

Item No. 6	Classification Open	Date: 22 February 2021	Meeting Name: Planning Committee
Report title:		<u>Project Title</u> Release of £400,000 of S106 Funds to support the delivery of the Lost Peck Flood Alleviation and Environmental Enhancement Scheme	
Ward(s) or groups affected:		Project: Peckham Rye; Rye Lane Funds: Camberwell Green	
From:		Director of Planning	

RECOMMENDATION

1. That the Planning Committee approve the release of £400,000 of Section 106 funding, to support the delivery of the Lost Peck Flood Alleviation and Environmental Enhancement Scheme, as set out in paragraphs 2 – 25 of the report.

Permissio n Ref	Accoun t No	Type	Address	Amount
14/AP/017 5	725	Public Realm Improvements	16A WYNDHAM ROAD AND 166, 168, 170, 172, 174, 176 AND 176A CAMBERWELL ROAD, LONDON, SE5	£64,021.88
14/AP/025 7	732	Public Realm Improvements	315-317 Camberwell New Road, London SE5 0TF	£23,550.98
13/AP/231 1	745	Indexation	67 CRAWFORD ROAD, LONDON, SE5 9NF	£5,035.70
09/AP/084 1	462	Public Realm Improvements	67 CRAWFORD ROAD, LONDON, SE5 9NF	£6,090.00
13/AP/231 1	745	Public Realm Improvements	237-247 RYE LANE, LONDON, SE15 4TP	£19,500.00
17/AP/276 8	817	Public Realm Improvements	43 BELLENDEN ROAD, LONDON, SE15 5BB	£15,838.30
16/AP/243 4	807	Public Realm Improvements	221 CONSORT ROAD, LONDON, SE15 3SB	£23,099.39
14/AP/108	803	Public Realm	170 SUMNER ROAD,	£11,378.06

5		Improvements	LONDON, SE15 6JL	
14/AP/108 5	803	Parks and Public Open Space	170 SUMNER ROAD, LONDON, SE15 6JL	£4,905.57
17/AP/413 7	833	Parks and Public Open Space	114 PECKHAM RYE, LONDON SE15 4HA	£10,419.12
16/AP/274 7	814	Environmental - Tree Planting	DULWICH HOSPITAL, EAST DULWICH GROVE, LONDON, SE22 8PT	£3,200.00
16/AP/268 1	799	Environmental - Tree Planting	FORMER ODESSA STREET YOUTH CLUB, COMMERCIAL PIER WHARF, ODESSA STREET, LONDON SE16	£ 34,019.02
14/AP/017 5	752	Publ O/Space, Childrens Play, Sport Devt	16A WYNDHAM ROAD AND 166, 168, 170, 172, 174, 176 AND 176A CAMBERWELL ROAD, LONDON, SE5	£ 105,875.43
14/AP/327 7	758	Publ O/Space, Childrens Play, Sport Devt	LAND AT 1-20 HOUSEMAN WAY, 30- 51 HOUSEMAN WAY AND 90-106 BENHILL ROAD, LONDON SE5	£73,066.55
			TOTAL	£400,000.00

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. A scheme made up of two components, flood alleviation as one and an environmental enhancement as another has been developed at Peckham Rye Common and Park to protect local properties from surface water flooding (see the scheme Masterplan indicated in Figure 1). The scheme consists of grassed bunds in the green space to hold back surface water run off during a once in a lifespan storm event from flooding properties downstream. The cost of the flood alleviation component is estimated at £1.7 million comprising £1,425,000 of construction and £275,000 of risk contingency and optimism bias (see Appendix 1 for cost breakdown).

4. Areas in Peckham Rye have been identified as being at risk of flooding from surface water, as illustrated in Figure 2. An estimated 218 residential properties and 85 non-residential properties in Peckham Rye are at risk of surface water flooding during a 1 in 75 year storm (a storm with a 1.44% probability of occurring each year), resulting in economic damages of approximately £11.5 million.
5. These damages would be reduced to around £5.5 million following implementation of the scheme, representing an economic benefit or damages avoided of approximately £6 million over the 50 year appraisal period.
6. Following implementation of the scheme, it is projected that 282 properties (93%), comprising 207 residential and 75 non-residential properties will be better protected from flooding, with 111 of them moving from a higher risk band to a lower flood risk band.
7. The team has sought external funding and the quantum of funding we could expect from the Environment Agency is directly proportional to the number of properties the scheme protects.
8. The outline business case and funding application of £1.7 million submitted has been approved in principle by the EA's National Project Assurance Board. It comprises £1,125,000 of Flood Defence Grant in Aid (FDGiA) and £575,000 of levy finding.
9. On the basis of the approved business case, the scheme has now progressed to detailed design.
10. In addition to the flood alleviation, the scheme will deliver environmental enhancements such as reconnecting the green spaces currently fragmented by roads including the triangle just north of East Dulwich Road (the 'Northern Triangle'), targeted planting, biodiversity improvements, as well as redevelopment of the derelict wide footway just south of East Dulwich Road, ('Donkey Ride') to improve public access including installation of approximately 130 m of new cycle path at an estimated cost of £470,000.
11. The EA will however not fund the wider environmental improvements in the area which could complement the scheme.
12. A contribution of £70,000 has been secured from the Council's Cleaner, Greener, Safer fund towards improvement of the 'Donkey Ride' area.
13. The additional s106 funding of £400,000 is therefore required to contribute specifically to the environmental improvement that will complement the flood alleviation scheme.
14. Further background to the scheme is presented in the Councillor Briefing Note 23 (Appendix 2) and the Procurement Gateway 1 report (Appendix 3).

OVERALL MASTERPLAN



Figure 1. Masterplan – Lost Peck Flood Alleviation and Environmental Enhancement Scheme.

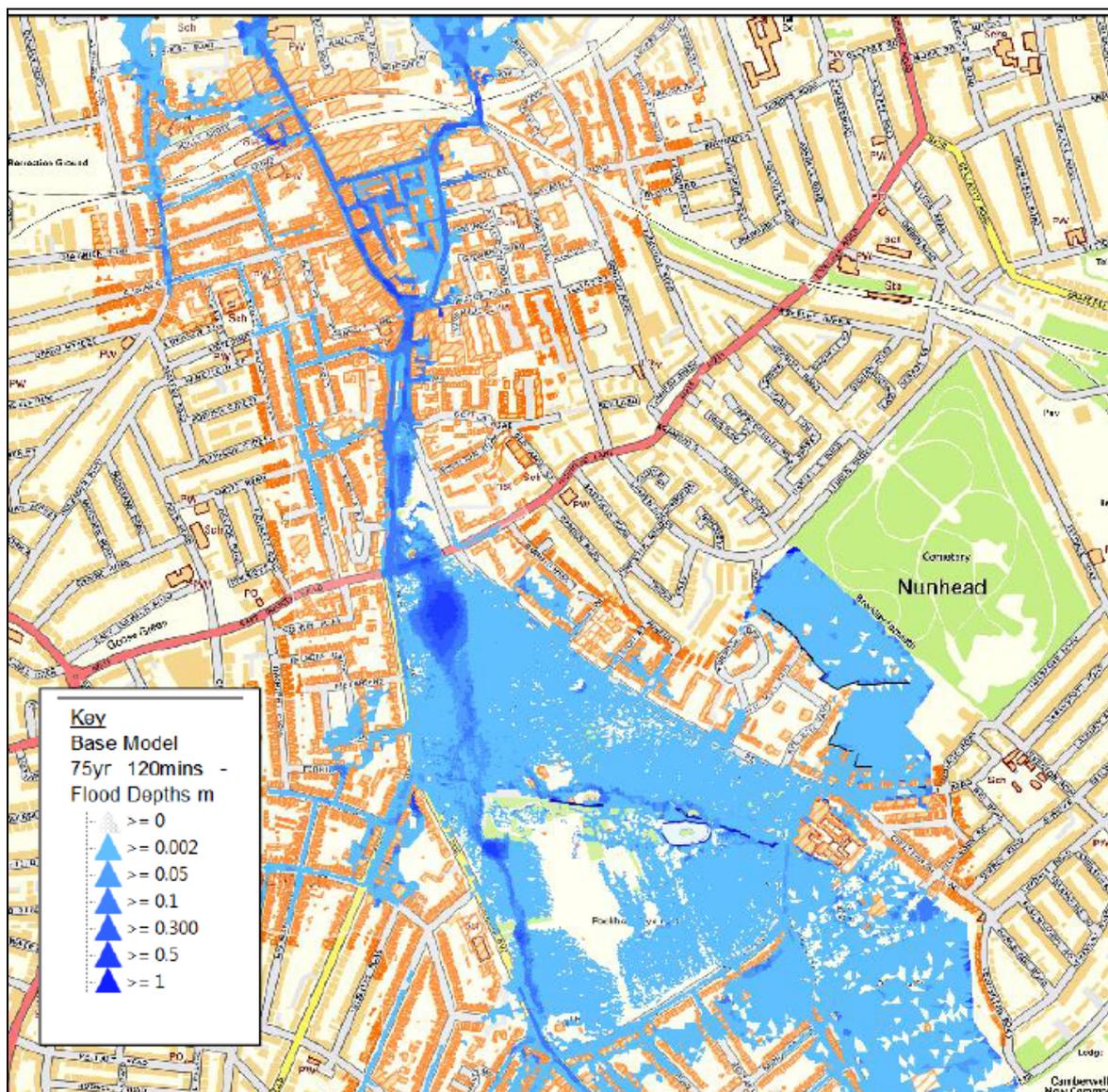


Figure 2. Areas at risk of surface water flooding in Peckham Rye (1 in 75 year storm) Source: Peckham Rye Flood Alleviation Feasibility Study, updated base model. 11/07/2017.

KEY ISSUES FOR CONSIDERATION

Community Impact Statement

15. This project will support the council's commitment to meet the needs of Southwark's diverse community.
16. The proposed scheme will integrate environmental and flood alleviation objectives to provide multiple benefits to the community, improve biodiversity and enhance the local environment. These include:
 - enhancement of the current underutilised green space immediately north of East Dulwich Road

- enhancing the biodiversity value of this area of the common, through targeted use of native plant species;
 - creating connectivity between the existing green spaces;
 - improving the currently derelict historic ‘donkey ride’ area along East Dulwich Road, reclaiming this aspect of the common and creating a positive space. This is partly funded by Cleaner, Greener, Safer (£70,000);
 - celebrating and recognising the history of the Lost River Peck, through themed environmental enhancements and educational boards and;
 - improvement to local air quality and noise levels through enhanced buffer planting around the road boundary in the Northern Triangle.
17. By implementing public realm improvements in the area, the council is improving the environment and social integration of the community council area and providing opportunities for interaction.
 18. The scheme is designed to be fully accessible to all, without prejudice or discrimination.
 19. The proposal has no impact on any particular age, disability, faith or religion, race and ethnicity and sexual orientation.
 20. The proposals are not considered to have a disproportionate effect on any other community or group.

Consultation

21. A number of Councillors have been consulted and have expressed support for the scheme as follows; letters of support are contained in Appendix 4.

“I am very happy to express my support for this flood alleviation scheme and its objectives as set out, in the knowledge that you and your team will deliver it to the high and publicly sensitive standards of the other flood alleviation projects you have developed.” Councillor Barrie Hargrove, Cabinet Member for Communities, Safety & Leisure, 16 February 2018.

“As the relevant Cabinet Member in Southwark and a local resident in Peckham Rye I fully support all the Flood Alleviation and Improvement Scheme and all the project objectives. In particular I would like to stress the importance of the enhancement of the ‘bog garden’, reclaiming the ‘donkey ride’ area, safer cycling routes and enhanced pedestrian pathways, improved air and noise quality, and recognising the history of the Lost River Peck. The Scheme as a whole will make the Peckham Rye area far more attractive and accessible to be enjoyed by residents of all ages, abilities and backgrounds”. Councillor Ian Wingfield, Cabinet Member for the Environment & Public Realm, 16 February 2018.

“I fully support these proposed measures to alleviate flood risk in the area. I’ve witnessed first hand the impact of flooding in local residents and the extreme distress it caused them and support these measures to help avoid this risk. Having seen the very successful flood alleviation measures in the local area such as those on Alleyns playing fields and Dulwich Park you have a great track record of such scheme implementation. I’m also sure you’ve taken into account the new Lido proposals. My only question is when will they be completed / they can’t happen soon enough!” Councillor James Barber, East Dulwich, 18 February 2018.

22. Extensive public consultation and engagement have been conducted to develop a scheme which is widely supported and represents the aspirations of the community. Consultation was initiated in June 2015 and included social-media, community workshops, site visits, online consultation, letter drops, and attendance at community meetings. The Council has engaged with relevant groups including the Friends of Peckham Rye Park, the Peckham Society and local residents’ associations and will continue to work with stakeholders throughout the detailed design and implementation stages.
23. Following meetings with local community groups, an online questionnaire was released to the wider public between June and August 2018; 80 residents responded; 72% of respondents agreed that the scheme is the right approach to flood mitigation in the area, with 20% unsure and 8% in disagreement. On completion of the online consultation, an exhibition was held on Saturday, 8 September 2018 where the results were presented. The event allowed residents to receive feedback on the online consultation and offered opportunities to those who had concerns about the scheme to discuss them with the project team.
24. Detailed results of the public consultation are presented in the Briefing Note in Appendix 2.
25. Planning application for the scheme with reference 19/AP/5692 was approved on 4 March 2020.

Resource Implications

26. The project will be managed by the Council’s Flood Risk Department, which has experience of delivering flood alleviation and environmental enhancement schemes in Southwark. A project Steering Group will also be established including representatives from the Council, the designer and contractor who will deliver the scheme, as well as the Environment Agency and community stakeholders.
27. Project manager has confirmed that this funding is required for “Lost Peck Flood Alleviation and Environmental Improvement Scheme” and there is no existing budget available for that scheme. Once approved, budget will be added to “Flood Prevention (Highways drainage gully replacement) Programme” cost code “L-5110-0080”.

28. Staffing and any other costs connected with this recommendation are to be contained within existing departmental revenue budgets.

Policy implications

29. The project will help deliver our Fairer Future Promises in making Southwark a greener and safer borough to live in.

30. The proposal meets the following Council Commitments:

- A place to call home
- A place to belong
- A greener borough
- A healthier life
- A safer community.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Planning

Permission Ref	Account No	Type	Amount
14/AP/0175	725	Public Realm Improvements	£64,021.88
14/AP/0257	732	Public Realm Improvements	£23,550.98
13/AP/2311	745	Indexation	£5,035.70
09/AP/0841	462	Public Realm Improvements	£6,090.00
13/AP/2311	745	Public Realm Improvements	£19,500.00
17/AP/2768	817	Public Realm Improvements	£15,838.30
16/AP/2434	807	Public Realm Improvements	£23,099.39
14/AP/1085	803	Public Realm Improvements	£11,378.06
14/AP/1085	803	Parks and Public Open Space	£4,905.57
17/AP/4137	833	Parks and Public Open Space	£10,419.12
16/AP/2747	814	Environmental - Tree Planting	£3,200.00
16/AP/2681	799	Environmental - Tree Planting	£ 34,019.02
14/AP/0175	725	Publ O/Space, Childrens Play, Sport Devt	£ 105,875.43

14/AP/3277	758	Publ O/Space, Childrens Play, Sport Devt	£73,066.55
			£400,000.00

31. The above mentioned development secured £400,000.00, combined, in contributions towards public realm, site specific transport and strategic transport improvements. All £400,000.00 is currently unallocated and available.
32. The Council already has a team to manage the delivery of this project. There will be no additional resource requirement from the council.

Director of Law and Governance

33. The report recommends the release of £400,000 from a number of section 106 Agreements in order to fund the improvements envisaged by the Lost Peck Flood Alleviation Scheme as described in this report. Paragraphs 21 and 24 of the report refer to the consultation with ward councillors and also the wider community.
34. Members will be aware that any expenditure of section 106 monies needs to be strictly in accordance with the terms of the relevant agreement and also in accordance with the tests which are set out in regulation 122, Community Infrastructure Levy Regulations 2010 (as amended).
35. The section 106 Agreements mentioned at paragraph 1 of this report have been reviewed in order to ensure that the proposals for expenditure are in accordance with the purposes for which the identified contributions were made. The precise wording in each Agreement varies slightly but allows for expenditure on Public Realm improvements or tree planting. In view of the purposes of the proposed expenditure which have been reported, Members are advised this is consistent with the terms of the various planning agreements.
36. Paragraphs 15 to 20 of the report address the duty required from public authorities by virtue of the Equality Act 2010 and considers that there is no harmful impact on persons from a group with a protected characteristic although it is of course for Members to make this final assessment.
37. In accordance with the Council Constitution, the expenditure of section 106 monies where they exceed £100,000 is one of the functions of the Planning Committee.

Strategic Director of Finance and Governance CAP19/015

38. This report requests the Planning Committee to approve the release of £400,000.00 from the legal agreements listed at paragraph 1 of this report, towards the delivery of environmental improvements element of the Lost Peck Flood Alleviation and Environmental Scheme. Details set out in the body of this report.

39. The cost of the flood alleviation component is currently estimated at £1.7 million comprising £1,425,000 for construction and £275,000 of risk contingency and optimism bias.
40. It is noted that an application for a grant funding of £1,700,000 (including optimism bias and risk contingency) has been approved in principle by the Environment Agency.
41. Wider environmental improvements to complement the scheme is estimated to cost £470,000 and a contribution of £70,000 has been secured from the Cleaner, Greener, Safer funds. Additional section 106 funding of £400,000 is therefore required.
42. The director of planning confirms that the section 106 receipts associated with the agreements listed in this report have not been allocated to other projects, and the proposed allocation accords with the terms of the relevant agreements.
43. The strategic director of finance and governance notes that the council has received the related section 106 funds and they are available for the project outlined in this report. Contributions from other funding streams are also noted.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Copies of S106 Legal Agreements	Planning Division, 160 Tooley Street, London SE1	Martha Dankwa 020 7525 3734

APPENDICIES

No	Title
Appendix 1	Cost Breakdown
Appendix 2	Briefing Note 23: Peckham Rye Flood Alleviation
Appendix 3	Procurement Gateway 1 report
Appendix 4	Letters of support from stakeholders

AUDIT TRAIL

Lead Officer	Eleanor Kelly, Chief Executive Officer	
Report Author	John Kissi, Flood Risk Manager	
Version	Final	
Dated	3 February 2021	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Director of Planning	Yes	Yes
Date final report sent to Constitutional Team	3 February 2021	