



CONSULTATION STATEMENT AND SUMMARY OF COMMENTS REPORT

Planning Obligations Supplementary Planning Document

July 2009

1. Introduction

1.1 This document includes details of consultation undertaken in preparation of the Planning Obligations Supplementary Planning Document (SPD). It sets out a summary of the main issues raised in representations received during consultation on the document, the Council's responses to these comments and proposed changes to the SPD. Consultation on the SPD was conducted in conjunction with consultation on the associated Sustainability Appraisal.

2. Consultation on preparation of draft SPD

2.1 A range of organisations were consulted during the preparation of the draft SPD. The following table sets out details of the main issues raised and how these were addressed in the draft SPD. Details on the public consultation on the draft SPD are set out in Section 3 below.

Organisation	How consulted	Summary of main issues raised	How addressed in SPD
Greater London Authority	Planning Obligations Issues Paper	None	
Communities and Local Government	Planning Obligations Issues Paper	None	
Government Office for London	Planning Obligations Issues Paper	None	
Transport for London	Planning Obligations Issues Paper	Public transport improvements should be of high priority. Welcomes proposed standard charges approach. Contributions should be used	A specific section is included addressing the transport impacts of new development, including the potential for the need for obligations relating to public transport provision.

		<p>to fund Highway improvements, public transport, walking and cycling and sustainable transport initiatives, commuted maintenance payments</p> <p>The pooling of contributions should be considered.</p> <p>Where a development has a direct impact on the Transport for London Road Network TfL should have an active involvement in the S106 process.</p>	<p>The document specifies that obligations will be used to fund these initiatives. The document does not refer to commuted maintenance payments as this has not often been necessary in the borough. It is however clear that where a specific need arises additional obligations may be required.</p> <p>Contributions will be sought to help deliver a range of strategies and policies which are referred to in Section 7. These include details of the strategic infrastructure which will be jointly provided by TfL.</p> <p>The SPD includes scope for involvement by TfL in the S106 process by specifying that contributions may be required for TfL works and that TfL may need to be consulted, for example in relation to repair and reinstatement of highways.</p>
Islington Primary Health Care Trust	Planning Obligations Issues Paper and meetings	Discussed infrastructure planning by the PCT.	Section included in the SPD on health provision.
Metropolitan	Planning	Details on community safety should be	Section included in the SPD on

Police	Obligations Issues Paper	included within the SPD. Further mitigation measures can be dealt with at application stage.	community safety.
Islington Groundwork	Planning Obligations Issues Paper	Assessments will be carried out relating to open space and playspace provision within the borough as part of a new piece of work being carried out. Important to understand impacts from new development and needs relating to public parks and housing open space.	The SPD has been informed by the Islington Open Space, Sport and Recreation Assessment which incorporates this information. The assessment includes an audit of public parks and other open spaces which has been used to inform the SPD.
Finsbury Park Partnership	Planning Obligations Issues Paper	None	
Cambridge Education Authority	Planning Obligations Issues Paper and meetings	Discussed projections for school places within the borough and programme for improvements to education facilities.	Section included in the SPD on education provision.
EC1 New Deal for Communities	Planning Obligations Issues Paper	EC1/ Islington Public Space Strategy should help to inform public realm improvements.	Strategy referred to in Section 7 – Implementation.

2.2 A range of London Borough of Islington Officers and Councillors within the Council were also consulted in the preparation of this SPD and comments have been incorporated within the document. The following London Borough of Islington services were involved in the drafting of the document: LBI Planning Policy and Projects; LBI Development Management; LBI Transport Planning; LBI Highways; LBI Public Realm; LBI Regeneration; LBI Public Protection; LBI Children’s Services; LBI Finance; LBI Legal.

2.3 A report setting out details of the approach to be taken in the draft SPD was considered by the Council's Corporate Management Board in January 2008.

2.4 The draft SPD was examined by the council's Sustainability Team and has been subject to a Sustainability Appraisal which was consulted during the public consultation.

3. Public consultation on draft SPD

3.1 The Draft Planning Obligations Supplementary Planning Document (SPD) was consulted on publicly from 22nd September 2008 to 3rd November 2008. The draft Sustainability Appraisal for the document was consulted on at the same time and a consultation statement setting out details of consultation undertaken in the preparation of the SPD was also published.

3.2 Public Consultation on the draft SPD and supporting documents took place alongside consultation on the Islington Core Strategy 'Issues and Options', the draft Accessible Housing SPD and draft Sustainable Transport Guidance Note. The programme of consultation included the following:

- The draft SPD and supporting documents were considered by the Council's Joint Board Committee and the North, West, East and South Area Committees.
- A summary leaflet and questionnaire on the Core Strategy (which also included details on the Planning Obligations SPD) was delivered to all households in the borough.
- Details of the consultation were advertised in the press.
- Details of the consultation were included on the Council's website, where the documents were available. The documents were also available on a separate interactive website where it was possible to submit comments.
- A range of local community events and exhibitions were held in public places across the borough.

- Events were carried out with specific stakeholder groups including local businesses, residents, and 'hard-to-reach' groups.
- The documents were made available at the Council's offices and libraries within the borough.
- The documents were sent to statutory bodies including the neighbouring boroughs, the GLA (seeking conformity with the London Plan) and a range of other organisations.
- Details of the consultation were sent to interested parties on the Core Strategy notification list which consists of over 1000 organisations/ persons and a range of other groups within the borough.

4. Representations received and Council responses

4.1 A summary of the main issues raised in representations received during the public consultation, the Council's responses to these comments and proposed changes to the SPD is set out here. The full wording of the representations received has been considered although only a summary of these is included below.

Organisation	SPD Reference	Summary of Main Issues	Council's Response
The Angel Business Improvement District Board (Christine Lovett)	2.5.3 (Obligations required in Islington); 6.0.1 (Other Obligations)	Angel BID is, in general, supportive of the draft SPD. The BID would like the document to include obligations which would help to address the disruption the Town Centres experience as the result of new developments. The BID can assist in this process. This could be included under 2.5.3 and 6.0.1 as Town Centre Management and referenced accordingly in Appendix 4.	New developments can cause disruption through the construction process and through increasing the number of people travelling and using local facilities. The SPD includes obligations to address these issues (Construction Practice, Transport and Public Realm, Community Safety). For some developments that have a particular impact on the operation of town centres, for example, large retail developments, it may be appropriate to require a specific obligation

			<p>towards town centre improvements and management.</p> <p>The SPD has been amended to include Town Centre Improvements and Management at para 2.5.3; 6.0.1 and Appendix 4. A reference to particular impacts that new development can have in commercial centres has been added at paragraph 5.1.7.</p>
Derwent London (Gerald Eve)	6.3 (Mixed use Development in the Central Activities Zone)	<p>The section on Mixed Use Development is inappropriate as this is seeking to introduce new policy.</p> <p>The formula for the affordable housing contribution is based on 'average values' and provides no certainty for developers. In other boroughs, where mixed use policy exists and contribution formulae are correctly set out in policy documents, figures are clearly provided and reviewed on an annual basis.</p>	<p>The objective of providing mixed use development is well established (see Planning Policy Statement 1). London Plan Policy 3B.3 and UDP Policy E3 require a mix of uses to be provided in new office developments. This section provides further guidance on the application of such policies.</p> <p>The document does this by providing guidance on the circumstances in which it would seek a contribution in lieu of provision of an adequate mix of uses on site. This has been based on experience of dealing with this issue on previous applications including at planning appeal.</p> <p>A formula has been included within the SPD to show how this will operate. This has been amended for clarification. The average values</p>

			that form part of the formula are set out in the document providing certainty for developers – see formula source 5. The document specifies that this will be reviewed on an annual basis.
Disability Action Islington	General	<p>Comments relevant to the Planning Obligations SPD were made as a part of a consultation event on the Core Strategy and associated documents. A summary of these is as follows:</p> <p>Increases in the number of people living, working and visiting the borough will place additional pressure on transport routes and other facilities such as parks and playspaces. This will particularly affect disabled people who may find it harder to access these, especially if they are overcrowded. S106 obligations should be used to increase the capacity and accessibility of such facilities.</p> <p>Disabled people are more vulnerable in areas that are not well surveyed and not well lit. Planning obligations should be used to ensure that developments address any community safety issues that may arise through proposals such as through the provision of additional lighting or CCTV.</p>	<p>The SPD seeks to address the impacts of new development on transport and other facilities through setting out details of planning obligations that are likely to be required.</p> <p>Projects that are funded using S106 contributions will include accessibility improvements to infrastructure and facilities to take into account the increase in the number of disabled people living, working and visiting the borough as a result of new development and also the effects that increased pressure on infrastructure and facilities arising from new development may have on the ability of disabled people to access these.</p> <p>Details of the accessibility of developments are addressed through the planning application (Design and Access Statements) and planning conditions and will not normally need to be addressed through planning obligations. Likewise potential community safety issues arising from new development should be dealt with through the design of the building and adopting the principles of</p>

			‘designing out crime’. The SPD does however include a section on Community Safety which states that developers may be required to contribute to community safety measures where a need arises as a result of a new development.
Vice Chancellor of the University of London (Warwick Business Management Limited)	6.7 Other Obligations	<p>A more robust mechanism is needed to ensure that the Employment Space and Affordable Workplaces objectives in the Core Strategy Issues and Options are realised.</p> <p>Provision will need to be made for affordable workspaces through the proposed Community Infrastructure Levy.</p>	<p>The SPD states that affordable workspace may be required on specific developments. The use of planning obligations relating to affordable workspace and employment space will be reviewed on adoption of the Core Strategy to reflect its policies.</p> <p>The Council will review the feasibility of securing affordable workspace through the proposed Community Infrastructure Levy on publication of regulations relating to its operation by the government.</p>
The Business Design Centre Group (Cushman and Wakefield)	Para 4.4.1 (Viability)	Given the current economic climate, we consider that this paragraph needs to be expanded and reinforced to stress the importance of open book negotiations on a site by site basis and the need for standards to be applied flexibly.	Noted. Further reference has been added to reflect consideration being given to flexible timing on payments and type of information that will be required when assessing viability.
London Metropolitan University (John Sharkey & Co)	Para 1.0.3 & 2.5.1 (Summary; Obligations Required in	It is not appropriate to require S106 agreements for applications for student housing. The requirement for S106 agreements on student housing is against	Circular 05/2005 specifies that planning obligations can be used to ensure that proposed development is acceptable in planning terms and can be used to prescribe

	Islington)	existing policy at national, sub-regional and local level.	the nature of development, compensate for loss or damage created by a development or to mitigate a development's impact. The Circular does not state the nature of developments that planning obligations can be applied to, nor does it preclude any particular types of development from the use of planning obligations. The use of planning obligations to address the impacts of new development is well established at national (e.g. PPG13, PPG17), regional (London Plan Policy 6A.5) and local levels (UDP Policy IMP13). Student residential development increases the number of people living in an area. This places additional impacts on the local infrastructure and facilities such as open space. If such impacts are not addressed developments have an unsustainable impact on the local area and will not be acceptable in planning terms. Consequently, requiring S106 agreements to be entered into for student residential developments to ensure that the impacts of development are addressed is in accordance with national, regional and local policy.
London Metropolitan University (John Sharkey & Co)	Para 1.0.3 (Summary)	The Council has used a “catch all” provision throughout the document, which states “other proposals where deemed to be necessary”. This is not in accordance	Circular 05/2005 encourages local planning authorities to use formulae and standard charges to indicate the level of contributions that are likely to be sought. This can speed up

		with central government guidance in Circular 05/2005, which requires local planning authorities to give as much certainty as possible on these matters.	negotiations, promote transparency and give greater certainty to applicants. The Circular states that it is for local planning authorities to decide which matters, if any, to address through standard charges and formulae. The Council has taken this approach for specific issues within the draft SPD and also indicated the nature of developments that S106 agreements will be required on to help to give certainty to applicants. However the circular does not specify that all planning obligations that will be required or that the types of developments where S106 agreements will necessary, need to be set out in advance in planning guidance. Indeed it would be impossible to name in advance every issue that may arise and every development where planning obligations may be required in planning guidance.
London Metropolitan University (John Sharkey & Co)	Para 3.2 (The London Plan)	The SPD does not refer to London Plan policies dealing with Higher and Further Education, specifically Policy 3A.25.	Policy 3A.22 in the London Plan states that the Mayor will and boroughs should work with the LDA and the higher and further education sectors to ensure that the needs of the education sectors are addressed in Development Plan Documents. This is being considered as a part of the development of the Council's Core Strategy and is not directly relevant to this Supplementary Planning Document the purpose of which is to set out

			details on the planning obligations which are likely to be sought by the borough.
London Metropolitan University (John Sharkey & Co)	Para 5.0.2 (Standard obligations and charges)	The University was not contacted on the Planning Obligations SPD Issues Paper, and therefore did not have the opportunity of submitting any responses.	The SPD Issues Paper was circulated by the Council internally and also to key statutory organisations to help inform the initial drafting of the document. The Council has undertaken a formal consultation on the draft SPD to give the opportunity to other organisations to submit comments on this in accordance with regulations.
London Metropolitan University (John Sharkey & Co)	Para 6.0.1 (Other Obligations)	The references to education do not include Higher or Further Education. The Local Planning Authority should follow guidance at national, regional, sub-regional and local levels.	This section seeks to address the impact of residential development on education facilities. A reference has been added to address circumstances where a development is likely to have an impact on other education provision such as further education facilities.
London Metropolitan University (John Sharkey & Co)	Para 4.3.1 (Payment of contributions) & 7.01 (Implementation)	The timing for payment of contributions will depend on the nature of the activity to which the contribution relates.	Payments are usually sought on implementation of a development to enable mitigation works to commence during construction of the development and to help co-ordinate this with the completion of development where feasible. The SPD however states that for large developments the staging of payments may be acceptable.
London Metropolitan University (John Sharkey & Co)	Para 6.5 (Community Safety)	The university strongly supports the 'Community Safety' Section.	Noted.

Sharkey & Co)			
EC1 New Deal for Communities (Kirby Swales)	Para 5 (Standard Obligations and Charges) 7 Implementation	<p>Planning obligations using a system based on standard charges will be a positive way to ensure that new development is sustainable, and will provide for the infrastructure needs associated with a growing resident and employee population. These will provide greater certainty for developers in the borough, thereby facilitating development and investment. There is, however, a possible need for the pooling of contributions. This would need to be agreed based on an infrastructure plan that could be developed as part of the local area action plan.</p>	<p>Section 7 of the SPD refers to the implementation of S106 agreements and the use of infrastructure assessments and strategies to inform the use of S106 contributions and the pooling of contributions. The Council will be undertaking a borough wide infrastructure planning process as a part of the Core Strategy that will help inform how funding is used. This will add transparency to the process, whilst helping to ensure that projects are co-ordinated and prioritised. It is appropriate to pool contributions towards projects that will help to address the impacts of a development. Different infrastructure and facilities have varying catchment areas which will help to determine whether a contribution for this purpose is appropriate.</p>

<p>EC1 New Deal for Communities (Kirby Swales)</p>	<p>2.5.3 (Obligations required in Islington); 6.0.1 (Other Obligations)</p>	<p>Town Centre Management should be included as a potential planning obligation to help protect town centres and to enable them to accommodate growth in a sustainable way.</p>	<p>New developments can cause disruption through the construction process and through increasing the number of people travelling and using local facilities. The SPD includes obligations to address these issues (Construction Practice, Transport and Public Realm, Community Safety). For some developments that have a particular impact on the operation of town centres, for example, large retail developments, it may be appropriate to require a specific obligation towards town centre management.</p> <p>Reference to Town Centre Improvements and Management added.</p>
<p>EC1 New Deal for Communities (Kirby Swales)</p>	<p>4.2 (Consultation)</p>	<p>During the statutory consultation period, local residents, stakeholders and members of the public can make comments on a planning application. It is not clear in the consultation whether or not this stage is the key process whereby S106 agreements should be considered by the general public. If it is, this could be made clearer.</p>	<p>The key times for residents and other groups to make comments on the impacts of development and works that could be funded through S106 agreements are during consultation on relevant infrastructure planning documents and consultation on each planning application. Details will be added to the Summary to make this clearer. This will also be included in an update of the Council's web pages on Planning Obligations.</p> <p>Further details on consultation on planning obligations have been added in the Summary.</p>
<p>EC1 New Deal for</p>	<p>5 Standard</p>	<p>The sums required through standard</p>	<p>The contributions set out in the standard</p>

Communities (Kirby Swales)	Obligations and Charges	charges are different for the different areas of provision. The open space contribution appears low at £163 per resident.	charges have been worked out on the basis of impact of new development and the costs of addressing this which is necessary to ensure that are reasonably related to proposed development in scale and kind. They are based on relevant standards and benchmarks. The open space contribution is based on a standard of 5.21 sq m per resident and 2.6 sq m per employee and a cost of £163 per sq m. The charge per resident is therefore £849 if there is no onsite open space provision.
EC1 New Deal for Communities (Kirby Swales)	5.4.10 Employment and Training	The employment and training contribution appears low and could be increased. Further information/clarification as to how training and apprenticeship opportunities of local people will be promoted, allocated and managed would be helpful in understanding the logistics of how this element of s106 will operate.	The employment and training contribution is based on the proportion of Islington residents who require training and support and the cost of providing this support. New commercial/ employment development in the borough creates additional opportunities for residents to access the jobs created. This helps to improve the local economy, address high levels of worklessness and helps to achieve sustainability objectives by reducing distances of travel to work. Economically inactive residents typically require greater levels of training and support and therefore do not have the same opportunities as other residents to access jobs created through new development. As such references to working age population as a proportion of the number of employees within the borough have been removed as this does not reflect the need for

			<p>economically inactive population to have the opportunity to access jobs created.</p> <p>Further details on the operation of construction placements and employment and training obligations are set out in the Code of Employment and Training which will be updated by the Council's Regeneration Department to reflect the SPD. This will be available on the Council's Website.</p>
EC1 New Deal for Communities (Kirby Swales)	5 Standard Obligations and Charges	<p>It seems that the contributions are designed to fund capital works more than revenue based schemes such as training and employment and community support. It is vital to make sure that revenue funds are included to support various community activities, the workers and the running and maintenance costs. It would be helpful to know what counts as community provision.</p>	<p>S106 contributions are usually used to facilitate the capital investment necessary to increase the capacity of and improve infrastructure and facilities to accommodate new development. For some facilities additional revenue funding will be generated through an increase in use resulting from new development. However this will not always be the case and in certain circumstances it may be appropriate to seek funding towards the costs of running a facility or providing a service if this is necessary to ensure that the demands created by a development are addressed. Reference has been added to ongoing running/ service costs.</p> <p>Examples of community provision are included in Paragraph 5.5.1 although impacts on other community facilities may also need to be addressed depending on the nature of the</p>

			development and surrounding area.
EC1 New Deal for Communities (Kirby Swales)		Whilst securing a contribution from office development for off-site affordable housing is important there is also a danger that it will lead to standalone social housing blocks. In some cases, the provision of affordable workspaces would be more beneficial. Further information about the operation of off-site contributions for affordable housing would be beneficial.	<p>Affordable housing contributions will be used to deliver affordable housing schemes in the borough to help address the need for affordable homes. Where these are used towards delivering new housing development these will be subject to normal policy considerations including the objective to create balanced and mixed communities.</p> <p>The SPD states that the provision of affordable workspace may be required on specific developments. Guidance on the use of planning obligations to secure affordable workspace will be reviewed on adoption of the Core Strategy.</p> <p>Contributions will be used to fund measures led by the Council's Housing Department that will increase the provision of affordable housing in the borough.</p>
EC1 New Deal for Communities (Kirby Swales)		The SPD outlines some of the specific projects that will be funded through S106 contributions but there could be more information about the decision making process and how monies have been used (e.g. through an annual report).	The main purpose of the document is to set out the likely obligations that will be required from new development and the process for undertaking this. Section 7 also refers to the implementation of S106 agreements and the use of infrastructure and assessments and strategies which will inform the allocation of S106 contributions. Notably the Council will be

			<p>undertaking a borough wide infrastructure planning process as a part of the Core Strategy that will help inform how funding is used.</p> <p>On receipt of contributions the Council undertakes a process of evaluation of different project proposals based on a range of criteria, including relevant strategies and infrastructure/ service provider's priorities. This is undertaken in consultation with Ward Councillors and allocations are approved by the Service Director for Strategic Planning.</p> <p>The Council is intending to produce an annual report specifying the details of contributions secured and projects that have been funded through S106 agreements.</p>
dp9 (Ruth Waistell) on behalf of Circleplane ltd	Para 4.4.1 (Viability)	Object to the requirement to assess the actual costs and returns from development and to pay any contribution that was not previously provided if it is shown that this was possible. The Council will not refund payments if development schemes do not make sufficient profit, therefore it is unfair to require developers to undertake this obligation.	<p>As a part of the application process the Council assesses the impacts of the development and the obligations that are necessary to ensure that the development is acceptable in planning terms. If it can be demonstrated that the costs of planning obligations are such that this prevents the development coming forward, the Council may take this into consideration when agreeing the terms of the S106 agreement, if the scheme delivers overriding planning benefits. However, development appraisals are usually</p>

			<p>based on a range of assumptions and current values and may not reflect the true economics of a scheme at the time that it is implemented. As such if a development fails to meet all policy requirements at the time that consent is granted it is appropriate to reconsider development viability after implementation and before occupation to ensure that where possible the development addresses policy requirements.</p>
<p>dp9 (Ruth Waistell) on behalf of Circleplane ltd</p>	<p>Para 5.2.9 (Open Space)</p>	<p>Object to the level of contribution sought for public open space provision. The requirement is not based on standards or policies set out in the Development Plan for the Borough and is excessive, particularly if occupancy levels are determined by standard formula.</p>	<p>Islington has the second lowest density of green space of all local authorities in England. New development increases the pressure on the borough's limited open space and with each increase in population, the level of open space per person declines. If development does not make adequate provision for new and improved space, it will have an unsustainable impact. The SPD provides further guidance on policies within the Development Plan including UDP Policy IMP13. The standards used are based on an up to date assessment of open space provision for the borough and are considerably below NPFA standards. Projected occupancy levels are based on established data sources. However if it is apparent that the occupancy levels for a development will vary from these, alternative figures will be taken into account as a part of</p>

			an assessment of the application.
dp9 (Ruth Waistell) on behalf of Circleplane ltd	5 Standard Obligations and Charges and Appendix 2 Occupancy	Object to the use of standard ratios in order to calculate the likely number of employees/occupants within a development. Many large developments within the borough will be accompanied by Environmental Statements which provide more detailed and accurate assessments of these figures, based on detailed form and layout of the development and the specific type and location of the uses proposed. The document should therefore be revised to allow for the use of reasonable occupancy figures put forward by applicants.	<p>Projected occupancy levels are based on established data sources. However if it is apparent that the occupancy levels for a development will vary from these, alternative figures will be taken into account as a part of an assessment of the application.</p> <p>The document specifies that occupancy figures are provided as a guide and may be reviewed in relation to specific sites and when further information becomes available.</p>
dp9 (Ruth Waistell) on behalf of Circleplane ltd	Para 4.3.1 (payment of contributions)	Object to paragraph 4.3.1 which states that the payment of financial contributions should normally be on or before implementation of the development. There is no need for many payments to be made upon implementation as the majority of the impacts does not occur until occupation.	Payments are usually sought on implementation of a development to enable mitigation works to commence during construction of the development and to help co-ordinate this with the completion of development. Without this the impacts of a development will not be addressed at the time at which it is occupied. The SPD however states that for large developments the staging of payments may be acceptable.
dp9 (Ruth Waistell) on behalf of Circleplane ltd	Para 5.1.25 (Transport and Public Realm)	Object to paragraph 5.1.25 which states that 'the Council will remove the rights of residents and employees in new premises	Islington's transport network suffers from high levels of congestion and pressure on street parking. The reduction of travel by car is a

		to apply for car parking permits for on street parking, through S106 Agreements'. There are no policies within the Statutory Development Plan, which requires new development to undertake this obligation. Each site should be looked at on an individual basis dependant of location, accessibility and the nature of development.	national and London wide policy objective. Islington has good public transport accessibility. In view of these characteristics and the need to ensure that proposals accord with the principles of sustainable development the Council will usually seek to remove the eligibility of residents in new housing to apply for parking permits.
dp9 (Ruth Waistell) on behalf of Circleplane ltd	Para 6.3 (Mixed Development)	Object to the principle that an area equivalent to at least 20% of the increase of office floorspace within the CAZ should consist of non-office uses. Although the London Plan promotes mixed use development with the CAZ, there is no reference of it in the Development Plan. Therefore this figure should be removed.	<p>The objective of providing mixed use development is well established (see Planning Policy Statement 1). London Plan Policy 3B.3 and UDP Policy E3 require a mix of uses to be provided in new office developments. The SPD provides further guidance on the application of such policies. It is necessary to specify the level of non-office use that would normally be expected to reduce uncertainty and ensure that a notional mix is not provided. The proportion referred to is based on the Council's previous experience of securing a mix of uses within office development.</p> <p>The wording has been amended to state that the Council will consider the nature and proportion of different uses on site (including whether housing is provided) as a part of the evaluation of each office application. The requirement to provide at least 20% of the increase in office floorspace has been</p>

			<p>removed in favour of an approach which accepts a financial contribution to be provided where this is not achieved.</p> <p>The formula has been amended for clarification.</p>
<p>Islington and Shoreditch Housing Association (Colin Archer)</p>	<p>Para 4.4 (Viability)</p>	<p>There will be an increase in the level of contributions that 100% affordable housing schemes will need to pay. There should be a reduction in the level of contributions required from social housing projects. Without this there is likely to be a reduction in the level of affordable housing that will be delivered.</p> <p>All schemes funded by the Housing Corporation have to achieve level three of the Code for Sustainable Homes which increases the costs of development. It is suggested that schemes achieving Code for Sustainable Housing level 3 and above be rewarded by a reduced/ nil contribution rate.</p>	<p>The SPD includes details of the Council's approach where the viability of a development may be affected by planning obligations. This will refer to the use of flexible arrangements relating to the timing and level of payments if a scheme would otherwise not be able to proceed and it would have overriding positive planning impacts. In view of this, the Council will assess 100% affordable housing schemes in the light of borough housing needs, the impacts of the proposed development and the effects of planning obligations on the delivery of such schemes.</p> <p>Development proposals should accord with the relevant planning policies to ensure that they are acceptable in planning terms. This includes meeting sustainability objectives and addressing the impacts of development through planning obligations. The costs of meeting some policy objectives should not prevent a scheme's ability to meet other objectives unless these genuinely affect the viability of the scheme. Section 4.4 of the SPD</p>

			sets out guidance in relation to viability.
Dp9 on behalf of Monteagle Barlow Trust Limited.	Para 4.4.1 (Viability)	Overall support paragraph 4.4.1 but objects to the latter part of this paragraph as the Council will not refund payments if development schemes do not make sufficient profit, therefore it is unfair to require developers to undertake this obligation.	As a part of the application process the Council assesses the impacts of the development and the obligations that are necessary to ensure that the development is acceptable in planning terms. If it can be demonstrated that the costs of planning obligations are such that this prevents the development coming forward, the Council may take this into consideration when agreement the terms of the S106 agreement, if the scheme delivers overriding planning benefits. However, development appraisals are usually based on a range of assumptions and current values and may not reflect the true economics of a scheme at the time that it is implemented. As such if a development fails to meet all policy requirements at the time that consent is granted it is appropriate to reconsider development viability after implementation and before occupation to ensure that where possible the development addresses policy requirements.
The Theatres Trust (Rose Freeman)	Para 6.6 (Public Art) Para 5.5 (Community Provision)	Welcome the preparation of this SPD and the benefits of setting out what is required of developers and other funding partners. Cultural facilities should be acknowledged as a key priority to receive planning contributions. There should be a section	S106 contributions are negotiated primarily to ensure that the impacts of new development are addressed and that proposals are acceptable in planning terms. Planning obligations have to accord with the five tests referred to in Circular 05/2005. While the

		<p>dealing with buildings that are for cultural use. These should be included in the definition of community or leisure facilities. Theatre buildings do not benefit appropriately from S106 agreements and it will become increasingly necessary to unlock new sources of funding to help pay for necessary significant investment.</p>	<p>social, educational and economic contribution of cultural facilities to a local area should not be underestimated, the provision of additional cultural facilities may not be necessary to ensure that a development is acceptable in planning terms. As such a standard contribution for such facilities would not be appropriate within the terms of government guidance. However where such an obligation is necessary to ensure that a development is acceptable e.g. to compensate for the loss of facilities, it may be appropriate to require planning obligations to address this. As with all planning obligations this will need to be considered in the context of other policy requirements. Reference to cultural facilities has been added to the document.</p>
<p>Metropolitan Police Authority (CgMs Consulting -Brian Coughlan)</p>	<p>Para 2.5.3 (Obligations required in Islington)</p>	<p>The MPA Welcome the inclusion of the Community Safety Section. It is recommended that the list in section 2.5.3 is altered to include an additional bullet point referring to 'policing facilities'. This would ensure the SPD complies with the statutory development plan, in particular with London Plan policies 3A.17 and 3A.18 as referred to in section 3.2.2 which seek to ensure all local infrastructure needs are met, including 'policing'.</p>	<p>Where it can be shown that a specific development will create additional needs for policing facilities that cannot be addressed through existing provision it may be appropriate to require planning obligations to address this (and ensure that the development is acceptable in planning terms). As with all planning obligations this will need to be considered in the context of other policy requirements and the viability of development. Reference to Policing Facilities has been added to the document.</p>

<p>Metropolitan Police Authority (CgMs Consulting -Brian Coughlan)</p>	<p>Para 6.0.1 (Other Obligations)</p>	<p>Proposes additional wording at 6.0.1 to address the impacts of new development on the provision of policing facilities.</p>	<p>Section 6.5 addresses community safety and is an appropriate place to refer to police facilities.</p> <p>Further wording has been added to the document specifying that where it can be demonstrated by the Metropolitan Police Authority that development proposals are likely to have a significant impact on the capacity of police facilities, it may be necessary to make provision of new or improved facilities to meet the additional need arising from new development.</p>
<p>Environment Agency (Candice Beard)</p>	<p>5.7 Construction Practice 6.4 Environmental Sustainability</p>	<p>Supports sections on Construction Practice and Environmental Sustainability.</p> <p>Water efficiency measures in new developments are an important consideration. However, money could also be put aside to compensate for the increased water use by providing funding for existing developments to install measures to use water more efficiently.</p>	<p>Noted.</p> <p>Noted. The SPD states that where developments will have a significant impact on the borough's capacity to adapt to climate change (including water use), developers will be asked to contribute towards mitigating action.</p>
<p>Environment Agency (Candice Beard)</p>	<p>7 Implementation</p>	<p>The Islington Strategic Flood Risk Assessment should be added to the list on 7.0.3.</p>	<p>Reference to Islington Strategic Flood Risk Assessment added.</p>

<p>Clerkenwell Green Preservation Society Ltd (Alan Wipperman & Co. property & town planning)</p>	<p>Para 5.1.1 (Transport and Public Realm)</p>	<p>Public realm is ancillary to transport matters and although linked there is scope for defining the contribution purposes and spacial links to nearby public open spaces for example.</p>	<p>The quality of public realm has an important influence on transport patterns such as walking and cycling. These matters are both dealt with through the Islington Sustainable Transport Strategy which forms the basis for the transport and public realm contribution. Open space is dealt with separately as a part of the SPD although it is acknowledged that this is part of the public realm (although it is not addressed within the Sustainable Transport Strategy). Although these issues are dealt with under separate sections in the SPD, projects funded through S106 contributions are co-ordinated by the teams responsible and the use of area strategies such as the EC1 Public Space Strategy.</p>
<p>Clerkenwell Green Preservation Society Ltd (Alan Wipperman & Co. property & town planning)</p>	<p>5 Standard Obligations and Contributions 5.1 Sustainable transport and public realm contribution</p>	<p>Contributions should include surveys for de-cluttering and replacement street furniture to be more in keeping with distinctiveness policies for the area.</p>	<p>Under the terms of the SPD contributions may be used for such purposes (Transport and Public Realm Contribution) where this addresses an impact of a development.</p>
<p>Clerkenwell Green Preservation Society Ltd (Alan Wipperman & Co.)</p>	<p>Para 5.2.8(Public open space-standard formula)</p>	<p>Generalised contributions for open space improvements will not link the new development to the improvements.</p>	<p>Open space contributions will be used towards new or improved open space in the vicinity of the development site to help address additional impacts of the development. Section 7 sets out details on the</p>

property & town planning)			<p>implementation of S106 agreements including projects funded through S106 contributions.</p> <p>On receipt of contributions the Council undertakes a process of evaluation of different project proposals based on a range of criteria, including relevant strategies and infrastructure plans and links to the development.</p>
<p>Clerkenwell Green Preservation Society Ltd (Alan Wipperman & Co. property & town planning)</p>	Para 5.2.9 (Open Space)	Suggest more detailed drafting to allow local spatial criterion to apply to some of the public realm/open space contribution, e.g. within say 500m or 1km etc.	Open spaces are different in nature and size. As such they serve a range of purposes and have different catchment areas. While contributions are used for improvements within the vicinity of the development site, it is not possible to put a spatial limit on which facilities are likely to be used by the occupiers of new developments.
<p>Clerkenwell Green Preservation Society Ltd (Alan Wipperman & Co. property & town planning)</p>	Para 7.0. Implementation	Improvement to Clerkenwell Green and vicinity is not included and should be added to the list.	Comments in relation to potential improvements at Clerkenwell Green are noted. The purpose of the Planning Obligations SPD is to set out details of the planning obligations that are likely to be sought on new development. The SPD does not list projects that may be funded through S106 agreements but refers to a range of infrastructure plans and strategies will inform the nature of projects to be undertaken. It would not be appropriate to refer to one specific project in this context.

<p>Circle Anglia (Roy Greenwood)</p>	<p>Para 5 (Standard Obligations and charges)</p>	<p>Support the principle of seeking planning obligations and setting out contributions required and the use of standard occupancy and child yield figures. Circle Anglia are keen to ensure that there is no financial disadvantage to development where affordable housing additionality is offered given that social housing developments tend to maximise occupancy. To achieve 'a level playing field' between affordable housing and private led developments there should be a policy requirement for larger family housing in the non affordable housing element of schemes. Otherwise there should some weighting applied for affordable housing to compensate for the requirements to develop larger family housing.</p>	<p>Noted. The obligations set out in the SPD are based on the likely impacts of development and the necessary provision to ensure that sufficient infrastructure and facilities are provided to support new development. This is assessed by occupancy of the development so that the contributions sought are fair, reasonable and proportionate to the likely impacts of the scheme. Policies relating to the size of dwellings are based on housing need within Islington. The Housing Need Survey 2008, identifies a need for larger family housing in the social rented sector whilst demand in market housing is predominantly for one and two bedroom apartments. Although social rented units tend to be larger, this will reduce the number of units that are achievable on site. It may be possible to achieve a greater number of market units on site, bringing the occupancy of the scheme close to that for affordable accommodation.</p> <p>The SPD includes details of the Council's approach where the viability of a development may be affected by planning obligations. This will refer to the use of flexible arrangements relating to the timing and level of payments if a scheme would otherwise not be able to proceed and it would have overriding positive planning impacts. In view of this, the Council</p>
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			will assess 100% affordable housing schemes in the light of borough housing needs, the impacts of the proposed development and the effects of planning obligations on the delivery of such schemes.
Circle Anglia (Roy Greenwood)	5.4.7 Employment and Training – Construction Placements	There are some administrative complexities around demonstrating compliance or paying the contribution. Circle Anglia aim to insert local labour clauses in its build contracts but cannot guarantee inclusion of such requirements until the build contract negotiations have been concluded. This stage is usually well after planning consent where the s106 will need to determine whether placements are provided or financial payments are due. Our query is therefore around the administration of this obligation given the likely time lag.	The provision of construction work placements is usually preferable, however it is possible to make provision for a financial contribution within the terms of the agreement in the instance that it is not possible to provide the placements.
Circle Anglia (Roy Greenwood)	Para 6.1 (Education)	Why is this potential financial obligation not quantified?	Details of costs per school place have been included based on government figures and the specific location factor for Islington.
Circle Anglia (Roy Greenwood)	Para 6.2 (Health)	Why is this potential financial obligation not quantified?	The SPD refers to the Healthy Urban Development Unit's Model which considers the impacts of development on health provision and the costs of offsetting this.

			Access to the HUDU Model is available from HUDU details of which are set out in the link included in the SPD. It is not possible to calculate a standard cost per unit using the Model so these will need to be calculated on a site by site basis.
Circle Anglia (Roy Greenwood)	Para 6.4 (Environmental Sustainability)	Energy: Broadly support the requirements to promote environmentally acceptable forms of energy, and the need to reduce on-site carbon dioxide reduction. The use of CHP is problematic and infeasible in the case of smaller developments. Seeking contribution to a local climate change fund may be the correct response but the financial obligation should be quantified.	Noted. Alternative forms of renewable energy generation may be possible on smaller sites where the use of CHP is infeasible. The level of contribution to be sought will depend on the level of likely carbon dioxide emissions and the extent to which the scheme is not able to achieve policy objectives. It is not possible to do this on a standardised basis and will be considered given the characteristics of each individual scheme.
Natural England (Lisa Walduck)	Para 6.4 (Environmental Sustainability)	Local authorities should consider the provision of natural areas as part of a balanced policy to ensure that local communities have access to an appropriate mix of green spaces providing for a range of recreational needs to standards recommended by Natural England. Development should contribute to enhancement of, and improved access to Sites of Importance for Nature	Noted. Change: Add: Where a development will place additional pressure on biodiversity in an area of nature deficiency the council will seek a contribution to help address these impacts.

		Conservation in the Borough in addition to on site biodiversity enhancements, in order to address deficiency in access to nature.	
Natural England (Lisa Walduck)	5.2 Open Space	Recommend that planning obligations are used in order to deliver natural greenspace in the Borough which is designed in such a way as to deliver multiple benefits, such as biodiversity enhancements, flood protection and microclimate control. Support for the Sustainability Appraisal recommendations which state that <i>'new space, and improved existing space, must also maximise the contribution it can make towards increasing the borough's biodiversity, particularly in areas of natural deficiency, and towards climate change adaptation, including through design for low water use.'</i>	Noted.
Natural England (Lisa Walduck)	Para 6.4 (Environmental Sustainability)	The Council should consider including climate change adaptation and biodiversity enhancement measures in the list of 'standard' obligations. Climate change adaptation is a Borough-wide issue and opportunities to deliver off-site climate change adaptation measures should be sought wherever possible.	Climate change adaption and biodiversity enhancement measures will normally be secured as a part of the main application (using planning conditions where necessary) rather than through planning obligations which usually relate to offsite issues. Noted. The SPD states that where developments will have a significant impact on the borough's capacity to adapt to climate

			change, developers will be asked to contribute towards mitigating action.
Optic Realm Limited (Paul Carter)	2.5 Obligations required in Islington	Where a development qualifies because of the size thresholds the calculation of the financial sums payable should be confined to the number of dwellings/rooms/floor area that exceeds the threshold.	The SPD specifies a threshold to give an indication of the likely schemes that it will require S106 agreements on. These are required on all major applications and some minor applications. Smaller developments will have similar impacts to larger schemes (of a similar use) albeit on a lesser scale, however it is not practical to require a S106 agreement on every minor application. Nevertheless where a S106 agreement is being entered into it is appropriate to require that the impacts of each element of this is addressed through planning obligations, in accordance with legislation and government guidance.
Optic Realm Limited (Paul Carter)	2.5 Obligations Required in Islington	There should be a provision that makes it clear that where there is a valid planning permission or where a planning permission has been implemented and a Section 106 payment triggered, these matters should be factored into the Section 106 calculation on any new development so that the calculation is confined to the additional dwelling numbers and/or increased floor area and combined with the payment made or to be made on the earlier permission.	A new S106 agreement will usually be required for new applications, including where there is an existing permission on the site. If a development has been implemented it is appropriate to take into account S106 contributions that have been paid when considering a new or revised application on the site. If there is a valid permission on the site it may be appropriate to take into account the terms of the original S106 agreement given that this can be implemented. New

			<p>applications will need to be determined in the context of policy at the time that they are considered. Any changes in the nature of units/ floorspace being 'superseded' by the new application will need to be taken into consideration. For example if a greater number of occupants will be accommodated in this space as a part of the new application this will need to be taken into account.</p> <p>Wording has been added to reflect the above comments.</p>
<p>Optic Realm Limited (Paul Carter)</p>	<p>2.4 When Planning Obligations can be used</p> <p>7 Implementation</p>	<p>There should be a clear procedure for accounting how Section 106 monies are proposed to be spent to demonstrate that they satisfy the tests in Circular 05/2005.</p> <p>There should be a clear audit trail to demonstrate this and provision for monies to be repaid with interest when not spent within a specified period. Five years is the suggested amount.</p>	<p>The SPD sets out the terms under which S106 obligations can be used in accordance with Circular 05/2005.</p> <p>The main purpose of the document is to set out the likely obligations that will be required from new development and the process for undertaking this in accordance with Government Guidance. Section 7 also refers to the implementation of S106 agreements and the use of infrastructure and assessments and strategies which will inform the allocation of S106 contributions.</p> <p>On receipt of contributions the Council undertakes a process of evaluation of different project proposals based on a range of criteria, including relevant strategies, government</p>

			<p>guidance and the terms of the relevant agreement. This is undertaken in consultation with Ward Councillors and allocations are approved by the Service Director for Strategic Planning.</p> <p>The Council is intending to produce an annual report specifying the details of contributions secured and projects that have been funded through S106 agreements.</p> <p>Developers can request details of how contributions have been used and the use of payback clauses in S106 agreements is common.</p> <p>Further details on the process of allocating S106 contributions has been added at Section 7 Implementation.</p>
Optic Realm Limited (Paul Carter)	4.5 Legal and Monitoring Costs	The basis on which the Council will base its charges in preparing a Section 106 Obligation (which the developer will have to pay) should be made clear.	The document states that a solicitor's undertaking will be required to pay the Council's reasonable legal fees in preparing the S106 agreement. A further reference to this being based on the time incurred by legal officers in working on the agreement has been added to the document.
Optic Realm Limited (Paul Carter)	7. Implementation	The SPD refers to a number of other policy documents that contain information/ costings that will be applied in the	Noted. Links have been added to the SPD for a number of documents. Other documents can be requested from the Council at a

		<p>calculation of Section 106 sums. It may not be practicable to include all of these as appendices to the SPD but it is important that the SPD provides hyperlinks to each document so that a reader can establish the “complete picture”. The Council should re-consult on such documents.</p>	<p>number specified in the document.</p> <p>Many of the documents referred to have been subject to extensive consultation and have been adopted by the Council in their current form. It would not be practicable or beneficial and would be misleading to re-consult on these unless creating a new version.</p>
<p>Optic Realm Limited (Paul Carter)</p>		<p>The SPD covers material that will be within the ambit of the Community Infrastructure Levy (CIL) that the Government is proposing to introduce.</p> <p>The mechanics of this Levy have yet to be worked out but local planning authorities will be required to prepare an infrastructure plan for their area that will have to be carried forward through the Local Development Framework so that the matter is considered by an independent Inspector.</p> <p>While in the interim the Government has published guidance to local planning authorities on the operation of Section 106 Planning Obligations including the option of a tariff/formula approach to fund, through pooled payments, the provision of certain infrastructure required to make development acceptable this SPD “jumps the gun” and effectively introduces an</p>	<p>Circular 05/2005 encourages the use of formulae and standard charges where relevant to give an indication of the level of contributions likely to be sought which can speed up negotiations and ensure predictability. Further details on formulae and standard agreements are set out in the Practice Guidance published by the Government in 2006.</p> <p>The SPD responds to current best practice and government guidance by setting out the Council’s standard requirements from new development, including details of standard heads of terms and formulae, based upon the principles set out in the guidance.</p> <p>The Council will use contributions received only for projects that are related to the development from which they came and in accordance with the terms of the S106 agreement. As the contributions will be used</p>

		Islington CIL rather than restricting requirements to infrastructure that satisfies all of the requirements of Circular 05/2005.	to mitigate the impacts of development, the SPD is not pre-empting the introduction of a Community Infrastructure Levy.
Optic Realm Limited (Paul Carter)	Para 5.1 (Transport & Public Realm) & 5.2 (Open Space) & 5.3 (sport and recreation)	It should be demonstrated that the programmes within the Sustainable Transport Strategy and the Islington Open Space, Sport and Recreation Assessment are reasonable and that where payments are made they will only be used for projects that satisfy the tests in Circular 05/2005.	<p>The Islington Sustainable Transport Strategy sets out details of the transport works that are necessary to ensure that sufficient transport provision and programmes are in place to accommodate growth within the borough and to ensure that transport patterns within the borough are sustainable. The transport and public realm contribution is based on the estimated occupancy of development as a proportion of the overall population and the costs of implementing the Strategy. This is to ensure that the level of funding being requested from new development is proportionate to the additional impacts arising from development compared with the overall costs implementing the strategy. The contribution will be used on projects which address the impacts of the specific development.</p> <p>The open space contribution is based on borough wide standards set out in the Open Space, Sport and Recreation Assessment taking into account the existing level of provision and population. This assesses the required provision in new development based on the estimated occupancy and the costs of</p>

			<p>delivering this if adequate open space is not incorporated within the site.</p> <p>These documents have been used to help establish the contributions required which are proportionate to the impacts of new development. They will also be used to inform the allocation of contributions to ensure that projects are co-ordinated, planned and funded. However S106 contributions will only be used for projects that are related to the development from which they came and in accordance with the terms of the S106 agreement.</p>
Optic Realm Limited (Paul Carter)	Para 5.5 (Community Provision)	There appears to be no published Strategy or Assessment providing any clarification as to how the tariff for “community provision” is calculated.	The community provision contribution will address the impacts of development on a range of types of facilities – libraries, childcare facilities etc. There is no overarching strategy that incorporates each of these areas, but details of how the contribution has been calculated and sources for information are referenced within the SPD.
Optic Realm Limited (Paul Carter)	5.0 (Standard obligations and charges)	The SPD refers to the review of standard charges in line with indexation. The indices to be used for each element should be set out in the SPD.	Charges will be updated using recognised build cost indices or as otherwise appropriate. Details of calculations will be included in documents which set out updated charges.
Optic Realm Limited (Paul Carter)	4.4 (Viability)	The SPD provides for a mechanism whereby an applicant can seek a	Noted. Further details of the information that needs to be submitted to enable the local

Carter)		<p>dispensation from a Section 106 requirement. The SPD should make the mechanism by which this assessment will be undertaken clearer.</p> <p>The SPD refers to commercial confidentially but in practice this is unlikely to prevail given the terms of the Freedom of Information Act.</p>	<p>authority to assess the viability of a scheme and the process for undertaking this have been added.</p> <p>While the local authority will endeavour to keep development appraisals confidential, it is acknowledged that this may not always be possible. The reference to confidentiality has been removed.</p>
Optic Realm Limited (Paul Carter)	6.3 (Mixed use development)	<p>The SPD deals with mixed use in the Central Activities Zone. It is not clear what the specific policy justification is that an area equivalent to at least 20% of the increase in office space (over and above what previously may have existed) should consist of non-office uses.</p> <p>It is not clear how this provision concerning an affordable housing requirement will operate and in particular whether it assumes that some element of the non 20% office space must notionally be residential for the calculation of any affordable housing component.</p> <p>Both the 20% and affordable housing requirements are issues that should be dealt with through the Core Strategy or another Development Plan Document.</p>	<p>It is necessary to ensure that a proportion of new floorspace in office developments are non-office uses so that there is an acceptable provision of a mix of uses and that mixed use policies are adequately addressed, rather than inclusion of a notional level of non-office uses.</p> <p>The purpose of the SPD is to provide further guidance on planning policies within the Statutory Development Plan. The document does this by providing guidance on the circumstances in which it would seek a contribution in lieu of provision of an adequate mix of uses on site. This has been based on experience of dealing with this issue on previous applications including at planning appeal.</p> <p>A formula has been included within the SPD to show how this will operate. This has been amended for clarification. The Council will</p>

			<p>consider the nature and proportion of different uses on site (including whether housing is provided) as a part of the evaluation of each application. If an unacceptable level of housing is provided a contribution is likely to be required.</p> <p>The principles for securing mixed use development are already set out in within the Development Plan. This section of the SPD sets out further guidance on the application of UDP Policy E3 which has already been subject to consultation and public inquiry.</p>
English Heritage (Adina Brown)	2.5.3 (Obligations required in Islington) 6.0.1 (Other Obligations)	Recommend that specific guidance on the historic environment is included in the types of obligations that may be sought by LB of Islington in the SPD. We note that conservation and archaeological investigation are listed in 2.5.3 and 6.0.1 as potential 'other obligations' but further details should be provided in the SPD.	<p>On some sites it may be appropriate to secure planning obligations relating to conservation and archaeology, particularly where features of historical significance are included within development sites.</p> <p>Further details of Historic Environment Conservation have been added in the Other Obligations Chapter.</p>
English Heritage (Adina Brown)	5 Standard Obligations and Charges	Contributions to the historic environment may also come from other obligations referred to in the document, for example public realm improvements may include enhancement of historic squares and spaces, registered parks and gardens, historic pavement materials, street	Agreed, contributions towards public realm and open space may be used to enhance the historic features such as those referred to where this addresses an impact of a development.

		furniture, removal of street clutter and installation of sympathetic lighting.	
Land Securities (Vanessa Wisby, Gerald Eve)	4.1.5 Parties to S106 Agreement	Delete “All parties with an interest in the land should enter into the Agreement.” This is a legal matter and does not need to be reflected in this policy document. Section 106 of the TCPA 1990 provides that any person interested in the land “may” enter into an agreement and not “should” enter into an agreement. In many cases involving large scale developments where there are tenants in occupation of existing premises it will be impractical and unreasonable to require all such tenants to be a party to any Section 106 Agreement.	The SPD sets out the details of the process for completion of a S106 agreement. In order to ensure that obligations are properly secured every party with an interest in the land needs to be a party to the agreement. There may be very limited exceptions to this depending on the circumstances of an individual case and additional provisions would then be needed to ensure that the obligations are properly secured. It is appropriate for the SPD to set out the requirements and expectations regarding completion of S106 agreements to provide clarity and avoid unnecessary delays.
Land Securities (Vanessa Wisby, Gerald Eve)	4.1.7 Planning Obligations	Having regard to the circular 05/2005 tests narrated in paragraph 3.1.2 of the draft SPD, the words “reasonable and” should be inserted between the words “if” and “necessary” where they occur on the first line of this paragraph.	The document sets out the terms under which planning obligations can be required. It is not considered necessary to add an additional reference to this at this point.
Land Securities (Vanessa Wisby, Gerald Eve)	4.4.1 Viability	Delete “Viability arguments would normally be accepted as a result of abnormal development costs, such as the need to remediate contaminated land”. There are other many reasons why a scheme may	It is acknowledged that various issues may affect viability. This reference has been removed from the document. As a part of the application process the

		<p>not be viable, particularly in this economic climate, and so the inclusion of this reference is misleading.</p> <p>Delete reference to post completion appraisal. Viability should be assessed at application stage. To make a development subject to another assessment would be to add uncertainty to the development process.</p>	<p>Council assesses the impacts of the development and the obligations that are necessary to ensure that the development is acceptable in planning terms. If it can be demonstrated that the costs of planning obligations are such that this prevents the development coming forward, the Council may take this into consideration when agreeing the terms of the S106 agreement, if the scheme delivers overriding planning benefits. However, development appraisals are usually based on a range of assumptions and current values and may not reflect the true economics of a scheme at the time that it is implemented and occupied. As such if a development fails to meet all policy requirements at the time that consent is granted it is appropriate to reconsider development viability after implementation and before occupation to ensure that where possible the development addresses policy requirements.</p>
<p>Land Securities (Vanessa Wisby, Gerald Eve)</p>	<p>5.0.3 Standard Obligations/Char ges</p>	<p>The word “normally” should be inserted between the words “are” and “worked” where they occur in the second line of this paragraph. Charges could alternatively be worked out on the basis not only of the number of people likely to occupy the development but also on the basis of, for example, floor area.</p>	<p>The approach set out in the SPD is to assess the likely occupancy development which informs the level of contributions that need to be provided. It is not considered that the suggested wording would adds clarity to this section.</p>

Land Securities (Vanessa Wisby, Gerald Eve)	5.1.13 Public Highway/S278 Agreement	The words “under exceptional circumstances and” should be deleted. It will often be reasonable for an applicant to carry out works to the public highway with the agreement of the Council pursuant to a Section 278 Agreement.	The Council’s standard practice is to undertake any works to the public highway associated with a development. The wording in the SPD allows for circumstances in which it is not possible for the Council to undertake works.
Land Securities (Vanessa Wisby, Gerald Eve)	5.4.8 – 5.4.11 Employment and Training - Construction Placement and Operation of Development	<p>The number of construction placements to be required from new commercial and employment floorspace is high. There should be a minimum threshold of development before such construction placement are required.</p> <p>Requirements related to the operation of development need to be "where appropriate and realistic" and should not extend to a requirement on the occupier/end user to improve the prospects of local people accessing new jobs created in the proposed development.</p>	<p>An estimated 52 workers will occupy a development per 1000 sq m. Construction placements are therefore sought at a ratio of c. 2% of employees which is considered to be reasonable. The threshold of development before a construction placement is required is 1000sq m. Where a scheme is less than 1000 sq m the Council may take into consideration any other uses incorporated within the scheme.</p> <p>The Islington UDP sets out the objective of seeking employment opportunities for local people through new development. New commercial/ employment development in the borough creates opportunities for residents to access the jobs created. This helps to improve the local economy, address high levels of worklessness and helps to achieve sustainability objectives by reducing distances of travel to work. Obligations relating to opportunities for employment and training for local people are necessary to ensure that the</p>

			objectives of the UDP are met. Where relevant the Council's Regeneration Department will work with occupiers to help them address these issues having regard to normal business practices.
Land Securities (Vanessa Wisby, Gerald Eve)	6.2.2 Health	The word "material" should be inserted between the words "an" and "impact" in the second line of this paragraph. Many development proposals could arguably have some sort of minor or negligible "impact" on the capacity of local health services and that should not automatically necessitate a financial contribution.	Circular 05/2005 does not refer to the word material when specifying the nature of impacts that may need to be addressed through planning obligations. Guidance on how planning obligations can be used is specified elsewhere in the document. Planning obligations will not normally be sought on minor development which are likely to have lesser impacts than larger schemes. It is not considered that an additional reference at this point adds clarity or is necessary.
Land Securities (Vanessa Wisby, Gerald Eve)	6.3 Mixed Use Development in the Central Activities Zone	This section is effectively seeking to introduce new policy and the section should be removed. Such mixed use policy is not contained within Islington's UDP or its Issues and Options consultation document. Notwithstanding this the formula for the affordable housing contribution is based on 'average values' and provides no certainty for developers. In other boroughs, where	The objective of providing mixed use development is well established (see Planning Policy Statement 1). London Plan Policy 3B.3 and UDP Policy E3 require a mix of uses to be provided in new office developments. This section provides further guidance on the application of such policies. The document does this by providing guidance on the circumstances in which it would seek a contribution in lieu of provision

		mixed use policy exists and contribution formulae are correctly set out in policy documents, figures are clearly provided and reviewed on an annual basis.	of an adequate mix of uses on site. A formula has been included within the SPD to show how this will operate. This has been amended for clarification. The average values that form part of the formula are set out in the document providing certainty for developers – see formula source 5. The document specifies that this will be reviewed on an annual basis.
Land Securities (Vanessa Wisby, Gerald Eve)	6.4 Environmental Sustainability	In this section, the Council is seeking a contribution towards a local climate change fund <u>in addition to on site measures</u> . In many circumstances, this may not be feasible or viable. The document should acknowledge this and make it clear that this will only be applied where it is appropriate / viable.	The SPD includes a section on viability and how planning obligations can be used elsewhere in the document. It is not considered that it is necessary to repeat this here.
The Whittington Hospital (Steve Job)	3.1 Policy Framework	Whilst the government encourages the use of published formulae to establish the requirements of a Section 106 contribution, the advice states that the specific circumstances of development sites should be taken into account. This should be reflected in the SPD.	This is reflected in the document at paragraph 3.1.4. The SPD quotes Circular 05/05 in saying that the government encourages the use of formulae and standard charges where relevant to give an indication of the level of contributions likely to be sought.
British Waterways London (Claire McAlister)	2.2 Infrastructure Planning	The Community Infrastructure Levy provides an opportunity secure funding to contribute to the development,	The Council will be reviewing regulations specifying details relating to the operation of the proposed Community Infrastructure Levy

		<p>improvement, restoration and maintenance of waterways. Although canals are recognised as a form of open space in PPG17 (Annex 1: Definitions), waterways are unique multi-functional assets that perform a number of other important functions. British Waterways would welcome the opportunity to discuss infrastructure requirements and how CIL could be used to improve waterway infrastructure.</p>	<p>once published by the government. The council will be reviewing infrastructure requirements as a part of the evidence base for the Core Strategy, which will include consideration of canals.</p>
<p>British Waterways London (Claire McAlister)</p>	<p>5.1 Transport and Public Realm; 5.2 Open Space</p>	<p>The SPD should recognise canals as a public asset and support the development, improvement, restoration and regeneration of inland waterways.</p> <p>The SPD should consider waterside sites and priority should be given to new and/or improved canal infrastructure as well as maintenance and the provision of high quality canalside public realm, integrating development fully with the canal corridor.</p>	<p>The SPD sets out details of planning obligations that will be required to mitigate the impact of development. This includes information on obligations relating to the public realm and open space, although the document does not go into detail about different types of public realm and open space which is addressed elsewhere (Open Space, Sport and Recreation Assessment). The Council considers comments made during consultation on each planning application including those relating to the potential impacts of the development. This informs the nature of planning obligations to be required and the allocation of contributions. The Council will consider project proposals having regard to the specific circumstances of each site. These will be assessed in the context of government guidance, relevant strategies and</p>

			infrastructure assessments, the terms of S106 agreements and local priorities.
WM Morrison Supermarket PLC (Peacock and Smith)	5.3 Sport and recreation; 5.5 Community provision	Contributions towards sport and recreations and community facilities are unnecessary in any application relating to the erection of or extensions to existing foodstores.	The SPD assesses the likely number of employees in commercial and employment development including retail schemes. A large number of people work in the borough and use facilities near to their place of work. The SPD takes into account the likely impacts that additional workers will have on the local area as a result new commercial development including retail stores. This needs to be addressed through planning obligations to ensure that the impacts of new development are mitigated and that proposals are acceptable in planning terms in accordance with relevant planning policy referred to in the SPD.
WM Morrison Supermarket PLC (Peacock and Smith)	5.4 Employment, Training and Local Procurement	Morrisons provide internal and external training initiatives for employees and should not be required to provide further training initiatives.	The Islington UDP sets out the objective of seeking employment opportunities for local people through new development. New commercial/ employment development in the borough creates opportunities for residents to access the jobs created. This helps to improve the local economy, address high levels of worklessness and helps to achieve sustainability objectives by reducing distances of travel to work. Obligations relating to opportunities for employment and training for

			local people are necessary to ensure that the objectives of the UDP are met. Where relevant the Council's Regeneration Department will work with businesses to help them address these issues having regard to normal business practices.
Mr Francis Pycroft	1. Summary; 7. Implementation	Islington is overcrowded and further building will make Islington impossible to live in. The obligations proposed seem reasonable.	The SPD set out details of the requirements on new development to help ensure that the impacts of new development are addressed. The obligations have been based on an assessment of the impacts of new development
Mr Francis Pycroft	3. Policy Framework; 4.4 Viability; 5.4 Employment, Training and Local Procurement; 5.3 Sport and Recreation; 5.6 Children and Young People's Play and Informal Recreation 7. Implementation	Will the credit crunch alter the requirement in the document? The costs may be difficult for small builders and builders of affordable housing to pay. Firms may promise a lot but may not deliver. Would only people/firms with large assets be able to meet the requirements?	Developments need to comply with planning policy in order to ensure that they accord with the principle of sustainable development and are acceptable in planning terms. This SPD provides further guidance on the application of planning policy including where relevant the nature of contributions that need to be provided. These are costs of development and need to be taken into consideration when planning development schemes. The document includes information on the Council's approach when the viability of development may be affected by planning obligations. The viability of development has also been taken into account in the drafting of the SPD, the setting of standard charges,

			taking into account the effects of the credit crunch.
Mr Francis Pycroft	3. Policy Framework	Youth facilities have been closed previously. How do we know that new facilities will stay open?	Contributions will be used to increase the capacity of and improve facilities in order to address the additional impacts arising from new development. Securing investment in these facilities will help to ensure that these can be sustained.
Mr Francis Pycroft	4. Negotiating Planning Obligations	How secret are consultations between the Council and developer?	<p>Developers often meet with Council officers to seek advice on a range of issues relating to a planning application. Details of information submitted as a part of an application and other relevant documents are publicly available. The details of planning obligations agreed with developers are included in the report considered by planning committee when determining an application which is also available to the public.</p> <p>The SPD sets out details of how local residents, stakeholders and the public can make comments on planning applications and identify potential impacts of development and areas for mitigation which will inform S106 negotiations and the implementation of S106 agreements.</p>
Mr Francis Pycroft	5.1 Transport and Public Realm	Underground monitored car parks would help relieve vehicle congestion in Islington.	The Islington Unitary Development Plan and Islington Sustainable Transport Strategy set out details of the Council's approach to

			<p>ensuring that sufficient transport provision and programmes are in place and ensure that transport patterns within the borough are sustainable.</p> <p>The Council aim to control on and off-street car parking as part of the council's traffic reduction strategy in order to reduce congestion by restraining the unnecessary use of vehicles.</p>
Mr Francis Pycroft	1. Summary	How can the Council ensure that commitments made by developers are kept.	The Council's legal team draft S106 agreements to ensure that obligations are secured in accordance with the terms agreed at the time that the application is determined. S106 agreements are monitored to ensure that obligations are complied with.
York Central Residents Association Ltd. (Mr Stephan Schulte)	4. Negotiating Planning Obligations	Public should be appraised on the conditions negotiated between the applicant and the Council and should be able to object or recommend modifications for these conditions.	The purpose of the SPD is to give developers, members of the community and other stakeholders a clear indication of what obligations are likely to be sought. This document has been through an extensive public consultation to seek the views of stakeholders. The SPD sets out details of how local residents and the public can make comments on planning applications including impacts of development that may need to be addressed through planning obligations. The details of planning obligations agreed with

			<p>developers are included in the report considered by planning committee when determining an application which is also available to the public. Representations can be made at planning committee on issues relating to a proposal, including planning obligations.</p>
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Summary of Changes to draft SPD

Section	Change
1. Summary	<p>Delete: Details of SPD consultation process. Add: Reference to the Consultation Statement and Equalities Impact Assessment. Add: Further details of consultation on planning applications and the use of S106 contributions.</p>
2.5 Obligations required in Islington	<p>Add: A new S106 agreement will usually be required for new applications, including where there is an existing permission on the site. If a previous planning permission has been implemented it is appropriate to take into account S106 contributions that have been paid when considering a new or revised application on the site. If there is a valid permission on the site which has not been implemented it may be appropriate to take into account the terms of the original S106 agreement. New applications will need to be determined in the context of policy at the time that they are considered. Any changes in the nature of units/ floorspace being 'superseded' by the new application will need to be taken into consideration. For example if a greater number of occupants will be accommodated in this space as a part of the new application this should be taken into account.</p>
2.5.3 Obligations Required in	Add: Town Centre Management

Islington; 6.0.1 Other Obligations, and Appendix 4.	
2.5.3 Obligations Required in Islington; 6.0.1 Other Obligations, and Appendix 4.	Add: Cultural facilities
2.5.3 Obligations Required in Islington; 6.0.1 Other Obligations, 6.5 Community Safety and Appendix 4.	<p>Add at 6.5 Community Safety: Where it is demonstrated by the Metropolitan Police Authority that development proposals are likely to have a significant impact on the capacity of police facilities, it may be necessary to make provision of new or improved facilities to meet the additional need arising from new development.</p> <p>Add: Policing Facilities at para 2.5.3; 6.0.1 and Appendix 4.</p>
2.5.3 Obligations Required in Islington; 6.0.1 Other Obligations, and Appendix 4.	<p>Add new section at 6.7: Historic Environment Conservation.</p> <p>Add: Planning Policy Guidance Note 15 'Planning and the Historic Environment' and Planning Policy Guidance Note 16 'Archaeology and Planning' highlight the importance of ensuring the preservation and enhancement of the historic environment when considering planning applications. The London Plan also stresses the need to protect and enhance London's historic environment. A strategic Policy in the Islington Unitary Development Plan is to preserve and enhance areas of special architectural or historic interest as key elements of Islington's character.</p> <p>Planning obligations may be used to ensure that proposed development protects and enhances the historic environment where this is necessary to ensure that it is acceptable in planning terms. Where a development affects the historic environment the Council may seek obligations which enable the conservation of buildings or places/ public spaces of historic or architectural interest or other relevant obligations. Where appropriate, obligations may address issues such as the repair, restoration, maintenance or relocation of a heritage asset(s) and their setting; increased public access, the provision of historical information and improved signage to and from heritage assets; measures for preservation or investigation and recovery of archaeological remains and sites; the temporary or permanent display of</p>

	archaeological sites and dissemination of information; and sustainability improvements (such as loft insulation) for historic buildings.
4.4.1 Viability	Add: further comments to reflect consideration being given to flexible arrangements to the timing and level of payments if necessary to enable a development that would have overriding planning benefits to proceed.
4.4.1 Viability	Delete: All information provided will be treated on a confidential basis.
4.4.1 Viability	Add: further details of the information that needs to be submitted to enable the local authority to assess the viability of a scheme and the process for undertaking this.
4.5 Legal and Monitoring Costs	Add: This will be based on the time incurred by legal officers in working on the agreement.
5 Standard Obligations and Charges and Appendix 2 Occupancy	Add: If it is apparent that the occupancy levels for a development will vary from projected occupancy of the development, alternative figures will be taken into account as a part of an assessment of the application.
5.0.4 Standard Charges	Add: reference to ongoing running/ service costs.
5.1 Transport and Public Realm Source 2 of contribution formula	Add figures for: - expected level of funding to be received from Transport for London - (£228.6m). ... Islington's daytime population (residents living and working in Islington, employees travelling into the borough to work and non-working residents) plus residents working outside the borough - 263,111.
5.1 Transport and Public Realm	Add: 'Any further' to 'Site Specific Contributions'.
5.1.7 Transport and Public Realm	Add: This is particularly important in commercial centres where there are high levels of activity and congestion and where pressures may be increased by new development.
5.1.13 Transport and Public Realm	Add: Reference to the Highway Authority.
5.1.14 Transport and Public Realm	Add: Where a new road is being built by the developer it may be necessary to enter into a Section 38 agreement with the Highway Authority to enable this to become adopted Highway.
5.4 Employment and Training	Delete: Working age population as a proportion of the total number of employees in the borough and formula sources.
6.1 Education	Add: Where a development is likely to have an impact on other education provision such as

	nursery / further education facilities, this may also need to be addressed.
6.1 Education	Add: Details of costs per school place included in Paragraph 6.1 based on Department for Education Figures.
6.3 Mixed use development in the Central Activities Zone	<p>Add at 6.3.4: The Council will consider the nature and proportion of different uses on site (including whether housing is provided) as a part of the evaluation of each office application.</p> <p>Delete at 6.3.4: For this purpose, an area equivalent to at least 20% of the increase in office floorspace (over and above what previously may have existed) should consist of non-office uses.</p> <p>Add at 6.3.4: For this purpose, based on consideration of previous sites, where a proposal includes an area equivalent to less than 20% of the increase in office floorspace (over an above what previously may have existed) as non-office uses the Council will seek a contribution for the provision of affordable housing elsewhere.</p> <p>Amend formula as follows: $(\text{Increase in office floorspace (sq m)} \times 20\%^1) \text{ minus uplift in non office uses (retail, community space, housing etc) divided by average residential unit size (77 sq m gross internal area)}^2 = \text{number of additional housing units that could be achieved.}^3$</p> <p>Add at formula source 1: This has been informed by consideration of previous sites including at planning appeal.</p>
6.4 Environmental Sustainability	Add: Where a development will place additional pressure on biodiversity in an area of nature deficiency the council will seek a contribution to help address these impacts.
6.6 Public Art	Add to description of public art features, community involvement, and provision of public art on construction hoardings. Delete list of possible works from UDP.
7. Implementation	Add: On receipt of contributions the Council undertakes a process of evaluation of different project proposals based on a range of criteria, including government guidance, the terms of the S106 agreement, relevant strategies and infrastructure/ service provider's priorities. This is undertaken in consultation with Ward Councillors and allocations are approved by the Service Director for Strategic Planning.

7. Implementation	Add: Islington Strategic Flood Risk Assessment to list at 7.0.3
Appendix 2: Average Occupancy Rates and Child Yield Figures	Add: These figures are provided as a guide and may be reviewed in relation to specific sites or if further information becomes available.
Appendix 3: Development Example	Table added to show projected age of children in development. Figures updated to reflect rounding up/ down.
Appendix 5: Frequently Asked Questions	<p>Delete: Comments are welcome on this document which can be submitted to the Council within the consultation period in writing or on the Council's Website. Further consultation is being carried out on issues which are relevant to this SPD within a borough wide resident questionnaire as part of the Core Strategy Issues and Options Paper. Focus groups are also to be carried out with local groups and stakeholders in relation to the Core Strategy and this SPD.</p> <p>Add: Consultation has been carried out on the production of this document as a part of an extensive programme of events carried out for the Core Strategy Issues and Options. This has included a questionnaire sent to all households in the borough seeking views on issues relevant to the future of the borough, including the impacts of development and the use of planning obligations.</p>