



ISLINGTON

Consultation Statement

Planning Obligations (Section 106) Supplementary Planning Document



December 2016

**Consultation Statement
Planning Obligations (Section 106)
Supplementary Planning Document**

1. Introduction

- 1.1 This consultation statement sets out details of the consultation which has informed the 2016 version of the Planning Obligations (Section 106) Supplementary Planning Document (SPD). This statement has been prepared in accordance with regulation 12(a) of the Town and Country Planning (Local Development) (England) Regulations 2012.
- 1.2 The Consultation Statement details:
- A summary of previous, internal and preliminary consultation undertaken;
 - Details of the public consultation exercise;
 - Who the Council consulted when preparing the SPD; and
 - A summary of the main issues raised during consultation and the Council's response.

2. Previous, Internal and Preliminary Consultation

Previous Consultation

- 2.1 The previous Planning Obligations (Section 106) SPD was consulted on publicly in the summer of 2013 and adopted in November 2013. A total of 15 responses were received to the consultation and two representations submitted to the Community Infrastructure Levy (CIL) consultation earlier that year were also taken into account.
- 2.2 The purpose of the 2016 SPD is to update the previous 2013 version and provide advice and guidance to the public and developers regarding implementation of and compliance with the policies relating to planning obligations in the London Plan, the Core Strategy, the Finsbury Local Plan and the Development Management (DM) Policies. All of these documents, and hence all of the policies within them relating to planning obligations and elaborated on in this SPD, have also already undergone extensive public consultation.
- 2.3 The Core Strategy sets out strategic planning policies and spatial strategies for shaping the borough's development to 2025 and beyond. Islington's DM Policies, Site Allocations and the Finsbury Local Plan, are aimed at achieving development that helps deliver the vision and objectives set out in the Core Strategy, to bring forward sustainable development.
- 2.4 The Planning Obligations (Section 106) SPD supports the implementation of a number of Core Strategy, DM and Finsbury Local Plan policies including:
- Sustainable development (DM9.2)
 - Affordable housing (CS 12)
 - Social and strategic infrastructure and cultural facilities (DM4.12)
 - Crossrail (DM8.3)
 - Accessible Parking (DM8.5)
 - Employment spaces (CS 13)
 - Sustainable Design (CS 10, DM7.1 & DM7.2)
 - Student Accommodation (CS 12)
 - Priority projects of the Finsbury Local Plan (BC 10).

2. Internal Consultation

- 2.1 Below is a list of the officers and teams within different council services who were consulted as part of the internal consultation undertaken between 24 February 2016 and 20 May 2016, during the preparation of the draft SPD. The table below is organised in the order of the sections of the SPD:

CONSULTATION ON SPECIFIC SECTIONS OF DOCUMENT
POLICY
Core Strategy, DM Policies, general policy section & “Other policy documents”: Planning Policy team
Affordable Housing on Small Sites: Officer responsible for Small Sites SPD within Planning Policy team
Student Accommodation: Officer responsible for Student Bursaries SPD within Planning Policy team
Environmental Design: Energy conservation officer and officer responsible for Environmental Design SPD within Planning Policy team
Streetbook: Planning Policy Inclusive Design Officer
Inclusive Design in Islington / Accessible Housing: Planning Policy Inclusive Design Officer
Preventing Wasted Housing Supply: Officer responsible for Preventing Wasted Housing Supply SPD within Planning Policy team
Basement Development: Officer responsible for Basement Development SPD in Planning Policy team
Location and Concentration of Uses: Officer responsible for Location and Concentration of Uses SPD within Planning Policy team
CIL / Interaction of Planning Obligations with CIL: CIL team
Transport Strategy & Implementation: CIL Team Manager responsible for liaising with transport, Planning and Project Management team
INFRASTRUCTURE
Infrastructure Section & onsite provision of infrastructure: CIL Team & Development Management Team
ECONOMY AND EMPLOYMENT
All obligations (other than Crossrail): Strategy and Community Partnerships, Business and Employment and Support Team
Crossrail: CIL team
COMMUNITY
Affordable Housing: Officer responsible for Housing within Planning Policy team
Mixed Use in CAZ: Planning Policy team, CIL team, Development Management Team
Accessible Parking & Transport: Planning Policy Inclusive Design Officer and Public Realm division
Marketing Wheelchair Accessible Homes: Planning Policy Inclusive Design Officer
Preventing Wasted Housing Supply: Officer responsible for Preventing Wasted Housing Supply SPD within Planning Policy team
Student Bursaries: Officer responsible for Student Bursaries SPD within Planning Policy team
Community Access & Other Management Plans: Strategy and Community Partnerships
Community Safety: Community Safety service
Health Impact Assessments: Public Health team
Public Art: Arts and Cultural Development Manager
ENVIRONMENT
Construction Practice: Public Protection, Environmental Health team
Highways Reinstatement: Transport and Engineering and Public Realm teams
Carbon Off-setting: Energy conservation officer and officer responsible for Environmental Design SPD within Planning Policy team
Removal of Eligibility for Residents’ Parking Permits: CIL Team Manager responsible for liaising with transport, Planning and Project Management team

Decentralised Energy: Decentralised Energy Programme Manager, and officer responsible for Environmental Design SPD within Planning Policy team
Travel Plans: Planning and Project Management team, and officer responsible for Travel Plans
Green performance plans: Sustainability officer within Planning Policy team
Other environment obligations (e.g. heritage / conservation): Design and Conservation team
OTHER OBLIGATIONS
Council costs and Other Obligations: Section 106 team and Development Management team
Viability Review: Development Viability Team and Development Management team
NEGOTIATING OBLIGATIONS
Section 106 team, Development Management team and Development Viability Team
IMPLEMENTATION OF SPD
Section 106 team and Development Management team
APPENDICES
Section 106 team and Planning Policy Team

- 2.2 The various teams within the council were consulted through a series of e-mails, meetings and discussions about draft sections to be included or altered.
- 2.3 Where any changes were proposed after the early external consultation or public consultation stages (see below), the teams with responsibilities relating to the relevant sections of the SPD were re-consulted and asked to suggest and/or agree appropriate changes in reaction to comments made by external consultees (see below).

Early external consultation

- 2.4 On 20 June 2016 an external pre-consultation letter was sent to the following parties:

Organisation
Amwell Society
Canal and River Trust
Mayor's Office for Policing and Crime (MOPAC)
UNITE Group PLC
DP9 on behalf of Royal Mail Group Limited
English Heritage
Environment Agency
Berkeley Homes Capital
GL Hearn Limited
GLA and Transport for London
Highways Agency
Islington Society
Marine Management Organisation
Natural England
Thames Water
The Theatres Trust

- 2.5 The purpose of this letter was to notify those who had previously made comments during latest round of consultations on the now adopted Planning Obligations SPD (2013) to give them advanced notification of the upcoming public consultation process as well as to allow them to share their opinions on the subject to help shape the updated draft.

- 2.6 Pre-consultation comments were invited until Friday 1 July 2016 and four responses were received, from the Canal and River Trust, the Mayor of London, from Transport for London and from Natural England. Three responses declared that they had currently no specific comments to make. The Canal and River Trust made some comments which are shown in the table below.

Table 1: Summary of issues raised during the internal and early external consultation stages and how they were addressed in the draft SPD

Persons/ organisations	Main issues raised	How addressed in SPD
Number of council services (see above)	<p>During a series of meetings and ongoing discussions, the draft of each section to be included in the Planning Obligations (Section 106) SPD was discussed.</p> <p>Internal comments related to:</p> <ul style="list-style-type: none"> bringing certain sections up to date with current updated statistics, policy, guidance, legislation and practice and the need for updating the approach to implementation of the Mixed Use Development in the Central Activities Zone (CAZ) obligation in relation to London Plan Policy 4.3 and Development Management Policy DM5.1. 	<p>Changes were made following the advice provided by various council services and teams to refine the draft SPD to ensure it is up to date, and to ensure that implementing the SPD will be feasible.</p> <p>All comments were addressed wherever relevant and possible within the confines of legislation and previous area-wide viability testing.</p>
Canal and River Trust	<p>It should be made clearer how unique infrastructure improvements only relevant to specific sites (such as canal and towpath capacity access/ improvements in the vicinity of Regent's Canal) will be addressed through S106 / CIL.</p> <p>The process for claiming S106 funds for projects should be explained in the SPD.</p>	<p>Changes were made to the consultation draft SPD aiming to address both comments with:</p> <ul style="list-style-type: none"> an additional bullet point in Section 4 about type of locally relevant infrastructure works specific to a site (e.g. access to public footpaths, canal towpaths etc) which may be funded through Section 106 and a reference to Ward Improvement Plans in Section 9.

3. Formal consultation on the Draft SPD

- 3.1 The Council conducted a formal public consultation exercise on the draft Planning Obligations (Section 106) SPD for an eight week period from 29 July to 23 September 2016, which in turn has informed the final version of the SPD.
- 3.2 Responses were received from 14 individuals and organisations:

Organisation
Berkeley Homes North East London (part of Berkeley Group)
Canal and River Trust
Environment Agency
Highways England
Islington Society

Natural England
Two residents (including a member of Cycle Islington and the London Cycling Campaign)
Sport England
St William (part of Berkeley Group)
Tetlow King Planning on behalf of Rentplus
Theatres Trust
Transport for London Planning
Woodland Trust

3.3 Responses have been grouped together and listed by themes in table 2 as follows, with reference to the structure of the SPD:

- Summary, Introduction & Policy Framework (SPD Sections 1-3) and general comments
- Specific Obligations (Sections 4-8)
- Negotiating Planning Obligations (Section 9)

3.4 The Council is grateful to those who have responded to the consultation and helped inform the SPD.

Table 2: Summary of main issues raised during consultation on the draft Planning Obligations (Section 106) SPD (please note all paragraph references below relate to the draft not the final SPD paragraph numbering)

Ref	Respondent(s)	Comments	Council's response
Summary, Introduction & Policy Framework (SPD Sections 1-3) and General Comments			
1	Islington Society	Strong support for Council's continued use of Section 106 planning obligations for site specific infrastructure mitigation in addition to the application of CIL to achieve sustainable development.	Noted.
2	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	Support for general direction of revised draft and aim to provide further clarity and transparency.	Noted.
3	Natural England; Highways England; Environment Agency; Canal & River Trust;	SPD reviewed and no comments made.	Noted.
4	St William (Berkeley Group)	Document could be more concise. Repetitions should be deleted. Table 2.1 should be moved to an appendix. Relevant documents' listed in section 3 could be presented differently to avoid a lengthy list of bullet points. Likewise, it is not considered that a section on each of LB Islington's adopted SPD's is required.	Noted. Table 2.1 is an important referencing tool, allowing a quick overview of what obligations will be required and will therefore be retained as part of the main text. The section on relevant documents / adopted SPDs has been shortened, taking this comment into account. In some instances occasional repetition of the SPD has been judged necessary due to its frequent use as a referencing

			document where only certain sections are read, rather than the whole document.
5	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	Support for draft SPD paragraphs 3.49 & 3.20.	Noted.
6	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	<p>Need greater consistency with National Planning Policy Framework (NPPF) particularly in SPD section 2, re. NPPF paragraphs 173 and 204-206. Reference to NPPF paragraphs 203-205 (paragraph 3.13 of draft SPD) should be brought forward to SPD Section 2. Paragraph 2.33 should be amended as follows: "The Council has also undertaken extensive viability work which assessed the impact of CIL and other policy requirements on the viability of development (see http://www.islington.gov.uk/services/planning/planningpol/community_infrastructure_levy/Pages/CILCharging-Schedule---Submission-Documents-List.aspx). Viability testing indicated that CIL contributions and most other planning obligations account for only a small proportion of development costs and in most cases are very unlikely to make a development unviable. This is particularly the case for S106 obligations which have been scaled back since the introduction of CIL. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."</p>	<p>Re. NPPF / greater emphasis on viability, please note that Islington has developed a separate SPD (adopted January 2016) on the subject of Development Viability, which is referenced frequently throughout the draft Planning Obligations SPD 2016. Initial reference to the tests included in the CIL Regulations and the NPPF is already provided in paragraph 2.30 of the draft SPD. A more detailed quote is included in SPD section 3.</p> <p>The suggested quote from the NPPF, relating to viability testing, is also already included in paragraph 3.19 of the draft, as part of the SPD policy context.</p>
7	St William (Berkeley Group)	Consideration could be given to partially re-ordering Sections 2 & 3 to provide summary of policy framework / legal basis for requiring planning obligations before setting out obligations required.	Order of sections retained as in draft SPD to maintain SPD as clear referencing tool with immediate summary of general obligations required, followed by policy and legal basis for requiring said obligations, as the former will be of more immediate interest, especially for applicants on smaller sites who make up the majority of the applications made to the council.

8	St William (Berkeley Group) & Berkeley Homes (10 Berkeley Group)	Suggest adding reference to how amendments to existing planning permissions are treated regarding CIL and planning obligations (e.g. through Section 73 applications).	<p>We will assess any proposed amendments to planning conditions in line with policies as they stand at the time. Additional CIL and planning obligations will be sought where amendments result in a net increase of floorspace above that approved in the original planning permission. Where amendments do not fall within the confines of what is permitted under Section 73 (decision made by development management team, based on thresholds set), the proposal may be classed as a completely new application and will be dealt with accordingly.</p> <p>As stated by Planning Practice Guidance (PPG), on amending the conditions attached to a permission including seeking minor material amendments (application under Section 73 TCPA 1990), a section 73 application to vary planning conditions can be used “to seek a minor material amendment, where there is a relevant condition that can be varied”. This “is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved”. Where amendments to a scheme are proposed which change the use or increase floorspace assessed as part of the original application additional obligations or CIL charges may be required.</p> <p>A reference to this process will be added to the SPD.</p>
9	St William (Berkeley Group)	Section 3 should make reference to the Minor Alterations to the London Plan (MALP's) published in March 2016.	Noted. Reference added.
10	St William (Berkeley Group)	Paragraph 3.16 should be removed as this has been repeated and it is not considered relevant.	The reference to Sections 106BA to 106BC of the 1990 Act (second half of paragraph 3.16) will be deleted as their cancellation has now been in place for a reasonable amount of time.
11	St William (Berkeley Group)	Regarding expenditure of S106 funds, it will be important for the Council to demonstrate that this is directly related to the development in question in order to meet terms set out in Regulation 122 of the CIL regulations (potential to create legal uncertainty and increase the risk of third party challenge).	Noted. The tests for planning obligations in the CIL regulations are referred to in the SPD.
Specific Obligations (Sections 4-8)			
Infrastructure Obligations (Section 4)			
12	Sport England	Sport England recently raised concerns	The council notes your concern. The

		<p>regarding change from specifying specific parks in the existing London Borough of Islington CIL Regulation 123 List to a generic open space, amenity space and play space term in the draft consultation list but it was confirmed that the purpose of this was to ensure that on-site open space provision or a financial contribution could still be agreed through a Section 106 agreement. Sport England is concerned, as the draft SPD indicates this would only be the case in 'special cases' and that type of infrastructure would be mostly funded through CIL. Notwithstanding the above, given the contents of CIL Regulation 123 List, sport and leisure facilities and playing pitches would mostly be funded through CIL except when open space, amenity space and play space works are required within development sites and/or in order to make a specific development acceptable in planning terms. As a result, Sport England has no objection to the Draft Supplementary Planning Document.</p>	<p>new wording of the CIL 123 list envisages that improvements to existing council-owned public open space, amenity space and play space will continue to be funded through CIL. Measures to mitigate for the lack of on-site provision of open space/amenity space/play space, where required on specific sites will be funded through S106. Changes to the wording in the Infrastructure section of the Planning Obligations SPD have been made to clarify this.</p> <p>As you identified, this approach was taken to be clear about the infrastructure items that can be funded through CIL versus S106 due to pooling restrictions, tests in relation to S106 and rules to prevent overlaps of funding arrangements in line with CIL Regulations. The new CIL 123 list will enable the council to allocate CIL to the highest priority infrastructure requirements, without compromising Section 106 obligations where necessary and not addressed through CIL.</p>
13	Theatres Trust	<p>The Trust is pleased paragraphs 4.4 and 4.5 in the revised SPD continue to facilitate cultural re-provision which will support policy DM4.12 in the Local Plan, which aims to safeguard cultural venues.</p>	<p>Noted.</p>
14	Transport for London (TfL)	<p>SPD should make reference to TfL, amongst others, having the ability to request site specific Section 106 contributions to mitigate the impacts of development and to enable TfL and the developer to enter into s278 agreements for highway works. It is of course recognised that the Local Planning Authority is responsible for negotiating these agreements as part of their determination of an application.</p> <p>Need for transport mitigation is not confined to only large developments (as may be implied by Table 2.2) and instead should be assessed on the basis of the expected nature and quantum of the impacts themselves. TfL would therefore suggest that Table 2.1 is clarified so that it is confirmed that transport mitigation may be required for all types of development identified in the table. Please note also that the mitigation may not necessarily be on site. Similarly highways (carriageways and / or footways)</p>	<p>The draft SPD makes reference to this circumstance in paragraphs 4.7, 7.19 and 7.20, stating that in addition to planning obligations and CIL contributions required by the Council towards infrastructure, TfL may also require provisions of or contributions towards infrastructure provided or owned by them. Where TfL (rather than the Council) is the relevant highway authority, the developer will be required to enter into an agreement with TfL providing for reinstatement of highways and footways. Any further works to the public highway or related works necessary to enable a development to take place will need to be agreed by the Council (or Transport for London/neighbouring authorities where appropriate) and the costs of such works will also be payable by the applicant.</p> <p>Amendments to section 4 and table 2.1 will be carried out to address the issues raised.</p>

		<p>reinstatement could be required for minor as well as major development.</p> <p>TfL seeks that the text in Paragraph 4.7 is reworded to read:</p> <p>“In addition to planning obligations and CIL contributions required by the Council towards infrastructure, Transport for London and other transport bodies may also require planning obligations towards the mitigation of the transport impacts of the development. These could relate to transport infrastructure and/or services. Examples of site specific transport mitigation that are required to make a development acceptable in planning terms include but are not limited to:</p> <ul style="list-style-type: none"> • New or improved bus stops, interchanges, stations and stands and any necessary associated infrastructure, driver or passenger facilities; • New, extended or revised bus routes” • Improvements, repairs (when damage is the result of the development) or reinstatements related to the Transport for London Road Network, including any commuted maintenance payments; • Station enhancements such as ticketing areas and equipment, entrances, stairs, platforms, lifts, gatelines, passenger and/or staff facilities, security measures etc.; • New or enlarged cycle hire docking stations or additional emptying or filling of docking stations; • New or enlarged taxi ranks and/or drop off or pick up bays including any necessary driver and/or passenger facilities; • Public realm enhancements; and • Improvements to walking and/or cycling infrastructure generally including new routes and facilities, cycle parking, way finding (such as Legible London signage)”. 	
15	TfL	<p>It would be helpful if the document could include cross referencing such that transport mitigation included in other sections is not overlooked (or duplicated) for example accessible parking and transport (community section) and construction, Controlled Parking Zone exemption and highways</p>	<p>Noted. A reference to transport related obligations discussed in other sections of the SPD was already included in paragraph 4.5 but will be expanded to address this comment.</p>

		(Environment section).	
Economy and Employment Obligations (Section 5)			
16	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	Approve of councils approach and commitment to tackle local unemployment and approach to community obligations to meeting some of the needs of the borough.	Noted.
17	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	Regarding economy & employment obligations we suggest more flexibility / more tailored targets that take into account direct initiatives by developers and contractors such as the Berkeley 'reach apprenticeships'.	The council welcomes developer led employment and training initiatives such as the 'reach apprenticeship' scheme. However it notes that this is the only scheme of this kind and extent by a major developer which the council has encountered to date. The council would like to encourage other developers to adopt this level of responsibility toward ensuring both direct employment and future workforce development in the construction sector. The council is supportive of existing developer led programmes such as 'reach' and will work with developers to realise their own employment and training ambitions where they share the aims of the council.
18	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	Possibility of local skills gap preventing compliance with obligation on some schemes. Council should make it clear how they seek to ensure there is availability of appropriate skills and this should be monitored and managed. This could include provisions to allow jobs to be allocated to people from neighbouring boroughs which would be included within the 'local labour' definition.	The aim of requiring construction placements through planning obligations is to address this concern, to develop the skills of the local labour force. The aim of the council's Employment and Training Code is to allow for maximum lead in time for preparation and recruitment of candidates. The council sets out its intention to raise skills levels through ensuring there are opportunities on site for such skills development. Should a developer not be willing or able to provide such placements on site, the financial contribution sought towards construction training and support is to ensure that those Islington residents seeking employment are offered support to develop their skills and enable them to make use of future job opportunities as they arise. The council's employment and training officers will help with seeking appropriately skilled labour.
19	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	Re. construction placement, to allow for fluctuations of skills availability, % range (up to 20%) should be applied to total number of jobs generated rather than 1 placement per 20 residential units to create flexibility/ consistency of approach across all development types.	This proposed alternative system is more difficult for the council to monitor as well as to manage. The council has considered the alternatives and considers its current approach of setting specific requirements based on 1 per 1000 sq m or 20 residential units, aligned to a payment for non- provision,

			to be the most proportionately effective method currently being operated in London in this context.
20	St William (Berkeley Group)	Suggestion that paragraph 5.20 and its associated formula should be omitted.	The council employs formulae for the calculation of provisions or contributions required to ensure a consistent and proportionate approach. While direct investment in employment initiatives is welcomed by the council, accountability and transparency are essential.
21	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	The formula relating to 'employment and training contribution – operation of development' does not take into account the additional job creation from development and any in-house schemes of developer or future tenants which would negate requirement for financial contribution. Greater flexibility is needed.	The contribution is sought to improve the prospects of local people accessing the jobs created in the operation of the proposed development, by providing training and support relating to the particular end use of the development in question. This contribution enables the council to generate schemes to up-skill, train/offer qualifications and build the capacity and confidence of often disadvantaged residents so that they are able to compete on a more level playing field. As regards in-house schemes of developers or future tenants, these are welcomed by the council but not seen as substitutes for the employment support and training the council itself provides to the local residents it has a duty towards.
Community Obligations (Section 6)			
22	Resident	<p>Disagree with levying obligations on schemes of fewer than 10 units / less than 1000 square metres (e.g. small sites affordable housing contribution). No S106 contributions should be sought on such developments. Council should follow revised government guidance re. small sites affordable housing contributions.</p> <p>Seeking contributions should not be requirement for validation purposes.</p> <p>Small sites affordable housing obligation is particularly unacceptable for house owners that only have one house and seek to improve their property as this stalls improvements to existing stock / does not give owners the chance to redevelop older style properties.</p>	<p>Planning legislation (Section 70 of the Town and Country Planning Act 1990 and Section 38 of the Planning and Compulsory Purchase Act 2004) provides that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Ministerial Written Statement and Planning Practice Guidance (PPG) on small sites are material considerations. It is for the decision maker to balance the weight given to Development Plan policies and material considerations given the specific circumstances that apply. The intention of the revision to PPG, as stated in the Ministerial Statement was to reduce "<i>disproportionate burdens on developer contributions.</i>" Contributions are subject to viability testing and are only applied to the extent that schemes remain viable.</p> <p>In light of this and the significant housing needs in the borough, the council considers that subject to the specific circumstances that apply,</p>

			<p>greater weight should generally be given to policy requirements.</p> <p>In line with National Planning Policy Framework (NPPF), local authorities are asked to publish a list of their own information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Supporting information requested should be relevant, necessary and material to the application in question. The council's local validation list includes requirements for an affordable housing statement and a planning obligation statement (draft heads of terms), both of which the council considers meet the tests as set out by the NPPF.</p> <p>Regarding home owners of only one property seeking to improve their own home, these types of developments (e.g. loft extension, conservatories & other home improvements) are exempt from Small Sites Affordable Housing contributions and other such planning obligations. These obligations only apply to developments which create additional new housing units.</p>
23	Tetlow King on behalf of Rentplus	Section 6 of SPD should reference 'rent to buy' and encourage developers to provide a proportion of sites as 'rent to buy', particularly where this will assist viability. Incorporating this model will improve viability due to considerable and ready availability of private funding and significant scope for early delivery on many sites. By planning for inclusion of this model, the Council would ensure that the SPD remains in conformity with national planning policy and is planning more effectively and positively for sustainable development to meet full range of residents' needs.	The council will take into account models of intermediate affordable housing delivery when reviewing its Core Strategy. The council considers it inappropriate for this particular SPD to endorse any particular type of intermediate housing, however these issues will be considered as a part of a review of evidence of housing needs and the council's policies.
24	St William (Berkeley Group)	SPD formulas/sections repeating what is already stated in policy (e.g. 6.14) or other SPDs (e.g. disabled parking provision set out on pages 42 – 44) constitute unnecessary repetition.	Noted. The purpose of the SPD is as a central reference document to provide a single source for all information relating to planning obligations required in the borough. However, we agree that the more detailed design guidance (draft SPD pages 42-44) is not necessary to be repeated here. This will be replaced with a reference to the Inclusive Design SPD.
25	St William (Berkeley Group) &	It is not reasonable to include need for financial contributions for disabled parking bays for every development.	Within the context of a car free policy it will always be preferable to provide accessible parking bays (as an

	Berkeley Homes (Berkeley Group)	There will be some circumstances where it will not be possible to accommodate such parking provision near to or within a development. In these instances if there is adequate evidence (e.g. through transport assessment) that provision is adequate, this requirement should not be applied.	exception to the rule) on street rather than on site because, on street, they can be taken in and out of use (according to need) without leaving valuable space on site vacant. A sum will therefore be collected from the developer as a contribution towards the conversion and consultation exercises associated with the on street solution. Where there is insufficient on street space to deliver the requisite number of bays then a contribution will be taken towards the provision of other accessible and sustainable transport services e.g. dial-a-ride, taxi-card, scootability etc.
26	St William (Berkeley Group) & Berkeley Homes (Berkeley Group)	New obligation on marketing of wheelchair accessible homes (paragraphs 6.32-33) is not consistent with planning obligations tests set out in the NPPF and legislation (not considered necessary nor fairly or reasonably related to development). Current wording of draft guidance too onerous. Is not the role of the planning system to dictate marketability / timeframe for release of homes to open market. Also, shared ownership element of development would generally be marketed by third party who is unlikely to be a signatory of the S106 Agreement.	Noted. The wording of the SPD will be revised to clarify the council's position. The council does not seek to restrict who will buy these units but merely desires that clear information is available, to ensure that both vendors and buyers will be aware of the standard to which the unit has been constructed. The following revision will be made to draft paragraph 6.32 to clarify: "To improve awareness of these accessible units, developments providing wheelchair accessible private or shared ownership units will be required to market them as such for a minimum period of 6 months. before any of the homes, if still unsold, are released onto the open market. "
27	Resident (Member of Cycle Islington and the London Cycling Campaign)	Paragraph 6.17 on accessible parking and transport: The SPD does not make reference to people with disabilities who cycle and provision of cycle parking for them (See London Plan pg. 278 6A.13 regarding space for tricycles etc).	Noted. Reference has been added to cycle parking needing to take into account the needs of mobility impaired cyclists and adapted/less conventional types of bicycles. The council also encourages provisions for people with disabilities who cycle and provision of cycle parking for them to be incorporated in the design of the developments themselves. This will also be considered as part of work on the current revision to the council's design standards, which aim to serve as many different types of cycles and cyclists as possible. A further addition has been made to SPD (after paragraph 6.18), to acknowledge that in view of the council's car-free policy and the fact that some public transport options remain inaccessible to people with mobility impairments, provision should be made to support a range of sustainable accessible alternatives

			such as accessible cycle racks, storage and charging facilities for mobility scooters and door to door services such as dial a ride and taxi card.
Environment Obligations (Section 7)			
28	St William (Berkeley Group)	The Government has stated that policy on carbon emissions is to be dealt with in Building Regulations rather than planning policy (National housing standards March 2015). Once the 2008 Planning and Energy Act is amended by section 43 of the 2015 Deregulation Act, local planning authorities will no longer be able to apply energy or water efficiency standards through planning policy. Therefore provisions related to energy efficiency would be regarded as unlawful within this SPD once section 43 is amended (which is due by the end of 2016). The draft guidance relating to energy efficiency should only be applied until S43 is renewed and the draft SPD should make this clear.	<p>Planning legislation (Section 70 of the Town and Country Planning Act 1990 and section 38 of the Planning and Compulsory Purchase Act 2004) provides that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The council acknowledges the Written Ministerial Statement (WMS) on Housing Standards (March 2015) is a material consideration in the assessment of new build residential applications, but does not outweigh the development plan given the specific circumstances in Islington. This approach is echoed by the Mayor of London in the updated Housing SPG published in March 2016, confirming London's approach to Zero Carbon development. The Council has not been made aware of any imminent proposals to enact Section 43 of the Deregulation Act, and the Council will consider this should these legislative changes be forthcoming.</p> <p>Notwithstanding this, the SPD deals will all forms of development in the borough and it is important to note that neither the WMS or Section 43 of the Deregulation Bill affect the provisions and policies relating to non-residential developments, residential refurbishments or changes of use and is therefore also relevant for these circumstances.</p>
29	TfL	In paragraph 7.13 TfL suggest that a list of the impacts which should be mitigated during construction is included, particularly those affecting cyclists and pedestrian safety and convenience.	A list of the impacts which should be mitigated during construction, particularly those affecting cyclists and pedestrian safety and convenience, will be included in the updated Code of Construction Practice as this is currently under review. Please note that the council already secures these types of measures on some major developments through the S106/planning process, where necessary and appropriate (e.g. agreements to temporarily remove speed humps around a site to reduce construction traffic vibration, designated construction traffic routes, house

			condition surveys for properties potentially affected etc).
30	Resident (Member of Cycle Islington and the London Cycling Campaign)	Regarding SPD section 7 on environment obligations: Monitoring costs must include inspection and correction of road works during construction. Successful 'road works patrol' in Southwark has helped reduce road danger to all users (ref: Michael Barratt, TfL)	Contractors undertaking works have a duty to monitor and ensure the ongoing safety of the highway. The council monitors the construction process and requires developers to comply with the Code of Construction Practice. In the absence of a significant additional monitoring fee, the council currently has insufficient resources to instigate a patrol of road works. The need to reinforce statutory duties relating to construction and highway safety will be considered as part of the current review of the Code of Construction Practice. The SPD will remind applicants that all developers and their contractors undertaking works must adhere to the construction management plan, as approved by Council Highways and Planning departments and that construction on site must also be agreed with Islington Council's Streetworks department.
31	Resident (Member of Cycle Islington and the London Cycling Campaign)	Add to paragraph 7.5 "Developers must ensure that contractors and their sub-contractors working on construction sites in Islington are FORS (Fleet Operators Recognition Scheme Silver Graded or higher) and are registered as CLOCS (Construction Logistics and Cyclist Safety) Champions". Islington Code of Practice for Construction sites does not currently include such requirements which have been adopted by City of London, London Borough of Camden and TfL.	The Islington Code of Construction Practice is currently being revised and the intention is for the new code to be published in early 2017. Your comments will be considered as part of this review. The SPD will remind developers that they and their contractors must comply with the up to date Code of Construction Practice.
32	Resident (Member of Cycle Islington and the London Cycling Campaign)	7.18 Reinstatement: Add to paragraph 7.18 "and cycle lanes, tracks or paths". These are sometimes overlooked in repair schedules. Poor surface quality can be a serious hazard for a cycle user.	Noted. The highways reinstatement team already repairs and re-instates any part of the public highway damaged through construction, including cycle lanes, carriageway etc. however the suggested addition will be made to paragraph 7.18 to draw additional attention to this issue.
33	Woodland Trust	There is a wealth of evidence on many benefits of Green Infrastructure and in particular accessible woodland and high tree canopy cover. These include improvements to variety of issues summarised in publication "Residential Development and Trees". www.woodlandtrust.org.uk/publications/2015/07/residential-developments-and-trees/	Tree planting, if not sufficiently addressed through the landscaping proposals as part of the planning application would generally be sought through planning conditions rather than through planning obligations (as indicated by the 1990 Planning Act). Off-site planting would normally be funded through CIL contributions towards public realm and open space improvements.
34	Woodland Trust	The Trust would expect to see tree	Where tree planting may be necessary

		<p>planting and other Green Infrastructure (GI) mentioned in section 7 on Environment Obligations. Paragraph 7.65 of the draft SPD only states: “measures relating to climate change adaptation and biodiversity are dealt with mostly through the main planning application, through planning conditions or, if an obligation is necessary, through public realm or open space works (see Section 4)” Neither GI nor tree planting is mentioned in section 4.</p> <p>Section 197 of the 1990 Planning Act requires planning authorities to include appropriate provision for planting of trees when granting planning permission “to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees;”</p>	<p>as part of improvements to existing council-owned public open space, amenity space and play space in the borough, this will be funded through CIL.</p>
35	Woodland Trust	<p>Suggest adding “Tree planting” to list in 7.4, and sub-section on Tree Planting written and inserted between the sections on Travel Plans and on Other Environment Obligations. This should include Islington’s commitment to increasing canopy cover (with reference to Council Tree Strategy) and following paragraph: “There is now a wealth of evidence on the many benefits of planting more trees to increase canopy cover, including improving: physical and mental health; air quality; water quality; water management (reducing flooding); shading; cooling through evapotranspiration; as well as the more obvious benefit of improving biodiversity”.</p>	<p>Planning obligations would only be used in special circumstances to fund improvements which may include (but usually would not be limited to) tree planting where site specific circumstances make it necessary to mitigate for the lack of on-site provision of open space/amenity space/play space on specific sites or for replacement trees.</p>
Negotiating Planning Obligations (Section 9)			
36	TfL	<p>In the process section (section 9) TfL requests that paragraph 9.1 refers to the potential involvement of other bodies in the process – TfL being but one example of a provider who can be a signatory to a S106 agreement or be responsible for infrastructure or services included in such an agreement.</p>	<p>The following amendment will be made to paragraph 9.1: “The negotiation of S106 agreements is primarily the responsibility of the Development Management case officer, supported by an officer from the Planning Obligations team. There may also be need for potential involvement from other bodies in the process, such as Transport for London (see SPD section 4), who may be signatories to the S106 agreement and/or be responsible for infrastructure or services included in such an agreement. Figure 9.1 contains an outline of the negotiation process”.</p>