

Authorities Monitoring Report 2013 - 2014



Ealing's Local Plan
Monitoring Local Planning Obligations
Development Monitor 2

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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 has replaced the previous development plan for Ealing called the Unitary Development Plan (UDP) that was adopted in 2004.

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.

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".

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

- **AMR Development Monitor 1 – Monitoring the Local Plan Making Process** (TBC 2015) 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** (January 2015) which examines the Community Infrastructure Levy and s106 funds arising from any approved development.
- **AMR Development Monitor 3 – Borough Wide Development Monitoring** (TBC 2015) 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** (TBC 2015) 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

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 2013-14.

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 CIL

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, 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. Planning Obligations and CIL

Since charging of Mayoral CIL commenced on 1st April 2013, approximately £38 million has been accrued by the 33 London Boroughs (Of which Ealing contributed £953,703). Forecasts project Mayoral CIL is likely to surpass the £300 million the scheme was initially designed to raise by 2019.

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 adopting CIL by April 2015 can be found below:

<u>Stage</u>	<u>Date</u>
Preliminary Draft Charging Schedule (PCDS) statutory consultation	Feb-Apr 2014
Review / Analyse responses, consider revisions to rates	Apr 2014
Draft Charging Schedule (DCS) statutory consultation	Dec 2014 (six weeks)
Review / Analyse responses, consider revisions to rates	Jan 2015
Submit for examination	Feb 2015
Examination and Inspectors report issued	Mar 2015
Adoption by Full Council	Apr 2015
Charging Schedule Publication	Apr 2015
Commence Charging	Apr 2015

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 has been drafting a CIL / S106 Supplementary Planning Document alongside its CIL preparation which will go out to consultation with the Draft Charging Schedule (DCS).

3. An Evaluation of Legal Agreements 2013-2014

How many legal agreements were signed in 2013/14?

During 2013/14, a total of 30 legal agreements were signed by Ealing Council.

What were the expected total receipts?

The total expected receipts amounts to £6,146,290.

How does this compare with historical S.106 inflows?

There have been significant annual differences over the past 23 years, with an average yearly contribution of £3,256,610. The 2013/14 figure shows a £459,060 increase when compared with 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:

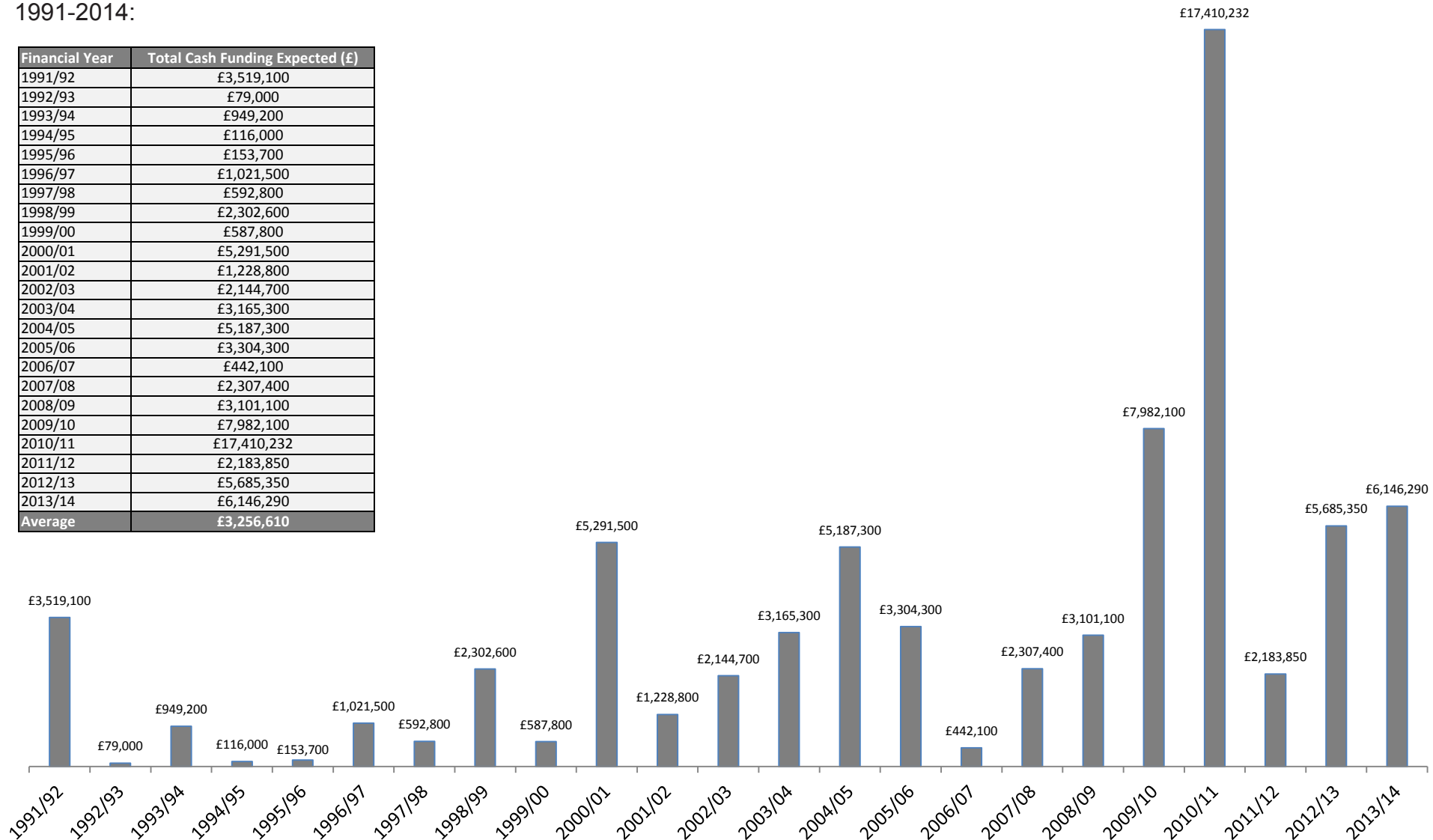
- A table and graph showing total S.106 Inflows 1991-2014.
- A table that provides details of the sealed S106 agreements in 2013/14, including the Heads of Terms. For analysis, the last column (where possible) indicates where these heads of terms have been linked to the Council's Infrastructure Delivery 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. Ealing Metropolitan Town Centre received the most amount of cash funding this financial year (70% of overall total) due to the £3,650,000 secured for provision of off-site affordable housing (following the change in tenure of 59 discounted market units to private at Dickens Yard). It must be noted however that the off-site affordable housing could be provided anywhere within the borough boundary.

3. An Evaluation of Legal Agreements 2013-2014

Total Section 106 Inflows (1991-2014)

The following table and graph represent the total amount of funding secured by signed legal agreements from 1991-2014:

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
2013/14	£6,146,290
Average	£3,256,610



3. An Evaluation of Legal Agreements 2013-2014

Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Acton					
14-16 Churchfield Road	- P/2012/0514 - AFL/661647	£10,000	£10,000	For environmental improvements at Acton Park.	Open Space
18-20 Newton Avenue	- P/2012/4249	£9,000	£9,000	For improvements to amenity space in the vicinity of the development.	Open Space
241-267 High Street	- P/2012/4247 - JNU/661786	£90,820	£83,100	Absence of Amenity Space Contribution towards the provision of Birch (x25) and Chinese privet trees (x2) along the site boundary and to provide a landscaping buffer along the park edge and maintenance for 15 years including the maintenance of trees.	Open Space
			£7,720	Education Contribution towards provision of primary and secondary education places.	Education, Employment & Skills
Acton Storm Tanks, Canham Road / Warple Way - W3 0RG	- P/2013/1438	£7,750	£7,750	a) Undertaker to provide Air Quality Monitoring Equipment (as defined further in the agreement) b) Undertaker to provide Canham Road Footpath (as defined further in the agreement but incurs a commuted sum of £5,250 for future maintenance of Canham Road Footpath and a supervision fee of £2,500)	Transport

3. An Evaluation of Legal Agreements 2013-2014

Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Park Royal					
Concord Road	- P/2013/1800	£6,000	£3,000	Towards the costs of monitoring the Travel Plan relating to the development.	Transport
			£3,000	For the costs of any improvements or maintenance which are identified in the Pedestrian Environment Research Study as being directly related to the Development; necessary to make the Development acceptable in planning terms and fairly and reasonably related in scale and kind to the Development.	Transport
Ealing					
Dickens Yard - (Affordable Housing)	- PP/2012/3826	£3,650,000	£3,650,000	For affordable housing within the borough of Ealing via release of remaining (59) Discount Market Sales Units obligations.	Affordable Housing
222-224 Northfield Avenue, W5	- P/2012/3200 - JU/661500	£8,000	£8,000	For the continued maintenance of local parks and green spaces.	Open Space
Grove House The Grove, W5	- P/2012/5026 - AFL/662342	£95,000	£10,000	Towards healthcare provision within the local area and borough.	Health Care
			£75,000	Towards improvement and maintenance of public open space within the vicinity of the property.	Open Space
			£10,000	Towards transport provision within the local area and borough.	Transport
83 The Avenue, W5		£46,472 (originally £46,197 but became £46,472)	£21,197	For off-site tree replacement.	Open Space
			£17,000	For the cost of relaying the existing footway around the perimeter of the property.	Transport
			£8,000	For the provision of the Crossover Works.	Open Space
			£275	Unspecified	Other

3. An Evaluation of Legal Agreements 2013-2014

Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Ealing					
Arcadia Centre, 1-8 New Broadway, W5	- P/2013/127 - AFL/662875	£100,000	£40,000	1 - Local Projects Contribution towards: (a) Local projects preparing and assisting local people including those who may be unemployed to apply for job vacancies that may arise with the completed development. (b) Facilitating apprenticeships or 'equivalent' training opportunities that may arise within the completed development. (c) Notification of job vacancies to nominated local agencies that may arise from the development. (d) Job brokerage and coordination during the construction phase of the development; and (e) Job monitoring information in connection with the development.	Education, Employment & Skills
			£40,000	2 - Public Transport Pedestrian Safety and Footway Contribution towards measures to improve pedestrian safety and footway congestion at the junction of Springbridge Road with Ealing Broadway as part of a wider junction improvement scheme which shall include upgrading the quality of the existing footways in the Ealing Town Centre.	Transport
			£20,000	3 - Congestion Relief Contribution to improve traffic congestion along Springbridge Road.	Transport
86 Cleveland Road, W5	- P/2009/1391 - AFL/659188	£26,076	£26,076	Towards educational provision.	Education, Employment & Skills

3. An Evaluation of Legal Agreements 2013-2014

Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Ealing					
67-75 The Broadway, West Ealing (W13)		£49,500	£18,000	Towards the provision of disabled car parking facilities and other highway works to improve accessibility within the vicinity of the property including the provisory of dedicated drop off parking bay for customers in Canberra Road.	Transport
			£20,000	Towards highway improvements to encourage walking, cycling and use of public transport including the relocation of a bus stop.	Transport
			£10,000	Towards provision of additional trees within the immediate vicinity of this property.	Open Space
			£1,500	Towards the monitoring of the Travel Plan.	Transport
Manor Works, Manor Road, W13	- P/2013/3073 - AFL/664135	£251,536	£16,940	Towards replacement tree planting.	Open Space
			£4,400	Towards local air quality improvements.	Health Care
			£141,532	Towards educational provision.	Education, Employment & Skills
			£43,455	Towards health care provision.	Health Care
			£20,209	Towards play space provision.	Childrens Play
			£25,000	Towards highway improvements.	Transport
1-3 Corfton Road, W5	- P/2013/1428 - AFL/663748	£1,540	£1,540	Towards street tree planting.	Open Space

3. An Evaluation of Legal Agreements 2013-2014

Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Ealing					
Park Royal Hotel, Hanger Green W5	- P/2012/3475 - P/2012/3477 - JNU/661819	£88,000	£25,000	For Employment Training Initiative and Local Labour Scheme as described in paragraph 12 of the First Schedule.	Education, Employment & Skills
			£58,000	Highways towards transport infrastructure highway and environmental improvements in the vicinity of the Property which may include: (a) Environmental improvements including street furniture and landscaping. (b) Footway and other highway improvements in the vicinity of the property including tactile pavement and pedestrian crossing. (c) Transport infrastructure improvement which may include real time travel information at bus stops and shelters. (d) Displacement of parking bays to carriageway resulting from the proposed highway works.	Transport
			£5,000	For Street Trees	Open Space
St Benedict's School	- P/2013/5390 - AFL/665055	£11,080	£5,000	Towards the provision of street trees, including two trees outside the New Ark Building. Such trees to be planted following practical completion of the New Ark Building.	Open Space
			£1,080	Towards the energy monitoring following practical completion of the development.	Energy
			£5,000	Towards the provision of a safety barrier outside the proposed new nursery entrance (such barrier to be provided following practical completion of the New Ark Building) and for traffic safety measures around the property.	Transport

3. An Evaluation of Legal Agreements 2013-2014

Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Greenford					
1188 Greenford Road	- P/2012/1519	£6,000	£6,000	Towards the provision of education facilities within the borough	Education, Employment & Skills
Red Lion, Greenford Road UB6	- PP/2012/3826	£107,000	£4,500	For the implementation of air quality measures contained in the London Borough of Ealing's Air Quality Action Plan.	Health Care
			£2,200	For improvements to bus shelters in the vicinity of the development.	Transport
			£73,600	For education provision within the local area of the development.	Education, Employment & Skills
			£1,700	For post-construction energy monitoring of the development.	Energy
			£10,000	For health care provision within the local area of the development.	Health Care
			£10,000	For comprehensive junction improvement scheme for the junction of Greenford Road and Ruislip Road.	Transport
			£5,000	For monitoring of the Travel Plan.	Transport

3. An Evaluation of Legal Agreements 2012-2013

Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Greenford					
82-100 Horsenden Lane North	- P/2013/2608	£104,967.32	£56,527	For local Education provision.	Education, Employment & Skills
			£31,670	Highways contribution for kerb, footway and minor landscaping, crossovers and resurfacing of the carriageway, lighting and subsequent adoption.	Transport
			£11,000	Parks contribution for provision of children's play equipment in the vicinity of the development.	Childrens Play
			£770	For street trees in the vicinity of the development.	Open Space
			£5,000	Transport contribution for introducing waiting restrictions on the access road linking Horsenden Lane North to the park.	Transport
Northolt					
Dove House Court Kittiwake Road UB5	- P/2012/2422	£137,414	£137,414	Education contribution.	Education, Employment & Skills
Rectory Park Estate	- P/2011/5045 - AFL/659136	£296,925	£137,500	For education provision within the local area of the development.	Education, Employment & Skills
			£75,250	For health care within the local area of the development.	Health Care
			£84,175	For landscaping ie the felling and removal of trees, the re-provision of trees, and the design and provision of landscaping within Rectory Park (any such works to be completed within two months of completion of the development.	Open Space

3. An Evaluation of Legal Agreements 2013-2014

Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Hanwell					
4-14 Shakespeare Road	- P/2012/0164	£25,758	£20,758	Towards the provision of education facilities within the borough	Education, Employment & Skills
			£5,000	Toward pedestrian safety improvements within the vicinity of the site with respect to the proposed vehicle crossing adjacent to the access to Yeats Close, Hanwell.	Transport
Southall					
St Bernard's Hospital Energy Centre, Uxbridge Road	- PP/2012/3826	£15,500	£15,500	Towards the provision of off-street tree and shrub planting alongside Fitzherbert Walk and the River Brent and a pedestrian access between the application site and Fitzherber Walk across Council owned land.	Open Space
St Bernard's Hospital Phases S2 and S3, Uxbridge Road	- PP/2012/4008	£844,741.50	£14,662	Cycling contribution.	Transport
			£420,629	Education contribution.	Education, Employment & Skills
			£260,950	Health Care contribution.	Health Care
			£75,000	Play Area contribution.	Childrens Play
			£60,000	Public Open Space contribution.	Open Space
			£3,500	Travel Plan review.	Transport
			£10,000	Windmill Lane improvement contribution.	Other
Warren Farm, Windmill Lane	- P/2012/5124 - JNU/62295	£77,500	£60,000	For cricket wickets / pitches elsewhere within the London Borough of Ealing.	Community & Leisure
			£7,500	For Travel Plan review.	Transport
			£10,000	For Legile London Signage to the property from bus stops in Uxbridge Road and Lower Boston Road only.	Transport

3. An Evaluation of Legal Agreements 2013-2014

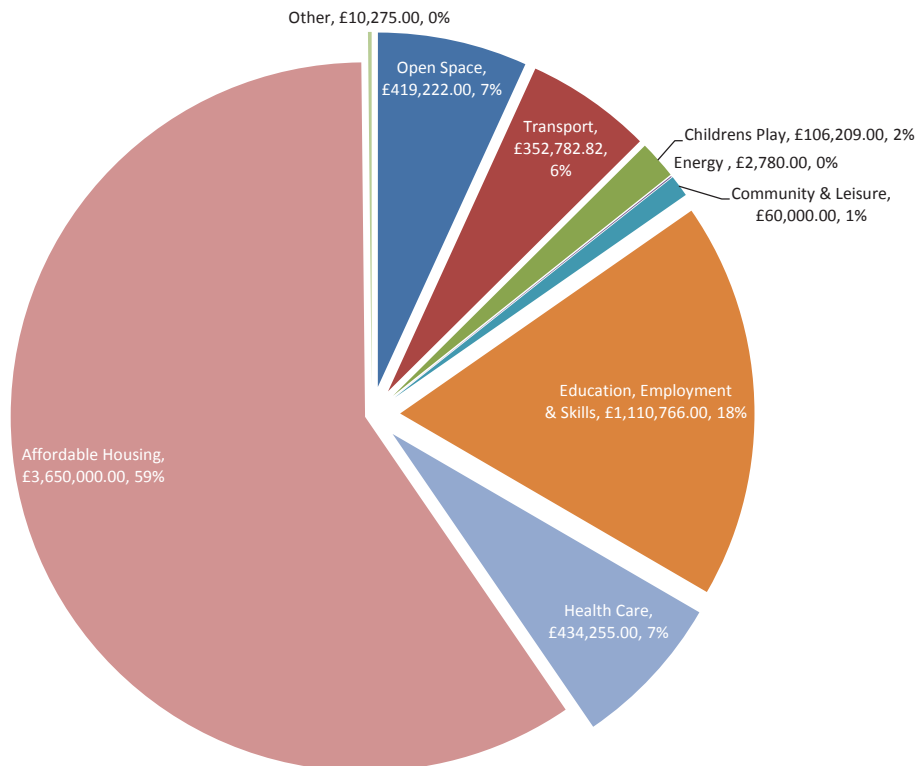
Address	Reference	Total Secured (£)	Disaggregated Amount (£)	Terms	IDP Section
Southall					
The Former Boatyard, Tentelow Lane	- PP/2011/5405	£49,710	£24,010	For additional or improved education provision in the Borough of Ealing.	Education, Employment & Skills
			£25,700	For additional or improved health provision in the Borough of Ealing.	Health Care
Perivale					
Hoover Building Seven	- P/2013/1911	£30,000	£25,000	Towards traffic congestion mitigation measures.	Transport
			£5,000	Towards improvement to the cycling infrastructure.	Transport

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.

Affordable Housing recieved the most funding (59% of all S106 monies during 13/14) with the other main sections accruing the majority of the other funding across the borough.

Graph 3.2 - Secured s106 monies by infrastructure type.



3. An Evaluation of Legal Agreements 2013-2014

Section 106 Funding Secured. (Town Centre Breakdown)

The following graph represents the amount of Section 106 funding secured within each town centre in the borough. The total expected cash receipts for the monitoring period 2013/14 are £6,146,290. Ealing Metropolitan Town Centre recieved the most funding (70%) mainly due to the high amount of funding recieved for off-site affordable housing provision as part of the on-going Dickens Yard development. Moreover, Southall recieved the second highest amount of funding to make up for a shortfall from the previous monitoring period.

Graph 3.3 - Secured s106 monies by Town Centre.

