

WESTMINSTER CITY COUNCIL

STATEMENT OF DECISION

SUBJECT: DRAFT SUPPLEMENTARY PLANNING DOCUMENT: USE OF PLANNING OBLIGATIONS AND OTHER PLANNING MECHANISMS

Notice is hereby given that the Cabinet Member for Built Environment, has made the following executive decision on the above mentioned subject for the reasons set out below.

Summary of Decision

Approved publication for consultation of a draft supplementary planning document on “Use of Planning Obligations and Other Planning Mechanisms” attached as Appendix 1 to the report.

Reasons for Decision

1. The planning system and related legislation provide a number of mechanisms that can be used to ensure that new development is acceptable in planning terms – that it meets national, regional and local policies to ensure that development and growth is sustainable. These include planning obligations (commonly known as “section 106 agreements”, agreements under section 278 of the Highways Act 1980 for payment to the council of the costs of works on the highway and the use of powers under the planning acts to impose conditions on planning permissions. It is good practice to publish the council’s policies on the use of these mechanisms so that developers can understand the extent of the requirements that will be made of them, and the council published supplementary planning guidance on Planning Obligations in January 2008.
2. The council is now working towards adoption of a Community Infrastructure Levy (CIL). The CIL is intended to replace tariff-based policies using section 106 to pool contributions from developments across an area to help pay for infrastructure – in Westminster these have been used for things like public realm, education and parking provision. As the CIL legislation prevents pooling of section 106 contributions for particular kinds of infrastructure or infrastructure projects from more than five developments in its area and also prevents CIL, planning obligations and highways agreements under section 278 of the Highways Act 1980 from being used for the same infrastructure types or projects, the council is going to have to change the way it uses the various planning mechanisms mentioned in paragraph 3.1.
3. In addition, national guidance suggests that it is good practice for authorities to publish alongside their CIL consultation documentation their “proposed policy for the associated scaling-back of section 106 agreements to provide clarity about the extent of the financial burden that developments will be expected to bear so that viability can be robustly assessed”. At the first round of consultation – on a preliminary draft charging schedule in September-October 2014 – this information was presented in summary form. Consultation is about to begin on a draft charging schedule (the next stage in setting a Westminster CIL). The draft

supplementary planning document put forward for approval will sit alongside this document.

4. The opportunity has also been taken to take account of changes to law and policy since 2008 in the SPD.

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