Contents
1. Introduction ................................................................................................................................ 3
1.1 Policy Framework ................................................................................................................... 4
2 Process and Procedures ............................................................................................................ 9
3 Affordable Housing .................................................................................................................. 12
4 Education ................................................................................................................................. 14
5 Employment and Skills ............................................................................................................. 16
6 Transport ................................................................................................................................... 18
7 Open Space / Green Infrastructure .......................................................................................... 20
8 Health Care .............................................................................................................................. 21
9 Tree Preservation and Planting ............................................................................................... 22
10 Sustainability ........................................................................................................................ 23
11 Community Facilities ............................................................................................................ 25
Appendix A: Planning Obligation Checklist ...................................................................................... 26
Appendix B: Employment and Skills - Calculating Resident Outputs for Development Schemes .......................................................................................................................... 27
Appendix C: Reference Documents ................................................................................................ 28
1. **Introduction**

1.0.1 This document explains Ealing’s approach, policies and procedures for the use of planning obligations. It has been prepared as a Supplementary Planning Document (SPD) to support the policies in Ealing’s Local Plan. Ealing’s principal policy on planning obligations is Development Strategy Policy 6.4.

1.0.2 The primary aim of this SPD is to set out circumstances where planning obligations requiring financial contributions will be used following the adoption of Ealing’s Community Infrastructure levy (CIL) charging schedule.
1.1 Policy Framework

General Context

1.1.0 The purpose of legal agreements and planning obligations is to allow development to take place by securing the mitigation of impacts that are beyond the control of design changes and planning conditions. Over the current plan period Ealing aims to develop a minimum of 14,000 new homes and 5,800 new jobs and these need to be supported by both strategic infrastructure and site-specific mitigations.

Delivery of affordable housing is particular priority in Ealing and is integral to the local development plan.

Legislative and Planning Policy Context

1.1.1 The Community Infrastructure Levy (CIL) is a levy expressed in pounds per square metre that is charged on the net additional floorspace created by certain types of new development. The purpose of the levy is to help pay for strategic infrastructure such as schools, transport, libraries, parks, leisure facilities that is necessary to support new development and create sustainable communities.


1.1.3 The legal framework governing the planning system therefore allows for three related forms of mitigation to be applied to development:

- Planning conditions (site / development related)
- Planning obligations (legal agreements) to secure developer contributions or works in kind e.g. S106 Agreements (site / development related)
- Community Infrastructure Levy (strategic local and borough-wide infrastructure)

1.1.4 A planning obligation can be a legally binding agreement (S106 agreement) between the developer and the local planning authority or a unilateral undertaking given by the developer to the local planning authority to undertake various works or make financial contributions. These works or financial contributions are required to mitigate the unacceptable impact of a development.

1.1.5 The outcome of the use of planning obligations should be that the proposed development is brought into compliance with Ealing’s Development Management DPD and Development Management policies and that any development specific works are undertaken satisfactorily. While planning obligations can secure benefits capable of mitigating the adverse impacts of a development they cannot be used to make a bad application good where a scheme does
not comply with the spatial strategy and land use principles of Ealing’s Development Management DPD and supporting documents that constitute the Local Plan.

1.1.6 A financial obligation can either be a one-off payment or an ongoing commitment. Where a facility is provided as part of the obligation it may also be necessary for maintenance payments to be made. This may be in perpetuity or for a fixed time period depending on the facility. Planning guidance indicates that where the facility may be used by the public and therefore will benefit the wider community, there should be a limit on the length of time for on-going payments. This is termed “pump priming” and reflects the time necessary for public funding to catch up.

1.1.7 All financial obligations set out in this SPD are CPI index-linked unless otherwise noted.

1.1.8 As of 6 April 2010 it is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, unless it meets 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.

1.1.9 CIL and S106 regulations are intended to complement each other to secure the delivery of social and physical improvements and infrastructure required of and to support new development.

National Policy

1.1.10 The National Planning Policy Framework (2012) (NPPF) sets out the Government’s economic, environmental and social planning policies for England. Paragraphs 203 to 206 of the NPPF, deal with the use of planning conditions and planning obligations. These reiterate the tests for use of obligations set out in the CIL Regulations, uphold the long standing principal that planning conditions are preferable to planning obligations and requires local planning authorities to ensure policies on planning obligations take account of changes in market conditions over time and, wherever appropriate, are sufficiently flexible to prevent planned development being stalled.

1.1.11 The NPPF advises that “Any additional development plan documents should only be used where clearly justified. SPDs should only be used where they can help applicants make successful planning applications or aid infrastructure delivery and should not be used to add unnecessarily to the financial burdens on development”. This SPD does not set out any additional policy requirements; rather it adds further definition to Ealing’s adopted Development Management DPD, along with Ealing’s Development Management DPD and Development Site DPDs.
London Plan

1.1.12 Beneficiaries of Crossrail, which include Ealing, are subject to a supplementary Mayoral CIL in addition to any local obligations. This is set out in policies 8.2 and 8.3 of the London Plan (2015). Policy 8.2 also highlights the importance of affordable housing provision to the whole of London, and a strategic view of mitigation including its effects on climate change, air pollution and social infrastructure.

Local Plan

1.1.13 Ealing’s Development Strategy was adopted in April 2012. Policy 1.2 establishes the borough’s delivery policies, many of which are likely to be relevant to the securing of planning obligations. These include Part A on housing mix, Part D which requires new development and growth to be coordinated and phased in tandem with the provision of appropriate physical and social infrastructure, Part F which requires new development including infrastructure to meet the highest possible sustainability and energy reduction targets, Part G on the protection of heritage assets and Part H on the density of development.

1.1.14 Ealing is strongly committed to the provision of affordable housing. It is the aim to provide at least 7,000 new affordable homes by 2026. This represents a minimum of 50% of all new homes in Ealing being affordable. Ealing’s policy on affordable housing is set out in more detail in Section 3 below ‘Affordable Housing’.

1.1.15 Policy 6.4 of the Development Strategy states that site specific infrastructure requirements will be provided for through planning obligations.

1.1.16 To support the implementation of the Development Strategy, Ealing’s Development Management DPD establishes Ealing’s policies in relation to planning obligations and the criteria by which planning applications are assessed.

S278 Highway Act 1980 Agreement

1.1.17 This SPD does not cover works to adopted public highways. Where such works are necessary to mitigate the impacts of development the S106 agreement will normally oblige applicants also to enter into a separate agreement under S278 of the Highways Act 1980.

Community Infrastructure Levy (CIL)

1.1.18 CIL is a levy (expressed as pounds per square metre) that is charged on the net additional floorspace created by certain types of new development within the Borough. The purpose of the levy is to help pay for strategic local and borough-wide infrastructure such as schools, transport, libraries, parks, leisure facilities and other strategic infrastructure that is needed to support new development and to create sustainable communities.

1.1.19 It is anticipated Ealing’s CIL will come into effect by Autumn 2015.

1.1.20 Ealing’s rates are exclusive of the Mayor of London’s CIL. The Mayor’s CIL has been applicable since 1 April 2012.
1.1.21 Further information on Ealing’s and the Mayor’s CIL, including proposed rates, is available on Ealing’s website:
http://www.ealing.gov.uk/info/1004/planning_policy/1536/community_infrastructure_levy_cil

Major Developments

1.1.22 A major development is defined as:

- a development capable of providing 10 residential units or more, or
- of an area of 0.1 hectares or more irrespective of the number of units or
- 1,000 sq m or more for any other use (office, retail, industry, community and leisure).

1.1.23 Where an application is made for a major development, it is expected to follow the approach, formulas and advice set out in this SPD. However, it is possible that there may be a need for additional planning obligations arising from particular development depending on circumstances and location. For example, a development may be in an area where there is extreme pressure on community facilities or in an area where the public realm is poor in the context of increased footfall from the development.

1.1.24 This SPD makes clear that it will be expected that values resulting from the approach, formulas and advice will be a baseline only, particularly where the development is of a significant or strategic nature. In these cases Ealing wishes to get the level of planning obligations right and would want to take site specific issues into consideration to increase or decrease the amount of planning obligations required, depending on viability.

Interaction between the Community Infrastructure Levy and Planning Obligations

1.1.25 By working with developers, Ealing aims that most design / mitigation requirements are delivered as part of the comprehensive development proposal. In cases where the comprehensive proposal does not meet Ealing’s objectives, planning conditions will be used to ensure that the final proposal meets such requirements. Where necessary, S106 and S278 agreements will be used to set out details related to proposals or conditions.

1.1.26 Where a proposal is required to deliver affordable housing this will be secured through S106.

1.1.27 In such circumstances where a proposal directly necessitates the provision of infrastructure to mitigate / enable development that is not planned for delivery through CIL or any other funding programme, Ealing may seek a contribution through S106.

1.1.28 S106 will not be used to secure infrastructure already identified for investment through the ‘Regulation 123’ list. The ‘Regulation 123’ list is the list of infrastructure the Council intends to help fund through CIL income received.

1.1.29 Ealing will be mindful of the total contributions made through CIL and S106 requirements, taking into account development viability as stated in paragraphs 173 and 174 of the National Planning Policy Framework.
Development Briefs and Area Based Guidance

1.1.30 There are a number of sites or areas in Ealing where development requires more detailed guidance than contained in the Development Management DPD, in the form of Site Specific Development Plan Documents (DPDs). Where Site DPDs are prepared planning obligations specific to the site or area will be identified based on Development Management DPD Policies.
2 Process and Procedures

2.0.0 Planning obligations must by definition be necessary to make the proposed development acceptable in planning terms and are therefore inextricable from the planning application process. Where approval is recommended heads of terms for planning obligations will be agreed prior to the application being decided. In some cases a developer may wish to submit a completed unilateral deed prior to permission being granted.

Pre – Application Advice

2.0.1 Ealing encourages developers to enter into an early dialogue with Planning Services, and, in schemes referable to the Mayor, the GLA to identify issues and their possible solution before a planning application is made.

2.0.2 Information on Ealing’s pre-application advice service can be accessed through http://www.ealing.gov.uk/info/1023/planning_advice_and_guidance/351/pre-application_guidance/.

2.0.3 The GLA also provides a pre-application advice service for advice on applications referable to the Mayor.

Transport for London
www.tfl.gov.uk/businessandpartners/commercialopportunities
Email: landuseplanning@tfl.gov.uk
Greater London Authority
www.london.gov.uk

Submission of the Planning Application

2.0.4 Applications that necessitate planning obligations are normally reported to the Planning Committee for determination. Any planning obligations are set out as Heads of Terms or categories to be sought in a future S106 Agreement.

2.0.5 Minor applications and their planning obligations can be dealt with under delegated officer authority, e.g. car free schemes, minor traffic access works, etc.

Resolution

2.0.6 Following the resolution to grant planning permission, the Council will liaise with the applicant’s solicitors to complete a binding legal agreement. The agreement will set out the detail of the planning obligations, including the trigger mechanisms for payment of financial
contributions; schedules of works and other commitments to be undertaken by the developer.

2.0.7 Planning permission is issued after signing a S106 agreement. The agreement is placed on the statutory register and is viewable publically online together with the planning permission.

2.0.8 Signed agreements are registered as a local land charge, copies of which can be provided to the public on payment of an administration fee.

S106 Implementation Programme Management

2.0.9 Planning Services takes a strategic lead on the receipt, monitoring and programme management of financial contributions, working with other parts of the Council and, through them, with external partner agencies.

2.0.10 S106 financial contributions are required by law to be paid to the Council as the Local Planning Authority. Payment can be made by electronic transfer. Monies are held in a ring-fenced corporate S106 account, with a unique code against individual obligations. Interest on banked money will be accrued.

2.0.11 Non financial planning obligations will also be monitored via the S106 database.

Legal and Monitoring Fees

2.0.12 The Council's legal and other professional fees in preparing a S106 Agreement will be met by the developers. Reasonable legal fees will also be met by the developers where applications are referred to the Mayor, and those for which Transport for London’s legal input is required.

2.0.13 The costs of monitoring S106 obligations will be met through a flat rate fee per clause plus an additional percentage fee based on the total financial value of the agreement.

<table>
<thead>
<tr>
<th>Financial Value of S106 Agreement</th>
<th>% Fee of Total Financial Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; £12.5k</td>
<td>1%</td>
</tr>
<tr>
<td>£12.5k - £100k</td>
<td>3%</td>
</tr>
<tr>
<td>£100k - £1m</td>
<td>1%</td>
</tr>
<tr>
<td>&gt;£1m</td>
<td>0.5%</td>
</tr>
</tbody>
</table>

2.0.14 Monitoring costs should be paid when the applicant receives confirmation that the planning application has been approved.
2.0.15 Additional monitoring costs may include:

- **Transport** – all applications are required to pay a monitoring fee to support administration of Travel Plans.
  - £3,000 for a major development
  - £1,500 for all other developments.

- **Employment and Skills** – monitoring fees will be negotiated on a case-by-case basis aligned to the complexity of the Local Employment Plan.

- **Sustainability** – monitoring fees will be sought in relation to site specific monitoring and control of air quality emissions. The fees will be negotiated on a case-by-case basis.
3 Affordable Housing

Principles

3.0.0 Provision of all new affordable housing will be secured through planning obligations.

3.0.1 Development Management DPD Policy 1.2 (a) and Development Management DPD Policy 3A set the following requirements;

- 50% of habitable rooms or housing units as affordable, unless it can be demonstrated that a scheme would not be economically viable.
- 60% of the affordable units should be social or affordable rented accommodation. 40% of the affordable units should be intermediate provision.
- The preferred mix of dwelling sizes can be found in the Ealing Housing SCHMA.
- Affordable housing should be provided on-site. Off-site provision will only be supported in exceptional circumstances.
- Viability assessments must be based on a standard residual valuation approach with the benchmark land value taken at the existing / alternative use value

3.0.2 Affordable housing must include provision to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

Threshold

3.0.3 The policies apply to sites and buildings capable of providing 10 or more units gross.

Application

3.0.4 The policies and their implementation are based on the calculation of either the percentage of total dwellings or of habitable rooms.

3.0.5 Ealing can provide a list of Registered Providers who should normally be brought onboard to deliver and manage the affordable housing at an early stage prior to submission of a planning application.

3.0.6 Applications must commit to the Council’s deed of nomination rights.

3.0.7 Applications for Social Housing Grant or other public subsidy grant are only considered for schemes which can demonstrate additionality (i.e. that the grant will enable more affordable housing to be delivered than policy requirements alone would deliver).

3.0.8 Viability arguments: Any proposal for the level of provision to be less than in the policy based on viability must be supported by information on the financial assumptions and rationale and will be independently assessed by Ealing, at the applicants expense.

3.0.9 Off Site Housing: Only in exceptional circumstances will off site provision be considered, and this must be supplementary to the proposal site’s own affordable housing element. Planning obligations will be required to ensure the affordable housing is secured at the off
site location and to prevent occupation of the market housing on the main proposal site until the affordable is completed and transferred to a Registered Provider (RP).

3.0.10 Payment in Lieu: This will only be considered in exceptional circumstances, where payments are made and can be spent on schemes which genuinely provide housing which is in addition to that which would otherwise be provided. Commuted sums in lieu of on-site affordable housing provision will be ring-fenced to secure efficient delivery of new affordable housing by means including:

- Conventional new affordable housing
- Private rented housing that is affordable to people in housing need on Ealing’s housing register
- Estate regeneration
- Returning long term vacant properties to use
- Acquisition of existing properties.

The formula for calculating commuted sums is as follows:

<table>
<thead>
<tr>
<th>If:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A = Number of units that could be achieved</td>
<td></td>
</tr>
<tr>
<td>B = Affordable housing provision x units (A)</td>
<td></td>
</tr>
<tr>
<td>C = The cost of transfer to a RP per unit</td>
<td></td>
</tr>
<tr>
<td>D = Verifiable Market Value of the units</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Then:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>((D - C) \times B = \text{Financial contribution})</td>
<td></td>
</tr>
</tbody>
</table>

3.0.11 Ealing requires all affordable housing to be secured in perpetuity through the S106 agreements. In order to ensure that affordable housing continues to be affordable to those in housing need, and managed to acceptable standards, the Council requires the legal interest and management of the affordable housing produced through S106 obligations to be transferred to an RP, the Council or equivalent. If the housing is transferred to an RP these requirements will be deemed to have been met.
4 Education

Principles

4.0.0 Funding for education facilities required as a result of background growth will be provided through the standard CIL charge.

4.0.1 Where a specific local education need is identified as linked directly to a development and there is inadequate space in existing local schools, provision will be secured by S106 in line with Development Strategy Policies 1.2(d) and 6.2. This will include provision of the site and full construction costs, including design fees and charges.

Threshold

4.0.2 Ealing’s child yield calculator will be used to estimate net increase in school-age children resulting from a proposed residential development.

4.0.3 On-site provision will normally translate to:
   - 200 primary aged children = provision of a 1FE expansion to an existing school or a new 1FE primary school;
   - 400 secondary school age children = provision of 1 additional secondary school.

Application

4.0.4 Child yield: Child yield is calculated based upon the total number of bedrooms in each unit and the types of tenure as per the Wandsworth Model. These figures are:

<table>
<thead>
<tr>
<th></th>
<th>Studio</th>
<th>1 bed</th>
<th>2 bed</th>
<th>3 bed</th>
<th>4+ bed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable (Flats)</td>
<td>0</td>
<td>0.07</td>
<td>0.41</td>
<td>2.01</td>
<td>1.9</td>
</tr>
<tr>
<td>Affordable (Houses)</td>
<td>0</td>
<td>0.07</td>
<td>0.42</td>
<td>1.85</td>
<td>1.9</td>
</tr>
<tr>
<td>Affordable (All)</td>
<td>0</td>
<td>0.07</td>
<td>0.4</td>
<td>1.88</td>
<td>1.9</td>
</tr>
<tr>
<td>Private (Flats)</td>
<td>0</td>
<td>0.01</td>
<td>0.11</td>
<td>0.31</td>
<td>1.04</td>
</tr>
<tr>
<td>Private (Houses)</td>
<td>0</td>
<td>0.19</td>
<td>0.1</td>
<td>0.48</td>
<td>1.04</td>
</tr>
<tr>
<td>Private (All)</td>
<td>0</td>
<td>0.01</td>
<td>0.11</td>
<td>0.42</td>
<td>0.98</td>
</tr>
</tbody>
</table>

4.0.5 A 10% reduction is applied to the child yield figures to account of private school attendees.

4.0.6 Bedsits and studio flats are excluded from calculations, as is specialist housing for senior citizens and students, because these have little or no child yield.

4.0.7 Contributions are calculated based upon the Department for Education’s basic need factor:
<table>
<thead>
<tr>
<th>Age Range</th>
<th>Financial Contribution per Child</th>
</tr>
</thead>
<tbody>
<tr>
<td>Early years (4 years and under)</td>
<td>£11,280</td>
</tr>
<tr>
<td>Primary age (5 – 11 years)</td>
<td>£13,115</td>
</tr>
<tr>
<td>Secondary age (11 – 18 years)</td>
<td>£19,762</td>
</tr>
</tbody>
</table>

The basic need factor was published in 2012 by the Department for Education and is not index linked. It is location-specific, weighted based on relative costs of building work in the vicinity.
5 Employment and Skills

Principles

5.0.0 Ealing will secure employment and training benefits through planning obligations.

5.0.1 Development and resulting new businesses increase opportunities for local employment, particularly for those facing barriers to employment, helping to create and maintain sustainable communities in Ealing.

5.0.2 London Plan Policy 4.12 requires that strategic planning applications should support local employment, skills development and training opportunities. In Ealing this is normally achieved through:

- A Local Employment Plan (LEP)
- Financial contributions towards delivering wider employment regeneration.

5.0.3 Ealing will work with developers and end user employers to ensure that employment and training opportunities are tailored to the development proposed.

Threshold

5.0.4 All developments above the following thresholds are required to produce a Local Employment Plan (LEP):

- Residential or mixed use development including 25+ units
- Retail, leisure or office development 1000m² or greater
- Industrial development of 2000m² or greater
- Warehouse development of 4000m² or greater
- Mixed commercial use development of 1000m² or greater
- Any non-residential use development generating 20 or more Full Time Equivalent jobs for end use

5.0.5 Developments will also be required to provide a financial contribution towards supporting, delivering and monitoring the LEP.

5.0.6 Other developments will be asked to consider producing a Local Employment Plan or commitments to local employment opportunities following appointment of the developer(s).

Application

5.0.7 The LEP should describe:

- Forecast job opportunities – for construction phase and end use. Forecasting should be at least 6 months in advance of each phase to enable job ready candidates to be matched to opportunities as they arise. The developer is also required to provide details of local contractors/suppliers/ new employers working on site.
• Notification of job vacancies – exclusively to Ealing residents and the Council’s nominated job brokerage agency(ies) for a minimum of 7 days. Feedback to the nominated agencies is required where applicants are unsuccessful.
• Local labour target – 30% of all construction vacancies should be filled by Ealing residents. Proposals should also demonstrate how they will support skills development and progression in these roles. Local labour targets for end use jobs are also required and will be agreed on a case by case basis.
• Jobs brokerage and skills training – linking with the Council’s nominated job brokerage and training agencies as well as local schools and colleges.
• Apprenticeships and work experience – fully funded apprenticeships and work experience placements for young people based on the calculations set out in Appendix B.
• Use of local suppliers – opportunities for at least 2 local firms to tender on each sub-contract or component.
• Delivery of specific LEP targets - monitoring framework of targets and obligations.
• LEP implementation – identified contact responsible for LEP implementation. For developments above £10m in value, a Workplace Co-ordinator within the development phase or an equivalent payment to support employment and training activities.

5.0.8 Exceptionally a commuted sum may be accepted in lieu of a LEP, where for example a scheme has;
• specialised employment,
• a large number of unfilled vacancies,
• shortage of local candidates,
• a requirement for specialised technical expertise.

5.0.9 Commuted sums will be calculated using the Homes & Communities benchmark for development schemes:

<table>
<thead>
<tr>
<th>Construction</th>
<th>Cost of a Construction Apprenticeship* x Number of Apprenticeships</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>*Cost to be agreed with developer.</td>
</tr>
<tr>
<td>End Use</td>
<td>£5,430 x Number of People Requiring Access to the Jobs Market</td>
</tr>
</tbody>
</table>

5.0.10 Financial contributions to support the delivery and monitoring of LEPs, local job brokerage services and pre-employment training initiatives will negotiated on a case by case basis.
6 Transport

Principles

6.0.0 Development funding for transport infrastructure required as a result of background growth will normally be provided through the standard CIL charge.

6.0.1 However, most developments are likely also to generate site specific pressures on transport infrastructure and the public realm which require direct mitigation.

6.0.2 The mitigation of any development should focus on reducing the impact of the private car and providing opportunities for public transport, walking and cycling.

Policy Context

6.0.3 The relevant policies are Development Strategy DPD Policies 1.1 (f), 1.1 (g), 1.2 (d), 1.2 (e), 1.2 (f) and 6.1.

Threshold

6.0.4 Obligations may be sought from any development for:
  ▪ Parking restrictions;
  ▪ Improvements to the streetscene in the immediate vicinity of the development

6.0.5 Obligations may be sought from major developments for:
  ▪ public transport service improvements to achieve required level of accessibility and public transport mode share to serve the development;
  ▪ traffic calming / management measure, acceptable road safety improvements, traffic management and essential highway improvements;
  ▪ new and improved foot / cycle paths and pedestrian and cyclist safety improvements;
  ▪ operation of a Car Club;

6.0.6 Major developments are required to produce Travel Plans and make a contribution to monitoring costs.

Application

6.0.7 Public transport planning obligations, where required, will be used to cover a range of site-specific improvements which could include:
  ▪ siting of bus stops
  ▪ associated street furniture;
  ▪ associated street lighting;
  ▪ associated carriageway and pavement measures;
  ▪ associated pedestrian and cycle links;
  ▪ cycle parking;
  ▪ revenue “pump priming” of new / extended local bus routes / services;
6.0.8 A range of traffic and highway measures may be required as the result of individual schemes. Ealing’s Transport service will advise on the requirements for individual applications, and / or such works will be identified as a result of submitted Transport Assessments.

6.0.9 A range of foot path / cycle measures may be required as the result of individual schemes. Ealing’s Transport service will advise on the requirements of individual applications, and / or such works will be identified as a result of submitted Transport Assessments.

6.0.10 Car Club planning obligations can be sought to contribute funding to under-write the operation of a Car Club for the first 3 years. Car Club related initiatives can also be included in the Travel Plans.

6.0.11 The application of parking restrictions could be any of the following:

- Provision of identified small scale parking restraint measures to manage parking capacity, or highway safety, and/or the new creation of new parking bays to accommodate required parking capacity from the development.

- Contributions towards Controlled Parking Zones arising from the likely impact of development. This is where the developer will be asked to make a financial contribution towards the implementation of any new, or extension of existing, Controlled Parking Zones arising from the impact of the development proposed. The contribution will be based on the estimated cost of the works, including costs related to any consultation exercises.

- Permit capping (including Car Free Development), which is the placing of restrictions on the entitlement of occupants of a development to residents’ and business and other parking permits. The developer is required to advise occupants of these restrictions as part of the marketing and include this in the lease of the development.

6.0.12 A Travel Plan is a package of practical measures to reduce car travel to and from a proposed site, and to encourage the promotion of more sustainable forms of transport by increasing the awareness of travel options, such as walking and cycling, and through the provision of facilities to support such options, such as shower facilities and secure cycle parking. Travel Plans should include targets for the reduction in travel related impacts and include resources for supporting and maintaining the travel plan. Travel plans may include provision for financial penalties to fund the promotion or provision of sustainable transport until travel plan objectives are met.

6.0.13 It is essential that Travel Plans, infrastructure and traffic management measures are provided in a timescale commensurate with the proposed phasing of the development. Ealing will seek to approve trigger points through the appropriate legal agreements.

6.0.14 Obligations can be secured either through a financial contribution, paid to Ealing to carry out the identified works, or through developer provision of the identified works. Financial contributions will be determined on the basis of the cost of works required. Financial contributions are preferred by Ealing. In cases where the developer is providing infrastructure improvements a licence would be required for the developer to work on the public highway, which could require a s278 agreement to be entered into. Further guidance on this is available by contacting Ealing’s Transport team.
7 Open Space / Green Infrastructure

Principles

7.0.0 Development Strategy Policies 5.5, 5.6, 5.7, and Development Management Policies 2.18 and 7D state that;

- All developments that increase demand for open space will be expected to make an appropriate contribution towards meeting this additional demand
- Open space / green infrastructure includes parks, children’s play space, outdoor sports and active recreation, amenity space, allotments, green corridors, landscape buffer areas, ecological impacts, habitat / nature conservation and burial space.
- CIL will normally contribute towards the improvement in the qualitative standard of existing parks and other public open spaces and to improve the capacity of these areas, including burial space, to accommodate the needs of existing and new development
- Where any development results in a localised demand for additional open space that cannot be met by existing provision, it is expected that land will be provided on site as part of the development or where this is not possible in the vicinity of the site.

Threshold

7.0.1 Thresholds are defined in Tables 7D.1 and 7D.2 in the Development Management DPD.

Application

7.0.2 Open space provision requirements are set out in the Development Management DPD Table 7D.2.

7.0.3 Development proposals should ensure that species and habitats set out in the UK and Ealing’s Biodiversity Action Plans will be protected and where possible enhanced. Development which would adversely affect, directly or indirectly, the biodiversity of the Borough and landscape features which are of major importance for wild flora and fauna, will only be permitted when mitigating measures can be provided.

7.0.4 If a proposed housing development cannot provide sufficient on-site landscaping, useable communal amenity space, communal play areas and/or play space, provision off-site may be an acceptable alternative subject to opportunities existing sufficiently close to the development to make them useable by future residents. Financial contributions will be sought at the levels described below:

- Where a development has 10 or less units: £4,000 - £6,000 per unit for a shortfall in amenity space.
- Where a development has more than 10 units: £2,000 - £4,000 per unit for a shortfall in amenity space.
- £150 per sqm of shortfall in play space
- £30 per sqm of shortfall in allotment provision.
8 Health Care

Principles
8.0.0 Funding for primary and community health care facilities required as a result of background growth will normally be provided through the standard CIL charge.

Policy Context
8.0.1 The relevant policies are Development Strategy Policies 1.2 (d) and 6.2.

Threshold
8.0.2 Where the scale of a development is sufficient in itself to justify a new primary or community health care facility, the developer may be expected to provide the site free of charge and pay the full construction costs, including design fees and charges.
8.0.3 For the provision of a new primary or community health care facility either on site or in the vicinity of major development it will need to be demonstrated that sufficient population will be generated to necessitate a new provision and that the additional population could not be provided for within the existing primary and community health care provision in the area.

Application
8.0.4 Ealing Clinical Commissioning Group will advise where developments generate site specific or strategic needs.
9 Tree Preservation and Planting

Principles

9.0.0 London Plan Policy 5.9 and 5.10 encourage measures to reduce overheating and the urban heat island effect, and an increase in urban greening, and Ealing’s Development Management DPD Policy 5.10 requires the replacement of trees and planting lost through development. Ealing Tree Strategy 2013-2018 Policy ETP13 specifies that trees will be valued using the CAVAT system.

Threshold

9.0.1 Major developments are required to make a contribution to tree conservation and planting depending on their impact, scale and location.

Application

9.0.2 Obligations may be sought from any development to maintain trees that have a high amenity value, are protected by a Tree Preservation Order or Conservation Area, or are owned by the Council.

9.0.3 Obligations will first be sought to monitor and protect trees during construction.

9.0.4 Where development results in the removal of trees financial contribution will be sought that is equivalent to the full CAVAT value of the tree.

9.0.5 Contributions to green infrastructure and urban greening will be sought in proportion to the scale of the development with financial contributions only accepted where adequate onsite provision is not possible.
10 Sustainability

Principles

10.0.0 London Plan Policy 5.2 requires the minimising of carbon emissions from all forms of development by means of the energy hierarchy and meeting proscribed targets across the plan period to 2031, Policies 5.1, 5.3-5.16 describe a series of sustainable design measures relevant to the design of both residential and non-residential schemes. Development Management DPD Policy 5.2 requires major residential development to meet Code for Sustainable Homes Level 4 from 2012 and 5 from 2016 or equivalent, and a minimum of Level 4 for other residential schemes. Non residential development should achieve at least BREEAM Very Good.

Threshold

10.0.1 Conditions for sustainable construction, carbon reduction, renewable energy and waste management may be sought from all major developments.

10.0.2 All development will be encouraged to incorporate design measures to reduce energy demand according to the Mayor’s Energy Hierarchy. In this regard, applicants /developers are expected to demonstrate that on-site energy demand reduction measures have been fully maximised / exhausted in the first instance before any consideration for off-site provision or contributions is made.

10.0.3 Developments are expected to connect to a decentralised energy network (DEN) where one is available nearby, unless a feasibility and viability assessment demonstrates that connection is not reasonably possible. All developments near to a planned or potential future DEN should be designed to be able to connect to the network should one be established.

Application

10.0.4 All sustainability measures should normally be met on site. Offsite mitigation will only be permissible if it is clearly demonstrated that on site measures cannot be implemented. All such measures will be secured through legal agreement. Carbon offsetting through allowable solutions will be priced according to the guidance set in the London Sustainable Design and Construction SPG, currently £60 per tonne for a period of 30 years.

10.0.5 All major developments, and where necessary other schemes, are expected to undertake post-construction monitoring of the energy generated by any renewable and low carbon technology installed on the development. This will demonstrate that the development has met the criteria and the actual carbon dioxide savings achieved. This is in addition to any energy assessments submitted at the application stage. A planning obligation will be used for all major developments, and where necessary on other schemes, where the developer / applicant chooses Ealing’s service provider.

10.0.6 The preference is for developments to meet carbon reduction targets set out in the Development Management DPD, Development Management DPD and /or London Plan on-site. Where required targets cannot be met, developers may be required to contribute to a
CO2 offset fund which will go towards the funding of off-site CO2 reduction measures in the locality. This contribution will be used to fund “allowable solutions” as set out in 10.0.1.

10.0.7 Where appropriate, planning obligations will be used to secure the delivery of decentralised energy networks:

10.0.8 Where appropriate, a commuted sum will be sought in relation to site specific monitoring and control of air quality emissions. The air quality monitoring costs would relate to the purchase, service and maintenance of specialist monitoring equipment which would be used to ensure the construction and operational phases of the development do not negatively impact on the local area. Funding will also be used to implement measures to improve air quality on site. These measures would be in the immediate vicinity of the specific development.
11 Community Facilities

Principles

11.0.0 Ealing will mitigate the impacts of development on community facilities using a combination of CIL and planning obligations.

11.0.1 Strategic priority projects will be funded through CIL and could include works in the following areas:

- community centres / halls;
- libraries;
- sports / leisure facilities.

11.0.2 Community facilities improvements or provision measures that are directly linked to a development will continue to be sought through planning obligations as appropriate in granting planning permission.

Policy Context

11.0.3 The relevant policies are Development Strategy Policy 1.2 (d) and 6.2.
## Appendix A: Planning Obligation Checklist

<table>
<thead>
<tr>
<th>Planning Obligation Sought</th>
<th>Residential</th>
<th>Major Commercial</th>
<th>Mixed</th>
<th>Residential</th>
<th>Other Commercial</th>
<th>Mixed</th>
<th>Principle Means of Delivery</th>
<th>Financial Formula</th>
<th>CIL Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Housing</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>On site provision</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Education</td>
<td>Dependent on size</td>
<td>Dependent on size</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Direct provision by developer or financial contribution</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Employment and Skills</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td>Direct provision by developer or financial contribution</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Transport</td>
<td>Dependent on impact</td>
<td>Dependent on impact</td>
<td>Dependent on impact</td>
<td>Dependent on impact</td>
<td>Dependent on impact</td>
<td>Direct provision by developer or financial contribution</td>
<td>No</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Open Space / Green Infrastructure</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Direct provision by developer or financial contribution</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Public Realm</td>
<td>Dependent on size</td>
<td>Dependent on size</td>
<td>Dependent on size</td>
<td>Dependent on size</td>
<td>Dependent on size</td>
<td>Direct provision by developer or financial contribution</td>
<td>No</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Health Care</td>
<td>Dependent on size</td>
<td>Dependent on size</td>
<td>Dependent on size</td>
<td>Dependent on size</td>
<td>Dependent on size</td>
<td>Direct provision by developer or financial contribution</td>
<td>No</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Tree Preservation and Planting</td>
<td>Dependent on impact</td>
<td>Dependent on impact</td>
<td>Dependent on impact</td>
<td>Dependent on impact</td>
<td>Dependent on impact</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sustainability</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td>On site provision</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Community Facilities</td>
<td>Dependent on size</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Direct provision by developer or financial contribution</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>
Appendix B: Employment and Skills - Calculating Resident Outputs for Development Schemes

To calculate outputs for Ealing residents use the Value by Band table below.

For example, to calculate the number of apprenticeships for a development scheme with a value band of £8.5m:

\[
\text{8.5 (Value Band 5) x 0.3 (Row 3, Apprenticeships) = 2.55 apprenticeships (to be rounded up to 3)}
\]

<table>
<thead>
<tr>
<th>Value by Band</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment and Skills Areas</td>
<td>£1k to £0.1m</td>
<td>£0.1m to £0.5m</td>
<td>£0.5m to £1m</td>
<td>£1m to £3.5m</td>
<td>£3.5m to £10m</td>
<td>£10m to £20m</td>
<td>£20m to £30m</td>
<td>£30m to £40m</td>
<td>£40m to £50m</td>
<td>£50m to £60m</td>
<td>£60m to £70m</td>
<td>£70m to £80m</td>
<td>£80m to £90m</td>
<td>£90m to £100+ m</td>
</tr>
<tr>
<td>Jobs Brokerage</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Progression into employment (under 6 months)</td>
<td>0</td>
<td>0</td>
<td>1.30</td>
<td>0.90</td>
<td>0.30</td>
<td>0.20</td>
<td>0.17</td>
<td>0.16</td>
<td>0.15</td>
<td>0.14</td>
<td>0.13</td>
<td>0.12</td>
<td>0.11</td>
<td>0.10</td>
</tr>
<tr>
<td>2. Progression into employment (over 6 months)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.50</td>
<td>0.20</td>
<td>0.13</td>
<td>0.09</td>
<td>0.11</td>
<td>0.10</td>
<td>0.09</td>
<td>0.08</td>
<td>0.07</td>
<td>0.067</td>
<td>0.065</td>
</tr>
<tr>
<td>Apprenticeships &amp; Work Experience</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Apprenticeships</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.30</td>
<td>0.28</td>
<td>0.26</td>
<td>0.25</td>
<td>0.24</td>
<td>0.23</td>
<td>0.22</td>
<td>0.19</td>
<td>0.18</td>
<td>0.17</td>
</tr>
<tr>
<td>4. Work experience (16+)</td>
<td>0</td>
<td>0</td>
<td>3.0</td>
<td>1.5</td>
<td>0.8</td>
<td>0.5</td>
<td>0.45</td>
<td>0.40</td>
<td>0.35</td>
<td>0.30</td>
<td>0.27</td>
<td>0.25</td>
<td>0.22</td>
<td>0.22</td>
</tr>
<tr>
<td>5. School / College / University site visits</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5.0</td>
<td>3.0</td>
<td>2.5</td>
<td>2.2</td>
<td>2</td>
<td>1.8</td>
<td>1.5</td>
<td>1.4</td>
<td>1.5</td>
<td>2</td>
</tr>
<tr>
<td>6. School / College workshops</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>8.0</td>
<td>4.8</td>
<td>2.4</td>
<td>2.2</td>
<td>2.0</td>
<td>1.8</td>
<td>1.5</td>
<td>1.4</td>
<td>1.3</td>
<td>1.2</td>
</tr>
</tbody>
</table>

Source: Homes and Communities Agency 2010 - Guidance & Toolkit for developers and contractors (employment and skills guidance) – Appendix E Part 2 and Part 4 – Benchmarks for development schemes
Appendix C: Reference Documents

Ealing Development (Core) Strategy DPD:  
http://www.ealing.gov.uk/downloads/download/1322/adoption_of_the_development_or_core_strategy

Ealing Development Management DPD:  http://www.ealing.gov.uk/info/200921/local_plans/1511/development_management_dpd

Ealing Development Site DPDs:  http://www.ealing.gov.uk/info/200921/local_plans/1491/development_sites_dpd

Ealing Community Infrastructure Levy documentation:  
http://www.ealing.gov.uk/downloads/download/2880/community_infrastructure_levy


Ealing Employment and Skills Strategy:  <TBC>

Ealing Housing Strategic Market Housing Assessment (SMHA):  

Mayor’s Community Infrastructure Levy:  http://www.london.gov.uk/priorities/planning/mayoral-community-infrastructure-levy