

Notice of Meeting

OVERVIEW AND SCRUTINY COMMITTEE

Wednesday, 11th September 2024 - 6:30 pm
Council Chamber, Town Hall, Barking

Members: Cllr Glenda Paddle (Chair); Cllr Dorothy Akwaboah (Deputy Chair); Cllr Andrew Achilleos, Cllr Manzoor Hussain, Cllr Donna Lumsden, Cllr Regina Rahman, Cllr Paul Robinson, Cllr Muazzam Sandhu, Cllr Phil Waker and Cllr Mukhtar Yusuf

Co-Opted Members (for education matters only): Rev. Mark Adams, Sarfraz Akram, Sajjad Ali and Glenda Spencer

By Invitation: Cllr Ashraf, Cllr Geddes and Cllr Dominic Twomey

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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 9 July 2024

4. BDMS Update report – Responsive Repairs Performance

5. **Planning Obligations Supplementary Planning Document (SPD)**
6. **Revenue Budget Monitoring 2024/25 (Quarter 1, June 2024)**
Report to follow
7. **Work Programme**
The Committee are asked to note the work programme.
8. **Any other public items which the Chair decides are urgent**
9. **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 Council meetings such as the Overview & Scrutiny Committee, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 as amended).
There are no such items at the time of preparing this agenda.

10. **Any 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 OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 9 July 2024
(7:13 –9:12 pm)

Present: Cllr Dorothy Akwaboah (Deputy Chair), Cllr Paul Robinson, and Cllr Muazzam Sandhu

Apologies for Absence: Cllr Achilleos, Cllr Hussain, Cllr Paddle, Cllr Waker and Cllr Yusuf.

45. Declaration of Members' Interest

There were no declarations of interest.

46. Minutes - To confirm as correct the minutes of the meeting held on 17 April 2024

The minutes of the last meeting on 17 April 2024 were confirmed as correct.

47. Update on Quality of schools' recovery post Covid 19

The Commissioning Director of Education, the Head of School Performance and Partnerships, and the Cabinet Member for Educational Attainment & School Improvement presented an update on the quality of schools' recovery post Covid 19 to the Committee.

In 2023, A-level results within the Borough were highest it had been with 98.4 students receiving A*-E grades. This was higher than both the London average and the National average. There were also improvements for Looked After Children meeting almost all attainment categories with an exception to those in KS4 Average Progress 8 score which was rated Grade C.

There were ongoing difficulties with pupil attendance which had worsened to 7% from the previous year. The main area of concern was on absenteeism in primary and specialist schools, related to family issues. The primary and secondary exclusion rate was below the national average; however, the rates had continued to rise. The Council has invested in programmes for alternative provisions which aided in keeping children in education and returning them to school.

Schools within the Borough were coping with high levels of mental health and anxiety problems with initiatives in place to mitigate issues, such as mental health teams within schools. Schools had seen an increase in demand for Education, Health and Care Plans (EHCP) and an impact due to the cost-of-living crisis on students.

Staff absence rates had remained high in school when compared to pre-covid. There were recruitment issues particularly around Teaching Assistants (TA) and other specialists. Work was underway with the Council and the virtual headteacher in collaboration with the local authority apprenticeship levy team to create a career structure for TA.

A question was posed regarding opportunities for TA's to use the apprenticeship levy to progress into becoming qualified teachers. The Head of School Performance and Partnerships explained to the Committee that there was a mapped-out programme which would encourage TA's to progress into becoming a qualified teacher.

A question was asked regarding provisions for children that did not get the required grades to move onto further education. In response to the question, the Head of School Performance and Partnerships explained to the Committee that children were able to retake their GCSE's. The Council was looking into allowing children to re-sit their GCSE within their own schools rather than attending Barking and Dagenham College. Schools were also creating level two and three pathways for children going onto A-Levels. Work was being undertaken with schools to share good practice with the hope of driving improvement in A-Level results. The Barking and Dagenham School Improvement Partnership (BDSIP) was also proposing new ideas to schools for improving A-Levels.

The Committee inquired on what factors may have contributed to the increase in student absences. It was explained to the committee that the social contracts between families and schools were broken during Covid-19 which schools were trying to rebuild. Poverty and the cost-of-living crisis were also contributing factors to student absences.

In relation to a question the Committee had asked around support for students with mental health and anxiety, the Head of School Performance and Partnerships explained that there was trauma informed practice which was embodied in the Council's practises. Schools used 'Thrive' which supported mental health of all children. There were trained adults in every school including some community hubs that allowed children to discuss their issues. Schools worked with Anna Freud initiative which had provided schools with practitioners that specialised in children's mental health. Often the cause for mental health and anxiety in students were the stresses and mental health of the adults, there was some support schools offered to adults.

A question was raised by the committee on the plans to deal with the challenge of recruitment and retention of Special Educational Needs and Disabilities (SEND) staff. The Committee were advised that all schools had Special Educational Needs and Disabilities Coordinators (SENDCo's). A lot of time was spent on training school staff on teaching SEND children. The Council provided schools with Additional Resource Provisions (ARPs) which were small specialist schools within

the mainstream schools. Along with recruitment issues of SEND staff within schools, there was also recruitment issues in the centralised services. Services such as speech and language therapy were impacted by recruitment issues as there was a demand for therapist, however, the Council had taken steps to mitigate the recruitment stresses on the centralised services. There was an advisory professional in speech and language therapy that had trained teaching staff within schools. The Council was also growing its own educational psychologist by appointing trainees two years before they were qualified.

The Committee inquired on what was being done to deal with children's hunger issues in schools. In response to the question, the Head of School Performance and Partnerships explained that many schools had breakfast clubs with many providing free meals to children. There were free school meals available in all schools. Additionally, some schools within the Borough ran their own food banks for their children.

The report was noted.

48. Update: How are we incorporating Race & Social Justice work into our schools' education programmes

The Commissioning Director of Education, Strategy, Commissioning & Intelligence Lead, the Culture & Wellbeing Lead of Education and the Cabinet Member for Educational Attainment & School Improvement presented the update on how we are incorporating Race & Social Justice work into our schools' education programmes.

The Race and Social Justice (RSJ) project was started in 2021 supported by three years of seed funding. BDSIP was commissioned to work in partnership with schools to develop a school led initiative. The initiative was reflected in three themes which were:

- Student experience and inclusion;
- Staff experience, including recruitment and progression; and
- Curriculum.

The project developed its own RSJ charter that had a series of commitments which it had asked schools to look at. A self-evaluation tool was developed to enable schools to track what was running well and what needed improvement. The RSJ initiative was highlighted in the Education and Participation Strategic Plan for 2023 – 2026. The plan led to a wider strategy with the development of the Best Chance Strategy.

Extensive work was done on developing cultural and creative opportunities for young people with various programmes such as The Royal Opera House Create & Dance, The Story of Me, and many programmes around the new film studios in

Dagenham. This included The Film Skills and Education, the Crew Room Academy and the Film Enterprise Competition.

The Committee noted the work undertaken around the film industry; however, it queried what work was dedicated to other industries. The Culture and Wellbeing Lead reassured the committee that the Council supports all the Borough's secondary schools with their carer events. There were several secondary schools that had dedicated its carers events to the creative and cultural digital industries. There was extensive work underway for food education including nutrition and catering in relation to the three wholesale markets that will be moving to the Borough.

The Committee questioned why there were nine schools within the Borough that were not active with the RSJ project. The Commissioning Director of Education explained that there was originally 14 schools that were not active with the RSJ project; however, since the Director of Education wrote to the schools, five of the 14 schools had started to engage with the RSJ project. The Commissioning Director clarified to the Committee that although the nine schools were not engaging with the RSJ project, it did not mean they were not doing work on race and social justice within its school, it only meant that for various reasons the schools were not active in the program. The method used to engage with schools was important, there was a challenge of connecting the hearts and minds of the Council and the RJS project with the remaining nine schools.

The Committee commented that the report update was encouraging, and it was pleased to hear of the additional five schools joining the RSJ initiative.

The Committee agreed the recommendations within the report.

49. Metropolitan Police Update

Superintendent David Rhodes, Chief Inspector Mahmood, Operational Director Enforcement Regulatory Services and Community Safety, and the Cabinet Member for Enforcement & Community Safety presented the Metropolitan Police update to the committee.

Since the last meeting, there had been a restructure of the Neighbourhood Policing Team (NPT) within the borough. The restructure had increased the accountability and improved performance and accessibility of the police.

There had been many achievements made by the Metropolitan Police within the last six months which had included:

- The creation of a dedicated Heathway Team;
- Cluster days of Action including changes to Days of Action;
- Greater collaboration with the Community safety Partnership;

- Continued funding of Community Engagement Task Force (CETF) Officers;
- First Facial Recognition Operations;
- Local Cluster Updates; and
- The Introduction of the community Multi-Agency Risk Assessment Conference (MARAC) and task and finish group.

There had been a reduction in several offences which included Personal Robbery, Residential Burglary, Theft of Motor Vehicle and interfering with a Motor Vehicle. There was concern around the number of Theft Person cases which had increased within the borough. The Metropolitan Police had moved to a new data system called Connect; however, there were still issues around legacy data which were being addressed.

The Committee inquired about a spike in the number of Domestic Violence referrals when the Connect system was first introduced. Superintendent Rhodes explained to the Committee that when the Connect system went live, there was two systems that contained data which may have resulted in the spike.

There was a challenge around the perception of safety for residents with many believing the level of crime were higher than what was recorded. The Metropolitan police had published good news stories using social media to combat the negative perception of safety.

The Metropolitan police had proposed plans for further community projects within the borough which included “Meet Your Street” in which Dedicated Ward Officers (DWO’s) and Police Community Support Officers (PCSOs) were tasked to attend every road within their ward. There were also planned open days as well as Senior Engagement with the Volunteer Police Cadets (VPC).

The Committee raised concerns on public perception of the facial recognition operations including the collection of the public’s data. Superintendent Rhodes explained that briefings have been sent out to reassure people of the facial recognition operations. The facial recognition database would only store images of those who are wanted, it would automatically delete any of the public’s images.

The Committee inquired about the police at Dagenham Heathway. It was suggested that operations could only be done every six months and was focused on the shopping mall rather than the train station where there was more footfall. In response, Superintendent Rhodes informed that there was no restriction on how often operations can be carried out; however, there was only a small team across the Metropolitan police, so it was limited to a threat and risk bases.

There were concerns around the growing homelessness population within the borough. There was a negative perception that crime rates would increase with the increased homeless population. Superintendent Rhodes clarified that it was a societal issue in which all public services needed to work together to tackle. The

Metropolitan police work with partners such as local authorities to support vulnerable people; however, there were times the police had to take enforcement action. Chief Inspector Mahmood explained that the police worked closely with the local authority with a problem-solving approach such as a RAG system which prioritised the most vulnerable people.

The Committee asked if the decrease in crime rates was due to residents not reporting crimes. Superintendent Rhodes explained that the reporting of crime varied on the crime type. Crimes that involved robbery tended to be reported more due to the process of reclaiming back the value from insurance, historically some types of crime such as hate crime were underreported.

The Committee asked about how the “Meet Your Street” project would be communicated to residents. In response to the question, there would be information posted through social media including newsletters published on Twitter. The Police also looked for support from the local authority, the partners and ward councillors.

The Committee commented that there was little information with regards to the recent violence issues within the borough such as the recent gun incident and asked if it was gang related. Superintendent Rhodes explained that certain details were confidential and therefore not published to the public; however, the Metropolitan Police ensure there were regular updates on significant instances sent to local authorities. There was no current information that suggested that the four recent significant incidents were gang related.

A question was asked on where the officers were sourced for the Heathway launch of the facial recognition operations, as well as general visibility of police officers across the Borough. It was explained to the Committee that there was a small increase in additional police staff for the Heathway team. There were 10 vacant PCSO positions available within the Borough; however, there was a recruitment issue across the Metropolitan police.

The Committee agreed the recommendations within the report.

(Standing Order 7.1 (Chapter 3, Part 2 of the Council Constitution) was extended at this juncture to enable the meeting to continue beyond the two-hour threshold).

50. Work Programme

The Committee noted the work programme

OVERVIEW AND SCRUTINY COMMITTEE

11 SEPTEMBER 2024

Title: BDMS Update report – Responsive Repairs Performance	
Report of the Strategic Director, My Place	
Open Report	For Information
Wards Affected: All	Key Decision: No
Report Author: Leona Menville, Strategic Director, My Place	Contact Details: E-mail: (Leona.menville@lbbd.gov.uk)
Accountable Strategic Leadership Director: Leona Menville, Strategic Director, My Place	
Summary This report provides a detailed overview of the performance of Barking & Dagenham Management Service (BDMS) in managing the repairs and maintenance for LBBB properties during the period from April 2024 to July 2024. As a council, we are pleased to report significant progress in the reduction of legacy jobs and an improvement in resident satisfaction. However, we continue to face challenges, such as an increase in open jobs out of target, issues with damp and mould delivery, and high levels of legal disrepair cases. This report not only highlights these challenges but also outlines strategic recommendations that we are implementing to address them. Our goal is to enhance service delivery, improve resident engagement, and ensure the long-term sustainability of our repairs and maintenance service.	
Recommendation(s) The Overview and Scrutiny Committee is recommended to: (i) Note the progress made since the previous report in March 2024; (ii) Agree to receive a further report detailing the service recovery plan for challenges articulated in the report, later in the year; and (iii) Continue to monitor and challenge the performance of the BDMS responsive repairs service over the coming 12 months.	

1. Introduction

1.1 As a responsible local authority, we are committed to adhering to the Government's Consumer Regulations, which provide the necessary framework for delivering high-quality housing services, including repairs and maintenance. Compliance with these regulations is not merely a requirement but a crucial aspect of our duty to ensure the

safety and well-being of our residents. Moreover, effective repairs and maintenance are vital for preventing potential legal disputes and safeguarding the financial health of the council. It is within this context that we have undertaken a thorough review of BDMS's performance over the past four months.

2. Objective

2.1 The primary objective of this report is to provide a comprehensive assessment of BDMS's performance during the period from April 2024 to July 2024. We have focused on key performance indicators such as job completion rates, Resident satisfaction, and the effectiveness of resource allocation. Building on the findings from our previous review in March 2024, we have developed actionable recommendations that aim to further improve the service and address the ongoing challenges we face.

3. Key Achievements

- **Legacy Job Reduction:** One of the most significant achievements during this reporting period is the reduction in legacy jobs—those that have remained unresolved for an extended period. We successfully reduced the number of legacy jobs from 171 in November 2023 to 59 by January 2024, representing a 65% decrease. As of April 2024, we are happy to report that there are no outstanding legacy jobs, marking a 100% reduction. This achievement underscores the effectiveness of our backlog management strategies, which have now allowed us to free up resources and focus on new and emerging repair needs.
- **Resident Satisfaction:** We also saw a slight but noteworthy improvement in Resident satisfaction, as measured through our regular surveys. Resident satisfaction increased from 76.1% in November 2023 to 76.3% in January 2024. While this increase may seem modest, it was a positive indication that our efforts to enhance service delivery was having an impact. This is supported by our current performance at the end of July 2024, at 81% satisfaction.
- **Void Management:** The management of void properties—those that are vacant and awaiting reoccupation—has also shown positive progress. We reduced the number of open void properties from 62 in the previous quarter to 47 in January 2024, representing a 24% improvement. Over the past four months, from April to July 2024, we have continued to focus on reducing void turnaround times, and these currently sit at 31 open cases with an average turnaround time, across all voids within the current financial year of 24.2 days. During 2023/24 the average turnaround times were 53 days from a high of 61.5 the previous year 2022/23.

4. Contractual Arrangements

BDMS operates under a Service Level Agreement (SLA) with My Place (LBBD), which includes a set of key performance indicators (KPIs) designed to measure the efficiency and effectiveness of the service. These KPIs include targets such as a 95% completion rate for emergency repairs within 24 hours and an 85% Resident satisfaction rate. We regularly review and audit performance against these standards to ensure compliance and to identify areas where improvements can be made.

5. Performance Report (April 2024 – July 2024)

The BDMS performance from April to July 2024 is set out in a series of graphs and charts contained in **Appendix A**, to this report.

The data presents a varied picture, indicating both substantial progress in some service areas and significant concerns in others. We are continuing to work collaboratively with BDMS to ensure service quality and continuous improvement in our delivery.

Set out Below is a detailed analysis of the key performance areas:

6. Resident Satisfaction

- **Current Performance:** Resident satisfaction reached 81% in July 2024, which is a great achievement. This figure reflects a high level of satisfaction among most residents with the repair services provided during this period, indicating that most of our services are meeting resident expectations.
- **Areas Needing Attention:** Despite the overall positive trend, it is important to acknowledge that 19% of residents expressed dissatisfaction with the services received. This feedback is critical for identifying specific pain points and areas where our service delivery is not fully aligning with resident expectations.
- **Next Steps:** We will continue to closely monitor satisfaction levels and undertake a thorough analysis to identify trends or recurring issues. By understanding the factors contributing to both high and low satisfaction, we will be able to make informed adjustments to our processes and address any gaps in service delivery.

7. Voids Management

- **Current Performance:** There are currently 31 open void jobs. The average turnaround time for void completions has been reduced significantly to 24 days in the current fiscal year (FY24/25) from 53 days in the previous year (FY23/24). This marks a substantial improvement in our efficiency and effectiveness in managing voids.
- **Challenges:** While the faster turnaround is encouraging, it is important that this efficiency does not come at the expense of quality. It is important for us to maintain high standards of work to prevent any compromise in safety or quality due to accelerated processes.
- **Next Steps:** Ongoing monitoring to balance speed and quality is in place. We will continue to regularly review our void management practices to ensure that efficiency gains are not leading to a reduction in service standards.

8. Repairs Management

- **Current Performance:** We currently have 2,131 open repair jobs, which is within our target range and considered manageable, particularly during the summer months.

- **Areas Needing Attention:** However, 27.5% of these repairs are overdue, which is a significant concern. Overdue repairs can exacerbate existing issues, potentially leading to increased repair costs and lower resident satisfaction.
- **Challenges:** The high percentage of overdue repairs suggests potential inefficiencies within our repair management processes. This could stem from delays in scheduling, material shortages, or insufficient workforce capacity.
- **Next Steps:** A comprehensive review of our prioritisation and workflow processes is underway to determine if there is a mismatch between current resources and demand. Identifying the root causes of these delays will enable us to implement targeted solutions to reduce the backlog.

9. Damp and Mould Repairs

- **Current Performance:** There are currently 223 open damp and mould repair jobs, with 50.7% of them overdue. This high rate of overdue repairs is particularly alarming given the serious health risks associated with damp and mould, especially for vulnerable residents.
- **Why This Matters:** Damp and mould issues can lead to significant health problems, including respiratory conditions, particularly among children, the elderly, and residents with pre-existing health conditions. This backlog indicates potential systemic issues, and we are urgently reviewing whether we have sufficient expertise and specialised resources and are using our risk assessment procedures consistently.
- **Risks:** If not addressed promptly, these delays could damage our reputation, lead to increased resident complaints, and even result in legal action or regulatory scrutiny.
- **Next Steps:** We have developed a targeted action plan to address these high-priority damp and mould cases more effectively. This includes deploying additional specialised teams and enhancing our risk assessment and management processes to mitigate these issues swiftly. We anticipate that normal tolerance levels will be restored by end of Q3, 2024.

10. Emergency Repairs

- **Current Performance:** The year-to-date performance for emergency repairs stands at 86.3% for FY24/25, a marked improvement from 69.9% in FY23/24. This positive trend demonstrates improved responsiveness and capability in handling urgent situations, which is crucial for resident safety and comfort.
- **Next Steps:** To sustain this level of performance, particularly during peak demand periods or unforeseen crises, we will continue refining our emergency repair processes. Our aim is to prevent further damage and maintain high safety standards by maintaining these improvements.

11. Legal Disrepair Cases

- **Current Performance:** There are currently 108 open legal disrepair cases. These are essentially unresolved issues that have escalated to the point of legal action, resulting in potentially avoidable actions/costs.
- **Challenges:** These cases highlight the need for us to develop more proactive maintenance strategies and improved communication with our residents. We acknowledge that addressing concerns before they escalate into legal disputes is essential for us maintaining positive relationships with our residents and minimising costs.
- **Next Steps:** A thorough review of all open legal disrepair cases is being undertaken to understand the underlying and root causes. We aim to implement a more proactive maintenance strategy and enhance our communication efforts to prevent new cases from arising and expedite the resolution of existing ones. During this reporting period, BDMS has demonstrated progress in several key areas, As noted above. We are also encouraged by the continued increase in Resident satisfaction and improvements in void turnarounds. The current WIP level is within expected tolerances but the current 477 overdue jobs equivalent to 22.5% of all jobs remains a concern.

12. Key Actions Moving Forward

- **Improve Repair Efficiency:** Focus on reducing the backlog of overdue repairs by optimising scheduling processes, increasing workforce capacity, and improving supply chain management.
- **Address Damp & Mould Repairs:** Develop and deliver more specialised strategies and task forces to effectively handle these high-priority cases.
- **Maintain Emergency Repair Standards:** Continue to refine emergency repair processes to ensure sustained improvement and prevent deterioration.
- **Reduce Legal Disrepair Cases:** Increase proactive maintenance and resident engagement to resolve issues before they escalate and prevent new cases from developing.
- **Continuous Monitoring and Feedback:** Regularly review performance data to identify trends, quickly address emerging issues, and maintain high service standards across all areas.

13. Risk Assessment and Contingency Plans

In our commitment to transparency and proactive management, we are developing an improved joint risk register with BDMS to help us identify and mitigate potential risks that could impact the delivery of our repairs and maintenance services. Key risks identified include a high management turnover rate within BDMS, seasonal repair demands, operative sickness levels, inflationary increases and potential supply chain disruptions.

To address these risks, we are scenario planning a series of contingency plans. For example, we are exploring temporary staffing solutions to address high turnover rates, and how we might pre-emptively order materials during now ahead of our winter peak season to ensure continuity of service. The updated shared risk register, setting out current positions and mitigations, will be shared in future updates to the Overview and Scrutiny Committee (OSC).

14. Resident Engagement and Feedback

We know that understanding and responding to our resident needs is central to our service delivery approach. To gain deeper insights into resident satisfaction, BDMS have introduced a new daily transactional survey that captures real-time feedback from residents. This initiative has already resulted in an increase in actionable feedback, and early indications suggest that it is helping to reduce the number of follow-on complaints received by the service. We are currently analysing the data from this survey, and we will provide a comprehensive update on its impact in future reports to the OSC.

15. Long-Term Strategic Vision

We recognise that the long-term success of our repairs and maintenance service depends on our ability to adapt to future challenges while continuing to meet the evolving needs of our residents. To this end, we are developing a long-term strategic plan that will guide the future direction of the service. This plan will include clear goals for service delivery, financial sustainability, and workforce development. We are also considering the potential challenges posed by a projected 10% increase in housing demand over the next five years and the impacts of climate change on our ageing housing stock. We are working closely with BDMS to ensure that this strategic plan is robust and future-proof.

16. Staffing and Resource Allocation

The high management turnover within BDMS, coupled with the loss of experienced workers, has significantly impacted our ability to deliver services effectively in recent months. We are actively addressing this issue by reviewing our operating structures and placing a strong emphasis on skill development and career progression. We are also increasing the number of multiskilled operatives and exploring apprenticeship opportunities to build a more resilient workforce. In addition, we are conducting a detailed review of current resource allocation to identify inefficiencies and determine where additional resources are needed to meet service level agreements.

17. Technology and Innovation

The current IT system, Accuserv, is a critical component in managing the repairs process, but we recognise that there are areas where improvements are needed. BDMS are exploring opportunities to upgrade the system to enhance job tracking, scheduling, and communication between teams. Some improvements are expected to be delivered in Q3, 2024. Additionally, we are considering the integration of predictive maintenance tools that can anticipate repair needs based on data trends. This proactive approach could help us prevent issues before they escalate, ultimately reducing emergency repair requests. BDMS are working closely with Accuserv to identify and implement further system improvements.

18. Impact Assessment

The impact of our repairs and maintenance service extends beyond simply maintaining housing standards. By ensuring that homes are safe and habitable, we contribute to social stability, resident well-being, and economic productivity. We are currently planning to conduct a comprehensive impact assessment to quantify the broader benefits of an effective repairs service. For example, addressing issues like damp and mould can reduce healthcare costs by preventing respiratory problems.

The results of this impact assessment will provide valuable insights and will be shared with the OSC once the work is completed.

19. Financial Projections

We acknowledge that accurate financial projections are essential for effective planning and budgeting. We are working collaboratively with BDMS to project future costs based on current trends, particularly in areas such as legal disrepair, staff turnover, and potential for increased demand for repairs. Our goal is to identify areas where we can achieve efficiency savings without compromising service quality. In addition, we will conduct a detailed cost-benefit analysis to account for potential cost increases due to inflation, changes in demand, and the adoption of new technologies.

These financial projections will help us ensure the long-term sustainability of our repairs and maintenance

20. Regular Updates and Monitoring

To ensure ongoing oversight and accountability, we are committed to providing the OSC with regular updates on our performance against key metrics, progress against agreed improvements, and any emerging challenges and opportunities. This approach means that we maintain transparency and remain focused on delivering high-quality services to our residents.

21. Legal Disrepair

Managing legal disrepair cases is an ongoing challenge that we are addressing through a joint improvement initiative involving LBBB's legal team, the repairs client, and the repairs contractor. While we have seen improvements in this area, the high levels of legal disrepair indicate that more work is needed to address underlying issues in the repairs process. Our future plans include developing standardised procedures for managing these cases, increasing staff training on handling legal issues, and fostering closer collaboration with legal teams to ensure that all repairs are compliant with relevant legislation. A detailed action plan is being developed to provide a more holistic approach to dealing with disrepair cases. This action plan will be presented to OSC with regular updates thereafter.

22. Resident Satisfaction

Resident satisfaction remains a key indicator of the success of our repairs service. We are encouraged by the positive trend in satisfaction scores, which have risen to an average of 76.3% from May to December 2023, up from 42.8% in the previous fiscal

year. To its current position of 81%. This improvement reflects the impact of our recent service enhancements and our ongoing efforts to engage with residents and respond to their needs. To maintain and further improve Resident satisfaction, we will continue to monitor feedback daily, allowing us to quickly identify and address any emerging issues.

23. Benchmarking Costs

In our previous report, we compared BDMS unit costs with those of other boroughs and found that our overall unit cost was the second highest. This finding underscores the need for efficiency improvements and cost reductions to bring us in line with our peers. We are currently exploring potential areas for cost reduction, including analysing the balance between responsive repairs and planned maintenance, staffing levels, and other operational expenses. Additionally, we are investigating alternative service delivery models, such as outsourcing and market testing for value for money (VFM) as recommended by the OSC. Our ongoing work and updates on this will be reported to the OSC in due course.

One of the areas we are keen to explore is incorporating carbon footprint analysis into our cost benchmarking. By doing so, we aim to gain insights into the environmental impact of our repairs service. For example, transitioning to electric vehicles for maintenance crews and using sustainable materials could potentially reduce our carbon footprint by 30% over the next five years. We will also track sustainability KPIs, such as the percentage of repairs using recycled materials, to measure our progress toward environmental goals.

24. Critical Challenges

- **Damp and Mould Issues:** Damp and mould remain significant challenges, with cases now standing at 231. These issues not only affect the comfort and health of our residents but also pose serious risks to the integrity of our housing stock. We recognise the urgency of addressing these cases to prevent further deterioration and potential legal actions against the council.
- **Management Turnover and Planning Disruptions:** High management staff turnover, along with issues such as high sickness levels, currently sitting at an average of 20.6 days per operative and the potential anticipated departure of temporary staff aimed at achieving cost savings, will disrupt service planning and delivery, just as we approach the winter months. Such instability would likely result in delays in job completions and negatively impacted BDMS's ability to meet target completion times, particularly for emergency and routine repairs and affect resident satisfaction levels.
- **Legal Disrepair:** While there have been improvements in managing legal disrepair cases, the levels remain high, with 108 cases still active as of July 2024. Legal disrepair cases not only represent a potential financial liability for the council but also indicate deeper systemic issues within the repairs and maintenance process.

Addressing these underlying issues is critical to reducing the number of legal disrepair cases and the associated costs.

25. Strategic Recommendations

- **Enhance Resource Allocation:** Given the complexity of damp and mould repairs, and disrepair cases, we recommend that BDMS allocates additional resources to these areas with the appropriate management oversight. This could involve increasing the number of staff dedicated to managing damp and mould and disrepair cases by 20%, investing in targeted training, and optimising the distribution of current resources to better address high-priority areas.
- **Implement Robust Risk Management:** We believe it is essential for BDMS to improve and implement their risk management strategies. This includes creating a detailed risk register that assesses the likelihood of risks such as high staff turnover, seasonal increases in repair requests, and supply chain disruptions. High-probability risks should be prioritised in our mitigation efforts. We will also establish contingency plans to ensure consistent service delivery even during periods of heightened winter demand.
- **Increase Resident Engagement:** To ensure that our repairs service remains responsive to resident needs, we are enhancing our system for capturing and acting on resident feedback. We plan to introduce ongoing surveys and focus groups to gain deeper insights into resident satisfaction and identify areas needing improvement. This approach will allow us to make informed decisions and continuously improve the service.
- **Leverage Technology for Efficiency:** Upgrading or replacing the current IT system, Accuserv, is critical to streamlining operations, reducing delays, and enhancing the accuracy of job tracking. Planned for Q3, 2024 We are also exploring the integration of predictive maintenance tools, which could enable us to anticipate repair needs based on data trends, potentially reducing emergency repair requests by up to 25%. Additionally, we plan to launch a new mobile app for residents to report issues and track repair progress in real time by Q3 2024.

26. Conclusion

This report highlights significant progress in some areas such as Resident satisfaction and the reduction of legacy jobs, while also raising ongoing challenges in managing the complexities of damp and mould and general disrepair issues. Several other strategic risks are also highlighted to allow ongoing monitoring by the OSC. These include—enhanced resource allocation, robust risk management, and long-term strategic planning.

We are committed to regular monitoring and will provide ongoing updates to the Overview and Scrutiny Committee to maintain transparency and accountability as we continue to adapt to future challenges

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

List of appendices:

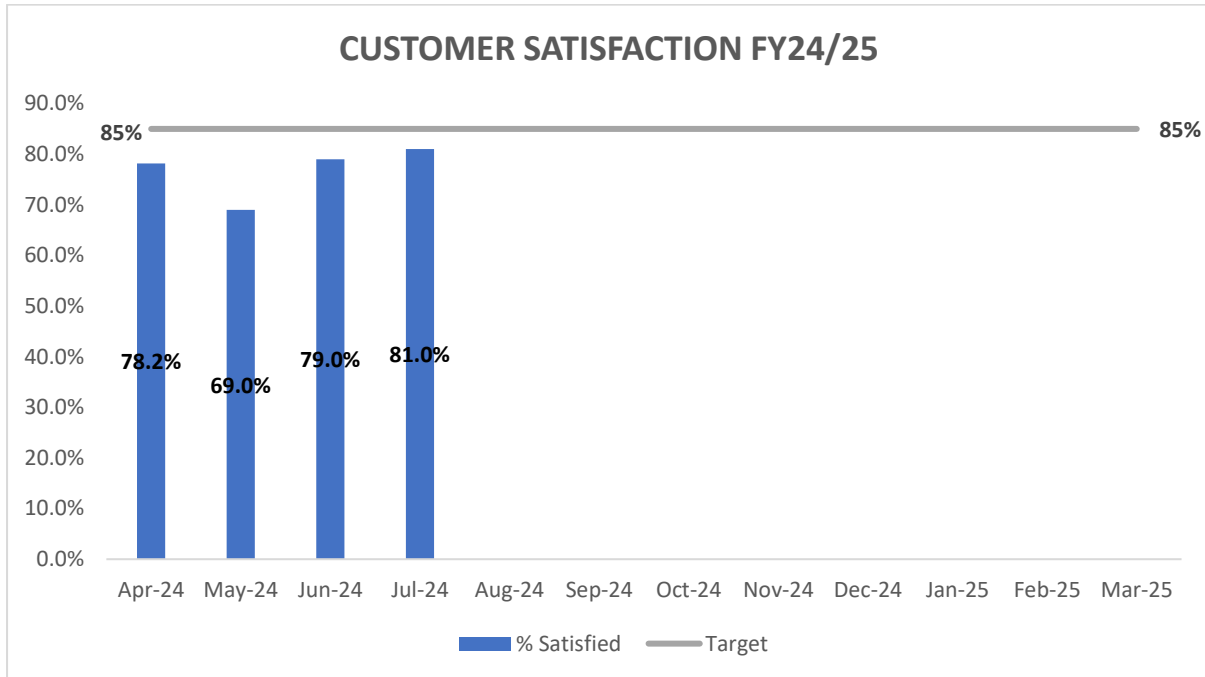
- Appendix A – OSC Performance Update July

PERFORMANCE REPORT FOR OSC

APRIL TO JULY 24

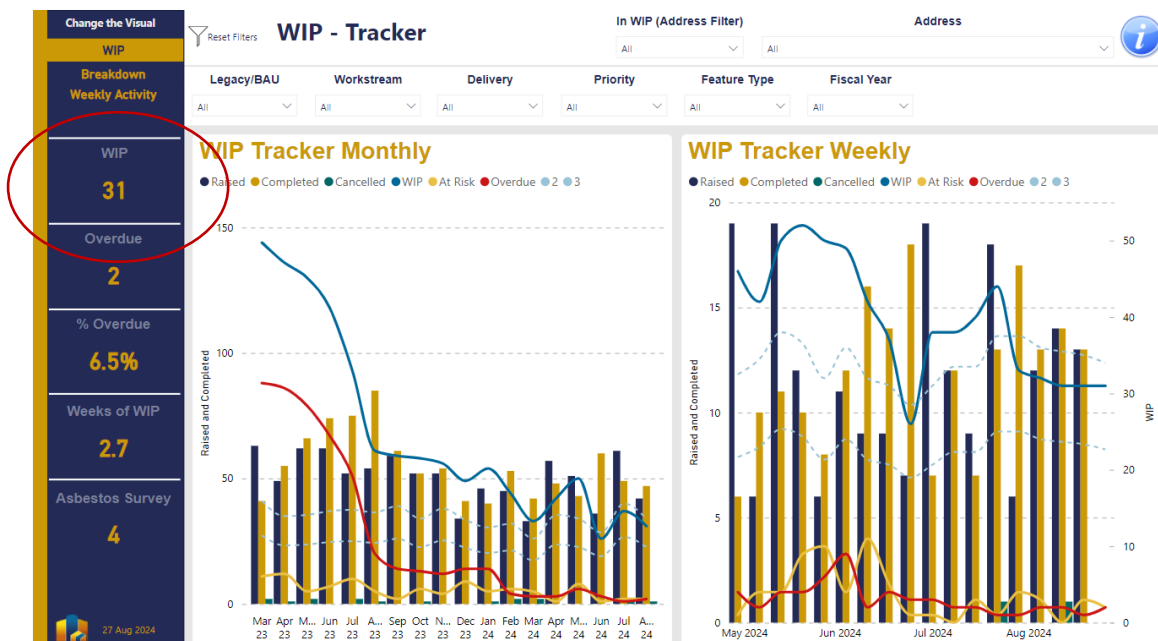
CUSTOMER SATISFACTION

- Reached 81% in July 24



VOIDS

- Currently 31 open void jobs



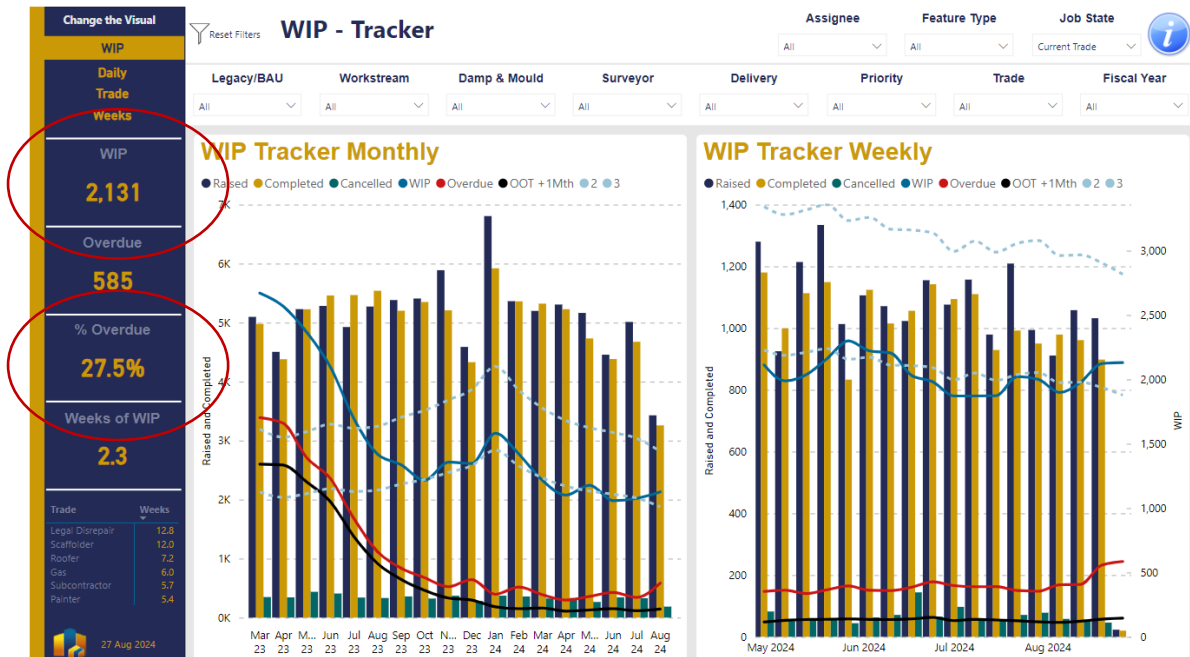
VOIDS

- Currently running at 24 days average turnaround across all void completions in FY24/25 compared to 53 days average in FY23/24



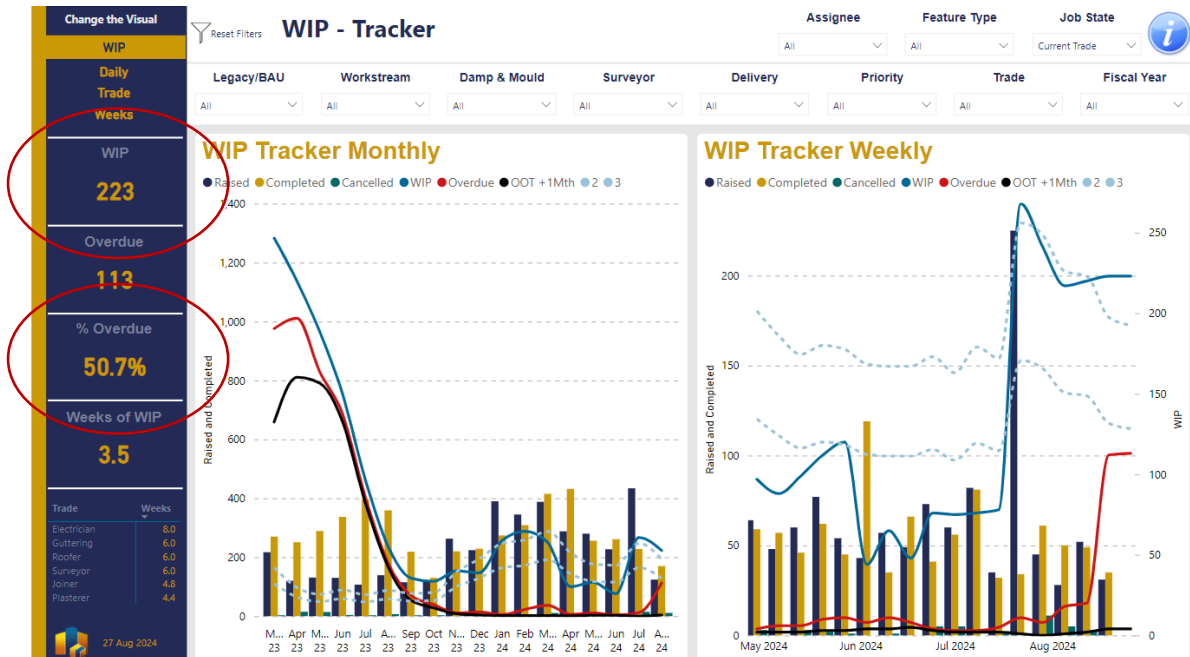
REPAIRS

- 2,131 OPEN REPAIRS – GOOD LEVELS
- CURRENTLY 27.5% OVERDUE REPAIRS – VERY POOR



DAMP & MOULD

- 223 open repairs with 50.7% overdue – very concerning



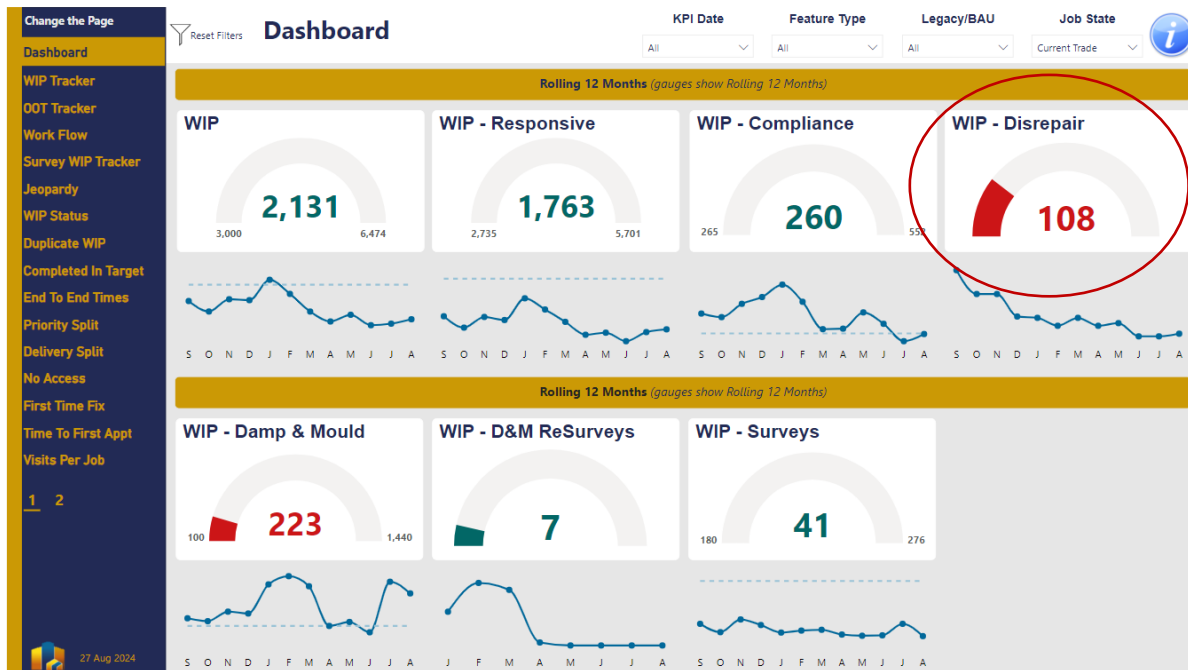
EMERGENCY REPAIRS

- YTD24/25 86.3% - much improved
- FY23/24 69.9%



LEGAL DISREPAIR

Currently 108 open cases with BDMS



OVERVIEW AND SCRUTINY COMMITTEE

11 September 2024

Title: Planning Obligations Supplementary Planning Document (SPD)	
Report of the Strategic Head of Place and Development	
Open Report	For Information
Wards Affected: All	Key Decision: No
Report Author: Tim Thomas, Head of Transport Infrastructure and Policy Planning Marilyn Smith, Head of Planning and Assurance	Contact Details: E-mail: tim.thomas@befirst.london Marilyn.smith@lbbd.gov.uk
Accountable Director: Caroline Harper, Deputy Managing Director, Be First	
Executive Team Director: Rebecca Ellsmore, Strategic Head of Place and Development	
Summary <p>This report provides an update on the Planning Obligations Supplementary Planning Document (SPD). The SPD will be considered by Cabinet and proceed to Assembly for adoption in September 2024.</p> <p>The Planning Obligations SPD accompanies the Local Plan (also progressing to Cabinet and Assembly in September) and 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. The SPD forms part of the Borough's planning framework and once adopted the SPD will be a material consideration in the determination of planning applications.</p>	
Recommendation(s) <p>The Overview and Scrutiny Committee is recommended to note the content of the SPD (which is due to proceed to Cabinet and Assembly in September for adoption) and, following the presentation, discuss any issues that Members would like to further explore with officers.</p>	
Reason(s) <p>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 provides more clarity on the distinction between S106 and the Community Infrastructure Levy (CIL) for interested stakeholders. Once adopted, the SPD will form part of the planning framework for the Borough, within the strategic framework provided by the Local Plan. It has been committed to within the Council's Local Development Scheme and the new Local Plan which will be adopted in September, subject to Assembly approval.</p>	

1. Introduction and Background

- 1.1. Collectively, planning obligations are the mechanism by which the local planning authority agrees legally binding commitments with developers to ensure that developments seeking planning consent are acceptable in planning terms. The two types of obligation in operation, Community Infrastructure Levy and s.106 obligations, are outlined below.

Community Infrastructure Levy (CIL)

- 1.2. CIL is a non-negotiable planning charge which is a tool to help the Council in delivering infrastructure to support development in their area. 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 floor space, 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.
- 1.3. 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 Strategy, provision of several new schools and medical facilities, provision of additional green (open spaces, planting etc) and blue (waterways, natural drainage etc) infrastructure, and cultural and community infrastructure to support over 40,000 new homes to be delivered during the Local Plan period.
- 1.4. There are two types of CIL charge payable in the borough: Borough CIL (Barking and Dagenham CIL) and Mayoral CIL (collected on behalf of the Mayor and typically used for major pan London projects such as the Elizabeth line).
- 1.5. There are two separate allocation processes in place for different elements of the Barking and Dagenham CIL. 85% of the Barking and Dagenham CIL collected is classified as Strategic CIL and is allocated in accordance with procedure adopted at Cabinet in October 2023. 15% of the Barking and Dagenham CIL collected is classed as Neighbourhood CIL and is allocated in accordance with procedure adopted at Cabinet in December 2017. The remaining 5% is classed as CIL admin fee and contributes towards the costs of collecting and monitoring CIL.

Section 106 (S106)

- 1.6. S106 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.
- 1.7. 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. These agreements, should only be used where it is not possible to address unacceptable impacts through planning conditions and must meet the following statutory tests to show that they are necessary to make the development acceptable in planning terms:

- 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.

Policy Approach

- 1.8. 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.
- 1.9. This Planning Obligations Supplementary Planning Document (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 LBBB's planning framework to shape delivery of future development and regeneration across the borough.
- 1.10. 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. The current IDP is available here <https://yourcall.befirst.london/13753/widgets/39553/documents/21268>. It is currently being reviewed, with an update intended for next year.
- 1.11. 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.
- 1.12. The SPD has been prepared in line with the National Planning Policy Framework (NPPF), the London Plan (2021), the LBBB Local Plan and the legislative framework provided by the CIL Regulations 2010 (as amended).
- 1.13. 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.

Why an SPD is needed

- 1.14. 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.

- 1.15. 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.
- 1.16. 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. Contributions for infrastructure such as education and health facilities will be assessed against the existing provision in the locality of the development, and regular engagement on need and future provision take place with NHS North-East London and the Council's education team.

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 is set out below:
 - 2.5.1. **Chapter 1** provides the introduction and purpose of the SPD.
 - 2.5.2. **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).

- 2.5.3. **Chapter 3** provides an explanation of S106 planning obligations, CIL and Section 278 agreements.
- 2.5.4. **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.
- 2.5.5. **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.

Response to consultation

- 2.6. Key matters raised through the consultation include:
- 2.6.1. 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.
- 2.6.2. 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.
- 2.6.3. 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.
- 2.6.4. The impact on viability – responses noted concerns over the impact of monetary contributions on viability.
- 2.6.5. 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.
- 2.8. Other key changes that have been made to the SPD include:

- 2.8.1. 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.
- 2.8.2. 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.
- 2.8.3. 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.
- 2.8.4. 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.
- 2.8.5. 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. Consultation

- 3.1 Internal consultation and workshops occurred through the development of the SPD with officers across Council.
- 3.2 Public consultation on the SPD was undertaken for six weeks between September 2022 and November 2022.
- 3.3 The SPD has been considered by the Head of Planning and Assurance and the Strategic Head of Place and Development of LBBB's Inclusive Growth directorate.
- 3.4 Consultation has also occurred with Planning Committee Members.
- 3.5 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.

4. Financial Implications

Implications completed by: Alison Gebbett, Capital Accountant

- 4.1 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.

- 4.2 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.

5. Legal Implications

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

- 5.1. 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 document.
- 5.2. 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.

6. Other Implications

- 6.1. **Corporate Policy and Equality Impact** – 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: None

List of appendices:

Appendix 1 - Planning Obligations SPD

PLANNING OBLIGATIONS

Supplementary Planning Document



**Barking &
Dagenham**



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Barking Riverside CGI

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.





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

14. 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.

15. 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.

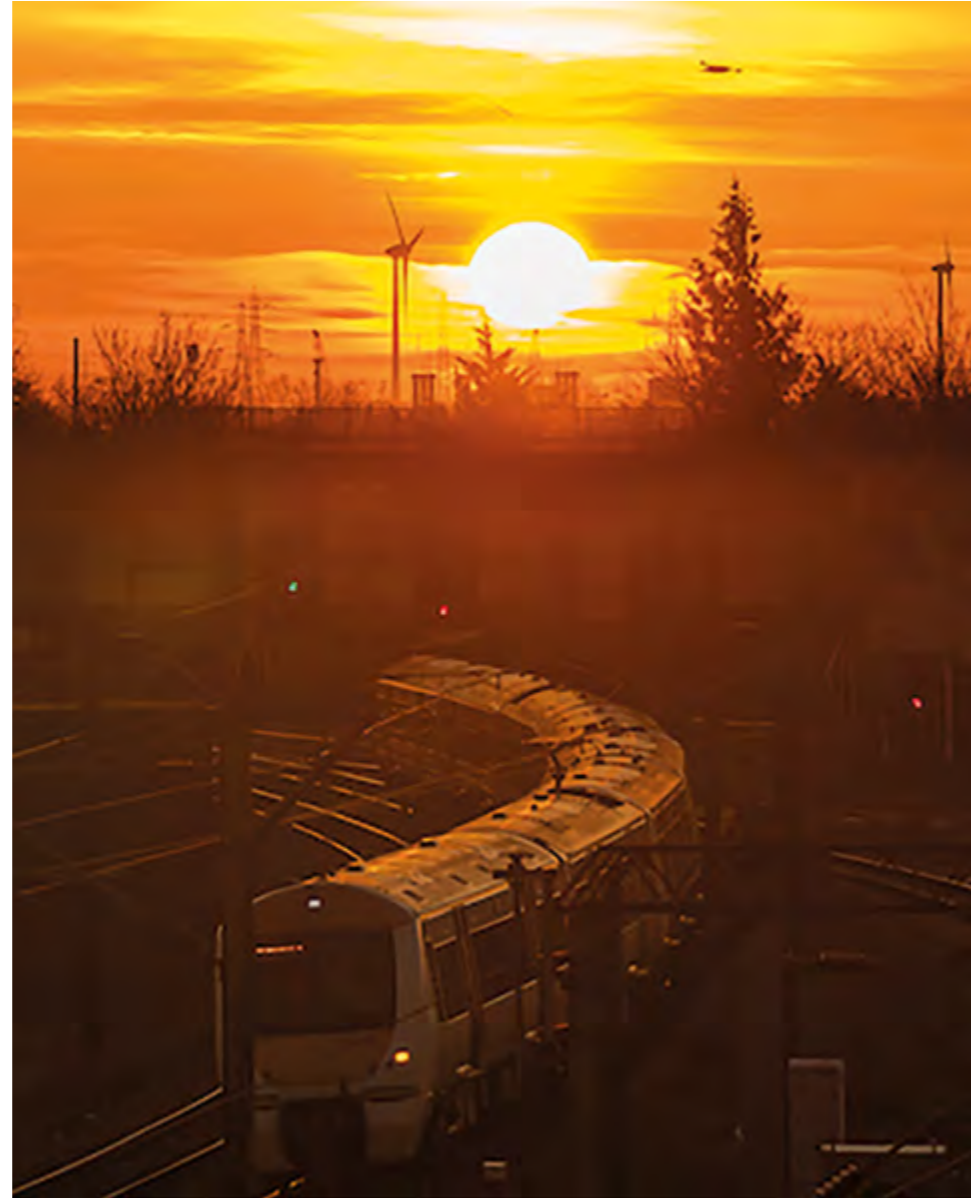
Parking

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.



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.

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/>

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.



Padnall Lake



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/sites/default/files/2023-02/Air%20Quality%20Neutral%20LPG.pdf>

Working in partnership



**Barking &
Dagenham**



Overview and Scrutiny Committee: Work Programme 2024/25

Officers must ensure reports are cleared by the relevant internal board and include legal and financial implications at least

Meeting	Agenda Items	Officer(s)	Cabinet Member/ Presenter	Executive Board Deadline	Chairs Briefing	Governance Service's Final Deadline	OSC Pre-Meeting
Wednesday, 9 October 2024	Highways Challenges	Rebecca Johnson	Councillor Haroon	12pm, Thursday 12 September	Wednesday 25 September	12pm, Tuesday 24 September	6pm, Wednesday 2 October
	Housing Inspection Readiness	Leona Menville	Councillor Ashraf				
	In-Depth Scrutiny Review	Sal Asghar	N/A				
Wednesday, 6 November 2024	Employment Support	Tess Lanning	Councillor S Bright	12pm, Thursday 10 October	Wednesday 23 October	12pm, Tuesday 22 October	6pm, Wednesday 30 October
	SEND Provision Quality and Proficiency	Jane Hargreaves	Councillor Kangethe				
TBC	Budget Strategy	S151 Officer	Councillor Twomey				
Tuesday, 3 December 2024	Housing Allocation for	Leona Menville/Elaine Allegretti	Councillor Ashraf/Councillor Worby	12pm, Thursday 7 November	Tuesday 26 November	12pm, Tuesday 26 November	6pm, Tuesday 26 November

	Vulnerable Residents Localities Update	Fiona Russell	Councillor Worby				
Wednesday, 22 January 2025	Council Companies	Fiona Taylor	Councillor Twomey	12pm, Thursday 19 December	Wednesday 8 January	12pm, Tuesday 7 January	6pm, Wednesday 15 January
Wednesday, 12 February 2025	Metropolitan Police Update Private Rented Sector Licensing Scheme	Borough Commander/Superintendent Rhodes/Gary Jones Gary Jones	Councillor Ghani	12pm, Thursday 16 January	Wednesday 29 January	12pm, Tuesday 28 January	6pm, Wednesday 5 February
Wednesday, 12 March 2025	OFSTED Update (Annual Engagement meeting) Community Safety (knife crime)	Chris Bush/April Bald Gary Jones	Councillor Jones Councillor Ghani	12pm, Thursday 13 February	Wednesday 26 February	12pm, Tuesday 25 February	6pm, Wednesday 5 March
Wednesday, 23 April 2025	Community Protection Learning Disability and	Gary Jones Susanne Knoerr	Councillor Ghani Councillor Worby	12pm, Thursday 27 March	Wednesday 9 April	12pm, Tuesday 8 April	6pm, Wednesday 16 April

	Autism Strategies						
Wednesday, 4 June 2025	Pathways to Work	Tess Lanning	Councillor S Bright	12pm, Thursday 8 May	Wednesday 21 May	12pm, Tuesday 20 May	6pm, Wednesday 28 May
	Impact of new Housing developments	Rebecca Ellsmore	Councillor Geddes				