



# **REVISED DRAFT PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

**Version for Public Consultation  
April 2015**



# Contents

	<b>Overview</b>	<b>2</b>
<b>1.</b>	<b>Introduction</b>	<b>4</b>
	Borough Level CIL	5
	Mayoral CIL and Mayoral Section 106	5
<b>2.</b>	<b>Approach to Development Mitigation and Infrastructure Delivery</b>	<b>7</b>
<b>3.</b>	<b>Legislative and Policy Context</b>	<b>9</b>
<b>4.</b>	<b>Negotiating Planning Obligations in Tower Hamlets</b>	<b>11</b>
	Pre-application Stage	11
	Application Stage	11
	Viability	12
	Viability Re-Appraisal	13
	Post Decision	13
<b>5.</b>	<b>Standard Obligations &amp; Charges</b>	<b>15</b>
	Affordable Housing	15
	Student Housing	17
	Employment, Skills Training and Enterprise	17
	Transport and Highways	20
	Public Realm, Public Access and Children’s Play Space	22
	Environmental Sustainability	24
<b>6.</b>	<b>Monitoring and Implementation</b>	<b>27</b>
<b>7.</b>	<b>Procedure and Management</b>	<b>28</b>
	Trigger Points	28
	Interest Bearing Accounts	28
	Penalty Clause and Enforcement of Obligations	28
	Complying with Planning Obligations – the Developer’s Role	29
	Monitoring and Delivery of Planning Obligations – the Council’s Role	30
	<b>Glossary</b>	<b>31</b>

# Overview

## Introduction

Tower Hamlets Council has introduced its own Community Infrastructure Levy (CIL) on 1<sup>st</sup> April 2015. This has significant implications for how the Council plans for the delivery of infrastructure and how Planning Obligations are secured from new development. This Supplementary Planning Document (SPD) sets out Tower Hamlets Council's proposed policy for securing planning obligations in respect of new developments that require planning permission.

This Revised SPD provides additional guidance on matters covered in Tower Hamlets Core Strategy (2011) and the Managing Development Document (2013). It is not part of the statutory Development Plan; however it is an important consideration in determining planning applications.

## Relationship with Other Planning Documents

The Planning Obligations SPD operates on a borough-wide scale where the Council acts as Local Planning Authority (LPA). It sits within the portfolio of Local Plan documents to support and add detail to the relevant Development Plan Documents (DPDs), particularly Spatial Policy 13 of the Core Strategy. It replaces the Planning Obligations Supplementary Planning Document adopted in January 2012.

As the leading Local Plan document, the Core Strategy (adopted 2010) sets out the spatial strategy for the borough until 2025.

The relevant policies of the London Plan and the Mayor's planning guidance will continue to apply to development in the borough.

## Purpose of the Planning Obligations SPD

The purpose of this SPD is to:

- Explain the Council's approach to using planning obligations to local residents, developers and the wider community;
- Explain the relationship between the Community Infrastructure Levy (CIL) and S106 Planning Obligations
- Explain the circumstances under which the Council will secure planning obligations to mitigate the impacts of a development on the borough's infrastructure;
- Improve transparency in the priority and calculation of planning obligations;
- Provide applicants with greater certainty on when planning obligations will be sought;
- Take into account the cumulative impact of development in the borough and explain how this will be dealt with through the use of planning obligations and CIL.

## **Who is it for?**

This SPD has been prepared for use by the Council, developers, the general public and other stakeholders as a guide to the Borough's position on the use of S106 planning obligations.

## **How Should it be Used?**

This SPD should be used as a framework for calculating S106 planning obligations associated with developments in the London borough of Tower Hamlets (LBTH). In areas of the borough where the Council does not act as Local Planning Authority, such as parts of the borough within the London Legacy Development Corporation (LLDC), the relevant authority's guidance should be followed. As a whole, the document should provide more certainty to all parties involved in the development process.

It will be utilised by the Council as a material consideration when assessing planning applications and will be reviewed and updated as and when necessary. Developers should draw on the document to assist in their costing and inclusion of S106 planning obligations in their financial planning and to help reduce time required negotiating and agreeing obligations with the Council.

In some instances, for example in areas of intense redevelopment and regeneration, or in certain site specific locations, additional planning obligations outside the scope of this SPD may be sought.

This SPD should be read in tandem with the CIL Draft Charging Schedule, or subsequent publications.

# 1. Introduction

- 1.1 This Supplementary Planning Document (SPD) provides detailed guidance on the use of section 106 planning obligations alongside the Community Infrastructure Levy (CIL). This is to ensure that the development industry and others have a clear view on the likely combined level of the Borough CIL and Section 106 planning obligations, which they will have to meet to ensure that any proposed development is acceptable and also makes a reasonable contribution to the infrastructure needs of the borough.
- 1.2 CIL was introduced by the Planning Act 2008 and came into force through the CIL Regulations 2010 (as amended) on 6 April 2010. The Community Infrastructure Levy Regulations 2010 (as amended) set out three statutory tests for the use of planning obligations, indicating that (Regulation 122):
- 1.3 “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.”
- 1.4 Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) further requires that, from 6th April 2015, or the adoption of a Community Infrastructure Levy (whichever is sooner), the pooling of contributions towards a specific type or piece of infrastructure will be limited to not more than five planning obligations. From this date, the Community Infrastructure Levy will be the principal means of generating developer contributions towards new infrastructure provision, and Section 106 obligations will be restricted to site-specific matters, described in more detail below. This limit on pooled S106 contributions does not apply to contributions for affordable housing.

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

- 1.5 The CIL is a new, non-negotiable charge which will raise infrastructure funds on new developments. CIL takes the form of a charge per square metre of floorspace applied to most new developments that involve an increase of 100 square metres or more of gross internal floor space or that involves creating a dwelling even where this is below 100 square metres. The CIL charges are based on the size and type of the new development. Some developments are exempt from paying the levy. These are developments of affordable housing and developments by charities of buildings used for charitable purposes.
- 1.6 There will be two CIL charges payable on qualifying development in the borough:

- Borough-level CIL
- Mayoral CIL

### **Borough- level CIL**

- 1.7 The Council, as Local Planning Authority, is entitled to charge a 'Community Infrastructure Levy' (CIL) on new developments, which is set out in Tower Hamlets Adopted Charging Schedule, available at:  
[http://www.towerhamlets.gov.uk/lgs/501550/register\\_of\\_planning\\_decisions/section\\_106\\_planning\\_obligatio/community\\_infrastructure\\_levy.aspx](http://www.towerhamlets.gov.uk/lgs/501550/register_of_planning_decisions/section_106_planning_obligatio/community_infrastructure_levy.aspx)
- 1.8 The CIL Regulations allows local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The secured funds can be used to support the provision of a wide range of local and strategic infrastructure that is needed to support growth and development in the borough. This includes infrastructure projects such as transport facilities, strategic flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities and open spaces.
- 1.9 The government's view is that CIL *provides* the best framework and the preferred means of pooling funding for the infrastructure required to support new development. It will allow for a better understanding of development costs earlier in the process and therefore provide more certainty.

### **Mayoral CIL and Mayoral Section 106 Planning Obligation for Crossrail**

- 1.10 From 1 April 2012 the Mayor of London's CIL came into operation. The purpose of this levy is to contribute to the funding package for the construction of the Crossrail line. The Council is responsible for collecting this charge on all new development within the borough over 100sq m and all new dwellings (excluding affordable housing and development by charities for charitable purposes).
- 1.11 From April 2012, the charge for new development in Tower Hamlets is £35 per sq m of qualifying development. The details of the current charging rate can be found at: <http://www.london.gov.uk/priorities/planning/mayoral-community-infrastructure-levy>
- 1.12 Having regard to the impact on development viability, the Mayor of London also requires a Section 106 financial contribution from office, retail and hotel developments where there is a net increase of 500m<sup>2</sup> or more in floorspace, measured by Gross Internal Area (GIA),
- 1.13 From July 2010, the Section 106 charge for those parts of Tower Hamlets which are in the Central London Area, Isle of Dogs and Rest of London can be found in the table1, below.

**Table1: Indicative Level of Charge per sq.m, by land use and location as at July 2010**

<b>Development Type</b>	<b>Central London Area (within a 1 kilometre radius of Liverpool Street station that fall within the Borough boundary)</b>	<b>Isle of Dogs Contribution Area</b>	<b>Rest of London (Including approximate 1 km indicative radius outwards around the proposed Canary Wharf station at West India Quay north of the Poplar DLR lands as well as such radii around all other stations outside the Central Contributions Areas)</b>
Retail	£140	£190	£31
Office	£90	£121	£16
Hotel	£61	£84	-

1.14 The Mayor of London's CIL will be offset against Crossrail planning obligations payments. This means that only the higher one of the two payments is charged. For further details see the Mayor's Supplementary Guidance on the Use of Planning Obligations in the Funding of Crossrail and the Mayoral Community Infrastructure Levy (2013).

## 2. Approach to Development Mitigation and Infrastructure Delivery

- 2.1 The priority areas for Section 106 agreements as set out in this document are not exhaustive and the Council may wish to negotiate other forms of planning obligations depending on the individual circumstances of a site and proposal, where obligations are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development in question. When considering planning matters, the Council will use a range of planning tools as follows:
- By working with developers, the Council will seek to ensure that most design and mitigation requirements are delivered as part of the initial development proposal. In cases where an initial proposal does not meet the Council's policy and/or objectives, planning conditions will be used to ensure that the final proposal meets the Council's requirements.
  - Details relating to highways improvement will be set out in a Section 106 and/or Section 278 agreements, where necessary.
  - In such circumstances where a proposal directly necessitates the provision of infrastructure to mitigate/enable development that is not planned for delivery through CIL (see the Regulation 123 list), the Council may seek a contribution through Section 106.
  - Section 106 agreements will not be used to secure infrastructure that has already been identified for delivery and investment from CIL funds through the Regulation 123 list.
- 2.2 Contributions may be financial or non-financial. There may be cases for provision 'in kind' (where the developer builds or provides directly the matters necessary to fulfil the obligation) negotiated as part of planning applications. There may be cases where provision in kind is preferable and suitable, such as where finding land for a facility is an issue. Where provision in kind is made, contributions will be secured for reasonable fitting out costs and to ensure that providers of community services necessitated by the development have facilities suitable for their needs and provided at nominal rents.
- 2.3 The table below summaries the approach that the Council intends to take to the relationship between S106 Planning Obligations and CIL, once the Community Infrastructure Levy is introduced, the tick box table below is intended as an indicative reference guide



<b>Infrastructure</b>	<b>Planning Obligations /Conditions *</b>	<b>CIL</b>
<b>Affordable Housing</b>	<input type="checkbox"/>	
<b>Job brokerage</b>	<input type="checkbox"/>	
<b>Construction phase skills training</b>	<input type="checkbox"/>	
<b>End user skills training</b>	<input type="checkbox"/>	
<b>Apprenticeships and work placements</b>	<input type="checkbox"/>	
<b>Local enterprise - supply-chain commitments</b>	<input type="checkbox"/>	
<b>Employment and training facilities</b>		<input type="checkbox"/>
<b>Roads and other transport facilities</b>		<input type="checkbox"/>
<b>Site specific transport requirements.</b>	<input type="checkbox"/>	
<b>Transportation measures, including: Car Clubs, Electric Vehicle Charging, Travel Plans, Car and Permit Free Agreements.</b>	<input type="checkbox"/>	
<b>Public education facilities</b>		<input type="checkbox"/>
<b>Community Facilities **</b>		<input type="checkbox"/>
<b>Health Facility</b>		<input type="checkbox"/>
<b>Public open space</b>		<input type="checkbox"/>
<b>Site-specific public realm improvements/projects, Open space suitable for public access / walkways and play facilities</b>	<input type="checkbox"/>	
<b>Infrastructure dedicated to public safety (for example, wider CCTV coverage)</b>		<input type="checkbox"/>
<b>Strategic energy and sustainability infrastructure</b>		<input type="checkbox"/>
<b>Carbon reduction measures/initiatives</b>	<input type="checkbox"/>	
<b>Biodiversity Measures/Initiatives</b>	<input type="checkbox"/>	
<b>Strategic flood defences</b>		<input type="checkbox"/>
<b>Site related flood mitigation/ adaptation measures</b>	<input type="checkbox"/>	

\*Infrastructure and other items to be delivered through Section 106 Agreements, S.278 of the Highways Act or Planning Conditions

\*\*Community facilities includes Multi Use Community Facilities, Faith Centres, Youth Centres, Ideas Stores, Libraries, Archives and Leisure Centres

### 3. Legislative and Policy Context

## **Legislative Context**

- 3.1 The legislative basis for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990, as amended by later legislation including Section 12 of the 1991 Planning and Compensation Act and the Planning Act 2008. CIL was introduced by the Planning Act 2008 and came into force through the CIL Regulations 2010 (as amended) on 6 April 2010. As of that date regulation 122 made it unlawful for a planning obligation to be taken into account when determining a planning application for development, or any part of a development, if the obligation does not meet all of the following tests:
- It is necessary to make the development acceptable in planning terms;
  - It is directly related to the development; and,
  - It is fairly and reasonably related in scale and kind to the development.
- 3.2 The purpose of the tests are to distinguish the different roles that both CIL and planning obligations have when used together to support new development. The CIL Regulations also specify that upon the adoption of a CIL, or by 6th April 2015, whichever is the sooner, the use of planning obligations must be scaled back. This means that a planning obligation cannot be used to fund a project or type of infrastructure if there have been 5 separate obligations on or after 6 April 2010 which fund that project or type of infrastructure.

## **National Planning Policy Framework (2012)**

- 3.4 The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.
- 3.5 Paragraphs 203 to 206 of the NPPF set out the Government's policy on planning obligations. These paragraphs reiterate the tests for planning obligations set out in the CIL Regulations; restate the principle that planning conditions are preferable to planning obligations; require local authorities to take into account changes in market conditions over time in policies and planning obligations and make sure they are sufficiently flexible to prevent planned development from being stalled.

## **Core Strategy (2010)**

- 3.6 The Core Strategy 'Delivery and Monitoring' section sets out the Council's strategic objective to secure planning obligations between the LPA and developers to mitigate, compensate and prescribe matters relating to development in order to facilitate the granting of planning permission. The strategy also states that the Council may pool contributions relating to significant infrastructure, including transport, education and health, reflecting the regional policy direction.

- 3.7 Policy SP13 of the Core Strategy further sets out the Council's priorities for planning obligations. These are: Affordable Housing; sustainable transport; open space; education; health; training employment and enterprise; biodiversity; community facilities; highway works and public realm.

### **Managing Development Document (2013)**

- 3.8 The Managing Development Document sits under the Core Strategy as part of the borough's Local Plan and has the same status in terms of the determination of planning applications.

- 3.8 A summary of the key aims and objectives of the DPD is provided below.

- Identifies sites for important services – primary and secondary schools, Idea Stores, Leisure Centres, waste management facilities and open space – and sites capable of accommodating 500+ homes;
- Defines boundaries for planning policy areas including town centres and employment areas; and
- Includes detailed development management policies against which planning applications will be assessed.

## 4. Negotiating Planning Obligations

- 4.1 The process for negotiating and securing planning obligations is set within the framework of national, regional and local policy guidance and legislation. When carrying out these negotiations for planning obligations, the Council must meet the statutory tests set out in the 2010 CIL Regulations.

### Pre-application Stage

- 4.2 Applicants, agents and developers are encouraged to seek pre-application advice prior to the formal submission of major development proposals within the borough. The pre-application process offers a valuable service for proposed schemes and allows dialogue to resolve any initial concerns which officers envisage may arise during the formal application stage. Pre-application meetings can deter applications with little or no prospect of success. Details of the development proposed should be submitted to relevant officers at pre-application stage. Officers will make an assessment of the impacts of the development and will provide guidance regarding the planning obligations that are likely to be required.
- 4.3 Applicants should use this SPD alongside an analysis of their proposed works to consider the impacts of the proposed scheme and any planning obligations likely to be required to mitigate the impacts of development. These details should be submitted as a draft 'Heads of Terms' document alongside the pre-application submission documentation, to allow officers sufficient time to consider the details contained within the draft 'Heads of Terms'.
- 4.4 During the course of pre-application discussions, where negotiations fail to result in agreement on the draft 'Heads of Terms', the applicant is invited to provide alternative proposals and related justification which will be taken into consideration during the assessment of any future application.

### Application Stage

- 4.5 Applicants are advised in the Council's Development Control Advice Note 2009 (required to validate a planning application) to submit details of planning obligations within their Impact Statement.
- 4.6 In some cases, such as for strategic applications, it may be more appropriate that this information is submitted as a separate Planning Obligations Statement alongside a draft 'Heads of Terms' document. The Planning Obligations Statement should evaluate how the impacts of the development are to be addressed within the context of this SPD as well as other local, regional and national guidance.
- 4.7 Applications which are submitted without a Planning Obligations Statement/Draft Heads of Terms will not be validated until this information is provided.

- 4.8 Details of the applicant's solicitor must be submitted at the time an application is made. The following solicitor details should be provided;
- Name of company
  - Postal address
  - Contact name
  - Telephone number (preferably direct dial)
  - Email address
  - Website
- 4.9 Details of the land title should also be provided alongside details of all parties (including charges) with an interest in the land as they will also be required to enter into the agreement. Should details of other parties not be available before an application is submitted, it should be identified early on in the process to avoid a delay in completion of the agreement. Any charges on the property should also be identified.
- 4.10 During the planning application process, initial advice provided with regard to contribution requirements may be subject to alterations. This is often due to changes following formal consultation and any issues which may arise during the course of an application. 'Heads of Terms' must be agreed prior to planning committee meetings and within an appropriate timescale of delegated applications to allow them to be determined and decisions issued by officers within the statutory target periods.
- 4.11 If the obligations required by the Council are not agreed to, officers will prepare a recommendation for refusal of the planning application.
- 4.12 In the case of delegated applications, if the 'Heads of Terms' are agreed between the LPA and the applicant/agent where the application is considered acceptable on all other grounds, a draft decision notice will be prepared by officers. The applicant/landowner must enter into and complete the S106 agreement prior to the LPA issuing the decision notice for any delegated application.
- 4.13 In the case of an application referred to a Tower Hamlets planning committee, the 'Heads of Terms', which have been agreed, will be included within the committee report for information. Should members recommend approval of the planning application with planning obligations, this approval will be subject to the completion of the S106 agreement. Following the planning committee, the applicant/agent must complete the S106 agreement in order for the decision notice to be issued.

## **Viability**

- 4.14 Development viability forms part of the national, regional and local policy framework in the consideration of planning applications that trigger the delivery of s.106 obligations. This is reflected in national guidance and policy in the form of the NPPG

and NPPF, regional guidance, in the form of the London Plan, and local policy in the form of the Core Strategy and the Managing Development DPD.

- 4.15 In circumstances, where the full range of planning obligations cannot be met It is recommended that applicants seek pre-application advice from the LPA including the informal submission of a viability report prior to the formal submission of a planning application.
- 4.15 At Planning Application Stage, proposals where the full range of planning obligations cannot be met must be submitted with a full Viability Assessment which contains sufficient evidence to enable officers to properly assess a scheme. The Authority will resist the application of a fixed land value as an input within a development appraisal where it is based on a price paid for land or an aspirational sum sought by a landowner when establishing the Residual Land Value. The authority considers that Existing Use Value or Alternative Use Value should take account of full planning policy requirements as an appropriate input.
- 4.16 A Viability Assessment must be completed in accordance with the guidelines set out in the GLA 'Affordable Housing Development Control Toolkit' 2010 or an alternative Toolkit as approved by the Council. Detailed guidance on the information required to enable the Council to scrutinise viability assessments will be provided in due course.

### **Viability re- appraisals**

- 4.17 Where the original viability assessment of a scheme was used to justify an offer which falls short of the Council's policy requirements in full, the Council may require a commitment to re-appraise the scheme viability (on one or more occasions) to be incorporated into the Section 106 agreement. If the viability Re-appraisal/s shows that the development is capable of providing additional affordable housing or other requirements that would otherwise have been necessary, the developer will at that point be required to provide this.
- 4.18 The applicant will be required to meet the Council's cost of evaluating any appraisals which will include the appointment of qualified independent assessors.

### **Post Decision**

- 4.19 Following the decision to grant planning permission subject to a s106 legal agreement, the Council's solicitor and planning officers in liaison with the applicant's solicitor will complete the setting out of the planning obligation(s) in the form of a binding legal agreement. The agreement will set out the detail of the planning obligations, including the trigger mechanisms for payment of financial contributions, viability re-assessments schedules of works and other commitments to be undertaken by the developer, as well as obligations upon the Council.
- 4.20 On completion and signing of a Section 106 legal agreement, planning permission is

formally issued. The legal agreement is placed on the statutory register and is publically available online together with the decision notice.

- 4.21 The signed agreements are registered as a local land charge against the land, copies of which can be provided to the public on payment of an administration fee to the Council. The Section 106 obligation agreement is registered on the Council's planning obligation database, which is used for monitoring and project management purposes. A pre-commencement letter is normally sent to developers reminding them of their obligations and the trigger mechanism for payment.

## 5. Standard Obligations and Charges

- 5.1 This section sets out how the Council will use S106 planning obligations necessary to make development acceptable. A variety of planning obligations may be necessary, therefore the topics covered below are not exhaustive and each development will be considered on a case by case basis and in line with relevant, available evidence, guidance, or policies.
- 5.2 For each obligation, the threshold and contribution requirements are provided. In line with the CIL regulations 2010, these are taken into consideration when determining where a proposed development should be subject to planning obligations and to estimate those obligations likely to be required by the Council.

### **Affordable Housing and Wheelchair Accessible Housing**

- 5.3 Although Tower Hamlets consistently delivers more affordable housing than any other London borough, there is still a pressing requirement for more affordable housing especially for families.
- 5.4 The Council has set an overall strategic target of 50% of new homes across the borough to be affordable until 2025. This is being delivered through negotiations as a part of major residential schemes, as well as through a range of public initiatives and effective use of grant funding.
- 5.5 This Planning Obligations SPD should be read in tandem with the emerging Affordable Housing SPD which provides guidance on the Council's proposed approach to securing affordable housing on major residential developments.

#### **Threshold and Contribution Requirements**

Planning obligations relating to Affordable Housing will be sought for:

- All major residential developments  
Planning obligations relating to wheelchair accessible housing may be sought for
- All residential developments

#### **Affordable Housing**

The Council will require the provision of 35%-50% affordable housing on sites providing 10 or more new residential units. The level of affordable housing and the tenure and mix will be considered on a site by site basis subject to viability having regards to the Council's policies.

#### **Forms in Which Contributions Should be made**

On-site provision is the Council's preference for how affordable housing will be provided by developers. In accordance with London Plan Policy 3.12 and Council Policy DM3, only where exceptional circumstances exist and where the Council is satisfied that it would deliver a better outcome, will off-site provision be accepted. Where exceptionally, housing cannot be provided on or off-site, a commuted sum will be required in lieu of provision to secure delivery of affordable housing on sites elsewhere. The acceptability of off-site provision and/ or commuted sums are entirely at the discretion of the Council.



### **Viability Re-appraisal**

Where a viability appraisal is used to justify an affordable housing offer below policy requirements, the Council may require commitment to re-appraise the scheme viability (on one or more occasions) to be incorporated into the Section 106 agreement. If the viability re-appraisal/s shows that the development is capable of providing additional affordable housing up to a maximum of the policy shortfall, the developer will at that point be required to provide this.

There are a number of circumstances where the Council requires a new viability appraisal to be undertaken when the original application did not provide a policy compliant scheme in terms of the quantum and tenure mix of affordable housing including:

- Where there is a delay in starting on-site normally 2 years.
- Where an application for renewal of permission is submitted
- Where a large scheme is built out in phases, or over a long period.
- At the end of a development to assess whether the development can deliver the maximum reasonable level of affordable housing and to inform future negotiations. The viability appraisal will be carried out after the completion of sales of at least 80% of the private units. The purpose of the assessment is to determine the level of affordable housing which could have been sustained on the scheme compared to the results of the previous viability assessments taking account of final sales values achieved and other relevant costs.

Where it is concluded that the scheme can sustain a greater quantum of affordable housing and/or a more policy compliant affordable housing tenure mix can be provided, the Council will elect to seek the following or a combination of the following:

- A higher proportion of affordable housing
- Amend the tenure mix for the affordable housing element (where the scheme design permits).
- A cash in lieu contribution

### **Wheelchair Accessible Housing**

In line with Core Strategy requirements, 10% of all new housing must be wheelchair accessible, or easily adaptable, as defined in the Managing Development Document. In exceptional circumstances, and where it can be demonstrated that this is not achievable, the Council will require a financial contribution from the developer to adapt an equivalent number of appropriately located homes elsewhere in the borough to wheelchair accessible standard. The level of any such contribution will be determined on a case by case basis commensurate with the cost of adapting homes elsewhere in the borough. The acceptability of the use of an off-site payment is entirely at the discretion of the Council.

## **Student Housing Development**

- 5.6 BNP Paribas Real Estate's 'CIL Viability Study (August 2013) identifies two separate types of student accommodation in the borough. One type of accommodation is market student housing which charges unrestricted rents and generate sufficient surplus residual values to absorb the borough CIL. The other type, is usually tied to a university and restricts rents at lower than market levels and are identified as being unviable.
- 5.7 As of April 2015 Tower Hamlets' Student Housing CIL rate of £425 will not apply to University led student accommodation with below market rents and a planning obligation will be sought to secure the reduce rent.
- 5.8 The University in question be required to have at least one teaching facility in Tower Hamlets' CIL Charging Area or any developer undertaking development on behalf of a University must enter into a formal nomination agreement, or the equivalent, with the university in question.

### **Threshold and Contribution Requirements**

Planning obligations will be sought for:

- Where a Student Housing development fulfills the criteria for a nil CIL rate

### **University- led Student Housing**

When considering a nil CIL payment for University led student housing development, the Council will require a Planning Obligation to secure student accommodation let at below market rent level. The discount, to make the rent 'below market' must, as a minimum, equate to the CIL liability that would be applicable to 'Student Housing Let at Market Rents'. A valuation should be carried out by an independent person, at the cost of the applicant, to establish this.

The planning obligation will be set for a period of at least 7 years (with 7 years being equivalent to the relevant period for securing CIL charitable relief as set out in the CIL Regulations 2010 [as amended]).

For monitoring purposes, the Council will also require an 'Owners Covenant' to be secured in the obligation, to inform the Council each year of the rent level to be charged for the new academic year for the 7 year period. (CPI indexed yearly from date of planning permission)

## **Employment, Skills, Training and Enterprise**

- 5.9 Tower Hamlets is in a unique position with regards to its economy. The borough hosts a significant financial services sector and also a large number of small and medium enterprises (SMEs). The employment opportunities arising from local development should be accessible to local residents to combat issues of social exclusion and skills mismatch. To ensure a healthy economy for Tower Hamlets, a wide mix of enterprise and commercial spaces must be supported and retained.

- 5.10 Tower Hamlets has an above average unemployment level within Greater London, with a very low proportion of Tower Hamlets' residents finding employment within the borough. Currently, only 15% of jobs within Tower Hamlets are taken up by local people. There is also a skills mismatch, with new employment opportunities requiring skills which are not widely available within the borough's current residential population. Employment opportunities should be provided through new development to local residents, with training made available to up-skill residents to compete for jobs within the borough.
- 5.11 For all new development in the borough the construction phase provides opportunities for local employment, apprenticeships and work experience placements. Commercial developments within the borough bring new employment, apprenticeship and work-experience opportunities for residents during the end-user phase. This adds increased pressure on the Council to provide access for residents to appropriate employment and skills training. Apprenticeships and work experience placements will enable residents to develop an appropriate skill-set for existing and future employment opportunities within the borough, from an early age.
- 5.12 The Council will seek to ensure that jobs are provided for local people, both in the construction phase of development and by the end-users, where appropriate. To enable local people to benefit from development growth the Council, with partners, has introduced a number of programmes to support job brokerage, employer-led training, construction skill training and apprenticeships and work experience placements.

## **Employment and Skills Training**



### **Threshold and Contribution Requirements**

Planning obligations relating to Employment and Skills Training will be sought for:

- All major residential developments
- All major commercial development

### **Job Brokerage**

The Council will seek to secure a minimum of 20% of jobs (to be defined as non-technical placements), created by the construction and end-user phases of new development above the set threshold, to be advertised exclusively to local residents through the Council's job-brokerage service for a minimum period. It is expected that all reasonable endeavors be used to ensure that a target of 20% employment of local residents is achieved in both the construction and end-user phases.

### **Formula – Construction Phase Skills and Training**

For all major developments the Council will also seek to secure training opportunities for residents. A financial contribution will be sought to support and provide the training and skills needs of local residents in accessing the new job opportunities in the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

Cost of Construction Training Placement (£2,605)(1)

X

(Gross Internal Area of Development/ 1000sqm)

---

= Required Financial Contribution

Where appropriate the Council may consider whether a developer's in-house training programme can be utilised in lieu of the construction phase skills and training contribution, on the basis that the local residents achieve a minimum requirement as secured through an in-kind obligation. The appropriateness of the in-house training will be assessed by the Council on a case by case basis.

### **Formula – End User Phase Skills and Training**

For the end-user phase of commercial developments the Council will also seek to secure a financial contribution to support and provide the training and skills needs of local residents in accessing the new job opportunities created by the development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

Employee yield of the development(2)

X

Employees resident in Tower Hamlets (14%)(3)

X

Employees in Tower Hamlets requiring training & support (38%)(4)

X

Cost of training and support per person (£2,700)(5)

---

= Required Financial Contribution

#### **Footnotes:**

1. Cost of a construction placement based on Skillsmatch Construction Service per unit raining cost: includes CSCS card, as standard, and programmes that include: Abrasive Wheels, First Aid, and Working at Heights to more skilled plant training such as Forward Tipping Dumper and 360 excavator.
2. Calculated using the HCA Employment Densities Guide. 2nd Edition 2010 or subsequent replacement document.
3. The percentage of working age residents in Tower Hamlets employed within the borough according to the 2001 Census.
4. The percentage of residents in Tower Hamlets not currently in employment. Office for National Statistics, 2010.
5. Cost per unit of Skillsmatch training into employment.

### **Apprenticeships and Work Placements**

For the construction phase of all new development and the end-user phase of commercial development, the Council will seek to ensure a proportion of the jobs secured for local residents provide apprenticeships where appropriate. Work experience placements for local residents, for a minimum of two weeks per placement, will also be secured from these developments where appropriate.

### **Local Enterprise**

- 5.13 In order to support local businesses to benefit from new development within the borough, the Council will require a commitment from developments to engage local businesses through the supply chain. This will allow local businesses to compete in the local market and also encourage sustainable supply systems.

### **Threshold and Contribution Requirements**

Planning obligations relating to Local Enterprise will be sought for:

- All major residential developments
- All major commercial development

The Council will seek to secure 20% of the total value of contracts, which procure goods and services during the construction phase of the development, to be achieved using firms located within the borough. This will be subject to competition rules. The developer will be expected to work with Council nominated organisations, such as Construction Line and East London Business Place (ELBP), in order to maximise the opportunities for local firms to win contracts through established procurement procedures.

The Council will seek to secure the provision of flexible workspace within commercial developments, to mitigate the loss of such space through the development process and to support new and existing SMEs within the borough.

### **Transport and Highways**

- 5.14 The provision of a safe, accessible, efficient, sustainable and integrated transport network is important to ensuring everyone has access to services within and outside the borough. The Council is committed to promoting high quality public transport services and delivering an attractive, well-designed street network that reduces the need for travel by private modes of transport.
- 5.15 New development in the borough will place additional stress on the borough's transport and highway networks including public transport infrastructure, bus services and local cycle routes. New development also increases the need for pedestrian and cycle safety education and training, travel awareness publicity, sustainable freight

activities and interchange accessibility improvements.

- 5.16 CIL funds will be used to address the cumulative impacts of development on the sustainable transport network. However, individual developments may cause a site-specific impact which should be directly addressed through the development itself, or where that cannot be achieved the Council will use S278 agreements or S106 Planning Obligations.
- 5.17 Developments in the borough should provide the necessary additional transport/highway improvements to mitigate the impact of the travel demand they generate. Any necessary alterations to the transport/highway network within or in the vicinity of new development will be expected to be incorporated within proposals, and permission will be refused if the developer is unwilling or unable to provide the necessary solutions. The scope of any off site works required to mitigate site specific impacts of a development will be secured under a S278 agreement and will be carried out by the Council with the developer responsible for meeting all costs associated with the design and implementation of schemes. Where a S278 agreement is insufficient, mitigation will be secured through a S106 agreement. This will be particularly relevant to developments that are larger in scale or are associated with intensive or increased travel demand.
- 5.18 The Council may also seek to secure non-financial obligations to mitigate the impact of a development proposal, proportionate to the scale and impact of the development.
- 5.19 In addition planning contributions to fund Crossrail will be negotiated in line with the Mayor of London's requirements as set out in the Use of Planning Obligations in the Funding of Crossrail, and the Mayoral Community Infrastructure Levy (2013) and policy 6.5 of the London Plan 2011.

### **Threshold and Contribution Requirements**

In instances where a Transport Assessment is required for the development, in accordance with Managing Development Document policy DM20, the site-specific highway and transport works required will be informed by that assessment.

The Council may also seek to secure non-financial obligations to mitigate the impact of a development proposal. Non-financial obligations will include:

- Car and Permit Free Agreements - which restrict residents from applying for on-street car parking permits. Car and Permit Free Agreements will be sought for all residential development, creating one or more units.
- Car Clubs - provide on-site car parks for car club use, providing marketing about the availability of the car club and free membership for a period of years for residents of the development.
- Electric Vehicle Charging – provision of electric charging points.
- Travel Plan - preparation, submission and subsequent monitoring to ensure compliance

## **Public Realm, Public Access and Children's Play Space**

- 5.20 The quality of the Public Realm has an impact upon the way in which an area is perceived and experienced. High quality Public Realm offers many benefits to people, communities, the environment and local economy and functions as an important place for community cohesion and leisure activities. It also has direct benefits for local people by improving safety, wellbeing, legibility of the built environment, and links between key services such as homes, schools, health services, town centres and places of employment.
- 5.21 Publically accessible open space is a key resource in an urban area such as Tower Hamlets, providing vital recreation, relaxation and wellbeing benefits, as well as a focal point for community interaction. Investment in public open space on sites will generally be met through CIL receipts as this provides the most appropriate and flexible source for income. However where publically accessible open space has been identified and can be provided within a proposed development, an agreement to safeguard the area's on-going use as publically accessible open space and future maintenance to an appropriate standard will be required.
- 5.22 The provision of facilities for children and young people is important in facilitating opportunities for play and physical activity and the development of movement and social skills. London Plan Policy 3.6 and Core Strategy policy SPO2 require that residential and mixed use developments make provision for children's play and informal recreation space. The London Plan states that the amount of provision should be proportionally based on the number of children expected to occupy the development and an assessment of future needs. Summarily, the Mayor of London concludes that new development that creates a child yield is expected to provide 10 m<sup>2</sup> of play and recreation space for every child.

## **Threshold and Contribution Requirements**

Planning obligations relating to Public Realm, Public Access and Children's Play Space will be sought for:

- Any development where applicable

### **Public Realm**

All development schemes that have a significant impact on the public realm will be expected to contribute towards improvements to the public realm in the vicinity of the scheme. This will exclude strategic infrastructure works identified in projects and programmes to be paid for using CIL

Public realm works will either be undertaken by the developer or made through financial contributions to the Council who will organise or undertake the works directly. Contributions could include:

- Site specific highway restoration works
- Environmental improvements and public realm enhancement works including: route ways, landscaping, tree planting, lighting, surfacing and street furniture
- Improvements to pedestrian and cycle links to local facilities, greenspaces and public transport
- Restoration and enhancement works to buildings linked to development within conservation areas or listed status

### **Public Access**

Where open space suitable for public access has been identified and can be provided within a proposed development, an agreement to safeguard the area's on-going use as publically accessible open space and future maintenance to an appropriate standard will be required. In some instances, if the Council agrees to manage the space, the ownership of the land should be transferred to the Council at no cost and a commuted sum for maintenance will be required. A land transfer arrangement will normally only be considered, however, for areas of open space larger than one hectare which do not serve a dual function as access to properties.

### **Children's Play Space**

Applicants must assess the needs arising from a development by following the benchmark standards outlined in the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG (2012). The Council policy DM4 and the Mayor's SPG require all developments with an estimated child occupancy of 10 children or more to ensure there is appropriate play provision (well-designed play and recreation space) to meet the needs arising from the development.

In exceptional circumstances it may not be possible to provide the required identified play space on site. In such circumstances an equivalent financial contribution will be sought to fund off-site provision of, or improvements to, an existing adjacent or nearby playground. This could also include improvements to access arrangements from the development to the playground. Further details are set out in the Mayor's Shaping neighbourhoods: Play and informal recreation Supplementary Planning Guidance (2012).



## **Environmental Sustainability**

5.23 The promotion of renewable, sustainable forms of energy and enhancements to wildlife biodiversity within Tower Hamlets is important to ensuring the borough is environmentally sustainable.

### **Energy**

5.24 To ensure that the ability of future generations to enjoy the borough is not compromised by the energy requirements of today, it is essential that new developments are as energy efficient as they can be and contribute to reducing energy demands and pollution.

5.25 New development increases the demand for energy supply and requires solutions and innovation to reduce consumption and thereby promote and provide new renewable energy sources and sustainable development.

5.26 The Council strongly supports the development of energy efficient buildings and ensuring all new homes are built to zero carbon standards (as defined by CLG) by 2016 and all new non-domestic developments are built to zero carbon standards by 2019.

### **Threshold and Contribution Requirements**

Planning obligations relating to Energy will be sought for:

- All major developments

The Council will seek contributions towards Energy initiatives for all new development, above the set threshold.

### **CO2 Reduction**

Where officers consider all opportunities to meet the relevant Development Plan carbon reduction targets on-site have been exhausted, contributions to a carbon offsetting fund will be sought to meet the shortfall.

Contributions will be placed in the carbon offsetting fund and will be used by the Council to reduce carbon dioxide emissions in projects elsewhere in the borough. Details of the fund will be set out in the Council's Carbon Offsetting Study.

## Formula – Carbon offsetting

$$\text{Carbon Offset Contribution} = (T - (R \times 0.55)) \times Y \times Z$$

Where:

T is the energy efficient design baseline which comprises the regulated CO2 emissions assuming the development complied with Part L of the Building Regulations using Building Regulations approved compliance software (see references to SAP and SBEM below) following application of Be Lean, Be Clean and Be Green measures.

R is the baseline being Part L of the Building Regulations Compliant Development. This comprises the regulated CO2 emissions assuming the development complied with Part L of the Building Regulations 2013 using Building Regulations approved compliance software (see references to SAP\* and SBEM\*\* below).

Y is the number of years for which the contribution is payable, being [30] years;

Z is £60 per tonne of carbon dioxide, being the cost of carbon per tonne taken from paragraph 10 of the Mayor's published Energy Planning: Greater London Authority Guidance on Preparing Energy Assessments (April 2014).

*\*SAP means the Department of Energy & Climate Change's Standard Assessment Procedure published 22 January 2013 which is the methodology used by the Government to assess and compare the energy and environmental performance of dwellings.'*

*\*\*SBEM means Simplified Building Energy Model being a software tool developed by the Building Research Industry for the Department for Communities and Local Government that provides an analysis of a building's energy consumption.*

## Biodiversity

5.27 The quality of the physical environment is under increasing pressure in Tower Hamlets with a growing population and significant development demands. The Council recognises the importance of responding to the impacts of climate change and an increasingly dense cityscape by maintaining and encouraging biodiversity within the Borough.

5.28 Tower Hamlets has a number of strategies and studies in place that present clear options to help mitigate the impacts of development on biodiversity.

### Threshold and Contribution Requirements

Planning Obligations relating to Biodiversity will be sought for:

- All major residential development
- All major commercial development

### Biodiversity

Where it is considered unfeasible for a development to provide adequate on-site biodiversity enhancements, or where projects in nearby open spaces, or enhancements to nearby rivers or water bodies, offer better opportunities to enhance biodiversity and/or access to nature, the Council will seek an equivalent financial contribution to off-site projects which will be secured for enhancements which help to deliver the Tower Hamlets Biodiversity Action Plan.

## **Flood Risk**

- 5.29 There are extensive areas in Tower Hamlets that have been identified as being at risk of flooding. Flood risk in the borough arises from rivers, canals, basins, sewers, surface water and groundwater.
- 5.30 The Council's Core Strategy and Managing Development Policies documents seeks to ensure that developers demonstrate that account has been taken of flood risk from all sources, and that the proposed development incorporates mitigation and management measures appropriate to the use and location. The Council also requires developers to improve water efficiency and reduce surface water run-off through the use of a range of Sustainable Drainage Systems (SUDs) appropriate to the various parts of the Borough

### **Threshold and Contribution Requirements**

Planning Obligations relating to Flood Risk will be sought for:

- Any development where applicable

### **Flood Risk**

It must be demonstrated that any new development will reduce the risk of fluvial, tidal and surface water flooding and manage residual risks through appropriate flood risk measures. Measures to mitigate flooding from ground water and sewers should also be included.

Provision of flood risk mitigation measures such as Sustainable Drainage Systems (SUDS) are expected to be provided on-site and secured through conditions or S106 agreement

## 6. Monitoring and Implementation

- 6.1 The requirement on the Council to monitor all aspects of S106 agreements carries a financial cost that constitutes an impact from new development. Accordingly, the Council will require a monitoring fee as a financial contribution for each S106 agreement. All planning obligations, whether financial or in-kind, require monitoring to ensure the obligation is fully complied with and in line with the trigger date as well as the relevant legal requirements.
- 6.2 This monitoring fee excludes all legal costs associated with the preparation of S106 agreements.

### Threshold and Contribution Requirements

Planning Obligations relating to Monitoring and Implementation will be sought for:

- All developments requiring a S106 agreement.

The Council will require a contribution of £500 per principal clause within a S106 Agreement.

For exceptionally detailed agreements, (for example, variations to existing agreements or those that are complex to monitor and implement) the Council may request a contribution above the standard charge.

## 7. Procedure & Management

- 7.1 The Council starts managing and monitoring each S106 agreement from the moment it is signed. This is a complex process which covers over a thousand legal documents, all with multiple trigger points and obligations. Tower Hamlets Council employs S106 officers dedicated to overseeing this complex programme and ensuring the successful delivery of the obligations secured through S106 agreements.
- 7.2 An internal, cross-directorate panel, chaired by the Corporate Director of Development and Renewal, oversees the process of determining and approving S106 funding. This panel was established by the LBTH Cabinet in 2004 and granted delegated authority to undertake this role.

### **Trigger Points**

- 7.3 During the negotiation process, trigger points for each obligation will be agreed upon between the developer and the Council. There are established trigger points which are suitable for S106 agreements and triggers selected in each case will be based on the nature of the obligation and the stage at which the mitigation is required. The established trigger points are:
- Upon the date that the agreement is signed;
  - Upon or prior to commencement of the development;
  - Upon or prior to practical completion of the development; and,
  - Upon or prior to occupation of the development
- 7.4 The Council will encourage the use of these four identified triggers in negotiations, with the commencement of the development being the preferred point for an obligation to be delivered upon.

### **Interest Bearing Accounts**

- 7.5 When a financial contribution is received it will be placed within an interest bearing account from the date of its receipt. The interest accrued will be applied by the Council to the related S106 project(s).

### **Penalty Clause and Enforcement of Obligations**

- 7.6 Trigger points will vary for each individual obligation within the S106 agreement. The developer is bound within each S106 agreement to notify the Council upon commencement of the development. Where the Council is not notified and obligations become overdue the Council will seek to enforce the obligation and will activate the penalty clause.
- 7.7 A clause included in the S106 agreement will ensure prompt payment by inserting a financial penalty where payments are overdue. As a final recourse, where obligations are not subsequently enforced, the Council will take legal action against those in breach of a S106 agreement. Non-financial obligations are also legally binding and where not provided according to the terms of the S106 agreement may be legally

enforced by the Council.

## **Complying with Planning Obligations – the Developer’s Role**

### **Complying with Financial Obligations**

- 7.8 Where a S106 agreement contains a financial obligation, details of how to make the payment to the Council are provided. A payment form as standard will be appended to the agreement and any payments should be made using this form, following the instructions provided. The payment can be made through BACS/CHAPS, cheque or postal order. Once received, the payment will be logged onto the Council’s systems. A breakdown of received financial contributions is published on the Planning Obligations Webpage (found at [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)) on a quarterly basis.

### **Index Linking Payments**

- 7.9 Financial contributions will be index linked in order to allow for the fluctuation of prices between the date the agreement is signed and the date the payment is made. This is calculated based on the indexation adjustment of the relevant index, from the date the S106 agreement is signed to the expected date of payment. The additional amount paid on top of the financial contribution adjusts the contribution in accordance with inflation.
- 7.10 The method of indexation should be specified within the legal agreement and will usually either be the Retail Price Index (RPI) published by the Department of Trade and Industry (DTI), the Building Cost Information Service Index (BCIS) published by the Royal Institution of Chartered Surveyors (RICS) or the Consumer price index (CPI) published by the Office for National Statistics, depending on the nature of the contribution. In the event that the index shall decrease, the contribution shall not fall below the figure set out in the S106 agreement.
- 7.11 The Council will endeavour to provide updated costs for the standard charges provided throughout the Document as and when necessary.

### **Complying with In-kind Contributions**

- 7.12 Where an in-kind obligation is required through a S106 agreement the developer should provide evidence of compliance with the obligation to the Council, as outlined in the terms of the specific clauses. This evidence should be provided to the Council’s Planning Obligations Officer. If approval is required from the Council on an element of the in-kind obligation, the Planning Obligations Officer should be the first point of contact.

## **Monitoring and Delivery of Planning Obligations – the Council’s Role**

### **Non-Financial Obligations**

- 7.13 The delivery of non-financial contributions, or in-kind obligations, will be monitored by the appropriate service areas responsible for project delivery. For example, where there is an Affordable Housing element to a legal agreement, the Affordable Housing Team will monitor this section of the agreement to ensure that it is complied with.

### **Financial Contributions**

- 7.14 Once a financial contribution is received by the Council the service area or organisation with the responsibility for delivery of the S106 project will be informed. Projects funded through planning contributions will be selected through strategic objectives, which identify the infrastructure needed within the borough through public consultation and work undertaken by the individual service areas in the Council.

# Glossary of Terms

## **Affordable Housing**

As defined in The London Plan (2011) in Chapter 3 at Policy 3.10 and paragraph 3.61.

## **Community Infrastructure Levy (CIL) – Tower Hamlets**

A Levy charged on new development in the Borough, by the London Borough Of Tower Hamlets in order to fund infrastructure that is needed to support growth in the area.

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

A Levy charged on new development in London by the Mayor of London since the 1<sup>st</sup> April 2012 to fund strategic transport. This Levy is in addition to the LBTH Borough's CIL.

## **Community Infrastructure Levy Regulations**

Regulations approved by the House of Commons in accordance with section 222(2)(b) of the Planning Act 2008.

## **Community Plan**

A document prepared by the Tower Hamlets Partnership setting out how the quality of life in the borough will be improved in the period to 2020 and in accordance with four overarching themes.

## **Core Strategy**

The primary document of the Local Plan, the Core Strategy sets out the long-term spatial strategy to deliver the aspirations set out in the Community Plan 2020 through broad areas and principles of where, how and when development should be delivered across the borough to 2025.

## **Development Plan Document (DPD)**

A document which is part of the Local Plan and sets planning policy in local authority areas.

## **Green Grid**

A network of interlinked, high-quality and multi-functional open spaces, waterways and other corridors (see Tower Hamlets Green Grid Strategy).

## **Habitable Room**

A room within a dwelling, the main purpose of which is for sleeping, living or dining and meeting minimum room sizes set out in London Housing Design Standards. It is any room with a window that could be used to sleep in, regardless of how it is used. It excludes toilets, landings, halls, lobby areas and kitchen diners with an overall floor area of less than 13m<sup>2</sup>.

## **Heads of Term**

The different topic areas under which planning obligations might be identified in a Section 106 Agreement, for example Affordable Housing or Employment and Enterprise.

## **Idea Store**

A strategic facility in Tower Hamlets which provides library facilities, a wide range of adult learning courses, computer access and activities and events.

## **Infrastructure Delivery Plan (IDP)**

A schedule listing the key pieces of infrastructure required by the Core Strategy over the lifetime of the plan.

## **Local Implementation Plan (LIP)**



Statutory transport plans produced by London Boroughs bringing together transport proposals to implement the Mayor of London's Transport Strategy at the local level.

**Local Plan**

Is the term for the Council's Development Plan Documents comprising the adopted Core Strategy and the Managing Development Document and Fish Island Area Action Plan.

**Major Commercial Development**

Any commercial development, including hotels, creating 1,000sqm or more of commercial floorspace.

**Major Residential Development**

Any residential development, including student housing, creating 10 or more units.

**Managing Development Document**

The Managing Development Document forms part of Tower Hamlets Local Plan. The document is the planning tool to help meet the policies and objectives identified in the Core Strategy.

**Material Consideration**

A legal term describing a matter or subject which is relevant (i.e. material) for a local authority to consider in assessing development proposals and when using its powers under planning law.

**Public Realm**

Any publicly owned streets, pathways, right of ways, parks, publicly accessible open spaces and any public facilities.

**Regulation 123 List**

Under Regulation 123 of the CIL Regulations 2010 (as amended), a Charging Authority is required to provide a Regulation 123 list, which sets those projects or types of infrastructure that it intends to fund through the Levy. .

**Section 278 Agreement**

A legal agreement completed between the developer and the Local Planning Authority, under section 278 of the Highways Act 1980, where a development requires works to be carried out on the existing adopted highway. These agreements provide a financial mechanism for ensuring delivery of mitigation works identified and determined as necessary for planning permission to be granted.

**Transport Assessment (TA)**

A document which accompanies a planning application, and is used by planning authorities and highways authorities to determine whether the impact of a new development on the transport network is acceptable. It should identify what measures may be required to deal with the predicted transport impacts and to improve accessibility and safety, especially for pedestrians, cyclists and public transport users.

**Viability Assessment**

An assessment of the financial viability of a development, taking into account a range of different factors such as location, type of site, size of scheme and scale of contributions to infrastructure and facilities.