



## **Meeting of the Cabinet**

**Wednesday, 11<sup>th</sup> March, 2015 at 6.00pm**

**In Committee Room 2 at the Council House, Priory Road, Dudley**

### **Agenda - Public Session**

**(Meeting open to the public and press)**

1. Apologies for absence.
2. To report any changes in representation of opposition group members.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meetings on 11<sup>th</sup> and 25<sup>th</sup> February, 2015 as a correct record.

#### **Budget, Strategic, Policy and Performance Issues**

5. Capital Programme Monitoring (Key Decision).
6. Organisational Restructure (Key Decision).
7. Corporate Quarterly Performance Management Report.

#### **Service Related Corporate Issues**

8. Formal Adoption of the Contaminated Land Inspection Strategy and Cost Recovery Policy for Dudley Borough following Public Consultation. (Key Decision)
9. Approval for consultation of the draft revised Planning Obligations Supplementary Planning Document (Key Decision)
10. Draft Renewable Energy Supplementary Planning Document - Approval To Consult. (Key Decision)
11. Dudley Market

12. To consider any questions from Members to the Chair where two clear days notice has been given to the Director of Corporate Resources (Council Procedure Rule 11.8).
13. To report on any issues arising from Scrutiny Committees.



**Strategic Director of Resources and Transformation**

**Dated: 3<sup>rd</sup> March, 2015**

**Distribution:**

**Members of the Cabinet:**

Councillor P Lowe (Leader - Chair)

Councillor S Turner (Deputy Leader)

Councillors K Ahmed, H Bills, D Branwood, T Crumpton, J Foster, R Harris, G Partridge and D Sparks

**Opposition Group Members nominated to attend meetings of the Cabinet:**

**Conservative Group:**

Councillors P Harley, R James, L Jones, P Miller, and M Wood

**UKIP Group:**

Councillors P Brothwood and S Etheridge

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- Elected Members can submit apologies by contacting the officer named below. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts.
- The Democratic Services contact officer for this meeting is Richard Sanders, Telephone 01384 815236 or E-mail [richard.sanders@dudley.gov.uk](mailto:richard.sanders@dudley.gov.uk)

**Minutes of the meeting of the Cabinet**

**Wednesday 11<sup>th</sup> February, 2015 at 6.00 p.m.**  
**in Committee Room 2 at the Council House, Dudley**

**Present:**

Councillor S Turner (Deputy Leader - in the Chair)  
Councillors K Ahmed, H Bills, D Branwood, T Crumpton, J Foster,  
R Harris, G Partridge and D Sparks.

Opposition Group Members nominated to attend meetings of the Cabinet:-

Councillors P Harley, R James, L Jones, I Kettle and P Miller, (Conservative Group); Councillors P Bradley and P Brothwood (UKIP Group)

**Officers:**

S Norman (Chief Executive), J Millar (Strategic Director (Environment, Economy and Housing)), P Tart (Strategic Director (Resources and Transformation)), P Sharratt (Interim Director of Children's Services), D Harkins (Chief Officer (Health and Wellbeing)), I Newman (Chief Officer (Finance and Legal Services)), R Sims (Assistant Director of Housing Strategy and Private Sector) and S Griffiths (Democratic Services Manager).

**Observers:**

Councillors N Barlow, J Martin and N Neale.

**Also in Attendance:-**

S Joberns (Representing the External Auditors, Grant Thornton in relation to Minute No. 55 below)

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**Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors S Etheridge, P Lowe, D Vickers and M Wood.

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**Changes in representation of Opposition Group Members**

Councillors P Bradley, L Jones and I Kettle were serving in place of Councillors S Etheridge, M Wood and D Vickers for this meeting of the Cabinet.

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53      **Declarations of Interest**

No declarations of interest, in accordance with the Members' Code of Conduct, were made in respect of any matter to be considered at this meeting.

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54      **Minutes**

Resolved

That the minutes of the meeting of the Cabinet held on 4<sup>th</sup> December, 2014 be approved as a correct record and signed.

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55      **Annual Audit Letter 2013/14**

A joint report of the Chief Executive and the Chief Officer (Finance and Legal Services) was submitted on the External Auditor's Annual Audit Letter for 2013/14.

Resolved

That the External Auditor's Annual Audit Letter for 2013/14 together with the views of the Auditor, be noted.

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56      **Deployment of Resources: Housing Revenue Account and Public Sector Housing Capital**

A joint report of the Strategic Director (Environment, Economy and Housing) and the Chief Officer (Finance and Legal Services) was submitted on the proposals for the deployment of the Housing Revenue Account (HRA) and associated matters for 2015/16.

Resolved

- (1) That rents for Housing Revenue Account dwellings be maintained at current levels from 6<sup>th</sup> April 2015, as outlined in paragraph 3 of the reported submitted.
- (2) That an increase of 1.2% in service charges, as outlined in paragraphs 5 and 7 of the report submitted, be approved.
- (3) That an increase of 1.2% in heating and lighting charges for sheltered housing from an average weekly charge of £14.43 to an average weekly charge of £14.60, as outlined in paragraph 6 of the report submitted, be approved.

- (4) That an increase from £2.20 to £2.30 for laundry tokens, as outlined in paragraph 8 of the report submitted, be approved.
- (5) That the current charge for pitch licences at Oak Lane be maintained, as outlined in paragraph 9 of the report submitted.
- (6) That an increase of 1.2% in water charges at Oak Lane to £6.25 per week, as outlined in paragraph 9 of the report submitted, be approved.
- (7) That the leaseholder's administration fee and the charge for the leasehold information pack be maintained at current levels, as outlined in paragraphs 10 and 11 of the report submitted.
- (8) That an increase of 1.2% (10p per month) for private Telecare clients, as outlined in paragraph 12 of the report submitted, be approved.
- (9) That the Council be recommended:-
  - (a) To approve the revised Housing Revenue Account budget for 2014/15 and the Housing Revenue Account budget for 2015/16, as outlined in Appendix 1 to the report.
  - (b) To approve the public sector housing revised capital budget for 2014/15 and the capital budget for 2015/16 to 2019/20 attached as Appendix 2 to the report.
  - (c) To authorise the Strategic Director (Environment, Economy and Housing) and the Strategic Director (Resources and Transformation) to bid for and enter into funding arrangements for additional resources to supplement investment in the public sector housing stock, as outlined in paragraphs 23 and 24 of the report submitted, and that expenditure funded from such resources be added to the Capital Programme.
  - (d) To authorise the Strategic Director (Environment, Economy and Housing), in consultation with the Cabinet Member for Housing and Community Safety, to manage and allocate resources to the Capital Programme, as outlined in paragraph 25 of the report submitted.
  - (e) To confirm that all capital receipts arising from the sale of Housing Revenue Account assets, other than those specifically committed to support private sector housing, should continue to be used for the improvement of council homes.

- (f) To authorise the Strategic Director (Environment, Economy and Housing) to procure and enter into contracts for the delivery of the capital programme, as outlined in paragraph 26 of the report submitted.
  - (g) To receive the Housing Revenue Account medium term financial strategy and thirty year business plan, attached as Appendix 4 to the report submitted.
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## 57 **Capital Programme Monitoring**

A joint report of the Chief Executive and the Chief Officer (Finance and Legal Services) was submitted on the progress of the Capital Programme and a number of proposed amendments. The report also set out the proposed 'Prudential Indicators' as required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003 and to sought approval of the proposed Council's Minimum Revenue Provision (MRP) Policy for 2015/16.

During the discussion and questions on this report, it was agreed that written responses would be provided to Councillor P Harley concerning funding allocations for highway maintenance and to Councillor I Kettle concerning the number and location of bore holes referred to in relation to the Energy Efficiency item in the report.

The Cabinet Member for Environment and Culture responded to a question concerning the cost of the new paths at Homer Hill Park. She also noted comments made by Councillor P Miller regarding safety concerns associated with the item on Wordsley Park Garage.

Resolved

- (1) That the result of the Post Completion Review of relevant capital projects, as outlined in Appendix C of the report submitted, be noted.
- (2) That the Council be recommended:-
  - (a) To note the current progress with the 2014/15 Capital Programme, as set out in Appendix A to the report, and that budgets be amended to reflect the reported variances.
  - (b) To note the grant funding for a toucan crossing in Colley Gate, Halesowen and that the project be included in the Capital Programme, as set out in paragraph 7 of the report submitted.

- (c) To approve the Wordsley Park Garage project and include it in the Capital Programme, as set out in paragraph 8 of the report submitted.
- (d) To approve the CCTV project at Blowers Green and Lister Road depots and include it in the Capital Programme, as set out in paragraph 9 of the report submitted.
- (e) That the Highways Maintenance Block allocations 2015/16 – 2017/18 be included in the Capital Programme, as set out in paragraph 10 of the report submitted.
- (f) To note the funding to install a new kitchen at Netherton Church of England Primary School and that the project be included in the Capital Programme, as set out in paragraph 11 of the report submitted.
- (g) To approve the initial Energy Efficiency projects and their inclusion in the Capital Programme and that the Strategic Director (Resources and Transformation) be authorised to include further projects subject to establishing value for money and the availability of funding, as set out in paragraph 12 of the report submitted.
- (h) To note the urgent amendments to the Capital Programme, as set out paragraphs 13 and 14 of the report submitted.
- (i) To agree the Prudential Indicators as required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003, as set out in Appendix D of the report submitted.
- (j) To approve the Minimum Revenue Provision (MRP) Policy as set out in paragraph 19 of the report submitted.

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**Question under Council Procedure Rule 11.8**

Pursuant to Council Procedure Rule 11.8 a question was asked by Councillor P Brothwood and responded to as follows:-

**Question**

Following the recent press coverage about Brierley Hill Civic centre being handed over to a voluntary group, can the Council confirm how much income the Council will expect to lose over the next five years as a result of this handover? In addition has a full cost analysis been conducted and if so can the public see the results?

## Response

The first point to make is that Brierley Hill Civic Hall has not been 'handed over' to a voluntary group. The Council has entered into a partnership arrangement with Dudley Council for Voluntary Services (DCVS) who will for a trial period of 18 months act as interim managers of the site with the main target being to increase both usage and income at the site.

This arrangement is in keeping with the Council's 'Asset Transfer Policy' and the Council's wider ambition to be a 'Community Council', and the 'trial' nature of this arrangement will be used to inform other asset transfer projects that may come along in the future.

The nature of the agreement with DCVS is that no income will be lost to the Council given that DCVS will act as the Council's 'proxy managers' for the venue and the budget remains the Council's, the same as would be the case if the Council continued to directly manage the venue itself, even to the extent of the existing staff remaining as Council employees.

The 18 month trial is seen as a possible pre-cursor to a more formal asset transfer opportunity in the future but that will be dependent on how successful DCVS are in terms of developing usage and income streams at the hall.

Given that this is an interim trial and the timescale is relatively short ie. 18 months, it was considered that there was no need for a full cost analysis to be produced, in lieu of the fact that the venue's budget remains intact during this period.

Some initial feasibility work was previously undertaken utilising consultants jointly engaged by the Council and DCVS, to assess the merits of a possible Asset Transfer of the venue. One of the main recommendations emanating from that study being that a trial project of the type proposed should be undertaken to test the theory and inform future decisions.

## **Issues Arising from Scrutiny Committees**

The Cabinet was informed of the decision of the Overview and Scrutiny Management Board at its meeting on 10<sup>th</sup> December, 2014 concerning the ongoing parking and transport issues concerning Russells Hall Hospital and surrounding areas.

The Overview and Scrutiny Management Board had recommended the Cabinet support proposals being developed by the Dudley Group of Hospitals Trust to develop additional staff car parking facilities on land adjacent to Russells Hall Hospital to benefit all users of the hospital and the wider community.

The Cabinet noted the recommendation for onward reference to the relevant Cabinet Members. Whilst the terms of the resolution were accepted in principle, it was noted that any future proposals would be the subject of appropriate environmental impact assessments and all necessary planning application procedures.

The meeting ended at 6.25 p.m.

LEADER OF THE COUNCIL

**Minutes of the meeting of the Cabinet**

**Wednesday 25<sup>th</sup> February, 2015 at 6.00 p.m.**  
**in Committee Room 2 at the Council House, Dudley**

**Present:**

Councillor P Lowe (Leader – Chair)  
Councillor S Turner (Deputy Leader)  
Councillors K Ahmed, H Bills, D Branwood, T Crumpton, J Foster,  
R Harris and G Partridge.

Opposition Group Members nominated to attend meetings of the Cabinet:-

Councillors P Harley, R James, L Jones, P Miller and M Wood (Conservative Group); Councillors P Brothwood and S Etheridge (UKIP Group)

**Officers:**

S Norman (Chief Executive), J Millar (Strategic Director (Environment, Economy and Housing)), P Tart (Strategic Director (Resources and Transformation)), D Harkins (Chief Officer (Health and Wellbeing)), I Newman (Chief Officer (Finance and Legal Services)), M Bowsher (Chief Officer (Adult Social Care)) and S Griffiths (Democratic Services Manager) together with other officers.

**Observers:**

Councillors N Barlow, A Goddard, I Kettle, N Neale, K Turner and D Vickers

60 **Apology for Absence**

An apology for absence from the meeting was received on behalf of Councillor D Sparks.

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61 **Declarations of Interest**

No declarations of interest, in accordance with the Members' Code of Conduct, were made in respect of any matter to be considered at this meeting.

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## **Revenue Budget Strategy and Setting the Council Tax 2015/16**

A joint report of the Chief Executive and the Chief Officer (Finance and Legal Services) was submitted on the deployment of General Fund revenue resources, a number of statutory calculations that had to be made by the Council and the Council Tax to be levied for the period from 1st April, 2015 to 31st March, 2016.

During the discussion on this item, Cabinet Members responded to specific questions and issues raised by Opposition Spokespersons concerning the budget proposals. The points made were noted and requests for further information would be dealt with as necessary. The report and recommendations would be submitted to the Council on 2<sup>nd</sup> March, 2015.

Resolved

- (1) That the Council be recommended to approve:-
- (a) The budget for 2015/16, and service allocations (including the Public Health budget) as set out in the report.
  - (b) That the statutory amounts required to be calculated for the Council's spending, contingencies and contributions to reserves; income and use of reserves; transfers to and from its collection fund; and council tax requirement, as referred to in Section 67(2)(b) be now calculated by the Council for the year 2015/16 in accordance with Sections 31A, 31B and 34 to 36 of the Local Government and Finance Act 1992 as shown in Appendix 10 of the report.
  - (c) That, having calculated the aggregate in each case of the amounts in Appendix 10, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, agrees the following levels of Council Tax for Dudley Council services for 2015/16:

### Valuation Bands

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
£857.89	£1000.88	£1143.85	£1286.84
<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
£1572.80	£1858.77	£2144.73	£2573.68

- (d) The revision of 2014/15 budgets to reflect the variances set out in paragraphs 9 and 11 of the report.

- (e) The Medium Term Financial Strategy as set out in the report.
- (2) That the Council be recommended to determine that a referendum relating to Council Tax increases is not required in accordance with Chapter 4ZA of Part 1 of the Local Government Finance Act 1992.
- (3) That Cabinet Members, the Chief Executive and Directors be authorised to take all necessary steps to implement the proposals contained in the report, in accordance with the Council's Financial Management Regime.
- (4) That the Chief Executive and Directors be reminded to exercise strict budgetary control in accordance with the Financial Management Regime and care and caution in managing the 2015/16 budget, particularly in the context of commitments into later years and the impact that any overspending in 2015/16 will have on the availability of resources to meet future budgetary demands.
- (5) That the Chief Officer (Finance and Legal Services) be authorised to approve the realignment of budgets in due course to reflect the new Directorate structure, including the allocation of the £1m savings from the review of senior management.
- (6) That consultation on proposals to remove local authority transport provision for children attending specialist nurseries be extended and that further work be undertaken with parents to identify ways to deliver the planned saving whilst mitigating the impact on children and their families.
- (7) That the creation of Budget Challenge Teams be approved, as set out in paragraph 55 of the report.
- (8) That the Council be recommended to approve the Pay Policy Statement 2015 as set out in Appendix 12 to the report.

(This was a Key Decision with the Council and Cabinet being named as Decision Takers).

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The meeting ended at 6.45p.m.

LEADER OF THE COUNCIL

**Meeting Of the Cabinet – 11<sup>th</sup> March 2015**

**Joint Report of the Chief Executive and Chief Officer, Finance and Legal Services**

**Capital Programme Monitoring**

**Purpose of Report**

1. To report progress with the implementation of the Capital Programme.
2. To propose amendments to the Capital Programme.

**Background**

3. The table below summarises the *current* 3 year Capital Programme updated where appropriate to reflect latest scheme spending profiles.

	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Public Sector Housing	43,284	46,439	48,805
Other Adult, Community & Housing	5,900	4,901	550
Urban Environment	25,932	24,990	8,656
Children's Services	12,846	15,061	161
Corporate Resources	2,677	1,554	1,266
<b>Total spend</b>	<b>90,639</b>	<b>92,945</b>	<b>59,438</b>
Revenue	16,428	10,985	11,390
Major Repairs Reserve (Housing)	22,319	22,457	22,744
Capital receipts	13,622	20,788	16,339
Grants and contributions (inc. Lottery)	24,455	16,394	2,877
Capital Financing Requirement*	13,815	22,321	6,088
<b>Total funding</b>	<b>90,639</b>	<b>92,945</b>	<b>59,438</b>

\*This will be funded internally from the Council's cashflow resources as far as possible, rather than from external debt.

Note that the capital programme for future years is in particular subject to government grant allocations, some of which have not yet been announced.

4. In accordance with the requirements of the Council's Financial Regulations, details of progress with the 2014/15 Programme are given in Appendix A. It is proposed that the current position be noted. An update on progress with the Council's most significant capital schemes is shown in Appendix B.

## **Urban Environment**

### Integrated Transport Funding 2015/16

5. The West Midlands Integrated Transport Authority has recently approved the allocation of the above to individual authorities, Dudley's share of which is £1,490,000. The distribution between specific programmes will be determined in due course in accordance with agreed procedures in consultation with the Cabinet Member for Transportation.

It is proposed that the allocation be noted and the associated expenditure included in the Capital Programme.

### Stourbridge Crematorium

6. The cremators at the above require full relining at an estimated cost of £65,000 which can be funded initially from prudential borrowing, to be repaid from revenue resources. It is proposed that the works be approved and included in the Capital Programme.

## **Children's Services**

### Schools Capital Allocations – School Condition Allocations 2015/16

7. The Council has been notified of its Schools Condition Allocation (previously Capital Maintenance) for 2015/16 of £3,956,000. The funding is based on condition data collected by the DfE via the Property Data Survey. This will be allocated on the basis of priorities determined through asset management data including health and safety issues, building condition surveys and access needs.

It is proposed that this allocation be noted and the associated expenditure included in the Capital Programme.

### Schools Capital Allocations – Devolved Capital 2015/16

8. The Council has been notified of its Devolved Capital allocation for 2015/16 of £760,000. This will be allocated to schools based on a DfE formula. Schools will be expected to determine capital projects in accordance with priorities set out in their schools' asset management plans and in conjunction with the Buildings & Estates Team.

It is proposed that this allocation be noted and the associated expenditure included in the Capital Programme.

### Schools Capital Allocations – Basic Need 2015/16 – 2017/18

9. The Council has been notified of top-ups to its Basic Need allocations for 2015/16 and 2016/17 of £1,576,000 and £3,359,000 respectively, and a new allocation for 2017/18 of £3,748,000. This funding is to support the provision of new pupils places in the Borough and will be allocated to specific projects in due course.

It is proposed that these allocations be noted and the associated expenditure included in the Capital Programme.

### Priority Schools Building Programme Phase 2

10. The Council has been notified that bids for the Priority Schools Building Programme phase 2 in respect of Huntingtree Primary School and Ridgewood High School (due for Academy conversion March 2015) have been successful. Detailed allocations, scope of work and procurement processes for the buildings projects are not known at the stage.

It is proposed that the funding be noted, and that subject to confirmation of detailed allocations the relevant associated expenditure be included in the Capital Programme.

### Finance

11. This report is financial in nature and information about the individual proposals is contained within the body of the report.

### Law

12. The Council's budgeting process is governed by the Local Government Act 1972, the Local Government Planning and Land Act 1980, the Local Government Finance Act 1988, the Local Government and Housing Act 1989, and the Local Government Act 2003.

### Equality Impact

13. These proposals comply with the Council's policy on Equality and Diversity.
14. With regard to Children and Young People:
- The Capital Programme for Children's Services will be spent wholly on improving services for children and young people. Other elements of the Capital Programme will also have a significant impact on this group.
  - Consultation is undertaken with children and young people, if appropriate, when developing individual capital projects within the Programme.
  - There has been no direct involvement of children and young people in developing the proposals in this report.

### Recommendations

15. That the Council be recommended:
- That current progress with the 2014/15 Capital Programme, as set out in Appendix A be noted.
  - That the Integrated Transport funding allocation be noted, and the associated expenditure included in the Capital Programme, as set out in paragraph 5.
  - That the project to reline the cremators at Stourbridge Crematorium be approved and included in the Capital Programme, as set out in paragraph 6.
  - That the Schools Condition allocation for 2015/16 be noted and the associated expenditure included in the Capital Programme, as set out in paragraph 7.

- That the Schools Devolved Capital allocation for 2015/16 be noted and the associated expenditure included in the Capital Programme, as set out in paragraph 8.
- That the Schools Basic Need allocations for 2015/16 – 2017/18 be noted and the associated expenditure included in the Capital Programme, as set out in paragraph 9.
- That the Priority Schools Building Programme Phase 2 funding be noted and that subject to confirmation of detailed allocations the relevant associated expenditure be included in the Capital Programme, as set out in paragraph 10.



**Sarah Norman**  
**Chief Executive**



**Iain Newman**  
**Chief Officer, Finance and Legal Services**

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**List of Background Papers**

Relevant resource allocation notifications.

## 2014/15 Capital Programme Progress to Date

<b>Service</b>	<b>Budget £'000</b>	<b>Spend to 31<sup>st</sup> Jan £'000</b>	<b>Forecast £'000</b>	<b>Variance £'000</b>	<b>Comments</b>
Public Sector Housing	43,284	34,265	43,284	0	
Other Adult, Community & Housing	5,900	4,321	5,900	0	
Urban Environment	25,932	17,209	25,932	0	
Children's Services	12,846	8,802	12,846	0	
Corporate Resources	2,677	2,079	2,677	0	
<b>TOTAL</b>	<b>90,639</b>	<b>66,676</b>	<b>90,639</b>	<b>0</b>	

## Progress with Major Capital Schemes

### Adult, Community and Housing

#### New Council Housing

A contract has been awarded and work has now commenced on site at Norfolk Road in Wollaston, The Walk in Sedgley, the conversion of the former Wren's Nest Estate Office and two apartments at Holloway Chambers in Dudley.

The conversion of the former care home at Arcal Lodge, Sedgley is out to tender. Conversion of the former Archives building at Roseville is due to be submitted to planning late January / early February, and a local consultation event is planned for early February with works planned to commence summer 2015.

A number of smaller housing infill and garage sites across the borough are also being progressed through feasibility stage and site investigations; ecological and topographical reports are being prepared for the schemes currently in design stage.

### Urban Environment

#### Street Lighting

The Street Lighting Central Management System (CMS) was fully commissioned and operational in April 2013 and conversion of the street lighting stock continues. As at 27<sup>th</sup> February 2015, 21,100 of the Council's 32,000 street lights can now be controlled via the CMS system remotely to help save energy; 14,500 of these can be dimmed. Spend is forecast to be within budget and completion of the scheme is expected during financial year 2015/16.

#### Better Bus Area

The scheme which involves the construction of a new signal controlled pedestrian crossing on the A4036 Pedmore Road, and the creation of additional road space and signal controls to facilitate bus priority measures at the junction of the Boulevard with Mill St, Brierley Hill was granted planning permission in March 2014. The Pedmore Road pedestrian crossing was completed in December 2014 and the Boulevard bus priority element was substantially complete in January 2015. Spend is forecast to be within budget.

#### Mary Stevens Park

The first two contracts for the Gates restoration and the cafe building have now been awarded, work due to start mid March. The third contract which covers the landscape works and pool dredging will be let later on this year. A 6 monthly events programme has been developed and will be promoted through the "Let's Get" campaign literature. Volunteer recruitment is well underway. Spend is forecast to be within budget.

#### Castle Hill

New Access Road: Phase 1a was completed during October 2012. Phase 1b (link road and roundabout) was completed April 2013.

Phase 2 onwards: This comprises the secondary route, recreational route, car parking and Visitor Hub.

Planning permission was granted on 12<sup>th</sup> March 2013. Work commenced onsite for the initial phase of the secondary route on 23<sup>rd</sup> September 2013 and was completed February 2014. Work commenced on the lower level car parks on 4<sup>th</sup> December 2013, and completed March 2014. Work to upper level car park commenced April 2014, and was completed July 2014.

Three phases of landscape works have been completed to construct footpath links, planting to the car parks and the creation of the overflow car park. The contract for the Recreational route linking the Black Country Living Museum and the Dudley Canal Trust started in October 2014 and completed in March 2015. The work to create the new entrance into the Zoo is commenced in November 2014 for completion in April 2015. The new visitor hub building also commenced in November for completion in April 2015

Spend is forecast to be within budget.

#### Dudley Marketplace and Town Centre

The first phase of the overall Dudley Market Place Public Realm scheme, which is Castle Street/New Street, is substantially complete and was opened to full access on 10<sup>th</sup> August. The Earl of Dudley Statue work is still outstanding and will be progressed when we have reviewed the detailed costs shortly to be returned from the contractor. The Market Place (second phase) has now started and the market stalls were occupied by the market traders in early March. The project is due to complete on programme. Spend is forecast to be within budget.

#### Coronation Gardens

Detailed design has been completed and costs supplied by the contractor are currently being reviewed to ensure that spend is within budget. The scheme is due to be on site between April and September.

### **Children's Services**

#### DGfL3

Dudley Grid for Learning (DGfL3) includes a programme of ICT equipment upgrade and renewal across financial years 2013/14 & 2014/15. The Refresh of ICT infrastructure and classroom equipment has now been completed across the school estate with the exception of two schools; these schools have chosen to take their refresh at a later stage. The programme of associated expenditure is on schedule to be completed in 2014/15 with the exception of the two schools.

#### Post 16 Facility for Pens Meadow School

The programme for design and procurement of the project is on track and the projected capital spend is in line with Education Funding Agency requirements.

#### Schools Basic Need projects

The first phase of projects funded from Basic Need capital grant are progressing well. Projects at the Brook and Woodside Primary Schools were completed during the summer with both schools now being able to admit up to 60 children in each year group. Projects at Kates Hill and Gig Mill are on site and are due to be completed by Easter 2015. The project at Sledmere Primary is on site and is on target to be completed during August 2015.

**Cabinet - 11th March 2015**

**Report of the Chief Executive**

**Organisational restructure**

**Purpose of Report**

1. As part of the ongoing organisational restructure, to approve the proposed organisational structure including 3rd, 4th and 5th tier posts for formal consultation
2. To update cabinet on appointment of Strategic Directors and Chief Officers

**Background**

3. The key aims of this phase of the restructure are to:
  - Complete the delivery of at least £1m savings in senior management through a lean & delayed structure which will support the Strategic Directors and 3rd Chief Officers in terms of both capacity and skills needed
  - Encourage a 'One Council', 'can do' culture and ensure a responsive a community council focus
  - Break down any silos between services and exploit the synergies between services
  - Improve the customer experience with joined up services, so that no door is the wrong door & customers tell their story once
  - Devolve decision making to empower staff within a clear accountability and performance management framework
4. The key headlines for this phase of the restructure include:
  - Post 16 skills agenda and Adult/Community Learning placed with regeneration to ensure alignment with future job opportunities and Combined Authority work
  - Head of Housing Maintenance reporting to Chief Officer Environmental Services - joining up working between the 3 DLOs
  - Community Safety reporting to Head of Housing Estate & Tenancy Management -joining up working with antisocial behaviour

- Head of Whole Life Disability to bring together services for both children and adults with disabilities,
  - Integrated Commissioning, Performance & intelligence s function within the People Directorate
  - One Chief Social Worker for both Children & Adults staff professional development and Directorate specific Learning & Development
  - The Chief Officer for Children's Services post, given the challenges faced in recent recruitment, has been recast to focus on children's social care and early intervention, to provide professional strong operational and strategic leadership
  - A Lead for Education Outcomes post is proposed to focus on providing challenge and support to schools to raise standards. This post will be developed in conjunction with the Schools Forum and will report direct to the Strategic Director
  - Equalities & Community Development brought together under Chief Officer Health & Wellbeing, giving a new focus to equalities and capacity to develop Community Council
  - As recognised in the report to Cabinet on 4th December 2014 there are a number of temporary posts in this proposed structure, to deal with embedding the structure and specific project such as very light rail and options appraisal projects for Leisure Centres, Archives, Halls and Libraries. These are time limited projects and whoever is appointed to them will be made redundant at the conclusion of the project, unless redeployment is achieved.
  - Work is ongoing to reduce the PA support and to create pooled arrangements, this should be completed by mid march for PAs to senior managers and by end of July for shared PAs to Heads of Service.
  - Environment, economy and Housing will now be called Place and the post of strategic Director, Place is to be advertised, following the withdrawal of acceptance of the post due to the increasing emphasis on regeneration and combined authority work
5. The proposed organisational structure charts for the 3 directorates are attached at appendix 1.
6. The Appointments committee on 12th February 2015 unanimously agreed to the appointment of an external Interim appointment for the refocused Children's Services Chief Officer post whilst the post is readvertised. The post had been advertised from 11/11/14 until the 14/01/15, with a salary of £89,000. Alongside advertisements in wmjobs.co.uk, MJ and Guardian, Veredus were appointed to undertake an extensive search for candidates on behalf of the Council. However, although 10 applications for the posts were received, only 5 of these appeared to meet the essential criteria and were longlisted for technical interview and none of these candidates were able to demonstrate sufficient skills and experience to be recommended for consideration by the appointments panel.

7. A report on the outcome of the formal consultation which will run from 12th March to 1st May 2015, will come back to Cabinet on 25th June 2015. Once approval is given for implementation, staff affected will formally be put at risk of redundancy and anyone that is displaced and does not achieve redeployment will leave the Councils employment on 31<sup>st</sup> December 2015
8. Cabinet have previously agreed that 4th tier or non Chief Officer 3rd tier posts would be evaluated using the LGE Job evaluation scheme where they scored at the top of our NJC Scheme. Our current Head of Service grade finishes at grade 15 (£53,382 to £59,170) and is for posts scoring 740+ points in the current NJC job evaluation scheme used by the Council. As previously approved by Cabinet, posts reaching this threshold have been externally evaluated using the LGE scheme. It is recommended that the Council introduces a Grade 16 for posts scoring 740+ in the NJC scheme and between 841 and 930 in the LGE scheme. Also a grade 17 for posts scoring 740+ in the NJC scheme and between 931 and 1219 in the LGE scheme. Both grades would have a 4 point range, which is consistent with grades up to 15.
9. There has been 50% reduction in senior management, going from 22 to 11 e.g. 3 Strategic Directors and 11 Chief Officers. Two posts are currently being recruited through external advert; appointments have been made to the other 9 posts.

## **Finance**

10. The Senior Management Structure approved for implementation by Cabinet and Council in October aimed to realise ongoing savings in the region of £1 million. It was also based on there being a fixed financial envelope for the fourth tier of the structure. The proposals in this report are affordable within that financial envelope.
11. The precise impact on the Medium Term Financial Strategy will be calculated when the proposals have been finalised. Following consultation any costs arising from transition to the new structure will have to be met from within directorate budgets as approved by Council on the 2<sup>nd</sup> March 2015.
12. Redundancy costs are dependent on the age and length of service of the individuals being made redundant and therefore cannot be precisely calculated at this stage. These are one-off costs that will be met, as with all redundancies, from provision within the Medium Term Financial Strategy.

13. The likely additional costs of filling the Children's services role with an external Interim for 6 to 9 months will be between £45,000 and £65,000. However the costs of not filling this critical role with an effective candidate are also high. The average cost of each additional child taken into care in Dudley is around £40,000 / year, while an inadequate judgement from an Ofsted Inspection can result in recommendations many millions to implement. As with other transitional costs, this will have to be met from within the budget of the Directorate of People.
14. External benchmarking of salaries conducted by West Midlands Employers as part of the senior officer review identified a salary range of £73,000 to £107,286 for 3rd tier posts (reporting to a Strategic Director) in Councils with a People, Place, Resources model. A temporary market forces supplement in accordance with the councils pay policy may be applicable to the posts currently being externally advertised of Strategic Director Place and Chief Officer Children's services. The proposed salary range for grade 16 is £61,086 - £65,000 and for grade 17 £66,916 - £70,000

## **Law**

15. Section 111 of the Local Government Act 1972 enables the Council to do anything that is calculated to facilitate or is conducive or incidental to this discharge of its various functions. The Council's senior management and organisational restructure is being undertaken within the Council's policies and legislative framework
16. Pursuant to the Localism Act 2011 the Council has the general power of competence to do anything individuals may do

## **Equality Impact**

17. An Equality Impact Assessment was attached to the Cabinet report relating to the review of senior management in July and October 2014. The recruitment of the Children's Service Chief Officer and any temporary arrangements have a direct impact on children and young people in the borough as does the appointment to the 3rd tier lead for Education outcomes. An updated equality Impact Assessment has been completed at this stage but will need further updating following the close of the formal consultation on the proposals and will be attached to the June 2015 Cabinet Report.

## Recommendations

18. It is recommended that:-

- Cabinet agree the proposed structure to commence formal consultation with affected staff;
- Approve redundancies for the interim / temporary posts, where no redeployment is achieved
- Approve the introduction of two new grades for Heads of Service where externally evaluated using the LGE Job evaluation schemes
- Note the update on Strategic Director and Chief Officer appointments.



.....  
CHIEF EXECUTIVE

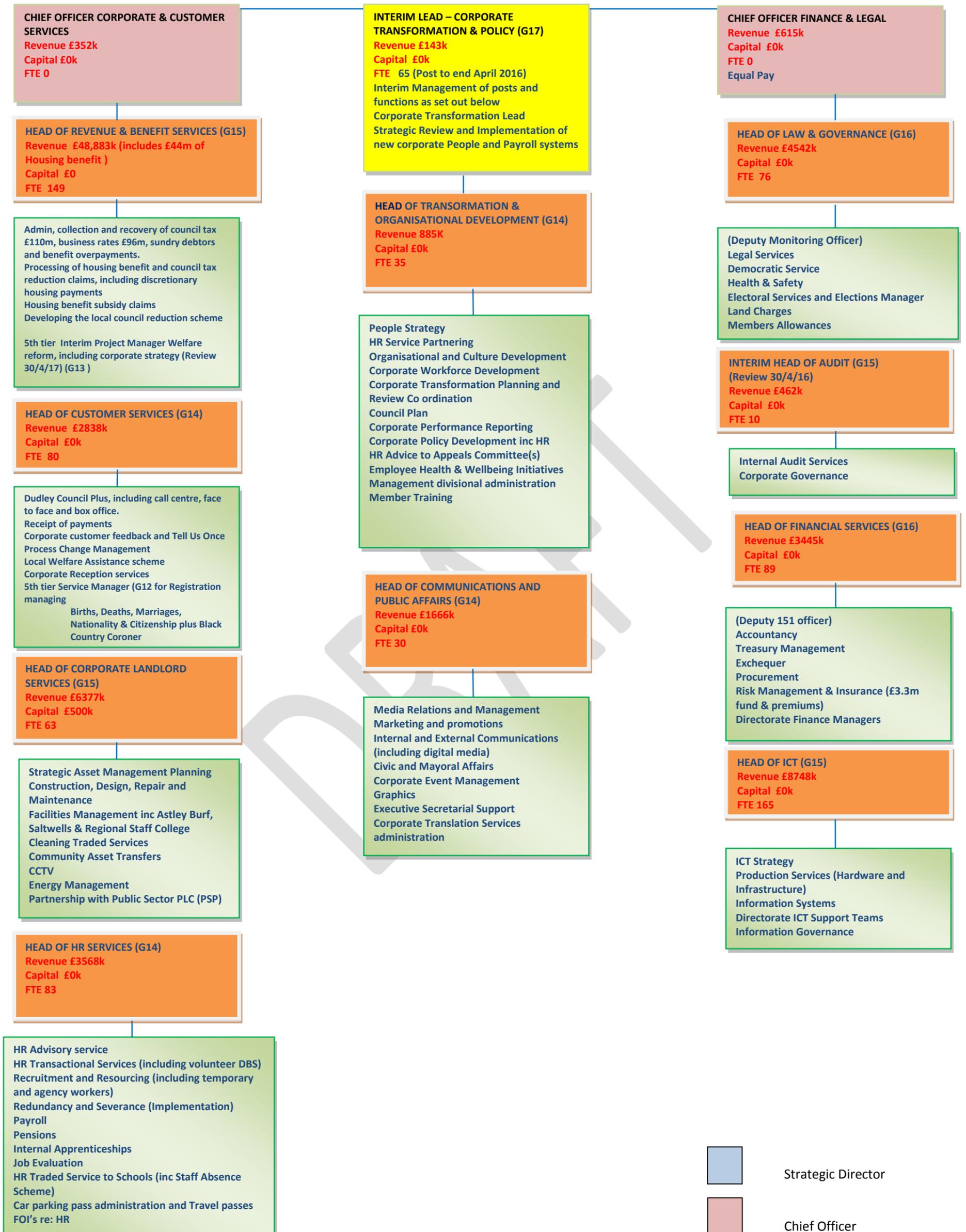
Contact Officer: Teresa Reilly  
Telephone: 01384 815330  
Email: [teresa.reilly@dudley.gov.uk](mailto:teresa.reilly@dudley.gov.uk)

Background Papers  
3/7/14 Cabinet Report  
1/10/14 Cabinet Report  
4/12/14 Cabinet Report  
12/2/15 Appointments Committee Report

**STRATEGIC DIRECTOR – RESOURCES & TRANSFORMATION**

Gross Revenue  
FTE's

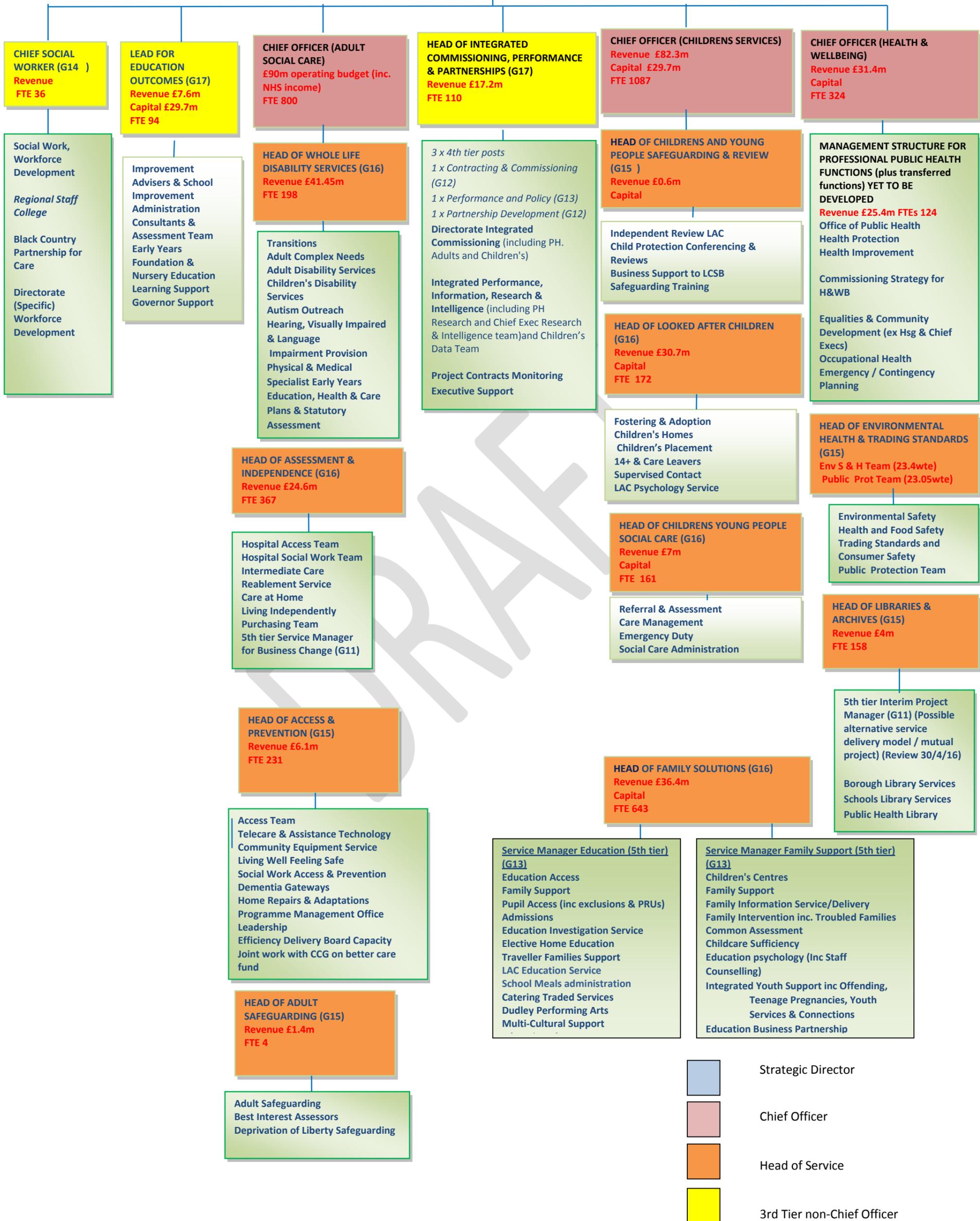
3rd March 2015



- Strategic Director
- Chief Officer
- Head of Service
- Interim Lead

**STRATEGIC DIRECTOR PEOPLE**  
**Gross Revenue £221m**  
**Capital £29.7m**  
**FTE's 2327**

3rd March 2015

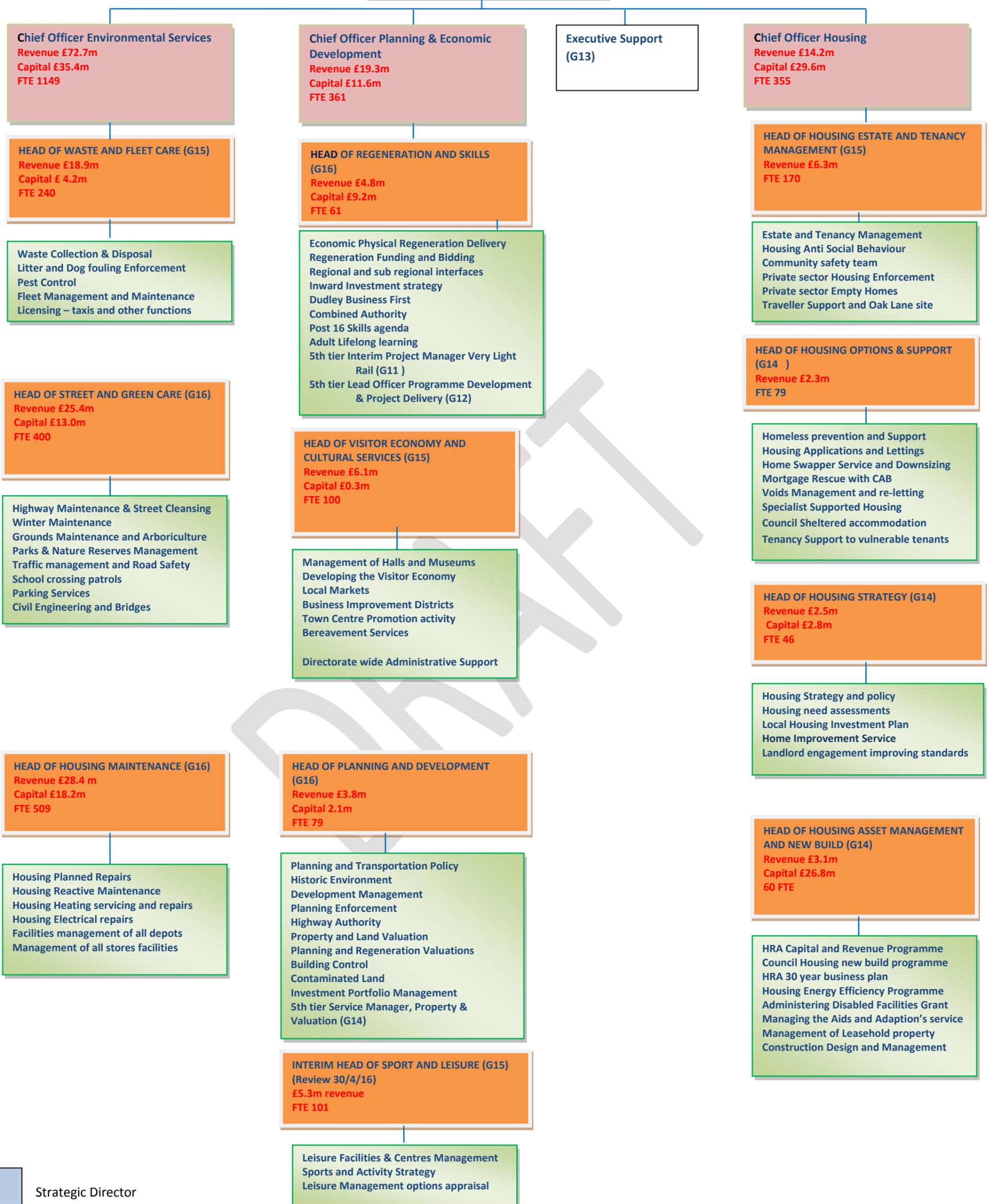


- Strategic Director
- Chief Officer
- Head of Service
- 3rd Tier non-Chief Officer

STRATEGIC DIRECTOR PLACE

Gross Revenue £106.3 m  
 Capital £76.6m  
 FTE's 1858

3rd March 2015



- Strategic Director
- Chief Officer
- Head of Service

**Meeting of the Cabinet – 11<sup>th</sup> March, 2015**

**Report of the Chief Executive**

**Corporate Quarterly Performance Management Report**

**Purpose**

1. To present the third Corporate Quarterly Performance Management Report for 2014/15, containing specific performance information for the period 1<sup>st</sup> October to 31<sup>st</sup> December, 2014.

**Background**

2. The overriding purpose of the Corporate Quarterly Performance Management Report is to provide a regular update on the management of services and performance levels being achieved within the Council, across the seven Council Plan thematic priorities. Prior to submission to Cabinet the report is scrutinised by the Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee.
3. The report contains the following sections:
  - Section 1:** a brief introduction.
  - Section 2:** a performance summary of key performance indicators.
  - Section 3:** more detailed progress on the key performance indicators and key actions identified to determine our delivery of the Council Plan priorities.
  - Section 4:** current sickness absence information for 1<sup>st</sup> April to 30<sup>th</sup> September 2014.
  - Section 5:** quarter 2 Benchmarking initiative in association with the Local Government Association.
  - Section 6:** corporate risk status
4. A full copy of the Corporate Quarterly Performance Management report is available in the Members Room and on the Internet via the Committee Management Information System. A paper copy can be sent to any Member of the Council on request.

**Finance**

5. There are no direct financial implications in receiving this report.

## **Law**

6. The Council may do anything which is incidental to conducive to or which facilitates the discharge of its functions under Section 111 of the Local Government Act, 1972.

## **Equality Impact**

7. There are no special considerations to be made with regard to equality and diversity in noting and receiving this report. The Corporate Quarterly Performance Management Report includes details of the performance of the Council Plan strategic objectives and priorities for children and young people.

## **Recommendation**

8. That the Cabinet consider and comment on the Corporate Quarterly Performance Management report.



**Sarah Norman**  
**Chief Executive**

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Michael Wooldridge  
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## **Background Documents**

Corporate Quarterly Performance Management Report (Q3)

2014-15

Corporate quarterly performance management report

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**Section 2:** Performance summary **Page 4**

### **Section 3:** Reporting on Council Action Plan Priorities

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2. Regeneration, skills and employment **Page 14**

3. Tackling crime, fear of crime and anti-social behaviour **Page 20**

4. Caring for the elderly and vulnerable **Page 26**

5. Health and Well-being **Page 28**

6. Cleaner, greener and environmentally friendly **Page 36**

7. Community Council ~ People being served better **Page 44**

**Section 4:** Sickness Absence **Page 53**

**Section 5:** LG inform bench mark (quarter 2) **Page 54**

**Section 6:** Corporate Risks **Page 58**

## Section 1: Introduction

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This Quarterly Corporate Performance Management Report highlights performance for the period October 1<sup>st</sup> 2014 to December 31<sup>st</sup> 2014. It provides specific information detailed in the Council Plan 2016, relating to performance indicators and key actions.

The main body of the report focuses on the seven priorities contained in the Council Action Plan and provides a detailed review of the progress of the key performance indicators and activities contained within the plan.

The scorecards show performance for the;

- Reporting Quarter
- The score symbol status denotes performance against set targets.
- The trend symbol status compares latest performance against previous reporting frequency.

The score status symbol employed for performance indicators as follows;

-  Where performance exceeds the target tolerance
-  Where performance is on target and in the upper half tolerance
-  Where performance is on target and in the lower half tolerance
-  Where performance is below the target tolerance

Short term trend status symbol employed as follows;

-  Performance is improved against previous reporting frequency
-  Performance is consistent against previous reporting frequency
-  Performance is worse against previous reporting frequency

The status symbol employed for performance against key actions as follows;

-  Excellent progress/ ahead of schedule against completion date / milestone
-  Good progress/on schedule against completion date/ milestone
-  Fair progress/ behind schedule against completion date/ milestone

Following consideration by the Cabinet, this report will be made available to the public via the internet.

## Section 2: Performance Summary

Overview: For Quarter 3 there is a set of 45 quarterly reported key performance indicators that monitor the progress of the delivery of the Council Plan. The key performance indicators (KPI's) are displayed in section 3 on scorecards based around a set of local priorities. These are;

- Young people
- Regeneration, skills and employment
- Tackling crime, fear of crime and anti-social behaviour
- Caring for the elderly and vulnerable
- Health and well-being
- Cleaner, greener and environmentally friendly
- Community council ~ People being served better

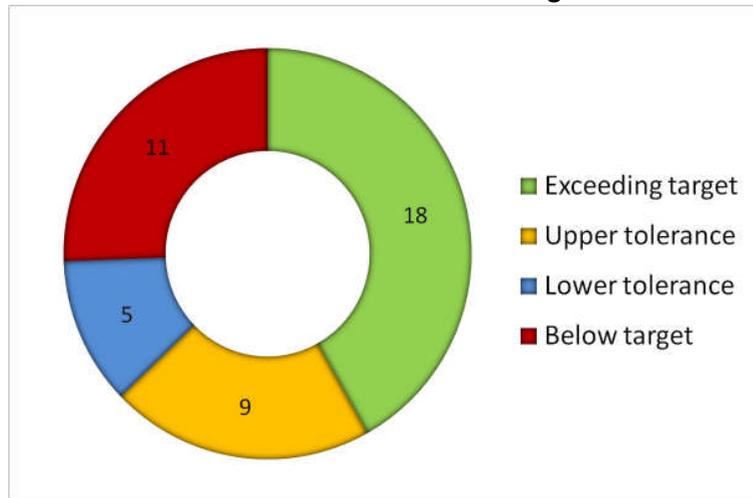
The performance indicators are monitored against their respective targets to provide the latest score status.

The score status for each key performance indicator @ 31<sup>st</sup> December 2014 is as follows;

**Performance Indicator status**  
(See Pie chart 1)

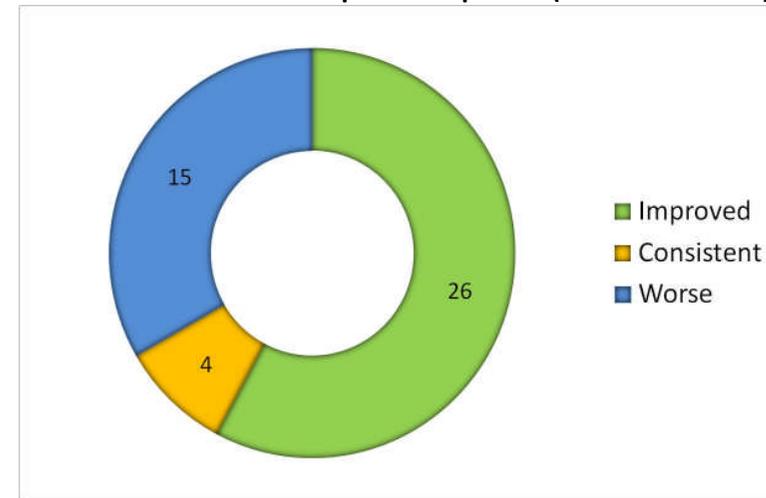
★ **18** Exceeds target  
● **9** On target upper tolerance  
● **5** On target lower tolerance  
▲ **11** Below target  
 2 PI's no target applied

**Pie chart 1: Performance v target**



Of the 43 targeted performance indicators, 32 (74.4%) are either on target or exceeding target.

**Pie chart 2: Performance v previous quarter (short term trend)**



The short term trend compares latest performance with the previous reporting frequency. Currently 57.7% have improved since quarter 2.

The following table identifies performance indicators; where, the score status is below target for the reporting quarter, including its respective trend.

**Performance indicators below target**  (refers to pie chart 1)

SPECTRUM PI Ref	PI Name	Q3 score status	Trend	Scorecard reference
PI 659	Referrals to children's social care going on to initial assessment		 improving	
PI 434	Average time between a local authority receiving court authority to place a child and the local authority deciding on a match to an adoptive family (days)		 improving	Young people Page 7
PI 157	% Children becoming the subject of a Child Protection Plan for a second or subsequent time		 improving	
PI 340	Crime Survey England & Wales (Victim Crime)		 improving	
PI 97	Total recorded all crime		 improving	Tackling crime, fear of crime and anti-social behaviour Page 20
PI 64	Violence with injury		 improving	
PI 282	Number of serious acquisitive crimes recorded		 worse	
PI 565	Number of recorded incidents of Burglary Dwelling		 worse	
PI 731	% of eligible cohort receiving a health check		 improving	Health & Wellbeing Page 28
PI 418	Working days/shifts lost per FTE to sickness absence		 worse	<i>People being served better Page 44</i>
PI 145	Average number of days lost per lost time accident at work			

## Benchmark Summary

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Dudley MBC has been participating in the LG Inform Benchmarking initiative to provide local performance data on a quarterly basis. This is purely a voluntary benchmarking club that started April 2014.

The following basket of indicators being selected for quarterly collection:

Indicators and position

Ref	Performance indicator name	Quarter 2 Position
PI 348	Percentage of household waste sent for reuse, recycling and composting	Group Average
Pi 375	Kg of residual waste per household	Group Average
PI 418	Average number of working days lost due to sickness absence per FTE (full-time equivalent) employee (including schools)	Group Average
-	Average number of working days lost due to sickness absence per FTE (full-time equivalent) employee (excluding schools)	Group Average
-	Number of formal complaints received	Group lower tier
-	Number of formal complaints received per 10,000population	Group lower tier

Detailed information for each performance indicator and the participating group size can be viewed in section 5, on page 54.

### Section 3: Reporting on Council Action Plan Priorities

This section provides key performance indicator data on priority scorecards and detailed information on progress against the identified key actions in delivering the Council Plan.

1. Young people										
Quarterly performance indicator scorecard		2013-14	Quarter 1		Quarter 2		Quarter 3			
PI ref	Performance indicator	Outturn	actual	score	actual	score	actual	target	score	trend
PI 659	Referrals to children's social care going on to initial assessment	72.8%	50.4% revised		52.7% revised		61.2% provisional	82%		
	Initial Assessments have been replaced by a Single Assessment. We can report that for Single Assessments the conversion rate has improved, but is also influenced by the appropriateness of referrals into the service. Implementation of the Early Help Offer and co-ordinated "front door" will direct referrals to the most appropriate service – which should then be reflected in a higher conversion rate. An action plan is in place to improve a number of processes and the data quality.									
PI 434	Average time between a local authority receiving court authority to place a child and the local authority deciding on a match to an adoptive family (days)	312 days	470 days		353 days		303 days	151 days		
	Demonstrable improvements in average time between receiving court authority to place a child and deciding on a match to an adoptive family. Continuing in quarter 3.									
PI 157	% Children becoming the subject of a Child Protection Plan for a second or subsequent time	12.1%	15%		16.8%		16.2% provisional	12%		
	This equates to 21 sibling groups (44 children). Currently of the 44 children, 21 are subject of plans under the category of neglect, 5 under physical, 6 under sexual and 12 under emotional harm. A review of each of these cases is taking place and a report will be provided to the Director of these cases with details of their care plans and future intervention plans.									
PI 154	% of Care leavers in education, employment or training	61.7%	65%		57%		66%	65%		
	The score of 66% represents a cohort of 31 young people. This target remains a challenge. The main issue is sustainability and retention which will be addressed as part of the Early Help strategy.									
PI 120	% of 16 to 18 year olds who are not in education, employment or training (NEET)	5.9%	5.8%		6.3%		5.8%	6.4%		
	Follow up work has been ongoing in Quarter 3, with a reduction in the number of not known's throughout the quarter decreasing from 19.6% in October to 11.0% in December. As this work progresses in Quarter 4, the participation rate of 17 year olds will increase as the number of not known decreases.									

1. Young People		
Objective 1	Keep Children Safe and Promote their Health and Wellbeing	
Ref (SPECTRUM)	Key Activity	Progress
1.1a (A.574)	Develop and Implement the Early Help Offer	 ONTARGET <span style="float: right;">Pauline Sharratt</span>
		<p>We are progressing our early help access arrangements through a joint LA/Clinical Commissioning development group which has been set up in this quarter to facilitate the development of the Multi Agency Hub. In addition a small Operational Group has been set up to facilitate the implementation of the Hub via an interagency network. The Hub will be responsible for screening enquiries, information gathering and signposting to a relevant agency or referring on to an appropriate service for assessment. Target date is 1 April 2015 with full implementation by Sept 2015.</p> <p>The impact of remodelling to 5 Clusters is already enabling the Local Authority to deliver a more consistent service across the borough. The early indications from the remodelling exercise indicate that the numbers of families accessing children's centre services has been maintained with 15,095 families registered and actively engaged with children's centres. Children's Centres provide significant support to children who are subject to Child Protection Plans and who are assessed as Children in Need. Family Support services within Children's Centres are developing skills and knowledge in order to offer targeted effective Early Help and Step Down support to families to enable them to meet their child(ren's) previously unmet need and where possible safely divert these children away from the need for protective action by the Local Authority in order to safeguard them.</p> <p>The new model for Integrated Youth Support was agreed during this quarter. Work is underway working alongside HR to draw up timescales regarding staff consultation and a process to start moving the new service forward.</p>
1.1b (A.575)	Improve the effectiveness of transition of vulnerable young people into adulthood.	 ONTARGET <span style="float: right;">Pauline Sharratt</span>
		<p>Discussions and close working with Adult Social Care is progressing, however we need to continue to strengthen our strategies to improve co-ordination and consistency. Improved joined up commissioning arrangements need to be developed in order to ensure appropriate transition arrangements are in place. Discussions to update and refresh the SEN Transitions strategy are taking place but will be part of wider decisions regarding all age disability services as we develop into a People's Directorate. These discussions also include the homelessness review that has taken place and will have an impact on young people aged 16 years plus and in particular care-leavers. The review suggests an increase in care-leavers needing accommodation.</p>

1. Young People		
Objective 1	Keep Children Safe and Promote their Health and Wellbeing	
Ref (SPECTRUM)	Key Activity	Progress
1.1c (A.14)	Ensure that looked after children have good care, security, stability and achieve the best possible outcomes	 ONTARGET <span style="float: right;">Pauline Sharratt</span>
		<p>Our adoption performance continues to improve with a further 10 children have been adopted during quarter 3 bringing the total of adoptions for the year to the end of quarter 3 to 28. The additional staffing resource that we have been able to secure due to the adoption reform grant has now been mainstreamed into base line budget for the service, and our commitment to adoption in the Black Country is continuing to ensure that we have families available within which we can place these children. Scorecard indicators are on an improving trajectory.</p>
1.1d (A.576)	Improve safeguarding practices across the children's workforce	 ONTARGET <span style="float: right;">Ian McGuff</span>
		<p>The impact of Children's Centres using Signs &amp; Safety (SoS) model has meant that every family has a full and comprehensive assessment that focuses on risk and protective factors; the Signs of Safety is used as a tool to enable parents to understand what it is they need to do to effect change. Family support workers use the framework and is utilised in targeted interventions.</p> <p>Social Work staff has templates for single assessments that support the terminology of SoS and therefore families that receive early help services and move into specialist services will understand the core principals of what they are doing well, what is of concern and needs to change for the child and how then will intervention support them to effect those changes.</p>
1.1e (A.263)	Commission or provide a range of primary prevention programmes and lifestyle services for children and young people in schools, youth and college settings.	 ONTARGET <span style="float: right;">Bal Kaur</span>
		<p><b>Healthy Schools</b></p> <p>General</p> <ul style="list-style-type: none"> <li>-Newsletter produced and distributed for all schools staff and colleagues</li> <li>-Contribute to the School Health Advisor (SHA) re-commission Project Team and interviews.</li> <li>_ Contributed to the Me Festival planning and delivery for secondary schools with the Clinical Commissioning Group (CCG)</li> <li>- Organised and managed the Healthy Schools Grant opportunity for all schools</li> <li>-Contribute to the 0-25 Children and Adolescent Mental Health (Camhs) Review</li> </ul> <p><b>Oral Health</b></p> <ul style="list-style-type: none"> <li>-Commissioned the Oral Health programme for targeted Children's Centres, nursery's and schools</li> </ul> <p><b>Risk Taking</b></p> <ul style="list-style-type: none"> <li>-Commissioned showcase event and tour of Primary school theatre and workshops for alcohol and drug advice messages.</li> <li>-Commissioned the R U Different programme for year 9 students in 14 secondary phase schools.</li> </ul>

1. Young People		
Objective 1	Keep Children Safe and Promote their Health and Wellbeing	
Ref (SPECTRUM)	Key Activity	Progress
1.1e (A.263)	Continued - Commission or provide a range of primary prevention programmes and lifestyle services for children and young people in schools, youth and college settings.	 ONTARGET <span style="float: right;">Bal Kaur</span>
		<p><b>Sex &amp; Relationship Education (SRE)</b></p> <ul style="list-style-type: none"> <li>•Planning and delivery of 2 SRE sessions for 180 year 10 pupils to support their SRE programme</li> <li>•Monitoring of Phase commissioned service to support SRE</li> <li>•1 hours SRE session planned and delivered to 120 year 11 pupils with local GP to promote LARC services within practice</li> <li>•Support and planning meeting with new Personal, social, health and economic education (PSHE) Coordinator and School Health Advisor (SHA) to plan Whole School Approach to SRE</li> <li>•Organisation and chairing of 3 young peoples' focus groups around views and perceptions of sexual health services to support Office of Public Health commission</li> <li>•Organisation of assemblies and information for World Aids Day in 3 schools delivered by Summit House Support</li> <li>•Showcase for new 'Working for Marcus' commissioned Theatre in Education Programme around child sexual exploitation held with attendance from SHA, Youth Offending Service (YOS), a Councillor, Teaching and school staff, voluntary sector</li> <li>•Supporting the youth service in the planning of SRE sessions</li> <li>•Sexual Health Promotion group attendance and input</li> <li>•3 partnership working meetings with Respect Team and managers to ensure best use of resources</li> <li>•Supported Young Peoples' Domestic Abuse Forum Stakeholders event</li> <li>•Planning and support SRE meeting with Special Educational Need College and loan of resources</li> <li>•Attendance at meetings to support C-Card (Condom Card) re-launch</li> <li>•Initial planning of referral pathway for professionals to refer young people facing pregnancy choices</li> <li>•2 x partnership meetings with YOS and Child Sexual Exploitation (CSE) services to support a school with CSE concerns, addressing CSE messages through SRE</li> </ul> <p><b>Obesity Prevention</b></p> <ul style="list-style-type: none"> <li>•Revised and updated Whole School Improvement Obesity Prevention Plan</li> <li>•Ongoing support to 32 primary schools around Forest School enhancement</li> <li>•Delivered Introduction to Forest School Training to 23 staff ( 13 schools)</li> <li>•Monitored the Food Dudes and Dynamic Dudes programmes.</li> </ul>

1. Young People		
Objective 1	Keep Children Safe and Promote their Health and Wellbeing	
Ref (SPECTRUM)	Key Activity	Progress
1.1e (A.263)	Continued - Commission or provide a range of primary prevention programmes and lifestyle services for children and young people in schools, youth and college settings.	 ONTARGET <span style="float: right;">Bal Kaur</span>
		<p><b>Cooking In the Curriculum</b></p> <ul style="list-style-type: none"> <li>•48 x Schools trained in cooking programme</li> <li>•95 x Staff trained</li> <li>•5972 children cooked</li> </ul> <p><b>Food and Nutrition</b></p> <p>A total of 1074 pupils and 52 parents/carers participated in food growing activities as a result of small grants funded to 10 schools for developing food growing schemes (data from 7 out of 10 schools, 3 schools have not reported their outputs)</p> <p>Physical Activity</p> <p>Rowing – 428 activity hours delivered</p> <p>Stroke association commissioned FAST campaign delivered to Brownie Guide and Scout groups in the borough approximately 2500 children of in total.</p> <p><b>Tobacco Control</b></p> <p>7 Kick Ash workshops</p> <p>Smoke free Me showcase celebration event held at Dudley college with 125 family members attended.</p> <p>Launched smoke free advert that was produced by local youngsters <a href="http://www.dudleykickash.com">www.dudleykickash.com</a></p> <p>4 secondary schools receiving stop smoking sessions</p> <p>4 stop smoking sessions delivered across college sites</p> <p>36 young people setting a quit date</p> <p>12 tobacco education workshops delivered to various youth groups with 211 people attending</p> <p>20 primary school received a smoke free children workshop with 1600 children participating</p>

1. Young People		
Objective 2		Raise Aspirations and Achievement
Ref (SPECTRUM)	Key Activity	Progress
1.2a (A.586)	Narrow the Gap for Vulnerable Groups	 ONTARGET <span style="float: right;">Huw Powell &amp; Trish Brittain</span>
		<p>The Early Years Locality Intervention Pilot involved 5 settings in the Lye area. One children's centre, two private providers and two school nurseries took part in an LA facilitated 'Locality Pilot' during the academic year 2013/14. The LA delivered training to the five settings; they supported each other with intervention strategies to collectively make a difference to their vulnerable groups in the areas where many children were entering below age-related expectation. Data collated demonstrates a reduction in the number of 3 and 4 year old children operating below age-related expectation in the targeted areas of PSED, Physical Development and Communication and Language and therefore there are more children entering reception 'school- ready'. Information has been shared with the leaders of maintained and non-maintained early year's provision and the locality group continue to work together following the success of the pilot.</p> <p>At both KS2 and KS4 there is still a notable gap in achievement between disadvantaged pupils and others. However standards in primary (KS2) have improved in 2014 (compared with 2013) – with Pupil Premium outcomes improving across every measure (reading, writing, maths and making progress).</p>
1.2b (A.589)	Ensure all young people make a positive post 16 transition in education, employment and training in order to meet the Raising Participation Age duty	 ONTARGET <span style="float: right;">Huw Powell &amp; Trish Brittain</span>
		<p>Our 'Not in Education, employment or Training (NEET) remains consistent for this quarter the percentage figure being 5.8% which equates to 629 young people. The majority of our young people leaving school successfully enter a positive post 16 destination however care-leavers and young people with additional needs still remain the challenge. We have well established partnership with post 16 providers (colleges and post 16 providers) and the voluntary sector and this has a positive impact on our performance. The new 'IO' database system has improved the way we are able to prioritise our workload which has supported the NEET &amp; not known agenda. We are better equipped through this system to share information between integrated youth services.</p>

1. Young People		
Objective 2		Raise Aspirations and Achievement
Ref (SPECTRUM)	Key Activity	Progress
1.2c (A.592)	Respond to and Implement the Revised Code of Practice for SEN Reforms	<p>✔ ONTARGET <span style="float: right;">Huw Powell</span></p> <p>In relation to Post 16 support, this year; we have been successful in commissioning more placements in local further education (FE) colleges than in previous years reducing the number of placements into Specialist post 16 Institutions. This is clearly demonstrating that local FE colleges are developing the right type and level of provision that can meet the needs of high needs learners. It is encouraging and reassuring news for everyone as the pressures of studying away from home means that the young person remains in their familiar surroundings and less money is spent on additional costs of residential care and transport costs.</p> <p>SEN reforms; reforms have been implemented to the timescale and support activity continues, we have received positive feedback on Dudley processes and involvement of parents from local parent forum. All special schools now trialling education <a href="#">Health and Care Plans</a>, HCP transfer process with some success.</p>
		<p>✔ ONTARGET <span style="float: right;">Hu w Powell &amp; Trish Brittain</span></p> <p>We continue to support schools to improve; case studies will be available at the end of the summer term detailing the impact of the Maths project and we are already seeing improvements to learning environments and an increase in staff knowledge and confidence in the subject. This quarter shows that the development of relationships and action planning takes at least a term and a half before productive work takes place.</p>
1.2d (A.596)	Improving achievement in Maths	

## 2. Regeneration, skills and employment

Quarterly performance indicator scorecard										
		2013-14	Quarter 1		Quarter 2		Quarter 3			
PI ref	Performance indicator	Outturn	actual	score	actual	score	actual	target	score	trend
PI 329	Number gaining employment (following a learning intervention)	198	7		42		92	80		
PI 325	Number of Adults in English and Maths programmes	725	340		439		711	600		
PI 614	% learners achieving learning outcomes (Academic Year)	95%	98%		98%		98%	95%		
PI 405	Total number of Adults participating in learning	6,226	2,184		3,113		4,901	4,500		
PI 234	Number of employers supported by Adult Community Learning	76	7		21		53	40		
PI 443	Number of Hours Work Experience Provided to Libraries	721.5	140.75		(399) 503.75		(64) 603.75	(104) 577		
	Following discussions in SMT about Q3 performance and looking towards Q4, it was felt that the target of 1,000 hours should have represented a LAAL target (Libraries and Archives combined). However, in spite of this Libraries are working at capacity for work experience placements and as such; it is felt the target is unachievable. The target will be reviewed for 2015-16.									
PI 494	Number of Hours Work Experience Given In Archives	63	1.25	-	(99.5) 100.75		(0) 100.75	(20) 60		
PI 406	Total number of Credit Union members	4,378	4,400		4,177		4,422	4,300		
PI 170	Credit Union share to loan ratio	68%	69%		66.2%		72%	75%		
PI 280	Number of working age people claiming Job Seekers Allowance	7,988	7,127		6,510		5,880	7,998		
PI 79	% of working age people claiming Job Seeker's Allowance	4.1%	3.7%		3.4%		3%	4.1%		

2. Regeneration, skills and employment		
Objective 1	To create a thriving local enterprise economy	
Ref (SPECTRUM)	Key Activity	Progress
2.1a (A.19)	Work with partner agencies to ensure those wishing to establish new enterprises have access to maximum support	 ONTARGET <span style="float: right;">Rupert Dugdale</span>
		<p>In partnership with the Federation for Small Businesses (FBS) the following activities were undertaken in support of the national Small Business Week/Saturday campaign: -</p> <ul style="list-style-type: none"> <li>•8 business clinics held in public libraries across the Borough; providing advice and guidance to existing businesses and start ups;</li> <li>•Small Business Saturday Market –provision of free market stalls for home-based businesses; and</li> <li>•Engagement with students at the Peter Jones Enterprise Academy (Dudley College</li> </ul>
2.1b (A.20)	To Support a thriving local enterprise economy through effective regulation	 ONTARGET <span style="float: right;">Nick Powell</span>
		36 high and medium risk premise inspections for food standards were carried out towards an end of year target of 68.
2.1c (A.36)	To monitor the implementation of the Black Country Core Strategy annually	 ONTARGET <span style="float: right;">Helen Martin</span>
		Work is underway on the 2014 Authority Monitoring Report (AMR); a first draft has been completed and is on target for publication.
2.1d (A.622)	Services which enable Economic Well-Being	 ONTARGET <span style="float: right;">Matt Bowsher</span>
		<ul style="list-style-type: none"> <li>• Hits on Dudley Community Information Directory - 36,923 (source - Open Objects)</li> <li>• New followers, social media for libraries - 82 new Twitter followers; 284 active Facebook users; 13 new likes.</li> <li>• New followers, social media for Archives - 35 new Twitter followers.</li> <li>• Number of employers supported - 53.</li> <li>• Number gaining employment - 92</li> </ul>

2. Regeneration, skills and employment		
Objective 2	To increase the number and diversity of businesses attracted to the borough	
Ref (SPECTRUM)	Key Activity	Progress
2.2a (A.24)	To work proactively with the development industry and business community to promote Dudley as a location for new investment and to facilitate the growth of existing businesses	<p>✔ ONTARGET <span style="float: right;">Rupert Dugdale</span></p> <p>The Urban Environment Scrutiny Committee Working Group received a presentation on inward investment activities in Dudley Borough and the Black Country from Council Officers, Invest Black Country and Marketing Birmingham. A final report on inward investment will be presented to the Scrutiny Committee in during quarter 4 2015.</p> <p>To further promote Dudley Borough as a location for new investment Council Officers will be working with Invest Black Country and UK Trade and Investment (UKTI) to further promote investment opportunities to national and overseas investors via the Government's new Regeneration Investment Organisation (RIO).</p>
		<p>✔ ONTARGET <span style="float: right;">Duncan Lowndes</span></p> <p>No further progress from Q2 update. Awaiting final confirmation of European Regional Development Fund (ERDF) funding prior to commencing project at the White House Cone that will increase the amount of studio/workshop space in the borough.</p>
2.2b (A.23)	Seek to develop/ provide affordable studio space in the borough for creative industries	<p>✔ ONTARGET <span style="float: right;">Duncan Lowndes</span></p> <p>No further progress from Q2 update. Awaiting final confirmation of European Regional Development Fund (ERDF) funding prior to commencing project at the White House Cone that will increase the amount of studio/workshop space in the borough.</p>

2. Regeneration, skills and employment		
Objective 3	Improve the vibrancy and attractiveness of the Borough's town centres	
Ref (SPECTRUM)	Key Activity	Progress
2.3a (A.25)	To deliver the regeneration framework for the borough through Area Action Plans and Development Strategy Development Plan	<p>✔ ONTARGET <span style="float: right;">Helen Martin</span></p> <p>Brierley Hill, Stourbridge and Halesowen Area Action Plans have been adopted in line with the Local Development Scheme.</p> <p>The Development Strategy (Preferred options was published for 9 weeks consultation following approval at Cabinet on 3rd July 2014, Consultation closed 12th September 2014). Further consultation will take place in June 2015 for submission September 2015 and adoption March 2016.</p> <p>The Dudley Area Action Plan went to Cabinet on 4th December for approval to consult on the preferred options plan in during quarter 4 2015 for 6 weeks; this is progressing in line with the Local Development Scheme.</p>
		<p>✔ ONTARGET <span style="float: right;">Helen Martin</span></p> <p>Brierley Hill, Stourbridge and Halesowen Area Action Plans have been adopted in line with the Local Development Scheme.</p> <p>The Development Strategy (Preferred options was published for 9 weeks consultation following approval at Cabinet on 3rd July 2014, Consultation closed 12th September 2014). Further consultation will take place in June 2015 for submission September 2015 and adoption March 2016.</p> <p>The Dudley Area Action Plan went to Cabinet on 4th December for approval to consult on the preferred options plan in during quarter 4 2015 for 6 weeks; this is progressing in line with the Local Development Scheme.</p>

2. Regeneration, skills and employment		
Objective 3	Improve the vibrancy and attractiveness of the Borough's town centres	
Ref (SPECTRUM)	Key Activity	Progress
2.3b (A.26)	To deliver Area Action Plan for Dudley town centre in accordance with approved Local Development Scheme	<p>✔ ONTARGET <span style="float: right;">Helen Martin</span></p> <p>Following consultation on the Issues and Options plan in March 2014, the Dudley Area Action Plan went to Cabinet on 4th December for approval to consult on the preferred options plan in quarter 4 2015 for 6 weeks. The production of the plan is on target in line with the Local Development Scheme with submission January 2016 and adoption November 2016.</p>
2.3c (A.27)	To deliver actions against the existing Area Development Framework for Dudley Town Centre, Brierley Hill Area Action Plan, and emerging action plans for Stourbridge and Halesowen	<p>✔ ONTARGET <span style="float: right;">Rupert Dugdale</span></p> <p>Dudley Townscape Heritage Initiative (THI): Work is well underway on the Fountain Arcade shop fronts, 23 Priory Street/former Carvers Café, the former Albion Public House and the final project in the initiative, 2 Priory Road, which includes the boundary wall with Coronation Gardens. The project is due to complete in May 2015. The Phase 2 THI bid for the town centre was resubmitted on target in August 2014 with a decision expected from the Heritage Lottery Fund during quarter 4 2015.</p> <p>Dudley Market Place; the Phase 1 contract (New Street) completed in August 2014 and works on Phase 2 (Market Place) are well underway on site. Design work is well advanced on the European Regional Development Fund (ERDF) funded enhancements to Coronation Gardens. The Cavendish Quarter has been chosen by the Council as the location for the proposed Dudley Town Centre food store, and the preferred developer is currently in negotiation with food store operators. Design work is advancing on the proposed 250 multi-storey car park at Tower Street with a planning application expected to be submitted in March 2015.</p> <p>Castle Hill: Work is complete on the construction of the car park and the Recreational Route and has commenced on the new zoo entrance and the Visitor Arrival Hub.</p> <p>Brierley Hill: The Brierley Hill Business Investment Zone has been launched, applications from potential occupiers are being received and the first occupier has been included in the initiative.</p>
2.3d (A.21)	Development of a new Tourism Prospectus to identify tourism priorities for the Borough	<p>✔ ONTARGET <span style="float: right;">Phil Coyne</span></p> <p>Prospectus framework under discussion pending initial consultations with key partners</p>

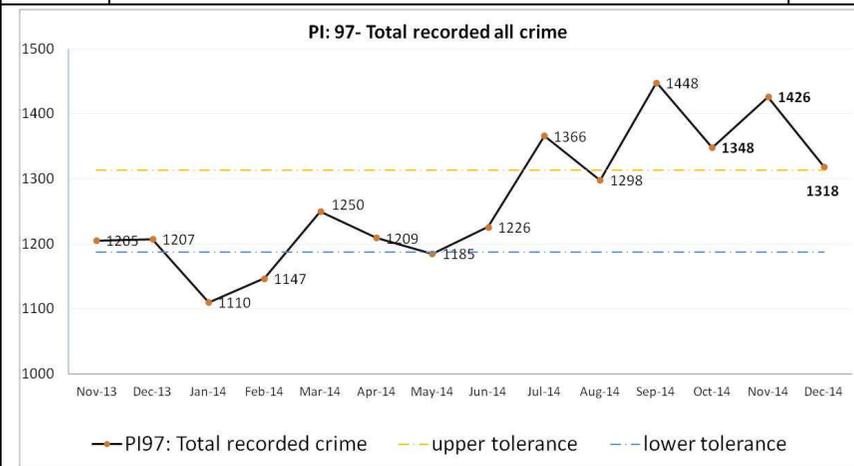
2. Regeneration, skills and employment		
Objective 4	To increase the number of people in the borough able to access training and job opportunities, leading to sustained employment	
Ref (SPECTRUM)	Key Activity	Progress
2.4a (A.28)	Working with partners & other agencies to support local people into local jobs through the provision of employability skills & training	<p>✓ ONTARGET <span style="float: right;">Rupert Dugdale</span></p> <p>The Council meets, on a quarterly basis, with Jobcentre Plus and the three Prime Contractors, responsible for delivering the Government's Work Programme across the Black Country.</p> <p>The Black Country District Job Seekers Allowance (JSA) claimant count by its 14 Jobcentres stands at 25,268 (December 2014). The total number of Dudley residents on the JSA register currently stands at 5,800. This is a reduction of 0.4% from September 2014.</p>
		<p>✓ ONTARGET <span style="float: right;">Matt Bowsher</span></p> <p>Number of Library issues - Total issues: 311,775. Consisting of 310,124 books, CDs and DVDs, 779 E-audiobooks and 872 Ebook issues.</p> <p>Use of on line library resources - 779 E-audiobook issues; 872 eBooks issues; 1,756 Britannica searches (Dec figures unavailable); 77,822 Ancestry searches; 822 driving theory tests taken; 166 Go Citizenship tests taken; 56 users of Who else writes like; 115 sign-ups to online magazines; 3,932 online magazine downloads; 121 Cobra documents viewed.</p> <p>Use of on line Archives resources (made up from Ancestry, A2A &amp; Black Country History &amp; Website) -            Ancestry Page Impressions: 108,321            Ancestry User Visits: 1,215            Black Country History Page Impressions: 20,346            Black Country History User Visits: 5,562.</p> <p>% of learners achieving outcomes - 96%.</p> <p>% of learners retained - 98%.</p> <p>Number of adults working towards level 2 English &amp; Maths – 711</p>

2. Regeneration, skills and employment		
Objective 5	To alleviate hardship suffered by households resulting from low incomes and vulnerable to changes with the economy	
Ref (SPECTRUM)	Key Activity	Progress
2.5a (A.32)	Castle & Crystal Credit Union to provide efficient and cost effective financial services.	✓ ONTARGET <span style="float: right;">Dharminder Dhaliwal</span>
		Raising awareness via Dmbc website, facebook & linked in as well as traditional payslip inserts.
2.5b (A.202)	Deliver targeted marketing, promoting financial services	✓ ONTARGET <span style="float: right;">Dharminder Dhaliwal</span>
		via facebook / linked in / Dmbc website
2.5c (A.203)	Deliver homeless grant loans on behalf of the Directorate of Adult, Community & Housing Services	✓ ONTARGET <span style="float: right;">Dharminder Dhaliwal</span>
		Continue to deliver as & when requested via Dachs

2. Regeneration, skills and employment		
Objective 6	Improve the transport network	
Ref (SPECTRUM)	Key Activity	Progress
2.6a (A.35)	To ensure that the local highway infrastructure is developed effectively to reduce congestion, maximise safety & increase access throughout the Borough to national networks	✓ ONTARGET <span style="float: right;">Martyn Holloway</span>
		The 2014/15 programmes for Local Safety Schemes, Safer Routes to Schools and for Pedestrian Crossing improvements supported by the Integrated Transport Block is progressing well.  Following the outcome of consultation, the proposed Pensnett Major Scheme has been revisited and a number of improvements made. The Scheme is proceeding on programme.

### 3. Tackling crime, fear of crime and anti social behaviour

Quarterly performance indicator scorecard		2013-14	Quarter 1		Quarter 2		Quarter 3			
PI ref	Performance indicator	Outturn	actual	score	actual	score	actual	target	score	trend
PI 340	Crime Survey England & Wales (Victim Crime)	7,620	1,926	●	4,119	▲	6,300	<5,643	▲	↗
PI 282	Number of serious acquisitive crimes recorded	3,244	701	★	1,550	●	2,484	<2,362	▲	↘
	Increases in all 3 areas of crime for the above crime category in December compared to the same period last year. Burglary dwelling in particular is of note and has seen 23 more offences (29%) compared to November and 32 more (45%) when compared to December last year.									
PI 97	Total recorded all crime	new	3,621	●	7,732	●	11,824	<11,250	▲	↗
PI 64	Violence with injury	new	436	▲	920	▲	1,368	<1,170	▲	↗
	Twenty seven fewer offences recorded in December than in November (16% reduction), and 5 fewer offences than in December last year (3.4% reduction). December is the first time so far this year where the total for the month has been less than the previous year. The majority of offences within this category were Assault Occasion ABH which accounted for 71%, and over half of these were marked as domestic abuse. Other offences ranged from Owing a Dog Dangerously out of control through to Attempted Murder. Fourteen offences (10%) were directly linked to on-trade licensed premises.									
PI 335	Number of reported incidents of criminal damage	2,444	566	★	1,236	●	1,801	<1,830	●	↗
PI 565	Number of recorded incidents of Burglary Dwelling	838	196	★	438	●	709	<630	▲	↘
PI 566	Number of recorded incidents of Robbery	238	51	★	130	▲	186	<180	●	↗



A reduction of 108 offences (7.6%) was seen in December compared to November, but compared to December 2013; an additional 111 offences (9.1% increase) have been recorded.

The top 6 single offences of Criminal Damage to Vehicle, Theft from Shop/Stall, Theft from Motor Vehicle, Assault Occasion ABH, Burglary Other Building, and Burglary Dwelling collectively accounted for half of all offences (50.7%) of all crime recorded in December.

An increase has been seen each month so far this year compared to last year, neither has the trend of offending this year followed last year. This has impacted upon the year to date position of being 12.4% up.

3. Tackling crime, fear of crime and anti social behaviour		
Objective 1	Crime reduction: To maintain low levels of crime and seek opportunities to further reduce crime where possible	
Ref (SPECTRUM)	Key Activity	Progress
3.1a (A 37)	Contribute to the effective delivery of Integrated Offender Management	✓ ONTARGET <span style="float: right;">Sue Haywood</span>
		IOM arrangements remain effective with in Dudley. There is an ongoing review of cohorts in respect of IOM arrangements
3.1b (A 48)	Co-ordinate activities through the Police and Crime Board	✓ ONTARGET <span style="float: right;">Bob Dimmock</span>
		Numbers of campaigns were delivered throughout the autumn and winter periods. Loan shark campaign has yielded 2 results which are currently under investigation by the illegal money lending team. Police and Crime Board (PCB) have been made aware of the EDL March and have been fully briefed.
3.1c (A 49)	Ensure effective delivery of the Domestic Abuse Support Services which is to be commissioned to commence service delivery July 2014	✓ ONTARGET <span style="float: right;">Anne Bowden</span>
		Two quality outcome meetings have taken place with satisfactory progress being made in delivering the requirements of the Service Level agreement. Court Independent Domestic Violence Adviser interviews to take place shortly.
3.1d (A 378)	Ensure the ongoing development and effectiveness of the Police and Crime Board for the Dudley Borough	✓ ONTARGET <span style="float: right;">Sue Haywood &amp; Bob Dimmock</span>
		The Police and Crime Board continue to meet on a bimonthly basis. The Board was established in November, 2014 and a review of membership and effectiveness is planned for 2015/16
3.1e (A 38)	To continue to improve security on local authority car parks through Park Mark Awards	✓ ONTARGET <span style="float: right;">Garry Dean</span>
		Following independent inspection by the police and British Parking Association in quarter 1, 17 of the Council's pay and display car parks successfully retained their 'Safer Parking Awards'. Following the success of the project at Pool Road car park in Halesowen earlier in the year, Parking Management are entering into a second Service Level Agreement with the Community Payback Team to clean up graffiti and repaint Maybrook House car park in Halesowen and Ryemarket car park in Stourbridge. It is hoped that cleaning up the car parks will deter further anti-social behaviour, as well as providing a more pleasant environment for users.

3. Tackling crime, fear of crime and anti social behaviour		
Objective 2	Anti social behaviour: Reduce the risk of harm arising from ASB incidents and improve levels of customer satisfaction	
Ref (SPECTRUM)	Key Activity	Progress
3.2a (A 617)	Provide support to agencies and to communities and where appropriate co-ordinate partnership activities to reduce the level of risk of harm in identified situations	<p>✔ ONTARGET <span style="float: right;">Andy Winning</span></p> <p>Coseley Railway Incidents Group has been very successful. "At risk" group of teenagers fully engaged in multi-agency programme addressing a variety of safety issues. No incidents of damage or ASB on railway line for almost a year. Community Safety involvement in Group to be discontinued after March 2015.</p> <p>Community Trigger process fully developed and in place. Scoping exercise due to be completed end of Feb as to gaps in partnership provision for positive requirements in Injunctions and Orders.</p> <p>Mobile CCTV procurement complete - bought and installed. Management process will be completed by mid-Feb.</p>
		<p>✔ ONTARGET <span style="float: right;">Katriona Lafferty</span></p> <p>Website updates almost complete (by end of Jan), including streetwise cards being uploaded. posters and cards promoting site will be sent to schools, colleges and other settings on completion, as will establishments with copies of the board game be informed of additional versions. darker nights resource went out in November, focus on dating abuse and re-launch of campaign end of Jan / early Feb.</p> <p>E-safety toolkit has been developed for practitioners in response to safer internet day 2015</p>
3.2c (A 619)	To identify care and referral pathways for young people experiencing abusive relationships and promote these to other agencies	<p>✔ ONTARGET <span style="float: right;">Katriona Lafferty</span></p> <p>First 3 training days successful with positive feedback from delegate's. March date is fully booked; June and October dates have been advertised to school staff.</p> <p>Working group continue to look at into best ways to support young people in abusive relationships - some development around IYS offering operational support - what this will look like to be confirmed in coming months, Police also looking at their response and taking this to force level</p>
		<p>✔ ONTARGET <span style="float: right;">Diane Channings</span></p> <p>Work continuing on "working together" with an audit of current service provision. Workshop run by Chartered Institute of Housing (CIH) lead with Anti social behaviour (ASB) / Legal Officers to build effective working relationships and review procedures. Further work done on draft implementation plan to be delivered in final quarter of the financial year. Job descriptions, job specifications &amp; JEQs drafted for new concierge roles proposed for out of hour's service. Consultation planned for next quarter with tenants and elected members on concierge / ASB out of hour's service. Changes proposed to the forward delegations to deal with new powers in the Police &amp; Crime Act.</p>
3.2d (A 707)	Anti Social Behaviour service improvement plan	

3. Tackling crime, fear of crime and anti social behaviour		
Objective 3	Community Cohesion/Integration: Refine local approaches to cohesion and Integration and further develop tension monitoring	
Ref (SPECTRUM)	Key Activity	Progress
3.3a (A 379)	Work with partners to identify and lessen tensions and promote community cohesion/integration	✓ ONTARGET Rosina Ottewell
		Special meeting of Community Cohesion & tension Monitoring Executive on 18th December and activation of Dudley Contingency plan in response to intelligence that EDL will be protesting in Dudley on 7th February 2015. All Safe and Sound partners involved.
3.3b (A 620)	Increase the number of 3 <sup>rd</sup> party reporting centres for Hate Crime across the Borough from eight	✓ ONTARGET Rosina Ottewell
		Citizens Advice Bureaux for across the borough now signed up and website updated accordingly.
3.3c (A 621)	Align local information with local intelligence with counter terrorism local profile 2014	✓ ONTARGET Sue Haywood
		The prevent delivery group has received an update on local information and a revised plan for 2015 will be developed by end of January 2015.
3.3d (A 55)	To ensure to review and respond to tensions in the borough through the Community Cohesion and Tension Monitoring Executive.	✓ ONTARGET Sue Haywood
		The community tension monitoring reporting system was implemented and tensions remain assessed as low in the borough. It was announced however in December that an EDL demonstration was planned for February 2015 which may result in community tensions increasing in the new year .

3. Tackling crime, fear of crime and anti social behaviour		
Objective 4	Drugs and alcohol: Increase the number of adults who misuse substances into treatment in order to improve health and crime reduction	
Ref (SPECTRUM)	Key Activity	Progress
3.4a (A 43)	Ensure effective delivery of commissioned services	<p>✔ ONTARGET <span style="float: right;">Diane McNulty</span></p> <p>Commissioned Substance Misuse service is now fully operational. The service is performance managed through monthly meetings and formal quarterly contract meetings. A number of performance management tools are used to ensure that Substance Misusers in Dudley are receiving an effective and appropriate service. Monthly performance information from Public Health England through national drug treatment misuse service (NDTMS); DIRDet and quarterly information from the same sources. Treatment Outcome Performance (TOPS) is used to measure success in terms of reduced drug use, housing and employment outcomes.</p>
		<p>✔ ONTARGET <span style="float: right;">Diane McNulty</span></p> <p>Identification and engagement continues in the community and through the Drug and Alcohol Liaison Team (DALT) services provided within Russell's Hall Hospital. Availability of the DALT services is being extended to include weekends and evenings.</p> <p>Pathways are in place for assessment and referral into treatment for alcohol users in custody.</p>
3.4b (A 44)	Increase the use of Criminal Justice Interventions in respect of alcohol misuse where alcohol misuse has been a feature of offending (Alcohol Arrest Referral Scheme/Penalty Notice Disorder Waivers – Alcohol)	<p>✔ ONTARGET <span style="float: right;">Diane McNulty</span></p> <p>The substance misuse safeguarding forum is now Chaired by Public Health and reports into the Safeguarding Board structure.</p>
		<p>✔ ONTARGET <span style="float: right;">Diane McNulty</span></p> <p>Review the effectiveness of the Joint Local Protocol between Adult Drug and Alcohol Services and Family and Safeguarding Services. (Number of Common Assessments Completed CAFs and increase of numbers into treatment)</p>

3. Tackling crime, fear of crime and anti social behaviour		
Objective 5	Children and young people substance misuse: Increase the number of young people leaving specialist treatment in a planned way	
Ref (SPECTRUM)	Key Activity	Progress
3.5a (A 45)	Ensure effective delivery of commissioned services	 ONTARGET <span style="float: right;">Diane McNulty</span>
		A comprehensive assessment is completed for all young people engaging with Switch across key areas of their lives. This enables clients to receive a multi-agency care package that addresses their multiple needs and access a range of specialist interventions. Monthly meetings are held to monitor the service.
3.5b (A 46)	Ensure that a referral process is in place and implemented for those children and young people leaving specialist treatment and in need of other services on exit	 ONTARGET <span style="float: right;">Diane McNulty</span>
		At Qtr 2 61% of young people leaving treatment in a planned way engaged/were offered support for wider needs. This compares favourably against national figures of 36%. However, we have set a target of 86% to be reached by the end of the year.
3.5 c (A 381)	Increase awareness of the impact of parental substance misuse (hidden harm)	 ONTARGET <span style="float: right;">Diane McNulty</span>
		The Steps Together project has engaged with 6 families affected by alcohol and provided a range of interventions to family members to promote coping skills, resilience and address parental health behaviour. Provision of support for children and young carers affected by someone they live with using drugs or alcohol continues through the Time for Me project. Due to reconfiguration of Aquarius, since losing the alcohol support contract in Dudley, and not being able to fill an existing vacancy, the partnership with Barnardo's on the Steps Together project has been terminated. Discussions have been held with CRI, who are now providing the drug and alcohol service in Dudley, who have agreed to deliver the programme in partnership with Barnardo's.
3.5d (A 47)	Reduce harm to children by limiting the access to alcohol and tobacco	 ONTARGET <span style="float: right;">Nick Powell</span>
		Test purchases for alcohol and tobacco were carried out at 169 premises

4. Caring for the elderly and vulnerable										
Quarterly performance indicator scorecard		2013-14	Quarter 1		Quarter 2		Quarter 3			
PI ref	Performance indicator	Outturn	actual	score	actual	score	actual	target	score	trend
PI 501	ASCOF 2B P1 - Proportion of older people (65 and over) who were still at home 91 days after discharge from hospital into reablement or rehabilitation services	87.4%	85.6%		83.8%		86.8%	88%		

4. Caring for the elderly and vulnerable		
Objective 1	Enable and embed personalised community based support	
Ref (SPECTRUM)	Key Activity	Progress
4.1a (A624)	That our safeguarding processes are enabling adults to remain safe from harm and that staff across all partner agencies are equipped to respond to reported abuse. Implement Peer Review actions for improvement	<p> <b>AHEAD</b> <span style="float: right;">Brendan Clifford &amp; Matt Bowsher</span></p> <p>Safeguarding Annual Report completed and available on the website. Business Plan for 2014-15 agreed and on website. Councillor Representation on the safeguarding board.</p> <p>Threshold training delivered to operational staff as recommended by the peer review. Work completed and training in place.</p> <p>Recommendations that the views of the victim be incorporated into the safeguarding process are to be adopted mainstream as a result of the Peer Review and also the making safeguard personal pilot which Dudley is also now part of.</p> <p>Safeguarding website aims to deliver this and a new safeguarding leaflet has been developed to promote this further.</p>
		<p> <b>ONTARGET</b> <span style="float: right;">Brendan Clifford &amp; Matt Bowsher</span></p> <p>The first community information points went live during December. These will include points at Age UK, Dudley Community Volunteer Sector (DCVS), Castle &amp; Crystal, Dudley Voices for Choices, Y Project, St Michaels Church Norton, Dudley Council – blue badge team, Living Well, Dudley falls, Enabling community support and the Assisted living centre.</p> <p>Advocacy, a draft model has been developed and was agreed at DMG on 14th January 2015.</p> <p>Establishing forum - Peoples network aiming to ensure that they are involved on an ongoing basis. Adult Social Care Survey and carer survey helping us gather customer experience. Satisfaction of life and quality indicators contributes to metrics.</p>
4.1b (A 625)	To drive improved outcomes for people who use services and carers	

4. Caring for the elderly and vulnerable		
Objective 2    Develop sustainable and high quality services which deliver value for money for local people		
Ref (SPECTRUM)	Key Activity	Progress
4.2a (A 626)	We will ensure that universal and preventative services support people's quality of life and wellbeing	 ONTARGET <span style="float: right;">Brendan Clifford &amp; Matt Bowsher</span>
		<p>Plans for further development are ongoing agreement to utilise the DCID (Dudley Community Information Directory) as the council's primary engagement channel and database.</p> <p>The second 'Get Connected' event took place at Himley Hall on 9 October. Delegates from 14 different organisations attended and 27 organisations were represented in the market place. Feedback was extremely positive and the event facilitated more joint working across borough prevention services.</p>

## 5. Health and well-being

Quarterly performance indicator scorecard										
		2013-14	Quarter 1		Quarter 2		Quarter 3			
PI ref	Performance indicator	Outturn	actual	score	actual	score	actual	target	score	trend
PI 293	Number of people where homelessness is prevented by intervention by DMBC or partner agency	968	328	★	658	★	1,012	750	★	↗
PI 680	Bookstart – Number of packs gifted to babies and 3 year olds	7,552	2,378	★	(1,690) 4,068	▲	(1,668) 5,736	(1,299) 5,632	●	↘
PI 675	Number of accepted referrals for adult weight management programmes	7,216	1,816	●	3,673	●	5,182	5,280	●	↘
	The annual trend for referrals has shown that we have a lower number of referrals in Q3 due to the Christmas period. However, the number of accepted referrals is up from 1368 for the similar period last year.									
PI 730	% of eligible cohort offered an NHS health check	new	122%	★	112%	★	112%	100%	★	→
PI 731	% of eligible cohort receiving a health check	new	37%	▲	41%	▲	42%	50%	▲	↗
	Still below 50% but improving. Recovery plans in place.									

5.Health and well-being		
Objective 1	To reduce levels of obesity among people	
Ref (SPECTRUM)	Key Activity	Progress
5.1a (A 382)	To provide specific targeted activity programmes for those at risk of becoming overweight or obese	 ONTARGET <span style="float: right;">Andy Webb</span>
		<p>Working with the Chief Executive's Office for Public Health, programmes are on offer for customers at risk of becoming overweight or obese. These are available in leisure centres and at the Hubs delivered by the team of Activators. Programmes include MEND and Shapes plus the well established early intervention GP referral arrangements.</p> <p>Specific sessions are being planned for 2015 for women during pregnancy to engage them in physical activity.</p> <p>Work with the Clinical Commissioning Group (CCG) to assist the delivery of their action plan emerging from the Physical Activity &amp; Sport Strategy provides further opportunities to develop interventions to address overweight and obesity.</p>

5.Health and well-being		
Objective 2	Improve people's physical health and encourage healthy lifestyle choices	
Ref (SPECTRUM)	Key Activity	Progress
5.2a (A 69)	To increase the percentage of physically active adults and children	 ONTARGET <span style="float: right;">Andy Webb</span>
		<p>Active People Survey (APS) 7 results published in early December 2013 indicated that adult participation is continuing to increase in Dudley. APS indicated that from APS1 to APS7 participation of 3x30 mins per week had increased from 17% to 19.2%. There is a concern that APS indicates that 53.7% of adults do no physical activity or sport.</p> <p>Link:  <a href="http://www.sportengland.org/research/who-plays-sport/local-picture/who-plays-sport-in-local-communities/">http://www.sportengland.org/research/who-plays-sport/local-picture/who-plays-sport-in-local-communities/</a></p> <p>The next release of Active People data is not expected until quarter 4 2015.</p> <p>The Physical Activity and Sport Strategy seek to increase levels of activity among both adults and children through the engagement of a range of partner organisations. A physical activity and sport campaign under the 'Let's Get...' brand is being rolled out.</p> <p>A Christmas / New Year membership promotion commenced on 1 November 2014 and sales to date have been encouraging.</p>

5. Health and well-being		
Objective 2	Improve people's physical health and encourage healthy lifestyle choices	
Ref (SPECTRUM)	Key Activity	Progress
5.2b (A 635)	To determine planning applications in accordance with the Planning for Health Supplementary Planning Document	<p>✔ ONTARGET <span style="float: right;">Helen Martin</span></p> <p>The Planning for Health Supplementary Planning Document (SPD) is now a material consideration in the determination of planning applications. Applications are being determined with due regard to the guiding principles within the document.</p>
5.2d (A 266)	Commission and provide a range of social marketing and health campaigns to raise awareness and trigger behaviour change	<p>✔ ONTARGET <span style="float: right;">Diane McNulty</span></p> <p>Activity outlined in OPH campaign for Q3 delivered including - Road to wellbeing (mental health promotion), breast screening, reporting of underage/ illicit sales of alcohol and tobacco, public advice for emergency situations, Let's talk drink, World Aids day, self care week, smoke free children, Let's get (physical activity and nutrition), flu vaccine and winter warmth.</p> <p>Social marketing research commissioned to explore the views; attitudes and use of sunbeds by young people aged 14-18. Research completed and final report produced.</p> <p><b>Vascular Team</b> An article was published in the GP Brief to inform providers regarding the evidence base for the NHS Health check programme and the expected benefits and cost savings the programme is expected to achieve. The article also included a testimonial from a practice which had improved performance and details of support available to providers to improve their service. A market research brief to increase uptake of health checks was developed and sent to relevant companies inviting them to put forward a quote for the work. The deadline for submissions in January 9th 2015. Weekly newspaper advertising has been secured for the first 4 weeks in January 2015.</p> <p><b>Weight Management.</b> New resources for the Shapes and Fit Blokes programmes have been commissioned and produced for new programmes commencing in January 2015. An intensive advertising campaign - 'Get in Shape in 2015' has been delivered through poster campaign and newspaper advertising. Self Management Programme; Self Care week campaign. Successful promotion of self care message. Leaflets developed to encompass a broad message around management of health and wellbeing inc; SMP, HLP, symptom checker app and libraries community info directory. 8500 leaflets circulated through GP, pharmacy, libraries, voluntary sector and at road-show across borough. Pieces in press and in council comms. Took leaflets to national self care conference. Worked alongside CCG to co-produce message covering local and national angle. Physical Activity and Food and Nutrition. Lets get campaign developed new resources, engaged with CCG, developed new articles and images for the website. Launched it's twitter feed.</p>

5. Health and well-being		
Objective 2	Improve people's physical health and encourage healthy lifestyle choices	
Ref (SPECTRUM)	Key Activity	Progress
5.2e (A 267)	Commission and provide a range of primary prevention programmes across the life course with a focus on tobacco control, breast feeding, cancer prevention, healthy living	 ONTARGET <span style="float: right;">Diane McNulty, David Pitches &amp; Bal Kaur</span>
		<p><b>Cancer prevention:</b> Commissioned qualitative research into sunbed usage and tanning with 14-18 year olds. Delivered breast and cervical cancer awareness workshops to 4 volunteers at Thomas Pocklington Trust; a cervical screening awareness session to 10 student midwives and a briefing session on 'Blood in Pee' to Adult Learning tutors. Engaged 370 women in conversations about the breast cancer screening programme during 5 road show events. Staff and Community Health Champions involved in the 'Life is Precious' cancer awareness project were interviewed for a case study for the forthcoming NICE guidance on 'Community engagement – approaches to improve health' which will be published in January 2016.</p> <p><b>Alcohol health improvement:</b> A Young people's 'Think Alcohol' website has been developed to include interactive elements, and promoted. A partnership project with SWITCH and a creative agency to produce a short film to raise awareness of the young people's substance misuse service was completed. A partnership 'Safer Stourbridge Project' to include taxi marshals operating on 7 dates, the St John's Ambulance mobile unit on 6 dates and Street Pastors, who gave out 500 spikeys and foil blankets ran over the Christmas holiday. Three community alcohol awareness projects resulting in production and distribution of a resource for parents and carers (CfED) were supported, 5 photo stills and videos (Dudley College) and 2 pottery sessions were delivered to 20 adults (USP). Ten further drug and alcohol awareness training sessions were delivered by a commissioned provider - 66 people completed the Tier 1 (basic) training, 42 completed the Tier 2 training and 38 attended a bespoke training session. A creative arts agency was commissioned to work on an arts and alcohol awareness project with minority ethnic communities.</p> <p><b>Breastfeeding</b> 7 update sessions run for Health Visitors, student Health Visitors and Nursery Nurseries for Introduction of Solid foods and UNICEF new standards with a total of 83 attendees. A total of 95 contacts made by volunteer breastfeeding buddies</p>

5. Health and well-being		
Objective 2	Improve people's physical health and encourage healthy lifestyle choices	
Ref (SPECTRUM)	Key Activity	Progress
5.2f (A268)	Embed the Making Every Contact Count approach within the Council, Partner organisations and key providers.	<p>✔ ONTARGET <span style="float: right;">Diane McNulty</span></p> <p>The Council Healthy Living Champions continue to have conversations about health and wellbeing and make every contact count by signposting/ referring to lifestyle services when appropriate. During Q3 they have had 239 conversations about health and wellbeing (taking the cumulative number of conversations for this year to 1504). During Q3 46% of conversations have been with the public/ a client, 41% have been with friends/ family and 13% have been with others. They have made 126 signposts/ referrals with 74% to physical activity programmes, 16% to food and nutrition programmes, 5% to the Health Trainer Service, 3% to weight management services, 1% to stop smoking services and 1% to other services not listed.</p>
		<p>✔ ONTARGET <span style="float: right;">Diane McNulty</span></p> <p>Public health volunteers have contributed a total of 645.5 hours to the self management programme, physical activity team, healthy eating team, weight management team, breastfeeding buddies service and stop smoking service. An additional 89.5 hours of volunteer time have been invested in training and development (induction sessions, drug &amp; alcohol, safeguarding and breastfeeding buddy training). A training survey has been undertaken to inform the training and development programme for 2015/16.</p> <p>Three job opportunities have been shared with the volunteers, as well as information on 'Keeping Warm &amp; Well'</p> <p>The 'Healthy Communities Volunteer Programme' received an 'Investing in Volunteers' award in October. A notable practice case study was also completed for the Health &amp; Wellbeing Board peer review challenge.</p> <p>Community Health Champions (CHCs) were engaged in the 'Be Clear on Cancer - Blood in Pee' campaign. Three CHCs recorded their learning and reflections about the taxi driver project. Seven CHCs took part in focus groups for the case study selected by NICE for their revised community engagement guidance.</p> <p>Asset based work in Wrens Nest continues 'Open Hub' - focus on building awareness and links with other local organisations (Adult &amp; Community Learning, Wrens Nest Children's Centre and St Francis Church). Also further development of collaborative community spaces in Wrens Nest Community Centre and Priory Pavilion. Designed and started new projects as well as maintaining existing projects such as bulb planting, seed and feed and cooking. Started process of Developmental Evaluation. Three development days held with Civic Systems Lab - focus on sharing learning with a similar project in Lambeth, theory of change and links to multiple and complex deprivation.</p>
5.2g (A 269)	Increase the capacity of people to improve their own health and wellbeing through developing and evaluating asset based approaches, and the health champions and public health volunteers programmes	<p>✔ ONTARGET <span style="float: right;">Diane McNulty</span></p>

5. Health and well-being		
Objective 2	Improve people's physical health and encourage healthy lifestyle choices	
Ref (SPECTRUM)	Key Activity	Progress
5.2h (A270)	Improve the mental health and wellbeing of people in Dudley Borough	<p>✔ ONTARGET <span style="float: right;">Diane McNulty</span></p> <p>Produced and circulated Public Mental Health e-Bulletin Edition Six to 650 cross-sector contacts focusing on local mental health promotion activity and resources as well as national campaigns (dementia/ mental health /suicide prevention/self harm).</p> <p>Formally received the S-O-S Award from the Lord mayor of Dudley, in recognition of building capacity in the borough through suicide prevention training. Commissioned further safe TALK and ASIST suicide prevention training targeting frontline workers and primary health care setting for January. Updated mental health section on Workplace Health &amp; Wellbeing web pages for Dudley Council Staff; provided input to development of DMBC policy for mental health and the design of DMBC counselling service.</p> <p>Produced 'Addressing Inequalities' section for draft Mental Health strategy for Dudley. Completed Quarter 2 monitoring community development worker service based in the mental health trust.</p> <p>Contributed to the First Quarterly Review of the newly commissioned Dudley Domestic Abuse Support Service.</p> <p>Commissioned a qualitative needs assessment to explore self-harm issues and perceptions amongst key groups in Dudley, using an arts and health approach, to identify local needs and start developing a local action plan.</p> <p>Commissioned a pilot project to support the mental health of unemployed men (30-50yrs).</p>
		<p>✔ ONTARGET <span style="float: right;">Matt Bowsher</span></p> <p>Number of individuals served – Home Library Service - Dudley 569; Wolverhampton: 484. No of enquiries for service Dudley 39; Wolverhampton 12.</p> <p>Issues of dementia collections from libraries - 44 issues of items in Dementia collections.</p> <p>Events &amp; activities to support Health and Wellbeing, number held and numbers attending - Number of events: 41. Number of attendees: 333. Mental Health Week - Thoughts and Emotions session held at Coseley Library attended by 8 people, and a Breast Cancer Awareness coffee morning held on 22nd Oct, also at Coseley, well attended by 20 people. Also a Carer's launch day at Dudley library during this week.</p> <p>Book start – Number of packs gifted to babies and 3 year olds - Total: 1668 consisting of 975 to Babies and 693 Treasure Bags.</p> <p>% Learners who say they have enjoyed learning - 100%</p>

5.Health and well-being		
Objective 3	To increase participation in leisure, recreational and cultural activities for learning, health improvement, socialising and personal growth	
Ref (SPECTRUM)	Key Activity	Progress
5.3a (A 383)	To support the voluntary sports sector in developing facilities, its workforce, and performance pathways	<p>✔ ONTARGET <span style="float: right;">Duncan Lowndes</span></p> <p>Sport clubs and organisations are supported in developing bids for external funding. A number of Borough clubs have been successful in securing Sport England funding from the Inspired Facilities programme which equates to in excess of £350,000 investment in grass roots sport. Bids no longer have to be submitted in specific funding rounds as this has become an open application programme.</p> <p>Oldswinford &amp; Stourbridge Cricket Club has recently been awarded upwards of £40,000 from Sport England's Inspired Facilities fund.</p> <p>Unit3Sixty, an indoor skateboard, scooter and BMX venue has been developed in Stourbridge and received a grant of £50,000 and opened in December.</p> <p>Activities at Dudley Water Sports Centre have been increased with the British Rowing programme ongoing and train athletes using the water. A walking group also makes regular use of the premises as a meeting point.</p> <p>Working with the Black Country Be Active County Sports Partnership it is intended to provide dedicated support to a small number of clubs to assist them in planning for the future. More broadly, and connected with the Physical Activity and Sport Strategy, there will be a determination of the best point of contact for sports clubs and organisations.</p>

5.Health and well-being		
Objective 4	Improve health care quality and effectiveness of local healthcare providers	
Ref (SPECTRUM)	Key Activity	Progress
5.4c (A 286)	Provide guidance, support and oversight on Pharmaceutical public health	<p>✔ ONTARGET <span style="float: right;">Duncan Jenkins</span></p> <p>Issued one newsletter and report to Quality and Safety committee on medicines and devices safety</p>

5.Health and well-being		
Objective 5	Alleviate homelessness	
Ref (SPECTRUM)	Key Activity	Progress
5.5a (A 392)	To achieve the Gold Standard for Housing Advice Service	 ONTARGET <span style="float: right;">Diane Channings</span>
		Peer review completed and score of 67% achieved. This was the highest within our peer group and enables us to commence work on the "10 challenges". Our three initial challenges will require corporate commitment and are a) no Bed & Breakfast Accommodation (B&B) for 16/17 year olds, b) no families in B & B for more than 6 weeks, c) Mortgage Rescue or equivalent scheme in place.

5.Health and well-being		
Objective 6	Protect people from infectious disease and environmental hazards across the life course	
Ref (SPECTRUM)	Key Activity	Progress
5.6a (A 278)	Provide advice, support, scrutiny and challenge to reduce the occurrence of infection control incidents across health and social care providers	 ONTARGET <span style="float: right;">Barry Jones</span>
		3 care home education sessions delivered, also 8 scheduled full infection control care home audits and 2 post audit follow up visits were undertaken. 1 GP education session was delivered in this quarter and 3 infection prevention audits of GP practices were undertaken. The 3rd Care home link practitioner network took place. The team continues to monitor incidence of Clostridium difficult and MRSA Bacteraemia and other avoidable infections for Dudley CCG. The team continues to assist/support the CCG with investigations into incidents and outbreaks in the local acute trust.

5.Health and well-being		
Objective 7	Ensure strategies, programmes and services are in place that will contribute to reducing health inequalities	
Ref (SPECTRUM)	Key Activity	Progress
5.7a (A 273)	Contribute to the delivery of the fuel poverty and excess winter deaths, coordinating responsibilities in the cold weather plan	 ONTARGET <span style="float: right;">Diane McNulty</span>
		Continued co-ordination and support provided to Dudley's multi-agency winter warmth steering group. Work with Local Welfare Assistance team to ensure that residents receiving crisis payments are also offered winter warmth support. Pilot with pharmacies initiated to encourage referrals of residents who are vulnerable to the cold. Information on staying warm and well provided for inclusion in the Emergency Planning booklet which will inform the public of what to do in an emergency situation.  Cold Weather Plan partnership meeting coordinated and action tracker document produced to identify further actions required and responsible officers.

## 6. Cleaner , greener and environmentally friendly

Quarterly performance indicator scorecard										
		2013-14	Quarter 1		Quarter 2		Quarter 3			
PI ref	Performance indicator	Outturn	actual	score	actual	score	actual	target	score	trend
PI 375	Residual household waste KG's per household (NI 191)	583.42 Kg's	134.91 kg's <i>second estimate</i>		270.5 kg's <i>second estimate</i>		403.28 kg's <i>First estimate</i>	423.75 kg's		
PI 348	Percentage of household waste sent for reuse, recycling and composting (NI 192)	35.67%	51.92% 19,695 tonnes <i>second estimate</i>		49.24% 15,694 tonnes <i>second estimate</i>		45.4% 45,435 tonnes <i>First estimate</i>	40%		
PI 350	Percentage of municipal waste land filled (NI 193)	5.85%	4.06% <i>second estimate</i>		3.87% <i>Second estimate</i>		3.5% <i>First estimate</i>	5%		
PI 194	Improved street and environmental cleanliness (detritus) (NI 195b)	5.15%	-	-	4.24%		3.2%	5.7%		
PI 195	Improved street and environmental cleanliness (fly posting) (NI 195d)	0.06%	-	-	0.17%		0.08%	0.1%		
PI 196	Improved street and environmental cleanliness (graffiti) (NI 195c)	1.06%	-	-	0.17%		0.42%	1.3%		
PI 197	Improved street and environmental cleanliness (litter) (NI 195a)	3.44%	-	-	1.5%		1.92%	3.3%		

6. Cleaner, greener and environmentally friendly		
Objective 1		To encourage sustainable waste management practices amongst the Borough's residents and businesses and to provide increased opportunities for recycling
Ref (SPECTRUM)	Key Activity	Progress
6.1a (A 79)	To change public perception of waste minimisation and recycling through education and awareness raising activities	 ONTARGET <span style="float: right;">Heidi Marsh-Geyton</span>
		<p>With the enhanced recycling collection service rolled out Borough-wide, Waste are working on a number of initiatives to target areas of the Borough where recycling rates are low. Officers are working with national organisation, Waste &amp; Resources Action Programme (WRAP) on an awareness campaign to be run during quarter 4 and which is aimed specifically at increasing levels of plastic bottle and glass recycling.</p>
6.1b (A 80)	To develop more sustainable waste management, e.g. through greater recycling and improved public perception and participation	 ONTARGET <span style="float: right;">Heidi Marsh-Geyton</span>
		<p>The re-optimisation of collection rounds, the final element of the service transformation, continues to progress, and when complete will ensure efficiency.</p> <p>Waste Care and the site contractor, HW Martin, introduced a van and trailer permit scheme at the Household Waste Recycling Centre (HWRC) in November. The HWRC is provided for Dudley Borough residents to recycle and dispose of waste/recycling that cannot be collected by the regular kerbside collections. However, some commercial waste from businesses is also being brought into the site, which costs the Council and council tax payers over £100 per tonne to dispose of. The reason for introducing the permit scheme, which is free of charge, is to deter traders from disposing of their waste illegally at the site. The scheme is working well, with over 2,000 applications received and processed by the end of December, and a decrease in the number of large vans bringing waste in to the site already highlighted.</p> <p>Site staff are continuing with their efforts to decrease landfill and increase burnable loads into the incinerator.</p>

6. Cleaner, greener and environmentally friendly		
Objective 2		To alleviate traffic congestion
Ref (SPECTRUM)	Key Activity	Progress
6.2a (A 82)	Implementation of the Transport Asset Management Plan (TAMP) to manage and improve the borough's highway network	 ONTARGET <span style="float: right;">Garry Dean</span>
		<p>The Network Management Strategy &amp; Plan continues to be used in the strategic management of the Borough's highway and road assets.</p>

6. Cleaner, greener and environmentally friendly		
Objective 2	To alleviate traffic congestion	
Ref (SPECTRUM)	Key Activity	Progress
6.2b (A 83)	To promote sustainable modes of travel as a mechanism to reduce congestion, promote healthier lifestyles & improve air quality	<p>✔ ONTARGET <span style="float: right;">Martyn Holloway</span></p> <p>Work is now been completed on the Better Bus Area Fund improvements at Merry Hill which include a new pedestrian crossing facility to Pedmore Road and Bus Gate to the Boulevard at the junction with Mill Street. These works will improve pedestrian access to the site and journey time reliability for buses.</p> <p>Works funded by reallocated Local Sustainable Transport Funding to improve pedestrian crossing facilities in and near Sedgley Town Centre are now substantially complete bringing much needed journey time improvements to public transport in the area</p>
		<p>✔ ONTARGET <span style="float: right;">Martyn Holloway</span></p> <p>As discussed at A83, works on the 5 pedestrian crossings in the Sedgley area are now complete.</p> <p>As discussed at A35 development of improvements at Pensnett are continuing on programme.</p>
6.2d (A 85)	To work with partners to develop the transport network to support investment in Brierley Hill	<p>✔ ONTARGET <span style="float: right;">Martyn Holloway</span></p> <p>As discussed at A83 work to improve sustainable access to the Merry Hill Shopping Centre through the Better Bus Area Fund is now complete.</p>

6. Cleaner, greener and environmentally friendly		
Objective 3	To protect and enhance the environment through advice, regulation and enforcement	
Ref (SPECTRUM)	Key Activity	Progress
6.3a (A 81)	To improve air quality in the borough through the Air Quality Action Plan	<p>✔ ONTARGET <span style="float: right;">Nick Powell</span></p> <p>The Council has an Air Quality Action Plan approved by Cabinet. 100% (10) of the actions that were due in the first three quarters were completed</p>
		<p>✔ ONTARGET <span style="float: right;">Nick Powell</span></p> <p>84% of food establishments in the Borough are broadly compliant with food hygiene law. 92% of food safety, health and safety and pollution control inspections for high risk premises that were due were carried out.</p>
6.3b (A 70)	Ensure access to clean and safe food and water and safe places of work	

6. Cleaner, greener and environmentally friendly		
Objective 3	To protect and enhance the environment through advice, regulation and enforcement	
Ref (SPECTRUM)	Key Activity	Progress
6.3c (A 89)	Conservation and management of the Borough's green spaces	<p>✔ ONTARGET <span style="float: right;">Garry Dean</span></p> <p>Officers from Green Care continue to work with Friends of Parks groups and volunteers across the Borough.</p> <p>The Green Spaces Asset Management Plan is currently being prepared for future approval by Council. The Plan seeks to provide future strategic direction and investment for the Borough's green spaces. It has been developed to help define the status and value of our green spaces, in future linking them to access corridors and recognising that they are at the heart of our communities. The Plan aims to support and inform the emerging Planning Policy Development Strategy.</p>

6. Cleaner, greener and environmentally friendly		
Objective 4	To protect, preserve and develop for appropriate use the unique heritage of the borough for this and future generations	
Ref (SPECTRUM)	Key Activity	Progress
6.4a (A 86)	To undertake project work to identify mitigating actions regarding proactive flood management	<p>✔ ONTARGET <span style="float: right;">Garry Dean</span></p> <p>Joint working arrangements around flood management are being developed between the four Black Country councils, including the appointment of a Black Country Flood Risk Manager. Dudley has been asked to move the recruitment process forward on behalf of the Black Country councils, and the job has been advertised during the quarter. Interviews will take place early in quarter 4.</p> <p>Street Maintenance continue to focus their gully emptying operation on the Borough's primary routes and identified flooding hotspots, especially during the periods of heavy rain experienced during the third quarter.</p>
		<p>✔ ONTARGET <span style="float: right;">Stuart Connelly</span></p> <p>The Street Cleansing Team continue to forge partnership links with community groups around the Borough who wish to carry out environmental clean-ups in their local areas. Over 60 community litter picks have taken place or are planned so far this year, all supported by Street Cleansing.</p> <p>Street Cleansing have also been helping the local fire service during quarter 3 with a planned campaign on fire prevention, which also includes the Local Police Unit who are cascading information down to a number of groups, such as 180 Neighbourhood Watch co-ordinators.</p> <p>One of the performance indicators for the fire service is arson, in particular petty arson of rubbish and parkland. The campaign includes information on how to report fly tipping and litter at the earliest opportunity, therefore reducing the chances for individuals to set fire to it. In turn, Street Cleansing will receive more reporting from the groups in receipt of the campaign information, which will help to identify nuisance areas in the Borough.</p>

## 6. Cleaner, greener and environmentally friendly

Objective 5 To preserve and improve the quality and biodiversity of the natural and built environment

Ref (SPECTRUM)	Key Activity	Progress
6.5a (A 34)	To work with local businesses and the community in the improvement and maintenance of local town centres and the local environment	<p>✔ ONTARGET <span style="float: right;">Garry Dean</span></p> <p>The Street Cleansing Team continues to forge partnership links with community groups around the Borough who wish to carry out environmental clean-ups in their local areas. Over 60 community litter picks have taken place or are planned so far this year, all supported by Street Cleansing. Street Cleansing have also been helping the local fire service during quarter 3 with a planned campaign on fire prevention, which also includes the Local Police Unit who are cascading information down to a number of groups, such as 180 Neighbourhood Watch co-ordinators.</p> <p>One of the performance indicators for the fire service is arson, in particular petty arson of rubbish and parkland. The campaign includes information on how to report fly tipping and litter at the earliest opportunity, therefore reducing the chances for individuals to set fire to it. In turn, Street Cleansing will receive more reporting from the groups in receipt of the campaign information, which will help to identify nuisance areas in the Borough.</p>
6.5b (A 92)	To improve the quality of the environment by early interventions through Street, Green Care and Waste Care	<p>✔ ONTARGET <span style="float: right;">Garry Dean &amp; Heidi Marsh-Geyton</span></p> <p>Monitoring information is being used to inform service delivery and to improve standards of street and open space cleanliness across the Borough. Street Cleansing were finalists in both the Best Performer and Most Improved Performer categories of the Association of Public Service Excellence ( APSE) 2014 performance awards. The team are already winners of the Best Community and Neighbourhood Initiative Award and were finalists in the Best Service Team category, at the APSE Service Awards held in Nottingham in September 2014.</p> <p>The new public conveniences in Dudley town centre has won the national ‘Loo of the Year’ Award as well as the Individual Attendant of the Year Award. The awards, which are promoted by the British Toilet Association, aim to promote the highest standards in public conveniences.</p> <p>The Council’s trees continue to be managed in accordance with the Tree Strategy and the Tree Risk Strategy, with work undertaken on trees most in need of attention.</p> <p>The programme of carriageway and footway reconstruction and resurfacing works continues at various locations across the Borough. Street Maintenance deployed additional pot hole gangs during the Autumn to deal with any outstanding highway defects before the onset of winter weather.</p> <p>Winter gritting operations have taken place on a number of occasions during the quarter to ensure the safety of road users in snow and icy conditions.</p>

6. Cleaner, greener and environmentally friendly		
Objective 5		To preserve and improve the quality and biodiversity of the natural and built environment
Ref (SPECTRUM)	Key Activity	Progress
6.5c (A 93)	To preserve and improve the environment through the formulation of policy and its delivery, and the application of enforcement actions	<p>✔ ONTARGET <span style="float: right;">Heidi Marsh-Geyton</span></p> <p>Proactive enforcement activity for environmental offences, e.g. fly-tipping, littering, abandoned and un-taxed vehicles etc., continues in accordance with the Council's Waste Enforcement Policy.</p> <p>During the third quarter, Street Cleansing removed 193 fly-tips from various locations around the Borough. During the same period Enforcement Officers issued 10 fixed penalty notices for dog fouling offences and 45 for litter offences, and responded to 153 abandoned vehicle reports.</p>
		<p>✔ ONTARGET <span style="float: right;">Garry Dean</span></p> <p>The implementation of the Central Management System (CMS) continues to progress well, and will in future allow us to control and monitor all of the Borough's street lights remotely, providing options for reducing energy consumption. The CMS is now fully commissioned and operational, and 20,200 of the Council's 32,000 street lights can be controlled via the system remotely to help save energy; 13,100 of these can be dimmed</p>
Objective 6		To strengthen and improve communities to provide choice and opportunity
Ref (SPECTRUM)	Key Activity	Progress
6.6a (A 393)	To make the best use of our stock to ensure we can provide and maintain affordable housing for customers with housing need	<p>✔ ONTARGET <span style="float: right;">Diane Channings</span></p> <p>5 year detailed capital programme drafted for approval at Feb 2015 Cabinet.</p> <p>Asset Management Strategy works commenced; 30 year investment needs profiled, SAP (Standard Assessment Procedure of energy efficiency) proposals under evaluation, stock sustainability modelling ongoing, and 2014/15 500 stock surveys completed, new build programme developing.</p> <p>Fuel Poverty Action Plan updated; Energy and Fuel Poverty key performance indicators embedded within measurable investment outcomes.</p> <p>Development of a local offer to Housing Associations on fraud investigations developed this quarter with other LA's in the region. JD, PS &amp; JEQ completed for proposed new post of senior fraud officer. Decision sheets prepared for submission in next quarter. Staff awareness sessions have resulted in an increase in internal referrals to the fraud team, including a significant increase in housing application referrals.</p> <p>Authorisation to procure document checkers and data matching service obtained.</p> <p>Home Check training and Home Check application rolled out. Post implementation issues being resolved but the application is now in use by all Housing Managers.</p> <p>Research started on alternative options for managing / reducing property damage in relation to re-chargeable repairs. Work also started on a cost / benefit exercise of current policy and procedure. Steer sought from Cabinet Member on whether to explore the feasibility of a wider tenant incentive scheme.</p>

6. Cleaner, greener and environmentally friendly		
Objective 6	To strengthen and improve communities to provide choice and opportunity	
Ref (SPECTRUM)	Key Activity	Progress
6.6a (A 393)	<b>Continued;</b> To make the best use of our stock to ensure we can provide and maintain affordable housing for customers with housing need	 ONTARGET <span style="float: right;">Diane Channings</span>
		<p>Excellent progress has been made during this quarter to achieve implementation of new ICT modules for the DLO's service area and go-live during quarter 4. Refinements to Dudley's original specification have been identified and are being incorporated within the various implementation phases during 2015.</p> <p>Sustainability modelling addressing issues of low demand ongoing and reported to Scrutiny Committee on 21st October 2014. Netherton High rise report completed.</p> <p>New objectives set by Cabinet Member around "Love your Community" agenda &amp; preparatory work commenced. Nominations Agreement &amp; Extra Care Policy &amp; Procedure completed &amp; signed off.</p> <p>Fixed Term Tenancies Project placed on hold in order to create capacity for further review of allocations.</p> <p>Review of Leaseholders Service commenced.</p> <p>Process Maps being completed by relevant services and best and current practice research ongoing.</p>
6.6b (A 628)	To provide advice and assistance through the Dudley Home Improvement Service to secure the repair, improvement and adaptation of homes using a variety of funding mechanisms.	 ONTARGET <span style="float: right;">Ron Sims</span>
		<p>Housing Assistance scheme amended to reflect all amendments made to date through decision sheets.</p> <p>The Winter Warmth Scheme 2014/15 was launched on 1st October 2014 and since this date, there have been 357 referrals.</p>
6.6c (A 629)	Remodel delivery of Community Equipment Service following review completed in 2013/2014	 ONTARGET <span style="float: right;">Ron Sims</span>
		<p>Progress report to DMT on November 14 2014, further report in January 2015.</p>
6.6d (A 630)	To continue to bring empty properties back into use using a combination of advice, guidance and enforcement action.	 ONTARGET <span style="float: right;">Ron Sims</span>
		<p>7 homes in the private sector brought back into use in quarter three bringing a total of 70 homes brought back into use to date.</p> <p>Final draft of the Boroughs Empty Homes Strategy still under discussion.</p> <p>An initial meeting for the review of the Enforcement Strategy was held on November 14th 2014.</p> <p>Partnership work with Corporate Resources ongoing for identification/evidencing of empty properties.</p> <p>Maximising financial rewards and resources being developed as part of the revision of the Empty Homes Strategy.</p>

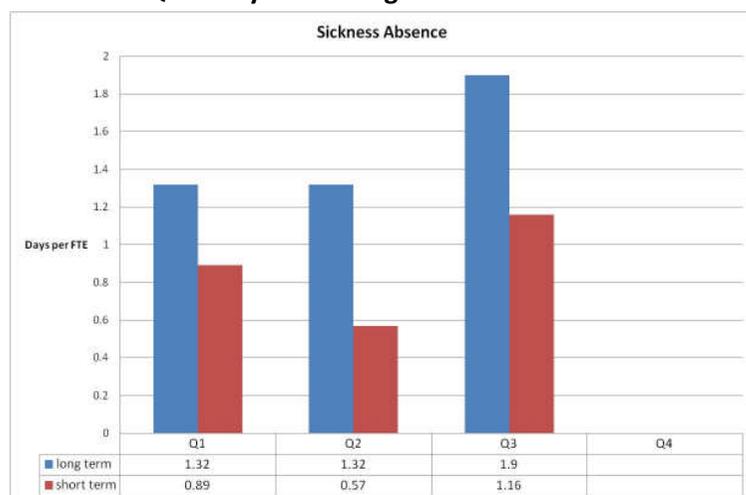
6. Cleaner, greener and environmentally friendly

Objective 7		Contribute to the wider determinants of health by developing an environment that promotes health and wellbeing	
Ref (SPECTRUM)	Key Activity	Progress	
6.7a (A 288)	Embed workplace health across Dudley Borough workplaces, starting with the Council	<p>✔ ONTARGET <span style="float: right;">Bal Kaur</span></p> <p>Corporate Board agreed rollout of workplace wellbeing programme across the Council in July 14. In this quarter, Workplace Wellbeing events were held at 9 Council Office sites; 1041 staff have taken a DIY Health Check, 42 people accessed the stop smoking service via the workplace events. 385 people had mini vascular checks at the workplace events. Work on Workplace Wellbeing Strategy for the Counselling began. Review of Counselling services for staff began.</p>	

## 7. Community Council – People being served better

Quarterly performance indicator scorecard		2013-14	Quarter 1		Quarter 2		Quarter 3			
PI ref	Performance indicator	Outturn	actual	score	actual	score	actual	target	score	trend
PI 418	Working days/shifts lost per FTE to sickness absence	9.52 days	2.21 days	☺	4.1 days	★	7.17 days	<6.75 days	▲	↓
PI 361	Long term sickness absence per FTE	5.93 days	1.32 days	-	2.64 days	trend →	4.54 days	-	-	↓
PI 362	Short term sickness absence per FTE	3.58 days	0.89 days	-	1.46 days	trend ↗	2.62 days	-	-	↓
PI 145	Average number of days lost per lost time accident at work	26 days	31.5 days	▲	17.48 days	▲	30.1 days	< 14.4 days	▲	↓
PI 258	Number of lost time accidents at work	129	11	★	38	★	69	<102	★	↓
PI 55	% local authority employees from an ethnic minority (BVPI 17)	6.6%	6.5%	●	6.4%	●	6.6%	6.6%	☺	↗
PI 35	% employees declaring they have a disability	1.8%	1.9%	●	1.9%	●	1.9%	2%	●	→
PI 104	% sundry debt raised paid within 6 months	97.6%	97.5%	☺	97.9%	☺	97.9%	97.3%	☺	→
PI 95	Speed of payment of suppliers	10 days	8.8 days	★	8.98 days	★	9.32 days	<10 days	★	↓

Quarterly outturn figures for sickness absence.



Additional information on sickness absence can be viewed in section 4, page 53

7. Community Council – People being served better		
Objective 1	Engage and empower communities enabling residents to make decisions on service outcomes in their local areas.	
Ref (SPECTRUM)	Key Activity	Progress
7.1a (A 281)	Provide support and further development of the new Community Forums	<p>✔ ONTARGET <span style="float: right;">Geoff Thomas</span></p> <p>No additional activities were implemented this quarter, however the Community Forum meetings took place as scheduled.</p>
7.1b (A 103)	Implementation and ongoing review of Community Forums as part of Community Council	<p>✔ ONTARGET <span style="float: right;">Philip Tart</span></p> <p>Corporate Board agreed rollout of workplace wellbeing programme across the Council in July 14. In this quarter, Workplace Wellbeing events were held at 9 Council Office sites; 1041 staff has taken a DIY Health Check, 42 people accessed the stop smoking service via the workplace events. 385 people had mini vascular checks at the workplace events. Work on Workplace Wellbeing Strategy for the Counselling began. Review of Counselling services for staff began.</p>
7.1c (A 367)	Support the council's community engagement strategy to involve and inform customer's decision-making, including the development of community forums, localism, community assets	<p>★ AHEAD <span style="float: right;">Barry Hutchinson</span></p> <p>Attended committee meetings with media support and provided communications around corporate matters, including the Hall Street application.</p> <p>Jointly delivered the BME engagement event attended by over 200 community leaders and representatives, with a focus on health and wellbeing, community safety and community development.</p> <p>Set up twitter account @dudleyftp to support wider community engagement at and beyond Face the People event.</p> <p>A presentation on the council's facebook forum was delivered to council leaders from across the country.</p> <p>The Take Control and Get Involved housing conference was over-subscribed with more than 100 local residents attending the event.</p>
7.1d (A96)	Ensure the Council fulfils its legal obligations resulting from the Localism Act and oversees / guides the changes the Council will undergo as a result of responding to community activity	<p>✔ ONTARGET <span style="float: right;">Philip Tart</span></p> <p>The obligations of the Localism Act are being picked up by the relevant service area.</p>
7.1e (A 368)	Make legal and mandatory information accessible and interactive in a consistent and cost-effective manner	<p>✔ ONTARGET <span style="float: right;">Jan Jennings &amp; Shelley Brooks</span></p> <p>However all public information requests that come through CAPA are considered in terms of the legal requirement, readability and accessibility and is provided in a range of accessible formats.</p>

7. Community Council – People being served better		
Objective 1	Engage and empower communities enabling residents to make decisions on service outcomes in their local areas.	
Ref (SPECTRUM)	Key Activity	Progress
7.1f (A 631)	Services which enable Stronger communities	<p>✔ ONTARGET <span style="float: right;">Matt Bowsher</span></p> <p>Number of Visits to Libraries – 1,147,900</p> <p>Total number of activities: 1,464. Total Number attending: 17,601.</p> <p>At Coseley Library, there was a local history talk on 26th Nov by Keith Hodgkins, which was greatly received by those who attended but the numbers were disappointing (8) - one comment was "very informative - enjoyed listening and seeing old photographs" and a very popular author visit from Miranda Dickinson - one comment was "she was very friendly and involved us. I've bought a copy of her book!".</p> <p>At Gornal Library, there was a Peppa Pig children's event attended by 29 children and hugely enjoyed by all.</p> <p>Archive engagement events have been under review since the beginning of the year:            Q1- 2 events (Friends of Archives and PSQG) engaged with a total of 93 people            Q2- 1 event (Friends of Archives) engaged with 11 people            Q3- 1 event (Friends of Archives) engaged with 12 people</p> <p>Number of volunteer hours received in Libraries - 190.5</p> <p>Number of volunteer hours received in Archives - 490</p> <p>TNA inspectors visited the Archives centre in October and gave very positive feedback. They gave approval for the service to proceed with an application for accreditation in 2015-16.</p> <p>Number of adults participating in informal learning - 3041.</p> <p>% BME Learners - 17%.</p> <p>% learners with disabilities - 17%.</p>
		<p>✔ ONTARGET <span style="float: right;">Matt Bowsher</span></p> <p>In regards to service development and decision making e.g. Care Act and Budget proposals boards have been engaged and involved.</p> <p>The medium term financial plan (MTFP) 2015/16 is in the process of being firmed up. We will be engaging with staff over the likely impact. A survey aimed at staff and local people and carers will gather views to ensure that our MTFP and allied approaches are developed in way that has greater ownership and provenance.</p>
7.1g (A 632)	We are clear about our vision and priorities and regularly consult, engage and communicate with staff, local people, partners and stakeholders.	<p>✔ ONTARGET <span style="float: right;">Matt Bowsher</span></p> <p>In regards to service development and decision making e.g. Care Act and Budget proposals boards have been engaged and involved.</p> <p>The medium term financial plan (MTFP) 2015/16 is in the process of being firmed up. We will be engaging with staff over the likely impact. A survey aimed at staff and local people and carers will gather views to ensure that our MTFP and allied approaches are developed in way that has greater ownership and provenance.</p>

7. Community Council – People being served better		
Objective 2		Strengthen partnership working with public bodies, Community, Voluntary Faith Sector to improve the effectiveness of public services
Ref (SPECTRUM)	Key Activity	Progress
7.2a (A 104)	Promote and support joint working between partners and the voluntary and community sector through	 ONTARGET <span style="float: right;">Simon Manson</span>
		Following 'Moving Forward Together' event on 10 October, first meeting of the Relationship Management Group held with voluntary and community sector representatives on 28 November. Priority action areas identified along with refreshed Compact principles.
7.2b (A 338)	Further develop a new strategic approach to support the continued growth of the local social enterprise sector as part of the Dudley Borough delivery programme, with a focus on: <ul style="list-style-type: none"> <li>• Drawing down ERDF funding to boost further rounds of CEF</li> <li>• Establishing a network of local community hub space</li> <li>• Exploiting opportunities arising from centre-based regeneration</li> </ul>	 ONTARGET <span style="float: right;">Andy Wright &amp; Diane Shenton</span>
		Strategy report approved by Corporate Board; links connected with TORCH group project on social enterprise. ASW working with Phil Coyne et al to develop a cross-organisation joined up approach to maximise service opportunities.
7.2c (A 633)	Through partnership and integration we will enhance people's wellbeing and enable people to prevent and postpone the need for care and support.	 ONTARGET <span style="float: right;">Matt Bowsher &amp; Brendan Clifford</span>
		<p>Multi disciplinary team in 5 localities. Pilot schemes to promote joint working. Developing new models for local voluntary independent organisations to support the implementation of the care act particularly around carer support.</p> <p>We are now undertaking the carer's survey. It will be submitted in May. It's a sample survey and helps understand quality of life and gather information on the service that carers receive.</p> <p>Customer journey remodelling has now been implemented and further work being undertaken to ensure the different strands of services are care act compliant.</p>

7. Community Council – People being served better		
Objective 3		Improve service provision through initiatives around Technology, Innovation and Transformation, ensuring that they are more effective and at lower cost.
Ref (SPECTRUM)	Key Activity	Progress
7.3a (A 116)	Review the options for delivering customer services and extend the use of Dudley Council Plus	✓ ONTARGET <span style="float: right;">Mike Williams, Sean Beckett &amp; Sandra Taylor</span>
		IVR (voice recording) options being revised. More reception options being considered. Delivering services from libraries being developed – going live in January. Reception trial at MSP successful. Self & assisted self-service being promoted.
7.3b (A 118)	Complete Transforming our Workplace (ToW) and review transformational elements in order to use learning from the initiative	✓ ONTARGET <span style="float: right;">Steve Cooper &amp; Sarah Treneur</span>
		The ToW project has now been completed in that all staff has now been relocated into core offices and all refurbishment work has been completed. All 13 surplus sites are now vacant with 8 having been sold. An overarching review of the project is currently being undertaken along with a review of the staff car parking policy.
7.3c (A 138)	Review Repairs and Maintenance policy in line with ToW	✓ ONTARGET <span style="float: right;">Paul Bickerdike</span>
		Policy will be prepared second qtr in 2015 (30 Jun 15) immediately following establishment of the new Corporate Landlord Model
7.3d (A 257)	Develop phase 2 of the consolidated ICT service – review of operational processes and efficiency savings.	✓ ONTARGET <span style="float: right;">Sandra Taylor</span>
		<p>The restructure of IT Services realigns directorate teams with the new structure of the council and also realigns teams within I.C.T. Services to enable an in-depth review of processes.</p> <p>6 officers from HR joined I.C.T. Services on the 1st October as part of the 2nd phase of consolidation. Work on the review of posts across the directorate teams continues to identify consistent job roles across all of the teams.</p> <p>In December 2014 the new organisation structure of ICT Services was announced, which will not only meet savings targets but also to modernise the service, leverage potential synergies between service areas and promote efficiency. Work is ongoing between January to March to fully implement the restructure.</p>
7.3e (A 258)	Undertake a review of Procurement as part of the corporate review of senior management and support services	✓ ONTARGET <span style="float: right;">Ian Clarke</span>
		To be agreed with Iain Newman. This review is subject to other strategic initiatives being resolved first. Work commenced, restructure, roles and responsibilities being reviewed.

7. Community Council – People being served better		
Objective 4		Provide robust strategic policy and guidance in order to discharge the Council's legislative responsibilities
Ref (SPECTRUM)	Key Activity	Progress
7.4a (A 170)	Ensure that the Council understands its equality obligations by providing advice and guidance on advancing equality in service delivery, employment and training across the council, particularly on the implementation of the Equality Act 2010.	 ONTARGET <span style="float: right;">Simon Manson</span>
		Review of council's approach to equality continuing. Budget sub-group continuing to meet. Replacement for current e-learning on equality being looked at.
7.4b (A 98)	Ensure that the actions of the council and its partners in response to the community rights in the Localism Act and in developing our society in Dudley advance equality of opportunity and foster good relations	 ONTARGET <span style="float: right;">Geoff Thomas</span>
		The Moving forward Together event took place in October and a new Relationship Management Group established to take forward action agreed at the event.
7.4c (A 253)	Implement the requirements of the Local Government Finance Act 2012 including: <ul style="list-style-type: none"> <li>• Managing the impact of transactional local Council Tax Reduction scheme</li> <li>• Implementation of empty homes premium</li> </ul>	 ONTARGET <span style="float: right;">Mike Williams</span>
		<p>The approved Year 2 Council Tax Reduction (CTR) scheme was implemented on 1st April 2014 to include an 8.5% reduction in CTR (with some vulnerable group protection). The impact on collection rates is being monitored On 31st Oct 2014 the cabinet recommended that the 20% reduction in CTR (with the same vulnerable group protection) be applied to the scheme from April 2015 and this received full council approval in Dec 2014.</p> <p>All affected claimants will be notified in Q4.</p> <p>Empty Homes Premium successfully applied to appropriate accounts from 1st April 2014. Some payment issues arising amongst affected tax payers, although impact on overall Council Tax collection rate is minimal.</p>

7. Community Council – People being served better		
Objective 4		Provide robust strategic policy and guidance in order to discharge the Council's legislative responsibilities
Ref (SPECTRUM)	Key Activity	Progress
7.4d (A 254)	Respond to the government's plans to reform other Welfare Benefits: <ul style="list-style-type: none"> <li>Respond appropriately to Universal Credit implementation Programme.</li> <li>review localised Welfare Assistance scheme in response to removal of funding for scheme at end of 14/15</li> <li>Respond to Govt plans for a single fraud investigation service(SFIS)</li> <li>Continue to review Discretionary Housing Payments policy</li> </ul>	✓ ONTARGET <span style="float: right;">Mike Williams</span>  In an October Ministerial statement it was announced that Universal Credit will commence national rollout from February 2015. This will be a phased implementation but as yet no further rollout timetable has been issued  Local Welfare Assistance scheme implemented. The original government decision to cease funding from 15/16 was declared unlawful and the government have undertaken a formal consultation on this issue. Discretionary Housing Payments (DHP), there has been significant increase in demand for DHP payments this year due to the impact of welfare reform schemes and DHP schemes receiving a lot of publicity. Single Fraud Investigation Service A date of Feb 15 has been announced for the Dudley transfer of Fraud staff to the DWP under the SFIS initiative. The requirement for retaining resources for corporate fraud initiatives was investigated with a bid for external being submitted. This was however unsuccessful.
		✓ ONTARGET <span style="float: right;">Simon Reece</span>  The new 5 year Corporate Health and Safety Plan is now in place and elements have been implemented.
7.4e (A 111)	Ensure the Council meets the requirements of the Health and Safety at Work etc. Act 1974, by implementing the key improvement objectives of the Corporate Health and Safety Action Plan	✓ ONTARGET <span style="float: right;">Matt Bowshe r &amp; Brendan Clifford</span>  A report on the financial implications of the care act was presented to the Directorate of Adult, Community & Housing Service Scrutiny Committee on 17th November 2014. Work on the potential impact of the care act has been undertaken.
7.4f (A 634)	We will design and deliver services and systems that enhance quality of life and wellbeing and meet financial, legislative and demographic challenges.	✓ ONTARGET <span style="float: right;">Andy Wright &amp; Diane Shenton</span>  Seven Stars Public House listed as an Asset of community value by Corporate Property Group on 8/10/14. Subsequent challenge from Marston's led to review (27/11/14) of that decision by Head of Legal Services, who upheld the original decision.  Assets Task & Finish subgroup of the Relationship Management Group commenced led jointly by MBC and CVS.
7.4g (A 97)	Provide support processes, advice & guidance on the implications of the Localism Act 2011 regarding; <ul style="list-style-type: none"> <li>The general power of competence for local authorities</li> <li>Community Rights to challenge</li> <li>Community Rights to bid (Assets of Community Value)</li> </ul>	✓ ONTARGET <span style="float: right;">Andy Wright &amp; Diane Shenton</span>  Seven Stars Public House listed as an Asset of community value by Corporate Property Group on 8/10/14. Subsequent challenge from Marston's led to review (27/11/14) of that decision by Head of Legal Services, who upheld the original decision.  Assets Task & Finish subgroup of the Relationship Management Group commenced led jointly by MBC and CVS.

7. Community Council – People being served better		
Objective 5	Develop and promote the governance process	
Ref (SPECTRUM)	Key Activity	Progress
7.5a (A 100)	Review the Constitution (including on-going review of Scrutiny Committees) and Code of Corporate Governance	✓ ONTARGET Philip Tart
		The annual review of the Constitution was endorsed by the Council on 1st December 2014. Further work to review the Constitution will be undertaken during 2015 in the context of the ongoing corporate restructure.
7.5b (A 102)	Promote the highest standards of information governance across the organisation including data protection, information security and records management through promoting good practice and taking prompt action to resolve any issues	✓ ONTARGET Iain Newman
		Continued to develop work plan in accordance with agreed Information Governance Strategy. Progress overseen by Information Governance Board.

7. Community Council – People being served better		
Objective 6	Workforce planning, People Management and Leadership	
Ref (SPECTRUM)	Key Activity	Progress
7.6a (A 106)	Develop the Corporate HR and OD Strategy based on council priorities and budget savings	✓ ONTARGET Teresa Reilly
		Consultation for the next Corporate People Strategy to commence in Q4 following the senior management restructure.
7.6b (A 109)	Address the key organisational priorities for learning and development identified in the corporate L&D Strategy, including the leadership development programme	✓ ONTARGET Teresa Reilly
		The learning and development priorities in the strategy are being reviewed and are likely to include Leadership development – in particular developing an approach for middle leaders (pre TORCh), developing commercial awareness, performance management. The strategy will link in with the Health and Wellbeing strategy. Torch action learning projects commenced for cohorts 4-6
7.6c (A 727)	Support directorates in delivering budget savings through professional advice relating to effective and fair workforce including managing the employee impact of restructuring.	✓ ONTARGET Teresa Reilly
		Work is on-going as necessary with the relevant policies and processes reviewed and updated as applicable. Manager briefings held in Q2 to support leadership development in managing change Human Resource officers providing guidance and support as necessary through the process

7. Community Council – People being served better		
Objective 7	Effective use of financial resources	
Ref (SPECTRUM)	Key Activity	Progress
7.7a (A 112)	Implement the council's budget and medium term financial strategy	 ONTARGET <span style="float: right;">Iain Newman</span>
		Updated Medium Term Financial Strategy approved by Cabinet on 3rd July 2014 with current year amendments to budgets being approved by Full Council on 14th July. Further updates to the Strategy reported to Cabinet on 29th October. Budget reports considered by Scrutiny Committees during November.
7.7b (A 259)	Ensure best value through sound Procurement practice.	 ONTARGET <span style="float: right;">Iain Newman</span>
		Best value is actively promoted in relation to procurement practice.
7.7c (A 115)	Undertake the Audit Plan and value for money and other efficiency reviews across the Council.	 BEHIND <span style="float: right;">Iain Newman</span>
		Staff turnover and management reorganisation is impacting on ability to deliver plan and value for money audits. Every effort will be made to achieve all targets.

7. Community Council – People being served better		
Objective 8	Provide high quality health surveillance and intelligence systems and public health knowledge management services	
Ref (SPECTRUM)	Key Activity	Progress
7.8a (A 298)	Provide a range of health surveillance reports to inform the development of health related services and programmes	 ONTARGET <span style="float: right;">Angela Moss</span>
		<p>Most Public Health Intelligence core health data sets are being received. Q3 has re-established links to aggregated GP data through <a href="#">Merck Sharp &amp; Dohme Informatics</a>. Still trying to re-establish links to other data sources e.g. bowel cancer screening data etc</p> <p>All routine reporting where data flows are established are on target, three weekly reports, four monthly reports and 10 quarterly reports to Office of Public Health, the health economy and strategy groups.</p> <p>Maintaining regular reporting of the three outcomes frameworks (Public Health, NHS and Adult health and social care).</p> <p>The Director of Public Health Annual Report 2014 is being scoped.</p>

#### Section 4: Sickness Absence (Sickness Analysis for April 2014 to December 2014)

All Employees	A	B	C	D
DIRECTORATE	FTE days of sickness since 1 April	FTE STAFF	Days lost per FTE member of staff	Sickness as a % of FTE days since 1 April
Chief Executive's	616.24	155.87	3.95	2.37%
Children's Services	11,326.56	1232.47	9.19	5.52%
DACHS	17,76.31	1,828.31	9.70	5.83%
Corporate Resources	4,640.67	751.01	6.18	3.71%
Urban Environment	9,844.20	982.51	10.02	*6.02%
<b>Total</b>	<b>44,163.98</b>	<b>4,950.17</b>	<b>8.92</b>	<b>5.36%</b>

#### All Employees

<b>Schools Total</b>	<b>21464.45</b>	<b>4,203.96</b>	<b>5.11</b>	<b>3.44%</b>
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#### All Employees

<b>AUTHORITY TOTAL</b>	<b>65,628.43</b>	<b>9,154.13</b>	<b>7.17</b>	<b>4.53%</b>
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Sickness as a % of FTE days in 2013/14	9.52	4.50%	*of the 6.02% sickness in Urban Environment 4.18% was long term absence including serious accidents in Environmental Management
Sickness as a % of FTE days in 2012/13	10.63	4.79%	
Sickness as a % of FTE days in 2011/12	9.27	4.40%	
Sickness as a % of FTE days in 2010/11	9.82	4.65%	
Sickness as a % of FTE days in 2009/10	9.99	4.73%	
Sickness as a % of FTE days in 2008/9	9.85	4.66%	
Sickness as a % of FTE days in 2007/8	9.91	4.68%	
Sickness as a % of FTE days in 2006/7	10.40	4.92%	

To comply with the statutory indicator, calculations are based on FTEs of 198 working days per annum (16.50 per month) for school staff and 222 per annum (18.5 per month) for all others, thus excluding holidays and leave.

Column C =  $\frac{\text{Column A}}{\text{Column B}}$

Column B

Column D =  $\frac{\text{Column A}}{\text{Column B}} \times 100$

(Number of months of report x working days per month x Column B) x 100

## Section 5: LG Inform Benchmarking Group (Quarter 2 July 2014 to September 2014)

The following data is based on all participating single tier and county councils

**PI 348: Percentage of household waste sent for reuse, recycling and composting** (national alias NI 192)

Source name: Department for Environment, Food and Rural Affairs

Collection name: Municipal Waste Management Statistics

**Polarity: High is good**

Quartile range: (4<sup>th</sup> 29.13 to 38.75) (3<sup>rd</sup> 38.75 to 43.7) (2<sup>nd</sup> 43.72 to 54.05) (1<sup>st</sup> 54.05 > 65.39)

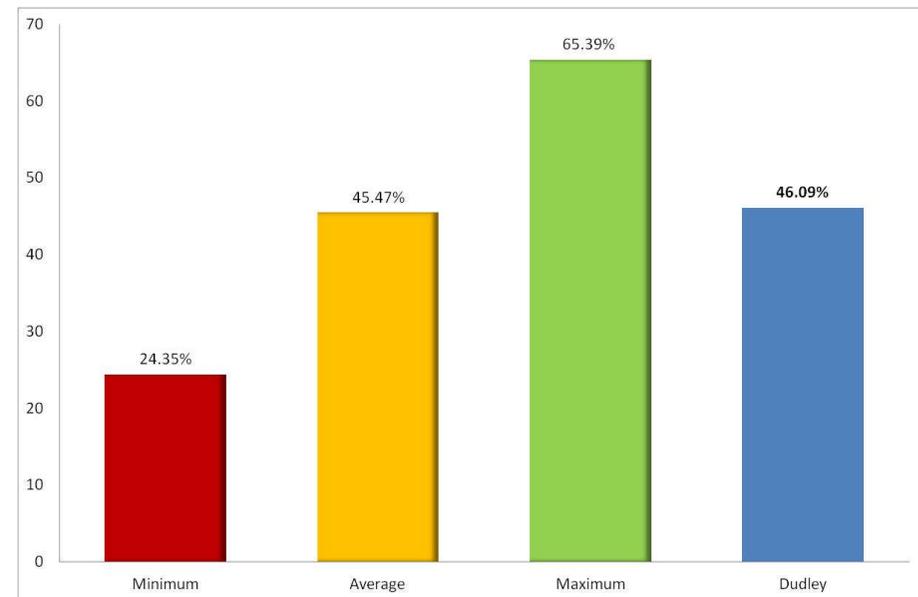
**Dudley: 2<sup>nd</sup> quartile 46.09 %**

For this Pi there were 35 entries in this category of for single tier and county councils, these include 9 metropolitan boroughs.

Period: 2014/15 Quarter 2  
Unit of measure: percentage of household waste



At the time of data submission this was calculated as first estimate  
Quartile position is based on all authority figures on first estimate.  
(Revised Q2 second estimate is 49.24%)



Dudley rating average for this comparator group

Latest local performance can be seen on the performance scorecard on page 36.

**Section 5: LG Inform Benchmarking Group (Quarter 2 July 2014 to September 2014)**

**PI 375: Residual household waste KG's per household** (national alias NI 191) Residual waste is any collected household waste that is **not** sent for reuse, recycling or composting.

Source name: Department for Environment, Food and Rural Affairs

Collection name: Municipal Waste Management Statistics

**Polarity: Low is good**

Quartile range: (1<sup>st</sup> 77.61 to 119.84) (2<sup>nd</sup> 119.84 to 139) (3<sup>rd</sup> 139 to 151.25) (4<sup>th</sup> 151.25 to 185.93)

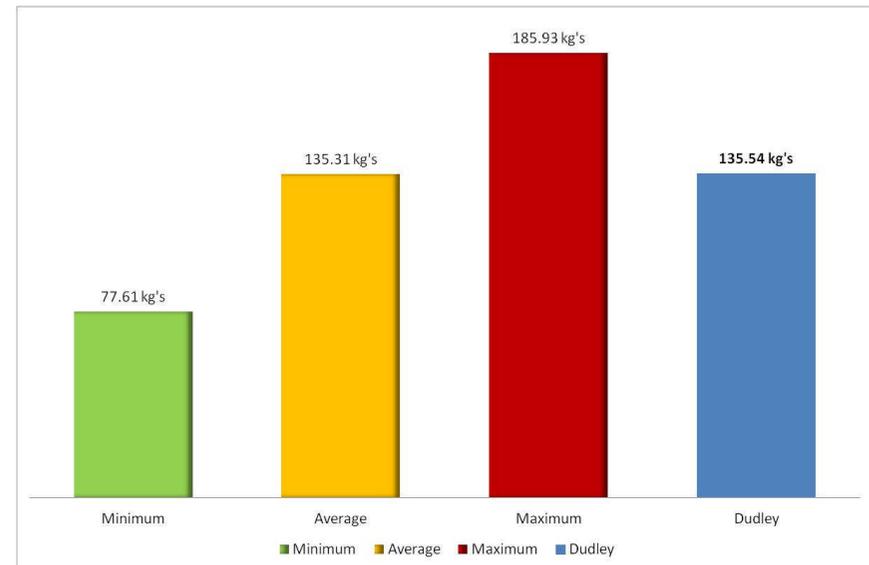
Dudley: 2<sup>nd</sup> quartile 135.54 kg's

For this Pi there were 32 entries in this category of for single tier and county councils, these include 8 metropolitan boroughs.

Period: 2014/15 Quarter 2  
Unit of measure: kg's per household



At the time of data submission this was calculated as first estimate  
Quartile position is based on all authority figures on first estimate.  
(Revised Q2 second estimate is 135.59kg's – Q2 cumulative figure is 270.57kg's)  
Q2 increased by 0.63kg's per household against Q1 outturn.



Dudley rating average for this comparator group

**Section 5: LG Inform benchmarking group (Quarter 2 July 2014 to September 2014)**

**Average number of working days lost due to sickness absence per FTE employee**

Source name: Local Government Association

**Polarity: Low is good**

**Including Schools**

Quartile range:

(1<sup>st</sup> 1.2 to 1.5) (2<sup>nd</sup> 1.5 to 1.9) (3<sup>rd</sup> 1.9 to 2.1) (4<sup>th</sup> 2.1 to 2.5)

Dudley: 2<sup>nd</sup> quartile 1.9 days

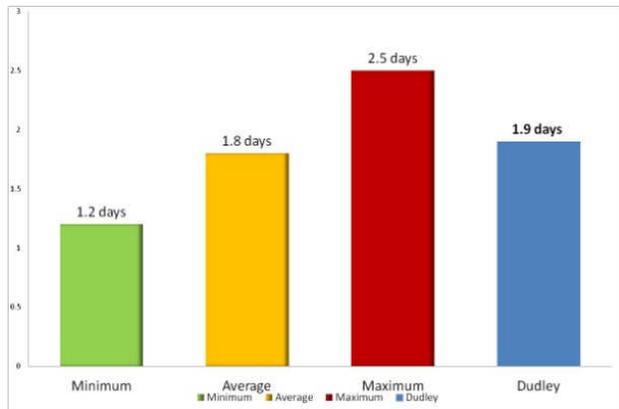
For this Pi there were 25 entries in this category of for single tier and county councils, these include 7 metropolitan boroughs.

Period: 2014/15 Quarter 2

Unit of measure: Days per Full Time Equivalent



Q2 cumulative status 4.1 days per FTE



Dudley rating average for this comparator group

**Excluding Schools**

Quartile range:

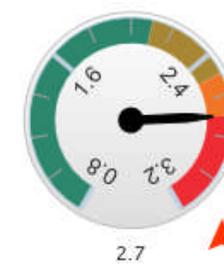
(1<sup>st</sup> 0.8 to 1.9) (2<sup>nd</sup> 1.9 to 2.3) (3<sup>rd</sup> 2.3 to 2.7) (4<sup>th</sup> 2.7 to 10.5)

Dudley: 3<sup>rd</sup> quartile 2.7 days

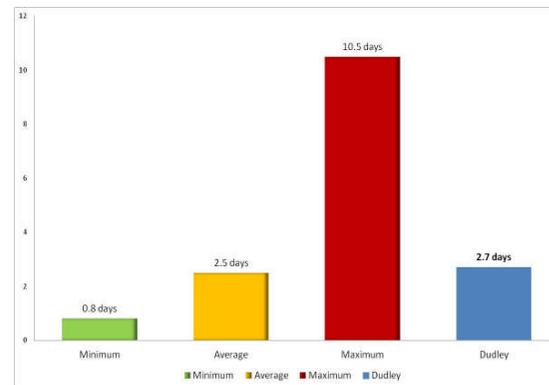
For this Pi there were 38 entries in this category of for single tier and county councils, these include 10 metropolitan boroughs.

Period: 2014/15 Quarter 2

Unit of measure: Days per Full Time Equivalent



Q2 cumulative status 5.3 days per FTE



Dudley rating average for this comparator group

**Section 5: LG Inform Benchmarking Group (Quarter 2 July 2014 to September 2014)**

**Number of formal complaints received.**

Source name: Local Government Association

**Polarity: Low is good**

Quartile range:

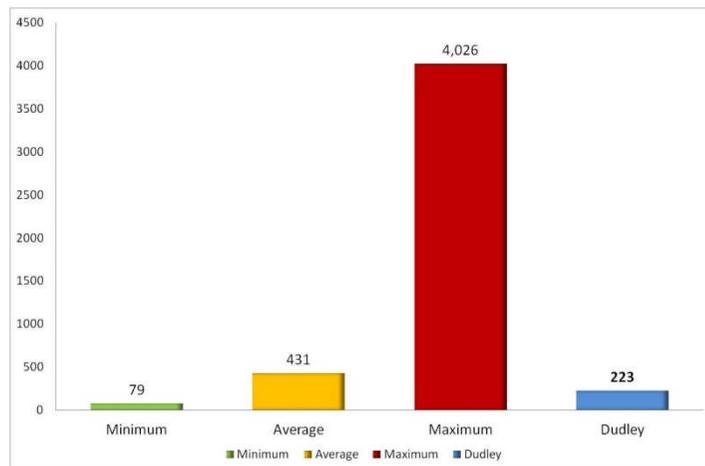
(1<sup>st</sup> 79 to 181) (2<sup>nd</sup> 181 to 243) (3<sup>rd</sup> 243 to 470) (4<sup>th</sup> 470 to 4026)

Dudley: 2<sup>nd</sup> quartile (Q1: 182)

For these Pi's there were 46 entries in this category of for single tier and county councils, these include 13 metropolitan boroughs.

Period: 2014/15 Quarter 2

Unit of measure: Number of formal complaints



**Number of formal complaints received per 10,000 population.**

Source name: Local Government Association

**Polarity: Low is good**

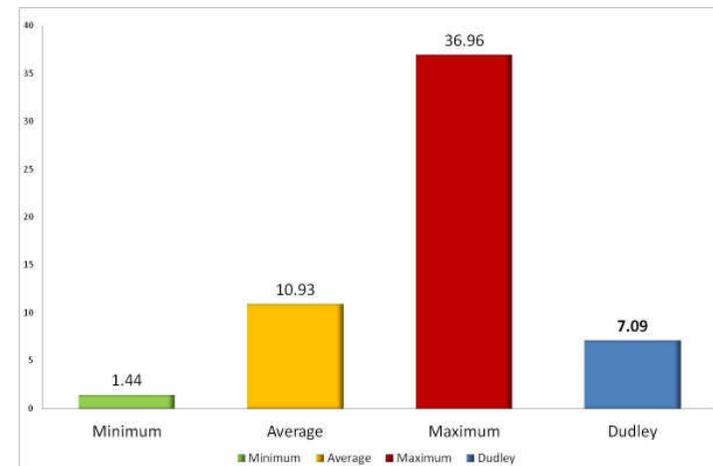
Quartile range:

(1<sup>st</sup> 1.44 to 5.2) (2<sup>nd</sup> 5.2 to 8.43) (3<sup>rd</sup> 8.43 to 13.85) (4<sup>th</sup> 13.85 to 36.96)

Dudley: 2<sup>nd</sup> quartile 7.09 per 10,000 population (Q1: 5.79)

Period: 2014/15 Quarter 2

Unit of measure: Formal complaints per 10,000 population



Dudley rating (+) below the average for this comparator group for both PI'S

## Section 6: Corporate risk register

All Corporate risks are identified and assessed in accordance with the Corporate Risk Management Strategy, and scrutinised by Audit and Standards committee including details to their respective mitigating actions. The table below provides the latest summary information for each risk and its current rating as presented to the Audit and Standards committee on the 9<sup>th</sup> December 2014.

Risk Ref	The Risk	Risk Owner	Risk rating 2014-15			
			Q1	Q2	Q3	Q4
<b>ORG0001</b> (R.14)	Potential implications of equal pay settlements	Phil Tart	<i>Moderate</i> (8)	<i>Moderate</i> (8)	<i>Moderate</i> (8)	
<b>ORG0002</b> (R.15)	The Council may be unable to set and/or manage its budget so as to meet its statutory obligations within the resources available	Iain Newman	<i>Major</i> (20)	<i>Major</i> (20)	<i>Major</i> (20)	
<b>ORG0003</b> (R.16)	Energy and Carbon reduction targets not achieved by the Council resulting in: increased energy costs, increased carbon emissions, financial penalties from the Environment Agency under the CRC scheme	Phil Tart	<i>Significant</i> (12)	<i>Significant</i> (12)	<i>Significant</i> (12)	
<b>ORG0007</b> (R.17)	Corporate Property Review There is a risk that the Council fails to vacate sites in a timely manner and is unable to release sites to the LLP for disposal in accordance with the development agreement, resulting in financial consequences detrimental to the Council.	Phil Tart	<i>Moderate</i> (10)	<i>Minor</i> (5)	<i>Minor</i> (5)	
<b>ORG0013</b> (R.18)	Information Governance: The Council may fail to; assess the importance of information to the business and may be unaware of the potential impact on the organisation should the confidentiality, integrity or availability of information be compromised.	Iain Newman	<i>Major</i> (16)	<i>Major</i> (16)	<i>Major</i> (16)	
<b>ORG0017</b> (R.20)	Welfare reform/s - There is a risk that various changes to welfare and benefits could place people at risk and increase demand for statutory services	Phil Tart	<i>Significant</i> (15)	<i>Significant</i> (15)	<i>Significant</i> (15)	
<b>ORG0019</b> (R.21)	The Council acknowledges that there is a risk of fraud across all areas of its operations and is working both internally and with external partners to prevent and reduce this risk.	Iain Newman	<i>Significant</i> (12)	<i>Significant</i> (12)	<i>Significant</i> (12)	
<b>ORG0021</b> (R.22)	It is becoming increasingly difficult for the Council to mitigate against the risks to children and young people who are vulnerable to harm due to rising demand for services and contracting budgets	Iain McGuff	<i>Major</i> (20)	<i>Major</i> (20)	<i>Major</i> (20)	
<b>New risk</b> (R.19)	If the Council (and its partners) fail to deliver the improved outcomes required by the Better Care Fund, the demand on acute services will not be reduced and consequently the performance related funding will not be received	Andrea Pope-Smith			<i>Significant</i> (rating to be verified in Q4)	

For further information reference the corporate quarterly performance report please contact;

**Geoff Thomas**

 815270  
 [geoff.thomas@dudley.gov.uk](mailto:geoff.thomas@dudley.gov.uk)

**Michael Wooldridge**

 814737  
 [michael.wooldridge@dudley.gov.uk](mailto:michael.wooldridge@dudley.gov.uk)

For additional performance reports please visit:

<http://www.dudley.gov.uk/council-democracy/performance-matters-in-dudley/performance-reporting/>

**Meeting of the Cabinet – 11<sup>th</sup> March 2015**

**Report of the Acting Strategic Director of Environment, Economy & Housing**

**Formal Adoption of the Contaminated Land Inspection Strategy and Cost Recovery Policy for Dudley Borough following Public Consultation.**

**Purpose of Report**

1. To seek Cabinet approval for the adoption of the Contaminated Land Inspection Strategy and the associated Cost Recovery Policy documents following a Public Consultation exercise between 12<sup>th</sup> December 2014 and 16<sup>th</sup> January 2015.

**Background**

2. Following the introduction of the Environmental Protection Act 1990, and specifically Part 2A which deals with Contaminated Land, a Statutory Duty was placed on all Local Authorities to prepare and adopt an Inspection Strategy to identify, categorise and deal with as appropriate any land within their Borough that fell within the specific definition of Contaminated Land as set out in the Act. Dudley's initial inspection strategy was prepared and adopted in June 2001, following approval by Corporate Board and the Environmental Health Committee.
3. New legislative guidance was issued in April 2012 which required the preparation of a revised Inspection Strategy to take account of these changes. **The Contaminated Land Inspection Strategy is the framework whereby the Council sets out its methodology for the inspection of the Borough to determine what, if any, contamination may be present, how individual sites may be prioritised for further investigation and what options are available for remediation.** The document is written from the basis of the Council as a Regulator, implementing the requirements of the Act. Consequently this focuses investigation and any subsequent action on those sites that potentially pose a significant risk.
4. Currently most land is remediated by the Private Sector through regeneration and development, with the latest figures for the year 2013/2014 showing that 98% of new build dwellings were on Brownfield sites. The Council Contaminated Land Team acts as a key Consultee to this at both Pre-Application stage and during the formal Planning and Building Control processes to advise on the existing conditions to applicants, customers and Officers, and to assist with verification of on-site measures. Additionally the team provide specialist advice and guidance to the Council and public on issues generally related to contaminated land.

5. Works that have been undertaken to date have not identified any land that has been formally classified as “Contaminated Land” under the strict definition within the Act. These documents will provide the future framework for the continuing investigation and analysis of relevant land in the Borough, following current guidance and best practice. Should any land be formally identified as ‘Contaminated’, then the team will act in their capacity as regulator and enforcing authority to secure the remediation of the site.
6. It should be noted that, even though most land may contain some form of contamination, it will not necessarily fall within the strict definition of “Contaminated Land” within the Act.
7. In acting as a Regulator, there maybe occasions where work has to be undertaken and incurred costs recovered. Corporate Property Group has been consulted on these documents.
8. The Cost Recovery Policy applies no waiver or reduction and seeks to recover all reasonable costs incurred by the Council in exercising its duties under the Act and Inspection Strategy, whilst having due regard to Statutory Guidance.
9. At the Cabinet meeting of 4<sup>th</sup> December 2014, approval was given for a public consultation exercise on the proposed Contaminated Land Inspection Strategy and Cost Recovery Policy from 12<sup>th</sup> December 2014 for a period of five weeks. During the consultation, representations were received from stakeholders including English Heritage and the Risk Management and Insurance section of Dudley MBC. Additionally the opportunity was taken for a Peer Review from other Officers. Based on the comments and observations received, the Inspection Strategy has been amended to take account of the items raised during the consultation and a revised Inspection Strategy is proposed for formal adoption.
10. There were no comments or representations received concerning the Cost Recovery Policy

## **Finance**

11. The Contaminated Land Inspection Strategy and the Cost Recovery Policy will be initially funded through existing budgets. The Cost Recovery Policy seeks to recover all costs that the Council incur during the exercising of its duties.
12. Previous investigative works on Contaminated Land have been supported by grants available from Department of the Environment, Food and Rural Affairs (DEFRA). Whilst grants are still available, they are for the remediation of land that has already been designated as “Contaminated Land”. Dudley currently has no land that meets this designation. This funding has been reduced and will not be available from April 2017.
13. Investigations may reveal contamination on sites owned by the Council, or on sites where ownership cannot be established – in which case the remediation costs would have to be borne by the Council itself. Resources to meet these costs would need to be identified in due course.

## **Law**

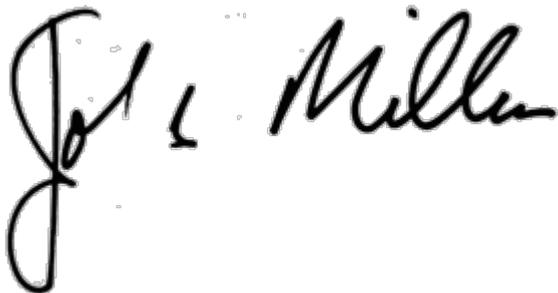
14. The introduction in April 2012 of revised Statutory Guidance made under the Environmental Protection Act 1990 requires the revision of the Contaminated Land Inspection Strategy. The Cost Recovery Policy is a supplementary document to assist in the implementation of the Inspection Strategy.
15. In addition Section 2 of the Local Government Act 2000 allows the Council to do anything that it considers is likely to promote or improve the economic, social or environmental well-being of the area.

## **Equality Impact**

16. The Contaminated Land Inspection Strategy and Cost Recovery Policy sets the framework for the investigation and any subsequent action required for the Council to meet its obligations under Part IIA of the Environmental Protection Act 1990. The methodology will allow sites to be ranked and prioritised depending upon several factors but including the likely impact on residents and members of the public, thus meeting the needs of the communities in the Borough. This will include meeting the needs of children and young people by seeking to provide a safe environment in which they can live, and also ensuring that the environment for future generations is improved.

## **Recommendation**

17. That Cabinet approves the adoption of the revised Contaminated Land Inspection Strategy and the Cost Recovery Policy for the Borough of Dudley.

A handwritten signature in black ink, appearing to read 'John Millar'. The signature is written in a cursive style with a large initial 'J' and 'M'.

**John Millar**  
**Acting Strategic Director of Environment, Economy & Housing**

Contact Officer: Helen Martin (Head of Planning)  
Telephone: 01384 814186  
Email: [helen.martin@dudley.gov.uk](mailto:helen.martin@dudley.gov.uk)

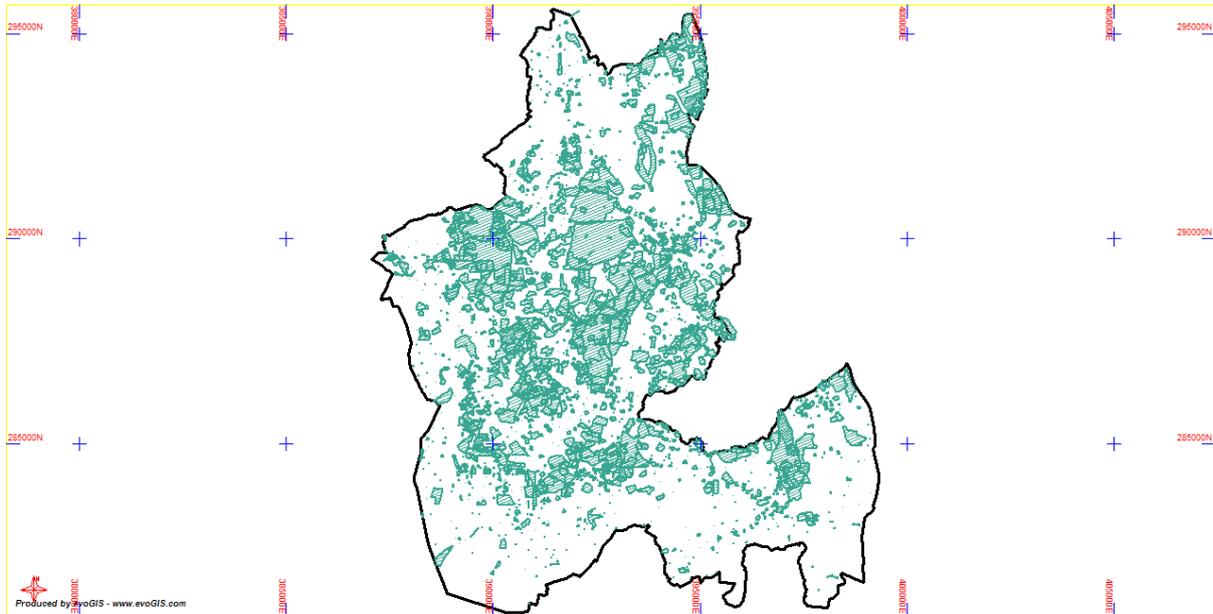
Contact Officer: Craig Worgan (Building Control Manager)  
Telephone: 01384 814114  
Email: [craig.worgan@dudley.gov.uk](mailto:craig.worgan@dudley.gov.uk)

### **List of Background Papers**

Contaminated Land Inspection Strategy. Adopted June 2001  
<http://www.dudley.gov.uk/about/plan/plans-policies--strategies/contaminated-land-strategy/>

Contaminated Land Inspection Strategy March 2015.  
<http://www>.

Cost Recovery Policy  
<http://www>



## **Contaminated land: implementing Part 2A of the Environmental Protection Act 1990**

### **Policy and framework document including the Inspection Strategy for Dudley borough**

**March 2015**

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## Introduction

1. Within this document the term 'land contamination' is used generally and refers to the wider context, whilst the term 'contaminated land' is used in the narrowest sense and refers to that land which satisfies the statutory definition in Part 2A of the Environmental Protection Act 1990.
2. Part 2A of the Environmental Protection Act 1990 (Part 2A) came into force on 1 April 2000 and established a legal regime for the identification and remediation of land where contamination is causing unacceptable risks.
3. Under Part 2A each local authority has a statutory duty to inspect its area for the purposes of identifying contaminated land and, where such land is identified, to secure its remediation.
4. Dudley Metropolitan Borough Council published its first Contaminated Land Inspection Strategy in 2001 explaining how it was going to inspect the borough. On 6 April 2012, new statutory guidance was published which, amongst other things, required local authorities to update or replace their Contaminated Land Inspection Strategies in line with current guidance.
5. The Council has taken the opportunity to review how it implements Part 2A and consider the significant changes in guidance that have occurred since Part 2A first came into force.
6. In accordance with the statutory guidance (April 2012), this document sets out how the Council will implement Part 2A in practice. It:
  - Presents the Council's aims, objectives and priorities for inspection;
  - Describes the Council's strategic approach to inspecting the borough and identifying contaminated land;
  - Sets out the roles and responsibilities within the Council;
  - Details procedures, elaborates on key policy and provides a set of guiding principles; and
  - Includes a programme of actions against which progress can be measured.
7. Whilst this document has primarily been written in the context of the Council being the regulator and enforcing authority, it is important to recognise that Part 2A also has other significant implications for the Council (across all Directorates and Service Areas).
8. This document has been prepared by the Land Contamination Team within the Planning and Environmental Health Division of the Directorate of the Urban Environment and replaces the 2001 Contaminated Land Inspection Strategy. Following a formal consultation exercise and approval by Cabinet this document was adopted and published by the council on 11 March 2015.
9. Enquiries about Part 2A of the Environmental Protection Act 1990 and the Inspection Strategy for Dudley Borough should be addressed to:

The Land Contamination Team  
Dudley Metropolitan Borough Council  
Directorate of the Urban Environment  
4 Ednam Road  
Dudley  
West Midlands  
DY1 1HL

Email: [LandContaminationTeam@dudley.gov.uk](mailto:LandContaminationTeam@dudley.gov.uk)

## Background

10. Dudley is situated at the heart of the Black Country, an intensely industrialised area that was at the forefront of the industrial revolution. The strong industrial heritage of the Dudley borough was built upon its mineral wealth of coal, ironstone, limestone, fireclay and sand.
11. Due to human activities involving the use, manufacture, storage and disposal of substances, numerous sites have become contaminated. The type of contamination can vary widely from site to site and is specific to the previous use. Some of the more common substances encountered include arsenic, heavy metals (such as lead and mercury), oils and tars, solvents, acids and gases such as methane and carbon dioxide associated with the degradation of wastes.
12. Land contamination is not just restricted to industrial sites. Some substances, such as arsenic, methane and carbon dioxide can occur naturally due to the geology of the borough. Contamination can also be present as a result of accidents, spillages, aerial deposition or migration.
13. The nature of the borough's industrial past has also resulted in other ground conditions such as shallow coal workings, mineshafts and limestone caverns.
14. Besides direct health or environmental issues, land contamination can cause economic and financial difficulties. Uncertainties about whether land could be contaminated land and who could be liable for the cost of remediation can cause problems when buying or selling property and may even blight developments. The cost of remediating sites can deter development, in turn adding pressure on greenfield sites and adversely affecting regeneration.
15. The Council is working to address the legacy of contamination associated with historic activities and also prevent the creation of new contamination. Land contamination is an important issue for the Council, both in terms of preventing damage to human health and the environment, and in encouraging development on brownfield sites.



**Aerial photograph 1963.**

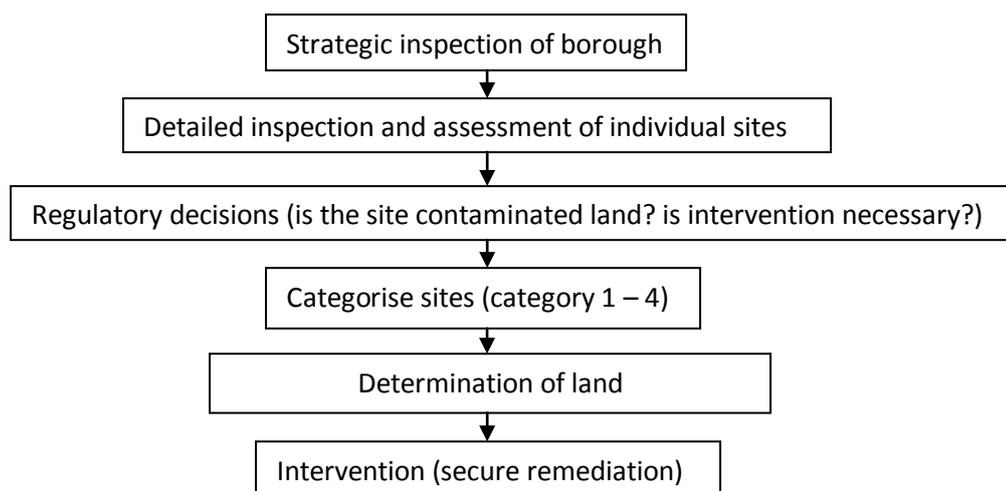


**Aerial photograph 2013**

**Aerial photographs indicating that large tracts of former industrial land within the Borough have, over time, been developed for housing.**

## Section One: Overview of the Part 2A regime.

- 1.1. Part 2A of the Environmental Protection Act 1990 (Part 2A) provides a means of dealing with unacceptable risks posed by land contamination to human health and the environment assessed in the context of the current use and circumstances of the land.
- 1.2. The overarching objectives of the Government's policy on contaminated land and the Part 2A regime are:
  - To identify and remove unacceptable risks to human health and the environment.
  - To seek to ensure that contaminated land is made suitable for its current use.
  - To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.
- 1.3. The Part 2A regime is one of several ways in which land contamination can be addressed. Primarily, land contamination should be addressed when land is developed (or redeveloped) through the planning system. Other legislative regimes may also provide a means of dealing with land contamination issues, such as building regulations; the regimes for waste, water and environmental permitting; and the Environmental Damage (Prevention and Remediation) Regulations 2009.
- 1.4. Enforcing authorities should seek to use Part 2A only where no appropriate alternative exists. In addition a precautionary approach should be taken whilst avoiding a disproportionate approach given the circumstances of each case. The aim should be to strike a reasonable balance between dealing with risks, the benefits of remediating land and the potential impacts of regulatory intervention.
- 1.5. The primary legislation contains the structure and main provisions of the regime. It consists of sections 78A to 78YC of the Environmental Protection Act 1990, which were inserted by section 57 of the Environment Act 1995. In addition to the requirements contained in the primary legislation, operation of the regime is subject to regulations and statutory guidance.
- 1.6. Statutory guidance provides the detailed framework for the definition, identification and remediation of contaminated land, as well as exclusion from, and apportionment of, liability for remediation and the recovery of costs of remediation and relief from hardship.
- 1.7. Regulations made under Part 2A deal with: the descriptions of land which are required to be designated as special sites; the contents of, and arrangements for serving, remediation notices; compensation to third parties for granting rights of entry etc to land; grounds and procedures of appeal against a remediation notice; and particulars to be included in the public register.
- 1.8. The primary legislation has been modified by regulations to cover radioactive contaminated land which is also covered by separate statutory guidance. Where land is affected by both non-radioactive and radioactive contaminants both sets of statutory guidance will apply.
- 1.9. For a detailed explanation of the Part 2A regime reference should be made to the legislation, regulations and statutory guidance; however Figure 1 provides a simplistic overview of the process.



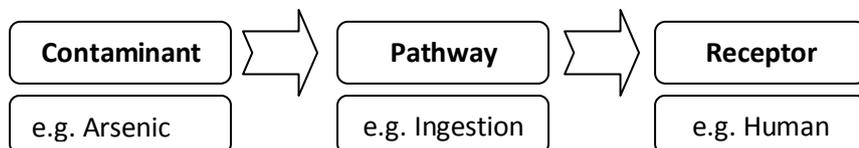
**Figure 1. Simplistic overview of Part 2A process.**

## The definition of contaminated land

- 1.10. The term ‘contaminated land’ has a specific meaning in Part 2A and is defined on the basis of harm and the pollution of controlled waters. In applying the definition and determining whether land is contaminated land the Council is required to act in accordance with statutory guidance.
- 1.11. Contaminated land is defined under Part 2A as:
- “any land which appears to the local authority whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that –
- (a) significant harm is being caused or there is a significant possibility of such harm being caused, or
  - (b) significant pollution of controlled waters is being caused or there is a significant possibility of such pollution being caused.”
- 1.12. Where harm is attributable to radioactivity, the definition of contaminated land has been modified as:
- “any land which appears to the local authority whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that –
- (a) harm is being caused, or
  - (b) there is a significant possibility of such harm being caused.”
- 1.13. These definitions reflect the intended role of the Part 2A regime, which is to enable the identification and remediation of land where contamination is causing unacceptable risks to human health or the wider environment; or lasting exposure to radiation where action is likely to be justified.
- 1.14. The definitions do not necessarily include all land where contamination is present.

## Risk assessment and the concept of the ‘contaminant linkage’

- 1.15. The definition of contaminated land is based upon the principles of risk assessment and relies heavily on the concept of the ‘contaminant linkage’, i.e. the presence of a contaminant which has the potential to impact on a receptor by means of a pathway (Figure 2).



**Figure 2. The concept of a contaminant linkage.**

- 1.16. For the purposes of Part 2A:
- A contaminant is a substance which is in, on or under the land and which has the potential to cause harm or to cause pollution to controlled waters. Substance is defined as "any natural or artificial substance whether in solid or liquid form or in the form of gas or vapour".
  - For non-radioactive contamination, the statutory guidance limits what can be considered as a receptor to the following: human beings; certain designated ecosystems or living organisms; property including crops, livestock, pets and buildings; and controlled waters.
  - For radioactive contamination a receptor is limited to human beings only.
  - A pathway is the route or means by, or through, which a receptor is being exposed to, or affected by, a contaminant (e.g. ingestion or skin contact).
- 1.17. All three elements of a contaminant linkage must exist before any particular land can be considered to be potentially contaminated land under Part 2A.

## How will contaminated land be identified?

- 1.18. Under Part 2A, the Council is required to inspect the Dudley borough to identify contaminated land. The process consists of a number of stages as detailed in the Inspection Strategy (Section Three).
- 1.19. When determining whether any land appears to be contaminated the Council will act in accordance with the statutory guidance and the definition of contaminated land. The Council will take all relevant and available evidence into account and carry out an appropriate scientific and technical assessment of that evidence.
- 1.20. The Council is required to identify whether or not the three elements of a ‘contaminant linkage’ exist and if so, to then be satisfied that the contaminant linkage is resulting in significant harm (or harm in the case of radioactive contamination) or there is a significant possibility of such harm being caused, or significant pollution of controlled waters is being, or is likely to be caused.

## **What happens once land has been identified as contaminated land under Part 2A?**

- 1.21. Local authorities are required to give notice of land identified as contaminated land (or designated as a special site) to the Environment Agency; the owner of the land; any person who appears to the local authority to be in occupation of the whole or any part of the land; and each person who appears to the authority to be an appropriate person.
- 1.22. Where any land has been identified as contaminated land, the enforcing authority has a duty to secure remediation. There is at least a three month consultation period (bypassed in cases where urgent remediation is justified) following identification of contaminated land, or designation as a special site. During this period, the enforcing authority, site owner, occupier and other appropriate persons should reach decisions on the remediation mechanisms.
- 1.23. There are in general four possible outcomes of the consultations:
  1. the appropriate person agrees to undertake remediation and issues a remediation statement, in consultation with the enforcing authority;
  2. the enforcing authority serves a remediation notice on the appropriate person(s), where no indication is provided that appropriate remediation will be undertaken;
  3. the enforcing authority uses its powers to undertake remediation itself and issues a remediation statement; or
  4. it is unreasonable to require remediation and the enforcing authority issues a remediation declaration (if circumstances change after a remediation declaration has been issued, a remediation notice can be subsequently served).

## **What is remediation and what is likely to be required?**

- 1.24. The term remediation has a wide meaning under Part 2A. It includes actions to assess the condition of contaminated land, remedial works to prevent, minimise, remedy or mitigate the effects of contamination, and subsequent inspections to review land.
- 1.25. The aim of remedial works is to remove or permanently disrupt the identified contaminant linkages. This could involve one or more of the following:
  - removing, reducing or treating the contaminant;
  - breaking, removing or disrupting the pathway; and
  - protecting or removing the receptor.
- 1.26. The standard of remediation should reduce risks to an acceptable level and be sufficient to ensure that the land no longer poses sufficient risk to qualify as contaminated land. Where this isn't possible the aim should be to manage or remediate the land in such a way that risks are minimised as far as is reasonably practicable.
- 1.27. Enforcing authorities are required to have regard to the statutory guidance when deciding whether remediation is reasonable.

## Who is responsible for the cost of remediation?

- 1.28. Responsibility for paying for remediation will, where feasible, follow the 'polluter pays' principle.
- 1.29. Part 2A introduces the concepts of Class A and Class B appropriate persons. An appropriate person is any person who is to bear responsibility for anything which is to be done by way of remediation in any particular case.
- 1.30. In the first instance, any people who caused or knowingly permitted a substance to be in, on or under the land (Class A persons) are responsible. Where no Class A persons can be found, responsibility passes to the current owner or occupier of the land (Class B persons). There are certain limitations regarding responsibility, such as when hardship might be caused.
- 1.31. Where neither Class A nor B persons can be found, the enforcing authority has powers to remediate the land.

## Record of determinations and written statements

- 1.32. The Council is required to prepare a written record of any determination that land is contaminated land and which should be made publicly available. A determination may be reconsidered, revoked or varied should circumstances change and significantly alter the basis for the original decision.
- 1.33. Where there is little or no evidence to suggest land is contaminated land and, on the basis of its assessment, the Council is satisfied that land does not meet the definition of contaminated land the Council is required to issue a written statement to this effect.

## The Public Register

- 1.34. The Council is required to maintain a public register containing information relating to Part 2A. The contents of the register are prescribed by regulations and it is important to realise that the register is not a list of sites that are or might be contaminated. The register is intended to act as a full and permanent record of all the regulatory action taken by the enforcing authority in relation to the remediation of the land under Part 2A.

The information to be recorded in the public register includes:

- Remediation notices
- details of site reports relating to remediation notices obtained by the Council
- remediation declarations, remediation statements and notifications of claimed remediation
- designation of "special sites"
- appeals lodged against remediation and charging notices
- convictions

- 1.35. The public register is held at the offices of the Directorate of the Urban Environment, 4 Ednam Road, Dudley, West Midlands, DY1 1HL. A copy is also available to view on the council website:

[www.dudley.gov.uk/business/environmental-health/pollution-control/contaminated-land/part-2a-of-the-environmental-protection-act-1990/public-register/](http://www.dudley.gov.uk/business/environmental-health/pollution-control/contaminated-land/part-2a-of-the-environmental-protection-act-1990/public-register/)

## Section Two: Council approach and policy with respect to implementing Part 2A

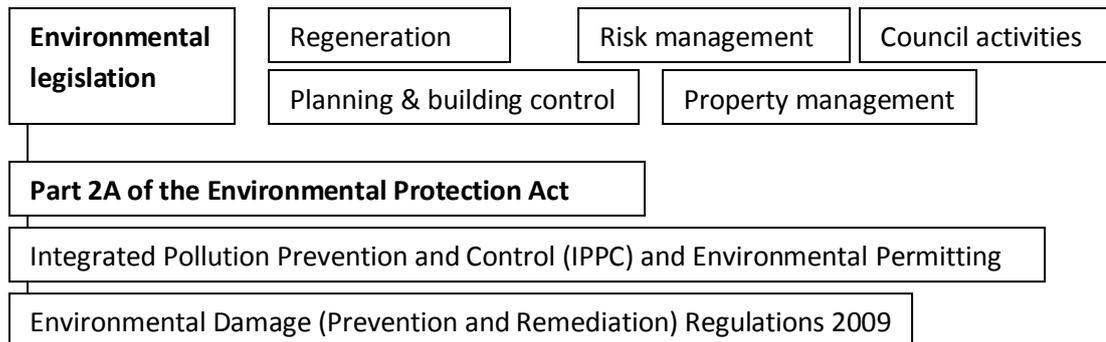
2.1. This section sets out the Council’s approach and policy with respect to implementing Part 2A of the Environmental Protection Act 1990 (Part 2A)

### The Council’s broad approach to managing land contamination

2.2. The management of land contamination may consist of a number of mechanisms including:

- Statutory duties and functions with respect to implementing environmental legislation.
- Regeneration initiatives.
- Implementation and enforcement of both the planning regime and Building Regulations.
- Reacting to incidents or complaints as they arise.
- Risk management and due diligence.
- Asset management, land acquisitions and disposals.
- Proactive action to deal with Council land.

2.3. Part 2A is not the only legislation that is relevant to the management of land contamination. The Council needs to use the correct regime for each case, observing the rules on where Part 2A applies and where its use is not appropriate.



The statutory duties and functions as regulator and enforcing authority under Part 2A are activities associated with implementing environmental legislation.

**Figure 3. Schematic of Part 2A within the Council’s broad approach to managing land contamination.**

### Implementation of Part 2A

2.4. The general aims of the Council with respect to the implementation of Part 2A can be summarised as follows:

- To fulfil the Council’s regulatory and enforcement authority duties;
- To manage the Council’s liabilities for contaminated land; and
- To reduce the impact of contamination from Council owned land.

## Risk Management

- 2.5. As part of corporate governance the Council is required to maintain a systematic strategy and framework for identifying, controlling and managing risks.
- 2.6. The Risk Management Strategy within the Council follows recognised principles encompassing the Risk Assurance Protocol process. In meeting its duties, responsibilities and liabilities under Part 2A the Council will be mindful of the risk management cycle (Figure 4).



Figure 4. The risk management cycle.

## Roles and responsibilities

- 2.7. Primarily the Council will be acting in the capacity of being the regulator and enforcing authority but could also be an 'appropriate person' in certain circumstances. As a responsible organisation and landowner the Council may also take action to address its potential liabilities under Part 2A.
- 2.8. The Council will keep the regulatory and enforcement function separate from other roles and responsibilities. A clear distinction will be maintained between the Council acting as the regulator and enforcing authority and the Council being an 'appropriate person' or land owner.
- 2.9. The remainder of this section focuses on the role of the Council as regulator and enforcing authority in identifying and securing the remediation of contaminated land under the provisions of Part 2A.
- 2.10. The roles and responsibilities of the Council as an 'appropriate person' and landowner are outlined in Section Four.

## The Council as regulator and enforcing authority

- 2.11. The Building Control Service, within the Directorate of the Urban Environment, enforces the requirements of the Building Regulations. Section C1 of the Building Regulations requires that new development is not adversely affected by any contamination in or on the land associated with the building.
- 2.12. The Land Contamination Team, also part of the Building Control Service is responsible for undertaking the role of regulator and enforcing authority on behalf of the council.

2.13. Key responsibilities as regulator and enforcing authority include:

- Prepare an inspection strategy setting out how the Council intends to inspect its area for the purpose of identifying contaminated land or identify land for which there are reasonable grounds for inspection, for land contaminated by radioactive substances.
- Determine whether particular areas of land are contaminated land in accordance with the statutory guidance, and in consultation with the Environment Agency in relation to pollution of controlled waters or land contaminated by radioactive substances, and in consultation with Natural England for ecosystem effects.
- Decide whether any contaminated land is also required to be designated as a special site in consultation with the Environment Agency as appropriate.
- Identify and notify owners and occupiers of the land, those who may be liable and the Environment Agency that the land is contaminated land and whether it is a Special Site.
- Undertake urgent remediation action where there is imminent danger of serious harm.
- Determine who may be liable to bear responsibility for remediation of contaminated land.
- Ensure that appropriate remediation takes place, either by encouraging voluntary action or, unless restrictions apply, by serving a remediation notice on those responsible.
- Take further action if remediation is not carried out or is not effective.
- Maintain a public register containing details of regulatory action taken under Part 2A.
- Provide information on contaminated land under Part 2A to the Environment Agency to allow preparation of the State of Contaminated Land Report.

## Policy

2.14. The primary aim of the Council's policy with respect to Part 2A is to protect human health and the wider environment from the risks posed by land contamination.

2.15. The policy of the Council with respect to implementing Part 2A mirrors the overarching objectives of the Government's policy on contaminated land and the Part 2A regime which are:

- (a) To identify and remove unacceptable risks to human health and the environment;
- (b) To seek to ensure that contaminated land is made suitable for its current use;
- (c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

2.16. Under this policy the Council will discharge its responsibilities as regulator and enforcing authority as follows:

- View contaminated land as a challenge and opportunity rather than a threat.
- Maintain a clear distinction between the Council acting as the regulator and enforcing authority and the Council being an 'appropriate person' or land owner.
- Ensure the implementation of Part 2A complies with statutory requirements, and reflects Government policy and current best practice.
- Take a strategic approach to carrying out its inspection duty which will be rational, ordered and efficient, and reflect local circumstances.
- Set out its approach in a written inspection strategy and keep it under periodic review.
- Deal with land contamination using the most appropriate regime given the particular circumstances of each case.

- Use Part 2A only where no appropriate alternative solution exists.
- Encourage voluntary actions and seek to resolve matters informally, with enforcement as a last resort.
- Promote and encourage sustainable methods and actions.
- Deal with matters in an open and transparent way.
- Deal with contaminated land in a timely manner.
- Undertake appropriate risk assessments that support robust decision making.
- Endeavour to strike a reasonable balance between dealing with risks, the benefits of remediating land and the potential impacts of regulatory intervention.
- Take a precautionary approach to the risks raised by contamination, whilst avoiding a disproportionate approach given the circumstances of each case.
- Consider the various benefits and costs of taking action, with a view to ensuring that the regime produces net benefits.
- Follow the ‘polluter pays’ principle whereby the costs of remedial actions are to be borne by the polluter.
- Aim to ensure that the overall outcome is as just, fair and equitable as possible.
- Seek to recover all costs to which it is entitled when exercising its powers of remediation under Part 2A.

2.17. The policy does not cover how the Council would deal with any liabilities or responsibility it may have as an ‘appropriate person’ under Part 2A or activities the Council may undertake under other regimes associated with the management of land contamination.

### **Influences on the Council’s approach to inspection**

2.18. In fulfilling its regulatory and enforcement authority duties the Council will be mindful of the statutory guidance and in particular Paragraph 1.6:

“Under Part 2A [the Council] may need to decide whether and how to act in situations where such decisions are not straightforward, and where there may be unavoidable uncertainty underlying some of the facts of each case. In doing so, [the Council] should use its judgement to strike a reasonable balance between: (a) dealing with risks raised by contaminants in land and the benefits of remediating land to remove or reduce those risks; and (b) the potential impacts of regulatory intervention including financial costs to whoever will pay for remediation (including the taxpayer where relevant), health and environmental impacts of taking action, property blight, and burdens on affected people. [The Council] should take a precautionary approach to the risks raised by contamination, whilst avoiding a disproportionate approach given the circumstances of each case. The aim should be to consider the various benefits and costs of taking action, with a view to ensuring that the regime produces net benefits, taking account of local circumstances.”

2.19. In addition there are various factors and characteristics of the Dudley borough which will influence the Council’s approach to inspecting the borough including:

- Statutory duty to inspect;
- Government policies;
- Interactions with other regimes, particularly Planning;
- Council policies and priorities;
- Available resources and funding;
- Strong industrial heritage of the borough;

- Appropriateness of past actions;
- Extent of potentially contaminated land; and
- Multiple potentially contaminative land uses and multiple receptors on sites.

## **Communication strategies**

- 2.20. Effective communication with stakeholders is essential. The Council will develop site specific risk communication strategies and detailed communication plans when implementing Part 2A and carrying out intrusive investigations.

## **Funding and resources**

- 2.21. The implementation of Part 2A requires a commitment of funding and resources in order to ensure the Council meets the terms of the legislation and makes reasonable progress in identifying and securing the remediation of contaminated land.
- 2.22. As regulator and enforcing authority the Council will be responsible for costs associated with the following:
- Inspecting the borough, intrusive investigations and risk assessments;
  - Orphan sites and orphan linkages in the absence of 'appropriate persons';
  - Carrying out works in default;
- 2.23. The Revenue Support Grant (RSG) provided by Government includes funding for the Council to fulfill their statutory obligations under Part 2A.
- 2.24. When undertaking its duties as the regulator and enforcing authority under Part 2A, the Council will explore the funding options on a case-by-case basis.
- 2.25. Where the Council (as regulator and enforcing authority) carries out any remediation it will seek to recover all of its reasonable costs from the appropriate person(s). However, the Council is required not to cause undue hardship and take account of other specific considerations in the statutory guidance. The Council's Cost Recovery Policy is set out in a separate document.

## Section Three: The Inspection Strategy

- 3.1. The Statutory Guidance refers to two broad types of “inspection” likely to be carried out: *strategic inspection*, for example collecting information to make a broad assessment of land and then identifying priority land for more detailed consideration; and *detailed inspection* of particular land to obtain information on ground conditions and carry out risk assessments which support decision making.
- 3.2. The aim of this Inspection Strategy is to set out in writing the Council’s strategic approach to carrying out its inspection duties under Part 2A. The Inspection Strategy will be subject to periodic review (at least every five years).
- 3.3. The objective of the Inspection Strategy is to meet the statutory obligation placed on the Council to produce a written strategy
- 3.4. This Inspection Strategy focuses on the methodologies for identifying and prioritising sites, undertaking detailed inspections and carrying out risk assessments. The procedures for determining whether or not a site actually meets the definition of contaminated land and other elements of the Part 2A regime are not part of this strategy document.

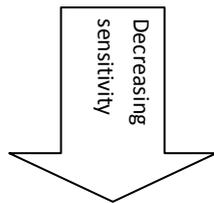
### Aims and priorities of the Council’s strategic approach

- 3.5. In carrying out its inspection duties the Council will take a strategic approach which aims to
  - Be rational, ordered and efficient;
  - Be proportionate to the seriousness of any actual or potential risk;
  - Seek to ensure that the most pressing and serious problems are located first;
  - Ensure that resources are concentrated on investigating in areas where the Council is most likely to identify contaminated land; and
  - Efficiently identify requirements for the inspection of particular areas of land.
- 3.6. The Council will focus on sites where the risks associated with land contamination are unlikely to be addressed through other means, such as reclamation or development.
- 3.7. When carrying out its inspection duties the Council will adhere to current best practice and technical guidance. Furthermore, the requirements of the statutory guidance will be complied with.

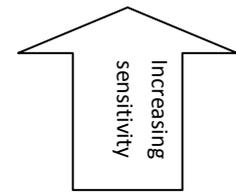
The statutory guidance specifies the categories of receptors that are relevant under the Part 2A regime as:

- Human beings;
- Certain ecological systems;
- Property in the form of crops, grown produce, livestock, owned or domesticated animals, wild animals subject of shooting or fishing rights;
- Property in the form of buildings; and
- Controlled waters.

- 3.8. The risks to human health will be prioritised above others.
- 3.9. Initially, the Council will consider receptors in terms of current land use and will adopt a hierarchy based on recognized and published guidance.



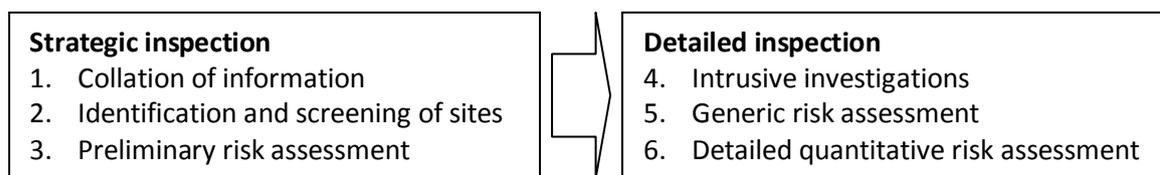
- Residential with gardens; allotments
- Schools; playing fields
- Open spaces & parkland
- Agricultural farmland; commercial; retail
- Industrial; storage & warehousing; vacant land



3.10. The most sensitive land uses for the Council will be current residential dwellings with gardens and allotments, with existing industrial sites being at the other end of the scale.

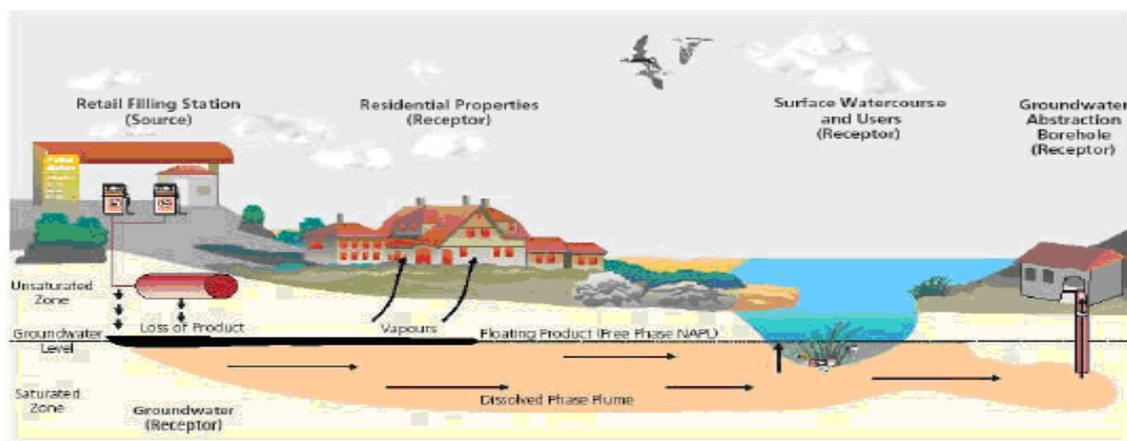
## The inspection process

3.11. The purpose of the inspection process is to ensure that the Council has sufficient information to decide whether or not a particular area of land is contaminated land. As a site moves through each stage of the inspection process, the Council will consider whether sufficient evidence exists to classify the site in accordance with the Statutory Guidance, or if it would be prudent to continue and gather further evidence, or whether it is appropriate to suspend the inspection process on the basis that there are more pressing sites to inspect.



**Figure 5. Schematic of the inspection process**

3.12. An important thread throughout the inspection process is the development and refinement of the conceptual site model. A conceptual site model shows the possible relationships between contaminants, pathways and receptors. As more information and understanding is obtained through the inspection process the conceptual site model is refined or revised.



**Figure 6. Example of a conceptual site model.**

3.13. Table One outlines in general terms the strategic approach to inspection the council will follow.

<b>Table One: Outline of the strategic approach to inspection</b>		
<b>Step</b>	<b>Process</b>	<b>Actions taken throughout approach</b>
1. Identify site	Identification of potentially contaminative use(s) on site, which could be historic or current Preliminary evaluation of available information. Initial screening and ranking of site.	Constant gathering and review of information.  Review and refine Conceptual Site Model.  Consider and refine boundaries of individual sites under inspection.
2. Gather information	Desk study and site reconnaissance. Environmental setting, including historic environment, geology and hydrogeology. Identify potential contaminants, receptors and possible pathways.	Search for appropriate persons and establish liability groups.  Decide whether there is sufficient information to categorise sites and make a determination.
3. Conceptual site model & risk evaluation	Identify components of plausible contaminant linkage(s). Formulate conceptual site model. Consider radioactivity. Further evaluation & refine prioritisation.	Liaison with appropriate persons, site owners and statutory consultees.  React to complaints and cases reported by the public and others.  Risk communication and public relations.
4. Site investigation	Design and implement intrusive investigation. Risk assessment.	
5. Determination	Consider grounds for the determination – whether or not significant harm is being caused or a ‘significant possibility of significant harm’ exists. Categorise sites 1-4. Verification and recording. Notification.	
<p>Notes:</p> <ul style="list-style-type: none"> <li>• The intention is to outline in general terms the process the council will go through to identify contaminated land. It is not possible to cover every possible scenario or every particular step taken for each individual site.</li> <li>• As a rule, at the beginning of each new step a review of the information provided by previous steps should be undertaken and documented to ensure that there is a sufficient basis for continuing. Although each step is presented as a discrete entity, it is often the case that a review of information obtained indicates the need to go back to earlier steps in order to obtain more data or to make a reassessment. In this way, a picture of the contamination on a site is built up in a phased approach.</li> <li>• The primary focus will be on human health when screening sites but all potential receptors will be considered during the inspection stage to avoid repetition and duplication of effort.</li> <li>• The likelihood of radioactivity being present will also be considered in the overall context of looking at sites rather than concentrating on radioactivity separately.</li> <li>• Sites will be ranked and inspected in tranches.</li> </ul>		

## Strategic inspection

### Collated environmental data

- 3.14. Various datasets are held within the corporate geographical information system (GIS) which provide a readily available source of data in relation to potential sources of contamination, pathways and sensitive receptors.

Examples of information:

- Historical land use data supplied by Landmark Information Group
- Energy facility dataset also supplied by Landmark Information Group
- Former landfill site records
- Historic pits and quarries
- Historic Ordnance Survey mapping
- Aerial photography
  
- Current land use dataset
- Geology
- Hydrogeology and hydrology
- Heritage assets, protected buildings and ancient monuments
- Nature reserves, parks and open spaces, conservation areas

### Identification and screening of sites

- 3.15. The basis for determining whether a site is contaminated land is to establish the presence of a significant contaminant linkage. As such, the starting point is to identify where 'contaminant linkages' are most likely to exist.
- 3.16. The initial stages of identifying and screening land for inspection are based upon the relationship between potential sources of contamination and the proximity of sensitive receptors.
- 3.17. The Council will consider the potential sources of contamination (both historical and current) in the context of the severity and type of the potential contamination associated with the activities on site. The sensitivity of receptors will be considered in the context of current land uses such as housing with gardens, allotments and playing fields.

### Methodology

- 3.18. The Council has constructed a bespoke screening tool designed to take into account the industrial heritage and geological setting of the borough and focus upon the principal of source, pathway and receptor.
- 3.19. The screening tool utilises environmental datasets held within the corporate geographical information system (GIS) including information supplied by Landmark Information Group, the Environment Agency and British Geological Survey.

- 3.20. The model interface comprises of a simple excel spreadsheet. The model applies a series of scores which are broadly balanced between 1 to 100 for each source, pathway and receptor which multiply into a single cumulative score. The scoring is allocated as follows:

	Principal score	Additional variables considered appropriate		Total range of scoring
Source	1 – 100	Scale (of land use)	0.8 – 1.2	0.8 – 120
Receptor	1 – 100	Off-site receptors Proximity (<10->100)	1 – 10 0.3 – 0.7	0.3 – 70
Pathway	1 – 10	Distance (<10->100)	3 – 7	3 – 70

- 3.21. Drop-down menus which automatically assigned a score have been adopted to remove as far as possible the element of individual interpretation when assigning scores, thus providing a consistent approach.

### **Practical application**

- 3.22. Building on the work already undertaken and the environmental data gathered since the original Inspection Strategy was published in 2001, the Council will proceed on a geographical basis and populate the spreadsheet.
- 3.23. Initially the primary focus of the process will be the identification of potential sources of contamination in terms of land use. Landmark Information Group Historical Land Use categories form the foundation of potentially contaminative uses with some amendments and additions to reflect characteristics of the borough, particularly in respect of mineral extraction, quarrying and infilling of land.
- 3.24. The boundary of each site will be polygonised onto a dedicated layer within the corporate GIS.
- 3.25. These potential contaminant sources will be further assessed in terms of scale, typical operational practices and their likelihood of causing contamination and assigned a 'score'( 1-100 on the basis of the source).
- 3.26. Where a site falls within an area with multiple potentially contaminative uses these will be consolidated into one site boundary. The site will then be considered on the basis of the most severe potentially contaminative land use.
- 3.27. The nature of the receptors and their proximity will then be assessed.
- 3.28. It should be noted that the majority of pathway scores are assigned as medium unless prior knowledge of the site and ground conditions are known. The default position assumes that a pathway could exist.
- 3.29. On completion of the initial screening exercise all potentially contaminated sites identified within the borough will have an assigned score. A simple sorting of the scores will result in a ranking order being produced. Those sites with the highest scores and exhibiting the

presence of all three parameters (source, pathway, and receptor) by default will be considered to be the highest priority with regard to potentially being contaminated land and consequently the focus of subsequent preliminary risk assessments.

### **Preliminary risk assessment**

- 3.30. The Council will work its way through the potentially contaminated sites identified from the initial screening exercise. Tranches of sites will be brought forward with those sites with the highest scores being considered first.
- 3.31. The purpose of the preliminary risk assessment is to develop the initial conceptual site model and establish whether or not there are potentially unacceptable risks.
- 3.32. A desk study and site visit will be carried out for each site in the group. This may be followed by limited sampling and monitoring, possibly involving a small number of hand dug pits and mini boreholes.
- 3.33. The outcome of the preliminary risk assessment will in effect act as a secondary screening, enabling the Council to refine priorities and identify sites for detailed inspection.

#### **Desk study and site visit**

Review documents, historical mapping, aerial photography, planning history, site history and activities. Review physical factors including geology, hydrogeology, soil characteristic and topography. Confirm potential sources and proximity of receptors. Visible indications of contamination such as soil or water discolouration, subsidence, stressed vegetation, odours and liquid discharges from the ground.

#### **Limited sampling and monitoring**

Confirm the presence of potential contaminants. Assist in evaluating the need for and planning intrusive investigations.

### **Detailed inspection**

- 3.34. The purpose of detailed inspection is to ensure that the council has sufficient information to support robust risk assessment and decide whether or not a particular area of land could be contaminated land.
- 3.35. Intrusive investigations will be undertaken on land. These will consist of more extensive investigations utilising mechanically excavated trial pits and boreholes where necessary.
- 3.36. Once a detailed inspection has commenced it will continue until sufficient information is available for the Council to decide whether or not the land concerned could be contaminated land.

#### **Intrusive investigations**

Sampling, analysis and monitoring. Gather information about the location and extent, concentrations and behaviour of contaminants. Determine the site geology and hydrogeology and assess the strata identified (e.g. pH, soil organic matter content, porosity, groundwater flow and gas permeability). Supplementary information may be needed on pollutant linkages, other site characteristics or its surroundings, and other parameters.

## **Risk assessment**

- 3.37. At each stage of the inspection process all information will be reviewed and an assessment of the risks undertaken. The risk assessment process will assist in deciding whether or not land could be contaminated land or if further inspection and assessment is justified. The methodology for assessing risks to human health is outlined in Appendix Two.

## **Managing the inspection process and prioritising detailed inspection**

- 3.38. The Council does not intend to complete all preliminary risk assessments before any site is subjected to detailed inspection. The preliminary risk assessment of sites and the detailed inspection of others will be carried out simultaneously.
- 3.39. During the inspection process it may become necessary to prioritise activities and those sites which warrant detailed inspection. Maintaining the risk based approach, a number of factors will be taken into account when managing the inspection process and prioritising detailed inspection of sites, including:
- Number of properties/people potentially affected.
  - Nature and range of the contaminants.
  - Immediacy of effect. Risk of explosion/chronic exposure.
  - Evidence of previous actions or intervention (eg. Planning and when properties built).
  - Likelihood of contamination being dealt with in the past.
  - Timescales and duration of potential exposure.
  - Fate and degradation of potential contaminants.

## **Reviewing inspection decisions**

- 3.40. There may be situations where changes in the conditions or circumstances of the land or its surrounding environment will prompt the Council to revisit inspection findings and decisions for particular areas of land. Such instances may include:
- Change of use of land introducing new receptors
  - Changes in legislation and guidance
  - Responding to new information/intelligence.
  - Reports of localised health effects
- 3.41. Where the Council becomes aware of the need to reassess a site it will be considered in the overall context of the strategic approach and those other potentially contaminated sites awaiting detailed inspection.

The Statutory Guidance sets out four categories when considering whether or not particular land is contaminated land on grounds of significant possibility of significant harm (SPOSH) which can be summarised as follows:

Category 1: Clearly problematic.

Category 2: Strong case for SPOSH and action on a precautionary basis.

Category 3: Risks not sufficient to warrant action under Part 2A.

Category 4: Clearly not 'Contaminated Land'.

## **Section Four: Council owned land and land for which the Council is an ‘appropriate person’.**

- 1.1. The general aims of the Council with respect to the implementation of Part 2A have been summarised as follows:
  - To fulfil the Council’s regulatory and enforcement authority duties;
  - To manage the Council’s liabilities for contaminated land; and
  - To reduce the impact of contamination from Council owned land.
- 1.2. The Land Contamination Team is responsible for undertaking the role of regulator and enforcing authority on behalf of the Council. This Section sets out the roles and responsibilities within the Council where the Council is the landowner or an ‘appropriate person’.

### **The Council as a responsible organisation and landowner**

- 1.3. The Council will take its potential liabilities and obligations under Part 2A seriously and act responsibly. The Council’s intention is to set a good example and be proactive.
- 1.4. The Council will act corporately in its capacity as a responsible organisation and landowner. As such, corporate responsibility for dealing with the Council’s potential liabilities under Part 2A rests with Risk Management Services. In conjunction with Property Management Services and relevant land holding Directorates and Service Areas, Risk Management Services shall be responsible for, and the costs associated with:
  - Ensuring the potential risks for the Council associated with Part 2A are included in the Risk Register and managed accordingly.
  - Reviewing current practices and procedures, taking into account the implications of Part 2A.
  - Introducing improved working arrangements to ensure potential liabilities for the Council are minimised.
  - Carrying out preliminary risk assessments of all Council property holdings and identifying property that warrants further assessment or possibly remedial action.
- 1.5. These actions with target dates are included within the Work Programme in Section 5.

### **The Council as an ‘appropriate person’**

- 1.6. The Council will be liable for contaminated land (and the costs associated with dealing with it) where the Council (and possibly its predecessors) caused or knowingly permitted the original pollution or in instances where the council owns the land and the original polluter cannot be identified.
- 1.7. The Council will act corporately in its capacity as an ‘appropriate person’. Risk Management Services shall be responsible for, and the costs associated with, managing the Council’s liabilities as an ‘appropriate person’.

## **Inspection of Council owned land**

- 1.8. Having due regard to the statutory guidance, where the Land Contamination Team identifies particular areas of Council owned land for detailed inspection it will notify Risk Management Services and Property Management Services together with the relevant land holding Directorates and Service Areas.
  
- 1.9. Prior to undertaking any limited sampling or intrusive investigations the Land Contamination Team will give Risk Management Services, Property Management Services and the relevant land holding Directorates and Service Areas the opportunity to provide detailed information about the condition of the land or carry out investigations to obtain such information within a reasonable and specified time.

## Section Five: Work programme 2015 – 2020

Aim	Objective	Action	Target date	Responsible Service Area
<b>To fulfill the Council's (statutory) inspection duties under the Part 2a regime</b>	Set out the Council's strategic approach to carrying out its inspection duty as a written strategy.	Formally adopt & publish the Council's Inspection Strategy	March 2015	Building Control Service Land Contamination Team
	Formally adopt and publish a new version of the Council's Inspection Strategy which reflects the revised Statutory Guidance.			
	Implement the Inspection Strategy and meet the work programme and delivery plan targets.	Complete the initial screening exercise of the borough	Completed	Building Control Service Land Contamination Team
		Preliminary risk assessments (Desk studies etc)	30 a year from April 2015	Building Control Service Land Contamination Team
		Detailed inspections (Intrusive investigations)	2 a year from April 2015	Building Control Service Land Contamination Team
Review the Inspection Strategy at least every five years.	Review the Inspection Strategy	April 2019	Building Control Service Land Contamination Team	
<b>To publish and adopt key policy and a set of guiding principles to assist the Council as regulator and enforcing authority</b>	Set out the Council's approach to background levels and normal presence of contaminants across the borough.	Research topic (inc. possible sampling) and set out the Council's approach.	October 2015	Building Control Service Land Contamination Team
	Produce templates for risk summaries and written statements.	Produce templates for risk summaries and written statements.	April 2015	Building Control Service Land Contamination Team
	Set out the Council's decision making process with respect to Part 2A determinations.	Review and ratify the decision making process with respect to Part 2A determinations.	October 2015	Building Control Service Land Contamination Team
	Set out the Council's cost recovery policy.	Formally adopt & publish the Council's cost recovery policy.	March 2015	Building Control Service Land Contamination Team
<b>To manage the Council's liabilities for contaminated land</b>	Ensure the potential risks for the Council associated with Part 2A are recognised and managed appropriately.	Include the potential risks associated with Part 2A in the Corporate Risk Register and manage them accordingly.	October 2016	Risk Management, Property Management and relevant land holding Directorates and Service Areas
	Ensure Council practices and procedures are suitable and sufficient and minimise potential liabilities under Part 2A.	Review current practices and procedures and introduce improved working arrangements.	October 2017	Risk Management, Property Management and relevant land holding Directorates and Service Areas
<b>To reduce the impact of contamination from Council owned land</b>	Proactively investigate all Council property holdings for contamination risks.	Carry out preliminary risk assessments of all Council property holdings and identify property that warrants further assessment or possibly remedial action.	October 2018	Risk Management, Property Management and relevant land holding Directorates and Service Areas
<b>Notes:</b>				
<ul style="list-style-type: none"> <li>It is difficult to speculate as to realistic timescales for the inspection of all the potentially contaminated sites across the borough. The Council is unable to predict how resource intensive any one particular site might be. Given that the strategic approach is looking to focus resources where contamination is likely to be found, it follows that any preliminary risk assessment could quite easily escalate into a comprehensive detailed inspection and possible determination. Committing resources to a detailed inspection will undoubtedly influence the ability to continue with the preliminary risk assessments. The work programme includes both the activities of the Council as regulator and enforcing authority and those as a responsible organisation and landowner.</li> </ul>				

## **Section Six: Appendices**

**One: Inspection flowchart: Part 2A of the Environmental Protection Act 1990**

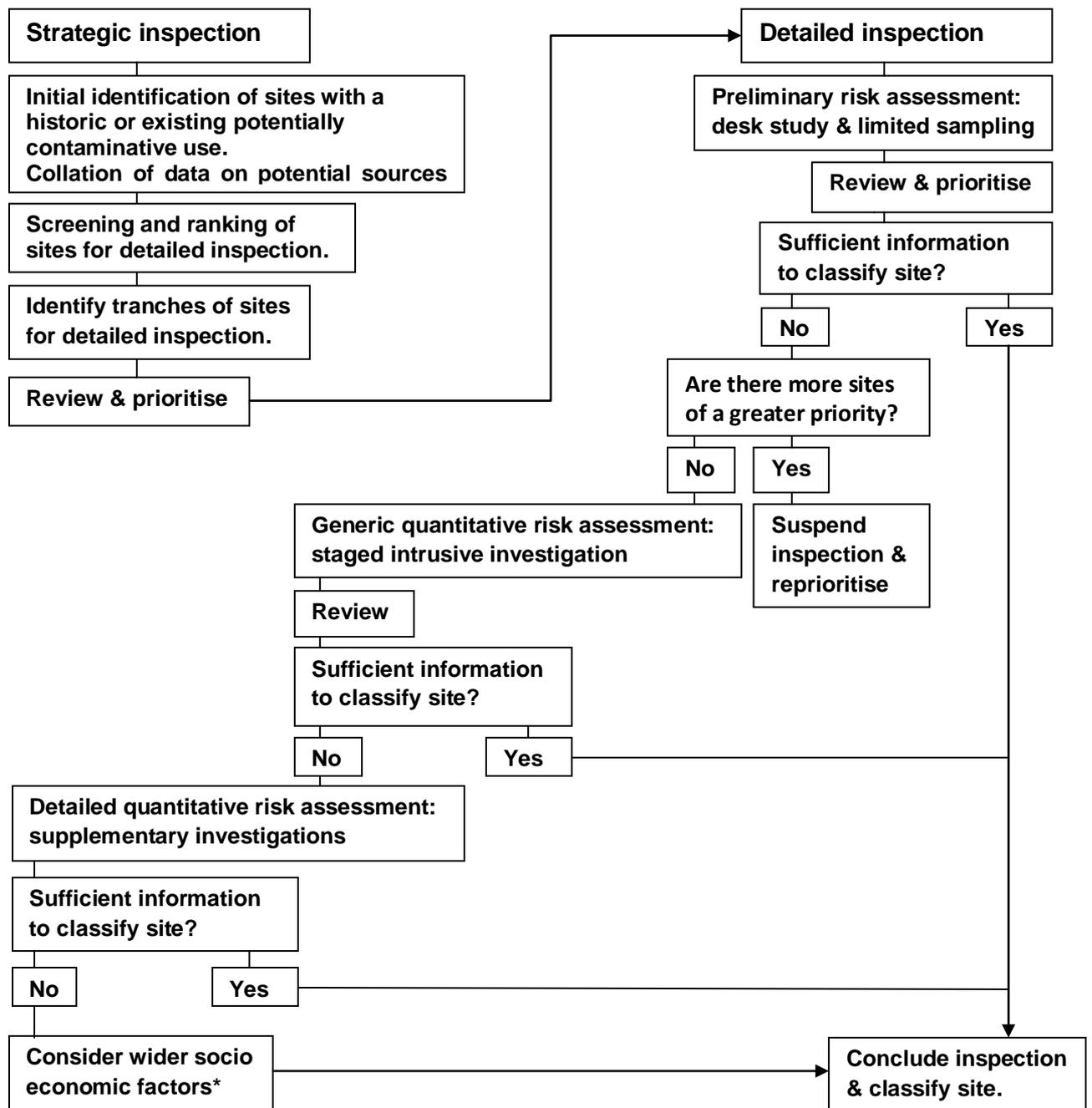
**Two: Risk assessment methodology**

**Three: Glossary of terms**

## **APPENDIX ONE**

### **INSPECTION FLOWCHART**

Inspection flowchart: Part 2A of the Environmental Protection Act 1990



\* Includes consideration of:

- Likely direct and indirect health benefits and impacts of regulatory intervention. To include the benefits of removing/reducing risks; risks from contaminants being mobilised during remediation; and any indirect impacts such as stress related health effects that may be experienced by affected people, particularly local residents; and
- What remediation would involve, how long it would take; and what benefits it would be likely to bring; whether benefits would outweigh the financial and economic costs; and any impacts on local society or the environment from taking action that the council considers relevant.

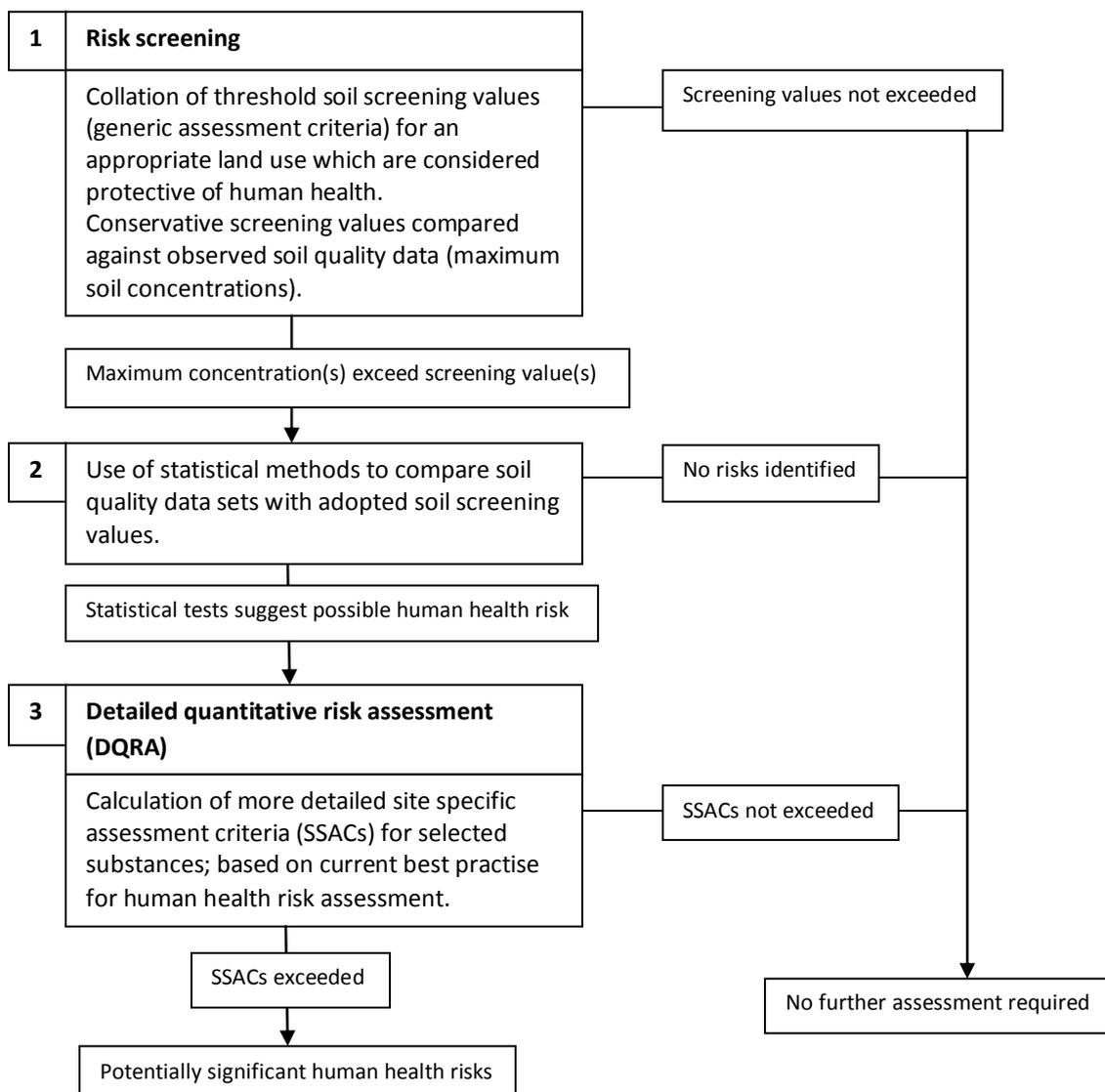
## **APPENDIX TWO**

### **Risk assessment methodology**

## Risk assessment methodology

The process of risk assessment involves understanding the risks presented by the land, and the associated uncertainties. In practice, this understanding is usually developed and communicated in the form of a “conceptual site model”. The understanding of the risks is developed through a staged approach to risk assessment, often involving a preliminary risk assessment informed by desk-based study; a site visit and walkover; a generic quantitative risk assessment; and various stages of more detailed quantitative risk assessment.

The process adopted for assessing risks to human health is summarised in the following flow diagram:



The assessment of risks posed to human health receptors is conducted through a tiered process, whereby an initial screening is employed to identify any potentially hazardous contaminants. Where such contaminants are identified, these are then subject to a detailed quantitative risk assessment utilising as much site specific information as possible to generate representative site specific assessment criteria. These are contaminant concentrations above which it can be considered there is a possibility of significant harm to human health.

## **APPENDIX THREE**

### **GLOSSARY OF TERMS**

**Appropriate Person:** Defined in section 78A(9) as: ‘any person who is an appropriate person, determined in accordance with section 78F, to bear responsibility for any thing which is to be done by way of remediation in any particular case.’

**Class A person:** A person who is an appropriate person by virtue of section 78F(2) (that is because they have caused or knowingly permitted a pollutant to be in, on or under the land).

**Class B person:** A person who is an appropriate person by virtue of section 78F(4) or (5) (that is, because they are the owner or occupier of the land in circumstances where no Class A person can be found with respect to a particular remediation action).

**Conceptual site model (CSM):** A representation of the characteristics of the site in diagrammatic or written form that shows the possible relationships between contaminants, pathways and receptors.

**Contaminant:** A substance which is in, on or under the land and which has the potential to cause harm or to cause pollution of controlled waters.

**Contaminant Linkage:** The relationship between a contaminant, a pathway and a receptor.

**Contaminated Land:** Section 78A (2) defines contaminated land as:

‘any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that;

a) significant harm is being caused or there is a significant possibility of such harm being caused; or

b) significant pollution of controlled waters is being, or there is a significant possibility of such pollution being caused.’

OR with respect to radioactive contamination defined in section 78A(2) (as modified) as;

‘any land which appears to the local authority in whose area the land is situated to be in such a condition, by reason of substances in, on or under the land, that;

a) harm is being caused; or

b) there is a significant possibility of harm being caused.’

**Controlled Waters:** Defined in section 78A(9) by reference to Part 3 (section 104) of the Water Resources Act 1991; this includes territorial and coastal waters, inland fresh waters and ground waters.

**Desk study:** Interpretation of historical, archival and current information to establish where previous activities were located, and where areas or zones that contain distinct and different types of contamination may be expected to occur, and to understand the environmental setting of the site in terms of pathways and receptors.

**Detailed quantitative risk assessment:** Risk assessment carried out using detailed site-specific information to estimate risk or to develop site-specific assessment criteria.

**Enforcing Authority:** Defined in section 78A(9) as:

- 'a) in relation to a 'special site', the Environment Agency;
- b) in relation to contaminated land other than a 'special site', the local authority in whose area the land is situated'.

**Generic assessment criteria:** Criteria derived using generic assumptions about the characteristics and behaviour of sources, pathways and receptors. These assumptions will be protective in a range of defined conditions.

**Generic quantitative assessment:** Risk assessment carried out using generic assumptions to estimate risk or to develop generic assessment criteria.

**Harm:** Defined in section 78A(4) as:

'harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property.'

OR with respect to radioactive contamination defined in section 78A(4) (as modified) as:

'lasting exposure to any person resulting from the after effects of a radiological emergency, past practice or past work activity.'

**Inspection using statutory powers of entry:**

Any detailed inspection of land carried out through use of powers of entry given to an enforcing authority by section 108 of the Environment Act 1995.

**Intrusive Investigation:** An investigation of land (for example by exploratory excavations) which involves actions going beyond simple visual inspection of the land or assessment of documentary evidence. Also known as site investigation.

**Orphan Linkage:** A significant pollutant linkage for which no appropriate person can be found, or where those who would otherwise be liable are exempted by one of the relevant statutory provisions.

**Owner:** Defined in section 78A(9) as:

'a person (other than the mortgagee not in possession) who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land, or where the land is not let at a rack rent, would be so entitled if it were so let.'

**Part 2A:** Part 2A of the Environmental Protection Act 1990.

**Pathway:** One or more routes or means by, or through, which a receptor:

- a) is being exposed to, or affected by, a contaminant,
- or
- b) could be so exposed or affected.

**Pollution of controlled waters:**

Defined in section 78A(9) as:

'The entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter.'

**Preliminary risk assessment:** First tier of risk assessment that develops the initial conceptual model of the site and establishes whether or not there are any potentially unacceptable risks.

**Radionuclide:** Also known as 'radioisotopes', they are atoms with an unstable nucleus which can undergo radioactive decay, emitting gamma rays and/or subatomic particles, which constitutes ionising radiation.

**Receptor:** Either:

- a) a living organism, a group of living organisms, an ecological system or a piece of property which -
  - i) is in a category listed in table A in chapter A as a type of receptor, and
  - ii) is being, or could be, harmed, by a contaminant; or
- b) controlled waters which are being, or could be, polluted by a contaminant; or
- c) a person subjected to lasting exposure resulting from the after-effects of a radiological emergency, past practice or past work activity.

**Remediation:** Defined in section 78A(7) as:

- a) the doing of anything for the purpose of assessing the condition of -
  - i) the contaminated land in question;
  - ii) any controlled waters affected by that land; or
  - iii) any land adjoining or adjacent to that land;
- b) the doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land or waters for the purpose -
  - i) of preventing or minimising, or remedying or mitigating the effects of any significant harm, or any pollution of controlled waters, by reason of which the contaminated land is such land; or
  - ii) of restoring the land or waters to their former state; or
- c) the making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land or waters.'

OR

with respect to radioactive contamination defined in section 78A(7) (as modified) as:

- 'a) the doing of anything for the purpose of assessing the condition of -
  - i) the contaminated land in question; or
  - ii) any land adjoining or adjacent to that land;
- b) the doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land for the purpose -
  - i) of preventing or minimising, or remedying or mitigating the effects of any harm by reason of which the contaminated land is such land; or
  - ii) of restoring the land to its former state; or
- c) the making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land.'

**Remediation Notice:** Defined in section 78E(1) as a notice specifying what an appropriate person is to do by way of remediation and the periods within which he is required to do each of the things so specified.

**Remediation Statement:**

Defined in section 78H(7). It is a statement prepared and published by the responsible person detailing the remediation actions which are being, have been, or are expected to be, done as well as the periods within which these things are being done.

**Risk:** The combination of:

- a) the probability, or frequency, of occurrence of a defined hazard (for example, exposure to a property of a substance with the potential to cause harm); and
- b) the magnitude (including the seriousness) of the consequences.

**Risk assessment:** The formal process of identifying, assessing and evaluating the health and environmental risks that may be associated with a hazard.

**Risk estimation:** Predicting the magnitude and probability of the possible consequences that may arise as a result of a hazard.

**Risk evaluation:** Deciding whether a risk is unacceptable.

**Risk management:** The processes involved in identifying, assessing and determining risks, and the implementation of actions to mitigate the consequences or probabilities of occurrence.

**Significant harm:** Defined in section 78A(5). It means any harm which is determined to be significant in accordance with chapter A of the statutory guidance (that is, it meets one of the descriptions of types of harm in the second column of table A of that chapter).

**Significant possibility of significant harm:**

A possibility of significant harm being caused which, by virtue of section 78A(5), is determined to be significant in accordance with chapter A of the statutory guidance.

**Site Investigation:** An investigation of land (for example by exploratory excavations) which involves actions going beyond simple visual inspection of the land or assessment of documentary evidence. Also known as an intrusive investigation.

**Detailed site investigation:** Main stage of intrusive site investigation, which involves the collection and analysis of soil, surface water, groundwater, soil gas and other media as a means of further informing the conceptual model and the risk assessment. This investigation may be undertaken in a single or a number of successive stages.

**Site reconnaissance:** A walk-over survey of the site.

**Site-specific assessment criteria:** Values for concentrations of contaminants that have been derived using detailed site-specific information on the characteristics and behaviour of contaminants, pathways and receptors and that correspond to relevant criteria in relation to harm or pollution for deciding whether there is an unacceptable risk.

**Special Site:** Defined by section 78A(3) as

‘Any contaminated land -

- a) which has been designated as such a site by virtue of section 78C(7) or 78D(6)...; and
- b) whose designation as such has not been terminated by the appropriate Agency under section 78Q(4)...’

The effect of a site being designated as a ‘special site’ is that the Environment Agency, rather than the council, becomes the enforcing authority for the land.

**Substance:** Defined in section 78A(9) as:

‘Any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour.’

OR with respect to radioactive contamination defines in section 78A(9) (as modified) as:

‘Whether in solid or liquid form or in the form of a gas or vapour, any substance which contains radionuclides which have resulted from the after-effects of a radiological emergency or which are or have been processed as part of a past practice or past work activity, but shall not include radon gas or the following radionuclides: Po-218, Pb-214, At-218, Bi-214, Rn-218, Po-214 and Tl-210.’

# **Contaminated land: implementing Part 2A of the Environmental Protection Act 1990**

## **Cost recovery policy**

**This policy came into force on [insert date]**

**The Council's policy is to seek to recover all of its reasonable costs and apply no waiver or reductions in any circumstances.**

**The policy means that the Council will not have the power to carry out remediation itself under Section 78N(3)(e) and as such will not be prevented from serving a remediation notice.**

**In adopting this Policy the Council has had due regard to the legislation and published statutory guidance which is available at the following link**

<https://www.gov.uk/government/publications/contaminated-land-statutory-guidance>

Whilst the legislation and statutory guidance requires the council to have regard to hardship and other specific considerations it does not automatically mean that the Council has to waive or reduce the costs. Section 8 of the Statutory Guidance is guidance to which the Council must have regard, not prescriptive advice which it must follow.

The Council is committed to seeking an overall result which is as just, fair and equitable as possible to all those who have to meet the costs of remediation, including local and national taxpayers.

**Agreed and ratified by Cabinet: 11 March 2015**

**Meeting of the Cabinet – 11<sup>th</sup> March 2015**

**Report of the Acting Strategic Director of Environment, Economy & Housing**

**Approval for consultation of the draft revised Planning Obligations  
Supplementary Planning Document (SPD)**

**Purpose of Report**

1. To seek Cabinet approval for the draft review of the “Planning Obligations SPD” to be used as a basis for public consultation commencing on 13<sup>th</sup> March 2015 for a period of six weeks.

**Background**

2. The Council’s Planning Obligations Supplementary Planning Document (SPD) sets out detailed guidance on Dudley Council’s requirements for planning obligations for all those involved in the submission and determination of planning applications as appropriate.
3. Following adoption of the initial Planning Obligations SPD in December 2007, a number of reviews have taken place in line with good practice to ensure that the required planning obligations continued to remain consistent with national guidance and be realistic and reasonable in light of economic circumstances. The last review was in 2011.
4. In line with good practice and due to a changing planning policy context for the Borough, this review is required for the following reasons:
  - To reflect the adoption of a Community Infrastructure levy (CIL) Charging Schedule.
  - To reflect changes to planning obligations which are effective from April 2015, as a result of the 2010 CIL Regulations (as amended) which limit the pooling of planning obligations (S106 agreements); and scale back the use of planning obligations to Affordable Housing and those matters that are directly related to a specific site to make a development acceptable in planning terms.
  - To reflect changes to national policy which:
    - Exempts small scale development (of less than 11 dwellings or 1000sqm) from the requirement to contribute towards affordable housing and other tariff style contributions.

- Alters the way affordable housing contributions are calculated by offering developers financial credit equivalent to existing floor space of vacant buildings on site.
  - To provide detail on how infrastructure relating to any retail expansion of Merry Hill and the Waterfront will be delivered through the use of Legal Agreements.
5. A summary of the key amendments made to the SPD are set out in the table in Appendix 1.
  6. The review of the SPD has been prepared in consultation with other Council Services particularly those that implement planning obligation spend. It is proposed that the period of consultation on the draft SPD will run from Friday 13<sup>th</sup> March to Friday 24<sup>th</sup> April 2015. During that time, the document will be able to be viewed at the reception area at 4 Ednam Road, Dudley and Dudley Council Plus, as well as at all main libraries and on the Council's website. Notification of the consultation will be sent to statutory consultees and key stakeholders who have expressed a wish to be involved. The document is also available on the Committee Management Information system and a paper copy is in the Member's Room. A drop in session for Members will also be arranged and the date will be confirmed in due course.
  7. Any representations received during the consultation period will be considered and, where appropriate, will be incorporated into the final SPD which will be presented to Cabinet in the summer of 2015 for adoption. The reviewed SPD will then become a material consideration in the determination of planning applications.

## **Finance**

8. The preparation of the document will be funded from existing budgets and resources dedicated to the production of Development Plan Documents and other statutory planning documents. The cost of monitoring and managing the monies received through Planning Obligations is met by applicants.

## **Law**

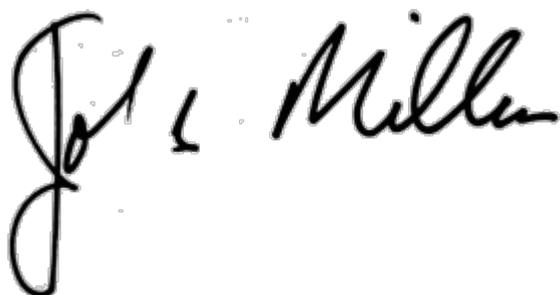
9. Following consultation and adoption, the revised Planning Obligations SPD will become a material consideration in the determination of planning applications. The review of the SPD is being prepared under the provisions of the Planning and Compulsory Purchase Act (2004), the Town and Country Planning (Local Development) (England) Regulations 2004 (amended 2008) and the Community Infrastructure Levy Regulations (2010) as amended.

## **Equality Impact**

10. The proposals take into account the Council's Policy on Equality and Diversity. The adoption by the Local Planning Authority of a CIL regime and amended Planning Obligations SPD will ensure that the mitigation and benefits of development are addressed across the Borough. This will include meeting the needs of children and young people by seeking to provide sufficient facilities for them as well as having a positive effect for future generations.
11. Planning obligations relate to the provision of affordable homes, access to jobs, services and the infrastructure that is necessary to support them, whilst protecting and enhancing the natural and built environment. The SPD therefore seeks to promote sustainable development and ensure that the infrastructure necessary to support future residential and commercial growth is delivered.

## **Recommendation**

12. That Cabinet approves the Draft review of the Planning Obligations SPD to be used as a basis for public consultation commencing on 13<sup>th</sup> March 2015 for a period of six weeks.

A handwritten signature in black ink, appearing to read 'John Millar'. The signature is written in a cursive style with a large initial 'J'.

**John Millar**

**Acting Strategic Director of Environment, Economy & Housing**

Contact Officers:

Helen Martin - Head of Planning

Email: [helen.martin@dudley.gov.uk](mailto:helen.martin@dudley.gov.uk)

Telephone: 01384 814186

## List of Background Papers

Appendix 1 – Table of amendments made to the Planning Obligations SPD

*Draft Revised Planning Obligations SPD (March 2015)*

*Planning Obligations SPD (September 2011)*

*Community Infrastructure Draft Charging Schedule (July 2014)*

*Infrastructure Delivery Plan (August 2013)*

*CIL Viability Assessment (August 2013)*

## Appendix 1 to Cabinet Report-Main Proposed Changes to Draft Revised Planning Obligation SPD

Section	Proposed Change	Reason for Change
Obligations Grid	Removed from SPD	Planning obligations will now be determined on a site by site basis where on site mitigation is required. The only exceptions to this are affordable housing and open space obligations.  There are now national thresholds

		in place for tariff based planning obligations.
Chapter 1 – changes to regulations and national policy	Further detail has been provided in relation to CIL, the national thresholds for planning obligations and the CIL Regulation 123 list; (the list of projects the Council may spend CIL monies on)..	To provide more clarity within the document and explain how planning obligations and CIL will operate alongside each other
Chapter 1 – Local Policy	Reference to related Plans and Strategies has been updated	To ensure the SPD is up to date
Chapter 2 – Monitoring, Enforcement and Spend	Updated to incorporate detail on pooling restrictions and specific spend requirements for any financial S106 contributions	To reflect changes in national policy and regulations.
Chapter 3 – Types of Planning Obligations that may be sought	The following types of formula-based infrastructure requirements have been removed from the SPD:	
	<ul style="list-style-type: none"> <li>• Libraries</li> <li>• Transport Infrastructure Improvements</li> <li>• Open Space, Sport</li> </ul>	In line with the 2010 CIL Regulations (as amended) the use of planning obligations will be scaled back from April 2015. As such it will no longer possible for

	<p>and Recreation (on sites of less than 80 dwellings)</p>	<p>the Council to secure a generalised tariff based contribution for Library provision or Transport Infrastructure Improvements.</p> <p>It is intended that generalised infrastructure contributions from developers will be secured through CIL instead.</p>
	<ul style="list-style-type: none"> <li>• Economic and Community Benefits</li> <li>• Nature Conservation Enhancements</li> <li>• Public Art</li> <li>• Public Realm</li> </ul>	<p>In line with the 2010 CIL Regulations (as amended) it is no longer appropriate for these types of infrastructure to be delivered through the use of planning obligations.</p> <p>The need for these types of infrastructure will be considered as part of the development management process on a site by site basis. Where required infrastructure is identified it will be secured through the use of planning conditions, supported by a range of policies within the Local Plan ( including the Black Country Core Strategy, Area Action Plans and the emerging Borough Development Strategy)</p>
<p>Chapter 3 – Affordable Housing</p>	<p>Detail on the Vacant Building Credit has been incorporated.</p>	<p>To reflect changes in national policy</p>

Chapter 3 – Education	<p>The costs for Nursery, Primary, Secondary and post 16 school places have been updated where required.</p> <p>The evidence base has been moved to new Appendix 4</p>	To ensure the SPD is up to date
Chapter 3 – Nature Conservation	Removed references to Avoidance and Enhancement and clarified the use of Planning Obligations for Mitigation and Compensation	To reflect changes in national policy.
Chapter 3 – Open Space, Sport and Recreation	<p>Removed references to the use of tariff based formulas for residential developments under 80 dwellings.</p> <p>The evidence base has been moved to new Appendix 4</p>	To reflect changes in national policy.
Chapter 3 – Environmental Protection	Incorporated references to the emerging Renewable Energy SPD and the Black Country Air Quality SPD	To ensure the SPD is up to date

Chapter 3 – Merry Hill and the Waterfront	New section added to explain how infrastructure relating to any retail expansion of Merry Hill and the Waterfront will be delivered through the use of Legal Agreements.	To add clarity, and explain how developer contributions will be secured to deliver the required infrastructure at Merry Hill and the Waterfront to enable retail expansion.
Appendix 1 – Glossary	Updated	To ensure the SPD is up to date
Appendix 2 – Developer Obligations – Relationship between Planning Obligations and CIL	New Appendix to clarify the Council's approach to securing developer obligations through either Planning Obligations or CIL	To aid transparency and clarity
Appendix 3 – Drafting Legal Agreements and Index Linking	New Appendix lifting information from the main document into the appendices.	To add clarity and ease of use of the SPD
Appendix 4 – Evidence Base for Education and Open Space, Sport and Recreation	New Appendix lifting information from the main document into the appendices	To add clarity and ease of use of the SPD

# Planning Obligations

**Draft Revised  
Supplementary Planning Document**

**March 2015**



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## **Review of Planning Obligations Supplementary Planning Document (SPD)**

Planning Obligations (also known as S106 Agreements) are legal agreements which can be attached to a planning permission to mitigate the impact of an otherwise unacceptable development to make it acceptable in planning terms.

Obligations can only be sought where they are directly related to the development, fairly and reasonably related in scale and kind to the development, and necessary to make the development acceptable in planning terms.

The review of this SPD has been undertaken for the following reasons:

- To reflect the adoption of a Community Infrastructure Levy (CIL) Charging Schedule to support development and the delivery of infrastructure set out in the Regulation 123 List (a list of projects that the Council intends the levy to fund).
- To reflect changes to Planning Obligations which are effective from April 2015, as a result 2010 CIL regulations (as amended) which limit the pooling of Planning Obligations (S106 agreements); and scale back the use of Planning Obligations to Affordable Housing and those matters that are directly related to a specific site to make a development acceptable in planning terms.
- To reflect changes to national policy which:
  - Exempts small scale development (of less than 11 dwellings or 1000sqm) from the requirement to contribute towards affordable housing and other tariff style contributions; and
  - Alters the way affordable housing contributions are calculated by offering developers financial credit equivalent to existing floor space of vacant buildings on site.
- To provide detail on how infrastructure relating to any retail expansion of Merry Hill and the Waterfront will be delivered through the use of Legal Agreements.

Planning Obligations will continue to play an important role in making individual developments acceptable. Affordable housing will continue to be delivered in this way, and some Planning Obligations can continue to be pooled for measures that are not being funded through the Council's CIL.

The Planning Obligations SPD has therefore been amended to reflect the above changes to provide clear guidance to customers on when Planning Obligations are likely to be required as part of new development.

## How to Respond to this Consultation

The consultation period on this draft revised Planning Obligations SPD runs for 6 weeks, from Friday 13<sup>th</sup> March to Friday 24<sup>th</sup> April 2015.

An electronic copy of this draft revised Planning Obligations SPD, along with a Comments Form, are available on the Council's website at:

<http://www.dudley.gov.uk/resident/planning/planning-policy/local-development-framework/planning-obs-spd/>

Alternatively a copy of the consultation draft is available to view during normal office hours at the 4 main libraries within the Borough. It is also available in the main receptions of 4 Ednam Road in Dudley, and at Dudley Council Plus in Castle Street, Dudley. People will be able to view the document and pick up a copy of the response form to have their say on the SPD.

Comments need to be made in writing and sent either:

- By email to [localplan@dudley.gov.uk](mailto:localplan@dudley.gov.uk), or
- By post to Planning Policy, 4 Ednam Road, Dudley, DY1 1HL

Responses must be received either online or at the below address before 5pm on Friday 24<sup>th</sup> April 2015. The Council may not accept your representation if it is received after this date. All comments received will be available for public inspection and representations may be accompanied by a request to be notified of the adoption of the SPD. The information that you provide is subject to the provisions of the Data Protection Act 1998. It will be used solely for the purpose of preparing the SPD. We may share this information with the general public as the preparation of Supplementary Planning Documents is a statutory requirement under the Planning and Compulsory Purchase Act 2004.

Following the end of the consultation period, all representations received will be reviewed and the draft SPD amended as appropriate. The final revised SPD is due to be submitted to the Council's Cabinet for approval later in 2015. A statement of the consultation responses received and how they have been taken into account in finalising the document will be published on the Council's website.

The structure of this SPD is intended to clearly set out what will be required from developers in terms of Planning Obligations, expanding on adopted Core Strategy Policy DEL1 'Infrastructure Provision':

- Chapter 1 sets out the Principles, Policies and Background
- Chapter 2 outlines the Procedures for Securing Planning Obligations
- Chapter 3 explains the Types of Planning Obligations that may be Sought.

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## General Information

This and other Local Development Documents are or will be made available on request in large copy print, audio version, Braille or languages other than English. If you require the document in one of these formats please contact:

Planning Policy Team, Directorate of Environment, Economy and Housing, 4 Ednam Road, Dudley, DY1 1HL or telephone 01384 814136 or email [localplan@dudley.gov.uk](mailto:localplan@dudley.gov.uk)

### Arabic

هذه مع بقية الوثائق لنظم العمل للتنمية المحلية متوفرة عند الطلب بطبعات مكبرة , وعلى الكاسيت , بريل , أو بلغات غير اللغة الانكليزية. فاذا كنت بحاجة لوثيقة بحد من الاشكال التي ذكرت , رجاءا اتصل بفريق التخطيط لطريقة العمل ( **Policy** ) , مديرية البيئة المحلية = ٤ أدنم رود , ددلي دي واي ١ ١ أيج أيل .  
التلفون : ٠١٣٨٤ ٨١٤١٣٦ = أيه ميل [localplan@dudley.gov.uk](mailto:localplan@dudley.gov.uk)

### Bengali

এই দলিল বা ডকুমেন্ট এবং অগা্য স্থানীয় উন্নয়ন বিষয়ক কাঠামো সম্পর্কিত দলিলসমূহ অনুরোধে বড় অক্ষরের লেখা বা লার্জ প্রিন্টে, অডিও কেসেটে, ব্রেইলে কিংবা অগা্য ভাষায় পাওয়া যাবে। আপনি যদি এই দলিলটি উপরোক্ত যে কোন মাধ্যম বা ফরমেটে পেতে চান, তাহলে দয়া করে যোগাযোগ করুন: **planning Policy Team, Directorate of Environment, Economy and Housing, Dudley Metropolitan Borough Council, 4 Ednam Road, Dudley, DY11HL.** টেলিফোন: 01384 814136, ইমেইল: [localplan@dudley.gov.uk](mailto:localplan@dudley.gov.uk)

### Chinese

這及其它地區發展架構的文件可因應需要而製成大字版, 語音版, 盲人點字或英文以外的語文. 如你需要文件轉為以上其中一個版本, 請聯絡政策計劃小組(Planning Policy Team), 城市環境保護署(Directorate of Environment, Economy and Housing) 得利市政府, 4 Ednam Road, Dudley, DY1 1HL. 電話: 01384 814136 或電郵: [localplan@dudley.gov.uk](mailto:localplan@dudley.gov.uk)



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## **Chapter 1 – Principles, Policies and Background**

### **Introduction and Aim**

1. This Supplementary Planning Document (SPD) sets out more detailed guidance on Dudley Council's requirements for Planning Obligations, for all those involved in the submission and determination of those planning applications where planning obligations may be required.
2. The SPD aims to provide greater clarity and certainty to developers, landowners, the community and the Council regarding the basis for identifying and calculating Planning Obligations. In addition to the Council adopting a CIL, Planning Obligations may still be required for some development, alongside CIL, where site specific impact mitigation may be necessary in order for a development to be granted planning permission. Planning Obligations will also be required for infrastructure that is not capable of being funded by the levy, such as affordable housing.
3. This SPD sets out the likely site specific planning obligations that may be required on certain developments within the Borough. However, the SPD is not able to specify all of the potential Planning Obligations that may be necessary for every development due to their site specific nature. Other Planning Obligations may be required that are not set out in this SPD, but will be identified on a site by site basis.
4. This SPD does not stand alone; rather it should be read in conjunction with the Council's CIL, Black Country Core Strategy (BCCS) (2011), and other policies and strategies for individual infrastructure types covered in this SPD.
5. The purpose of this document is to set out in a transparent and consistent way the Council's approach to seeking Planning Obligations. It amplifies the policies in the adopted BCCS under the provision of the Planning and Compulsory Purchase Act 2004 and the 2010 CIL Regulations (as amended). Once adopted, the SPD will be a material consideration in determining planning applications. It forms part of the Dudley Local Plan and supports the relevant policies in the adopted Core Strategy.
6. This SPD has been written in accordance with national and local policy and therefore parts of the document may be superseded where policy is updated after its adoption.

### **Planning Obligations and CIL**

7. Planning Obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. A Planning Obligation is where a developer enters into a legal agreement to provide infrastructure and/or

services on or off the development site where it is not possible to achieve through planning conditions.

8. In contrast CIL is intended to fund more generalised infrastructure requirements across the Borough to support new development. For more information on CIL and to view the Council's CIL Charging Schedule, please see the [Council's CIL webpage](#). A table detailing the difference between Planning Obligations and CIL can be found in Appendix 2.
9. Site specific impact mitigation may be necessary in order for a development to be granted planning permission. Where site specific mitigation is needed that cannot be dealt with through the use of planning conditions, then, Planning Obligations will be required. On some development schemes, both Planning Obligations and CIL may be required.
10. In order to ensure that Planning Obligations and CIL can operate in a complementary way, the CIL Regulations 122 and 123 place limits on the use of Planning Obligations in three respects:
  - 1) they put the Government's policy tests (set out below in line with Regulation 122 of the CIL Regulations) the use of Planning Obligations (also found in paragraph 204 of the National Planning Policy Framework (NPPF)) on a statutory basis, for developments that are capable of being charged the levy.

Regulation 122 of the CIL Regulations embed into law the following three tests that a Planning Obligation must meet in order for it to be lawful:

- 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**

2) The Regulations ensure the local use of CIL and Planning Obligations does not overlap;

Once CIL is introduced (and nationally from April 2015), Regulation 123 limits the use of Planning Obligations. Planning obligation requirements therefore need to be scaled back to those matters that are directly related to a specific development, and are not set out in a CIL Regulation 123 list. Where the Council's Regulation 123 list includes a project or type of infrastructure, Planning Obligations will not be sought on those projects or infrastructure to prevent a developer paying twice for the same item of infrastructure

3) The Regulations impose a limit on pooled contributions from Planning Obligations towards infrastructure that may be funded by the levy. Further information on the pooling of contributions is contained in Chapter 2.

## Thresholds for Planning Obligations

### Affordable Housing and Tariff Style Contributions

11. In line with the [National Planning Practice Guidance](#) (updated November 2014) there are specific circumstances where contributions for **affordable housing and tariff style contributions** should not be sought from small scale and self-build development, as follows:

- contributions will not be sought from **developments of 10-units or less, or which have a maximum combined gross floorspace of no more than 1000sqm**
- affordable housing and tariff style contributions will not be sought from any development consisting only of the **construction of a residential annex or extension to an existing home**.

### How do the above thresholds apply to development in the Dudley Borough?

- **Affordable housing** will be secured through Planning Obligations, as it is not currently capable of being funded by CIL. Policy HOU3 of the BCCS states that the Council will seek to secure 25% affordable housing on all sites of 15 dwellings or more, unless there is financial justification for a lower level of provision. On the basis the Council's HOU3 policy, affordable housing will only be sought on sites proposing 15 dwellings or more.
- **Tariff style contributions** are those Planning Obligations that contribute to pooled funding 'pots' intended to provide common types of infrastructure for the wider area. These will only be applied in line with the national threshold shown above and where they meet the policy tests for Planning Obligations.
- **Site specific Planning Obligations** will be sought where site specific impact mitigation may be necessary in order for a development to be granted planning permission, and do not contribute to a pooled funding 'pot'.

### Status of SPD in decision making process

12. The SPD expands on Core Strategy Policy **DEL1 'Infrastructure Provision'**. Compliance with the SPD, once adopted, is a material consideration in the making of planning decisions and therefore carries significant weight in the decision making process.

## Policy Framework – National Policy

### National Planning Policy Framework (NPPF) (2012)

13. Paragraph 203 of the NPPF states “*Planning Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*” Paragraph 204 goes on to include the policy tests on the use of planning obligations in line with Regulation 122 of the CIL Regulations.

### National Planning Practice Guidance (March 2014)

14. This online facility provides guidance in relation to CIL and Planning Obligations and how the two operate together.

### Community Infrastructure Levy

15. The Community Infrastructure Levy (CIL) Regulations introduced in April 2010 (amended 2011, 2013 and 2014) enables Local Authorities to introduce a CIL, a standard levy to be applied to new development. The level of the CIL should be informed by an appropriate evidence base and be linked to the infrastructure planning for the local area, and forms part of the Local Plan
16. Dudley Council is intending to adopt a CIL. At the point in time of the consultation of the draft revised Planning Obligations SPD the Council’s CIL is being independently examined by the Planning Inspectorate.

### Localism Act (2011)

17. The Act devolves greater powers to Councils and neighbourhoods and gives local communities greater control over housing and planning decisions. The Act gives Councils the power to raise money to support local infrastructure through CIL.

## Policy Framework – Local Policy

### Dudley Community Strategy 2005-2020

18. The Dudley Borough Challenge vision for 2020 is of sustainable, inclusive and connected communities across Dudley that actively realise their own potential, effectively supported by local services. The use of Planning Obligations contributes to the delivery of the five Community Strategy principles, as follows:
- Promoting equality – tackling inequality
  - Safeguarding the future
  - Reflecting priorities through physical change

- Delivery in partnership
- Involving people

**Black Country Core Strategy (BCCS) (2011)**

- 19.** The scale of growth proposed in the BCCS will have impacts upon the local environment and the capacity of a range of infrastructure and facilities within Dudley Borough. The provision of appropriate infrastructure underpins the whole transformational and regeneration strategy of the Core Strategy and without it future development will be neither sustainable nor acceptable.
- 20.** New developments in Dudley as set out in the adopted Core Strategy and other emerging Local Plan documents have a cumulative impact resulting in increased pressure on existing local infrastructure; Planning Obligations are required to deliver the local infrastructure improvements necessary to mitigate the impact of the scale of the new development.
- 21.** The Core Strategy sets out the policy framework for Planning Obligations. Policy DEL1 'Infrastructure Provision' as set out below states the Council's policy on Planning Obligations. This SPD provides further detail on the implementation of this policy.

**DEL1 Infrastructure Provision**

**Strategic Objectives**

The provision of appropriate infrastructure in a timely manner underpins the whole transformational and regeneration strategy and this policy is intended to ensure the delivery of Spatial Objectives 6, 7, 8 and 9.

**Policy**

**All new developments should be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.**

**Unless defined circumstances apply, development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements can be secured through planning obligations, the Community Infrastructure Levy, conditions or other relevant means, to an appropriate timetable, and supported by the necessary resources.**

**Local Development Documents for each authority will set out:**

- **The range of infrastructure to be provided or supported;**
- **The scale and form of obligation or levy to be applied to each type of infrastructure, including maintenance payments and charges for preparing agreements;**
- **The defined circumstances and procedure for negotiation regarding infrastructure provision, where viability is at issue.**

**22.** The BCCS policies support and underpins the delivery of Dudley's Sustainable Community Strategy and other Council strategies and plans. Amongst others, these include:

- Dudley Council Plan 2013-2016
- Black Country Strategic Economic Plan (2014)
- Local Investment Plan 2010-2014
- Brierley Hill Area Action Plan (2011)
- Brierley Hill Public Transport Strategy
- Stourbridge Area Action Plan (2013)
- Halesowen Area Action Plan (2013)
- Emerging Dudley Area Action Plan
- Emerging Borough Development Strategy
- Air Quality Action Plan (2011)
- Birmingham and Black Country Biodiversity/Geodiversity Action Plans
- Infrastructure Delivery Plan (2014)
- Dudley MBC Housing Market Intelligence Report (2011).
- Dudley's Housing Strategy 2013-2016
- Joint Health and Wellbeing Strategy 2013-2016
- Dudley Children and Young People's Partnership Plan 2013-2015

## **Chapter 2 – Procedures for Securing Planning Obligations**

### **Implementation of SPD**

- 23.** The Planning Authority takes a strategic lead on the overall monitoring and management of financial and on-site delivery of Planning Obligations, working with other parts of the Council and, through them, with external partner agencies where appropriate. In addition, the Council has an established Planning Obligations and CIL Working Group which includes representatives from across the Council, along with specific service area Delivery Working Groups.
- 24.** The Design Review Panel is a tool used by the Council for large and/or complex development proposals to provide developers with a co-ordinated approach, from the initial development concept, pre-application stage through to the formal application and final decision; this approach can assist in the Planning Obligations process, and promotes development of the Borough, shaping its towns and communities.
- 25.** The Planning Obligations process is subject to regular internal audits, the last one being in August 2014.
- 26.** Scaling back planning obligation requirements alongside CIL ensures that the Council's infrastructure requirements continue to be realistic and reasonable, enabling development and regeneration in the Borough.

### **Minimum Threshold for Financial Planning Obligations**

- 27.** Where the total planning obligation contributions (not including any legal or administrative fees) equate to £500 or less then, for reasons of expediency and practicality, the Council will waive the obligations.

### **Prior Approval Applications**

- 28.** Planning Obligations may be required for Prior Approval Applications when considering the potential impacts of the proposed development. Affordable housing requirements will not be sought on these applications, in line with the [Planning Practice Guidance](#).

### **Submission of a Planning Application**

- 29.** Following receipt of a planning application other Council Departments will be consulted (e.g. Highways, Education, Economic Regeneration and Housing Strategy) as well as other external service providers and statutory consultees as appropriate to the application. The Case Officer will rely on these other services, in addition to reference to this SPD, to identify whether there is a need for Planning Obligations and whether they comply with the CIL

regulations 2010 (as amended). The Case Officer will then inform the developer of any site specific Planning Obligations including details of on-site and off-site provision, and agreement is sought from the developer to provide the required Planning Obligations through a legal agreement.

- 30.** Failure by the developer to agree to the required obligations and/or sign the legal agreement within the required timescales may result in the planning application being refused by the Council. Further information on [How Planning Applications are Dealt With](#) can be found by following the link.

### **Legal Agreements - S106 Agreements and Unilateral Undertakings**

- 31.** Planning Obligations can be secured through one of two types of legal agreements, either a Section 106 Agreement or a Unilateral Undertaking.

#### **Unilateral Undertakings:**

- 32.** A Unilateral Undertaking is a simplified version of a planning agreement, which is relatively quick and straightforward to complete, and is entered into by the landowner and any other party with a legal interest in the development site. The Council does not enter into Unilateral Undertakings. Their use is encouraged by the Council where appropriate; the following gives two examples of where Unilateral Undertakings can be used:

- Where there is difficulty in coming to a negotiated agreement; and
- Where the developer can determine the requirements in advance and wishes to speed up the process.

#### **S106 Agreements:**

- 33.** Where a planning obligation will not be covered by a Unilateral Undertaking applicants will be required to enter into a S106 Agreement with the Council. This type of legal agreement has to be entered into by the applicant, the Council and anyone else who has an interest in the development site land. A S106 Agreement is usually a more complex type of planning agreement than a Unilateral Undertaking and normally takes longer and is more expensive to complete.
- 34.** Information on the drafting of Legal Agreements and Index Linking can be found in Appendix 3. Further information on Unilateral Undertakings and S106 Agreements, including template agreements, can be found on the Council's website at:  
<http://www.dudley.gov.uk/environment--planning/planning/planning-services/section-106-agreements-and-undertakings>

## **On- or Off-Site Provision**

- 35.** On suitable sites, where it cannot be secured through a planning condition, the Council will encourage the on-site provision of Planning Obligations such as affordable housing, open space, sport and recreation and nature conservation. However, in some cases on-site provision may not be appropriate; in these instances off-site provision in the way of financial contributions will be required in lieu of on-site provision.

## **Administrative and Legal Fees**

- 36.** Administrative and/or Legal Fees may be required for certain Planning Obligations, based on an individual assessment of special costs liable to be incurred for that particular development.
- 37.** Where a Fee is required for a particular Planning Obligation, applicants will be notified prior to the Legal S106 Agreement being finalised.

## **Dealing with Viability Issues**

- 38.** It is recognised that in dealing with development proposals, exceptional circumstances may occasionally arise which result in genuine financial viability concerns (for example where remediation costs are abnormal or are above what could reasonably have been foreseen).
- 39.** If a developer believes there are exceptional circumstances (not including land purchase costs) which would render a scheme unviable if the full level of Planning Obligations were required in line with this SPD, the following process is to be followed:
- (a) The applicant approaches the Local Planning Authority (LPA), ideally at development concept stage so that Planning Obligations can be established at pre-application stage, and submits a detailed financial appraisal, signed by a suitably qualified professional, to support their case. If an appraisal is submitted in confidence to the LPA then a de-sensitised version will also need to be provided at formal application stage which can be made publicly accessible by the LPA. The financial appraisal should follow an open-book approach and include the following information as a minimum with supporting evidence and justification where appropriate:
- A breakdown of all cost variables and development value including level of developers profit;
  - Identification of any exceptional cost items;
  - Explanation of all assumptions made concerning the provision of Planning Obligations;
  - Identification in cash flow terms of the effect of deferred payments; and
  - Provision of both 'Grant' and 'No Grant' Scenarios in relation to Affordable Housing provision (this is only required on schemes which generate Affordable Housing requirements)

- (b) Once the financial appraisal has been received from the applicant, the LPA arranges for it to be assessed by an independent, suitably qualified professional. All of the information submitted to the LPA will be handled on a confidential basis in recognition of a developer's commercial interests. The applicant may be required to meet the costs of this independent assessment and any other expert advice that the LPA considers it requires.
- (c) The independent financial appraisal assessment is usually carried out using industry standard software and normally follows a Residual Land Value approach. For larger schemes that are likely to be completed over a longer period of time a Cash Flow based approach may also be used. Once completed, the results of the financial assessment are provided to the LPA, and the applicant will be advised by the LPA of the conclusions of the financial assessment. If there is any disagreement of the assessment the Council will expect the applicant to agree to adjudication by an independent financial body and any costs of the adjudication shall be funded by the developer.
- (d) The Council's objective in viability negotiations is to secure the maximum value of Planning Obligations to mitigate the impact of development, whilst working with developers to enable developments to come forward. To this end the Council may consider the use of one or more of a range of 'Value Engineering' mechanisms, depending on the results of the independent financial assessment, including, but not exclusively restricted to;
- **Deferred or Staged Payments**  
Phasing payment of Planning Obligations deferred to later date(s) within the development.
  - **Clawback**  
The arrangement put into place when the Local Planning Authority, in granting permission, agrees to mitigate the planning obligation requirement for viability reasons. If, subsequently, the completed development (or phase) generates more profit than expected, the Local Authority would then claw back an appropriate provision of the additional profit for the planning obligation, up to the amount originally sought on the site.
  - **Phased Viability Assessments**  
Usually associated with large developments, several viability assessments are conducted over an extended period of time to provide a reliable forecast of what developer obligation requirements for each phase can be met by a developer.
  - **Time Constrained Planning Permissions**  
Where reduced planning obligation requirements are agreed by the Local Planning Authority for viability reasons but these reduced obligations are only valid for a limited period, and in the event that the

developer does not implement the permission within that period then the obligations will revert back to the original requirements.

- (e) The LPA will have due regard to the independent financial assessment results and the use of any appropriate 'value engineering' mechanisms, and in taking into account all other planning considerations will make appropriate recommendations to the Council's Development Control Committee for determination. Viability considerations are one factor to be taken into account when determining a planning application; the Council has to take into account a range of other factors to ensure development is acceptable in planning terms. For these reasons the Council is under no obligation to agree reduced contributions, even if a developer is able to demonstrate that the scheme would not be viable.
- (f) If the Council approves any reduction in Planning Obligations on a particular development, any secured obligations may be prioritised in accordance with the Council's policy priorities. Alternatively financial payments may be apportioned on the ratio or percentage as if there was no reduction in Planning Obligations. The approach taken is at the discretion of the Council, depending on the individual circumstances of a particular development.

**40.** Please note, however, that Planning Obligations should only be sought where they are necessary to make the development acceptable in planning terms. Where they provide essential site specific items to mitigate the impact of the development, there may only be limited opportunity to negotiate.

### **Timing and Payment of Financial Obligations**

- 41.** Financial obligations will normally be expected to be paid upon commencement of development. However, in exceptional circumstances and at the discretion of the Council, for larger phased developments the payments may be made at various stages during the development process. The trigger points for the payment of financial obligations will be included within the S106 Agreement.
- 42.** Financial obligations are payable to Dudley MBC. Payments can be made by cheque, debit/credit card or BACs electronic transfer.
- 43.** In the unlikely event that financial contributions are not spent by the Council within the timescales required within the legal agreement, the Council is required to refund the monies to the developer on request.

## **Monitoring, Enforcement and Spend**

### **Monitoring**

- 44.** Monitoring of Planning Obligations will be undertaken by the Local Planning Authority to ensure that all obligations are complied with, both by the Developer and by the Council. The Council will track compliance with each provision contained within each Legal Agreement as developments proceed. This ensures that all developers are paying obligations and delivering on-site obligations in accordance with the Legal Agreement; similarly monitoring is undertaken to ensure that Council services are spending the financial obligations in accordance with the terms of the Agreement.
- 45.** A summary of the financial Planning Obligations information for each financial year is also incorporated into the Council's [Authority Monitoring Report \(AMR\)](#).
- 46.** It is also important that information on the implementation of Planning Obligations is readily available to the Council, the applicant and members of the public on request.

### **Enforcement**

- 47.** Once Planning Obligations have been agreed it is important that they are implemented or enforced in an efficient and transparent way, in order to ensure that infrastructure is provided in accordance with the terms of the legal agreement, and to ensure that the associated development contributes to the sustainability of the area.
- 48.** Planning Obligations are enforceable by the Council under Section 106(5), (6), (7) and (8) of the Planning and Compensation Act 1991.
- 49.** If it is evident that the Planning Obligations requirements are not being complied with, the Council may instigate the relevant legal or enforcement action.

### **Spend**

- 50.** Where on site provision cannot be accommodated and financial contributions are received through Planning Obligations, the money will be spent to mitigate the impact of the development, in line with Regulation 122 of the CIL Regulations (as amended).
- 51.** Financial obligations received from developers are required to be spent by the Council within the timescales set out in the legal agreement.

## **Pooling of Contributions**

- 52.** The CIL Regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy. Where a section 106 agreement makes provision for a number of staged payments as part of a planning obligation, these payments will collectively count as a single obligation in relation to the pooling restriction.
- 53.** For provision that is not capable of being funded by the levy, such as affordable housing, there is no restriction in terms of the numbers of obligations that may be pooled.

## Chapter 3 – Types of Planning Obligations that may be Sought

### Affordable Housing

**Black Country Core Strategy Policy HOU3 ‘Delivering Affordable Housing’ requires the delivery of 25% affordable housing on all sites of 15 dwellings or more.**

54. The BCCS aspires to create a network of cohesive, healthy and prosperous communities across the Black Country, with equal access to a mix of affordable and aspirational housing and a range of quality community services.
55. The provision of Affordable Housing through new development is not capable of being funded by CIL and therefore Planning Obligations is a key mechanism for the provision of affordable housing in the Borough.
56. Key challenges for the Borough include the need to address housing affordability and to meet the housing, care and support needs of a growing elderly population. A full list of the challenges for the Borough and housing can be found in both the Housing Strategy (2013-16) and Local Investment Plan (LIP) (2010-14).
57. The Council’s preferred option will be to secure **on-site provision**, however, there may be exceptional circumstances where this is not realistic and so an off-site contribution may be required.



*Figure 1. New affordable housing at Blackthorn Road, Wordsley*

### On Site Provision

58. It is expected that developers make early contact with the Council’s Planning and Housing departments, as well as Registered Providers to discuss the affordable element of any proposed residential developments of 15+ dwellings. In providing affordable units on site the developer will be expected to transfer completed units to an approved registered provider, please see Table below.

<b>Accord Housing Association</b>	<a href="http://www.accordha.org.uk/">http://www.accordha.org.uk/</a>
<b>Black Country Housing Group</b>	<a href="http://www.bcha.co.uk/">http://www.bcha.co.uk/</a>
<b>Bromford Group</b>	<a href="http://www.bromfordgroup.co.uk/main.cfm">http://www.bromfordgroup.co.uk/main.cfm</a>
<b>Jephson Housing Association Group</b>	<a href="http://www.jephson.org.uk/">http://www.jephson.org.uk/</a>
<b>Midland Heart</b>	<a href="http://www.midlandheart.org.uk/">http://www.midlandheart.org.uk/</a>
<b>West Mercia Housing Group</b>	<a href="http://www.wmhousing.co.uk/">http://www.wmhousing.co.uk/</a>

59. The following will be sought when agreeing obligations in respect of affordable housing:

### **The standards to be applied to the construction of those units**

60. The Council expects developers to comply with the Council's latest minimum standards for affordable housing, which accord with the Homes and Communities Agency (HCA) scheme development standards (2007). Please follow the link for further details:

[www.homesandcommunities.co.uk/design\\_sustainability\\_standards](http://www.homesandcommunities.co.uk/design_sustainability_standards)

### **The location and tenure of the units within the site**

61. In order to achieve mixed and balanced communities, the Council encourages affordable units to be dispersed evenly throughout the site. To achieve this it is expected that affordable provision be designed in at the start of the development process, as part of a comprehensive proposal. The required tenure mix will be negotiated on a site by site basis, based on local need.

### **Addressing Threshold Avoidance and Site Sub-Division**

62. Where a site is divided into smaller parcels, the Council will require for the purposes of a planning obligation, that the individual parcels are treated as a whole. Normally this means that one S106 Agreement will be negotiated for the entire site concerned. Where separate agreements are negotiated, the same Planning Obligations will be sought in aggregate as if only one agreement were involved and then divided to reflect the proportionate impact of development on each parcel.

### **Off-Site Contributions**

63. The Council wishes to make it clear that commuted sums will only be accepted in **exceptional circumstances**, where all other avenues have been explored and found insufficient. These exceptional circumstances would need to be demonstrated by a developer before the Council will consider an off-site contribution.

64. The commuted sum calculation, shown below, is based on a formula whereby the typical construction costs and land costs are added together and the Registered Provider contribution is taken off.

Off-Site Financial Contribution (H) = Total Construction Cost (A x B) + Typical Land Cost per Unit (D x E) – RSL Contribution (G)							
A	B	C	D	E	F	G	H
Construction Costs (sq. m.)	Typical unit size (sq. m.)	Total Construction Cost (A x B)	Land Costs (£/Ha)	Land take of unit (Ha)	Typical land cost per unit (D x E)	RSL Contribution	Off-Site Contribution (C+F-G)

65. It is considered that this formula is the most robust method for calculating off-site contributions for affordable housing as the figures utilised in the formula are locally derived. In appropriate circumstances, further information with regard to calculation of off-site contributions can be obtained from the Council.
66. Commuted sum payments will be ring fenced to fund affordable housing in the Borough, in line with the Local Investment Plan and Housing Strategy.

## Tariff Based and Site Specific Planning Obligations

67. The following provides examples of where Planning Obligations may be required for development and how these will be calculated. This is not an exhaustive list and therefore there may be Planning Obligations required for site specific infrastructure that is not listed below.

### Education

Development that would generate additional pupil numbers in excess of what local schools could accommodate will be required to provide education planning obligations. The additional pupil numbers required will be determined on a site by site basis.

Contributions required per pupil:

- £11, 399 cost per Nursery and Primary School
- £17, 176 cost per Secondary School
- £18, 628 cost per Post 16

68. The availability of a high-quality network of educational facilities is fundamental to the delivery of sustainable communities, promoting social cohesion and inclusion and creating equal opportunities for all.

69. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. The NPPF indicates that LPAs should take a proactive approach to meeting this requirement, and give great weight to the need to create, expand or alter schools.



Figure 2. Recently Built Quarry Bank Primary School

70. Core Strategy Policy HOU5 'Education and Health Care Facilities' requires developers to provide Planning Obligations for educational facilities on sites where the development increases the need for education facilities to the extent that new or improved facilities are necessary.

71. It is intended that borough wide education projects will be included on the Council's Regulation 123 list, meaning that these projects will be funded

through CIL. Projects listed on the Regulation 123 list will therefore not be funded through Planning Obligations. However, site specific mitigation may be required through Planning Obligations and considered on a site by site basis.

### Application

- 72.** Where a proposed development results in the generation of additional pupil numbers in excess of that which local schools can accommodate within the local area, then a financial contribution may be required. Without investment, schools' ability to accommodate extra pupils generated by new housing development can be compromised; therefore it is important to maintain sufficient levels of school capacity for a growing population. The development industry has a key role to play in delivering this provision, on a scale and kind that is appropriate and directly related to the new development.
- 73.** Obligations may be required for both Primary (3-11 year olds) and Secondary (11-16) School Facilities, Sixth Form Provision and in exceptional circumstances for 0-5 year olds and Special Education facilities. If a contribution is required for Nursery provision then the necessary data will be collated.

### Exceptions

- 74.** The following types of residential accommodation will not be subject to Planning Obligations for education: sheltered housing, rest homes, nursing homes, hostels, student accommodation, one-bedroom dwellings and studio flats.

## Highway Infrastructure Works

**Highway Infrastructure Works will be required on planning applications which require either the construction of new road(s) or works to existing public roads.**

**A Traffic Regulation Order (TRO) will be required if the Highway Infrastructure Works result in the introduction of new, or amendments to an existing TRO.**

75. The justification for requiring obligations in respect of highway and infrastructure works is set out in Core Strategy Policy TRAN2 'Managing Transport Impacts of New Developments'. This Policy states that planning permission will not be granted for development proposals that are likely to have significant transport implications unless applications are accompanied by proposals to provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

### Application

#### Section 278 or 38 Agreements under the Highway Act 1980

##### Section 278 Agreements

76. Agreement for the private sector funding of trunk road works are made under Section 278 of the Highways Act 1980. A developer may be required to enter into a Section 278 Agreement with the Council for improvement works to local roads. A Section 278 is essentially a financial mechanism, not a contract to carry out works.
77. Section 278 Agreements under the Highways Act are legally binding agreements between the Highway Authority and the developer to ensure delivery of necessary highway works. Currently the limitations on Planning Obligations in CIL Regulation 123 do not apply to S278 Agreements. S278s can't be required for works that are intended to be funded through CIL, with the exception of the Highways Agency where those restrictions do not apply.

##### Section 38 Agreements

78. In addition to the use of Section 278 Agreements as set out above, a common way of creating new highways is by way of a Section 38 Agreement between the developer and the Council, under Section 38 of the Highways Act 1980. Section 38 Agreements are often made with developers of large residential schemes, who agree to build up roads to standards laid down by the Highways Authority. In return, the Council will agree to adopt the roads and to maintain them thereafter as public highways. However, until a road has been adopted by the Council it remains private and under the responsibility of the developer/house owners.

**79.** If any payment due under any of the provisions of S278 and S38 Agreements is not made on or before the (“due date”) the Developer shall pay interest on the payment due of 2% above the base rate for HSBC Bank plc as at the due date on which the payment of the sum on which interest is payable is made. Furthermore, the Council will require third party insurance liability of £10m and indemnity against all liability claims, demands and expenses under the Land Compensation Act 1973 (Parts I and II) and regulations made under it or the equivalent statutory provisions for the time being in force arising from the Highway Works.

#### Traffic Regulation Orders (TROs)

**80.** A Traffic Regulation Order is a legal process implemented through the Road Traffic Regulation Act 1984, its purpose is to control, restrict or prevent the on-street waiting of vehicles. As part of the planning process a TRO may be required to be paid by the developer if it is considered by the Council that the development will generate on-street waiting to the detriment of through traffic and/or public safety; the developer will be required to make a financial contribution which is calculated on a site by site basis depending upon the extent or works required.

**81.** Monies secured via TROs will be used to:

- Formulate the proposal;
- Write reports to obtain authority to progress with the proposed TRO;
- Consult by advertising on-street and in the local press the proposed TRO;
- Consider any objections to the proposed TRO and make any necessary amendments;
- Further report to address objections and gain authority to implement;
- Arrange and carry out the physical works to implement the TRO.

**82.** In the event that a proposed development requires Highway Infrastructure Works through a S278 or S38 Agreement and/ or a Traffic Regulation Order as set out above, a Planning Obligation or condition will normally be required to ensure that the planning permission will not be implemented until such time that the land owner or developer has entered into the necessary S278/S38 Agreements and/or made TRO payments.

## Nature Conservation

Nature Conservation planning obligations will be sought in the following circumstances:

- **Mitigation:** where significant harm cannot be wholly or partially avoided but can be minimized by design or by the use of effective mitigation measures.
- **Compensation:** where, despite whatever mitigation would be effective, there would still be significant residual harm to a site. As a last resort, this is compensated for by measures to provide for an equivalent value of biodiversity through one of the following:

Creation and establishment (min. 15 years) of an equivalent size of new habitat, to an appropriate quality.

Or

Provision and establishment (min. 15 years) of significant restoration works, twice the area of that lost.

83. The justification for requiring obligations with respect of Nature Conservation is set out in policies CSP1, CSP2, CSP3, CSP4 and DEL1 of the BCCS. The NPPF supports these policies which indicate that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, geodiversity and valued landscapes.



Figure 3. Wrens Nest, Dudley

### Nature Conservation Mitigation

84. Mitigation is usually very site and development specific and are considered on this basis. It is not possible to provide general guidelines on these two aspects. The Council should be consulted for further information.
85. Harm to the Nature Conservation value of a site will be resisted by planning policy. Avoidance and mitigation measures should be used to neutralise the negative impacts of a development. However in exceptional circumstances, where damage is permitted and full avoidance and mitigation would not be possible, compensation will be required to balance the resultant loss.

## **Nature Conservation Compensation**

**86.** Compensation will normally involve onsite works, however in some circumstances offsite contributions may be considered. The character and scope of these works and/ or contributions will be based on the specific negative impacts created by the development. The Council should be consulted for further information.

**87.** Where a designated nature conservation site (including a Wildlife Corridor or Strategic Wildlife Corridor as defined in the Brierley Hill Area Action Plan) is harmed and both avoidance and mitigation measures will not fully neutralise the impacts, the calculation set out below will be used to determine the level of compensation required.

### Application

**88.** The level of this planning obligation will be based on the following general rules (set out above), however the actual amount will depend on the level of impact the development creates. These should be carried out either on the development site or in a location strategic for nature conservation. The following methods of compensation are listed in order of preference:

- Creation and establishment (min. 15 years) of an equivalent size of new habitat, to an appropriate quality.

Or

- Provision and establishment (min. 15 years) of significant restoration works, twice the area of that lost.

## Open Space, Sport and Recreation

**Residential schemes of 80 dwellings or more should provide open space, sport and recreation facilities on-site in circumstances where the development site is isolated from and poorly served to existing nearby off-site public open space provision.**

**In exceptional circumstances, where on site provision cannot be accommodated the financial contribution is as follows:**

Type of Dwelling	Cost Per Person	Average Occupancy Rate	Open Space, Sport and Recreation Contribution per house type
House	£810.26	2.50	<b>£2,025.65</b>
Flat	£810.26	1.39	<b>£1,126.26</b>

**89.** The NPPF states that “*access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.*” The justification for requiring obligations in respect of open space, sport and recreation, which is taken to include Public Open Space, (including municipal Parks), Children’s Play and Playing Fields, is set out in Policies CSP3, ENV2 and ENV6 of the Core Strategy.

**90.** Policy ENV6 ‘Open Space, Sport and Recreation’ encourages development that would increase the overall value of the open space, sport and recreation network. The provision of high quality open space to serve new residential developments and the improvement of existing open spaces is critical to the overall aims of urban renaissance and environmental transformation across the Black Country.



Figure 4. Priory Park, Dudley

### On-Site Provision

**91.** Residential schemes of 80 dwellings or more should provide open space, sport and recreation facilities on-site in circumstances where the development

site is isolated from and poorly served to existing nearby off-site public open space provision.

92. On other schemes proposing less than 80 dwellings the Council will explore the requirement within each residential scheme on a case-by-case assessment basis to achieve the optimal layout and positioning using the principles of good landscape and urban design and on its individual planning merits.
93. Where on site provision can be accommodated within the red line boundary of a development, this can be secured through a planning condition or through a planning obligation depending on the individual circumstances of the development. A planning obligation will be required when on site provision is accommodated outside the red line boundary.
94. When on-site provision is being provided by the developer, qualitative standards and guidance are set out in the Council's Open Space, Sport and Recreation SPD; in addition Appendix 5 of this SPD provides some key guidelines for the provision of on-site open space as well as types of provision.
95. The quantity of on-site provision should be **at least 0.81 ha per 1,000 population** of Amenity Green space provision in line with the figures set out in BCCS Policy ENV6 and the standards identified in the Council's adopted [Parks and Green Space Strategy \(2009\)](#).
96. When on-site provision is being provided by a developer, it is generally acceptable for it to be maintained either by the developer themselves or via a management company, providing it is to a suitable standard, meeting all necessary regulatory requirements. In some instances it may be appropriate for the open space to be transferred to the Council for maintenance; on these schemes the developer will be required to make a financial contribution for 15 years maintenance.

#### Off-Site Financial Contributions

97. In exceptional circumstances, where on site provision cannot be met, the Council will require financial contributions for open space, sport and recreation provision as an alternative to on-site Amenity Green Space provision.
98. The financial contributions required for off-site provision is set in the table above.
99. Where appropriate, in addition to providing a financial contribution, the developer may be required to provide on-site green landscaping narrow buffers (e.g. non-recreational amenity public open space) within the site layout. Very low maintenance landscaping solutions such as natural green space buffers containing locally-occurring indigenous shrub and suitable tree



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species (such as Silver Birch, Hawthorn, Holly, Hazel and Elder) will be encouraged.

Playing Fields Contributions

- 100.** Contributions will be determined based on the overriding priorities in the local area and will be costed on a site by site basis. This costing will have regard to the particular circumstances that will apply to each site and as a result will encompass a range of construction activities that will differ from site to site.

## Environmental Safety & Health

101. The justification for seeking Planning Obligations with respect to Environmental Safety and Health lies in the Planning Practice Guidance which requires Council's to take account of the risks of and from pollution when considering development proposals, and how this can be managed or reduced in order to remove any unacceptable risks.
102. The Planning Practice Guidance indicates that it may be appropriate for developers to provide Planning Obligations in instances where the Council's planning objectives cannot be achieved by imposing a planning condition; for example where there is a requirement to make a financial contribution, or they relate to development, roads or buildings other than those covered by the planning application.

## Noise and Land Contamination

**Noise and Land Contamination Planning Obligations are only required where matters relating to noise and contaminated land cannot be dealt with through the use of conditions.**

### Noise Emissions

103. A planning obligation for noise will only be required in circumstances where the Council considers that there is noise from a source outside of the development site boundary which is likely to be detrimental to the amenity of future residents/occupiers, and which can't be mitigated against in any other way. It is good practice in circumstances where noise of an industrial/commercial nature is involved for the applicant to provide a report to the LPA on noise affecting the development site using 'British Standard 4142- Methods for rating and assessing industrial and commercial sound' where applicable. The report should detail the action proposed by the developer to mitigate the noise issues.
104. It may be necessary for a developer to enter into a planning obligation for noise, particularly in circumstances where the proposed development is for a sensitive development, i.e. residential, hospital, school etc and there is an existing industrial use/ railway/ busy road etc located nearby.
105. The planning obligation will be required to enable the developer to undertake works outside of the development site boundary in order to reduce noise at source for example by the provision of an off-site barrier. The purpose of this action will be to effect a reduction in noise at the development site which is sufficient to enable the proposed development to go ahead without adversely affecting the operation of the existing use whilst providing an acceptable noise climate at the location of the proposed development.

## **Land Contamination**

- 105.** The Council will seek a planning obligation for land contamination on developments in or adjacent to areas where objectives for land affected by contamination cannot be secured through a planning condition (i.e. where there is still a residual impact).
- 106.** Planning Obligations for land contamination will be directed towards measures designed to deal with the contamination, including during construction works, in order to make the site suitable for its intended use. Similarly contamination testing and remedial requirements may also be required in relation to any off-site green space infrastructure, such as amenity open spaces and allotments, to ensure that the site is suitable for use.
- 107.** In light of the above, in instances where a planning obligation for land contamination is required, the Council will seek to secure measures or contributions towards site investigation and/or remediation works on land affected by contamination. In particular this could include the following:
- Review / Verification of such works carried out at the development site under condition, where necessary;
  - Risk assessments and remediation works for other affected land related to the development. For example actions to address migration of contamination from adjoining land onto the development site;
  - Monitoring works following the completion of the development. Examples include measuring gas and/or water contamination in boreholes and/or installing permanent monitoring equipment;
  - The management of contaminated land, including a requirement for certain operations and activities to be carried out, such as the maintenance of remedial works. Examples include landscaping improvements and maintenance, gas protection and/or leachate treatment facilities (e.g. water treatment barriers)
  - Restrictions on the development or use of the land;
  - Any other measures deemed appropriate, for example independent monitoring/ investigation during remediation works to ensure there are no off-site effects as a result of contamination;
  - Supervision Fees – The developer may be expected to pay fees to cover the cost of council officer time associated with dealing with contamination. Such instances might include inspecting compliance with requirements of planning conditions and agreed works (e.g. risk assessments and remediation strategies) or routine monitoring of boreholes or installations. Any such fees will be calculated in accordance with the hourly rate for officer time set in the Council's fees and charges structure.
  - Performance Bonds (surety) to ensure the implementation of obligations.

## Air Quality Improvements

Developments that have the potential to increase ambient concentrations of the pollutants, nitrogen oxides and particulate matter or create relevant exposure to pollutant concentrations that exceed national air quality objectives will be required to mitigate against its impact through the **provision of on-site air quality off-setting measures**.

**In exceptional circumstances, on sites where it is not possible or appropriate to provide on-site provision of air quality off-setting measures, a financial contribution will be required.**

**108.** The whole of Dudley Borough has been declared an Air Quality Management Area for nitrogen dioxide based upon measured exceedances of the Government's national air quality objective. Promoting healthy living is a key element of a sustainable community and reducing exposure to poor air quality will improve the health and quality of life of the population of Dudley Borough.



*Figure 5. Traffic congestion along the A491, Wordsley*

**109.** BCCS Policy ENV8 'Air Quality' states that where a proposed development will result in exposure to pollutant concentrations that exceed national air quality objectives, adequate and satisfactory mitigation measures which are capable of implementation must be secured.

**110.** The Council's Air Quality Action Plan (2011) sets out how the Council will work towards improving air quality, particularly with regard to reducing levels of nitrogen dioxide. A copy of the latest Plan can be found on the Council's website at the following location: <http://www.dudley.gov.uk/business/environmental-health/pollution-control/air-quality/air-quality-action-plan/>. The emerging Black Country Air Quality SPD will provide further guidance in relation to how development can contribute towards air quality improvements.

**111.** Developments which generate additional traffic to and from a site are likely to increase emissions of nitrogen dioxide. Such transport emissions will contribute to the aggregated impact of development schemes throughout the Borough, leading to an emissions creep likely to increase human exposure to transport related air pollutants.

### On-Site Contributions

**112.** The developer will be encouraged to provide air quality off-setting measures on-site as part of the development. At present, this will be negotiated on a site



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by site basis, depending on the nature and scale of the development. The emerging Air Quality SPD will provide further detail on which developments will require on site mitigation to prevent exposure to pollutant concentrations and how air quality off-setting measures can be provided on site. In most cases this will be secured through planning conditions but there may be circumstances where Planning Obligations will be required to secure on site works that are located outside the red line boundary.

### Off-Site Financial Contributions

- 113.** In exceptional circumstances, on sites where it is not possible or appropriate to provide on-site provision of air quality off-setting measures, a financial contribution will be required. At present, financial contributions will be determined on a site by site basis. Further guidance on calculating Air Quality financial contributions will be included in the Black Country Air Quality SPD, once adopted.

## Historic Environment

Planning Obligations may be required on new developments which fall into either of the two following categories:

- Developments impacting upon archaeological/ historical/ architectural assets, i.e. damaging actions.
- Developments impacting upon Landscape Heritage Areas, Castle Hill Special, Landscape Heritage Area, Conservation Areas, Buildings of Local Historic Importance, Listed Buildings, Canals, Scheduled Ancient Monuments and other sites of national importance and sites of regional importance (ancient monuments), i.e. location based

In these instances where mitigation cannot be secured through conditions, a planning obligation, which may include a financial contribution, may be required to address the impact. Each case is unique identified by the Council on a site by site basis.

114. Dudley has a rich and diverse historic environment which is evident in the survival of individual historic assets and in the local character and distinctiveness of the broader landscape. To ensure that historic assets make a positive contribution towards wider economic, social and environmental regeneration, it is important that they are not considered in isolation but are conserved and enhanced within their wider context.



Figure 6. Dudley Castle

115. The NPPF states “*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.*” BCCS Policy ENV2 ‘Historic Character and Local Distinctiveness’ requires new developments to preserve and, where appropriate, enhance historic character and local distinctiveness. Further local detail and guidance is provided within the [Historic Environment Supplementary Planning Document \(SPD\)](#).

### Application

116. In order to secure the relevant ‘heritage objective’ the types of Planning Obligations that may be used by the local authority in respect of the historic environment fall into three broad categories: -

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- To require the carrying out of specific operations or activities to a heritage asset;
  - To require a sum or sums of money to be paid towards the cost of the carrying out specific operations or activities to an heritage asset; and
  - To restrict the development or use of the land until the identified 'heritage objective' has been met.
- 117.** Planning applications which are close to certain types of heritage asset (e.g. Canals, publicly owned Listed or Locally Listed Buildings etc), or that directly impact upon or fall within a heritage asset may result in a developer being required to either carry out specific improvement works or to set aside a commuted sum of money.
- 118.** The type of contributions or specific operations or activities likely to be required for the Borough's historic heritage are as follows (this list is not exhaustive but provides an indication of how Planning Obligations may be used) :
- Contribution towards the repair, restoration or maintenance of an heritage asset.
  - Contribution towards improved signage to and from an historic asset
  - Contribution towards the provision of Interpretation panels/ material illustrating the history of an heritage asset. (Please note that where proposed development directly involves sites of historic or local interest (e.g. canal side development, or sites that contain listed or locally listed buildings) developers will be expected to make full use of this heritage asset as an information resource and as such, new development will be expected to be accompanied by relevant interpretation material of the historical and archaeological background of the heritage asset).
  - Contribution towards environmental improvements of an heritage asset e.g. public realm improvements in a conservation area.
  - Contribution towards better understanding, education and research of an archaeological site or resources that have not only wider community benefits but an identifiable relationship/ connection with the development concerned e.g. contribution towards post-excavation costs for Dudley Castle excavation.

## **Renewable Energy**

- 119.** The adopted BCCS places great emphasis on sustainable development and facing up to climate change with the inclusion of Renewable Energy policy ENV7. This policy applies thresholds to both residential and non residential development where renewable energy generation is required to offset 10% of the estimated residual energy demand of that development.
- 120.** The Council's preference is for Renewable Energy provision to be provided on-site by developers and incorporated into individual developments. However, in limited circumstances, where it is not appropriate or feasible for this to be provided on-site, the Council may require an off-site contribution. This will usually be a financial contribution and will be secured through a S106 Legal Agreement.
- 121.** In these instances the level of contribution will be calculated on a site by site basis to reflect the characteristics of the proposed development and the level of mitigation required. By using the approach to calculating the 10% renewable energy provision as set out within the emerging Renewable Energy SPD, the developer will be required to provide costed evidence to the Council, to be used as the basis of any requirements for a financial contribution.
- 122.** The emerging Renewable Energy SPD is currently out for consultation for five weeks from Friday 13<sup>th</sup> March to Friday 24<sup>th</sup> April 2015.

## **Planning and Health**

- 123.** In line with the planning and health agenda, the BCCS highlights under Policy HOU5 that where development would increase the need for health care facilities, to the extent where new or improved facilities would be required, Planning Obligations will be secured. Under the Council's [Planning for Health SPD](#), those developments that would trigger a requirement for a health care facility contribution will be determined on a site by site basis.

## Brierley Hill Strategic Centre

### Merry Hill and Waterfront – A1 Comparison Retail Development

- 124.** Brierley Hill Town Centre, including Merry Hill, The Waterfront and the traditional Brierley Hill High Street, was designated as a Strategic Town Centre in 2008, presenting an unprecedented opportunity for regeneration and place making. The transformation of an existing urban place into a fully functioning Strategic Centre presents an opportunity to expand comparison retail development at Merry Hill and Waterfront, requiring supporting infrastructure which provides rapid, convenient, sustainable public transport links to the rest of the Black Country and beyond.
- 125. Policy CEN3 “Growth in Strategic Centres”** of the BCCS sets out three conditions that need to be met before any comparison retail floor space is brought into operation at Merry Hill, which include the **adoption of an Area Action Plan, transport infrastructure improvements and introduction of a car park management scheme.**
- 126. Brierley Hill Area Action Plan (AAP)** (2011) defines the area to which the Policy CEN3 conditions apply, within which 56,500m<sup>2</sup> of new comparison retail is allocated for development. That development is therefore **directly responsible** for delivering the infrastructure requirements of Policy CEN3. A planning application for all or part of that 56,500m<sup>2</sup> allocation will therefore need to demonstrate compliance with Policy CEN3, the Brierley Hill Area Action Plan and all other policy related to an application of this nature.



Figure 7. Merry Hill Shopping Centre.

- 127.** The Brierley Hill AAP sets out the infrastructure requirements that are linked to Policy CEN3 and relate directly to the projected impact that significant retail expansion will have on the Strategic Centre, improving accessibility and providing a transport system that is effective and proportionate to the expansion of the Merry Hill Centre.

**Infrastructure requirements set out in Policy CEN3 to be delivered primarily through the use of Legal Agreements and not through CIL.**

- 128.** Due to the scale and complexity of development, infrastructure will be delivered through a range of mechanisms, which include Planning Obligations, Section 278 Agreements and planning conditions.
- 129.** The CEN3 requirements have been accounted for in the CIL charging rates for comparison retail development at Merry Hill and Waterfront, where the charging rate is indicated as 'N/A'. This ensures that CIL is not charged on comparison retail development at Merry Hill and Waterfront and instead, infrastructure is secured through other mechanisms, through Legal Agreements.
- 130.** A summary of the infrastructure that is likely to be required as a result of the comparison retail expansion at Merry Hill and Waterfront is provided below. This is not an exhaustive list; further information on the Policy CEN3 infrastructure requirements is set out within Stage 3 of Appendix 1 of the Brierley Hill AAP.

**Public Transport**

- 131.** The AAP Public Transport Strategy identifies a range of measures which may be considered as 'advance works' to a Wednesbury to Brierley Hill rapid transit extension.
- The construction of a dedicated rapid transit corridor within Brierley Hill (effectively linking, internally, Brierley Hill High Street, Merry Hill Shopping Centre and the Waterfront) as advanced Rapid Transit works. Such a route is envisaged to be for use by bus only and then shared between bus and rapid transit following implementation of the completed rapid transit extension from Wednesbury to Brierley Hill; mitigating congestion and improving accessibility at Brierley Hill and its hinterland;
  - The construction of a bus-only Pedmore Road link to the Merry Hill Centre
  - Capacity and quality improvements to the bus station (existing site or relocated site);
  - A range of potential highway improvements on key links to improve journey times and journey time reliability for all road based modes on the internal network and on strategic corridors on the wider network (to maximise the value of the 'internal' enhancement to the network within the Brierley Hill AAP area)

**Measures to improve accessibility to and circulation within the centre by non-car modes**

- 132.** The character and quality of the urban environment within Brierley Hill Town Centre will be fundamental to its success; the intention is to create an attractive, efficient, well-connected urban environment. Key objectives include:

- Developing a hierarchy of thoroughfares within which the movement of pedestrians, cyclists and public transport is prioritised.
- Integrating the malls of Merry Hill into the network of thoroughfares;
- Stimulating the senses and aid navigation around the centre by cultivating distinctiveness and through maximising the potential of views, vistas and the skyline to assist in linkages;
- Creating a network of attractive, functional and purposefully designed green infrastructure, with wildlife and creation in mind;
- Physically integrating and celebrating the canal as an attractive setting for development and recreation.

**133.** The Brierley Hill AAP, which is a fundamental part of the strategic planning and regeneration strategy for the growth and development of the Borough (Stage 3 of Appendix 1, attached) sets out a number of related infrastructure projects that are required to be delivered alongside any retail expansion of Merry Hill & The Waterfront:

- Creation of a number of Public Squares/Spaces to provide a stage for public activity, a setting for important town centre buildings, to punctuate the convergence of important routes and create identity within the town centre;
- Provision of the new primary thoroughfare 'Central Avenue' along with a number of other thoroughfares which are essential in integrating the main activities of the town centre together and providing connections to the strategic transport network and the urban quarters.
- Creation of remaining sections of new canal-site routes
- Creation of Wildlife habitats in Wildlife Corridors within the area

## APPENDICES

### Appendix 1 – Glossary

Affordable Housing	The NPPF defines affordable housing as “ <i>Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.</i> ”
Amenity Green Space	A closely mown, well maintained, reasonably level gradients public open space area suitable for informal, safe, well-observed children’s play, place to relax and exercise dogs.
Area Action Plan (AAP)	A type of Development Plan Document focused upon a specific location or an area subject to conservation or significant change.
Biodiversity	The variety of life on earth or in a specified region or area
Black Country Core Strategy	The over-arching strategic planning policy document which sets out the key elements of the planning framework for the Borough. Once adopted all other Local Development Documents must be in conformity with it.
Children’s Play Area	An area of land which encompasses children’s play equipment
Community Infrastructure Levy (CIL)	The community infrastructure levy is a new local levy that authorities can choose to introduce to help fund infrastructure in their area.
Conditions	Attached to planning approval Decision Notices which restrict the development or require additional details.
Conservation Area	An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance
Environmental Infrastructure	The Environmental Infrastructure Network comprises open space, sport and recreation facilities, areas of biodiversity and geodiversity importance, wildlife corridors, the canal network, watercourses and drainage systems, air quality and renewable energy generation, pedestrian and cycle routes, areas and buildings of high quality design, and the special character and historic aspects of locally distinctive elements of the Black Country.
Geodiversity	The variety of rocks, fossils, minerals, landforms and soils along with the natural processes that shape the landscape

*Planning Obligations Supplementary Planning Document*

Geodiversity Action Plan (GAP)	A document which is compiled and reviewed by the relevant area's Geodiversity Partnership. It sets out the geological context of an area, the priorities for conservation and targeted actions to facilitate this.
Heads of Terms	The types of Planning Obligations that a developer agrees to provide. These do not need to be overly detailed, although they may include and trigger points identified. They can also be presented in a draft legal agreement.
Heritage Objective	A term used as shorthand for achieving a beneficial end result for a particular 'Historic Asset'. For Example, the heritage objective could be the repair and restoration of a listed building.
Historic Asset	A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets (as defined in PPS5) and identified by the local planning authority during the process of decision making or through the plan-making process (including local listing).
Homes and Communities Agency (HCA)	The national housing and regeneration agency whose role is to create opportunities for people to live in high quality, sustainable places.
Listed Building	A building or structure of special architectural or historic interest which is registered on a national list, and cannot be demolished or altered without government permission.
Scheduled Ancient Monument (SAM)	A Scheduled Monument is a 'nationally important' archaeological site or historic building, given protection against unauthorised change.
Local Plan/Local Development Framework	A term used to describe a folder of documents, which includes all the Local Planning Authority's Local Development Documents.
Local Development Scheme	The Local Planning Authority's time-scaled programme for the preparation of Local Development Documents that is reviewed annually
Locally Listed Building	Locally important building valued for contribution to local scene or for local historical situations but not meriting listed building status.
Localism Act	The Act devolves more powers to councils and neighbourhoods and gives local communities greater control over local decisions like housing and planning.
Local Planning Authority	The Local Authority or Council that is empowered by law to exercise planning functions.
Local Investment Plan (LIP)	Sets the vision for the future of housing and housing led regeneration in the Borough.
Local Transport Plan	A five-year integrated transport strategy, prepared by Local Authorities in partnership with the community,

	seeking funding to help provide local transport projects.
Major Planning Application	Major planning applications are those for 10 or more dwellings or where the site area for residential development is 0.5ha or more, or for non-residential development of 1000 sq m or more or where the site area is 1 ha or more
Minor Planning Application	Minor planning applications are those for less than 10 dwellings or where the site area for residential development is less than 0.5ha, or for non-residential developments which are less than 1000 sq m or where the site area is less than 1 hectare.
National Planning Policy Framework (NPPF)	Sets out government's planning policies for England and how these are expected to be applied.
Nature Conservation	The protection, preservation, management or enhancement and the improvement of understanding and appreciation of flora, fauna and geological and geomorphological features.
Open Book Financial Appraisal	This is necessary when a developer is stating that the viability of the proposal would be detrimentally affected by the required Planning Obligations. It involves independent verification of the development's likely costs and profits. It is commercially sensitive and is therefore not part of the public consultation for the proposal.
Planning Obligation	A legal instrument under Section 106 of the 1990 Town and Country Planning Act which restricts or regulates the use of the development of the land. It may also ensure the delivery of infrastructure associated with a development.
Planning Practice Guidance (PPG)	Web based resource which brings together planning practice guidance for England.
Playing Field	An area of land which encompasses at least one playing pitch.
Pooling	This occurs when individual financial contributions are collated together to pay for infrastructure, facilities or services which have been identified but could not be funded by an individual contribution.
Public Open Space (POS)	Any land laid out as public garden or used for the purposes of public recreation.
Public Realm	Urban Spaces to which the public predominantly have access
Registered Provider	All social landlords registered with the Homes and Communities Agency, not covered by local authorities. Also referred to as a Housing Association.
Section 106 Agreement	A legal agreement under section 106 of the 1990 Town and Country Planning Act. Section 106 Agreements are legal agreements between a planning authority and a developer
Section 38 Agreement	A Section 38 Agreement (under the 1980 Highways Act)

	is the mechanism between the Council and a developer requiring the construction of new roads to the Council's standards for subsequent adoption.
Section 278 Agreement	A financial mechanism under the 1980 Highways Act through which a developer pays for the highways improvements work and their future maintenance
Staged Payments	These are set out within the legal agreement and allow a developer to spread the cost of obligations for the development.
Strategic Centre Strategic Economic Plan	A strategic centre is the main focus of 'higher order' retail, office, leisure and civic functions. The Black Country Plan makes the case to secure additional funding to accelerate growth in high value manufacturing and, specifically, the aerospace, automotive and building technology sectors.
Supplementary Planning Document	A Local Development Document that may cover a range of issues, thematic or site specific, and provide further detail of policies and proposals in a 'parent' Development Plan Document
Thresholds	All Planning Obligations have an identified threshold, at and above which contributions will be applicable to the development. These thresholds are specified within each of the sections within Part 3 of this SPD
Traffic Regulation Order	This is a legal order under the Road Traffic Regulation Act 1984 which allows the Council to regulate the speed, movement and parking of vehicles and regulate pedestrian movement.
Transport Capital Programme	Transport Spending Programme on a wide range of transport related projects
TRICS	The Trip Rate Information Computer System which provides national standards for trip generation analysis
Unilateral Undertaking	A legal agreement under section 106 of the 1990 Town and Country Planning Act. The Agreement is only signed by the developer and anyone else with an interest in the land, but not the Council.
Unitary Development Plan (UDP)	An old-style development plan prepared by District, Borough and Unitary Authorities. The policies within UDPs are gradually being replaced by those within Local Plans/Local Development Frameworks
Value Engineering	Value techniques applied during the design or 'engineering' phases of a project.

## Appendix 2 – Developer contributions: Planning Obligations and CIL

	Section 106 Planning Obligations	Community Infrastructure Levy (CIL)
<b>Mechanisms for infrastructure provision</b>	Site specific infrastructure necessary to make the development acceptable in planning terms, provided either on site or via a financial contribution. These items of infrastructure are agreed within a Section 106 Agreement. Contributions cannot be sought for items identified in the CIL Regulations 123 list (the list of infrastructure projects to be funded by CIL).	CIL is charged on certain residential and retail development located in charging zones in the Dudley Borough. CIL is charged in pounds per square metre on the net additional floor space.  CIL revenue from new development will primarily be used to help fund the identified local infrastructure priorities of an area, with specific projects listed the Regulation 123 List (see CIL Charging Schedule).
<b>Can contributions be pooled?</b>	Financial contributions from no more than five Planning Obligations can be pooled to deliver a specific infrastructure project. The pooling restriction does not apply to affordable housing Planning Obligations.	CIL is effectively a pooling mechanism to fund locally identified infrastructure projects. 15% of CIL monies will be subject to consultation with communities to determine how best to spend those monies on infrastructure where development has taken place.
<b>How is viability assessed?</b>	In exceptional circumstances, viability evidence is assessed on a case by case basis, negotiated during the Planning Application process. Further information on viability is provided in Chapter 2.  Pre-application discussions are a valuable opportunity to discuss likely Planning Obligations associated with a development to gain an understanding from an early stage.	The viability of the CIL levy was established during the development of the Charging Schedule. The levy rate is essentially non-negotiable.  The Council does offer a process for giving relief from CIL in exceptional circumstances where a specific scheme cannot afford to pay but certain conditions must be met (see CIL Charging Schedule for further details).
<b>Spend</b>	Time limits for spend and site specific with detail set out in legal agreement	No time restrictions on spend; monies are spent in line with the Regulation 123 list.

## **Appendix 3- Drafting of Legal Agreements and Index Linking**

1. For all planning applications that require Planning Obligations, the Legal Agreement that will secure those obligations is required to be signed and in place before any Decision Notice can be issued. If the applicant fails to enter into the Agreement within the necessary timescales then the application is likely to be refused by the Council.

### **Unilateral Undertakings**

2. Where an applicant wishes the required Planning Obligations to be secured by a Unilateral Undertaking then this should be submitted with the Planning Application, along with up to date Office Copy Entries from the Land Registry confirming ownership of the application site land. A [Unilateral Undertaking Template](#) is available to download from the Council's website. The Council will then arrange for it to be checked and validated by the Council's Legal Section who will advise on whether any amendments are required and who will also request that the applicant makes any necessary changes. Any individual or organisation with an interest in the land will be required to sign the Unilateral.
3. A £50 Legal Fee in addition to the Management and Monitoring Fee is required to be paid by applicants who use Unilateral Undertakings and both the Legal and Management and Monitoring Fees are required to be paid prior to the determination of the application. In the event that the application is withdrawn or refused then these monies will be refunded.

### **S106 Agreements**

4. Where a Unilateral Undertaking is not submitted with the Planning Application the Council will secure the required Planning Obligations through a S106 Agreement.
5. Once the Planning Application has been registered by the Council the following process is undertaken:
  - (a) The Planning Case Officer will write to the Applicant/Agent setting out all the required Planning Obligations, requesting written confirmation within 14 days that the applicant is willing to enter into a S106 Agreement for the identified Planning Obligations.
  - (b) The Legal Officer will write to the Applicant/Agent enclosing a Draft S106 Agreement and requesting written confirmation that the S106 Agreement is acceptable. In addition, up to date Office Copy Entries from the Land Registry confirming ownership of the application site land need to be provided to the Legal Section.

- (c) If the Planning Application is approved subject to the S106 Agreement, the Legal Section will send a final S106 Engrossment to the Applicant/Agent for signing and returning to the Council along with the necessary Legal and Monitoring and Management Fees; and individual or organisation with an interest in the land will be required to sign the Agreement.
  - (d) Once the S106 Agreement has been signed and sealed by the Council and all parties with an interest in the land, the Legal Section will provide a copy of the signed S106 Agreement to the Applicant/Agent and the Planning Authority.
  - (e) Once the Planning Case Officer is in receipt of the final signed S106 Agreement the Decision notice will be issued.
6. In addition to the Management and Monitoring Fee a Legal Fee is also required to be paid for the Council's work in drawing up the S106 Agreement, this fee varies depending on the work involved and the applicant/agent will be advised of the figure by the Legal Section. These fees are required to be paid prior to the determination of the application. In the event that the application is withdrawn or refused then these monies will be refunded.

## **Index Linking**

7. Where Planning Obligations are required and cannot be accommodated on site, a financial contribution is usually agreed. Formulas for calculating required contributions are based on an evidence base setting out the need within Dudley to support new development. This evidence base calculates the financial contributions required at the time of the evidence base, thus there is a need to index link these financial calculations annually to ensure that the contributions remain at a sufficient level to fund the required infrastructure. If Planning Obligations were not indexed linked then insufficient contributions would be secured resulting in a loss of benefit to the Borough as a whole.
8. The use of inflationary indices for Planning Obligations is an established principle and the Council uplifts contributions annually from the 1<sup>st</sup> April. Appendix 1 of this SPD is updated annually in line with the Consumer Price Index (CPI) as it is a well-established general indicator covering a wide range of services, and can be used to index wages, salaries, pensions and regulated or contracted prices. As Planning Obligations can fund a broad range of both construction and maintenance elements of site specific infrastructure ranging from highway works to nature conservation, it is considered more appropriate to use CPI rather than a more obscure, construction based indicator which may be wholly inappropriate for the funding of some aspects of local infrastructure.

## **Appendix 4 – Education and Open Space, Sport and Recreation- Basis of calculation for Planning Obligations**

### **Education Planning Obligations**

#### Basis of the Calculation

1. Basic Need (BN) cost multipliers are prepared in August/September each year as taken from the Department of Education for the following financial year. These provide a **cost per pupil** for building new educational accommodation. There is currently one cost multiplier figure for each phase of education (Primary, Secondary and Post 16) each using different area standards.
2. The BN cost multipliers are based on the weighted average of two separate multipliers, one for totally new schools and one for extensions to existing schools. Each of these multipliers has two main components — an area per place factor derived from BB98 or BB99, and a cost per m<sup>2</sup> factor, derived from actual tendered projects.
3. The area and cost factors are multiplied together to give the building cost per place. To this are added percentages to provide for the cost of site works, furniture and equipment and professional fees. VAT and land purchase costs are not covered by the multipliers. The two multipliers are then weighted to reflect the national balance of basic need places provided in new and extension projects and give the published multiplier values. Location factor adjustments are then applied to the cost multiplier.

#### Calculation:

4. The standard used to assess educational provision requirements for Primary, Secondary and Sixth Form/Post 16 pupils is based on the Housing Market Intelligence Report (2011). From this survey a Matrix was formulated and developed to obtain a pupil yield and costs for the different types of dwellings a development would generate.
5. The Matrix and pupil yield has a cost attributed to it as a cost per school place (as taken from the Department of Education Cost Multiplier figures which are likely to be updated every two to three years. The figures listed below are for 2008-2009:
  - **£11, 399 cost per Nursery and Primary School**
  - **£17, 176 cost per Secondary School**
  - **£18, 628 cost per Post 16**
6. These figures are specific to Dudley as they include a location factor provided by Department of Education.
7. In line with Government Safer Routes to School, the Council is working with schools to encourage and increase alternative ways of getting to school without driving. Providing safer routes will encourage and increase the proportion of pupils walking and cycling to school.

8. Government recommendations for Children's Service will generally maintain between 5 and 10% surplus capacity for schools to allow greater flexibility to allow opportunity to respond to parental choice, together with greater flexibility to accommodate unpredictable changes to demographic patterns, and capacity to provide accommodation to a sudden influx of children to particular areas. Schools within the statutory walking distance, described above, will be scheduled for each development, taking into account the nearest available route that a child may walk with reasonable safety.

## Open Space, Sport and Recreation

### Off-site Financial Contributions-Basis of calculation for formula based approach

9. The formula-based approach for Open Space, Sport and Recreation Planning is based on the following:
  - A combined contribution for Open Space and Children's Play split into construction and maintenance elements (15 year maintenance element);
  - A contribution which is based on the estimated population of the proposed development, calculated on data of household occupancy gathered in Dudley Borough from the 2001 Census Data;
  - A cost per sq. m. for the construction and maintenance of open space and children's play, based on the true implementation costs of a number of Liveability Masterplans for a range of parks and open space sites which have secured significant community support, and have been robustly tested at feasibility stage and are thus realistic and capable of being implemented.
10. The approach used for calculating open space, sport and recreation financial contributions is based on the following formula:

$$\text{Cost per person} = \text{Average Cost of Works (£)} \times \text{Open Space Requirement per person (sq. m.)}$$

11. Policy ENV 6 of the Core Strategy sets out a target figure of 5.08 hectares of open space per 1000 population; this equates to **50.8 sq. m. per person**.
12. A cost per sq. m. for the construction and maintenance of open space and children's play has been calculated, based on the costs of a number of Liveability Masterplans for a range of parks and open space sites which have secured significant community support; this equates to **£8.90 for construction works and £7.05 for maintenance works (£0.47 x 15), this gives a total of £15.95.**

*Planning Obligations Supplementary Planning Document*

13. Using the above formula and figures the costs per person for open space, sport and recreation are calculated as follows:
14. **£15.95 (average cost of works) x 50.8 sq. m. (open space requirement per person)**
15. **This gives a sum of £810.26 per person (made up of £452.12 construction and £358.14 maintenance)**
16. Based on data from the 2001 Census for Dudley, the average occupancy rate for a flat is 1.39 and for a house is 2.50. Therefore the financial contributions are as follows:

Type of Dwelling	Cost per Person	Average Occupancy Rate	Open Space, Sport and Recreation Contribution per house type
House	£810.26	2.50	<b>£2,025.65</b>
Flat	£810.26	1.39	<b>£1,126.26</b>

## Appendix 5 – Open Space, Sport and Recreation – Types of Provision and On-Site considerations

### Types of Provision

#### Children’s and Young Peoples Green Space provision

1. There is a need for more publicly accessible Children’s and Young People’s green space provision, including equipped children’s play areas.

#### Parks and Gardens and Natural and Semi-Natural Green Space Provision

2. There is a need to enhance green space biodiversity levels across the borough in accordance with Biodiversity Action Plan targets. In addition regular sensitive maintenance is needed across the Borough to address frequent wear and tear issues.

#### Allotments

3. Where practical and possible creation of new allotment space as part of major new development proposals to address current shortages in provision, address increasing levels of community demand and encourage healthy lifestyles. Additionally improvements to the quality of existing allotments space are required.

#### Green Space Landscaping/Buffering

4. Provision of high quality and attractive on-site green space landscaping has an integral role to play in creating high quality residential communities, particularly low maintenance solutions with locally occurring deciduous tree planting (wildlife friendly landscaping). This type of provision can help to promote more sustainable development by making development schemes more responsive to future climate change pressures such as urban cooling, reduced flood risk and biodiversity movement. The visual amenity benefits are also important which can help encourage inward investment into the Borough.

#### Adaptation for more elderly population

5. We need to start to think how we can make our green space environments more user friendly and adaptable for an **increasingly more elderly borough population in future years**. The Demographics Chapter of the adopted Parks and Green Space Strategy suggests that the number of people in the Dudley Borough aged 60 years and over are likely to increase by 27.5% by the year 2026, whilst there is likely to be a 71.9% rise in the number of people **aged 60 years and over**. The impact this is likely to have on future demands and needs for green space will be important to consider. For example, conveniently located benches, toilet facilities, disabled friendly access, signage for visually impaired, green space safety and security issues, good quality pathways for improved access, high quality green space environments

to encourage use by elderly residents, areas to study nature conservation close to home, etc.

### Climate Change

6. Responding to the challenges presented by future climate change is an important issue which needs to be considered now, as well as requiring on-going consideration and action in future years. Maximising the role of green space should help to contribute to urban cooling, reducing flood risk, reducing air pollution, nature conservation and biodiversity enhancement and protection through drought resistant locally occurring plant species, sustainable watering systems particularly within formal park settings to minimise water use, etc.

### **On Site Provision considerations:**

7. Any provision of open space, sport and recreation facilities within a development site should take into account a range of factors, and these will vary depending on the individual circumstances of a site. This qualitative analysis forms an essential part of pre-application discussions and a key part of the overall site and layout design rationale. This analysis should be set out within the Design and Access Statement thus informing the urban design principles for good site design. Key factors to consider, which are set out in more detail in the Council's Open space, Sport & Recreation SPD, include:

### **Existing Landscape Character:**

8. A Landscape Site Survey to include local contextual landscape character and elements and features such as topography, paths, boundary structures, treescape, other planning and wildlife habitats; wherever possible these features need to be retained.

### **Local Context:**

9. In terms of safe, walkable and access for all to existing open space, sport and recreation facilities within a 1,500m radius and its relevancy along with the potential capacity for increased use.

### **Areas of Under-Provision:**

10. The Council's Parks and Green Space Strategy identified that certain areas of the Borough are under provided for in terms of access to open space, sport and recreation, whereas other areas have been identified in the Black Country Bio-Diversity Action Plan as needing provision of open space to ensure connectivity of multifunctional greenspace, providing for both people and wildlife; as such these areas will be treated as a high priority within any assessment of on-site provision.

### **Landscape Maintenance Access:**

- 11.** Careful balance, offer and provision of appropriate maintenance and emergency vehicular access to the potential Open Space land under consideration, without the need for major additional road connections for vehicles and any other retaining or drainage infrastructure works outside of the application site or at a future date. Such necessary vehicular accesses will need to be provided by the developer as part of the approved Highways layout within the overall application site, and give free and unencumbered legal access for maintenance and other vehicles to the area of Open Space as approved by the Council within consideration of the development site application or at a later future date.

### **Former Buildings, Previous Roads, Cellarage and other Construction**

- 12.** On land that is agreed to become the location for future Open Space, Sport and Recreation will be remediated by the Developer to the extent required by the Council, leaving a clean and decontaminated site to levels and soil quality as required by the Council ready for the new future use at the developers cost; this should not be considered as part of the Open Space or Playing Field sum formula for on site provision by a developer or for the Council then to provide via the developers financial contribution.

### **Previous Site Uses and Constraints**

- 13.** The potential Open Space land will need to be free from encumbrances above or below ground by way of mineshafts, whether treated or untreated, culverts and sewer, mains services and tunnel/mining sub-structures Highways and other existing or newly provided infrastructure such as drainage (below or above ground) will not exert an unacceptable risk or cost to the future landscape management of the new open space. Geotechnical and contamination remediation evidence will need to be provided as part of the site suitability assessment and consideration process at pre application stage, and be concluded before an application is approved. Desk surveys may be adequate initially within the early stages of pre application scoping, however depending on the sites previous site history, detailed surveys may be required to prove the acceptability for the open space. The need and type of technical information will vary on a site by site basis as required to confirm that the land quality and viable remediation can be achieved. Further information can be found within Appendix 1 in the Councils Open Space, Sport and Recreation Provision SPD June 2007.

### **Other Infrastructure not included in Open Space, Sport and Recreation Contribution**

- 14.** Provision of new and the enhancement of existing strategic footpaths, cycleways and other links required as part of the areas Highways network which may cross or adjoin the potential open space land within the development site, would be provided by way of the developers Highway costs

and contribution and processes via the planning application. Provision for such paths and links together with the infrastructure, retaining walls and drainage, excavations for and disposals, signing, guard railing and bollards etc are therefore outside of the Open Space contribution., including its construction, supervision and maintenance costs. Likewise, the question of adoption by the Highways Authority and future operational issues is a separate matter from the open space maintenance and management.

**Cabinet Meeting – 11th March 2015**

**Report of the Acting Strategic Director Of The Environment, Economy and Housing**

**Draft “Renewable Energy Supplementary Planning Document (Spd)”  
Approval To Consult.**

**Purpose of Report**

1. To seek Cabinet approval to undertake a period of 6 weeks statutory consultation on the Renewable Energy Supplementary Planning Document commencing on Friday 13<sup>th</sup> March.

**Background**

2. The Council’s Renewable Energy Supplementary Planning Document (SPD) sets out guidance on the requirements to comply with the Policy ENV7 (Renewable Energy) of the Black Country Core Strategy, for those involved in the submission and determination of planning applications. Policy ENV 7 requires that where achievable all new residential developments of over 10 dwellings or any non-residential developments of over 1000m<sup>2</sup> ensure they provide at least 10% of their energy requirements from renewable sources.
3. The purpose of this SPD is;
  - a. To offer guidance to planning applicants and potential developers on how to calculate the 10% energy requirement for the building;
  - b. To provide guidance on different types of renewable energy sources that would be acceptable to meet the 10% renewable energy requirement;
4. Once adopted this SPD will form a part of the Local Plan and it will be taken into account in making planning decisions for the Borough.

5. This draft SPD has been informed by comments and views which were given at a previous consultation stage alongside expertise from key Council Officers, Public Health Professionals and other Stakeholders throughout the preparation process.
6. It is proposed that a period of consultation on the draft SPD will run from Friday 13<sup>th</sup> March to Friday 24<sup>th</sup> April 2015. During that time the document will be made available to view at the reception area at 4 Ednam Road, Dudley Council Plus, as well as at all main libraries and on the Council's website. Notification of the consultation will be sent to statutory consultees and key stakeholders who have expressed a wish to be involved. The document is also available on the Committee Management Information System and a paper copy is in the Members Room. A drop in session has also be arranged for Members on 19<sup>th</sup> March 2015.
7. Any representations received during the consultation period will be considered and, where appropriate, will be incorporated into the final SPD which will be presented to Cabinet in the summer of 2015 for adoption.

### **Finance**

8. The preparation of the document will be funded from existing budgets and resources dedicated to the production of Development Plan Documents and other statutory planning documents.

### **Law**

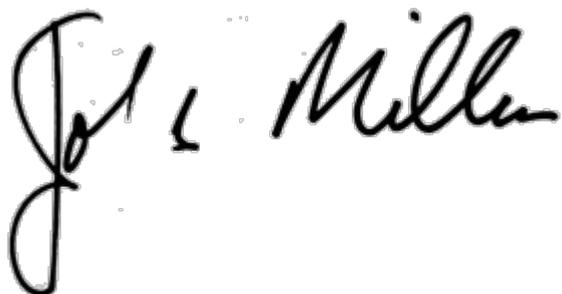
9. Following consultation and adoption the Renewable Energy SPD will become a material consideration in the determination of planning applications. The SPD is being prepared under the provisions of the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework (NPPF).

### **Equality Impact**

10. The SPD has been prepared in accordance with the Council's policy on Equality and Diversity, ensuring that it provides benefits for adults, children and young people alike, promoting equal opportunities for all.

## **Recommendation**

11. The Cabinet approves the draft Renewable Energy Supplementary Planning Document to be used as the basis for public consultation commencing on 13<sup>th</sup> March for a period of six weeks.

A handwritten signature in black ink, appearing to read 'John Millar'. The signature is written in a cursive style with a large initial 'J'.

**John Millar**

**Acting Strategic Director of Environment, Economy and Housing**

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## **List of Background Papers**

Appendix 1 – Draft Renewable Energy Supplementary Planning Document

# **Renewable Energy**

## **Supplementary Planning Document**

**Draft for Consultation**

**March 2015**

## Introduction

### Purpose and scope of this document

1. This Supplementary Planning Document (SPD) sets out Dudley's approach to renewable energy proposals. It also aims to assist land-owners, developers, builders and other relevant stakeholders to clarify how Policy ENV7-Renewable Energy should be applied.

### National Planning Policy Framework (NPPF)

2. The National Planning Policy Framework (NPPF) sets out the key national planning priorities for England and is statutory guidance and is a material consideration in plan making and in determining planning applications. It should be noted that NPPF directly cites the 2008 Climate Change Act as a relevant consideration in decision making (in the footnote to paragraph 94).
3. The NPPF strongly reinforces the plan-led system as the key way to deliver sustainable development over the long term, allowing for proper engagement with communities. The presumption in favour of sustainable development is an operational principle for plan-making and development management.
4. The NPPF makes clear that climate change is a core planning principle of the NPPF. To be in conformity with the NPPF, local plans should reflect the principle, ensuring that planning policy clearly and comprehensively deals with climate change mitigation and adaptation.
5. The NPPF sets out a positive vision for local plans in order to “*secure radical reductions in greenhouse gas emissions*” (paragraph 93).
6. The core provision of this Act is the reduction of carbon dioxide emissions by 80% by 2050 in England and Wales. Local plans present a clear opportunity and obligation to contribute to the trajectory required to meet this standard by shaping the location and design of the development, by supporting energy efficiency in the existing buildings, and by setting local requirements for building sustainably so long as these are in line with national standards.
7. Various other paragraphs of the NPPF reinforce the need for low carbon economy (Para 17), reduction in greenhouse gases (Para 93), design considerations for renewable energy sources in new buildings (Para 96), climate change mitigation and adaptation (Para 99).

### The Black Country Core Strategy (2011-2026)

8. The Black Country Core Strategy (the Core Strategy) was adopted on 3<sup>rd</sup> February 2011 and now forms part of the Development Plan for all four Black Country Councils (“the Councils” of Dudley, Sandwell, Walsall and Wolverhampton), together with saved policies in the Councils’ Unitary Development Plans. The Council’s Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) have to be consistent with the Core Strategy.

The Black Country Core Strategy can be viewed at:  
<http://blackcountrycorestrategy.dudley.gov.uk>

### Policy ENV7: Renewable Energy

9. Core Strategy Policy ENV7: Renewable Energy requires residential development of 10 dwellings or more and non-residential development of 1000m<sup>2</sup> or more to secure at least 10% of their residual energy from renewable energy sources. Policy ENV7 replaces Dudley UDP (2006) UDP Policy EP10-Renewable Energy.

### **Policy ENV7: Renewable Energy**

***Proposals involving the development of renewable energy sources will be permitted where the proposal accords with local, regional and national guidance and would not significantly harm the natural, historic or built environment or have a significant adverse effect on the amenity of those living or working nearby, in terms of visual, noise, odour, air pollution or other effects. All non-residential developments of more than 1,000 square metres floor space and all residential developments of 10 units or more gross (whether new build or conversion) must incorporate generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand of the development on completion. The use of on-site sources, off-site sources or combination of both should be considered. The use of combined heat and power facilities should be explored for larger development schemes. An energy assessment must be submitted with the planning application to demonstrate that these requirements have been met. The renewable energy target may be reduced, or a commuted sum accepted in lieu of part or all of the requirement, only if it can be demonstrated that:***

- a variety of renewable energy sources and generation methods have been assessed and costed;***
- achievement of the target would make the proposal unviable (through submission of an independently assessed financial viability appraisal); and***
- the development proposal would contribute to achievement of the objectives, strategy and policies of the Core Strategy.***

### Renewable and low carbon energy-Planning Practice Guidance

10. The Government recently published a Planning Practice Guidance to give detailed information on some of the topic areas in the NPPF. The guidance on renewable and low carbon energy provides valuable information on topics and issues related to renewable and low carbon energy. The website link for the above guidance is set out below:

<http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/>

## Detailed Application of Policy ENV7

11. Policy ENV7 sets out the minimum target in terms of new development. Dudley Council will apply this policy in terms of the **gross** level of development.

**Table 1: Thresholds for Energy Assessment**

Type of Development	Energy Assessment Required	
	Outline	Full or Reserved Matters
<b>Residential Development</b> 10 or more dwellings (major development) including conversions, subdivisions and changes of use	Design and Access Statement to set out a framework to show how the proposal will achieve the requirements of Policy ENV7. Best estimates of energy use at outline application stage will be acceptable	Yes-detailed Energy Assessment required
<b>Non-residential Development</b> Gross floor area of 1000m <sup>2</sup> or greater for new buildings (not extensions to existing buildings)	Design and Access Statement to set out a framework to show how the proposal will achieve the requirements of Policy ENV7. Best estimates of energy use at outline application stage will be acceptable	Yes-detailed Energy Assessment required
<b>Residential Development</b> less than 10 dwellings	No	No
<b>Non-residential development</b> less than 1000m <sup>2</sup>	No	No

## Planning Conditions and Planning Obligations

12. The Council's preference is for renewable energy provision to be provided on-site by developers and incorporated into individual developments. However, in limited exceptional circumstances, where it is not appropriate or feasible for this to be provided on site, the Council may require an off-site contribution. This will usually be a financial contribution and will be secured through a S106 legal agreement.
13. In these instances the level of contribution will be calculated on a site by site basis to reflect the characteristics of the proposed development and the level of mitigation required. By using the approach to calculating 10% renewable energy provision as set out within this SPD, the developer will

be required to provide costed evidence to the Council, to be used as the basis of any requirements for a financial contribution.

14. Planning Obligations for Renewable Energy will only be sought where they are material to a planning decision and comply with the requirements for Planning Obligations as set out within the CIL Regulations 2010 (as amended). Further information on the Council's use of Planning Obligations can be found in the Planning Obligations SPD which is available to view on the Council's website:

<http://www.dudley.gov.uk/resident/planning/planning-policy/local-development-framework/planning-obs-spd/>

15. Planning conditions will primarily be used to secure the minimum 10% sustainable energy requirement, or an alternative agreed target following consideration of viability issues (see below). However, there may be some cases where the use of a Planning Obligation will be more appropriate, for example, where an off-site solution is proposed. For developments that involve Heritage Assets, conditions may be used to secure adequate assessment and recording in advance of installations that may impact features of significance.
16. The model condition is based on the "model condition" proposed by The Planning Inspectorate and has been modified slightly to incorporate new guidance.
17. The model condition proposed should read:

***"At least 10% of the energy supply of the development shall be secured from renewable or low-carbon energy sources Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority [as a part of the reserved matters submissions required by condition x] prior to the commencement of the development. The approved details shall be implemented in accordance with the approved timetable prior to the commencement of the development and retained as operational thereafter or the use of the building, unless otherwise agreed in writing by the Local Planning Authority."***

## Monitoring

18. The Local Planning Authority will monitor information on actual energy use and energy generation collected from developments across the Borough and this data will be analysed and reported in the Authority's Monitoring Report. This analysis will be used to inform the implementation of Policy ENV7 and, potentially, future amendments to this SPD.

19. For the types of development that will need to provide an Energy Statement (See Table 1), accurate monitoring of the actual residual energy demand of the development and of energy production from sustainable technologies will be required for the first 3 years of operation. This information should be provided to the Council by the operators or site owners on at least an annual basis.

### Financial Viability

20. The Council recognises that on some sites the requirements of Policy ENV7 may be difficult to achieve especially on development on small brownfield sites, or affecting Heritage Assets.
21. Where financial viability is an issue, a developer may put forward an argument for a reduced level of provision. This will only be considered in exceptional circumstances and should be submitted at the pre application or planning application stage. Developers will be required to demonstrate that the exceptions set out by Policy ENV7 on page 1 are applicable.
22. Where the applicant has identified a potential financial shortfall they will need to submit a sound and fully justified case for why the policy requirement cannot be met. The Council will expect a full explanation of why 10% target would render the development unviable or that standards cannot be achieved for technical reasons. This should also include the details of any rejected options.
23. Such a reduced level of provision will only be considered in exceptional circumstances (not including land purchase costs) which would render a scheme unviable if the full level of planning obligations were required in line with the Planning Obligations SPD. The detailed process on how to follow this process is set out in the Council's adopted Planning Obligations SPD which can be accessed using the following hyperlink:

<http://www.dudley.gov.uk/resident/planning/planning-policy/local-development-framework/planning-obs-spd/>

- ~~24. The onus is on the developer to demonstrate why meeting the requirements of this policy is not viable. A high purchase price for development land will not be regarded as sufficient justification. The likely timescale for the completions of the development will also be taken into account. Large schemes that will be built over several years will need to demonstrate a realistic viability case in order for the Council to consider any relaxation of the standards for those schemes, as these are the developments that will make the largest contributions to achieving the carbon and energy reduction objectives of the policy. Any viability assessment will need to take account of other requirements of the development plan (including affordable housing under Core Strategy CP5) and CIL requirements.~~

~~25. Any Financial Viability Appraisal (FVA) will need to take account of all other planning obligations or CIL requirements associated with the development, such as affordable housing provision. A FVA is not appropriate at to be addressed at discharge of condition stage. The applicant will be expected to cover the Council's reasonable costs of having the FVA independently assessed.~~

## Submitting an Energy Assessment

### Calculating the Sustainable Energy Requirement

26. The “baseline”, for a development will be used to establish what amount of energy the minimum 10% sustainable energy requirement relates to. Typical energy demands for new development arise from space heating, hot water, lighting, appliances, cooking and specialist equipment for commercial uses. The annual predicted baseline figure (kWh/year) is calculated as follows:-

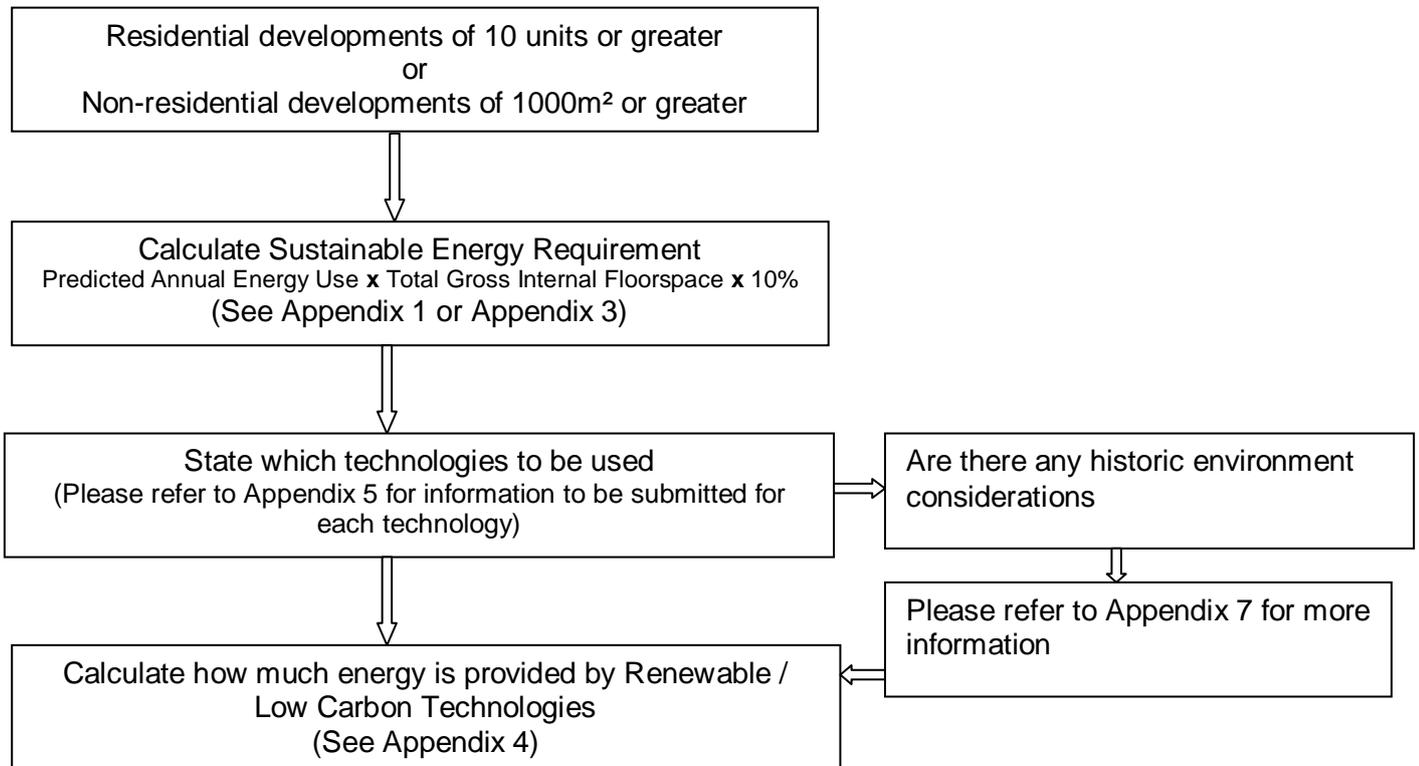
$$\frac{\text{Predicted annual energy use of the dwellings/development (kWh/m}^2\text{)}}{\text{Total gross internal floor area}}$$

27. The 10% requirement can be calculated using the following formulae

$$\frac{\text{Predicted annual energy consumption (kWh/year)}}{\text{Energy from renewables target (10%)}}$$

28. Further details on how to calculate 10% energy requirement for residential dwellings can be found in Appendix 1, the worked up example for residential development is included in Appendix 2 and the methodology to calculate 10% baseline energy requirement for non residential developments can be found in Appendix 3.

29. The flow chart below shows the requirements of an Energy Assessment.



## APPENDIX 1: EXAMPLE TABLE FOR RESIDENTIAL DWELLING

***N.B- This policy only applies to residential sites of 10 or more dwellings***

### 1. Calculate baseline energy use of the development using benchmarks or own calculations

Use the Standard Assessment Procedure (SAP) calculation required by Building Regulations (which covers space heating, hot water and lighting). Model results can be obtained at outline planning stage by modelling a number of representative dwelling types based on a developer's standard specification or by using SAP's already calculated for existing developments with similar house/flat types. The final total annual energy demand calculated for a dwelling should include energy use for all end uses required for building regulation approval.

Calculation Methodology	Your calculation
(A) Predicted annual energy use of dwelling (kWh/m <sup>2</sup> /year)	
(B) Total gross internal floor area of dwelling/s (m <sup>2</sup> )	
Development's annual baseline energy use (kWh/year) (A) x (B)	

### 2. Determine the development's annual renewable energy target (kWh/year)

Calculation Methodology	Your calculation
Development's annual baseline energy use (kWh/year) x 10%	

### 3. Compare the annual energy from renewable/low carbon technologies with the annual energy reduction target

Annual energy saving rate of chosen technology (C)	
Area of development to which the chosen technology will be applied (m <sup>2</sup> ) For photovoltaics state area of panels For Wind state kW rating) (D)	
Predicted annual energy from renewable technology (kWh) (C) x (D)	



**APPENDIX 2: WORKED UP EXAMPLE FOR A RESIDENTIAL DEVELOPMENT**

Calculate baseline carbon emissions for the development using benchmarks or own calculations.

Calculation methodology	Your calculation
(A) Predicted annual energy use of dwelling (kWh/m <sup>2</sup> /year)	60kWh/m <sup>2</sup> /year
(B) Total gross internal floor area of dwelling/s (m <sup>2</sup> )	15 dwellings (each 80m <sup>2</sup> ) = 1200m <sup>2</sup>
Development's annual baseline energy use (kWh/year) (A) x (B)	72,000kWh/yr

Determine the annual renewable/low carbon energy target for the site (10%).

Calculation methodology	Your calculation
Development's annual baseline energy use (kWh/year) x 10%	7,200kWh/yr

## APPENDIX 3: EXAMPLE TABLE NON RESIDENTIAL DEVELOPMENTS OVER 1000M<sup>2</sup>

### State the predicted baseline energy use of the development

Please fill in all the applicable sections in the table below. Along with your application, you should also state the method by which the figures have been obtained, including any assumptions made (for example list of inputs for SBEM calculations). All predicted energy uses for the development (electricity, fossil fuel uses etc) should be incorporated in the calculations.

<b>Delivered energy-Fuels Specify fuel (i.e. gas).....</b>		<b>Units</b>
Space heating		kWh/yr
Hot water		kWh/yr
Other fuel		kWh/yr
<b>Total fuel (a)</b>		<b>kWh/yr</b>

<b>Delivered energy-Electricity</b>		<b>Units</b>
Space heating electric		kWh/yr
Hot water electric		kWh/yr
Cooling (refrigeration) electric		kWh/yr
Fans, pumps and controls		kWh/yr
Other electricity (Humidification, Lighting and Office equipment, IT & Communications equipment etc.)		kWh/yr
<b>Total Electricity (b)</b>		<b>kWh/yr</b>
<b>Total Predicted Energy Consumption (a+b )</b>		<b>kWh/yr</b>

If it is not possible to carry out SBEM calculations; benchmark figures can be used relating to the type of development(s) proposed, however the benchmarks must be from a recognised source as agreed by the Buildings Control team in the Council. Benchmarks for a range of building types (corresponding to planning use classes) can be obtained from Section 4 of the London Renewables Toolkit. However it is advisable to calculate emissions in order to take account of energy efficiency techniques or technologies such as improved building insulation.

**APPENDIX 4: DETERMINE WHETHER THE PROPOSED RENEWABLE/LOW CARBON TECHNOLOGIES PROVIDE 10% OF THE ENERGY REQUIREMENTS OF THE DEVELOPMENT**

	<b>Predicted kWh supplied per year</b>
Solar Hot water	
Photovoltaics	
Wind	
Biomass	
CHP	
Ground source heat pump	
Air source heat pump	
Water source heat pump	
Other.....	
<b>Total energy from renewable/low carbon sources</b>	<b>kWh</b>
<b>Total energy used in development</b>	<b>kWh</b>
<b>Percentage of total energy use of development to be supplied by renewable/low carbon sources.</b>	<b>% This figure must be at least 10% in order to comply with Policy ENV7.</b>

## APPENDIX 5: INFORMATION REQUIREMENTS FOR SELECTED TECHNOLOGIES

For each technology selected to deliver the minimum 10% target, the information listed below will be required to form part of the submission for relevant proposed development and set out within an Energy Assessment. The relevant information would need to be submitted as a part of the planning application to be assessed by the officer/s whether compliance with ENV7 is met.

Technology	Information Required
<b>Solar Thermal Systems</b>	<ul style="list-style-type: none"> <li>• Description of the technology</li> <li>• Capacity i.e. number of panels or tubes, total area</li> <li>• Estimated energy generation (KWh/yr)</li> <li>• Elevations to show proposed location</li> <li>• Orientation/roof pitch</li> <li>• Roof plans and detail of roof mounting arrangements and methods of fixing, if applicable</li> <li>• Potential shading from trees and other buildings</li> <li>• Visual impact assessment</li> </ul>
<b>Photovoltaics</b>	<ul style="list-style-type: none"> <li>• Description of technology</li> <li>• Capacity- electrical output (KWp)</li> <li>• Estimated energy generation (KWh/yr)</li> <li>• Design of the module or array</li> <li>• Elevations to show proposed location</li> <li>• Orientation/roof pitch</li> <li>• Roof plans and detail of roof mounting arrangement and methods of fixing, if applicable</li> <li>• Potential shading from trees and other buildings</li> <li>• Visual impact assessment</li> </ul>
<b>Wind Turbines</b>	<ul style="list-style-type: none"> <li>• Description of technology</li> <li>• Capacity- electrical output (KW)</li> <li>• Estimated energy generation (KWh/yr)</li> <li>• Layout plan showing the site size, boundary and location of infrastructure (e.g. location of turbines, sub-station, access tracks)</li> <li>• Elevation plan</li> <li>• Roof plan to show location of wind turbine (if roof mounted)</li> <li>• Average site wind speed (minimum 12 months) and further information to fully demonstrate that the proposed wind turbine would actually</li> </ul>

	<p>deliver the wind output claimed</p> <ul style="list-style-type: none"> <li>• Grid connection</li> <li>• Proximity to the dwellings</li> <li>• Noise, vibration and visual impact assessment</li> <li>• For large wind turbines further information will be required, including topple zones, radar interference, microwave transmission buffers, archaeological assessment, consideration of impact on birds/bats etc &amp; Air Traffic Control.</li> <li>• Evidence of consultation with Network Rail to establish if there would be any potential impacts on rail infrastructure e.g. topple zones, cabling, vibration impacts, radio/signalling impacts, shadow flicker.</li> </ul>
<b>Hydroelectric</b>	<ul style="list-style-type: none"> <li>• Layout plan showing location of turbine</li> <li>• Elevations and size of turbine</li> <li>• Capacity-electrical output (KW)</li> <li>• Estimated energy generation (KWh/yr)</li> </ul>
<b>Ground Source Heating/Cooling</b>	<ul style="list-style-type: none"> <li>• Description of technology</li> <li>• Capacity-for heating and cooling (KW)</li> <li>• Estimated energy generation (KWh/yr)</li> <li>• Number and location of boreholes/trenches</li> <li>• Location of pipe work</li> <li>• Connection details to the building</li> <li>• Plan showing tree locations and their potential rooting zones</li> <li>• Archaeological assessment, where applicable</li> </ul>
<b>Air Source Heat Pump</b>	<ul style="list-style-type: none"> <li>• Description of technology e.g. air-to air, air-to-water system</li> <li>• Capacity-for heating and cooling (KW)</li> <li>• Estimated energy generation (KWh/yr)</li> <li>• Elevations to show location and design</li> <li>• Visual impact assessment</li> <li>• Noise report (should be available from the manufacturer)</li> </ul>
<b>Use of canal water for heating or cooling buildings</b>	<ul style="list-style-type: none"> <li>• Description of technology and fuel supply</li> <li>• Capacity-boiler specification (KW)</li> <li>• Estimated energy generation</li> <li>• Number and location of canal extraction points</li> <li>• Location of pipe work</li> <li>• Connection details to the building</li> <li>• Evidence of consultation with the Canal and River Trust</li> </ul>
<b>Biomass</b>	<ul style="list-style-type: none"> <li>• Description of technology and fuel supply</li> <li>• Capacity – boiler specification (KW)</li> <li>• Estimated energy generation (KWh/yr)</li> <li>• Floor plans and elevations showing the location</li> </ul>

	<p>and design of the plant, flue and storage facilities;</p> <ul style="list-style-type: none"> <li>• Details of vehicle access to and from the plant and estimated vehicle movements</li> <li>• Source of fuel supply, principle transport routes to and from the supply</li> <li>• Landscaping and visual impact of plant</li> <li>• Details of noise emissions</li> <li>• Details of air pollution impacts and mitigation measures</li> </ul>
<p><b>Combined Heat and Power and District Heating</b></p>	<ul style="list-style-type: none"> <li>• Description of technology including fuel type to be used</li> <li>• Capacity – plant specification, electrical output (KWe), heat output (KWth)</li> <li>• Estimated energy generation (KWh/yr) for electricity and heat separately</li> <li>• Layout plan showing site size, boundary and location of infrastructure (e.g. location of boiler house, CHP units and boilers, storage area)</li> <li>• Floor plans and elevations</li> <li>• Details of connection to distribution network</li> <li>• Noise and visual impact assessment</li> <li>• Details of operation and management of installations</li> <li>• Where appropriate, source of fuel supply, principle transport routes to and from the supply</li> <li>• Details of vehicle access to and from the plant and estimated vehicle movements</li> </ul>

## APPENDIC 6- RENEWABLE ENERGY TECHNOLOGIES

### Solar Thermal Systems

1. Solar collectors absorb the sun's energy and use it to heat water which is transferred to a hot water cylinder to meet the needs of the building. Three types of collectors are available; unglazed plastic, flat plate and evacuated tube, the suitability of which depends on the location and type of development. This technology is most suitable for schemes which have a year round hot water demand.

### Photovoltaics (PV) (Solar Panels)

2. Solar Panels convert the sun's energy into electricity which can be used to power the energy needs of a development. The panels are made of PV cells which consist of two layers of semi conducting material available as panels or tiles which can be mounted on the roof, ground or as cladding. They are most effective on a south facing roof surface but can be used at most locations providing there is no overshadowing by nearby buildings. Solar Panels are suitable for most types and sizes of development and are low maintenance once they have been installed. It is also possible to feed excess electricity back into the power grid. Careful consideration in terms of siting and design is needed in the case of listed buildings (see Appendix 7) and within Conservation Areas.

### Wind Turbines

3. Turbines use energy from the wind to produce electricity. The capacity for utilising large scale wind turbines or wind farms within Dudley is limited particularly within the urban areas. There may be potential for standalone micro turbines where they can be mounted away from other buildings and where consideration is given to:
  - any potential disturbance on neighbouring uses in terms of noise and vibration; and
  - the visual impact on the townscape.

### Hydroelectric

4. Hydroelectric energy can be defined as a form of hydropower where the motion of running water (kinetic energy) is converted into electricity. The faster the water flows and the more water there is the more electricity can be generated. Small or "micro" hydroelectricity systems can produce enough electricity for lighting and electrical appliances in an average home. Feed in tariffs (FITs) are currently available for hydroelectricity.
5. Like PV and wind turbines, hydro systems can be connected to the grid. The systems need to be sited close to the point of use or to a suitable grid connection. If these systems are considered for a river or stream, an abstraction and/or impoundment license, flood defence consent and fish

pass approval will be required from the Environment Agency. Riparian ownership issues may also have to be considered.

### Ground source heating/cooling

6. Underground pipes are used to absorb heat from the ground which is transferred to a heat distribution system that can provide heating as well as preheated domestic hot water. A large space is required for the pipes to be buried underground at a depth of around 1m with the majority of the heat exchanger under open land with exposure to sunlight. Alternatively vertical heat exchangers (bore holes) may be used at a depth of 15 to 150 m where space is limited.
  - Vertical heat exchangers are expensive and permission to drill boreholes may be required.
  - There may be archaeological reasons which would make this technology unsuitable in certain locations
  - Feasibility depends on the ground conditions
7. As underground temperatures remain fairly constant throughout the year and below peak temperatures in the summer, ground source pumps may also be used for cooling in offices and non domestic buildings.

### Air source heating/cooling

8. Air source heat pumps extract the ambient heat energy in outside air and use this for heating or cooling and to produce domestic hot water. These systems can be retrofitted, used where the ground conditions and limited space preclude the use of ground source heat pumps and are most efficient in well insulated properties.

### Biomass

9. Biomass technology uses organic materials, either directly from plants or indirectly from industrial, commercial, domestic or agricultural products to generate heat. Biomass does not include fossil fuels. Biomass products can include:
  - Woody biomass – such as logs, wood chips, wood pellets and energy crops;
  - Non woody biomass – such as animal waste, industrial waste and biodegradable products from food processing.
10. Biomass is considered to be carbon neutral as the energy released from biomass on burning is the same as that absorbed during its production. The most common forms of biomass technology are biomass boilers, where the fuel can be fed manually or automatically. Internal or external storage areas will be required to store biomass products.
11. Any biomass fuel used for biomass furnaces should be capable of burning smoke free and be compliant with current legislation and guidance to ensure that air quality and amenity is not adversely impacted. Biomass technology is not suitable for all locations. It is therefore

important that applicants considering such technology should contact the Council's Environmental Health Department to discuss the viability of the scheme at an early stage.

12. Use of locally sourced biomass is the most sustainable option. Growing plant material for biomass schemes, whilst potentially beneficial for biodiversity, may also be harmful where non-native species are used and semi-natural habitat is lost to grow biomass crops.

### **Combined Heat and Power (CHP)**

13. CHP units burn gas or oil to generate both heat and power and are therefore a much more efficient way of producing energy. CHP can provide significant carbon emission reductions however unless it is powered by bio fuel it is not considered to be a renewable technology. The Council will particularly encourage schemes of 10 dwellings or 1000 sq m or more to consider the potential for CHP.
14. It is most suitable for large scale mixed use developments where there is a constant demand for heat and power. For example, a mixed development where offices would have a high energy demand during the day and residential units which would have a peak demand in the evening. Other uses which require a constant source of heat such as hotels (particularly those with a swimming pool) are particularly suited to this type of technology.

## APPENDIX 7- RENEWABLE TECHNOLOGIES AND HISTORIC ENVIRONMENT

The following section provides specific guidance on implementing renewable technologies in the historic environment.

### Photovoltaics and Solar Thermal

1. The installation of solar panels, tiles, slates and solar collectors (for solar thermal systems) can have an unacceptable impact on listed buildings and unlisted buildings in Conservation Areas which can detract from the historic integrity of the building / area. Many roof coverings on traditional buildings are comprised of small scale elements that cannot readily accommodate the visual impact of large scale panel installations. They may also result in the removal of historic fabric in the case of listed buildings which can be detrimental to the building.
2. Careful consideration should therefore be given to locating such equipment in the historic environment. They will not be acceptable to the Council unless hidden from public view or on rear or hidden roof slopes. However, possible locations on listed buildings could include high level flat roofs and discrete locations behind parapets and / or inner slopping roofs.
3. In certain cases, with both listed and unlisted buildings, it may be appropriate to locate installations on a contemporary extension. Where there is no suitable location on the building itself a free standing location on a garage, in the garden of the property or the use of roofs on outbuildings may be the best or only suitable location. A further consideration in the case of solar thermal systems would be the effect of the thermal store inside the building on the historic fabric of the building.

### Wind Turbines

4. Wind turbines clearly need a certain height relative to their location to be effective and this means that they are particularly visible in any one location. In conservation areas and on listed buildings they can therefore be particularly intrusive and may significantly detract from the character of the building / area unless very sensitively located. There is also the need to ensure that a building is structurally capable of accommodating the turbine and the vibration that may be caused.
5. There may be locations to the rear of listed buildings and buildings in conservation areas where wind turbines could be located relatively unobtrusively, and these areas should always be investigated first when dealing with the historic environment. Detached locations may also be a means of accommodating a turbine in the historic environment for example within the ground or garden of the property, sometimes existing trees may act as a foil to the installation. With any

detached location the need to seek approval for the excavation of a historic site may be necessary particularly if the site is a scheduled ancient monument.

6. Turbines with horizontal blades are available but less widely used than vertical blades. These may be less obtrusive and have less overall height

### **Biomass Boiler and Combined Heat and Power**

7. The burning of biomass fuels in a historic building may have a similar function to the historic heat source in that building .The location of biomass boilers needs to take account of the impact on the historic fabric of the building and in the case of listed buildings may require listed building consent even if located entirely within the building. The location of any new flues will clearly also require listed building consent and may in some unlisted buildings in conservation areas require planning permission. Any new chimneys need to be sensitively located and constructed from traditional materials. Adequate storage buildings need to be provided for the fuel, these need to be sensitively designed and may also require separate consent. If the biomass fuel is to be grown on site the impact on the landscape particularly if it is a registered park or garden needs to be considered.
8. The impact on a historic building of using a combined heat and power system may be similar to biomass boilers where care needs to be taken in the location of the units internally and the location of any flues that may be needed.

### **Ground Source Heat Pumps**

9. Ground source heat pumps rely on either a system of pipes directly under a building or a single deep bore where space is restricted. These can be the least obtrusive form of renewable energy in the historic environment especially where a single deep bore can be accommodated. In listed buildings and scheduled ancient monuments care is needed not to disturb archaeology below the surface.

### **General Advice**

The use of any of the above systems may require Listed Building Consent, or Planning Permission and/or Scheduled Monument Consent dependent on the location. Appropriate advice should always be sought. It is recommended that an energy audit is carried out on any traditional property whether listed or in a conservation area to ascertain if the proposal is the most cost effective as well as the most visually appropriate for the location. We would encourage applicants to engage in pre application discussions with the Planning Policy Team who can be contacted using the main switch board on 01384 810300.



**Meeting of the Cabinet – 11 March 2015**

**Report of the Strategic Director for the Environment, Economy and Housing**

**Dudley Market**

**Purpose of Report**

1. To seek Cabinet approval for a pilot project to enable Dudley Market to be operated by a company established by Dudley Market Traders.

**Background**

2. Dudley Market is a traditional 6 day market which for many years has operated from 74 stalls and has provided a key local retail offer in the heart of the town. The Market Management service is currently operated directly by the Council, which employs a Market Manager, who allocates 1/3 of her time to this work, and 2 part time Market Officers
3. The Market Management service carries out the following duties
  - The management of stalls and the daily allocation of stalls to casual traders and the collection, recording and banking of stall rent fees
  - Dealing with requests and queries raised by traders and shoppers
  - Enforcing the regulations of the Market
  - Arranging for general repairs and maintenance to the structure of the Market.
  - Advertising and promoting the Market to attract new traders and shoppers.
  - Recording and collating performance data regarding daily occupancy levels and amount of income generated.

4. In line with traditional markets nationally, the Market has seen a reduction in occupancy and income to the Council. This is a result of both a change in retail patterns that has had a similar negative impact on High Street retail activity generally, as well as the economic downturn. As an indication of this contraction, the annual operating surplus of the Market has fallen over the last decade from £136,682 in 2004/5 to £70,899 in 2012/13, the year prior to commencement of the Market Place renovation project.
5. Members will be aware of the significant public and private sector investment currently underway in and around the Town Centre, in the form of Dudley College's campus redevelopment, the Castle Hill and Zoo project, the Townscape Heritage Initiative and the Castle View and Constitution Hill residential developments.
6. At the heart of this activity is the £6.7m renovation of the Market Place and Castle Street which will provide a 21<sup>st</sup> century setting for the market with upgraded facilities continuing to operate from 74 stalls. Given this investment, which seeks to diversify the retail offer and deliver economic growth and jobs, and the increased footfall and expenditure anticipated from greater numbers of visitors, shoppers and residents in the Town Centre, there is a need to provide an enhanced Market offer. The Market has real potential to build its offer as an attraction in the Town Centre and become a destination in its own right as well as being a distinctive and complementary part of the Town's retail offer.
7. The Market Manager will be leaving the employment of the Council under the voluntary redundancy scheme at the end of March 2015. The 2 Market Inspectors have applied for voluntary redundancy and it is proposed, subject to approval of this report, that their applications be accepted to allow them to leave at the same time as the management of the Market is transferred to the Traders' organisation.

8. In the context of the above, the opportunity has arisen to review the operation of the Market in order to maximise income to the Council and add value to the Town's retail offer. A set of objectives for the future of the Market has accordingly been prepared as follows:

- To make the Market Place the hub of a range of new activities and events which will allow the Council and the Town Centre to fully exploit and capitalise upon investment in the Market Place and environs
- To protect the existing Market offer and retain its established customer base
- To develop the Market offer in terms of its hours of operation and quality of offer that will build on the ongoing regeneration plans for Dudley Town Centre. This could include specialist markets and opening the Market for evening and Sunday events
- To provide a professionally operated and consistent offer which presents opportunities for enterprise and sustainability.
- To help raise aspirations for the Town Centre as a destination of choice in the Black Country.
- To instil a positive impression among local stakeholders, local communities and visitors to Dudley Town Centre.
- To assist in promoting Dudley Town Centre as a business location, providing workers with an attractive environment where they can enjoy what the Town Centre has to offer.
- To bring diverse communities together to enjoy and connect with their High Street, bringing out what is unique about Dudley Town Centre
- To draw new visitors to the Town Centre to deliver economic benefits to local business.
- To achieve significant economic uplift, including new enterprise and jobs, increasing footfall and visitor satisfaction, and enhancing the attractiveness and potential for letting of empty retail units close by

9. In line with guidance issued by the Department for Communities and Local Government, an options appraisal has been carried out to identify the preferred management model for the operation of the Market, and a summary of this is shown in Appendix A. The options appraisal considered factors which included

income generation, ability of the Council to influence the Market operation, business resilience and compatibility with the Love your Community and business support agendas. In summary, the options available to the Council to manage the Market are:

Local Authority	The 'as now' option; direct provision and management by the local authority
Private	Operation directly by the private sector, either licensed by the local authority under its market rights or completely outside its licensing framework
Trader	Direct management by market traders
Partnership	Retention of strategic management by the local authority but with the operational management outsourced
Arm's length	Creation of an arm's length limited liability partnership that takes a long lease for the operation of the market
Social/Community enterprise	Models that operate on a basis of trading ethically and generating wider social or environmental benefit through their trading activity
Voluntary sector	Managed by volunteers and creating a sense of community ownership as well as reducing operational costs

10. Representatives of the Market Traders have requested that the Council consider entering into an arrangement for them to directly manage the Market. Their proposal is to provide this service at no charge to the Council, carrying out the management services listed under Paragraph 3 above. In order to cover the operating costs of the company they would levy a small charge to each stallholder. The contractual relationship for the use of a market stall would remain between a trader and the Council, with the Traders' organisation responsible for collecting stall rents on behalf of the Council, with 100% of stall rents passing directly to the Council

11. This proposal offers a number of benefits as below:

- The Traders' organisation is proposed to operate on a not for profit basis with the primary incentive for success being one of self interest in having a vibrant market that can attract footfall and increase sales
- The proposal accords very well with the Council's desire to support local and small businesses, who would have a direct stake in the success of the market. To this end it sits very comfortably as part of the Council's Love Your Community initiative.
- There are a number of financial benefits to the Council. Given that this is a 'minimal cost' option, the traders propose to operate the market on a low rent basis, which will give this market a significant regional advantage, and give the best prospects of increasing stall occupancy. In addition, it will be easier for the Council to predict income levels, which it is anticipated will immediately be higher than at present
- Given the general national pattern of contraction in High Street retailing, and the inevitable but short term disruption to the Town Centre resulting from the significant development activity underway, this proposal offers the potential to nurture and grow the market in a way that is unlikely to be achieved by a commercial operator
- Due to the decline in High Street retail activity and any short term negative impact of the Market Place construction works, management of the Market is likely to be of limited interest at present to commercial operators. Management of the service by a Traders' organisation offers a real opportunity to nurture and grow the Market.

12. All of the management options set out in Paragraph 9 carry some risk, and these are shown in the options appraisal in Appendix A. The key risks identified with the proposal contained in this report are set out below:

- The Market Traders do not have the same level of experience as a commercial operator in the administration of the Market and have no track record in operating via a legally constituted body
- To date, contact between the Council and the Traders been through a small number of Traders representatives and the Council will need to be assured that the Traders organisation could operate effectively in the event of them not being present

- The ability of the Traders to increase the Market offer in terms of opening times and range of goods is unknown
13. In order to mitigate these risks, the Council will need a mechanism to ensure that the Traders' Organisation delivers acceptable outputs. It is therefore proposed to negotiate an agreement with the Traders' organisation once they have formed a legal entity capable of entering into a binding agreement with the Council and once due diligence checks have been carried out. It is proposed that this agreement will include:
- Setting up the management arrangements on a 'Pilot' basis with an initial 12 month period with extension for another 12 months based on successful performance with 6 monthly formal performance reviews
  - Performance criteria including income levels, stall occupancy levels and quality measures relating to opening times and range of goods
14. In the event of an unacceptable level of performance the ultimate sanction for the Council would be the termination of the agreement and the management of the Market by another route.
15. Whereas the Market Traders' organisation would have a clearly defined responsibility for the management of the market, it is proposed that it would work in partnership with the Council on increasing footfall by joint marketing and promotion and by the delivery of an annual programme of events.
16. Subject to the approval of the proposals contained in this report and the negotiation of an acceptable agreement between the Council and the Market Traders' organisation, it is proposed to transfer the management of the Market on the 1<sup>st</sup> August 2015.

## **Finance**

17. The Market is currently budgeted to deliver a net annual surplus of £97,000 for the Council. Under the proposed operating model the Council will agree with the Traders Organisation an initial rental level aimed to increase occupancy as the new market is launched.

Even on the basis of recent occupancy levels and taking into account these costs that the Council will continue to carry, together with the revenue savings from the current management structure, projected income to the Council would exceed that achieved in the last full year of operation. Some of this could be used to offset higher maintenance costs which will be a consequence of regenerating the Market Place.

### **Law**

18. Section 1 of the Localism Act 2011 provides the Council with a general power of competence to do anything that individuals generally may do.

### **Equality Impact**

19. There are no special considerations to be made with regard to equality in this report

20. Due consideration will be given to equality issues in preparing a management agreement between the Council and the Dudley Market Traders' organisation

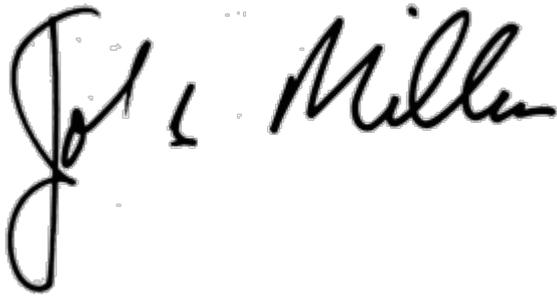
### **Recommendations**

21. It is recommended that the Cabinet;

- a) Authorise the Strategic Director for Resources and Transformation and the Strategic Director for the Environment, Economy and Housing, in consultation with the Cabinet Member for Regeneration, to enter into an agreement on appropriate terms and conditions with a Traders Management Company for the management of Dudley Market.
- b) Consider a further report on the management of the Dudley Market by the Market Traders after the first 6 monthly review and before the end of the 12 month pilot

**John B Millar**

**Strategic Director for the Environment, Economy and Housing**

A handwritten signature in black ink, reading "John B Millar". The signature is written in a cursive style with a large, stylized initial "J".

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**List of Background Papers**

Retail Markets – Management models; Communities and Local Government,  
September 2010

**Meeting of the Cabinet – 11 March 2015**

**Report of the Strategic Director for the Environment, Economy and Housing**

**Dudley Market**

**Options appraisal**

	<b>Local Authority (As now scenario)</b>	<b>Trader Managed</b>	<b>Partnership (with private operator)</b>	<b>Arms Length</b>	<b>Social/ Community Enterprise</b>	<b>Voluntary</b>	<b>Shared LA Management</b>
<b>Ability to maximise income to the Council</b>	<b>Yes</b> – but operating costs reduce surplus. Income has steadily reduced over the last 10 years	<b>Yes</b> as running costs are likely to be minimal	<b>Yes</b> – but in the longer term. Commercial operators exist who have the resources to respond and maximise income. Operating costs reduce surplus	<b>Yes</b> – but probably equivalent to LA Managed	<b>Not known</b> , but in theory possible as running costs are likely to be low	<b>Not known</b> , but in theory possible as running costs are likely to be minimal	<b>Yes</b> - but operating costs reduce surplus
<b>Existence of a mature market from which a supplier may be sought</b>	<b>Yes</b> – existing operator	<b>No</b> . However, if managed by local traders, local experience would be valuable	<b>Yes</b>	<b>No</b>	<b>No</b> . If managed by local traders, experience needs to be developed	<b>No</b>	<b>Yes</b> subject to willingness to share services
<b>Ability for the Council to influence the Market offer</b>	<b>Yes</b> - directly	<b>Yes</b> – but limited sanctions in the event of default by the operator	<b>Yes</b> . Contractually enforceable	<b>Yes</b> but potentially less enforceable	Reduced ability to influence. Less commercial operation	Reduced ability to influence	<b>Yes</b> . Contractually enforceable

	Local Authority (As now scenario)	Trader Managed	Partnership (with private operator)	Arms Length	Social/ Community Enterprise	Voluntary	Shared LA Management
<b>Support for the Council's business/community support agendas</b>	Yes	Yes	Yes if specified but likely to impact on income levels	Yes if specified	Yes	Yes	Yes if specified
<b>Other</b>	In the event of an operator failing, the default position would be for the Council to suspend the market or manage it on an interim basis	Ability of local Traders to manage the market is unknown but self interest for a vibrant market is a significant driver. Significant Love Your Community benefits to small local businesses	Likely to be an initial rent free period or tiered payment structure while the market is developed. Experience elsewhere is of increased rents and reduced occupancy		Significant risk of failure which would make procurement of another operator more difficult	Significant risk of failure which would make procurement of another operator more difficult	Issues of time and efficiency in setting up systems and processes

