

**APPENDIX 1: SCHEDULE OF RESPONSES TO THE PRELIMINARY DRAFT CHARGING SCHEDULE  
SEPTEMBER 2012**

ID	Rep No.	Organisation / Individual	Date submitted	Relevant document	Relevant paragraph	Summary of Representation	Council's Response
02	PDCS1	Ruislip Manor Pharmacy	07 June 2012	PDCS	n/a	The CIL should be simple to operate. Developers should not pay for all aspects of infrastructure provision.	Comments noted. <b>No proposed change.</b>
03	PDCS1	Sovereign CS Ltd	18 June 2012	n/a	n/a	Consultation acknowledged - no specific comments to make.	Comments noted. <b>No proposed change.</b>
04	PDCS1	Natural England	27 June 2012	SIP	n/a	Acknowledge the inclusion of open space, bio-diversity and habitats in the CIL and SIP.	Comments noted. <b>No proposed change.</b>
05	PDCS1	GVA	3 July 2012	PDCS	n/a	Clarification sought on whether educational institutions are exempt from CIL charges.	Education institutions will not be subject to CIL charges. <b>No proposed change.</b>
06	PDCS1	Dron and Wright for London Fire and Emergency Planning Authority	06 July 2012	PDCS	n/a	As sui generis uses and vital community safety facilities, fire stations should be exempt from CIL charges. Fire stations are classed as infrastructure and the provision of such development makes a substantial contribution towards the infrastructure that CIL is designed to fund. CIL payments will result in double charging and subsequent impacts on viability.	Viability evidence indicates that at a borough wide level, sui generis uses can support a CIL charge. No evidence to the contrary. <b>No proposed change.</b>
07	PDCS1	Heathrow Airport Ltd	09 July 2012	SIP	n/a	List of additional projects attached with representation to be included in the SIP.	It is accepted that the SIP is a constantly evolving document. <b>Proposed change: include list of additional projects in the SIP.</b>
07	PDCS2	Heathrow Airport Ltd	09 July 2012	PDCS	Table 2.1	Objections to the inclusion of an infrastructure requirement for utilities totalling £23 million. This requirement should be met by utility providers and reflected in charges to customers. This is particularly the case for repairs and new provision to meet customer demands.	Table 2.1 in the PDCS reflects the findings of the SIP and the need to provide sufficient physical infrastructure to support growth, particularly over the period of the Core Strategy. Table 2.1 demonstrates the funding gap and not the Regulation 123 list of projects that CIL will support. <b>No proposed change.</b>

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08	PDCS1	Turley Associates for La Selle Investment Management	10 July 2012	PDCS	3.1	Proposed rates will prejudice the viability of office development in Uxbridge town centre, contrary to its role as a metropolitan centre. The PDCS should be amended to set a nil rate for office uses in this area.	The PDCS sets rates for different uses across the borough. Evidence indicates that the addition of the CIL will not adversely affect the viability of new office development, when assessed at a borough-wide level. No evidence to the contrary. <b>No proposed change.</b>
08	PDCS2	Turley Associates for La Selle Investment Management	10 July 2012	EVA	Page 5	Whilst the EVA states that office sites can command values in excess of £10 million per hectare the high EUV of £8.8 million used to test viability falls short of this. Values in central Uxbridge are likely to approach £15 m per hectare and the appraisal does not represent a robust basis for testing the viability of office development in that location.	The existing use values in the EVA are representative of those across the borough.  No evidence has been presented to justify a nil rate for office development or to demonstrate that the addition of the proposed CIL will cause office development to be unviable. <b>No proposed change.</b>
08	PDCS3	Turley Associates for La Selle Investment Management	10 July 2012	EVA	Page 14, Appendix B	It cannot be concluded for office development that there is potential to contribute CIL at high existing use values.  The viability exercise suggests good viability is confined to higher rental schemes with a level of £50 sqm or under. Evidence does not support any charges over and above the Mayoral CIL in high value locations.  Build cost assumptions make insufficient allowance for high spec offices. No allowance for third party interests or abnormal costs.	The existing use values in the EVA are representative of those across the borough.  No evidence has been presented to justify a nil rate for office development or to demonstrate that the addition of the proposed CIL will cause office development to be unviable. <b>No proposed change.</b>
09	PDCS1	Canal and River Trust	10 July 2012	PDCS	n/s	No specific comments	Comments noted. <b>No proposed change.</b>

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010	PDCS1	Peacock and Smith for WM Morrison plc	10 July 2012	PDCS		<p>Objection to charges for retail uses.</p> <p>Concerned that the abnormally high charges will have an adverse impact on large retail development.</p> <p>Balance has not been struck between infrastructure funding requirements and viability.</p> <p>Undue additional risk on proposals that will threaten new investment and job creation</p> <p>Reference to Poole BC's decision to drop size threshold for charges on retail development. No justification of proposed differential rates for retail development.</p> <p>Charges are significantly higher than those in surrounding boroughs.</p>	<p>The viability study indicates that the addition of the CIL will not adversely affect the viability of new retail development over 1,000 sqm, when assessed at a borough-wide level. The differentiation is justified in viability terms. No evidence to the contrary. <b>No proposed change.</b></p>

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011	PDCS1	Mayor of London	11 July 2012	PDCS EVA		<ul style="list-style-type: none"> <li>- The benchmark existing use values in the viability study are based on comparable transactions in the recent past. It is unlikely that these values will take account of future planning policy changes such as the introduction of CIL. The shortcomings of this approach are highlighted in paragraphs 7-9 of the Inspector's Report on the Mayoral CIL.</li> <li>- Regulation 14 states that consideration has to be given to the likely effects of CIL on viability <i>after</i> the adoption of the charging schedule. The viability study does not completely meet this requirement.</li> <li>- In making the assessment of whether Regulation 14(3) has been met it would be clearer if the Mayor's CIL is treated as a development cost.</li> <li>- Position regarding affordable housing should reflect early minor alterations to the London Plan.</li> <li>- With regard to the proposed differential rate, awareness is needed of Poole BC's decision to drop its differential rate and the Inspector's decision for Newark and Sherwood District.</li> <li>- Need to liaise directly with TfL during future consultation stages.</li> </ul>	<p>The 'existing use value' method is an established and accepted approach to the assessment of viability. This is confirmed in the Mayoral CIL Inspector's Report, which compares the relative merits of this approach with the 'market value' approach put forward by the RICS.</p> <p>The viability assessment sets rates that could be charged after the Mayoral CIL has been taken and effectively treats this as a development cost. There is scope to clarify this further in the PDCS.</p> <p>The Council is aware of Poole BC's decision to withdraw the differentiation between retail uses. In Hillingdon, viability evidence supports the proposed charging rate for retail development over 1,000 sqm. Subject to identifying a suitable contact, the Council will liaise directly with TfL during future stages of consultation.</p> <p><b>Proposed change:</b> It is agreed that the viability study could be clearer on how the Mayoral CIL has been taken into account when setting Hillingdon's charging rates. TfL will be contacted directly in future consultations.</p>

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012	PDCS1	Groundwork Trust for Colne Valley Regional Park	11 July 2012	SIP	Table F	CVRP should be listed as a key organisation for the delivery of green infrastructure in the SIP. Add sentence describing CVRP as ' <i>the first taste of the countryside to the west of London.</i> ' CIL should be used to contribute towards the cost of green infrastructure.	The SIP does not contain Table F. The Council recognises the strategic importance of the Colne Valley Regional Park, although site specific areas are not listed in Table F. <b>Proposed change:</b> include reference to the strategic importance of the Colne Valley Regional Park managed by the Groundwork Trust in section 7.2.1.
012	PDCS2	Groundwork Trust for Colne Valley Regional Park	11 July 2012	SIP	3.4.2	Add information on Colne Valley Trail proposals as identified in the all London Green Grid Colne and Crane Area Framework.	Paragraph 3.4.2 identifies broad strategic future requirements to accommodate growth. <b>Proposed change:</b> Refer to local and strategic green infrastructure schemes in paragraph 3.4.2.
012	PDCS3	Groundwork Trust for Colne Valley Regional Park	11 July 2012	SIP	7.2.1 & 7.2.2	Additional paragraphs relating to Colne Valley should be included in sections 7.2.1 and 7.2.2, similar to paragraphs about the Blue Ribbon Network.	<b>Proposed change:</b> It is agreed that additional factual information on Colne Valley could be included in the SIP. This should not extend to policies regarding the management of the park.
012	PDCS4	Groundwork Trust for Colne Valley Regional Park	11 July 2012	SIP	7.2.4	CLRP does not agree with the statement that ' <i>As there is no identified need, both existing and future, there are no costs of providing open space</i> '	The SIP assesses the cost of meeting needs to accommodate growth in the borough. If there are no identified requirements to meet these needs specific costs are not identified. <b>No proposed change.</b>
013	PDCS1	Turley Associates	11 July 2012	PDCS	n/a	Clarification sought on proposed charging rates for retail development inside town centre boundaries.	Retail development inside town centres will be charged at £nil per sqm.
013	PDCS2	Turley Associates	11 July 2012	PDCS	3.1	Further clarity needed on retail charges. New row to be added to Table 3.1: <i>'Retail development inside town centres or less than 1,000 sqm elsewhere – nil chargeable rate'</i>	<b>Proposed change:</b> Clarify that the charging threshold relates to the total amount of floorspace and is not linked to the number of occupiers.

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014	PDCS1	Environment Agency	11 July 2012	SIP	Table F	Watercourses should be recognised as green infrastructure in 'issues' section of table.	There is no Table F in the SIP. Watercourses are referred to in paragraph 7.2 of the SIP as Green Corridors. No need to change this definition. <b>No proposed change:</b>
014	PDCS2	Environment Agency	11 July 2012	SIP	Map J	Rivers and watercourses should be added to the map to indicate areas of potential 'green growth'	<b>Proposed change: Watercourses will be added to map J.</b>
014	PDCS3	Environment Agency	11 July 2012	SIP	Appendix A	The only EA project listed on the infrastructure schedule is the Arklyne Kennels scheme. Other projects have been identified as part of on-going discussions with the Council. There may be projects associated with the water framework directive to be included in the SIP.	The Council will include projects in the infrastructure schedule as and when they are put forward by the Environment Agency. <b>No proposed change.</b>

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015	PDCS1	RPS for Arla Foods and Citygrove Securities plc	11 July 2012	PDCS/EVA		<ul style="list-style-type: none"> <li>- Objection to proposed rates for retail and residential development.</li> <li>- Essential that rate allows for changes in rental incomes.</li> <li>- Charging rates are high in comparison with other London Boroughs, making Hillingdon less attractive to retail and residential developers.</li> <li>- Viability is highly sensitive to small changes in development costs. A more cautious approach to rates for retail and residential development is needed.</li> <li>- Objection to the omission of discretionary relief. Hillingdon should make discretionary relief available where s106 is a more appropriate mechanism.</li> <li>- Sequentially preferable sites should be exempt from CIL charges.</li> <li>- Viability study should consider edge of centre sites that would be beneficial to town centres.</li> <li>- Viability study fails to assess the implications of large mixed use schemes on edge of centre sites.</li> <li>- Charging Schedule is seeking to differentiate between use classes, which is contrary to the CIL Regulations.</li> <li>- Charging Schedule is silent on other forms of retail use such as restaurants and other 'A' uses.</li> <li>- Cumulative size of unit shops may exceed 1,000 sqm. Will they be charged in this situation?</li> <li>- Unit shops should be exempt from CIL if in aggregate they exceed 1,000 sqm and notwithstanding their location.</li> <li>- RPS request the right to take part in the CIL examination.</li> </ul>	<p>The PDCS sets rates for different uses across the borough. Evidence for retail and residential uses indicates that the addition of CIL will not adversely affect the viability of new office development, when assessed at a borough-wide level. No evidence to the contrary.</p> <p>The Council's approach is to identify borough wide rates that are economically viable, rather than proposing discretionary relief for certain uses. The viability evidence has considered a range of different locations across the borough and different uses, including a range of 'A' uses classes.</p> <p>Government guidance refers to setting CIL rates according to different uses, not use classes. Hillingdon is of the view that there are clear differences in the viability of small and large scale retail units.</p> <p>Evidence indicates that at a borough wide level, the addition of the CIL will not tip the balance of viability for retail development over 1,000 sqm. <b>No proposed change.</b></p>

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016	PDCS1	Broadway Malyan for Hillingdon Hospitals and Mount Vernon Hospital	11 July 2012	PDCS, EVA		<p>Suggest including the following wording in the charging schedule:</p> <p><i>'Development used or wholly or mainly for the provision of any medical or health services, or ancillary uses associated with medical or health services will be charged at a rate of £0 per square metre.'</i></p>	<p>D1 uses are not included in the Charging Schedule. Section 2.3 confirms that the Council does not propose to charge CIL on these uses beyond the Mayoral CIL. <b>No proposed change.</b></p>
017	PDCS1	DP9 for CES properties	11 July 2012	PDCS	2.3 and 3.1	<p>Single rate for residential development will render some forms of development unviable, for example where building refurbished creates additional residential units.</p> <p>The Council should allow for relief in exceptional circumstances where development brings forward planning benefits, for example in the case of refurbished listed buildings.</p>	<p>CIL will only be charged where there is a net increase in floorspace. Given the relatively small increase in floorspace created by most conversions the associated CIL charge is likely to be minimal.</p> <p>Evidence indicates that the addition of the CIL will not adversely affect the viability of new residential development, when assessed at a borough-wide level.</p> <p>The Council's approach is to identify borough-wide rates that are economically viable, rather than proposing discretionary relief for certain uses. <b>No proposed change.</b></p>

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018	PDCS1	DP9 for Royal Brompton and Harefield NHS Foundation Trust	11 July 2012	PDCS		<ul style="list-style-type: none"> <li>- The Trust would like to appear at the CIL examination.</li> <li>- Welcomes the opportunity to pay CIL in instalments or in-kind.</li> <li>- No specific reference to infrastructure associated with Harefield Hospital in PDCS.</li> <li>- Harefield Hospital was not consulted on infrastructure requirements. Would welcome this discussion.</li> <li>- Supports the decision not to charge CIL for residential institutions.</li> <li>- Rate for residential development should vary across the borough.</li> <li>- The Charging Schedule should allow for exemptions from payment in site specific circumstances.</li> </ul>	<p>Noted that the Trust would like to appear at the examination.</p> <p>The viability study indicates that the addition of the CIL will not adversely affect the viability of residential development, when assessed at a borough-wide level. Viability evidence does not support the use of different rates for different residential uses.</p> <p>The primary contact for healthcare has been West London Healthcare Estates. This consultation provides an opportunity to include any additional items of health infrastructure in the SIP.</p> <p>The Council's approach is to identify borough-wide rates that are economically viable, rather than proposing discretionary relief/exemptions for certain uses.</p> <p><b>No proposed change.</b></p>
019	PDCS1	GL Hearn for Tesco Stores Ltd	11 July 2012	PDCS	n/s	An appropriate balance has not been struck between the desirability of funding infrastructure and the potential effects of the levy on the economic viability of development.	<p>No evidence has been presented to justify the view that an appropriate balance has not been struck. <b>No proposed change</b></p>
020	PDCS1	The Highways Agency	11 July 2012	n/a	n/a	No specific comments at this time	<p>Noted. <b>No proposed change</b></p>

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021	PDCS1	CGMS for the Metropolitan Police Authority	11 July 2012	PDCS		<ul style="list-style-type: none"> <li>- New Police facilities should attract a nil rate.</li> <li>- Policing should be a beneficiary of CIL payments.</li> <li>- Further information submitted on police infrastructure requirements.</li> </ul>	<p>Viability evidence supports the inclusion of <i>sui generis</i> uses in the Charging Schedule. No evidence to the contrary.</p> <p>The list of projects to be funded by CIL will be included in the 'Regulation 123 list' at later stages of the consultation process.</p> <p>List of additional infrastructure projects noted.</p> <p><b>Proposed change:</b> Additional schedule of infrastructure projects to be added to the SIP.</p>

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22		Thomas Eggar for Asda Stores Ltd	11 July 2012	PDSC/ POSPD		<ul style="list-style-type: none"> <li>- Disproportionate loading on residential and retail uses.</li> <li>- Approach does not achieve an appropriate balance between the desirability of funding infrastructure and its potential effects on viability.</li> <li>- Charges will disincentivise investment in retailing and curtail growth in the borough.</li> <li>- CIL Regulations do not allow for differentiation within uses. Reference to the Inspector's report for Newark and Sherwood – '<i>without very clear viability justification two different rates for retail development could be said to unreasonably favour smaller retailers....</i>'</li> <li>- The charging threshold could be seen as unreasonably favouring smaller units.</li> <li>- Viability evidence should have considered the impact of CIL on long term vacant properties not in lawful use.</li> <li>- Concerned there is no proposal to introduce exceptional circumstances relief in the borough.</li> <li>- CIL Regulations allow for staged payments to be linked to the period of time since commencement rather than the phase of development reached.</li> <li>Developers submitting full planning applications are at a disadvantage as the charging regime for outline permissions makes allowances for phased development.</li> <li>- Disconnect between proposed CIL charges and the cost of infrastructure across the borough.</li> <li>- No assessment of infrastructure requirements for particular types of development.</li> <li>- Potential for double charging between planning obligations and CIL. Need for monitoring of infrastructure delivered from these revenue sources.</li> <li>- Flat rate charge would be a fairer approach. Charges for retail development should be reduced, exceptional circumstances and staged payments tests should be introduced.</li> </ul>	<p>Viability evidence supports the proposed rates for retail and residential development and the Council's position is that an appropriate balance has been struck. No evidence to the contrary.</p> <p>The CIL Regulations allow for differentiation between uses. In Hillingdon's case the differentiation has been made on viability grounds.</p> <p>Notwithstanding any exceptional site specific costs the existing use value of a building with no lawful use is expected to be low, generating a relatively high potential margin for CIL.</p> <p>Comments regarding the phasing of payments are noted. Outline proposals are well suited to payment by instalments as development often comes forward in phases defined by reserved matters applications. The issues associated with full applications will be addressed in the Council's policy on instalments.</p> <p>CIL charges are defined by evidence of viability rather than the cost of infrastructure provision across the borough.</p> <p>The potential for double charging between CIL and S106 will be carefully monitored.</p> <p>The Council's approach to charging and the level of proposed charges is supported by evidence of viability. As such, exceptional circumstances relief is not considered appropriate .The Council will consider its approach to staged payments. <b>No proposed change.</b></p>

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023	PDCS1	The Planning Bureau Ltd for McCarthy and Stone	27 July 2012 Late Submission	PDCS		<p>The CIL should take account of the needs of older people.</p> <p>There is concern regarding how the CIL would apply to specialist accommodation for older people.</p> <p>The viability study does not consider specialist housing. The application of CIL may prevent retirement housing from coming forward.</p> <p>Applying CIL in pounds per sqm would unreasonably penalise retirement housing development.</p> <p>The assumptions in the viability report do not relate to retirement development – i.e. there is a much longer sales period than normal housing.</p> <p>LPAs are required to avoid unnecessary burdens on development. Retirement development does not have the same impact on local infrastructure.</p> <p>Uniform rate for residential uses penalises retirement development.</p> <p>Consideration should be given to the timing of CIL payments. Part payment should be made on the first occupation and then phased on occupation levels.</p> <p>Need to prioritise CIL and affordable housing provision.</p>	<p>The purpose of CIL is to provide infrastructure that will be of benefit to all sectors of the population.</p> <p>CIL has been applied to a range of development types. Across the borough, a uniform rate for residential is considered to be viable. No evidence presented that it will affect the viability of retirement development.</p> <p>The CIL replaces aspects of S106 contributions relating to local infrastructure.</p> <p>The CIL regulations are clear that payments are linked to commencement of development and should be paid in £/sqm.</p> <p>The rates are set at a level where across the borough, affordable housing provision should not be affected. <b>No proposed change.</b></p>

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ID	Rep No.	Organisation / Individual	Date submitted	Relevant document	Relevant paragraph	Summary of Representation	Council's Response
01	POSPD	London Borough of Hillingdon	30 May 2012	POSPD	n/a	Suggested amendments to the Draft POSPD	<b>Proposed change: Accept text updates to the POSPD.</b>
04	POSPD1	Natural England	27 June 2012	POSPD	n/a	<ul style="list-style-type: none"> <li>- Approach is reasonable and in line with relevant legislation.</li> <li>- Welcome references to open space in Planning Obligations SPD.</li> <li>- Paragraphs 8.4-8.12 are welcomed, but Natural England does not support development schemes that adversely affect designated sites.</li> </ul>	Comments noted. The Local Plan (Part 1) contains policies on the protection of designated sites. <b>No proposed change.</b>
07	POSPD1	Heathrow Airport Ltd	09 July 2012	POSPD	5.6 and 5.7	<p>Objection to the requirements of para 5.6 and 5.7 which amount to potential double charging of CIL and s106.</p> <p>Paragraph 5.6 states that where infrastructure is not planned for delivery from CIL or any other funding programmes the Council will request that this is provided by the developer. Para 5.7 lists where s106 contributions will be sought.</p> <p>This could result in developers being charged twice as they will also be liable to pay the CIL.</p> <p>Whilst it is accepted that site specific measures are appropriate for S106/S278, the guidance should make clear that this mechanism does not extend to funding improvements to address transport deficiencies across the area as a whole.</p>	Section 278 agreements remain unchanged by the CIL. It is agreed that following the introduction of CIL the use of S106 contributions will be limited to site specific mitigation. <b>Proposed change: Amend paragraph 5.7 to state that 'The Council will seek s106 contributions to address site specific mitigation and s278 contributions as follows.'</b>

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09	POSPD1	Canal and River Trust	10 July 2012	POSPD		<ul style="list-style-type: none"> <li>- It is important that waterways are not overlooked in the CIL/S106 process.</li> <li>- Public realm improvements identified in the POSPD/PDCS should incorporate the Grand Union Canal.</li> <li>- Utilities team has been working with energy providers who want to make use of the GUC as part of process. Contact details provided.</li> <li>- C&amp;RT has not been consulted regarding green infrastructure in the SIP. GUC not illustrated on Map J, Open Spaces in the Borough.</li> <li>- Maintain and enhance open space to meet growth needs.</li> <li>- Substitute references to British Waterways with The Canal and River Trust.</li> <li>- C&amp;RT has no plans to extend the national cycle network. Towpaths do not generally meet NCR design standards and should be considered as link routes to the NCR, rather than NCRs themselves.</li> </ul>	<p>The Council will accept any proposed amendments to the SIP and publish a Regulation 123 list of projects that CIL will be used to support. This may or may not include specific reference to the GUC, which is specifically mentioned in the SIP as part of the Blue Ribbon Network. <b>Proposed change:</b> All references to British Waterways will be substituted with C&amp;RT. References to Grand Union Canal towpath national cycle network will be removed from the infrastructure schedule.</p>
012	POSPD1	Groundwork Trust for Colne Valley Regional Park	11 July 2012	POSPD	8.3	Colne Valley Park should be added to the bullet point list of 5 areas associated with this paragraph. A new sub-section should be added to the draft SPD, seeking a planning obligation where new development is located within or adjacent to the Park, or where such development would lead to its increased use, or have an adverse impact on the ability to deliver any of the Park's six objectives.	<p>The revised planning obligations SPD is not site specific. <b>No proposed change.</b></p>
014	POSPD1	Environment Agency	11 July 2012	POSPD	3.1	Wish to be consulted on projects included in the Regulation 123 list.	<p>The Council will consult the Environment Agency at all stages in the production of the CIL documents. <b>No proposed change.</b></p>
014	POSPD2	Environment Agency	11 July 2012	POSPD	3.3	Support references to pre-application advice. Would like to see references to pre-application advice from statutory/non statutory consultees.	<p>The Council will co-ordinate pre-application advice from other consultees as appropriate. <b>No proposed change.</b></p>

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014	POSPD3	Environment Agency	11 July 2012	POSPD	8.1-8.21	Pleased to see the inclusion of the North London River Restoration Plan, Bio-diversity Action Plan and SFRA. Should be made clear that flooding from all sources will be assessed in site specific FRAs.	<b>Proposed change: Incorporate EA comments in para. 8.21. Flooding from all sources will be considered in site specific FRAs.</b>
015	POSPD1	RPS for Arla Foods and Citygrove Securities plc	11 July 2012	POSPD		<ul style="list-style-type: none"> <li>- Late payment fee is excessive.</li> <li>- Objection to payment prior to commencement of development. Payment should be made on commencement.</li> <li>- Application of standard 5% administration fee not appropriate. Each case should be considered on its merits.</li> <li>- Policy context in SPD needs to be updated to reflect the NPPF.</li> <li>- Potential for double charging of CIL and S106 on highway works. Planning applications often result in the need for off-site highway works. In such circumstances there should be relief from CIL.</li> </ul>	<p>Fees are carried over from the current version of the Planning Obligations SPD and have worked well. No evidence put forward to justify change.</p> <p>Both documents will be updated to reflect the NPPF.</p> <p>Section 278 agreements remain unchanged by the CIL. It is agreed that following the introduction of CIL the use of S106 contributions will be limited to site specific mitigation.</p> <p><b>Proposed change: Update both documents to reflect the NPPF.</b></p> <p><b>Amend paragraph 5.7 to state that '<i>The Council will seek s106 contributions to address site specific mitigation and s278 contributions as follows:</i>'</b></p>
017	POSPD1	DP9 for CES properties	11 July 2012	POSPD	6.8	With regard to employment contributions, consideration should be given to the length of time a particular site has been vacant. Certain sites will have little or no prospect of delivering employment use and requiring contributions from such sites is unjustified.	The viability of delivering planning obligations will be discussed during the negotiation of site specific S106 agreements. <b>No proposed change.</b>

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SEPTEMBER 2012**

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018	POSPD1	DP9 for Royal Brompton and Harefield NHS Foundation Trust	11 July 2012	POSPD		<ul style="list-style-type: none"> <li>- Paragraphs 2.15-2.16 refer to PPS12. Reference should be removed and replaced with paras 203-206 in the NPPF.</li> <li>- Welcome flexibility in para 3.10 but suggest later/staged payments should be accepted in certain circumstances.</li> <li>- Object to para 3.15. Viability assessments should be undertaken on the basis of price paid for a site rather than land value. No guidance in the SPD on how land values will be determined.</li> <li>- Paras 4.8 and 4.11 refer to PPS3. Reference should be made to the definition of affordable housing in the Glossary of the NPPF.</li> <li>- Para 4.11: SPD should recognise affordable rent as a form of affordable housing.</li> <li>- Para 4.17: should recognise that in addition to the GLA toolkit, other financial models may be used to assess viability.</li> <li>- Para 4.21: Reference to PPS1 should be replaced with the aims and objectives of the NPPF.</li> <li>- Page 23: Questions the presumption to double off-site affordable housing provision.</li> <li>- Welcomes case by case assessment of payments in lieu. Reference to '<i>the Council will not accept contributions that would not allow schemes to be fully funded</i>' is unclear. Text should be deleted.</li> <li>- SPD should recognise that payments in lieu are subject to the nature and potential impact of proposals, as well as viability. Flexibility needed in the application and level of payments.</li> </ul>	<p>All references to PPG/PPS will be updated.</p> <p>Assessment of residual land value/existing use value is the established approach to viability assessment and will be retained.</p> <p>If viability models other than the GLA toolkit are to be used these will need to be discussed and agreed as part of site specific S106 negotiations.</p> <p>Para 4.11 recognises affordable rent as a form of affordable housing.</p> <p>The assumptions regarding off site provision of affordable housing have been carried forward from the previous version of the SPD. No evidence has been presented to justify a change to this approach.</p> <p>Payments in lieu already incorporate a degree of flexibility in that they are negotiated on a site by site basis. Comments regarding some of the wording associated with this part of the SPD are accepted.</p> <p><b>Proposed change:</b> All reference to PPGs/PPSs will be replaced with appropriate references in the NPPF. The Council will assess the clarity of text relating to payments in lieu.</p>

**APPENDIX 2: SCHEDULE OF RESPONSES TO THE DRAFT PLANNING OBLIGATIONS SPD**  
**SEPTEMBER 2012**

ID	Rep No.	Organisation / Individual	Date submitted	Relevant document	Relevant paragraph	Summary of Representation	Council's Response
021	POSPD1	CGMS for the Metropolitan Police Authority	11 July 2012	POSPD	<ul style="list-style-type: none"> <li>- Policing facilities are not included in Table 1 of the SPD, this conflicts with Core Strategy policy CI1.</li> <li>- Planning Obligations are likely to be the most appropriate means of funding some public facing police facilities, where such facilities are necessary to mitigate the impacts of particular development. Such proposals would meet the tests for the use of planning obligations.</li> <li>- Recommended that CS policy CI1 is added to Table 1 in the SPD. Development that would be liable to make a contribution and the level of contribution should be considered on a site by site basis.</li> </ul>	<p>Only very large scale mixed use schemes are likely to generate a need for a dedicated police facility. Borough-wide needs will be dependant on a number of factors, including MPA's wider estates' strategy. Furthermore, there are difficulties associated with identifying particular triggers of need for such facilities.</p> <p>Overall, it would be difficult to justify the inclusion of police facilities as a Planning Obligation.</p> <p><b>Proposed change:</b> Policy CI1 should be added to Table 1 in the draft SPD.</p>	

## APPENDIX 3

**URS**

London  
Borough of  
Hillingdon

Community  
Infrastructure  
Levy

Preliminary  
Draft Charging  
Schedule

September 2012



**CBRE**  
CB RICHARD ELLIS





REVISION SCHEDULE					
Rev	Date	Details	Prepared by	Reviewed by	Approved by
1	January 2012	Draft Report	George Whalley Project Manager	Rory Brooke Project Director	Rory Brooke
			Justin Carty (CBRE)	Malcolm Hewines (CBRE)	Malcolm Hewines
2	March 2012	Draft Report	George Whalley Project Manager	Rory Brooke Project Director	Rory Brooke
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CIL DRAFT CHARGING SCHEDULE  
September 2012

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[Forecast cost estimates do not include such costs associated with any negotiations, appeals or other non-technical actions associated with the agreement on measures to meet the requirements of the authorities, nor are potential business loss and interruption costs considered that may be incurred as part of any technical measures.]

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## 1 INTRODUCTION

### 1.1 Introduction

The Community Infrastructure Levy (CIL) came into force in April 2010. It allows local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money can be used to fund a wide range of infrastructure that is needed as a result of development. This includes new or safer road schemes, flood defences, schools, hospitals and other health and social care facilities, park improvements, green spaces and leisure centres.

This ~~Preliminary~~ Draft Charging Schedule is the ~~first~~ **second** stage in the implementation of CIL in Hillingdon and sets out proposed rates at which new development will be charged in pounds per square metre. The document is to be issued for a consultation period of ~~6~~ **4** weeks to provide an opportunity for residents and businesses to comment on the proposals. This is ~~the final stage of consultation prior to the examination of the Charging Schedule. The timetable from this stage is outlined in not only opportunity for comment and further stages of consultation are outlined in section 4 of this document,~~ Next Steps.

Two pieces of evidence are required to justify the introduction of CIL; evidence of an infrastructure funding gap and evidence that the proposed CIL rates will not affect the overall viability of development in Hillingdon.

To meet this requirement; an estimated infrastructure funding gap of approximately £120m has been identified through a robust process of infrastructure planning. This funding gap could at least partly be met through CIL. Secondly, the proposed schedule of CIL rates shown at Table 3.1 have been subject to a rigorous process of testing to assess the impact of proposed levy on the viability of development across the borough. Both these pieces of evidence are further explained throughout this paper. The viability assessment is summarised in more detail at **Appendix A**.

### 1.2 CIL and the Core Strategy Local Plan

CIL will help to fund infrastructure provision and achieve the objectives of Hillingdon's ~~Local Plan Part 1: Strategic Policies~~ **Core Strategy**, which identifies expected housing and employment growth in the borough up to 2026. Growth in the borough will be supported by the CIL because:

- New development will provide a financial contribution towards the provision of infrastructure required to support new development and growth up to 2026.
- It is a simple, affordable fixed charge and the collection process is transparent and guided by Government regulations. This means that developers have certainty regarding what their contributions will be from the start of the development process and local residents understand how the development will contribute to their local community.
- The Council has greater flexibility to address local needs. CIL is a predictable funding stream that allows infrastructure providers to plan ahead more effectively to deliver the infrastructure that is really required in the local community
- Some of the CIL will also be passed directly to local neighborhoods so that they can decide exactly what the money should be spent on.

**1.3 CIL and Section 106**

Planning Obligations, or ‘Section 106 Agreements’ are often used to fund or provide the infrastructure necessary to support development proposals; for example where housing development generates a need for a new school. From 6th April 2014 there will be limitations on the use of Planning Obligations to fund infrastructure provision and the CIL is being introduced in Hillingdon as an alternative funding mechanism to address this issue. It should be noted that Planning Obligations will continue to be used to provide affordable housing and some site specific infrastructure provision. The Council is updating its Planning Obligations Supplementary Planning Document (SPD) to provide more detail on how this system will continue to operate alongside the CIL.

**1.4 Deciding the CIL Rate**

The CIL will be set at a rate that strikes an appropriate balance between the delivery of local infrastructure and the potential effects of the charge on the viability of development.

The CIL rate will be expressed as a £ per sq. m charge. It will be fixed when planning permission is granted by the Council but will not be paid until the construction of the development starts. In special circumstances there are provisions for the CIL to be paid in instalments or ‘in kind’. CIL will apply to all new developments in Hillingdon that are 100 sq. m or over (net additional internal floor space) or developments comprising one dwelling or more. This will include development within airport boundaries (Northolt and Heathrow).

**1.5 The Mayoral CIL**

The Mayor is introducing his own CIL to contribute £300 million towards the cost of Crossrail. Boroughs have been divided into three broad charging bands (£20psm, £35psm and £50psm) and will be responsible for collecting the charge and then passing it back to the Mayor. From 1<sup>st</sup> April 2012 development in Hillingdon will be subject to the £35 charging band. This has been taken into account when setting Hillingdon’s own CIL and is explained in later sections of this document. All rates shown in this document are exclusive of the Mayoral CIL.

## 2 EVIDENCE TO JUSTIFY THE CIL

### 2.1 Introduction

The starting point for the Preliminary Draft Charging Schedule is Hillingdon's Core Strategy Local Plan Part 1: Strategic Policies, which outlines planned growth in the borough and includes provision for approximately 6,500 new homes by 2026. The Strategic Infrastructure Plan (SIP) has been prepared as a key piece of supporting evidence for the Core Strategy Local Plan and demonstrates there is sufficient infrastructure coming forward to support growth. The evidence required to support the Preliminary Draft Charging Schedule builds on the SIP and it includes the following:

- **Evidence of an infrastructure funding gap:** Evidence of the total infrastructure funding gap that the CIL is intended to support, having taken account of the other sources of available funding. The process of establishing the funding gap is further explained in section 2.3.
- **Viability Assessment:** This demonstrates that the proposed CIL rates strike an appropriate balance between helping to meet the infrastructure funding gap and the potential effects of the charge on development viability across the borough. Further information on the assessment of economic viability is contained in Section 2.3 of this document.

### 2.2 Establishing a Funding Gap

In order to correspond to the principles of Government guidance on developer contributions, it is important that developments only pay the CIL to mitigate infrastructure need arising as a result of new development. They should not be liable for any existing un-met need or where there is spare capacity within existing infrastructure. For example, if there are spare school places or vacant hospital wards.

Building on the SIP, the cost of infrastructure required to support core strategy Local Plan growth was established through discussions with infrastructure providers and cost estimates. Further information on the costing process can be found in the SIP. **Table 2.1** summarises the infrastructure requirements and associated costs of provision to meet Hillingdon's needs to 2026 as established by the SIP:

**TABLE 2.1: HILLINGDON ESTIMATED INFRASTRUCTURE REQUIREMENTS TO 2026**

Infrastructure Element	Required Infrastructure Schemes	Cost (£millions)	Delivery Bodies
Transport	LIP Schemes including public transport and road and street improvement schemes	18.3	LB Hillingdon, TfL,
Utilities	2 Primary sub stations, 300 sub stations, Water pipe leakage repair scheme, Water infrastructure to meet need demand, Additional Waste facilities	23.0	Utilities Providers, LB Hillingdon
Health	2 new centralised health centres at Hayes and Yiewsley, 7 to 10 new GPs surgeries	3.3	Hillingdon PCT, NHS
Education	2 to 4 Primary Schools, 1 Secondary School	127.9	LB Hillingdon
Leisure	Additional child play space, swimming pool, sports halls and library space	13.3	LB Hillingdon
Other Community Infrastructure	No other community infrastructure requirement identified	0.0	LB Hillingdon
<b>Total</b>		<b>186</b>	

Source: LB Hillingdon SIP (2011)

The total identified infrastructure need based on consultation with infrastructure providers is approximately £190m. However, another key principle of CIL is that existing funding should be taken account of before establishing the total infrastructure funding gap that CIL could at least partly help to meet. Identified infrastructure funding is shown in the Council's Capital Programme. Currently there is approximately £66.7m of funding identified to meet Hillingdon's future infrastructure needs. This includes £6.3m for transport improvements, £55.9m for primary school places and £4.5m for other community infrastructure. If this identified funding is taken away from the total infrastructure costs it leaves a funding gap of approximately £120m. This means that the CIL is justified and will be an important funding source to help ensure that there is sufficient infrastructure to meet the needs generated by future growth in the borough.

## 2.3

### Economic Viability

As per Government guidance the proposed CIL rates have been established through an assessment of economic viability. The purpose of this work was to assess the level of CIL that can be supported without making schemes economically unviable, across a range of uses and locations in the borough.

The principal approach to the viability study relied on comparing Residual Land Values (RLV) from a series of development scenarios, and benchmarking these against indicative Existing Use Values (EUV). The analysis was supported by a broad property market review and research for the borough. Comparable sites from within the borough were also used to test the output of this work. Further detail on the viability assessment is given at **Appendix A**.

It must be fully recognised that the approach to these appraisals was undertaken at a relatively high level, and not on a case by case site specific basis. A summary of key

conclusions from the viability assessment is given below for the different use classes. It should be noted that the rates outlined exclude the Mayor's CIL of £35 per sq. m for Hillingdon unless explicitly stated.

**Retail, restaurants and service outlets open to the public (A1-5):** The viability analysis showed that CIL impacts on retail schemes differently dependent upon size and location. In light of this the Council proposes to charge different rates dependent upon size and location. A CIL rate of £215 per sq. m is proposed in addition to the Mayor's proposed CIL, for all retail units with a gross floor area of 1,000 sq. m or more outside designated metropolitan, town, district or local centres. Viability analysis shows that the proposed CIL rate would not have a negative impact on the viability of retail schemes under most circumstances where the units are located outside the aforementioned areas and are larger than 1,000 sq. m. For schemes with less than 1,000sq. m of floor space and schemes located within designated metropolitan, town, district or local centres the council proposes a £0 per sq. m rate and therefore no further CIL charge beyond the Mayor's proposed charge.

**Offices, (B1):** The viability assessment shows that the proposed CIL rate will not unduly impact on the viability of developing offices within the borough. The Council proposes a £35 per sq. m CIL charge for this use type, in addition to the Mayor's proposed CIL.

**Industry and warehousing (B8):** The viability assessment shows that this use type is able to support a CIL charge of £5 per sq. m. in addition to the Mayor's proposed CIL.

**Hotels (C1):** The Council recognises that viability varies in individual cases depending on hotel location and type. The viability work shows that hotels are likely to be able to support a £40 per sq. m CIL contribution under most circumstances in addition to the Mayor's proposed CIL.

**Residential Institutions (C2):** Evidence suggests these uses are not able to support CIL given their built form, including a requirement for communal areas and with the value generated not being sufficient to support additional costs. The Council therefore proposes a £0 per sq. m rate and therefore no further CIL beyond the Mayor's proposed charge.

**Dwelling Houses and HMOs (C3 & C4):** The viability assessment shows that residential developments are likely to be able to support a CIL contribution in most cases across the borough. The Council proposes to set CIL of £95 per sq. m for qualifying development falling within this use class, in addition to the Mayor's proposed CIL.

**Non-residential Institutions (D1):** The use class D1 non-residential institutions encompasses uses such as clinics, health centres, crèches, day nurseries, schools, art galleries, libraries, museums, church halls and law courts. The Council does not propose to charge CIL on these uses beyond the Mayor's proposed CIL.

**Assembly and Leisure (D2):** The Council recognises that leisure and assembly uses are wide ranging. The viability work shows that these uses are generally unable to bear the cost of CIL although the Council recognises that viability will vary from scheme to scheme. The Council proposes a £0 per sq. m rate charge above the Mayor's proposed CIL.

**Sui Generis:** All other uses that do not fit within other categorise are legally referred to as sui generis. The Council considers it appropriate to charge CIL on sui generis development at a rate of £35 per sq. m throughout the borough, in addition to the Mayor's proposed CIL.

**3**
**PROPOSED CIL RATE**

In light of the evidence presented in Section 2 above, the Council proposes the following CIL rate(s):

**TABLE 3.1: SCHEDULE OF PROPOSED CIL RATES\***

Use Type	Proposed CIL Rate (per sq. m)
Large format retail 1,000 sq. m+(A1-A5)	£215
Offices (B1)	£35
Hotels (C1)	£40
Residential Dwelling Houses (C3)	£95
Industrial (B8)	£5
Sui Generis	£35

\*Note that the rates in Table 3.1 exclude the Mayoral CIL Contribution

**Formula for Calculating the Chargeable Amount**

The formula for calculating the chargeable amount is set out in full in Part 5 of the Community Infrastructure Regulations 2010 (The Regulations). The following is from the regulations:

- 1 The collecting authority must calculate the amount of CIL payable ("chargeable amount") in respect of a chargeable development in accordance with this regulation
- 2 The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.
- 3 But where that amount is less than £50 the chargeable amount is deemed to be zero.
- 4 The relevant rates are the rates at which CIL is chargeable in respect of the chargeable development taken from the charging schedules which are in effect:
  - (a) at the time planning permission first permits the chargeable development; and
  - (b) in the area in which the chargeable development will be situated.
- 5 The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula—

$$\frac{R \times A \times IP}{Ic}$$

Where -

A = the deemed net area chargeable at rate R;

IP = the index figure for the year in which planning permission was granted; and

Ic = the index figure for the year in which the charging schedule containing rate R took effect.

- 6 The value of A in paragraph (5) must be calculated by applying the following formula—

$$\frac{CR \times (C - E)}{C}$$

where—

Cr = the gross internal area of the part of the chargeable development chargeable at rate R, less an amount equal to the aggregate of the gross internal area of all buildings (excluding any new build) on completion of the chargeable development which

- (a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use;
- (b) will be part of the chargeable development on completion ;and
- (c) will be chargeable at rate R

- 7 The index referred to in paragraph (5) is the national All-in Tender Price

Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors; and the figure for a given year is the figure for 1st November of the preceding year.

8 But in the event that the All-in Tender Price Index ceases to be published, the index referred to above is the retail prices index; and the figure for a given year is the figure for November of the preceding year.

9 Where the collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish –

(a) the gross internal area of a building situated on the relevant land; or

(b) whether a building is situated on the relevant land is in lawful use, the collecting authority may deem the gross internal area of the building to be zero

10 For the purposes of this regulation a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.

11 In this regulation “building” does not include—

(a) a building into which people do not normally go;

(b) a building into which people go only intermittently for the purpose of maintaining or inspecting machinery; or

(c) a building for which planning permission was granted for a limited period.

### 3.1

#### **Chargeable Development, Exemptions & Relief**

The Regulations exempt all development under 100 sq. m (unless it is a new dwelling house, in other words a house or flat) as well as development for charitable purposes.

The Regulations allow relief for parts of a development to be used for social housing (in proportion to the amount of social housing provided). The formula for calculating relief is set out in full in Part 6 of the Regulations.

The Council is not proposing to offer exemptions or relief beyond that which is set out as a statutory requirement in the Regulations 2010.

### 3.2

#### **The Mayor's CIL**

The Mayor of London will implement a CIL levy to help pay for Crossrail from spring 2012. He has proposed a single charge for Hillingdon at £35 per sq. m for all eligible development (note that the Mayor is not currently proposing to charge CIL on buildings that are to be used for educational or health purposes). The Council will be required to collect CIL on behalf of the Mayor, although the Mayor will be responsible for allocating the income from his CIL. This charging schedule sets out Hillingdon's CIL rates, which are inclusive of the Mayor's proposed CIL unless explicitly stated.

## 4 NEXT STEPS

### 4.1 Consultation Timetable

In accordance with the Government's CIL Regulations the Council ~~undertook its first round of consultation on the Preliminary Draft Charging Schedule~~ will undertake two rounds of consultation on the proposed charging schedule. The first ~~second~~ stage relates to this document, the Preliminary Draft Charging Schedule. Once the public comments have been considered the Council will undertake a further round of consultation on a 'Draft Charging Schedule'. The final stage in the production of the Charging Schedule prior to publication is the Public Examination chaired by an independent Planning Inspector.

The full proposed programme, including target consultation dates is shown in Table 4.1 below:

**TABLE 4.1: PROPOSED CONSULTATION TIMETABLE**

Step	Date	Action
Step 1	April 2012:	Cabinet approval for first round of consultation
Step 2	September 2012:	Second round of consultation
Step 3	November 2012:	Examination
Step 4	March 2013	Adoption of CIL
Step 5	March 2013	Removal of S106 provisions

### 4.2 Responding to the Consultation

Responses to this Preliminary Draft Charging Schedule can be made:

- **Online** – [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk) under Have your say
- **By Post** – Writing to Planning Information Services: Civic Centre, High Street, Uxbridge, UB8 1UW

Relevant documents can be viewed at the following locations:

- All Hillingdon Libraries. Full details of library opening times are available at <http://www.hillingdon.gov.uk/index.jsp?articleid=11625>

## 5 APPENDIX A – VIABILITY ASSESSMENT

### 5.1 Viability

CBRE has been commissioned as part of a team led by URS Scott Wilson to assist in the preparation of the Community Infrastructure Levy (CIL) draft charging schedule for London Borough of Hillingdon (LBH) in accordance with Regulation 14 of the CIL Regulations April 2010 (as amended). A key focus of the study was to assess the level of CIL that can be supported without making schemes economically unviable, across a range of uses and locations in the borough.

The principal approach to the study relies on comparing Residual Land Values (RLV) from a series of development scenarios, and benchmarking these against indicative Existing Use Values (EUV). Our analysis is also supported by a broad property market review and research for the borough. Comparable sites from within the borough are also used to test the output of this work.

It must be fully recognised that the approach to these appraisals is at relatively high level, and not undertaken on a case by case site specific basis. Individual sites are of course unique, with differing opportunities and constraints. In turn these have differing revenue and cost profiles which in adopting broad assumptions do not reflect individual nuances. Therefore, the outputs of this exercise must be considered as a high level guide to likely scheme viability and recognised as having its limitations.

### 5.2 Residual Land Values and Benchmarking

The Residual Land Value (RLV) is a key output in assessing if a scheme is viable. Generally, only commercially driven schemes which produce a positive RLV will proceed to delivery. A scheme exhibiting a negative RLV infers it less likely to be delivered unless there is available funding to bridge any finance gap, or perhaps there are special circumstances.

In simple terms the calculation assessing a Residual Land Value is as follows:

$$\begin{aligned} \text{Gross Development Value} & \text{ less Development Costs (inc. developer's profit)} \\ & = \text{Residual Land Value} \end{aligned}$$

In terms of benchmarking the Residual Land Value against the EUV, this is as follows:

$$\begin{aligned} \text{Residual Land Value} & \text{ less EUV land value (plus premium – see below)} \\ & = \text{potential margin for CIL} \end{aligned}$$

Existing Use Values are the current investment profile of a site (i.e. the current rent capitalised by an appropriate yield). Existing Use Values can vary significantly. According to the Council's Affordable Housing Economic Viability Assessment Study agricultural land is around £7,200 per hectare. Other uses can however, be much more valuable. Capital values of existing office sites, for example, can easily command values far in excess of £10m per hectare. The property market review found that existing use values in Hillingdon generally range from £2m to £4m per hectare and this has been the main focus of for the viability testing. The study also looked at higher existing use values and assessed the impact that CIL could have, which is consistent with other CIL viability studies that have been undertaken.

### 5.3 Setting the Charge

Through analysis of the outputs of the viability analysis, recommendations are made to possible potential CIL rates that could be sought.

**5.4****Viability Appraisal Findings****Residential (C3)**

At a 35% affordable housing allocation, and set against the mid EUV, almost all categories in the middle and higher value residential bands show reasonable or good degrees of potential viability (sales price of £3,770 per sq. m: £350+ per sq ft). At the lower EUV then almost all lower density development shows prospects of being viable. Scenarios showing a reduction in the amount of affordable housing illustrate that almost all housing developments have good prospects, albeit accepting that there may need to be some flex in affordable housing provision. The one position which remains stubbornly unviable is very high density development (200 dwellings per hectare) in low value areas.

**5.5****Commercial Uses****Retail (A1)**

The retail analysis has been subdivided into three categories. This reflects the evidence gathered at a local level, knowledge of the wider market as well as the Valuation Office Agency assessment of values. The scenario testing considers the following three formats:

- A - Large format retail (A1 - say 1,000+ sq. m gross)
- B - Foodstores (A1 - say 1,000+ sq. m gross)
- C - Unit retail (A1-A5 less than 1,000 sq. m gross)

Unit retail can be a particularly challenging area to assess for scheme viability. Retail valuations often look toward zoning of centres as a way of assessing value. As centres become smaller however, then it can often revert back to a per sq ft basis. In other places too, turnover rents are becoming more common. In Hillingdon Borough, there is a diverse range of centres commanding a very wide range of rental tones. The three scenarios tested are intended to capture the broad tenet of values that could be achieved in a range of possible local district and metropolitan centres (Uxbridge).

The results show that unit retail development under all scenarios is only likely to be viable when it achieves a high rental tone. This output accords with our general knowledge of the viability of retail development, especially in lower value areas (say £50-£60 Zone A). Even at the upper end of higher value centres, the costs of land assembly and the complexity involved with bringing forward schemes can make them challenging in viability terms too. Indeed, benchmarking its likely viability may be better suited to examination against higher EUV. Town centre regeneration schemes were a major casualty in the last recession.

Whilst unit retail was found to generally be unviable the results of the testing for large format retail and Foodstores showed these uses to be more viable and capable of supporting a CIL charge. Based on the analysis, a range of £200 - £300 per sq. m could be sustained, providing a midpoint charge of £250 per sq. m. This rate includes the Mayoral CIL charge of £35 per sq. m of new development.

**Offices (B1(a))**

Office development scenarios show variable degrees of viability. They show some potential for contributing toward CIL at mid and higher rental assumptions, when considered against the

mid EUV values. When compared to the low EUV values then all rental scenarios appear to have good viability prospects.

The evidence gathered points toward two areas commanding the best rents. These are around Heathrow and Uxbridge town centre. Possibly, a charging schedule could be segmented to capture these two areas. Good rental levels can however be achieved outside these areas. Therefore, a single lower flat charge might be more suitable and to ensure a good balance is struck between delivery and viability, with this less complex to justify and administer.

There must also be some caution regarding the scope to maximise value through achieving high plot ratios – and then having the ability to let this space. The recommendation is therefore that a range of £60 - £80 per sq. m be considered, with the midpoint being £70 per sq. m. This rate includes the Mayoral CIL charge of £35 per sq. m of new development.

### **Industrial/Warehousing (B8)**

Generally, the results show that when benchmarked against the low EUV this type of development could support a CIL charge. Heathrow and the surrounding area is acknowledged to be one of the UK's premier, if not the prime, distribution area for this type of development. It is assumed that this type of development will be more prevalent on lower value land and the viability analysis demonstrates that this use type could support a CIL charge of £40 per sq. m when benchmarked against the low EUV. This rate includes the Mayoral CIL charge of £35 per sq. m of new development.

### **Hotel (C1)**

As with the other commercial uses, hotels are tested against three differing rental scenarios. The findings show that when benchmarked against the mid EUV mid and high rental value hotels would have the capacity to contribute to CIL. Set against the lower EUV benchmark, the evidence suggests that all scenarios would still have at least a reasonable prospect of being economically viable and contribute to the charge.

There is no compelling evidence to segment the hotel market into differing geographical areas in Hillingdon. While anecdotally, there is a view that higher room rates might be achieved around Heathrow no firm evidence has been sourced to confirm this.

On that basis a single rate charge is proposed in the range of £35 - £110 per sq. m with the charge set at £75 per sq. m. This rate includes the Mayoral CIL charge of £35 per sq. m of new development.

### **Leisure (D2)**

The leisure scenario looks at three rental tones, based on a typical fitness centre or bowling alley user. The results clearly show that under all three scenarios leisure is not a particularly viable proposition. Even when benchmarked against the low EUV then none of the rental scenarios suggests a strong prospect of being economically viable. The recommendation is therefore that a nil (£0) charge can be levied on this type of use over and above the Mayor's proposed yield.

## **5.6**

### **Other Uses**

The Community Infrastructure Levy covers all development uses; a very wide ranging spectrum. To provide a wider assessment of viability, an analysis of other potential uses has been considered. These have been selected for their potential likelihood to come forward in

the borough, in terms of the developments types seen here and generally elsewhere in the UK. The approach to this analysis takes a more straightforward approach to analysing the economic prospects for each of these uses. In simple terms, build costs are considered against each uses potential capital values. The uses tested on this basis are:-

**D1 Non-residential institutions** - Clinics, health centres, crèches, day nurseries and day centres.

**D2 Assembly and leisure** - Cinemas, music and concert halls, bingo and dance halls.

On the basis outlined above all of the uses considered here do not appear to show good signs of being sufficiently viable to support a charge. On this basis we recommend that the Council should consider a zero rate for these uses over and above the Mayor's CIL.

There are of course other uses which could be considered. Educational developments, for example, could be considered. It is felt however, that there is limited evidence on which to base any formal economic appraisal, and that in all likelihood, may not be income generating educational uses, and therefore unlikely to command a CIL charge. Equally, there are a range of uses under Use Class D1, which are mostly public sector buildings and would not be expected to be profitable developments.

Care homes (Use Class C2) are a further development use which potentially could be considered for charging CIL against. Like other less common uses, the difficulty is however limited evidence on which to base robust analysis. Our view is that they would economically perform at a low density of development – in an area with more questionable viability for housing. They also tend to have lower gross to net internal ratios, making development more costly.

### Sui Generis

This covers a very broad range of uses and as such the viability could vary accordingly. To capture Sui Generis uses the council proposes a modest CIL charge of £70 per sq. m. This rate includes the Mayoral CIL charge of £35 per sq. m of new development.

## 5.7

### Conclusions

In arriving at our conclusions the strategic nature of this study must be recognised. The viability assessments are based on a series of hypothetical scenarios. The outputs therefore must be considered as guides. The appraisals are highly sensitive to change in their inputs, and cannot be expected to deal with all site specific matters. Even so the research seeks to find a reasonable balance between the need to raise contributions against stifling economic development.

Based on the economic viability analysis there are a number of development uses identified which could potentially contribute to the Community Infrastructure Levy. These are:

- Large Format Retail (A1) – foodstores and retail park developments, for example
- Offices B1(a)
- Industrial (B8)
- Hotels (C1)
- Residential (C3)
- Sui Generis



## **APPENDIX 4**

London Borough of Hillingdon

# **DRAFT SUPPLEMENTARY PLANNING DOCUMENT PLANNING OBLIGATIONS**

**September 2012**

**LDF Planning Policy Team**  
Planning, Education, Environmental and Community Services  
London Borough of Hillingdon

## APPENDIX 4

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## APPENDIX 4

### 1. INTRODUCTION

1.1 This Supplementary Planning Document (SPD) provides guidance on the use of planning obligations in Hillingdon, for all those involved in the submission and determination of planning applications. The document provides greater clarity on the likely type and scale of planning obligations and seeks to establish a transparent, fair and consistent process for negotiating, securing and monitoring.

1.2 The introduction of the Planning Act 2008 will result in significant changes to the way developments contribute towards the provision of infrastructure required to support sustainable growth across the borough. From April 2014 there will be limitations on the extent to which planning obligations can be used to fund infrastructure provision. Instead, the Council will seek to secure contributions towards infrastructure provision through the imposition of a Community Infrastructure Levy (CIL), which will provide a more appropriate and flexible way of securing contributions towards infrastructure from new developments.

1.3 Despite changes to infrastructure funding regime, Planning Obligations will continue to provide a valuable means of securing site specific mitigation required to make developments acceptable in planning terms. For example, this could include ensuring that developments meet site specific open space requirements or provide sufficient levels of affordable housing. Planning Obligations can continue to meet infrastructure requirements as long as they are:

- (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.

1.4 This new version of the SPD will replace the previous s106 Planning Obligations SPD published in July 2008 and explains how Planning Obligations and CIL will operate alongside each other. Table 1 summarises how CIL and S106 will be used to deliver the objectives of key policies in Hillingdon's Local Plan Part 1 Development Framework (LDF).

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TABLE 1: PLANNING OBLIGATIONS GRID

Core Strategy  Local Plan Policy	Type of Obligation	Residential (Units)			Non Residential (sqm)		
		0-9	10-14	15+	<100	100- 1000	>100 0
H2	Affordable housing	x	✓	✓	x	x	x
T1	Travel plans	x	x	x	x	✓	✓
T1	Site specific transport works	✓ calculated on-site by site basis and may include travel plans for larger residential schemes					
EM8	Air quality improvements	✓ but only where there is a net increase in traffic based trips					
EM8	Noise and vibration improvements	x	x	x	Dependant on nature of scheme		
E7	Employment and training provision	x	x	x	✓	✓	
BE1	Community safety in the public realm	Dependant on nature of scheme					
EM7	Environmental impacts	Dependant on nature of scheme					
EM4	Open space and recreation	x	x	✓	✓	✓	✓
CI1	Community Infrastructure Provision	Dependant on the nature of the scheme. Only large projects generating on site requirements should fund provision of community facilities through Planning Obligations <sup>1</sup>					

1.5 Further detail of how the proposed CIL will operate alongside the retained system of planning obligations is explained in this document.

1.6 It should be noted from the outset that the SPD does not attempt to specify all of the planning obligations that may be necessary to mitigate the impacts of every development. Other planning obligations may be required that are not set out in this SPD due to site specific or local circumstances. The exact type and range of planning obligations, which may be sought for an individual site, will depend upon the particular circumstances, development proposed and its impacts upon the local environment, local services and facilities.

1.7 This SPD will form part of the LDF Local Plan once it is adopted, and is a material planning consideration for use in guiding and determining planning applications.

<sup>1</sup> 021/POSPD1 CGMS for the Metropolitan Police Authority

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In particular, this guidance is intended to supplement the policies and supporting text contained in the ~~LDF Core Strategy Local Plan Part 1: Strategic Policies~~.

## **2. LEGISLATIVE AND POLICY FRAMEWORK**

2.1 There are three main mechanisms available to the Council to address the adverse impacts of development proposals and achieve environmental improvements. It is expected that the majority of proposals will be subject to one or all of the following:

### **Planning Conditions**

2.2 In most cases a planning permission will be subject to conditions, to ensure that the proposal is implemented in accordance with development plan policies and the scheme approved by the Council. Conditions are also used as a mechanism for provision of essential on-site design requirements. They will relate solely to the development and site proposed and will be implemented in accordance with the guidance in Circular 11/95 – The Use of Conditions in Planning Permissions.

### **S106 agreements and S278 Agreements**

2.3 Planning obligations are normally entered into under Section 106 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). There are exceptions to this, namely s.278 agreements under the Highways Act 1980, which relate solely to highway works and s.299 agreements that apply to Crown and Duchy land.

2.4 The legislation enables a planning obligation to be entered into either by means of a unilateral undertaking by a developer or by an agreement between a developer and a local authority. A planning obligation is a legally binding agreement or undertaking by a developer to undertake works or to meet costs in connection with their development to enable it to become acceptable in planning terms. It should be used for measures that cannot be secured by imposing a planning condition or by other statutory means. They can be positive, i.e. requiring provision of a specific benefit(s), or negative, i.e. restricting the use of land in a specific way. However it should be emphasised that the offer of contributions in themselves will not make an inherently unacceptable proposal permissible. Now will obligations be reasonable nor should they be required on what is, in planning terms, an acceptable proposal.

2.5 The 2010 CIL Regulations introduced limits on the use of planning obligations. ‘A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

### Section 278 Agreements

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2.6 Agreements to authorise work on the public adopted highway network are made under section 278 of the Highways Act 1980, as amended by section 23 of the New Roads and Street Works Act 1991. These agreements facilitate works that have been identified and determined as necessary for planning permission to be granted. This SPD does not specify the circumstances in which a S278 agreement will be required. Requirements for S278 agreements will be identified separately, although often alongside the negotiation of the S106 agreement.

### **Community Infrastructure Levy (CIL)**

2.7 The Community Infrastructure Levy (CIL) was introduced by the 2008 Planning Act and came into force in April 2010 through the Community Infrastructure Levy Regulations 2010 (now amended by the Community Infrastructure Levy (Amendment) Regulations 2011 (the Regulations).

2.8 Under the provisions of these Regulations local authorities are empowered to levy a charge for new development as a contribution towards local and sub-regional infrastructure required to support new development. CIL will be levied in pounds per square metre (£/sqm) of the net additional increase in floorspace for development creating 100 sqm of gross floor space or more.

2.9 On the local adoption of the CIL Charging Schedule, the CIL Regulations will restrict the local use of planning obligations to ensure that individual developments are not charged for the same items through both planning obligations and the levy. Where a charging authority sets out that it intends to fund an item of infrastructure through CIL, then that authority cannot seek a planning obligation contribution towards the same item of infrastructure.

2.10 For the avoidance of doubt it should be noted that the CIL Regulations do not affect either Section 38 or Section 278 of the Highways Act. Highway works undertaken under these provisions will continue to operate as they do at present.

2.11 A charging authority may publish, on its website, a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by the levy. If a charging authority does not publish a list, then this would be taken to mean that the authority was intending to use monies raised from the levy for any type of infrastructure capable of being funded by the levy, and consequently that authority could not seek a planning obligation contribution towards any such infrastructure.

2.12. On the local adoption of the levy or nationally after a transitional period of four years (i.e. 6 April 2014), the Regulations will restrict the local use of planning obligations for pooled contributions towards items that may be funded by the levy. Pooled contributions may be sought from up to five separate planning obligations for an item of infrastructure that is not locally intended to be funded by the levy. The limit of five applies as well to types of general infrastructure contributions, such as education and transport.

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2.13 For provision that is not capable of being funded by the levy, such as affordable housing, local planning authorities are not restricted in terms of the numbers of obligations that may be pooled, but they must have regard to the wider policies set out in Circular 5/05 Planning Obligations.

2.14 On 18th November 2010, the coalition Government announced its intentions to amend the CIL Regulations to enable a proportion of CIL revenue to go to neighbourhoods and provisions for this have been made in the Localism Bill, which is currently going through parliament.

### ~~Planning Policy Statement 12: Local Spatial Planning~~ ~~The National Planning Policy Framework~~<sup>2</sup>

2.15 Paragraph 203 of the ~~The Government's National Planning Policy Framework (NPPF)~~ PPS No. 12 – Local Development Framework states:

~~“When it comes to an individual planning application, the adequacy of infrastructure can be a material consideration in deciding whether permission should be granted.” (Para B4)~~

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

Paragraph 204 of the NPPF goes on to state that:

*‘Planning obligations should only be sought where they meet all of the following tests:*

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

2.16 Further appropriate circumstances in which planning obligations may be sought ~~are highlighted in the specific chapters of the NPPF and are referred in the various chapters of this SPD as appropriate.<sup>3</sup> included in various Government Planning Policy Statements and Guidance Notes (PPGs) which are referred to in individual topic area chapters as appropriate.~~

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<sup>2</sup> 014/POSPD3 RPS for Arla Foods and Citygrove Properties, 018/POSPD DP9 for Royal Brompton and Harefield NHS Foundation Trust

<sup>3</sup> 014/POSPD3 RPS for Arla Foods and Citygrove Properties, 018/POSPD DP9 for Royal Brompton and Harefield NHS Foundation Trust

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### The London Plan

2.17 Policy 8.2 of the London Plan (Planning Obligations) sets criteria to be taken into account in the formulation of **Local Plan DF** policies and the determination of planning applications. Policy 8.3 relates to the implementation of the Mayoral Community Infrastructure Levy. This mechanism has been set for each of the boroughs and will need to be taken into account as part of the policies to set borough-wide Section 106 policies.

### The Mayoral CIL

2.18 The Mayor is introducing his own CIL to contribute £300 million towards the cost of Crossrail. Boroughs have been divided into three broad charging bands (£20psm, £35psm and £50psm) and will be responsible for collecting the charge and then passing it back to the Mayor. From 1<sup>st</sup> April 2012 development in Hillingdon will be subject to the £35 charging band, in addition to Hillingdon's own CIL.

### Hillingdon's Sustainable Community Strategy

2.19 Hillingdon's Sustainable Community Strategy (SCS) sets out the challenges and priorities facing the borough and forms the basis of the overall ~~Core Strategy Local Plan~~ 'Vision'. The relevant priorities for this SPD are to:

- Help people to lead healthier, independent lives
- Prevent more young people from undertaking risky behaviour
- Increase housing supply – with appropriate infrastructure
- Reduce re-offending
- Increase participation in sport and physical activity
- Maintain resident satisfaction levels
- Promote and invest in town centres
- Increase access to employment, apprenticeships and skills
- Maintain parks and green spaces
- Make it easy for residents to recycle

### Hillingdon's ~~Core Strategy Local Plan~~

2.20 The ~~Core Strategy Local Plan Part 1: Strategic Policies~~ is the key strategic planning document for Hillingdon and sets out a long term vision and objectives for growth in the borough between 2011 and 2026. While the ~~Core Strategy document~~ includes broad policies for steering and shaping development, it does not set detailed guidelines for decisions about planning applications or Section 106 agreements.

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2.21 The ~~Core Strategy~~ Local Plan Part 1 does however contain a range of policies related to items that will be delivered through the CIL and S106 agreements. Policies T1 (Accessible Local Destinations), T2 (Public Transport Interchanges) and T3 (North-South Sustainable Transport Links) propose measures to improve accessibility across the borough. Matters related to leisure and recreation and culture are also addressed. Policy C11 looks specifically at community infrastructure provision and states that:

*The Council will ensure that community and social infrastructure is provided in Hillingdon to cater for the needs of the existing community and future populations by:*

- *Resisting the loss of community facilities and where the loss of these facilities is justified it will seek to ensure that the resulting development compensates these users to ensure no net loss.*
- *Supporting the retention and enhancement of existing community facilities.*
- *Supporting extensions to existing schools and the development of new schools and youth facilities.*
- *Encouraging the development of multi purpose facilities that can provide a range of services and facilities to the community in one accessible location.*
- *Promoting innovation in service provision and recognising that there are a range of modes appropriate for providing for all sections of the community.*
- *Locating libraries, health facilities, police facilities, leisure facilities and community centres in town centres or other accessible locations to maximise community access, sustainable transport and build a sense of local community identity.*
- *Ensuring new facilities demonstrate how they will tackle climate change, in line with policy EM1*

## Hillingdon's Unitary Development Plan

2.22 Hillingdon's Unitary Development Plan Saved Policies were adopted in 2007 and provide the current basis for planning decisions in Hillingdon. Until Hillingdon's ~~Core Strategy~~ Local Plan Part 1 is formally adopted, the following sections of the Hillingdon Unitary Development Plan 1998 Saved Policies (September 2007) will also be considered as over-arching policy:

- para. 2.76 and policy Pt 1.39 (general intentions);
- para. 4.12 and policy EC5 (to retain ecological features);
- para. 9.5 and policy R1 (recreational open space and play areas);

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- para. 9.15 and policy R7 (arts, culture and entertainment facilities);
- para. 9.32 and policy R17 (recreation and community facilities);
- paras. 10.24, 10.25 and policy LE7 (industrial, warehousing and business uses);

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### **3. GENERAL PRINCIPLES AND APPROACH**

3.1 In the context of relevant legislation, Government guidance and local policies, the Council's approach to ensuring that development addresses any adverse impacts as well as contributes to the environment is as follows:

- By working with developers, the Council will seek to ensure that most design / mitigation requirements are delivered as part of the initial development proposal.
- In cases where the initial proposal does not meet the Council's objectives, planning conditions will be used to ensure that the final proposal meets such requirements.
- Where a proposal is required to deliver affordable housing, in accordance with ~~Core Strategy Local Plan Part 1~~ Policy H2, this will be secured through S106.
- The Council will use Hillingdon's CIL to contribute towards the provision of infrastructure needed to support growth. Schemes to be funded from CIL will be published under the 'Regulation 123' list available on the Council's website.
- In such circumstances where a proposal directly necessitates the provision of infrastructure to mitigate / enable development that is not planned for delivery through Hillingdon's CIL or any other funding programme, the Council may seek a contribution through S106.

3.2 In the context of relevant legislation, Government guidance and local policies, the Council's approach to the negotiation of planning obligations is based on the following key principles:

- The S106 procedures will be operated in accordance with the fundamental principle that planning permission may not be bought or sold.
- A planning obligation will only be sought when it is material to the planning decision and where a particular planning obligation is required to make a development proposal acceptable.
- The overall extent of the planning obligation sought will have regard to what is reasonable in terms of the scale of the development, its impact, and the requirements of the ~~Core Strategy Local Plan Part 1~~ and any other relevant development plan document.
- A planning obligation will not be sought when a planning condition may be more appropriately used.
- Development which is otherwise acceptable in planning terms will not be refused because an applicant is unwilling or unable to agree to planning obligations.

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- Unacceptable development will not be permitted because of unnecessary or unrelated benefits offered by the applicant and benefits, which exceed what is necessary to make a proposal acceptable.
- The nature of a planning obligation likely to be required will be made known as early as possible in the planning process, preferably at pre-application stage.
- Planning applications will be determined with regard to their planning merits, taking into account whether the planning obligations are sufficient to satisfactorily address any impacts or compensate for harm or loss arising from that proposal and/or whether it sufficiently prescribes the nature of development to bring it into line with planning policy.
- The legislation enables a planning obligation to be entered into either by means of a unilateral undertaking by a developer or by an agreement between a developer and a local planning authority.
- The Local Planning Authority will monitor and publish results of the levels of contributions received and sources of expenditure.

### **Emphasis on pre-application advice**

3.3 Developers are encouraged to provide the local planning authority with details of proposals prior to completion of land acquisition and lodgement of planning applications so that the nature and scale of necessary planning obligations can be understood as early as possible in the planning process.

### **Outline Applications and Revised Applications**

3.4 Where the Council considers it appropriate, planning obligations will be sought at the outline planning application stage. Requirements for planning obligations will be assessed under this SPD with regard to revised planning applications and proposals to renew or extend the time limit of an existing permission

### **Development thresholds for qualifying development**

3.5 The exact type and range of planning obligations, which may be sought for an individual site, will depend upon the particular circumstances, development proposed and its impacts upon the local environment, local services and facilities. The threshold for qualifying developments are set out in Table 1 and are based on the total gross floorspace and/or number of units of the development.

### **Maintenance Payments**

3.6 Circular 05/05 advises that where contributions are secured through planning obligations towards the provision of facilities that are predominantly for the benefit of the users of the associated development, it may be appropriate for

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the developer to make provision for their subsequent maintenance (i.e physical upkeep) in perpetuity.

3.7 As a general rule, where an asset is intended for wider public use, the costs of subsequent maintenance and other recurrent expenditure associated with the developer's contributions should normally be borne by the body or authority in which the asset is to be vested. Initial support (pump priming) of new facilities can be sought where necessary. However payments should be time-limited to reflect the period before which the measure will be self funding or mainstream funding can be made available. The Council will seek maintenance payments where necessary and appropriate for 'pump priming', and for facilities which are primarily intended for the use of residents of a development.

### **Costs**

3.8 Under the CIL regulations, Charging Authorities are permitted to use 5% of CIL revenues for the purpose of monitoring and administrating CIL. The Council also proposes to include a similar 5% charge in S106 agreements for the purpose of monitoring the implementation of planning obligations.

### **Model Agreements and Unilateral Undertakings**

3.9 Where, following pre-application advice from the Council, it is possible for a developer to determine the likely requirements in advance (through standard charges set out in this SPD), developers will be encouraged to submit a unilateral undertaking with their application. The Council has model unilateral undertakings which can be obtained from the Legal Services department.

### **Timing of Payments**

3.10 All payments, including maintenance costs, will normally be made prior to commencement of development, to ensure that facilities are available when they are needed. However, for a very major development that is to be implemented in phases, the Council will consider the phasing of payments linked to particular anniversaries from first commencement, the commencement of specific phases of the development, or to building completion.

### **Index Linking**

3.11 In order to maintain the value of contributions from the date of the Council's resolution to grant permission until the date that the payment is due, they will be index linked. The Council will use the Retail Prices Index or other indices as appropriate to provide a guide as to the inflation of costs of new infrastructure, services and facilities. The Department of Trade and Industry's (DTI's) Cost Indices, as set out in the DTI's Monthly Bulletin of Indices and Quarterly Building Cost and Price Indices or the Royal Institution of Chartered Surveyors (RICS) are alternative indices.

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### **Penalty Charge for Late Payment**

3.12 Legal agreements will specify that a penalty charge will be payable, in addition to the outstanding balance, for financial contributions and fees that have not been paid by their due date. The penalty charge will be levied at four percent above the HSBC or equivalent high street bank base rate as applicable at the time, and calculated on the outstanding balance from the due date.

### **Repayment Clauses**

3.13 The minimum period for repayment of unspent contributions will normally be seven years from receipt of monies, unless otherwise stated. Any interest accrued against unspent funds will also be returned. A longer period for the expenditure of contributions may be necessary in some cases, for example where pooling from smaller sites is required, additional external funding is to be secured, or some investigative work is required prior to the works being carried out.

### **Financial Viability Appraisal**

3.14 In the event that a developer considers that the total amount of contributions sought would render a particular scheme unviable, then the onus is on the developer to produce evidence to that effect. The Council will utilise valuation methodologies to validate the viability information submitted by the developer such as the GLA '3 Dragons' model and may commission independent third party viability advice, the costs of which are to be met by the developer and/or applicant.

3.15 Where there is a statutory obligation to retain the confidentiality of the viability of the proposed development, analysis will be carried out on the basis of land values as set by the proper application of planning policy in determining the permissible scope of development, rather than on the price paid. Using this method the price of the land is an output of the process, and thereby commercial confidentiality will, where possible, be maintained.

### **Grampian Conditions**

3.16 There are some occasions where a condition can deal adequately with the provision of works or facilities outside the application site, by preventing the commencement or occupation of a development until the works or facilities have been provided. Such conditions are often known as 'Grampian conditions'. The developer may agree to discharge such a condition through a planning obligation secured by a unilateral undertaking submitted to the Council or through making a financial contribution direct by contacting the Council's Planning and Community Services Directorate.

3.17 The Council will require written confirmation from the applicant, prior to the Council's consideration of the planning application at Planning Committee, of the arrangements for the discharge of the Grampian condition to be provided. Where

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specific measures are required to mitigate impacts on the Strategic Road Network, developers will not be permitted to discharge Grampian conditions.

### **Monitoring of Planning Obligations**

3.18 The Council will ensure that there is transparency in how contributions are spent maintaining a clear audit trail demonstrating that financial contributions are spent on the measures for which they were secured. This will include a quarterly report to Cabinet of progress towards the full expenditure of financial contributions that have been received.

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## **4. AFFORDABLE HOUSING**

4.1 The provision of affordable housing, in London and across Hillingdon is an important issue. The Mayor's policy is to maximise affordable housing provision and ensure an average provision of at least 13,200 more affordable homes over the period of the London Plan (2011-2021). Hillingdon's Sustainable Community Strategy notes that affordable housing of different types is needed, to help people get a foot on the housing ladder and to meet the needs of residents including older people and people with disabilities, mental health needs or learning difficulties.

4.2 The planning policy framework for seeking affordable housing is set out in Hillingdon's ~~Core Strategy~~ Local Plan Part 1 Policy H2 which states that:

*Housing provision is expected to include a range of housing to meet the needs of all types of households and the Council will seek to maximise the delivery of affordable housing from all sites over the period of the ~~Core Strategy~~ Local Plan Part 1. For sites with 10 or more units the Council will seek to ensure that the affordable housing mix reflects housing needs in the borough, particularly the need for larger family units:*

4.3 The CIL Regulations confirm that CIL receipts cannot be used to fund the provision of affordable housing and that it will continue to be subject to Section 106 procedures. This section outlines how the provision of affordable housing will operate following the introduction of CIL in Hillingdon.

### **Affordable Housing Need**

4.4 Housing Market Assessments (HMAs) have been produced to assess affordable housing needs across the borough and the wider west London sub region. Hillingdon's own HMA was completed in 2009 and undertaken in accordance with the government's best practice guidelines. Its findings include an estimated annual need for 2,623 affordable units in Hillingdon.

4.5 The borough-wide HMA also looks at the size of units required and suggests that more than 70% of net need is for two and three bedroom accommodation, more than a fifth is for four bedroom accommodation and almost 7% is for one bedroom accommodation.

4.6 The West London HMA was published in November 2010 on behalf of the West London Housing Partnership, to assess housing needs in Brent, Ealing, Harrow, Hammersmith and Fulham, Hillingdon, Hounslow and Kensington & Chelsea. This study used a different methodology to calculate housing need and concluded that 35,924 additional dwellings are required in the sub region over a 5 year period. The study also looks at needs in each of these boroughs and identifies an annual need to provide 375 units per annum in Hillingdon over the same five year period.

## Qualifying Developments

4.7 All residential and mixed-use developments with an element of housing (usually Class C3) of at least 0.5 hectares in size or capable of providing at least 10 dwellings will be expected to make a contribution towards affordable housing. In addition, affordable housing contributions are likely to be required where:

- the Council reasonably considers that a development scheme has been specifically designed to fall under the threshold or a site's potential is not being fully realised. The potential capacity of a site will therefore be the appropriate basis for negotiation.
- the Council reasonably considers that development of a site has been phased, or a site subdivided or parcelled in order to avoid the application of the affordable housing policy, whether in terms of number of units or site size. In these circumstances the whole site will be assessed or the number of units for which approval is sought, which ever is the greater.
- if having had a scheme approved, a subsequent proposal for additional housing units brings the cumulative total over the threshold.
- the residential component of live/work units meet the above thresholds in terms of number of units or site area, and in accordance with the requirements of HDAS on Live/Work Accommodation SPD.

## Definition of Affordable Housing

4.8 The following definition of affordable housing is included in ~~Annex 2 of the NPPF Planning Policy statement 3: Housing, which was published in June 2011 (PPS 3)~~ and will be used for the purposes of this SPD.

*Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.*

*Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.*

*Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing.*

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*Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).*

*Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.*

*Homes that do not meet the above definition of affordable housing, such as "low cost market" housing, may not be considered as affordable housing for planning purposes.<sup>4</sup>*

~~Affordable housing includes social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Affordable housing should:~~

- ~~Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.~~
- ~~Include provision for the home 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.~~

### **~~Social rented housing is:~~**

~~Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. The proposals set out in the Three Year Review of Rent Restructuring (July 2004) were implemented as policy in April 2006. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.~~

### **~~Affordable rented housing is:~~**

~~Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.~~

### **~~Intermediate affordable housing is:~~**

~~Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include~~

<sup>4</sup> 015/POSPD1 RPS for Arla Foods and Citygrove Estates, 018/POSPD DP9 for Royal Brompton and Harefield NHS Foundation Trust

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~~shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.~~

~~These definitions replace those given in previous editions of PPS3 (2006 and 2010) and related guidance such as Delivering Affordable Housing 2006. The definition does not exclude homes provided by private sector bodies or provided without grant funding. Where such homes meet the definition above, they may be considered, for planning purposes, as affordable housing. Whereas, those homes that do not meet the definition, for example, 'low cost market' housing, may not be considered, for planning purposes, as affordable housing.~~

### Affordable Housing Requirement

4.9 The Council will seek to maximise the delivery of affordable housing in accordance with the Mayor's policy in the London Plan. Policy H2 in Hillingdon's ~~Draft Core Strategy Local Plan Part 1~~ indicates that as a minimum the Council will seek to deliver 35% of all housing to meet the definition of affordable housing, with a tenure split of 70% social rented and 30% intermediate housing. The Council will seek to achieve this target on all sites that are above the required threshold. The Council will always seek the provision of affordable housing on-site except in exceptional circumstances. In cases where these three requirements cannot be achieved, an economic viability assessment (financial appraisal) is required to be provided to the Council to accompany any planning application.

4.10 The minimum 35% level of provision will normally be assessed on the number of habitable rooms rather than the number of units, where this more appropriately delivers the highest acceptable proportion of affordable housing.

### Affordable Rent

4.11 Affordable Rent tenure was introduced into the PPS 3 definition of Affordable Housing in June 2011. The Council is currently developing its policy on this issue and will want to discuss the introduction of Affordable Rent properties as schemes containing this type of tenure come forward. The Council will seek to ensure the relative affordability of different sized units, and particularly larger family homes. To derive an Affordable Rent landlords are required to assess the gross market rent that the individual property would achieve and set the initial rent (inclusive of services charges) at up to 80% of that level. The TSA has issued an explanatory note on the RICS approved valuation methods available at:

[http://www.tenantsservicesauthority.org/upload/doc/RICS\\_rental\\_valuation\\_note\\_20110118140714.doc](http://www.tenantsservicesauthority.org/upload/doc/RICS_rental_valuation_note_20110118140714.doc)

Developers are advised to discuss the implementation of Affordable Rented tenure with the Council.

## **Affordable Housing in Perpetuity**

4.12 Secure arrangements should be made to ensure that affordable housing will be enjoyed by successive as well as by initial occupiers of the property. Normally, affordable housing provided from privately developed sites should be offered for ownership and management to Registered Providers working in partnership with the Council. Nomination rights to the Council will be sought in any negotiations between the developers and Registered Providers to ensure that provision meets local priority needs.

4.13 In relation to intermediate affordable housing, arrangements should be made to ensure that provision continues to meet the defined income criteria for a fixed period. Demonstration of the retention or recycling of equity on intermediate schemes by Registered Providers will be required.

4.14 The Council will seek to secure such provision, in perpetuity, through a planning obligation. The precise form of condition or obligation will depend on the circumstances of each case including the ownership of the site and the terms of any obligation or agreement between the owner and the Registered Provider. Where no Registered Provider is involved, a nomination agreement appended to the legal obligation may be required.

## **Occupation of Affordable housing**

4.15 In order to ensure the delivery of affordable housing, there will normally be a requirement in the s106 legal agreement that a specified proportion of market housing on a site cannot be occupied until the affordable element has been built, transferred to a Registered Provider on the specified terms and is suitable for occupation.

## **Financial Viability and Affordable Housing**

4.16 The Council will seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. However, Hillingdon's **Core Strategy Local Plan Part 1** acknowledges that **the need for affordable housing should be balanced with the economic viability of private housing development** ~~there is a need for a balance between the need for affordable housing and the economic viability of private housing developments~~. Where less than 35% affordable housing is proposed or an alteration to the 70%/30% tenure split, a justification for the departure from Policy H2 will be required, together with a financial viability appraisal to demonstrate that the maximum affordable housing provision is being delivered on-site.

4.17 The GLA toolkit should be used for the financial appraisal and any financial viability appraisal submitted by the developer will be required to show:

- the economics of provision

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- any particular costs associated with the development of the site
- the availability and amount of funding from Registered Providers and HCA grant
- compliance with any other relevant planning objectives or obligations.

4.18 The GLA Toolkit has built-in data such as housing prices and development costs. Applicants will be required to input scheme variables such as the site size, number of units, unit and tenure mix as well as other costs including any decontamination costs and planning obligations. In many cases it may not be possible to fully anticipate the scope of planning obligations prior to submission of the appraisal to the Council. Nonetheless, the applicant should input an initial figure following consideration of the Planning Obligations SPD and initial discussions with the Council's S106 Officer.

### Consultation and Liaison

4.19 Developers are advised to engage with Registered Providers at the earliest stage of the process and liaise with the Council's Housing Development Team in the first instance to ensure schemes can be delivered.

4.20 A pre-application meeting with Council Officers to discuss any proposal requiring financial viability appraisals is encouraged. This is to ensure all appropriate elements (such as other planning obligations) are factored into the appraisal.

### Off-Site Provision and Payment in Lieu

4.21 Affordable housing should be provided on-site as an integral part of residential development. Off-site provision and payment in lieu should only be considered in exceptional circumstances and where it meets the overall goal of sustainable and mixed communities in accordance with PPS1 ~~the NPPF~~<sup>5</sup>. On this matter, the supporting text to policy 3.12 in the London Plan states that:

*Affordable housing provision is normally required on-site. In exceptional circumstances it may be provided off-site or through a cash in lieu contribution ring fenced, and if appropriate 'pooled' to secure efficient delivery of new affordable housing on identified sites elsewhere. These exceptional circumstances include those where, having secured an alternative site, it would be possible to:*

- *Secure a higher level of provision*
- *Better address priority needs, especially for affordable family housing*

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<sup>5</sup> 015/POSPD1 RPS for Arla foods and Citygrove Securities plc, 018/POSPD DP9 for Royal Brompton and Harefield NHS Foundation Trust

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- *Secure a more balanced community*
- *Better sustain strategically important clusters of economic activities, especially in parts of CAZ and the north of the Isle of Dogs where it might be part of a land ‘swap’ or ‘housing credit’*

4.22 Any proposal for off-site affordable housing should enable provision that is more appropriate to identified needs. The final level of provision should be established in terms of habitable rooms.

4.23 Where off-site provision or payment in lieu is considered consistent with the guidance provided in this policy, pre-application discussions are encouraged. The ‘receiving’ site for off-site provision should be identified during the pre-application discussions.

### Off-Site Provision

4.24 If the Council considers that the proposal for off-site provision of affordable housing meets the test of exceptional circumstances, the following issues must be addressed:

- The ‘receiving’ site or sites must be identified.
- In accordance with Circular 05/05, there should be a functional or geographic link between the application site and that site which is to receive the affordable housing. ‘Receiving’ sites should generally be within the vicinity of the development site and equally well located in terms of amenities and facilities.
- Planning applications for both the market housing site and the affordable housing site should be made at the same time, to enable the issues of affordable housing delivery to be addressed. A legal obligation will be required to ensure delivery.
- The off-site provision of affordable housing should be deliverable prior to the on-site market development being completed.

4.25 In determining the actual amount of off-site affordable housing to be provided, the proportion of affordable housing should be determined as if the total amount of housing was provided on one site. The affordable housing yield from a site where 100% market housing is proposed can be ascertained as follows – based on a formula:

#### OFF-SITE AFFORDABLE HOUSING CONTRIBUTION FORMULA

$$100 \times (a / (100-b)) - (a) = c$$

where:

a = total capacity of the application site in terms of market housing

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b = indicative affordable housing target as %. (This will usually be 50% but may alter as a result of any financial appraisal)

c = number of affordable units to be provided off-site

For example, on a site capacity of 40 market housing units, where 50% affordable housing provision is required, 40 affordable units would be required using the formula demonstrated below:

$$100 \times (40 / (100-50)) - (40) = c$$

$$(100 \times 0.8) - (40) = 40$$

$$40 = c$$

4.26 The mix of housing sizes on the ‘receiving’ site will depend on housing need (in accordance with the “exceptional circumstances” rationale), in accordance with ~~Core Strategy Local Plan Part 1~~ Policy H2 and London Plan Policy 3.8 (Housing Choice). The amount of affordable housing provision on the ‘receiving’ site should be calculated on the number of habitable rooms, if this is considered to better meet housing needs.

4.27 In addition to calculating the off-site affordable housing yield from the primary site, an assessment should be provided of the requirement for the ‘receiving’ site for affordable housing, if it falls within the thresholds (0.5 ha or 10 units) to seek affordable housing. The affordable housing provision generated by the second site will be additional to that generated by the primary site.

4.28 Financial viability will only be assessed on the output of this process. If it is verified by the Council or third party agreed by the Council that it would not be viable for the development to support the quantum of off-site affordable housing generated when applying the affordable housing target, then the indicative affordable housing target percentage should be reduced so that the maximum amount of viable contribution is generated.

### Payment in Lieu

4.29 In order to meet the objective of sustainable mixed communities as promoted by ~~PPS1~~ ~~the NPPF<sup>6</sup>~~, the Council’s first preference is that affordable housing is provided in kind and on-site and, secondly in exceptional circumstances, in kind, in an associated development off-site. However there may be rare situations where provision off-site does not fully meet planning objectives and as such payment in lieu may be sought at the discretion of the Local Planning Authority (in consultation with the council’s Housing Development Team). The aim of payment in lieu is to provide affordable housing that is able to address housing needs more appropriately than could be provided on or off-site.

<sup>6</sup> 015/POSPD1 RPS for Arla Foods and Citygrove Securities plc, 018/POSPD DP9 for Royal Brompton and Harefield NHS Foundation Trust

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4.30 Payment in lieu is intended to enable the delivery of the nominated number of affordable housing units appropriate to the original development and relevant locality. Payment in lieu monies will be allocated to obtaining affordable housing that satisfies local housing needs. Possible recipients for monies from payment in lieu include:

- a local authority development including estate renewals
- a Registered Provider development
- housing purchased on the private market to be transferred to a Registered Provider
- vacant properties brought back to use

4.31 Applicants may be required to bear the costs of any financial evaluation and development appraisal work that is required to ascertain the veracity of submitted material in support of a proposal for payment in lieu.

4.32 The monetary contribution for payment in lieu will be ascertained as follows:

- Step 1: Establish the number of affordable housing units to be provided. This will be ascertained by the formula (for off-site provision) outlined in this SPD.
- Step 2. Establish the mix and size of affordable housing units to be provided. Once the number of units is known, the mix of units to be provided should be established. This will be determined in consultation with the Council's Development Team, who will consider the priority housing needs, the availability of any recipient affordable housing scheme and ~~LDF Core Strategy Local Plan Part 1~~ Policy CP5A (Widening Housing Choice) as well as the provisions of the other planning policies and guidance, including Hillingdon's Design and Accessibility Statement (New Residential Layouts).
- Step 3. Establish the monetary figure for the units to be provided from the open market. This will be determined on a case-by-case basis depending on the intended location of the affordable housing and purchase cost of units on the open market. Usually in this calculation, the assumption would be that there is no recourse to HCA grant or other subsidy. In determining payment, consideration will be given to factors such as likely new build costs and the location of and acquisition of land. The contribution may be subject to variation in accordance with a verified financial viability appraisal, although the Council will not accept contributions that would not be sufficient to allow for schemes to be fully funded.

4.33 As stated in para 5.18 above the Council will seek to maximise affordable housing delivery. Wherever possible, a minimum provision of 35%

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affordable housing will be sought for residential developments and mixed use schemes with an element of residential, with a tenure split of 70% social rented and 30% intermediate housing.

- 4.34 The monetary contribution for payment in lieu of the intermediate units on-site will be assessed following a financial assessment to be submitted by the applicant, which includes the costs associated with the development of the site; the number of intermediate units that are required on-site; the size of the intermediate units; the costs of providing the intermediate units on-site; the availability of funding; and the mechanism for securing the delivery of the discounted market housing.

### **Summary of Key Requirements**

4.36 With the introduction of Hillingdon's CIL, affordable housing will continue to be subject to S106 procedures, with the key requirements being as follows:

- a. Affordable housing is required on residential developments and mixed-use schemes (with an element of residential) on sites of 0.5 hectares or more or capable of providing 10 dwellings or more
- b. To maximise affordable housing provision in accordance with the London Plan. The ~~Core Strategy Local Plan Part 1~~ indicates that as a minimum, 35% of all housing across the borough could be provided as affordable. 70% should be delivered as social rented tenure and 30% as intermediate tenure. Subject to the thresholds in this SPD, the Council will seek to secure a minimum of 35% of all housing as affordable on a site by site basis.
- c. Affordable housing should be provided on-site as an integral part of any residential development.
- d. Affordable housing should be provided in perpetuity, usually secured by transferring it to a Registered Provider working in partnership with the Council.
- e. ~~Affordable housing should be provided in perpetuity, usually secured by transferring it to a Registered Provider working in partnership with the Council.~~
- f. Occupation of part of the market housing will normally be restricted until the affordable element is completed and ownership transferred.
- g. A financial viability appraisal and justification is required to be submitted with the planning application in order to support any proposal that includes less than 35% of affordable housing or an alteration to the 70:30 tenure split.
- g. Pre-application meetings are encouraged for any development proposal which include discussions on financial viability.

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- h. Off-site provision and payment in lieu will only be considered in defined exceptional circumstances, with off-site provision being preferred.
- j. For off-site provision arising from a 100% market housing site, the proportion of affordable housing should be determined as if the total amount of housing was provided on one site. In addition, consideration will be required of any affordable housing contribution generated by the second ('receiving') site.
- k. The monetary contribution for payment in lieu will be determined by the number, mix and size of housing needed and the cost of purchase of these units on the open market.

## **5. TRANSPORTATION, ACCESSIBILITY, AIR QUALITY AND NOISE**

5.1 The high dependency on the use of cars in Hillingdon has resulted in several congestion hot spots and creates serious on-street parking pressures in the borough. High car use has also led to high levels of noise and air pollution at various locations along the major road network. While Hillingdon aims to improve and expand the public transport network and to promote alternative modes of travel, it is accepted that in areas such as Hillingdon with highly dispersed demand patterns, car use will continue to be an important travel method for the foreseeable future.

5.2 Due to predicted exceedences of national air quality objectives across parts of the borough, and in accordance with National Government guidelines, Hillingdon declared an Air Quality Management Area (AQMA) in the borough encompassing all identified areas of poor air quality. The AQMA extends from the southern borough boundary, northwards to the Chiltern-Marylebone railway line that cuts across the north of the borough. An Air Quality Management Plan has been adopted by Council to address this.

5.3 Transportation is also a significant generator of noise in the borough from roads (M4, A4 and A40), aircraft (Heathrow and Northolt Airports) and railways (Chiltern-Marylebone and Great Western lines, Underground). In addition, other sources of noise issues in Hillingdon include commercial and industrial sources.

### **Transportation**

5.4 Funding for transport infrastructure required as a result of incremental growth, in particular public transport improvements, will be provided through the Council as part of the standard CIL Charge and other mainstream funding programmes, which will be regularly updated as part of the Annual Monitoring Report.

5.5 Where a proposal involves alteration to the local highway network, this may be required through S278 of the Highways Act 1980. However, there may also be occasions where the development specifically results in a traffic impact further along the network (e.g. freight operations impacting on a adjacent junction). This should be identified in the Transport Assessment.

5.6 Where transport infrastructure is required to directly enable access to a site or mitigate any adverse impact on the adjacent network, the Council will seek to ensure that the infrastructure is provided in a timescale consistent with the proposed development. As such, where the infrastructure is not planned for delivery from CIL, or any other funding programme, the Council will request that this is provided by the developer.

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5.7 The Council will seek s106 contributions to address site specific mitigation and s278 contributions as follows:<sup>7</sup> /278 obligations/contributions as follows:

- Highways works arising from the development (section 278 of the Highways Act);
- Provision of new access roads to enable access to and from the site to existing highways networks;
- The dedication of land required for highway/transport works;
- Financial contributions to promote highway safety and sustainable transport measures/schemes or to implement schemes identified in the Local Implementation Plan;
- The provision of on-site car club bays or off-site provision;
- Travel plans, including delivery and servicing plans and monitoring;
- Improvements to Rights of Way;
- Restrictions on eligibility for parking permits in Parking Management Zones
- Improvements to public transport networks, including bus and rail infrastructure.

### Travel Plans - Qualifying Developments

5.8 Where a Transport Assessment (TA) is required, the Travel Plan should be developed in parallel with it to reflect the information listed below. This is to ensure that the provision of information on any mitigation measures planned and for any alterations to the modal share of a development facilitated by the travel plan are accommodated in the TA.

#### Travel Plans - further information

All new developments should make provisions to encourage cycling and walking and for places of employment to encourage staff and visitors to use more sustainable modes of transport rather than rely on car use. For developments in an AQMA, the Travel Plan should include measures that produce quantifiable emission benefits and in certain cases air quality monitoring may be required.

Examples of individual measures within a Travel Plan may include:

- Secure cycle parking and changing facilities;
- Safe pedestrian routes;
- Facilities for public transport, such as bus stops and lay-bys;
- Management and use of parking spaces, so that priority is given to certain categories of people, e.g. disabled people, people with children, visitors, or cars with more than one occupant, electric or low emission vehicles;

<sup>7</sup> 07/POSPD1 Heathrow Airport Ltd

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- The removal of parking spaces after a specified period, or when access to the site is improved (e.g. new public transport routes, cycle lanes);
- Car free housing developments;
- The provision of information on public transport, walking and cycling access to the site;
- Details on deliveries to the site, covering specification of vehicles and hours of operation, and specifications for lorry parking and turning spaces; and junction and road layouts;
- Employment of a travel plan co-ordinator for the site with responsibility for monitoring;
- Setting targets on the proportion of employee trips to be made by public transport and other alternative modes of transport; and
- Setting up or participating in City Car Clubs for residents or employers.

### Development Thresholds - Travel Plans

5.9 Transport for London's (TfL) Guidance for Workplace, Travel Planning and Development includes guidelines for standard travel plans and enterprise travel plans, which relate to smaller scale travel plans that fall below the full travel plan threshold. Guidance is also provided on the circumstances where no travel plan is required. Applicants are advised to refer directly to TfL's document for further guidance on the travel planning process, which includes the following table for Travel Plan Thresholds.

~~Assuming the thresholds contained in Table 2: Travel Plan Thresholds,~~

**TABLE 2 TRAVEL PLAN THRESHOLDS**

Land Use	Threshold at or above which Travel Plan is required (< = less than, > = more than)		
	No requirement	Enterprise scale travel plan	Standard travel plan
Shopping Centre	< 20 Staff < 2500m <sup>2</sup>	> 20 staff < 2500m <sup>2</sup>	> 2500m <sup>2</sup>
A1 Food/Non Food Retail	< 20 staff < 1000m <sup>2</sup>	> 20 staff < 1000m <sup>2</sup>	> 1000m <sup>2</sup>
Garden Centres	< 20 Staff < 2500m <sup>2</sup>	> 20 Staff < 2500m <sup>2</sup>	> 2500m <sup>2</sup>
A3/A4/A5	< 20 staff	> 20 staff	> 750m <sup>2</sup>
Food and drink	< 750m <sup>2</sup>	< 750m <sup>2</sup>	
B1 including offices	< 20 staff < 2500m <sup>2</sup>	> 20 staff < 2500m <sup>2</sup>	> 2500m <sup>2</sup>
B2 industrial	< 20 staff < 2500m <sup>2</sup>	> 20 staff < 2500m <sup>2</sup>	> 2500m <sup>2</sup>
B8 warehousing and	< 20 staff	> 20 staff	> 2500m <sup>2</sup>

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distribution	< 2500m <sup>2</sup>	< 2500m <sup>2</sup>	
C1 Hotels	< 20 staff	> 20 staff	> 50 beds
	< 50 beds	< 50 beds	
D1 Hospitals/ medical centres	< 20 staff	> 20 staff	> 50 staff
	< 50 staff	< 50 staff	
D1 schools	All schools to have a travel plan	All developments to have a school travel plan	All developments to have a school travel plan
D1 higher and further education	< 20 staff	> 20 staff	> 2500m <sup>2</sup>
	< 2500m <sup>2</sup>	< 2500m <sup>2</sup>	
D1 Museum	< 20 staff	> 20 staff	> 100,000 visitors annually
	< 100,000 visitors annually	< 100,000 visitors annually	
D1 Places of public worship	< 20 staff	> 20 staff	> 200 members/ regular attendees
	< 200 members/ regular attendees	< 200 members/ regular attendees	
D2 Assembly and Leisure (other than stadia)	< 20 staff	< 20 staff	> 1000m <sup>2</sup>
	< 1000m <sup>2</sup>	< 1000m <sup>2</sup>	
D2 Stadia	< 20 staff	> 20 staff	> 1500 seats
	< 1500 seats	< 1500 seats	

Source: Transport for London: Guidance for workplace travel planning for development .

## AIR QUALITY

5.10 The following guidance on planning obligations for air quality relates to matters that have not been accommodated as part of an integrated package of planning obligations to address transportation issues. The Mayor's Air Quality Strategy and Hillingdon's Air Quality SPG provide guidance on the submission of air quality assessments as part of planning applications and their assessments.

### Qualifying Developments

5.11 Planning obligations may be sought for developments that are either in the AQMA or adjacent to the AQMA and considered likely to impact on the objectives to improve air quality. The **Council's** Air Quality SPG (para 2.6) outlines the following matters to be considered in the acceptability of a development from an air quality perspective:

- The scale of the emissions;
- Whether the emissions caused by the development would impede the London Borough of Hillingdon's overriding objective to improve air quality in the area;
- Whether significant public exposure occurs; and
- Ground level concentrations.

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5.12 Obligations may be sought to ensure no detrimental impacts on air quality and/or to ensure compliance with the objective of the AQMA. The following circumstances may establish a requirement for planning obligations:

- As a recommendation of an air quality assessment;
- To mitigate the impacts from emissions from new development where these cannot be resolved through other means such as planning conditions, travel plans or statutory licences;
- To mitigate impacts on new development where floor space is to be occupied for significant parts of the day, such as residential, where located in an area of poor air quality; and
- To mitigate air quality impacts during the construction phase where these cannot be controlled through conditions or other statutory licences.

### **Types of Obligations Sought**

5.13 The following obligations may be sought to improve air quality:

- Use of low emission fuel technology and other measures to minimise emissions;
- Tree and other planting where directly relevant to mitigating the impact of emissions;
- Restrictions on certain types of vehicles;
- Use of cleaner fuels for energy and heating;
- Use of combined heat and power and community heating systems where appropriate;
- Encourage company use of environmental management systems and air quality strategy; and
- Any other appropriate measures to meet the objective of the Air Quality Action Plan.

5.14 In some cases, air quality monitoring may be required to ensure these standards can be met and maintained. As such contributions towards the establishment and ongoing maintenance of this may be required if necessary.

## **NOISE**

5.15 As-stated in Hillingdon's SPD on Noise, the Council exercises its land use planning controls to seek the physical separation of noise and noise sensitive development. Planning obligations may be applied if separation or planning conditions cannot be used to control or reduce noise levels or to mitigate the impact of noise. The Mayor's Ambient Noise Strategy and Hillingdon's Noise SPD

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provide guidance on noise issues and assessments as part of planning applications.

5.16 This section provides guidance on planning obligations for noise that have not been accommodated as part of an integrated approach to address transportation and accessibility issues.

### **Qualifying Developments**

5.17 The **Council's** Noise SPD sets out requirements to be considered in the assessment of noise. Planning obligations may be sought in the following circumstances:

- Where a development would cause nearby residential development to be affected by noise exposure categories B – D and/or Table 2 (Residential Noise Criteria) as outlined in the Noise SPD to be exceeded;
- Where a development would cause exceedences of 60 LAeqTdB upper limit as outlined in Noise SPD for schools and hospitals;
- Where there would be exceedences of internal noise criteria for school and offices as outlined in Table 3 of the Noise SPD;
- To mitigate impacts on the character of an area, of sites of importance for nature conservation or to ensure the welfare of livestock or other animals;
- Where there would be exceedence of noise limits prescribed in Annex 2 of Mineral Policy Statement 2 (MPS 2);
- To control noise at source where planning conditions or other statutory licences are not applicable; and
- As a result of a noise measurement survey or noise management plan.

### **Type of Obligations Sought**

5.18 Planning obligations to address noise and vibration issues may include the following:

- Measures to reduce noise at source such as vehicle fleet selection, quiet bleepers and other administrative or work place practices.
- Mitigation measures such as noise barriers and sound insulation of residential properties and other noise sensitive receptors
- Provision of off-site landscaped buffers
- Road and other surfaces incorporating provision of quieter surfaces such as porous asphalt
- The preparation and implementation of noise management plans.

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**5.19** These noise control measures should complement noise control measures available through normal planning and other statutory procedures. In certain cases monitoring may be required to ensure standards can be met and maintained. As such contributions towards the establishment and ongoing maintenance of this may be required if necessary.

## **6. TRAINING AND EMPLOYMENT**

6.1 Hillingdon attracts a variety of new companies to the benefit of the local economy and many existing businesses may wish to expand. Hillingdon has a number of sites and premises for a variety of employment generating uses and the local authority welcomes well-designed schemes in appropriate locations that create job opportunities. There is however a need to ensure that appropriate skills are developed and that local people, particularly the unemployed and socially excluded, have the ability to access the new jobs being created by new development.

6.2 The following guidance summarises the circumstances in which the Council will use planning obligations in respect of training and employment, which will not be subject to CIL. It is intended that it will be applied to most planning applications for significant employment generating development **through the delivery of in-kind schemes or financial contributions towards training and employment in the borough<sup>8</sup>**. Any funding secured will be used either to build upon existing initiatives to tackle unemployment and improve skills or those tailored to suit the particular needs of companies moving to the Borough or the needs of specific areas or sectors. **However in the first instance an in-kind scheme delivered onsite is the preferred option.<sup>9</sup>**

### **Policy Context**

6.3 The latest version of Hillingdon's strategy for a sustainable economy, Sustain, Renew and Prosper, was published in 2011 and articulates Hillingdon's pragmatic approach to regeneration over the next 4-5 years. Key priorities in this document are to:

- Link local people to training and job opportunities to create a prosperous future for all our residents, including young people starting on their career paths during these difficult economic times.
- Ensuring that residents have the skills and aspirations to compete for local jobs, increasing the opportunities for local businesses to provide apprenticeships and skills development by:
  - Using opportunities from the development of major sites and infrastructure projects to provide skill training and jobs during construction phases and end use.
  - Maximising the value of our own procurement and commissioning of goods and services to provide for local skills training, apprenticeships and employment opportunities.
  - Disseminating intelligence from Hillingdon's Economic Assessment to shape employer-led local skills provision and

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<sup>8</sup> 01/POSPD1 London Borough of Hillingdon

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careers advice delivered through our schools, further and higher education and training providers.

6.4 Policy E7 of Hillingdon's ~~Core Strategy Local Plan Part 1~~ states that:

*'The Council will ensure training opportunities are linked with the development of major sites for both construction phases and end use occupiers, and through liaising with local colleges and businesses to ensure workforce development and training programmes reflect skill requirements in the workplace. The Council will engage with local businesses and universities to link high end jobs in the borough with higher education courses. The Council will promote Hillingdon as a destination for visitors and tourists and ensure that local residents have access to jobs within related industries.'*

## TRAINING AND RECRUITMENT IN HILLINGDON

6.5 Hillingdon's 2011 Joint Strategic Needs Assessment (JSNA) makes the following observations in relation to employment, unemployment, worklessness, workforce and skills in Hillingdon:

- The Annual Population Survey shows 63.4% of the workforce is qualified to NVQ2 and 50.4% qualified to NVQ3. However only 31.7% (53,200) of the resident workforce has attained NVQ4+ qualifications which is behind the London average at 39.7% and our nearest neighbours in the functional economic area; Ealing 36.5%, Harrow 33.1%, Hounslow 34.9% and Richmond 53.4%.
- What this means is that Hillingdon residents may be less able to secure high-level jobs, particularly in the knowledge economy, technical and creative industries which are the sectors forecast for economic growth.
- Currently 21,100 (12.6%) of Hillingdon residents have 'no qualifications'; above the London average (11.8%) and national average (12.3%).
- The majority 46%, some 9,706 residents are aged 50-64. Whilst this age group may have been able to secure elementary occupation within their working lives, they could now face increased competition for these kinds of jobs from jobseekers with mid-level qualifications.
- The number of NEETS has reduced and learning participation increased between 2006 and 2009. NEET young people live mainly in the south of the borough with the vast majority of the NEET group made up of young people who are White British (74.8%) followed by Asian (6%) and Black Caribbean (6.0%) ethnic backgrounds. Young people with learning difficulties (9.6%), pregnant (4.9%) or caring for their own child/ children (10.7%) continually feature disproportionately in the NEET cohort.

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- Job Seekers Allowance claims have increased significantly in recent years, albeit from a low base. In August 2010, 5,443 people in Hillingdon were claiming JSA. This compares with a ‘pre-downturn’ low of 2,843 in Jan 2008.
- Of the claimant count in August 2010, 25% were from within elementary occupations, 23% within Sales and Customer Service and 13% within Admin/Secretarial roles. Using the standard definition of an unemployment hotspot (1.5% above GB average JSA claimants) current ward unemployment hotspots (Aug 2010 NOMIS, GB average 3.6%) are Botwell (5.4%) and Townfield (5.3%) with Yeading, Barnhill, Yiewsley, West Drayton & Pinkwell hovering at 4+%.
- Long-term unemployment has more than doubled over the last year. The proportion of Hillingdon residents that have been out of work and claiming JSA for 12 months or more is currently 13.5% (730 claims); the highest level since Nov 2006. The majority of long-term unemployed claimants are aged 50+ (40%) and from within elementary occupations. 7.9% of working age people in Hillingdon are self employed – the second lowest across west London and below London average of 9%.
- In 2008, there were approximately 188,600 jobs in Hillingdon, a number which exceeded the working age population of approximately 174,900. The local labour market is relatively buoyant, as a result. However, about two thirds of jobs are filled by people commuting into Hillingdon, rather than by residents themselves.
- The number of people claiming out of work benefits in the borough is 22,440, or approximately 12.8% of the working age population. Although this is below the London and national average, reducing the number of benefits claimants continues to pose a significant challenge in tackling deprivation.
- 36.6% of residents have qualifications below NVQ Level 2. Improving the skills of Hillingdon’s residents will be central to ensuring they can prosper from new jobs being created.

## Skills and Training Initiatives

6.6 Training has an essential role in reducing unemployment and in ensuring that local people are prepared for and able to secure new jobs being created in the local economy. Training for local people brings benefits to the local economy in terms of economic sustainability by helping businesses to have access to an appropriately skilled workforce. It has the added benefit of minimising the number and length of journeys to work thereby reducing congestion and pollution on the Borough’s roads and helps minimise contributions to climate change.

## **Training and Recruitment in Other Specialist Areas**

6.7 There are some areas of employment which require specific skills and/or qualifications e.g. IT or involve establishing modern apprenticeships e.g. engineering. There may also be opportunities to work with schools and colleges to provide work placements and work experience and encourage interest in certain sectors, which have seen a decline in entrants to the workplace. This type of engagement would be considered on a case by case, site by site basis.<sup>10</sup>

## **Triggering Developments**

6.8 It is intended that planning obligations and contributions will be sought for most employment generating development (normally those generating at least 50 full-time equivalent jobs) in the Borough and/or where a proposal results in a loss of employment floorspace. In the case of construction training this may extend to larger residential schemes. The requirement and scope of provision or contributions for training and recruitment measures will be determined by a number of factors such as:

- the nature and scale of the development (including likely employment generation).
- the location of the development in terms of accessibility and an identifiable need for training schemes/measures.
- the number of jobs and gross floorspace to be lost or replaced.
- the nature and number of existing jobs affected by proposals.
- in the case of vacant sites or premises, the previous uses and job creating potential/employment levels based on worker to floorspace ratios for those uses.
- identified recruitment and training issues or problems related to specific uses and local areas in general e.g. higher than Borough average levels of unemployment, regeneration areas.
- whether occupiers have established or propose to establish training and recruitment programmes and initiatives in the area.

## **Types of Planning Obligations**

### **Employment Strategy**

6.9 Where a planning obligation may be required following consideration of the above criteria, the developer will be required to submit an employment strategy as part of the application. The employment strategy should address the specific local employment issues that have been identified by ensuring the recruitment, training and employment at the development or by a business operating out of the

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<sup>10</sup> 01/POSPD1: London Borough of Hillingdon

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application site, focussing on local people who are unemployed or who do not have the necessary skills to ensure longer term employment. **The employment strategy will include (be it part of or solely related to) provision for construction training which occurs during the construction phase of development.<sup>11</sup>**

6.10 For particular developments in areas of higher levels of lone parents, an employment strategy would provide the mechanisms to support them into employment including basic skills training, affordable childcare and promote flexible working opportunities. In some areas the high levels of unemployment of claimants of an ethnic minority would require specialist support such as access to **I.T literacy and numeracy skills training.<sup>12</sup> an ESOL (English for Speakers of an Other Language) course.**

6.11 The employment strategy is to be agreed by the Council in writing prior to the Council's Planning Committee's consideration of the planning application. Where the Planning Authority considers that an employment strategy can be secured through a planning condition, a planning obligation will not be required. Employment strategies may also include monitoring and review mechanisms which may be linked to the s106 legal agreement to secure its ongoing compliance. **It is expected that developers will work with the Council to develop the best employment strategy for any given development to address local need.<sup>13</sup>**

6.12 The Council will seek a commitment within employment strategies to maximise employment for local residents. New employers will be required to work in partnership with Job Centre Plus facilities **(or similar employment agencies)<sup>14</sup>** to identify suitable candidates in the local area for interview and potential employment.

### Financial Contributions to Training Schemes

6.13 **In exceptional circumstances where If<sup>15</sup> it is not possible to secure an employment strategy that meets the requirements referred to above or the employment strategy is not acceptable, then as a compensatory measure the developer should provide a financial contribution to a training course to serve underskilled or unemployed people in the area.**

### Other Types of Planning Obligations

6.14 Where a scheme is of strategic importance, the Local Planning Authority may consider further obligations in order to maximise employment opportunities for local residents such as:

- local employment brokerage /job fairs; and

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<sup>12</sup> 01/POSPD1 London Borough of Hillingdon

<sup>13</sup> 01/POSPD1 London Borough of Hillingdon

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- initiatives providing or contributing to training, employment and recruitment related services and projects.

### Construction Training and Recruitment

6.15 The requirement and scope of provision of or contributions to construction training and recruitment measures will be determined by a number of factors such as the size of the scheme, size of construction contract and length of development programme. Indicative benchmarks, which would create the potential for a planning obligation for construction training, include:

- developments with estimated construction costs of over £2m and a construction period of three months or more;
- housing developments on sites capable of accommodating 10<sup>15</sup><sup>16</sup> or more units;
- commercial developments over 3000 sq. metres; **and**
- schemes of strategic importance as defined by the Mayor of London's planning powers.

6.16 As stated above, in the first instance the Council will seek to secure employment strategies with developers to maximise employment opportunities for local residents **in-kind, rather than as a financial contribution**<sup>17</sup>. In addition to appropriate general considerations for employment strategies referred to earlier, where an obligation for construction training or recruitment may be triggered, employment strategies will require developers to offer specified numbers of construction waged training placements/apprenticeships. The developer may provide a construction work placement co-ordinator to arrange the required training placements. The number of waged training placements will be calculated in a similar way to the contribution for construction training detailed below i.e. at least forty weeks of waged construction training places should be provided for every £1 million of construction costs. The waged placement should be with either the developer, contractor or sub-contractor, **the approval of which is to be given by the Council prior to development commencing.**<sup>18</sup>

6.17 Alternatively, it may be viable for the developer to make a payment to the Council of the equivalent costs to provide a construction work placement co-ordinator. One full time post, estimated at £71,675 p.a (based on typical salary with on-costs, training budget and promotion budget at the time of writing) would be required for commercial schemes of 7,500 square metres or residential developments of 160 units or more. At the time of writing one construction workplace co-ordinator would facilitate 35 people into a waged training placement

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or apprenticeship each year. A contribution for placements to courses will also be requested and calculated on the basis of the “Training Costs” indicated below.

6.18 Only in exceptional circumstances where<sup>19</sup> If it is not possible to secure an employment strategy or a contribution to the Council to cover the costs of providing a construction work placement co-ordinator and associated training placements as mentioned above, then as a compensatory measure the developer will be asked to make a financial contribution to an alternative<sup>20</sup> training course and/or work-placement co-ordinator valued in proportion to the size of the development. Contributions will be applied by the Council towards the costs of construction training delivered by recognised providers and where appropriate providing a construction work placement co-ordinator. It is proposed to adopt the following<sup>21</sup> formula for calculating the financial<sup>22</sup> value of the contribution as follows:

### CONSTRUCTION TRAINING FORMULA

**Training Costs + Co-ordinator Costs = Total Contribution**

Whereby:

“Training Costs” is assumed as £2,500 for every £1m worth of construction costs. Based on the average cost of training for one person on an NVQ construction course at college.

“Co-ordinator Costs” is assumed as size of development as a % of work placement co-ordinator threshold size x total cost of work place co-ordinator. One full time post, estimated at £71,675 p.a. (based on typical salary with on-costs, training budget and promotion budget) would be required for commercial schemes of 7,500 square metres or residential developments of 160 units or more. The length of the post would depend on the length of period that placements would be required to the development.

Worked Example:

“Training Costs” for a residential scheme costing £5m will generate  $\text{£}2500 \times 5 = \text{£}12,500$   
“Co-ordinator Costs” for the scheme assuming 30 unit scheme and placements over a one year period generates  $30/160$  or  $18.75\% \times \text{£}71,675 \times 1 = \text{£} 13,439.06$

$\text{£}12,500 + 13,439.06 = \text{£}25,939.06$  contribution

### Hotel/Leisure Industry Contributions

6.19 The requirement and scope of provision or contributions to hotel/leisure industry training and recruitment measures will be determined by a number of factors such as whether hotel/leisure industry expansion or new developments are

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<sup>20</sup> 01/POSPD1 London Borough of Hillingdon

<sup>21</sup> 01/POSPD1 London Borough of Hillingdon

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likely to generate 50 or more extra or new jobs. If an employment strategy cannot be secured **which delivers this obligatory in-kind<sup>23</sup>** then as a compensatory measure the developer will required to make a financial contribution to a training course to serve underskilled or unemployed people in the area. The level of contribution is likely to be £400 for every one in three jobs e.g. a scheme that can create 75 jobs may be required to contribute £10,000.

6.20 Contributions received will be applied to assist relevant hotel and leisure industry related training offered by recognised and accredited organisations such as Uxbridge College or other training providers.

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## **7. COMMUNITY SAFETY IN THE PUBLIC REALM**

7.1 The public realm comprises all parts of the environment that define the public spaces between buildings. It overlaps a great deal with the term public space. The quality and the condition of the public realm has a direct bearing on how Hillingdon is perceived. The Council is therefore committed to promoting the highest quality of the public realm and to seeking ways to make it more attractive, accessible, safe, diverse and sustainable.

7.2 Funding for public realm improvements required as a result of incremental growth will be provided through the Council as part of the standard CIL Charge. When a development scheme is likely to raise issues regarding community safety in the public realm, a planning obligation will be required where impacts cannot be addressed by on-site by design, through condition or any other statutory means.

7.3 Where a planning obligation is considered appropriate, the Local Planning Authority will specify the use of contributions to ensure they are applied towards site specific local public realm projects. Depending on the scheme, the type of measures may include:

- Crime prevention and safety e.g. CCTV;
- Signage;
- Site specific car parking improvements and management; and
- Site specific highways works.

### **Community Safety**

7.4 Consultations have shown that feeling safe is one of the public's top priorities. High quality and well thought out design will improve and create public spaces and streets that are overlooked, well-used and maintained and that are therefore more likely to be safe and perceived as safe environments. It will therefore be reasonable to look to developers to contribute to community safety schemes if they are considered essential to offset those impacts and make a scheme acceptable in planning and safety terms.

### **Planning obligation requirements**

7.5 Most forms of new development used by the public will need to take account of measures to improve community safety. There are a number of design objectives which can ensure new development contributes to attractive and well used, and therefore more secure and safer, public spaces and street environments some of which are:

- to ensure that adjoining uses and design of new buildings do not detract from the safety and security of public spaces and ensure public spaces and streets are well lit, maintained and regularly cleaned.

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- security measures should be integrated and carefully designed (the right balance needs to be struck between conspicuous measures and appropriate design).
- opportunities for the observation of criminal and anti-social behaviour should be maximised through the use of 'active' frontages and fenestration to assist informal surveillance and avoidance of excessive blank elevations and high, solid walls that attract graffiti and billposting.
- to maintain and create direct, well-used and legible routes with clear signposting and footpaths, cycle ways and towpaths that are designed to encourage use and prevent opportunities for concealment.

7.6 Many of these objectives will be achieved through high quality design approaches and can be covered by relevant conditions attached to planning permissions. However, where these objectives are to be achieved outside the immediate boundaries of a site and are necessary to make a scheme acceptable in planning and safety terms, developers will be required to enter into a planning agreement to deliver certain prescribed safety measures.

7.7 Where a planning obligation is considered appropriate, the Local Planning Authority will specify the use of site specific contributions to ensure that they are applied towards specific local community safety needs, for example:

- CCTV, whether providing linkages to existing systems or new schemes, including as appropriate commuted sums for management and maintenance;
- provision of lighting particularly to established or proposed pedestrian and/or cycle routes serving the development and those linking it to nearby residential areas and facilities;
- rerouting or closure/gating of underused and potentially dangerous paths and links such as subways and alleyways which serve a limited purpose safety improvements to existing or proposed public transport interchanges, facilities and car parks where new developments may be located;
- environmental projects that contribute towards safer town centres and other areas;
- affected by a development, e.g. landscaping works to improve visibility and remove areas of concealment (balanced with protection of valuable trees and shrubs), works on adjacent waterways and towpaths; and
- enhanced night bus networks or specially created services to provide alternative safe forms of travel to and from major new

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facilities and leisure uses (particularly those highly dependent on shift workers and/or open beyond the hours of regular day time services).

7.8 The type and level of contribution will ultimately be based on the location, nature and scale of the proposal. It will also depend on a schemes potential impact and the estimated cost of providing the requisite package of community safety measures. In general whether contributions are sought and their scale will depend on the:

- proposed use and its likely impact on community safety;
- hours of use;
- total floorspace and likely level of activity and trip movements;
- location in terms of public transport and accessibility;
- physical and design impact on the immediate area;
- existing safety measures in place;
- other infrastructure requirements e.g. car parks, open spaces; and

7.9 When appropriate, contributions may be sought from:

- all new major proposals for leisure and entertainment facilities and venues including uses such as gyms, leisure centres and cinemas that are likely to operate beyond 8.00 p.m
- all late night cafes/restaurants, public houses and night clubs which can accommodate 40 or more people and that seek to attract clientele beyond 8.00 p.m;
- retail, hotel, office and other developments that incorporate the above uses or in themselves are substantial enough to generate significant increases in visitor numbers and trip movements;
- all major town centre developments that will generate significant increases in visitor numbers, trip movements and use of public transport facilities;
- developments such as supermarkets and petrol-filling stations that operate late at night and in some cases 24 hours per day;
- all major development proposals resulting in intensification of uses and activity in isolated areas, e.g. industrial estates, canal towpaths and Green Belt, that are more likely to be relatively poorly located in terms of safe, well-lit and used routes and transport facilities;
- all major residential developments e.g. 10 or more units;
- residential developments that suffer from a more inaccessible location, deficient;
- public transport facilities and/or poor linkages to local shops and community facilities; and

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- (e.g. over 800m away), and that are particularly not conducive to encouraging access by means other than by car.

7.10 These type of proposals and thresholds are not an exhaustive list but they will generally be expected to contribute to introducing or improving existing safety measures as identified in conjunction with the local crime prevention officer and community safety team and the level of contribution will be weighted accordingly. The thresholds outlined above are indicative and provide a guideline as to the scale of development that is likely to have sufficient impact to consider whether planning obligations may be required but each case will have different impacts and will be considered on their own merits.

### CCTV

7.11 There are several elements to a CCTV scheme and the Council will seek contributions towards the full or partial costs for the provision of CCTV from relevant developments depending on the scale, location and nature of those schemes. One-off commuted sum payments will also be sought for revenue costs for up to 7 years to support the rental and maintenance costs of the equipment.

7.12 Based on the technology and approximate costs as at March 2012 the elements and costs of one camera plus link back to the Civic Centre would be as follows:

#### **Capital costs, associated project design and initial maintenance costs**

- cost of camera and associated above ground equipment £9,000;
- fibre / transmission links between £6,000 and £10,000 (this is variable as it is dependent upon distance to control room);
- additional central equipment (includes monitors, matrix configurations) £2,000;
- design and management £3,000; and
- others (such as fees and software) up to £1,550.

#### **Revenue support**

- annual fibre rental £1,500 (generally between 10% and 17% of capital cost, dependant upon supplier); and
- annual maintenance £900.

Note that costs may vary from site to site.

7.12 In some circumstance other measures may be more appropriate, such as rapid deployment cameras, audio-deterrents such as 'mosquito units and stand alone cameras. The level of contribution sought will be dependant on the type of development scheme and the cost of the specific measures required.

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7.13 In some circumstance other measures may be more appropriate, such as rapid deployment cameras, audio-deterrents such as ‘mosquito nets’ and stand alone cameras. The level of contribution sought will be dependant on the type of development scheme and the cost of the specific measures required.

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## **8. ENVIRONMENTAL IMPACTS**

8.1 The Council as local planning authority has a duty under European, national, regional and local directives, policies and guidance to protect the local environment from development and seek sustainable development.

8.2 New development can have both a minor or major impact on the local environment. The way a scheme minimises or off-sets its impact and contributes positively to its surroundings, whether in an urban setting or more rural, green environment, will determine how acceptable a proposal is likely to be. As a first priority adverse environmental impacts should always be avoided. Only where there are no suitable alternatives and reasons for the development that outweigh any avoidance of damage should planning obligations be considered.

8.3 Funding for environmental improvements required as a result of incremental growth will be provided through CIL. The following guidance outlines the circumstances in which planning obligations will be sought on a site specific basis to offset the potential adverse impacts in relation to the areas listed below.

- Biodiversity and Nature Conservation;
- Landscape and Trees;
- Land Contamination;
- Recycling and Waste Management; and
- Flooding.

### **Biodiversity and Nature Conservation**

8.4 A planning obligation may be sought where a development has a potentially damaging impact on the nature conservation or biodiversity value of a SSSI, species, habitat, site or area of regional or local importance and this impact cannot be satisfactorily mitigated by design or on-site measures covered by planning conditions or other controls. Planning obligations will be used where appropriate to:

- restrict uses so as not to damage or harm existing features or assets or visual amenity;
- secure works necessary to protect and enhance existing features and ensure necessary works to create new compensatory features or other mitigation measures are implemented;
- secure contributions for works and mitigation measures necessary to protect and enhance existing features of nature conservation or biological importance and existing landscape feature and ensure necessary works to create replacement compensatory features;
- support requisite land management and maintenance plans; and

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- address public accessibility.

8.5 New habitats can be created to help achieve the protection and encouragement of habitat and species under threat. In such cases The North London River Restoration Plan, the emerging Hillingdon Biodiversity Action Plan and Strategic Flood Risk Assessment (SFRA), and other emerging **parts of the LDFOcal DocumentsPlan** should be referred to for opportunities for the creation of new habitats.

8.6 Examples of areas where obligations may be required are:

- resolution of land management issues;
- arrangements for the monitoring of the effectiveness of mitigation measures and remedial measures when necessary;
- provision of hydrological or other offsite surveys / monitoring;
- provision of land to be used as a nature reserve;
- new habitat creation schemes;
- the preservation or creation of buffer zones free from built development between watercourses and development;
- provision of information or interpretive facilities and access;
- financial provisions for ongoing management and revenue costs; and
- only in exceptional circumstances will habitat or species translocation schemes be considered.

8.7 Some developments may result in increased activity and affect the value of both designated and non-designated nature conservation areas. In these circumstances where appropriate, in addition to the provision of information or interpretive facilities and access management routes, the developer will be expected to contribute towards the management and maintenance of these areas in order to minimise adverse impacts. Developers will be required to make proper provision for the long-term future and maintenance of the site and this will be secured through a planning obligation.

8.8 The Council will, therefore, seek a contractual arrangement possibly supported by a commuted payment prior to the grant of an associated planning permission. A management plan or any other obligation involving landscape or nature conservation, may also require the involvement of, and consultation with, the appropriate agency, such as the Environment Agency, Natural England and London or Herts and Middlesex Wildlife Trust or Local Nature Reserve management groups.

### Landscape and Trees

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8.9 The nature of impacts and the required mitigation or compensation measures will depend on the nature and scale of proposals and the character of areas that are affected but they will need to meet the following objectives:

- maintain and enhance landscapes and waterscapes in terms of their ecological, conservation, amenity and historic value;
- improve the integration, relationship and visual impact of new development to areas of acknowledged importance and environmental sensitivity;
- safeguard existing areas of landscape, nature conservation or historic interest from inappropriate and poorly designed development;
- preserve nature conservation assets through the protection and management of habitats and geological features; and
- provide accessible facilities and opportunities for recreation and passive enjoyment which do not compromise the protection of habitats of acknowledged importance and environmental sensitivity.

8.10 In certain circumstances, where landscape requirements cannot be achieved or trees retained onsite through design or conditions, planning obligations could be required to ensure the provision of compensatory landscape or replacement trees off-site, but in close proximity to the scheme e.g. a local park or nature reserve that could benefit from improvement. Replacement planting must be of suitable species (ideally of locally native species), size and density to the local context and character.

8.11 In order to safeguard the sustainability of development, obligations may be sought to cover the provision of on-site landscape including natural landscape features such as trees, hedgerows and ponds and where appropriate, the Council will seek to secure their administration through management agreements.

8.12 Developers may be required to enter into a planning obligation to safeguard provision of landscape or replacement planting and its subsequent maintenance, security and insurance. In some cases, where the measures secured are predominantly for the benefit of the users of the associated development it may be appropriate for developers to make a commuted sum payment for maintenance in perpetuity.

### **Land Contamination**

8.13 Land affected by contamination due to the presence of metals, liquid chemicals and vapours and/or air may give rise to hazards that put at risk occupiers or other users of the land, and may cause damage to buildings and infrastructure. The contaminants may also migrate to and affect nearby land by polluting surface and ground waters and/or having a detrimental impact on

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ecological systems. Land affected by contamination that remains untreated can therefore restrict development potential in the developed area of the Borough or prevent the introduction of uses involving public access e.g. open-air recreation in the green belt.

8.14 Where a planning obligation is considered appropriate, the Local Planning Authority will seek to secure measures or contributions towards site investigation and/or remediation works on land affected by contamination. In particular these could include the following:

- review / verification of such works carried out at the development site under condition, where necessary;
- site investigation and remediation works for other affected land related to the development;
- monitoring works following the completion of the development. Examples include measuring gas and/or water contamination in boreholes and/or installing permanent monitoring equipment;
- the management of contaminated land, including a requirement for certain operations and activities to be carried out, such as the maintenance of remedial works. Examples include landscaping improvements and maintenance, gas protection and/or leachate treatment facilities (e.g. water treatment barriers);
- restrictions on the development or use of the land;
- any other measures deemed appropriate, for example independent monitoring / investigation during remediation works to ensure there are no off-site affects as a result of contamination; and
- performance bonds (surety) to ensure the implementation of obligations.

8.15 Land contamination issues must be sufficiently addressed in any environmental assessment to accompany a planning application, including consideration of the fact that contamination may have spread beyond the development site boundary and that a wider area may require monitoring and/or treatment.

## Recycling and Waste Management

8.16 European and government policy and directives require both substantial reductions in the use of landfill and increases in recycling and composting. The relevant landfill directive targets are statutory and must be met. The Council aims to encourage the recycling of waste materials by providing a range of both local and major recycling facilities and services. Additional provision may have to be made where the existing recycling facilities cannot meet the demands for waste disposal and recycling requirements of new development. As more development takes place and the need to improve recycling performance arises, additional

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facilities will be needed. These include facilities for materials recycling, inert waste recycling, composting, waste treatment and energy recovery, and reprocessing of recyclables.

8.17 In the majority of development proposals, it will be possible to deal with the issue of waste disposal management on-site through design or planning conditions. Where special or additional facilities are required to meet new demands generated by a proposed development, e.g. a new shopping centre or large housing scheme, a planning obligation may be required for land and infrastructure for waste collection and management (including recycling facilities such as collection points for glass, cans, paper and textiles).

8.18 Where a need is identified and where design and planning conditions will not suffice, planning obligations will be sought to:

- secure contributions towards the provision of additional local recycling facilities and services; and
- secure contributions towards major recycling facilities; and, encourage large employers to make provision for recycling facilities within their development.

8.19 Where a need is identified for new facilities there will also generally be a requirement for payment of a commuted sum towards the maintenance of the facility or service for a specified period, usually five years.

### **Flooding**

8.20 Hillingdon's Strategic Flood Risk Assessment (SFRA) identifies areas of the Borough at risk of flooding which are ranked according to their probability of flooding. It refers to considerations for different types of development seeking planning permission within these areas. If having taken advice from the Environment Agency and any other relevant operating authority, flooding engineering works are required and these cannot be appropriately secured through planning conditions or other controls, a planning obligation will be sought for:

- works or contributions towards improving flood defences and mitigation works such as works to river banks, bridge / culvert widening, improving watercourse bed gradients or general widening of watercourses as appropriate;
- sustainable drainage systems (SUDS) or other measures to reduce surface water run-off; and
- implementation of future flood alleviation schemes and making space for water. For more information please refer the emerging SFRA.

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8.21 Flooding from all potential sources<sup>24</sup> must be fully assessed within a site specific<sup>25</sup> Flood Risk Assessment in any environmental assessment or statement to accompany a planning application for development with flooding implications. Even smaller schemes, which may fall outside the thresholds of the Environmental Impact Assessment Regulations, can generate impacts beyond its immediate site and may require the implementation of measures to off set those impacts.

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<sup>24</sup> 014/POSPD3 Environment Agency

<sup>25</sup> 014/POSPD3 Environment Agency

## **9. OPEN SPACE AND RECREATION**

9.1 Additional dwellings and businesses add to the demands placed on existing open spaces and recreational facilities. In addition, inadequate provision or inadequate access to recreational facilities and open space for new development can disadvantage occupiers of new development and as such fail to meet the government's sustainable communities objective.

9.2 Funding for open space provision required as a result of incremental growth will be provided as part of Hillingdon's CIL. Planning obligations may be required to address:

- new development that directly creates a need for new, additional or enhanced facilities or recreational open space; or
- the loss of recreational public open space or a recreational facility without adequate alternative and compensatory replacement.

### **Planning Obligation Requirements**

9.3 Planning obligations to meet site specific open space requirements may comprise one or more of the following:

- (i) Provision of open space to meet the needs of the development which may include recreational facilities;
- (ii) Provision of facilities to meet recreational needs including for children and young people;
- (iii) Provision of improvements to increase accessibility of the open space and or recreational facilities;
- (iv) Provision of works to address the quality of open space to meet the needs of new development; and
- (v) Compensation for the loss of open space or recreational facilities caused by a development or for the failure to meet on-site amenity space requirements.

### **Qualifying Developments**

9.4 The circumstances when planning obligations will be required are as follows:

- Developments which fail to meet the on-site amenity space requirements as set out in HDAS;
- Developments which cause the loss of recreational open space or recreational facilities and none or inadequate provision is proposed;
- If the development has inadequate access to open space or recreational facilities; and

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- If there are any deficiencies in open space or recreational facilities, in terms of quantity or quality of provision, or accessibility to the subject development and these will be exacerbated by the development.

9.5 Generally all residential development on sites capable of accommodating 15 or more residential units will be required to provide on-site open space and recreational facilities as appropriate.

### Provision of Open Space

9.6 The Council's Open Space Strategy (OSS) was published in July 2011 and recorded a total of 676 open spaces covering 3,409 hectares and making up nearly 30% of the land area of the Borough. Only open spaces greater than 0.4 hectares were recorded in line with national and regional guidance. Of this total, 1,757.9 hectares was identified as being publicly accessible and formed the basis of the following recommended standards of provision:

- A Borough wide quantity standard of 6.0 ha of unrestricted open space per 1,000 population; and
- A Borough wide quantity standard of 2.0 ha of unrestricted "Recreational" open space per 1,000 population.

9.7 In addition, development is expected to meet accessibility standards. All residents within the Borough should have access to:

- A 'Small' or 'Local' (or higher level) open space within 400m of where they live;
- A 'District' (or higher level) open space within 1,200m of where they live and where feasible (non-mandatory); and
- A 'Metropolitan' open space within 3.2 Km of where they live.

9.8 Where development would cause a localised requirement for additional open space, it is expected that such land is provided as part of the site design or in an adjacent location, (particularly in areas already deficient of open space). Development that causes a direct reduction in protected open space will be required to provide a replacement area either on-site or in an adjacent location, to the same or better standard as the area that has been lost.

### Provision of Recreational Facilities

9.9 As noted in paragraph 9.2, the Council's CIL will be used to provide sports and leisure facilities related to incremental growth. This will include the development of small sites which do not, in themselves generate a need for on-site provision. The Council will seek Planning Obligations for off-site provision of recreational facilities related to larger development schemes where it has been agreed that this is a more appropriate means of mitigating deficiencies. The cost of providing on-site provision may also be taken as a commuted sum. Such provision would involve the build costs and on-costs as explained below.

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### Children and Young People's Play and Informal Recreation

9.10 The provision of facilities for children and young people's play and informal recreation is required to be in line with the Mayor of London's Providing for Children and Young People's Play and Informal Recreation SPD, (March 2008). Types of facilities include:

- Doorstep playable space: a place where young children under the age of 5 can play;
- Local playable space: a place where children aged up to 11 can play;
- Neighbourhood playable space: a more extensive place where children up to 11 can play, and where there are some facilities for young people over 11; and
- Youth space: a place where young people aged 12 and above can meet and take part in informal sport-based activities (including 'extreme sports' such as skateboarding or skating) and other informal recreation.

9.11 The Council will seek the on-site provision of play and informal recreation facilities from developments generating 10 or more additional children or young people as calculated using table 3 below. Where there is agreement between the Council and the developer that off-site, rather than on-site provision is more appropriate, a planning obligation will be required to secure off-site provision.

**TABLE 3: STANDARDS FOR PROVISION FOR CHILDREN AND YOUNG PEOPLE'S PLAY AND INFORMAL RECREATION**

	<b>Standards for space provision</b>	<b>Accessibility Standard (maximum walking distance from residential unit)</b>
0-4 year olds	10 sq. metres per child	100 metres
5-11 year olds		400 metres
12+ year olds		800 metres

Source: Mayor of London Providing for Children and Young People's Play and Informal Recreation SPG March 2008

9.12 The costs of the different types of facilities that are to be provided to meet the needs of the development will be assessed with reference to Council contracts where appropriate on a case by case basis. Calculations will be based on the "Open Space and Recreational Facilities Formula" below.

### **Calculating Contributions**

9.13 Contributions will generally be based upon the following formula:

#### **OPEN SPACE AND RECREATIONAL FACILITIES FORMULA**

Contribution = (Build Costs + On-costs) x ([Standard Provision per person x Occupancy of Development] - Existing Capacity)

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### Build Costs and On-costs

9.14 “Build costs” will be the capital costs for providing a facility or open space per person. In some cases, where land has not been identified for the measures and it is viable for the developer to support it, there may also be a land cost included within “Build Costs”. “On-costs” will be the capital/revenue costs of establishment, maintenance and management for an initial period or in perpetuity as appropriate of that unit.

9.15 Costs will be calculated with reference to the going BICS rate or on the basis of existing contract rates determined by the relevant Council department as appropriate.

### **Occupancy**

9.16. Table 4 sets out occupancy rates by dwelling type. It should be used to determine if development schemes meet the standards of provision for Children and Young People’s Play and Informal Recreation, identified in Table 3.

**TABLE 4: CHILD YIELD (INCL SOCIAL RENT ADJUST) BY SCHOOL SECTOR VS DWELLINGS BY TYPE**

	A	NURSERY		PRIMARY		SECONDARY		POST-16	
		B	C	D	E				
Rooms (inc. kitchens) in Private & Intermediate Flats	NET No. of units	Age 0-4 Child Yield per unit	Age 5-11 Child Yield per unit	Age 12-16 Child Yield per unit	Age 17-19 Child Yield per unit				
3	0.072	0.031	0.017	0.030					
4	0.162	0.105	0.050	0.035					
5	0.116	0.184	0.136	0.121					
6+	0.179	0.122	0.151	0.275					
Rooms (inc. kitchens) in Social Rented Flats	NET No. of units	Age 3-4 Child Yield per unit (or discounted Child Yield for full council Nomination Rights)	Age 5-11 Child Yield per unit (or discounted Child Yield for full council Nomination Rights)	Age 12-16 Child Yield per unit (or discounted Child Yield for full council Nomination Rights)	Age 17-19 Child Yield per unit (or discounted Child Yield for full council Nomination Rights)				
		100.00% 43.57%	100.00% 43.57%	100.00% 43.57%	100.00% 43.57%	100.00% 43.57%	100.00% 43.57%	100.00% 43.57%	100.00% 43.57%
3	0.176	0.077	0.037	0.016	0.011	0.005	0.080	0.035	
4	0.629	0.274	0.162	0.071	0.100	0.044	0.139	0.061	

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5		0.479	0.209	0.646	0.281	0.354	0.154	0.167	0.073
6+		1.182	0.515	1.091	0.475	0.000	0.000	0.545	0.238
<b>Rooms (inc. kitchens) in Private &amp; Intermediate Houses</b>	NET No. of units	Age 3-4 Child Yield per unit		Age 5-11 Child Yield per unit		Age 12-16 Child Yield per unit		Age 17-19 Child Yield per unit	
3		0.216		0.230		0.154		0.085	
4		0.218		0.191		0.092		0.050	
5		0.259		0.373		0.239		0.113	
6+		0.255		0.433		0.312		0.158	
<b>Rooms (inc. kitchens) in Social Rented Houses</b>	NET No. of units	Age 3-4 Child Yield per unit (or discounted Child Yield for full council Nomination Rights)		Age 5-11 Child Yield per unit (or discounted Child Yield for full council Nomination Rights)		Age 12-16 Child Yield per unit (or discounted Child Yield for full council Nomination Rights)		Age 17-19 Child Yield per unit (or discounted Child Yield for full council Nomination Rights)	
		100.00%	43.57%	100.00%	43.57%	100.00%	43.57%	100.00%	43.57%
3		0.412	0.180	0.265	0.115	0.098	0.043	0.029	0.013
4		0.558	0.243	0.376	0.164	0.127	0.055	0.073	0.032
5		0.674	0.294	0.750	0.327	0.410	0.179	0.097	0.042
6+		0.703	0.306	0.968	0.422	0.468	0.204	0.138	0.060
<b>GROSS CHILD-YIELD</b>		Total of A values x B values		Total of A values x C values		Total of A values x D values		Total of A values x E values	
		0.000		0.000		0.000		0.000	
(or discounted Child Yield for full council Nomination Rights)		0.000		0.000		0.000		0.000	

Source: Census Commissioned Table C0511

### Existing Capacity

9.17 The Council will determine any projected deficit in recreation facilities within standard accessibility thresholds from/to the development, with reference to any relevant published corporate documents as appropriate. The existing spare capacity discount factor will be calculated on the basis of existing spare capacity and demand of additional residents generated by the proposed development (i.e. Occupancy).

### Worked Example

9.18 The following worked example shows how contributions for children's recreational play space would be calculated.

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### A worked example:

100 flat scheme with 20 x 2-room, 40 x 3-room (14 social rented), 30 x 4 room (10 social rented), 5 x 5-room (3 social rented) and 5 x 6-room (3 social rented), on a vacant commercial site. The Council does not have nomination rights.

#### Space for Play and Informal Recreation for Children and Young People

Assuming NEAP (as defined in "Six Acre Standard") can be provided within 100 metres of the development units contributions calculated as follows:

##### 0-4 Play:

Cost = £160,000 for 1,000 sq. metre (NEAP) play-space

Occupancy = 19.618 children

Standard = 10 sq. m per child

$$\text{£160} \times 10 \times 19.618 - 0 = \text{£31,388.8}$$

##### 5-11 Play:

Cost = £160,000 for 1,000 sq. metre (NEAP) play-space

Occupancy = 10.989 children

Standard = 10 sq. m per child

$$\text{£160} \times 10 \times 10.989 - 0 = \text{£17,582.4}$$

##### 12+ Play:

Cost = £160,000 for 1,000 sq. metre (NEAP) play-space

Occupancy = 11.576 children

Standard = 10 sq. m per child

$$\text{£160} \times 10 \times 11.576 - 0 = \text{£18,521.6}$$

**Total Contribution = £67,492.8**

### Transfer and Maintenance

9.19 The Council may adopt and maintain properly laid out open spaces subject to payment of a commuted sum to cover on-costs as calculated above. Transfer of open space and recreational facilities will normally take place once it has been laid out or built, fully equipped and maintained for a minimum period of 12 months to the satisfaction of the Council and the payment will be payable on the transfer of the land.

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9.20 The figure will be calculated using the current contract prices for maintaining open space of comparable characteristics and features over at least an initial year period (depending on local circumstances) to ensure that the open space and/facilities can become established. If developers do not intend to seek adoption, the Council will still need to be satisfied through the submission of a management plan that adequate alternative arrangements are put in place for long term management and maintenance by, for example, the establishment of a sufficiently resourced management company or trust.