


Commissioners Decision Making Meeting Report 17 th January 2017	
Report of: Will Tuckley Chief Executive	Classification: Unrestricted
A12 – Green Mile Pocket Park Project	

Originating Officer(s)	Sade Johnson
Wards affected	Lansbury
Key Decision?	No
Community Plan Theme	A safe and cohesive community. A healthy and supportive community.

Executive Summary

This report seeks approval to pass port funds from LBTH to Poplar HARCA for the A12 Green Mile Pocket Park Project. The council is being asked to contribute £30k towards the total funding amount of £197,500 which will be part provided by TFL.

The project progresses two of the Roads Task Force's three core aims.

- Firstly, it will help to transform the environment for the pedestrian and cyclist.
- Secondly, it will improve the public realm and provide better and safer places for all the activities that take place on the borough's streets, and provide an enhanced quality of life, including improved health, for those who live in proximity to the A12 road.

The A12 handles over 15 million vehicular movements annually. This movement will be maintained whilst introducing and testing cutting edge solutions aimed at mitigating the impact of the roads on local communities living alongside, by combating residents exposure to high levels of air and noise pollution and the barrier that the roads presents. The project will, in addition, monitor and report on the measurable reductions in actual and perceived noise.

Recommendations:

The Commissioners are recommended to:

1. Note the project and approve its funding application for the purpose of piloting innovative solutions to the A12 as a physical barrier and implementing innovative green infrastructure solutions to combat noise and air pollution.

1. REASONS FOR THE DECISIONS

- 1.1 The project will deliver the A12: Green Mile Pilot scheme. This will include the introduction of a new, purpose built, acoustic barrier designed as an art-piece between the A12 and Gillender Street. The wall will be developed from an innovative noise absorbent, self-coloured metal ‘fabric’ not previously used in the UK for this purpose. This project is part of the boroughs Pocket Parks programme which aims to work with partners to identify and make available green spaces on their land for residents to access and enjoy. Such provision bring the following benefits:
- Improve community cohesion.
 - Improve health and wellbeing.
 - Reduce air and noise pollution.
 - Improve local environment and overcome the disconnection of the A12 as a limiting barrier cutting off communities.
- 1.2 The project will also introduce a new ‘pocket park’ along the ‘quiet’ side of the acoustic wall edge, to include planting, a green wall and additional lighting. Perception testing with sample groups of local residents will also be carried out to inform the visual and environmental perceived quality of the final installation.

2. ALTERNATIVE OPTIONS

- 2.1 Do nothing. This however would represent a loss to the Council of investment as the £30,000 contribution will lever in £167,500 investment bringing key health and environmental improvements for Tower Hamlets residents.

3. DETAILS OF REPORT

- 3.1 This area has been designated as the Poplar Riverside Housing Zone with future plans to introduce 10,000 new homes. Within the borough over 50% of households have deficient access to nature significantly below national access standards. This pilot project to develop Green infrastructure initiatives along the A12 with the installation of an innovative green acoustic barrier and other cutting edge systems will improve the lives and health and wellbeing of local residents with the introduction of planting to green the space. In addition to meeting key targets for Biodiversity Enhancement Zones including:
- Incorporating opportunities for biodiversity within the built environment.
 - Deliver short, medium and long term benefits to those living and working in the local area.
 - Improve the context of and prospects for new development such as the Poplar Riverside Housing Zone.

- Alleviate the impact of noise and air pollution blighting the lives of residents.
- Improve the physical connections between communities and ameliorate the disconnection of the A12 as a physical barrier.

3.2 The project progresses two of the Roads Task Force’s three core aims. Firstly, it will help to transform the environment for the pedestrian and cyclist. Secondly, it will improve the public realm and provide better and safer places for all the activities that take place on the borough’s streets, and provide an enhanced quality of life, including improved health, for those who live in proximity to the A12 road.

3.3 The location selected for the trial is at Gillender Street on the pedestrian link between a new secondary school and residential area. As such, the trial’s interventions will perfectly test what can be achieved in a very practical case by carrying out scientific examination of noise reduction and air pollution reduction. Local growing groups will be involved in the greening of the space and planting.

3.4

Table 1			
Financial Resources			
Description	Amount	Funding Source	Funding (capital/revenue)
Introduction of a new acoustic separation wall designed as an art-piece between the A12 and Gillender Street. The wall will be developed from an innovative noise absorbent, self-coloured metal ‘fabric’ not previously used in the UK for this purpose. (Contributions received in full)	£67,500	Transport for London, Future Streets Incubator Fund	Capital
The introduction of a green ‘pocket park’ along the ‘quiet’ side of the acoustic wall edge, to also include lighting, a ‘white-noise’ speaker system and testing/monitoring equipment for noise levels,	£100,000	Greater London Authority, via the Poplar Riverside Housing Zone	Capital

Table 1			
Financial Resources			
Description	Amount	Funding Source	Funding (capital/revenue)
air pollution levels and water absorption. (£50,000 contributions received and £50,000 sought)			
Additions to the 'pocket park' edge of the pilot study area with planting and green walls. (Currently sought)	£30,000	S106	Capital
Total excluding VAT	£197,500		

3.5 Overall, the intention is to produce a 'live' demonstration project with a strong research component where successful trials will result in the knowledge gained and skills learnt being used to extend the successful components along the full length of the A12: Green Mile project area from the Bow Flyover (A11) to the Blackwall Tunnel, and with the potential for these new ideas to be replicated throughout the borough, and indeed the UK.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 This report seeks the Commissioners approval to a grant of £30,000 to Poplar HARCA. The grant will contribute towards the piloting of innovative solutions to combat noise and air pollution as part of the A12 Green Mile Pocket Park Project. The funding is part of the £150,000 Section 106 boroughs pocket parks programme which was approved at Cabinet on the 4th October 2016.

4.2 The project will be undertaken by Poplar HARCA but delivered in partnership with TFL and the Council at a total cost expected to be £197,500. The other funding sources that total £167,500 are from external sources. The contribution of £67,500 from TFL is dependent on the approval of the £30,000 from the Council. The remaining balance of £100,000 relies on resources from the Greater London Authority made available through contributions to Poplar HARCA of £50,000 and a further £50,000 via Poplar Riverside Housing Zone, both these sums will be utilised for the project.

5. LEGAL COMMENTS

5.1 Whilst there is no strict legal definition of grant, a grant is in the nature of a gift and is based in trust law. However, grants are often given for a purpose so it is sometimes unclear whether a grant has been made or the arrangement is a contract for services. A contract for services is not a grant and therefore, an arrangement which is classified as a contract for services would be outside the remit of the power conferred upon the commissioners to approve.

- 5.2 There will be many grants which are made by the Council for the purpose of discharging one of its statutory duties. However, as a grant is in the nature of a gift, it is considered there must be some element of discretion on the part of the Council as grantor as to whom a grant is made to and whether this is made. If the Council is under a legal duty to provide a payment to a specific individual or organisation, and cannot lawfully elect not to make such a payment, then that should not amount to a grant.
- 5.3 In this case, the Council is not under a legal duty to provide this payment. The payment of £30,000 is discretionary and therefore considered to be a grant.
- 5.4 The power of the commissioners to make decisions in relation to grants arises from directions made by the Secretary of State on 17 December 2014 pursuant to powers under sections 15(5) and 15(6) of the Local Government Act 1999 (the Directions). Paragraph 4(ii) and Annex B of the Directions together provide that, until 31st March 2017, the Council's functions in relation to grants will be exercised by appointed Commissioners, acting jointly or severally. This is subject to an exception in relation to grants made under section 24 of the Housing Grants, Construction and Regeneration Act 1996, for the purposes of section 23 of that Act (disabled facilities grant).
- 5.5 To the extent that the Commissioners are exercising powers which would otherwise have been the Council's, there is a need to ensure that the Council has the power to make the grant in question. In that regard, the proposed grants are supported by the Council's general power of competence. Section 1 of the Localism Act 2011 gives the Council a general power of competence to do anything that individuals generally may do, subject to specified restrictions and limitations imposed by other statutes.
- 5.6 The Council has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This is referred to as the Council's best value duty. Best Value considerations have also been addressed in paragraph 7 of the report.
- 5.7 When making decisions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). A proportionate level of equality analysis is required to discharge the duty and information relevant to this is contained in the One Tower Hamlets section of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1. In using green infrastructure in an innovative way to combat the limiting barrier that the project meets One Tower Hamlets aims of bringing different parts of the community together and improving community cohesion. Residents involved in local growing groups will also play an active role in the greening of the space.

Tower Hamlets open spaces and parks are important facilitates throughout the borough. They are used as a platform for local people and communities coming together and engaging with one another. This project will provide another platform for the current and future residents of the Poplar Riverside.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The contribution the Council is providing for the purposed project is a small portion in comparison towards the overall budget and the project will be delivered in consideration of best value implications and the Council's Best Value Strategy and Action Plan. Poplar HARCA will liaise with TFL in commissioning an approved contractor. The chosen contractor will be from TFL's own list of recommended supplier and will also go through TFL's rigorous procurement process to ensure best value.
- 7.2 All other resources such as project management, staffing, works etc. will be provided by Poplar HARCA and TFL. Currently this is the only development of its kind in the country and it will implement and test new and innovative green infrastructure design, to create a more aesthetically appealing local space as well as improve the environment. Using natural resources and low carbon foot print products, this pocket park will provide a much need environmental boost to the area.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 The project will report on the measurable reduction in actual, and evidenced reduction in the perceived noise along the A12 road at Gillender Street, the measured levels of air pollution 'captured' by the planting, green walls and moss graffiti, and the measured amounts of rainwater removed from the local drainage system.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The Council's risk to this project is relatively low considering the variables, as the council's sole task is to provide the agreed funding, have an input towards the project in terms of community development and cohesion and to ensure the projects objectives are fulfilled to the local community.
- 9.2 The project is being developed on TFL land, by their own procurement process and in conjunction with TFL as project partners. This leads to confirmation of land ownership and that all liability, maintenance and repair will lie with them. As for ensuring the project is on target to the timeline and is the final product stated, lead TH council representatives will remain in direct and regular contact with Poplar HARCA's project leads. This is to ensure the

project meets its deadlines, and we are notified of any arising issues kept informed for any important decision making.

Key Risk Assessment							
Risk No.	Risk	Triggers	Consequences	Existing Internal Controls – to be confirmed	Likelihood	Impact	Total
1	Works not delivered on time.	Alteration to scope of work. Unidentified additional work required e.g. underground services	Loose time Restricted funding Additional funding required to complete the work	Tightly defined plan and agreed delivery programme.	2	3	6
2	Potential costs exceed budgets	Alteration to scope of work.	Project elements are omitted. Additional funding may be required	Regular project finance meetings with contractors to manage costs. Ensure proper financial management systems in place Agree costings and budgets for works with contractors as per delivery	2	4	8

Key Risk Assessment							
Risk No.	Risk	Triggers	Consequences	Existing Internal Controls – to be confirmed	Likelihood	Impact	Total
				plan			
3	Works not of satisfactory quality	Works not structured as planned, Unable to deliver project objectives	Additional cost and time in rectifying	Check quality of work at regular intervals. Set out quality criteria in contract specification.	1	2	2
4	Unforeseen site conditions	Results of site and local survey, feasibility studies	Increase costs, Delay in delivery	Use of design information already available	3	4	12
5	Residents unhappy with the work			Consult with residents prior to implementation	1	2	2

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 The project will turn this area into a well-lit and active area and will reduce ASB. There will be continuous use of the park during the day with many health and wellbeing projects held by community organisations. During the night the area will be well-lit with its energy saving flood lights in and around the pocket park which will deter ASB activities such as fly tipping.

11. SAFEGUARDING IMPLICATIONS

11.1 Not Applicable

Linked Reports, Appendices and Background Documents

Linked Report

- List any linked reports if Exempt, Forward Plan entry MUST warn of that
- State NONE if none.

Appendices

- List any appendices if Exempt, Forward Plan entry MUST warn of that
- State NONE if none.

Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

- List any background documents not already in the public domain including officer contact information.
- These must be sent to Democratic Services with the report
- State NONE if none.

Officer contact details for documents:

Or state N/A