

Contact: Jon Medlin
Tel: 020 8583 5207
E-Mail: jon.medlin@Hounslow.gov.uk

Executive - 11 March 2008

ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENTS
PLANNING OBLIGATIONS & AIR QUALITY

Report by: Cllr Barbara Reid – Lead Member for Planning

Summary

The draft Planning Obligations, and Air Quality Supplementary Planning Documents (SPDs) were published during July 2007 for public consultation.

An SPD supplements existing development plan policy. The Planning Obligations SPD amplifies the relevant planning policies, and sets out range of the types of planning obligations which are commonly negotiated. It does not attempt to cover every eventuality, but clarifies procedure and scope, and places this into the public arena so that there is more certainty and transparency in the process, as required under the relevant legislation. The Air Quality SPD provides technical advice on how to deal with planning applications that could have an impact on air quality, and on the circumstances when conditions or planning obligations will be sought relating to air quality.

These are in accordance with national guidance, the London Plan, saved UDP Policies and emerging LDF policies. Both SPDs will help ensure consistency in the approach to dealing with planning obligations in Hounslow.

The documents that accompany this report are:

- Planning Obligations SPD
- Air Quality SPD
- Schedule of Responses and Representations of the draft SPDs
- Statement of Compliance

(Full sustainability appraisals were required and undertaken, and are available on the Council's website)

1.0 RECOMMENDATION

- i) That Members of the Executive consider the comments and representations raised during the course of the public consultation on the two SPDs, and the responses to these including the schedule of consultation responses and changes to the documents.**
- ii) That Members agree to adopt the two SPDs as material considerations for planning purposes.**
- iii) That the Executive Member with portfolio responsibility for Environment and Planning be given delegated powers to make minor amendments (including referencing and updating) to the SPDs.**
- iv) That the Executive agree that authority shall be delegated to the Director of Legal Services to take all necessary steps in order that the Council may defend any legal proceedings challenging the SPD or its adoption.**

2.0 BACKGROUND

- 2.1 In 2004, the Area Committees and Executive considered a Report on Section 106 Agreements: The S106 Review and Stocktake. The report covered Planning Obligations negotiated through the planning system and, among other things, agreed that policy guidance be prepared to assist in the negotiation of planning agreements for community benefits.
- 2.2 As part of the Council's Local Development Scheme (LDS), the Council intends to prepare a number of Supplementary Planning Documents (SPDs). The Planning Obligations SPD and Air Quality SPD are the first two to be progressed under the LDS. Once adopted, the Supplementary Planning Documents will be material consideration in determining planning applications for development.
- 2.3 The decision was taken to progress the two SPDs together. While the Air Quality SPD is more technical, the Planning Obligations SPD is broader in scope, there is overlap between them in terms of mitigation against the harm from new developments.
- 2.4 Government guidance contained within Circular 05/2005 sets out how planning obligations should be used, and the SPDs conform to these requirements. It sets out the 5 Secretary of State tests, all of which must be adhered to:

A planning obligation must be:

- (i) relevant to planning;
 - (ii) necessary to make the proposed development acceptable in planning terms;
 - (iii) directly related to the proposed development;
 - (iv) fairly and reasonably related in scale and kind to the proposed development; and
 - (v) reasonable in all other respects.
- 2.5 **Planning obligations** are private agreements negotiated, usually in the context of planning applications, between local planning authorities and persons with an interest in a piece of land (or "developers"), and **intended to make acceptable development which would otherwise be unacceptable in planning terms**. Paragraph B6 of the Circular 05/2005 states that "The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms (see B5(ii))." Again, these principles are incorporated into the SPDs.
- 2.6 These draft SPDs were available for consultation between June and August 2007. Area Committees received reports during this cycle, and their comments are reported within the schedules. The public consultation ran from July 12th to August 9th, following Area Committee input. By regulation and in accordance with the Council's Statement of Community Involvement, the documents were advertised locally, and consultation undertaken with a range of organisations totaling over 400, developers (local, regional and national) and interested parties, as well as members of the public. The documents were subject to Sustainability Appraisals in their drafting which are available on the Council's internet.

- 2.7 Following the consultation period, each comment has been assessed and is reported back to the Executive, in order for final adoption. In the meantime, planning applications and legal agreements have continued to be determined in accordance with the policies of the London Plan and Hounslow Unitary Development Plan.

Planning Obligations and the proposed Community Infrastructure Levy

- 2.8 The recent Planning Bill allows for regulations to empower local councils to apply a **Community Infrastructure Levy** on new developments in their areas to support infrastructure. This replaces the previously suggested Planning Gain Supplement, and the draft SPD has been updated in light of this. The Department of Communities and Local Government has recently published a document setting out further details on the Community Infrastructure Levy (CIL). The document sets out the background to the CIL and more detail on the provisions in the Bill. It explains how the Government envisages the CIL will operate, and transitional arrangements until CIL is introduced. The approach within the Planning Obligations SPD will assist with future work on the CIL, if implemented, given that the authority may become a charging authority when the necessary arrangements are in place.
- 2.9 It also explains what local planning authorities should expect to do in the period up to, and beyond, the implementation of the CIL. These include how the charging authority will set the CIL and the type of infrastructure to be funded through CIL : the Government believes that CIL should not be used for general local authority expenditure, nor to remedy pre-existing deficiencies in infrastructure provision, unless these have been, or will in time be, aggravated by new development.
- 2.10 It will seek to ensure that the things usually thought of as infrastructure – such as transport and flood defences – are covered by the definition as well as social and environmental infrastructure, such as schools and parks. Affordable housing will be included within the definition of infrastructure in the Bill so that affordable housing could be included as part of the CIL if evidence later shows that is necessary but for the time being the Government's preference is that negotiated planning obligations should continue to enable affordable housing to be delivered on-site.
- 2.11 Regulations will be needed to set out what bases could be used for determining the level of CIL. It recognises that it will be necessary to avoid excessive complexity but that local planning authorities will need sufficient flexibility to tailor their charging regime to suit their local area. At the same time, the future of planning obligations are considered: Section 106 will be retained as the legal underpinning for negotiated agreements between developers and local planning authorities. Where a CIL is implemented, planning obligations under S106 will complement CIL. It is envisaged that, as is often the case with planning obligations, CIL will be payable at the point of commencement of development. The Government proposes that the amount of CIL to be paid will be determined either at, or by reference to, the point in time at which the planning permission first becomes fully effective. A number of Exemptions and thresholds are included and CIL should be levied on most types of development, including both residential and commercial development.
- 2.12 The Regulations will empower, rather than require, local planning authorities to introduce a CIL to fund local infrastructure. However, the Government will encourage local planning authorities to impose any standard charges using CIL rather than through planning obligations policies. The Government will need to consider whether Regulations should change how planning obligations may be used in order to enable them to function effectively alongside CIL.

3.0 ISSUES

- 3.1 Planning obligations may be **development specific**, relating to works which must take place in order for the development to proceed, or may relate to **strategic** objectives of national planning guidance and local planning policy, which are required in order to make the development acceptable in planning terms.
- 3.2 The purpose of the **Planning Obligations SPD** is to:
- Provide developers, the community, and the Council with a transparent, fair and predictable basis for negotiating and utilising planning obligations;
 - Enable planning obligations to be considered from the earliest stages of the proposal formulation process; and
 - Provide a basis for reaching timely decisions on planning applications which involve s106 agreements.
- 3.3 The SPD clarifies the procedures for the use of planning obligations, the broad range of likely contributions, the types of development that would be subject to planning obligations, potential schemes to be funded through planning obligations, and the calculation of financial contributions. Clarifying the scale and type of obligations will assist developers involved in future development in the Borough, and to assist in delivering the aims of the Hounslow Plan.
- 3.4 On-site provision of benefits will continue to be preferred although the SPD will also allow in appropriate cases for off-site facilities to be provided by planning obligations. In cases where financial contributions are sought, the SPD sets out how contributions will be calculated through the use of standard charges, which are encouraged under the latest Government guidance in Circular 05/2005. Negotiated planning obligations will continue to be required for large and complex developments. In such cases, the standard charges may act as a starting point for negotiations.
- 3.5 The purpose of the **Air Quality SPD** is to take into account new planning policies including PPS23, The London Plan, saved UDP policies and emerging LDF policies to help reduce exposure to air pollution across the whole of Hounslow. This approach should bring health benefits to everyone - not just those living in localised areas (i.e. hotspots) where the objectives are exceeded. This is particularly important for PM₁₀, as this pollutant has a significant impact on health and has no safe threshold. In order to reduce overall exposure, background pollution will need to be reduced, so it makes sense that every development that has the potential to emit pollution should require mitigation or off-setting to help achieve an overall reduction in Hounslow's air pollution.

Applying the SPDs

- 3.6 The **Planning Obligations SPD** has undergone a series of analysis to assess its usefulness and how it will be applied in practice. The resulting document takes full account of best practice at a London and National level *Planning Obligations: Practice Guidance*, published by the Department for Communities and Local Government in August 2006.
- 3.7 Formulae and standard charges are quantitative indications of the level of contribution likely to be sought by a local planning authority, through a planning obligation, towards the provision of infrastructure that is necessitated by a new development. Circular 05/2005 *Planning Obligations* encourages Local authorities to employ formulae and standard charges where appropriate, as part of their framework for negotiating and securing planning obligations.

It states that “these can help speed up negotiations, and ensure predictability, by indicating the likely size and type of some contributions in advance”. They can also promote transparency by making indicative figures public and assist in accountability in the spending of monies.

3.8 The document will be available to allow applicants to consider planning obligations at the outset of scheme preparation. It is therefore a starting point for negotiation, and while it cannot cover every eventuality, its scope indicates the Council’s approach on a broad range of likely planning obligations.

3.9 The **Planning Obligations SPD** relates to all major planning applications as defined by the Town and Country Planning (General Development Procedure) Order 1995. These are:

- The provision of 10 or more dwellinghouses or where the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development will have more than 10 dwellinghouses;
- The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more;

Note: this is with the exception of cases such as affordable housing, which have separate thresholds that can not be altered through supplementary planning policy. The SPD also makes it clear that appropriate obligations may be sought below this threshold where it is considered necessary to do so.

3.10 Analysis of the approach as compared against recently signed agreements and recently secured contributions is useful, but it should be noted that each scheme involves a different issues and measures which may be required. This analysis, for comparison purposes, shows that where financial contributions have been secured for a range of measures the provision is around £3,000 to £4,000 per unit.

3.11 Employing the formulae within the **Planning Obligations SPD** on a range of major applications is comparable with these, but again, varies on a case-by-case basis, taking account of individual circumstances. It should also be noted that the document relates to a wide range of topics, including those which have not been secured through planning obligations previously.

3.12 The **Air Quality SPD** will help to determine whether the development will have a significant impact on air quality or whether the existing air quality environment is unacceptable for the proposed development. The thresholds are set out in the SPD and relate more to the sensitivity of the area and the nature of the development than the size of the development (see below).

3.13 The three main ways a development may have a significant air quality impact are:

1. If the development is likely to cause a deterioration in local air quality (i.e. once completed it will increase pollutant concentrations)
2. If the development is located in an area of poor air quality (i.e. it will expose future occupiers to unacceptable pollutant concentrations)
3. If the demolition/construction phase will have a significant impact on the local environment (e.g. through fugitive dust and exhaust emissions). Note the recent London wide Best Practice Guidance should assist in reducing emissions from this stage of a development.

4.0 Scope of SPDs for Adoption: Planning Obligations SPD

- 4.1 The Planning Obligations SPD provides detailed guidance on the types of obligations that may be sought in relation to policy IMP.6.1 of the adopted UDP and the topic areas included in this policy, as set out below.

Housing:

- 4.2 *Affordable Housing:* The document sets out the basis for seeking affordable housing and gives detailed guidance on this topic area. Planning policy regarding affordable housing evolves relatively quickly, and changes have been made to keep the section as up-to-date as possible, prior to publication which will be following adoption. In particular this relates to the threshold for qualifying sites which will relate to the London Plan Further Alterations adopted recently, and set the Borough's affordable housing threshold. Such updating falls within the scope of delegated changes which are necessary to ensure the document is as up-to-date as possible.
- 4.3 The affordable housing section sets out the definitions of what is, and by implication what is not therefore, considered as affordable housing, and how these are expected to be delivered. It also covers the split between tenures: social rented housing and other affordable housing under the term 'intermediate housing' such as shared ownership schemes. The types of units that are required under the SPD correspond with the need demonstrated within the borough – for example in terms of unit sizes, and this takes account of local evidence base. It sets out the preference for on-site provision, and when exceptions may be made, including when a financial contribution may be accepted. In terms of what is delivered, the expectation is that affordable housing should be of good quality design, taking account of Housing Quality Indicators and other standards, whilst always ensuring that the cost to the occupier remains affordable.
- 4.4 40 representations were received in relation to this chapter of the SPD resulting in a number of recommended changes which are highlighted in the document and explained in the schedule of changes.

Community and Leisure Facilities:

- 4.5 *Education:* The basis for seeking education contributions is set out in the Supplementary Planning Document. Education contributions have been sought for a number of years, and the formula and approach has been updated and accounts for best practice. In particular, the costs per school place have been updated, and the formula has been reviewed to take account of best available data on the likely child yield from developments.
- 4.6 *Sports and Recreation:* The Council will seek contributions from new residential developments towards provision or improvement of local recreational, leisure, and sports facilities to ensure that adequate provision is made. A standard charge formula is set out within the document, again taking account of up-to-date information.
- 4.7 *Play space:* Where provision of children's play space is not made on-site, a contribution will be sought towards provision or enhancement of play facilities in the vicinity of the site. A formula for calculating the standard charge is set out within the document. Provision should always be made within the development where possible, particularly for young people.

- 4.8 *Health:* Where there is an identified need for further medical and health facilities, the Council will seek to ensure that planning permission is granted only where such facilities can be provided. The contribution model, developed by the Healthy Urban Development Unit (HUDU) is referred to in order to estimate the cost of the required facilities, and take account of any existing capacity.
- 4.9 *Community centres, and other community facilities:* For larger new residential development, contributions may be sought towards the provision, enlargement or improvement of community centres, youth centres and halls etc. No specific formula is applied, but the requirement for provision in certain circumstances is set out in the document.
- 4.10 *Public art:* The Council shall seek to ensure that major developments make provision for public art, either on-site or via a contribution towards the provision of public art in the vicinity of the development.

Open Environment:

- 4.11 *Open Space:* The Council will seek on-site open space where possible, or financial contributions towards the provision or enhancement of public open space off-site. The SPD sets out the formula for calculating the level of contributions to be sought from developers for off-site provision. This includes contributions to local amenity areas, as well as the designated Comprehensive Project Areas and areas of Green Belt.
- 4.12 *Private Residential Amenity Space:* The Council requires private amenity space to be provided on-site. Where a development does not provide the full amount of private amenity space provision on-site, a contribution may be sought towards the provision or enhancement of public open space in the vicinity of the site. The formula for calculating the contribution is set out in the document. It confirms the position that this should only be in exceptional circumstances, e.g. where there is good existing public provision of amenity space, and therefore the contributions take account of the deficiency.

Built Environment:

- 4.13 *Environmental Improvements:* Developments will be expected to make provision for environmental improvements to the public realm, such as paving, landscape works, street furniture and lighting, as an integral part of the development. For off-site works that are necessary in order to make the development acceptable, planning obligations will be sought. A standard charge formula is set out within the document.
- 4.14 *Safety and Security/Landscaping Works:* In most cases, safety and security measures, landscaping, and archaeological works will be provided as an integral part of the development, or will be required by planning condition. In exceptional cases, a planning obligation may be sought to ensure that the necessary measures are undertaken in order to make the development acceptable.

Town Centres, Employment and Shopping:

- 4.15 *Development Specific Mitigation:* Where an otherwise acceptable development would result in the loss of employment floor space or loss of jobs, the Council may seek mitigation measures. These may include new or replacement premises, training and development and local labour agreements.

- 4.16 *Training:* For strategic new employment generating schemes the Local Planning Authority may consider obligations in order to maximise local employment opportunities.

Transport

- 4.17 *Development Specific Transport Works:* Development-specific transport works are an integral and essential part of a development scheme, without which planning permission would not be granted. Planning obligations will be sought to secure the provision of transport works that are required to make a scheme acceptable in planning terms.
- 4.18 *Sustainable Transport:* Planning obligations will be sought to secure the provision of, or improvements to, sustainable transport infrastructure and services, including public transport, pedestrian, and cycling facilities. The formula for calculating the required contribution is set out within the document.
- 4.19 It is recognised that the process and mechanism for securing major strategic transport improvements requires a range of organisations such as Transport for London, and changes have been made to the document in response from TfL and the Highways Agency.
- 4.20 *Travel Plans:* Travel Plans are designed to manage the transport impact of a development in a more efficient and environmentally friendly way. Travel Plans submitted in conjunction with a planning application can be made binding through the use of a planning obligation. The document cross-refers to Transport for London guidance on development control and Travel Plans which provides an introduction to travel plans, outlines when a travel plan is required, gives advice on preparing a travel plan document, guides on the legal mechanisms for securing travel plans and their implementation.

Pollution and Natural Resources:

- 4.21 *Flooding/Energy Efficiency/Air Quality:* The use of planning conditions will normally be sufficient but a section 106 agreement may be required to ensure that any necessary works are undertaken, or mitigation measures are secured. In terms of air quality, reference is made to the Air Quality Action Plan and to the Air Quality SPD, and those measures within which help to improve air quality in the borough.
- 4.22 *Renewable Energy:* In line with the London Plan and Mayor's Energy Strategy, and in accordance with UDP policy, the Council will expect qualifying developments to demonstrate that a proportion of the energy requirements of the development can be met by on-site renewable energy production.

Proposed Schemes

- 4.23 It is intended that developers' contributions will be utilised for the implementation of schemes required primarily to provide or improve facilities to cater for the needs arising from residents or users of new developments. This is in line with the relevant Circular.
- 4.24 Smaller schemes that may be appropriately funded in full by a particular development, or from pooling of funds from a number of developments in the vicinity of such schemes, are discussed within each of the topic sections of the document.

Scope of SPDs for Adoption: Air Quality SPD

- 4.25 Hounslow will consider the following criteria when determining whether an air quality assessment should normally be undertaken:
- Locality of development – including relevant exposure
 - Length of time and scale of demolition/construction phase
 - Likely increase in traffic levels from existing base (either through servicing or parking requirements). Proposals that will result in an increase in vehicle trip generation in the local area and which result in increases in traffic volumes AADT – annual average daily traffic/flow of 5% or more on individual road links with more than 10,000 vehicles per day. Roads with lower flows but higher percentage increases in flows may still require an environmental assessment.
 - New Industrial/ commercial development (e.g. boiler plant/energy production/permitted installations/authorised processes) with a floor space of more than 2500m²
 - Proposals which may result in increased congestion and lower vehicle speeds than is present on the existing local road network
 - Proposals which significantly alter the composition of traffic such that adverse air quality impacts may arise
 - Proposals for new development with 300 parking spaces or more or an increase in existing parking provision of 300 spaces or more
 - Proposals for coach and lorry parks, distribution warehouses. Increase in HDV movements (e.g. more than 20 per day), such as for lorry parks, depots, bus stations
 - Any major employment generators likely to have an adverse impact direct/indirect on air quality, particularly in sensitive areas. These include developments: -
 - I. Involving industrial activities with the potential to produce significant air emissions.
 - II. With the potential to generate significant traffic. A detailed traffic impact assessment is normally required in these cases.
 - III. Which is likely to lead to a significant increase in the emission of one or more of the prescribed pollutants as specified in the National Air Quality Strategy.
 - Street Canyons and stationary or queuing traffic.
 - New rail, road building and signalling, bridge, tunnel, port or airport developments
 - Waste handling activities
- 4.26 Other developments may also warrant an air quality assessment as part of determining the planning application. Within areas where air quality objectives are unlikely to be met (e.g. in the vicinity of Heathrow Airport) it is likely that for many developments, air quality would be a material consideration and an assessment would be required.
- 4.27 The responses to the consultation are set out in the accompanying schedule: “Schedule of Consultation Responses to draft Planning Obligations and Air Quality SPDs”

5.0 Adoption Process

- 5.1 The SPDs have been subject to public consultation. In line with the adopted Statement of Community Involvement, this consultation included consultation with Area Committees through June, and further public consultation from July to August.
- 5.2 The consultation arrangements included:
- Making copies of the documents available at the Civic Centre Offices and at local libraries throughout the Borough;
 - Publishing the document on the Council's Website and a Press Release;
 - Advertising in the local newspaper;
 - Consulting a range of Specific and General consultation bodies;
 - Consulting relevant consultees on the Planning database and any other person who has asked to be consulted.
- 5.3 Following consideration of any representations this report explains the outcome of the consultation, and sets out proposed revisions to the SPDs. These have included the views of the Director of Legal Services, and advice from Counsel instructed to comment on the draft SPD following consultation, and additionally provided advice on the steps the Council should take in relation to the 'soundness' of the Planning Obligations SPD.
- 5.4 Counsel's advice suggested that the document is coherent and reflects the direction of Government policy as indicated in Circular 05/2005 and the Practice Guidance on Planning Obligations. In terms of the 9 'soundness tests' he stressed that it is important that:
- (1) *It is ensured that that all the procedural requirements are met;*
 - (2) *If this has not been done already a rigorous self appraisal as to the soundness of the document is carried out; this should be an open appraisal that is "on the record" for public scrutiny.*
 - (3) *That soundness could in my view be improved by making sure that there is clear justification where I have indicated in my comments.*
 - (4) *Further, that it is clear that the document will be applied flexibly. I have indicated where I consider that perhaps the impression given is too rigid an approach and could be improved in terms of soundness test (ix)¹.*
- 5.5 All procedural requirements will have been met prior to adoption, and adoption is in accordance with the regulations, and this is set out further in the statement of compliance. This adoption report addresses the issue of soundness of the documents, and, having incorporated and addressed Counsel's comments the documents are considered 'sound'. The above 4 points have therefore been addressed and it is now considered that the SPDs can move to adoption stage.
- 5.6 The adoption of an SPD is an Executive function and should take account of this report, and the schedules annexed hereto:
- Planning Obligations SPD
 - Air Quality SPD
 - Schedule of Consultation responses to draft Planning Obligations and Air Quality SPDs
 - Public Consultation: Statement of Compliance

¹ PPS12 at para. 4.24.

5.7 The Regulations governing the adoption procedure require, amongst other things, that following adoption of the SPD, the Council must make available an “adoption statement”. In the adoption statement, the Council will inform the public that any person aggrieved by the SPD may apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD and that any such application must be made promptly and within 3 months after the date on which the SPD was adopted. In the event that the adoption of the SPD is challenged in the High Court, the Council will have to consider the merits of the challenge and as appropriate remedy any defects or defend the legal proceedings. In such circumstances, there is a possibility that the decision to adopt the SPD may be quashed with the Council then having to take steps to remedy any defects so that the SPD or an amended SPD may be adopted. Due to the risk of legal challenge, this Report also seeks delegated authority for officers to take all steps necessary to defend any legal proceedings that may be issued in relation to the SPD or its adoption.

6.0 ENVIRONMENTAL IMPLICATIONS

6.1 S106 financial contributions or works in kind help to offset the adverse impacts of developments and contribute to public transport, traffic calming, open space provision and environmental improvements.

6.2 Appropriate mitigation measures to improve air quality following the outcome of an air quality assessment help to determine whether the development will have a significant impact on air quality or whether the existing air quality environment is unacceptable for the proposed development.

6.3 A Sustainability Appraisal has been prepared for both SPDs. The purpose of sustainability appraisal is to promote sustainable development through the better integration of sustainability considerations into the preparation and adoption of plans. It is an iterative process that identifies and reports on the likely significant effects of the Supplementary Planning Documents, and the extent to which its implementation will achieve the social, environmental and economic objectives by which sustainable development can be defined.

6.4 The production of the SPDs will help achieve environmental sustainability by protecting and improving our environment for now and for future generations.

7.0 EQUAL OPPORTUNITIES

7.1 The inclusion of these SPDs within Hounslow’s Local Development Framework will widen opportunities through the provision of additional affordable housing, additional community facilities, education facilities, and aimed at making air quality a material planning consideration for development in Hounslow.

7.2 The production of the SPDs will help promote social inclusion, and economic and community well-being, by seeking to ensure that sufficient community facilities are available in the Borough.

8.0 DIRECTOR OF FINANCE'S COMMENTS

- 8.1 The Acting Director of Finance comments that the production of the SPDs will help to improve procedures for negotiating Section 106 Agreements and the expenditure of Section 106 funds and will contribute towards the promotion of a prudent and well-managed Council. The issue of air quality has been a consistent matter of concern for the Council for many years. Some small provision for the service is made in the annual revenue budget, but principally for airport related issues. Section 106 agreements could be a useful financial tool and their use should be investigated.
- 8.2 Section 106 Funding provides a key resource to the Council. It is essential that such resources are effectively managed and applied in accordance with Planning Agreements and the Council's overall goals.
- 8.3 All costs associated with the consultation arrangements above have been met from existing Strategic Planning revenue budgets.
- 8.4 The application of S106 monies is monitored in a number of ways across the Council. This ensures that funds are properly received, recorded, invested and utilised in accordance with their agreed purpose and in line with SPD policies and procedures.
- 8.5 The SPD highlights the way in which expenditure is distinguished between strategic projects and local area projects and the practice by which such spending is reported through the relevant committee route.

9.0 DIRECTOR OF LEGAL SERVICES' COMMENTS

- 9.1 The comments of the Director of Legal Services are included in the body of this report.

Background Papers:

Hounslow Unitary Development Plan 2003

The London Plan, 2004 GLA

Draft Planning Obligations SPD

Draft Air Quality SPD

Circular 05/2005 "Planning Obligations" - ODPM July 2005

"Planning Obligations: Practice Guidance" - DCLG August 2006

Development Control: Planning for Air Quality (Guidance from NSCA on dealing with air quality concerns within the development control process) NSCA 2004

Use of conditions in planning permission. Circular 11/95. ODPM. 1995

LAQM.PG (03) Policy Guidance (code PB7516), Defra 2003

LAQM.TG (03) Technical Guidance (code PB7514), Defra 2003

Mayor of London. Air Quality Strategy: Cleaning London's Air. 2002

PPS23 Planning and Pollution Control (ISBN 0117539317), ODPM 2004

This report has been or is due to be considered by:

All Area Committees

This report is relevant to the following wards/areas:

- Borough-wide