

8 Delivery and Implementation

Delivery and Implementation

Introduction

8.0.1 This chapter sets out the policy importance of implementing, delivering and monitoring the Local Plan. This includes the Council's approach to delivery, working in partnership with residents and partner agencies, and the annual and longer term monitoring of the policies and the contribution to meeting the vision and objectives of the Local Plan.

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Delivery and implementation of the Local Plan

The Council will work with partners to deliver the vision, objectives and policies of this Local Plan:

- Requiring development to provide for the infrastructure, facilities, amenities and other planning benefits that are necessary to support and serve it;
- Working with relevant providers and developers to ensure necessary infrastructure is secured and delivered in time to support Bromley's consolidated growth and development and provide facilities for the borough's communities;
- Using planning obligations where appropriate alongside other suitable funding mechanisms to support the delivery of infrastructure, facilities and services to meet needs generated by development and to mitigate the impact of development;
- Working with neighbouring boroughs to co-ordinate delivery across boundaries; and,
- Monitoring the implementation of the Local Plan, and publish results annually in the Authority Monitoring Report.

Supporting Text

Role of the Infrastructure Delivery Plan (IDP)

8.0.2 The Infrastructure Delivery Plan (IDP) sets out the key infrastructure, essential for the successful implementation of the Local Plan (NPPF paras 156, 162 and 177) improving opportunities for and quality of life of the Borough's residents. The relevant infrastructure includes education, healthcare facilities, highway improvements, parking, cycling, car clubs, bus service enhancements, rail service/station improvements, leisure facilities, Public Realm, low carbon, energy, waste and recycling facilities, flood risk mitigation and open space provision for future and existing residents, amongst others. The Local Plan also includes the IDP schedule (Appendix 10.12) which sets out details of the initiatives, timescales, partners and funding where known. The IDP is used to identify a funding gap which supports the development of a local Community Infrastructure Levy (CIL). Developers

will be required to secure appropriate infrastructure by using planning obligations and Community Infrastructure Levy (CIL) contributions in accordance with CIL Regulations 2010 (as amended).

Planning Obligations and the Community Infrastructure Levy (CIL)

8.0.3 The Council will use planning obligations (Section 106 agreements) in appropriate circumstances and in accordance with the National Planning Framework (paras 203-206) and CIL Regulations 122 and 123, to influence the nature of a development or mitigate or compensate for its potential affects. Where existing and planned provision of infrastructure, facilities and services are inadequate to meet the needs generated by a proposal, the Council will negotiate planning obligations or agreements (s106 and/or s278 of the Highways Act 1980) to secure measures to meet those needs.

8.0.4 The CIL Regulation 122 sets out that 'a planning obligation can only be taken into account when determining a planning application for a development, or any part of a development, if the obligation meets all of the following tests:

- It is necessary to make the development acceptable in planning terms
- It is directly related to the development; and
- It is fairly and reasonably related in scale and kind to the development'.

8.0.5 Planning obligations can help to contribute to the success of a development and achieving the aims for a site, its local area and the Borough as a whole. They can enhance the quality of a development and enable proposals to go ahead that would otherwise be refused. Planning obligations will only be sought where it is not possible to deal with the matter through imposition of a condition on a planning permission. Pooled contributions will be used within the restrictions of the CIL Regulation 123; however, there is no limit for the pooling of s278 agreements.

8.0.6 The Council's intention is to develop a local CIL alongside the Local Plan and produce a CIL Charging Schedule with the accompanying CIL Reg 123 list of infrastructure projects taken from the IDP Schedule. The development of a Bromley CIL, is another way to support delivery of infrastructure, required as a consequence of development, over the life of the Local Plan.

8.0.7 The definition of infrastructure covered by CIL is wide, encompassing physical, social and green infrastructure such as roads, schools and parks. CIL should apply to most forms of development including residential and commercial development. Negotiated planning obligations will still be required for site specific issues, and mitigation, and to allow affordable housing to be delivered on or off site.

8.0.8 CIL Regulations set out restrictions on the use of planning obligations for pooling financial contributions which came into effect in April 2015, in order for the two funding mechanisms to complement each other, and for the avoidance of 'double charging'. The Supplementary Planning Document (SPD) on Planning Obligations adopted in December

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2010 is under revision and will in due course be combined with the Affordable Housing SPD (2008) to ensure all the detailed requirements for planning obligations are contained in one document.

8.0.9 In April 2013, the CIL Regulations (2010 as amended) 2013 governing the 'neighbourhood proportion' came into force. The CIL Regs now provide that the neighbourhood funding element can be spent on: -

- the provision, improvement, replacement, operation or maintenance of infrastructure; or
- anything else that is concerned with addressing the demands that development places on an area.

8.0.10 The neighbourhood proportion is designed to make a clear link between the amount of development taking place in a local community and the availability of funding for local infrastructure in that area. Whereas all other CIL monies will remain available for general infrastructure projects listed on the published CIL Regulation 123 list.

8.0.11 The Mayor of London introduced a London-wide CIL in 2012 to fund strategically important transport infrastructure (including Crossrail). Therefore in future Bromley will be subject to a two tier CIL regime funding strategic transport improvements through the Mayor's CIL and infrastructure which may include local transport improvements through the Bromley local CIL.

Other Funding Mechanisms

8.0.12 Other funding mechanisms may be developed over the lifetime of the Local Plan, for example the use of Tax Incremental Financing (TIF) to fund infrastructure projects which support development and growth. The Council will consider appropriate mechanisms as they are developed.

Monitoring

8.0.13 The Council will regularly monitor the implementation of the Local Plan, and in particular the effectiveness of the policies in delivering the vision and objectives for the Borough. The Localism Act 2011 Section 113 requires local authorities to prepare monitoring reports setting out the extent to which the policies set out in the local plan are being achieved.

8.0.14 The Council will produce an Authority Monitoring Report annually in line with its statutory requirements. The monitoring framework in Appendix 10.11 and identified indicators are intended to:

- Help assess the extent to which the spatial strategy and planning policies are being implemented and effective in delivering the vision and objectives of the Bromley Local Plan.
- Help identify where policies may need to be reviewed or amended to increase progress towards achieving the vision and objectives

8.0.15 In addition the Council will review the overall impact of the policies over a longer monitoring period of five years.

Partnership Working

8.0.16 The Council will work in partnership with businesses, statutory undertakers, and other organisations to achieve the objectives of the plan. Some statutory undertakers can carry out development without the need for planning permission. In such instances, the Council will take an advocacy role, expecting such bodies to have regard to the Local Plan's planning objectives, as well as respecting the environment and those directly affected by their works.

Land Assembly

8.0.17 The Council will seek to encourage developers and landowners, through negotiation and agreement, to assemble development sites. It will, where necessary to achieve the objectives of the Plan and where resources are available, consider using its statutory powers for the purpose of land acquisition and assembly (Compulsory Purchase Orders). Particular attention will be given to sites of strategic importance where the Council wishes to see development that contributes to the local economy, the provision of major community facilities and improving quality of life.