

**Old Oak and Park Royal Development Corporation**

# **Planning Obligations SPD**

**Consultation Version October 2023**

DRAFT

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Appendix 1C: Checklist for Workspace Management Plan

# 1. Introduction

## How to find out more

### *Visit our website*

1.1 This SPD can be read and downloaded from [www.london.gov.uk](http://www.london.gov.uk)

### *View a hard copy*

1.2 Paper copies of the SPD documents are available to view during normal office hours at the following locations:

- OPDC Offices, 1st Floor, Brent Civic Centre, HA9 0FJ
- Wembley Library, Brent Civic Centre, HA9 0FJ
- Harlesden Library, 49A Craven Park Road, Harlesden, NW10 8SE
- Brent Hub Community Enterprise Centre, 6 Hillside, NW10 8BN
- The Collective Old Oak, Nash House, Old Oak Lane London NW10 6FF

1.3 Alternatively, paper copies can be made available on request by contacting OPDC, either via email or by post.

## Role and extent of the SPD

### *What is the role of the SPD?*

1.4 The Planning Obligations SPD provides supplementary planning guidance to OPDC's Local Plan to:

- provide further information on how OPDC will, as the Local Planning Authority, implement Policy DI1 of the Local Plan in negotiating Section 106 agreements;
- explain OPDC's approach regarding use of planning obligations to local residents, applicants, developers and the wider community;
- explain the relationship between CIL and Section 106 planning obligations;
- provide information on the methodology for calculating financial contributions;
- provide further information on when planning obligations will be sought; and
- provide further information on where Local Plan policies consider a planning obligation may offer an appropriate mechanism to mitigate the impacts of development.

### *What is the structure of the SPD?*

1.5 The SPD is structured around the following sections. Please see figure 1.1 for further details on the content within each section.

Figure 1.1: SPD Structure

1. Introduction
2. Policy and Legislative Context
3. Role of Planning Obligations in the OPDC Area
4. Guidance: Core Heads of Terms and Planning Obligations
5. Management and Monitoring Arrangements for Planning Obligations

1.6 The core guidance of this SPD is set out in Section 4 and is structured upon the core Heads of Terms (HoTs) which OPDC will expect Section 106 agreements be structured upon. Under each Heads of Term, guidance is provided on the specific planning obligation(s) which OPDC will look to secure, including details of where and when such obligations will apply.

1.7 The SPD is supported by the following appendices:

- Appendix 1A provides more details about the core financial planning obligations outlined in the SPD
- Appendix 1B provides more details about the local labour, skills, employment planning obligations outlined in the SPD
- Appendix 2 sets out the consultation responses that were made to the 2019 draft of the SPD and OPDC's responses to these
- Appendix 3 is a statement assessing the environmental impact of the SPD
- Appendix 4 is a study about affordable workspace that has informed the SPD.

Figure 1.1: SPD Structure

<b>1. INTRODUCTION</b>	Outlines the status and purpose of the SPD and provides details on the public consultation process.
<b>2. POLICY AND LEGISLATIVE CONTEXT</b>	Provides an overview of the national, <u>regional</u> and local policy context relating to planning obligations. This includes the relevant requirements set out in the National Planning Policy Framework, National Planning Practice Guidance, London Plan (2021) and OPDC's Local Plan (2022).
<b>3. ROLE OF PLANNING OBLIGATIONS IN THE OPDC AREA</b>	Explains the relationship of Section 106 contributions with other forms of development contributions, including OPDC CIL (when adopted), Mayoral CIL, Section 278 and Section 38 highway agreements.
<b>4. CORE HEADS OF TERMS AND PLANNING OBLIGATIONS</b>	Sets out the core planning obligations which OPDC will seek to secure, where relevant, through Section 106 agreements. The obligations are structured on the following core Heads of Terms which will form the basis of Section 106 agreements: » <u>HOT1</u> : Affordable Housing » <u>HOT2</u> : Housing Management » <u>HOT3</u> : Sustainable Travel, Public Realm and Open Space » <u>HOT4</u> : Transport Management and Highways » <u>HOT5</u> : Social Infrastructure » <u>HOT6</u> : Energy and Sustainability: » <u>HOT7</u> : Employment, Training and Skills » <u>HOT8</u> : Vibrancy » <u>HOT9</u> : Design and Heritage » <u>HOT10</u> : Section 106 Monitoring
<b>5. MANAGEMENT AND MONITORING OF THE DEVELOPMENTS, S106 AGREEMENTS AND OBLIGATIONS</b>	Sets out arrangements for how OPDC will manage and spend development contributions and monitor the implementation of Section 106 obligations.
<b>6. GLOSSARY</b>	
<b>APPENDICES</b>	Appendix 1A. Core financial obligations further information Appendix 1B. Local labour, skills, <u>employment</u> and skills obligations Appendix 1C. Checklist for Workspace Management Plan Appendix 2. Consultation Statement of 2019 consultation Appendix 3. Strategic Environmental Assessment Screening and Determination Statement Appendix 4. Affordable Workspace Study

What area does the SPD cover?

1.8 The SPD is not a spatial document but applies to the entirety of the OPDC administrative area, which comprises land located within the London Boroughs of Hammersmith and Fulham, Brent and Ealing.

1.9 Some of the obligations set out in this SPD require contributions towards projects located outside of the OPDC area, but which have been identified as necessary to support development within the OPDC area.

## **Status of the SPD**

### *Legal status*

1.10 This document is a Supplementary Planning Document (SPD). Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ("the Regulations") sets out the procedure for the production of SPDs. This version of the Planning Obligations SPD constitutes the consultation version required to be carried out under Regulation 12 of Part 5 of the Regulations.

### *Guidance status*

1.11 The guidance in this SPD is a material consideration for the determination of planning applications.

1.12 The guidance in this SPD is consistent with the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and is consistent with the policies in the London Plan (2021) and OPDC's Local Plan (2022).

1.13 The SPD does not repeat policies or guidance within the NPPF, the London Plan, the Local Plan or other SPDs. Therefore, this SPD should be read in conjunction with these documents.

1.14 The period for the SPD aligns with the Local Plan period which is 2018 to 2038.

## **What are Planning Obligations**

1.15 Section 106 planning obligations are legal agreements which are entered into by a Local Planning Authority and those with an interest in a site granted planning permission under Section 106 (S106) of the Town and Country Planning Act 1990 (as amended).

1.16 The purpose of planning obligations is to make development acceptable which would otherwise be considered unacceptable. Planning obligations may only be used where they are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

1.17 Planning obligations should not be used where necessary mitigation could be secured through a condition on the grant of planning permission.

- 1.18 Planning obligations may be either financial or non-financial in nature. Financial obligations require a developer to pay a financial contribution to the Local Planning Authority which is to be used towards a purpose specified in the Section 106 agreement; for example, to contribute towards funding public realm or transport improvements. A non-financial (or in-kind) obligation is used to prescribe the nature of development, such as the delivery of policy compliant affordable housing or specific measures the developer must undertake in delivering the development; for example, to enter into a Nominations Agreement.

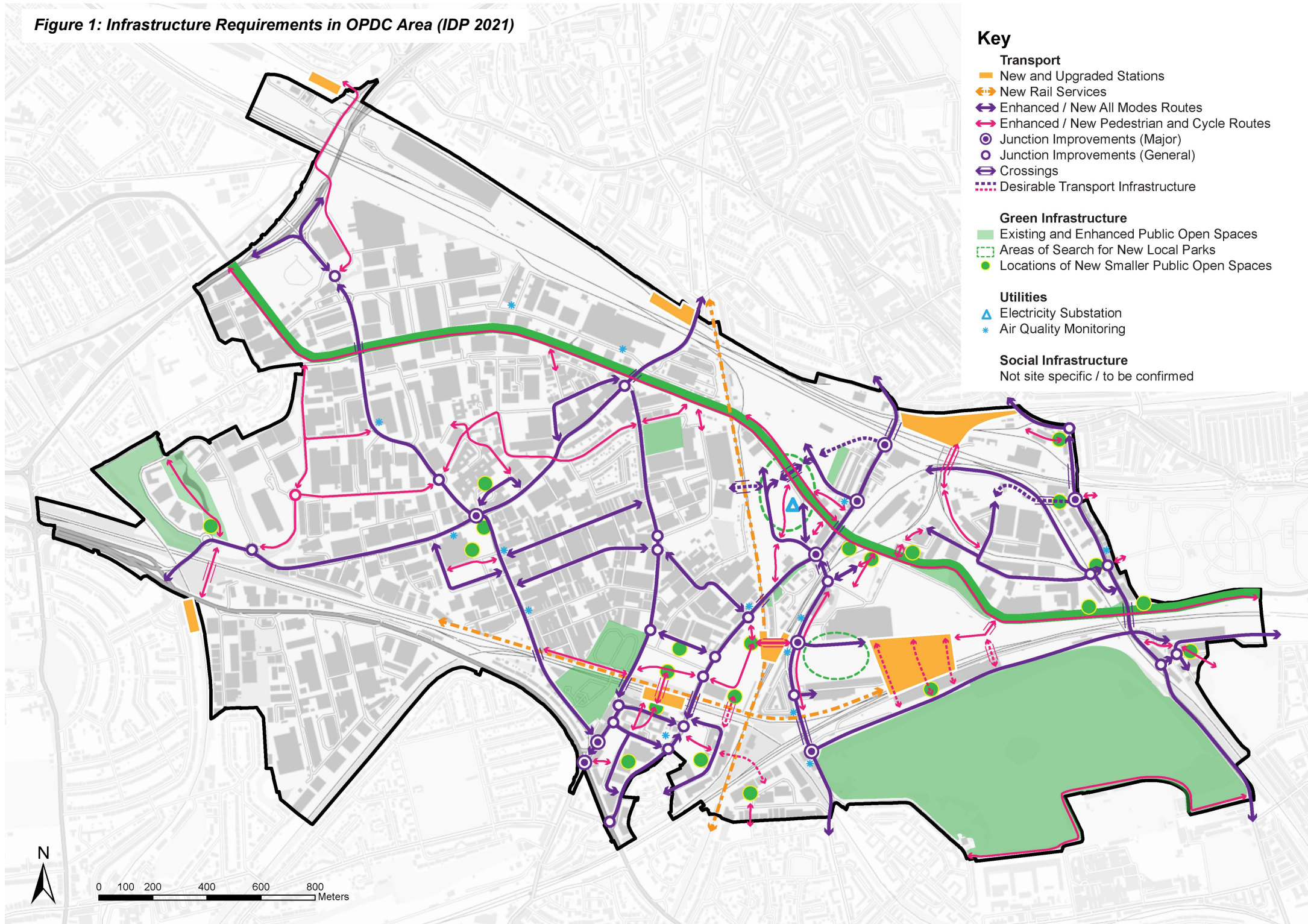
## **Context**

### *Strategic context*

- 1.19 The Old Oak and Park Royal Development Corporation (OPDC) was established by the Mayor of London on the 1st of April 2015. OPDC's aim is to ensure that the maximum benefits for London are achieved through the once in a generation opportunity presented by the development of a major new transport hub which will connect the Elizabeth Line with High Speed 2 and national rail services. The OPDC area covers the Old Oak Common and Park Royal Opportunity Area in the Mayor's London Plan (2021), which identifies the area as having the capacity to deliver a minimum 25,500 homes and 55,000 jobs, making it one of the largest regeneration projects in the UK.
- 1.20 Upon its establishment as a Mayoral Development Corporation, the OPDC also became the Local Planning Authority for its area, giving it responsibility for planning decisions, the preparation of a new Local Plan and SPDs, and the introduction of a Community Infrastructure Levy (CIL).



Figure 1: Infrastructure Requirements in OPDC Area (IDP 2021)



## 2. Policy and Legislative Context

### National Policy Context

- 2.1 The Government's guidance on planning obligations is contained in the National Planning Policy Framework (NPPF) (July 2021) as set out below.

#### *"Planning Conditions and Obligations"*

*55. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*

*56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.*

*57. Planning obligations must only be sought where they meet all of the following tests:*

- 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.*

*58. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.*

- 2.2 The National Planning Practice Guidance (NPPG) provides further advice on the nature of Planning Obligations especially at paragraphs 001 Reference ID: 23b-001-20190315 to 006 Reference ID: 23b-006-20190901. In particular, paragraph 004 (23b-004-201901) states that policies on planning obligations should be informed by evidence and that it is not appropriate to set out formulaic approaches to planning obligations in supplementary planning documents. Each planning obligation should meet the statutory tests set out in Regulation 122 and therefore be directly related to the specific development the obligation is sought for.

### Regional Policy Context

- 2.3 The Mayor's policy for planning obligations is set out in Policy DF1(D) 'Delivery of the Plan and Planning Obligations' of the London Plan (2021). Section D of the policy states:

*When setting policies seeking planning obligations in local Development Plan Documents and in situations where it has been demonstrated that planning*



*obligations cannot viably be supported by a specific development, applicants and decision-makers should firstly apply priority to affordable housing and necessary public transport improvements, and following this:*

- 1) recognise the role large sites can play in delivering necessary health and education infrastructure; and*
- 2) recognise the importance of affordable workspace, and culture and leisure facilities in delivering good growth.*

2.4 Various policies across the London Plan set out how planning obligations should or may be utilised to deliver policy objectives.

### **Local Policy Context**

2.5 Following submission of its draft Local Plan in Autumn 2018, and subsequent examination of the plan including main modification consultation in Summer 2021, the Inspector's final report was received in March 2022 concluding that the Local Plan is sound subject to main modifications. OPDC's Local Plan was adopted on 22 June 2022.

2.6 Policies referencing the requirement for planning obligations are included across the policies of the Local Plan. Policy DI1 'Balancing Priorities and Securing Infrastructure Delivery' sets out OPDC's approach to the use of planning obligations, stating that:

*'To support the successful regeneration of the area, OPDC will:*

*b) secure the delivery of infrastructure necessary to support sustainable development, meet the needs of development and where necessary, mitigate the impacts of development as identified in the Local Plan policies and/or in the Infrastructure Delivery Plan (IDP) by:*

*ii) negotiating s106 contributions which are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development to ensure that the appropriate infrastructure to support the Local Plan and proposed development is delivered;'*

### **Legislative Context**

2.7 Section 106 of the Town and Country Planning Act 1990 (TCPA 1990) provides Local Planning Authorities with the ability through an agreement to enter into an obligation(s) with a person interested in the land that is located within their area.

2.8 The Community Infrastructure Levy (CIL) was introduced by Part 11 of the Planning Act 2008. The detail of the CIL was set out in the Community Infrastructure Levy Regulations 2010, which were subsequently updated in 2019. The purpose of CIL is to ensure that costs incurred in providing infrastructure to support the development of an area can be funded (wholly or partly) by levying a charge(s) on owners or developers of land when they secure planning permission for development that is subject to the levy.

2.9 Regulations 122 of the CIL Regulations 2010 (as amended) provide an understanding of how planning obligations secured under Section 106 of the TCPA 1990 and CIL should interact. Regulation 122 applies to determinations for the granting of planning permission and states that for a planning obligation to constitute a reason for granting planning permission it must be:

- 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.

- 2.10 Previously, Regulation 123 placed restrictions on the use of Section 106 planning obligations, including a pooling restriction whereby only five contributions could be secured towards a specific project or type of infrastructure. Authorities were also required to publish a Regulation 123 List, which was a list of the infrastructure that it intended to fund through CIL. Where a project was included on this list, a Section 106 planning contribution could not be used to fund them. These restrictions were removed as part of the updated regulations published in 2019. Instead, Local Planning Authorities must publish Infrastructure Funding Statements on an annual basis setting out in a clear and transparent manner how specific planning contributions secured from different developments have been spent.

#### *OPDC CIL*

- 2.11 OPDC ~~has adopted a~~ is a CIL ~~charging authority, and a Preliminary Draft~~ Charging Schedule ~~which will be used to fund most essential infrastructure required to support development. This SPD sets out the circumstances where OPDC will secure planning obligations and other financial obligations was consulted on in Autumn 2016. Following this, progress was paused on adoption of an OPDC CIL charge in light of changes to the regulations, as well as revisions to the spatial strategy for development within the area and related impacts on infrastructure provision and costs. OPDC intends to submit a new draft Charging Schedule in June 2023, which will be subject to a public examination by an independent inspector before it can be adopted.~~

- ~~2.12 Some of the planning obligations set out in this document may relate to infrastructure that may in the future be funded by CIL. The Planning Obligations SPD will be revised following adoption of a CIL Charging Schedule to reflect the infrastructure which OPDC intends to through fund primarily through CIL rather than through Section 106 obligations. In the meantime, this SPD will provide guidance and certainty to developers and stakeholders on the planning obligations required to make development acceptable in planning terms and achieve Local Plan policy objectives, subject to viability.~~

- 2.12 The CIL Regulations (2010) (as amended) allow scope for CIL to be paid in kind (i.e.: in the form of land or infrastructure). Where payment is made in kind, land valuation of land or infrastructure will be undertaken by an independent person, of appropriate qualifications. In accordance with the regulations, OPDC may choose where to accept payment of CIL in kind in the form of land at its discretion. Any such decision will depend on where it is considered expedient and in the interests of timely and effective delivery of items in the infrastructure Delivery Plan.

#### *Mayoral CIL*

- 2.13 The OPDC is also a collecting authority for Mayoral CIL within the OPDC area. The MCIL 2 Charging Schedule (LINK) took effect from 1st April 2019, and monies collected will be used to fund Crossrail 1 (the Elizabeth Line) and Crossrail 2.
- 2.14 The OPDC area is within Zone 2, where an MCIL rate of £60 per sqm is charged to all development.

#### **OPDC, the Host Local Authorities and Planning Obligations**

- 2.15 The power for OPDC as Local Planning Authority to enter into a planning obligation with a person or persons with an interest in land in its area is set out in in the Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 and Section 106 of the TCPA 1990 (as amended).
- 2.16 OPDC is the Local Planning Authority for its administrative area and is therefore responsible for plan making and decision taking. OPDC has full responsibilities for plan making but in respect of

decision taking, a Scheme of Delegation has been agreed with the London Boroughs of Ealing and Brent, where some applications within the OPDC area are delegated to those Boroughs respectively to determine on behalf of OPDC.

- 2.17 This SPD will be a material consideration for all planning applications in the OPDC area, including those delegated to Brent and Ealing to determine. Where planning applications are delegated to one of the host boroughs to determine, OPDC works jointly with the boroughs on negotiating the Section 106 agreement. OPDC is a signatory to the Section 106 agreement and is the Local Planning Authority with responsibility for determining how planning contributions are spent and further details on this are provided in Section 5.
- 2.18 In negotiating planning obligations OPDC will work proactively with the host local authorities of Brent, Ealing and Hammersmith and Fulham, who remain responsible for key services, including highways, education, libraries, housing, flooding, environmental health and leisure and recreation. This will ensure that planning obligations meet all necessary requirements.

### 3. Role of Planning Obligations in the OPDC Area

#### Costs required to support regeneration of the OPDC area

- 3.1 The scale of infrastructure required to support the regeneration of the OPDC area is significant. OPDC's Infrastructure Delivery Plan (IDP) (2021) estimates that infrastructure could total approximately £1.5 billion. Much of this infrastructure is already funded, some of this infrastructure is not required within the plan period and some is considered desirable, but not essential to delivering the homes, jobs and place making ambitions within the Local Plan, but there remains a sizeable bill for infrastructure that is unfunded and that is required to deliver the vision and policy targets within the Local Plan.
- 3.2 The priority for securing funding to deliver the required infrastructure will be Section 106 planning obligations and, ~~if introduced~~, Community Infrastructure Levy, but these of themselves will not be sufficient to fund all the infrastructure required. Assessment undertaken as part of the IDP, identifies that were CIL to be adopted at the rates proposed in the 2016 consultation, a funding gap of up to £154 million would still exist. Given the scale and nature of the investment needed, it is expected that both the public and private sector will need to play a role and that in addition to conventional funding and delivery arrangements, there will be the opportunity to consider use of more innovative funding and financing mechanisms that have been employed on other, similar, large regeneration schemes. OPDC will work with a variety of stakeholders to secure appropriate alternative funding sources to support the successful regeneration of the area.
- 3.3 OPDC's IDP identifies the key infrastructure required to unlock the comprehensive regeneration of the area. The IDP is an important supporting document for the Local Plan and will be updated regularly to stay 'live' to the infrastructure delivery requirements and challenges that implementing the Local Plan will entail. The IDP updates will be informed by phasing and capacity information that will also be regularly monitored as development comes forward in the OPDC area. This SPD should be read alongside the IDP, as it will be an important reference point for infrastructure projects for which planning obligations will be sought and has informed the details of specific obligations set out in Section 4 of this SPD. Any updates to the IDP will be reported on an annual basis in OPDC's Authority Monitoring Report.
- 3.4 In addition to infrastructure requirements, planning obligations will also play an essential role in securing other policy priorities set out in both the Local Plan and London Plan which cannot otherwise be secured through a condition. This includes securing aspects of development (e.g.: levels and tenures of affordable housing, affordable workspace, employment and skills strategy); to compensate for loss or damage caused by the development (e.g.: loss of open space) or mitigate the impact of a development (e.g.: carbon offsetting contributions).

#### Balancing Priorities in Securing Planning Obligations

- 3.5 OPDC's Local Plan sets out an ambitious, but also challenging, set of policies to guide regeneration of the area over future decades relating to housing and employment density, affordable housing, and general design and environmental standards. There will be a need to consider the ability of each site to contribute its fair share towards the necessary infrastructure to support the overall regeneration of area with their ability to achieve other policy priorities, whilst also ensuring new development is financially viable and that the market is appropriately incentivised to deliver. This may also include taking account of different site-specific constraints that impact on viability.
- 3.6 Where an applicant considers that challenges to the viability of the development mean that it cannot fully satisfy policy requirements and the obligations set out in this SPD, this should be communicated early in the planning process with clear evidence provided on the relevant issues. Site specific viability issues might include high existing use values, high de-contamination costs and high build

costs and will be assessed based upon the guidance set out in the London Plan (2021) and the Mayor of London's Affordable Housing and Viability SPG (2017). Even when considering the viability challenges of development, OPDC will always need to be satisfied that the proposal delivers on the principles of sustainable development set out in the NPPF.

- 3.7 Where it is demonstrated that issues exist which effect the viability of development, this will be expected to impact on land values and should not be borne through a reduction in planning obligations or in a failure to achieve other policy priorities. The cost of purchasing a site will never be considered as justification for a reduction in planning obligations. Applicants will be expected to familiarise themselves with the obligations set out in this draft SPD and the policies set out in OPDC's Local Plan (2022) and the London Plan (2021) prior to agreeing a suitable purchase price for a site.
- 3.8 The majority of development coming forward in the OPDC area will be expected to deliver some infrastructure on site as part of the development, including new or enhanced public realm or small public open spaces between development blocks. Such works will not typically be considered as in-kind obligations which offset the need for planning obligations. However, where a developer is delivering strategic infrastructure required in the Local Plan and IDP on site, then this will be a consideration when determining appropriate off site financial contributions which may be reduced as a result, reflecting the value of delivering the strategic infrastructure.
- 3.9 Given the complexity of infrastructure requirements in the OPDC area, the interdependent nature of these projects and smaller geographic scale of the area compared to a typical local authority, contributions will generally be sought towards types of infrastructure (e.g.: public realm, public transport, social infrastructure) rather than towards individual projects in specific locations. This will ensure that sufficient flexibility exists to respond to changing priorities and emerging opportunities whilst ensuring that the most important infrastructure projects are delivered in a timely and efficient manner. Where necessary to ensure compliance with the statutory tests for planning obligations, appropriate conditions may be included on obligations with regards to broad areas of spend within the OPDC area.
- 3.10 This SPD does not set out any prioritisation between planning obligation types. Where viability is a factor in the total financial contribution that can be secured, prioritisation of contributions will be considered on case-by-case basis, in discussion with relevant service providers and other relevant stakeholders.
- 3.11 As required by the amended CIL Regulations (2019), OPDC will publish an Infrastructure Funding Statement (IFS) annually. The IFS will set out how planning contributions secured by OPDC through Section 106, or CIL when it is adopted, have been allocated and spent.
- 3.12 While individual infrastructure projects may need to be delivered at certain points in time while the regeneration of the area is delivered, developments delivered across the entire Local Plan period will benefit from such projects. As such, planning obligations may be secured on a retrospective pooled basis, meaning that contributions would be secured from developments after the relevant infrastructure has been provided.

## 4. Core Heads of Terms and Planning Obligations

- 4.1 The section sets out the core planning obligations which OPDC will seek to secure through Section 106 agreements. The obligations are structured on the following core Heads of Terms which will form the basis of Section 106 agreements:

HOT 1	Affordable Housing
HOT 2	Housing Management
HOT 3	Sustainable Travel, Public Realm and Open Space
HOT 4	Transport Management and Highways
HOT 5	Social Infrastructure
HOT 6	Energy and Sustainability
HOT 7	Employment, Training and Skills
HOT 8	Vibrancy
HOT 9	Design and Heritage
HOT 10	Section 106 Monitoring

- 4.2 These Heads of Terms should form the basis of the drafts Heads of Terms when submitting planning applications. Additional Heads of Terms, or variations of those listed in this SPD, may be appropriate dependent on the specific context of individual schemes.
- 4.3 The planning obligations set out in this section relate directly to policy requirements set out in OPDC's Local Plan (2022) and the Mayor's London Plan (2021). Reference to the specific policies has been included for each obligation.
- 4.4 Certain obligations listed in this section require financial contributions in lieu of a policy requirement being satisfied on site. These obligations will only be considered acceptable mitigation in exceptional circumstances where the applicant has clearly demonstrated it would not be feasible to deliver the policy requirements on site. Where an obligation is proven to not be feasible to be delivered on site any mitigation should be provided as close to the development site as possible.
- 4.5 This SPD does not provide details about how buildings, infrastructure or other policy obligations are designed. Policies in the London Plan (2021) and Local Plan (2022) will be used to ensure that these are appropriately designed, including ensuring accessible and inclusive design.

## HOT 1: AFFORDABLE HOUSING

### OB1A: Provision of affordable housing onsite

- a) All residential developments which meet the criteria set out in Policy H2 of the Local Plan will be required to provide affordable housing. The overarching target for affordable housing provision will be 50%, subject to viability, and the threshold and viability approach as set out in the most up to date Mayoral policy and/ or guidance will be applied.
- b) The percentage of affordable housing will be measured in habitable rooms to ensure that a range of sizes of homes can be delivered, including family housing. This calculation will operate on the assumption that a 1 bed unit constitutes 2 habitable rooms and a 2 bed unit constitutes 3 habitable rooms. Greater flexibility will be applied to the calculations of habitable rooms for 3+ bed units.
- c) Except for Build to Rent, Co-living and Purpose-built Student Accommodation or Co-living a minimum of 30% of the affordable housing provision should be comprised of social rent/London Affordable Rent level housing. Social rent/London Affordable Rent housing will also be prioritised through housing grant, and where any surplus is identified in viability reviews.
- d) The remainder of the affordable housing provision should be a combination of social rent/ London Affordable Rent and Intermediate housing including Shared Ownership and London Living Rent.
- e) For Build to Rent developments affordable homes should be delivered as intermediate housing, with a preference for London Living Rent housing.
- f) The Section 106 agreement will include an obligation for applicants to enter into Nominations Agreements with the host boroughs and Greater London Authority for nominations to the social rent/London Affordable Rent units.
- g) The Section 106 agreement will include an obligation for applicants to offer intermediate housing to eligible households living within the host local authorities.

#### Required from:

- All residential development (not including student accommodation or Co-Living) with the capacity to provide more than 10 self-contained units OR have a gross internal residential floorspace of more than 1,000 sqm.

#### Policy Links

- **H2 (Local Plan)**
- **H4, H5, H6, H11, H15 (London Plan)**

4.6 OPDC's Strategic Housing Market Assessment (SHMA) (2018), which is based on the housing market area of the three host local authorities of Hammersmith and Fulham, Ealing and Brent, identifies a need for approximately 50% of new homes to be affordable.

4.7 The 50% affordable housing target and threshold approach has been tested as being achievable in certain circumstances through OPDC's Affordable Housing Viability Assessment (AHVA) (2018). OPDC will apply the threshold approach to viability and review in accordance with the most up to date Mayoral policy and/or guidance when assessing planning applications and will encourage applicants maximise the quantum of affordable homes that can be delivered through the planning system.

4.8 As a minimum 30% of affordable housing delivered will be required to be social rent/London Affordable Rent level housing, Given the high need for social rent/London Affordable Rent level housing in the area, OPDC will seek to maximise the level of social rent/London Affordable Rent housing beyond 30% where schemes do not meet the Mayor's threshold approach to viability. The exception to this is Build to Rent housing under Policy H6 of the Local Plan where the affordable housing will be delivered as an Intermediate tenure with a preference for London Living Rent.



Current London Plan policy states that 30% of the affordable housing delivered on Build to Rent schemes should be at London living Rent levels.

4.9 Affordable housing will be subject to OPDC's Nominations Policy which seeks to ensure that affordable housing secured in the area meets local housing need and also contributes towards meeting London-wide housing need. Specifically, for social rent/London Affordable Rent the provider will enter into individual Nominations Agreements with the host local authorities and the Greater London Authority to secure nominations for the lifetime of the development. The host borough nominates to 70% of the units and the other two boroughs and the Greater London Authority nominate to 10% each.

4.10 For Intermediate housing a cascade mechanism applies. For the first month the provider offers the units to eligible households living with the host borough or OPDC area, for the second month to eligible households living within all the 3 host boroughs, for the third month eligible key worker households living within London and finally all eligible households living in London.

#### **OB1B: Viability reviews**

- a) Early and late stage review mechanisms will be secured via a Section 106 agreement for all residential development where the minimum policy requirement level of affordable housing is not being provided. The most recent Mayoral policy and guidance will also be relevant to the imposition of viability review mechanisms.
- b) Early stage reviews will be carried out for all residential development where substantial implementation of the development scheme has not been achieved within two years of the grant of planning permission. What constitutes substantial implementation, and the period in which it is achieved, will be determined on a case-by-case basis.
- c) Late stage reviews will be carried out at the point at which 75% of residential units have been sold or let.
- d) For larger schemes which are being delivered over multiple phases, mid stage review mechanisms will also be secured.
- e) Any surplus developer profit identified through early, mid or late stage viability reviews will, in the first instance, result in additional affordable housing units being provided on-site. Developers will need to submit an affordable housing strategy to demonstrate how the additional affordable units are to be delivered. The delivery of social rent/London Affordable Rent should be prioritised where any viability review of Build for Sale schemes demonstrates that additional affordable housing units are required to be provided.
- f) Developers will be required to secure necessary planning approvals for any revisions to the scheme that require variation to a planning permission to enable delivery of the additional affordable housing.
- g) Review mechanisms in Section 106 agreements will be upwards only.

#### **Required from:**

- All residential development with the capacity to provide more than 10 self-contained units or have a gross internal residential floorspace of more than 1,000 sqm.

#### **Policy Links**

- **H2 (Local Plan)**
- **H4, H5, H6, H11, H15 (London Plan)**

4.11 Viability reviews are necessary to ensure that affordable housing delivery is maximised as a result of any future improvement to a scheme's viability and development value. This is particularly relevant in the case of the OPDC area where the ongoing regeneration of the area and improved connections are likely to result in an uplift in the value of properties for market sale and rent which can provide additional value to support the delivery of more affordable homes.

- 4.12 OPDC will seek viability reviews in line with the most up to date Mayoral policy and guidance, which at the time of publication of this SPD is the Mayor's Affordable Housing and Viability SPG (2017) and London Plan (2021) Policy H5. Subsequent guidance may include additional provisions for where viability reviews are required.
- 4.13 OPDC will typically expect any surplus identified through viability reviews, including late stage reviews, to result in additional affordable housing units provided on-site. Given the high need for social rent/London Affordable Rent any additional units secured through viability review of a Built for Sale scheme should be provided as social rent/London Affordable Rent on site, or when this not feasible a payment in lieu for off-site delivery may be acceptable. This will help deliver policy objectives for the creation of mixed and balanced communities through the regeneration of Old Oak and Park Royal.

#### **OB1C: Off-site Affordable housing contributions**

- a) Financial contributions towards the off-site provision of affordable housing will be required for all purpose build shared housing schemes.
- b) For other forms of residential development, OPDC will always seek on-site delivery of affordable housing. However, in very exceptional circumstances a financial contribution towards off-site delivery may be accepted where it is clearly demonstrated that it is a more appropriate approach and would result in higher overall quantum of affordable housing compared to on-site delivery.
- c) An affordable housing contribution will be sought from non-residential schemes which result in a loss of existing housing. The basis for the contribution will be cost of providing an equivalent amount of floorspace offsite as affordable housing.
- d) The affordable housing contribution will be calculated based on the requirements for payments in lieu of affordable housing set out in paragraphs 2.56-2.63 of the Affordable Housing and Viability SPG and Policy H5 (Threshold approach to applications) of the London Plan.

#### **Required From:**

- All new purpose-built shared housing developments and in very exceptional circumstances other residential developments

#### **Policy Links:**

- **H7 (Local Plan)**
- **H5, H6, H16 (London Plan)**

- 4.14 OPDC will always seek to ensure that affordable housing be delivered on the site of the planning application that it applies to, in order to create communities that are mixed and balanced and meet housing needs. In very exceptional circumstances, where a developer is unable to provide appropriate levels of affordable housing on-site, a commuted sum may be accepted by the OPDC where it can be demonstrated that this will deliver a higher quantum of affordable housing.
- 4.15 Due to the unique nature of large scale purpose-built shared housing, or co-living schemes, a cash in lieu contribution towards conventional Use Class C3 affordable housing will be required. This will be generally be required as an upfront cash in lieu payment to OPDC or instalments may be considered in exceptional circumstances such as in large multi-phase schemes.
- 4.16 All large-scale purpose-built shared living schemes will be subject to the Viability Tested Route set out in London Plan Policy H5 Threshold approach to applications. However, developments which provide a contribution equal to 35 per cent of the units at a discount of 50 per cent of the market rent will not be subject to a Late Stage Viability Review.

- 4.17 All off-site affordable housing contributions will, in the first instance, be used by OPDC to deliver conventional C3 affordable housing in the OPDC area with a preference for delivery of additional social/London Affordable Rent units as close to the development site as possible.

**OB1D: Affordable student accommodation**

- a) All Purpose-built Student Accommodation (PBSA) schemes will be required to provide affordable student accommodation. subject to the thresholds and viability tests as defined through Mayoral policy and /or guidance.
- b) The majority of the bedrooms in the development including all of the affordable student accommodation bedrooms are secured through a Nomination Agreement for occupation by students of one or more higher education provider.

**Required From:**

- All new purpose-built student accommodation

**Policy Links:**

- **H10 (Local Plan)**
- **H5, H15 (London Plan)**

- 4.18 Purpose-built Student Accommodation (PBSA) will be required to provide affordable student accommodation. The definition of affordable student accommodation is a PBSA bedroom that is provided at a rental cost for the academic year equal to or below 55 per cent of the maximum income that a new full-time student studying in London and living away from home could receive from the Government's maintenance loan for living costs for that academic year. The actual amount the Mayor defines as affordable student accommodation for the coming academic year is published in the Mayor's Annual Monitoring Report.
- 4.19 The maximum level of accommodation will be secured as affordable student accommodation as defined through the London Plan and associated guidance.

## HOT 2: HOUSING MANAGEMENT

### OB2B: Safeguarding of units in Build to Rent schemes

- a) Long term safeguarding of units as rental properties will be secured via Section 106 agreement for all proposed Build to Rent schemes.
- b) All units or block or phase within a development will need to stay under single ownership and management under a covenant which will last for at least 15 years, meaning that individual units cannot be separately sold on. This covenant will include a clawback mechanism in line with the Mayor's Affordable Housing and Viability SPG 2017 (as may be updated in future) in the event of units being sold out of the Build to Rent sector during the protected period.
- c) Provision will also be secured for any affordable housing provided by Build to Rent providers to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing.

#### Required from:

- All Build to Rent developments

#### Policy Links:

- **H6 (Local Plan)**
- **H11 (London Plan)**

- 4.20 All homes within Build to Rent developments will need to stay under single ownership and management under a covenant of at least 15 years, meaning that individual units cannot be separately be sold on and overall ownership of the development can only change if the scheme remains as Build to Rent. This will ensure a commitment to invest in place making and will provide better management standards and higher quality homes than much of the mainstream private rented sector.
- 4.21 In accordance with the NPPF, affordable housing provided by Build to Rent providers should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing.

### HOT 3: SUSTAINABLE TRAVEL, PUBLIC REALM AND OPEN SPACE

#### **OB3A: Healthy Streets and public realm contribution**

- a) A Healthy Streets and public realm contribution will be secured from all major developments. The value of the contribution will initially be calculated on the following basis:
- £2,185 per net additional C3 residential unit (or non-self-contained equivalent as used for monitoring housing targets)
  - £22 per sqm GIA of net additional non-residential floorspace
- b) A reduction in the contribution calculated at the rates set out above may be considered on a case by case basis, for example where proposals deliver on-site strategic infrastructure projects identified in the most recent version of OPDC's Infrastructure Delivery Plan (IDP).

#### **Required from:**

- All major development proposals

#### **Policy Links:**

- D1, T1, T2 (Local Plan)
- T2 (London Plan)

- 4.22 One of the most important components in delivering successful regeneration and place making in the OPDC area will be a high quality new movement network and public realm. Of the £347 million unfunded costs identified in the Infrastructure Delivery Plan (IDP) (2021), over £160 million relates to projects delivering new and enhanced walking and cycling connections and public realm. This demonstrates the degree to which these improvements are necessary to support the density of housing and employment uses proposed through the Local Plan.
- 4.23 The Healthy Streets and public realm contribution will be used by OPDC to deliver the range of infrastructure projects identified in the IDP which contribute towards new and improved walking and cycling connections, and new and enhanced areas of public realm. The contribution will also support specific interventions within the public realm identified by Active Travel Zone (ATZ) Assessments, including the delivery, maintenance and management of wayfinding signage, public art, tree planting and meanwhile interventions which support early activation.
- 4.24 The contribution may also be used to fund projects located outside OPDC's administrative area where it supports walking and cycling connections to important nearby destinations.
- 4.25 The charges set out for this planning obligation have been evidenced by the costs of relevant projects as set out in OPDC's IDP (2021), and the projected development capacity as set out in the Development Capacity Study (2021) for the first 10 years of the Local Plan. In determining these charges, an assumption has been made that planning obligations would need to finance 50% of the relevant projects identified in the IDP. This approach seeks to ensure that development contributes its fair share to local improvements, whilst also recognising that additional external funding will be necessary to fund the full costs of Healthy Streets and public realm improvements. Further details on the evidence used to support the rates set out above are included in Appendix 1A.
- 4.26 The majority of schemes will deliver some form of on-site improvements to the public realm and potentially improvements to support active travel as part of the development. Such works will not typically be considered as in-kind improvements. However, where schemes are delivering significant on-site public realm projects, such as those which are identified within the IDP, then this may justify a specific reduction in the off-site financial contribution. A reduction may also be considered where walking and cycling improvements to a public highway are being secured via Section 278 agreement with the relevant Local Highways Authority. Applicants should discuss the potential Healthy Streets and public realm contribution with OPDC early in the planning process.

<b>Required from:</b>	<b>Policy Links:</b>
<ul style="list-style-type: none"> <li>All major development proposals</li> </ul>	<ul style="list-style-type: none"> <li>D1, T1, T2 (Local Plan)</li> <li>T2 (London Plan)</li> </ul>

4.274.22 The majority of Healthy Street and other public realm improvements to be delivered as part of the development should either be secured through the scheme’s landscape strategy and/or as a condition on the grant of planning permission. However, in some circumstances, it may be necessary to secure such improvements through a Section 106 planning obligation to support the comprehensive delivery of Healthy Streets and a high quality public realm.

4.284.23 Some schemes, particularly those on larger sites, will be required to either deliver or safeguard for the delivery of strategic transport infrastructure within their red line boundary. This may include new key routes, or new/upgraded crossings of the Grand Union Canal or rail lines. The delivery of such infrastructure will typically be secured through Section 106 planning obligation and will be considered as an-kind obligation to justify a reduction in the healthy streets and public realm contribution. Where substantial costs are involved in strategic projects, and it is appropriate for these to be delivered as part of the development, it may be appropriate to utilise planning contributions secured from other schemes through an equitable equalisation mechanism.

<b>-Required from:</b>	<b>Policy Links:</b>
<ul style="list-style-type: none"> <li>All major development proposals</li> </ul>	<ul style="list-style-type: none"> <li>T5, T6 (Local Plan)</li> <li>T3 (London Plan), Table 10.1</li> </ul>

4.29 Improvements in public transport infrastructure and services will be one of the key elements in supporting the new communities in Old Oak and Park Royal. While Old Oak Common Station, housing HS2, the Elizabeth Line and the Great Western Main Line, will be the most significant transport hub in the area, improvements to existing stations and services have also been identified in

the Local Plan and IDP as being necessary to support development. Most significant are upgrades to North Acton Station and Willesden Junction Station, as well as the proposed new Old Oak Common Lane Overground Station.

4.30 In addition to improved rail services, it is intended that the bus network through and around the OPDC area will be crucial for local journeys to nearby local centres and stations and for connections to other transport modes. Improvements to the bus network over the Local Plan period are outlined in the OPDC's Bus Strategy. It is necessary for financial contributions to be secured towards these improvements, including towards new fully accessible bus stops, bus standing, additional bus capacity and the new bus services/routes set out in Policy T6 of the Local Plan.

4.31 Although some development sites may not have significant transport impacts themselves, the cumulative impacts of development can also place significant additional demands on transport infrastructure and services. OPDC will work collaboratively with TfL to determine public transport contributions on all major development proposals to ensure that priority projects to fund transport improvements are appropriately funded. The public transport contribution is typically based on the net additional trips generated by the development (quantified in the Transport Assessment) and the overall cost of providing increased capacity and improvements to services, to ensure that the development is adequately served by public transport.

#### **OB3D: Provision of publicly accessible open space on site**

- a) Where schemes are delivering publicly accessible open space in accordance with Policy EU1 of the Local Plan, public access for these spaces will be secured through Section 106 planning obligation. This will include:
- defining the boundary of the publicly accessible open space(s);
  - defining the areas of dedicated play space to be delivered;
  - agreeing unrestricted public access to the spaces, except for the purposes of essential maintenance and upkeep at defined periods of time; and
  - a commitment to manage publicly accessible open space in line with the principles of the Mayor's Public London Charter.
- b) Where significant new public open spaces are being delivered, in particular new Local Parks, applicants should engage with the relevant local authority early in the planning process regarding their potential for adoption. Where the local authority is to adopt a space, a commuted sum will be secured towards the future upkeep and management.

#### **Required from:**

- Major development proposals outside of SIL

#### **Policy Links:**

- D1 (Local Plan)**
- EU1 (Local Plan)**
- G4 (London Plan)**

4.324.24 Adequate provision of open space is particularly important in high density development, where demand for different types of public space is high. To ensure a sufficient quantity of space is delivered as part of the regeneration of the area, Local Plan Policy EU1 seeks that development contribute 30% of the developable area outside of SIL as publicly accessible open space.

4.334.25 Where publicly accessible open spaces are being delivered, it is important they are properly managed and as truly public spaces which everybody can enjoy. The Mayor's Public London Charter (LINK) sets out a set of principles for the rights and responsibilities for the users, owners and



managers of new public spaces. In securing public access to new spaces through Section 106 obligations, OPDC will expect applicants to commit to managing spaces in line with these principles.

4.344.26 Where proposals are delivering Local Parks, or other significant new spaces on-site, developers should enter discussions with the relevant host local authority regarding their potential adoption into public ownership early in the planning process. It is, however, recognised that financial constraints have curtailed the ability of many local authorities to adopt new public spaces and that they may need to remain in private ownership and management. Where the open space is to be owned and managed privately the Section 106 agreement will include obligations for the ongoing maintenance of the open space by the owner.

4.354.27 The management of new public open spaces by community trusts or other not-for-profit organisations may also be an appropriate model in certain circumstances as an alternative to private or local authority management. In these circumstances a commuted sum would be paid to the community trust or other not-for-profit organisation.

#### **OB3E: Open space contribution**

a) A financial contribution will be payable for major residential and commercial schemes outside of Strategic Industrial Land (SIL) which do not deliver a minimum 30% of the developable site area as publicly accessible open space.

b) The value of the contribution will initially be based on the following calculation:

- $(A + B) \times C = D$

Where:

- A = 4.1 sqm per estimated number of residents
- B = 1 sqm per estimated number of full-time employees
- C = £300
- D = Sum payable

c) A reduction in the contribution calculated at the rates set out above may be considered on a case-by-case basis, for example where a proposal has delivered publicly accessible open space on site, but not the 30% sought through Policy EU1.

d) Discretion may be applied to individual planning applications where the applicant has demonstrated 30% publicly accessible open space is being delivered across a number of related sites as part of a strategic masterplan.

#### **Required from:**

- Major development proposals outside of SIL that do not deliver 30% publicly accessible open space

#### **Policy Links:**

- **EU1 (Local Plan)**
- **G4 (London Plan)**

4.364.28 OPDC expects, in the first instance, that proposals seek to deliver at least 30% of the developable site area as publicly accessible open space by contributing to the spaces identified in the Local Plan, and/or providing smaller public spaces and green streets. Policy EU1 recognises that on certain sites, in particular smaller sites, it may not be feasible to deliver such spaces in a functional and useable way within the site boundary, and that a financial contribution towards off-site delivery may instead be required in full or in part as appropriate. This should fund an open space

project or related improvements as close to the development site as possible or access and green infrastructure projects identified in the Infrastructure Delivery Plan (IDP).

4.374.29 The 4.1 sqm per resident and 1 sqm per worker figures have been calculated using the projected total population yield and determining the amount of space allocated to each resident and worker in order to deliver the 30% open space target across the developable area outside of SIL.

4.384.30 The £300 per sqm figure has been arrived at through research OPDC has undertaken into the costs of delivering and maintaining publicly accessible open space. This figure reflects the estimated capital cost for delivering new publicly accessible open space and the costs for maintaining them over a 10 year period. Further details on the evidence used to support the rates set out above are included in Appendix 1A.

4.394.31 Where publicly accessible open space is being delivered, this must achieve the criteria set out in Local Plan Policy EU1 and relevant place policies of the Local Plan with regards to nature, quality and accessibility. Publicly accessible spaces which do not achieve this will not be considered part of the development's public open space provision. New or enhanced public realm being delivered adjacent to vehicular routes will also not contribute to the required public open space provision.

#### **OB3F: Play space contribution**

- a) A play space contribution will be required for any proposals that include residential accommodation where the required play space provision is not being delivered through development either on-site or off-site.
- b) The value of the play space contribution will initially be based on:
  - i. The play space requirement calculated through the latest GLA Child Yield Calculator, based upon the benchmark of 10sqm per child; and
  - ii. A cost of £450 per sqm for delivering and managing play space.

#### **Required from:**

- All major residential development not delivering on site play space provision

#### **Policy Links:**

- **D8 (Local Plan)**
- **S4 (London Plan)**

4.404.32 Maximising access to a range of dedicated child play space will be critical in the high density environment of the OPDC area. To help achieve this play spaces should, as a priority, be provided within publicly accessible open spaces, or alternatively in some circumstances delivered on-site within communal public spaces. Where off-site provision of all, or a proportion of, play space is considered the most appropriate approach, then a place space contribution will be secured to deliver this on a project as close to the development site as possible.

4.414.33 Where a play space contribution is being sought in addition to an open space contribution, the area on which the play space contribution is based upon will be deducted from the area on which the open space contribution is based upon. This will ensure that applicants are not being double charged for the offsite delivery of the play space.

4.424.34 The £450 per sqm rate is based on the estimated capital cost for delivering new publicly accessible open space and the costs for maintaining them over a 10 year period. Further details on the evidence used to support the rates set out above are included in Appendix 1A.

### **OB3G: Green Infrastructure and Open Space Strategy and Management Plan (GIOSSMP)**

- a) Submission of a draft GIOSSMP will be required for all major development proposals as part of the planning application. Submission of a final GIOSSMP, and subsequent delivery of the elements contained within, will be secured via Section 106 agreement where provisions cannot otherwise be secured through condition.
- b) The scope of the GIOSSMP will be relevant to the scale and nature of the development and should as a minimum include:
- i. an assessment of current green infrastructure and biodiversity and measures that will be taken to conserve and enhance it;
  - ii. the location, phasing, quantum, access, design and function of green infrastructure and open space;
  - iii. how the proposal's green infrastructure provision provides a range of benefits, including urban cooling, air quality enhancement, surface water management, biodiversity, noise mitigation, healthy lifestyles, recreation and amenity and cycling and walking;
  - iv. how the proposal's green infrastructure provision contributes to and fits in with the wider area-wide green infrastructure network;
  - v. the quality of green infrastructure provision (in terms of its Urban Greening Factor score); and
  - vi. arrangements for the long term management, upkeep and revenue funding of green infrastructure provision, including potential for adoption by the local authority or other appropriate management models.

#### **Required from:**

- All major development proposals

#### **Policy Links:**

- **EU1 (Local Plan)**
- **G4, G5 (London Plan)**

4.434.35 Submission of a Green Infrastructure and Open Space Strategy and Management Plan (GIOSSMP) is necessary for major schemes to ensure appropriate green infrastructure and open space is delivered and appropriately managed.

## HOT 4: TRANSPORT MANAGEMENT AND HIGHWAYS

### OB4A: Highways reinstatement works

- a) Applicants will be required to undertake works to repair the public highway, including footpaths or cycle lanes, resulting from construction works.
- b) Applicants will be required to submit a 'Schedule of Highway Condition' to OPDC prior to commencement of the development. This schedule will then need to be updated and submitted in advance of practical completion of the development, along with the proposed programme of any repair works required to reinstate the highway to its former condition.

#### Required from:

- All major development proposals

#### Policy Links:

- **T1 (Local Plan)**
- **T4 (London Plan)**

[4.444.36](#) Highway reinstatement will be secured through a Section 106 agreement, where appropriate, to ensure that the developer carries out appropriate highway repairs related to damage from the construction phase.

### OB4B: Agreement with Local Highways Authority (Section 278)

- a) Works which are required to the public highway will often be secured through an agreement made under Section 278 of the Highways Act 1980.
- b) The requirement for the owner/developer to enter into a Section 278 agreement with the local highway authority will be included in the Section 106 agreement.
- c) The Section 278 agreement may include further financial obligations in addition to those set out in the Section 106 agreements.

#### Required from:

- All major development proposals

#### Policy Links

- **T1 (Local Plan)**
- **T4 (London Plan)**

[4.454.37](#) Where relevant, planning obligations will be secured to deliver highway works. Works which are required to the public highway and are in close proximity to the development site will often be secured through an agreement made under Section 278 of the Highways Act 1980. Examples of these works include:

- a) new junctions, with and without traffic lights;
- b) roundabouts;
- c) right turn lanes;
- d) improved facilities for pedestrians and cyclists;
- e) improvements to existing junctions;
- f) traffic calming measures;
- g) traffic regulation orders.

[4.464.38](#) Planning obligations that require the owner/developer to enter into a Section 278 agreement with the Local Highways Authority will be included in the Section 106 agreement where necessary.

[4.474.39](#) Financial contributions secured through Section 278 agreements should generally relate to works the highway to manage vehicular traffic rather than towards public realm improvements or improvements to pedestrian and cycling facilities. Where it is appropriate for Section 278 obligations

to be secured for this purpose, this may justify a reduction the Healthy Streets and public realm contribution (OB3A).

#### **OB4C: Highways adoption**

- a) Where proposals are delivering new streets, or improving existing streets, these must be built to adoptable standards. OPDC will consult with the Local Highways Authority to identify any streets sought for adoption, with a particular focus on new key routes identified in the Local Plan. If streets are identified, OPDC will secure through Section 106 agreements that these new streets are offered for adoption to the relevant Local Highway Authority.
- b) Any agreement between the developer and the relevant Local Highway Authority to adopt a road will need to be secured in accordance with Section 38 of the Highways Act 1980.
- c) A commuted sum payment will be required where streets are being adopted as highway maintainable at public expense. Details of the payment will be secured through the Section 38 agreement or Section 106 agreement if identified at the date of the Section 106 agreement.

##### **Required from:**

- All major development proposals delivering new or improving existing streets

##### **Policy Links:**

- **T1 (Local Plan)**

4.484.40 To support the delivery of the new street network, the Local Plan (Policy T1c) requires all new and improved streets to be built to adoptable standards.

4.494.41 OPDC is not a Local Highways Authority and will therefore work with the relevant local authorities and TfL with regards to the delivery and management of new streets. Developers will be expected to work with the Local Highways Authority, TfL and OPDC early in the design process to ensure that the proposal meets the required standards and other criteria to enable it to be adopted by the relevant authority upon the completion of work.

4.504.42 Commuted sums for adopted streets are necessary to compensate the Local Highways Authority for taking on the future long-term maintenance responsibility for new streets. These will be agreed with the relevant Local Highways Authority.

#### **OB4D: Parking restrictions**

- a) Restrictions to prevent residents of new housing development from applying for controlled parking zone permits will be secured for all residential development schemes.
- b) Where advised by the relevant local highways authority, a controlled parking zone (CPZ) contribution will be required for the consultation on, and implementation of measures required for a new CPZ or extension or amendment to an existing CPZ.

##### **Required from:**

- All major residential development proposals

##### **Policy Links:**

- **T4 (Local Plan)**
- **T6 (London Plan)**

4.514.43 OPDC will strongly encourage development to be car free, an approach justified by the very high levels of public transport accessibility resulting from planned transport investments.

4.524.44 To support delivery of car free development, parking management measures must be put in place to protect existing communities. To enable parking restrictions to be imposed on new

residents, parking management, such as CPZs, need to be installed if not already in place. These restrictions would not apply to blue badge holders.

[4.534.45](#) As OPDC is the Local Planning Authority, but not the Local Highway Authority, provision for the restriction of parking within CPZs will need to be secured via Section 106 planning obligations.

#### **OB4E: Car club memberships and spaces**

- a) Applicants will, where appropriate, be required to enable and source a car club service which is available in publicly accessible locations as part of development proposals.
- b) Developers will be expected to work with OPDC early in the pre-application process to determine the number and location of new car club bays, as well as arrangements for securing a car club operator. Where appropriate, a financial contribution may be required towards provision of car club bays off-site to serve occupants of the proposed development.
- c) Proposals will be required to secure car club memberships for new residents where car club spaces exist, or are proposed, within a reasonable walking distance. All first occupying residents of each residential unit should be offered complimentary membership of the car club for a minimum of 3 years.

##### **Required from:**

- All major development proposals

##### **Policy Links:**

- **T4 (Local Plan)**
- **T6 (London Plan)**

[4.544.46](#) A network of car club spaces across the area will provide convenient, cost-effective and attractive alternative to owning a private car. It will also help promote the principles of the circular and sharing economy in the future development of the area.

[4.554.47](#) OPDC will work with relevant stakeholders, including car club operators, TfL and the local highway authorities on a wider strategy for establishing a network of car clubs in the OPDC area. This will form the context for developers to provide car club spaces within their proposals. Car clubs are most appropriate for residential developments. It may not be appropriate in certain circumstances such as in Strategic Industrial Locations or for warehouse uses.

#### **OB4F: Construction and logistics consolidation**

- a) When preparing a Construction Logistics Plan (CLP), applicants should consider the potential for a consolidated approach with other sites. Where an applicant's CLP demonstrates that a consolidated approach is appropriate, or where this has been otherwise identified by OPDC for a specific cluster of sites, then provision of this will be secured through Section 106 agreement.
- b) Where a scheme is identified as benefiting from a construction consolidation centre off site, then an appropriate financial contribution will be secured towards its establishment and operation.

##### **Required from:**

- All major development proposals

##### **Policy Links:**

- **T8 (Local Plan)**
- **T4, T7 (London Plan)**

[4.564.48](#) Construction consolidation centres should be used, where appropriate, to reduce the number of construction vehicles required and the number of construction vehicle movements on the

road network. This should be evidenced within the CLP and justification should be provided in cases where a consolidation centre will not be used.

4.574.49 OPDC will work proactively to identify opportunities where construction consolidation centres would benefit a cluster of development sites. In such cases, contributions will be secured from relevant developments to enable delivery and operation of the centre.

#### **OB4G: Submission and implementation of Travel Plan**

- a) All applications that exceed the Transport for London (TfL) thresholds for transport assessments will also be required to submit a Travel Plan.
- b) The Travel Plan should be prepared in accordance with TfL's travel planning guidance and set objectives and monitoring requirements along with the travel plan measures, management plan and funding details required to meet those objectives. The scope of the Travel Plan will be proportionate to the transport issues related to the proposal.

##### **Required from:**

- All development proposals meeting threshold

##### **Policy Links**

- **T1 (Local Plan)**
- **T3, T4 (London Plan)**

#### **OB4H: Travel Plan monitoring contribution**

- a) A financial contribution towards monitoring of provisions set out in an approved Travel Plan will be secured from relevant schemes.
- b) A standard monitoring contribution of £3,000 will be secured, formed of three payments of £1,000 due on:
  - i. First occupation;
  - ii. Third anniversary of first occupation;
  - iii. Fifth anniversary of first occupation.

##### **Required from:**

- All development proposals meeting threshold

##### **Policy Links**

- **T9 (Local Plan)**
- **T3, T4 (London Plan)**

4.584.50 Policy T9 requires that all applications that exceed the [TfL thresholds](#) should undertake a transport assessment. This includes all applications that are referable to the Mayor of London. In such cases OPDC will also require that a Travel Plan is submitted for approval prior to first occupation of the development and thereafter complied with as approved.

4.594.51 The Travel Plan must be monitored for at least 5 years following first occupation of the development. OPDC will secure a financial contribution to procure specialist services to undertake this monitoring.



## HOT 5: Social Infrastructure

### OB5A: On site provision of social infrastructure facilities

- a) Development proposals will be required to enable the delivery of new health, education and/or community facilities in the locations identified in OPDC's Infrastructure Delivery Plan (IDP).
- b) Where specific development sites to deliver facilities have not yet been identified in the IDP, OPDC will work with applicants, the relevant service providers and other stakeholders to determine if a specific site is appropriate to deliver a new social infrastructure facility. Such discussions should be held early in the planning process to inform the schemes design and draft Heads of Terms on submission.
- c) Specific arrangements for the delivery of, and management arrangements for, new facilities will be dependent upon a variety of factors. The preferred delivery approach should be determined through discussion with OPDC, the service provider and all other relevant stakeholders through the pre application process. Arrangements may include provision of land for the facility, delivering facilities to shell and core standard, or delivery of fully fitted out facilities. Where appropriate, facilities will be provided to tenants on secure long-term tenancies at peppercorn rent levels.
- ~~d) Where development proposals are required to provide social infrastructure facilities to meet significantly greater need than that arising from their development in isolation, OPDC will look to utilise relevant planning contributions from other schemes towards delivery of the facility so that contributions towards the delivery of the facility are equalised. This may include a retrospective pooling mechanism for schemes being delivered following delivery of the social infrastructure facility.~~
- e)d) The costs for the delivery of social infrastructure facilities by a development over and above those that would normally be incurred were an alternative use to be delivered, will be considered a [strategic](#) in-kind obligation which justifies a reduction in relevant financial ~~obligations to similar types of infrastructure set out elsewhere in this SPD through CIL and or/s106~~. The scale of this reduction will be based on the cost of delivering the facility.

#### Required from:

- All major development proposals

#### Policy Links:

**TCC3 (Local Plan)**  
**S1, S2, S3 (London Plan)**

- 4.60 OPDC's Social Infrastructure Needs Study Update (SINS) (2021) has identified a significant need for on-site provision of social infrastructure to support the new and existing community at Old Oak and Park Royal, including education, health, community facilities and emergency services.
- 4.61 The specific arrangements for the delivery and management of these facilities will vary depending on the preferred approach of the relevant service provider. Considering the higher density mixed use communities being delivered in the OPDC area, social infrastructure facilities are likely to be delivered alongside other uses as part of co-located typologies. In accordance with policy SP10 in the Local Plan, an equalisation mechanism would be applied so that one developer would not necessarily be expected to bear the brunt of all the costs of providing the space for a facility at peppercorn rent.
- 4.62 Full details of social infrastructure to be delivered in the OPDC area is included in the Infrastructure Delivery Plan (IDP), and changes in planned requirements will be captured through annual updates to the IDP. As development proposals come forward, OPDC will gain greater certainty about required needs for social infrastructure, and specific arrangements for phasing, funding and delivering. This will be reflected in annual updates to the IDP.

**Required from:**

- All major development proposals

**Policy Links:**

- TCC3 (Local Plan)
- S1, S2 (London Plan)

4.63 Health contributions will be secured by OPDC to deliver new health care facilities within the area and/or to expand/upgrade existing facilities.

4.64 Latest modelling, as set out in OPDC's Social Infrastructure Needs Study Update (2021) and Infrastructure Delivery Plan (2021) identify the need for a new health hub in the area within the Local Plan period. It also identifies the need for the expansion of existing health care facilities to serve earlier phases of development.

4.65 OPDC will continue to work in partnership with HUDU and the local ICS to ensure the health care needs of the area are kept under regular review as development progresses.

**Required from:**

- All major residential schemes which generate demand for school places

**Policy Links**

- TCC3 (Local Plan)
- S1, S3 (London Plan)

4.66 The latest modelling, as set out in OPDC's Social Infrastructure Needs Study (2021) identifies that a surplus of primary school places is likely to exist in the early years of the Local Plan period, with a new 3 Form Entry (3FE) primary school required onsite, opening in 2031. A surplus of secondary school places is projected to exist for the majority of the plan period, with the need for a new secondary school not being reached during or beyond the plan period. However, the need for additional secondary places will kept under regular review.

4.67 Even where a surplus of school places exists to support the initial demands arising from an individual scheme, all developments in the OPDC area will ultimately benefit from the proposed new primary school or upgrades to existing schools, and so it is justified that all development contributes equally to such works. It also important to note that while surplus places may exist in a school, there

may still be a need for improvements or expansion of school facilities. As such, OPDC consider it appropriate that an education contribution is payable from all development generating demand on school places.

4.68 The basis of the £13,200 per pupil for the education contribution is the cost of delivering the identified new 3FE primary school facility and the pupil numbers projected from development to be delivered between 2024 to 2038.

4.69 Local demographics have changed significantly in recent years and are likely to continue fluctuating across the plan period, with implications for how school places are planned for. OPDC will continue to work with the local authorities to monitor education needs arising from development of the area as development progresses.

<b>Required from:</b>	<b>Policy Links:</b>
• Major residential development proposals	• TCC3 (Local Plan) • S1, S3 (London Plan)

4.70 OPDC's Infrastructure Delivery Plan (2021) identifies the need for two new community hubs to be delivered within the Local Plan period — one within Channel Gate and one to be provided elsewhere. Contributions towards the provision of these facilities will be required from developments. A number of other smaller community facilities already exist across the area. This includes dedicated community facilities, and informal commercial spaces that are utilised for community spaces. Such facilities are crucial for a range of local community activities and initiatives. OPDC will seek to protect such facilities, and where appropriate, secure contributions from developments towards their enhancement.

4.71 The basis of the £453 per unit contribution is based on planning contributions funding 50% of the costs of delivering the two new community hubs within the Local Plan period. Further information is provided in Appendix 1A.

<b>Required from:</b>	<b>Policy Links:</b>

- Major development proposals within Channel Gate and Old Oak South places

• TCC5 (Local Plan)

4.72 OPDC's Infrastructure Delivery Plan has identified the need for two new Sports and Leisure Facilities in the OPDC area, or alternatively one larger facility. These facilities have been identified for delivery within Channel Gate and Old Oak South places.

4.73 Where a scheme is expected to deliver a sports and leisure facility, developers should work closely with OPDC and the relevant local authority early in the planning process to determine the preferred approach to delivery, including through Community Use Agreements. Where the proposed facilities are to be privately owned and operated, secure and affordable public concessions access will be secured for those on lower incomes, families with children or others restricted from accessing private facilities.

DRAFT

## HOT 6: ENERGY AND SUSTAINABILITY

### Required from:

- All major development proposals where London Plan CO2 reduction targets are not achieved on site.

### Policy Links:

- **EU9 (Local Plan)**
- **SI2 (London Plan)**

[4.744.63](#) Policy SI2 of the London Plan (2021) requires major development to be net zero-carbon. However, it is recognised that in some cases this may not be technically achievable, and that carbon savings would be delivered more cost effectively off-site. Where it is demonstrated that this is the case, carbon off-setting payments will be secured through Section 106 agreements.

[4.754.64](#) The basis for carbon offsetting contributions will be an assessment of the completed development. In line with London Plan Policy SI2, this assessment should be on a whole life-cycle approach to fully capture a developments carbon impact.

[4.764.65](#) The offsetting cost of £95 per tonne has been tested as a nationally recognised non-traded price through the viability assessment of the London Plan (2021). This rate will be applied until OPDC adopts its own rate per tonne, or until updated Mayoral guidance is adopted.

### Required from:

- All major development proposals

### Policy Links:

- **EU4, EU10 (Local Plan)**
- **SI2 (London Plan)**

[4.774.66](#) OPDC's preferred approach to energy is to develop a strategically planned decentralised zero or low carbon energy network. OPDC is working with relevant stakeholders to examine the best way in which to deliver these projects, including the potential to capture excess heat from existing and proposed data centres in the area to provide heat to areas of new mixed-use development.

[4.784.67](#) In recognition of the timescales and costs involved in delivering a strategic area-wide or clustered approach, all new development must continue to comply with London Plan (2021) policy

and be designed so that it can plug into the zero/low carbon district networks/clusters and deliver on-site heating solutions. However, it is recognised that some uses, such as warehousing, may have low heating requirements and that it in these circumstances may not be appropriate to connect into such a network. Where this is the case, this should be discussed early in the application process with OPDC.

#### **OB6C: Air quality monitoring contribution**

- ~~a) An air quality monitoring contribution will be secured from all major development proposals. The value of the contribution will be calculated on the basis of~~
- ~~i. £25 per residential unit~~
  - ~~ii. £1 per sqm industrial floorspace~~
  - ~~iii. £2 per sqm all other uses~~

#### **Required from:**

- ~~• All major development proposals~~

#### **Policy Links**

- ~~• EU4 (Local Plan)~~
- ~~• SI1, SI2 (London Plan)~~

~~4.79 Air quality has a significant role to play in health and wellbeing, with poor air quality contributing towards illness and reduced life expectancy. Policy EU4 requires the delivery of air quality monitoring technology on or adjacent to specific sites across the OPDC area to monitor NO2 and PM10. These indicative locations have been identified through OPDC's Air Quality Study and are included in OPDC's Infrastructure Delivery Plan. The specific location of air quality monitoring technology will be determined through discussions with OPDC and the relevant local authority.~~

~~4.80 The air quality monitoring contribution will be secured towards the delivery of air quality monitoring technology, collection and analysis of air quality data, and ongoing maintenance of the equipment.~~

#### **OB6D: Biodiversity contribution**

- a) A biodiversity contribution will be secured from any proposals which result in the measurable net loss of biodiversity and where re-provision is not feasible on site. This will be measured as an overall increase with equivalent type and equal or greater amount off site in accordance with the DEFRA biodiversity metric.
- b) The contribution to be sought will be at least equal to the cost of re-providing biodiversity equivalent to what will be lost through development.
- c) OPDC will only require this obligation in exceptional circumstances where it is considered that it is appropriate compensation for the proposed loss of the existing on-site biodiversity.

#### **Required from:**

- All major development proposals that result in a measurable net loss of biodiversity and re-provision on site is not feasible

#### **Policy Links:**

- **EU2 (Local Plan)**
- **G6 (London Plan)**

4.814.68 Urban areas have the potential to provide new habitat and space for biodiversity and can be a refuge for species that are in decline. Biodiversity in urban areas can also make a positive impact towards people's health and wellbeing.

4.824.69 To support this, Local Plan policy requires proposals to avoid a net loss of existing biodiversity on site. Where it is demonstrated that this is not possible, a financial contribution will be

secured through Section 106 agreement to re-provide biodiversity of an equal or greater value off-site. OPDC will expect, as a priority, that biodiversity is protected and/or provided on-site. A financial contribution will only be deemed appropriate in exceptional circumstances and be used to re-provide biodiversity as close to the development site as possible.

4.834.70 Under the Environment Act 2021, all new planning permissions granted in England (with a few exemptions) will have to deliver at least 10% Biodiversity Net Gain (BNG). This requirement is currently expected in November 2023. BNG will be measured using DEFRA's biodiversity metric and habitats will need to be secured for at least 30 years. In exceptional circumstances when a financial contribution is being provided this will also be required to meet the 10% BNG requirement.

4.844.71 A biodiversity contribution may be used by OPDC to enhance the environmental quality of the Grand Union Canal, or to enhance the quality of the other biodiversity assets in the area including the Birchwood Nature Reserve and areas of the Wormwood Scrubs.

## HOT 7: EMPLOYMENT TRAINING AND SKILLS

### Required from:

- All development proposals outside of SIL where it is not appropriate to re-provide existing industrial floorspace

### Policy Links:

- **E2 (Local Plan)**

[4.854.72](#) OPDC's Local Plan seeks to re-provide (co-locate) industrial floorspace as part of new mixed use development outside of SIL, unless it can be demonstrated that it is not compatible or would compromise the delivery of relevant Place policies or Site Allocation targets.

[4.864.73](#) The requirement for the co-location (or re-provision) of floorspace suitable for broad industrial type activities will ensure that the legacy of economic, creative and cultural activity and vibrancy can continue as part of the area's future. The OPDC area is home to approximately 1,700 businesses, with around 95% of these being micro or small enterprises, covering a diversity of sectors. Retaining uses and businesses such as creative industries could help establish identity and support community cohesion, particularly during the early years of the development.

[4.874.74](#) Paragraph 9.18 of the Local Plan sets out the requirements to submit a Business Relocation Strategy and what these should include.

financial contributions towards this calculated under part b)

- b) A financial contribution will be secured to support Employment, Training, Skills (including off site skills and training centres) and Local Supply Chain Initiatives in the OPDC area from all major development proposals. This will initially be calculated on the basis of:
- i. £3,125 per job, apprentice and/or placement identified under part a)i)-ii); and
  - ii. A sliding scale of fees to support local supply chain initiatives and based on total development GIA:
    - 4,000-10,000sqm - £6,400



- 10,000 – 40,000sqm - £8,300
- >40,000sqm - £12,800

**Required from:**

- All major development proposals

**Policy Links:**

- **E5 (Local Plan)**
- **E11 (London Plan)**

4.884.75 OPDC's Socio-economic Baseline Study (2017) demonstrates that there are higher than average levels of long term unemployment across the local area, and that residents are less likely than the London average to have a degree level qualification.

4.894.76 OPDC will seek to play an active role, in partnership with local authorities, businesses, education bodies and other stakeholders, in ensuring benefits of development are shared by local communities. Contributions towards training and skills initiatives will be necessary to support this approach. Local residents are those whose primary residences are in boroughs of Brent, Ealing or Hammersmith and Fulham.

4.904.77 The obligations related to the use of local labour, skills and suppliers will also contribute towards reducing overall commuting journeys, minimising vehicle mileage and associated emissions. Given these benefits, they form a key part of the measures required to mitigate transport and environmental impacts to make development acceptable.

4.914.78 The method used in OB7B a)i) will be the starting point for calculating the number of opportunities during the construction stage that should be made available to local people, including as apprenticeships and work placements. OPDC recognise that different types of development and forms/methods of construction will affect construction periods and the numbers of construction jobs. OPDC will consider information on the projected construction jobs related to specific development proposals, where this is provided during the planning application stage, and consider this in relation to the calculation in order to agree and secure an appropriate contribution.

4.924.79 The current skills and training landscape is already highly fragmented and complex. In response to this, OPDC's priority is to work with partners including the host boroughs, the West London Alliance, developers and other stakeholders to coordinate activity through the Forge@Park Royal - reducing complexity and duplicity; ensuring key objectives are met, including those related to Equity, Diversity and Inclusion (EDI), and with clear oversight and monitoring. OPDC understands that it might be challenging in some circumstances to meet targets for a number of potential reasons, considering the specific nature of construction and build time amongst other things. However, the use of all reasonable endeavours should be employed to meet targets set out in OB7B and this could include working with OPDC's local recruitment and upskilling service Hub - The Forge@Park Royal – to deliver the obligations set out above. The Forge@Park Royal will be the primary target for financial contributions secured under OB7B. Delivery of dedicated on-site skills training centres, run by organisations set up for this purpose, or securing financial contributions towards this provision would be considered on a case by case basis. These would need meet the same objectives and benchmarks as the Forge, with a similarly high level of monitoring and scrutiny would be required.

4.934.80 In cases where new employment floorspace is being reprovided for an existing business within the OPDC area to relocate and no new end use jobs are being created as a result, alternative opportunities identified in OB7C will be considered such as offering work experience placements, outreach/ schools engagement etc.

4.944.81 Please refer to the Appendix 1B for further information on all of the above contributions.

### **OB7C: Local Labour, Skills and Employment Strategy and Management Plan**

- a) A Local Labour, Skills and Employment Strategy and Management Plan (LLSEMP) will be required for all major development proposals.
- b) The strategy element of the LLSEMP, identifying commitments related to local labour, skills/training and local supply chains, should be submitted as part of the applicant's socio-economic statement.
- c) Specific obligations regarding the provision of local labour, skills/training, apprenticeships and local supply chains will be secured as part of the Section 106 agreement, including:
  - Submission of a full LLSEMP.
  - Targets set out in OB7B above.
  - The number of apprentices and work experience placements.
  - Target for 10% of build cost to be spent on local suppliers during the demolition and construction (including fit out phases)
- d) The LLSEMP should detail how the agreed commitments would be delivered. The LLSEMP must relate to the demolition, construction, fit out and end use of the development and will be linked to the scale and nature of the proposed development. OPDC will work with applicants to determine the appropriate scope of the LLSEMP. It should consider a range of opportunities appropriate for the scale of the development and explain the delivery approach for:
  - Apprenticeships
  - Work Experience Placements
  - Use of Local Labour (during demolition, construction, fit out and end use/operational phases)
  - Outreach/schools engagement
  - On site skills training centres
  - Local Supply Chain
  - Coordination of the above. For large developments a dedicated workplace coordinator may be required.
- e) Applicants will also be required to submit appropriate monitoring reports to OPDC which will report on delivery of the elements included within the LLSEMP.

#### **Required from:**

- All major development proposals

#### **Policy Links:**

- **E5 (Local Plan)**
- **E11 (London Plan)**

4.954.82 The Local Labour, Skills and Employment Strategy and Management Plan (LLSEMP) is a necessary tool to ensure that major developments are meeting OPDC's socio-economic regeneration priorities, in particular that local communities share in the benefits that development of the area will bring.

4.964.83 Obligations will also be sought on the basis that the use of local labour, skills and suppliers will contribute towards reducing overall commuting journeys, minimising vehicle mileage and associated emissions. Given these benefits, the LLSEMP will form a key part of the measures required to mitigate transport and environmental impacts to make development acceptable.

4.974.84 The LLSEMP can be submitted to reflect the stages of a scheme – construction stage (including demolition, construction, fit out) and operational stage (end use). As a minimum, the LLSEMP should be submitted at least 3 months before commencement of the scheme in the case of a construction stage LLSEMP and 3 months prior to occupation for an operational stage LLSEMP. LLSEMPs should typically include, but not be limited to the following:

### *Jobs/skills/training opportunities*

- Development information e.g., total development costs (inclusive of all external works and infrastructure, as an indicative cost profile by phase), location, use classes, floorspace, start and end dates, phasing information.
- Labour demand forecasts and predicted skills requirements, including a breakdown of the specific employment opportunities and when they are anticipated to be available.
- % targets to recruit people from the local area (for the demolition, construction, end use jobs related to the development) based on OB7B. The local area will be considered as the three host boroughs of Hammersmith and Fulham, Ealing and Brent, or as otherwise agreed by OPDC.
- The provision of apprenticeship, work placement and training opportunities based on OB7B, including a breakdown of the specific opportunities and when they are anticipated to be available.
- % target of build cost to be spent on local suppliers during the demolition and construction (including fit out) phases.
- The delivery of any onsite skills training centres and details of the training programme(s).
- For all contractors/sub-contractors to use reasonable endeavours to pay the London Living Wage to employees.
- Specific approaches to delivering detailed requirements set out e.g., local labour targets, apprenticeships, work placements.
- Measures to proactively encourage applications from a diverse and representative audience and any groups that are under-represented in the workforce, including: women, Black, Asian and Minority Ethnic people, deaf and disabled people and ex-offenders.
- A commitment to inform OPDC of any job vacancies prior to them being more widely advertised (at least 10 working days) and to utilise appropriate local channels/projects when advertising any vacancies.
- The applicant should set out how they will communicate and pass down the LLS&SMP requirements to contractors, sub contractors and commercial tenants (i.e., written statements in contracts and tenancy agreements).

### *Outreach*

- Strategy for engaging with schools, colleges etc, working with careers guidance staff / providers, taking part in careers talks/events / fairs, hosting visits on site. This can also include other partners.

### *Local Supply Chain*

- Procedures to ensure local micro, small and medium sized businesses, and social enterprises (SMEs) have appropriate access to tender opportunities for the procurement of goods and services generated by the development both during and after construction, including sharing:
  - Details of scheme (proposals, size and construction cost).
  - An indicative timeframe of the construction stages. Timing and prior notification for when the first main construction contracts will be let and how and when further work packages are likely to be tendered as the development proceeds. An Annual Statement of Predicted Tender Work Packages should be provided to the OPDC by the developer and /or lead contractor.
  - The approach to engaging with and supporting local SMEs, including meet the buyer events and utilising OPDC's and the local authorities' supply chain and business support programmes to ensure that all appropriate companies are aware of upcoming tendering opportunities. Measures should aim to spend the targeted % of the total value of the construction and fit-out of the development, on local SME supply chain contracts.
  - The applicant should set out how they will communicate and pass down the LLESMP requirements i.e., a commitment to a written statement in any tender documentation sent out to contractors and sub-contractors informing them of the Section 106 obligations in relation to skills and employment and the contents of the LLESMP.

#### *Coordination and Partnership*

- Who is responsible for delivery of opportunities – developer, borough, joint responsibility, other partners.
- Any key organisations / partners that developers are working with to deliver the strategy.
- Approach to working with the local job brokerage services, including the commitment to inform OPDC of any job vacancies (during demolition, construction, and end use phases) prior to them being more widely advertised. As much notice as possible should be given to allow local job brokerage services and other partners to prepare candidates (a minimum of 10 days advance notice of vacancies prior to them being more widely advertised)
- The local channels that will be used to advertise jobs.
- For the large developments, the named dedicated Workplace Coordinator who would manage all of the opportunities.

#### *Monitoring and reporting*

- A named contact leading on the LLESMP strategy and its implementation.
- A named contact for the commercial tenants expected to occupy the development.
- How LLESMP delivery will be monitored, including KPIs, the monitoring information that will be collected and submitted to demonstrate that the requirements have been met.
- Applicants will be required to submit appropriate monitoring reports to OPDC which will report on delivery of the elements included within the LLESMP.

#### OB7D: Provision of affordable workspace

- a) The following targets will be used as the starting point for on-site delivery of affordable workspace.
- 5% of all (net) office floorspace should be delivered as onsite affordable workspace, where this would generate at least 2,000sqm of affordable space.
  - 5% of all (net) industrial floorspace should be delivered as onsite affordable workspace, where this would generate at least 3,000sqm of affordable space.
  - 10% of all (gross) commercial floorspace in mixed use development should be delivered as on site affordable workspace where this would generate at least 1,000sqm of affordable space.
- b) A lower quantum of floorspace (below these thresholds) may be considered appropriate for on site provision if it can be demonstrated that this would meet needs. Vice-versa, an in lieu contribution may be more appropriate for certain schemes above the thresholds. This would be considered on a case-by-case basis.
- c) The onsite provision should be offered at 80% discount for a minimum of 15 years, or represent an equivalent value to what is calculated in line with OB7E and must be operated by an Affordable Workspace Operator.
- d) The submission of an Affordable Management Strategy (AMS) for onsite provision will be required as part of the planning application process. This must provide evidence to demonstrate:
- that the affordable workspace has clearly been designed and will be managed and delivered in a way that meets the needs of Affordable Workspace Operators and the target end user
  - that Affordable Workspace Operator viability has been considered via a high-level business plan which shows:
    - indicative end user rents and landlord rent to operator range
    - how the proposed operating model would minimise the overall costs (including service charge and fit out costs) to Affordable Workspace Operators
    - rents to be confirmed as part of Affordable Workspace Management Plan

An Affordable Workspace Management Plan (WMP) will be secured through a Section 106 agreement

##### Required from:

- All development proposals with non-residential floorspace

##### Policy Links:

- E3 (Local Plan)**
- E3 (London Plan)**

#### OB7E: Securing affordable workspace value

- a) Financial contributions towards the off-site provision of affordable workspace will be required from office, industrial and mixed use schemes where on site provision is not being secured in accordance with OB7D
- b) In all cases (whether onsite or offsite), the principles and value of the affordable workspace will be secured via a Section 106 agreement and the affordable workspace value will initially be calculated based on the targets and values in the table below and in accordance with OB7D.

Value of Affordable Workspace discount	Unit	Step calculation	Notes
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Total floorspace	NIA (sq.ft)	(1)	Gross floorspace for mixed use schemes. Net uplift in floorspace for office and industrial schemes.
Proportion of floorspace which should be affordable	(%)	(2)	Office: 5% Industrial: 5% Mixed use: 10%
Total affordable floorspace	NIA (sq.ft)	(3) = (1)*(2)	
Market rent	£ per sq.ft	(4)	Market rent that would have been achieved for the discounted space. The applicant should include evidence.
Length of Affordable Workspace term	years	(5)	15
Affordable discount	(%)	(6)	Office: 80% Industrial: 80% Mixed use: 80%
SPD calculation discount factor	(%)	(7)	40%
Affordable Workspace value	£m	(8) = [(3)*(4)*(5)*(6)] * [1-(7)]	
<b>Required from:</b>		<b>Policy Links:</b>	
<ul style="list-style-type: none"> <li>All development proposals with non-residential floorspace</li> </ul>		<ul style="list-style-type: none"> <li><b>E3 (Local Plan)</b></li> <li><b>E3 (London Plan)</b></li> </ul>	

**4.984.85** The Local Plan seeks to protect, intensify and create workspaces that will meet the current and future needs of a diverse range of businesses. OPDC's evidence base<sup>1</sup> recommends that affordable workspace is provided as part of the overall mix of space delivered in Old Oak and Park Royal. This is needed to retain businesses; catalyse regeneration; support future employment growth sectors, local jobs, businesses; promote diversity, vibrancy and deliver social value.

**4.994.86** The definition of affordable workspace in the London Plan has been refined using evidence in OPDC's Affordable Workspace Study<sup>2</sup> and supplemented by a definition for Affordable Workspace Operator.

**4.1004.87** Affordable Workspace – workspace which overcomes a market failure for a specific social, cultural or economic development purpose. Any specific proposal should consider all the elements needed to provide a workspace that meets the requirements of the target end user. This will include the discount to market rent but also wider factors including total costs paid by the end user (business rates, service charge, operator costs), the fit out and size of the space, and support/facilities offered.

**4.1014.88** Affordable Workspace operator – an operator who can demonstrate via its constitution, accreditation or previous rents offered that its purpose is to provide space which is affordable to end users. The operator should also be able to provide evidence and targets for how it provides

<sup>1</sup> [OPDC Future Employment Growth Sectors Study](#)

<sup>2</sup> OPDC Affordable Workspace Study 2022

affordable space for one or more of the following: specific sectors that have social or cultural value; disadvantaged groups of any sector; delivery of education outcomes; and low turnover and early-stage businesses.

4.1024.89 The viability assessment supporting the Affordable Workspace Study has been updated (OPDC Affordable Workspace Study Addendum, 2023) to take into account current market conditions. The Addendum Report recommends that the affordable workspace targets should be retained with the intention that these are used as strategic targets for the whole OPDC area. It is acknowledged that there could be some developments where currently the viability might not support this level of affordable workspace and will have to depart from the recommendations. The appropriate affordable workspace contribution would in any case be negotiated on a case by case basis as part of Section 106 agreements. However, the evidence still demonstrates that it is broadly viable to deliver affordable workspace in many cases. To make the formula more closely reflect real world viability considerations, consideration has been given to other variables (rent free period, purchasers' costs and yields) that affect costs and income and the impact this would have. A percentage discount (set at 40%) is included as a final step in the formula to broadly account for these variables<sup>3</sup>. The 40% is based on assuming a rent free or void period of two years or less and assumed yields of between 5% and 6%. If these assumptions are not reasonable for a specific proposal, alternative values can be proposed to OPDC and the percentage discount adjusted if considered appropriate. Equally, OPDC may through a future revision to this SPD, adjust the discount if these assumptions change – for example, if yields decrease in the future. This provides OPDC with the ability to maximise contributions throughout varying macro cycles over the life of the Local Plan.

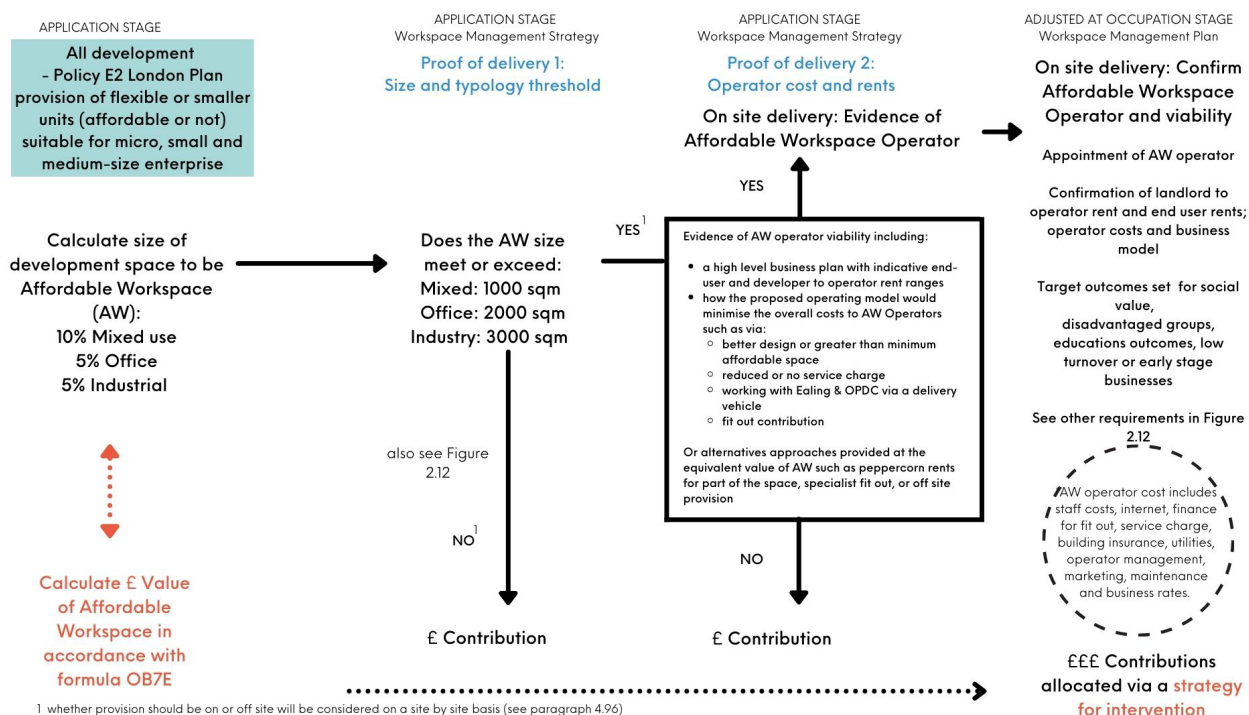
4.1034.90 OPDC's Affordable Workspace Study also sets out a series of recommendations on how to successfully secure and deliver viable affordable workspaces. In line with the thresholds in the study, the starting point for negotiations is that affordable workspace should be delivered on site, if the amount of floorspace being provided is affordable and viable from an affordable workspace operator and end user perspective. Thresholds for on site provision are given in OB7D which are informed by evidence in OPDC's Affordable Workspace Study. However, developers should engage early with OPDC at the pre-application stage as, in some cases, a lower quantum of on-site affordable workspace may be considered appropriate and, vice-versa, an in lieu financial contribution may be more appropriate where schemes are above the thresholds and an alternative approach could support the more effective delivery of affordable workspace. A portfolio based approach across sites in the OPDC area, where this would meet the same objectives, would be considered on its merits. OPDC's Affordable Workspace Study identifies the process for securing affordable workspace which is illustrated in Figure 2.1. Further commentary on each stage is set out in Figure 2.2.

*Figure 2.1 Affordable workspace delivery summary*

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<sup>3</sup> The discount seeks to bring the contribution closer to a valuation approach, taking account of developer costs associated with income and yields. It is by no means a full development appraisal – there are many other factors that would affect an appraisal. The discount aims to be a simple way to adjust the formula to make the financial contribution more realistic but inevitably there will be site specific considerations it does not factor in.





**Figure 2.2: Affordable workspace delivery detail**  
*Pre-application*

The value of the affordable workspace contribution and approach to delivering affordable workspace should form part of early discussions with OPDC.

Throughout pre-application meetings, if delivery is on-site, the applicant would outline their plan for the space (whether it would be managed, size, design etc) and their proposed solution for how it would be affordable for the end user and deliver social value. OPDC will feedback and work with the applicant to agree the objectives.

### *Planning application*

At this stage, if delivery is on site, the applicant should submit evidence as part of an Affordable Workspace Management Strategy (WMS), outlining the size of the affordable workspace provision, whether it would be managed and the operator details (if known), target end users, how it will be affordable, and detail on the design and fit out etc. This should address the following proof of delivery tests:

**Proof of delivery 1 (size and typology threshold)** – The WMS should provide proof of delivery related to size and how the space has been broken into a number of smaller units, and how this compares with the minimum size for any on-site provision of affordable space.

On site provision may be accepted at less than the minimum threshold where affordable workspace objectives can still be delivered. For example, this could include:

- An OPDC Affordable Workspace Vehicle is in operation that will facilitate the viable use of smaller properties
- The space will be let directly to the end user with a requirement for social, cultural value or public benefit



- An Affordable Workspace Operator that manages a nearby building has provided written agreement to operate as part of a portfolio
- Proposed letting model is able to facilitate an operator and at lower operator/end user cost (for example no service charge, size that qualifies for small business rate relief, lower staff costs through sharing, Category B fit out contribution)
- A smaller space could have other important benefits in this location. For example, smaller Affordable Workspace on the high street could accommodate small businesses, such as makers or creatives, helping to improve the vitality and vibrancy of the area

Vice versa, financial contributions in lieu of on site provision may be considered acceptable where OPDC considers off-site provision to help better meet affordable workspace needs.

The value of the affordable workspace contribution would initially be calculated based on the table in OB7E.

Proof of delivery 2 (Operator cost and rent) – If on site provision is required the applicant will need to provide (within the Workspace Management Strategy) details of their affordable workspace operator or evidence of their engagement with and assessment of operator costs and the most effective way to deliver the affordable workspace given the calculated value of the affordable workspace (see OB7E).

This should also include evidence of Affordable Workspace Operator viability via a high-level business plan which shows:

- indicative end user rents and landlord rent to operator range
- how the proposed operating model would minimise the overall costs (including service charge and fit out costs) to Affordable Workspace Operators

The applicant must also outline how the affordable workspace provision would address needs.

There may be several reasons to deviate from the targets in OB7D, to ensure that the space best meets the needs of the target end user. Flexibility will be considered as long as the applicant can demonstrate the need – the standard of proof will be greater the further the proposal moves away from the recommendations of the Affordable Workspace Study – and the alternative should still deliver the equivalent financial value of affordable workspace, based on the calculation in the table in OB7E.

There are many ways the proposal could achieve an equivalent value: it could provide a deeper discount or additional fit out for specific business (eg lab fit out for life science incubator where a market failure and affordable workspace operator viability has also been demonstrated). The value equivalent must demonstrate that it meets the requirement of the target end user and achieves social, economic and cultural goals of the policy.

#### S106

On-site provision would be secured through the Section 106 agreement. A financial contribution in lieu of on-site provision would be secured via the Section 106 agreement and the value of this contribution would be based initially on the table in OB7E. If on-site provision is required, then the Section 106 agreement will secure the submission and approval of a Workspace Management Plan (WMP) 10 months before occupation. The WMP will provide specific details on how the affordable workspace value will actually be delivered/spent, including:

- a) How it will be managed, including confirmation of the Affordable Workspace Operator and evidence to show they meet the definition of an Affordable Workspace Operator.

- b) Any changes to rent and operator cost information provided in the WMS.
- c) Terms on which the Affordable Workspace will be let to ensure affordable to target end user: discounted rents, rates, service charges and operator costs.
- d) Types of business that the space will be let to via a tenant allocation strategy
- e) Marketing strategy – including community engagement and provision for local needs
- f) Fit out of the Affordable Workspace and how that meets end user needs.
- g) Business support offered to occupants.
- h) Reporting requirements on an annual basis (businesses occupying space, when it was occupied, annual rent, discount, service charge, social value outputs).
- i) If not otherwise covered, how the management of the space addresses the criteria set out in Appendix 1C.

The Section 106 agreement will also set out appropriate mechanisms to review and monitor the approach.

*Post application*

The delivery of the WMP will be monitored.

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## HOT 8: VIBRANCY

### OB8A: Submission/delivery of Meanwhile Strategy

- a) All major developments are required to submit a Meanwhile Feasibility Study.
- b) A Meanwhile Strategy will be required where an applicant's Meanwhile Feasibility Study finds that the development proposals are appropriate for meanwhile activities. This may be secured via either condition or Section 106 agreement, depending upon the scale and contents of the strategy.

#### Required from:

- All major development proposals that are appropriate for meanwhile uses

#### Policy Links:

- **TCC8 (Local Plan)**
- **D8 (London Plan)**

[4.1044.91](#) Meanwhile uses are recognised as a valuable tool for enabling early delivery of longer term regeneration and development proposals. Meanwhile uses will play a key role in early place making in the OPDC area, and major development proposals will be required to include them within their delivery programme.

[4.1054.92](#) The strategy should identify:

- a) The types of meanwhile uses considered appropriate and how this can meet need and support regeneration, place making and the longer term success of the development;
- b) The proposed approach, including details on timescales, phasing and how the proposal would complement surrounding developments and the long-term place making vision for the area;
- c) The proposed approaches to engaging with potential occupiers, including incentivising local business start ups and organisation, and
- d) The proposed approaches to enable meanwhile uses to occupy permanent structures in the development, such as providing support, staggered rental rates and offering right of first refusal.

### OB8B: Management of town centre uses

- a) A Town Centre Uses Statement is a requirement for schemes delivering town centre uses that exceed the thresholds set out in paragraph 10.11 of Policy TCC1 of the Local Plan. Where appropriate to ensure the proper delivery and management of town centre uses OPDC may seek to secure elements of the Town Centre Uses Statement through a Section 106 obligation.

#### Required from:

- All major development proposals delivering town centre uses that exceed the thresholds in Policy TCC2

#### Policy Links:

**TCC1, TCC2 (Local Plan)**

[4.1064.93](#) Paragraph 10.11 of Policy TCC1 of the Local Plan requires development proposals that 5,000sqm of town centre uses in the Old Oak Major Town Centre or 2,500sqm of town centre uses elsewhere to include within their Planning Statement a Town Centre Uses Statement.

[4.1074.94](#) The statement should include:

- a) a vision statement identifying and evidencing the target market for the town centre use, details of unit specification, examples of comparable tenants and planning conditions or obligations being proposed by the applicant; and a
- b) masterplan detailing the proposed quantum and phasing of town centre use and how these would relate to existing and planned town centre uses on adjacent sites and a statement highlighting how the proposals would support the wider place making objectives of the Local Plan.

4.1084.95 Generally, the elements set out within Town Centre Uses Statement should be delivered through the schemes design with elements secured through conditions on the grant of planning permission. Depending on the content of the Town Centre Uses Statement, OPDC may consider it appropriate to secure certain elements within the Section 106 agreement where this will help to ensure their proper delivery and management in line with Local Plan objectives.

#### **OB8C: Supporting viability of existing town centres**

- a) Obligations will be secured from schemes exceeding the following thresholds and are deemed to have a significant adverse impact upon Harlesden Town Centre, or other town centres in the surrounding area:
  - i. 5,000 sqm of town centres uses in the Old Oak Major Town Centre; or
  - ii. 2,500sqm of town centre uses elsewhere.
- b) Obligations will include:
  - i. details of how proposed links with relevant town centre(s) would be designed, delivered and their timescales; and/or
  - ii. financial contributions to measures that would mitigate any identified significant adverse impacts to the centre.
- c) Where financial contributions are sought, these will be based on the level of the adverse impact from the scheme and will take into account the degree to which these have been offset by improved linkages and other approaches.

#### **Required from:**

- Major developments adversely affecting Harlesden or other town centres

#### **Required From:**

- **TCC1 (Local Plan)**

4.1094.96 Harlesden is the closest town centre to the OPDC boundary. The centre is designated as a District Town Centre. OPDC's Retail and Leisure Needs Study shows that due to its scale and proximity, the centre is likely to be the most impacted by the new town centre hierarchy within the OPDC area. There will be significant opportunities for Harlesden to try and capture trade from the new population and there is also a need to ensure that any risks to the functioning of the centre are appropriately mitigated.

4.1104.97 To explore and support opportunities for the centre, schemes caught by the relevant threshold will need to engage early with OPDC and the boroughs to consider, where required, contributions to measures that would potentially support the continuing viability and vitality of the centre. These measures may include gateway improvements to the town centre, public realm enhancements and urban greening, and marketing/branding initiatives.

#### **OB8D: Supporting early activation and community art initiatives**

- a) Where appropriate, obligations may be secured from major development proposals to support projects which contribute towards the early activation of the OPDC area, including community based projects, events or other initiatives which build upon the art, culture and heritage of the local area.
- b) Obligations may include in-kind measures and/or financial contributions and will be based on the scale, nature and context of the proposed development.

#### **Required from:**

- Major developments where appropriate

#### **Policy Links:**

- **TCC4 (Local Plan)**

4.1114.98 OPDC is continually working with the local community to deliver activities, events and projects which are centred on early activation, celebrating local communities and ensuring art, culture and heritage are key themes in the regeneration of the area. Early activation in advance of permanent development will be necessary to establish a distinctive character and sense of place for the new community being created through regeneration.

4.1124.99 OPDC will work with developers to identify opportunities to deliver such projects alongside emerging schemes. Where appropriate, and where opportunities for projects exist, financial contributions may be secured to support the delivery of such projects.

## HOT 9: DESIGN AND HERITAGE

### OB9A: Design monitoring

- a) Provision for a Design Team Statement will be secured through the Section 106 agreement, which should set out how the lead architects of the scheme at planning application stage will be retained to oversee the detailed design of the scheme following the grant of permission for:
- applications pursuant to design related conditions of the grant of planning permission;
  - applications for a non-material amendment pursuant to Section 96A of the TCPA 1990; and
  - applications for variations to conditions pursuant to Section 73 of the TCPA 1990.
- b) Provision for a design monitoring contribution will be secured where the lead architects are not retained as requested under a). The contribution may only be related to the reasonable costs incurred by OPDC in procuring design advice in reviewing relevant applications and will be capped at a maximum of £50,000.

#### Required from:

- All major development proposals

#### Policy Links:

- Principles for Securing High Quality Design (Local Plan)**
- D4 (London Plan)**

[4.1134.100](#) Detailed design proposals or amendments to the design of major applications following planning permission can have a significant impact on the quality of the design if the changes are unsympathetic to the design concepts developed by the original scheme architect. Where the original architect is not retained to oversee the construction phase of the development and champion design quality, there is an increased risk that design quality of the development could be eroded through inappropriate detailed design and design changes.

[4.1144.101](#) In this first instance, a Design Team Statement should be provided setting out details of the design team involved in the scheme post approval. If the original architect and/or landscape architect is not retained then a financial contribution will become payable. If it is required to be paid the financial contribution will be used by OPDC to secure design advice on the approval of design details, and for any applications for revisions to the scheme design. This is to ensure design quality is maintained throughout the detailed design stages and in respect of any proposed design changes.

### OB9B: Heritage at Risk contribution

- a) Contributions will, where appropriate, be sought from schemes located within, or within a setting of, a relevant conservation area or which impact upon a relevant heritage asset that are identified on the national Heritage at Risk Register.
- b) Where appropriate, contributions may also be sought from schemes located within, or within a setting of, heritage assets not on the national Heritage at Risk Register.
- c) The level of contribution will reflect the scale of impact of the development on the historic environment and will be informed by site analysis and character appraisals submitted as part of the planning application.

#### Required from:

- Development proposals located within or close to a conservation area or impact upon a relevant heritage asset

#### Policy Links:

- D7 (Local Plan)**
- HC1 (London Plan)**

4.1154.102 At the time of publication, relevant heritage assets on the national Heritage at Risk Register include the St Mary's Conservation Area and Kensal Green Cemetery Grade 1 Listed Registered Park and Garden. OPDC is not responsible for maintenance of these as they are adjacent to the OPDC area. However, they contain a number of heritage assets which are identified by Historic England to be at risk. Where appropriate, in particular where there is a clear value added to the development proposal from the setting of the heritage asset, contributions to support the conservation and enhancement of heritage assets at risk will be secured.

4.1164.103 Requirements for development to contribute towards heritage assets will be determined on a site-by-site basis for development within, adjacent or within the setting of assets such as conservation areas or listed buildings. The setting of an asset is not limited to its curtilage and is defined as the physical and non-physical environment in which the asset is experienced, including consideration of views to and from the asset, noise, dust and vibration during construction, spatial associations, archaeology, and the historic relationship between places.

4.1174.104 OPDC will work with Historic England, London Borough of Hammersmith and Fulham and Royal Borough of Kensington and Chelsea and other stakeholders to remove these from the Heritage at Risk Register.

4.1184.105 Where appropriate and agreed with OPDC, contributions may also be sought for other designated and non-designated heritage assets not on the national Heritage at Risk Register.

## HOT 10: Section 106 Monitoring

### OB10: Section 106 monitoring contribution

- a) To support the effective monitoring and administration of obligations, a monitoring contribution will be applied to all Section 106 agreements. The basis for the monitoring contribution will be:
- 1.5% of total financial contributions in the agreement where the amount has been specified; and
  - £500 charge for each non-financial obligation included in the agreement, and each financial obligation where amount has not been specified.
- b) Where the calculated monitoring contribution exceeds £50,000, an appropriate monitoring contribution shall be negotiated with the applicant.

#### Required from:

- All major development proposals

#### Policy Links:

- DI4 (Local Plan)

4.1194.106 In publishing updated CIL regulations in 2019, government has clarified that Local Planning Authorities are entitled to seek monitoring contributions to cover the costs involved in monitoring the implementation of Section 106 agreements. The same regulations also include an increased burden on authorities with regards to monitoring, in particular the requirement to publish an Infrastructure Funding Statement on an annual basis.

4.1204.107 Monies received via this monitoring fee will be used by OPDC to fund resources for monitoring the provisions secured via Section 106 agreement, including both the discharge of obligations by the applicant, and subsequent use of planning contributions by OPDC and other bodies.

4.1214.108 Separate monitoring contributions for specific obligations which require the procurement of specialist services will still be sought as required.

4.1224.109 The basis of the monitoring contribution has been benchmarked against other local authorities in London.



## **5. Management and Monitoring of the Developments, S106 Agreements and Obligations**

### **Governance and Expenditure Process**

- 5.1 In 2018, OPDC Board approved the establishment of the Planning Obligations Advisory Group (POAG) to steer prioritisation of Section 106 projects and make recommendations in respect of Section 106 spend. The POAG is an officer level group, formed of senior officers from the OPDC and the three host local authorities. The first meeting of the POAG was held in November 2018 and the group has continued to meet quarterly to review proposals for spend of Section 106 monies and discuss priorities for projects to be funded via Section 106 contributions.
- 5.2 Final decisions on expenditure of Section 106 monies are delegated to OPDC's Chief Operations Officer (COO), whose decisions are informed by the recommendations of the Planning Obligations Advisory Group.
- 5.3 Planning contributions will always be allocated in line with the conditions set out in the Section 106 agreement for the relevant contributions. Given the time that can pass between when a Section 106 agreement is finalised, and when development progresses and contributions are received, the priorities for what planning contributions should be allocated towards may change. To ensure flexibility exists to respond to changing priorities and new opportunities, provision will be included in Section 106 agreements for OPDC and applicants to agree in writing a reallocation of monies for purposes other than those set out in the Section 106 agreement.

### **Monitoring**

- 5.4 OPDC will monitor all contributions agreed through Section 106 agreements, both financial and non-monetary. In accordance with the CIL Regulations (2019) any local planning authorities who collect or spend planning contributions are required to publish an Infrastructure Funding Statement (IFS) on annual basis. In publishing its IFS, OPDC will set out the planning contributions that have been secured, received and spent by OPDC within the relevant monitoring period. It will also summarise the overall planning contributions secured, received and spent by OPDC since its establishment.
- 5.5 In addition to the IFS, OPDC will also ensure that its Infrastructure Delivery Plan (IDP) is updated on an annual basis to reflect the delivery of infrastructure projects necessary to support the Local Plan, and to reflect changes to the infrastructure requirements in the area over time.

### **Fees**

- 5.6 Applicants will be required to pay OPDC's reasonable legal fees incurred in settling the section 106 agreement, or in a deed of variation to a Section 106 agreement.
- 5.7 Applicants will be expected to pay OPDC's reasonable fees for auditing the development appraisals which they provide during the application and Section 106 negotiation processes; and for the review of any viability re-appraisals that are submitted pursuant to the requirements of the Section 106 agreement in accordance with the London Mayor's Affordable Housing and Viability SPG.

### **Trigger for Payments**

- 5.8 OPDC will, in the first instance, seek that financial contributions are payable on the commencement of a scheme. Payments at later stages will only be considered where particular challenges exist which compromise the delivery of a scheme.
- 5.9 For larger schemes which are to be delivered in phases, financial contributions may be paid in instalments based on a pro rata basis upon the commencement of each phase. In such cases, as phasing plan should be included within the Section 106 agreement.

### **Index Linking**

- 5.10 All payments set out in Section 106 agreements will be indexed from the date that costs were agreed or from the committee date when it was resolved that planning permission should be granted subject to a Section 106 agreement using either the Retail Price Index (RPI) for non-capital financial contributions (e.g.: employment and training contributions) or the Building Cost Information Service (BCIS) Index for financial contributions towards a specific building or facility. The legal agreement will set out how the payment plus index linking will be calculated and the relevant index. Negative inflation will not be taken into account.
- 5.11 Where specific costs have been referenced in this SPD, these costs will be indexed from the date of publication.
- 5.12 Obligations in existing agreements will continue to be indexed as set out in those agreements.

### **Interest**

- 5.13 All agreements will include requirements for interest to be paid on outstanding contributions if payments are made late.

### **Receipt of Obligations**

- 5.14 Unless otherwise stated in the individual obligation, all financial contributions set out in OPDC's Section 106 agreements will be payable to OPDC. In some cases, where an application has been determined by the London Boroughs of Ealing or Brent under the scheme of delegation, financial contributions may be payable to the relevant borough.
- 5.15 OPDC recognises that Local Authorities remain responsible for the delivery of a number of services, including education, waste, open spaces and highways. Where funds will be more appropriately spent by Local Authorities and/or other bodies who are responsible for the delivery of these services, for example payments for improvements to education services, OPDC will pass the monies to the relevant service provider for delivery within agreed timescales.
- 5.16 Funds will only be passed to other organisations to be spent subject to a funding agreement with OPDC and following approval of a Section 106 agreement by OPDC's Chief Operating Officer following review by the Planning Obligations Advisory Group.

## 6. Glossary

Accessibility	they are available. It also refers to the extent of barriers to movement for users
Affordable housing	This includes social rented, affordable rented and intermediate housing, for future eligible households or for the subsidy to be recycled for alternative
Affordable Rent	Affordable rented product based on up to 80% of market rent. The Mayor of
Affordable workspace	Workspace that is provided at rents maintained below the market rate for that space for a specific social, cultural, or economic development purpose. It can be provided directly by a public, charitable, or other supporting body; through grant and management arrangements (for example through land trusts); and/or secured in perpetuity or for a period of at least 15 years by planning or other
Amenity	The desirable or useful features of a building or place which support its ongoing use and enjoyment by building occupants, residents, visitors, workers etc. It is usually understood to mean visual and aural amenity. Factors relevant to presence of any feature of historic, architectural, cultural or similar interest), daylight, sunlight, outlook, privacy, air quality, effects of wind, odour, noise and vibration. Amenity should be preserved, so potential impacts need to be
Biodiversity	This refers to the variety of plants and animals and other living things in a particular area or region. It encompasses habitat diversity, species diversity and Biodiversity has value in its own right and has social and economic value for
Built to Rent	A development, or block/ phase within a development, under unified ownership and management which are held under a Built to Rent covenant for at least 15
Business	A commercial operation or company.
Car club	A car club provides its members with quick and easy access to a car for hire. Members can make use of car club vehicles as and when they need them.
Character	Character is created by the interplay of different elements, including the physical or built elements that make up the place, the cultural, social and

	economic factors which have combined to create identity, and the people associated with it through memories, association and activity.
Circular Economy	Circular economy is an alternative to a traditional linear economy (make, use, dispose) in which resources are kept in use for as long as possible, extracting the maximum value from them whilst in use, then recovering and recycling products and materials at the end of each service life.
Co Living	A form of purpose-built shared housing where residents share spaces and facilities.
Communal Open Space	Open spaces forming part an estate or block intended for use by residents of the respective estate or block. They are distinguished from publicly accessible open spaces or other public land open to members of the public by clearly defined boundaries.
Community facilities/uses	Facilities such as libraries, places of worship, halls for hire, youth space and training and meeting space. This list is not exhaustive and other uses can be included.
Community Infrastructure Levy (CIL)	Standard charge determined by the Local Planning Authority and levied on new development (an amount per square metre). The monies raised will be used to pay for infrastructure.
Conservation Area	This is an area of special architectural or historic interest (the character of which it is desirable to preserve or enhance) designated by a Local Planning Authority under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. A Conservation Area is a type of designated heritage asset.
Construction Logistics Plan	Plans which aim to improve the sustainability of construction freight movements by establishing site management and procurement processes to reduce the impact of construction traffic on the road network.
Data Infrastructure	Digital infrastructure which may include technology, processes or organisations which manage and assess data.
Decentralised Energy	Networks supplying heat, cooling and electricity from a central/local source directly to homes and businesses.
Development	Development, as defined under the 1990 Town and Country Planning Act, is “the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change in the use of any building or other land”. Most forms of development require planning permission.
Development Plan Document (DPD)	Planning policy documents which make up the Local Plan. They guide development within a local planning authority area by setting out the detailed planning policies, which are used in determining planning applications.
District centre	Provide convenience goods and services for local communities and are accessible by public transport, walking and cycling. Typically, they contain 10,000–50,000 sqm of retail, leisure and service floorspace.
Elizabeth Line	The Elizabeth Line is the new high frequency, high-capacity service linking stations in Reading, London and the South East. This includes new connections and stations between Reading and Heathrow in the West to Shenfield and Abbey Wood in the east.

Employment	The state of having paid work or a job. Employment capacity is how many jobs are being provided and Employment density is a measure of how many jobs per square metre of space being created.
Employment Uses	Uses which directly generate employment through business activities.
Energy efficiency	Making the best or most efficient use of energy in order to achieve a given output of goods or services, for example in heating, lighting or providing other power output for use within buildings.
Equitable Equalisation Mechanism	An arrangement to ensure that each developer contributes appropriately and proportionately to infrastructure provision. The arrangement would consider funding, provision of land or the direct delivery of infrastructure as a contribution and would look to attach a value to each of these, in order that contributions between different developers can be compared and fairly distributed.
Family Housing	Housing which has 3 or more bedrooms.
Genuinely Affordable Housing	Homes that are affordable to the types of households that they are aimed at and are below market prices.
Greater London Authority (GLA)	The GLA is the strategic citywide government for London. It is made up of a directly elected Mayor (the Mayor of London) and a separately elected Assembly (the London Assembly).
Green Infrastructure	The multifunctional, interdependent network of open and green spaces and green features (e.g. green roofs). It provides multiple benefits for people and wildlife including: flood management; urban cooling; improving physical and mental health; green transport links (walking and cycling routes); ecological connectivity; and food growing. Green and open spaces of all sizes can be part of green infrastructure provided they contribute to the functioning of the network as a whole.
Green Streets	Streets that, through a variety of design and operational treatments, give priority to pedestrian circulation and green infrastructure and which may be considered as publicly accessible open space. Green Streets should not be accessible to vehicles, aside from limited access for servicing and deliveries where appropriate.
Habitable Rooms	Any room used or intended to be used for sleeping, cooking, living or eating purposes. Enclosed spaces such as bath or toilet facilities, service rooms, corridors, laundries, hallways, utility rooms or similar spaces are excluded from this definition.
Healthy Streets	The Healthy Streets Approach is the system of policies and strategies to help Londoners use cars less and walk, cycle and use public transport more.
Heritage asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets fall into two categories: designated (such as Conservation Areas and Statutory Listed Buildings); and non-designated (such as Locally Listed Buildings, Areas of Local Character and Buildings of Local Heritage Interest)
High Speed 2 (HS2)	High Speed 2 is a planned rail line dedicated for high speed trains that will connect London to Birmingham after 2028 and then, along a Y shaped route, to

	Crewe and Manchester in the West and the East Midlands, South Yorkshire and Leeds in the East from 2033.
Housing tenure	<p>Housing Tenure broadly falls into two categories:</p> <ol style="list-style-type: none"> <li>1) Owner-occupied; and</li> <li>2) Rented.</li> </ol> <p>Owner-occupied includes accommodation that is owned outright or with a mortgage. Shared ownership can also be included under this category. Rented Accommodation can be:</p> <ol style="list-style-type: none"> <li>1) privately rented – all non-owner-occupied property other than that rented from a local authority or housing association.</li> <li>2) Social rented from private registered providers or Local Authorities (these include social rent, affordable rent (up to 80% of the market) and intermediate rent).</li> </ol>
Inclusive design	Inclusive design creates an environment where everyone can access and benefit from the full range of opportunities available to members of society. It aims to remove barriers that create undue effort, separation or special treatment, and enables everyone to participate equally in mainstream activities independently, with choice and dignity.
Industrial Business Park (IBP)	Strategic Industrial Locations (SIL) that are particularly suitable for activities that need better quality surroundings including research and development, light industrial and high value general industrial, some waste management, utility and transport functions, wholesale markets and small scale distribution. They can be accommodated next to environmentally sensitive uses.
Industrial Floorspace	Space dedicated to uses which can be categorised as broad industrial type uses.
Industrial Land or Areas	Land in Strategic Industrial Locations, Locally Significant Industrial Sites and other industrial sites.
Infrastructure	<p>Services that are necessary for the day-to-day functions of the community and economy such as roads, railways, and social and community facilities.</p> <p>Infrastructure includes open spaces, utility services, transport, schools, health and leisure services, and energy.</p>
Local Parks	Open Spaces greater than 2 hectares providing for court games, children's play, sitting out areas and/or nature conservation areas. Such spaces may accommodate both hard landscaped civic places and/or green landscaped places.
Local Plan	The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.
Social Rent (Including London Affordable Rent)	Low-cost rented homes intended for low-income households, typically nominated by London Boroughs, who are unable to secure or sustain housing on the open market. Social rents are derived from a national formula which

	takes into account housing costs and local incomes. The Mayor of London also established London Affordable Rents and provides benchmark rents.
London Living Rent	An intermediate Rent to Buy product with locally specified, sub-market rents on time-limited tenancies.
London Living Wage	The London Living Wage is an hourly rate of pay, as estimated by the Greater London Authority, to give a worker in London and their family enough to afford the essentials and to save. However, unlike compulsory wages, businesses choose to pay their employees the London Living Wage.
London Plan	The Spatial Development Strategy for London prepared by the Mayor of London, which the Local Plan must be in general conformity with.
Low Carbon	Causing or resulting in only a relatively small net release of carbon dioxide into the atmosphere.
Major development	Development involving any of the following: 1) Mineral working and deposits; 2) Waste development; 3) The provision of dwellings where: 10 or more dwellings are being provided; or if number not given, development on a site of over 0.5ha; 4) the creation of more than 1,000sqm of floorspace; or 5) development on a site of 1 or more hectares.
Major Town Centre	Typically serve a borough wide catchment, and contain over 50,000 sqm of retail, leisure and service floorspace with a relatively high proportion of comparison goods. They may also have significant employment, leisure, service and civic functions.
Major Town Centre	As per Annex B of the London Plan, Major Town Centres are typically found in inner and some parts of outer London with a borough wide catchment. They generally contain over 50,000 sq.m of retail, leisure and service floorspace with a relatively high proportion of comparison goods relative to convenience goods. They may also have significant employment, leisure, service and civic functions.
Masterplan	Depiction of how an area could be developed.
Mayoral Development Corporation	An organisation created by the Mayor of London under the Localism Act 2011.
Meanwhile Uses	A catch all title adopted in recent years to describe a diverse range of temporary uses on land and property awaiting longer term development. Meanwhile uses could include shops, cafes, bars, business space and culture, sports and leisure space. They can also include hoardings or open space or food growing space.
Medium Businesses	Businesses employing less than 50 people.
Mixed use development	A well integrated mix of different land uses which may include retail, employment, leisure and other service uses) with decent homes of different types and tenures to support a range of household sizes, ages and incomes.
National Planning Policy Framework (NPPF)	Originally published on 27 March 2012 and updated on 24 July 2018, 19 February 2019 and 20 July 2021, the NPPF sets out the government's planning

	policy framework for England and how these are expected to be applied. It sets out the government's requirements for the planning system. It provides a framework within which local people and their accountable local planning authorities can produce their own distinctive Local and Neighbourhood Plans, which reflect the needs and priorities of their communities.
National Planning Practice Guidance (NPPG)	The NPPG provides more detailed information on topics covered by the National Planning Policy Framework.
Neighbourhood Plans	A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area.
OPDC Area	The area of land located within the administrative boundary of the OPDC.
OPDC Environmental Modelling Framework	An Environmental Modelling Framework created by OPDC, identifying which methodologies are most effective in measuring appropriate levels of amenity in high density areas as per Policy D5 (Amenity) of the Local Plan.
Open space	All land that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use. The definition covers a broad range of types of open space, whether in public or private ownership and whether public access is unrestricted, limited or restricted.
Opportunity Area	London's principal opportunities for accommodating large scale development to provide substantial numbers of new employment and housing, each typically has capacity for more than 5,000 jobs and/or 2,500 homes, with a mixed and intensive use of land and assisted by good public transport accessibility.
Place	The result of a complex interplay of different elements, e.g. the cultural and social factors which have combined to create identity, the physical or built elements that make up the place and the people associated with it through memories, association and activity. Also referred to as 'sense of place'.
Place making	Recognising the distinctiveness of individual locations in plans, policies and proposals, and responding accordingly.
Public realm	This is the space between and within buildings that is publicly accessible, including streets, squares, forecourts, parks and open spaces.
Public Transport Accessibility Level	A detailed and accurate measure of the accessibility of a point to the public transport network, taking into account walk access time and service availability. PTALs reflect: walking time from the point-of interest to the public transport access points; the reliability of the service modes available; the number of services available within the catchment; and the level of service at the public transport access points - i.e. average waiting time. PTALs do not consider: the speed or utility of accessible services; crowding, including the ability to board services; or, ease of interchange.
Publicly Accessible Open Space (or Public Open Space)	Spaces such as public parks, commons, heaths and woodlands, civic spaces and other open spaces with established and unrestricted public access. Publicly Accessible Open Space may be owned and/or managed by either a local authority or private agency.
Publicly Accessible Private Realm	Land which is owned privately but is proposed to be made available to the public on the basis of Local Plan Policy D1.



Purpose Built Shared Housing	Housing schemes developed for the specific purpose of co-living or other forms of shared accommodation, where occupants have private bedroom suites, but share communal facilities including kitchens and dining areas, entertainment spaces and social spaces, and leisure and servicing facilities.
Retail Price Index (RPI)	Retail Price Index - measure of inflation published monthly by the Office for National Statistics.
Review mechanism	Legal clauses which provide trigger points to review planning obligations and the ability to re-assess the level of relevant affordable housing contributions (i.e. if viability improves due to increases in land/sales values).
Section 106 agreement	Section 106 of the Town and Country Planning Act 1990 allows a consenting authority such as OPDC to enter into legal agreements with developers to fund or deliver certain works to make development proposals acceptable in planning terms. This might include the amount of affordable housing which would be included in the development or an item of infrastructure or financial contribution towards it, such as a new school, employment and training support or increased transport network capacity.
Section 278 agreement	These are agreements made under the Highways Act 1980 for the developer to carry out scheme-specific highway works needed to satisfactorily tie in a scheme to the road network, or to mitigate adverse impacts which would otherwise arise in the immediate vicinity of the site. Examples of the works covered by S.278 agreements are vehicular crossovers and drop kerbs (standard for most developments), or more major highway works such as traffic lights or junction improvements, where a scheme is estimated to generated a large number of vehicular movements.
Shared Facilities	<p>Facilities provided as part of residential or employment schemes which support the sharing economy within that building.</p> <p>Within residential developments, such facilities may include communal kitchen areas, leisure spaces, toilets and washing areas, or study areas;</p> <p>In workspaces, shared facilities may include assembly area, storage areas for tools, or machinery which is shared between users.</p>
Sharing Economy	The sharing economy involves the sharing of goods, technology or services by groups of people and organisations to make better use of goods, skills, services, capital and spaces, sharing access and so reducing the need for ownership.
Small and Medium Enterprise (SME)	Businesses which may be considered either small or medium.
Small Business Units	Units that are equals to, or less than, 500 sqm or existing open workspaces.
Small Businesses	<p>Businesses employing less than 10 people.</p> <p>Small businesses can occupy small units or studios (typically less than 500 sqm source: LLDC) but they can also operate from incubator and accelerator spaces, as well as larger co-working/co-making or studio spaces (collectively referred to as open workspaces – see separate definition later in this paper.</p>
Social Infrastructure	Includes some uses within:

	<ul style="list-style-type: none"> <li>• Class E (Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner); Creche, day nursery or day centre (not including a residential use)</li> <li>• Class F1 (<b>Learning and non-residential institutions not including residential use, that covers:</b> Provision of education, Display of works of art (otherwise than for sale or hire), Museums, Public libraries or public reading rooms, Public halls or exhibition halls, Public worship or religious instruction (or in connection with such use), Law courts)</li> <li>• Class F2 (Halls or meeting places for the principal use of the local community)</li> <li>• Other community facilities; cultural uses; children and young people's play and informal recreation facilities.</li> </ul> <p>This list is not intended to be exhaustive and other facilities can be included as social infrastructure. As they serve visiting members of the public, they are typically sited in locations that are well connected to public and active travel networks and can provide active frontages onto streets and spaces.</p>
Specialist Housing	Housing intended for those with specialist needs, including: housing for disabled or older people; move-on accommodation; or other forms of supported and specialised housing.
Strategic Industrial Location (SIL)	These comprise Preferred Industrial Locations (PILs) and Industrial Business Parks (IBP) and exist to ensure that London provides sufficient quality sites, in appropriate locations, to meet the needs of industrial and related sectors including general and light Industrial uses, logistics, waste management and environmental industries (such as renewable energy generation), utilities, wholesale markets and some transport functions.
Supplementary Planning Document (SPD)	Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.
Supplementary Planning Guidance (SPG)	An SPG (sometimes called supplementary guidance) gives guidance on policies in the London Plan. It does not form a part of the statutory plan. It can take the form of design guides or area development briefs, or supplement other specific policies in the plan. However, it must be consistent with national and regional planning policy. It should be clearly cross-referenced to the relevant plan policy or proposal that it supplements. Public consultation should be undertaken and SPGs should be regularly reviewed. While only the policies in the London Plan can have the status that the GLA Act 1999 (as amended) provides in considering planning applications, SPGs may be taken into account as a further material consideration.
Sustainability (sustainable development)	<p>This covers development that meets the needs of the present without compromising the ability of future generations to meet their own needs.</p> <p>The NPPF sets out three elements of sustainable development: economic, social and environmental.</p>
Town centre	Provides access to goods and services for people, corresponding to their role and function in the town centre hierarchy set out in the Mayor's London Plan.

Town centre uses	<ul style="list-style-type: none"> <li>• uses within Class E (see separate definition)</li> <li>• other appropriate uses where they serve visiting members of the public such as other retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and recreation uses (including cinemas, bars and pubs, nightclubs, casinos and bingo halls); and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).</li> </ul>
Transport Assessment	This is prepared and submitted alongside planning applications for developments likely to have significant transport implications.
Travel Plans	
Urban Greening	
Urban Greening Factor	
Use Class	
Wayfinding	Better wayfinding means improving the ease with which people can navigate themselves to, from and within an interchange facility or zone.
Work Live Units	Accommodation that combines both living and working spaces, with the workspace forming a permanent component of the accommodation. This is different from ordinary home working in its nature and in the intensity of business use that may be involved.

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