



Planning Obligations Supplementary Planning Document

Consultation Statement

June 2022

This Consultation Statement has been prepared in accordance with Regulations 12 and 13 of the Town & Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement.

1. Background

- 1.1. The Council secures legally binding obligations against planning applications to make them acceptable in planning terms. This is in order to mitigate against site-specific impacts. Legal obligations are used when addressing matters that otherwise cannot be dealt with through conditions attached to a planning permission. This might be for securing affordable housing or for mitigations, such as requiring improvements to an access road, or securing a financial contribution to secure other mitigation measures. This is done under Section 106 (S106) of the Town and Country Planning Act 1990 (as amended).
- 1.2. The Council currently has a Planning Obligations SPD that was adopted in July 2013. This was produced in association with, and complementary to the Council's adoption of the Community Infrastructure Levy (CIL). It was and still is the case that CIL will be the main mechanism for delivering financial contributions towards general infrastructure requirements across the borough resulting from the cumulative impacts of development.
- 1.3. Since 2013 however, there has been a significant change in development plan policies. The London Plan was replaced in 2015 and more recently in 2021. In addition, the Brent Local Plan has been subject to wholesale review and adopted in 2022. This has greatly expanded the range of requirements from development, for example the need for training, residents being prioritised for some jobs associated with development, meeting and monitoring energy standards, carbon off-set payments and achieving the urban greening factor. Development within the borough has also changed significantly. Greater densities mean wholly on-site mitigation measures can be more difficult to achieve. Off-site provision is more often required, e.g. meeting shortfall in private on-site amenity standards by obligations to improve local open spaces.

- 1.4. The SPD seeks to address these new policy requirements. To assist in simplifying and speeding up the process of issuing timely planning permissions, it seeks to standardise the Council's most commonly sought S106 obligations. In making clear the Council's requirements, the document will provide stakeholders with more certainty when assessing the development potential of land earlier on in the development process. In doing so, this should speed up negotiations, and help the Council secure a greater range of provisions toward the implementation of the Brent Local Plan, and wider visions for the borough, as outlined in the Council's Borough Plan and other strategies.
- 1.5. The document includes 18 broad planning obligations. Full detail can be found in section 5 of the SPD. The planning obligations address the following policy issues:
- affordable housing;
 - affordable workspace;
 - social infrastructure;
 - employment opportunities;
 - open space and children's play space;
 - trees,
 - air quality;
 - carbon-offsetting and decentralised energy;
 - sustainable transport and parking;
 - heritage and design; and
 - other site obligations and administrative fees.
- 1.6. Affordable workspace, social infrastructure, children's play space, trees, air quality, carbon-offsetting, heritage, and design are all new categories of obligation within the SPD. In addition to these new requirements, existing obligations have been updated to better reflect the new policy context. Notably, this now includes a financial contribution from residential developments delivering between 5 and 9 dwellings. This will help the Council in delivering its strategic target of 50% of all housing to be delivered as affordable. This requirement was derived from a small sites viability assessment. This determined that small sites can viably provide fixed contributions per dwelling towards off-site affordable housing in most cases.
- 1.7. Each obligation is secured according to National, London Plan, and Brent Local Plan policy requirements. In doing this, the document provides additional guidance on the Council's interpretation and implementation of the policies within its Development Plan.
- 1.8. The adopted document will be a material consideration in the determination of planning applications. The Council will work with applicants early on in the application process seeking compliance with the SPD to ensure acceptable developments. The document supersedes the Planning Obligations SPD (2013) which will be formally revoked.

2. Area of coverage

- 2.1. The London Borough of Brent, with the exception of areas in which the Old Oak and Park Royal Mayoral Development Corporation is the local planning authority.

3. Engagement undertaken prior to statutory consultation

- 3.1. In drafting the SPD, the Council consulted all relevant specialist service providers within the Council and a number of external consultees. Specifically, the Council has consulted the three statutory consultees (Environment Agency, Natural England, and Historic England) on the SPD's Strategic Environmental Assessment (SEA) screening assessment. This concluded that the SPD is not going to have significant environmental impacts and therefore does not require a SEA.

4. Formal Statutory Consultation

- 4.1. The draft SPD was subject to 6 weeks of formal consultation from 11 February to 25 March 2022. This was in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement (SCI). This Consultation Statement sets out the comments received, the Council's response and, where appropriate, consequential changes made to the SPD.
- 4.2. In accordance with the Council's SCI, during the consultation period, the Council publicised the SPD by:
- emailing consultees on the planning policy consultation database and the Regeneration Team's database of approved workspace operators;
 - publicising via the Council's online consultation portal;
 - making hard copies available in the Brent Civic Centre at Wembley library;
 - making documents available on the Council's website.

5. Consultation responses and changes

- 5.1. Fourteen responses were received. These were from statutory consultees, residents, and developers. Six of the statutory consultees that responded (Natural England, Environment Agency, Coal Authority, Historic England, and National Highways) had no specific comments on the draft SPD. Overall, there was general support for the SPD which was considered to provide clarity on the Council's requirements in respect of planning obligations that would be sought in association with qualifying developments. Some representors required further clarity on particular matters, such as what qualified as 'exceptional circumstances' if it was not considered possible to deliver affordable workspace on-site. Others requested the identification of additional requirements, such as for specific pieces of social infrastructure, such as for healthcare, policing, and recreational infrastructure. Some of the document's requirements, particularly those that go beyond those previously set out in the existing 2013 Planning Obligations SPD, were not received so positively by some developers.
- 5.2. A summary of all comments and the Council response is set out in Appendix A below.

6. Appendix A – Summary of representations, responses and proposed changes.

Formatting note: ~~Strikethrough~~ for text deletions, and underline for text insertions.

Rep. no.	Name/organisation	Paragraph/obligation	Representation summary	Officer response	Proposed change
1	Canal and River Trust	Obligation 13 (sustainable transport)	This obligation seems to support the improvement of towpaths close to application sites. We are working with the Council to this effect.	The obligation is worded so as to capture the improvement of all pedestrian routes where necessary, including towpaths. The continued engagement from CRT and its close working with the Council is welcomed.	No change.
2	Coal Authority		No comment.	Noted.	No change.
3	Environment Agency		No comment.	Noted.	No change.
4	Historic England		No comment.	Noted.	No change.
5	Metropolitan Police Service	Obligation 4 (social infrastructure)	The draft Planning Obligations SPD does not mention the need for s106 charges in connection with additional crime and policing requirements for major developments. MPS believes that this should be included, to ensure that the impacts of development are fully mitigated and additional necessary policing infrastructure can be provided. This is supported by case law. The MPS is compiling a methodology for calculating these s106 contributions, which should be available soon. This may support the funding of: staff set up costs,	It is accepted that the overall increase in population that will be accommodated in new housing development has the potential to result in an increase in criminal incidents. The SPD seeks to standardise those most commonly sought S106 planning obligations. As such, it is considered that as an exceptional requirement, it is not necessary to include contributions to the MPS within the SPD. On-site delivery can however be sought should a particular development be capable of delivering substantial policing infrastructure or touch-down spaces on site, or the development is considered likely to give rise to a significant increase in criminal activity. This may, for instance, be	Insert new paragraph below 5.11 as follows: <u>'To ensure complete communities are delivered, large-scale development schemes which generate a significant local need for specific social infrastructure, will be expected to meet this need on-site. This should be delivered in accordance with the evidenced need, and through close engagement with the end-user. To ensure sufficient healthcare infrastructure is secured to support the incremental growth of the borough, Major developments will be expected to contribute financially toward the delivery of healthcare infrastructure. This will be in accordance with the Health Urban Development Unit (HUDU) model, as is supported by paragraph 11.1.37 of the London Plan.'</u> Amend obligation 4 as follows:

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			vehicles, mobile IT, CCTV, and the police national database.	for event crowd control, or a growth area with a significant new population requiring some sort of touch down/physical presence. Otherwise, given their more strategic nature, CIL is considered to be the more appropriate vehicle for the funding of MPS infrastructures. See proposed change.	Add two new thresholds to read: <u>'3. Developments which generate a significant local demand for social infrastructure and which can be delivered on-site.</u> <u>4. All major developments.'</u> Add new nonfinancial contribution to read: <u>'3. To provide social infrastructure in accordance with the evidenced need. This includes, but is not limited to, health, policing and recreational infrastructure. Engagement with defined end users, such as the National Health Service (NHS) or the Metropolitan Police Service (MPS), will be expected early on in the application process. This should seek to understand their operational requirements (including financial) of any on-site infrastructure. This may include the facilities being transferred free of charge to, or rented at a peppercorn rent by, the end user, as is determined to be appropriate and viable.'</u> Amend financial contributions to read: <u>4. N/A-Provide financial contributions in accordance with the Healthy Urban Development Unit Planning Contributions Model (HUDU Model).</u>
6	NHS Property services	Obligation 4 (social infrastructure)	Support SPD. It notes CIL can be used for the provision of healthcare infrastructure. Such infrastructure requires significant capital funding, which CIL alone cannot always cover. Therefore S106, in combination with CIL, should be considered. Policy BSI1 of the Local Plan should	The Council accepts that development puts pressure of existing healthcare infrastructure, and that often the best way to deliver this is through direct developer delivery and transfer. It also accepts that such infrastructure is expensive, and may require various funding streams to help realise delivery, such as through combination of CIL and	Insert new paragraph below 5.11 as follows: <u>'To ensure complete communities are delivered, large-scale development schemes which generate a significant local need for specific social infrastructure, will be expected to meet this need on-site. This should be delivered in accordance with the evidenced need, and through close engagement with the end-user. To ensure sufficient healthcare infrastructure</u>

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			recognise the provision of new on-site infrastructure. This would alleviate the otherwise significant pressure of new development on existing infrastructure. Here the direct delivery of infrastructure by developers, and transfer to the NHS should be required.	S106. This can be achieved through the use of the HUDU model for all Major developments which is supported by the Mayor in paragraph 11.1.37 of the London Plan. See proposed change to the SPD to reflect this position.	<u>is secured to support the incremental growth of the borough, Major developments will be expected to contribute financially toward the delivery of healthcare infrastructure. This will be in accordance with the Health Urban Development Unit (HUDU) model, as is supported by paragraph 11.1.37 of the London Plan.</u> Amend obligation 4 as follows: Add two new thresholds to read: '3. <u>Developments which generate a significant local demand for social infrastructure and which can be delivered on-site</u>4. <u>All major developments.</u>' Add new non-financial contribution to read: '3. <u>To provide social infrastructure in accordance with the evidenced need. This includes, but is not limited to, health, policing and recreational infrastructure. Engagement with defined end users, such as the National Health Service (NHS) or the Metropolitan Police Service (MPS), will be expected early on in the application process. This should seek to understand their operational requirements (including financial) of any on-site infrastructure. This may include the facilities being transferred free of charge to, or rented at a peppercorn rent by, the end user, as is determined to be appropriate and viable.</u> Amend financial contributions to read: 4. <u>N/A-Provide financial contributions in accordance with the Healthy Urban Development Unit Planning Contributions Model (HUDU Model)</u>

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7	National Highways		Satisfied the SPD will not materially affect the safety, reliability and/ or operation of the Strategic Road Network.	Noted.	No change.
8	Natural England	Obligations 7 (open space), 9 (trees), and design (16)	The SPD is unlikely to have major effects on the natural environment, however, you may consider the following:- provision for Green Infrastructure (GI) within development- provision for biodiversity- landscape enhancements	The SPD includes a range of obligations which are of relevance to these aspirations, including for open space (obligation 7), trees (obligation 9), and design (obligation 16). The SPD addresses these matters insofar as they relate to the development plan, and align with the purpose of making a development acceptable in planning terms. The SPD for instance, makes clear the requirement for the quantum of open space and trees, but does not provide specific guidance as to their composition etc., as may be appropriate within a green infrastructure strategy. Any such financial contributions secured as a result of the SPD will be allocated according to other Council strategy/ evidence base documents. Contributions toward open space for instance may be spent on play equipment, but they may equally be spent on biodiversity enhancements.	No change.
9	Planning Architecture Ltd	Obligation 3 (minor residential affordable housing)	Strongly object to the proposed small sites affordable housing contribution. This will inhibit small housing development within the borough. Small sites already struggle to make sufficient profits, typically	A financial contribution in lieu of on-site affordable housing delivery on small sites (5-9 units) has been included within Local Plan policy BH5. This will assist the Council in meeting its strategic target of 50% of all new housing being affordable. The contributions, as outlined within	No change.

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			seeing 10-15%, as opposed to the standard 20%. Additional risks currently being experienced, including high construction costs, contractors going bust, fuel prices and time taken to agree S106 statements, compounds this problem. This proposal will therefore not result in increased housing for the community, but rather increased prices putting developers off, whom may then invest in neighbouring boroughs.	the SPD, were arrived at through a small sites viability assessment. This determined them to be deliverable in almost all cases using viability modelling and the application of thresholds for contributions sought, consistent with national and London Plan guidance. Whilst the contribution has been set at what the Council considers an appropriate level, it is recognised that in the short term there may need to be some correction in the market and prices paid for development sites. Ultimately where viability considerations indicate it cannot be achieved, the developer has the ability to provide sufficient justification consistent with the approach for major development. Small sites do play an important part in the delivery of additional homes in the borough. As such, similar to all new policy requirements, the Council will monitor the impact of the policy to determine whether it is having adverse impacts on delivery of small housing site developments and if necessary adjust either the contribution sought, or the policy as a whole.	
10	Prologis UK Limited	Obligation 11 (Decentralised heat and energy)	The obligation requires all major developments to either connect to, or provide, a decentralised energy centre. Warehouses and industrial uses are not heated, and the	The obligation, reflecting Local Plan policy BSUI1, also allows for the potential to provide 100% renewable energy where connection to a decentralised energy centre is not necessary or desirable. As noted, it	No change.

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			energy demands are low. They therefore do not warrant a decentralised energy system. It is therefore not appropriate for this obligation to apply to industrial and logistics units within the use classes B2 and B8. Furthermore, the appropriateness of such facilities is currently the source of much debate, which the SPD recognises. We support the flexible approach toward this requirement where deviation from policy can be justified.	also recognises the dynamic nature of the sector, and the potential for deviation where justified. The obligation is therefore considered to have sufficient built-in flexibility to apply to all types of development, including industrial. It should also be noted that industrial uses, in being a net generator of heat (e.g. a data centre, or refrigerated unit), can themselves contribute toward the energy system through heat recovery.	
11	Prologis UK Limited	Obligation 12 (Carbon offsetting)	Prologis is a leader in the field of carbon neutral construction, receiving awards. We are to invest £1.5 billion to this effect across London, the South East, and Midlands in the next three years. As such we support this obligation.	Support welcomed.	No change.
12	Prologis UK Limited	Obligation 14 (Vehicle reduction and parking)	The SPD seeks to reduce vehicle parking and usage in favour of more sustainable transport modes. In doing so this obligation applies to all developments, despite the varying needs of commercial activities and occupants. The SPD should reflect this.	It is the aspiration of the Council, and the Mayor through the London Plan, to reduce car usage and ownership. This applies to all types and scales of development. The level of reduction and contribution will be determined on a case-by-case basis, as is reasonable considering the type and scale of development proposed. It is difficult, given the range of variables, to apply a more specific threshold than 'all	Amend the threshold of obligation 14 as follows: 'All developments <u>where car parking is being provided, or where they have the potential to increase demand for on-street parking.</u> '

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				developments'. However, it is accepted that this does not necessarily reflect the above considerations as it relates to the type and scale of development proposed. See proposed change to this effect.	
13	Prologis UK Limited	Obligation 5 (Affordable Workspace)	We support the principle of affordable workspace. The only way to feasibly and viably deliver on our sites, however, would be through the provision of multi-level logistics units. Affordable workspace is required to be delivered on site, unless in exceptional circumstances, and for the lifetime of the development. The Inspector questioned this, and as a result, flexibility was introduced to the policy to enable financial contribution in lieu of on site provision. We support the SPD in reflecting this potential, however, the SPD does not clarify what constitutes an exceptional circumstance and the criteria for assessing this. The SPD should address this to provide more certainty and clarity. This may include matters such as particular occupier requirements, design efficiencies, and viability which considers location and type of use. Developments which	Support welcomed. Brent Local Plan policies were subject to viability testing and found sound at examination, subject to modifications. SPDs provide guidance as to how policies are to be applied and cannot create new policy, and as such cannot revisit the thresholds set in the Local Plan. The Council supports the delivery of multi-level logistics units where appropriate and this enables development to better meet Development Plan policy, including viable delivery of affordable workspace requirements. It is accepted that in exceptional circumstances on-site delivery may not be viable, and that a financial contribution in lieu of this may be more appropriate. Exceptional circumstances are clarified both in Local Plan paragraph 6.4.13, including 'For example, where it is preferable to create one larger workspace, with shared management arrangements. Discussion with the council and operators will determine where this is appropriate.' Further clarification is	Amend paragraph 5.15 to read: '5.15 Affordable floorspace is normally to be provided on site, and in perpetuity. Only in exceptional circumstances where it is demonstrated that this is inappropriate may these requirements be amended. <u>These circumstances can include: 1. The proposed Affordable Workspace is less than 300 sqm and none of the approved operators will commit to manage it (see 5.3.(i) above); 2.The Affordable Workspace is between 300 and 465 sqm and has remained vacant for 12 months after its practical completion; or 3. The Affordable Workspace is over 465 sqm, has remained vacant for 12 months after its practical completion and the Council has declined the developer's offer for the unit.'</u>

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			intensify industrial land should also qualify. Little industrial intensification has been achieved in London, reflecting its high costs. This additional requirement will prejudice this potential. The requirement also brings uncertainty as tenants may not find the units desirable, leaving them vacant, incurring additional costs and impacting upon local plan objectives such as improving vitality. The Council should work with developers to ensure that affordable workspace is successful. The calculation for contribution in lieu of on-site delivery (50% of market rent x floor area of the proposed affordable workspace x 1/yield) could result in a significant burden on new developments, and compromise viability. It is agreed that provision should reflect the quantum of floorspace being delivered, but a tiered approach should be used to reflect specific scheme constraints. For instance, on-site may be achieved when multi-level, then offset and delivered elsewhere in the borough, and lastly through a financial contribution. Financial	provided within Affordable Workspace SPD paragraph 5.6 as follows: 'A financial contribution in lieu will be acceptable when; 1. The proposed Affordable Workspace is less than 300 sqm and none of the approved operators will commit to manage it (see 5.3.(i) above); 2. The Affordable Workspace is between 300 and 465 sqm and has remained vacant for 12 months after its practical completion; or 3. The Affordable Workspace is over 465 sqm, has remained vacant for 12 months after its practical completion and the Council has declined the developers offer for the unit.' It is considered that for clarity and completeness, that these criteria be included within the Planning Obligations SPD. See proposed change. However, ensuring an Operator is involved from the outset will minimise the risk workspace remains vacant. It is also considered it would be challenging to secure affordable workspace off-site. Although there may be the potential for a developer to amalgamate affordable workspace requirements for more than one development that they may be progressing, this is likely to be the exception, rather than the norm, but the Council would consider such a proposition where pursued by a developer. For the majority of cases however, in the	

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			contributions on larger sites should be discounted.	exceptional circumstances where affordable workspace isn't to be provided on site it is considered a financial contribution is the most realistic mechanism to secure provision elsewhere in the Borough. However, the document can state that circumstances 'can' include the three situations identified, which gives the opportunity for other appropriate solutions to be provided where the Council and applicant agree these.	
14	Prologis UK Limited	Obligation 6 (Employment Opportunities)	The obligation requires 20% of jobs to be secured for Brent residents, with an accompanying support fee for each, including a penalty charge against any shortfall. The wording of this obligation is problematic. It is not clear how this requirement has been arrived at in terms of employment rate and specific Brent workforce requirements. This requirement needs to be supported by evidence demonstrating how this can be met by the local workforce. If it cannot be met, the shortfall charge is expected. If the requirements cannot be met by the local workforce, then it is outside of the developers control, and as such inappropriate to charge this fee. The contractors appointed	Noted. It is accepted that it will not always be possible, nor practical, to meet the requirement of 20% of jobs being Brent residents. The wording is set up to enable flexibility to this effect. In the context of the £5,000 shortfall fee, this states that 'providing reasonable endeavours have not been taken...' the above fee will be required. 'Reasonable endeavours' is a legal term, which means requiring all reasonable paths or actions to be exhausted, but is unlikely to require the party to sacrifice its own commercial interests. Therefore if the developer takes what are considered to be reasonable endeavours, they will not be required to pay the shortfall fee. The support fee is required to support the on-going effective function of the Brent Works employment service. This is a special function of the Council to	Amend paragraph 5.16 to read: 'These measures seek to maximise opportunities for residents to enter into apprenticeships and training programmes, and provide them with new skills to help them gain access to the job market. <u>All associated support fees will be used to this effect through the administrative function of the Council's Brent Works team. This includes, but is not limited to job brokerage and recruitment, pre/post-employment mentoring and support, and training procurement. Where the applicant has not secured the required number of jobs for Brent residents, but all 'reasonable endeavours' have been taken, the Council will waive the shortfall penalty fee of £5,000 per job. Reasonable endeavours is a legal term, which means requiring all reasonable paths or actions to be exhausted, but is unlikely to require the party to sacrifice its own commercial interests.'</u>

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			for construction will often move their employees from one development to another within a geographic area, such as London. They may therefore be required to work within a range of boroughs, providing jobs for Londoners, but not necessarily meeting this requirement for Brent specifically. Some jobs will also be highly specialised which makes sourcing jobs locally difficult. The SPD should account for these issues, allowing developers to demonstrate best endeavours have been undertaken. As such, it is considered unreasonable to financially penalise developers for not meeting the 20% target where it may be out of their control, and the £5,000 fee should be removed. Additionally, the SPD should clarify where the fees are being spent. Prologis have an internal warehousing and logistics training programme which we intend to operate locally. It is therefore unreasonable to expect us to pay a support fee for a function we have already taken on-board.	facilitate local residents, often those out of work or struggling to re-enter the workforce, back into full time employment. The obligation requires all local jobs to be secured through this service as it is specially placed to access those workers in most need. The fee is administrative in securing the opportunities, but it does not itself provide all required training - this function is expected to be provided by the employer or other appropriate training service, as determined appropriate by the Council. As such, the fee does not overlap with any of the proposed functions of the occupier/ developer, and is a reasonable requirement for the Council to secure in carrying out its function. It is accepted however that the SPD could be clearer in clarifying what reasonable endeavours are, and how the Council will use the fees associated with this obligation. See proposed change.	
15	Prologis UK Limited		A lot of obligations have the threshold 'major	The SPD reflects the policies within the Development Plan, including the	No change.

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			developments'. For some obligations more clarity has been given, for instance obligation 6: "...providing more than 5,000sqm total floorspace, or delivering 50 or more residential units." For others, such as obligation 10, 11 and 12, it is not. It could be assumed that when not specified, it refers to the Town and Country Planning Act definition of more than 10 units, 1,000sq.m. or more, or site area over 1ha. This is a broad definition and is not always appropriate for the obligations required. For example, the low energy requirements of warehousing units are not readily applicable to the requirements of obligation 11. As such, it is suggested that these thresholds are refined to ensure that they are not over and above those which are necessary to make the application acceptable in planning terms, and are in accordance with the regulations.	Brent Local Plan, and the London Plan. The obligations therefore reflect the wording with the relevant policies. For air quality (obligation 10), this includes all major developments within Growth Areas, and Air Quality Focus Areas. No distinction is made on scale, or uses. The same is true for uses in relation to Decentralised energy (obligation 11) albeit this refers to 'all major developments'. Carbon offsetting requirements reflect the wording within London Plan policy SI2. The SPD requirements are therefore considered to be directly reflective of existing policy.	
16	Sports England	Obligation 4 (social infrastructure)	Support replacement of on-site sports provision. A Grampian style condition may be beneficial in some cases.	The Council will only use S106 obligations where the use of conditions is unlikely to be able to deliver the required outcomes. This includes for the reasons set out in	No change.

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				paragraph 1.8 of the draft Planning Obligations SPD. Where this is not appropriate, conditions may be used instead. This may include the use of Grampian style conditions where appropriate.	
17	Sports England	Obligation 4 (social infrastructure)	Support requirement for community access agreements to new facilities. The 'Use our School' page of our website may be helpful.	The SPD seeks to provide guidance on the most common S106 obligations sought, and is not exhaustive. This is to balance the brevity and functionality of the document over its level of detail. The Council does not regularly receive applications for new schools or provision of significant new facilities in schools. It is considered that the Sport England guidance would be more useful for existing schools, which would not be subject to S106 obligations. As such, it would serve to include material which is not regularly required within the SPD.	No change.
18	Sports England	Obligations 4 (social infrastructure), 7 (Open Space), and 8 (Children's play space)	Existing sports infrastructure may be insufficient for the increased demand created by new development. New developments should therefore contribute towards local delivery of sports facilities, either on or off site. The SPD does not currently require such contributions. Delivery should be informed by an up to date evidence base, which the council does not seem to have. Contributions could be	It is accepted that the increase in population generated by new housing development could increase the demand for sports facilities. The Council plans for this increased population in accordance with the growth projected by the Local Plan. The impact this has on sports infrastructure, and the resultant need generated, is considered and identified within both the Brent Playing Pitch Strategy (2016), and the Indoor Sports and Leisure Needs Assessment (2018). The needs outlined within these documents are	Insert new paragraph below 5.11 as follows: <u>'To ensure complete communities are delivered, large-scale development schemes which generate a significant local need for specific social infrastructure, will be expected to meet this need on-site. This should be delivered in accordance with the evidenced need, and through close engagement with the end-user. To ensure sufficient healthcare infrastructure is secured to support the incremental growth of the borough, Major developments will be expected to contribute financially toward the delivery of healthcare infrastructure. This will be in</u>

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			informed by the Sport England Playing Pitch Calculator tool which would use data from the Playing Pitch Strategy, in addition to the Sports England Sports Facilities Calculator for other sporting requirements.	then included within the Council's Infrastructure Delivery Plan (IDP). The IDP is to be updated regularly. Its revision is currently underway, and will refer to the Sports England planning tool calculators should they be required. If this identifies an area as in need of new sporting infrastructure, the Council will require on site provision where a development can accommodate this requirement. Where appropriate, these needs have been incorporated into the Local Plan Site Allocation policies. Many of the largest site allocations, where the majority of population growth is anticipated, require masterplanning. Masterplans will include an up to date social infrastructure requirements in accordance with the predicted site capacity. The IDP calls upon the funding of both S106 and CIL. In this case, it is considered that CIL is the more suitable vehicle for funding new sports infrastructure, where it is not required on site. However, it is accepted that where a significant need is generated by a single development, and that development is large enough to facilitate on-site delivery, that this would be the Council's preference. See proposed change.	<u>accordance with the Health Urban Development Unit (HUDU) model, as is supported by paragraph 11.1.37 of the London Plan.</u> Amend obligation 4 as follows: Add two new thresholds to read: ' <u>3. Developments which generate a significant local demand for social infrastructure and which can be delivered on-site.</u> 4. <u>All major developments.</u> ' Add new non-financial contribution to read: ' <u>3. To provide social infrastructure in accordance with the evidenced need. This includes, but is not limited to, health, policing and recreational infrastructure. Engagement with defined end users, such as the National Health Service (NHS) or the Metropolitan Police Service (MPS), will be expected early on in the application process. This should seek to understand their operational requirements (including financial) of any on-site infrastructure. This may include the facilities being transferred free of charge to, or rented at a peppercorn rent by, the end user, as is determined to be appropriate and viable.</u> ' Amend financial contributions to read: 4. <u>N/A-Provide financial contributions in accordance with the Healthy Urban Development Unit Planning Contributions Model (HUDU Model)</u>
19	St. George	Obligation 11 (Decentralised	Support recognition that heating and energy sector is dynamic and that deviation	Support welcome.	No change.

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		heat and energy)	from requirements is acceptable where justified.		
20	St. George	Obligation 6 (Employment Opportunities)	It is not clear what the support fee will be used to fund, and is required to make this obligation clear. A support fee has not previously been sought.	The support fee is provided to finance the Brent Works employment service, through which the local job positions will be secured. See proposed change to provide more clarity to this.	Amend paragraph 5.16 to read: 'These measures seek to maximise opportunities for residents to enter into apprenticeships and training programmes, and provide them with new skills to help them gain access to the job market. <u>All associated support fees will be used to this effect through the administrative function of the Council's Brent Works team. This includes, but is not limited to job brokerage and recruitment, pre/post-employment mentoring and support, and training procurement. Where the applicant has not secured the required number of jobs for Brent residents, but all 'reasonable endeavours' have been taken, the Council will waive the shortfall penalty fee of £5,000 per job. Reasonable endeavours is a legal term, which means requiring all reasonable paths or actions to be exhausted, but is unlikely to require the party to sacrifice its own commercial interests.'</u>
21	St. George	Obligation 7 (open space)	Page 22 states that £15psqm per year is to be secured for maintenance, however, it is not clear for how many years payment should be made. When provided, this would be considered appropriate.	Noted. The maintenance charge was benchmarked against recent developments which delivered open space on site. The payment of £15psqm was identified on the basis of a 5 year period of maintenance contributions. This will therefore be clarified within the SPD obligation 7 to make clear the total maintenance fee required. See proposed change.	Amend obligation 7, financial contributions section to read: 'An additional £15psqm should be secured per year, <u>for a typical period of 5 years (unless it is reasonable to require maintenance over a longer period)</u> , to assist the Council in maintaining these spaces.'
22	St. George	Para 1.11-1.13	Support recognition of all developments being unique.	Support welcome.	No change.

Rep. no.	Name/ organisation	Paragraph/ obligation	Representation summary	Officer response	Proposed change
23	Transport for London Commercial Development	Obligation 2 (built to rent affordable housing)	Support 50% affordable housing target. Question tenure of 100% London Living Rent (LLR). London Plan policy H11 seeks a minimum of 30% LLR with the remainder at a range of other genuinely affordable products. A more balanced approach as considered suitable to the mayor would be preferable to a mono-tenure. As LLR is varied annually by the Mayor, this approach would enable the Council to maintain greater autonomy over the discount market rents secured, and that a greater range is secured. This may also cause viability issues for BtR developments which have a different financial model to typical private for sale developments. This may push them down the viability tested route, and slow, or prevent delivery of new homes.	The SPD does not seek to produce new policy, but to simply make clear the implementation of existing policy. London Plan policy H11 includes the potential for 100% LLR. The policy (BH5), now adopted, reflects this potential. The Council considers this appropriate, based on likely rent levels associated with this tenure type, local and London needs and the amount of build to rent development that is likely to occur. To justify this policy, the Council commissioned the Brent Viability Assessment (2019). This concluded the following as it regards BtR: '35% target is viable with 100% London Living Rent on a majority of sites in other existing uses. The best viability outcomes are achieved on sites with low existing use values, including public sector land.' The policy requirement is therefore considered deliverable in most cases, and helps to maximise the delivery of genuinely affordable housing products. Public sector land, often having low EUV's, should also be able to deliver 50% requirement viably.	No change.
24	Transport for London Spatial Planning	Obligation 13 (sustainable transport)	The following sentence: 'Provision of improvements to existing pedestrian and/or cycle facilities including footway enhancements along the development frontage and where appropriate, permissive rights of way within the	Agreed. Developments generating an increase in population have the potential, to varying extents, to impact upon the entirety of the local street network, especially where they connect with key destinations such as LUL stations etc. Securing contributions toward their wider	Amend obligation 13 to read: '• Provision of improvements to existing pedestrian and/or cycle facilities <u>infrastructure, not necessarily restricted to the immediate development area, and including</u> footway enhancements along the development frontage and where

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			development.' should be reworded to align with the approach toward highways improvements in not being restricted to the immediate area. Development impact on local walking/cycling infrastructure can be felt further than immediate frontage which should be reflected in this obligation. We would also support more reference to securing obligations for improvements to public transport accessibility.	improvement will therefore be important for the Council to deliver the Healthy Streets agenda and increase the uptake of sustainable transport modes. This should be the case for all Londoners, including those with mobility problems, and as such, reference should also be made toward the improvement of public transport accessibility. See proposed reference to table 10.1 of the London Plan which includes the improved accessibility of stations.	appropriate, permissive rights of way within the development.'
25	Transport for London Spatial Planning	Obligation 14 (Vehicle reduction and parking)	Support approach to reducing car ownership and use. This obligation also references 'the provision of facilities to support shared mobility'. Whilst some shared mobility options do support reductions in car use, car clubs have been shown not to assist with this.	Support welcomed. The delivery of car clubs is encouraged in place of private parking by Local Plan policy BT2. This is supported by London Plan policy T6.1, which is supported by paragraph 10.6.16 noting that, 'in some areas, car club spaces can help support lower parking provision and car-lite lifestyles by enabling multiple households to make infrequent trips by car.' These areas are considered to be higher density urban areas with a lack of off-street parking, typical in outer-London high PTAL areas such as within many of Brent's Growth Areas. Car clubs provide car access without the need to own one directly. The minimum hourly fee of the vehicles dissuades people from making those less necessary, shorter vehicular trips	No change.

Rep. no.	Name/ organisation	Paragraph/ obligation	Representation summary	Officer response	Proposed change
				which comprise the majority of typical trips made by private car owners. As such, in addition to reducing car ownership, they are also seen to reduce car usage. For further evidence of their effectiveness, particularly in London, view the CoMouk website here: https://como.org.uk/shared-mobility/shared-cars/why	
26	Transport for London Spatial Planning	Para 5.29	Support reference to Mayor's strategic transport mode targets of 80% sustainable transport modes, and reference to the Healthy Streets Approach to support this through improved infrastructure in delivering the Mayor's Net Zero Target. Also support reference to London Plan policies. It may also be useful to reference London Plan table 10.1 which lists transport projects which will enable this shift, and that related development should support.	Support welcome. This is accepted. Reference will only be made to table 10.1 where the projects within the table are not already funded through Mayoral CIL. See proposed change.	Amend paragraph 5.29 to read: ...'To this effect, the Council will seek to secure planning obligations to ensure developments accord with this policy aspiration and reduce the impact of private vehicles, particularly the most polluting types. <u>This may include contribution toward the indicative transport schemes listed under table 10.1 of the London Plan, where they are not already funded by MCIL.</u> '
27	Internal consultee	Obligation 11 (Decentralised Heat and Energy)	Support requirement for financial obligation toward the delivery of decentralised energy programmes. Note the exception to South Kilburn as requiring a different method for calculating payments. The use of the word 'historical' is not clear. Should updated evidence be undertaken for	Noted. This is accepted. See proposed change for clarity.	Amend financial obligations to read: 'Developments within the South Kilburn Growth Area will be subject to alternative, historical calculations.'

Rep. no.	Name/ organisation	Paragraph/ obligation	Representation summary	Officer response	Proposed change
			South Kilburn, it is proposed, for clarity, to delete 'historical' from this part of the obligation.		