



PLANNING OBLIGATIONS

Supplementary Planning Document

September 2024

BeFirst

**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 instalments:
 - 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.

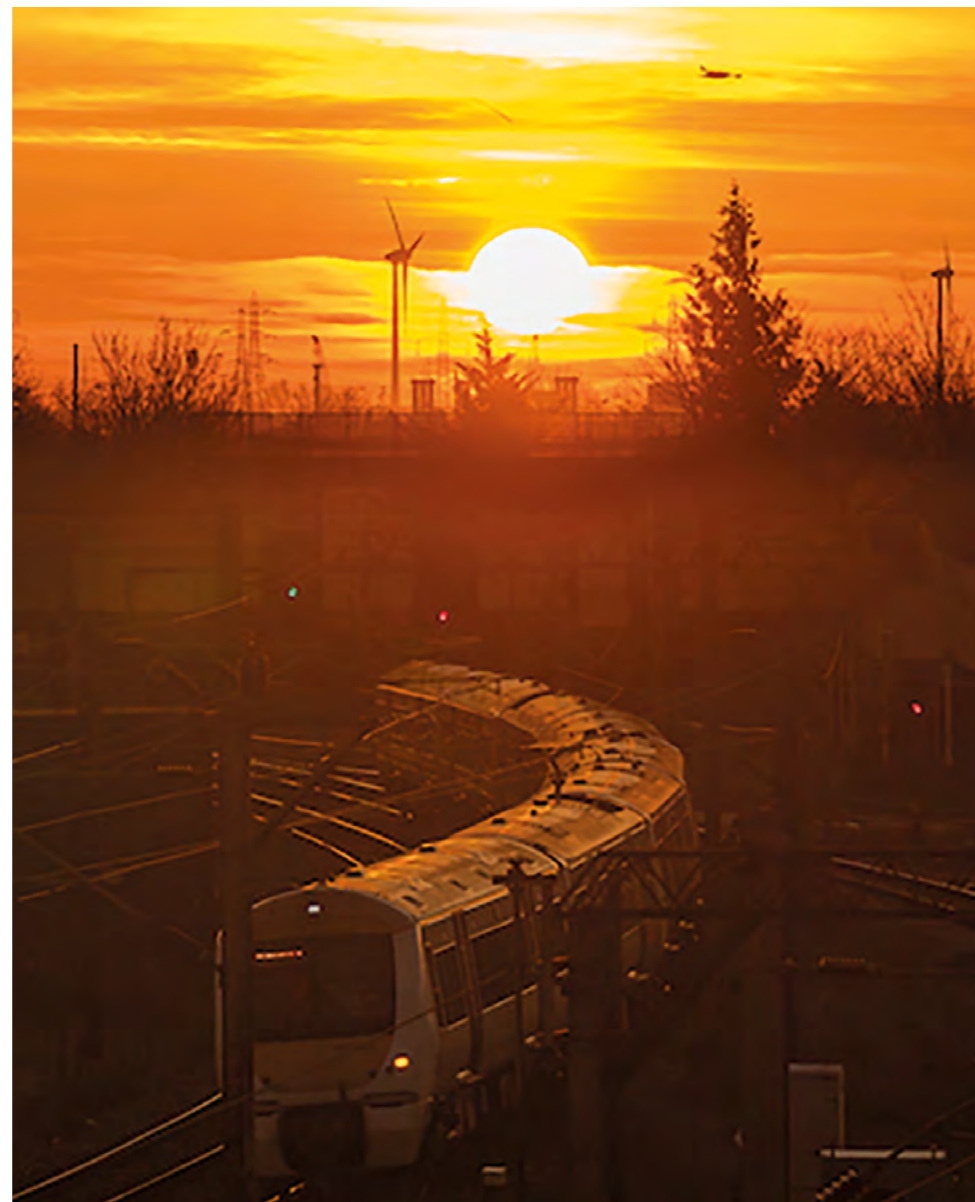
Parking

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.

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/>



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

Indicative Section 106 requirements

Parks and green infrastructure:

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

Playspace:

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

5.10. Nature and biodiversity

Context

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

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

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



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

Indicative Section 106 requirements

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



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>

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