

London Borough of Brent

Planning Obligations Supplementary Planning Document – Draft 2006

Summary

Within Planning, the regulatory framework for both Planning Policy and more specifically Planning Obligations Policy is changing. Revised central government guidance in the form of Circular 05/05 last year, encourages local authorities to development standard legal agreements and set out clear formulae for when any planning obligation contributions may be sought. This provides the council with an opportunity to review its current policies and procedure on Planning Obligations and introduce a more transparent and streamlined policy.

The SPD proposes a standard charge, applied to each bedroom (or bed space in the case of bedsits and live/work units) or sqm of commercial developments, that developers will be expected to pay as a contribution to the additional physical, social and economic infrastructure that will be required from new developments. These contributions will be towards, education (or training in the case of commercial developments), transport, public space and sport improvements. This is in addition to the affordable housing units, (where the development exceeds the relevant threshold), other on site provision of space that will be secured, and any other section 106 requirements.

The wording of the obligation will be such to allow contributions from a variety of developments to be pooled together within a service area, to pay for large infrastructure schemes which relate to the development. The legitimacy of seeking the obligations in the first instance is that the obligation/contribution must relate to the development. The SPD will define which infrastructure improvements are legitimately associated with developments in general, i.e. education, transportation etc. Officers will ensure that the allocation of a particular contribution is made to appropriate schemes that relate to the development.

For example, a new development of flats in Alperton may require a contribution of £300,000 towards, Education, Transportation, Open Space and Sports improvements. The wording of the legal agreement would allow it to be used towards in any education, transportation, open space or sport improvements in the local area that may be affected by the development. This is subject to expenditure on any element (i.e. education, transportation, open space or sports provision) not exceeding the impact in terms of costs for that element as set out in the SPD below. For example, this may be improvements to any secondary school in the borough, principal access routes to and from the development, local sports grounds or parks. It would not be appropriate for it to be spent on refurbishing a pocket park or crossing near the Welsh Harp, which has no relationship to the development. Large scale infrastructure improvements particularly transportation, sports and schools have borough wide pressures and therefore tend to be acceptable. Contributions from different developments may be combined. The contributions must be spent for the purpose specified in the agreement.

London Borough of Brent

Planning Obligations Supplementary Planning Document – Draft

Planning Obligations (s106)

Section 106 agreements (s106) are legal agreements between local authorities and developers, which are linked to planning permissions. These are also known as planning gain, planning benefits, community benefits or planning obligations. S106 agreements are used when there is a requirement to mitigate the pressure of a development and the negative impacts of a development can not be dealt with through conditions in the planning permission.

New developments place additional pressure on the existing social, physical and economic infrastructure in the local area. Planning obligations aim to balance the extra pressure from developments with improvements to the infrastructure in the local area, in order to mitigate any adverse effects of the development. The obligations must relate to the development and be acceptable in planning terms, which the SPD will provide. This SPD will focus on non-affordable housing obligations and should be read in conjunction with the Affordable Housing SPD (draft).

Scope of the draft

This document has been developed as part of London Borough of Brent (LBB) Local Development Framework (LDF), as required by the Planning and Compulsory Purchase Act (2004), and has been subject to a sustainability appraisal. Public consultation will last not less than 4 weeks and not more than 6 week (regulation 17 of the Act). After this period the documents can be amended before adoption.

In February 2006, under the Town and country Planning Act 2004 Regulations (which accompany the Act) the Council undertook a Sustainability Appraisal (SA) of this SPD. The SA also covered the requirements of the Strategic Environmental Assessment as set out in the Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004 No. 1633).

Purpose of the Supplementary Planning Document (SPD)

LBB has existing planning guidance in the form of the Unitary Development Plan and Supplementary Planning Guidance (SPG) numbers 17 and 19, which outlines potential planning obligations. This Supplementary Planning Documents (SPD) will update and expand on these, providing the policy backing for the mitigation required to ensure the acceptability of increasing levels of development. Given revised government guidance on planning obligations in the form of Circular 05/05, including the encouraged use of formulae, and standard charges, the council has decided produce this SPD to bring clarity and consistency to the planning obligation process.

The SPD will clearly set out the principles for when, where and what form planning obligations may be required by the council for a variety of developments. It will include a standard charge and will be justified in planning terms, Brent Council policy and national policy.

The SPD will follow central government policy guidance in the form of circular 05/05, The London Plan, LBB UDP, LBB LDF and Best Practice guides published by the Association of London Government, Audit Commission and Department for Communities and Local Government. Section 106 of the Town and Country Planning Act 1990 enables a local planning authority to enter into a legal agreement with a developer to secure a planning obligation. The SPD will be reviewed annually as part of the Annual Monitoring Report (AMR), with a full-scale review envisaged every 5 years. The SPD will be material consideration when determining appropriate planning applications and referred to as such. Moreover, this SPD should be read with the draft Policy CP SS10 within the LDF Core Strategies which states *“Where the additional impacts of any new proposed development would create significant impacts upon the local area, s106 obligations will be sought to mitigate against this impacts as detailed in the SPD on Planning Obligations”*.

The Policy

This SPD will establish a clear formula for calculating a standard charge in respect of certain infrastructure requirements. The standard charge is sought to provide more clear and consistent guidance for developers, while allowing the council to adequately plan for mitigation of the effects of development and aid sustainable development. The principal point of this SPD is the identification of the required areas for mitigation from new development and to establish a reasonable level of contribution towards for these areas in the form of a standard charge. This is supported by the Circular 05/05 and best practice advice in creating a clear and justified standard charge. A standard charge and agreement, will enable the council to make sure that developments are sustainable and their harm is adequately mitigated.

The level of the standard charge is based upon the amounts the council has been able to agree on many applications over the last few years. The acceptance of this level of monetary contribution by both parties demonstrates the reasonableness of the contribution. The council has accepted that this level of contribution is sufficient to mitigate much of the pressure from new development. The increasing number of applications, agreements and developments has shown this level has not jeopardised the financial viability of schemes. Furthermore, the council will consider on a case by case basis, schemes which claim standard charge is economically prohibitive, reinforcing the reasonableness of the obligation.

The standard charge will establish the level of monetary contribution sought by the Council in respect of the infrastructure requirements it covers, accepting that not all of the additional pressures can be mitigated with obligations. Officers in conjunction with members will determine which local infrastructure is under the greatest pressure from each development, in line with the standard charge wording. This should ensure that while the level of contribution is set, the expenditure of the contribution is directly tailored to the pressure of the individual

development and is spent on the intended purpose. This should result in mitigation measures to ensure adequate improvements can be made and be sufficient in planning terms to allow the development to proceed.

The standard charge will provide developers with a clear and consistent outline of what contributions to expect from the council. This will allow developers to fully plan the expected planning requirements when purchasing and developing sites, aiding development, in line with government guidance.

In accepting a lower level of contribution than what would fully mitigate a development, flexibility is required to allow each of the 4 service areas to use the contribution. This will only occur where the improvements to infrastructure relate to the development and where the expenditure on any service area does not exceed the limit the SPD identifies for that service area.

The Council will be able to pool contributions and plan for an expanded level of infrastructure improvements, using the knowledge of expected development and the required contributions. The formulae based approach allows the council to predict the level and nature of the monetary contribution and allows for the more efficient long-term planning of key infrastructure requirements. It enables the s106 contributions to not only be maximised in terms of the reach of the benefits, but also act a catalyst of regeneration around the funding development, further reducing the negative impacts of a new development.

As each case is assessed individually, there may be particular reasons that may result in the level and obligations being reduced or increased, however this should clarify expectations for the developer and also for officers, members and the local community. In cases where developers provide additional benefits or the pressures of their scheme are less than expected, reductions in the standard charge will be considered.

This SPD seeks to meet both current best practice and particular Circular 05/05 with the introduction of a clear, open formula, based upon the principles of the obligations being:

- (i) relevant to planning;
- (ii) necessary to make the proposal development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonable related in scale and kind to the proposed development; and
- (v) reasonable in all other aspects.

The Council believes that the use of standard charges and standard agreements in an open and consistent manner adheres to these principles. The SPD itself defines the relevance to planning and necessity in planning terms. It is down to council officers to ensure that the individual obligations and contributions directly relate to the development. To reinforce this, the areas for mitigation are defined in the standard wording to be in the local area .

The Council has stated its belief that the standard charge formulae and outline obligations are fair and reasonable both in scale and kind and other aspects. The

application of formulae ensures a level of consistency and fairness to developments, with the option for reductions where an applicant can demonstrate appropriate justification. Over the previous few years, applicants have, through signing numerous agreements, have shown that the level of current monetary obligations are not prohibitive to either good development or making adequate returns on their investment.

The more standardised approach combined with standard agreements should result in a shorter determination period, with improved efficiency of both the completion and monitoring of the agreements.

Standard Charge:

- Additional self contained **residential** unit, including conversions and 'Work/Live' units: **£3,000 per bed room** (or bed space in the case of bedsits or live/work units)

This figure is justified because as will be seen from the section headed "Total local infrastructure requirement per bedroom/space" in Appendix 1 below, the cost impacts in providing for education, transportation, open space and sports infrastructure exceeds £3,000 per bedroom/bed space for every size of unit. However, the standard charge has been reduced in order not to make developments unviable, as explained elsewhere in this SPD.

- **Commercial** developments with more than 500sqm of additional B1, B2 or B8 floor space: **£25sqm**

This figure is justified because as will be seen from the section headed "Total local infrastructure requirement per square metre of additional B1,B2 and B8 floorspace (exceeding 500 square metres)" in Appendix 1 below, the cost impacts in providing for education, transportation, open space and sports infrastructure exceeds £25 for each Use Class. However, the standard charge has been reduced in order not to make developments unviable, as explained elsewhere in this SPD.

- **Other obligations** required where the planning conditions are not sufficient to control the impacts of a development.

Contributions

Contributions will be due upon implementation in order for the mitigation to be in place by occupation. It is vital that all contributions are index-linked from the date of committee, to ensure that the value of the obligation does not reduce in worth over time and that this level of mitigation can still be provided. All new monies received will be placed into dedicated interest bearing accounts, which will ensure that all the benefits of the obligation are available for the appropriate mitigation measures. These points follow best practice guidance.

As all cases are assessed individually, where new developments provide particular benefits, e.g. new public space, on site health care/ community provision or where there is reduced pressure such as sheltered accommodation,

the standard charge may be reduced. Otherwise, reductions in the level of the contributions required will be considered were the developer has submitted sufficient evidence or an appraisal to show that the required contribution would render a scheme unviable. Options for clawing back any under-provision of contribution can be secured with the requirement to provide a post Practical Completion appraisal to confirm any figures originally submitted were accurate. The applicant will be required to meet the council's cost of inspecting any appraisals.

For large contributions, the staging of payments may be acceptable to aid developer's cash flow and allow officers to effectively programme improvement schemes. At the discretion of the council, contributions may be pooled together to allow for large-scale improvement or cross borough projects to progress.

Where the council's Housing department confirms viability is a concern, there will be a 20% reduction for the affordable housing units, this reflects both that this is a benefit in itself and the cost of providing affordable housing.

A £200-£1,500 management fee toward the cost of managing, monitoring and negotiating the s106 agreement will be secured on all applications.

Standard Heads of Terms

To ensure consistency and to provide developers with an outline of what to expect in terms of obligations, Standard Heads of Terms have been established, which will be provided to developers at the earliest point to agree prior to committee. The Heads of Terms will form an integral part of any report that may go before a planning committee and be the basic points of any agreement.

1. A contribution of £XXX,000 toward local infrastructure improvements, education/training, transportation, open public areas, sport within the local area. Due on implementation and index-linked from the date of committee.
2. Membership and compliance with the 'Considerate Contractors' scheme.
3. Sustainability measures schemes
4. Council's legal and monitoring fees in respect of the S106.

Additional Heads of Terms for residential developments:

5. A minimum of 35% affordable housing (where the relevant threshold is exceeded), as measured by habitable room. Usually 25% social rented and 10% intermediate - to be agreed in detail with the council's affordable housing officer.

Additional Heads of Terms for student residential developments:

5. Management agreement, including hotlines, drop off restrictions, noise agreements

6. The creation and attendance at a local residents forum.

For large-scale schemes:

7. Travel Plans.

8. Sustainability measures, including BREEM Very good rating on the building.10% on site renewable energy source.

9. Measures to protect local retailers providing a retail offer which is particularly significant in some respect.

For Public Education / Health Care developments different obligations will be required to ensure adequate provision for any increase in pupils or patients are addressed and the regeneration goals are met.

Replacement facilities

Where planning permission is sort for the redevelopment of any sporting facilities, community space, allotment, public open space or other public space. Planning obligations will be sort to enhance and expand other facilities to ensure an adequate level of provision remains.

The following is a non-exhaustive list of potential obligations that may be required by particular developments.

Other obligations may include:

- Public access agreements, public rights of way
- Community or Affordable Workshop space.
- Servicing agreements
- CCTV
- Highways improvements, adoption of new highways.
- Listed buildings improvements
- Health Care Provision

The use of s106

S106 obligations will only be used where the identified pressure from a proposed development can not effectively be dealt with by conditions. Conditions focus on on-site requirements such as bike storage, submission of materials, while the s106 obligations deal with off-site, ongoing and monetary contributions. The use of Grampian Conditions will be considered where appropriate, however given the complexity of many application conditions alone will not be sufficient.

The council will always seek to use it's Standard s106 agreement, which covers the Standard Heads of Terms obligations and is available on the internet. This will allow applicants to view and understand the clauses prior to submission, while the wording is established to protect the best interests of the council while ensuring delivery of the obligations.

Stakeholder involvement

It is envisaged local residents, stakeholders and the wider public can make comments when a planning application is submitted in the way they currently can. They may identify particular pressure or areas for mitigation and the council will consider any identified pressure or issues to see if using obligations are an appropriate response. During the consultation process for both this SPD and the LDF proactive steps in line with the Statement of Community Involvement will be taken to draw in other stakeholders in to the process.

Future changes

The Treasury, through the Kate Baker review, is considering introducing a Planning Gain Supplement (PGS) in 2009. This would act as a tax on land that secures planning permission, with the existing s106 obligations being pared back. Central government has indicated the currently level of contributions councils receive from s106 would be at least maintained under PGS. Given this comment, this document would establish the minimum level of any future PGS received by LBB and outline the potential recipients of it and would be revised where appropriate. Should the government opt for a reinforced S106 process instead of PGS, this draft policy embodies much of current best practice and policy.

Appendix: 1 Reasoning

This appendix will establish both the requirement for seeking a contribution towards set infrastructure requirements and state the level of contribution required to fully deal with the additional pressures of new development in respect of those requirements. Cumulatively this level would far exceed the standard charge, as the full cost of mitigation would make most schemes uneconomic. The council accepts this and believes the level of the standard charge (as reduced to reflect this) provides an acceptable and reasonable level of contribution. The standard charge will allow the flexibility to pool similar contributions within an area, allowing the council to deliver substantial improvements to the key infrastructure. Given that these improvements are targeted to the local area around any development, the development itself benefits from the improvement in both the provision of service and the increased land value that may go with it.

“Local Infrastructure Improvements”

‘Local Infrastructure Improvements’ is an all-inclusive term for improvements to education, transportation, the public realm, sport, play, sustainability and community facilities. It is generally accepted that developments will result in increased pressure on local open spaces, streets, crossing, play/sporting facilities and education/training. This is the principal obligation as it mitigates many of the issues associated with increased working or residential populations in a given area. People living or working in a development will use the main walking, driving or cycling routes to that development as well as the existing community infrastructure.

The types of population associated with different types of development will vary the pressure on the different local resources, such as parks, gardens and playgrounds. Each development's size and nature will have a variety of impacts through out the local area. As every pressure can not be completely mitigated the council will focus on the most significant pressure from each development.

The council tries not to define the exact project the money can go to, as that would limit future options, as one particular project could become unviable and the obligation would be lost while the impact remains. Where potential projects have been identified the wording '*to include but not be limited to*' can be added. This provides comfort for the acceptability of the scheme, while not limiting the council's options. Having a more open option allows for potential match funding too, whether linking in to other council run projects and aiding New Deal or local community bids for further funding.

Education

UDP Policy CF6 states where required Education contributions should be sought. Brent's School Organisation Plan 2005-10 (April 2006), identifies the requirements for the current residential population of Brent and to meet their growing needs. Currently over half of primary schools and a third of secondary schools are at or over 95% capacity (BSOP and roll numbers), with most of the capacity being available at restrictive schools. By 2009 all primary school places will have been exhausted. Secondary schools expected to be at capacity around the same time. The Department for Education and Skills (DfES) states a 5% surplus to allow for parental choice. Brent current is a net exporter of pupils reducing the availability of spaces in adjoining boroughs (BSOP).

Within the BSOP, growth in demand allows for an increasing use of Brent education facilities by Brent residents, changes in the school population and some of the new housing which already has planning permission. There is no provision of funding for meeting the need from any new potential residential developments. Most future applications will start occupation from 2008, when capacity is due to be exhausted. New developments will therefore be required to contribute to the creation of new school places either in new or expanded sites, to meet the requirement from their development.

For over the last five years the council has sought and secured an Education Contribution, as per UDP Policy CF6 which required per unit contributions. Developers have for over five years accepted this level of contribution that will not prejudice the implementation of their planning permission and has established this level as being reasonable. Sure Start and other Nursery Facilities are also under provided in the borough, were appropriate contributions made be used to support these.

Alternative Education calculators far exceed Policy CF6 level, they use the cost of providing an average school place based upon the average of the Primary and Secondary Schools; Basic Needs Cost, Building Costs per metre sq, Location Factor for Brent provided by the DfES) and apply it to the standard child occupancy per unit (GLA analysis of London House Household survey, 2005). Given the lack of control over occupants of developments, some may exceed the

occupancy estimations while others may fall short, it is expected that this will balance out.

Primary/Secondary Average (£14,552.1)

Bedsit/1 bed	£2,910.42
2 bed	£10,186.47
3 bed	£16,007.31
4+ bed	£17,462.52

Open Space

Policy OS7 and OS18 covers the requirement for Open Space and Children's Play Area provision. Of Brent's 12 District and Local Parks only 2 have qualified for 'Green Flag Award' status, the national standard for parks and green spaces, with the rest falling below this level. The LBB Green Flags Park Audit Report, 2006, audited 8 of the principal open spaces in the borough and examined the measures required to improve them to Green Flag Award standard. The plan does not look at costs for any of the remaining sports grounds, small or pocket parks. The plan established an average cost of £11,231 per hectare for upgrading those open spaces to Green Flag Award level, over the next 5 years. This applied to the council's 405 hectares of non-Green Flag open space equate to a costs of £4,536,555, which does not have a funding commitment.

As an urban borough there are limited opportunities for the creation of new public open space, therefore there is a requirement to refurbish and enhance the existing space.

New developments are therefore required to contribute to these improvements, as they would generate a substantial pressure on the local public open space amenities with no corresponding improvement to adequately deal with it. Increased revenue through the rates and council tax would take time to both feed into the system and to identify the appropriate service area to target. This could lead to a decrease in the quality of open space provision, at a time of increasing use. With developments that provide new public open space, the council may reduce the level of contribution that is required. Contributions will also be used to maintain open space once improvements have been made.

Applying the total £4,536,555 open space short fall, to the projected 14,000 new residents over the next 5 years, give a £907 per person charge. Assuming there is a minimum of 1 person per bed room and Standard Worker-Floor space (Tym), gives the following:

Bedsit / 1 bed	£907
2 bed	£1,814
3 bed	£2,721
4+ bed	£3,628
B1	£48
B2	£28
B8	£14

Sport

The Brent Pitch Survey of 2003, in conjunction with Sport England, showed a deficit in sporting pitches in all major sports; football, rugby, cricket and hockey. The survey also found Brent as being significantly below the National Playing Fields Association (NPFA) standards on pitch provision. The current Parks Service budget and planning looks at maintaining the current level and improving the occasional piece of land, with no resourcing available to meet the demands from new developments. Contributions will also be used to maintain pitches once improvements have been made.

Sport England's Kitbag Calculator (source: www.sportengland.org) uses the cost, excluding Land or VAT, of providing sporting facilities in Brent, per unit based on current demographic and Average Occupancy of new households (source: GLA analysis of London Household Survey, 2005) and Standard Worker-Floor space ratios employment density (Roger Tym 1996). This equates to the following:

	Sports Hall	Swimming Pools	Total
Bedsit / 1 bed	£292	£151	£443
2 bed	£471	£216	£687
3 bed	£584	£302	£886
4+ bed	£730	£378	£1008
B1	£6	£11	£17
B2	£3	£7	£10
B8	£2	£3	£5

Transportation

Highways, footways, crossing and public transport face increased pressure and use from new developments. New commercial and residential developments increase the number of people walking, cycling and driving to and from them and need to provide improvements in the quality, capacity and safety of the local infrastructure. Policies TRN3, 4, 10 and 11 can require transportation improvements. The Local Implementation Plan (LIP) has set out how the Council proposes to implement the Mayor's Transport Strategy (MTS), including the expected measures to meet the increase in population. Chapter 5 provides details public transport (bus, rail, underground), cycling and walking projects and programmes through to 2011. Chapter 3 covers the links to UDP policies and the requirement for set elements of the LIP, while Chapter 5 deals with national and regional policies.

The LIP also examines the funding requirements for these projects, their time tables and available sources. Within Form 1, 12.1, it shows required funding of £1,243,000 from s106, in 2007/8 to cover the short fall in agreed funding. Given the the council is planning for an additional thousand units in that period, it equates to a £1,243 unit requirement. This marries with the current formula of £1,000 per 1 or 2 bed unit and £1,500 for 3 and 4 bed units. This level should be seen as a contribution to the required works for that period, which will total over £13,000,000 for the year.

Commerical schemes place particular pressure upon local transportation infrastructure, from the combination of increased vistor, employee and servicing moments across the roads and public transport. The requirements for junction realinements, resurfacing, crossings and highways expansion to deal with these pressures are particularlly expensive. warehousing, by it's nature may have less employees, however this is likely to have large amounts heavy good verichles servicing the site, which will place substantial pressure on existing juncitons and road conditions. Traffic calming schemes, crossing and signalling works would also be required on most commerical developments. Those in Stonebridge will also support the Fast Bus initiative to improve the accessability of the area and reduced congestion, in line with Policy PR1. The council has sought an average of £10 per sqm from commerical developments to support these projects.

Bedsit / 1 bed	£1,000
2 bed	£1,000
3 bed	£1,500
4+ bed	£1,500

B1	£10
B2	£10
B8	£10

On developments with a large number of employesss or users, including Schools, the council will seek the prepartion and use of Travel Plans as an obligation to reduce and best manage the large numbers of people flows to new developments. Any costs assciated with the management of the Plans may be sought as an obligation.

Training

Part of the justification for permitting new commercial developments is the employment oppotunities they present. Training local residents, especially those in deprived areas, to be able to apply for some of the job oppotunities new developments create, meet a number of the council's and central governments regeneration policies. Therefore, on commercial schemes the Education obligation will be replaced with a Training one.

The council provides the Building One Stop Shop (BOSS) service, to provide training, employment and advice for the construction industry to locally unemployed and disadvantaged people. BOSS arranges training for local unemployed people in Construction Works at NVQ/ICA Level 2, to gain a skill and be able to apply for work on the construction site. The cost of the course, necessary tools and safety equipment is £1,200 per person. The council will expects at least 1 trainee per 500sqm of commercial space proposed.

Total local infrastructure requirement per bedroom/space:

	Sports	Transport	Education	Park	Total
1 bed	£443	£1,000	£2,910	£907	£5,260
2 bed	£687	£1,000	£10,187	£1,814	£13,688

3 bed	£886	£1,500	£16,007	£2,721	£21,114
4 bed	£1,008	£1,500	£17,463	£3,628	£23,599
			Training		
B1m ²	£17	£10	£2.4	£48	£77.4
B2m ²	£10	£10	£2.4	£28	£50.4
B8m ²	£5	£10	£2.4	£14	£31.4

Other Obligations

Community Space

An increasing population will require an increased provision of community facilities and space, as supported by policy CF5. Large developments may be required to provide space for these activities, while contributions from small development may support and expanding existing facilities. Libraries, youth clubs and community centres are classed amongst Community Spaces.

Public Art

UDP Policy TEA 4 requires that in large scale developments public art or Arts, Culture and Entertainment facilities will be sought either within the scheme or near by. The Art Council suggest that 1% of the development costs be set aside for art, decoration or craft. The council may use some of the secured local infrastructure funds to support Art in public areas, particularly town centres. This will improve the public realm whose use would be intensified by new development.

Considerate Contractors

This is specifically designed to help mitigate the impacts of construction on the local area. The organisation is run to help reduce the impacts of construction on local residents. Hot lines and accreditation are provided at the cost to the developer. The scheme encourages 'best practice' for considerate contractors and draws together current legislation. It is designed to elevate many of the concerns local residents may have about the construction noise and disturbance.

Sustainability improvements.

Sustainability measures identified in the submitted Sustainability Toolkit and officer's analysis of it, including the adherence to the Demolition Protocol, will be sought as part of the legal agreement, to ensure that the requirements are fulfilled and are legally enforceable. This will enable the aims of PPS9 and SPG 19 to be fully realised.

The Air Quality Action Plan covers large parts of Brent and identifies measures and actions to monitor and improve the low quality air in the borough. New developments place an extra burden on the existing poor quality air, measures identified in the Plan will be considered appropriate where they will affect the air quality or monitoring off. This is supported by policy EP3 of the UDP, The London Plan and the Mayor's Air Quality Strategy.

To reduce the pressure for car use and ownership in new development Car Clubs are actively promoted and supported with contributions. Car Clubs are shared use vehicles parked on the street which members can hire for 1 hour to a number of days. The aim is to provide people with an alternative to car ownership. Car Clubs bays are for the use of all memberships, not only those in the funding development. This means the residents of a new developer can use any of the vehicles around Brent.

The pressure from new developments place high demands on the already fragile biodiversity of the borough. Brent Bio-Diversity Plan sets our measures to protect and enhance the existing fauna and flora in the borough. Improvements that support the goals and aims set out in the Plan, will be considered as relevant improvements. The bio-diversity of Brent is vitally interlinked and developments should provide a positive contribution not a drain on the bio-diversity, as set out in PPS9, SPG 19.

Local business support

In large applications that material impact upon local retailers that provide a retail offer which is particularly significant in some respect a clear community provision, measures will be identified to protect their role as a community resource.

Health Provision

New developments will place additional pressure on the provision of local health care services. LBB will work with the local Primary Care Trust to identify the required need from new developments. This will be taken on a case by case approach, as new developments, particularly large, will on require specific improvements and facilitates, will contributions gained from smaller developments may be used to expand services and provision.

The Council's legal fee

The council requires the developer to pay our reasonable legal fees. Legal Services will require a solicitor's undertaking to meet these fees before they start substantial work. This guarantees that the developer's solicitors will pay our legal fees even if the s106 is never signed.

Policy support

Circular 05/05 Planning Obligations

This is discussed in the main body of the SPD, particularly paragraphs B25-36.

Planning Policy Statement 1:Delivering Sustainable Development (PPS1)

PPS1 states that "Planning shapes the places where people live and work and the country we live in. Good planning ensures that we get the right development, in the right place and at the right time. Paragraph 3 states that sustainable development is the core principle underpinning planning. Paragraph 5 goes on to indicate how planning should facilitate and promote sustainable and inclusive

patterns of urban and rural development. This SPD seeks to ensure the principles outlined in PPS1 are secured and sustainable positive developments are achieved.

The London Plan

The London Plan, which was adopted in February 2004 details the Mayor's strategic strategy for Greater London and sets out an integrated social, economic and environmental framework for the future development of London over the next 15-25 years.

Within the plan, Policies 6A.4 and 6A.5 covers the requirement for Planning Obligations noting Affordable Housing and Transportation contributions as high on the list of priorities.

The Unitary Development Plan

The Unitary Development Plan was adopted in January 2004 and is the Development Plan for Brent. It is the primary consideration in the determination of planning applications with the following policies supporting the requirement for planning obligations.

STR14 - New development will be expected to make a positive contribution to improving the quality of the urban environment.

STR15 – Major developments should enhance the public realm by creating or contributing to attractive and successful areas.

EP 3 - Local Air Quality Management

TEA 4 – Public Art from major Schemes

TRN3 – Sets out measures that will be taken in order to ensure that the environmental impact of traffic is acceptable.

TRN4 – Sets out measures that will be sought in order to make transport impacts acceptable.

TRN10 – Walkable environments.

TRN11 – Major developments will be expected to contribute towards improvements in links to and on the London Cycle Network.

CF6 – Education Contributions.

OS7 - Open Space deficiency.

OS18 - Children's Play Areas.

OS22 – Allotments

SPG 19 - Sustainable Design.

PR1 – Transport improvements in Park Royal

PR2 – Public realm improvements in the Park Royal

Appendix 2: Reference

Brent Building One Stop Shop, NVA/ ICA Level 2 quote January 2007
Department for Communities and Local Government Circular 05/05
Department for Communities and Local Government Planning Obligations Best Practice October 2006
Greater London Authority London Plan February 2004
Greater London Authority London Plan Proposed Alterations October 2005
LBB Play Pitch Survey
LBB School Organisation Plan 2005-2010 April 2006
LBB SPG19 October 2001
LBB Unitary Development Plan 2004
LBB Borough Spending Plan 2006
LBB Local Implementation Plan, 2006
Planning Advisory Service best practice September 2006
NDC South Kilburn 2004
Sports England Kit Bag Calculator
WRAP Demolition Protocol