

# Section 2 Delivery Strategy

## Chapter 29 Policies and Actions

### 29.1 Introduction

29.1.1 This section of the plan sets out the policies and actions to deliver the seven Strategic Objectives which are set out in Chapter 3.

29.1.2 Each of the sections follows a similar format:

- An introduction summarising the strategic objective;
- A section ‘what this means for the borough’, identifying issues that are locally distinctive;
- Planning policies are set out with a summary of the relevant evidence being provided as reasoned justification for the policy that follows. The policies are set in boxes. Each of the planning policies starts with a strategic policy which stands in its own right. Below this are the criteria of how the policy can be complied with, but the list is not exhaustive and addressing all the criteria may not necessarily indicate that a proposal is in conformity with the strategic policy. These criteria represent the non-strategic policies. To meet the ‘basic condition’ of being in ‘general conformity’ with the strategic policies of the Local Plan, Neighbourhood Plans should assume this approach – more information can be found in National Planning Practice Guidance on Neighbourhood Planning.
- Corporate and Partner actions follow. This section summarises other strategies, plans and actions by the Council and partners that will also play a part in delivering the strategic objective.

## **29.2 Infrastructure and Planning Contributions (Community Infrastructure Levy and s106)**

- 29.2.1 A Local Plan should be “realistic about what can be achieved and when (including in relation to infrastructure)” and local planning authorities need to pay “careful attention to providing an adequate supply of land, identifying what infrastructure is required and how it can be funded and brought on stream at the appropriate time ... The Local Plan should make clear, for at least the first five years, what infrastructure is required, who is going to fund and provide it, and how it relates to the anticipated rate and phasing of development.”<sup>52</sup>
- 29.2.2 Delivery of infrastructure is critical to the delivery of all the strategic objectives of the Local Plan. Planning, through the use of Community Infrastructure Levy (CIL) and planning obligations (s106), is a prime way that the Council can gain the necessary resources to administer and assist delivery of vital infrastructure. The infrastructure schedule is set out in Chapter 37, setting out key schemes required to facilitate development and secure delivery of the Local Plan, though infrastructure requirements from development will not be limited to these. The Council has prepared an Infrastructure Delivery Plan (IDP)<sup>53</sup> with partners and infrastructure providers, which will be regularly monitored and reviewed.
- 29.2.3 Infrastructure planning is the process for ensuring the physical needs of an area can be delivered to keep pace with its population’s requirements. It will include utility services, transport, education, health and leisure provision. Sound infrastructure plans are needed to support the Local Plan and to provide a robust base for CIL.
- 29.2.4 The Council’s CIL Charging Schedule, Instalments Policy and Regulation 123 List came into effect on 6 April 2015. The Regulation 123 List sets out the types of infrastructure that may be wholly or partly funded by CIL. CIL is a mandatory charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. CIL runs alongside S106 agreements which will continue to operate. Communities must be consulted on how to spend a neighbourhood portion<sup>54</sup> of the levy revenues arising from the development that takes place in their area.
- 29.2.5 Planning obligations are intended to make acceptable development which would otherwise be unacceptable in planning terms. They might be used to prescribe the nature of a development; to secure a contribution from a developer to compensate for loss or damage created by a development; or to mitigate a development’s impact. Planning obligations should only be used where it is not possible to address unacceptable impacts through planning conditions. They must comply with the Community Infrastructure Levy Regulations 2010 (as amended)<sup>55</sup> and the NPPF. The Planning Obligations SPD sets out the type of planning obligations that will be negotiated through S106 agreements.
- 29.2.6 Subject to the S106 tests, Planning contribution measures may include:
1. Environmental improvements - to buildings, the street (including townscape enhancements), improvements for inclusive design, utility provision, nature conservation and biodiversity measures, flooding and drainage and mitigating the effects of a development proposal

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<sup>52</sup> NPPG Local Plans paragraph 018

<sup>53</sup> RBKC Local Infrastructure Delivery Plan 2016

<sup>54</sup> 15% of CIL revenues where there is no neighbourhood plan and 25% where a neighbourhood plan has been made

<sup>55</sup> Regulation 122 of the CIL Regulations 2010 (as amended). Replicated exactly in the NPPF paragraph 204 and NPPG Planning Obligations paragraph 001

2. Economic initiatives - securing jobs for local residents, apprenticeships, work placements, community based initiatives, employment training schemes, the provision of small business units and support for local procurement initiatives
3. Provision of affordable housing - including an appropriate mix of residential units
4. Provision of community, social and health facilities - including welfare, childcare, information and advisory centres, social service uses and facilities, education facilities including nurseries, health facilities including primary health care facilities and specialist functions linked to the health service and dentists, libraries and associated facilities, police and fire services infrastructure, affordable premises for voluntary and community organisations and churches and other religious facilities
5. Provision of transportation facilities – including facilities for walking and cycling, inclusive public transport and highway improvements to cater for the impact of the development and impact of the construction of development in relation to traffic, air quality and noise on the amenity of residents, and towards Crossrail where development within the Central Activities Zone (CAZ)<sup>56</sup> or in other circumstances, would require this as a result of London Plan Supplementary Planning Guidance (SPG), and permit-free development
6. Conservation of buildings of architectural or historic interest and other conservation projects such as archaeological investigation
7. Sports, leisure, recreational and visitor facilities
8. Green infrastructure improvements – to the network of multi-functional open spaces in the borough including the creation of new public open space, improvements to existing open space, and securing public access to private open space
9. Cultural facilities – securing the provision of arts, cultural and entertainment facilities, cultural place making such as new works of art or performing arts space in association with development proposals
10. Play facilities – providing play provision through publicly accessible play space and facilities in new residential developments
11. Energy efficiency and renewable energy
12. Utility infrastructure requirements – including water, foul drainage and sewage treatment, and energy utilities
13. Waste management and recycling to mitigate the impact of the development
14. Land charges, legal, project management, monitoring and implementation costs, and management and maintenance costs on completion

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<sup>56</sup> The boundaries of the CAZ are shown on the Proposals Map

## **Policy C1 Infrastructure Delivery and Planning Contributions**

### **Infrastructure Requirements and Delivery**

New development will be coordinated with the provision of appropriate infrastructure to support the development. The Council will require that there is adequate infrastructure to serve developments, through the use of planning contributions, working with infrastructure providers and stakeholders to identify requirements.

In determining applications for planning permission, the Council will take into consideration the nature, scale and location of the proposed development. Where development generates a need either because of its individual or cumulative impact, compensatory or mitigatory measures will be sought to secure the necessary infrastructure, or improvements to the proposals submitted to enable the development to proceed, in accordance with advice in national guidance.

### **Planning Contributions**

Community Infrastructure Levy will be applied in accordance with the Regulations and planning obligations will be negotiated on a case by case basis in accordance with current legislation, national policy and guidance.

In determining what planning obligations would make development acceptable in planning terms, account will be taken of the proposed development, individual characteristics of the site, the infrastructure needs of the site and the surrounding area, and the London Plan. Proposals that form part of potentially wider sites will be assessed in terms of the capacity of the site as a whole. The viability of the development will also be taken into account. Where the development is unable to deliver all the policy requirements for reasons of viability or where enabling development is necessary to bring development forward, a viability study will be required to accompany the planning application. S106 contributions will be reviewed in the context of this viability study. The applicant will fund the independent assessment of the viability study, or other technical studies requiring independent assessment, prior to the application being determined.

Do you consider this policy: satisfies the **tests of soundness (positively prepared; justified; effective; and consistent with national policy)**; is **legally compliant**; and is in accordance with the **duty to cooperate**?

Please complete the Response Form at <https://planningconsult.rbkc.gov.uk/consult.ti/LPPRPP/>

## 29.3 Planning Enforcement

- 29.3.1 The NPPF states that effective enforcement is important as a means of maintaining public confidence in the planning system and suggests that Councils should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate in their area. A Local Enforcement Plan should set out how the Council will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so. The Council intends to publish a Local Enforcement Plan as a separate document to the Local Plan.

### Policy C2 Planning Enforcement

The Council will investigate reported breaches of planning control in accordance with its Local Enforcement Plan, once adopted. Cases will be prioritised according to the level of harm identified and the resources available. Enforcement action will be carried out proportionately in relation to the breach of planning control identified and the harm being caused.

Where informal negotiations (where appropriate) fail to resolve the identified breach of planning control, and where it is considered appropriate and expedient to do so having regard to the provisions of the development plan and any other material considerations, formal action will be taken.

Do you consider this policy: satisfies the **tests of soundness (positively prepared; justified; effective; and consistent with national policy)**; is **legally compliant**; and is in accordance with the **duty to cooperate**?

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