Consultation Statement

Consultation to the Planning Obligations SPD

1. Introduction

1.1 Consultation on the draft Planning Obligations SPD took place between 3rd November and 15th December 2017. Consultation was undertaken in accordance with the Council's Statement of Community Involvement and in line with regulations of the Town and Country Planning (Local Planning) (England) Regulations 2012.

1.2 This Consultation Statement sets out the consultation undertaken, a summary of the main issues raised in response to that consultation, and to detail the Council's response to comments made.

2. Summary of consultation

2.1 On 17th October 2017, Haringey's Cabinet considered the draft Planning Obligations SPD and resolved to publish the document for consultation for a period of six weeks.

2.3 Formal notification of the draft Planning Obligations SPD was given on 3rd November 2017, and representations were invited for a six-week period ending 15th December 2017.

2.4 A formal notice setting out the proposals matters and representations procedure was placed in the local newspaper on the 2nd and 9th of November. In addition, on 2nd November, a total of 1,845 notifications were sent by post or email to all contacts on the Local Plans database, including all specific consultation bodies and appropriate general consultation bodies. Enclosed with the letter was the Statement of the Representations Procedure. Those emailed were also provided with the web link to the document on the Council's web page.

2.5 Hard copies of the draft Planning Obligations SPD and the Statement of the Representations Procedure were made available at the Council's offices at both the Civic Centre reception and at 6th Floor River Park House, as well as at all public libraries across the Borough. The draft SPD was also made available to view and download from the Council's website.

3. Who responded and number of representations received

3.1 There were 18 representations received to the draft Planning Obligations SPD consultation. These came from statutory or neighbouring local planning authorities (6), developers and agents (6), amenity and interest groups, including non-departmental public bodies (5), and one residents' association. **Table 3.1** below provides a full list of the respondents. In total, over 90 individual comments were made that were considered and responded to by the Council (see **Table 4.1**).

Table 3.1: Respondents to the Pre-Submission Site Allocations DPD Consultation

ID	Respondent	ID	Respondent
1	Kingsley Place Residents Association	11	LB Waltham Forest
2	Barton Willmore obo Capital and Regional	12	London Parks and Gardens Trust
3	Barton Willmore obo Workspace Management Limited	13	McCarthy and Stone Retirement Lifestyles Ltd
4	Canals and Riverside Trust	14	Natural England
5	Collective Planning obo Provewell Limited	15	Quod obo Argent Related
6	Education & Skills Funding Agency	16	Quod obo St William
7	Energence Energy Saving Trust	17	Sport England
8	Environment Agency	18	Thames Water Utilities
9	Highways Agency		
10	Historic England		

4. Summary of the main issues/comments raised to the Site Allocations DPD Pre-Submission consultation

4.1 The following paragraphs set out the main issues raised in respect of each chapter of the draft SPD.

General

4.2 There were a number of general comments received on behalf of developers/ landowners, as well as from three statutory bodies and LB Waltham Forest.

4.3 Those on behalf of developers were concerned with ensuring the SPD was sufficiently clear throughout that any obligations sought should not impede development viability and delivery. In this respect, they felt that the SPD should be more flexible in having regard to changing circumstance. In response, it was pointed out that the policies of the recently adopted Local Plan, including those for affordable housing, were subject to viability assessment to ensure they were reasonable and did not render development unviable. It was also noted that the SPD states that obligations are to be negotiated having regard material considerations, including development viability. It was therefore considered that no amendments were necessary to take account of this concern.

4.3 A number of the developers also pointed out that there were inconsistencies between the SPD and the Mayor of London's Affordable Housing and Viability SPD (2017). In response, the Council noted it had sought to be consistent with the Mayor's SPG but considered there were a limited number of areas where we slightly disagreed with the Mayor's approach and have set these out in the SPD. A further paragraph has also been added to the introduction to clarify the status of the document as a material consideration and to highlight that it will also be subject to review and monitoring to take account of changes that may place it at odds with national or regional policy.

4.4 Two of the statutory bodies (Highways Agency and Natural England) wrote to confirm they had no concerns or comments to make in respect of the SPD. Sport England's representation noted that Haringey included sports and leisure facilities provision on its CIL

Regulation 123 (with the exception of replacement facilities) and wished to ensure the Council was directed CIL funding towards appropriate sporting provision to meet the needs generated by new development. In response, it was outlined that the sports and leisure facilities needed to support growth were identified in the Council's IDP and once the trigger threshold had been reached, would be included on the Council's Capital Programme and identified as eligible for CIL funding.

4.5 The representation from LB Waltham Forest ask whether Haringey had considered including CCTV, non-standard health and winter fuel, as being applicable for securing via an obligation. In response, it was clarified that CCTV provision, and 'non-standard health' would fall to CIL to fund, and that funding for winter fuel support was not appropriate under either CIL or an obligation.

Section 4: Policy Context

4.6 The only representation received to this section of the SPD was from the Kingsley Place Residents Association, which put forward specific suggested amendments to paragraph 4.5, such that community associations should be able to identify and seek specific mitigation via an obligation and that the CIL due be reduced to cover the cost. In responses it was highlighted that the legislation governing the collection of CIL was quite prescriptive, and did not allow the Council to offset a CIL liability to cover the cost of infrastructure required to mitigate the impact of a development to make it acceptable in planning terms.

Section 5: LBH's Approach to Planning Obligations

4.7 The greatest number of comments were received to this section of the SPD, with five of the six developers/landowners responding. The representations queried whether it was appropriate to require a 'draft 'Head of Terms' be prepared for discussion at the pre-application stage or for one to be submitted with the planning application. The retention of these requirements was considered appropriate by the Council, given their intention was to expedite to efficient consideration and agreement of obligations alongside the planning application.

4.8 It was suggested that it may be preferable for the developer to take the lead in draft the legal agreement, in preference to the Council always preparing the first draft, as suggested in the SPD. In response it was noted that the Council's use of a standardised template and that it usually prepared the first draft, was to ensure consistency across the numerous obligation agreements it signs up to every year, and to aid in subsequent monitoring. In exceptional circumstances, an alternative approach will be considered.

4.9 It was suggested that index linking of financial contributions should occur from the date of the decision notice rather than from the date of the Committee resolution. This was agreed and the SPD amended, on the basis that there can be a long delay between the committee and the issuing of the decision notice, with the latter also better reflecting the date formal permission is granted.

4.10 There was concern raised about seeking a blanket monitoring fee, with reference made to recent case law. In response, it was noted that the court decision hinges on the circumstances of the particular case concerned and it is difficult to derive any general principles from it at this stage. In the circumstances the Council intends to charge for its services but will keep the position under review.

4.11 There was strong resistance to the requirement to prepare a short form Viability Statement for development that complied with the Mayor's SPG in providing 35% affordable housing provision without grant and with a policy compliant split. In response it was clarified that this would not affect the fast tracking of compliant applications but that it was considered necessary to provide a benchmark against which to enable any subsequent revisions to the submitted or approved scheme to be considered and assessed.

4.12 Several respondents raised concerns with the Council proposed approach to requiring development appraisal reviews and the suggested timing for when these should be triggered. While it was agreed that reviews should not be required for schemes that complied with the Mayor's SPG (i.e. that would provide 35% affordable housing provision without grant and with a policy compliant split), the Council maintains that reviews are essential to ensure policy compliance. The Council also noted that development viability often improves between the time an application is assessed and when it is built, and therefore the development can and should deliver all obligations due and, preferably, on-site before the development completes. The proposed approach is in line with the Mayor's SPG.

Section 6: Affordable Housing

4.13 A detailed representation was made by McCarthy and Stone Retirement Lifestyles Ltd, which sought to make the case that extra-care housing should be classified as Use Class C2, and therefore not be subject to the requirement for affordable housing. In response the Council clarified that it considers it appropriate that Extra Care housing falls within Use Class C3, being self-contained accommodation for market rent and/or sale, unless the applicant can provide acceptable justification that would enable the Council, on a case-by-case basis, to determine otherwise.

4.14 Two representations sought clarification on the 'baseline' level of affordable housing the Council would use in reviewing a revised scheme, with one stating that this should not apply to schemes that initially complied with the Mayor's 35% provision. The relevant paragraph within the SPD has been amended to clarity that the 'baseline' level is that agreed when the initial scheme permission was granted and seeks to ensure there is no reduction in the proportion of affordable housing if the scheme is subsequently subject to revision.

Section 7: Economic Development, Employment & Skills Training

4.28 Three representations did not like that all major mixed-use development within a Local Employment Area/Regeneration Area would be required to make provision for affordable workspace. However, this requirement is in line with the Local Plan policy, which seeks to ensure that the introduction of other land uses into these specific employment areas provides new employment floorspace, a proportion of which is affordable to existing or new local businesses, including Haringey's SME sector. Where viability is a consideration, this is covered off at para 5.47 – 5.50 in the SPD. This approach is in line with the new London Plan.

4.29 A number of representations were concerned with the approach to employment and training contributions, which they considered did not properly reflect individual circumstances, and for which they asked that additional flexibility be introduced. In response, the Council considers the SPD appropriately, and in line with Local Plan policies, seeks to secure employment opportunities for local residents from

new development. Further, it did not consider that the SPD needed to be amended to introduce the flexibility sought, as planning legislation enshrines that all applications be dealt with on their merit and obligations considered have regard to the individual site and scheme circumstances.

Section 9: Open Space and Public Realm

4.30 The Canals and Riverside Trust wrote to ask whether an obligation regarding open space could be used for improvements to the Lee Navigation towpath. It was confirmed it could, for development impacting upon and within the vicinity of the towpath, but that this was too specific for inclusion in the SPD.

4.31 McCarthy and Stone Retirement Lifestyles Ltd sought to make the case that obligations for on-site public amenities and facilities should be reduced to reflect lower cumulative impact on such facilities arising from specific forms of development, such as older person housing. In response, the Council noted that the Local Plan requires all development to be well designed, of high quality and sustainable, and that this applies to all forms of housing. In addition, the standards applicable within the SPD take into account unit size / number of bed rooms/ occupancy levels etc in determining the appropriate level of applicable amenity requirements.

4.32 Historic England's representation suggested that the SPD should include a section addressing public realm improvements. The Council noted that this was an omission, and have amended the SPD to reflect obligations that may arise as a result of the Local Plan requirement that all new development is to contribute to the delivery of a high quality public realm that is accessible, safe, attractive and well maintained, irrespective of whether the land is in public or private ownership.

Section 11: Environmental Sustainability

4.33 The representation from Energence Energy Savings Trust sought the inclusion of financial obligation for monitoring of renewable energy or combined heat and power/district heat supply on new schemes. In response it was clarified that, in Haringey, the monitoring of compliance with an agreed Energy Statement/Energy Strategy, including the achievement of targets/performance, is dealt with as a planning condition, with the developer responsible for meeting the cost of any required monitoring equipment, assessments, and reporting arrangements. However, it is appropriate to include additional text within the SPD to clarify this, especially as this may require the securing of an obligation for post occupation monitoring and reporting.

4.34 Two representations raised concerns with the price of £2,700 per tonne of carbon dioxide to be off-set, which they considered was a significant increase on the price set out in the Mayor's Sustainable Design and Construction SPG of £1,800. They noted that there was no evidence provided in the SPD to justify this increased price. On this basis, the Council agreed that this be amended to refer to the latest published rate by the Mayor for London, noting that the rate set by the Mayor is subject to frequent review and is likely to be revised upwards shortly anyway.

4.35 The Council agreed with the Environment Agency's representation, that the SPD should appropriately reflect the Local Plan policies that require new development to protect and enhance watercourses and flood defences. The SPD has therefore been amended to require development that includes or adjoins a main river or ordinary watercourse, to demonstrate how opportunities to restore the river/watercourse or improve its condition could be secured.

Omissions

4.36 The Education and Skills Funding Agency made the case that the SPD should seek contributions towards the delivery of schools, where relevant, through provision of land and/or a financial contribution to the capital costs of delivery new schools in lieu of CIL.

4.37 As Haringey's Regulation 123 List clarifies, whilst CIL will be the Council's main mechanism for securing funding towards school provision required to support the cumulative demands from development, there will be some instances where an individual development gives rise to their own requirement and, in such circumstances, it is appropriate to secure school provision as an obligation to make the development acceptable in planning terms.

4.38 A new section has therefore been added to the SPD on social and community facilities. This requires development, which on its own gives rise to the need for replacement, expanded or a new facility (such as a school, GP surgery, sports pitch community hall etc.), to provide for its provision as an obligation. However, the new section also clarifies that the Council may, in respect of development on large sites (i.e. 2ha+), negotiate for land to be made available for delivering a community facility needed to meet the demand arising from cumulative development. In such circumstances, it is appropriate that the cost of the land and the new facility are paid for from traditional sources (e.g. NHS, EFA, Council's capital programme) and/or CIL.

4.39 The representation by Thames Water acknowledged that obligations cannot be required to be used to secure water and waste water infrastructure upgrades. However, they sought the inclusion in the SPD of the need for developers to engage with water and waste water providers, in studies if required, to determine if there are capacity issues and, where there is an infrastructure capacity constraint, require the developer to set out what appropriate improvements are required and how they will be delivered. The Council noted that this wording was already included in support of Policy DM29 and expects a drainage strategy to be submitted with the planning application and any mitigation measures delivered as part of the development scheme, conditioned if necessary to secure these ahead of occupation. It was therefore not considered necessary to repeat this again in this SPD.

Table 4.1: Responses to the Planning Obligations SPD in Document Order

ID	Para / Figure /Topic	Response	Change Sought	Council's Comments / Response

2	General	**Legislative and Policy Context** The NPPF Para 173 defines viable development as that which provides a competitive return to a willing land owner and willing developer and is deliverable. As such, the NPPF considers contributions for affordable housing should not impede the viability and delivery of development.	We consider this principle should be made explicitly clear throughout the SPD.	The Council's planning policy requirements, including its affordable housing requirements, have been established having regard to a detailed borough-wide viability assessment, in line with the NPPF. The Council considers that para 4.2 already clarifies the NPPF position with respect to viability and the delivery of sustainable development.
2	General	We consider that greater detail should be provided within the SPD to explain how changes that may be brought forward at national and regional level, including the current consultation on the replacement London Plan, will be taken into account.	Explain how changes that may be brought forward at national and regional level will be taken into account.	**Agreed. Section 13, has been amended to include circumstances triggering a review of the SPD including relevant changes to national or regional policy.**
2	General	There are inconsistencies between the draft SPD and The Mayor's Affordable Housing and Viability SPG (adopted 2017) and Sustainable Design and Construction SPG (adopted 2014), some of which we comment on below.	An explanation should be provided within the Planning Obligations SPD as to what policy tool will take precedence if a conflict arises e.g. NPPF/NPPG, The Mayor's SPGs, or the London Borough of Haringey Planning Obligations SPD.	**Agreed. Insert new para 1.4 confirming the SPD is a material consideration, and is subject to monitoring and review to take account of and, if necessary, bring it into align, with any changes that may put it at odds with the national or regional approach. NB: The Council has sought to limit the potential for conflicts in the application of planning obligations it seeks to secure.**
2	General - Flexibility	We consider that the draft SPD is not sufficiently flexible to enable individual scheme considerations to be taken into account and also to respond to changing circumstances.	The final version should include greater flexibility to avoid the risk of unnecessarily stifling development in the borough.	The Council disagrees and considers it essential to clearly set out our approach to securing planning obligations. Flexibility is inherent in the ability of applicants to provide

				additional site specific evidence for Council's consideration, that may justify varying from the approach set down.
9	General	Having examined the consultation document, we do not offer any comments at this time.	We are content with the information included within the draft planning obligations supplementary planning document.	Noted
11	General - Pooling restrictions	Whether pooling restrictions are still applicable on S106 Agreements.	None stated	CIL Regulation 123(3) has not been amended to remove the pooling restriction. Such amendments are due in Autumn 2018. In preference to further updating the SPD post adoption, to reflect this imminent change, the SPD omits reference to the current pooling restrictions.
11	General – community safety	Whether you will consider CCTV as applicable for S106 spend.	None stated	Community safety measures are included in Haringey's recently revised CIL Regulation 123 list. Therefore, only if needs arise directly as a result of the development proposal would it be considered appropriate to secure this via an obligation.
11	General – Non-standard health	Whether you will consider non-standard 'health' as applicable for S106 spend e.g. community projects delivered at pharmacies to provide respiratory monitors.	*None stated*	No. Community projects, such as that described, are considered to fall to CIL to fund and deliver.
11	General – winter fuel	Whether you will consider 'winter-fuel' support as applicable for S106 spend and if so will you categorise this as 'health' or 'air quality/carbon' spending.	*None stated*	The Council does not consider that winter-fuel would meet the tests for use of obligations.
11	General -	How Housing can spend your S106 contributions received-how this relates to affordable housing provision within your borough.	*None stated*	Housing is expected to spend commuted sums secured in lieu of on-site affordable housing provision. **Section 13 will be**

				amended to list the delivery of affordable housing using in lieu contributions, as one the monitoring and reporting requirements.
14	General	**Natural England does not consider that this SPD poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.** The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.	*None stated*	Noted
16	General	St William welcomes the opportunity to work with Haringey Council as it undertakes consultation on the SPD. St William has already worked closely with the Council on its preparation of policy, and in consultation with local residents and other stakeholders in the development of the proposals for Clarendon Gas Works. Large strategic sites, especially those such as former gasworks which require remediation, require significant investment to create a high quality new place. This will include land remediation costs, site infrastructure and early investment in public realm and landscaping as well as high quality design. In an era of Community Infrastructure Levy, and with the strong emphasis placed on delivering affordable housing, it is important that any further planning obligations are carefully considered and do not undermine development viability and deliverability. St William is concerned that the draft SPD risks placing obligations on sites in excess of what they are able to viably support, which could risk delivery or lead to protracted negotiations.	To ensure that the obligations are deliverable we suggest that the SPD undergoes viability testing.	Disagree. The SPD implements recently adopted Local Plan policy requirements, including affordable housing requirements, that were established and found sound having regard to a detailed borough-wide viability assessment, in line with the NPPF. Discussions on individual planning applications will always look at and consider viability in the round.

16	General - viability	The Mayor of London and Central Government through the Housing White Paper (2017), Planning for the Right Homes in the Right Places (2017), and the Draft New London Plan are seeking to substantially increase housing supply. The SPD should enable to this strategic policy objective to be achieved. The National Planning Policy Framework states that obligations should not be placed on developers that inhibit the viability of development. As a result we believe that the drafting of the SPD should be compliant with Regulation 122 of the CIL Regulations which states that obligations may only constitute a reason for granting planning permission if they meet the following tests. **a) Necessary to make the development acceptable in planning terms;** **b) Directly related to the development; and** **c) Fairly and reasonably related in scale and kind to the development.** Paragraph 153 of the NPPF states that any additional development plan documents should only be used where "clearly justified". The NPPF states that SPDs should only be used where they can help applicants make successful applications or aid infrastructure delivery, and should "not be used to add unnecessarily to the financial burdens on development". Paragraph 173 of the NPPF also states that:- **"To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."**	We would like to work with Haringey to ensure that the SPD is fully compliant with the NPPF to ensure that any obligations that are proposed do not add unnecessarily to the financial burdens of development. In particular this relates to the current drafting of obligations relating to affordable housing; variations to planning permissions; monitoring costs; employment and training; open space and environmental sustainability. We comment on these further below.	The Local Plan engages with the Mayor's and Government's agendas to substantially increase housing supply. However, the NPPF and London Plan remain clear that new development must still be sustainable, contributing to the economic, social and environmental wellbeing of the community. As set out in the SPD, the purpose of planning obligations is to make unacceptable development acceptable in planning terms. Further, the Local Plan policy requirements (only recently adopted) have been subject to viability assessment to ensure they do not render development unviable – this was considered through the independent examination with the Planning Inspector concluding the Local Plan policies were 'sound'. The Council therefore considers that the SPD is compliant with Government policy, including Regulation 122, noting that development proposals will be considered on their own merits and the obligations negotiated having regard to all relevant material considerations.

17	General - Outdoor sports facilities	<u>Infrastructure Provision Secured through Section 106 Agreements</u> As many infrastructure types including sport offer potential to be provided directly by developers through planning obligations as well as through CIL, the document should provide guidance for developers and the community on the relationship between CIL and site specific infrastructure requirements associated with major developments. I note that there is an existing IDP; however unless it is possible to collect s106 contributions relating to off-site provision where justified, the improvements to various sites recommended in any Playing Pitch Strategy are unlikely to come forward. If sports facilities are not included in a Reg 123 list, or a particular facility type/project is not included and does not fall under a generic title, then planning obligations can be used to meet the needs generated from a development for the facility type(s)/project. A LA may also state in their Reg 123 list that specific facility types or developments are excluded from the list therefore enabling planning obligations to be used, e.g. strategic scale developments. I note that while Haringay's 123 list includes sports and leisure, it also states that it specifically excludes infrastructure required to make a development acceptable in planning terms; this is useful as this means that replacement pitches or facility improvements may be linked to a specific development, for example, could be dealt with via S106. Planning obligations will not be able to be used for any infrastructure types or projects that are included within the Reg 123 list (unless this is to mitigate the loss of existing sporting facilities in line with the	*None stated*	Sports and Leisure facilities are included in Haringey's recently adopted revised CIL Regulation 123 list. As stated in the informative to the list, this excludes infrastructure project that are required to make a development acceptable in planning terms in accordance with the planning policies set out in the Council's Local Plan. Development on or impacting existing outdoor pitches or other leisure facilities would need to mitigate the impact on such facilities through improvements secured via planning conditions or obligations. However, increased demand and pressure on facilities as a result of cumulative growth would fall to CIL to fund any necessary improvements. The sports and leisure projects identified in the IDP and through the Council's own service delivery plans, will make their way onto the Capital Programme to be delivered via CIL and other funding streams.

		requirements of Paragraph 74 of the NPPF). This includes any facility types that may fall under a generic infrastructure heading included in a Reg 123 list (e.g. outdoor sports facilities). In this situation, by including the provision in the Reg123 list the LA has taken the decision that the needs generated from new development for the relevant sports facilities will be met through their CIL. However, there is no requirement on a LA to ensure that the infrastructure listed in the Reg 123 list is delivered as it will be their decision which facility types/projects on the list are funded with CIL receipts. In addition, there are likely to be a number of competing infrastructure priorities on the list. Advocacy is therefore important with, and within, a LA to help ensure that CIL funds are directed to appropriate sporting provision to meet the needs generated by new development.		
1	4.5	We are concerned by the content of para 4.5 of the draft SPD. We fully realise that NPPF guidance is to avoid 'double counting [or implicit duplication]' of monies attracted by CIL and also required by any s106 agreement. However, by the same token, residents' associations and like bodies might well be prevented from seeking essential s106 agreements which required identifiable expenditure by applicants who were required to make CIL payments. It seems to me that 'double counting' might be easily avoided by the 'offsetting' of the probable costs of such an agreement against the identifiable and known costs of a CIL Levy.	Para 4.5 be revised as follows: "Relative to developer contributions, the CIL has not replaced s106 agreements. The introduction of CIL resulted in revised statutory tests for such agreements. By means of these agreements, developer contributions should be focussed on addressing the specific mitigation required by new development as sought by locally representative bodies such as established community associations. CIL has been introduced to address the broader impacts of development. There should be no circumstances where a developer is paying both CIL and entering into a s106 agreement for the same infrastructure in relation to the same development. They should consequently be allowed to offset any identifiable costs incurred by the agreement against the	Not agreed. Consultation on planning applications provides the opportunity for interested parties to highlight potential impacts for the Council to consider and determine whether an obligation is necessary and appropriate. Further, there are no provisions in the legislation governing CIL that enables the 'offsetting' of a CIL liability to pay for infrastructure that arises as a result of a development and should be secured via an obligation. Rather, the onus is on the developer to factor these essential development costs (both CIL and planning obligations) into the price paid for the land, adequately

			overall sum required by the appropriate contribution, specified by the locally – determined CIL.	mitigating the potential impacts of a development. If the development cannot secure the infrastructure necessary to 'make it acceptable in planning terms', planning permission should not be given.
2	5.11-5.16	Our client agrees that early discussion of all aspects of development is critical to the swift and efficient processing of applications and ultimately the delivery of new homes. However, for major developments the nature, mix and scale of development is likely to evolve considerably as result of discussions with the planning authority and consultation pre-and post-submission.	The pre-application stage is often used to establish the principle of development, and as such, we do not consider it appropriate to require the submission of draft 'Heads of Terms' as part of the pre-application submission documentation.	As set out in paras 5.11 – 5.14, the Council expects applicant to fully consider the likely impacts of their proposal and considers it helpful to set these out in a draft 'heads of terms', to inform discussion during the pre-application stage. **However, the Council accepts that this may follow an initial pre-application meeting on the acceptability of the principal of the development proposal and has amended para 5.14 accordingly.** It is accepted that negotiations will be ongoing.
2	5.18	Paragraph 5.18 of the draft SPD indicates that the draft "Heads of Terms" submitted with planning applications should quantify the nature and scale of obligations. Given the complexity and evolving nature of viability assessments, it is not possible to accurately quantify obligations at this stage.	We consider that the draft 'Heads of Terms' should be submitted alongside viability assessments, when key aspects of the proposed scheme have been finalised, unless, the viability will influence the Council's approach to design etc. It should be recognised that applications for major developments will evolve as a result of continued discussions and feedback from consultation, including statutory consultees. This is recognised to some extent in latter sections of the draft SPD, for	Disagree. The Council considers that all relevant information, including likely obligations and their scope, should be submitted with the planning application following detailed pre-application discussions. It is accepted that schemes may continue to evolve and change as a result of consultation and further discussion. Alongside the application, the Council envisages negotiations on the

			example, Paragraph 6.7 recognises that affordable housing negotiations will need to have regard to development viability and other planning benefits that may be achieved. However, for consistency we would welcome the Council's acknowledgement that development schemes will evolve post submission and the viability assessment and consequently the 'Heads of Terms' will also need to evolve in response.	obligations will also be ongoing, with the draft Head of Terms updated/refined as appropriate.
3	5.23	Paragraph 5.23, as currently drafted, directs Applicants to submit all necessary title and deed information as part of the submission of the relevant planning application. It is not considered reasonable or appropriate to submit ownership details at the point that the application is submitted. Land ownership can and does often change during the course of a planning application. For example, where an option agreement is in place, land may be purchased at the point of resolution to grant or on the grant of planning permission. Through the process of serving notice, all landowners are advised on the submission of the planning application and this information is provided on the planning application form.	It is not considered reasonable or appropriate to submit ownership details at the point that the application is submitted. Land ownership can and does often change during the course of a planning application. For example, where an option agreement is in place, land may be purchased at the point of resolution to grant or on the grant of planning permission. Through the process of serving notice, all landowners are advised on the submission of the planning application and this information is provided on the planning application form.	Agree in part. This requirement is not in respect of ensuring landowners are notified of the planning application but rather to enable the preparation of the legal agreement ensuring it correctly references the land parcels and land ownership, noting that it is the landowner that is ultimately responsible for meeting the obligations. **Where the land ownership changes during the course of the planning application, the new title and deed information should be provided to the Council.**
2	5.27	Paragraph 5.27 states that the Council will always prepare the first draft of the planning obligation, based on a standard template, and only deviate from this in exceptional circumstances.	We consider there should be greater flexibility on this matter, particularly in relation to complex strategic schemes, which often do not fit into standard templates and where the Council may prefer for the developer to take the lead in drafting the legal agreement.	For consistency across the numerous planning obligations the Council agrees, it is essential for public confidence and monitoring purposes that these are drafted by the Council in the first instances and utilising a standard template. **However, it is**

				recognised that in exceptional circumstances an alternative approach may be acceptable and the SPD has been amended to reflect this.
15	5.27	This states that the Council will always prepare the first draft of a S106 agreement "*based on the Council's standard template*" and that changes "*will only be allowed in exceptional circumstances"*. From experience standard templates do not work well for very large complex planning permissions such as those which would be required for the AR sites and a more bespoke approach is required.	It is recommended that the phrase '*exceptional circumstances'* is **replaced** with '*by agreement with the Council*…'	For consistency across the numerous planning obligations the Council agrees, it is essential for public confidence and monitoring purposes that these are drafted by the Council in the first instances and utilising a standard template. **However, it is recognised that in exceptional circumstances an alternative approach may be acceptable and the SPD has been amended to reflect this.**
16	5.27	We do not believe that it is practical for the Council to always issue a first draft s.106 based on the Council's standard template with changes made only in "exceptional circumstances".	For strategic sites a more bespoke approach is needed and we would suggest that in these instances the applicant supplied the first draft of the S106 agreement, based on the template as far as is possible/appropriate.	For consistency across the numerous planning obligations the Council agrees, it is essential for public confidence and monitoring purposes that these are drafted by the Council in the first instances and utilising a standard template. **However, it is recognised that in exceptional circumstances an alternative approach may be acceptable and the SPD has been amended to reflect this.**
2	5.31	We welcome acknowledgement in Paragraph 5.31, that where facilities are intended for wider use, maintenance costs and other recurrent expenditure should be borne by the authority. However, Paragraph 5.31 also states that "A	In the event that such a contribution is agreed between the Council and developer, the SPD should be sufficiently flexible to allow for staged payments, given that any contribution	**Agreed. Para 5.32 amended to include the consideration of staged payments**

		one off financial contribution may be required to cover ongoing maintenance requirements…..".	would relate to an ongoing requirement.	
2	5.33	Paragraph 5.33 indicates that contributions will be index linked from the date of Committee resolution to the date of payment.	We consider this should be amended so that index linking is from the date on the decision notice, to avoid ambiguity should schemes be referred to more than one committee. Additionally, the decision notice date is more readily recognised. The provisions included in paragraph 5.67 of the draft SPD seek to minimise the time lag between Committee resolution and issuing of decisions, so there should be no need to index link to the resolution date.	**Agreed. Para 5.33 is amended to refer to the decision notice date rather than the Committee decision date for the purposes of indexation.**
3	5.33	Paragraph 5.33 states that all financial contributions, including maintenance sums, should be indexed linked from the date of the Committee resolution until the time of payment. Planning obligations are required to be indexed from the date that planning permission was granted to the due date for payment.	It is not appropriate that indexation is linked to the date of the Committee resolution. Planning permission for the development is not granted until the relevant Section 106 Agreement is signed and the Decision Notice issued and therefore the related planning obligations (for which the indexation relates) are not secured until this time. Such a requirement would also create ambiguity for developments determined by way of delegated powers, which are not reported to Planning Committee.	**Agreed. Para 5.33 is amended to refer to the decision notice date rather than the Committee decision date for the purposes of indexation.**
2	5.35-5.37	This section (Paragraphs 5.35-5.37) should be expanded to make clear that phased trigger points will be acceptable for larger schemes, to ensure that developments are not unnecessarily burdened with significant upfront costs, to mitigate all parts of a development, when some phases may not be delivered for some time.	Amend to include phased trigger points for larger schemes	**Agreed. Add 'or phase therein' to the last three trigger points listed at para 5.35**
16	5.35	For large, complex, phased developments standard trigger points are not reflective of the complicated nature of a construction and delivery programme, or	We suggest that a bespoke strategy for trigger points could be put in place for large developments.	**Agreed in part. To account for the nature of large phased developments, the Council**

		indeed when impacts arising from the development should be mitigated.		**accepts it is appropriate to amend the last three trigger points listed at para 5.35 to include the wording 'or phase therein'.**
15	5.40	It requires monitoring fees equivalent to 5% of the costs of the value of the planning obligations but then also seeks a contribution based on a rate of £500 per each non-financial obligation. It is therefore unclear which applies, either or both costs. It also requires the contribution to be paid upon the completion of the agreement, irrespective of whether the permission is implemented or not. Recent case law1 suggests that monitoring fees will not meet the CIL Obligation Test of 'necessity' particularly where, like is suggested here, obligations are standardised and payable in advance of commencement of development.	This paragraph should be **deleted or substantially revised** because it is unclear, onerous and does not meet the CIL Obligation Tests.	Disagree. In the decision referred to, the court recognised that whether administration /monitoring contributions were "necessary" in particular cases was a matter for planning judgement, and it was common ground that there may be circumstances in which it is appropriate to seek such contributions using section 106. This decision hinges on the circumstances of the particular case concerned and it is difficult to derive any general principles from it at this stage. In the circumstances the Council intends to charge for its services but will keep the position under review.
16	5.40	In light of recent case law it is not appropriate to seek a blanket monitoring fee in advance of development (Oxfordshire County Council vs Secretary of State for Communities and Local Government and Others [2015] EWHC 186 (Admin)).	We therefore suggest that the proposed monitoring fee of 5% of the cost value and a flat rate fee is revised or deleted.	Disagree. In the decision referred to, the court recognised that whether administration /monitoring contributions were "necessary" in particular cases was a matter for planning judgement, and it was common ground that there may be circumstances in which it is appropriate to seek such contributions using section 106. This decision hinges on the circumstances of the particular

				case concerned and it is difficult to derive any general principles from it at this stage. In the circumstances the Council intends to charge for its services but will keep the position under review.
15	5.48	Aside from the missing page reference at the end of this paragraph, this paragraph should be **reviewed** to recognise that the draft CIL Charging Schedule is subject to objections in relation to the assessments of viability. Page 5 of the (attached) AR representations to the Council's Draft CIL Charging Schedule expresses fundamental concerns about the necessary supporting viability evidence base in the context of a more than 8-fold increase in the proposed CIL charging rates for Tottenham Hale.	This paragraph should be **reviewed** to recognise that the draft CIL Charging Schedule is subject to objections in relation to the assessments of viability.	The omission of the page reference is noted but the details on open book appraisals actually appears on the same page and therefore this sentence has been removed. While the Council notes the objections to the preliminary draft charging schedule, for its CIL review, para 5.48 is in respect of the current CIL rates implemented 1st November 2014.
3	5.47-5.73	With regards to commentary on planning obligations relating to viability matters (paragraphs 5.47 to 5.73), there is considered to be an overall lack of clarity on obligations as drafted in comparison to the previously adopted 2014 SPD. Whilst the Council's webpage provides a summary of changes, this is only an overview and leaves remaining ambiguity.	The draft SPD repeats requirements of the Mayor of London's Affordable Housing and Viability SPG (August 2017). This is unnecessary duplication, which should be removed. In some instances, the obligations in the draft SPD entail a departure from the contents of the Mayor's SPG. Such departures should be justified appropriately and the reasoning readily understandable for both the Applicant and the Greater London Authority, in the instance that conflicts occur between the Mayor's SPG and LBH's SPD in development management terms.	Noted. The Council considers that SPD to be in-line with the Mayor's SPG but where it considers necessary, has justify why a departure is necessary and appropriate.
2	5.50	We accept that the Council's proposed use of EUV+, as indicated in Paragraph 5.50 bullet	However, we consider that in order to balance the need to release land for development with the need to deliver	Disagree. The Council has not just relied upon the Mayor's SPD to arrive at EUV+ but

		point 4, is consistent with the Mayor's Affordable Housing and Viability SPG.	public benefits, greater flexibility should be included in the approach rather than only in 'extremely limited circumstances' as currently indicated. We are aware that a large number of objections were made to the Mayor's SPD viability methodology and the Mayor dismissed these in adopting his SPD. Irrespective of this, we remain of the view that the matters raised by the development industry, such as the use of site values, market value, alternative use values in establishing the benchmark land value as an input to viability appraisals, remain valid and should be reflected. We consider the Council should demonstrate how these issues have been considered and not just dismiss them because the Mayor has.	rather has supported and defended the use of EUV+ over a number of years through the commissioning of its own viability evidence for the Local Plan, through the assessment of hundreds of planning applications, and through numerous planning appeals. The Council's Scrutiny Committee has also undertaken an independent review of viability assessments that determined EUV+ was the most appropriate baseline benchmark.
3	5.50	Paragraph 5.50 directs that a short form Viability Statement will be required for developments that provide 35% affordable housing provision without grant and with a policy compliant split. It is stated that a short form statement is required in order to provide a benchmark for any subsequent changes to the scheme and in order to undertake an assessment on deliverability. The Mayor's 2017 SPG aims to increase the amount of affordable housing being delivered and accelerate delivery for those applicants delivering greater proportions of affordable housing. It introduces a Fast Track Route for applications that meet or exceed 35% affordable housing provision without public subsidy, provided on-site with the specified tenure mix and meet other planning requirements and obligations to the satisfaction of the LPA and	The SPG is therefore inconsistent with the Mayor's approach by requiring a short form Viability Statement. The LBH should review the need for this request given its conflict to the Mayor's SPG and intended purpose to incentivise an increase in affordable housing delivery. If the Council is to proceed, the requirement for a short form Viability Statement should be fully justified within the SPD together with clarification as to how this will not compromise the timely delivery of affordable housing.	This is fully justified in the SPD, in that the Council considers the submission a short form viability statement is necessary to provide a benchmark against which to enable any subsequent revisions to the submitted or approved scheme to be assessed. This requirement has no implications for the fast tracking of applications and is consistent with the Mayor's approach.

		Mayor (para 9). For schemes that accord with this, the Mayor's approach is that viability information is not normally required at the application stage (para 3.59).		
13	5.50 – Open Book Appraisals	This refers to an "open book" approach. This is misleading as it suggests that a viability assessment should be based on the individuals own costs and revenues, effectively a tax on the individual builder's performance. It is well established that viability modelling of this nature is based on generic inputs particularly relating to revenues and build costs.	Reference to "open book" should therefore be deleted with sole reference to "transparent process" being entirely adequate and presumably what is really being sought here.	Disagree. The requirements set out are those the Council considers are 'standard' and are later to ensure clarity, consistency and transparency.
15	5.50	As set out in the Mayor of London's Affordable Housing and Viability SPG (AHV SPG), the whole purpose of his Threshold Approach is to facilitate timely planning decisions and it is intended to encourage applicants to respond positively to providing 35% or more affordable housing. Policy at all levels is also clear; viability information is only required if a scheme fails to meet the defined proportion of affordable housing. Having to submit a viability statement even for a scheme which provides, theoretically, 100% affordable housing directly conflicts with such policy. The Council justifies this on the basis that it provides a benchmark for subsequent changes to a scheme. However, any changes to schemes need to be considered on their own merits and agreed through a S73 or new planning application and, indeed, only if the proportion of affordable housing falls below the relevant policy threshold at that time. Overall the Council's approach runs contrary to the imperative in national and strategic policy to streamline the planning process and facilitate development, not create additional, unnecessary bureaucracy.	The requirement to submit a "short form viability statement" even if the development provides above 35% affordable housing should be **deleted** as it creates unnecessary burdens on both the applicant and planning authority.	Disagree. The Council considers the submission a short form viability statement is necessary to provide a benchmark against which to enable any subsequent revisions to the submitted or approved scheme to be assessed. This requirement has no implications for the fast tracking of applications and is not considered to place an unnecessary burden on the applicant.
16	5.50	The Mayor introduced the fasttrack approach in order to speed up the planning determination process and ultimately the delivery of new homes..	Asking for a 'short form' viability statement undermines this approach and we therefore suggest that it is deleted	Disagree. The Council considers the submission a short form viability statement is necessary to provide a

				benchmark against which to enable any subsequent revisions to the submitted or approved scheme to be assessed. This requirement has no implications for the fast tracking of applications and is not considered to place an unnecessary burden on the applicant.
2	5.54	We disagree with the default position set out in Paragraph 5.54, that full viability appraisals will be released into the public domain when affordable housing negotiations have concluded. Whilst the general release of costs and values for residential development is not always commercially sensitive, many assessments include information which is commercially sensitive. For example, this could include allowances for the acquisition of third party land, rights of light, vacant possession, commercial rents, compensation costs or other information that would severely compromise the applicant's commercial position, which could in turn compromise scheme deliverability.	If there are elements of the assessment which the applicant considers should not be disclosed on the basis of commercial sensitivity, the option to redact information should be available. While Paragraph 5.54 allows for requests to be made to redact certain elements of appraisals, there are no assurances that this will be agreed by the Council. We are concerned about the adverse effect that incorrect disclosure could have on developers. As such, we consider that the SPD should confirm that the Council will notify the applicant of any relevant Freedom of Information (FOI) requests received, and if disclosure is agreed to by the applicant, then the process can be managed accordingly. There should be no general assumption that sharing commercially sensitive viability information without express permission from applicants, is acceptable.	Disagree. Viability appraisals play a significant role in Council's determination of the acceptability of a planning application. It is therefore important that this information is shared so that the decision making process is, as far as practicable, transparent to the general public. As set out in para 5.54, if the applicant considers elements of the appraisal to be commercially sensitive, then they can request that such elements be redacted.
13	5.55	The SPD as drafted explains that proposals which do not meet the 35% threshold will be subject to a review mechanism. Paragraph 5.55 advises that	Because retirement housing will always be subject to the review mechanism, it is submitted that the SPD as drafted is not	Disagree. The Council maintains that Extra Care housing falls within Use Class

		proposals that do this and provide affordable housing on site and meet the tenure mix will not need be subject to viability review. **This means that retirement housing will always be subject to the review mechanism**, in that: 1 Given its specific nature and costs, it will rarely, if ever be able to provide 35% provision. 2 It is generally accepted that Affordable housing is not appropriate within a block of specialized housing for the elderly Attached is a report that generally considers the application of the Mayoral review mechanism which the Council is effectively looking to follow. The effective requirement for a review mechanism from all forms of retirement housing puts the ability of the sector to compete in the land market at considerable disadvantage as it will add additional uncertainties in an already high risk sector when compared with conventional residential developers that it will be competing with for land. This puts into considerable jeopardy the delivery of the required retirement housing in order to: 1. Address the Critical need identified in the NPPG; **2.** Meet the expectations of the London Plan for the provision of 100 such units per year; **80 of which are for required for open market sale** 3. The meeting of the Council's own adopted Policy DM15 in respect of specialist accommodation. Whilst the Mayor in publishing the Affordable Housing and Viability SPG has determined not to entertain the representations made in respect of the review mechanism, it is submitted that this is not a viable option for the Council as it would clearly conflict with its own policy towards addressing the specialist housing needs of older people, it, itself identifies.	legally compliant as it is not in general conformity with the London Plan and is not sound in that it is neither positively prepared, justified and consistent with national policy.	C3, being self-contained accommodation for market rent and/or sale. Proposals for 10 or more units or 1,000sqm floorspace, are therefore subject to the affordable housing requirements of the Local Plan. The requirement to subject proposals that do not meet the 35% threshold to a review mechanism is justified on the basis that the Local Plan policy seeks the maximum reasonable provision and the review mechanisms ensures policy compliance is achieved. However, in relation to extra care housing proposals, each application will be treated on its own merits, and applicants can provide evidence to justify why they consider their proposal should be treated as Use Class C2, as a material consideration, and therefore would not be subject to affordable housing requirements. .

		We consider the requirement for a review mechanism would be in clear contravention of the PPG (paragraph 017, Reference ID: 10-017-20140306) which makes clear that *'planning applications should be considered in today's circumstances'* unless a scheme phases delivery over a medium or longer term. This principle is further confirmed by paragraph 10 of the Government's 'Section 106 Affordable Housing Requirements Review and Appeal' guidance document and RICS Professional Guidance GN 94/2012 Financial Viability in Planning (para.3.6.4.1). We are dealing here with a proposed development of apartments which needs to be built a single phase because of the need for all apartments to have access to common communal areas. There are a number of recent appeal decisions have make it clear that a planning obligation seeking to require a compulsory reappraisal in these circumstances is not compatible with Regulation 122 of the CIL Regulations. In light of the above we consider that the proposed review mechanism if applied to 'single phased' development schemes is both contrary to the PPG and would not accord with the provisions of Regulation 122 of the Community Infrastructure Levy 2010. Of considerable concern too, is the nature of the review. Whereas in accordance with policy, and all good practice in order not to stifle or prevent development, nor to effectively impose a tax on an individual developer and penalise it for its efficiencies, the initial review appears to continue to be based upon generic costs and values (for example the use of BCIS as opposed to a developers actual forecast costs), the review is based on actual out turn values and actual achieved costs. This will prove a very considerable disincentive to development, particularly where it carries a high risk, such as		

		housing for older people where build has to be completed 100% before sales are realised. Specialist accommodation for the elderly also usually provides an element of care and communal facilities at an additional cost to the developer. This requires a critical mass of residents in order to be feasible and small scale developments of specialist housing for the elderly could not be realistically asked to provide or maintain such facilities. It is therefore unlikely to expect the provision of specialist accommodation for the elderly to be met piecemeal in general needs housing developments.		
15	5.55	This paragraph is insufficiently clear and inconsistent with the AHV SPG.	It needs to be **updated** to confirm that that a late viability review is not necessary on a scheme which meets or exceeds the 35% affordable housing threshold. It incorrectly indicates (in the third bullet point) that a review would be required at 75% completion irrespective of whether a scheme has achieved or exceeded the 35% threshold.	**Agreed. This bullet point will be amended to clarify that the later phase review will only apply to scheme where less than 35% affordable housing.**
3	5.55 – bullet point 1 & 2	Paragraph 5.55 sets out the requirements for review mechanisms to be attached to the grant of planning permission. The Mayor's 2017 SPG directs that both Fast Track and Viability Tested schemes should be subject to an early review which is triggered when an agreed level of progress on implementation has not been reached after two years of the grant of planning permission or as agreed with the LPA and the GLA (where relevant), on a site-by-site basis (para 3.56). Paragraph 5.55 (bullets 1 & 2) of LBH's draft SPD however proposes an 18-month review period in comparison to the Mayor's 2-year period.	No justification is provided for this departure from the Mayor's guidance, which should be reasonably explained and acknowledged in the SPD.	**Agreed. The first bullet point to be amended to be 24 months or as agreed by the LPA**
2	5.55 – 3rd bullet point	Paragraph 5.55 bullet point 3 should be amended to require a review at 75% sales, as opposed to completions, to reflect that values can only be known at the point of sale whether this be before or after completion.	Amend to require a review at 75% sales	Disagree. While it may be that at 75% completion, not all of the completed units will have sold, it should enable enough for benchmarking and provides

				that 25% of development still remains to complete, ensuring, where appropriate, further on-site provision can be secured if an uplift in sales values is demonstrated. If the trigger was on 75% sales, as suggested, by that time the entire scheme could have been built out.
3	5.55 – bullet point 3	Additionally, Paragraph 5.55 (bullet 3) directs that a review at 75% completion will be required to allow an assessment based on values achieved and costs incurred. It does not specify whether this is sought for schemes with a policy compliant 35% affordable housing provision or those that fall short of this requirement. The Mayor's SPG directs that only Viability Tested schemes (i.e. less than 35% affordable housing provision) should be subject to late reviews once 75% of homes are sold, or at a point in time agreed by the LPA.	The SPD should either make this distinction in that Viability Tested schemes are subject to a review once 75% of homes are sold, or provide justification for this departure from the Mayor's SPG.	The Council maintains the review should be based on 75% completion and not 75% sales ensuring, where appropriate, further on-site affordable housing provision can be secured if an uplift in sales values is demonstrated. If the trigger was on 75% sales, as suggested, by that time the entire scheme could have been built out and would necessitate an 'in lieu' payment which is least preferable. **This justification will be made in the SPD.**
2	5.55 – 4th bullet point	Paragraph 5.55 bullet point 4 should be expanded or amended to clarify that reviews will only be required where there has been an appropriate time lapse since the previous review, otherwise a review is meaningless.	We request that the SPD should include provision to allow the timing of viability reviews for outline, hybrid planning permissions and phased schemes to be agreed between the applicant and the Council, so that these fall at an appropriate time, or times, throughout the build of the development at the point of consent of outline or hybrid permission. We consider that provision should be included to ensure that any revisions will still be subject to a viability	Agreed in part. While the Council is content to **amend the 4th bullet point to say that the timing of any review(s) for outlined and large phased scheme will be agreed with the applicant**, the Council disagrees that reviews are a barrier to bank lending or that it should take account of cost increases, and start from the position that the development is not in deficit. Such

			review at the appropriate and agreed time. Typically, on long term developments significant sums are invested at risk on site preparation and the provision of early infrastructure. Any review must take account of cost increases, and start at the position that the development is not in deficit. We note that there is no provision or mention that the review should allow for a reduction in the previously consented planning obligations should the viability have lessened between the initial application/consent stage and review stage (i.e. an upward and downward review mechanism). Reviews can also act as a barrier to bank lending on certain sites, which can in turn, prevent sites from coming forward for development.	development risk is inherent in the viability appraisal process. Further, there are other avenues available to the applicant should circumstances change such that the development was rendered unviable during the build out stage, including varying the scheme/obligations, resubmission, delay or slowing down of construction until greater market certainty is achieved. Such options are not available to the Council through the grant of permission.
3	5.55 – bullet point 4	Paragraph 5.55 (bullet 4) directs that a review mechanism may be required for phased scheme on the submission of the first Reserved Matters application. The Mayor's SPG however only gives consideration to reviews for longer-term phased schemes at an early stage where the scheme has stalled and has not met the threshold level of affordable housing (para 3.62) or mid-term reviews triggered prior to the implementation of phases.	The SPG does not give regard to a review on the submission of the first Reserved Matters application. This requirement should either be amended to accord with the Mayor's guidance or suitable justification should be provided for this departure.	The Council considers its approach to be much clearer in respect of the review triggers on large phased schemes. The Reverse Matters stage ensures the details for the next phase will be known. **This SPD will be amended to clarify why the Council's approach is justified.**
3	5.56	Paragraph 5.56 states that an obligation will likely be sought to prevent commencement of development until the review of the scheme's viability has been approved by the Council.	Suitable reasoning is therefore necessary to justify this requirement.	Disagree. This simply clarifies that where a review trigger is applicable, the Council will seek to include a clause in the

		This requirement generates a high degree of ambiguity, for example whether it relates to Fast Track or Viability Tested schemes, and how such a requirement would apply to phased schemes. Additionally, no such requirement has been sought by the Mayor. Notably, the 2017 SPG aims to increase the amount of affordable housing and accelerate delivery. Such a requirement could create delays to the construction and implementation of affordable housing.		agreement that prevents the development subject of the review, to commence, until the review appraisal has been approved by the Council.
2	5.57 bullet points 2 & 6	We welcome recognition in Paragraph 5.57 bullet point 2, of the need for a priority return to the developer, to ensure that an agreed profit level is reached before profit is considered as 'surplus'. We welcome the acknowledgement of developers' legitimate right to a share in any 'surplus' profit (Paragraph 5.57 bullet point 6).	However, we consider that the details should be amended to a 60/40 split in favour of the developer to provide the necessary incentive to maximise the scheme outputs. If it is less than this, it will be counterproductive. Similarly, in relation to developer profit levels, it is important to ensure there is sufficient flexibility built into the SPD, to allow negotiations to reflect the different risks associated with different schemes, such that the developer profit levels can be reflective of the risk profile to ensure schemes are worthwhile to pursue.	Disagree. The review mechanism acknowledges that the Council is effectively providing the development with a discount on its full obligations due (see the purpose of planning obligations). Where a development is able to contribute more, as demonstrated through the review, a larger portion of any surplus should be given to making up the obligations deficit.
2	5.57 – 7th bullet point	In relation to bullet point 7, for outline/hybrid applications, where there is no residential unit layout, it would not be possible to indicate which units might change to affordable units until reserved matters have been submitted.	As such this matter is best addressed through the determination of reserved matters submissions, and should be removed from the SPD.	Disagree. For outline/hybrid applications the review trigger would be on submission of the reserve matters, when the residential units are known and, therefore, the 7th bullet point remains relevant.
3	5.59	Paragraph 5.59 states that if, at any stage, it becomes clear that the Council cannot recommend approval of a planning application then discussions on planning obligations will be suspended. This statement contradicts the intentions of decision-taking, notably the National Planning Policy	*None stated*	There is no conflict with this statement and Para 187 of the NPPF. The latter applies to the planning application where the Council will work with applicants to arrive at an

		Framework (paragraph 187) directs local planning authorities to look for solutions rather than problems. This also contradicts paragraph 5.69 of the SPD which states that the Council will continue negotiations with the developer to establish and set out the nature of planning obligations that would be sought should the application be permitted.		acceptable proposal. However, in those circumstances where it is not possible to resolve fundamental issues with the planning applicant itself, and the Council is therefore unable to support the planning application, para 5.59 of the SPD simply clarifies that, in such circumstances, it is not considered appropriate to continue discussions on the details of any planning obligations arising – this would be unproductive and a waste of public resource and money.
16	5.68	The paragraph states that if the planning obligations are not formally completed and sealed by the end of 3 months, and an extension to the period is not agreed, the application will automatically default to a refusal.	We suggest that for strategic sites the time period should be extended for a mutually agreeable period of time.	Disagreed. The Council seeks to ensure the timely completion of planning obligations following the grant of planning permission. Provision is made for an extension period if the parties deem and agree this is necessary.
13	Section 6	The SPD particularly through its proposed review mechanism, and inflexible stance on on-site affordable housing provision puts into jeopardy the delivery of retirement housing for the elderly. The National Planning Policy Framework stipulates that the planning system should be *'supporting strong, vibrant and healthy communities'* and highlights the need to *'deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive mixed communities. Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of*	*None stated*	The Council notes and understands the current policy position in respect of housing and, therein, specialist housing for the elderly.

		different groups in the community… such as… older people' (emphasis added). The National Planning Practice Guidance reaffirms this in the guidance for assessing housing need in the plan making process entitled ***"How should the needs for all types of housing be addressed?*** *(*Paragraph: 021 Reference ID: 2a-021-20140306) and a separate subsection is provided for "***Housing for older people"***. This stipulates that *"the need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013). Plan makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to move. This could free up houses that are under-occupied. The age profile of the population can be drawn from Census data. Projections of population and households by age group should also be used. The future need for older persons housing broken down by tenure and type (e.g. Sheltered, enhanced sheltered, extra care, registered care) should be assessed and can be obtained from a number of online tool kits provided by the sector. The assessment should set out the level of need for residential institutions (use class C2). But identifying the need for particular types of general housing, such as bungalows, is equally important"* (My emphasis). The *'Housing White Paper: Fixing our broken housing market'* clearly signals that greater consideration must be given to meeting the needs of older persons' in Local Plans stipulating that *'Offering older people a better choice of accommodation can help them to live independently for longer and help reduce costs to the social care and health systems. We have already put in place a*		

		framework linking planning policy and building regulations to improve delivery of accessible housing. To ensure that there is more consistent delivery of accessible housing, the Government is introducing a new statutory duty through the Neighbourhood Planning Bill on the Secretary of State to produce guidance for local planning authorities on how their local development documents should meet the housing needs of older and disabled people. Guidance produced under this duty will place clearer expectations about planning to meet the needs of older people, including supporting the development of such homes near local services82. It will also set a clear expectation that all planning authorities should set policies using the Optional Building Regulations to bring forward an adequate supply of accessible 9housing to meet local need. ***In addition, we will explore ways to stimulate the market to deliver new homes for older people.'*** (Para 4.42) (My emphasis). This is now being progressed in part through the DCLG Consultation '***the right homes in the right places***'. (August 17) Haringey's Local Plan (Adopted July 2017) notes that Haringey has an established need for Special Needs Housing. Para 3.28 states that: *"It remains a priority for the Council to provide safe environments which facilitate independent living for vulnerable residents and older people in Haringey."* Para 3.30 continues: *"The Council will seek to work proactively with providers of specialist accommodation for older people to identify and bring forward appropriate sites."* Policy DM15: Specialist Housing notes that there is an established local need for the form of special needs housing sought having regard also to the aims		

		and recommendations of Haringey's Housing Strategy and Older People Strategy.		
13	Section 6 - Extra Care Housing & Affordable Housing	<u>General Principle of SPD in respect of prescription of affordable housing practices and definitions of specialised housing for the older people</u> It is established practice that changes in planning policy should only be made through Local Plans (Planning and Compulsory Purchase Act, 2004, Section 17 (3)). Supplementary Planning Documents should not be used to introduce new policy especially when this will add financial burdens to development (NPPF, paragraph 153). Therefore, in line with national policy and planning practice, the SPD should only build upon and provide more detailed guidance on the policies that are already included in the London Plan.	The SPD in prescribing revised threshold and a review mechanism for all forms of residential development introduces policy beyond that of the current Local Plan. It also establishes without exception that all Extra Care housing falls within Class C3. It cannot do so and is also erroneous in this regard. In doing so it puts the delivery of housing which is supported in the Local plan itself into jeopardy.	Disagree. The Council is content that the SPD does not introduce policy but rather provides guidance and clarity on the interpretation and implementation of Local Plan policies, aiding applicants to make successful planning applications and enabling applications to be dealt with more efficiently and quickly. The Council maintains that Extra Care housing falls within Use Class C3, being self-contained accommodation for market rent and/or sale. However, each application will be treated on its own merits, and applicants can provide evidence to justify why they consider their proposal should be treated as Use Class C2, such as the level of institutional care/support to be secured via an obligation, as a material consideration.
15	6.8	AR, like a number of other developers, are responding positively to the Council's 'Portfolio Approach' to the delivery of housing; where the Council takes a strategic overview in a particular area and then sets out requirements for individual sites taking into account a site's characteristics, strategic infrastructure requirements and urban design considerations. The Portfolio Approach is described in the supporting text to policy AAP3 of the	**Paragraph 6.8 should be revised** to confirm that the Portfolio Approach applies in Tottenham Hale and this should, across a portfolio of sites, deliver a target level of affordable housing, with individual sites being required to show how, in providing higher or lower percentages and mixes how they	**Agreed. Para 6.8 has been amended as suggested**

		Tottenham Area Action Plan (Paragraph 4.14) and states as follows: **"In order to meet both of these aims, a "portfolio" approach where a group of sites can be seen to work together to meet the overall objectives of the Plan will be encouraged. This could for example mean that two or more sites working in parallel deliver different mixes or tenures of units which together make a policy compliant outcome in the area. To support delivery of inclusive and mixed communities the Council will give consideration to the most appropriate housing mix and tenure to be delivered on individual schemes, in line with Policy DM13(C)."** The AHV SPG recognises that LPAs can impose their own local affordable housing thresholds and, within these, adjustments can be made locally to housing mix and tenure (Paragraph 2.84). It is therefore important for the Council to **provide clarity with additional guidance** which explains how the Council's Portfolio Approach responds to the guidance in the AHV SPG.	contribute to the achievement of the Portfolio Approach.	
15	6.24	Generally, the Council should ensure that the affordable housing requirements being introduced are entirely consistent with those in the AHV SPG. Paragraph 6.24 relating to varying existing planning permissions, for instance, is different to paragraph 2.14 of the Mayor's guidance with the former requiring full viability testing if additional residential is proposed, but the latter only where the changes alter the economic circumstances of a scheme. To avoid such inconsistencies, the SPD should cross refer to the Mayor's guidance rather than duplicating it in a potentially different and inconsistent manner.	Ensure that the affordable housing requirements being introduced are entirely consistent with those in the AHV SPG.	Noted. The Council considers that SPD to be in-line with the Mayor's SPG but where it considers necessary, has justify why a departure is necessary and appropriate.
16	6.24	We note that one of the reasons that Haringey is updating the SPD is to ensure conformity with the Mayor's new Affordable Housing and Viability SPG. Whilst the SPD is not policy, it is a material	As a point of consistency, the Mayor's SPG (paragraph 2.14) requires viability testing only where changes "alter the economic circumstances of a scheme".	Noted. The Council considers that SPD to be in-line with the Mayor's SPG but where it considers necessary, has justify

		consideration. The SPD considers how development viability will be assessed, including triggers for further re-appraisals prior to development commencing, during construction, and post completion. We look forward to working with Haringey to ensure that there is consistency with the NPPF on this part of the SPD as there will need to be flexibility for large complex regeneration proposals to ensure that the development can be delivered in a viable manner.	We believe that the Haringey SPD should adopt this test within paragraph 6.24.	why a departure is necessary and appropriate.
13	6.26	Sheltered Housing and Extra Care Homes Para 6.26 is negatively worded and as printed would preclude the development of specialist housing for older people in Haringey, in direct conflict with the Council's own adopted Policy DM15. The paragraph asserts that "*Sheltered housing and extra care homes are classified as falling within Use Class C3".* It is not for an SPD or for that matter a Local Plan to make such an assertion. This a matter for the Use Classes Order and informed by precedent, appeal precedent and case law. It is also erroneous. Most forms of Extra Care Accommodation fall within Use Class C2 and Appeal precedent has confirmed that self-containment of accommodation is not the determining factor as to Use Class. Where Extra Care accommodation falls under use class C2 it should not be liable for affordable housing. Attached is a paper that discusses the McCarthy & Stone Extra Care model and its relationship with the Use Classes Order. This establishes, principally by citing relevant appeal precedent for other similar developments that whereas some forms of Extra care housing will not be, the McCarthy and Stone model does fall within Class C2. Delivering beneficial Sheltered Housing and Extra Care Accommodation should be prioritised in Haringey to meet its identified housing needs and not	Sheltered housing and extra-care housing should not be treated as Use Class C3. It is not for an SPD or for that matter a Local Plan to make such an assertion. This a matter for the Use Classes Order and informed by precedent, appeal precedent and case law.	Disagree. The Council notes that case law remains unclear, with the exception that a material consideration to determine whether a proposal falls within C3 or C2 Use Class is the level of institutional care/support to be secured via an obligation. The Council considers it appropriate that Extra Care housing falls within Use Class C3, being self-contained accommodation for market rent and/or sale, unless material. considerations indicate otherwise

		unnecessarily confused or complicated by erroneous and misleading statements. It is well established that it is inappropriate to mix specialist housing for the elderly with other (family/younger persons) housing in a single flatted block. Given the nature of the Borough, that is where most, if not all the new stock will come from. Also given that due to the specific economics of development the 35% threshold will seldom, if ever be met, this means that almost all, if not all l retirement schemes will be subject to the proposed review mechanism. This puts such development at a significant competitive disadvantage given the uncertainties that it places when competing for generally scarce sites. Therefore such housing is unlikely to be delivered. Well located and designed specialist housing for older home owners is a highly sustainable form of housing. Given the critical need for older person's accommodation in Haringey there should be a presumption in favour of sustainable housing and in particular specialist housing which is being proposed on suitable sites. It is recommended that greater weight is attached to this approach alongside the desire to release residential land within strategic allocations or indeed a separate policy within the document to cover the housing need for the ageing population. This accommodation will come from a number of sources both public and private and with varying levels of care and shelter provision enabling individual people to remain in their own home with independence and security. In effect there should be more of a positive policy supporting older people's accommodation in the same way that affordable housing is given a high priority.		
2	6.32	We welcome the commitment at Paragraph 6.32 that the Council will work with developers on a site by site basis to ensure policy compliant on-	*None stated*	Noted

		site affordable housing provisions, while ensuring that these requirements do not make development unviable. This approach is consistent with Paragraph 173 of the NPPF as set out above.		
2	6.38	In some instances, scheme viability may mean that there is a need to negotiate the level of 'in lieu' payment to be provided.	Paragraph 6.38 should be amended to allow the viability appraisal and other planning benefits to be taken into account in calculating the 'in lieu' payment, as is proposed to be the case with on-site provision.	While the Council agrees that viability could be a consideration in respect of development of the facilitating site, it considers this would be an exception, given the provision of 100% market housing. The SPD already allows for the consideration of development viability in determining the obligations to be secured and the amount/level/cost of these. However, in respect of an 'in-lieu' payment, as such funding must then go to deliver the required development on an alternative site that would itself have regard to viability and other planning benefits. It could not be that such matters where in effect 'double counted' across two sites to the detriment of affordable housing provision.
2	6.42	Paragraph 6.42 refers to a 'baseline' level of affordable housing.	This paragraph should be expanded to explain where this figure is derived from and/or how it is calculated.	**Agreed. Para 6.42 will be expanded to clarify that the 'baseline' level of affordable housing is that level already agreed through the original grant of permission.**
3	6.42	Paragraph 6.42 directs that any applications which are re-submitted by means of extension of time,	As such, LBH's SPD should be amended to make clear that where schemes that	The Council disagrees that this represents a contradiction with

		renewal or variation of planning permission will be subject to a 'baseline' level of affordable housing requirements and on which negotiations will commence on resubmission. This is to ensure that the level of affordable housing cannot be negotiated below the baseline in the event of resubmitted proposals. This requirement contradicts with the Mayor's SPG (para 2.14), which states that any applications to vary consents approved under the Fast Track Route will not be required to submit viability information, provided that the resultant development meets the 35% threshold and required tenure split and does not otherwise result in a reduction in affordable housing or affordability.	provide 35% affordable housing and which is not proposed to be altered, affordable housing negotiations will not be required. Similarly, the SPD should make clear that for schemes that do not meet the 35% threshold or required tenure split, or where a proposed amended would cause the scheme to no longer meet these criteria, viability information will be required and assessed under the Viability Tested Route. This requirement is in line with the Mayor's SPG (paras 2.15 & 2.16).	the Mayor's SPG. Para 2.14 of the SPG provides that the 35% is the baseline. Both the SPD and SPG seek to ensure the baseline is maintained even where it is proposed to alter the scheme.
2	6.47 – 6.48	This section should be expanded to include reference to phased developments, as per our comments above in relation to trigger points.	Include reference to phased developments	**Agreed. Para 6.47 will be amended to include reference to phased development.**
3	7.6	Paragraph 7.6 states that all major mixed-use development within a Local Employment Area/Regeneration Area will be required to make provision for affordable workspace. This requirement contradicts with LBH's Site Allocation DPD (July 2017) forming part of the Council's Development Plan. In respect of Site Allocation SA19: Wood Green Cultural Quarter (South) it states that affordable rent may be sought having regard to the viability of the scheme as a whole. This is therefore not an explicit policy requirement, but rather a consideration that will be taken in the context of the scheme as a whole. Notably, Paragraph 7.9 of the SPD acknowledges the impact of costs associated with affordable workspace on the overall viability of the development.	Paragraph 7.6 should therefore be amended to ensure that it does not contradict with the provisions of the Council's own Development Plan.	Disagree. It is clearly the case that the requirement for affordable workspace is applicable to all proposals for major mixed-use development on LEA-RA sites. However, all policy requirements of the Local Plan are subject to viability considerations. It is not necessary or appropriate to include this caveat throughout the SPD as it is covered off at para 5.47 – 5.50.
3	7.12	Paragraph 7.12 sets out requirements for affordable workspace that should be addressed in the agreement of draft planning obligations Heads of	The requirements are considered to be overly restrictive and beyond the scope of planning policy. As such, these items	Disagree. The requirements set out are those necessary to secure the workspace as

		Terms. The requirements relate to tenancy agreements, lease terms, rent reviews, service charges and sub-letting restrictions.	should be removed. If necessary, such elements can be put forward and discussed between the Applicant and LBH on a site-by-site basis.	'affordable'. It is appropriate, for clarity and transparency, that they are set out in the SPD. All applications are dealt with on their merit and obligations considered have regard to the individual site and scheme.
5	7.12	The consultation document at paragraph 7.12 sets out the example Heads of Terms which need to be addressed when securing obligations around affordable workspace. However, previously at section 7.10 it is stated that the Council recognises that the securing of an element of affordable workspace, in preference to an element of conventional employment floorspace will make a deeper per/m2 cut into the viability of a development. It is thus acknowledged that for the same amount of development of a higher value use, a smaller amount of affordable workspace will be secured than for a conventional employment product. Policy DM38 of the Development Management Plan requires a provision for affordable workspace where viable in Local Employment Areas – Regeneration Areas. However, where there is limited commercial demand, paragraph 173 of the National Planning Policy Framework states the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed is threatened. The commercial viability of schemes in local employment areas such as the Warehouse District is threatened by the lack of flexibility in the proposed obligations set out in paragraph 7.12 of the consultation document. There are already significant viability issues surrounding warehouse living due to the affordable nature of the use combined with the large communal character of the development, bigger bedrooms, more internal height etc.	A more reasonable scenario would not require all major mixed-use development within LEA-RAs to make provision for affordable workspace but only those where a significant surplus profit can be shown within a viability exercise. Furthermore, lease terms cannot be defined by the SPD as the nature of the evolving employment market in Haringey is catered towards shorter flexible leases and smaller businesses making use of the workspace. Thus the terms in the SPD are restrictive where they intend to negotiate affordable workspace. It should be noted that the proposed increase in CIL and the introduction of CIL for warehouse living combined with the affordable workspace requirement in the obligations will have a significant impact on the viability of a viable schemes to come forward. This is already impacting the potential for schemes to be brought forward and therefore this extra burden will frustrate the delivery of further key sites in Regeneration Areas. These regeneration areas have been identified as such due to the need for regeneration. The additional burden of an affordable workspace obligation will not allow these sites to come forward for redevelopment	The SPD outlines how the requirements of the adopted Local Plan policies will be secured. It is not for the SPD to re-write / alter the intent of local plan policies, which themselves have been the subject of viability appraisal to ensure they do not hinder sustainable development coming forward. The owners of warehouse living sites have created the need for this bespoke sui generis product. The local policy has legitimised this use and seeks to ensure this need continues to be met on these sites, including its affordability, albeit in buildings that are fit for habitation. LEA-RAs are employment land sites, where employment outcomes are to be maximised, including securing local employment opportunities through provision of affordable workspace. In failing to secure an element of affordable workspace, the objectives of the local plan policy would not be met. The Council's view is

		Requirements surrounding lease lengths and conditions on rent would hinder the development potential of sites. The Local Plan seeks to proactively manage Haringey's stock of industrial land and it is recognised that the Council will apply a more flexible approach to the development of some employment sites supporting employment led, mixed-use schemes where they will facilitate site regeneration and renewal. This approach is needed to help make employment development more viable, to ensure sites continue to make a positive contribution to Haringey's economy and deliver an uplift in local job numbers. Therefore, the revisions to the Planning Obligations SPD, especially part 7.6, seems to contradict the Local Plan in this area.	and therefore will conflict with the aims of the local plan. Our client advises that greater flexibility within the terms of affordable workspace will allow a more efficient provision of policy compliant workspace within mixed use developments rather than reducing the ability for such sites to come forward in the first place. Paragraph 173 of the NPPF states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. It is within this context that our client challenges paragraphs 7.9-7.13 of the revisions. Competitive returns will only occur when the scheme is operational and a restriction on the occupation of other elements until such time as the affordable workspace has been leased is far too restrictive, and an unreasonable obligation requirement. Thus we request this requirement is removed or re-worded so that it is not linked to the occupation of the other elements of a scheme.	that the flexibility sought is already provided for within the local plan policies for LEA-RAs in providing for a mix of uses on these site to address viability concerns with the delivery of new employment floorspace, including affordable workspace.
2	7.18	Our Client supports the Council's aspiration to maximise job opportunities for local residents. However, in relation to complex construction projects, it is unrealistic to assume that all of the necessary expertise is available locally.	As such, in relation to the 'Notification of Vacancies' in Paragraph 7.18, our Client objects to the requirement for all job vacancies to be advertised exclusively to local residents for minimum period.	Disagree. The exclusivity period is only for a minimum period, after which, if vacancies cannot be filled by local residents, posts can be advertised more widely.

2	7.18	While the minimum requirement of 20% local labour, including local trainees, is considered acceptable, this requirement should be applied flexibly, to reflect different stages of the construction process, where for example, some construction stages may require a large percentage of specialists on site, meaning the percentage of local labour and trainees may be lower at a given time, but higher at another stage in the construction process.	The 20% requirement should be applied flexibly.	Disagree. The requirement is for the 20% to apply 'during' the construction phase rather than 'throughout', providing the flexibility sought and enabling periods where the percentage may be lower or higher.
2	7.18	In relation to apprenticeships, our Client objects to the requirement to pay a support fee of £1,500 per apprentice (Paragraph 7.18), to cover the recruitment process, as well as providing the recruitment opportunity itself. It is unclear what the basis is for this requirement and what the payment would be spent on.	This requirement should be deleted from the SPD.	The fee is to cover the Council's job brokerage costs, ensuring potential local candidates for apprenticeships have already been vetted and identified to take up roles as a result of new development as they become available.
2	7.18	Additionally, in relation to contractors and sub-contractors, our Client is willing to include reasonable local employment clauses in building contracts and to encourage engagement between the contractors and the Council's Employment and Skills team. However, should contractors/sub-contractors not comply with these clauses, it will be at the developers discretion whether to terminate the contract, taking account of wider considerations for the delivery of the development.	*None stated*	Noted. The Council acknowledges that the legal obligation will be with the developer to ensure compliance with the requirements of the agreement.
3	7.28	Paragraph 7.28 states that the Council will seek to ensure that local residents have the opportunity to access new job opportunities created by developments.	This requirement should be considered by a site-by-site basis and not a blanket requirement for all developments. It will be necessary to have regard to the nature of the community offer as part of the development and any related restrictions/obligations.	Disagree. The Council considers it appropriate and in line with Local Plan policies to seek to secure employment opportunities for local residents from new development. All applications are dealt with on their merit and obligations

				considered have regard to the individual site and scheme circumstances.
15	7.28	We are concerned that the blanket approach to employment and training contributions does not properly reflect individual circumstances and therefore additional **flexibility should be introduced** into the wording. The End User Phase Skills requirements (paragraph 7.28 onwards) fails to recognise the generally positive effect of development on creating job opportunities and there is no justification why contributions are required at all. It is also not clear why the obligations apply only to development of between 1,000 and 10,000m² of employment floorspace. Paragraph 7.8 merely states that 'all major developments will need to contribute…' and there is no explanation how this meets either the 'necessity' nor the 'directly related' CIL Obligation Tests. The requirement for contributions does not take into account bespoke employment initiatives which Developers, such as AR, often promote themselves and there should be flexibility in the wording of the SPD to allow for this.	Additional flexibility should be introduced into the wording to reflect individual scheme circumstances.	Disagree. The Council considers it appropriate and in line with Local Plan policies to seek to secure employment opportunities for local residents from all new development, noting that the local plan polices were the subject of recent examination and found to be sound, based upon robust local evidence of need. All applications are dealt with on their merit and obligations considered have regard to the individual site and scheme. This would include schemes that the developer themselves may already promote. Para 7.32 deals with schemes proposing more than 10,000sqm and advocates a more bespoke approach recognising the scale of the opportunity that such very large proposals may provide.
16	7.28	We believe that the employment and training contributions within Section 7 could be revised to better reflect the individual circumstances of large scale developments by allowing additional flexibility, in particular:- The End User Phase Skills requirements (paragraph 7.28 onwards) does not yet recognise the generally positive effect employment development will have on creating job opportunities, and we suggest additional wording is included to reflect this.	Suggest additional wording is included to recognise the generally positive effect employment development will have on creating job opportunities.	Disagree. The Council considers it appropriate and in line with Local Plan policies to seek to secure employment opportunities for local residents from all new development, noting that the local plan polices were the subject of recent examination and found to be sound, based upon

		We would welcome further clarification why obligations apply only to development of between 1,000 and 10,000 m² of employment floorspace. St William contributes significantly towards bespoke employment initiatives through training, investment and apprenticeship schemes outside of the planning obligations framework.		robust local evidence of need. All applications are dealt with on their merit and obligations considered have regard to the individual site and scheme. This would include the use of training schemes that the developer themselves may already promote. Para 7.32 deals with schemes proposing more than 10,000sqm and advocates a more bespoke approach recognising the scale of the opportunity that such very large proposals may provide.
2	7.31	This section of the SPD seems to suggest that irrespective of whether local residents are employed as a result of a development, the Council will require a financial contribution based on floorspace created. While we note the Council's comments at Paragraph 7.17, regarding the Council's historic difficulties in enforcing local employment schemes, and also the potential to agree a bespoke plan for larger schemes, set out in Paragraph 7.32, as actual employment should be the priority, we consider that a financial 'penalty' should only come into effect, if the developer cannot demonstrate that they have either achieved an agreed local employment target or that reasonable steps have been taken to seek to achieve the agreed target.	That the financial 'penalty' should only come into effect, if the developer cannot demonstrate that they have either achieved an agreed local employment target or that reasonable steps have been taken to seek to achieve the agreed target. In the event that the SPD is not amended to reflect the above comments, Paragraph 7.31 should be amended to require payment prior to occupation of the development, rather than commencement of the development, as the payment is effectively a compensation of not employing local residents in a completed development, and does not relate to the construction phase.	As noted at para 7.29, this financial obligation is about targeting local residents who are long-term unemployed and ensuring they are provided the training and skills necessary to access the new employment opportunities created by the new development. This specific outcome is distinct from a local employment target and more appropriately undertaken by the Council using its existing job brokerage services. The Council also disagrees to this payment being made 'prior to occupation' as by that stage it is too late to train and upskill local residents to enable them the opportunity to compete for the new jobs the end user may offer.

2	7.32	Paragraph 7.32 states that while a bespoke plan will be required, the Council might still require a financial contribution.	The SPD should be expanded to provide an explanation of the circumstances in which a financial contribution will be required, instead of direct provision.	**Agreed. Amended to state that direct provision may be sought instead of a financial contribution.**
15	8.13	Paragraph 8.13 should be **revised** to recognise that the Developer may carry out s278 works if previously agreed with the Council. Such an approach is common on major schemes.	Revise para 8.13 to recognise that the Developer may carry out s278 works if previously agreed with the Council.	**Agreed. Para 8.13 amended as suggested.**
10	Section 9- Public Realm	We note that section 9 is entitled Open Space and Public Realm, although the text does not explicitly refer to public realm improvements as a potential type of planning obligation. While all designated heritage assets are potential beneficiaries of a planning obligation, there may be particular justification where sites include assets currently at risk from neglect, decay, under-use or redundancy. Each year Historic England publishes a *Heritage at Risk Register*, which comprises information on all listed buildings, scheduled monuments, conservation areas and registered parks & gardens that are vulnerable through neglect or other threats. The 2017 Register is available on Historic England's website: https://historicengland.org.uk/advice/heritage-at-risk/.	We would therefore suggest that including public realm improvements be added to section 10.	**Agreed. But in preference to inclusion in Section 10 Heritage, Section 9 of the SPD, Public Realm and Open Space, will be expanded to include public realm improvements as a specific obligation.**
4	9.10	The Lee Navigation towpath provides a convenient link for walking and cycling, and should be recognised as a sustainable transport network here. We would support improvements to the towpath in order to promote and mitigate for increased use of the towpath. Paragraph 9.10, Open Space, states "Obligations may be sought … to secure public access to, and use of, existing open space."	We would query if this could include contributions to the open space of the Lee Navigation towpath, for development proposals near this waterway? Development can bring additional residents and visitors to the waterways, and our infrastructure can often require improvement to be able to cope with this increased demand and raised expectation.	Yes an obligation could be sought to secure improvements to the Lee Navigation towpath if the statutory tests are met. However, it is not appropriate to specifically name potential improvement projects – these would be specific to the application and its location, and is too detailed for inclusion in the SPD.

13	9.10-9.22	Picking up on the Community Infrastructure Levy Regulations 2010, which with the inclusion of paragraph 122(2) states; *A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—* *(a) necessary to make the development acceptable in planning terms;* *(b) directly related to the development; and* *(c) fairly and reasonably related in scale and kind to the development.* This is now a legal requirement as opposed to previous policy guidance meaning that any planning obligations have to be 'necessary' to make the consent lawful. Unfortunately, the use of such a wide-reaching tariff to cover all types of residential including specialist retirement housing would fail the "necessary" test as well as contributions not being calculated in a fair and reasonable way relating in scale and kind to the nature of my Client's specialist residential developments for older people. It is assumed that specialist retirement housing would be exempt from elements of the contributions where there is limited or no direct relevance or mitigation to be addressed. This perhaps needs to be clarified further in the SPD. The need for play areas, schools, education and open space elements would clearly not be directly relevant and yet may be treated the same as say a 4-bedroom house. Specialist housing for the elderly by its very nature does not accommodate children and in so doing the contributions related to infrastructure for children does not meet the test of the Community Infrastructure Levy Regulations 2010, paragraph 122(2). We note that contributions will be sought to mitigate the effects of residential development on Recreation, sports and leisure in an area. Whist we accept that	On this basis we request that the requirement to seek contributions for play areas, schools, education and open space elements is either: A) Reduced to reflect lower cumulative impact on the facilities arising from these forms of development, or, B) Decided on a case by case basis with developer contributions mitigating the impact on facilities likely to be impacted by older persons housing.	Disagree. The Council maintains that Extra Care housing falls within Use Class C3, being self-contained accommodation for market rent and/or sale. To be of high quality, well designed and sustainable it should comply with the policy standards applicable to all forms of C3 housing, which take into account unit size / number of bed rooms/ occupancy levels etc in determining the appropriate level of applicable amenity requirements. However, all applications are treated on their own merits, and applicants can provide evidence to justify why they consider their proposal should not be subject to specific policy requirements of the Local Plan and therefore not be subject to the applicable obligations as set out in the SPD.

		this is not as clear cut as, for example children's education, the various forms of specialist accommodation for the elderly will not have the same impact on sports facilities as family or 'general needs housing'. McCarthy and Stone's Retirement Living developments are aimed at the elderly. Residents of such developments tend to be on average 79 years old and suffer from lower mobility. Consequently, the cumulative impact on sports and recreation facilities arising from residents in such developments would be less than that of family or 'general needs housing'. Seeking development contributions from older persons housing developments at a fixed rate does not therefore *'fairly and reasonably relate in scale and kind to the proposed development'.*		
16	9.21-9.22	St William, as part of its place making and cultural approach to regeneration, will include public art within its landscape and design strategy for major sites.	We believe that Chapter 9 Paragraph 9.21 and 9.22 could recognise that public art can be delivered as part of a design led landscaped approach, in lieu of a specific standalone commission	Disagree. As set out in the SPD, the Public art should be integrated into the design of the proposal but should be identifiable in its own right.
12	Section 9 & 10	LPGT supports the approach to planning obligations for heritage assets and for public open space and wishes to ensure the SPD is clear that: • development which benefits from its proximity to a public open space contributes to its ongoing maintenance. Development sites should contribute to the ongoing maintenance of designed landscapes and invest in them to ensure they can withstand greater pressure arising from the increased population using them. • the remit of the heritage section includes designed landscapes such as public parks, grounds of historic houses, and sites, churchyards, cemeteries and town squares, not only statutorily but also non-statutorily designated historic green spaces. (Ref Policy DM9)	In para 10.4 delete "Repair, restoration or maintenance of a heritage asset(s) and their setting;" and replace with "conservation, enhancement, restoration and/or maintenance of a heritage asset(s) and their setting;	**Agreed. Para 10.4 will be amended as suggested.**

10	Section 10	We note that the purpose of the SPD is to set out the Council's approach, policies and procedures in respect of the use of planning obligations. We very much welcome the inclusion of historic environment considerations (section 10) within the document and the identification of the various types of heritage-related obligations at paragraph 10.4.	We would however point out that the contents list on page 2 omits to mention section 10 as it stands.	Noted, the Council will update the Table of Contents to address this omission
15	Section 11	AR is working with the Council to ensure that their sites in Tottenham Hale provide a comprehensive response to energy and sustainability requirements and fully support the Council's emerging plans for a district energy network. It is important, however, that obligations facilitate rather than stifle delivery and in this respect we recommend that the Council carefully review aspects of the draft SPD. First, the SPD **should be revised** to recognise that any S106 contributions secured for carbon offsetting, as set out in section 11 of the draft SPD, should be capable of being used to contribute towards measures which deliver local district energy infrastructure. In setting carbon offsetting levies, the Mayor of London's Sustainable Design and Construction SPG stresses that, it is essential for boroughs to identify a suitable range of projects that can be funded through the carbon dioxide offset fund (paragraph 2.5.18). However, there is no evidence to indicate that the Council has identified such a range of projects in the draft SPD. Using S106 carbon offsetting contributions for local district heating infrastructure would, subject to avoiding CIL pooling restrictions, help to underpin the delivery of this infrastructure. It is noted that the Council's draft revised CIL charging schedule (April 2017) and the draft Regulation 123 list included district heating as a form of infrastructure which could be used for the purposes of CIL which could preclude S106 contributions to district heating.	Revise the text in the draft SPD to confirm that offsetting contributions can be used for the purposes of district heating infrastructure. Paragraph 11.21 should also be **updated** to include '*decentralised energy systems and associated infrastructure*';	Disagree. The Council's revised Reg123 list includes the provision of a '*District Energy Network and associated infrastructure'* beyond a development site boundary as falling to CIL. It is not therefore possible to also use offsetting contributions towards the same infrastructure.

15	Section 11	Consistent with national policy, the Mayor of London's Sustainable Design and Construction SPG (paragraph 2.5.11) states that the price set should not put an unreasonable burden on development and should enable schemes to remain viable. Viability in Opportunity Areas and Housing Zones is by definition challenging and the Council has not demonstrated how the application of a flat offsetting charge across the borough will not undermine viability. Paragraph 11.10 of the draft SPD merely states that the cost has been agreed. Compounded by an absence of information about what receipts will be spent on, it is not evident how the proposed charge meets the CIL Obligation Tests to be 'directly related' in scale and kind to the development nor meets the viability requirements of the NPPF. In our view, the rate set must be justified, not just borough wide, but also in Opportunity Areas and Housing Zones. Further, the Council needs to explain why, for instance, a rate of £1,800 per tonne (as cited in the Mayor of London's Sustainable Design and Construction SPG) would not be appropriate.	Review and clarify the draft Regulation 123 list to ensure that there is not 'double-dipping' from CIL and S106 in respect of District Heating. Second, the scale of the carbon-offsetting contribution charge (at £2,700 per tonne) has not been justified and should be reviewed.	The inclusion of '*District Energy Network and associated infrastructure'* within the revised Reg123 list relates to the network beyond the site boundary while the SPD clearly sets out that the obligation on the development is to provide a site-wide DEN and to connect to an existing network or to design the development such that it can be easily connected to a future network if one is planned but does not currently exist.
15	Section 11	Third, the SPD should be **revised** to make it clear that infrastructure delivered directly for sustainable infrastructure as part of a planning consent, for example district heating pipe network, can be deducted from the amount payable for offsetting.	The SPD should be **revised** to make it clear that infrastructure delivered directly for sustainable infrastructure as part of a planning consent, for example district heating pipe network, can be deducted from the amount payable for offsetting.	Disagree. The target in the plan relates to the scheme as a whole, including the allowable solutions being implemented. However, if these solutions, including a DEN, are not sufficient to enable compliance with the policy, then the cost of these should not be deducted from any offset contribution due.
15	Section 11	Finally, this section should be reviewed for accuracy, relevance and grammar. Paragraph 11.8, for instance, appears to be generic text taken from	**R**eview Section 11 for accuracy, relevance and grammar.	**Agreed. Amendments have been made**

		another document (it refers to the 'relevant borough') and paragraph 11.11 starts with an 'And'.		
16	Section 11	We would welcome further dialogue with Haringey on the issue of off-site financial obligations in relation to carbon management.	We feel that the proposed obligation of an equivalent £90/year should be supported by an evidence base as it increases payments beyond those evidenced by the GLA which are £60/year. This could have significant effects on the viability of major development sites as recognised by the Mayor of London's Sustainable Design and Construction SPG (paragraph 2.5.11) which states that the price set should not put an unreasonable burden on development and should enable schemes to remain viable.	**Agreed. For consistency, the SPD will refer to the latest published rate by the Mayor for London.**
2	11.18	Paragraph 11.18 of the draft SPD sets out the formula for calculating the required carbon offset payment. The SPD indicates payment should be based on £2,700 per tonne of carbon dioxide to be off-set. This is a significant increase over the Mayor's Sustainable Design and Construction SPD, which states that using the Zero Carbon Hub price equates to £60 x 30 years i.e. £1,800 per tonne of carbon dioxide to be off-set.	No explanation is given for this significant departure, as such we consider that the SPD should be revised to ensure consistency with the Mayor's SPD.	**Agreed. For consistency, the SPD will refer to the latest published rate by the Mayor for London.**
3	11.19	Paragraph 11.19 currently states that offsetting payment for carbon dioxide will be collected under a Section 106 Agreement and will be collected at the point of commencement.	It is necessary that the triggers for offsetting payment are amended to require 50% at the time of commencement on site and 50% on completion. This is considered to be reasonable to allow payments to be staggered across stages of site development.	Disagree. The offsetting only applies where a development fails to be designed to achieve the required standard. This is distinctly not as a result of development viability. Therefore, there is no justification for a phased payment in respect of this obligation.
7	11.22 – 11.27	This equipment monitoring requirement has been in place in LB Ealing since January 2013, and is to be included as a new policy in LB Hounslow. It is also	There should be a specific monitoring obligation regarding the performance monitoring of renewable energy or	Agreed in part. Haringey requires the Energy Strategy for a proposal to set out the

	Monitoring DEN	quoted as an example of Best Practice in the GLA Sustainable Design & Construction SPG (Policy 2.5.36 – page 54). The monitoring requirement /policy is made financially viable through a minimal S106 fee (approximately £750 for a major development). The fee funds the provision of an Automated Energy Monitoring (web) Platform (external service), and part funds an energy officer (who evaluates the development's Energy Strategy). There have been no developer complaints about the monitoring requirement in Ealing since it was introduced in 2013.	Combined Heat & Power/District Heat supply on development schemes. This is necessary to be able to confirm compliance with Local Plan and GLA policies (particularly London Plan policy 5.2).	monitoring and reporting arrangements to be agreed. If appropriate, this may include an obligation for post occupation monitoring and report. **It is appropriate to update the SPD to clarify this expectation.**
8	11.28-11.29	We welcome paragraphs 11.28 and 11.29 recognising the role planning obligations can have in mitigating for biodiversity impacts. Paragraph 11.30 references the London Plan and development assisting in achieving targets in biodiversity action plans. Councils are also a key partner in helping to deliver the objectives and action measures of the Thames River Basin Management Plan (relating to the Water Framework Directive and aim for all waterbodies to achieve good ecological status or potential by 2021/27).	We recommend the paragraphs on Biodiversity are revised to include reference to the role planning obligations can have in restoring rivers to an improved condition and thus helping to achieve the aims of the Thames River Basin Management Plan. This links with your policy DM28 "Protecting and enhancing watercourses and flood defences" and paragraph 4.101 of your Development Management Policies DPD. An example of this is deculverting the Moselle Brook where a development can make a contribution towards this either on-site or off-site (due to site-specific impacts). The Moselle Brook is currently failing to reach good ecological potential and deculverting and restoration of this watercourse can contribute to improving biodiversity both on-site and in terms of creating a green and blue infrastructure network. There are stretches of the Moselle Brook where the current condition of the culvert is poor. Where	**Agreed. Para 11.29 is to be amended to include reference to the requirements within policy DM28 and para 11.30 amended to include the opportunity to secure river/watercourse restoration or improvements to its condition.**

			de-culverting has been demonstrated not to be feasible, contributions should be sought to improve the condition of the culvert to better protect properties from the risk of flooding.	
15	11.33-11.34	AR are supportive of the Considerate Constructors Scheme but this should, in accordance with national guidance, be secured by planning conditions not obligations.	Paragraphs 11.33 and 11.34 should be **deleted**.	Noted. However, as set out in the SPD, the Considerate Constructors Scheme is best practice beyond the statutory requirements and therefore the Council can only encourage developers to register their scheme not require it. **The text has been amended to more appropriate reflect this**
15	12.3-12.6	Paragraph 12.3-12.6 should also be **revised**. The requirement for ultrafast broadband needs to be caveated to recognise that there will need to be exceptions where there are practical and financial difficulties of connecting to the wider network which are likely to be out of the control of the applicant.	Revise to recognise that there will need to be exceptions where there are practical and financial difficulties of connecting to the wider network which are likely to be out of the control of the applicant.	Disagree. Exceptional circumstances are unique and not therefore not appropriate for caveating. The Council would expect the developer to raise such difficulties with the Council to enable the to intervene to resolve the issue.
6	Omission - Schools	The ESFA strongly supports the use of planning obligations to secure developer contributions to education facilities where housing development generates the need for school places. The ESFA notes that significant growth in housing stock is expected in the borough. However, the draft SPD makes very little mention of education, other than the preference for promoting adult education use if loss of employment space occurs. Ensuring adequate developer contributions and a supply of sites for schools is essential to ensure that LB Haringey can swiftly and flexibly respond to existing	National Planning Policy Framework (NPPF) advice notes that local planning authorities (LPAs) should take a proactive, positive and collaborative approach to ensuring that a sufficient choice of school places is available to meet the needs of communities, and that LPAs should give great weight to the need to create, expand or alter schools to widen choice in education (para 72). When new schools are developed, local authorities should also seek to safeguard land for any future expansion of new schools where demand indicates this	**Agreed. A new section will be added to the SPD on social and community infrastructure, to include education facilities**.

		and future need for school places to meet the needs of the borough over the plan period. It would therefore be helpful if the SPD text be amended to include reference to seeking contributions towards schools (see para 11 below) and key strategic policies to secure developer contributions for schools are explicitly referenced or signposted within the document:	might be necessary. LB Haringey should also have regard to the Joint Policy Statement from the Secretary of State for Communities and Local Government and the Secretary of State for Education on *'Planning for Schools Development'*[1] (2011) which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. The ESFA note that Haringey CIL (partial review of which was adopted Nov 2017) identifies Education as the infrastructure type with the largest funding gap (£73m) over the Local Plan period and as such, Education is appropriately identified on the Reg 123 list. LB Haringey seek to ensure appropriate rates are levied and the right infrastructure is secured across the borough, taking into account the type, amount and location of infrastructure required to support anticipated growth, as set out in the Council's Infrastructure Delivery Plan. The ESFA support the Council's approach to ensure developer contributions secured through CIL address the impacts arising from growth. **However, the ESFA request the Planning Obligations SPD be amended to confirm that s106 contributions towards delivery of schools will be sought, where relevant, through provision of land for schools and/or**	

[1] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6316/1966097.pdf

			contributions towards capital costs of school delivery (in lieu of a CIL contribution for education, where appropriate).	
18	Omission – Water Supply and Waste Water	**Omission of Section on Water Supply and Waste Water Infrastructure** It is important to consider the net increase in water and wastewater demand to serve the development and also any impact that developments may have off site, further down the network. It is therefore important that developers demonstrate that adequate water supply and wastewater infrastructure capacity exists both on and off the site to serve the development and that it would not lead to problems for existing users. In some circumstances this may make it necessary for developers to carry out appropriate reports and appraisals to ascertain whether the proposed development will lead to overloading of existing water and sewerage infrastructure. It is Thames Water's understanding that Section 106 Agreements can not be required to be used to secure water and waste water infrastructure upgrades. However, it is essential to ensure that such infrastructure is in place to avoid unacceptable impacts on the environment such as sewage flooding of residential and commercial property, pollution of land and watercourses plus water shortages with associated low pressure water supply problems. Water and sewerage undertakers also have limited powers under the water industry act to prevent connection ahead of infrastructure upgrades and therefore rely heavily on the planning system to ensure infrastructure is provided ahead of development either through phasing and Local Plan policies or the use of conditions attached to planning permissions. Thames Water therefore consider that	"**Wastewater/Sewerage and Water Supply Infrastructure** ***Developers will be required to demonstrate that there is adequate water supply, waste water capacity and surface water drainage both on and off the site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing water and/or waste water infrastructure. Drainage on the site must maintain separation of foul and surface flows. Where there is an infrastructure capacity constraint the Council will require the developer to set out what appropriate improvements are required and how they will be delivered. "***	It is also the Council's understanding that obligations cannot be required to be used to secure water and waste water infrastructure upgrades. However, we also note that Policy DM29 within the Development Management DPD addresses the need for development proposals to demonstrate that there is adequate surface water, foul drainage and sewerage treatment capacity to serve all existing and new development. The policy and its supporting text essentially covers off the suggested text, including the need for developers to engage with Thames Water, in studies if required, to determine if there are capacity issues, and where no improvements are programmed, the policy requires the applicant to contact the water or wastewater company to agree what improvements are required. Such improvements are appropriately delivered as a planning condition. As the wording sought for inclusion in the SPD is already included in the supporting text to Policy

		the following section should also be added to the SPD:		DM29, the Council does not consider it necessary to repeat this again in the SPD.
18		Thames Water are funded in 5 year periods called Asset Management Plans (AMPs). We are currently in AMP6 (6th since privatisation) which runs from 1st April 2015 to 31st March 2020. Details of Thames Water's 5 year plan for AMP6 can be viewed on their website at: http://ourplan.thameswater.co.uk/water-sewerage/ Thames Water's growth plans are based on planning information in the public domain and as such, Local Plans play an extremely important role in our growth assumption planning. As part of Thames Water's five year business plan they advise OFWAT on the funding required to accommodate growth at their treatment works. As a result Thames Water base their investment programmes on development plan allocations which form the clearest picture of the shape of the community as set out in the National Planning Policy Framework (paragraph 162) and the National Planning Practice Guidance. The time to deliver solutions should not be underestimated. For example, local network upgrades take around 18 months and Treatment Works upgrades can take 3-5 years. Thames Water are currently working on the draft Business Plan for the next Price Review in 2019 (PR19) which will cover AMP7 (1st April 2020 to 31st March 2025). It may be necessary for new or upgraded water and waste water infrastructure to be provided in respect of individual developments, depending on the type, scale and location of development. The provision of water treatment (both wastewater treatment and water supply) is met by Thames Water's asset plans and from the 1st April 2018	It is crucial that any such additional infrastructure is provided in time to service development to avoid unacceptable impacts on the environment and this is the reason that Thames Water seeks adequate policy coverage and support for Water/Wastewater Infrastructure within Local Plans and related planning policy documents. The Council, through the development plan and consideration of planning applications, should seek to ensure that there is adequate water/wastewater infrastructure to serve all new developments. Developers should be required to demonstrate that there is adequate water supply, wastewater capacity and surface water drainage both on and off the site to serve the development and that it would not lead to problems for existing or new users. In some circumstances this will make it necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing water and wastewater/sewerage infrastructure. Drainage on the site must maintain separation of foul and surface flows. With regard to surface water drainage, Thames Water request that the following paragraph should be included in the SPD ***: "It is the responsibility of a developer to make proper provision for surface***	Disagree. Policy DM29 within the Development Management DPP addresses the need for development proposals to demonstrate that there is adequate surface water, foul drainage and sewerage treatment capacity to serve all existing and new development. Para 4.107 of the supporting text to the policy clarifies that developers may be required to prepare a drainage strategy in liaison with Thames Water, that may include detailed modelling of the network capacity to determine if mitigation is required. The Council expects the drainage strategy to be submitted with the planning application and any mitigation measures delivered as part of the development scheme, conditioned if necessary. It should be noted that the Council publishes an Authority's Monitoring Report annually that includes details of the major development proposals granted planning permission. Thames Water are advised to refer to this for its investment programming.

		network improvements will be from infrastructure charges per dwelling. From 1st April 2018, the way Thames Water and all other water and wastewater companies charge for new connections will change. The economic regulator Ofwat has published new rules, which say our charges should reflect: fairness and affordability environmental protection stability and predictability transparency and customer-focused service The changes will mean that more of the water company charges will be fixed and published, rather than provided on application, enabling the developer to estimate their costs without needing to contact the water company. The services affected include new water connections, lateral drain connections, water mains and sewers (requisitions), traffic management costs, income offsetting and infrastructure charges. Thames Water will publish their new charges on 1 February 2018. Please see Thames Water's website for further information: https://developers.thameswater.co.uk/New-connections-charging **SUDS** With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, watercourses or surface water sewer. It is important to reduce the quantity of surface water entering the wastewater system in order to maximise the capacity for foul sewage to reduce the risk of sewer flooding. Thames Water recognises the environmental and economic benefits of surface water source control, and encourages its appropriate application, where it is to the overall benefit of their customers. However,	***water drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, as this is the major contributor to sewer flooding."***	Policy 25 of the Development Management DPD sets out the requirements to manage surface water drainage. Where applicable, SuDs are to be delivered as an integrated part of the development design, and conditioned to ensure these can achieve the required runoff rates specified and are appropriately managed and maintained. The need for an obligation would only arise where the management and maintenance responsibilities were transfer to the Council. This would only be in exceptional circumstances and would necessitate the securing of an appropriate financial contribution.

		it should also be recognised that SUDS are not appropriate for use in all areas, for example areas with high ground water levels or clay soils which do not allow free drainage. SUDS also require regular maintenance to ensure their effectiveness. Limiting the opportunity for surface water entering the foul and combined sewer networks is of critical importance to Thames Water. Thames Water have advocated an approach to SUDS that limits as far as possible the volume of and rate at which surface water enters the public sewer system. By doing this, SUDS have the potential to play an important role in helping to ensure the sewerage network has the capacity to cater for population growth and the effects of climate change. SUDS not only help to mitigate flooding, they can also help to: improve water quality provide opportunities for water efficiency provide enhanced landscape and visual features support wildlife and provide amenity and recreational benefits. With regard to surface water drainage, Thames Water request that the following paragraph should be included in the SPD ***: "It is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, as this is the major contributor to sewer flooding."***		