



City of London Corporation
City Plan 2040 — Examination in Public
Matters Statement

Main Matter 18: Implementation

Are the policies relating to Implementation justified by appropriate available evidence, having regard to national guidance, and local context, and are they in ‘general conformity’ with the London Plan?

The policies on Implementation are justified by appropriate evidence, having regard to national guidance and local context and they are in general conformity with the London Plan. These policies set out how the use of planning contributions will support delivery of development (CP policy S26) and the requirements for the production of viability assessments (CP policy PC1), as well as the approach to monitoring (covered under Matter Statement 19).

Paragraph 35 of the NPPF (Paragraph 24, 2023 version) states that plans should set out the contributions expected from development. It states that this should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). It also makes clear that such policies should not undermine the deliverability of the plan. The CP policy S26 (2(a) to (h)) directly responds to the NPPF stating that s106 planning obligations will be required, having regard to the impact of the obligation on the viability of development, for: site specific mitigation meeting statutory tests; affordable housing; training, skills and job brokerage; carbon offsetting; cultural provision; highways and public realm enhancements including commuted sums for maintenance; local procurement in the City and neighbouring boroughs, and; measures to enhance area-wide security, where appropriate. On page five of the City Plan 2040 Viability Assessment (EBA1), the evidence base tested the cumulative impacts of all the policies finding that: “in most cases, the cumulative impact of the requirements does not render any schemes unviable against the sites’ benchmark land values”.

In accordance with Community Infrastructure Levy Regulations 2010, the CP states that planning obligations must only be sought when they meet specific tests. CP policy S26 (1) requires contributions through CIL to assist in the delivery of infrastructure. Paragraph 15.1.1 of the CP conforms with the CIL regulations and reiterates the requirements. As identified in the Infrastructure Delivery Plan (ED-INF1) on page three, infrastructure in the City of London supports business and resident functions of the City. The IDP (ED-INF1) on page three outlines that the infrastructure improvements required to facilitate a more resilient, energy efficient, safe and inclusive City, all of which are necessary to ensure that the growth of the Square Mile remains sustainable in the face of current and future trends and challenges.

Paragraph 58 of the NPPF states that all viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available. The City Plan 2040 Viability Assessment (EBA1) was prepared in accordance with the NPPF; on page 3 it states that the study takes account of the impact of the City Corporation’s planning requirements, in line with the requirements of the National Planning Policy Framework (‘NPPF’), the Planning Practice Guidance (‘PPG’) and the Local Housing Delivery Group guidance ‘Viability Testing Local Plans: Advice for planning practitioners’. CP policy PC1 (3) also responds to this requirement from the NPPF, stating that viability assessments must be prepared in accordance with the standard methodology set out in national planning practice guidance (Paragraph: 010, Reference ID: 10-010-20180724). Paragraph 15.3.3 of the CP

states that the City Corporation will make all viability assessments submitted, together with any verification reports, available publicly via the Planning Register on the City Corporation’s website.

LP policy T9 (A) states that the Mayor of London will charge the Mayoral Community Infrastructure Levy (MCIL) to secure funding towards transport infrastructure of strategic importance such as Crossrail 2, and potentially other strategic transport infrastructure. CP policy S26 (1B) responds to this LP policy by requiring contributions through the Community Infrastructure Levy to contribute to the costs of Crossrail, or other strategic infrastructure, in accordance with the provisions of the Mayor of London Community Infrastructure Levy 2.

LP policy T9 (B) states that, in consultation with the Mayor of London, boroughs should identify a package of other strategically-important transport infrastructure, as well as improvements to the public realm, along with other funding streams to deliver them. CP policy S26 (2) is in alignment with the LP requiring s106 planning obligations for (f) highways and public realm enhancements including commuted sums for maintenance. CP policy S26 (1A) requires contributions through the Community Infrastructure Levy to assist in the delivery of the infrastructure necessary to support implementation of the City Plan and the City’s Transport Strategy. Paragraph 15.2.0 states that the City Corporation uses the Community Infrastructure Levy (CIL) to help local infrastructure keep pace with the demands of development and attaches planning conditions and negotiates planning obligations (also known as S106 agreements) with developers, to ensure proposals are acceptable. Paragraph 15.2.3 of the CP states that where required, the City Corporation will seek, via s106 planning obligations, Section 278 Agreements with developers to ensure that highway works necessary to make a development acceptable are funded by the developer and implemented by the highway authority. The City Corporation submits a Local Implementation Plan to TfL which details how the Transport Strategy (ED-INF2) will support the delivery of the Mayor’s Transport Strategy. Page 21 of the Transport Strategy states that, together with a five year Delivery Plan, it includes the City’s Local Implementation Plan identifying a package of transport improvements.

LP policy E11 B states that development proposals should support employment, skills development, apprenticeships, and other education and training opportunities in both the construction and end-use phases, including through Section 106 obligations where appropriate. CP policy S26 (2C) aligns with the LP stating the City will seek appropriate contributions from developers for training, skills and job brokerage.

LP policy DF1 D2 states that, when setting policies seeking planning obligations in local Development Plan Documents and in situations where it has been demonstrated that planning obligations cannot viably be supported by specific development, applicants and decision-makers should firstly apply priority to affordable housing and necessary public transport improvements, and following this: recognise the importance of affordable workspace, and culture and leisure facilities in delivering good growth. As a part of the Statement of Common Ground with TfL (S)CG23), it includes a revision to S26 to include reference to LP policy DF1 part D as requested from the Regulation 19 representation submitted by Transport for London (R0118).

Are the policies relating to Implementation positively prepared ‘in a way that is aspirational but deliverable’?

The policies in the CP relating to Implementation are positively prepared in a way that is aspirational but deliverable. The policies in the Implementation chapter are some of the key deliverability mechanisms for the CP. The Implementation policies are delivering aspirations and requirements of other policies within the CP. Testing that was undertaken as a part of the Whole Plan Viability Assessment (EBA1) included all of the requirements of all relevant policies. On page five of the City Plan 2040 Viability Assessment (EBA1) it stated that the study tested the cumulative impacts of all the policies finding that: “in most cases, the cumulative impact of the requirements does not render any schemes unviable against the sites’ benchmark land values”.

In CP 1.3 Social objective, one of the bullet points lists a key strategic priority as “creating a more inclusive, healthier, and safer City for everyone”. The policies in the Implementation chapter are the mechanism that objectives and policies in other chapters of the CP are delivered. All policies in the CP informed the viability assessment of the CP to understand their impacts on implementation. In CP policy S26 (2) site specific mitigation, affordable housing, training, skills and job brokerage, carbon offsetting, cultural provision, highways and public realm enhancements, local procurement in the City and neighbouring boroughs, and measures to enhance area wide security are listed as a s106 planning obligation that the City would seek from developers. Specific requirements for planning obligations are also set out in other policies within the CP, for example DE1. CP policy DE1 (8C) uses a s106 agreement to secure carbon offsetting contributions. The aspirations of policies in the Plan are deliverable because they are secured through the mechanism of a s106 planning obligation.

In CP policy S26 (2) details the specific list of s106 planning obligations that the City would seek from developers, this includes site specific mitigation meeting statutory tests (a); affordable housing (b); training, skills and job brokerage (c); carbon offsetting (d); cultural provision (e); highways and public realm enhancements including commuted sums for maintenance (f) ; local procurement in the City and neighbouring boroughs (g) , and; measures to enhance area-wide security (h), where appropriate. As identified in the Proposed Changes (LD26), PC 103 adds to this list: strategic transport improvements as requested by Transport for London in their Regulation 19 representation (R0118). The list of items for planning obligations is aspirational and specific to the City’s needs. The aspirational nature of the policy is deliverable due to the viability of the residual land values in the Square Mile.

In CP policy S26 (1A), the City Corporation will seek appropriate contributions from developers through requiring contributions through the Community Infrastructure Levy to assist in the delivery of the infrastructure necessary to support implementation of the City Plan and the City’s Transport Strategy. Since 2014, the City of London been using a CIL Charging Schedule that sets out the land use, rates and areas that CIL are applied. Policy CP 26 (1A) makes reference to the CIL and MCIL. An Infrastructure Funding Statement is published annually setting out the types of infrastructure or infrastructure projects that may be funded in part or whole by CIL.

CP policy PC1 sets out the expectations for the viability assessments required through other CP policies by acknowledging policy requirements’ impact on viability in part 2, the required methodology for viability assessments in part 3, how these will be made available to be transparent in part 4, independent verification in part 5 and review mechanisms in part 6. Paragraph 15.3.0 of

the CP states that delivery of the CP and the LP requires developers to make contributions towards infrastructure and affordable housing provision through the CIL and s106 planning obligations. Developers must take into account the full cost of meeting development plan requirements when purchasing sites or buildings and in the design of schemes.

Do the policies provide clear direction as to how a decision maker should react to a development proposal?

The policies in the CP are clearly defined and unambiguous and it is evident how a decision maker should react to development proposals. The policies in the CP are aligned with the NPPF which requires plans to contain policies that are clearly written and unambiguous (paragraph 16). As well as the policies being clearly structured and worded, they have been drafted such that they are clearly linked with the relevant environmental, social and economic objectives and the over-arching strategic policies of the CP.

Policies S26 and PC1 are positively worded. The policies are split into the policy text, 'reason for the policy' and 'how the policy works'. These three distinct sections for policies provide background and clarity to decision makers and stakeholders on how to interpret the policies.

CP policy S26 (1) (a) states that the City Corporation will seek appropriate contributions from developers to manage and mitigate the impact of development by requiring contributions through the Community Infrastructure Levy to assist in the delivery of infrastructure necessary to support implementation of the CP and the City's Transport Strategy. The 'Reason for the policy' in paragraph 15.2.0 states that the City Corporation utilises the Community Infrastructure Levy to help local infrastructure keep pace with the demands of development and attaches planning conditions and negotiates planning obligations (also known as s106 agreements) with developers to ensure proposals are acceptable. In the 'How the policy works' section, paragraph 15.2.3 states that where required, the City Corporation will seek, via s106 planning obligations, Section 278 Agreements with developers to ensure that highway works necessary to make a development acceptable are funded by the developer and implemented by the highway authority.

CP policy PC1 (6) states where it is agreed that a development cannot viably deliver all required planning obligations at the date of permission, but that there are nevertheless other policy considerations which justify the approval of planning permission, the City Corporation will normally require a review of the viability information at a later stage of the development, or upon occupation. In the 'Reason for the policy', paragraph 15.3.0 states that there may be circumstances where a developer considers that meeting development plan requirements in full cannot be delivered without adversely impacting on the viability of a development. In such circumstances, the City Corporation will require a site-specific viability assessment to be submitted in support of the proposed lower level of contributions. In paragraph 15.3.4 of 'How the policy works', it states that where the City Corporation agrees that a development cannot meet the full policy requirements for CIL and s106 planning obligations at the date of commencement, but that there are other policy considerations which would nevertheless justify approval of the scheme despite this non-compliance, the Corporation will normally require that a review mechanism be included within any s106 planning obligation, with a review of the viability information required at a later stage in the

development, or upon occupation. In determining the appropriate mechanism, the City Corporation will have regard to national Planning Practice Guidance, the London Plan and the Mayor of London's Affordable Housing and Viability SPG. Where a development is proposed to be undertaken in phases, the City Corporation will normally require a review of the viability prior to the commencement of each phase of the development.