolitan Police to support collection of financial contributions.
12. Contributions may also be sought towards buildings, infrastructure and equipment for the London Ambulance Service, including mobile health care facilities.



Phoenix Park

⁹NHS health building notes <https://www.england.nhs.uk/estates/health-building-notes/>



Barking Abbey Park

5.7. Public realm and streetscape

Context

As set out in Policy DMD 1, development proposals are expected to consider and enable provision of an attractive public realm and amenity space. The design of the public realm, landscape and streetscape should be high quality and functional. In particular, the Area Policies of the Local Plan set out the proposals that will be expected to contribute to public realm enhancements.

In some cases, where there is considered to be a cumulative impact of new development on the public realm on a borough-wide basis, CIL may also be used to fund improvements. However, for public realm upgrades required in specific areas as a result of local development, S106 is a suitable mechanism for securing financial contributions.

Indicative Section 106 requirements

1. Major development will be required to make financial contributions where adequate public realm contributions are not provided as part of the development. Public realm provisions will be negotiated with the relevant case officer taking into account development mitigations and the objectives/vision set out in policy documents for the area.
2. This funding will contribute towards public realm initiatives, determined on an area-by-area basis, such as:
 - upgrading existing public realm, improving the quality of pavements and new walkways to improve permeability;

- enhancing links to and alongside the borough's waterways;
- new pedestrian crossings;
- improved public amenity spaces; and
- the delivery of a network of green links and pedestrian-friendly streets which connect new communities with public green spaces, strategic cycle routes, and key destinations.

3. Developers will need to demonstrate how management, maintenance and repair of the public realm will be addressed. Where responsibility for the ongoing maintenance of facilities is proposed to transfer to the Council, financial contributions will also be sought towards repair and maintenance for a minimum ten year period and these costs will be index linked annually.

Community safety

4. Contributions may be sought towards community safety initiatives, determined on a case by case basis, such as CCTV, improved lighting and footpath surfacing.

Public Rights of Way

5. Development may be required to provide Public Rights of Way through sites, for pedestrians and cyclists. Where required, this will be secured through S106 agreements.

5.8. Highways and sustainable transport

Context

The Local Plan's Transport Impact Assessment outlines the current pressures facing Barking and Dagenham's highways and transport network and highlights that the level of development proposed within the Local Plan will place significant additional stress on the borough's transport infrastructure over the course of the Local Plan period. The Council will use planning obligations, both financial and non-financial, to not only mitigate these impacts, but to ensure that the infrastructure needed to support the proposed levels of development, as identified in the Borough Wide Transport Strategy (2021) and Infrastructure Delivery Plan (2020), is supported by contributions from development.

In doing so, the Council also seeks to strengthen its focus on sustainable modes of transport and supports the current Mayoral target of 75% of journeys being taken on foot, bicycle or public transport by 2041¹⁰. Policy DMT1 outlines the borough's wider approach to making better connected neighborhoods, with high-quality, safe and attractive cycling and walking routes¹¹ and active travel routes connecting developments to local amenities and green space and reducing the dominance of vehicles on London's streets whether stationary or moving.

Strategic transport and connectivity infrastructure items required to support the wider growth of the borough and which are not mitigating site-specific developments will be funded largely through the borough's CIL receipts. Examples of these types of schemes are identified within the Infrastructure Delivery Plan and the Local Plan.



Where transport and connectivity measures are required to make a site acceptable in planning terms or are directly related to the site, these mitigations will be sought through S106 agreements to ensure that they are delivered at the right time and scale to mitigate the impacts of the development. It is expected that developers will submit a Transport Assessment which will help to determine the impact of a development and required mitigation measures.

On occasion, the site-specific impacts of a development on the nearby highways network may be better mitigated by a Section 278 agreement, which will be agreed between the developer and the Council during the application stages.

Indicative Section 106 requirements

Travel Plans

1. Travel Plans are a long-term management strategy for integrating and encouraging sustainable travel into a new development, based on evidence of the anticipated transport impacts of new occupants, and to ensure that transport other than private motor car is used, to reduce the vehicle numbers on the road.
2. The Council will require a Travel Plan from all new major schemes of ten units or more, all major commercial development and any large scale social infrastructure with a high level of trip generation. It should outline how the Plan will be managed, implemented and reviewed. It is the developer's responsibility to appoint a coordinator, meet the cost of publicising, implementing and monitoring the Travel Plan outcomes - including any financial penalties - until the Travel Plan objectives are met.
3. Monitoring of the Travel Plan is to be undertaken on an annual basis for a minimum of 5 years or 5 years after all phases of a development are complete (whichever is longer). During this period, it may be appropriate to amend the Travel Plan, by agreement with the Council in light of development circumstances. Each version of the Travel Plan should report on its effectiveness.
4. The Council will seek to agree a fixed Travel Plan Monitoring Fee, based on the scale of development. This will be charged at £2,500 for developments from 10-149 units and £5,000 for

developments exceeding 150 residential units, commercial developments exceeding 1000 square metres and large scale social infrastructure schemes of high trip generating characteristic.

Sustainable Transport

5. In some cases, other requirements will be identified through Transport Assessments. Additional requirements, to be agreed during the application process, may include contributions to the following:
 - a. New Active Travel Zone (ATZ) routes;
 - b. Public transport upgrades;
 - c. CPZ, Car Clubs or other Car Pooling Schemes;
 - d. Provision of new, or existing cycle facilities such as cycle lanes and parking;
 - e. Sustainable travel incentives for new residents or employees (dependent on scheme);
 - f. Contribution to Council's EV Charging Points installation programme; and
 - g. Events Management Plans to be submitted on an annual basis for schemes which may attract traffic, due to events.

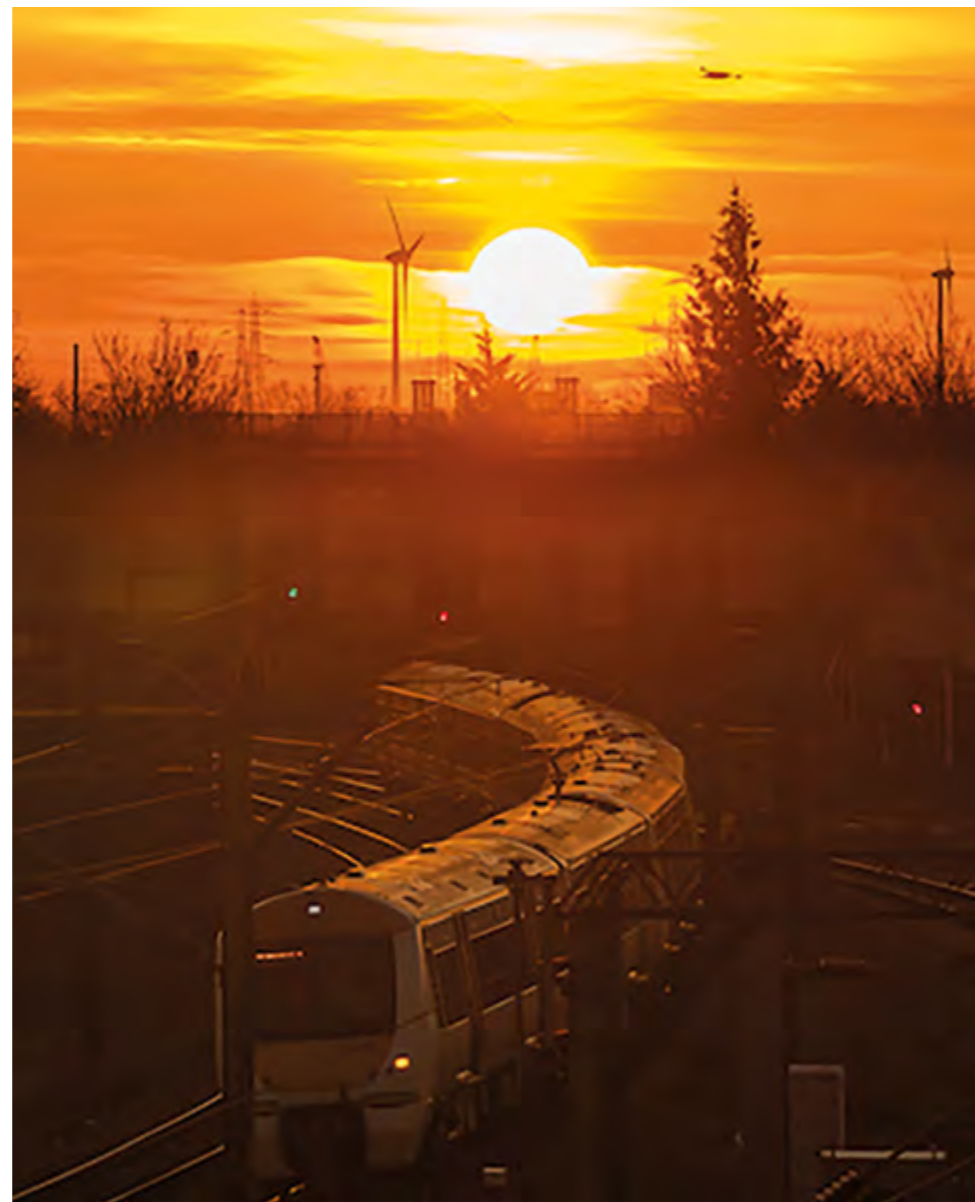
Parking

6. In line with Policy T6 of the London Plan and Policy DMT 2 of the Local Plan, car-free should be the starting point for all development, and legal agreements will be required to secure a financial contribution to the Council to implement parking controls and to ensure that owners or occupiers of car-free residential units are not entitled to apply for parking permits.

¹⁰Per Figure 10.1 of the London Plan

¹¹A Walking and Cycling Strategy for Barking and Dagenham <https://yourcall.befirst.london/13753/widgets/39553/documents/21325>

7. If no existing or planned schemes are in place surrounding a proposed development, it may be necessary for the development to contribute to the implementation of a CPZ or extension of an existing CPZ scheme to mitigate the impacts of the development on parking conditions and the local highway networks.
8. If a CPZ would be required to mitigate the impacts of the development, applicants are expected to demonstrate where the new CPZ could be located and the proposed timing restrictions.
9. As well as seeking contributions to CPZ's if there are none in place, contributions may be sought towards on-street spaces for car clubs, and free membership of car clubs should be provided for 3 years for the first occupiers. The applicant will be expected to demonstrate where the spaces could be located, where any lost spaces will be provided, and what will be required to implement the car club.
10. Additional parking and traffic management contributions may be sought by the Council on a case by case basis.



5.9. Parks, open space and playspace

Context

Barking and Dagenham has a large number of parks, green spaces and sports pitches which are of a high-quality and provide a benefit in terms of enhancing both the local environment and the health and wellbeing of residents. Local Plan Policy DMNE 1 is key in protecting and expanding this network of open space and green infrastructure across the borough and ensuring that these spaces are sustained, enhanced and remain accessible to all residents. Blue and green infrastructure delivers many benefits including managing flood risk, mitigating the environmental impact of new development, creating and restoring essential natural spaces and habitat, and climate-proofing urban life.

On-site provision of children's play space and youth space (for young people ages 12+) is also important for the wellbeing and development of physical and social skills in children and plays an important role in improving health and reducing health inequalities. Policy DMNE 1 reflects the requirements in London Plan Policy S4 for provision of new, well-designed play space on site per young person, with projected demand to be calculated through the GLA population yield calculator.

The Council's Infrastructure Delivery Plan identifies a target open space provision of 2.4 hectares per 1,000 head of population and contributions will be used to help achieve this standard. Major schemes will be expected to make a financial contribution towards the provision of public open space in the borough, especially where there is a deficiency of public open space¹², or to make on-site amenity space and public realm publicly accessible.

¹²Area of deficiency are identified in the Council's Parks and Open Spaces Strategy, and Areas of Deficiency in Access to Public Open Space, GiGL, <https://www.gigl.org.uk/our-data-holdings/open-spaces/areas-of-deficiency-in-access-to-public-open-space/>



Copyright: Paul Riddle

Additionally, financial contributions will be sought through S106 Agreements where playspace cannot be provided on-site to the levels required in the London Plan, to improve nearby play areas and public open space. Costs for the delivery of playspace are based on the delivery of recent projects.

Indicative Section 106 requirements

Parks and green infrastructure:

1. As set out in Policy DMNE 1 of the Local Plan, all major and strategic development should contribute to the delivery of sufficient new publicly accessible open space and green infrastructure, such as parks, pocket parks, planting of new trees and enhancing the borough's green grid network. The need for public open space will be determined based on the public open space categorisation set out in Policy G4 of the London Plan, identified areas of deficiency within the borough, and the Council's target open space provision of 2.4 hectares per 1,000 head of population.
2. If open space cannot be provided on, or near to, the development site, a financial contribution towards off-site provision of infrastructure elsewhere or a commuted sum may be accepted. Financial contributions to open space will be determined on a case by case basis by the Council, based on recent delivery costs.
3. Developers will be required to provide an Open Space Management Plan. Within this, developers will need to demonstrate how management, maintenance and repair of facilities will be addressed. Where the responsibility for the ongoing maintenance of facilities is proposed to transfer to Council, financial contributions will also be sought towards repair and maintenance for a minimum ten year period and these costs will be index linked annually.

Playspace:

4. As set out by Policy SP 4 of the London Plan, development will be expected to provide at least 10 square metres of high quality playspace per child, that provides for a range of ages, unless it can be demonstrated that there is insufficient demand. Playspace should be provided on site in the first instance and must conform to the Council's maintenance standards and requirements.
5. Where sufficient play space cannot be provided on site, a financial contribution will be required to support the funding or upgrade of playspace in nearby parks, at a minimum rate of £2,000 per 10m² deficiency (index linked from date of publication). Financial contributions will further include maintenance and repair costs for a minimum ten year period and these costs will be index linked annually.

5.10. Nature and biodiversity

Context

The significant levels of development envisaged during the Local Plan period will place increasing pressure upon the quality of the natural environment in the borough. The NPPF outlines the Council's responsibility to ensure that the borough's natural environment is conserved and enhanced as development takes place. The introduction of mandatory biodiversity net gain in early 2024 requires that development improve the condition of the natural environment and protect habitat, wildlife corridors and species. Related to this, mitigating the impacts of climate change is increasingly important.

Policy DMNE 3 outlines the requirement for developers to manage impacts on biodiversity and secure biodiversity net gain, as well as minimise the impacts of development on biodiversity and nature in accordance with the mitigation hierarchy set out in London Plan Policy G6. Policy DMNE 2 of the Local Plan sets out the requirements for urban greening in line with Policy G5 of the London Plan.

Policy DMNE 4 outlines the requirement for development within the vicinity of the borough's rivers and waterways to protect and enhance the biodiversity and geomorphology of the waterway and improve water quality, in line with objectives under the Water Framework Directive and the Thames River Basin Management Plan. In addition, the policy requires developers to protect and enhance the character of the waterway and provide undeveloped buffer zones, removing hard engineering and creating habitat.



Some larger scale biodiversity projects and nature-based solutions may be funded through CIL or the Carbon Offset Fund, where there is a direct infrastructure requirement to support future development, or for schemes identified within the Green Infrastructure and Biodiversity Strategy. However, in many cases, site-specific measures relating to biodiversity will be needed to make a development acceptable in planning terms. S106 Agreements are the most appropriate means by which to seek this type of planning obligation to ensure that they are delivered at the right time and scale to mitigate the impact of the development.

Indicative Section 106 requirements

1. All development is required to minimise the impacts of development on biodiversity and nature by following the mitigation hierarchy and providing wider environmental benefits, in line with Policy DMNE 3 of the Local Plan.
2. All development will be expected to deliver a minimum of 10% biodiversity net gain on site using the DEFRA Statutory Biodiversity Metric, in accordance with the Environment Act 2021 and associated regulations (or updated equivalent).
 - a. This must be demonstrated through a report prepared by a suitably qualified person, including a qualified ecologist for the statutory metric, and include supporting evidence regarding whether an exemption applies.
3. In line with the Environment Act 2021, associated regulations and Planning Policy Guidance:
 - a. Impacts to irreplaceable habitat should be minimised as much as practicable, and where impacts are unavoidable, a bespoke agreement and appropriate compensation will be agreed with the Council; and
 - b. Where sufficient net gain cannot be delivered on site, developers will be expected to deliver off site net gain that is within the borough (including through the use of a habitat bank); or
 - c. If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits, as a last resort.
4. In some circumstances, contributions or other mitigations may be required to contribute to new or existing blue infrastructure, or to manage flood risk, including for:
 - a. maintenance and enhancement of amenity associated with rivers, lakes and waterways, including the riparian zone as well as riparian lifesaving equipment; and
 - b. restoring and enhancing the biodiversity and geomorphology of water courses in line with Policy DMNE 4 of the Local Plan.
5. Contributions towards greening, biodiversity and nature may also be sought through delivery of onsite measures, or financial contributions towards offsite mitigation, including for:
 - a. creating, securing, reinstating, enhancing or connecting existing habitat features and wildlife corridors, including nesting and roosting sites;
 - b. creating new nature reserves across the borough; and
 - c. other urban greening measures.



6. SUMMARY AND FURTHER INFORMATION

The obligations listed above should not be considered to be exhaustive and other obligations may be sought depending on the development site and nature of the proposal. This will be determined through engagement with Planning Officers.

As such, the Council encourages applicants to engage in discussions with Planning Officers at the pre-application stage, to further discuss the specific contributions which will be sought.



Appendix I – How the Local Plan and this SPD apply to development

The following table sets out how the Local Plan policies and sections of this SPD apply to development. The below obligations are not exhaustive and may also apply to some minor development where required by Planning Officers.

Indicative Planning Obligation Checklist		Residential development of 10 + units	Commercial Development of 1000sqm or more	Large scale social infrastructure of high trip generating characteristic	Large scale schemes (typically 150 units or more/ GLA referable schemes)
Local Plan Policy	Related section in SPD				
DMH 1: Affordable housing	Section 5.1 Affordable housing - Affordable housing to be provided in line with Policy DMH 1 of the Local Plan	X			X
	Transport and Public Realm				
DMT 1: Making better connected neighbourhoods	Section 5.8 Highways and sustainable transport – Highways works or payments to address any impacts of the specific development	X	X	X	X
DMT 1: Making better connected neighbourhoods	Section 5.8 Highways and sustainable transport – Other sustainable transport requirements arising from Transport Assessments	X	X	X	X
DMT 1: Making better connected neighbourhoods	Section 5.8 Highways and sustainable transport – Car free / parking restrictions and controlled parking zones	X	X	X	X
DMT 1: Making better connected neighbourhoods	Section 5.8 Highways and sustainable transport – Travel Plans and contributions towards associated monitoring costs	X	X	X	X
DMNE 1: Parks, open spaces and play space	Section 5.7 Public realm and streetscape – Financial contributions towards public realm improvements to address development impacts	X	X		X
	Environment				
DMSI 2: Energy, heat and carbon emissions	Section 5.2 Carbon Offsetting – Financial contributions to the carbon offset fund where policy requirements are not met	X	X		X

	Environment				
DMSI 2: Energy, heat and carbon emissions	Section 5.2 Carbon Offsetting – Prioritising connecting to existing or planned district energy networks	X	X	X	X
DMSI 4: Air quality	Section 5.3 Air Quality – Contributions towards Air Quality	X	X	X	X
DMNE 3: Nature conservation and biodiversity	Section 5.10 Nature and biodiversity – All development will be expected to deliver 10% biodiversity net gain on site in accordance with the Environment Act 2021 and associated regulations	X	X	X	X
DMNE 1: Parks, open spaces and play space	Section 5.9 Parks, open space and playspace – Financial contributions towards play space provision where not provided on site	X	X		X
DMNE 1: Parks, open spaces and play space DMNE4: Water Environment	Section 5.9 Parks, open space and playspace and Section 5.10 Nature and biodiversity – Financial contributions to new or existing green and blue infrastructure and ecological resilience	X	X		X
	Employment and Training				
SP5: Promoting inclusive economic growth	Section 5.4 Employment, skills and supply chain development – Construction phase employment and procurement targets and contributions towards associated monitoring costs	X	X		X
SP5: Promoting inclusive economic growth	Section 5.4 Employment, skills and supply chain development – Occupation stage employment and procurement targets and contributions towards associated monitoring costs	X	X		X

	Employment and Training				
DME 2: Providing flexible, affordable workspace	Section 5.5 Affordable Workspace – Affordable workspace where required by policy or a payment in lieu (applied flexibly in line with the policy)		X		X
	Education, Health and Community Facilities				
DMS 2: Planning for new facilities	Section 5.6 Education, Healthcare and other Community Infrastructure - Delivery of on-site or expansion of existing social infrastructure to mitigate the specific impacts of development	X	X	X	X
	Monitoring Fees				
DMM 1: Planning Obligations (Section 106)	Appendix 2 Fees and formulas – The Council will seek monitoring fees as set out in Appendix 2.	X	X		X

Appendix 2 – Fees and formula

Monitoring Fees

The Council will require a flat monitoring fee as a financial contribution for each S106 agreement of:

- A monitoring fee of 5% of each financial contribution, at a minimum amount of £500 for minor applications and £1,500 for major applications, capped at £5,000 per contribution.
- £500 for each non-monetary obligation for minor applications.
- £1,500 for each non-monetary obligation for major applications and for more complex clauses.
- £1,500 for the initial monitoring of the overall s106 agreement, on top of the standard Heads of Terms for major applications.

Additional set fees are required for more specific and complex contributions that require additional Council engagement action outside of general administration. Monitoring fees will be reviewed and revised by Council periodically to ensure that fees appropriately represent the costs associated with Council's monitoring activities. An updated fee schedule will be made available on the Council's website.

Employment skills and supply chain development

A fixed Continued Engagement Fee of £3,000 for a scheme of up to 149 units or 1000 square metres of floorspace and £5,000 for schemes exceeding 150 units or 1000 square metres of floorspace to be paid towards employment, skills and supply chain commitments.

Travel plans

The Council will seek to agree a fixed Travel Plan Monitoring Fee for travel plan monitoring. This will be charged at £2,500 for developments from 10-149 units and £5,000 for developments exceeding 150 residential units, commercial developments exceeding 1,000 square metres and large-scale social infrastructure schemes of high trip generating characteristic.

Formula for contributions

Matter	Formula
Carbon offset fund	Financial contributions will be required to the borough's Carbon Offset Fund, and these will be calculated at the recommended GLA rate of: £95 per tonne x 30 years = £2850 per tonne
Employment	Where construction phase obligations cannot be met, the Council will seek a financial contribution to generate alternative training, employment and local procurement opportunities elsewhere in the borough, using the following formulas: <ul style="list-style-type: none"> • The target number of jobs for LBBB residents (25% of FTE workforce) X £5,000 (average cost of supporting an unemployed borough resident into work) • The target number of apprenticeship starts (1 in 20 of FTE workforce) X wage costs of a one-year apprenticeship paid at the London Living Wage rate <p>If the occupation phase obligations cannot be met, the Council will seek a financial contribution to support training, employment and local procurement at the occupation stage, using the following formula:</p> <ul style="list-style-type: none"> • The target number of jobs for LBBB residents (10% or 25% of FTE workforce) x £5,000 (average cost of supporting an unemployed borough resident into work)
Air quality offset fee	Contributions will be calculated based on the formula set out within the London Plan Air Quality Neutral Guidance (or updated equivalent) ¹³

¹³London Plan Air Quality Neutral Guidance <https://www.london.gov.uk/asset/document/files/2023-02/Air%20Quality%20Neutral%20LPG.pdf>

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**Barking &
Dagenham**



APPENDIX 2

**Planning Obligations Supplementary Planning Document
Consultation Summary Report**

September 2024

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1. Introduction

The Planning Obligations Supplementary Planning Document (SPD) provides guidance on how planning obligations, which are legal obligations entered into by the developer with the local planning authority, are secured to mitigate the impacts of a development proposal.

The draft Planning Obligations SPD was open for public consultation from the 26th September to 7th November 2022, during which we received a total of 23 external responses.

1.1. Purpose of this consultation statement

The purpose of this consultation statement is to present a summary of the consultation responses we received, how we responded to these, and how the key issues raised have been implemented into the SPD.

2. Who was consulted and how?

The SPD was made available online and in hard copy through:

- the Council's main website and its One Borough Voice website;
- email notifications to those who signed up to our Local Plan mailing list;
- social media advertising including via Be First LinkedIn and Twitter accounts; and
- and providing a hard copy at Be First's office – 9th Floor Maritime House, 1 Linton Road, Barking, IG11 8HG.

Council notified our consultation database of the draft SPD, which included:

- Statutory bodies, such as the Environment Agency, Historic England, Natural England;
- Infrastructure providers, such as the NHS;
- Neighboring Local Planning Authorities
- Developers, Agents and land owners;
- Other interest groups and organisations; and
- Members of the public who have registered their interest in plan-making activities in LBBD.

Responses were received by email or by post.

3. Consultation responses

During the consultation period, the Council received a total of 23 external responses from a combination of statutory consultees (9), developers (5), residents (7) and other interested stakeholders (2).

A summary of the comments received are set out in the Appendix, along with the Council's response to the comments.

4. How the responses to the consultation have informed the SPD

Consultation responses have informed the updated SPD. Several of the responses noted the need for additional clarity around the approach to developer contributions, the circumstances in which they would be required, and how they would be calculated. We have revised the SPD, taking into account the feedback and suggestions provided through the responses.

Summary of Main Comments Received:

The main comments we received related to the following areas (and set out in more detail in Appendix 1):

- The importance of new infrastructure, community facilities and infrastructure in providing for growth,
- The need for improved consistency with the London Plan, including around affordable housing and viability reviews needed, to ensure conformity and better cross references to policy including transport policy,
- Infrastructure providers noted that there is a need for developers to work collaboratively with key stakeholders in the provision of new infrastructure (e.g., with NHS and Thames Water),
- The need for further explanation on employment (particularly regarding a ‘reasonable endeavours’ approach) and affordable workspace requirements,
- The need for further detail on parks and open space contribution requirements, particularly when provisions are made for these within the development,
- The need for further clarification on monitoring fees and what infrastructure will be funded by CIL or S106, and
- Concerns regarding viability in the borough.

Key changes made to the SPD include:

- Changes to ensure conformity with the London Plan in relation to affordable housing, provide additional clarity around the application of the Fast Track Route for affordable housing and adding additional references to the relevant London Plan policies.
- Updating the approach to when financial contributions to the Carbon Offset Fund are collected. Carbon offset contributions are currently collected at the practical completion of development. The SPD updates to split the collection of carbon offset contributions, with 50% paid on commencement and 50% paid on practical completion.
 - This change would provide greater certainty around when funding is available and is intended to encourage carbon savings to be considered and achieved through the development.

- Providing additional clarity on the approach to seeking contributions for open space and playspace. This would include scope within the public realm and open space sections to seek contributions towards maintenance for a 10-year period.
- Updates to the biodiversity and nature section, to ensure that the document is in alignment with the Biodiversity Net Gain regulations which were introduced in early 2024.
- Splitting the monitoring fees and formulas into a separate appendix, so that these are all available in one place, and can be updated separately by Council as required.

The responses received are set out in more detail below, alongside our responses.

Appendix 1

Respondent	Summarised Representation	Council's Response
Resident	The area lacks green areas and parks, and this should be prioritised.	Green spaces and parks are important to the Council. The SPD does not allocate new spaces but does set out requirements for developers to either provide or contribute towards green spaces.
Resident	Existing community facilities should be preserved, and infrastructure should be in place prior to construction of new developments. Planning obligations should benefit those living in the borough & new homes should be affordable to all residents.	Ensuring sufficient and good quality community facilities and bringing forward necessary transport infrastructure are important to the Council. The Local Plan and SPD sets out requirements for these areas as well as affordable housing.
Resident	Local infrastructure, roads and health services should be updated to cope with additional housing.	Transport networks and health services/facilities are important to the Council. The SPD sets out requirements on developers with regard to transport infrastructure and health facilities.
Resident	New social infrastructure, including health facilities are required in the borough to support growth. There is a lack of activities for teenagers – suggestion for more Future Youth Zone schemes.	Council appreciates the suggestion, and this is something that will be considered when new community facilities come forward.
Resident	Additional social infrastructure is required to support the growth of Barking Riverside.	Council appreciates the suggestion, and this is something that will be considered when new community facilities come forward.
Resident	New water, electricity and social infrastructure is required in the area - there is already risk of energy insecurity in the local area and difficulties getting doctor appointments.	<p>Developers are expected to address the need for new energy and water infrastructure and engage with utility companies when bringing forward major development which may impact on current and future utility networks.</p> <p>Ensuring there is sufficient and good quality social infrastructure and community facilities is important to the Council. The Local Plan 2037 sets out the Council's approach to seeking new infrastructure, and safeguarding existing social</p>

		infrastructure, and the SPD sets out what is required of developers in this regard.
Resident	Strongly support 10% Biodiversity Net Gain but wants clarification that this is an ongoing gain, and nesting/roosting sites shouldn't be overlooked when in buildings.	<p>Since the introduction of mandatory Biodiversity Net Gain (BNG) in early 2024, this section has been revised in line with the Environment Act and associated regulations. The Act requires that BNG sites are managed and maintained for a 30-year period.</p> <p>Council appreciates the suggestion regarding nesting and roosting sites and have added a reference.</p>
GLA - Statutory Consultee	<p>The GLA welcomed the guidance that the SPD provides and noted that it will help to maximise the delivery of affordable housing in the borough.</p> <p>The response noted that the borough's indicative housing target should reflect the target set out within the Local Plan and noted that the SPD should reflect the threshold approach to affordable housing set out by Policy H5 of the London Plan.</p> <p>The response noted that the SPD would benefit from further explanation regarding the use of viability reviews, additional clarity of the tenure split. The response also suggested that a reference to the use of grant or public subsidy to increase the provision of affordable housing should be included.</p>	<p>The indicative housing targets referenced within the SPD are now consistent with those within the Local Plan 2037.</p> <p>We have updated the affordable housing section to reference the Mayor's threshold approach, with a target of delivering the London Plan's strategic target of 50%. We have also added clarity to link to Policy H5 of the London Plan regarding viability testing and the Fast Track Route to ensure alignment.</p> <p>We have added clarity to the SPD by providing links to the policies set out within the Local Plan regarding tenure split and housing sizes.</p>
Thames Water - Statutory Consultee	<p>Thames Water identified the importance of considering the need for new water and wastewater infrastructure resulting from development. The response noted that infrastructure should be provided ahead of the occupation of development, and that there is a long lead in time for providing infrastructure.</p> <p>The response recommended that developers work with Thames Water and utilise the free pre-planning service to determine whether capacity upgrades are required.</p>	<p>The adequate provision of water and wastewater to support development is important to the Council. Policy DMSI 7 of the Local Plan 2037 has been updated to note the requirement for developers to engage with Thames Water at an early stage to confirm there is capacity to service the development and consider the off-site impacts of the development on the network.</p>

Port of London Authority - Statutory Consultee	Port of London Authority suggested that reference be made to promote the use of the borough's safeguarded wharves, to reference the need for enhancing pedestrian links along the borough's waterways, and to provide lifesaving riparian equipment.	Council values the safeguarded wharves located within the borough and the updated Local Plan policies note the important role of and seeks to maximise the use of safeguarded wharves. The SPD has been updated to include note that contributions may be used towards enhancing pedestrian links to the borough's waterways and lifesaving riparian equipment.
Healthy Urban Development Unit (HUDU) and NHS North East London	<p>The NHS welcomed the SPD and the approach to seeking developer contributions for health infrastructure.</p> <p>The response noted the need for long term leases for health facilities, and provided suggested wording to ensure that in kind facilities are provided in an affordable and sustainable way.</p> <p>The NHS also provided suggested wording in relation to emergency service provision and noted that contributions should be sought for major development where mitigation is required, and not only for specific Site Allocations.</p>	<p>The adequate provision of health infrastructure is important to Council, and the Council is committed to working with the NHS, developers and other partners in the planning and delivery of infrastructure.</p> <p>Council appreciates the suggested modifications and has made modifications in the relevant sections to address the feedback from the NHS and ensure that the SPD can address the need for planning contributions to health infrastructure.</p>
NHS Property Services (NHSPS)	<p>NHSPS strongly supported the approach of securing infrastructure and contributions for health through planning obligations to ensure developments provide adequate measures to mitigate their impacts.</p> <p>The response noted that the NHS should also have flexibility, alongside the option of seeking financial contributions, to seek the provision of new on-site healthcare infrastructure and to secure land and infrastructure/ property to meet the relevant healthcare needs arising from developments.</p> <p>The response noted that the NHS, Council and other partners must work together to plan the infrastructure and necessary funding required to support the projected housing development and related population growth across the borough.</p>	<p>As above, Council is committed to working with the NHS, developers and other partners in the planning and delivery of infrastructure. Council recognises the important role of planning contributions in funding health infrastructure.</p> <p>Chapter 5.6 of the revised SPD now aims to provide flexibility in how contributions to health infrastructure can be sought.</p>

National Highways	National Highways noted that they are not routinely party to S106 agreements and typically contributions are sought for non-national strategic uses. No comments were provided.	No response required
Sport England	<p>Sport England noted that the SPD should positively plan for sport facilities and should be updated to provide clarity as to when contributions would be sought for sporting infrastructure. The response noted that contributions should be sought to mitigate the impact of growth on sport facilities, and not just when related to specific site allocations.</p> <p>The response noted that Sport England is supportive of 20 year leases for social infrastructure and noted that Active Design, launched by Sport England alongside Public Health England provides guidance around the urban design of the public realm.</p>	<p>The adequate provision of social infrastructure, including sport facilities, is important to Council.</p> <p>The SPD has been updated to positively plan for sport facilities, and to clarify that contributions may be required towards sport facilities where a need is identified, in line with the policies of the Local Plan.</p>
The Coal Authority	The Coal Authority noted that Barking and Dagenham Council lies outside the defined coalfield and therefore the Coal Authority has no specific comments to make.	No response required
Natural England	Natural England noted that the SPD does not appear to relate to their interests to any significant extent, and that they had no comments.	No response required
Historic England	<p>Historic England noted that while there is a low number and concentration of heritage assets in the borough, it would be helpful for the SPD to explicitly reference heritage.</p> <p>The response also noted that other projects could apply the model used in redevelopment of Abbey Retail Park site from Baking Townscape Heritage Project to funding the preservation of other heritage sites in the borough.</p>	<p>Council values its heritage assets and will continue to conserve and enhance its heritage.</p> <p>Section 3.1 of the SPD has been updated to note that Council may also seek contributions to support works related to heritage. Comments regarding the model used for Abbey Retail Park are noted.</p>
Transport for London (TfL)	<p>TfL were supportive of the approach set out within the SPD and the focus on improving sustainable transport.</p> <p>TfL noted that there should be better links to the London Plan policies and the Council's Infrastructure Delivery Plan to provide a stronger position when asking for funding for development. TfL also noted in their response that car clubs have not been shown to solve challenges relating</p>	<p>Council recognises the importance of sustainable transport to supporting growth.</p> <p>The SPD has been updated to reflect the comments from TfL and improve the links with the London Plan, and our Infrastructure Delivery Plan.</p>

	to modal shift and parking when not delivered alongside an overall reduction in the volume of parking.	We further note the comments in relation to car clubs. Policy SP 8 of the Local Plan sets out the Council’s policy position in relation to parking provision and encouraging car-free and car-lite development.
Environment Agency (EA)	<p>The Environment Agency noted that there are a number of critical flood risk assets in LBBB, and that they would normally object to developments until they were satisfied that development didn’t have a negative flood risk rather than seek financial contributions through S106.</p> <p>The EA also noted that the biodiversity section of the SPD should be updated to reflect the Biodiversity Net Gain legislation and specify that enhancement will be required.</p> <p>The EA made further suggestions regarding the wording related to blue infrastructure.</p>	<p>Council appreciates the comments and suggested revisions provided by the EA.</p> <p>In relation to flooding, comments regarding the approach generally taken are noted. References have also been added to Sections 3.1 and 5.10 to note that in some circumstances, flood mitigation may be required.</p> <p>Following the introduction of mandatory Biodiversity Net Gain in early 2024, this section has been revised in line with the Environment Act 2021 (and associated regulations).</p> <p>Suggested wording revisions are appreciated and have been considered by Council in the revised draft.</p>
L&Q	<p>L&Q expressed concern over the costs of monitoring fee per obligation.</p> <p>L&Q requested a ‘reasonable endeavors’ approach for some employment contributions, and sought further clarity on some contributions within the employment section</p> <p>L&Q also sought clarity on:</p> <ul style="list-style-type: none"> • whether EV charging port installation will be charged even where EVCPs are delivered on site, • whether the £1,000 per 10m2 deficiency contributions to open space occurs if an adequate level of communal space provided on site, • how the Biodiversity Fund rate has been reached and how the monies will be spent, and • how additional costs have been arrived at and how monies will be spent. 	<p>The Council understand the concerns raised, however, it is standard practice to have monitoring fees for various obligations and consider this is necessary to offset the impacts of development.</p> <p>We now refer to ‘reasonable endeavors’ as opposed to ‘best endeavors’ with regard to employment obligations. The SPD sets out what this takes into consideration.</p> <p>The SPD sets out that contributions may include a range of sustainable transport provisions including EV charging points, however, these will be agreed during the application process and on-site provision would be a key consideration.</p> <p>We have removed the reference to a £1000 contribution per 10m² and we now refer to the London Plan and identified areas of deficiency within the borough.</p>

		<p>Following the introduction of mandatory BNG, the section on the Biodiversity Fund has been amended, with the reference to the fund removed.</p> <p>We are of the view that the SPD clearly sets out how contribution monies will be spent. The SPD has also now clarified that there is an established process for the monitoring, allocation and spend of contributions.</p>
<p>Hollybrook Homes</p>	<p>Hollybrook noted their support of the principle of a S106 SPD.</p> <p>Overall, Hollybrook expressed their concern around the potential impact of contributions on viability, noting the ongoing challenges facing the borough.</p> <p>Hollybrook sought further clarity on:</p> <ul style="list-style-type: none"> • whether the obligations being sought relate only to new-build floorspace, • when monitoring costs are to be paid, • contribution rates and monitoring fees for air quality, • how the employment and skills requirements relate to the use of Modern Methods of Construction, • whether occupation stage employment requirements are in perpetuity and, if so, how frequently contributions would be collected, • contributions rates for community facilities, parks, open space and playspaces, • on use class/es the affordable workspace requirements would apply to/contribution rates, • employment and skills contributions, including Employment and Skills Plan, • requirement for Category A fit out requirement for potential occupiers, • the approach to affordable housing and alignment with the London Plan, and • timing of calculation of carbon offset contributions. 	<p>The Council welcomes Hollybrook’s support on the principle of a S106 SPD.</p> <p>The SPD aims to provide a balanced approach to the collection of developer contributions, recognising the borough's viability challenges, while also addressing the need to mitigate the impacts of growth on the community through planning contributions. Each agreement is subject to negotiation and will vary depending on the nature of a development.</p> <p>The SPD has been updated to:</p> <ul style="list-style-type: none"> • reflect comments on temporary and change of use - see section 3.1. • provide additional clarity on when monitoring fees will be sought – see section 4.4. • clarify how contributions for air quality will be calculated – see section 5.3. • refer to a ‘reasonable endeavors’ approach with regard to employment obligations, including for Moderns Methods of Construction– see section 5.4. • clarify approach to seeking contributions for community facilities, and open space– see section 5.3. • clarify where affordable workspace contributions would be sought– see section 5.6 and 5.9. • ensure the affordable housing section is in alignment with London Plan– see section 5.1.

		<p>We have updated the carbon offset requirements so they are in line with London Plan and follow relevant GLA guidance.</p> <p>We appreciate your feedback in relation to the 6-month lead in time for the Employment and Skills Plan. Council’s team requires a sufficient lead in time to review the Plan, but we recognise that this timeframe may not always be achievable. Where this timeframe cannot be met, developers should discuss this with planning officers and Council’s employment team.</p> <p>It is our understanding that a requirement for Category A fit out is not dissimilar from other councils and we therefore do not view it to be particularly restrictive.</p> <p>We are also of the view that the SPD wording is sufficiently flexible on affordable workspace activation requirements and low cost work space provision (see paragraphs 6.55 and 6.57) and allows officers to take into account case-by-case situations as part of the S106 negotiation process.</p>
SEGRO	<p>SEGRO noted the potential impact of the contributions on viability, and sought further clarity on:</p> <ul style="list-style-type: none"> • how Section 106 and CIL funding will be used and how infrastructure will be funded, • whether phased trigger points will apply for complex or phased developments, • employment and skills contributions, including Employment and Skills Plan and how ‘reasonable endeavours’ will apply, • the land use classes that should make contributions to affordable workspace, and • the biodiversity fund and viability considerations. 	<p>The SPD aims to provide a balanced approach to the collection of developer contributions, recognising the borough's viability challenges while also addressing the need to mitigate the impacts of growth on the community through planning contributions. Each agreement is subject to negotiation and will vary depending on the nature of a development.</p> <p>Council has an established process for the allocation of S106 and CIL contributions. The Infrastructure Funding Statement sets out what CIL and S106 are spent on each year. Council will also seek external and public sources of funding to fund infrastructure funding where available.</p>

		<p>Payment of CIL should be made in line with regulations and the Council’s Instalment Policy, as set out in Section 4.6 of the SPD.</p> <p>We note your feedback in relation to the employment and skills requirements, including the 6-month lead in time for the Employment and Skills Plan. Council’s team requires a sufficient lead in time to review the Plan, but we recognise that this timeframe may not always be achievable. Where this timeframe cannot be met, developers should discuss this with planning officers and Council’s employment team.</p> <p>Additionally, we have added further definition to the SPD around reasonable endeavours, and how this will be applied.</p> <p>Comments on biodiversity are noted – this section has been revised to reflect the introduction of mandatory BNG per the Environment Act.</p>
<p>Bridge Industrial</p>	<p>Bridge Industrial noted that overall, they are supportive of the principles of the Planning Obligations SPD, however they sought additional clarity on some elements and raised concerns regarding viability.</p> <p>Bridge Industrial sought further clarity on:</p> <ul style="list-style-type: none"> • the calculation of carbon offset contributions • contributions for community facilities, parks, open spaces and playspace • contributions for confirming biodiversity <p>Bridge Industrial also sought clarity on and made suggestions on the Employment, Skills and Affordable Workspace sections of the SPD. Key points raised included:</p> <ul style="list-style-type: none"> - The lead in period for an employment and skills plan, - The need for flexibility, project specific considerations and the application of reasonable endeavours, - Affordable workspace requirements, and - Monitoring fees. 	<p>The SPD aims to provide a balanced approach to the collection of developer contributions, recognising the need for flexibility and the borough's viability challenges while also addressing the need to mitigate the impacts of growth on the community through planning contributions. Each agreement is subject to negotiation and will vary depending on the nature of a development.</p> <p>As set out above, we have updated the Employment and Skills section to provide additional clarity on requirements, and refer to a reasonable endeavours approach, recognizing the need for flexibility.</p> <p>The SPD has been updated to clarify requirements for Employment, Skills and Affordable Housing, consistent with the policies of the Local Plan 2037. Section 4.4 of the SPD has been updated and clarifies when monitoring fees will be collected. As noted above, Council’s team requires a sufficient lead in time to review the Plan, but we recognise that this</p>

		<p>timeframe may not always be achievable. Where this timeframe cannot be met, developers should discuss this with planning officers and Council's employment team.</p> <p>The Carbon Offset section has been revised to update the approach to when financial contributions to the Carbon Offset Fund are collected.</p> <p>We have also amended the community facilities, open space and playspace sections to provide additional clarity on requirements and improve consistency with the London Plan.</p> <p>Following the introduction of mandatory BNG, the section on the Biodiversity Fund has been amended, with the reference to the fund removed.</p> <p>The SPD sets out that S106 will be used to secure the provision of affordable workspace where there is demonstratable need – need should be demonstrated in discussion with Council officers.</p> <p>We understand that 15 year leases are an industry standard and so this requirement has not been amended.</p> <p>The SPD refers to healthcare requirements via the HUDU approach.</p> <p>The reference to £1000 per 10m2 of public open space deficiency has been removed, however public open space deficiency will still form part of negotiation discussions. In terms of play space provision, we have referred to London Plan for what is required and a minimum rate has now been set.</p>
Barking Riverside Ltd	Barking Riverside Ltd (BRL) noted the shared ambition for regeneration in the south of the borough. Overall, BRL noted their concerns regarding the impacts of contributions on viability and potential difficulties in meeting employment and skills contributions.	The SPD sets out that the Council has an established process for the allocation of S106 and CIL, and notes where CIL will be used to fund strategic infrastructure in the borough. The Infrastructure Funding Statement, published each year, sets

	<p>Barking Riverside Ltd sought greater clarity on:</p> <ul style="list-style-type: none"> • Monitoring fees, including whether per deed or per obligation and how they apply when self-monitoring is underway • CIL and S106 contributions split, • Requirements for affordable housing, air quality and carbon offsetting and alignment with the London Plan, <p>BRL also noted that a robust assessment of infrastructure needs for education, health and other community facilities should underpin demands for contributions and facilities.</p> <p>BRL noted the need for bespoke arrangements to infrastructure delivery and contributions for large scale strategic schemes and the need for a tailored approach to biodiversity net gain for Barking Riverside.</p>	<p>out what CIL and S106 are spent. The SPD has been updated to provide additional clarity on the payment of monitoring fees. This aligns with the adopted CIL Charging Schedule which was subject to independent consultation and examination.</p> <p>The SPD clearly sets out the Council’s expectations regarding the payment of CIL, and the need for S106 contributions to ensure that all development, including large strategic schemes adequately mitigate the impacts of growth. That being said, each agreement is subject to negotiation and will vary depending on the nature of a development.</p> <p>We have updated the SPD to provide improved clarity and alignment with the Local Plan in relation to the approach to affordable housing, linking to Policy H5 of the London Plan. We have also revised the air quality and carbon offset sections to improve consistency with the London Plan, and to update the approach to when financial contributions to the Carbon Offset Fund are collected.</p> <p>We note your comments around the requirements for contributions to be supported by a robust infrastructure needs assessment. The SPD refers to the Council’s Infrastructure Delivery Plan, and that this document will be reviewed regularly.</p> <p>Your comments regarding the need for a bespoke approach to biodiversity net gain are noted. Following the introduction of mandatory BNG, the biodiversity section has been amended.</p>
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CABINET

17 September 2024

Title: Adoption of Barking and Dagenham 2037 Local Plan	
Report of the Cabinet Member for Regeneration and Economic Development	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Marilyn Smith, Head of Planning and Assurance Jen Belford, Planning Policy Manager (Be First)	Contact Details: E-mail: Marilyn.smith@lbbd.gov.uk Jen.Belford@befirst.london
Accountable Directors: Rebecca Ellsmore, Strategic Head of Place and Development Caroline Harper, Deputy Managing Director (Be First)	
Accountable Executive Team Director: Rebecca Ellsmore, Strategic Head of Place and Development	
Summary <p>This report sets out the key changes made to the emerging Barking and Dagenham 2037 Local Plan since its submission to the Secretary of State for Levelling up, Housing and Communities in December 2021. The changes set out are a result of several rounds of public consultation and the detailed areas of discussion considered at the main Local Plan examination hearings held in October/November last year. These changes have been deemed as necessary by the Planning Inspectors (see Appendix 1a/1b for the Inspectors' Report and relevant modifications) in order for the Plan to be considered 'Sound' in planning terms.</p> <p>Now that the examination hearings have concluded and the Council has received the Inspectors' report setting out the various modifications required, the Local Plan can now progress to adoption and gain full weight in the assessment/consideration of planning applications.</p>	
Recommendation(s) <p>The Cabinet is asked to recommend the Assembly to:</p> <ul style="list-style-type: none">(i) Adopt the Barking and Dagenham 2037 Local Plan as set out at Appendices 2a/2b to the report and accompanying Policies Map at Appendix 3 to the report;(ii) Delegate authority to the Strategic Director, Inclusive Growth and Place to make any final minor edits/corrections to the Plan prior to publication of the final version including addressing any remaining typographical errors and factual updates;(iii) Note the Inspectors letter at Appendix 1a and accompanying Main Modifications at Appendix 1b to the report, which set out the changes needed, for soundness,	

conformity and compliance reasons, to the version of the Plan as submitted to the Secretary of State for Housing, Levelling up and Communities in December 2021; and

- (iv) Note the changes made to the Policies Map as part of the examination process, as set out in Appendix 4 to the report, and the minor modifications made to Appendix 5 to the report, which correct typographical errors and provide factual updates.

Reason(s)

The new Local Plan sets an ambitious spatial vision and framework for future development in the Borough. It sets out how the Borough can meet local needs and provide opportunities. It reflects national priorities, particularly in relation to housing, the economy, identification and delivery of infrastructure, and protection of the environment.

Local planning authorities are required by the government to review their Local Plan in response to changing circumstances, in whole or in part, every five years to make sure that all the policies and supporting evidence is up to date and in line with the National Planning Policy Framework (NPPF).

The Council's current adopted Local Plan is over five-years old. As such, it is necessary for the Council to bring forward a new Local Plan to manage increased growth, respond to emerging trends and to have more control over the development coming forward in the Borough.

The timing is also fortuitous in that it is a good signal to the London Mayor, in his third term, and to the new Labour Government as to the Borough's commitment and ambition to growth.

1. Introduction and Background

- 1.1 The emerging Barking and Dagenham 2037 Local Plan seeks to deliver the Council's key objectives for unlocking regeneration in the Borough, delivering good quality affordable homes, improving open green spaces and mitigating the impacts of climate change. In total, the Plan seeks to unlock over 40,000 new homes and around 20,000 jobs along with supporting infrastructure such as new schools and health facilities.
- 1.2 The Plan has been in preparation for several years, with a reconsulted on Regulation 18 consultation taking place in 2019. As such, the evidence base spans several years of work. Since the initial Regulation 18 consultation, several other rounds of consultation and stakeholder engagement have taken place.
- 1.3 The emerging Barking and Dagenham 2037 Local Plan is fundamental to ensuring that the Council can shape the location and scale of new housing developments in the Borough and ensure that it reflects local circumstances. The current Barking and Dagenham Core Strategy was adopted in July 2010 and is now significantly out-of-date, meaning that it is less effective at ensuring new developments align with local priorities and is often overlooked by Planning Inspectors at appeal. Although the Council can rely on the more recently adopted London Plan 2021, this looks at the priorities of the London region as a whole and does not accurately

reflect the aims and objectives of Barking and Dagenham at a local level. It is of critical importance that a new Local Plan is adopted as soon as possible in order to ensure local Council priorities are reflected in decision-making on the substantial amount of new development that is coming forward in the Borough.

- 1.4. The 2037 Local Plan ([Appendix 2a Barking and Dagenham 2037 Local Plan](#) and [Appendix 2b - Barking and Dagenham Local Plan Appendix 2 Site Allocation Proformas](#)) has undergone several changes since its submission to the Secretary of State for Levelling Up, Housing and Communities in December 2021. This is in response to both the numerous public consultations that have occurred, and the examination process which involved two rounds of hearings. At the end of an examination process, Planning Inspectors (on behalf of the Secretary of State for Levelling Up, Housing and Communities) provide a report to confirm whether a Plan is sound in planning terms; is unsound can be made sound subject to modifications; or is unsound and is not capable of being found sound. The Inspectors report (which concludes the examination process for the 2037 Local Plan) found the Barking and Dagenham 2037 Local Plan to be sound and legally compliant subject to the inclusion of the main modifications put forward by the Inspectors. The full report can be found at [Appendix 1a - Barking and Dagenham 2037 Local Plan Inspectors' Report - FINAL](#) and [Appendix 1b - Barking and Dagenham 2037 Local Plan Inspectors' Report Main Modifications Appendix- FINAL](#). The main changes that are required to be made to the Plan before it can be adopted are set out in section 2 of this report. These changes have been confirmed as required by the Inspectors and cannot be further amended or added to (aside from minor corrections known as 'additional modifications' which are elements such as typos or updating factual references).
- 1.5. It is important to note that recent Government announcements for planning reform do not impact our ability to adopt the Plan. The Government has confirmed this (both through a letter from the Deputy Prime Minister Angela Raynor and in the current National Planning Policy Framework consultation). It has been set out that transitional arrangements are in place for plans that have reached an advanced stage.

Chapter 12, Paragraph 5 National Planning Policy Framework (currently out to consultation):

To provide stability and certainty for plans at latter stages of scrutiny, those plans at examination will continue to be examined under the version of the NPPF they were submitted under. However, if the revised LHN figure is more than 200 dwellings per annum higher than the annual housing requirement set out in the adopted version of the plan, upon introduction of the new plan-making system, the local planning authority will be required to begin preparation of a plan under the new system as soon as possible, or in line with any subsequent arrangements set out to manage the roll-out of the new system.

- 1.6. Under the proposed new method for calculating housing requirements, LBBB's housing numbers (alongside London more generally) have gone down¹ and

¹ The use of the proposed new method would calculate a requirement figure of 1,295: <https://assets.publishing.service.gov.uk/media/66a8d6a20808eaf43b50d9a8/outcome-of-the-proposed-revised-method.ods>

therefore the above reference to preparing a new Plan as soon as possible under the new system would not apply to us. However, do note as per paragraph 2.3, II, we have committed to an early review of specific policies (i.e., Gypsy and Traveller accommodation) which may include this.

2. Proposal and Issues

2.1 The 2037 Local Plan sets out a combination of spatial policies and development management policies across 11 Chapters. A summary of the Local Plan chapter contents is provided below and has been noted in prior Cabinet papers relating to the consultation of the Local Plan:

- Chapter 1: set out the spatial vision and provides background information of the plan making process, details on consultation information, and the current state/future trends of borough's population, economy, infrastructure, and environment etc.
- Chapter 2: Sets the scene highlighting key social, environmental, and economic characteristics of the borough.
- Chapter 3 focuses on visions and priorities for seven sub-areas. It acknowledges the importance of the borough's neighbourhoods in respect of the character and identity and provides strategic thinking around how future growth will take place at a sub-area level. The 7 sub-areas identified in the Plan are:
 - I. Barking and the River Roding
 - II. Thames Riverside
 - III. Dagenham Dock and Freeport
 - IV. Chadwell Heath and Mark's Gate
 - V. Dagenham East
 - VI. Dagenham Heathway and Becontree
 - VII. Becontree Heath and Rush Green
- This section sets out high level development principles for each sub-area and highlights where masterplan supplementary planning documents (SPDs) or other relevant planning guidance will be prepared to provide more detailed guidance as to how LBBD expects master planned areas to develop.
- Chapters 4 - 10 comprise a range of strategic and development management policies, including relating to the delivery of new affordable housing, as well as additional jobs and workspaces, improvements to public transport and walking and cycling infrastructure to meet the needs of both existing and new communities; design, heritage and environmental sustainability which are essential to the creation of sustainable and liveable places, of which all our residents will be proud.
- Chapter 11 sets out a general approach to the Local Plan monitoring and implementation.
- Appendix 1 identifies existing adopted plan policies that will be replaced by the new local Plan (this is a requirement of the Local Plan Regulations 2010).

- Appendix 2 identifies 'Site Allocations' which are the key development sites.
- Appendix 3 set out a monitoring framework against which we will assess the degree to which the plan achieves policy objectives.
- Appendix 4 provides an updated housing trajectory and shows the land expected to come forward for housing in the borough over the duration of the Plan period (up to 2037).
- Appendix 5 sets out in more detail how industrial land in the Borough will be monitored. This was a key requirement pushed for by the GLA during consultation.
- The Glossary provides explanation of terminologies related to the Local Plan policies.

2.2 Since the 2037 Local Plan was submitted to the examination process in December 2021, there have been 2 further rounds of consultation:

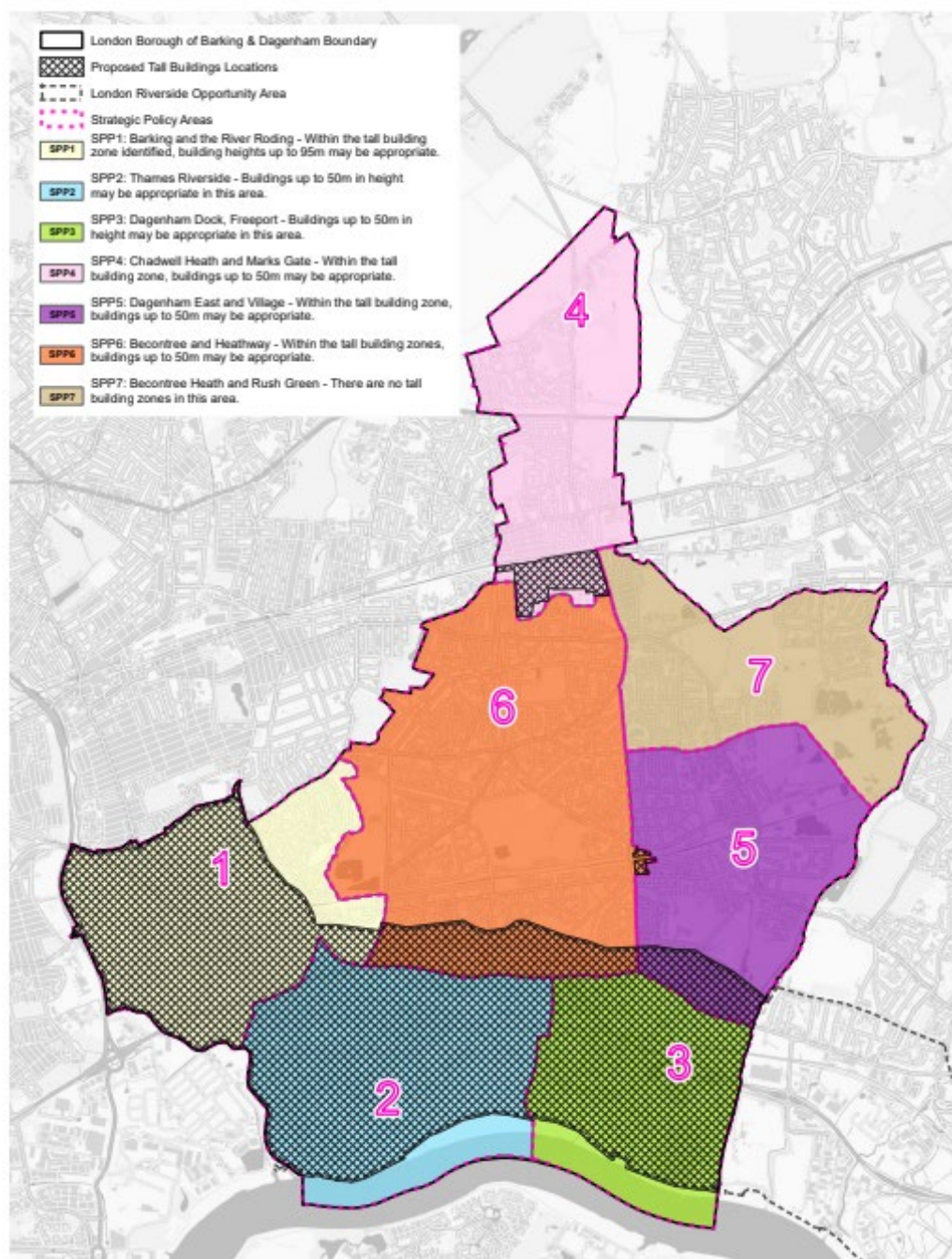
- I. The 'Initial Main Modifications consultation', which took place between 22nd June and 7th August 2023 and focused on matters raised by the Inspectors from the first round of hearings that were required to be addressed before the Plan could progress to main hearings. This included dealing with drafting errors in maps/images; ensuring alignment between the Policies Map and Site Allocation Proformas, and undertaking further work on the Green Belt and the Council's approach to planning for Gypsy and Traveller accommodation. Cabinet was asked to consider a paper on the latter in May 2023 and approved the updated approach.
- II. The 'Main Modifications consultation', which took place between 19th February and 14th April 2024. This looked to address all the matters and issues raised at the main hearings that took place in October/November 2023.

2.3 As a result of the responses to the consultation and the hearing sessions led by the Planning Inspectors, there have been a number of changes made between the submitted version and the one shown in [Appendix 2a Barking and Dagenham 2037 Local Plan / Appendix 2b - Barking and Dagenham Local Plan Appendix 2 Site Allocation Proformas](#) which is recommended for adoption, alongside the accompanying Policies Map at [Appendix 3 Local Plan Policies' Map](#). The changes required are set out in detail in the Inspectors Report ([Appendix 1a - Barking and Dagenham 2037 Local Plan Inspectors' Report - FINAL](#) and [Appendix 1b - Barking and Dagenham 2037 Local Plan Inspectors' Report Main Modifications Appendix-FINAL](#)), with the main changes summarised below:

- I. The addition and more obvious separation of 'justification text' throughout the Plan. This explains the Plan's policies in more detail and provides justification for them.
- II. The approach to Gypsy and Traveller Accommodation – due to 2 of the 3 options originally proposed for Gypsy and Traveller sites being declared as unavailable by landowners (see May 2023 Cabinet paper for more detail), the Borough was no longer able to meet its Gypsy and Traveller pitch needs over the Plan period. As a result, the new approach

continues to propose the expansion of the Eastbrookend Country Park site (for an additional 12 pitches), but also sets a longer-term vision for a new, state of the art site in the Castle Green area. The Plan sets out that the details of this will be worked out in a Masterplan for the area and through an early review of the Local Plan. This was a key area of concern for the Inspectors and if the Council were unable to propose a revised approach to resolve the issue of unmet need, there was significant risk of the Plan being declared unsound and therefore being unable to progress to adoption.

- III. Clarification on appropriate tall buildings heights within each sub-area. This has now been more clearly set out, with the overall approach to what constitutes a ‘tall building’ remaining at 18m, but with some specific tall building locations across the Borough being clearly identified as areas more suitable for higher heights. See below new Figure 12 from the Plan which sets out the approach to appropriate heights across the Borough.



- IV. The removal of site allocations BA (Wellgate Farm - Ecogrove) and XO (Lodge Avenue) from the Local Plan as exceptional circumstances have not been demonstrated to justify the release of land from the Green Belt or Metropolitan Open Land at these sites.
- V. The removal of the proposed site allocations for Gypsy and Traveller at Choats Road and Colliers Row Road (see II above).
- VI. Updates to various figures throughout the Plan either for clarity; to reflect updates to Policy (e.g., Figure 12 shown above) or updates to delivery (e.g., Figure 17: Delivered and Planned Transport schemes); or to make images more illustrative.

3. Options Appraisal

3.1 This paper recommends adoption of the 2037 Barking and Dagenham Local Plan.

3.2 The other options considered were:

- Do not revise the Local Plan and rely instead on the adopted Core Strategy from 2010
- Do a partial review of the Local Plan

3.3 These options were not considered viable as Local Planning Authorities are required to prepare an up-to-date Local Plan to guide development and shape the area in light of the latest policy requirements at national and regional level. Furthermore, without an up-to-date Local Plan in place, the Council has limited control over the development that comes forward in the area.

3.4 Furthermore, the full review of the Local Plan that has been conducted provided the Council with the opportunity to be ambitious in its plans for delivering growth and to Plan for said growth by setting out quality standards (e.g., through design policies) and targeting transformation in the most appropriate areas of the Borough (e.g., Thames Road). It also allowed to Council to establish updated policy requirements for development coming forward to meet its objectives (including no-one left behind).

4. Consultation

4.1 The Barking and Dagenham 2037 Local Plan has undergone several rounds of public consultation both pre and post examination. This includes:

- 2 x Regulation 18 consultations
- 2 x Regulation 19 consultations
- 1 x Initial Main Modifications consultation
- 1 x Main Modifications consultation

4.2 All representations made as part of the Regulation 19 stage and onwards were submitted to the Inspectors and were considered by them as part of the examination process. Those who had objections at this stage were able to request to appear at the examination to raise their concerns orally with the Inspectors. The Inspectors have also taken the discussions within these hearings into consideration

when recommending the modifications necessary to the Plan for soundness, legal compliance and to ensure general conformity with the London Plan.

- 4.3 There has also been engagement with Planning Committee and other interested councillors throughout the Local Plan process
- 4.4 It has been considered and endorsed by the Executive Management Team at its meeting on 22 August 2024.
- 4.5 The Overview and Scrutiny Committee will be consulted on the Local Plan at its meeting on 11 September 2024.

5. Financial Implications

Implications completed by: Sandra Pillinger, Interim Head of Finance

- 5.1 As the Plan sets out a framework for future development in the borough it will have a wide-ranging impact on the borough's economy. The Plan will be a key factor in determining housing growth and the number of new jobs together with infrastructure requirements such as the provision of schools and public transport. Although the financial impact is not quantified, the Plan will impact on key aspects of Council finances such as income from Council Tax, Business Rates and New Homes Bonus. The Plan will also impact on the demand and cost for Council services associated with housing growth, such as waste collection and street cleansing.
- 5.2 More directly, planning obligations will be secured through s106 or s278 agreements. CIL contributions will be expected to fund larger schemes which are of a wider benefit.

6. Legal Implications

Implications completed by: Dr Paul Feild, Principal Solicitor Standards & Governance.

- 6.1 The 2037 Local Plan has been developed in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. All the consultation has been carried out and in due course was submitted to the Secretary of State, and duly considered by an Inspector who has made recommendations for amendments. These have been carried out and the Local Plan is compliant. The next stage is formal adoption.
- 6.2 The adoption by the Council Local Plan is by law (Functions and Responsibilities Regulations) a full Council (the Assembly) Function. Therefore, the Cabinet is requested to recommend the Adoption of the Barking and Dagenham 2037 Local Plan (set out in Appendix 2a and 2b).
- 6.3 The delegation requested to permit officers to make minor editorial amendments relates to corrections only and would be preferable to ensure that the document is accurate in every way.
- 6.4 Following adoption by the Assembly as soon after as is reasonably practicable, the Council must make the local plan, an adoption statement; the sustainability

appraisal report; and details of where the local plan is available for inspection and the places and times at which the document can be inspected. Furthermore, it shall send a copy of the adoption statement to any person who has asked to be notified of the adoption of the said local plan; and send a copy of the adoption statement to the Secretary of State.

7. Other Implications

- 7.1 **Corporate Policy and Equality Impact** – A full Equality Impact Assessment was conducted for the Regulation 19 Local Plan.

Public Background Papers Used in the Preparation of the Report: None

List of appendices:

- **Appendix 1a:** Barking and Dagenham 2037 Local Plan Inspectors' Report <https://www.lbbd.gov.uk/sites/default/files/2024-08/LBBD%20Local%20Plan%20-%20Inspectors%20Report%20-%20FINAL.docx>
- **Appendix 1b:** Barking and Dagenham 2037 Local Plan Inspectors' Report Main Modifications' Appendix <https://www.lbbd.gov.uk/sites/default/files/2024-08/LBBD%20Local%20Plan%20-%20Main%20Mods%20Appendix%20-%20FINAL%20%282%29.docx>
- **Appendix 2a:** Barking and Dagenham 2037 Local Plan (as amended) <https://www.lbbd.gov.uk/sites/default/files/2024-09/Appendix%202a%20Barking%20and%20Dagenham%202037%20Local%20Plan%20%28as%20amended%29%20-%20Final%20%281%29.pdf>
- **Appendix 2b:** Barking and Dagenham 2037 Local Plan Appendix 2 Site Allocation Proformas (as amended) <https://www.lbbd.gov.uk/sites/default/files/2024-09/Appendix%202b%20-%20Barking%20and%20Dagenham%20Local%20Plan%20Appendix%202%20Site%20Allocation%20Proformas%20%28as%20amended%29%20%281%29%201.pdf>
- **Appendix 3:** Local Plan Policies' Map (as amended) <https://www.lbbd.gov.uk/sites/default/files/2024-09/Appendix%203%20Local%20Plan%20Policies%27%20Map%20%28as%20amended%29.pdf>
- **Appendix 4:** List of changes made to the Submission Policies Map (attached)
- **Appendix 5:** List of additional (minor) modifications made to the Local Plan (attached)

**The London Borough of Barking and Dagenham
Submission Local Plan (submission documents
C1: Regulation 19(2) Draft Local Plan 2021, and
C2: Draft Local Plan Appendix 2: Proposed Site
Allocations 2021) Submission Policies Map (C3)
Modifications Schedule**

**Proposed Modifications to the Submission Policies Map –
Version 5**

May 2024

Proposed Modifications to the Submission Policies Map

The modifications below are expressed either in the conventional form of ~~strike through~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The image key colourings in the Proposed Modifications below reflect the accompanying PDF version of the Policies Map. An interactive version covering the same policy layers is also available. Both are provided alongside this consultation for illustrative purposes only.

For reference, the previous versions of this document are set out below:

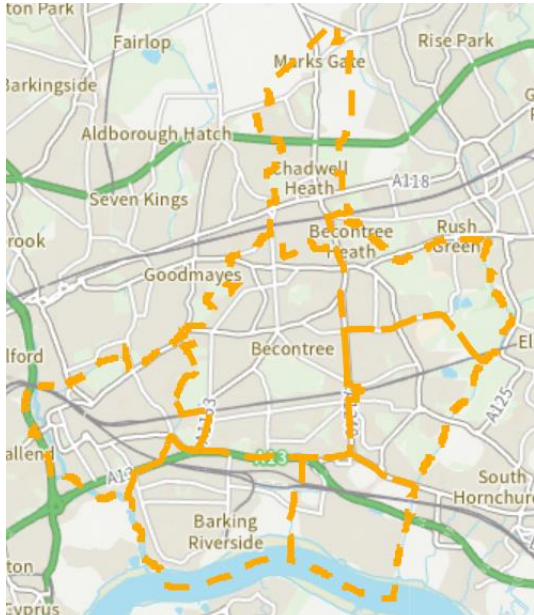
Version 1: Proposed Initial Modifications to the Submission Policies Map, June 2023 (EX96)

Version 2: Proposed Submission Policies Map Modifications – August 2023 (EX107)

Version 3: Proposed Submission Policies Map Modifications - October 2023 (EX165)

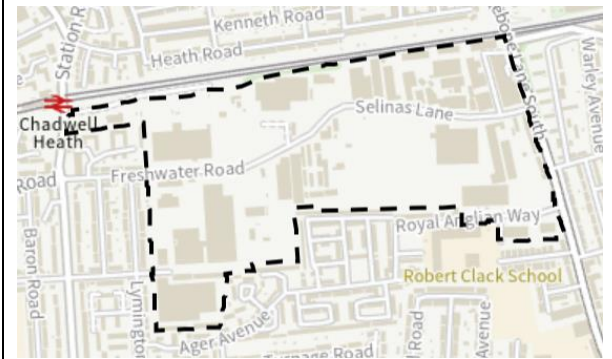
Version 4: Proposed Submission Policies Map Modification - February 2024 (EX194)

New Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM1	<i>Replace underlying map with OS map.</i>	Effective - To provide additional clarity on the scale of proposed development and the extent of boundaries.
PMSPM2	<i>Add Area Policy boundaries SPP1, SPP2, SPP3, SPP4, SPP5, SPP6 and SPP7 to the Submission Policies Map using a pink dashed line as set out in the updated key (see PMSPM5 below). Insert large pink numbers 1-7 on the Submission Policies Map to reflect which of the 7 areas are being shown, where SPP1 = 1, SPP2 = 2, SPP3 = 3, SPP4 = 4, SPP5 = 5, SPP6 = 6, and SPP7 = 7</i>	Effective – To provide clarity on the areas covered by each Area Policy in line with the boundary lines shown below.

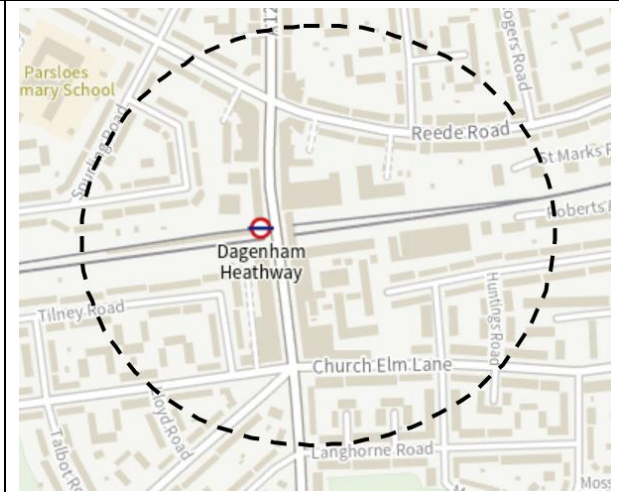
		 <p>The map shows the Barking Riverside area and surrounding regions including Fairlop, Marks Gate, Rise Park, Aldborough Hatch, Chadwell Heath, Becontree Heath, Goodmayes, Becontree, Rush Green, Barking Riverside, and South Hornchurch. Major roads like A118 and A125 are visible. The transformation area boundaries are highlighted with orange dashed lines.</p>
<p>PMSPM3</p>	<p><i>Add purple dotted lines to the Submission Policies Map to represent the Transformation Area boundaries that are shown below.</i></p>	<p>Effective – To provide clarity on the boundaries of the transformation areas referred to within the area policies as shown below.</p> <p>Post Main Modifications consultation - For effectiveness, the 'Barking Riverside and Thames Road' transformation area boundary has been amended to ensure the entirety of the Barking Riverside site falls under the policies directed at Barking Riverside. [This is a post-Main Modification consultation modification and other images in this document have been updated to show this change where relevant. The 'Dagenham Dock and Freeport' transformation area boundary has also been updated to reflect this change.]</p>



^ Marks Gate



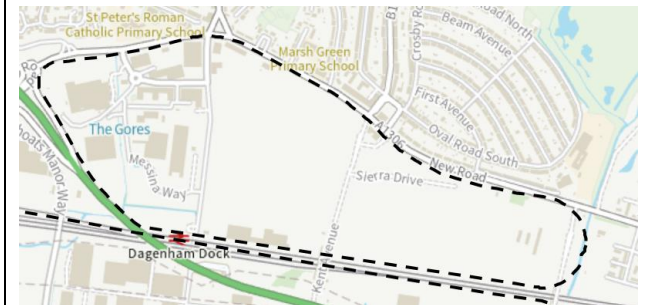
^ Chadwell Heath



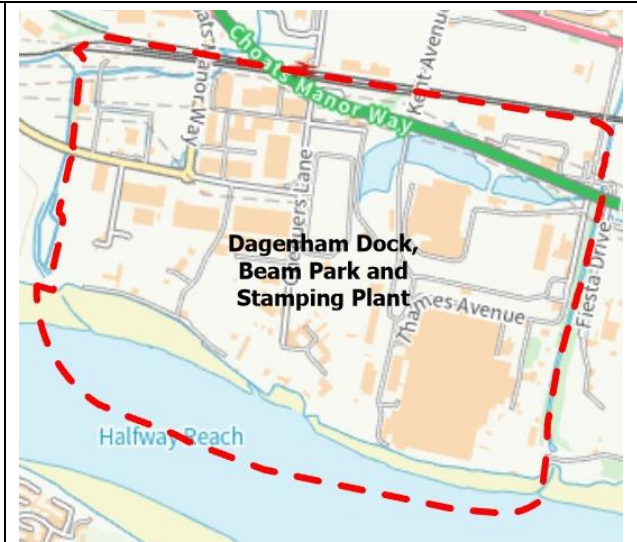
^ Dagenham Heathway



^ Dagenham East



^ Beam Park





^ Dagenham Dock and Freeport



^ Barking Town Centre and the River Roding



^ Barking Riverside and Thames Road Transformation Area

		 <p data-bbox="1480 448 1659 475">^ Castle Green</p>
PMSPM4	<p data-bbox="383 488 898 515"><i>Remove Local Views from the Policies Map</i></p>	<p data-bbox="1480 488 2125 579">Effective - Local Views policy proposed to be removed from the Local Plan as intentions of the policy addressed by other design policies in the Plan.</p>
PMSPM5	<p data-bbox="383 612 1406 703"><i>Change title of Submission Policies Map from 'The London Borough of Barking and Dagenham Proposals Map Draft October 2021' to 'Barking and Dagenham Submission Policies Map' as shown below:</i></p> <p data-bbox="383 751 1144 778"><i>Existing Submission Policies Map (C3):</i> <i>Proposed Change:</i></p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div data-bbox="383 783 618 976">  <p data-bbox="383 826 618 879">The London Borough of Barking and Dagenham</p> <p data-bbox="421 906 573 933">Proposals Map</p> <p data-bbox="398 959 595 986">Draft October 2021</p> </div> <div data-bbox="801 820 1350 868" style="border: 1px solid black; padding: 2px;"> <p data-bbox="819 834 1332 858">Barking and Dagenham Submission Policies Map</p> </div> </div>	<p data-bbox="1480 612 1995 671">Compliance– To align with national policy terminology.</p>

New Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSP6	<i>Amend existing Submission Policies Map and replace with new key as shown below:</i>	Effective - Adjustments to the key have been made to ensure allocations and constraints are clearly identifiable and to include area policy boundaries and transformation area boundaries.

Existing Submission Policies Map (C3):

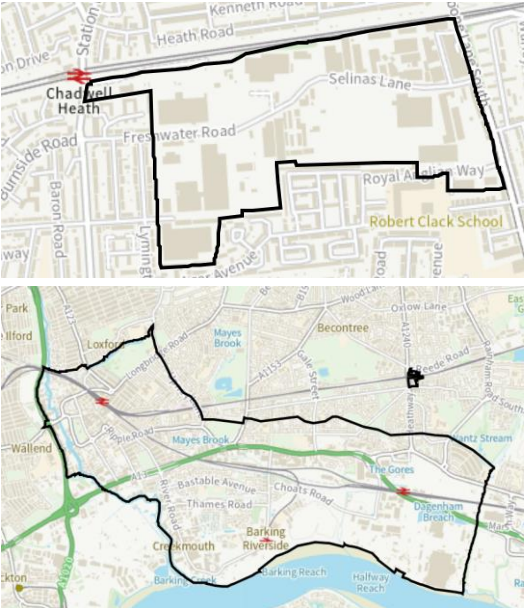
Proposed Change:

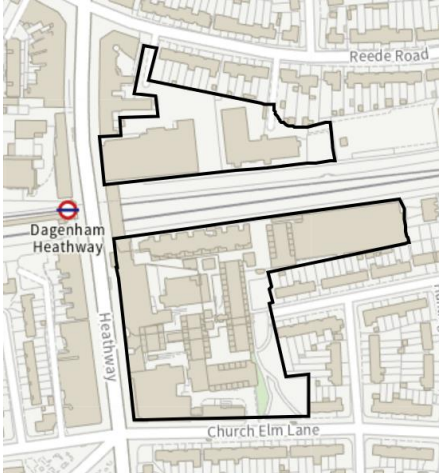



Key

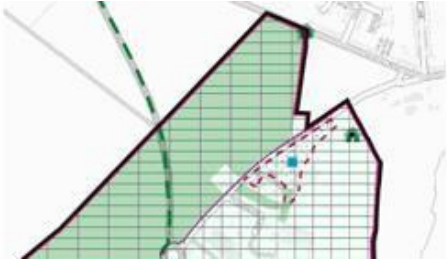




The whole Borough is covered by the Air Quality Management Policy
The whole Borough is covered by Flood Risk Zone 1




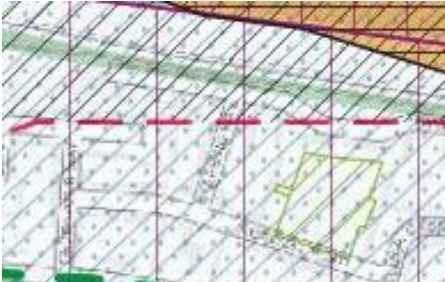


	Borough Boundary		Flood Risk Zone 2
	Barking Town Centre		Flood Risk Zone 3
	Green Belt		Strategic Sub-Area (with title)
	Public Open Space		London Riverside Opportunity Area
	Metropolitan Open Land		Employment Allocation Sites
	District Centres & Potential District Centres		Cultural Asset
	Neighbourhood Centres		Air Quality Focus Area
	Safeguarded Wharves		Green Grid
	Thames Policy Area		Listed Building
	Allotments		Borough Views
	Sites of Importance for Nature Conservation		
	Existing Waste Sites		
	Existing Gypsy and Traveller Site		
	Potential Gypsy and Traveller Site		
	Proposed Locally Significant Industrial Sites (L-SIS) = Intelligent SILS		
	Proposed Locally Significant Industrial Locations (L-SIL) = Intelligent SIL		
	Conservation Areas		
	Archaeological Priority Area Tier 1		
	Archaeological Priority Area Tier 2		
	Archaeological Priority Area Tier 3		
	Proposed Education Site		
	Housing Allocation Sites		





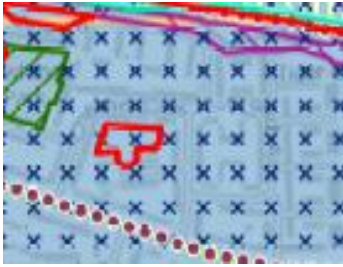

	Local Authority boundary
	Potential District Centres (POLICY SP5: Promoting inclusive economic growth)
	District Centres (POLICY SP5: Promoting inclusive economic growth)
	Barking Town Centre (Policy DMD 3: Development in Town Centres)
	Neighbourhood Centres (POLICY DME 3: Encouraging vibrant, resilient, and characterful town centres)
	London Riverside Opportunity Area (POLICY DMD 2: Tall buildings)
	Strategic Industrial Land (SIL) (POLICY SP 5: Promoting inclusive economic growth)
	Locally Significant Industrial Site (LSIS) (POLICY SP 5: Promoting inclusive economic growth)
	Employment Allocation Sites (Local Plan Appendix 2: Site Allocations)
	Education Allocation Sites (Local Plan Appendix 2: Site Allocations)
	Housing and Housing-Led Mixed Use Allocations Sites (Local Plan Appendix 2: Site Allocations)
	Gypsy and Traveller Site Options (POLICY DMH 6: Gypsy and Traveller accommodation)
	Existing Gypsy and Traveller Site (POLICY DMH 6: Gypsy and Traveller accommodation)
	Allotments (POLICY DMNE 6: Local food growing including allotments)
	Site of Importance to Nature Conservation (SINC) Boundaries (POLICY DMNE 3: Nature conservation and biodiversity, POLICY SP6: Green and blue infrastructure)
	Green Belt (POLICY SP6: Green and blue Infrastructure)
	Metropolitan Open Land (POLICY SP6: Green and blue Infrastructure)
	Public Open Space (POLICY SP6: Green and blue Infrastructure)
	Green Grid (POLICY DMNE 2: Urban greening)
	Air Quality Focus Area (POLICY DMSI 4: Air quality)
	Listed Building (POLICY DMD 4: Heritage assets and archaeological remains)
	Conservation Areas (POLICY DMD 4: Heritage assets and archaeological remains)
	Safeguarded Wharves (POLICY DMNE 4: Water Environment)
	Safeguarded Rail Sites (POLICY SP5: Promoting inclusive economic growth)
	Archaeological Priority Areas (POLICY DMD 4: Heritage assets and archaeological remains)
	Scheduled Monuments (POLICY DMD 4: Heritage assets and archaeological remains)
	Tall Building Locations (POLICY DMD 2: Tall buildings)
	Flood Risk Zone 3 (POLICY DMSI 6: Flood risk and defences)
	Flood Risk Zone 2 (POLICY DMSI 6: Flood risk and defences)
	Thames Policy Area (POLICY DMNE 4: Water Environment)
	Strategic Policy Areas
	SPP1: Barking and the River Roding
	SPP2: Thames Riverside
	SPP3: Dagenham Dock and Freeport
	SPP4: Chadwell Heath and Marks Gate
	SPP5: Dagenham East
	SPP6: Becontree and Heathway
	SPP7: Becontree Heath and Rush Green
	Transformation Areas



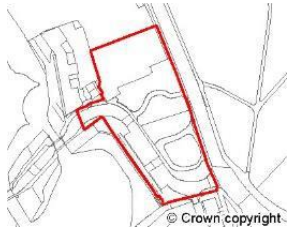



Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM7	<i>Remove safeguarded 'Existing Waste Sites' from the Submission Policies Map.</i>	Effectiveness – To avoid unnecessary duplication with the London Plan. All waste sites are now safeguarded by London Plan policy 'SI 9: Safeguarded Waste Sites'
PMSPM8	<i>Remove cultural assets from the Submission Policies Map.</i>	Effectiveness – These are not referenced within the Plan and so they have been removed from the Submission Policies Map as they do not relate to a policy with a geographical location.
PMSPM9	<i>Add green lines with dots as per the new key to show Tall Building Location boundaries</i>	<p>Effectiveness - update tall buildings location boundary as agreed with the GLA to reflect the boundaries below:</p> 


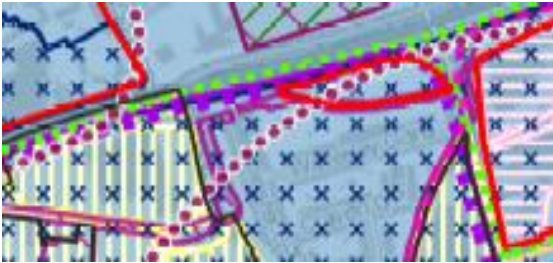
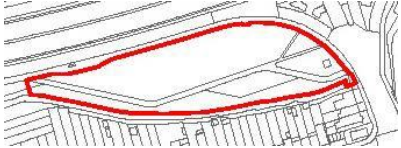
		
<p>PMSPM10</p>	<p><i>Add Scheduled Monuments to the Policies Map.</i></p>	<p>Compliance – All geographical elements of Policy DMD 4: Heritage assets and archaeological remains need to be included on the Submissions Policies Map.</p>
<p>PMSPM11</p>	<p><i>Add a red line site allocation boundary representing site AS (Padnall Court and Reynolds Court) to the Submission Policies Map:</i></p> <p><i>Existing Submission Policies Map (C3):</i></p>  <p><i>Proposed Change:</i></p> 	<p>Effectiveness - Site AS was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site AS Padnall Court and Reynolds Court (shown below) to the Submission Policies Map:</p> 






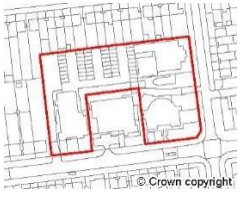
Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM12	<p data-bbox="436 300 1377 331"><i>Remove purple dashed line boundary from Submission Policies Map as follows:</i></p> <p data-bbox="436 384 902 416"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1010 384 1234 416"><i>Proposed Change:</i></p> 	<p data-bbox="1615 300 2110 422">This was intended as a general location for a Gypsy and Traveller site. Site Collier Row Road (see PMSPM46). However, site no longer deemed deliverable</p>
PMSPM13	<p data-bbox="436 785 1496 849"><i>Add a red line site allocation boundary site representing Site DB (Former Sacred Heart Convent) to the Submission Policies Map:</i></p> <p data-bbox="436 893 898 925"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1032 893 1256 925"><i>Proposed Change:</i></p> 	<p data-bbox="1615 785 2110 1093">Effective - Site DB was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site DB Former Sacred Heart Convent (shown below) to the Submission Policies Map:</p> 







Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM14	<p data-bbox="432 308 1523 368"><i>Add the following red line site allocation boundary representing site DH (Oxlow Lane [Previously 265-285 Rainham Road North]) to the Submission Policies Map:</i></p> <p data-bbox="432 416 896 443"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="981 416 1209 443"><i>Proposed Change:</i></p> 	<p data-bbox="1594 308 2085 643">Effective - Site DH was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C2). Modification required to add site DH Oxlow Lane [Previously 265-285 Rainham Road North] (shown below) to the Submission Policies Map:</p> 
PMSPM15	<p data-bbox="432 882 1500 943"><i>Add a red line site allocation boundary representing Site DI (Roxwell Road [53-135]) to the Submission Policies Map:</i></p> <p data-bbox="432 991 896 1018"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="958 991 1187 1018"><i>Proposed Change:</i></p> 	<p data-bbox="1594 882 2085 1185">Effective - Site DI was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site DI Roxwell Road [53-135] (shown below) to the Submission Policies Map:</p> 

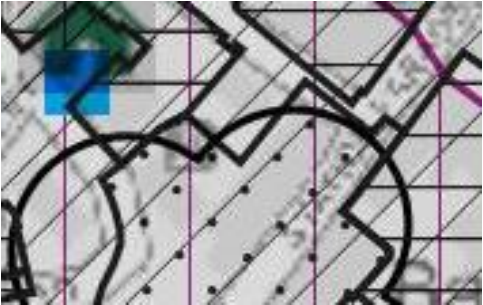



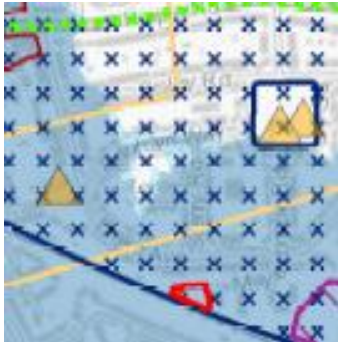

Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM16	<p data-bbox="430 309 1496 370"><i>Add a red line site allocation boundary representing Site DS (Rainham Road South) to the Submission Policies Map:</i></p> <p data-bbox="430 418 896 446"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="958 418 1187 446"><i>Proposed Change:</i></p> 	<p data-bbox="1585 309 2074 616">Effective - Site DS was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site DS Rainham Road South (shown below) to the Submission Policies Map:</p> 
PMSPM17	<p data-bbox="430 817 1563 877"><i>Add a red line site allocation boundary representing Site DY (Chelmer Estate) to the Submission Policies Map:</i></p> <p data-bbox="430 925 896 954"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="981 925 1209 954"><i>Proposed Change:</i></p> 	<p data-bbox="1585 817 2074 1123">Effective - Site DY was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site DY Chelmer Estate (shown below) to the Submission Policies Map:</p> 


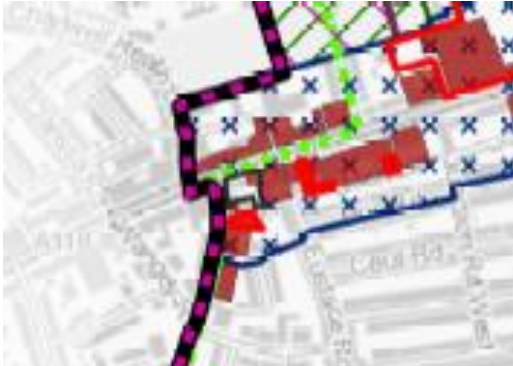
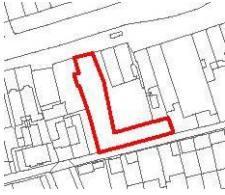



Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
<p>PMSPM18</p>	<p><i>Add a red line site allocation boundary representing Site HQ (Town Quay Wharf) to the Submission Policies Map:</i></p> <p><i>Existing Submission Policies Map (C3):</i></p>  <p><i>Proposed Change:</i></p> 	<p>Effective - Site HQ was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site HQ Town Quay Wharf (shown below) to the Submission Policies Map:</p> 
<p>PMSPM19</p>	<p><i>Add a red line site allocation boundary representing Site WB (30-58 Durham Road, Dagenham, 475, 477 and 477A Rainham Road South) to the Submission Policies Map:</i></p> <p><i>Existing Submission Policies Map (C3):</i></p>  <p><i>Proposed Change:</i></p> 	<p>Effective - Site WB was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site: WB 30-58 Durham Road, Dagenham, 475, 477 and 477A Rainham Road South (shown below) to the Submission Policies Map:</p> 



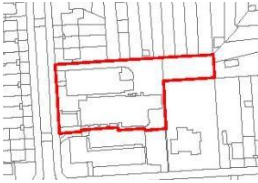



Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM20	<p data-bbox="432 308 1536 368"><i>Add a red line site allocation boundary representing Site XQ (Former Volunteer Public House, Alfred's Way) to the Submission Policies Map:</i></p> <p data-bbox="432 416 896 443"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="958 416 1187 443"><i>Proposed Change:</i></p> 	<p data-bbox="1599 308 2085 643">Effective - Site XQ was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map Document C3). Modification required to add site: XQ Former Volunteer Public House, Alfred's Way (shown below) to the Submission Policies Map:</p> 




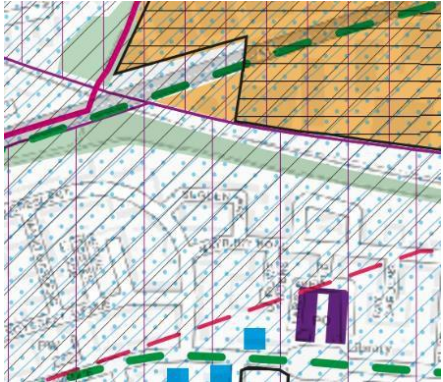
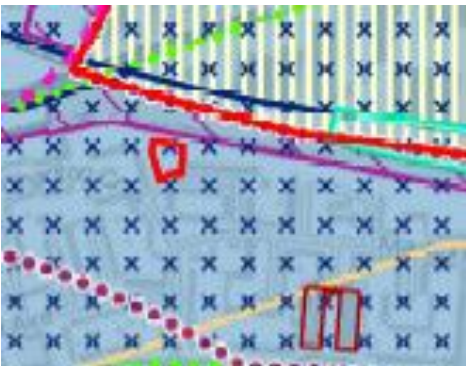

Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM21	<p data-bbox="436 311 1478 367"><i>Add a red line site allocation boundary representing Site YC (Royal British Legion) to the Submission Policies Map:</i></p> <p data-bbox="436 414 896 446"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="963 414 1187 446"><i>Proposed Change:</i></p> 	<p data-bbox="1624 311 2116 614">Effective - Site YC was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site YC Royal British Legion (shown below) to the Submission Policies Map:</p> 
PMSPM22	<p data-bbox="436 837 1556 893"><i>Add a red line site allocation boundary representing Site YS (2 Stamford Road, and Woodward Road) to the Submission Policies Map:</i></p> <p data-bbox="436 941 896 973"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="963 941 1187 973"><i>Proposed Change:</i></p> 	<p data-bbox="1624 837 2116 1109">Site HQ was proposed for allocation within the Local Plan, included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map. Modification required to add site YS 2 Stamford Road, and Woodward Road, (shown below) to the Submission Policies Map:</p> 







Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM23	<p data-bbox="434 284 1579 344"><i>Add a red line site allocation boundary representing Site ZB (497-515 Gale Street, Dagenham) to the Submission Policies Map:</i></p> <p data-bbox="434 392 898 421"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="965 392 1187 421"><i>Proposed Change:</i></p> 	<p data-bbox="1606 284 2101 592">Effective - Site ZB was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site ZB 497-515 Gale Street, Dagenham (shown below) to the Submission Policies Map:</p> 
PMSPM24	<p data-bbox="434 930 1469 991"><i>Add a red line site allocation boundary representing Site ZN (Brocklebank Lodge) to the Submission Policies Map:</i></p> <p data-bbox="434 1038 898 1067"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1088 1038 1310 1067"><i>Proposed Change:</i></p> 	<p data-bbox="1606 930 2101 1270">Effective - Site ZN was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site ZN Brocklebank Lodge, Becontree Avenue, Dagenham (shown below) to the Submission Policies Map:</p> 



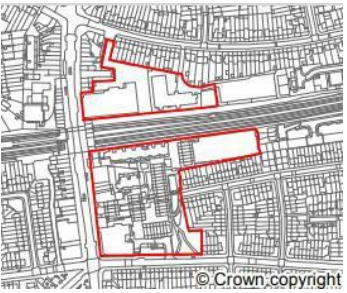



Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM25	<p data-bbox="432 308 1456 367"><i>Add a red line site allocation boundary representing Site ZO (Cambridge House) to the Submission Policies Map:</i></p> <p data-bbox="432 411 896 443"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1003 411 1232 443"><i>Proposed Change:</i></p> 	<p data-bbox="1585 308 2076 611">Effective - Site ZO was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site ZO Cambridge House (shown below) to the Submission Policies Map:</p> 
PMSPM26	<p data-bbox="432 866 1507 925"><i>Add a red line site allocation boundary representing Site AO (Mellish Close Garages) to the Submission Policies Map:</i></p> <p data-bbox="432 970 896 1002"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1003 970 1232 1002"><i>Proposed Change:</i></p> 	<p data-bbox="1585 866 2076 1169">Effective - Site AO was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site AO Mellish Close Garages (shown below) to the Submission Policies Map:</p> 







Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM27	<p data-bbox="434 304 1541 363"><i>Add a red line site allocation boundary representing Site BG (26 and 28 Land to the Rear High Road) to the Submission Policies Map:</i></p> <p data-bbox="434 411 898 440"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1005 411 1232 440"><i>Proposed Change:</i></p> 	<p data-bbox="1608 304 2101 639">Effective - Site BG was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site BG 26 and 28 Land to the Rear High Road (shown below) to the Submission Policies Map:</p> 
PMSPM28	<p data-bbox="434 860 1559 919"><i>Add a red line site allocation boundary representing Site BR (3 Station Road) to the Submission Policies Map:</i></p> <p data-bbox="434 967 898 995"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1005 967 1232 995"><i>Proposed Change:</i></p> 	<p data-bbox="1608 860 2101 1163">Effective - Site BR was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site BR 3 Station Road (shown below) to the Submission Policies Map:</p> 







Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM29	<p data-bbox="434 306 1547 368"><i>Add a red line site allocation boundary representing Site BS (St Mary's Parish Church, Grafton Road) to the Submission Policies Map:</i></p> <p data-bbox="434 413 898 443"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1010 413 1234 443"><i>Proposed Change:</i></p> 	<p data-bbox="1615 306 2112 643">Effective - Site BS was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site BS St Marys Parish Church, Grafton Road (shown below) to the Submission Policies Map:</p> 
PMSPM30	<p data-bbox="434 868 1532 930"><i>Add a red line site allocation boundary representing Site BY (Rear of 5-7 Reede Road) to the Submission Policies Map:</i></p> <p data-bbox="434 975 898 1005"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1010 975 1234 1005"><i>Proposed Change:</i></p> 	<p data-bbox="1615 868 2112 1173">Effective - Site BY was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site BY Rear of 5-7 Reede Road (shown below) to the Submission Policies Map:</p> 

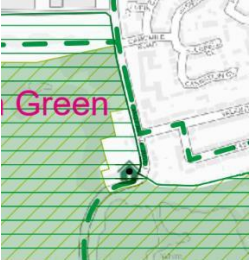





Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM31	<p data-bbox="434 304 1581 363"><i>Add a red line site allocation boundary representing Site CP (Sebastian Court) to the Submission Policies Map:</i></p> <p data-bbox="434 411 898 443"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1003 411 1234 443"><i>Proposed Change:</i></p> 	<p data-bbox="1617 304 2116 608">Effective - Site CP was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site CP Sebastian Court (shown below) to the Submission Policies Map:</p> 
PMSPM32	<p data-bbox="434 853 1536 912"><i>Add a red line site allocation boundary representing Site CS (Sugden Way) to the Submission Policies Map:</i></p> <p data-bbox="434 960 898 992"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1003 960 1234 992"><i>Proposed Change:</i></p> 	<p data-bbox="1617 853 2116 1157">Effective - Site CS was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site CS Sugden Way (shown below) to the Submission Policies Map:</p> 

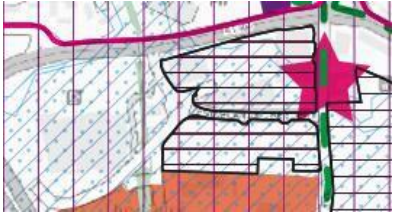




Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM33	<p data-bbox="434 293 1590 354"><i>Add a red line site allocation boundary representing Site CT (Former Wivenhoe Grages, Wivenhoe Road Barking) to the Submission Policies Map:</i></p> <p data-bbox="434 402 896 430"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1008 402 1232 430"><i>Proposed Change:</i></p> 	<p data-bbox="1612 293 2114 632">Effective - Site CT was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site CT Former Wivenhoe Grages, Wivenhoe Road Barking (shown below) to the Submission Policies Map:</p> 
PMSPM34	<p data-bbox="434 849 1536 909"><i>Add a red line site allocation boundary representing Site DF (Wantz Road) to the Submission Policies Map:</i></p> <p data-bbox="434 957 896 986"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1008 957 1232 986"><i>Proposed Change:</i></p> 	<p data-bbox="1612 849 2114 1155">Effective - Site DF was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site DF Wantz Road (shown below) to the Submission Policies Map:</p> 

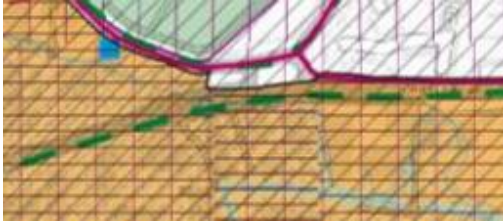
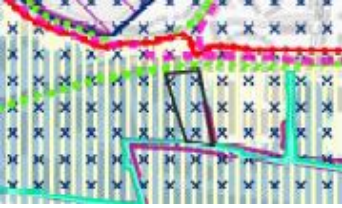
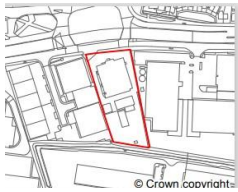



Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM35	<p><i>Amend site boundary shown on policies map for site DM (Dagenham Heathway Mall).</i></p> <p><i>Existing Submission Policies Map (C3):</i></p>  <p><i>Proposed Change:</i></p> 	<p>Effectiveness – The correct site boundary was shown with the Local Plan (Documents C1 and C2) but incorrectly on the Submission Policies Map. A modification is required to clarify the extent of the boundary. The boundary is shown below for clarity:</p> 
PMSPM36	<p><i>Add a red line site allocation boundary representing Site DQ (Dagenham Working Mens Club) to the Submission Policies Map:</i></p> <p><i>Existing Submission Policies Map (C3):</i></p>  <p><i>Proposed Change:</i></p> 	<p>Effective - Site DQ was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site DQ Dagenham Working Mens Club (shown below) to the Submission Policies Map:</p> 

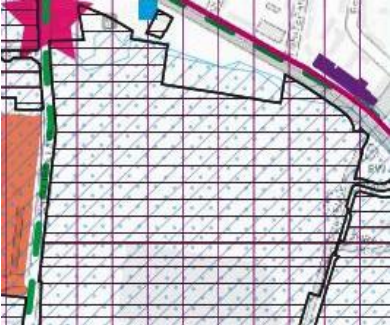
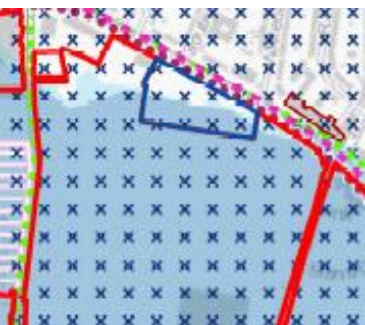

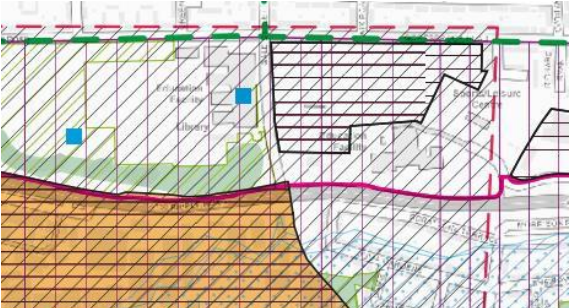
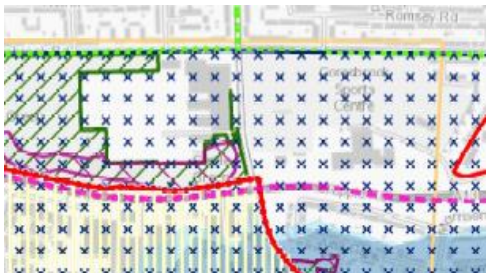
Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM37	<p data-bbox="430 308 1570 368"><i>Add a red line site allocation boundary representing Site HU (Land to Rear of 127- 133 Becontree Avenue) to the Submission Policies Map:</i></p> <p data-bbox="430 416 896 443"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1005 416 1227 443"><i>Proposed Change:</i></p> 	<p data-bbox="1592 308 2087 643">Effective - Site HU was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site HU Land to Rear of 127- 133 Becontree Avenue (shown below) to the Submission Policies Map:</p> 
PMSPM38	<p data-bbox="430 861 1440 922"><i>Add a red line site allocation boundary representing Site HV (7 Apollo Housing) to the Submission Policies Map:</i></p> <p data-bbox="430 970 896 997"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1005 970 1227 997"><i>Proposed Change:</i></p> 	<p data-bbox="1592 861 2087 1165">Effective - Site HV was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site HV 7 Apollo Housing (shown below) to the Submission Policies Map:</p> 



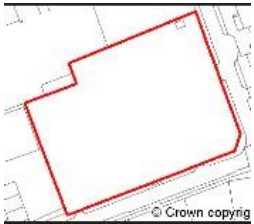



Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM39	<p data-bbox="434 309 1579 368"><i>Add a red line site allocation boundary representing Site HW (31-35 Mill Lane) to the Submission Policies Map:</i></p> <p data-bbox="434 416 898 448"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="981 416 1200 448"><i>Proposed Change:</i></p> 	<p data-bbox="1606 309 2101 616">Effective - Site HW was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site HW 31-35 Mill Lane (shown below) to the Submission Policies Map</p> 
PMSPM40	<p data-bbox="434 829 1554 888"><i>Add a red line site allocation boundary representing Site HY (Street Record Margaret Bondfield Avenue) to the Submission Policies Map:</i></p> <p data-bbox="434 936 898 968"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="972 936 1191 968"><i>Proposed Change:</i></p> 	<p data-bbox="1606 829 2101 1168">Effective - Site HY was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site HY Street Record Margaret Bondfield Avenue (shown below) to the Submission Policies Map:</p> 

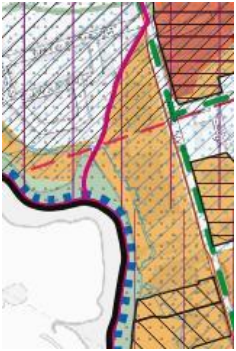
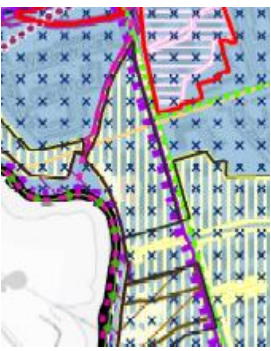

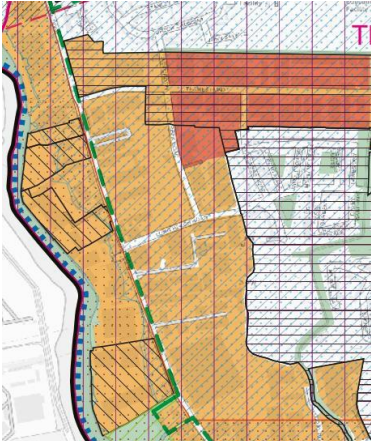

Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM41	<p data-bbox="434 309 1572 368"><i>Add a red line site allocation boundary representing site WE (Fels Farm, Dagenham Road, Rush Green Romford) to the Submission Policies Map:</i></p> <p data-bbox="434 416 896 443"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="976 416 1200 443"><i>Proposed Change:</i></p> 	<p data-bbox="1599 309 2094 644">Effective - Site WE was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site WE Fels Farm Dagenham Road Rush Green Romford (shown below) to the Submission Policies Map:</p> 
PMSPM42	<p data-bbox="434 764 1541 850"><i>Add a dotted yellow line site allocation boundary with yellow line infill to represent site Eastbrookend Country Park to the Submission Policies Map and remove green shading within sitel:</i></p> <p data-bbox="434 898 896 925"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="976 898 1200 925"><i>Proposed Change:</i></p> 	<p data-bbox="1599 764 2094 1283">Effective - Site Eastbrookend County Park was proposed for allocation as a Gypsy and Traveller Site (see Policy DHM 6) within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). It is an extension of the current site, also shown. Modification required to add site Eastbrookend County Park (shown below) to the Submission Policies Map. This removal of green shading within the site is required to demonstrate the removal of the Eastbrookend Country Park site (extension) from the Green Belt.</p> 

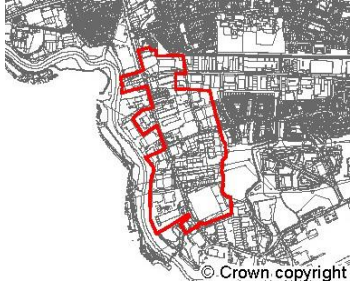
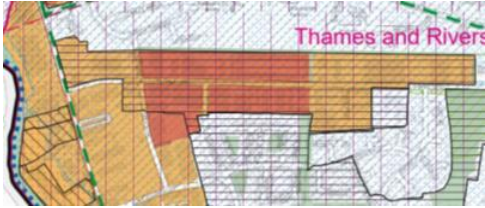
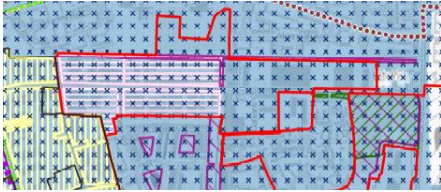
Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM43	<p><i>Remove the black site boundary (below the site boundary for site AC Merrilands Crescent Two) that represents Merrilands Crescent One from the Submission Policies Map.</i></p> <p><i>Existing Submission Policies Map (C3):</i></p>  <p><i>Proposed Change:</i></p> 	<p>Effective – This site was not proposed to be allocated within the Plan and is not shown in the Strategic Land Availability Assessment (Document H10).</p> <p>The site does not form part of the housing requirement for the Plan (Document EX32).</p> <p>Further the site has not formed part of the Habitats Regulations Assessment (Document C6).</p> <p>The site cannot be considered an allocation within the Plan.</p>
PMSPM44	<p><i>Add a black line site boundary representing site E059 (Wantz Road) to the Submission Policies Map.</i></p> <p><i>Existing Submission Policies Map (C3):</i></p>  <p><i>Proposed Change:</i></p> 	<p>Effective- The site E059 Wantz Road (shown below) was intended for allocation as an economic site and formed part of the evidence base; however, was not clearly shown on the Submission Policies Map as an economic site allocation. It was shown as deliverable in the Economic Land Availability Assessment (Document H5) and as such it can be considered an allocated site.</p> 

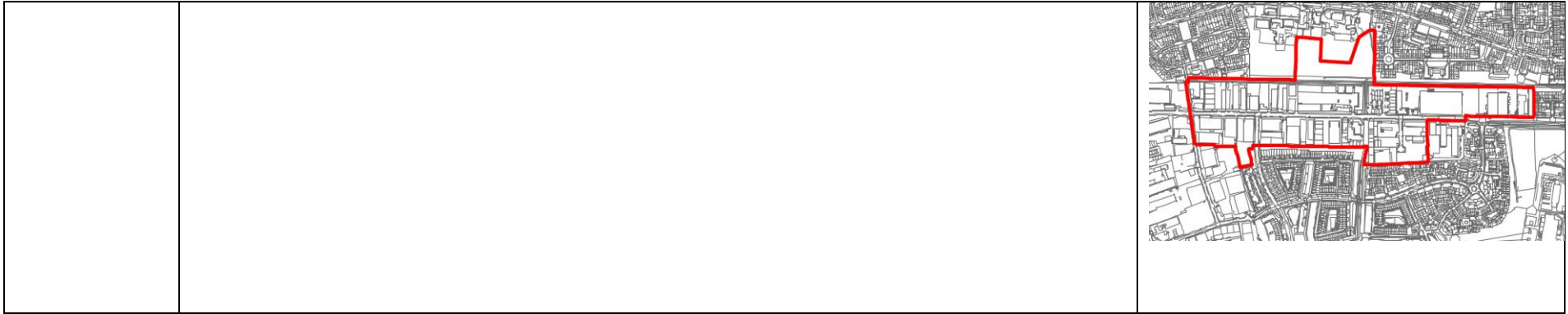
Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSM45	<p data-bbox="421 284 1594 343"><i>Add a black line site boundary representing site E90 (Alfred's Way Industrial Estate) to the Submission Policies Map.</i></p> <p data-bbox="421 391 884 422"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="967 391 1187 422"><i>Proposed Change:</i></p> 	<p data-bbox="1626 284 2107 651">Effective - Site E90 Alfred's Way Industrial Estate was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan (Document H5) and shown within the Local Plan, but was not clearly shown on the Submission Policies Map (Document C3) as an economic site allocation. Modification required to add site (shown below) to the Submission Policies Map:</p>  <p data-bbox="1758 833 1863 849">© Crown copyright</p>
PMSM46	<p data-bbox="421 890 1556 949"><i>Combine small black line square boundary site above site XJ (Former Ford Stamping Plant) with site XJ.</i></p> <p data-bbox="421 997 884 1029"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="967 997 1187 1029"><i>Proposed Change:</i></p> 	<p data-bbox="1626 890 2085 1038">Effective – the small additional site shown on the Submission Policies Map should be combined with the main site XJ Former Ford Stamping Plant as shown below:</p>  <p data-bbox="1825 1321 1989 1342">© Crown copyright</p>

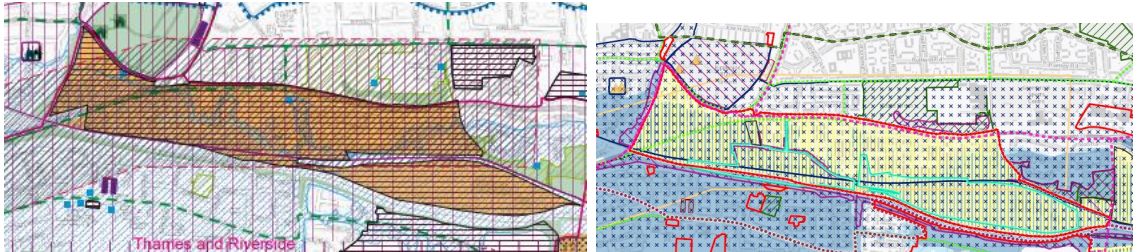
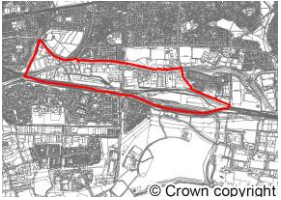

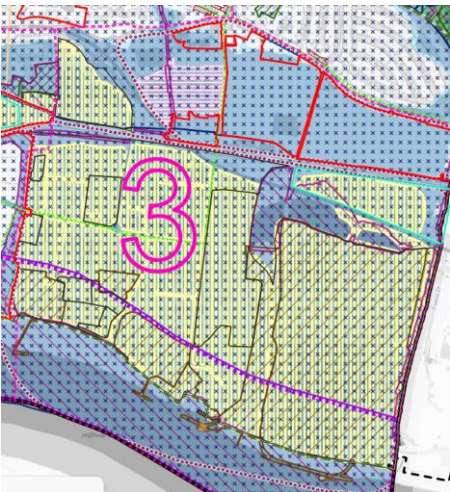
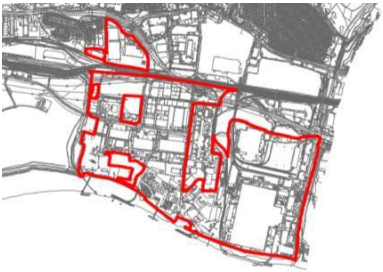
Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM47	<p data-bbox="434 306 1505 368"><i>Add a blue line site boundary representing site ED1 (Polar Ford Special Educational Needs School) to the Submission Policies Map.</i></p> <p data-bbox="434 411 896 443"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="976 411 1200 443"><i>Proposed Change:</i></p> 	<p data-bbox="1599 306 2078 580">Effective – The site was incorrectly omitted from the Submission Policies Map and the incorrect site was also shown in the proforma for the site within Local Plan Document C2, but shown correctly in Figure 10 and Figure 11 of the Local Plan (Document C1). This error has been rectified by including the site below.</p> 
PMSPM48	<p data-bbox="434 788 1527 850"><i>Remove the black site boundary represent Barking Rugby Club from the Submission Policies Map.</i></p> <p data-bbox="434 893 896 925"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1088 893 1312 925"><i>Proposed Change:</i></p> 	<p data-bbox="1599 788 2087 1062">Effective – This site was not proposed to be allocated within the Plan as the site is ‘non-deliverable’ within the Strategic Land Availability Assessment (Document H10) due to the site’s current use and the need to relocate the Rugby Club prior to development. Discussions with the Rugby Club have shown that the Rugby Club has no intention to relocate.</p> <p data-bbox="1599 1114 2087 1388">The site does not form part of the housing requirement for the Plan (Document EX32), nor did this form part of the development potential (housing requirement) for Area Policy SPP6: Dagenham Heathway and Becontree. Further the site has not formed part of the Habitats Regulations Assessment (Document C6).</p>

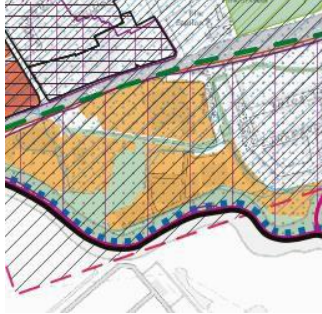
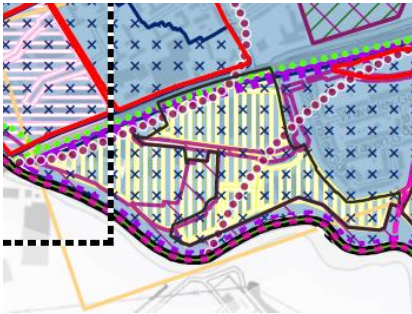
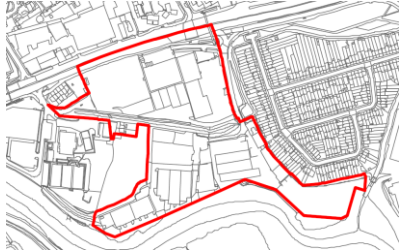
Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM49	<p data-bbox="434 309 1518 368"><i>Add a black line site allocation boundary representing Site E088 (Unit A, Creek Road) to the Submission Policies Map:</i></p> <p data-bbox="434 416 898 443"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="981 416 1200 443"><i>Proposed Change:</i></p> 	<p data-bbox="1608 309 2107 580">Effective- The site (shown below) was intended for allocation as an economic site and formed part of the evidence base; however, was not clearly outlined on the Submission Policies Map. It was shown as deliverable in the Economic Land Availability Assessment (Document H5) and as such E088 Unit A Creek Road can be considered an allocated site.</p> 
PMSPM50	<p data-bbox="434 924 1518 983"><i>Add a black line site allocation boundary representing site E051 (Cooper Arms) to the Submission Policies Map:</i></p> <p data-bbox="434 1023 898 1050"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1003 1023 1232 1050"><i>Proposed Change:</i></p> 	<p data-bbox="1608 924 2101 1219">Effective - Site 051 was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan (Document H5) and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site E051 Cooper Arms (shown below) to the Submission Policies Map:</p> 

Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM51	<p data-bbox="432 304 1503 363"><i>Add a black line site allocation boundary representing Site E027 (Welbeck House/Welbeck Wharf) to the Submission Policies Map:</i></p> <p data-bbox="432 411 896 443"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="976 411 1200 443"><i>Proposed Change:</i></p> 	<p data-bbox="1597 304 2085 639">Effective - Site E027 was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan (Document H5) and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site E027 Welbeck House/Welbeck Wharf (shown below) to the Submission Policies Map:</p> 
PMSPM52	<p data-bbox="432 839 1559 898"><i>Add a black line site allocation boundary representing Site E029 (Thames Road Economic Use) to the Submission Policies Map. Amend boundary to reflect boundary line as shown below.</i></p> <p data-bbox="432 946 896 978"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="976 946 1200 978"><i>Proposed Change:</i></p> 	<p data-bbox="1597 839 2085 1206">Effective - Site E029 was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan (Document H5) and shown within the Local Plan, but was not clearly shown as an Economic Site Allocation on the Submission Policies Map (Document C3). Modification required to add site E029 Thames Road Economic Use (shown below) to the Submission Policies Map.</p> <p data-bbox="1597 1214 2069 1398">Modification also required to amend the site boundary to reflect the boundary shown below. The correct site boundary was shown in Document C1, but incorrectly on the Submission Policies Map.</p>

		
Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM53	<p><i>Amend boundary of site CI Thames Road to reflect boundary line as shown below. Remove light orange shading to the east of the site as shown below.</i></p> <p><i>Existing Submission Policies Map (C3):</i></p>  <p><i>Proposed Change:</i></p> 	<p>Effective – A modification is Required to amend the site boundary of CI to reflect the boundary shown below. This was corrected through the Initial Main Modifications consultation, and has been amended further to reflect the site AA outline planning permission boundary.</p> <p>The light orange shading to the east of the site representing SIL on the Submission Policies Map should be removed as that part of the site is not proposed for SIL. The Local Plan (Document C1 and C2) is clear that that site CI Thames Road is intended for housing/housing-led mixed-use development and Figure 26 of Document C1 demonstrates that there was not proposed to be SIL land on this site.</p>



Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM54	<p>Shade entirety of Site CF – Castle Green boundary with yellow lines to designate SIL across the whole of the site.</p> 	<p>Agreed in SoCG with Network Rail to protect key rail freight infrastructure. The extent of the new SIL boundary is shown below:</p>  <p>© Crown copyright</p>
PMSPM55	<p>Retain a black line site allocation boundary to the Submission Policies Map to demonstrate (under the new key as shown in PMSPM01) the economic allocation status of site E052 (Dagenham Dock) and the extent of its boundary. Whole of site to be shaded with yellow lines to show extent of SIL designation. Additional minor correction removing a small amount of dark orange shading between part of the site boundary and site ZZ that was shaded in error.</p> <p>Existing Submission Policies Map (C3):</p>  <p>Proposed Change:</p> 	<p>Effective - Site E052 Dagenham Dock was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan (Document H5) and shown within the Local Plan, but its economic allocation was potentially not clear on the Submission Policies Map (Document C3) where a dotted line indicated an economic site. Modification required to clearly show site E052 Dagenham Dock (shown below) as an economic site and to show the extent of its boundary on the Submission Policies Map:</p>  <p>© Crown copyright</p>

Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM56	<p data-bbox="427 309 1552 400"><i>Add a black line site allocation boundary representing Site E022 (Kingsbridge Estate) to the Submission Policies Map and use yellow line shading to reflect correct/updated SIL designation boundary as follows:</i></p> <p data-bbox="427 448 891 480"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="972 448 1196 480"><i>Proposed Change:</i></p> 	<p data-bbox="1574 309 2063 676">Effective-Site E022 Kingsbridge Estate was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan (Document H5) and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site (shown below) to the Submission Policies Map. An amendment was needed to reflect the accurate SIL boundary.</p> <p data-bbox="1574 724 2051 876">This also reflect the amendments made to the E_022 site boundary in the Main Modifications schedule, removing a small area from SIL as it is in residential use.</p>  <p data-bbox="1574 1142 2063 1326">[This also includes a Post-Main Modifications consultation update to make a minor correction/extension to the SIL boundary in the south of the area shown in the snapshots shown on the left.]</p>

PMSPM57

Add black line site boundary representing E005 (79 Whalebone Lane South) to the Submission Policies Map.

Existing Submission Policies Map (C3):

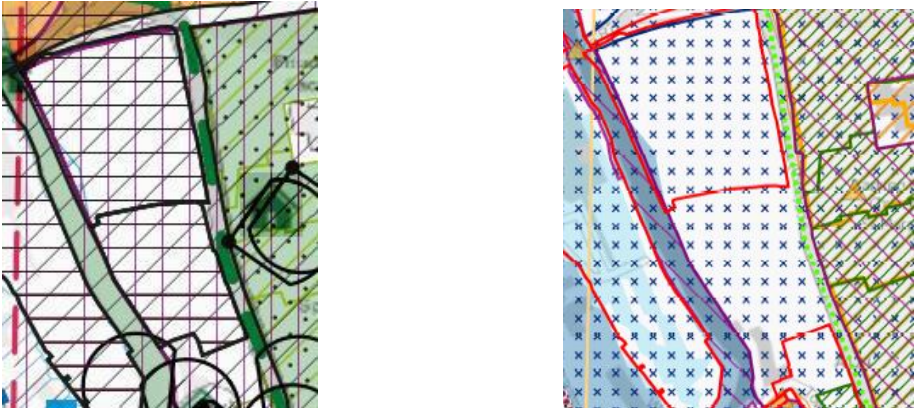




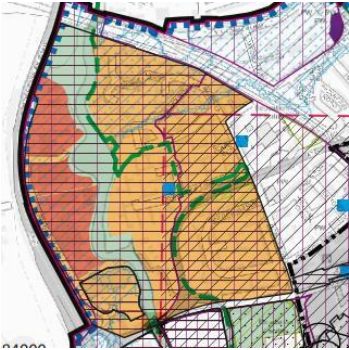

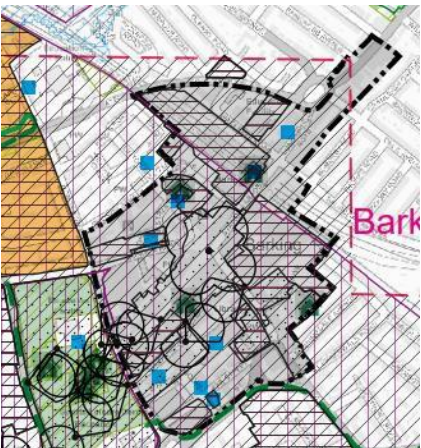

Proposed Change:


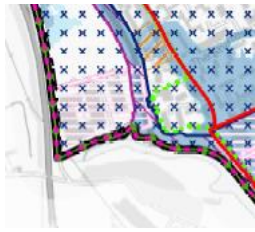


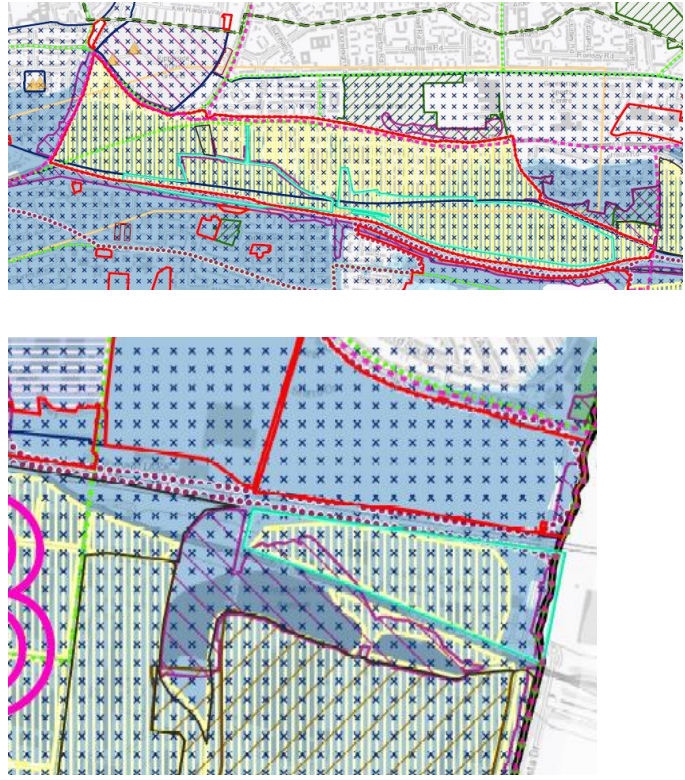
Effective - Site E005 79 Whalebone Lane South was proposed for allocation within the Local Plan (Document C1 and Document C2), included within the evidence base documents for the Local Plan (Document H5) and shown within the Local Plan, but was not on the Submission Policies Map (Document C3). Modification required to add site E005 79a Whalebone Lane (shown below) to the Submission Policies Map.



Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM58	<p><i>Remove the black site boundary below site DP (Former Abbey Retail Park) representing Abbey Retail Park South from the Submission Policies Map.</i></p> <p><i>Existing Submission Policies Map (C3):</i> <i>Proposed Change:</i></p> 	<p>Effective – This site was not proposed to be allocated within the Plan and is not shown in the Strategic Land Availability Assessment (Document H10).</p> <p>The site does not form part of the housing requirement for the Plan (Document EX32).</p> <p>Further the site has not formed part of the Habitats Regulations Assessment (Document C6).</p> <p>The site cannot be considered an allocation within the Plan.</p>
PMSPM59	<p><i>Amend boundary of site AJ Gascoigne Estate East Boundary as shown below:</i></p> <p><i>Existing Submission Policies Map (C3):</i> <i>Proposed Change:</i></p> 	<p>Effective – the boundary shown on the Submission Policies Map was incorrect. A change is proposed to the Submission Policies Map to amend this to reflect the correct boundary shown in Document C2 of the Local Plan (and shown below).</p> 

Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM60	<p data-bbox="432 308 1442 368"><i>Remove light orange shading representing Strategic Industrial land in the original Submission Policies Map key from the area below.</i></p> <p data-bbox="432 416 891 445"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1021 416 1240 445"><i>Proposed Change:</i></p> 	<p data-bbox="1585 308 2067 580">Effective – this land is not allocated or proposed to be allocated as SIL and this shading was done in error. The Local Plan (Document C1 and Document C2) shows both the sites covered by the orange shading in the Submission Policies Map to be strategic housing/housing-led mixed- use allocations.</p>
PMSPM61	<p data-bbox="432 815 1572 876"><i>Amend Barking Town Centre Boundary as shown by the blue line boundary in the proposed change below.</i></p> <p data-bbox="432 924 891 952"><i>Existing Submission Policies Map (C3):</i></p>  <p data-bbox="1055 924 1276 952"><i>Proposed Change:</i></p> 	<p data-bbox="1585 815 2067 995">Effective – The initial boundary was extended slightly further than intended. This is proposed to be corrected through this modification and aligns with the GLA's London datastore boundary for the Town Centre.</p>

Ref	Proposed Modifications to Submission Policies Map (PMSPM)	Reason/Explanation
PMSPM62	<p data-bbox="427 323 1559 384"><i>Add pink line shading to submission policies map (and zoomed in inset on submission policies map) to show the LSIS designation of the Fresh Wharf Industrial Estate.</i></p> <div style="display: flex; justify-content: space-around;"> <div data-bbox="427 432 891 459"> <p data-bbox="427 432 891 459"><i>Existing Submission Policies Map (C3)</i></p>  </div> <div data-bbox="1099 432 1563 459"> <p data-bbox="1099 432 1563 459"><i>LSIS Boundary Proposed to be shown:</i></p>  </div> </div>	

<p>PMSPM64</p>	<p>Add a light green line boundary showing safeguarded rail sites on the Policies Map as shown below:</p> 	<p>Needed to show safeguarded rail sites on the Policies Map.</p>
<p>PMSPM65</p>	<p>Amend site boundary for site AA: Barking Riverside as follows:</p> <p>Submission Policies Map (C3): Proposed Change:</p>	<p>Amend site boundary to reflect only land owned by Barking Riverside Limited as shown below:</p>

<p>PMSPM66</p>	<p><i>Remove star proposing a new district centre at Merrielands Crescent as follows:</i></p> <p><i>Submission Policies Map (C3):</i> <i>Proposed Change:</i></p>	<p>Effective - As set out in the Main Modifications Schedule, Merrielands Crescent is no longer being proposed as a potential district centre.</p>
<p>PMSPM67</p>	<p><i>Add remove dark orange shading (indicating an LSIS designation) from part of area below to reflect as this was shaded in error.</i></p> <p><i>Submission Policies Map:</i> <i>Proposed Change:</i></p>	<p>Effective - the proposed change corrects the shading errors and reflect the intended boundaries as shown on the GLA datastore and prior LBB Core Strategy Proposals Map.</p>

**Proposed Additional Modifications to the
Barking and Dagenham Submission Local Plan
(submission documents C1: Regulation 19(2)
Draft Local Plan 2021, and C2: Draft Local Plan
Appendix 2: Proposed Site Allocations 2021)**

August 2024

Additional Modifications

The modifications below are expressed either in the conventional form of ~~strike through~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text (unless the additional modification is in reference to a new paragraph made as part of a main modification – in this case, the new paragraph number is used).

AM1	Front Cover	London Borough of Barking and Dagenham Draft Local Plan 2020-2037 Second Revised Regulation 19 Consultation Version (Autumn 2021) <u>September 2024</u>
AM2	Foreword	<p>I'm pleased to introduce the latest <u>final</u> version of our <u>2037</u> Local Plan to you.</p> <p>We've strengthened this plan very significantly since the last draft <u>previous drafts</u>, in response to your comments and suggestions. So, I must thank everybody that responded to the <u>various</u> consultations.</p> <p>You'll see many improvements in the document as a result of this consultation, and in response to changing government guidance and the adopted London Plan 2021, and as a result of the examination hearings. But, also because Barking and Dagenham continues to evolve. In fact, the extent to which the borough has grown as we've been preparing this blueprint is remarkable, and it's been quite a feat to keep up. Examples include:</p> <ul style="list-style-type: none"> • the relocation of the capital's major wholesale markets – Billingsgate, New Spitalfields, and Smithfield – to Dagenham • the development of the film studios by Hackman MBC – now driving ahead with their TV and media complex – and the acquisition of a further site at Barking Creekside • the accelerated growth of Barking Town Centre, with hundreds of new homes coming on stream rapidly, particularly along the River Roding • the announcement of the Thames Freeport, with Dagenham Dock at the heart • the huge strides forward at Barking Riverside, with better rail and river connections now palpably evident.

		<p>Over and above this, of course, has been the impact of global events, particularly the coronavirus pandemic which has forced everybody to reconsider the way we work, socialise and travel. We have responded successfully to this by accelerating our School Streets programme and other ways to encourage people to walk and cycle more.</p> <p>All of the above underlines the importance of the document. It will provide not just a robust framework for determining the scale, pace and quality of development that takes place in the borough but it also set out the principles and mechanisms that will ensure that local people really feel the benefit over the next 20 years, <u>in alignment with the ambitions of our Borough Manifesto and Corporate Plan.</u></p> <p>We've started to reflect on how these issues impact our community and to respond to them in this revised version of the Local Plan. We ask you to do the same as you consider this, the final draft in this process before submission.</p> <p>So, I would like to ask you to look at this draft and let us have any final thoughts or suggestions that you may have. It's vitally important that you contribute so that we have all the policy levers we need to deliver top quality development for established as well as new residents. I once again thank you for your contributions in getting us to this point. Our ambition remains to deliver growth in a way that leaves no one behind. Please take a look and let me have your comments.</p> <p>Cameron Geddes Cabinet Member of Regeneration and Social Housing</p>
AM3	Contents	<p><i>Update page numbering of the contents</i></p> <p>Contents</p> <p>CHAPTER 1: OUR VISION AND OBJECTIVES</p> <p>CHAPTER 2: <u>INTRODUCTION</u></p> <p>INTRODUCTION</p> <p>Barking and Dagenham Local Plan Structure (Figure 1)</p> <p>The opportunity</p> <p>The challenge</p> <p>The key drivers for Local Plan policies</p>

Industrial areas fit for future growth industries
Stepping-up housing delivery
Unlocking growth through infrastructure investment
Becoming the Green Capital of the e-Capital
Promoting sustainable transport
Unlocking the London Riverside Opportunity Area and beyond

CHAPTER 3: TRANSFORMING BARKING AND DAGENHAM

Justification

LBBB Strategic Development Strategy
Sustainable growth that is deliverable
Intelligent use of industrial land to deliver more homes and more business space
Strategic Area policies and Transformation Areas
STRATEGIC POLICY SPDG 1: Delivering growth in Barking and Dagenham
STRATEGIC AREA POLICY SPP1: Barking and the River Roding Area
STRATEGIC AREA POLICY SPP2: Thames and the Riverside
STRATEGIC AREA POLICY SPP3: Dagenham Dock and Freeport
STRATEGIC AREA POLICY SPP4: Chadwell Heath and Mark's Gate
STRATEGIC AREA POLICY SPP5: Dagenham East
STRATEGIC AREA POLICY SPP6: Dagenham Heathway and Becontree
STRATEGIC AREA POLICY SPP7: Becontree Heath and Rush Green

CHAPTER 4: DESIGN

Justification Introduction

STRATEGIC POLICY SP 2: Delivering a high-quality and resilient built environment
POLICY DMD 1: Securing high-quality design
POLICY DMD 2: Tall buildings
POLICY DMD 3: Development in town centres
POLICY DMD 4: Heritage assets and archaeological remains
~~POLICY DMD 5: Local views 88~~
POLICY DMD ~~65~~: Householder extensions and alterations

POLICY DMD 76: Advertisements and signage

CHAPTER 5: HOUSING

Justification ~~Introduction~~

STRATEGIC POLICY SP 3: Delivering homes that meet peoples' needs

POLICY DMH 1: Affordable housing

POLICY DMH 2: Housing mix

POLICY DMH 3: Specialist housing

POLICY DMH 4: Purpose-built shared housing

POLICY DMH 5: Houses in multiple occupation (HMOs)

POLICY DMH 6: Gypsy and Traveller Accommodation

CHAPTER 6: SOCIAL INFRASTRUCTURE

Justification ~~Introduction~~

STRATEGIC POLICY SP 4: Delivering social and cultural infrastructure facilities in the right locations

POLICY DMS 1: Protecting and enhancing existing facilities

POLICY DMS 2: Planning for new facilities

POLICY DMS 3: Public houses

CHAPTER 7: ECONOMY

Justification ~~Introduction~~

STRATEGIC POLICY SP 5: Promoting inclusive economic ~~economic~~ growth

POLICY DME1: Utilising the borough's employment land more efficiently

POLICY DME 2: Providing flexible, affordable workspace

POLICY DME 3: Encouraging vibrant, resilient, and characterful town centres

POLICY DME 4: Visitor accommodation

POLICY DME 5: Evening economy

CHAPTER 8: NATURAL ENVIRONMENT

Justification ~~Introduction~~

POLICY SP6: Green and blue infrastructure

POLICY DMNE 1: Parks, open spaces and play space
POLICY DMNE 2: Urban greening
POLICY DMNE 3: Nature conservation and biodiversity
POLICY DMNE 4: Water environment
POLICY DMNE 5: Trees
POLICY DMNE 6: Local food growing including allotments

CHAPTER 9: SUSTAINABLE INFRASTRUCTURE

Justification ~~Introduction~~

STRATEGIC POLICY SP7: Securing a clean, green and sustainable borough
POLICY DMSI 1: Sustainable design and construction
POLICY DMSI 2: Energy, heat and carbon emissions
POLICY DMSI 3: Nuisance
POLICY DMSI 4: Air quality
POLICY DMSI 5: Land contamination
POLICY DMSI 6: Flood risk and defences
POLICY DMSI 7: Water management
POLICY DMSI 8: Demolition, construction and operational waste
POLICY DMSI 9: Smart Utilities

CHAPTER 10: TRANSPORT

Justification ~~Introduction~~

STRATEGIC POLICY SP8: Planning for integrated and sustainable transport
POLICY DMT 1: Making better connected neighbourhoods
POLICY DMT 2: Car parking
POLICY DMT 3: Cycle parking
POLICY DMT 4: Deliveries, servicing and construction

CHAPTER 11: ENABLING DELIVERY

Justification ~~Introduction~~

STRATEGIC POLICY SP 9: Managing development

		<p>POLICY DMM 1: Planning obligations (Section 106)</p> <p>APPENDICES</p> <p>Appendix 1: Relation with the existing planning policies</p> <p>Appendix 2 Site allocations (<u>see accompanying document</u>)</p> <p>Appendix 3 Local Plan Key Performance Indicators</p> <p>Appendix 4 Housing Trajectory</p> <p>Appendix 5 Proposed Policies Map (<u>see Council website for interactive map</u>)</p> <p><u>Appendix 5: Industrial Land Monitoring Table</u></p> <p>Glossary</p>
AM4	Whole Plan	<i>Paragraph numbers, table, figure and footnote numbers amended as required (including in-text references to these).</i>
AM5	Whole Plan	<i>Format all policies so that they are on a light green background (including SPDG1, SPP1, SPP2, SPP3, SPP4, SPP5, SPP6 and SPP7 which are currently on a white background).</i>
AM6	Various	<i>Change 'Introduction' header in Chapters 4-11 as follows:</i> <u>Introduction-Justification</u>
AM7	Chapter 1: Our Vision and ObjectivesH hectares of beautiful parks.....
AM8	Chapter 2: 2.1	...and cover s a range of issues, from our commitment to building new homes, creating new jobs and taking climate change actions,...
AM9	Chapter 2: 2.3	The policies in this pPlan set priorities for different types of development in different parts of our borough. The pPlan is accompanied by a Policies Map, which shows the areas where specific policy requirements apply, and also identifies those development sites that have 'site allocations' to define the way they should be used.
AM10	Chapter 2: 2.7	This revised version of the Local Plan is now being published for comment before it is submitted to the Planning Inspectorate, along with any comments received, for an independent examination. This independent examination will consider whether the plan is 'sound' when considered against the criteria in national planning policy before it can be formally adopted by the Council as planning policy⁴.
AM11	Chapter 2: 2.8	Details of how to make comments on this document, including when and where these should be sent, and more details about the examination process are set out in the Statement of Representations Document, which has been published and circulated alongside this document.

AM12	Chapter 2: 2.9	The structure of the Local Plan is illustrated in Figure 1. Our long-term and strategic approach to growth is contained within the <u>Strategic Area Policies</u> in Chapter 3 and the strategic policies that open <u>each</u> subsequent chapters.
AM13	Chapter 2: 2.12	...(see Figure 2, page 12-14).
AM14	Chapter 2: 2.13	The Elizabeth Line (Crossrail 1) railway link is nearing completion and will, once operational, serve Chadwell Heath. This <u>The now completed Elizabeth Line (Crossrail 1) railway link serving Chadwell Heath</u> will slash current journey times to Heathrow International Airport by 20 minutes. Important regional economic centres at Stratford, Canary Wharf and Tilbury Docks can all be reached in 30 minutes.
AM15	Chapter 2: 2.15	By the 14th century, s Saltwater fishing was Barking's main trade...
AM16	Chapter 2: 2.16	There are 45 statutory listed buildings, 123 locally listed buildings, 1 scheduled ancient monument and four conservation areas – these buildings and areas of architectural and historic importance give <u>provide</u> a sense of place and distinctiveness. There are a myriad of features of the historic built and natural environment and the character and 'feel' of our neighbourhoods, of which our 211,998 residents are rightly proud ⁷⁶ .
AM17	Chapter 2: 2.17	Our population is diverse; nearly over 40% of our residents were born abroad, and as many as 72 different non-English languages are spoken in households across the borough.
AM18	Chapter 2: Figure 2	Crossrail <u>Elizabeth Line</u>
AM19	Chapter 2: 2.18	... Development of the Made in Dagenham Eastbrook film studios at Dagenham East is envisaged as part of a wider digital, science and tech cluster in the borough. The beginnings of an expanded creative sector and cultural offering are also in evidence. Icehouse Quarter Studios on the Roding River are the first steps in a set of longer-term ambitions for Barking T <u>own C</u> entre to become a location and destination for creative businesses and entrepreneurs.
AM20	Chapter 2: 2.19	LBBB <u>Barking and Dagenham</u> has the only operational intermodal rail terminal in London (other than ports); the only location in the UK with freight access to the HS1 and <u>a</u> fast connection to the continent
AM21	Chapter 2: 2.20	... The urgency of this challenge led us <u>the Council</u> to declare a climate emergency in January 2020. While carbon emissions in LBBB Barking and Dagenham are lower than other parts of London...
AM22	Chapter 2: 2.21	The Covid <u>COVID-19</u> pandemic is another global challenge that has had a profound impact on <u>the</u> way that we live and work. This challenge is likely to continue to affect the way our neighbourhoods are planned, with more emphasis on sustainability, active travel, and place-making and access to open space. The economic implications of Covid <u>COVID-19</u> are still unfolding, but it is almost certain this will cause economic uncertainty in addition to that already anticipated from Brexit.
AM23	Chapter 2: 2.22	... Online retail shopping grew from less than 5 per cent of total sales in 2008 to around 20 per cent by 2019 ⁴⁺¹⁰ and has exploded under COVID-19 lock down.... LBBB Barking and Dagenham is not immune from this...

AM24	Chapter 2: 2.23	These wider economic shifts have meant that many of the major industrial employers in the area have declined from their peak and some have disappeared entirely. A question mark hangs over the future of for the Former Ford site Stamping Plant , which manufactures diesel engines, the sale of which will be halted by 2035 at the latest under the government's carbon neutral plans.
AM25	Chapter 2: 2.25	Our borough-wide vision for harnessing these opportunities is illustrated in <u>Figure 3</u> . on the right.
AM26	Chapter 2: 2.26	Even in the face of these challenges, we are aiming to seize the present opportunities to generate social and financial value in LBBB Barking and Dagenham and we have established and invested our own funds in Be First – our own regeneration company. Be First is tasked with capitalising on the emergence of LBBB Barking and Dagenham as London's growth opportunity, through accelerating the pace and scale of transformation of the borough, and ensuring development is sustainable, high quality and benefits local people... The p Profit that we make will be channelled into funding Council services, including for the most vulnerable in our communities. Existing residents will benefit from the opportunities that come from new investment and regeneration.
AM27	Chapter 2: 2.27	... LBBB Barking and Dagenham has around 446.3 hectares of strategic industrial land accommodating slightly more than 1.5 million square metres...
AM28	Chapter 2: 2.29	Our own development activity, driven by Be First, the Council's r Regeneration c Company, will increase housing supply significantly (See Chapter 5).
AM29	Chapter 2: 2.30	Delivery is, of course, impacted by a range of other factors from site specific matters, such as infrastructure requirements, to global trends such as economic impacts arising from Covid COVID-19 ¹³¹² .
AM30	Chapter 2: 2.31	In the wake of <u>Following</u> COVID-19, improving walking and cycling infrastructure is <u>has been</u> essential to Pandemic Recovery in London...
AM31	Chapter 2: 2.32	In particular, there is a strong emphasis on high standards of: energy efficiency; sustainable design and construction; utilising innovative renewable energy technologies; vastly improving air quality; conserving our water and natural resources, reducing our waste, promoting the 'Circular Economy', and enhancing biodiversity and green infrastructure.
AM32	Chapter 2: 2.33	This will be achieved by a combination of behavioural change and education initiatives, prioritising new infrastructure all underpinned by policies surrounding new developments in this <u>P</u> lan.
AM33	Chapter 2: 2.34	The Council is focused on working with our neighbouring boroughs, TfL, GLA, Barking Riverside, Network Rail, C2C, City of London, Ford, London Freeport, and many other developers, <u>and</u> local people to unlock the huge economic and social opportunities which exist through development and investment in new infrastructure in the London Riverside area.
AM34	Chapter 2: 2.35	These are already happening with the City Markets, <u>and</u> the Thames Freeports...
AM35	Chapter 3: 3.3	The key evidence documents that this section relies on include:

		Key evidence documents	Date produced
		LBBB Local Plan Sustainability Appraisal	2021
		Be First Industrial <u>Land</u> Strategy	2021
		LBBB Local Plan Viability Assessment	2020
		LBBB Infrastructure Delivery Plan	2020
		LBBB Green <u>Grid Infrastructure</u> & Biodiversity Strategy	2019
		LBBB Townscape and Socioeconomic Characterisation Study	2017
		<u>Characterisation Study</u> Barking Riverside Gateways Housing Zone	2015
AM36	Chapter 3: 3.12	<p>Transformation Areas are locations that are likely to be subject to more extensive growth and development. <u>These areas are shown on the Policies Map and</u> include our most significant allocated development sites and build on existing and planned public transport hubs. Allocations are included on the basis that they:</p> <ul style="list-style-type: none"> • have a total site area or remaining developable area (where applicable), of greater than 0.25 hectares; and • deliver 150 homes or more or 500 sqm or more of commercial floor space over the Local Plan plan period (excluding sites with implemented planning consents); or • can deliver a critical and essential piece of identified infrastructure for the area over the Local Plan plan period; or • where existing site-specific characteristics mean establishing the acceptability of uses and quantum of development on the site is especially necessary to enable delivery. 	
AM37	Chapter 3: 3.14	... We we will produce further Supplementary Planning Documents (SPDs) and guidance for Transformation Areas...	
AM38	Chapter 3: (new text via Main Mods) 3.25	... Be First intends to try and address some of this shortfall through its Innovative Sites programme (which it intends to <u>intends to</u> launched in <u>launched in</u> early 2024).	
AM39	SPDG1: 4	Extensive and larger scale development will be focused primarily in Transformation Areas. These are:	

		<ul style="list-style-type: none"> a) Barking Town Centre and the River Roding b) Barking Riverside c) Thames Road d) Castle Green e) Chadwell Heath and Marks Gate f) <u>Marks Gate</u> g) Dagenham Dock and Beam Park Freeport h) <u>Beam Park</u> i) Dagenham East j) Dagenham Heathway.
AM40	SPDG1: 11e	e) energy infrastructure including District Heat <u>N</u> etworks; and,
AM41	SPP1: 1	...w We are committed to the transformation of Barking <u>T</u> own <u>C</u> entre into a great place for people.
AM42	SPP1: 2	Barking <u>S</u> tation will be strengthened by delivering new homes, offices and a hotel.
AM43	SPP1: 3	...new homes in the P lan period... The key site allocations are illustrated in Figure 7.
AM44	SPP1: 4 & 4b	To deliver our vision, (see figure 6) development proposals should be consistent with the principles listed below. b) Renewal of the Barking Station by working with the rail industry to upgrade access and capacity in line with Network Rail's increased passenger projections ¹⁹ .
AM45	SPP1: 5	The emerging Gascoigne 'Big Picture Neighbourhood Strategy' ²⁰ is under development and will includes design principles to support implementation of this policy in a co-ordinated and comprehensive fashion. Development proposals should be consistent with the principles listed below.
AM46	SPP1: 5e	a) Deliver an integrated nature-based blue and green strategy, providing flood mitigation and adaptation measures to comply with the Local Plan policy <u>Policies DMNE4 and DMSI 6</u> .
AM47	SPP1: 6d	d) Provide riverside towers and gateway blocks facing the Northern Relief Road (<u>A124</u>).

AM48	SPP1: 7a	a) Work collaboratively with key stakeholders to improve and transform the site as an important gateway opposite Barking Train Station, enhancing the immediate environment and create creating new housing and employment opportunities.
AM49	SPP2: 1	... o Our plan is to create one new integrated community , a whole new Thames side district of London with more homes and better industry in improved, intensified space.
AM50	SPP2: 3	...industrial floorspace in the P plan period.
AM51	SPP2: Figure 8	<i>Figure 8 was replaced as per the Main Modifications consultation, retitled Figure 6 and moved to the justification text section. Since the Main Modifications consultation, the figure has been updated further. The updated figure amends the label 'Rail Freight Facilities and Associated Rail' to 'Rail Freight Facilities and Associated Rail Infrastructure'.</i>
AM52	SPP2: (new paragraph 8 following Main Modifications)	*Subject to the rights conditions coming forward (see policy SPP2), site CF-Castle Green would be suitable for new major housing development with capacity for around 7,000 homes.
AM53	SPP2: 4 and SPP4a i-iv and SPP4d	To deliver our vision (see Figure 8) development proposals should be consistent with the principles listed below. <ul style="list-style-type: none"> i. the extension of London Overground <u>services</u>; ii. the extension of Thames Clipper sServices; iii. significant investment in bus services; and, iv. on-site walking and cycling <u>infrastructure</u>; and <p>d)... Provide a sensitive design response to the river side and <u>a focus</u> focusing on higher density development and taller building forms within the new District Centre and elsewhere where appropriate.</p>
AM54	SPP2: 10 & SPP2: 10c & SPP2: 10f SPP2: 10j & SPP2: 10jv	To deliver our vision, (see Figure 8) development proposals should be consistent with the following principles: <p>c) provide high quality, mixed tenure housing for local people and working Londoners with new homes and jobs near to and stitched together <u>jobs, amenities and transport</u></p> <p>f) create a new legible <u>identity</u> identify and sense of place for Thames Road whilst retaining its distinctive industrial character</p> <p>j) improved pedestrian and connectivity within and between the Transformation Areas through:</p> <p>j.v) in addition to the new station at Barking Riverside, <u>which opened in</u> planned for 2022, the area needs the planned second station at Castle Green to provide more public transport links.</p>

AM55	SPP2: 11	The ILS identifies scope for areas of SIL Strategic Industrial Land in the Thames Road Transformation Area to become Local Significant Industrial Sites -LSIS allowing for some further co-location development... Policy DME1 and London Plan 2021 Policy E7.
AM56	SPP3 (new paragraph 15 following Main Modifications consultation)	Acknowledging that the Eastbrookend Country Park site cannot fully meet the needs of the LBBD 2020 Gypsy and Traveller Need Assessment, the Council has also identified Castle Green as a broader location for a Gypsy and Traveller site in the future, as directed by the Council's Cabinet in May 2022 <u>2023</u> .
AM57	SPP3: 3	...industrial floorspace in the P plan period... The key site allocations are illustrated in Figure 10
AM58	SPP3	<i>As per the Main Modifications consultation, a new paragraph 4 was added to the justification text at SPP3. Since the Main Modifications consultation, the new text has been amended from '4. Funding for the delivery of the project is in place, with the GLA and the developers having committed £42 million to the project...' to '4. Funding for the delivery of the project is in place, with the GLA having committed <u>£42 million to the project.</u>'</i>
AM59	SPP3: 4 & SPP3: 4b - 4d	4. To deliver our vision, (see Figure 10) development proposals should be consistent with the following principles: b) capitalise capitalising on the extensive road, rail and river infrastructure connections, which provide national and international connections, including a rail hub as part of the proposed Freeport c) have having full regard to the consented scheme at Barking Riverside d) the successful relocation and consolidation <u>co-location</u> of London's three wholesale city markets – Billingsgate, Smithfield and New Spitalfields, enabling development that will support its operation within the borough
AM60	SPP3: 9.	...how the Freeport will be delivered and integrates with the surrounding <u>area</u> .
AM61	SPP3: 10 & SPP3: 10h - 10i	To deliver our vision, (see Figure 10) development proposals should be consistent with the following principles: h) strengthen the relationship a <u>strengthened relationship</u> with adjacent land/areas, including Dagenham Dock and Castle Green Transformation Areas and Merrielands Crescent i) provide flood mitigation and adaptation measures to comply with Local Plan Policies <u>DME4 and DMSI 6</u>
AM62	SPP4: 1	1 The industrial estate will be comprehensively redeveloped to create new homes as well as improved and intensified industrial space. This will see new homes stitched into the existing residential neighbourhoods, adding new services and social infrastructure, improvements to local transport and the renewal of the whole public realm.
AM63	SPP4: 5	...new homes in the P plan period.... he key site allocations are illustrated in Figure 12.... , Policy DME1 and London Plan 2021 Policy E4.

AM64	SPP4: 6a	...– optimising the development potential arising from Crossrail <u>the Elizabeth Line</u> – to deliver new homes and jobs that are integrated with existing neighbourhoods
AM65	SPP4: 6b	...residential uses will be encouraged and supported in the appropriate locations
AM66	SPP4: 7	The <u>the</u> Council is committed to delivering employment space alongside new homes
AM67	SPP4: 8	Proposals resulting in the net loss of industrial floorspace across the Transformation Area will only be supported in accordance with Policy DME1 of the Local Plan , and will...
AM68	SPP4: 10c	c) <u>Improving</u> improving the vibrancy and facilities offered within the local centre.
AM69	SPP4: 14	The Padnall Lake site will be <u>have</u> a significant focus on placemaking activity to create a more liveable residential area, that <u>D</u> development in this location must contribute to:
AM70	SPP5: 3	... in the <u>P</u> lan period.... The key site allocations are illustrated in Figure 14.
AM71	SPP5: 4 and SPP5: 4f	To deliver our vision, (see figure 14) <u>D</u> development proposals should be consistent with the principles listed below: f) Improvements to the <u>G</u> reen infrastructure network including:
AM72	SPP5: 5	Dagenham Village is the historic heart of Dagenham, and the design will need to respond to this unique and sensitive development context. Development proposals must comply with the <u>L</u> ocal <u>P</u> lan policies...
AM73	SPP6: 2	, we <u>We</u> will pursue the redevelopment of the shopping centre and make it fit for the 21st century, including options to provide new dwellings above the centre.
AM74	SPP6: 3	The historic Becontree <u>E</u> state will see the least development in the borough in order to protect its existing character. We will support light touch interventions to help it thrive into the future.
AM75	SPP6: 4	...new homes in the <u>P</u> lan period.... The key site allocations are illustrated in Figure 17.
AM76	SPP6: 5	To deliver our vision, (see figure 16) development proposals should be consistent with the following principles:
AM77	SPP6: 6 & SPP6: 6d & SPP6: 6f & SPP6: 6g	All development (including any extensions) must integrate with the existing character of the area and enable preservation and restoration of the historic fabric of the estate. A detailed design code is being <u>may be</u> prepared to support the delivery of the Local Plan to supplement this p <u>P</u> olicy. The Council will also support development that contributes to: d) rationalised car-parking and improved cycle links to the new <u>Elizabeth Line connection</u> Crossrail Station at Chadwell Heath f) improvements to shopfronts and reintroducing <u>reintroduction of</u> awnings g) improvement to the <u>G</u> reen infrastructure network, including the east-west green grid route (Porters Avenue and Parsloes Avenue)

AM78	SPP7: 1	This will be strengthened with spot redevelopment interventions delivered as part of a programme to identify opportunities to deliver more and better homes.																
AM79	SPP7: 3f	f) improvements to the Green Infrastructure Network, including a new Green infrastructure grid route at Wood Lane and Rainham Road North and improved linkages to Thames Chase Community Forest																
AM80	Chapter 4: 4.2	<table border="1"> <tr> <td>Policy DMD 5:</td> <td>Local views</td> </tr> </table>	Policy DMD 5:	Local views														
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AM81	Chapter 4: 4.3	<p>Amend table to reflect accurate listing of documents as follows:</p> <table border="1"> <thead> <tr> <th>Key evidence documents</th> <th>Date produced</th> </tr> </thead> <tbody> <tr> <td>LBBT Townscape and Socioeconomic Characterisation</td> <td>2017</td> </tr> <tr> <td>Abbey and Barking Town Centre Conservation Area Appraisal and Management Plan</td> <td>2020</td> </tr> <tr> <td>Historic England's Independent Heritage Review of the Industrial Land to the South of the Borough</td> <td>2016</td> </tr> <tr> <td>Historic England's Independent Archaeological Review of the Borough</td> <td>2016</td> </tr> <tr> <td><u>Historic England Tall Buildings Advice Note 4</u></td> <td><u>2015</u></td> </tr> <tr> <td><u>Heritage Strategy 2016-2020</u></td> <td><u>2016</u></td> </tr> <tr> <td><u>Barking Town Centre Strategy</u></td> <td><u>2020</u></td> </tr> </tbody> </table>	Key evidence documents	Date produced	LBBT Townscape and Socioeconomic Characterisation	2017	Abbey and Barking Town Centre Conservation Area Appraisal and Management Plan	2020	Historic England's Independent Heritage Review of the Industrial Land to the South of the Borough	2016	Historic England's Independent Archaeological Review of the Borough	2016	<u>Historic England Tall Buildings Advice Note 4</u>	<u>2015</u>	<u>Heritage Strategy 2016-2020</u>	<u>2016</u>	<u>Barking Town Centre Strategy</u>	<u>2020</u>
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AM82	SP 2: 1f - 1h	<p>f) supporting development that harnesses the potential for improved quality and innovative Modern Methods of Construction (MMC), and adheres to the Local Plan policy <u>Policy DMSI 1: sustainable design and construction</u></p> <p>g) ...requirements of the London Plan <u>2021</u> Policy SI 7: reducing waste and supporting the circular economy</p> <p>h) preserving or enhancing the borough's heritage such as Eastbury Manor House, Valence House Museum, the Abbey Ruins and Dagenham Village, as well as conservation areas, and both designated and non-designated heritage assets in accordance with the Local Plan policy <u>Policy DMD 4: visitor accommodation</u> <u>Heritage assets and archaeological remains.</u></p>																
AM83	DMD 1: 2e	e) to seek to maximise opportunities for urban greening and biodiversity, and demonstrate that appropriate measures have been taken to protect or enhance the natural environment in accordance with Local Plan p olicies: DME 2: providing flexible, affordable workspace and DME 3: encouraging vibrant, resilient and characterful town centres																
AM84	DMD 1: Footnote 23	<p><i>As per the Main Modifications schedule, this is now footnote 26. Since the Main Modifications consultation version, the footnote has been updated as follows:</i></p> <p>²³https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-costguidance/active-design</p>																

		²⁶ https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/active-design																
AM85	DMD 1: 3d	d) seek to achieve the highest standards of construction (e.g. MMC), and adhere to the Local Plan policy <u>Policy DMSI 1: sustainable design and construction.</u>																
AM86	DMD 2: 2	2. Development of £ <u>T</u> all b <u>B</u> uildings will be directed towards appropriate Tall Building Locations (as shown on the Policies Map and Figure 20 below)...																
AM87	DMD 2: 4a	a) will deliver benefits for the surrounding area and communities, including delivering high quality and accessible public ream <u>realm</u> , as well as promoting legibility and wayfinding;																
AM88	DMD 3: 1c & DMD 3: 1d	c) ...reducing vehicle dominance along with promoting <u>a</u> safe walking and cycling environment d) provide clearly defined public and private space, placing servicing away from street frontages, for example at the rear of <u>the</u> building																
AM89	DMD 4: 4 l, m & n & p	l) e <u>D</u> evelopment proposals affecting conservation areas or their settings will be supported where... m) e <u>D</u> emolition of buildings or structures that are considered... n) a <u>A</u> ll new development must... p) The site of Barking Abbey is Barking and Dagenham's only scheduled ancient monument. It includes the ruins of the Abbey and most of Abbey Green. Works affecting the scheduled ancient monument...																
AM90	Chapter 5: 5.1, bullet point 5 and new bullet point 27 (added in via Main Mods)	...the <u>LGBTQ+</u> community • ... This will provide an additional 12 pitches which, although a significant contribution, does not meet the in full the currently assessed five year need of 22 pitches.																
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		<u>Barking Residential Absorption</u>	<u>2018</u>
		<u>Gypsy and Traveller Site Selection Topic Paper (as updated)</u>	<u>20230</u>
AM92	SP3: 1d	d) continuing to actively promote development of Build to Rent in accordance with London Plan <u>2021</u> Policy H11: Build to Rent	
AM93	SP3: 2 & 2e	In order to address <u>the borough's specific housing needs</u> , the Council will: e) ...meet the needs of specific communities, including older people, disabled and vulnerable people, <u>the LGBTQ+</u> community, students, families and private rented sectors (PRS)...	
AM94	DHM1: 1, 1c & 1d	1) All development with the capacity to provide 10 or more self-contained units, or which have a gross internal residential floor space of more than 1,000 sqm, will be required to provide affordable housing (measured in habitable rooms) in accordance with Part 2 a) of the Local Plan Policy SP3: delivering homes that meet people's needs as follows: a) applying the threshold approach to viability in accordance with the most up to date London Plan <u>2021</u> Policy H5: threshold approach to applications, and/or guidance c) Maximizing the delivery of affordable housing on-site and where appropriate, ensuring that all new dwellings contribute to the delivery of a range of housing tenures in accordance with the following tenure split as shown in Figure <u>1322</u> below , ... d) as set out in Figure <u>1423</u> , below , affordable housing should be genuinely affordable for the people they are intended for...	
AM95	DMH 3: 2b & 2c	b) deliver affordable housing in accordance with the Local Plan policy <u>Policy DMH 1: affordable housing</u> c) meet an identified need within the borough based on <u>an</u> up-to-date evidence base, through providing a diverse range of tenures to meet varying needs, including opportunities to rent and buy, as well as schemes with varying levels of support and care (e.g. specialist support for mental health needs in Extra Care provision)	
AM96	DMH 4: 1a	a) meet the London Plan <u>2021</u> p Policy H16: Large-scale purpose-built shared living...	
AM97	DMH 5 (title)	<i>Correct title of policy DMH 5 as follows:</i> Policy DMH 5: Houses in Multiple Occupations-(HMOs)	
AM98	DMH 5: 1d	d) ...and satisfy the housing space standards outlined in the London Plan <u>2021</u> p Policy D6: housing quality and standards, and/or its relevant guidance.	

AM99	DMH6: 3b	b) the site is accessible to public transport, safe, convenient walking and cycling environment, essential services and facilities (e.g. water, power, sewerage and waste disposal) and be capable of supporting <u>being supported</u> by local social infrastructure and does not place undue pressure on local infrastructure and services (such as healthcare, schools and shops), ₁																										
AM100	Chapter 6: 6.3	<p>Amend table in paragraph 6.3 to reflect accurate naming and listing of documents as follows:</p> <table border="1" data-bbox="524 427 1727 1265"> <thead> <tr> <th data-bbox="524 427 1469 475">Key evidence documents</th> <th data-bbox="1469 427 1727 475">Date Produced</th> </tr> </thead> <tbody> <tr> <td data-bbox="524 475 1469 523">LBBB Infrastructure Delivery Plan</td> <td data-bbox="1469 475 1727 523">2020</td> </tr> <tr> <td data-bbox="524 523 1469 571">Strategic Estates Plan (East London Health 2018 & Care Partnership)</td> <td data-bbox="1469 523 1727 571">2018</td> </tr> <tr> <td data-bbox="524 571 1469 619">Strategic Estates Plan (East London Health 2018 & Care Partnership)</td> <td data-bbox="1469 571 1727 619">2018</td> </tr> <tr> <td data-bbox="524 619 1469 667">GLA School Place Demand Projections</td> <td data-bbox="1469 619 1727 667">2018</td> </tr> <tr> <td data-bbox="524 667 1469 715">LBBB Parks and Open Spaces Strategy</td> <td data-bbox="1469 667 1727 715">2017</td> </tr> <tr> <td data-bbox="524 715 1469 794">Strategic Assessment of Need – Artificial Grass Pitch (AGP) Provision in London 2017-41 (Sport England)</td> <td data-bbox="1469 715 1727 794">2017</td> </tr> <tr> <td data-bbox="524 794 1469 874">Strategic Assessment of Need – Swimming Pools Provision in London 2017-41 (Sport England)</td> <td data-bbox="1469 794 1727 874">2017</td> </tr> <tr> <td data-bbox="524 874 1469 954">Strategic Assessment of Need – Sports Hall Provision in London 2017-41 (Sport England)</td> <td data-bbox="1469 874 1727 954">2017</td> </tr> <tr> <td data-bbox="524 954 1469 1002">LBBB Faith groups and meeting places: Evidence base study</td> <td data-bbox="1469 954 1727 1002">2017</td> </tr> <tr> <td data-bbox="524 1002 1469 1129"> LBBB Playing Pitch Strategies LBBB Playing Pitch Strategy Update LBBB Playing Pitch Strategy </td> <td data-bbox="1469 1002 1727 1129">2016</td> </tr> <tr> <td data-bbox="524 1129 1469 1209">An Audit of London Burial Provision – A report for the Greater London Authority</td> <td data-bbox="1469 1129 1727 1209">2011</td> </tr> <tr> <td data-bbox="524 1209 1469 1265"><u>GLA London Cultural Infrastructure Plan</u></td> <td data-bbox="1469 1209 1727 1265"><u>2019</u></td> </tr> </tbody> </table>	Key evidence documents	Date Produced	LBBB Infrastructure Delivery Plan	2020	Strategic Estates Plan (East London Health 2018 & Care Partnership)	2018	Strategic Estates Plan (East London Health 2018 & Care Partnership)	2018	GLA School Place Demand Projections	2018	LBBB Parks and Open Spaces Strategy	2017	Strategic Assessment of Need – Artificial Grass Pitch (AGP) Provision in London 2017-41 (Sport England)	2017	Strategic Assessment of Need – Swimming Pools Provision in London 2017-41 (Sport England)	2017	Strategic Assessment of Need – Sports Hall Provision in London 2017-41 (Sport England)	2017	LBBB Faith groups and meeting places: Evidence base study	2017	LBBB Playing Pitch Strategies LBBB Playing Pitch Strategy Update LBBB Playing Pitch Strategy	2016	An Audit of London Burial Provision – A report for the Greater London Authority	2011	<u>GLA London Cultural Infrastructure Plan</u>	<u>2019</u>
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<u>GLA London Cultural Infrastructure Plan</u>	<u>2019</u>																											
AM101	SP 4: 1a	a) protecting existing social and cultural infrastructure facilities in accordance with p <u>Policy</u> DMS1 Protecting and Enhancing Existing Facilities																										

AM102	SP4: 1b	<i>As per the Main Modifications consultation, 1b of SP4 has been updated to include sub-criteria i-v. Since the Main Modifications consultation version, new 1b i has been updated to change 'Any expansion on a playing field....' to 'Any <u>development</u> on a playing field...'</i>																		
AM103	Footnote 34 (p107)	The Council would be expected that the property or site has been actively marketed, including appearing on local and national commercial property websites and visible display boards being displayed at the site.																		
AM104	DMSI 1: 1a	a) the existing facility is being re-provided, whether on site or in a nearby location, that would continue to <u>provide for</u> and enhance the needs of existing local users,																		
AM105	DMSI 1: 1c (post Main Modification amendment)	... where applicable would be subject to a sequential site assessment applicable if the public house is re-provided off-site, to establish that the public house will continue to serve the original community...																		
AM106	DMSI 3: 1	...public houses within the borough in accordance with the London Plan 2021 Policy HC 7: protecting public houses.																		
AM107	Chapter 7: 7.3	<p><i>Amend table in paragraph 7.3 to reflect accurate naming and listing of documents as follows:</i></p> <table border="1"> <thead> <tr> <th>Key evidence documents</th> <th>Date produced</th> </tr> </thead> <tbody> <tr> <td><u>Be First Industrial Land Strategy</u></td> <td>2021</td> </tr> <tr> <td><u>Be First Industrial Land Strategy Addendum</u></td> <td><u>2021</u></td> </tr> <tr> <td>Barking and Dagenham Retail and Town Centre Study Update and Addendum Report</td> <td>2020</td> </tr> <tr> <td>GLA Safeguarded Wharves Review</td> <td><u>2019</u> 2020</td> </tr> <tr> <td>GLA Hot Food Takeaways Topic Paper</td> <td>2018</td> </tr> <tr> <td>LBBB Economic and Temporary Use Strategy</td> <td>201<u>8</u> 9</td> </tr> <tr> <td>Projections of Demand and Supply for Visitor Accommodation in London</td> <td>2017</td> </tr> <tr> <td>The Value of Workspace (Institute of Public Policy Research)</td> <td>2016</td> </tr> </tbody> </table>	Key evidence documents	Date produced	<u>Be First Industrial Land Strategy</u>	2021	<u>Be First Industrial Land Strategy Addendum</u>	<u>2021</u>	Barking and Dagenham Retail and Town Centre Study Update and Addendum Report	2020	GLA Safeguarded Wharves Review	<u>2019</u> 2020	GLA Hot Food Takeaways Topic Paper	2018	LBBB Economic and Temporary Use Strategy	201 <u>8</u> 9	Projections of Demand and Supply for Visitor Accommodation in London	2017	The Value of Workspace (Institute of Public Policy Research)	2016
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AM108	SP5: 2	2. The Council will protect office floor space in accordance with <u>London Plan 2021</u> Policy E1: Offices of the London Plan .																		
AM109	SP5: 4 (amendment to Main Modifications)	... These locations are shown on the Policies Map. Opportunities for intensification of rail uses, or rationalisation of rail sites and infrastructure, will require discussions with the Network Rail and the rail freight operator DB Cargo at an early stage. Proposals that forward on sites adjacent the to rail freight sites must accord with the agent of change principle in line with London Plan 2021 Policy D13 so that future development is designed to ensure that there are no conflicts of use and freight capacity is not reduced.																		

	additional text)	
AM110	SP5: 6	The Council will encourage the provision of affordable workspace within developments for new employment in accordance with Policy DME 2: providing flexible, affordable workspace, alongside the London Plan <u>2021</u> p Policy E3: affordable workspace.
AM111	DME 1: 1	SIL/LSIS Land release will only be considered in accordance with the London Plan <u>2021</u> P policy E7: industrial intensification, co-location and substitution.
AM112	DME 1: 3	Any development on-site or surrounding SIL, LSIS or Non-Designated Industrial Sites must not compromise their continued efficient function, access, service arrangements and days/hours of operation, in line with Policies E5 and E7 of the London Plan <u>2021</u> . Particular regard should be made to the design of residential development adjacent to SILs to ensure that existing or potential industrial activities within these locations are not compromised or curtailed.
AM113	DME 1: 10	The Council will support co-location of industrial and nonindustrial land uses (including employment and residential uses) where appropriate and where this would meet the requirements of Policy E7 of the London Plan <u>2021</u> . This could involve a mix of industrial and residential and/or other uses on the same site, either side-by-side or through vertical stacking.
AM114	DME 1: 12b	b) can deliver at least 50 per cent affordable housing where the scheme includes residential uses and would result in a net loss of industrial capacity (as required by London Plan <u>2021</u> policy <u>Policies</u> H4 and H5)
AM115	DME 1: 13	...Development proposals that would result in the net loss of viable employment floor space outside of SIL or LSIS areas will be required (in accordance with London Plan <u>2021</u> P policy E7: industrial intensification, co-location and substitution) to demonstrate that the site has 'no reasonable prospect' for industrial related purposes and will be required to comply with London Plan <u>2021</u> Policies H4 and H5 in respect of affordable housing.
AM116	DME 3: 7	...within the designated town centres should be discussed with the Council in advance of any application, must accord with Local Plan Policy DMD1: securing high quality design, and where appropriate, be supported by:
AM117	DME 3: 7b (amendment to Main Modifications additional text)	b) a health impact assessment (HIA) to demonstrate how the proposal mitigates its impacts to acceptable levels and contributes to reducing health inequalities
AM118	Chapter 8: 8.1, Bullet Point 3	We seize opportunities for creating, enhancing and connecting green infrastructure, and improving access to existing open spaces and nature are strongly supported in this Local Plan.

AM119	8.3	<i>Amend table in paragraph 8.3 to reflect accurate naming and listing of documents as follows:</i>	
		Key evidence documents	Date produced
		LBBB Habitats Regulations Assessment	2020
		LBBB Infrastructure Delivery Plan	2020
		LBBB Green Infrastructure and Biodiversity 2019 Strategy	2019
		London Environment Strategy	2018
		LBBB Parks and Open Spaces Strategy	2017
		LBBB Playing Pitch Strategy	2016
		LBBB Biodiversity Survey	2016
		LBBB SINCS Citation	2016
		LBBB Green Belt Review	2015
		All London Green Grid SPG	2012
		<u>Ecological Assessment of mounded land to the east of Padnall Lake</u>	<u>2020</u>
AM120	DMNE 1: 7	... proposals for schemes that are likely to be used by children and young people should increase opportunities for play and informal recreation in line with Policy S4 of the London Plan <u>2021</u> .	
AM121	DMNE 2: 2	... a <u>A</u> target score of 0.4 should be achieved for developments that are predominately residential, and a target score of 0.3 should be achieved for commercial development (excluding B2 and B8 uses, which have no target but are required to quantify the UGF score and demonstrate measures to achieve urban greening on site).	
AM122	DMNE 3: 2a	a) minimise the impacts of development on biodiversity and nature in accordance with the mitigation hierarchy set out in Policy G6 of the London Plan <u>2021</u>	
AM123	DMNE 3: 4a	a) contribute to the strategic network of green and blue spaces, as identified in the Council's Green Infrastructure and Biodiversity Strategy (or updated equivalent) and in accordance with Policy G1 of the London Plan <u>2021</u>	
AM124	DMNE 6: 1	...Innovative food growing solutions, such as edible landscaping, rooftop growing, vertical and hydroponic growing and indoor growing will be strongly encouraged.	

AM125	Chapter 9: 9.3	<p><i>Amend table in paragraph 9.3 to reflect accurate naming and listing of documents as follows:</i></p> <table border="1"> <thead> <tr> <th data-bbox="521 240 1451 288">Key evidence documents</th> <th data-bbox="1451 240 1715 288">Date produced</th> </tr> </thead> <tbody> <tr> <td data-bbox="521 288 1451 336"><u>Be First Waste Needs Assessment</u></td> <td data-bbox="1451 288 1715 336"><u>2021</u></td> </tr> <tr> <td data-bbox="521 336 1451 384">LBBB Air Quality Action Plan 2020-2025</td> <td data-bbox="1451 336 1715 384">2020</td> </tr> <tr> <td data-bbox="521 384 1451 432">LBBB Infrastructure Delivery Plan</td> <td data-bbox="1451 384 1715 432">2020</td> </tr> <tr> <td data-bbox="521 432 1451 480">LBBB Inclusive Growth Strategy (draft)</td> <td data-bbox="1451 432 1715 480">2020</td> </tr> <tr> <td data-bbox="521 480 1451 528">LBBB Waste Evidence</td> <td data-bbox="1451 480 1715 528">2018</td> </tr> <tr> <td data-bbox="521 528 1451 576">London Environment Strategy</td> <td data-bbox="1451 528 1715 576">2018</td> </tr> <tr> <td data-bbox="521 576 1451 624">London Waste Planning Forum: Monitoring Report</td> <td data-bbox="1451 576 1715 624">2018</td> </tr> <tr> <td data-bbox="521 624 1451 671">London Plan Topic Paper: Waste</td> <td data-bbox="1451 624 1715 671">2018</td> </tr> <tr> <td data-bbox="521 671 1451 719">GLA Energy Assessment Guidance</td> <td data-bbox="1451 671 1715 719">2018</td> </tr> <tr> <td data-bbox="521 719 1451 767">LBBB Strategic Flood Risk Assessment L1 & L2</td> <td data-bbox="1451 719 1715 767">2017</td> </tr> <tr> <td data-bbox="521 767 1451 815"><u>Strategic Flood Risk Assessment (SFRA) Level 1 & Level 2</u></td> <td data-bbox="1451 767 1715 815"></td> </tr> <tr> <td data-bbox="521 815 1451 863">LBBB Local Flood Risk Management Strategy</td> <td data-bbox="1451 815 1715 863">2017</td> </tr> <tr> <td data-bbox="521 863 1451 906">East London Waste Authority (ELWA) Joint Waste Development Plan</td> <td data-bbox="1451 863 1715 906">2012</td> </tr> </tbody> </table>	Key evidence documents	Date produced	<u>Be First Waste Needs Assessment</u>	<u>2021</u>	LBBB Air Quality Action Plan 2020-2025	2020	LBBB Infrastructure Delivery Plan	2020	LBBB Inclusive Growth Strategy (draft)	2020	LBBB Waste Evidence	2018	London Environment Strategy	2018	London Waste Planning Forum: Monitoring Report	2018	London Plan Topic Paper: Waste	2018	GLA Energy Assessment Guidance	2018	LBBB Strategic Flood Risk Assessment L1 & L2	2017	<u>Strategic Flood Risk Assessment (SFRA) Level 1 & Level 2</u>		LBBB Local Flood Risk Management Strategy	2017	East London Waste Authority (ELWA) Joint Waste Development Plan	2012
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AM126	SP7: 1b & 1c	<p>b) expect major development to be net zero carbon and employ low carbon technologies in line with the London Plan <u>2021</u> Policy SI 2: minimising greenhouse gas emissions, and work with developers, landowners and other key stakeholders to ensure, where appropriate, development supports and connects into the borough's strategic District Energy Networks and associated infrastructure, utilising low or zero carbon energy sources and heat recovery</p> <p>c) expect all development to minimise the risk of internal overheating in line with the London Plan <u>2021</u> Policy SI 4: managing heat risk</p> <p>e) improve the borough's air quality in line with the Council's Air Quality Action Plan; requiring new development to accord with policy SI 1 of the London Plan <u>2021</u>; and promoting sustainable transport and green infrastructure</p>																												
AM127	DMSI 2: 8	All major development proposals will be expected to mitigate overheating risk (for example through orientation, shading, insulation, solar-controlled glazing, natural ventilation and efficient mechanical ventilation with heat recovery) and submit an Overheating Assessment in																												

		accordance with the requirements of policy SI 4 of the London Plan 2021 and the cooling hierarchy. This assessment must have regard to the Noise and Vibration Assessment in terms of managing both overheating risk and acoustics.										
AM128	DMSI 3: 1b	b) have regard to the Agent of Change principle (Policy D13 of the London Plan 2021)										
AM129	DMSI 6: 4, 5 & 6	<i>Amend background formatting behind sections 4, 5 and 6 to match the rest of the policy.</i>										
AM130	DMSI 8: 1a & 1b	a) develop an appropriate construction waste management plan in order to reduce, reuse, recycle and recover waste and to mitigate environmental impact in accordance with <u>Policy DMSI 1, of the Local Plan</u> b) where appropriate, consider the use of the river for freight, including for the transportation of waste, from a development site either directly to and from the site or through the supply chain in line with the Local Plan Policy DMNE 4: Water Environment.										
AM131	DMSI 9: 1	Development proposals should accord with the London Plan 2021 Policy SI 6: digital connectivity infrastructure, and will be supported where they directly provide, and demonstrate in their design the flexibility and adaptability to:										
AM132	Chapter 10: 10.1 & bullet point 1 and bullet point 10	<p>...and around 20,000 new jobs over the <u>Plan period next 20 years</u>.</p> <ul style="list-style-type: none"> We are committed to the visions and objectives identified in the London Plan 2021 and the Mayor's Transport Strategy 2018 and similarly the Local Plan seeks to meet the target that of 75% of all trips in the borough being made on foot, by cycle or using public transport by 2041. We have prepared a new Transport Strategy Topic Paper, which provides and <u>an</u> overview of our strategic approach... <p><i>Further bullet points were added to this section in the Main Modifications consultation. Since the consultation, sub-bullet 6 of bullet point 12 has been amended from: 'Upgrades to Barking Station are in progress and due to complete early 2024.' to 'Upgrades to Barking Station are in progress and due to complete late 2024'.</i></p>										
AM133	Chapter 10: 10.3	<p><i>Amend table in paragraph 10.3 to reflect accurate naming and listing of documents as follows:</i></p> <table border="1"> <thead> <tr> <th>Key evidence documents</th> <th>Date produced</th> </tr> </thead> <tbody> <tr> <td><u>Barking</u> Borough-wide Transport Strategy Topic Paper (ARUP)</td> <td>2021</td> </tr> <tr> <td>A walking and cycling strategy for LBBDD</td> <td>2021</td> </tr> <tr> <td>LBBDD Infrastructure Delivery Plan</td> <td>2020</td> </tr> <tr> <td>Local Implementation Plan 3</td> <td>2019</td> </tr> </tbody> </table>	Key evidence documents	Date produced	<u>Barking</u> Borough-wide Transport Strategy Topic Paper (ARUP)	2021	A walking and cycling strategy for LBBDD	2021	LBBDD Infrastructure Delivery Plan	2020	Local Implementation Plan 3	2019
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		LBBB Transport Impact Assessment and Evidence Base	2020	
		London Riverside Opportunity Area Transport Strategy (Jacob's Consulting) with TfL and City of London	2020	
AM134	SP8: 2e & 2h	<p>e) improve <u>improving</u> public transport access across the borough and into the town centres in respect of Policy DMD3: Development of Town Centres. This will include identifying locations for new bus priority infrastructure as well as the upgrading of existing services to meet future growth aspirations</p> <p>h) <u>expanding</u> the borough's network of 'School Streets' where all motor vehicles, except those belonging to residents and school staff, are restricted from the immediate area during school drop-off and pick-up.</p>		
AM135	SP8: 3	3. The Council will work to support the delivery of the Mayor's two strategic targets in by 2041:		
AM136	Figure 27	<i>As per the Main Modifications consultation, Figure 27 has been replaced and is now named Figure 18 and has been moved to the justification text. Since the Main Modifications consultation, the label for the 'New Active Travel Hub' has been moved to point to Barking Riverside Station.</i>		
AM137	DMT1: 5	Active travel infrastructure proposals should demonstrate how they meet the Mayor's Healthy Streets approach in line with TfL's guidance ⁵⁴⁵⁹ . Emerging schemes in the borough include: the Heathway Regeneration and Vallance <u>Valence</u> Avenue Healthy Streets, High Road Proposals, and Thames Road Regeneration.		
AM138	DMT1: 7	Development proposals should seek <u>to</u> reduce the dominance of vehicles on London's streets whether stationary or moving, in line with the Mayor's Transport Strategy		
AM139	DMT1: 8	Any development which is likely to have a significant impact on the borough's transport network will be required to submit a robust Transport Assessment (TA) or Transport Statement (TS) and a Travel Plan ⁵²⁶⁰ , in accordance with Policy T4 of the London Plan <u>2021</u> : assessing and mitigating transport impacts.		
AM140	DMT1: 13	Any development that will have an adverse impact on the highway and transportation network (for example, demonstrable disbenefits on congestion, safety, air quality and noise), as well as the operation of public transport (including crowding levels and journey times) will be required to contribute and deliver appropriate transport infrastructure or effective mitigation measures, including a reduction in vehicular parking spaces (in line with the London Plan <u>2021</u>).		
AM141	DMT1: 17	17. Development proposals will be required to include the installation of electric vehicle charging points and supporting infrastructure, in line with the London Plan <u>2021</u> Policy T6: car parking, Policy T6.1: residential parking, T6.2: office parking, T6.3: retail parking and T6.4 hotel and leisure parking.		
AM142	DMT2: 4b	b)strategies to convert car parking spaces to appropriate non-car parking uses, including pocket gardens, parklets, public realm spaces or cycleing <u>cycling</u> parking. Over <u>Over</u> time developments will be encouraged to actively convert their parking spaces into these uses, provided this does not have significant detrimental impacts on street parking, traffic and highways		
AM143	Title	Policy DMS13 <u>DMT 3</u> : Cycle parking		

		Policy DMSI 4 <u>DMT</u> 4: Deliveries, servicing and construction
AM144	DMT 3: 1	...London Plan cycle parking standards (see Policy T5: cycling of the London Plan <u>2021</u>).
AM145	DMSI 3 (corrected as above to DMT 3): 2.	The design and layout of cycle parking should be in accordance with the guidance contained in the London Cycling Design Standards, supported by appropriate on-site security measures. Accessible cycles <u>parking</u> should also be considered and designed for meeting minimum requirements as set out in the London Plan.
AM146	DMSI 4: (corrected as above to DMT 4): 1.	...proposals must explore the use of alternative delivery and servicing practices and emerging technologies, including: freight consolidation and re-timing of deliveries; freight movements by water (see Local Plan Policy DMNE 4 Water Environment), the use of cargo bikes, cycle freight, electric and low or zero-emission vehicles; and the use of delivery lockers in residential developments.
AM147	DMSI 4: (corrected as above to DMT 4): Final Paragraph	All construction, demolition and major logistic activities within the borough will be required to work with the <u>e</u> Council in developing the scope and impact of their operations. In order to mitigate the impact of any additional traffic or potential disruption to the network, careful planning and co-ordination with the <u>e</u> Council is required to ensure the smooth operation of the highway network.
AM148	Chapter 11	<i>Amend paragraph numbering as follows to start with 11. e.g., 10.1 11.1</i>
AM149	Chapter 11: 10.1 (amending to 11.1 as per AM130), bullet points 1-4	<ul style="list-style-type: none"> • We want to ensure that individual and cumulative impacts of development are managed. Ensuring that infrastructure investment and delivery keep pace with growth is central to the delivery of our vision for inclusive growth. Our infrastructure eDelivery pPlan will be kept up to date and Infrastructure Funding Statements, setting out our priorities for the spend of developer contributions, will be published annually. • We will undertake regular monitoring of permissions and developments to allow us to understand the effectiveness of the Local Plan and whether it is leading to the expected outcomes and remains <u>an</u> appropriate strategy. The annual Authority Monitoring Report will track <u>the</u> progress of the Local Plan aims. • Engagement with our existing communities will continue through consultation on masterplans and other guidance and individual planning applications. Further details on our approach to engagement is provided in our latest Statement of Community Involvement published on our website. • We will use the planning tools available to us including developer contributions secured through Planning Obligations (Section 106) and <u>the</u> Community Infrastructure Levy to achieve our development vision, which has been shaped by consultation with our communities. These, along with, the Mayor of London's Community Infrastructure Levy (CIL) will help to fund infrastructure to support the development envisaged in this Local Plan, LIP and other supporting documents.

AM150	Chapter 11: 10.3 (now 11.3 as per AM130)	<p><i>Amend table in paragraph 10.3 to reflect accurate naming and listing of documents as follows:</i></p> <table border="1" data-bbox="524 280 1727 555"> <thead> <tr> <th data-bbox="524 280 1126 328">Key evidence documents</th> <th data-bbox="1126 280 1727 328">Date produced</th> </tr> </thead> <tbody> <tr> <td data-bbox="524 328 1126 376">LBBD Whole <u>Local</u> Plan Viability Assessment</td> <td data-bbox="1126 328 1727 376">2020</td> </tr> <tr> <td data-bbox="524 376 1126 424">LBBB Infrastructure Delivery Plan</td> <td data-bbox="1126 376 1727 424">2019</td> </tr> <tr> <td data-bbox="524 424 1126 504">Barking Borough-wide Transport Strategy Topic Paper (ARUP)</td> <td data-bbox="1126 424 1727 504">2021</td> </tr> <tr> <td data-bbox="524 504 1126 555">Barking Town Centre Transport Strategy</td> <td data-bbox="1126 504 1727 555">2021</td> </tr> </tbody> </table>	Key evidence documents	Date produced	L BBD Whole <u>Local</u> Plan Viability Assessment	2020	LBBB Infrastructure Delivery Plan	2019	B arking Borough-wide Transport Strategy Topic Paper (ARUP)	2021	Barking Town Centre Transport Strategy	2021				
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AM151	SP 9: 7	The Council will monitor <u>the</u> implementation of this Local Plan to assess whether growth targets and development outcomes are aligned and promote sustainability. A framework identifying the key indicator s that will be monitored is included in Appendix <u>34</u> .														
AM152	Appendix 1	<p><i>Amend policy titles in second column of table below headed 'Draft Local Plan' as follows:</i></p> <table border="1" data-bbox="524 719 1944 1370"> <thead> <tr> <th data-bbox="524 719 1010 799">Adopted Local Development Framework Policies</th> <th data-bbox="1010 719 1944 799">Draft Local Plan</th> </tr> </thead> <tbody> <tr> <td colspan="2" data-bbox="524 799 1944 847">Core Strategy (DPD) (2010)</td> </tr> <tr> <td data-bbox="524 847 1010 935">CM1: General principles for development</td> <td data-bbox="1010 847 1944 935">SPDG1: Delivering growth; SPP1 – SPP7 Place policies</td> </tr> <tr> <td data-bbox="524 935 1010 1015">CM2: Managing housing growth</td> <td data-bbox="1010 935 1944 1015">SP<u>3</u>-4: Delivering homes that meet peoples' needs DME 1: Utilising the borough's employment land more efficiently</td> </tr> <tr> <td data-bbox="524 1015 1010 1094">CM3: Green Belt and public open space</td> <td data-bbox="1010 1015 1944 1094">SP6: Green and blue infrastructure DMNE 1: Parks, open spaces and play space</td> </tr> <tr> <td data-bbox="524 1094 1010 1206">CM4: Transport links</td> <td data-bbox="1010 1094 1944 1206">SP8: Planning for integrated and sustainable transport DMT 1: Making better-connected neighbourhoods</td> </tr> <tr> <td data-bbox="524 1206 1010 1370">CE1: Vibrant and prosperous town centres CM5: Town centre hierarchy</td> <td data-bbox="1010 1206 1944 1370">SPDG1: Delivering growth SP5: Promoting inclusive economic growth DME 3: Encouraging vibrant, resilient, and characterful town centres DME 4: Over-concentration of hot food takeaways, betting shops and pay day loan shops</td> </tr> </tbody> </table>	Adopted Local Development Framework Policies	Draft Local Plan	Core Strategy (DPD) (2010)		CM1: General principles for development	SPDG1: Delivering growth; SPP1 – SPP7 Place policies	CM2: Managing housing growth	SP <u>3</u> -4: Delivering homes that meet peoples' needs DME 1: Utilising the borough's employment land more efficiently	CM3: Green Belt and public open space	SP6: Green and blue infrastructure DMNE 1: Parks, open spaces and play space	CM4: Transport links	SP8: Planning for integrated and sustainable transport DMT 1: Making better-connected neighbourhoods	CE1: Vibrant and prosperous town centres CM5: Town centre hierarchy	SPDG1: Delivering growth SP5: Promoting inclusive economic growth DME 3: Encouraging vibrant, resilient, and characterful town centres DME 4: Over-concentration of hot food takeaways, betting shops and pay day loan shops
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			DME 45 : Visitor accommodation DME 56 : Evening economy	
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		CR2: Preserving and enhancing the natural environment	SP6: Green and blue infrastructure DMNE 3: Nature conservation and biodiversity	
		CR3: Sustainable waste management	SP7: Securing a clean, green and sustainable borough DMSI8: Demolition, construction and operational waste	
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		CC1: Family housing	SP3: Delivering homes that meet peoples' needs SP2: Delivering a well-designed , high-quality and resilient built environment DMH 2: Housing size mix DMH 4: <u>Large-scale</u> Purpose-built shared housing and DMH 5: <u>Houses in multiple occupations (HMOs)</u>	
		CC2: Social infrastructure to meet community needs	SP4: Delivering social and <u>cultural</u> infrastructure, <u>facilities</u> in the right location DMS 1: Protecting and enhancing existing facilities DMS 2: Planning for new facilities DMS 3: Public houses	
		CC3: Achieving community benefits through developer contributions	DMM 4 SP9: Managing <u>Development</u> and <u>monitoring</u> DMM 12 : Planning obligations (Section 106) DME 3: Encouraging vibrant, resilient, and characterful town centres	
		CE2: Location of office development	SP5: Promoting inclusive economic growth DME 2: Providing flexible, affordable workspace	
		CE3: Safeguarding and release of	SP5: Promoting inclusive economic growth	

		employment land CE4: Mix and balance of uses within designated employment areas	DME 1: Utilising the borough's employment land more efficiently	
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Adopted Local Development Framework Policies	Draft Local Plan
CP1: Vibrant culture and tourism	DME 4: Visitor accommodation
CP2: Protecting and promoting our historic environment	SP2: Delivering a well-designed , high-quality and resilient built environment DMD 4: Heritage assets and archaeological remains DMD 5: Local views
CP3: High-quality built environment	SP24: Delivering a high-quality design in the borough and resilient built environment DMD 1: Securing high-quality design DMD 2: Tall buildings DMD 3: Development in town centres
Borough wide development policies DPD (2011)	
BR1: Environmental building standards	DMD 1: Securing high-quality design DMSI 1: Sustainable design and construction DMT 4: Deliveries, servicing and construction
BR2: Energy and on-site renewables	DMSI 2: Energy, heat and carbon emissions
BR3: Greening the urban environment	DMNE 1: Parks, open spaces and play space DMNE 2: Urban greening DMNE 3: Nature conservation and biodiversity DMNE 4: Water environment DMNE 5: Trees DMNE 6: Local food growing, including allotments
BR4: Water resource management	DMNE 4: Water environment DMSI 6: Flood risk and defences
BR5: Contaminated land	DMSI 5: Land contamination
BR6: Minerals	N/A
BR7: Open space (quality and quantity)	DMNE 1: Parks, open spaces and play space

		BR8: Allotments	DMNE 6: Local food growing including allotments	
		BR9: Parking	DMT 2: Car parking DMT 3: Cycle parking	
		BR10: Sustainable transport	DMT 1: Making better connected neighbourhoods	
		BR11: Walking and cycling	DMT 1: Making better connected neighbourhoods	
		BR12: Hazardous development	DMSI 5: Land contamination	
		BR13: Noise mitigation	DMSI 3: Nuisance	
		BR14: Air quality	DMSI 4: Air quality	
		BR15: Sustainable waste management	SP7: Securing a clean, green and sustainable borough	
		BC1: Delivering affordable housing accommodation	DMH 1: Affordable housing DMH 2: Housing size mix DMM <u>12</u> : Planning obligations (Section 106)	
		BC2: Accessible and adaptable housing	DMH 3: Specialist housing	
		BC3: Gypsies and Travellers	DMH <u>65</u> : Gypsy and Traveller accommodation	
		BC4: Residential conversions and houses in multiple occupation	DMH 4: <u>Large-scale</u> Purpose-built shared housing and DMH 5: h Houses in multiple occupations (HMOs) DMD <u>65</u> : Householder extensions and alterations	
		BC5: Sports standards	DMS 1: Protecting and enhancing existing facilities DMS 2: Planning for new facilities DMNE 1: Parks, open spaces and play space	
		BC6: Loss of community facilities	DMS 1: Protecting and enhancing existing facilities	
		BC7: Crime prevention	DMD 1: Securing high-quality design DMD 2: Tall buildings	
		BC8: Mixed use development	All Local Plan development management policies	
		BC9: Live-work units	N/A	

		BC10: The health impacts of development	DMD 1: Securing high-quality design	
		BC11: Utilities	Chapter 2: Area development strategy <u>Chapter 3: LBBB Strategic Development Strategy</u> (linking with the Council's latest infrastructure delivery plan) DMSI 2: Energy, heat and carbon emissions DMSI 9: Smart utilities	
		BC12: Telecommunications	DMSI 9: Smart utilities	
		BE1: Protection of retail uses BE2: Development in town centres BE3: Retail outside of town centres	DME 3: Encouraging vibrant, resilient, and characterful town centres DME 4: Over-concentration of hot food takeaways, betting shops and Pay Day	
		BE4: Managing the evening economy	DME 5 <u>6</u> : Evening economy	
		BE5: Offices – design and change of use	DMD 1: Securing high-quality design DME 2: Providing flexible, affordable workspace	
		BP1: Culture and tourism	DME 4 <u>5</u> : Visitor accommodation DME 5 <u>6</u> : Evening economy	
		BP2: Conservation areas and listed buildings	DMD 4: Heritage assets and archaeological remains DMD 5: Local views	
		BP3: Archaeology	DMD 4: Heritage assets and archaeological remains	
		BP4: Tall buildings	DMD 2: Tall buildings	
		BP5: External amenity space	DMD 1: Securing high-quality design DMNE 1: Parks, open spaces and play space	
		BP6: Internal space standards	N/A (This is covered in the London Plan <u>2021</u>)	
		BP7: Advertisement control	DMD 7 <u>6</u> : Advertisements and signage	
		BP8: Protecting residential amenity	DMD 1: Securing high-quality design DMD 6 <u>5</u> : Householder extensions and alterations DMSI 3: Nuisance	
		BP9: Riverside development	SP2-4: Delivering a high-quality design in the borough <u>and resilient built environment</u>	

			DMNE 4: Water environment	
		BP10: Housing density	N/A (This is covered in the London Plan <u>2021</u>)	
		BP11: Urban Design	Chapter 4: Design	
		Barking Town Centre Area Action Plan (DPD) (2011)		
		Site Specific Allocations (DPD) (2010)		
			Chapter 3: Transforming Barking and Dagenham and Appendix 2: Site Allocations	
AM153	Appendix 3	<p>The following key indicators will be monitored along with commentary on other key social, economic and environmental changes that impact on plan delivery and the delivery context as part of the authorities. Informed by the strategy in the Local Plan, they are grouped into five themes</p> <p><i>Correct Strategic Policy names for KPI 1, 2 and 3 in KPI table as follows:</i></p> <p>SP2: Delivering a <u>high-quality design in the borough</u> and resilient built environment</p>		
AM154	Glossary	<p><i>Amend Glossary Core Strategy (2010) section as follows:</i></p> <p>Replaced by the new 2019 Local Plan</p>		

CABINET

17 September 2024

Title: Debt Management Performance Quarter 1 2024/25	
Report of the Cabinet Member for Finance, Growth and Core Services	
Open Report	For Decision
Wards Affected: None	Key Decision: No
Report Author: Stuart Kirby, Head of Collections	Contact Details: E-mail: stuart.kirby@lbbd.gov.uk
Accountable Strategic Leadership Director: Richard Harbord, Strategic Director of Resources	
Summary This report sets out the performance of the Collections service in the collection of revenue and debt management for the fourth quarter of the financial year 2024/25.	
Recommendation(s) The Cabinet is recommended to note the performance of the debt management function carried out by the Council's Collection service for the first quarter of the 2024/25 financial year.	
Reason Assisting in the Council's Policy aim of ensuring an efficient organisation delivering its statutory duties in the most practical and cost-effective way. This ensures good financial practice and adherence to the Council's Financial Rules on the reporting of debt management performance and the total amounts of debt written-off each financial quarter.	

1. Introduction and Background

- 1.1. This report sets out performance for the first quarter of the 2024/25 financial year and covers the overall progress of each service element since April 2024.
- 1.2. The Collection service is responsible for the collection of Council Tax, Business Rates, Housing Benefit Overpayments, General Income, and for the monitoring of cases sent to Enforcement Agents. MyPlace is responsible for the collection of rent, Welfare is responsible for collection of homecare and residential care collection and performance information for both is included in this report.

Council Tax Collection

- 1.3. Council Tax collection for the first quarter is 0.9% below the same time in 2023/24. The table below shows the amount charged and paid in the first quarter.

QUARTER 1			
	COLLECTABLE AMOUNT	PAID	PERCENTAGE PAID
2023/24	£31,861,242	£30,200,350	94.8%
2024/25	£33,894,396	£31,815,344	93.9%
VARIATION	£2,033,154	£1,614,994	-0.9%

- 1.4. Council Tax collection has reduced in the first quarter due to the significant increase in the amount charged in the first quarter of this year which has increased by £737k or 0.7%, mainly because of an increase of 469 chargeable properties.
- 1.5. The table below shows a comparison of the Council tax estimated annual charge in quarter 1 in 2023/24 and 2024/25. The charged amount is net of discounts and exemptions and shows an increase of £10m or 8.4%. Council Tax support has increased by £1m or 6.2%, therefore the overall increase in Council Tax charged is £9m or 8.8%.

	CHARGED	COUNCIL TAX SUPPORT	NET CHARGE
2023/24	£119,474,428	£16,604,783	£102,869,645
2024/25	£129,529,037	£17,629,415	£111,899,622
VARIATION	£10,054,610	£1,024,632	£9,029,978
% CHANGE	8.4%	6.2%	8.8%

- 1.6. The table below shows the percentage of Council Tax paid by Council Tax Support. This shows a reduction of 0.3% which is the equivalent of £373k less support.

	CHARGED	COUNCIL TAX SUPPORT	% PAID BY COUNCIL TAX SUPPORT
2023/24	£119,474,428	£16,604,783	13.9%
2024/25	£129,529,037	£17,629,415	13.6%
VARIATION	£10,054,610	£1,024,632	-0.3%

- 1.7. The average Council Tax charged has now increased by £105 per resident.
- 1.8. The increased Council Tax charge and arrears presents a significant issue for collection rates in 2024/25. The Collections team are working to help those residents with arrears to pay a realistic and sustainable amount that will bring them back up to date.
- 1.9. In a direct effort to try and combat this issue a new policy for repayment plans has been created. This segments Council Taxpayers into three categories: Stable, Coping and struggling. Each category allows repayment plans ranging from payment by the end of the financial year through to an additional 36 months.

- 1.10. Repayment plans are not unconditional, and depending upon the length of agreement payers are required to supply work details and/or additional evidence of hardship. Work details can be used to make deductions from wages.
- 1.11. Arrears collection at the end of quarter 1 is £851,805 compared with £853,346 at the same time in 2023/24.
- 1.12. Government statistics have now been published for 2023/24 and show that the majority of Local Authorities saw a reduction in the percentage of Council Tax collected.
- 1.13. In London, 22 (67%) of the 33 London boroughs saw a reduction in collection, whilst 62% of Authorities in the country also saw a reduction.
- 1.14. The table below shows the performance of neighbouring boroughs in East London. Hackney is still recovering from a cyber-attack in 2020.

Collection percentage			
Authority	2023/24	2022/23	Inc/dec
Tower Hamlets	92.1%	95.2%	-3.06%
Newham	89.4%	90.3%	-0.87%
Havering	96.3%	96.5%	-0.20%
Redbridge	96.8%	96.9%	-0.17%
Waltham Forest	95.2%	95.3%	-0.16%
Barking & Dagenham	93.5%	93.6%	-0.02%
Hackney	88.8%	78.3%	+10.56%

Council Tax Arrears

- 1.15. The amount carried forward at the beginning of 2023/24 was £26.3m, this reduced in 2024/25 to 24.3m as a result of the two-year project to write off review aged debts.

1999/00 – 2023/24	
	Arrears
CFWD	£24,298,938
Charge changes	£197,731
Costs raised	£152,136
Arrears & costs written off	-£773
Paid (arrears & costs)	£1,276,788
Balance	£23,318,891

1.16. Most arrears are now outstanding from 2020/21 to 2023/24.

ARREARS	01-Apr-24	30-Jun-24	VARIATION	PERCENTAGE OF OVERALL DEBT
1999/2000	£6,217	£6,217	£0	0%
2000/01	£10,874	£10,821	£53	0%
2001/02	£11,774	£11,744	£30	0%
2002/03	£14,572	£14,562	£11	0%
2003/04	£23,719	£23,422	£297	0%
2004/05	£46,706	£46,190	£516	0%
2005/06	£52,776	£52,421	£356	0%
2006/07	£80,549	£79,008	£1,541	0%
2007/08	£137,721	£136,364	£1,357	1%
2008/09	£187,523	£185,741	£1,782	1%
2009/10	£210,145	£208,000	£2,144	1%
2010/11	£195,554	£193,309	£2,245	1%
2011/12	£204,157	£201,480	£2,677	1%
2012/13	£223,307	£217,097	£6,210	1%
2013/14	£304,044	£295,876	£8,168	1%
2014/15	£356,435	£349,410	£7,025	1%
2015/16	£444,808	£437,146	£7,662	2%
2016/17	£562,217	£556,132	£6,086	2%
2017/18	£732,072	£720,103	£11,969	3%
2018/19	£1,049,825	£1,032,234	£17,590	4%
2019/20	£1,592,966	£1,566,727	£26,239	7%
2020/21	£2,366,031	£2,326,601	£39,430	10%
2021/22	£3,516,175	£3,442,781	£73,394	15%
2022/23	£4,664,188	£4,499,749	£164,439	19%
2023/24	£7,304,584	£6,705,758	£598,826	29%
TOTALS	£24,298,938	£23,318,891	£980,047	

2. Business Rates

- 2.1. Business rates collection at the end of quarter 1 finished 1.6% behind the same time in 2023/24. The expected amount collected was £21.1m and the actual collected amount was £19.9m
- 2.2. There are two reasons for this shortfall, a large cargo company has been brought into LBBB's list of businesses in error by the Valuation Office and is scheduled to be removed shortly, this has a total value of £400k.
- 2.3. In addition, in March 24 the Government made changes to the period of time that a property must be occupied before an empty exemption can be applied if it becomes empty. The required period of occupation increased from 6 weeks to 13 weeks.
- 2.4. This has presented some issues with changing the Business rates software. Exemptions that should have been applied in the first quarter were not granted until July. Therefore, the amount to be collected in the first quarter is overstated by £875k. Business were not pursued for this debt whilst this issue was corrected.

- 2.5. The actual collection rate excluding the two issues mentioned above is 26.8%, 0.5% above last year.

Arrears

- 2.6. Business Rates arrears can increase as well as decrease depending upon backdated adjustments made by the Valuation office agency. This can happen as a result of appeals made by businesses that can both increase and decrease the rateable value of properties.
- 2.7. In the first quarter the level of arrears has increased due to backdated changes made by the Valuation office. However, some further adjustments will occur in the second quarter as a result of errors made by the Valuation office as discussed above.
- 2.8. Backdated adjustments are not uncommon and sometimes can be significant, however these changes are accounted for at the start of each financial year.

1999/00 – 2023/24	
	Arrears
CFWD	£8,350,921
Charge changes	£4,708,537
Costs raised	£22,132
Arrears & costs written off	-£10,915
Paid	-£1,949,365
Balance	£11,121,311

Year	Arrears	Percentage of total arrears
2000/01	£0	0%
2001/02	£0	0%
2002/03	£990	0%
2003/04	£0	0%
2004/05	£8,821	0%
2005/06	£10,969	0%
2006/07	£11,290	0%
2007/08	£6,397	0%
2008/09	£65,077	1%
2009/10	£35,769	0%
2010/11	£89,530	1%
2011/12	£87,254	1%
2012/13	£93,965	1%
2013/14	£94,142	1%
2014/15	£107,337	1%
2015/16	£102,903	1%
2016/17	£235,863	2%
2017/18	£644,641	6%

2018/19	£910,124	8%
2019/20	£1,100,016	10%
2020/21	£1,724,086	16%
2021/22	£1,468,385	13%
2022/23	£1,724,355	16%
2023/24	£2,599,399	23%
TOTALS	£11,121,311	

3. Rents

3.1. Rent collection for the first quarter of 2024/25 was as below

	Apr-24	May-24	Jun-24
Rent collected (£)	£11,337,025	£19,205,074	£28,079,128
Rent raised	£10,802,590	£19,426,127	£28,029,685
Housemark collection rate	104.95%	98.86%	100.18%
Target	100.34%	100.34%	100.34%
Variation from target	4.61%	-1.48%	-0.16%

Rent collection for the same period in 2023/24 was:

	Apr-23	May-23	Jun-23
Rent collected (£)	£7,904,186	£18,183,644	£25,449,645
Rent raised	£8,080,992	£18,151,033	£26,181,338
Housemark collection rate	97.81%	100.18%	97.21%
Target	99.34%	99.34%	99.34%
Variation from target	-1.53%	0.84%	-2.13%

3.2. This shows an average collection rate of 101.33% across Q1 of this year compared to an average collection rate of 98.39% across Q1 of 23/24. This represents improved collection of 2.94%, albeit 0.01% behind the collection target for 24/25. An additional £2.6M has been collected in the Q1 24/25 compared to Q1 23/24.

3.3. Rent arrears have gradually decreased throughout the year. The table below shows the quarterly collection rates and the value of arrears at the end of each quarter which are continuing to reduce:

	Collection % *	Arrears
Quarter 1 23/24	97.20%	£9,321,826
Quarter 2 23/24	98.73%	£9,333,450
Quarter 3 23/24	99.68%	£9,247,472
Quarter 4 23/24	100.26%	£8,667,086
Quarter 1 24/25	100.18%	£8,538,642

*mid-point of quarter

- 3.4. Over the next quarter the Rents Team will be continuing to maximise the use of Rentsense to target contact with those in earlier arrears stages. Assisted automation is being used to target residents with inconsistent payment patterns before they hit systems arrears levels (2 weeks in arrears). Performance information is also being shared with staff, to recognise the improvements that have been made and to continue to positively drive performance.
- 3.5. The biggest risk to rent collection in 24/25 is the earlier migration to UC than expected of a substantial number of tenants currently on the HB caseload. There are currently approximately 2,455 live HB claims that are Council tenants that have been identified as meeting the criteria to migrate to UC, with the annual value of HB payments credited directly to the rent account for these tenants being approximately £14.72m. The loss of this significant number of HB claims paying directly into the rent account presents an estimated risk to income collection of around £2.4M. The Welfare Team have been supporting with the transition of these tenants and mitigating the financial risks to rent collection of their migration to UC but there is increased collection work for these accounts which the Rents Team will need to complete this year. A growth bid has been submitted to mitigate this risk and other actions regarding the increased tracking and contact with these residents being put in place.

4. General Income

- 4.1. General income (Sundry debt) collection at the end of quarter 1 finished 22% higher than the same time in 2023/24.
- 4.2. The large difference in the percentage of collection is due to a timing issue. School salaries were issued earlier this year than last and so more has been paid. Due to the large sums involved, £30m has been charged this year so far, the effect on percentages can be significant. However, this will even out in quarter 2.
- 4.3. The table below shows arrears for sundry debt, the majority of which relate to 2023/24. The arrears will reduce significantly through this year as payment is received from various organisations.

Year of issue	Arrears	Percentage of total arrears
2011/12	£2,247	0%
2013/14	£2,003	0%
2014/15	£2,076	0%
2015/16	£4,882	0%
2016/17	£25,849	0%
2017/18	£142,512	2%
2018/19	£256,913	3%
2019/20	£595,966	7%
2020/21	£336,268	4%
2021/22	£1,334,968	16%
2022/23	£1,028,981	13%

2023/24	£4,400,140	54%
Grand Total	£8,132,805	

4.4. The arrears shown above exclude BD groups. The tables below show the outstanding amounts,

ARREARS			
	CHARGED	PAID	OUTSTANDING
BDMS	£6,129,229	£13,263	£6,115,966
BDTP	£1,954,573	£445,453	£1,509,120
BD Together	£124,251	£11,617	£112,634
London East UK LTD	£110,204	£63,324	£46,880
BD Group	£18,473	£0	£18,473
BD Trading Partnership	£0	£0	£0
TOTAL	£8,336,730	£533,656	£7,803,074

CURRENT YEAR			
	CHARGED	PAID	OUTSTANDING
BD Together	£1,269	£0	£1,269
BDMS	£1,066	£0	£1,066
BDTP	£32,064	£17,284	£14,780
TOTAL	£34,399	£17,284	£17,115

5. Adult social care

- 5.1. The overall collection rate for homecare and residential debts in Q1 2024/25 was 40.78%, an increase of 14.37%. There were two billing runs in June, one of which was only a few days before the end of the month, if this billing run is discounted as the debts are not yet owed then collection is at 54%. This represents 27.59% increase on last year.
- 5.2. £1,732,734 has been collected which is an increase in cash collection of 54% (£610k) versus last year which saw £1,122,734 collected.
- 5.3. Overall, the net collectable debit has reduced by £120k versus this time last year however there are 609 more invoices, indicating an increase in reduced chargeable provisions.
- 5.4. This improvement remains a result of the collection function being moved to the Financial Assessments Team and the process being revised including automated reminders, increased phone contact, revised processes and legal progression.
- 5.5. Deferred Payments have £1.56m secured across 26 debts. £286k has been collected so far this year in unsecured high debts.
- 5.6. Arrears have reduced by 15% or £2.1m since the start of the year, this is a 114% increase on collection against 23/24. £978,761 had been collected at the end of Q1 last year, this represents a cash increase of £1.1m.

- 5.7. 2024/25 started with a balance of £14.27m in arrears for collection. This excludes any released Deferred Payments.

Year of issue	Arrears	Percentage of total arrears
2008/2009	0	0%
2011/2012	0	0%
2012/2013	0	0%
2013/2014	0	0%
2014/2015	0	0%
2015/2016	0	0%
2016/2017	0	0%
2017/2018	0	0%
2018/2019	0	0%
2019/2020	£467,661	4%
2020/2021	£1,289,410	11%
2021/2022	£1,886,392	16%
2022/2023	£2,939,887	24%
2023/2024	£5,531,550	46%
Grand Total	£12,115,401	

6. Collection rates

- 6.1. The table below shows collection rates for 2024/25

Collection area	2024/25	2023/24	Variation
Council tax current year	28.43%	29.36%	-0.9%
Council tax arrears	£851,805	£853,346	-£1,541
Rent	100.18%	97.20%	3.0%
Business rates	26.30%	27.90%	-1.6%
General Income	53.80%	31.80%	22.0%
Leasehold	35.30%	34.40%	0.9%
Commercial rent	50.60%	19.80%	30.8%
Care	40.78%	26.41%	14.4%
Housing Benefit Overpayments	4.17%	3.73%	0.4%

7. Financial Implications

Implications completed by: Nurul Alom – Head of Finance (MTFS & Budgetary Control)

- 7.1. Compared to the same period last year, collection rates have improved across most categories of debt. However, there is an adverse movement on collection rates for Council Tax and Business Rates as set out in Section 1 and Section 2 of the report.
- 7.2. Collecting all debts due is critical to funding the Council and maintaining cashflow. The Debt Steering Group monitor's performance and directs the focus of the team

to where targets are not being achieved. This has improved prompt collection of Council revenues.

- 7.3. The Council maintains a bad debt provision which is periodically reviewed. An analysis of the in-year position of outstanding debt against the bad debt provision will be provided at Q2. It should be noted that write-off of historic debts not only reduces the outstanding arrears, but also the overall bad debt provision. Increases to the bad debt provision are met from the Council's revenue budget and reduce the funds available for other Council expenditure.
- 7.4. The arrears project has been reviewing historic debt and where these are recoverable the necessary action is being taken. Where debts are no longer recoverable, they have/will be written off. Most of these debts are more than three years old, and a 100% provision has been allowed for these debts.

8. Legal Implications

Legal Implications completed by: Dr. Paul Feild, Principal Standard & Governance Lawyer

- 8.1. Monies owed to the Council in the form of debts are a form of asset that is the prospect of a payment sometime in the future. The decision not to pursue a debt carries a cost and so a decision not to pursue a debt is not taken lightly. The courts held at common law the Council holds a fiduciary duty to its residents to act as a trustee and to the Government to make sure money is spent wisely and to recover debts owed to the Council. If requests for payment are not complied with, then the Council will seek to recover money owed to it by way of court action once all other options are exhausted.
- 8.2. The Accounts and Audit Regulations 2015 require the Councils statement of accounts to be prepared in accordance with proper accounting practice. The CIPFA Code of Practice on Local Authority Accounting, requires the Council's statement of accounts to include sufficient provision for bad debts to be determined by the S.151 Local Government Act 1972 Chief Finance Officer (Director of Resources).
- 8.3. Debt recovery will follow the Council's Debt Management Policy of which a revised version has been presented with this report. The decision to write off debts has been delegated to Chief Officers who must have regard to the Financial Rules and Procedures in terms of their authority to write off the said debts.

Public Background Papers Used in the Preparation of the Report: None

List of appendices: None

CABINET

17 September 2024

Title: Contract for the Provision of Print Services for Marketing and Information Materials and Web-to-Print	
Report of the Cabinet Member for Community Leadership and Engagement	
Open Report	For Decision
Wards Affected: None	Key Decision: No
Report Author: Faye Laker, Campaigns Manager, Communications	Contact Details: Tel: 07889826616 E-mail: faye.laker@lbbd.gov.uk
Accountable Director: Emily Blackshaw, Chief Communications Officer	
Accountable Executive Team Director: Salauoddin Asghar, Director of Strategy	
Summary: This report seeks approval to direct award a contract for the provision of Print Services for Marketing and Information Materials and Web-to-Print to Allied Publicity Services (Manchester) Ltd (APS) for an initial period of three years with an option to extend for a further period of one year under the CCS Framework RM6071 Print Marketplace The main reasons and benefits to approve the recommendations to proceed with this procurement are: (1) Value for Money (2) Consistency of service (3) Ensure compliance with Procurement processes and procedures (4) More streamlined and digital process for commissioning print as below: <ul style="list-style-type: none">• It will support the Digital shift direction of the Council as new requirements will be incorporated into the new service and contractual documentation, potentially freeing up officer time to concentrate on key deliverables of Marketing and Communications• Existing suppliers will be encouraged to onboard to the print portal provided by Allied Publicity Services (Manchester) Ltd (APS) as newly appointed suppliers in the supply chain so relationships and goodwill can continue. APS is the managed service provider who hosts the online print portal with a tier 2 supply chain supporting the instant quoting process.• The digital platform allows for local suppliers to be considered first before print jobs are ordered, using a locality filter.• The digital platform allows for suppliers with sustainability markers to be considered before any print jobs are ordered.	
Web-to-Print LBBB alongside ICT colleagues are currently reviewing all their print requirements and have made the decision to segment those services currently provided by Xerox into	

separate procurement activities. Current Web-to-Print requirements conducted by officers can be fulfilled by the APS web hosted portal alongside the niche Marketing requirements.

Spend levels are demand led and paid for by departmental budgets. In the past four years, LBBDD has spent £294,191.36 using this service provision. However, it is evident that potentially some of these requirements may now be suitable for fulfilment via the Multi-Functional Devices with a cheaper click rate, now the workforce is returning to physical office locations. ICT therefore propose that any A4 or A3 print requirements sent to APS be given a tighter contract management approach with secondary approval from the Contract Manager to ensure there is genuine need to use Web-to-Print.

Recommendation(s)

The Cabinet is recommended to:

- (i) Agree that the Council proceed with the procurement of a contract for the provision of Print Services for Marketing and Information Materials and Web-to Print in accordance with the strategy set out in this report and
- (ii) Authorise the Director of Strategy, in consultation with the Cabinet Member for Community Leadership and Engagement and the Head of Legal, to conduct the procurement and award and enter into the contract(s) and all other necessary or ancillary agreements to fully implement and effect the proposals.

Reason(s)

To assist the Council in achieving value for money and ensure compliance with the Council's Contract Rules and the Public Contracts Regulations 2015.

1. Introduction and Background

- 1.1 The Council produces a wide range of publications, official administrative forms and marketing materials for the borough using print services.
- 1.2 Previously print was procured via a framework agreement to take advantage of economies of scale and to guarantee the best value. The Council had two related but separate contracts in place for the provision of (a) Printing Services and (b) Design Services for marketing and information purposes both of which expired on 31 May 2020. The contracts had multiple suppliers, and the allocation of work within the contracts were allocated on the basis of a mini-competition subject to capacity, ability, performance, and turnaround requirements on a case-by-case basis.
- 1.3 The Council also use the Xerox Web-to-Print service for any type of print job, from full-colour documents to printing, collating and stapling a small number of documents. When the jobs are completed, they are be posted by Xerox to the Officer's home address or other nominated Council Building.
- 1.4 The Council maintains a corporate printing contract with Xerox and existing staff resources within the Communications team, however these existing arrangements

cannot sufficiently support the Council's value, volume and quality of Print service requirements for marketing within the required delivery timescales.

- 1.5 Web-to-print is a software solution for creating and managing online print requests with varying specifications. It is part of the current Corporate Contract with Xerox for the Council's Printing and Postage requirements. Under the Council's dispersed and now hybrid working model, it enables Officers to print and send the required document(s) via mail to any nominated working location. These tasks could be requested online from any location with web access assisting with agile and flexible working practices. Quotations for each requirement is obtained before sending it to print and it is automatically charged to the Officer's cost code.
- 1.6 Although the above is included in the scope of the contract with Xerox, it does not meet the niche requirements for the Communications Team in terms of price and timescales, therefore an interim non-contractual approach was put in place.
- 1.7 The interim non-contractual approach uses a pool of four key suppliers under a request for quotation process, as stipulated by the Council's Contract Rules, is currently utilised to allocate jobs.
- 1.8 The Council has taken a number of steps to reduce the amount spent on marketing materials and advising stakeholders on the best ways to keep print costs to a minimum as well as ensuring that cost effective print is sourced for larger campaigns and publications, where applicable. These steps include the decision not to procure the Design Service contract and instead utilise the experienced in-house staff resource to produce design work as and when required.
- 1.9 A new contract currently being procured for MFD's & Hybrid Mail via separate Lots does not include Web-to-Print functionality, hence it's inclusion in this procurement for Print Services under the CCS Framework as detailed above. This service will allow officers to continue to print nonstandard documents over and above MFD capabilities, for delivery to either their home address or nominated Council Building.
- 1.10 In order to maintain the Council's legal requirement and to ensure the ongoing provision of print for the borough, this report seeks approval to direct award a term contract for the provision of Print Services to Allied Publicity Services (Manchester) Ltd (APS) under the CCS Framework RM6071 Print Marketplace.
- 1.11 Allied Publicity Services (Manchester) Ltd (APS) is a managed service provider who hosts an online print portal. It has a wide and pre-vetted pool of suppliers who provide this service under the management of APS. Our existing print suppliers have also onboarded to the APS portal to allow our existing working relationships to continue. Other new suppliers can also apply to onboard to the APS portal and deliver print services.
- 1.12 This Framework is a complaint route to market in line with the Council's contract rules and Public Contracts Regulations 2015
- 1.13 While the council will be adopting a 'digital first' approach, aiming to reduce costs, for the purpose of this report the total spent on print for marketing and information and Web-to-Print requirements over the last 4 years is £757,570.91 (£463,379.55 print for marketing and information plus £294,191.36 for Web-to-Print).

- 1.14 The Council has seen an increased use of its digital channels to communicate with residents, this includes its social media channels and email newsletters, therefore reducing the volume of print requests and subsequently the cost attached thereto.
- 1.15 The digital first approach will be implemented by the council's communications team whenever they are commissioned by a service to print materials. They will act as a gatekeeper and challenge the request and objectives before assuming any print is required. It is only when they are satisfied that print is needed, and objective cannot be met in another way, that any print will be commissioned.
- 1.16 The spend and volume for Web-to-Print is expected to decrease in line with the corporate steer to return to the office 3 days a week, as officers will potentially have more opportunity to print their required documents on the in office MFDs. This represents a cost-effective use of the Council's resources, as the cost of printing per page on the MFD machines is cheaper than Web-to-Print. Additionally, there would be no postage cost to factor in.
- 1.17 The Communications Team have had time to test the APS portal and found the use of the e-portal to be user friendly and transparent in terms of pricing and delivery timescales, the transparency of pricing enables us to choose quotes based on cost versus timescales for example.
- 1.18 Live Supplier pricing is built into the APS portal and is made available as a list of instant quotes. The specification of the print requirements is submitted into the portal by the Communications Team on behalf of the stakeholder/requester. The portal offers users the ability to filter and/or sort the quotes by several factors, including price, lead times, locality, carbon emissions and such like.
- 1.19 Users have the flexibility to choose the most appropriate quote provided by the Print Marketplace to meet the user's needs.
- 1.20 The print portal allows for payment by both Purchase Orders and Debit/Credit Card. The card payments attract discounts which the council will further benefit from. Furthermore, the increased use of the purchase card impacts the rebate levels the council gains from its credit card contract with the Corporate Credit Card provider
- 1.21 Other benefits include the built-in selection process to choose suppliers tagged as local and sustainable. Although the social value benefit is not directly within Barking and Dagenham, there is still an element of Social Value delivered overall.
- 1.22 Local and/or existing supplier can be onboarded. This has been discussed with existing suppliers and they have been invited to be onboarded to continue the existing working relationships under a new contractual arrangement. Agreeing to onboard to this portal will allow our existing suppliers to generate additional income and new business from other customers ensuring their sustainability.
- 1.23 This procurement does not present significant and immediate cost savings on spending however the streamlined approach is efficient and should yield time savings for officers within the Communication Team to work on more core duties. This will be delivered, through the greater transparency of pricing and promotion of competition, increasing the number of suppliers in the supply chain it will enable

officers to make more informed decisions when commissioning print which in turn will achieve cost savings.

- 1.24 There are no set prices for print services and no two jobs are alike. As a result, spending may fluctuate above or below the estimated contract value, as referred to above, as this is a demand led service provision funded from individual service budgets. Each Council service will need to monitor and control its own individual print budget in order to remain within the allocated budget envelope.

2. Proposed Procurement Strategy

2.1 Outline specification of the works, goods or services being procured

2.1.1 The service specification will include:

- a) The Print of all necessary information for the Marketing and Communications Department, including but not limited to posters, banners, flyers, logos, booklets, etc., in a timely and quality fashion that is appropriate for the target market.
- b) Print of all information including delivery in a timely fashion, which may include mailshots, delivery to site, holding of call off stock, and any and all other requirements. This will include print and delivery on a wide number of stock items, and sizes, sometimes in short timescales.
- c) Combination of both requirements as and when required into a complete Print process in a cost effective, quality manner
- d) Web-to-Print services

2.2 Estimated Contract Value, including the value of any uplift or extension period

2.2.1 The estimated contract value £790,000 (£490,000 plus VAT for Print Services for Marketing and Information Materials and £300,000 plus VAT for Web to Print) for the total period of 4 years including the option to extend on a 3+1 basis.

2.2.2 The budget for these services sits with the different services areas. The actual contract value which is recharged to individual service areas may increase or decrease depending on volume usage.

2.3 Duration of the contract, including any options for extension

2.3.1 4 years in total, 3-year initial term plus a 1-year extension period at the council's discretion

2.4 Is the contract subject to (a) the Public Contracts Regulations 2015 or (b) Concession Contracts Regulations 2016? If Yes to (a) and contract is for services, are the services for social, health, education or other services subject to the Light Touch Regime?

2.4.1 Yes (a) subject to the Public Contracts Regulations 2015

2.5 Recommended procurement procedure and reasons for the recommendation

2.5.1 To Direct Award a contract for a maximum period of four years (initial three-year contract with the option to extend for a further year) under the CCS Framework RM6071 Print Marketplace to Allied Publicity Services (Manchester) Ltd (APS).

2.6 The contract delivery methodology and documentation to be adopted

2.6.1 The contract will be awarded using the CCS Framework terms and conditions appropriate for print services.

2.6.2 A detailed specification will be provided on the portal for each job request in order to select the most appropriate outcome that meets the Councils print requirements.

2.6.3 Payment for this contract is via the Council's Purchase Card or a blanket purchase order lodged on to the portal for use with each job request.

2.6.4 The contract does not commit the Council to guaranteed volumes but will ensure that the Council's print needs are met throughout the contract term.

2.6.5 Each registered account to Print Marketplace has access to the User Report Section. This provides data on quote volume, order volume, savings / missed savings, information on suppliers chosen, carbon offset data where selected and all the individual orders are captured in the order table which can be downloaded as .csv, json file or .xls. This MI reporting will allow The Communications Team to deliver a recharging process with the support of Finance colleagues.

2.7 Outcomes, savings and efficiencies expected as a consequence of awarding the proposed contract

2.7.1 This procurement does not present significant and immediate cost savings on spending however the streamlined approach is efficient and should yield time savings for officers within the Communication Team to work on more core duties. This will be delivered, through the greater transparency of pricing and promotion of competition, increasing the number of suppliers in the supply chain it will enable officers to make more informed decisions when commissioning print which in turn will achieve cost savings

2.8 Criteria against which the tenderers are to be selected and contract is to be awarded

2.8.1 A scoring matrix will not apply to this contract as this is a direct award. However, APS will be invited to participate in the Council's Social Value initiative. In addition, LBBD users of the APS portal are able to filter suppliers that have sustainability marking when quoting for jobs on the APS print portal

2.9 How the procurement will address and implement the Council's Social Value policy

2.9.1 The procurement process considers the investment of the Council's money inside the Borough wherever it is practically possible. Given the nature of the work and size of the spend, APS will be invited to participate in the Council's Social Value

initiative. In addition, LBBD users of the APS portal can filter to suppliers that have sustainability marking when quoting for jobs on the APS print portal. The Direct Award to the CCS Framework RM6071 Print Marketplace fulfils the aims of the Council to utilise the services of suppliers who fall into these categories.

2.9.2 Existing suppliers have been invited to onboard onto the APS portal thus providing them with opportunities to continue delivering this service for the Council and other organisations who on this Framework.

2.9.3 In addition, the provision of the service will improve the economic, social and environmental wellbeing of the Council by maintaining and improving the quality of the living environment for Council's residents, through the nature of the information being provided and the investment by the Council back into the region by potential use of local suppliers.

2.10 London Living Wage (LLW)

2.10.1 Not applicable for this contract

2.11 How the Procurement will impact/support the Net Zero Carbon Target and Sustainability

2.11.1 All suppliers on the Allied Publicity Services (Manchester) Ltd (APS) print portal under CCS Framework agreement RM6071 Print Marketplace have committed to comply with the Procurement Policy Note 06/21: 'Taking account of Carbon Reduction Plans in the procurement of major government contracts' as required. If a supplier is required to publish a carbon reduction plan, you can find it on their individual supplier details page.

3. Options Appraisal

3.1 **Do Nothing – Rejected.** This is not a viable option as there is currently no contract in place and the Council is spending non-compliantly on its print requirements.

3.2 **Continue with current contract – Rejected.** This option was rejected the previous contract expired in 2020 and all available options to extend have been exhausted. The service has been operating off contract and not complaint therefore a new procurement is urgently required.

3.3 **Carry out a full Procurement via Open Tender Process** – This option was considered and rejected. This would have required procuring a new Framework appointing several suppliers to meet the Council's print requirements as no one supplier would be fit to do so.

3.4 **Utilise a Framework Agreement – Direct Award to CCS Framework RM6071 Print Marketplace - Recommended** – The framework commenced on 15/06/2020 and expires on 15/12/2024. This option meets the Council's requirements, and it is a complaint route to market. Allied Publicity Services (Manchester) Ltd (APS) is a single supplier who provides an online print portal. APS has demonstrated the use of the portal to LBBD and allowed a trial period to determine whether this suit our needs including value for money and efficiency. Other Benefits of using this Framework are as below:

- Compare printing prices from trusted suppliers quickly and simply
- An intuitive self-service platform (there is nothing to install and no licence needed)
- Expert advice that is sector specific (live chat functionality means our print experts are always able to help)
- Access to a wide range of pre-approved suppliers
- Instant pricing (easily find out the best price for buyers needs)
- Filter results based on your priorities (lowest price, delivery lead time or by distance to your location etc)
- A carbon impact calculator recognises the environmental impact and gives the option to offset the carbon production Co2E cost
- Dynamic pricing (shows the current market conditions to make sure the best price is received through the approved supply chain)
- A range of payment options available
- Retained order history for repeat purchases

4. Waiver

4.1 Not required for this procurement

5. Consultation

5.1 The proposals in this report were considered and endorsed by the Procurement Sub-Group and Procurement Board in July 2024.

6. Corporate Procurement

Implications completed by Sam Woolvett, Category Manager

6.1 This report seeks to direct award a call off contract from the CCS Framework RM6071 Print Marketplace to Allied Publicity Services (Manchester) Ltd (APS) for the provision of Print Services for Marketing and Information Materials and Web-to-Print. The Framework is live and ends on 15 December 2024 with no maximum call-off contract length set.

6.2 This approach complies with LBBDD's Contract Rules and the Public Contracts Regulations 2015 and can therefore be approved.

6.3 Once the call-off contract has been sealed, details of the contract must be entered onto the Contracts Register.

7. Financial Implications

Implications completed by: Sandra Pillinger Finance Manager

7.1 The estimated cost of the proposed contract is £790,000 over the 4 years of the contract, including the 1-year extension period. This is split between £490,000 for print services for Marketing and Information Materials and £300,000 for Web-to-Print. The expenditure incurred under this contract will be charged to the relevant service area and each service will be responsible for managing costs within their overall service budget.

- 7.2 Actual expenditure over the last 4 years was £757,570 (£463,379 print for marketing and information plus £294,191 for Web-to-Print). Although £40k extra has been allowed within the estimated contract value, any extra spend above this value will need to be contained through reduced usage. Actual spend could be higher or lower than the estimated contract value.
- 7.3 Since the previous contract expired on 31 May 2020 there has been a non-contractual approach. Whilst it is not anticipated that there will be any immediate or significant cost savings, the new contract will facilitate an improvement in efficiency and provide greater transparency around pricing and will lead to greater competition amongst suppliers.

8. Legal Implications

Implications completed by: Lauren van Arendonk, Acting Principal Contracts & Procurement Lawyer

- 8.1 This report seeks to direct award a call off contract from the CCS Framework RM6071 Print Marketplace to Allied Publicity Services (Manchester) Ltd (APS) for the provision of Print Services for Marketing and Information Materials and Web-to-Print for London Borough of Barking and Dagenham. The contract value is over the £500,000 cabinet threshold.
- 8.2 Regulation 33 of PCR 2015 permits the use of a framework as a permissible route to market, which also satisfies the Council's Contract Rules. The CCS framework permits direct awards as a means of calling off, provided that such award complies with the terms of the framework. Provided that the processes for direct award have been followed, it appears that the procurement has complied with all relevant regulations.
- 8.3 Given the value of the contract, in accordance with r 51 of the Contract Rules, the contract must be sealed. It is noted that legal have not seen or prepared the contract.

9. Other Implications

- 9.1 **Corporate Policy and Equality Impact** – An Equality Impact Assessment Screening Tools has been completed (Appendix 1) which determined that a full EIA assessment was not required.
- 9.2 **Business Continuity / Disaster Recovery** - Business Continuity / Disaster Recovery ensures the Council continues to provide services at all times and asks all suppliers contracting with the Council to provide the policy documents which details how they deal with situations and who in the contractor's organisations is responsible.

For the purpose of this contract, Print Marketplace is a supply network of over 300 UK wide suppliers. Although buying organisations trade with APS as single source supplier, it is the network of suppliers that form the supply chain therefore APS are not reliant on a single manufacturing site. The portal itself is governed by uptime SLA's and any maintenance is carried out outside of standard working hours. APS

have provided their APS Group BCMS Plans and Policy documentation for the Council's reference.

Public Background Papers Used in the Preparation of the Report: None.

List of appendices:

Appendix 1 – Equality Impact Assessment Screening Tool

Equality Impact Assessment Screening Tool

Equality Impact Assessments help the Council to comply with its public sector duty under the Equality Act 2010 to have due regard to equality implications. EIAs also help services to be customer focussed, leading to improved service delivery and customer satisfaction.

The Council understands that whilst its equalities duty applies to all services, it is going to be more relevant to some decisions than others. We need to ensure that the detail of Equality Impact Assessments (EIAs) are proportionate to the impact of decisions on the equality duty, and that in some cases a full EIA is not necessary.

This tool assists services in determining whether plans and decisions will require a full EIA. It should be used on all new policies, projects, functions, staff restructuring, major development or planning applications, or when revising them.

Full guidance on the Council's duties and EIAs and the full EIA template is available at [Equality Impact Assessments](#).

Proposal/Project/Policy Title	Direct Award from the CCS Framework RM6071 Print Marketplace to Allied Publicity Services (Manchester) Ltd (APS) for the provision of Print Services for Marketing and Information Materials for London Borough of Barking and Dagenham
Service Area	Communications and Campaigns
Officer completing the EIA Screening Tool	Faye Laker, Campaigns Manager
Head of Service	Robert Beasley, Interim Chief Communications and Campaigns Officer.
Date	18/03/2024
Brief Summary of the Proposal/Project/Policy Include main aims, proposed outcomes, recommendations/decisions sought.	This report seeks approval to direct award a contract for the provision of Print Services for Marketing and Information Materials to Allied Publicity Services (Manchester) Ltd (APS) for an initial period of 3 years with an option to extend for a further period of 1 year under the CCS Framework RM6071 Print Marketplace Most of the marketing and information materials are delivered by the communications team who currently commission print services on an individual job basis on behalf of other council services. Currently using a pool of four key suppliers, a request for quotation process as stipulated by the Council's Contract Rules is currently utilised to allocate jobs. This request for quotation process was put in place as an interim measure, following the expiration of the previous framework which coincided with the implementation of the corporate print contract with Xerox, to deliver printing services and equipment across the

	council. Unfortunately, although included in the contract scope the contract with Xerox has not been able to meet the requirements of the communications team in terms of price and timescales, therefore as stated above an interim non-contractual approach was put in place.	
Protected characteristic	Impact	Description
Age	Not applicable (N/A)	Describe the impact.
Disability	Not applicable (N/A)	Describe the impact.
Gender re-assignment	Not applicable (N/A)	Describe the impact.
Marriage and civil partnership	Not applicable (N/A)	Describe the impact.
Pregnancy and maternity	Not applicable (N/A)	Describe the impact.
Race	Not applicable (N/A)	Describe the impact.
Religion	Not applicable (N/A)	Describe the impact.
Sex	Not applicable (N/A)	Describe the impact.
Sexual orientation	Not applicable (N/A)	Describe the impact.
Socio-Economic Disadvantage¹	Not applicable (N/A)	Describe the impact.
How visible is this service/policy/project/proposal to the general public?	Low visibility to the general public (L)	
What is the potential risk to the Council's reputation? Consider the following impacts – legal, financial, political, media, public perception etc	Low risk to reputation (L)	

If your answers are mostly H and/or M = **Full EIA to be completed**

¹ Socio-Economic Disadvantage is not a protected characteristic under the Equality Act. London Borough of Barking and Dagenham has chosen to include Socio-Economic Disadvantage as best practice.

If after completing the EIA screening process you determine that a full EIA is not relevant for this service/function/policy/project you must provide explanation and evidence below.

Establishment of the new print marketplace framework, will not impact on customers or staff. Its part of an internal process that will enable the streamline the commissioning of print by the communications day and help the communications team work more effectively.

Please submit the form to CE-strategy@lbbd.gov.uk and include the above explanation as part of the equalities comments on any subsequent related report.

CABINET

17 September 2024

Title: Utilising the Levelling Up Fund Grant to Acquire Commercial and Residential Leaseholder Properties at Dagenham Heathway	
Report of the Cabinet Member for Regeneration and Economic Development	
Open Report with Exempt Appendices 4, 5 and 6 (relevant legislation: paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972)	For Decision
Wards Affected: Village	Key Decision: Yes
Report Author: Rebecca Ellsmore, Strategic Head of Place and Development	Contact Details: E-mail: rebecca.ellsmore@lbbd.gov.uk
Accountable Director: David Harley, Interim Development Director, Be First	
Accountable Executive Team Director: Rebecca Ellsmore, Strategic Head of Place and Development	
Summary <p>Through a competitive bidding process, the Council received Levelling Up Fund (LUF) grant to support the redevelopment proposals at Dagenham Heathway. The project is a large-scale town centre redevelopment project and is still in the early stage of the regeneration cycle. Due to the time limitations of the funding agreement set by the recently renamed Ministry of Housing, Communities and Local Government (MHCLG), Be First structured the grant request to help facilitate a future redevelopment through a number of early-stage interventions.</p> <p>One of the LUF projects is the acquisition of the residential and commercial leaseholders at Millard Terrace and Heathway Shopping Centre respectively. Millard Terrace is a Council owned housing estate held within the Housing Revenue Account (HRA) sitting above the Heathway Shopping centre. The Shopping Centre was purchased by the Council (April 2020 Cabinet) and sits in the General Fund. The terms of the LUF grant include a minimum Council match funding commitment of 10% to complete the project. The cost to acquire the residential leaseholder properties has increased since the LUF bid was submitted in August 2022, increasing the Council's match funding commitment to 20%.</p> <p>The leaseholder properties (sold under Right to Buy) and the commercial shop units being held in third party ownership presents a barrier to the future comprehensive redevelopment of the combined housing and commercial asset. The acquisition of the properties presents a potential temporary solution to ease the Council housing demands and an opportunity to consolidate the remaining third-party interests in the asset to help facilitate a future redevelopment.</p> <p>The report provides a summary of all the elements of the LUF project but specifically recommends the Council agree to match fund the project via the HRA and Capital</p>	

Programme (General Fund) and resolve the purchase of the leaseholder properties, utilising the grant funds, to secure vacant possession of the site to help facilitate a future redevelopment opportunity at Dagenham Heathway.

Recommendations

The Cabinet is recommended to:

- (i) Agree to progress the acquisition of the 24 residential leasehold properties within Millard Terrace and the 19 commercial leasehold properties within Dagenham Heathway shopping centre and delegate authority to the Strategic Director, Resources, in consultation with the Head of Legal, to negotiate final terms and execute all necessary legal agreements to complete the acquisitions, provided that the costs remain materially in line with the financial parameters set out in Appendix 4 to the report;
- (ii) Note the risks to acquisition as referred to in the report and agree, in principle, to the use of the Council's Compulsory Purchase Powers to assemble the site should an acquisition by negotiation not be successful;
- (iii) Agree that, subject to the endorsement of the Procurement Board, the Council proceeds with the procurement strategy for the appointment of an external design team and all other necessary appointment and/or ancillary agreements in accordance with the strategy set out in Appendix 3 to the report;
- (iv) Agree the allocation of Council match-funding of £2.245m (£1.326m via the HRA and £0.919m via the General Fund) as a condition of the LUF grant allocation of £10.883m, as detailed in paragraph 1.7 of the report;
- (v) Note that the match funding via the Housing Revenue Account (HRA) was not currently reflected in the HRA Business Plan and, therefore, subject to approval of the recommendations above, the HRA match funding value shall be included in future versions of the HRA Business Plan; and
- (vi) Delegate authority to the Strategic Director, Resources, to authorise any grant claims to enable draw down of the grant funds.

Reason(s)

To assist the Council to achieve its priorities of "Residents benefit from inclusive growth and regeneration" and "Residents live in good housing and avoid becoming homeless".

1. Introduction and Background

- 1.1. Dagenham Heathway is the second largest district centre in the borough but has fallen behind Barking town centre in terms of inward investment and development activity. The Heathway Shopping Centre, multi storey car park (MSCP) and Millard Terrace estate, located above the shopping centre, form a strategic site which offers a clear redevelopment opportunity that could act as a catalyst for wider regeneration in the area.

- 1.2. Be First and the Council have long since recognised both the need and the opportunity in this location and in April 2020, Cabinet approved the purchase of the long leasehold of the Heathway Mall Shopping Centre. The rationale for this acquisition was to pursue a comprehensive redevelopment of the site with an ambitious vision to deliver new commercial and residential property. Achieving this vision will require a dedicated effort pursuing a number of phases of project development in the coming years.
- 1.3. The purchase of the shopping centre completed in October 2020 and brought the site (together with Millard Terrace and the Car Park) wholly within Council ownership. However, a number of shorter leasehold interests, to both commercial operators in the shopping centre and to residents of Millard Terrace who had previously acquired their properties under right to buy legislation, remain in place. In order to progress a comprehensive redevelopment of the site, all protected leaseholders (residential and commercial) need to be acquired from their respective leases to secure vacant possession of the site. Options to 'buy back' these remaining leases have therefore been explored.
- 1.4. Members will be aware that to support this next stage of work, the Council has secured £10.88m of funding from the Levelling Up Fund. Given the complexity of the full redevelopment vision, the LUF application was carefully constructed to help to facilitate a future redevelopment, and move the project many steps closer to delivery, without committing the Council to redeveloping the site or to significant future investment. Securing the grant has required a commitment from the Council to match-fund the total grant allocation by a minimum of 10% - further details on this requirement are set out in paragraph 1.7 below.
- 1.5. Funding has been awarded for two linked projects:
 - **Project 1:** This project will fund the acquisition of the protected commercial and residential leaseholder interests thereby enabling the Council to deliver vacant possession of the site in the future. Secondly, funding is allocated to progress a planning and design strategy which will enable better definition of the future project. Further detail on this project is set out in sections 2.2 to 2.15 below.
 - **Project 2:** This workstream will fund streetscape improvements alongside the entrances to the Underground station and shopping centre from Church Elm Lane to the South and Reede Road to the north. Funding is also included for meanwhile refurbishment work in the shopping centre and Millard Terrace to improve the short-term appearance and financial performance of the site before a redevelopment scheme comes forward. Further detail on this project is set out in sections 2.11.
- 1.6. The funding was awarded in March 2023 and must be spent by March 2025. There is an option to extend the funding agreement by one year to March 2026, which Be First is currently negotiating with the recently renamed Ministry of Housing, Communities and Local Government. It is understood that the new Government may introduce additional flexibilities into the grant funding programme. Officers will monitor this and report future changes if required.

- 1.7. A full breakdown of the LUF projects and the allocated funding is included in Appendix 1. A summary of the Council match funding requirements and the Be First Development Management fees to deliver the projects are as follows:

Workstream	Amount (inc. VAT)	Source of Funding
Council Match Funding		
Project 1: Residential Buy Backs	£1,126,327.50	HRA
Project 1: Commercial Buy Backs	£169,420.00	GF
Project 1: Planning & Design	£197,280.40	GF
Project 2: Public realm*	£304,529.32	GF
Be First DM fee		
Be First fees (3.5% of total project cost)	£248,022.93	GF
Be First fees (3.5% of total project cost)	£200,174.63	HRA
Total	£2,245,754.78	

*To note, the Council match funding commitment for the Public Realm project will be reduced due to the Transport Policy Team securing TfL LIP grant for circa £140,000.

2. Proposals and Issues

- 2.1. The next sections of the report set out proposals for use of this funding and outline why these workstreams are essential next steps to progressing a comprehensive, future redevelopment that encompasses the shopping centre, MSCP and Millard Terrace.

Project 1 – Residential Buy Backs

- 2.2. Millard Terrace is a Council owned 1980s housing estate located above the Dagenham Heathway Shopping Centre and is held in the Council's Housing & Revenue Account (HRA). The estate comprises 156 homes across 1no 6-storey tower, 1no 3-storey tower, 4no terraces of 2-storey maisonettes and a small community facility. All the homes are either 1 or 2 bed properties across three-unit types; 1 bed flats, 2 bed flats and 2 bed maisonettes.
- 2.3. 24 of the 156 homes are owned by private leaseholders who have purchased their properties under Right to Buy. The leasehold properties contribute a small level of income through ground rent to the HRA. The majority of leaseholders are investment landlords, with their properties let on the open market. Appendix 2 details a list of the Millard Terrace leaseholder properties.
- 2.4. Third party ownership of these properties presents a barrier to the future comprehensive redevelopment of the combined residential and commercial asset. It is therefore proposed that these 24 leasehold properties are acquired with LUF grant in order to create a position where the Council could secure vacant possession of the site in a timely manner. As there is no current funding or timeline

for the wider redevelopment of the site, it is proposed that following acquisition these properties are used for temporary accommodation in the short to medium term whilst the redevelopment opportunity is progressed.

- 2.5. Temporary accommodation is favoured over returning the units to HRA stock as it removes the risk of the properties being acquired under right to buy legislation. Cabinet should note that until the redevelopment scheme is progressed to a point where a Demolition Notice can be issued there is a risk that further properties in Millard Terrace could be acquired under Right to Buy legislation, further details on this risk can be found in section 2.30.

Project 1 – Commercial Buy Backs

- 2.6. The Heathway shopping centre is an in-town Mall providing 70,000 sq ft of commercial floorspace over 32 units. The centre was purchased during covid with high level of rental arrears and several vacant units.
- 2.7. The Council also own the Highstreet block of commercial units that front Dagenham Heathway between the two entrances to the shopping centre. The units are occupied by Tesco, William Hill, Lloyds, RBS and a few independent shop owners. Several shops have closed in the period between submitting the LUF bid and now, including the two bank units in the Highstreet block.
- 2.8. There is 19 units within both ownerships (Shopping centre and Highstreet) that have leases that are inside the Landlord and Tenant 1954 Act (LTA 54). The legislation gives tenants a right to renew their lease on similar terms after the expiry of their existing lease. The protected leases, similar to the residential RTB leaseholders at Millard Terrace are therefore a barrier to a future redevelopment.
- 2.9. Whilst the Council as landlord does have the option to oppose a new protected tenancy on 7 grounds, with one being an intention to redevelop the subject properties, the Council would need to evidence their intention to redevelop the site via a planning consent. If compliant, the Council would be liable to pay the tenant's statutory compensation to acquire the lease. The statutory compensation is based on the rateable value (RV) or business rates of the subject unit. If a tenant has been in continued occupation of the unit for more than 14 years, the compensation is 2x of the RV of the unit. If less than 14 years, 1x RV.
- 2.10. With the availability of the LUF money to cover 90% of these costs, the strategy is to pay the statutory compensation now, effectively buying the leaseholders out of the protected leases. As part of this negotiation existing leaseholders will be offered new leases outside of the LTA 54. This will ensure that units continue to be occupied, protecting income for the General Fund and maintaining the vitality of the town centre, whilst providing flexibility to the Council to bring the leases to an end at the appropriate time in the redevelopment timetable.

Project 2 – Public Realm

- 2.11. The focus of Project 2 is to deliver a transformative highways and public realm scheme along the Heathway with immediate benefits to residents, visitors, cyclists and road users. The Heathway is a heavily trafficked thoroughfare, and the public

realm project will include traffic calming measures, cycle paths, a small pocket park and improved landscaping.

- 2.12. The project is going through a final detailed design stage considering insights from recent consultation with local stakeholders. Some of the works have started (pocket park) however the majority of the highway related works will commence in 2025 with completion due by March 2026.
- 2.13. The highways and public realm project will play an important role in the future redevelopment of the area by creating early value in the regeneration cycle and signalling to residents that the area will feel positive change.

Rationale

- 2.14. The paper seeks a resolution to drawdown the LUF grant and to commit LBBD match funding to progress acquisition of leaseholder properties at Millard Terrace and Heathway Shopping Centre. The purpose of purchasing these leasehold properties now is threefold:
- Acquiring the properties will enable the Council to have full possessory title of the Site which will enable a future redevelopment. With full control, the Council can progress the most cost-efficient repair and maintenance programme in the intervening period before redevelopment to ensure the site is legally compliant.
 - Utilising the LUF grant presents a significant cost saving to the Council. The cost to acquire the properties without the grant would present a risk to the overall future viability of the redevelopment scheme.
 - Given the objective of enabling a future redevelopment, the use of the acquired properties will not be as permanent housing stock and as such any tenancies would be non-secure. The Council can therefore utilise the acquired residential properties to increase its stock of temporary accommodation. As well as addressing an identified need, the chargeable rents for temporary accommodation are higher than Council rents and so this use would have a positive impact on the HRA. The condition and level of investment required to turn the properties into more viable investments in the short term needs to be defined.

Next steps

- 2.15. Be First and its professional team are leading on progressing the case for comprehensive regeneration. The key next steps are summarised below. Members will be provided a comprehensive update at the appropriate next stage of progress:

Key Task	Indicative Date
Selection of Jervis Court as the decant site	April 2024
Design engagement with residents	September 2025
Indicative designs and funding strategy complete	December 2025
Soft-market testing and submission of a planning application	March 2026

- 2.16. The existing tenants and residential leaseholders have a legal right under Section 105(1) and (2) of the Housing Act 1985 to be consulted on matters of housing management, which include any development proposal resulting in the potential displacement of tenants or relocation of demolition. Initial consultation with Millard Terrace residents has been carried out, which is explained in further detail in the following section.
- 2.17. If the proposals are accepted, the Council will seek to acquire the leaseholder homes within the Site at market value via agreement. The Council may also give financial assistance to leaseholders to buy an alternative home.
- 2.18. Similarly, the commercial leaseholders are not legally required to treat with the Council unless their lease is imminently expiring. The proposal is to negotiate with the leaseholders via agreement offering their statutory compensation to take their lease outside the provision of the LTA 54. The tenant would be offered terms to remain in the unit on an Outside the Act lease on market rental terms.
- 2.19. In the event that the leaseholders' interests cannot be purchased by agreement, the Council may need to use its Compulsory Purchase powers in order to secure the future vacant possession of the site.
- 2.20. The Council recognises that its Compulsory Purchase Order (CPO) powers are among the strongest powers enabling delivery of development proposals which has the potential to impact on the human rights of the individuals affected by the proposals. The Council will make every effort to pursue the acquisition of the leaseholder properties through voluntary agreement. Negotiations will continue in parallel with the preparation of a CPO which will be a final resort.
- 2.21. At this stage, the appropriate CPO power is yet to be determined. The Council has the option of utilising its powers under s17 Housing Act 1985 to secure a qualitative or quantitative housing gain via acquiring the properties or to acquire the properties in order to improve the environmental, social and economic well-being of local residents under s226 Town and Country Planning Act 1990 through the wider redevelopment of the Site.
- 2.22. The decision to select and implement a CPO power will be the subject of a separate cabinet report and will be determined on the facts of any redevelopment case and after further consultation with affected stakeholders. At this stage, members are requested to approve the 'in principle' use of CPO powers, should the properties not be acquired via agreement within the Council's timescales.
- 2.23. The cost of using CPO powers was not included in the LUF bid as any funding would not have been able to be defrayed within the funding timeframe. If the Council need to pursue the CPO route as worst case position, the associated cost to do so will require further Council funding.
- 2.24. The estimated cost to acquire the residential leaseholder properties includes the property value, home loss payments and professional fees. For the commercial leaseholders, the cost includes the statutory compensation based on individual unit rateable values. The details of the Council's proposed financial offer to leaseholders are included within Appendix 4, which is in the exempt section of the agenda as it contains commercially confidential information (relevant legislation: paragraph 3 of

Part I of Schedule 12A of the Local Government Act 1972) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Funding

- 2.25. The cost to secure the residential leaseholders has risen since the submission of the LUF bid therefore the Council's match funding commitment has risen to 20%. The commercial leaseholder costs have also increased since the submission of the bid due to the reassessment of the shopping centre rateable values. However, there is no longer a need to acquire the leasehold of the former Wilko unit following the firm falling into administration. Overall, there will therefore be an underspend on the commercial acquisition element of the project.
- 2.26. Be First did not include their normal development management fees within the LUF budget. The fees are to cover the management of acquiring the leaseholder properties. This is the case for the full programme of LUF projects and has been highlighted as a risk in all previous reports. A 3.5% Be First Commercial Development Management (DM) fee has been applied to the total acquisition cost, as detailed in Appendix 4. It is proposed that this is added to the Council's match funding requirement, however, should there be any underspend in the grant funded elements this funding can be transferred at the match funding requirement reduced.
- 2.27. To bring the site to market and attract a development partner, the Council will need to have a clear strategy for securing vacant possession. The LUF funding has been secured to make a proactive start in achieving this, reflecting that there is no prospect of redevelopment without the leasehold interests being acquired by the Council, either under a voluntary acquisition programme or via compulsory purchase. The HRA typically is the source of funding for Council owned residential leasehold acquisitions. It is therefore recommended that the HRA match fund the acquisition costs and Be First DM fees. It is recommended the Capital Programme (General Fund) fund the match funding commitment to complete the commercial leaseholder acquisitions.
- 2.28. If the decision is taken not to progress with these acquisitions utilising the LUF monies, then it is considered highly probable that the Council will need to provide 100% of the required finance to purchase the remaining leasehold properties (and any additional properties that have exercised their right to buy ahead of the serving of an Initial Demolition Notice) in order to facilitate a future redevelopment. The success of the LUF bid and its recommended deployment in this way will save the Council £6m in vacant possession costs.

Issues

- 2.29. There are four prominent issues with progressing the leaseholder buybacks at Millard Terrace. They are covered separately below:

Regeneration Timeline and Delivery Strategy

- 2.30. Normally, when progressing a leaseholder acquisition programme, Cabinet is requested to resolve the serving of an Initial Demolition Notice on all secure residential tenants at the affected properties to suspend the requirement for the

Council to complete Right to Buy applications for as long as the notices remain in force.

- 2.31. In order to serve a Demolition Notice in respect of Millard Terrace the following activities need to be concluded:
- Securing the decant site for the relocated council tenants.
 - Gaining approved designs for both the Dagenham Heathway main site (shopping centre, Millard Terrace and MSCP) and the decant site.
 - Viability testing both designs and gaining approval from the Council to the preferred funding and delivery strategy.
 - Ascertain with the GLA if a regular or shadow ballot is required.
 - Agree the funding support with the GLA.
- 2.32. The Dagenham Heathway project has evolved differently due to the LUF grant bid and its associated spending deadline. It is therefore proposed that the acquisitions are completed earlier in the programme to ensure that they can be funded with LUF grant. The risk of further right to buy applications on these units is removed by using them as temporary accommodation rather than offering secure tenancies. The risk of other units within Millard Terrace being subject to right to buy applications cannot be mitigated at this stage, but this is no worse position than the Council would be in without proceeding with these proposals.
- 2.33. When the project team submitted a bid for LUF grant in the summer of 2022 the preferred delivery model was directly through the new build programme using Council borrowing. This model had been successful since Be First were set up in 2017 with approx. 1,500 no of new homes delivered to date.
- 2.34. Given the significant challenges in the development sector together with the complexities of this particular scheme and the financial pressures facing the Council it is now considered more appropriate to pursue a partnership approach to delivery.
- 2.35. The ability to offer a site with vacant position will be crucial in attracting a partner with the appropriate skills and financial backing to deliver this scheme alongside the Council and Be First.
- 2.36. Furthermore, a partner will need the clarity on the decant strategy of the 131 residents currently homed at Millard Terrace. Jervis Court is the optimum decant site to help facilitate the future comprehensive redevelopment of Dagenham Heathway. In order to secure Jervis Court for decant, the two sites need to be linked in planning terms via a hybrid planning application or via separate applications with clear planning linkage. The LUF grant has been secured to progress this strategy as noted in section 1.5.
- 2.37. Appendix 3 provides the procurement strategy to appoint a design team across both sites (Dagenham Heathway and Jervis Court) to deliver the optimum planning strategy. The most appropriate route to market has been identified as the new Be First Designer Framework.
- 2.38. Progressing the levelling up funded projects therefore remains appropriate despite this change to the delivery strategy. Cabinet will be kept informed via future reports as the new delivery strategy is defined.

Financial

- 2.39. Any future redevelopment proposal of an HRA asset must take into consideration the impact of removing the existing income and asset value from the HRA. The proposal recommends acquiring all 24 leasehold properties by the end of March 2026. The properties currently contribute an annual income of c £25,000 through ground rents.
- 2.40. The total income received from the 131 social rented units is £600,000 per annum with annual indexation. The ground rent collected is therefore limited to less than 5% of the total income collected across Millard Terrace.
- 2.41. It is proposed that any acquired leaseholder homes that are in a lettable condition are let on Temporary Accommodation (TA) or Guardians tenancies. This has the potential to increase the total income for the HRA in the short term due to TA commanding a higher rent than the current ground rents. Details of the financial implications of this letting strategy are included in Appendices 5 and 6, which are also in the exempt section of the agenda as they contain commercially confidential information (relevant legislation: paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.42. It is the same case for the commercial leaseholders. The acquisition of commercial leaseholders could see a reduction of income in the General Fund. The strategy to negotiate by agreement will involve the payment of the tenant's statutory compensation with the tenant staying in the subject unit and continuing to pay a market rent. This would retain income and secure flexibility in the leases, however, there is a risk that to take the units back from tenants will result in vacancies.

Major Repairs & Compliance

- 2.43. This is a critical point in time for the building because if a redevelopment solution does not come forward, a capital expenditure programme will be needed to repair and maintain the fabric of the building to ensure it is a compliant and legally safe place for residents and visitors.
- 2.44. The Council commissioned a Condition Survey of Millard Terrace in 2019 as part of a wider review of the HRA estate. Based on this the Council have forecast the maintenance spend for Millard Terrace and the MSCP.
- 2.45. The Council and Be First commissioned an updated condition survey in 2020/2021 by Silvers. The survey included the shopping centre (not previously included) and was more intrusive and specific to the site. The recommended repairs budget was far higher over a shorter 10-year period (as shown in Appendix 5 & 6). The HRA team and My Place recognised the limitations of the 2019 survey and requested Silvers complete a furthermore intrusive survey of the site in parallel to the LUF programme of works to understand the true cost to keep the site in a compliant state. This survey has been completed and is being reviewed by Be First and LBBD.

- 2.46. There are immediate areas of repair to secure the safety of the residents and visitors to the building. Be First are understanding the short-term liability and comparing the cost and the value that level of investment would deliver compared with a redevelopment solution. The value for money options form part of Delivery Strategy report.

3. Options Appraisal

- 3.1. To project team have appraised three options which are considered below:

3.2. **Option 1: Draw down the levelling up fund and continue to pursue a comprehensive redevelopment of the site (RECOMMENDED)**

- The advantages of this are as set out in this report primarily being:
 - The reduction in overall financial burden on the Council due to the use of £10.88m of Levelling Up Fund grant.
 - The increase to the Council's stock of temporary accommodation and the increased rents due to the HRA as a result.
 - The potential avoidance of significant future repair costs across the combined site.
 - Improvements the public realm and existing shopping centre are delivered quickly resulting in improvements to the local area and the investment performance of the shopping centre.
 - The catalytic effects associated with comprehensive regeneration likely to be achieved in the quickest timeline.
- The disadvantages of this option are:
 - The need to progress the acquisitions in advance of defining a viability strategy for the future redevelopment.
 - The need to commit match funding to the programme.
- Financial analysis of this option can be found in appendix 5.

3.3. **Option 2: Do not draw down the levelling up fund but continue to pursue a comprehensive redevelopment of the site. (NOT RECOMMENDED)**

- The advantages of this option are:
 - That the delivery strategy is not influenced by the levelling up fund timeline allowing a more typical delivery programme to be pursued.
 - Match funding is not required to be committed immediately.
 - The minimal leaseholder rent is maintained in the HRA.
 - The catalytic effects associated with comprehensive regeneration can be achieved although the timeline is likely to be delayed from that achieved in option 1.
- The disadvantages of this option are:
 - The full cost of future acquisitions will fall to the Council.
 - Improvements the public realm and existing shopping centre are not delivered quickly resulting in no improvement to the local area or the commercial investment performance.
 - A longer programme may require interim repair costs to be absorbed across the site.
 - Levelling up funding that has already been defrayed may need to be repaid to MHCLG.
 - Reputational damage as a result of not proceeding with grant funding.
- Financial analysis of this option can be found in appendix 6.

3.4. **Option 3: Do not pursue a redevelopment of the site. (NOT RECOMMENDED)**

- The advantages of this option are:
 - Match funding is not required to be committed immediately.
 - The minimal leaseholder rent is maintained in the HRA.
- The disadvantages of this option are:
 - Significant repair costs are likely to be required in the future, costs may exceed the future value of the site.
 - Dagenham will continue to fall behind Barking in investment and regeneration terms.
 - Reputational damage as a result of not proceeding with grant funding.

4. **Consultation**

Resident Engagement

- 4.1. Although the development proposals are at an early stage, consultation has been at the forefront of the project since Be First took over the development management responsibility of the site.
- 4.2. Urban Symbiotics, a specialist community engagement specialist, were procured and have run a successful programme of consultation events and developed a community-led regeneration framework for Dagenham Heathway.
- 4.3. The 'My Heathway' shop in the Heathway shopping centre, which has been the permanent home for all engagement activity since 2021 will remain open throughout the duration of the Levelling Up projects. The running costs of the shop were secured as part of the LUF allocation. Urban Symbiotic will continue supporting the project up to March 2026 in collaboration with other specialist third-party suppliers who will lead on ballot focused work.
- 4.4. The consultation completed to date has built up an evidence base with the wider community, especially within the resident population of Millard Terrace that a redevelopment is needed to help provide a vital boost for an area in decline.
- 4.5. Furthermore, a positive Test of Opinion vote was secured in August 2022, which included the leaseholders. 72% of respondents voted Yes to moving forward with the future redevelopment plans. Letting the units as TA would grant those tenants a right to vote in a future regeneration ballot if they are on the Councils Housing Register. The Council will give due regard to the proportion of properties let as TA in its letting strategy for the acquired units.
- 4.6. The project team will continue to manage expectations around timing with continued consultation and regular resident messaging and currently have a member of the Affordable Housing Team working with the My Place Landlord team to answer any specific Regeneration related enquiries.

Other stakeholders

- 4.7. Extensive consultation with local stakeholders, ward members and councillors has taken place as part of the wider regeneration work.

- 4.8. Jon Cruddas, as the then local MP, issued a letter of support for the project as part of the LUF submission.
- 4.9. All Be First governance levels have reviewed and supported the proposals.
- 4.10. LBBD Investment Panel and Assets & Capital Board endorse the recommendations and have given approval for proposals to proceed to Cabinet for decision.
- 4.11. The proposals in this report will be considered at the September Procurement Board. Due to the timing of the paper, Cabinet approval is sought subject to the endorsement of the arrangements by the Procurement Board, which is aware of this timetable.

5. Financial Implications

Implications completed by: Jahangir Mannan, Strategic Housing and Commercial Finance Advisor

- 5.1 Millard Terrace is an existing Housing Revenue Account (HRA) estate of 156 homes and is in need of significant condition investment. Previous reports to Cabinet April 2020, and Investment Panel in Nov 2023, have received approval to prepare the site for redevelopment and to apply the Level Up funding for this purpose.
- 5.2 The redevelopment will require the buyback of 24 Leaseholders in total where the cost of buybacks is £5.7m plus Be First Commission of 3.5% (c£200k). This includes Allowances for disturbance (£120k), and home loss of £496k.
- 5.3 A 10yr cash flow forecast estimates a total of £988k of rental income from the Leasehold homes with estimated maintenance costs of £314k. It also includes an initial £271k contingency for refurbishment of leasehold buyback homes.
- 5.4 It is proposed to fund this via the Level Up Funding Grant of £4.59m which makes up 90% of the costs, with the balance of £1.126m plus the £200k fees to be funded via the HRA. Currently the HRA has not made a budget allowance for the net cost.
- 5.5 The alternative option is for the HRA to not redevelop the site but would then have to plan for the significant major works costs for the existing homes. The last stock condition data suggests the HRA will have to invest c£5.7m over 10 years. Furthermore, the last HRA MTFS report to Cabinet in January identified that only c£2b of potential £5b can be funded from existing HRA resources. Therefore, redevelopment must be an important consideration.
- 5.6 The regeneration vehicle has not been decided yet and will form the next phase of considerations for the site.
- 5.7 There is a deadline of March 2025 (can be extend to March 2026) to utilise the Level Up Funding as identified above.

6. Legal Implications

Implications completed by: Dr Paul Feild, Principal Solicitor Governance and Standards

- 6.1 This report recommends option 1, that is the acquisition by agreement of 24 leasehold dwellings at Millard Terrace. The Council is the freehold owner of the land known as Millard Terrace located at the Heathway Dagenham. As a local authority landowner section 120 Local Government Act 1972 enables it to acquire land for its purposes and so it can agree to terminate long leases granted to leaseholders for a premium, indeed the regeneration of the location is dependent on the systematic acquisition of the titles not the Councils possession.
- 6.2 The proposal is founded on the use of a Ministry of Housing, Communities and Local Government Grant. This will have set parameters and conditions which the Council must comply with, and it is understood that the Council will be asked to make a contribution. If the properties leasehold acquisition is funded by the Housing Revenue Account (HRA) a suitable credit must be made to ensure that the expenditure is accounted for.
- 6.3 As this report explains, there is much work to be done in progressing the site including, at a later stage, the use of Demolition Notices under the Housing Act 1985. However, these need to be issued much later as they will affect the residents' ability to exercise the statutory right-to-buy and are governed by a statutory time limitation. Furthermore, as also highlighted in the report there may be a time for the use of Compulsory Purchase Orders. This would be to deal with occupiers who would not enter a private treaty with the Council to sell their interests on a voluntary basis. Such powers are used as a last resort and the Councils professional regeneration team are successful in most cases of achieving a negotiated agreement.

7. Risk Management

- 7.1 **Contractual Issues** – any procurement will adhere to standard Council Procurement regulations. The recommended proposals are in line with the requirements of the LUF funding agreement.
- 7.2 **Safeguarding Adults and Children** – the long-term goal is to find a comprehensive redevelopment solution for Dagenham Heathway which will provide a safer and healthier place for residents to live and for visitors to access.
- 7.3 **Health Issues** – Similarly, the long-term goal is to find a comprehensive redevelopment solution for Dagenham Heathway which will provide a safer and healthier place for residents to live and for visitors to access.
- 7.4 **Crime and Disorder Issues** – There has been a rise in ASB and crime in the Dagenham Heathway area, particularly around Millard Terrace. The long-term goal is to find a comprehensive redevelopment solution for Dagenham Heathway which will provide a safer and healthier place for residents to live and for visitors to access.

7.5 **Property / Asset Issues / Vacant Possession** - The requirement to acquire the Leasehold interests required to bring forward the long-term clearance of the site will be delivered in accordance with the Boroughs agreed Leaseholder Buyback procedure.

Public Background Papers Used in the Preparation of the Report:
April 2020 Cabinet Paper

List of appendices:

- **Appendix 1** – Levelling Up Programme Summary
- **Appendix 2** – Leaseholders Information.
- **Appendix 3** – Procurement Strategy
- **Appendix 4** – Acquisition Costs (exempt document)
- **Appendix 5** – Option 1 (exempt document)
- **Appendix 6** – Option 2 (exempt document)

APPENDIX 1

Levelling Up project budget and update

Project	Grant Allocation (inc. VAT)	Grant Spent (inc. VAT)	Workstreams	Update
Project 1 – the facilitation of a strategic redevelopment opportunity	£8,142,303.60	£162,090	Town Centre Vision to underpin planning strategy.	Ongoing – key appointments being made to continue stakeholder consultation and town centre health check.
			Planning and design costs to support hybrid or other appropriate planning strategy.	Subject to Delivery Strategy to be presented to Cabinet by the end of the year
			Commercial leaseholder acquisitions	To progress following Cabinet approval in September
			Residential leaseholder acquisitions	To progress following Cabinet approval in September
Project 2 – streetscape and public realm improvements.	£2,740,763.88	£19,882	Highways and street scape	Detailed design and final consultation – work to commence in 2025
			Shopping Centre unit refurbishment and public realm	Procuring contractor to complete whiteboxing. Works to commence in 2025.
			Millard Terrace stairwells cleaning & redecorating	Procuring contractor to redecorate the stairwells. Works to commence in late 2024.

Millard Leaseholder Schedule

Property No.	Occupied or Non-Occupied Leasehold	No of beds	Property Type
3	Occ.	1	Flat
76	Non	1	Flat
93	Occ.	1	Flat
110	Occ.	1	Flat
124	Occ.	1	Flat
128	Occ.	1	Flat
131	Non	1	Flat
133	Non	1	Flat
134	Occ.	1	Flat
138	Occ.	1	Flat
146	Non	1	Flat
151	Non	1	Flat
154	Occ.	1	Flat
31	Non	2	Mais
32	Occ.	2	Mais
39	Non	2	Mais
47	Non	2	Mais
49	Occ.	2	Mais
52	Non	2	Mais
53	Occ.	2	Mais
58	Occ.	2	Mais
64	Non	2	Mais
96	Non	2	Flat
132	Non	2	Flat

Heathway Shopping Centre Protected Leaseholders

Address	Asset	Status Post LUF bid
Unit 1 Heathway Mall	Heathway Shopping Centre	Protected
Unit 2 & 3	Heathway Shopping Centre	Protected
Unit 6 Heathway Mall	Heathway Shopping Centre	Protected
Unit 10 Heathway Mall	Heathway Shopping Centre	Relet on Ex Act Lease
Unit 12 Heathway Mall	Heathway Shopping Centre	Protected
Unit 16a Heathway Mall	Heathway Shopping Centre	Protected
Unit 16b Heathway Mall	Heathway Shopping Centre	Protected
Unit 22/24 Heathway Mall	Heathway Shopping Centre	Protected
Unit 25 Heathway Mall	Heathway Shopping Centre	Protected
Unit 27/1 Heathway Mall	Heathway Shopping Centre	Protected
Unit 31 Heathway Mall	Heathway Shopping Centre	Protected
Unit 32 Heathway Mall	Heathway Shopping Centre	Protected
214 / 216 Heathway	Heathway Shopping Centre	Protected
218 Heathway	High Street Block	Protected
220 Heathway	High Street Block	Protected
222a Heathway	High Street Block	Protected
224-226 Heathway	High Street Block	Vacant
228 Heathway	High Street Block	Protected
228-234 Heathway	High Street Block	Protected

APPENDIX 3

OFFICER DECISION UNDER DELEGATED AUTHORITY PROCUREMENT STRATEGY REPORT

Title: Dagenham Heathway Redevelopment (C05147) – Lead Designer appointment.	
Key Decision: No	Wards Affected: Village
Decision Maker: TBC	
Responsible Officer: David Harley, Deputy Development Director – Be First	
Recommendations: It is Recommended that approval be given: <ul style="list-style-type: none">- For the Council to proceed with the procurement of a contract for a Lead Designer and sub-consultant team from the new Be First Designer Framework to support the Dagenham Heathway Redevelopment project, including the design of Jervis Court, in accordance with the strategy set out in this report.	
Reason(s) for decision A specialist Lead Designer and sub-consultant team is needed to advance the design element of the Dagenham Heathway project to RIBA stage 3. There will be an option for the Council to break the contract at the RIBA 2 stage. There needs to be clear linkage in planning terms to secure Jervis as the decant site. To deliver a comprehensive redevelopment at Dagenham Heathway, the project needs Jervis Court as a decant site. To do this, the projects must be linked in planning terms, therefore an option will be included for the Lead Designer to advance the design of Jervis Court to RIBA Stage 3 and a planning application.	
1. Background <ul style="list-style-type: none">1.1. The Dagenham Heathway Redevelopment project was successful in Round 2 of the Levelling Up Fund. The Council were awarded £10.88m of grant to support the project through the pre-development phase and de-risk the site in advance of a comprehensive redevelopment.1.2. Investment Panel in November 2023 approved the drawdown of the LUF grant to fund the predevelopment costs.	

- 1.3. The total drawdown of £2,833,153.13 of LUF funding was approved.
- 1.4. The subject paper is recommending the appointment of a Lead Designer and sub-consultant team to advance the design of the comprehensive redevelopment scheme to RIBA stage 3.
- 1.5. It is likely the optimum planning strategy will be for a hybrid application, with an outline on the Dagenham Heathway site and a simultaneous detailed submission on Jervis Court.
- 1.6. The decision has been made to ask suppliers to quote for Dagenham Heathway up to RIBA Stage 3 with a break option included at the RIBA 2 stage. The insertion of a break option is to provide flexibility in the contract to account for any potential planning strategy changes. The redevelopment will likely be delivered in partnership with the market (via a Joint Venture, Development Agreement or Investment Partner) and the break option will ensure the planning strategy is aligned with the development strategy and the future requirements of a third party.
- 1.7. An option will be included for the Lead Designer and sub-consultant team to take the design of Jervis Court to RIBA Stage 3 and a planning application as the projects are linked in planning terms. By linking the projects in planning terms, Jervis can be used as the decant site which will facilitate the vacant possession strategy of the main Dagenham Heathway site.
- 1.8. Be First have recently set up a new Designer Framework. The Dagenham Heathway project will be the first significant appointment from the new framework. There are 8 suppliers led by Architects with sub-consultants including Structures, Civils and MEP Engineers.

2. Proposed Procurement Strategy

- 2.1. It is recommended to appoint a Lead Designer and sub-consultant team from new Be First Designer Framework following the mini-competition procedure set out in the Framework Agreement.
- 2.2. **Outline specification of the works, goods or services being procured.**
 - 2.2.1. Appointment of full Design Team lead by an Architect.
 - 2.2.2. Submission of Dagenham Heathway RIBA Stage 2 and 3 (if required) Reports (inc. 50% Stage Report) and associated drawings
 - 2.2.3. Submission of Jervis Court RIBA Stage 3 Report (inc. 50% Stage Report) and associated drawings
 - 2.2.4. Planning applications for both Dagenham Heathway and Jervis Court.
 - 2.2.5. Building Safety Act Principal Designer Services

2.2.6. CDM Principal Designer Services

2.3. Estimated Contract Value, including the value of any uplift or extension period.

£2.3m

2.4. Duration of the contract, including any options for extension.

The duration of the contract is 27 months from January 2025 to March 2027 with a rolling break option from March 2026. The project is linked to the Levelling Up Funding agreement deadline expiring 31 March 2026.

Is the contract subject to (a) the (EU) Public Contracts Regulations 2015 or (b) Concession Contracts Regulations 2016? If yes to (a) and contract is for services, are the services for social, health, education, or other services subject to the Light Touch Regime?

Yes, not subject to social, health, education or other services subject to the Light Touch Regime.

2.5. Recommended procurement procedure and reasons for the recommendation.

All procurement will be required to follow the Councils Contract rules supported by Be Firsts Scheme of Delegation to ensure compliance with our own governance and approval process and via the aforementioned frameworks.

The Lead Designer and sub-consultant team will be procured using the new Be First Designer Framework on a single stage (ITT) basis.

The Lead Designer will be appointed to deliver design services up to the end of RIBA Stage 3 with a break at RIBA 2 Stage.

This route is recommended due to the 8 teams on the Be First Designer Framework being pre-selected with competencies and fees appropriate to the scale and complexity of this project.

2.6. The contract delivery methodology to be adopted.

The Lead Designer will be appointed using a Council JCT Consultancy Services Contract.

The Contract is 90% funded by LUF grant and 10% Council match funding via the IAS, as agreed at Investment Panel in 2023.

2.7. Outcomes, savings, and efficiencies expected as a consequence of awarding the proposed contract.

2.8. Criteria against which the tenderers are to be selected and contract is to be awarded (advice on this should be obtained from Corporate Procurement).

The tender will be evaluated using the following suggested scoring metrics:

Metric	Weighting	Reason
Price	40%	Price has been given a 40% weighting as the project has limited budget from the Levelling Up Fund bid which was approved by Investment Panel. The project will need to fall within this budget and ensure value for money.
Quality	50%	<p>Quality has been given the highest weighting. Due to the scale and political significance of the project LBB and Be First will need the best possible advice and support from the appointed lead designers. The recommended questions and weightings are included below:</p> <p>Question 1 – Knowledge and Experience of the Team (5%)</p> <p>Name the entire design team who will deliver this commission with relevant supporting information as to why they are the best sub-consultants/ personnel for this scheme. This should include up to date CVs of the proposed team members, detailing their relevant qualifications and project experience for completion of this commission. We will be expecting these team members to work on the project. Please also demonstrate your experience acting as a CDM and BR Principal Designer.</p> <p>Question 2 – Designing to Cost and Programme (15%)</p> <p>Please submit details of how you will meet the required:</p> <ul style="list-style-type: none"> • Programme, completing the scope by March 2026. Please provide a Gantt Chart including but not limited to: <ul style="list-style-type: none"> • Key milestones • Client updates and meetings • Stakeholder engagement • Project budget of £3,000 - £3,500x/ sqm for residential and £2,500 /sqm commercial. • Design & sustainability KPIs (See Appendix Dagenham Heathway Design Brief) <ul style="list-style-type: none"> • Gantt Chart

		<p>Question 3 – Design Approach for Dagenham Heathway (75%)</p> <p>Illustrate your design approach for Dagenham Heathway showing your understanding of the site, project and client requirements and the significant opportunities and constraints.</p> <p>This can be freehand sketches, diagrams, photographs or anything to illustrate your points simply and effectively. We are looking for creativity and imagination, responding to the challenges of the site and budget targets.</p> <p>Question 4 – BIM Execution Plan (5%)</p> <p>BIM Execution Plan (BEP), Supplier Assessment Form and BIM Fee Breakdown RIBA 1- 3 must be completed and submitted, see Annex 6 for completion instructions.</p>
Social Value	10%	<p>Providing positive social value is a key part of the Council's objectives so is an important metric. Social Value questions will be provided Be First's Community and Social Value Coordinator to test the suppliers experience and suitability for working in public environments .</p>

2.9. TUPE, other staffing, and trade union implications.

N/A

2.10. How will the procurement address and implement the Council's Social Value policies?

In accordance with the Council's Contract Rules, due to the value of the appointment, suppliers will be requested to provide convincing Social Value commitments as part of their submission.

The tender will be evaluated with 10% Social Value scoring criteria.

All suppliers will be provided the Council's Social Value Toolkit as part of the Tender Pack. Suppliers will be requested to answer questions with a focus on supporting progress towards the latest Borough Manifesto targets and the Social Value Framework.

3. Alternative options considered and rejected:

3.1. In House – Discounted.

The Be First Design Team have the adequate skill set to advance the scheme however due to capacity, are unable to undertake in-house.

3.2. Other Framework – Discounted.

Other supplier frameworks within the council would not be suitable due to the design nature of the requirement. Be First have recently set up a new Designer Framework for all third-party architect and sub-consultant appointments to ensure consistency in quality and price.

3.3. Open Tender – Discounted.

An Open Tender would be a timely process, counterintuitive to the tight LUF grant timeline. The Be First Designer Framework was set up to provide access to a pool of specialist suppliers which is cheaper and offers value for money in terms of financial and time resource.

4. Waiver

If a waiver of the Council's Contract Rules is required, state here a) which of the Council's Contract Rules is to be waived, b) why the waiver is required, and c) the grounds upon which the waiver is requested (as provided for in Contract Rule 6).

N/A

5. Equalities and other Customer Impact

N/A

6. Other implications

Risk and Risk Management – Risk managed by procuring a contract for a Lead Designer and sub-consultant team from the new Be First Designer Framework to ensure quality and value.

Property / Asset Issues - None

7. Consultation

Consultee	Name/Title	Date consulted
Investment Panel	Investment Panel approved the drawdown of the LUF grant to fund the predevelopment costs.	November 2023
Be First Board	Set up of Designer Framework	4 th September 2023

Assets & Capital	As part of subject Cabinet paper	July 2024
Cllr Geddes Regen Board	As part of subject Cabinet paper	August 2024
<p>8. Corporate Procurement</p> <p>(Implications completed by: (name and title of senior Procurement Officer))</p>		
<p>9. Financial Implications</p> <p>Implications completed by: (name and title of senior Finance Officer)</p> <p>9.1 (This section to be completed only by a senior Finance Officer (i.e. the Corporate Director, Divisional Director, or Group Manager))</p>		
<p>10. Legal Implications</p> <p>Implications completed by: (name and title of senior Legal Officer)</p> <p>10.1 (This section to be completed by a senior Legal Officer (i.e. Head of Legal, Legal Group Manager, Principal or Senior Lawyer and ONLY where decision is a Key Decision or involves a High Value Contract))</p>		
<p>11. Documents considered by decision-maker in making decision</p> <p>Appendix 1 – Investment Panel Report November 2023.</p>		
Officer decision	<p>Having reviewed and taken account of the matters stated and documents listed in this report and having consulted with the persons/bodies identified in this report, and being satisfied that the decision(s) is/are in the best interests of the Council, I hereby agree and approve the Recommendations set out in this report.</p>	

	<p>Signed</p> <p>.....</p> <p>.....</p> <p>Officer Title</p> <p>.....</p> <p>.....</p> <p>Date</p> <p>.....</p> <p>.....</p>
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<p>List of appendices:</p> <p>(Please submit appendices as separate documents to the main report. Appendices should be numbered clearly and consecutively on the top right-hand corner of the page, i.e., Appendix 1, Appendix 2, etc. There needs to be a clear reference to the appendix in the body of the report. Old reports should not be attached as appendices but instead listed as background papers.)</p>
<p>Background Papers Used in the Preparation of the Report:</p> <p>(List here any public documents used in the preparation of the report, including reference to previous reports, and state the web address where they are available.)</p>
<p>Report Author:</p> <p>Contact Details: Alex Peck</p> <p>Tel: 07925 357047</p> <p>E-mail: alex.peck@befirst.london</p>