

Working in partnership



**Barking &
Dagenham**

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

September 2024

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1. Introduction

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

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

1.1. Purpose of this consultation statement

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

2. Who was consulted and how?

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

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

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

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

Responses were received by email or by post.

3. Consultation responses

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

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

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

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

Summary of Main Comments Received:

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

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

Key changes made to the SPD include:

- Changes to ensure conformity with the London Plan in relation to affordable housing, provide additional clarity around the application of the Fast Track Route for affordable housing and adding additional references to the relevant London Plan policies.
- Updating the approach to when financial contributions to the Carbon Offset Fund are collected. Carbon offset contributions are currently collected at the practical completion of development. The SPD updates to split the collection of carbon offset contributions, with 50% paid on commencement and 50% paid on practical completion.
 - This change will provide greater certainty around when funding is available and is intended to encourage carbon savings to be considered and achieved through the development.
- Providing additional clarity on the approach to seeking contributions for open space and play space. This would include scope within the public realm and open space sections to seek contributions towards maintenance for a 10-year period.

- Updates to the biodiversity and nature section, to ensure that the document is in alignment with the Biodiversity Net Gain regulations which were introduced in early 2024.
- Splitting the monitoring fees and formulas into a separate appendix, so that these are all available in one place, and can be updated separately by Council as required.

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

Appendix 1

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

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

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

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

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

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

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

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

	<p>- Monitoring fees.</p>	<p>collected. As noted above, Council’s team requires a sufficient lead in time to review the Plan, but we recognise that this timeframe may not always be achievable. Where this timeframe cannot be met, developers should discuss this with planning officers and Council’s employment team.</p> <p>The Carbon Offset section has been revised to update the approach to when financial contributions to the Carbon Offset Fund are collected.</p> <p>We have also amended the community facilities, open space and playspace sections to provide additional clarity on requirements and improve consistency with the London Plan.</p> <p>Following the introduction of mandatory BNG, the section on the Biodiversity Fund has been amended, with the reference to the fund removed.</p> <p>The SPD sets out that S106 will be used to secure the provision of affordable workspace where there is demonstratable need – need should be demonstrated in discussion with Council officers.</p> <p>The SPD refers to healthcare requirements via the HUDU approach.</p> <p>The reference to £1000 per 10m2 of public open space deficiency has been removed, however public open space deficiency will still form part of negotiation discussions. In terms of play space provision, we have referred to London Plan for what is required and a minimum rate has now been set.</p>
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<p>Barking Riverside Ltd</p>	<p>Barking Riverside Ltd (BRL) noted the shared ambition for regeneration in the south of the borough. Overall, BRL noted their concerns regarding the impacts of contributions on viability and potential difficulties in meeting employment and skills contributions.</p> <p>Barking Riverside Ltd sought greater clarity on:</p> <ul style="list-style-type: none"> • Monitoring fees, including whether per deed or per obligation and how they apply when self-monitoring is underway • CIL and S106 contributions split, • Requirements for affordable housing, air quality and carbon offsetting and alignment with the London Plan, <p>BRL also noted that a robust assessment of infrastructure needs for education, health and other community facilities should underpin demands for contributions and facilities.</p> <p>BRL noted the need for bespoke arrangements to infrastructure delivery and contributions for large scale strategic schemes and the need for a tailored approach to biodiversity net gain for Barking Riverside.</p>	<p>The SPD sets out that the Council has an established process for the allocation of S106 and CIL, and notes where CIL will be used to fund strategic infrastructure in the borough. The Infrastructure Funding Statement, published each year, sets out what CIL and S106 are spent. The SPD has been updated to provide additional clarity on the payment of monitoring fees. This aligns with the adopted CIL Charging Schedule which was subject to independent consultation and examination.</p> <p>The SPD clearly sets out the Council’s expectations regarding the payment of CIL, and the need for S106 contributions to ensure that all development, including large strategic schemes adequately mitigate the impacts of growth. That being said, each agreement is subject to negotiation and will vary depending on the nature of a development.</p> <p>We have updated the SPD to provide improved clarity and alignment with the Local Plan in relation to the approach to affordable housing, linking to Policy H5 of the London Plan. We have also revised the air quality and carbon offset sections to improve consistency with the London Plan, and to update the approach to when financial contributions to the Carbon Offset Fund are collected.</p> <p>We note your comments around the requirements for contributions to be supported by a robust infrastructure needs assessment. The SPD refers to the Council’s Infrastructure Delivery Plan, and that this document will be reviewed regularly.</p> <p>Your comments regarding the need for a bespoke approach to biodiversity net gain are noted. Following the introduction of mandatory BNG, the biodiversity section has been amended.</p>
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