

Recommendation	Update on outstanding items
<p>Recommendation 1: The draft Supplementary Planning Document on Planning Obligations should be updated and adopted as soon as possible, taking into account recent developments on the Community Infrastructure Levy and comments from Members. There should also be clearer guidance on how section 106 money is distributed.</p>	<p>The Supplementary Planning Document (SPD) on Planning Obligations has been updated to reflect changes regarding the Community Infrastructure Levy Regulation and other matters. After submission to Development Control Committee and progression to Executive Committee the SPD was finally adopted by the Council at Executive in December 2010. The SPD table at Appendix 6 clarifies procedures.</p>
<p>Recommendation 2: More use should be made of expert advice from the Council's Valuers or from specialist consultants when considering the potential scale of contributions sought under section 106 agreements for major developments.</p>	<p>Following the introduction of CIL Regulation 122 the statutory tests of :-</p> <ul style="list-style-type: none"> a) necessary to make development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development, <p>are the only basis on which section 106 contributions can now be sought. Additionally in current market conditions there are many concerns regarding financial viability. Consequently a level of priority will be applied; Affordable Housing, Education, Health, and Highways. Developers should ensure that viability and planning obligations are reflected in land values from the outset and thus should not threaten scheme viability (SPD paras 1.24, 2.16 and 3.2 refer). With regards to Affordable Housing if scheme viability is affected or where the on-site provision would not create mixed and balanced communities, the applicant must submit a full financial Viability Appraisal (FVA) to be independently assessed and paid for by the client.</p>

<p>Recommendation 3: The joint database of section 106 agreements should be maintained and developed to ensure that the benefits from section 106 continue to be maximised.</p>	<p>Development of a joint working database has been completed through the creation of an Access Database populated by information from Uniform (Planning) and Oracle (Finance).</p>
<p>Recommendation 4: The possibility of using a broader definition of health needs should be investigated to allow contributions to be applied to other local priorities – for example facilities for older people.</p>	<p>The three statutory tests are the only basis on which section 106 contributions can now be sought. Health is strictly defined by the HUDU model as covering primary and acute care only.</p>
<p>Recommendation 5: More emphasis should be placed on the provision of cycle routes and other cycling facilities as part of section 106 agreements.</p>	<p>Supported by Development Control Committee – but the Committee considered that the words “where appropriate” should be added. Provision of cycle routes and cycling facilities is only possible in terms of the three statutory tests (see above). UDP Policy T7 ‘Cyclists’ (paragraphs 5.33 and 5.34 refer), and the Bromley Town Centre Area Action Plan Policy BTC31 ‘Developer Contributions’ support this objective.</p>