

Authorities Monitoring Report 2012 - 2013



Ealing's Local Plan
Development Monitor 2 (July 2013)
Monitoring Local Planning Obligations

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1. Introduction

1.1

Ealing's development plan comprises the London Plan and Ealing's Local Plan documents. Changes introduced under the Planning and Compulsory Purchase Act 2004 requires the local planning authority to prepare a new development plan for the borough. This is called the Local Plan (until recently known as the Local Development Framework or LDF). The Local Plan will eventually replace the current development plan for Ealing called the Unitary Development Plan (UDP) that was adopted in 2004.

1.2

Local Plans are the plan for the future development of the local area, drawn up by the local planning authority in consultation with the local community. Local Plans are key to delivering sustainable development that reflects the visions and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. Each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances.

1.3

The Council has a responsibility to monitor the effectiveness of the policies in these documents and to report on progress in producing local plan documents and other aspects of planning. The document which brings this monitoring information together is the 'AMR' – Ealing's "Authorities' Monitoring Report".

1.4

Four separate AMR "development monitors" are planned each year as follows:

- **AMR Development Monitor 1 – Monitoring the Local Plan Making Process** (July 2013) which primarily examines performance with regard to the Council's public 'project plan' which identifies which local development documents will be produced, in what order and when. It also reviews action taken under the 'duty to cooperate' and provides a short update on neighbourhood planning in the borough.
- **AMR Development Monitor 2 – Monitoring Local Planning Obligations** (July 2013) which examines the Community Infrastructure Levy and s106 funds arising from any approved development.
- **AMR Development Monitor 3 – Borough Wide Development Monitoring** (October 2013) which examines a number of key performance indicators on a mostly thematic basis and including any statutory requirements not included in Monitors 1-2 e.g. in relation to the housing supply.
- **AMR Development Monitor 4 – Area, Local and Sites Development Monitoring** (Jan/Feb 2014) which provides a more in-depth review examining performance indicators on a mostly neighbourhood specific basis together with a review of progress regarding key development sites in the borough.

1. Introduction

1.5

This is the second AMR monitor in the series and is divided into two parts:

- Section 2 provides a brief introduction to planning obligations and outlines Ealing Council's timetable for preparing and adopting the Community Infrastructure Levy (CIL).
- Section 3 provides an evaluation of Ealing Council's policy and performance in relation to planning obligations by an examination of receipts from signed legal agreements during 2012-13.

2. Planning Obligations

Planning Obligations

Planning obligations enable a local authority to secure, or a developer to offer, restrictions on the use of the land or the operation of the development or to make contributions towards the local infrastructure and facilities. A planning obligation may be contained in either an agreement entered into between a local authority and a developer under section 106 of the Town and Country Planning Act 1990 (section 106 agreement), or in a unilateral undertaking made by the developer alone. Section 106 agreements are typically entered into on larger schemes and fund or contribute towards specific local projects – such as a new playground or bus stop – to help ameliorate the impact of their particular development on the local area.

Community Infrastructure Levy (CIL)

CIL is intended to largely replace Section 106 agreements. It captures the cumulative impacts of small as well as larger developments. CIL is a charge/levy on new development, the purpose of which is to help fund the provision of strategic infrastructure. It is for use in connection with the extra demand placed on infrastructure generated by new development. It can be applied to most residential, commercial and other new development (including some permitted development) and is charged as £/per sq. m of net additional floor-space. The levy is not intended to be the main source of finance for infrastructure in the borough, but it will help to fund the identified gap.

The 2008 Planning Act contained provisions enabling Regulations to be made to establish a Community Infrastructure Levy (CIL) in England and Wales. The legislation and guidance needed to set a CIL is in place. The Community Infrastructure Levy Regulations 2010, setting out the scope and procedures, came into force on 6 April 2010. Charge setting and further procedures guidance was produced in March 2010.

In November 2010 it was confirmed that a CIL, introduced by the previous Government in April 2010, would be continued because it provides a fairer system to fund new infrastructure. Whilst authorities are expected to have CIL agreed and in place by April 2014, recent consultation on further potential legislative changes indicate this may be delayed until April 2015. Whilst the implementation of CIL is discretionary, if authorities choose not to adopt CIL, they will lose the opportunity to collect monies through s106 for the provision of strategic infrastructure from 1 April 2014 (or 2015 if potential changes are adopted).

There are two types of CIL - Mayoral CIL & Ealing's CIL.

1. Mayoral Community Infrastructure Levy

The Mayor introduced a London-wide CIL (which came into operation on 1st April 2013) designed to raise £300m toward the cost of Crossrail. Whilst this charge is collected by London boroughs, it is passed to the Mayor. The charge is applied per sq.m of new development and these charges vary in different boroughs,

2. Planning Obligations

based on viability evidence. In LB Ealing the charge is £35/sqm new floorspace. Further detail is provided in the SPG on the 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy'.

2. Ealing's CIL

Local authorities are able to set their own levy for their borough and decide upon what types of strategic infrastructure the proceeds are spent, to support the anticipated growth within their borough. In London boroughs, this is in addition to the Mayoral CIL. The borough CIL rates also need to be based on their own viability evidence and as such can vary, both by borough and by type of development. Money raised will help fund strategic infrastructure within our own borough.

How will the charge be levied?

The trigger is commencement of development, though payment may be made in installments if the charging authority has a payment by installments policy.

What will money raised be spent on?

The money can be used to fund a wide range of infrastructure that is needed as a result of development. This can include transport schemes, flood defences, schools, hospitals and other health and social care facilities, parks, green spaces and leisure centres. The levy Charging Authority must produce an annual report for the financial year detailing the total receipts for the reported year, total

expenditure and a summary of the items of infrastructure to which these receipts were applied.

When will CIL be adopted?

The anticipated timetable for adoption is set for January 2015, assuming the legislative changes are adopted. The anticipated timetable for adopting CIL is:

Stage	Date
Preliminary Draft Charging Schedule (PCDS) statutory consultation.	Nov-Dec 2013
Review/analyse responses, consider revisions to rates.	Jan-Feb 2014
Draft Charging Schedule (DCS) statutory consultation.	Sept-Oct 2014 (six weeks)
Review/analyse responses, consider revisions to rates.	October 2014
Submit for examination.	November 2014
Examination and Inspectors report issued.	Dec-Jan 2015
Charging Schedule publication/adoption.	February 2015
Commence Charging.	Prior to March 2015

2. Planning Obligations

What will happen to Section 106?

Section 106 will continue to secure affordable housing and other measures necessary to mitigate the local impact of a particular development.

In September 2007, the council published a draft Supplementary Planning Document (SPD) on Legal Agreements, Planning Obligations and Planning Gains (SPD9). This draft SPD has not been progressed to adoption due to the introduction of CIL. However the Council plans to update the SPD Guidance in relation to Section 106 alongside CIL preparation and adoption.

3. An Evaluation of Legal Agreements 2012-2013

How many legal agreements were signed in 2012/13?

During 2012/13, a total of 22 legal agreements were signed by Ealing Council.

What were the expected total receipts?

The total expected receipts amounts to £5,685,350.

How does this compare with historical S.106 inflows?

There have been significant annual differences over the past 22 years, with an average yearly contribution of £3,125,261. The 2012/13 figure is more than 1.5x that which was achieved the previous year. However it is only about a third of the total inflow that was achieved in 2010/11. The comparatively high figure achieved in 2010/11 was a result of the substantial mixed-use development permitted at Southall Gasworks which includes 3,750 residential units.

How is the analysis of S.106 broken down?

On the following pages are:

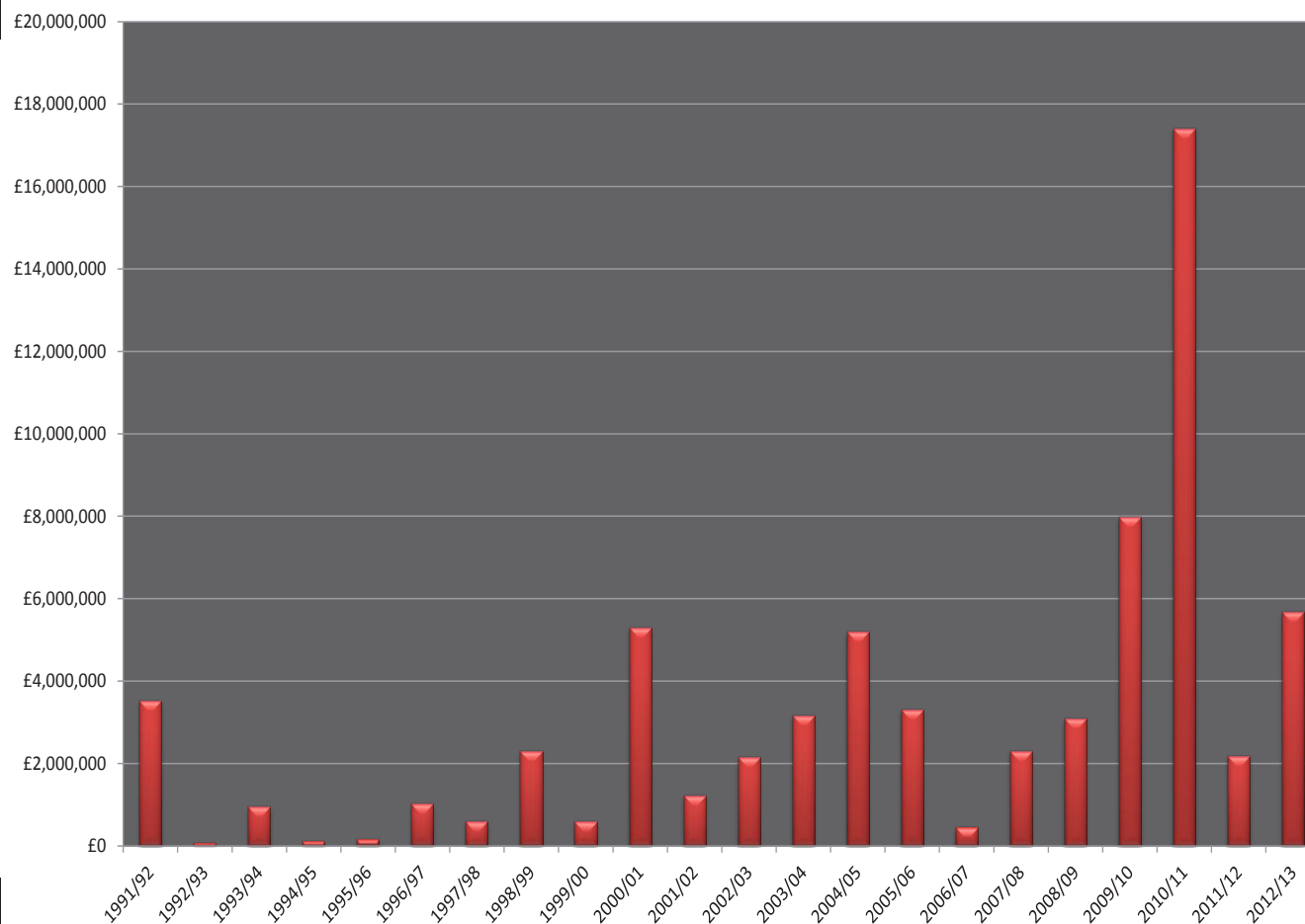
- A table and graph showing total S.106 Inflows 1991-2013.
- A table that provides details of the sealed S106 agreements in 2011/12, including the Heads of Terms. For analysis, the last column (where possible) indicates where these heads of terms have been linked to the Council's Infrastructure Delivery Plan (Version 2, July 2011) to give a broad indication of how contributions from S106 agreements in future will largely be captured through CIL.
- A pie-chart that summarises how much S.106 funding was secured for each broad area of infrastructure identified in the Council's Infrastructure Delivery Plan. The highest contributions related to transport (including public realm improvements) and affordable housing. Significant funds were also agreed for improvements to open space , education, employment and skills.
- A pie-chart that summarises how much S.106 funding was secured by town centre. Acton and Park Royal received the majority of this funding with Acton alone accounting for about 43%. Unusually there were no signed legal agreements in Southall during 2012/13.

3. An Evaluation of Legal Agreements 2012-2013

Total Section 106 Inflows (1991-2013)

The following table and graph represent the total amount of funding secured by signed legal agreements during the period 1991-2013:

Financial Year	Total Cash Funding Expected (£)
1991/92	3,519,100
1992/93	79,000
1993/94	949,200
1994/95	116,000
1995/96	153,700
1996/97	1,021,500
1997/98	592,800
1998/99	2,302,600
1999/00	587,800
2000/01	5,291,500
2001/02	1,228,800
2002/03	2,144,700
2003/04	3,165,300
2004/05	5,187,300
2005/06	3,304,300
2006/07	442,100
2007/08	2,307,400
2008/09	3,101,100
2009/10	7,982,100
2010/11	17,410,232
2011/12	2,183,850
2012/13	5,685,350
Average	3,125,261



3. An Evaluation of Legal Agreements 2012-2013

Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Acton					
373 Uxbridge Road W3	- P/2010/5055 - Legal/ND 656944	19,600	19600	A financial contribution of £18,000 towards Local Parks and Public Open Space including Twyford Crescent (Public Open Space), and £1,600 for the provision of 8 street trees in the surrounding streets, to offset the amenity and play space shortfall of the development.	Open Space
1-3 High Street W3	- P/2010/4704 - DP6725	18,000	18,000	Towards local public open space/park improvements and maintenance at Acton Park	Open Space
206 Acton Lane	- P/2012/1996 - AFL/661000	5,500	5,500	Towards provision of amenity space	Open Space
Colonial Drive, Bollo Lane, W4	- P/2012/0338 - AFL/659891	2,024,847.5	1,200,000	£1,200,000 towards provision of 8-10 new affordable family size homes	Affordable Housing
			220,362	£220,362 towards local education provision	Education, Employment & Skills
			110,000	£110,000 towards the maintenance and improvement of local open space	Open Space
			25,987.50	£25,987.50 towards the provision of off-site children's play equipment in the local area.	Children's play
			225,000	£225,000 to fund a warden at the Gunnersbury Triangle Local Nature Reserve and appropriate management strategy	Transport
			20,000	£20,000 towards public engagement initiatives	Social
			48,500	£48,500 towards transport infrastructure improvement in the vicinity	Transport
			100,000	£100,000 towards local health care provision	Health Care

3. An Evaluation of Legal Agreements 2012-2013

Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Acton					
1-20 Sir Alexander Close, W3	- P/2011/0506	385,000	300,000	For affordable housing in the borough of Ealing	Affordable Housing
			30,000	Towards local education provision in the vicinity of the site	Education, Employment & Skills
			25,000	Towards local health care provision in the vicinity of the site	Health Care
			30,000	Towards off-site highway improvements, traffic management measures, enhanced public transport and sustainable transport provision and support in the vicinity of the site and Travel Plan Monitoring	Transport
Ealing					
The Lindens, Queens Walk W5 (Pittshanger Residential)	- 35397/2	50,000	38,000	Towards local education provision in the area	Education, Employment & Skills
			12,000	Towards local public open space	Open Space
53 Northfield Road, W13, (Walpole Residential)	- P/2007/1115 - DP/1116	45,000	27,000	Towards children’s play equipment and other local park improvements	Open Space
			18,000	Towards school places/educational improvements	Education, Employment & Skills
41 Melbourne Avenue, W13	- P/2010/0333 - JU/656585	10,000	10,000	Contribution towards amenity space in Ealing	Open Space

3. An Evaluation of Legal Agreements 2012-2013

Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Ealing					
37 Sutherland Road, W13	- P/2010/4109 - AFL/657064	19,845	19,845	Towards local open space/parks improvements at Drayton Gardens.	Open Space
5 Chapel Road, W13	-PP/2011/1441	10,000	5,000	Towards double yellow line restrictions on the east side of Chapel Road	Transport
			5,000	Towards traffic calming restrictions on the east side of Chapel Road	Transport
The Town House, Broadway W5 (Additional Flats)	- P/2012/4457 - AFL/659891	50,000	50,000	Towards provision of affordabe housing	Affordable Housing
113 Uxbridge Road Ealing, W5	- P/2011/0743 - AFL/659792	31,350	30,000	Improvement to public transport, cycling and pedestrians infrastructure in the vicinity of the development	Transport
			1,350	Towards street trees in the vicinity of the Open Space development	Open Space
Greenford					
Unit 15, Westway Cross	- P/2012/2370	35,000	15,000	Towards improvements of traffic lights signalling on the Greenford Road/Rockware Avenue and Greenford Road/ Green Park Way junctions	Transport
			15,000	Towards improvements to road safety on Greenford Road/Rockware Avenue and Greenford Road/Green Park Way junctions	
			5,000	Towards monitoring the Green Travel Plan contribution	

3. An Evaluation of Legal Agreements 2012-2013

Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Greenford					
Tesco, Greenford Broadway	- P/2010/0934 - ND/652933	295,000	100,000	Towards provision of employment skills towards residents of the borough of Ealing	Education, Employment & Skills
			135,000	Towards environmental improvement works to the pavements and public realm between Oldfield Land South and Greenford Hall	Open Space
			25,000	Towards marketing activities of the Council to promote the existing town centre	Business
			35,000	£5,000 towards Travel Plan Monitoring and £30,000 towards review and implementation of traffic calming	Transport
Allen Court, Ridding Lane, Greenford, UB6	- P/2012/3391 - AFL/661440	143,700	5,000	Contribution for review and public consultation on the proposals for the extension of existing control parking zones and waiting/loading restrictions in the vicinity of the development	Transport
			33,700	Towards education facilities within Ealing serving the development	Education, Employment & Skills
			100,000	Ridding Lane Open Space scheme	Open Space
			5,000	Towards Travel Plan	Transport

3. An Evaluation of Legal Agreements 2012-2013

Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Hanwell					
Heath Lodge, Church Road, W7	- P/2012/4463	78,089	51,089	Towards provision of local eduction	Open Space
			15,000	Towards Highway improvements at Church Road/Cherington Road junctions	Transport
			12,000	Towards provision of an additional car club space	Transport
4-14 Shakespeare Road, Hanwell, W7	- PP/2012/0164 - JNU/661155	25,758	20,758	Towards the provision of education facilities within the borough	Education, Employment & Skills
			5,000	Towards pedestrian safety improvements within the vicinity of the site with respect to the proposed vehicle crossing adjacent to the access to Yeats Close, Hanwell, W7	Transport
Northolt					
Eascote Lane North, Northolt (Phase 2)	- No Legal Ref (Ealing Council's Land and Project)	90,000	60,000	Agreed for S106 costs for Eastcote, comprising an education contribution of £60,000	Education, Employment & Skills
			30,000	£30,000 Towards highway improvement	Transport

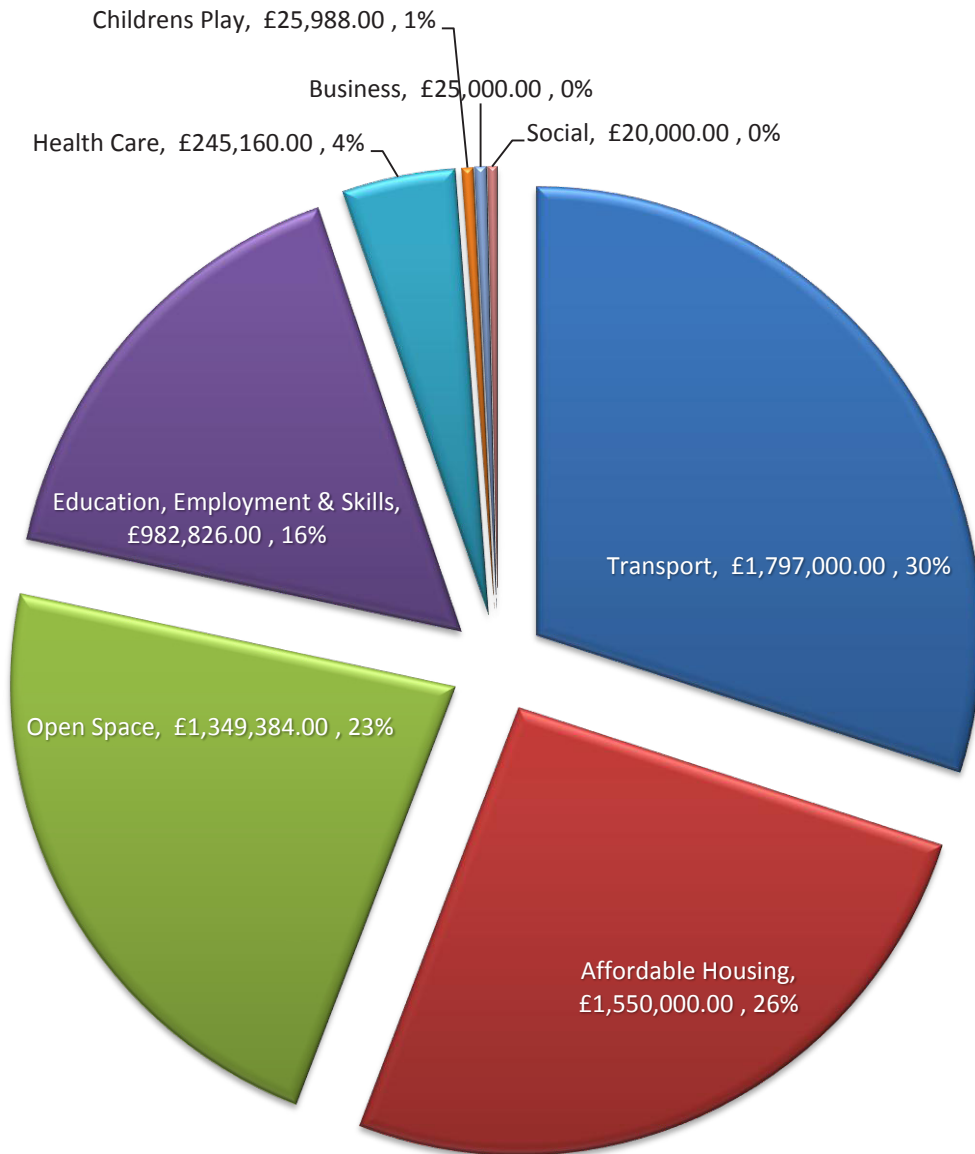
3. An Evaluation of Legal Agreements 2012-2013

Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Northolt					
Rectory Park Estate, Northolt	- P/2011/5047 - AFL/659136	581,660	250,000	Community initiatives contribution of £25,000 per annum over 10 years to fund principally training, employment and community development	Education, Employment & Skills
			151,996	Towards education provision within the local area of the development	Education, Employment & Skills
			50,160	Towards health care contribution within the local area of development	Health Care
			120,000	Towards landscaping improvement for removal and reinstatement of trees landscape design within Rectory Park	Open Space
			6,000	Towards pedestrian and cycling facilities improvement within the vicinity of the development	Transport
			3,500	Towards Travel Plan review	Transport
Park Royal					
NEC House, 1 Victoria Road, Acton (East Acton Office)	- P/2012/2339 - JU/066120	880,000	20,000	Towards local training initiatives and commitment to a local labour scheme	Education Emp & Skills
			170,000	Towards improvement of public transport infrastructure and highway works in the vicinity of the property	Transport
			20,000	Towards West London Health Estates and Facilities Management - capital costs of health provision in the area	Health Care
			670,000	Towards the provision of public open space and improvements to public realm within the Southern Gateway	Open Space

3. An Evaluation of Legal Agreements 2012-2013

Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Park Royal					
628 Western Avenue, (Hotel, Office)	- P/2011/3529 - (No Legal Ref agreement was prepared by applicant)	250,000	150,000	To Transport for London to upgrade the A40 underpass from Park Royal to Masons Green Lane to facilitate local pedestrian route improvements, associated public transport facilities and environmental improvements in the locality	Transport
			20,000	Towards the provision of improvements to the public realm and landscaping	Open Space
			10,000	Towards improvements to the cycling routes within the vicinity of the property	Transport
			40,000	Towards on-site apprentice employment initiatives	Education, Employment & Skills
			30,000	Towards improvement to Masons Green Lane and its environment	Open Space
Chase Road, Acton, W3	- PP/2011/4250 - (No Legal Ref)	1,022,000	200,000	Towards education provision within the local area	Transport
			50,000	Towards health care provision within the area	Health Care
			80,000	Towards the provision of pedestrian cycling and public transport infrastructure improvement and bus count-down system at Bus Stop	Transport
			692,000	Towards the provision of North Acton Station Square	Transport

3. An Evaluation of Legal Agreements 2012-2013



Section 106 Funding Secured. (IDP Section Breakdown)

The main sections of the Infrastructure Delivery Plan that section 106 funds are Transport, Affordable Housing, Open Space, Health Care, Education, Employment and Skills.

Transport received the most funding with £1,797,000, with Affordable Housing and Open Space receiving similarly large funding.

- Transport
- Affordable Housing
- Open Space
- Education, Employment & Skills
- Health Care
- Childrens Play
- Business
- Social

Education, Employment and Skills received just under £1,000,000, whereas Health Care received considerably less with only £245,160. Childrens Play, Business and Social sections comprised the rest of the expected receipts, receiving small amounts of funding.

3. An Evaluation of Legal Agreements 2012-2013

Section 106 Funding Secured. (Town Centre Breakdown)

The following graph represents the amount of Section 106 funding secured within each town centre. The total expected receipts for the monitoring period 2012/2013 are £5,685,350. Acton and Park Royal recieved the majority of this funding with Acton recieving the most (£2,452,948). Unusually there were no signed legal agreements in Southall during the monitoring period (April 1st 2012 - March 31st 2013).

