

MEETING NOTE

Meeting Name: Planning Obligations Advisory Group

Date: 22 November 2018

Time: 14:30 to 16:00

Location: OPDC, 169 Union Street, SE1 0LL

Attendees	
Tom Cardis, OPDC (Chair) Doug Wilson, OPDC Peter O'Dowd, OPDC Ben Martin, OPDC Jasbir Sandhu, OPDC Peter Farnham, OPDC Kevin Twomey, OPDC	Joanne Woodward, London Borough of Hammersmith and Fulham, Rob Krzyszowski, London Borough of Brent

Apologies	
Katie Hunter, OPDC Simon Weaver, OPDC	Matt Butler, London Borough of Hammersmith and Fulham, David Scourfield, London Borough of Ealing

Item	Action/ Note	Owner
Introductions		
1	Introductions were given.	
Terms of Reference (TOR)		
2	<p>TC took the group through the draft Terms of Reference which were circulated in advance of the meeting.</p> <p>RK and JW queried where the protocol for local authority involvement in negotiation of Heads of Terms and section 106 agreements would be addressed in the TOR. TC noted that it's not the role of the group to be involved in the detailed negotiation of individual s106 agreements, but to have a strategic focus on OPDC's approach to s106. However, it was acknowledged that it was important to determine the protocol for local authority involvement in s106 agreements.</p> <p>It was agreed that a protocol outlining the procedure for local authority involvement in the negotiation of Heads of Terms for individual s106 agreements would be produced, and that this protocol should be agreed by the group. Text will be included in section 4 of the TOR which clarifies the groups role in reviewing this protocol.</p>	

	<p>The need for political review of the group and the decisions of the CFO was discussed and it was noted that through other procedures there was adequate political oversight of both the scope and content of S106 agreements and the allocation of funds to projects and that further oversight would undermine the principal of delegating decisions on the allocation of monies to projects to the CFO. Heads of Terms for S106 agreements are included in officer reports and are considered by the Planning Committee. The delivery of individual projects that monies are allocated to regularly involves cabinet or cabinet member approval for these projects, or in the case of OPDC projects, Board approval.</p> <p>Action: OPDC to produce protocol Action: OPDC to revise TOR to reference protocol.</p> <p>The need for a schedule outlining the pipeline of section 106 contributions was recognised by local authorities and the OPDC, which would set out the future pipeline of funding decisions and funding streams. JW noted that the schedule should also include upcoming planning applications and draft heads of terms from these applications. It was agreed that a draft schedule would be circulated in advance of the next meeting of the Group, and that this would be a standing item on all future agendas.</p> <p>Action: OPDC to produce Section 106 schedule in advance of next meeting.</p> <p>JW suggested that the TOR better define how priorities for spend are determined. TC noted that this should be based on how the proposal relates to Local Plan policies and infrastructure identified in the Infrastructure Delivery Plan.</p> <p>It was agreed that as this is a new group and some elements of its operation may not yet be fully understood, it will be appropriate to review the TOR following a year.</p> <p>JW queried what would occur if the group did not agree on a recommendation for spend. TC noted that a report would be compiled for the COO/CFO setting out the prevailing view and what issues were raised by members.</p> <ul style="list-style-type: none"> Action: host local authorities will provide comments/tracts on the draft TOR for Thursday November 29th Action: OPDC will circulate revised tracked change version of the TOR for Tuesday December 11th. 	<p>OPDC OPDC</p> <p>OPDC</p> <p>LBB LBE LBHF</p> <p>OPDC</p>
Planning Obligations SPD		
3	<p>KT introduced the draft Planning Obligations SPD.</p> <p>An overview was provided on the role of SPD, role of planning obligations in the OPDC area, and relationship between s106 obligations and CIL.</p> <ul style="list-style-type: none"> BM noted that OPDC will be taking a paper to its Planning Committee on the 11th December suggesting that a hold be put on progression a CIL charging schedule in advance of revised CIL regulations being published. 	

- RK noted that at a recent event MCHLG stated that local authorities should not stall the adoption of CIL and should proceed as they have been.

KT provided an overview of the list of obligations set out in section 4 of the SPD.

Design

- Heritage at Risk: JW noted that wording should be expanded to allow for contributions towards any relevant heritage asset, including locally listed buildings. OPDC officers will take this away but noted there may be difficulty in justifying this obligation in planning terms.

Housing

- Affordable Housing: RK requested that wording be included in the affordable housing obligation to more clearly reference recent modifications to Policy H2 of the Local Plan on prioritising social rent housing. This was agreed by OPDC officers.
- It was noted that clearer referencing of the individual obligations should be included in draft to go to Planning Committee.

Employment

- Affordable workspace: It was agreed that joint evidence base work on affordable workspace would be referenced in the justification text.
- LLESMP: JW noted that the criteria should require best endeavours for local procurement, with a target of 15%.

Town Centre and Community Uses

- Harlesden Town Centre: RK welcomed inclusion of the obligation but sought for stronger wording on the criteria for when/what contributions would be secured, and the potential for a calculation. OPDC officers noted the concern but cited the difficulty in using a calculation given the variety of factors which influence the level of the impact and how this is mitigated. TC noted that this may be linked to cost of the projects for Harlesden Town Centre being drawn up by Brent but that any contribution would still need the legal tests for S106 set out in the regulation 122 of the CIL Regulations 2010 (as amended).
- Social infrastructure: JW sought that obligations for new social infrastructure refer to the fact that this infrastructure may be delivered outside of the OPDC area.
- Cultural Action Plan: JW queried why only the provision of public art was included as an obligation and not the wider provision of cultural facilities. OPDC agreed to review this approach.

Management and Monitoring

- JW recommended that the fees section should cite the need for applicants to cover costs related to deed of variations. OPDC officers agreed.

Next Steps

- The SPD will be taken to OPDC Planning Committee on 10th December, with public consultation due to take place from 10th January to midnight 22nd February 2019. Comments made during meeting (or in writing by 23rd November) will be considered in finalising the version to go to Planning Committee. The consultation process will allow for further detailed review and feedback by the host local authorities.

