

Item No. 5.	Classification: Open	Date: 27 July 2020	Meeting Name: Planning Committee
Report title:		Release of a total of £300,000 of S106 monies for Thames Path Improvements	
Ward(s) or groups affected:		North Bermondsey	
From:		Director of Planning	

RECOMMENDATION

1. That planning committee agrees the release of funds totalling £300,000 from the listed unilateral undertaking associated with the Thames Tideway Tunnel development towards the delivery of Thames Path improvements in the vicinity of the Dickens Estate.

BACKGROUND INFORMATION

2. Planning obligations are used to mitigate the negative impacts caused by a development and contribute towards providing infrastructure and facilities necessary to achieve sustainable communities. In order to achieve this, the Council enters into a legal agreement with a developer whereby the developer agrees to provide planning contributions and/or enters into various planning obligations.
3. The proposed Thames Tideway Tunnel will capture the flows of storm sewage from 34 sewer overflow points along the River Thames. The tunnel will extend for approximately 20 miles through London, and up to 240 feet beneath the River Thames, broadly following the path of the river. Major construction works are required to build the tunnel over several years.
4. There are two sites in Southwark where works are to be carried out, these being at Chambers Wharf and Shad Thames Pumping Station, both in Bermondsey. As part of the long term mitigation strategy, improvements to the Thames Path within the local area was identified as a key method in helping the local community and to mitigate the impact of the development.
5. A S106 Unilateral Undertaking dated February 2014 between Thames Water and the council was attached to planning permission ref: 14/AP/0000 for the Chambers Wharf site. Included within this undertaking was a requirement to provide £300,000 to finance landscaping and visual improvements along the Thames Path in the vicinity of the site. The vicinity is also stated to include Bermondsey Wall Street, the open space on Worseley Street and Jacob Street. These improvements will help ameliorate the environment surrounding the Chambers Wharf construction site and will provide a form of mitigation from the impact of the Thames Tideway Tunnel development.

KEY ISSUES FOR CONSIDERATION

6. The £300,000 contribution received relates to the funding for improvements to the Thames Path as detailed below:

Application	Use	Amount
14/AP/0000	Thames Path Improvements	£300,000
Total		£300,000

7. This £300,000 has not been and cannot be allocated to any other purpose, and is available for its stated use.
8. Southwark Council is responsible for the determination in how the funding is to be spent. Council officers have already started the process of assessing the Thames Path area.
9. The area of the Thames Path that is eligible for funding runs directly both east and west of the Chambers Wharf worksite. This is the area in which mitigation from the works is most required due to the close proximity of the Thames Path to the worksite.
10. The Thames Path in that area is used by many different types of people. Local residents, tourists, school groups all use this area and there is a heavy footfall. This is primarily due to the fact that the Thames Path in that area provides extensive high quality panoramic views to iconic areas such as Tower Bridge, and Greenwich to the East.
11. In order to continue to enhance this high quality historic Thames Path careful consideration needs to be given in spending priorities.
12. Council officers have conducted initial early assessments of the site area, these are listed below:
 - An internal study by the parks department into the quality and safety of the current Thames Path paving was carried out. The study confirmed that the current paving requires urgent attention both from a health and safety point of view and aesthetically. Visually areas around the mosaic are particularly poor with many of the paving slabs being loose and wobbly and need to be made safe.
 - An internal study by the lighting department was carried out on the lighting within the area. The survey deemed the area to have satisfactory lighting and does not require urgent attention.
 - An internal study by the tree section within environment and leisure department was carried out on the existing trees within the area. The large willow trees in the area near to Fountain Green Square are particularly in need of maintenance. The willow trees were re-pollarded between October 2018 and March 2019. At present they do not require further attention. There are also areas of shrub planting along the path which requires maintenance and attention. There may be some scope to enhance the planting and the greenery in this area via the funding.
13. The Thames Path in that region does not have any seating areas. This could be attributed to the fact that seating can attract sleepers and anti-social behaviour. However on such a long stretch of path the need to sit down particularly for elderly and disabled people should be considered. This again can be considered through the funding available.

14. Local residents who live in the Thames Path area have also put forward various suggestions to install a 'green gym'. This idea has been discussed by council officers and there may be some merit to this idea. It confirms with the council's objectives to improve residents' health and wellbeing. Further, from a mental health perspective the ability to exercise while looking over Tower Bridge and other high quality views could stimulate improvements in residents' mental health. This could be provided via the funding available.
15. The next phase of action will seek to include a more detailed consultation with both local ward councillors and local residents. This will help to establish further priorities of attention for that area.

Community impact statement

16. Funding the improvements to this historic and iconic Thames Path area will only help to continue the legacy it holds within Southwark. The improvements will have a multitude of benefit to the area and local residents.
17. Ideas such as the green gym will also go some way to help to mitigate from the impacts of the Chambers Wharf worksite. It will also help to motivate children to participate in physical activity which can only benefit in a number of different ways including mental health. The redesign and improvement of the Thames Path could be done in a way which would also help to potentially reduce crime and anti-social behaviour in that zone.
18. The redevelopment and improvement of the existing Thames Path would also help to visually improve the area. The area is iconic for the panoramic views it provides and with the improvement to that area the experience of using the Thames Path from a visual perspective can only be enhanced. New equipment, seating and ideas would brighten the community atmosphere and encourage residents and children to engage within this space.
19. The Public Sector Equality Duty, at section 149 of the Equality Act 2010, requires public bodies to have due regard when carrying out their activities to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. The council's Approach to Equality ("the approach") commits the council to ensuring that equality is an integral part of our day to day business. "Protected characteristics" are the grounds upon which discrimination is unlawful - the characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation. In this case, these characteristics are considered unlikely to be issues with regard to the play facilities in question.

Resource implications

20. As stated above (paragraphs 5 and 6), since these contributions were received under a Section 106 legal agreement which specifies their use, they cannot be spent for any other purpose.

Consultation

21. Extensive consultation will be carried out by Southwark Council through a number of channels as the project develops. The consultation will seek to build upon the initial study findings of council officers. This will help to understand the requirements and suitable options for the development and improvement of the Thames Path.

22. At present a strategy is being formulated for the next phase of wider consultation.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

23. This report requests that planning committee authorise the release of the amount of £300,000 for improvements to the Thames Path within the vicinity of the development.
24. As paragraph 5 of the report mentions, the relevant planning obligation is contained within a Unilateral Agreement for the Thames Tunnel which was not negotiated with the council but framed by Thames Water and then considered by the Planning Inspectorate in connection with the application for a Development Consent Order. The terms of the Undertaking were accepted by the Inspectors and subsequently confirmed by the Secretary of State. The application of regulation 122 of the Community Infrastructure Regulations would have been considered at that stage.
25. The proposal is in accordance with the terms of the Unilateral Undertaking. Since the expenditure of monies provided by developers under the terms of planning obligations agreements is a matter for the Planning committee, Members can safely take this decision.

Strategic Director of Finance and Governance (CAP 19/021)

26. The strategic director of finance and governance confirms that the council has received the related s106 funds and they are available for the purposes outlined within the report.
27. The capital expenditure will lead to an addition to the council's capital programme, specifically within Environment and Leisure programme, fully funded via the S106 contributions.
28. Staffing and any other costs associated with this recommendation are to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Copies of S106 Agreements	Planning Division, 160 Tooley Street, London SE1 2QH	Alistair Huggett 020 7525 5576

APPENDICES

No.	Title
None.	

AUDIT TRAIL

Lead Officer	Alistair Huggett, Planning Projects manager	
Report Author	Jacqueline Christie, Thames Tideway Planning Officer	
Version	Final	
Dated	7 July 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Date final report sent to Constitutional Team		9 July 2020