

KEY DECISION

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Mayor and Cabinet

Permission to Tender for Beckenham Place Park East Restoration Works

Date: 5 October 2022

Key decision: YES

Class: Part 1

Ward(s) affected: Downham, Bellingham

Contributors:

Adam Platts, Project Manager, Regeneration and Place

Outline and recommendation

This report seeks approval for a below threshold works tender for a contract of regeneration works at Beckenham Place Park East.

As a result of external funding needing to be spent by March 2024, it is required that the contractor be on site by early 2023 which means that the timescales for procurement are very tight. Therefore, permission is sought to delegate to the Executive Director of Community Services approval to select the preferred contractor in accordance with the selection criteria published in the tender documentation.

Timeline of engagement and decision-making

On 24 April 2019 Mayor and Cabinet approved the allocation of funds from the Council's Capital programme to the regeneration of the eastern part of Beckenham Place Park, with the understanding that the additional funding required is secured from other partners.

On 22 September 2021 the Executive Director for Community Services approved the submission of a funding bid to the Mayor of London's Green and Resilient Spaces Fund.

On 22 November 2021 the Executive Director for Community Services agreed to tender a contract for the provision of Landscape Architecture/ Principal Designer/ Contract Administrator/Supervisor services for the regeneration of Beckenham Place Park East.

In March 2022, following an open competitive tendering process the Executive Director for Community Services agreed to award a contract to Building Design Partnership (BDP) for the provision of Landscape Architecture/ Principal Designer/ Contract Administrator/Supervisor services for the regeneration of Beckenham Place Park East.

On 9 March 2022 Mayor and Cabinet approved the submission of an Outline Business Case funding application to the Environment Agency seeking Grant in Aid and Local Levy.

On 22 July 2022, London Borough of Lewisham granted planning permission for the redevelopment of the existing fields into a flood water storage area to reduce flooding, along the River Ravensbourne, together with the provision of new playground equipment and playground redesign, removal of changing room block, retention of existing nursery building, bmx and skateboard tracks, reprofiling of areas along the River Ravensbourne to provide easier access, reusing earthworks on site to create activity and play opportunities, landscaping works and the removal of trees within park at Land to the east of the railway, Beckenham Place Park, BR1.

Further details of funding is set out in Part 2

1. Summary

- 1.1 This report seeks approval to tender a contract for regeneration works at Beckenham Place Park East.
- 1.2 Permission is also sought to delegate to the Executive Director of Community Services approval to select the preferred contractor in accordance with the selection criteria published in the tender documentation. This is due to the tight timescales for procurement in order to meet funders' spend deadlines and for works to be on site early 2023.

2. Recommendations

It is recommended that Mayor and Cabinet:

- 2.1 approves the procurement of a contractor to undertake works (below threshold) at Beckenham Place Park East on behalf of the Council.
- 2.2 approves the subsequent award of contract to the preferred contractor, provided the contract value is within authorised limits.
- 2.3 delegates authority to the Executive Director Community Services, in consultation with

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Director of Law, Governance and Elections, to select the preferred contractor in accordance with the selection criteria published in the tender documentation.

3. Policy Context

- 3.1 The improvement to the eastern side of Beckenham Place Park will contribute to Council priorities.
- 3.2 A key corporate priority for the Council as set out in the Council's Corporate Strategy 2018–2022 is 'Making Lewisham greener' ensuring everyone enjoys our green spaces and benefits from a healthy environment as we work to protect and improve our local environment. The Strategy outlines a commitment to the preservation of our award-winning green spaces.
- 3.3 Lewisham's Parks and Open Spaces Strategy 2020–2025 sets out the vision for parks and open spaces to be 'to be the heart and lungs for Lewisham, connecting active, healthy and vibrant local communities' and provides a strategic framework for the management and development of open spaces within the borough that seeks to protect, create, enhance, and connect spaces and people. The Parks and Open Spaces Strategy 2020-2025 highlights that up to 6000 new homes could be built in wards surrounding Beckenham Place Park East and prioritises the park for improvement.
- 3.4 The improvements to the eastern side of Beckenham Place Park are also in line with Lewisham Council's Local Plan 2020-2040 which sets out key strategic objectives to:
- Sustain and create inclusive neighbourhoods and communities that reflect and reinforce the diversity and cultural heritage of Lewisham's people and places
 - Help London to achieve National Park City status and ensure all Lewisham residents benefit from access to high quality green space, by protecting, enhancing and connecting the Borough's network of parks, open and water spaces
 - Promote and protect the ecological, biodiversity and amenity value of the borough's natural assets
 - Protect and enhance open and green spaces, including by expanding the role of BPP as a key visitor destination
 - Enhance the environmental quality and amenity value of the Ravensbourne and Pool Rivers
 - Improve public access to the rivers with new and improved routes
- 3.5 The project contributes significantly to pledges set out in Lewisham's Climate Emergency Action Plan, agreed by Mayor and Cabinet on 11 March 2020, in particular around "Greener Adaptive Lewisham" and delivering climate change resilience through improvements to local green infrastructure and other adaptive measures.
- 3.6 At London-wide level, the Mayor of London's Environment Strategy 2018 brings together approaches to every aspect of London's environment, integrating the following areas: air quality, green infrastructure, climate change mitigation and energy, waste, adapting to climate change, ambient noise and low carbon circular economy.

4. Background

- 4.1 Since 2016, it has been the Council's intention that the whole of Beckenham Place Park should be regenerated, and that investment should be spread across both sides of the railway line which divides the park. The Heritage Lottery Fund (HLF) application

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for the Park was based on a holistic restoration of the whole open space. Up until mid-2018 Council Officers were working with the Environment Agency (EA) to deliver the Ravensbourne flood alleviation scheme which used the east side of the park as a temporary reservoir in order to hold back fluvial waters in times of high flow. The flood scheme was to be funded by the EA, with a contribution of up to £2 million from Lewisham Council (dependent on the level of other funding the EA secured). In the summer of 2018 the EA withdrew the Ravensbourne Flood alleviation scheme, stating that costs had risen too far from initial estimates and that the scheme was no longer fundable under the government guidelines in which they operate.

- 4.2 In order to continue to take forward the restoration of the east side of the park, in April 2019 Mayor and Cabinet allocated £1,140,000 from the Council's Capital programme to the regeneration of the eastern part of the park, with the understanding that additional funding required is secured from other partners.
- 4.3 In July 2019, Building Design Partnership (BDP) were commissioned by the London Borough of Lewisham to progress concept design proposals for the eastern side of Beckenham Place Park, including public consultation and work in collaboration with the Environment Agency with view to a potentially more modest flood alleviation scheme. This commission of BDP built on the completion of the restoration of the western side of Beckenham Place Park, which transformed the landscape of the western part through the creation of site wide routes, a public swimming lake, new play areas and enhancement of the historic parklands and gardens. In December 2020 BDP's commission was extended to take the scheme through to submission of a planning application.
- 4.4 In parallel with the concept designs, Hydrologic engineers and flood modellers were also commissioned to ensure any work to the rivers function hydraulically, to optimise the potential flood benefits of the scheme and to prepare a funding business case for submission to the Environment Agency.
- 4.5 The exciting designs for the eastern side of the park have been developed in close collaboration with the Environment Agency and with extensive public engagement. The scheme will bring activity and interest to the east of the park with a focus on nature, interaction with the River Ravensbourne, new and enhanced play and activity for all ages. The designs very much complement the recent transformation of the western side of the park.
- 4.6 A key component of the design for Beckenham Place Park East is to introduce water management within the park in a natural way, using gentle landforms that create subtle features within the landscape, increase wildlife and habitat value and diversity, whilst reducing flood risk to local communities. A new flowing series of spaces and rolling landforms along the perimeter and an extended network of footpaths will offer opportunities to diversify walking, running and cycle routes around the park and allow more of the park to be explored and enjoyed by everyone.
- 4.7 Accessibility to the river will be opened up in a sensitive way that will maintain the natural environment of the river, whilst allowing greater opportunities for interaction with the water and the water's edge. The Council will also better connect the eastern and western sides of the park and improve entrances to the East side.
- 4.8 Enhanced opportunities for play are key to improvements, and new and enhanced opportunities for both prescriptive and non-prescriptive play for a wide range of ages will be provided

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- 4.9 As part of scheme development there has been considerable public engagement which has very closely informed scheme design. Consultation on the aspirations for the eastern side of Beckenham Place Park began in July 2019, during the opening of Beckenham Place Park West where initial ideas for the eastern side of the park were displayed. A series of consultations have taken place since.
- 4.10 An online questionnaire was available to the public from 28th March - 8th June 2020. Around 1,300 people left their feedback during this period. Following this a number of objectives were established, which helped determine how the next stage of development progressed.
- 4.11 A second round of consultation on the developed design both online and through displays in the park was held in August and September 2020. 3 display consultations were held in the park, two of which were held on the eastern side of the park and one on the western side. The purpose of these consultations was to inform the consultees of the general project aims, improvements and program and to consider their feedback in the design development stages. Online webinars were also held for the general public on the 21st September 2020 at 2pm and the 22nd September 2020 at 7pm. Additional online consultations took place specifically targeting local youth community groups.
- 4.12 The proposal was presented to the Lewisham Design Review Panel on 13th October 2020 at pre planning application stage. Feedback from the Panel was incorporated into the designs.
- 4.13 On March 2022, following an open competitive tendering process the Executive Director for Community Services' agreed to award a contract to BDP for the provision of Landscape Architecture/ Principal Designer/ Contract Administrator/Supervisor services for the regeneration of Beckenham Place Park East following an open tender process at a fee of 10.94% of capital cost in the event of total capital costs of over £1million to £1.9 million, or a fee of 9.47% of capital cost in the event of total capital costs of over £1.9 million.
- 4.14 On 22 July 2022, London Borough of Lewisham granted planning permission, subject to a number of conditions for the works to Beckenham Place Park. Planning Permission is for the redevelopment of the existing fields into a flood water storage area to reduce flooding, along the River Ravensbourne, together with the provision of new playground equipment and playground redesign, removal of changing room block, retention of existing nursery building, bmx and skateboard tracks, reprofiling of areas along the River Ravensbourne to provide easier access, reusing earthworks on site to create activity and play opportunities, landscaping works and the removal of trees within park at Land to the east of the railway, Beckenham Place Park, BR1.

Scheme Funding

- 4.15 The Part 2 report set out in full the amounts of scheme funding.
- 4.16 Partnership working with the Environment Agency has continued throughout scheme development. On 9 March 2022 Mayor and Cabinet approved the submission of an Outline Business Case funding application to the Environment Agency seeking Grant in Aid and Local Levy and delegated authority to the Executive Director Community Services, in consultation with the Director of Law, Governance & Elections to accept any Grant offered if the application is successful and to agree the terms of any associated funding agreement. The Levy underwrite component of the Outline

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Business Case funding application included the underwriting of an amount of GLA Green and Resilient Spaces Fund, for which an application was being made at the same time.

- 4.17 On 24 June 2022 the Environment Agency (“EA”) confirmed their approval of the business case and Grant in Aid (GiA) and levy specified therein. In order to receive a formal EA scheme number and formal approval of the grant claim, on 24 August 2022 the Executive Director Community Services signed and submitted to the EA the Environment Agency Grant Application Form FCERM2 (Flood and Coastal Erosion Risk Management 2). It should be noted that the Levy element stated in the FCERM2 form does not include underwrite of GLA Green and Resilient Spaces Funds as this funding had now been secured, as set out in para 4.18 below. An EA scheme number and issue of formal allocation letter is now awaited. The EA also provisionally approved in December 2021 grant of Water Environment Improvement Funds (WEIF) and a formal allocation letter is similarly awaited.
- 4.18 Lewisham has the support of the Mayor of London for these works. On 22 September 2021 the Executive Director for Community Services approved the submission of a funding bid to the Mayor of London’s Green and Resilient Spaces Fund and Lewisham were successful in securing this Fund. Beckenham Place Park East is one of the six large-scale Green and Resilient Spaces Fund projects in London with the equal highest award, particularly in recognition of the contribution of the scheme to the climate resilience of surrounding communities. The Grant Agreement with the GLA for Green and Resilient Spaces Funds was signed by the Executive Director of Community Services, dated 2nd September 2022.
- 4.19 Following an application to Thames Water on 30 June 2022, Thames Water’s Surface Water Management Programme (SWMP) Steering Group provisionally approved the allocation of SWMP funding to three scheme in Lewisham including funds to the ‘Old Bromley Road Restoring connections to Blue-Green spaces’ project. Subject to review, as set out in para 4.21 below, the Council will enter into a standard Thames Water Surface Water Management Programme funding agreement.
- 4.20 It is expected that EA and TW funding agreements will be signed and in place by the date of commencement of tender or failing that the tender pack will clearly state that this tender is subject to final funding confirmations and will state that elements of the project may not go ahead if funding is not secured. Tender document will be amended to reflect this so bidders are aware which elements are subject to funding and may be removed.
- 4.21 GLA, Environment Agency and Thames Water grants are subject to standard terms and conditions, notably around:
- Delivery of objectives, outputs and outcomes as set out in funding applications
 - Compliance with spend profiles and project milestones
 - Eligibility of expenditure and financial accountability
 - Communications and publicity
 - Compliance with monitoring and audit arrangements.
- 4.22 In entering into the funding agreement with the GLA as set out in para 4.17 above, the Council were satisfied that it is able to comply with all terms and conditions of grant. Likewise in entering into funding agreements with the EA and Thames Water the Council will review all legal and financial implications and ensure it is able to comply with all conditions and terms of grant.

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- 4.23 Total funds for the scheme secured to date, including those provisionally agreed subject to final signed funding agreements, are set out in Part 2 of this report. In addition to the main capital works, for which agreement to tender is sought, these funds are also to cover all fees, internal project management, tree enabling works and demolition, an apprenticeship, volunteering support and project contingency. Other funding opportunities will be continue to be pursued.
- 4.24 Over the past two years, construction costs have been quite volatile with significant cost inflation. The current pre tender estimate of the works for which planning permission has been granted is set out in Part 2 of this report and take into account known and likely cost related construction industry issues. The contractor's methodology for earth movement, a key component of the works, could have a particular bearing on overall costs, for example, a bigger digger will move more earth more quickly and may be cheaper.

5. Reason for delegating selection of the preferred contractor

- 5.1 This report seeks approval to delegate authority to the Executive Director Community Services, in consultation with Director of Law, Governance and Elections to select the preferred contractor, provided the contract value is within authorised limits and it is in accordance with the selection criteria published in the tender documentation. A decision report to the Executive Director of Community Services will set out how the procurement was conducted and the preferred contractor selected.
- 5.2 Both the Mayor of London and Environment Agency require spend of their grant in full by March 2024. The terms and conditions of GLA grant do not allow their funds to be claimed beyond March 2024. In the event GLA funds were not spent in full by March 2024 the Council would seek to negotiate with the GLA to amend the funding agreement and carry over funds to the next financial year but there is a risk that this would not be agreed to by the GLA. There is potential scope to request the EA to reprofile part of their funds into the subsequent year but current EA allocations are for full spend of EA Grant by March 2024.
- 5.3 As the works on site are likely to be for the duration of 12 months, start on site in early 2023 is necessary to meet these funding requirements. Subject to the Mayor and Cabinet approval to go out to tender it is anticipated that a contractor could be in place early 2023 in order to meet this deadline if selection of contractor is delegated to the Executive Director of Community Services in consultation with the Director of Law, Governance & Elections.
- 5.4 Earlier commencement of procurement of the works was not possible as the finalisation of the detailed tender packs could not start until after planning permission was secured on 22 July 2022.

6. Contract and Tendering

- 6.1 The contract will be an open tender below threshold project tendered through ProContract, the Council's online procurement system that forms part of the London Tenders Portal, and Find a Tender. A 50:50, price: quality weighting will be used to assess proposals. Quality will include Technical Ability; Technical / Service Delivery; Health and Safety; Capability and Experience; Sustainable Procurement and Social value.

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- 6.2 The contract will be procured externally because the Council has neither the skills nor capacity to deliver such works. Setting up the required infrastructure to enable this function does not represent good commercial or practical sense, given the nature and scale of works.
- 6.3 There are no suitable frameworks that would satisfy the requirement for these works therefore use of a framework agreement was not an option.
- 6.4 The recommendation to tender this on the open market is considered to yield the most economic advantageous result for Lewisham
- 6.5 The contract will be an NEC4 contract which includes a bill of quantities with the option to re-measure as the works progress. Given the nature of the work with considerable earthworks this contract will provide the flexibility on site, a consistent tender return and, with the provision of a robust tender package, a degree of price certainty with minimal claims
- 6.6 Subject to approvals and tendering processes, the contract is programmed to start in February 2023 for a duration of one year.
- 6.7 Throughout the contract BDP will
- Act as Principal Designer (CDM regs. 2015) including the preparation of pre-construction health & safety pack(s).
 - Carry out the role of Contract Administrator/Supervisor or such other role as prescribed by the particular Building Contract being utilised and as set out in the schedule of services.
 - Provide a CDM Advisor role to enable discharge of Client duties under The Construction (Design and Management) 2015 including Regulation 4, relating to the Client's managing responsibilities on their construction projects.
 - Supporting Council officers with tender analysis that will seek to appoint the most suitable and economically viable contractors for specific areas of works (Lewisham officers would undertake actual tender processes).
- 6.8 The works contractor once appointed will become part of a multi-disciplinary project team, led by the council's project manager and including a lead officer from the Council's Parks Team.

7. Key risks

- 7.1 Surveys have been undertaken, including ground contamination surveys, but works may identify currently unknown ground contamination issues which might extend the programme or escalate costs, e.g. the identification of higher risk asbestos containing materials or contamination that differs significantly from that identified to date, such as the presence of liquid hydrocarbons. The designs developed provides a solution for dealing with contamination on site and a detailed method statement question has been developed for dealing with any further contamination. Appropriate contingency is factored into the project budget.
- 7.2 There is a risk that the costs set out in tender returns exceeds the funds available. Cost estimates take into account known/ likely construction industry issues. The design proposals have been developed in such a way that elements of the scheme can be taken forward or removed in line with the availability of funds and priorities.

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- 7.3 GLA and Environment Agency grant allocations are profiled to be spent in full in the financial year 2023/24. The terms and conditions of GLA grant do not allow their funds to be claimed beyond March 2024. There is potential scope to request the EA to reprofile part of their funds into the subsequent year. Whilst the works to the park are programmed for completion by March 2024, there is a risk with a construction project of this scale and nature of project delays that completion of works could extend to 2024/25. However, the Council can reprofile spend of its own budget to 2024/25 so allowing spend of GLA and Environment Agency grants in full by March 2024.
- 7.4 Different uses of the park have different and sometimes conflicting demands. A comprehensive engagement process, involving a wide range of stakeholders and a well-researched and evidenced design provides justification of design decisions taken. The consultants will be part of the multi-disciplinary project team, led by the council's project manager, which will develop, maintain and oversee a clear and comprehensive communications plan.

8. Financial implications

- 8.1 The report recommends a contract tender for works to Beckenham Place Park. The estimated cost of the tender is set out in Part 2 of this report
- 8.2 The available funding for this project is set out in Part 2 of this report and, made up of Council funding and grant funding. The majority of grant funding has conditions attached which require it to be spent by March 2024.
- 8.3 As the contract works will take 12 months, the tender must be complete and contractor in place by early 2023.
- 8.4 There is a contingency budget in place in case of unexpected works and costs increase, so thorough programme budget monitoring should take place to ensure any issues are identified timely. The scope of the works may need to be reduced if costs exceed the budget available.

9. Legal implications

Approval to Procure

- 9.1 The report seeks approval to procure an external contractor for the works at Beckenham Place Park. Given the potential spend on this contract this would be categorised by Contract Procedure Rules as a "Category A" contract. The report sets out the other options considered and explains why this is the recommended option.
- 9.2 Assuming that Mayor and Cabinet accepts the recommendation to procure a works contractor, the Contract Procedure Rules ("CPR") place requirements on how that should happen. The CPR require that when letting contracts steps must be taken to secure value for money through a combination of cost, quality and competition, and that competitive tenders or quotations must be sought depending on the size and nature of the contract (Rule 5). The requirements of the CPR would be satisfied by use of an open tender procedure. As a Category A contract, it would be for Mayor and Cabinet to take a decision on the award of any contract. Given the potential spend on this contract the Public Contracts Regulations 2015 as amended by the Public Procurement (Amendment etc) (EU Exit) Regulations ("the Regulations") will not apply.

Approval to Award

- 9.3 This report proposes that Mayor and Cabinet approve the award of a contract for works

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at Beckenham Place Park. This report further proposes that Mayor and Cabinet instruct the Executive Director for Community Services in consultation with the Director of Law, Governance and Elections to give effect to this decision by applying the selection criteria to determine and enter into contract with the preferred contractor.

- 9.4 The decision to award the contract contained in this report is a Key Decision under Article 16.2 (c) (xxiii) of the Constitution as it has a value of more than £200,000. It is therefore required to be contained in the current Key Decision Plan and the Council's Key Decision procedure must be followed.
- 9.5 Provided that the final contract value is within authorised limits set out in the Part 2 report and the preferred contractor is selected in accordance with the selection criteria published in the tender documentation, then the selection by Executive Director for Community Services of the preferred contractor in accordance with Mayor and Cabinet's direction will not be a Key Decision. For audit purposes a written record should be kept setting out how the selection process has been applied and the preferred contractor selected, and officers from Legal Services should be consulted as necessary throughout the selection and award process.

10. Equalities implications

- 10.1 In regenerating the park, officers are seeking to address issues which hinder use and enjoyment of the space by the widest section of the community. A number of physical interventions to enhance facilities and accessibility will be implemented through the project, addressing key issues such as inaccessible toilets and poor quality paths. These physical improvements will be combined with outreach to target groups who might otherwise feel reluctant or unable to use the park to understand and break down any further barriers to use.
- 10.2 Events and activities will be developed to appeal to the wider population. Evaluation surveys will allow officers to compare usage prior to works with usage that occurs after completion with the aim of ensuring that usage is more reflective of the surrounding population.
- 10.3 Monitoring of the impact of the project will take place using qualitative and equalities data (gender, age, disability, ethnic background, religious background, sexual orientation).

11. Climate change and environmental implications

- 11.1 Climate change and the environment are at the heart of the project. The improvement to the park will increase resilience to the impacts of climate change, including providing shade, reducing the risk of overheating, reducing surface water and fluvial flood risk and conserving water resources. The project will see improved air and water quality, and reduced exposure to air pollution, enhanced biodiversity and ecological resilience, creation of wildlife habitat and increased tree canopy cover, increased green skills, local community capacity and cohesion.

12. Crime and disorder implications

- 12.1 Increasing the use of Beckenham Place Park is key to reducing anti-social behaviour and fear of crime in this open space. Investing in the park and removing damaged and derelict features will also deter anti-social behaviour, helping people to feel safer and discouraging casual vandalism.

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12.2 In addition, there are plans to engage residents and school pupils extensively in the park, through volunteering opportunities and environmental education. As volunteers invest in the open space, the sense of ownership and pride in the park will grow. This in turn moves them to actively look after the space, and deters anti-social behaviour.

13. Health and wellbeing implications

13.1 Renovation and regeneration of the park will provide significant health and well-being opportunities. BPP East will provide communities with increased opportunities for outdoor activities. As part of the project, a programme of volunteering and training will be developed leading to physical and mental health and well-being benefits and increased social cohesion. Building on existing links with local GPs and community groups, and working closely with the NHS and local Primary Care Networks, we will develop a programme of nature-prescribing whereby people suffering from poor mental and physical health will be supported to join activities that will increase health and wellbeing through contact with nature.

Background papers

Beckenham Place Park Update, Mayor and Cabinet, 24 April, 2019

<https://councilmeetings.lewisham.gov.uk/ieDecisionDetails.aspx?AllId=22437>

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