

London Borough of Wandsworth

Planning Obligations SPD / Public Consultation (January 2020)

Schedule of Representations and the Council's Responses

25.08.20

Background

The following is a schedule of representations that were made in response to the public consultation that the Council held on draft Planning Obligations SPD from 31 January to 28 February 2020. The schedule also incorporates six further changes that has been identified by the Council.

The draft Planning Obligations SPD provides guidance on how planning obligations are used to promote sustainable development, provide affordable housing in order to meet identified needs, and deliver the infrastructure necessary to support the growth of the borough. The Council previously consulted on an earlier version of the draft SPD for eight weeks from 12 December 2019 until 6 February 2019.

It is the Council's intention to adopt the Planning Obligations SPD having made the amendments as set out below. Once adopted, the SPD will be a material consideration when assessing any planning application within the borough. It will replace the existing Planning Obligations SPD, which was adopted in March 2015.

How to use this document

Representations are listed in the schedule alphabetically by the organisation or individual submitting them. Each representation has been included in full, with a reference number assigned to each comment in the format 'X.Y'.

'X' refers to each organisation or individual that has submitted comments, and, in instances where they have made multiple and distinct comments on different parts of the Planning Obligations SPD, this denoted by 'Y'. For completeness, where more general or introductory text has been included in the representation, this is identified by the reference number 'X.0'.

Where changes are proposed as a result of the representations made, these are recorded in the fifth column. Proposed additions to the text are recorded in bold and underlined text. Proposed deletions are recorded with a strikethrough. For example: 'This text is to be retained **and this text is to be added** ~~but this text is to be deleted.~~'

Where more substantial revisions are proposed, or the revisions are harder to depict in this method alone, these are shown in context in Appendix A.

#	Representor	Representation	Officer Comment	Proposed Changes
1.0	DP9 on behalf of Battersea Power Station Development Corporation	<p>DP9 Limited, on behalf of Battersea Power Station Development Corporation hereby submit formal representations to the London Borough of Wandsworth ("LBW") regarding the above draft consultation document which was published on 31st January 2020.</p> <p>Following thirty years of dereliction, the comprehensive multi-phase regeneration of the Battersea Power Station site began in 2013 with the start of construction works on Phase 1 and the restoration works to the Grade II* listed Power Station. Seven years on, Phase 1 is completed and occupied, Phase 2 (the Power Station) is under construction with completion due to occur in 2021 and Phase 3a is under construction with completion also set for 2021. Once fully completed the masterplan approved by LBW in 2011 will deliver 4,239 new homes and over 3 million sqft of commercial floorspace, including office, retail, hotel, leisure, community and cultural uses, for LBW.</p> <p>Our principle concern with the consultation draft SPD is the lack of clarity with regards to the amending of existing planning permissions, via Section 73 ("S73") applications. Whilst the affordable housing section provides guidance on the procedure for S73 applications in relation to affordable housing the remainder of the document remains silent on the issue. It is considered that financial contributions and additional obligations, outside of those already agreed under pre-existing Section 106 Agreements ("S106s") and subsequent Deed of Variations ("DoVs"), should not be retrospectively imposed on existing planning permissions as this could impact on the delivery of development that has commenced on the basis of previously agreed financial and infrastructure arrangements.</p> <p>Flexibility should be built into the SPD to encourage discussions between LBW and developers, especially on large multi-phased projects, in order to reach mutual agreement where amendments to DoVs are required for S73 applications.</p>	Thank you for your submission. Responses to the queries raised are provided for each specific issue raised, below.	No changes proposed to the SPD.

		Accordingly, please find our comments below, which we respectfully request are taken into consideration. We have commented on the sections of the Draft SPD that are materially different to the adopted SPD and are particularly pertinent to the regeneration of Battersea Power Station.		
1.1	DP9 on behalf of Battersea Power Station Development Corporation	<p>Draft Planning Obligations SPD</p> <p><u>Section 4 - Section 106 (S106) Monitoring Fee</u></p> <p>The draft Planning Obligations SPD introduces a new calculation to prescribe the S106 monitoring fee. The SPD states that DoVs will require the recalculation of the monitoring fee to reflect the uplift in the number and type of obligations from the original S106 Agreement.</p> <p>It is considered that this should not be retrospectively applied to pre-existing S106 Agreements, and that the monitoring fee stipulated within the original Agreement and any variation thereof, should remain valid and be honoured accordingly to provide developers with certainty over costs once planning permissions have been implemented and construction is underway.</p> <p>To clarify this, we suggest the inclusion of the following wording:</p> <p><i>'Section 106 Agreements which pre-date the adoption of the Planning Obligations SPD will continue to contribute the S106 monitoring fee documented within the original Agreement, and will not be subject to revised monitoring fees.'</i></p>	Planning applications, including S73 applications, must be considered on the basis of the adopted development plan. It is considered proper and appropriate for the LPA to consider any changes in policy and any new material considerations that are relevant since the original permission was granted, and which might impact the outcome of the section 73 application or might alter the content of the scheme.	No changes proposed to the SPD.
1.2	DP9 on behalf of Battersea Power Station Development Corporation	<p><u>Section 6 – Employment, Skills, Enterprise and Affordable Business Space</u></p> <p><u>Affordable, Flexible and Managed Workspace</u></p> <p>The consultation draft SPD introduces a new section in relation to Affordable, Flexible and Managed Workspace. This states that where thresholds are met, all development that provides Economic Floorspace (comprising B1a, B1b, B1c, B2, and B8 land uses), will be expected to contribute to the provision of affordable, flexible, and/or managed workspace suitable to the</p>	Planning applications, including S73 applications, must be considered on the basis of the adopted development plan. As such, the requirements outlined by Policy EI 4 and EI 5 would apply. Should it be considered that this would impact on the viability of a scheme, this would be assessed on a case-by-case basis.	No changes proposed to the SPD.

		<p>needs of businesses at all stages in their development, in line with Policies EI4 and EI5 of the newly adopted LPEID.</p> <p>The owners of Battersea Power Station voluntarily incorporated affordable workspace within Phase 4a of the masterplan before there was any such policy for its provision.</p> <p>Whilst we are not opposed to the new inclusion in light of already providing affordable workspace, it is unclear if this obligation will only be applied to new development proposals incorporating economic floorspace, or will be applied to existing developments that are amended via S73 applications and accompanying DoVs. It is considered that affordable workspace should not be retrospectively applied to economic floorspace that has already been consented when planning permissions are amended.</p> <p>Firstly, consented development that was not subject to affordable workspace previously may already be in contractual commitments with prospective tenants and occupiers of the economic floorspace and therefore undeliverable.</p> <p>Secondly, introducing a retrospective requirement to introduce affordable workspace into a development that already has planning permission render the scheme unviable. This could prevent the delivery of the previously consented economic floorspace and any associated regeneration within the Borough.</p> <p>As such, we propose the inclusion of the following wording, to clarify the position on S73 applications:</p> <p><i>'Section 73 Applications amending planning permissions containing Economic Floorspace consented prior to the adoption of the Planning Obligations SPD (2020) will not be subject to the retrospective provision of affordable, flexible, and managed workspace.'</i></p>		
1.3	DP9 on behalf of Battersea Power Station Development Corporation	<p><u>Section 10 – Sustainability</u></p> <p><u>Carbon Offsetting</u></p>	The Planning Obligations requirement relating to carbon office is derived from the Core Strategy Policy IS 2 and Development Management Plan Document Policy	No changes proposed to the SPD.

		<p>The carbon offsetting section represents a further new inclusion within the consultation draft Planning Obligations SPD. It aligns with the Draft London Plan policy with regards to Carbon Offsetting and zero carbon homes, stating that major residential developments achieving a 35% reduction in regulated carbon emissions (beyond building regulations Part L 2013) on site, will be required to make a cash in lieu contribution to off-set the emissions up to 100%. The price of carbon for this payment is set at a rate of £60 per tonne over 30 years or otherwise determined by the Council in accordance with the London Plan or its own assessment.</p> <p>The owners of Battersea Power Station have already constructed a £100m district energy centre as required by planning policy at the time of the original outline planning application. This significant investment in sustainability should be recognised as part of the ongoing delivery of the masterplan.</p> <p>Whilst we recognise the importance of carbon offsetting, and the importance of the financial contributions towards carbon offsetting projects that can be captured through this obligation, we are concerned about how this new obligation may be applied given the significant investment already on district energy. As with the other obligations addressed within this letter, it is unclear if LBW would seek to apply this obligation to existing planning permissions that are being amended via S73 applications.</p> <p>Paragraph 10.6 does state (emphasis added): '<i>The London Plan and Wandsworth Local Plan both seek to ensure that new development proposals make the fullest contribution to standards which are designed to lead to zero carbon residential buildings.</i>' This alludes to the fact that it is only new development proposals that would be liable to comply with this particular obligation, rather than applications via S73 to amend existing planning permissions, however, this is not explicit.</p> <p>It is considered that this particular obligation should not be sought when existing planning permissions are amended, for the following reasons. Firstly, the energy and sustainability strategy approved under the original permission being amended, may need to be revised to take account of up to</p>	<p>DMS 3, which in turn are consistent with the adopted London Plan and further guidance given in the Sustainable Design and Construction SPG.</p> <p>Planning applications, including S73 applications, must be considered on the basis of the adopted development plan. As such, the requirements outlined by Policy IS 2 and DMS 3 would apply. Should it be considered that this would impact on the viability of a scheme, this would be assessed on a case-by-case basis.</p>	
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		<p>date policies. This would be particularly problematic for multi-phase schemes that have implemented and expended significant costs on a previously approved site wide energy strategy (e.g. energy centre) that future phases of the development are planned to connect to.</p> <p>Secondly, and as previously stated in this letter of representation, placing additional financial contributions on developments in the form of a carbon offsetting payment in lieu of meeting more onerous policy targets could negatively impact on development viability, again jeopardising the delivery of significant regeneration in the Borough.</p> <p>To address this, we propose the following inclusion:</p> <p><i>'Section 73 Applications which amend planning permissions consented prior to the adoption of the Planning Obligations SPD (2020) will not be subject to the adherence of the carbon offsetting obligation and associated payment in lieu'</i></p> <p><u>Summary</u></p> <p>We welcome the addition of the new and updated obligations within the draft Planning Obligations SPD, however we do have concerns over the application of these obligations with regards to existing planning permissions.</p> <p>We consider that the document needs to provide greater clarity on the application of the new and revised obligations in the event that an existing planning permission is being amended via S73 applications. The delivery of new homes and jobs in the Borough could be compromised if existing consents are required to deliver new planning obligations that had not previously been accounted for in original development appraisals, as a result of the adoption of the SPD. As such, and as detailed throughout these representations, the SPD should be explicit in ensuring that existing planning permissions should not be subject to new planning obligations on matters that have already been agreed, that could place extensive risk on development viability and deliverability. Flexibility should also be built into the SPD to encourage discussions between LBW and developers in order to reach</p>		
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		mutual agreement where amendments to DoVs are required for S73 applications.		
2.0	Battersea Society	The Battersea Society welcomes this draft revised SPD. The introduction clearly sets out what is a complicated set of regulations and requirements, and each section provides a helpful summary of adopted policy and contributions expected. However, it is not clear how timing of the production of this SPD ties in with the Local Plan revision. A time line for each would be helpful including whether a further revision of the SPD is planned once the new plan is adopted.	<p>Thank you for your submission, and your comments in support of the draft SPD.</p> <p>The draft SPD is intended to provide supplementary information on the use of Section 106 (s106) Planning Obligations and Community Infrastructure Levy (CIL) as these relate to policies in the currently adopted Local Plan.</p> <p>Once the revised Local Plan is adopted, it is intended that the Planning Obligations SPD will be revised again in order to be consistent with the new document.</p> <p>The timeline for the revised Local Plan is set out in the Council's Local Development Scheme, which can be found online:</p> <p>https://www.wandsworth.gov.uk/planning-and-building-control/planning-policy/local-plan/about-the-local-plan/</p>	No changes proposed to the SPD.
2.1	Battersea Society	Types of Planning Obligations (3) 3.3. and 3.5 list those areas of policy which are the focus for contributions and the document goes into detail under each. We consider there is a major omission from this list, namely indoor community facilities for local voluntary groups. Provision of accessible community centres, libraries and space for hire etc for small voluntary groups is a critical element of developing sustainable communities and is beneficial to mental and physical wellbeing in the widest sense. We see this therefore as part of the social infrastructure requiring support through planning contributions and it should be explicitly listed.	<p>The types of provision described are important aspects of social infrastructure. These would fall within the category of 'Community Use' identified in the text box on page 60. This states that:</p> <p>"Provision will be assessed on a case-by-case basis, should be proportional to the scale of the development, and should have regard to the existing provision."</p>	No changes proposed to the SPD.

			<p>This is considered appropriate given the diversity of provision which might be required within this category. Reference is explicitly made in paragraph 3.3 to 'education and healthcare' due to the difference mechanism by which planning obligations for these topic areas are identified and delivered.</p> <p>The Council is in the early stages of reviewing the Local Plan, as part of which many of the current policies, including on the provision of community infrastructure, will be reviewed and revised, and your input on their development would be welcomed. Notification of consultation on the emerging policies will be posted online, and will be circulated to all contacts on our planning database.</p>	
2.2	Battersea Society	<p>Negotiating and monitoring of CIL and s106. (4) As a local community organisation, the Battersea Society is concerned to ensure that the planning obligation arrangements are realised by strong management, implementation and monitoring of the policies proposed. In the past we have been concerned that it has been difficult to trace through whether S106/CIL contributions have been collected, where they have been used and for what purpose. Reference is made in para 4.18 to existing annual reports on s106/neighbourhood CIL but the latest we could find related to 2016/17. We therefore welcome the new regulation¹²³ requirement to publish more extensive lists in December following each financial year. We look forward to the first of these in December 2020 and recommend that they are brought to the attention of members of the Community Planning Forum and other local groups when the list is published.</p> <p>Section 4.10 could be more explicit in setting out monitoring arrangements and publicity of use of contributions in order to</p>	<p>Paragraph 4.16 provides a link to the Council's Authority Monitoring Reports, which are divided by topic, and are published as soon as they are finalised. For reference, the URL in full is:</p> <p>https://www.wandsworth.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan-monitoring/authority-monitoring-report-amr/</p> <p>As per the regulation 121A of The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, the Council will publish an Infrastructure Funding Statement on its website in</p>	No changes proposed to the SPD.

		assure local residents that major developers are contributing to local infrastructure.	December of each year which reports on the previous financial year. Paragraph 4.10 outlines the obligations concerning monitoring placed on developer's in line with the relevant CIL regulations.	
2.3	Battersea Society	Proposed level and nature of contributions (4) 1.11 states that the level of contributions is '...based on local circumstancesand capacity of existing infrastructure'. It is not always clear, within application documents, how existing capacity has been assessed against likely demand generated by the proposed development. This is a particular issue for public transport impacts and community services provision. Recent examples are applications for major sites in the York Road/Lombard Road area. There is little evidence that the aggregate impact of existing approvals on nearby sites, especially in relation to transport, balance of housing size and tenure, and local community services, is taken into account when assessing applications or in calculating s106/CIL contributions.	CIL is calculated in accordance to the CIL Regulations using a formula proscribed by those Regulations. It is not negotiated. s106 is negotiated based on the need to mitigate the impact of development against the viability of that development. As stated in paragraphs 1.16 and 1.17 of the SPD, there are three legal tests which the obligations must meet, including that they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.	No changes proposed to the SPD.
2.4	Battersea Society	Affordable housing (5) As indicated, when we comment on individual applications we are constantly concerned at the proposed (and often approved) levels of affordable units and their size and location within developments, given the scale of local need. We consider the Council should align itself with the Mayoral approach of using habitable rooms in affordable units rather than merely units. We are also concerned that the draft says (p29) that when considering the mix of 'affordable' units, the Mayor's policy (60% social rent, 40% intermediate rent or sale) should be regarded just as a 'starting point' in negotiations.	The approach to affordable housing is set out within Core Strategy Policy IS 5 and Development Management Plan Document Policy DMH 8. These policies outline the requirement for affordable housing in percentage terms of the number of units within a development, and the Planning Obligations SPD therefore mirrors this approach. In this regard, it is important to recognise that as a supplementary planning document, the Planning Obligations SPD should only seek to provide further guidance on the adopted policy (within the Local Plan), rather than to introduce new	Amend the second paragraph under 'Tenure' within the text box on page 29, relating to alignment with the Draft London Plan and the Mayor's SPG, to read: "The Council Core Strategy Policy IS 5 is in line with the London Plan policy stated in 5.18 and seeks a mix of 60% for social or affordable rent and 40% for intermediate tenures. This is will be the <u>Council's policy position for the purposes of</u> starting point for negotiations, and <u>however</u> based on local evidence the Council <u>is willing to</u> consider if the Mayor's

			<p>requirements independent of it. As identified above, the Council would welcome your input on this topic in the context of the new Local Plan.</p> <p>The reference to 'starting point for negotiations' on page 29 was intended to recognise that this element is a negotiated process, and is subject to site specific considerations, however it is agreed this language could simply establish that this is the Council's policy position for the purposes of negotiations.</p>	AH SPG three-way split approach is more suitable."
2.5	Battersea Society	<p>Viability Appraisals - redaction</p> <p>We would like to see greater transparency, less redaction and simpler explanations of the results of viability appraisals. It is difficult for local community interests to comment on the findings as presented in the appraisals attached to applications.</p>	<p>The SPD outlines that, where the applicant considers it necessary for information within the viability assessment to be redacted, they must justify to the satisfaction of the Council why this is the case.</p> <p>The Battersea Society's comments regarding a desire for greater transparency are noted, however, no changes considered necessary.</p>	No changes proposed to the SPD.
2.6	Battersea Society	<p>Commutated payments and off site development to meet affordability criteria (5.18)</p> <p>The 'Application/Calculation' box suggests that exceptionally, in accordance with national policy, the council will accept commuted and off site provision. Our experience tends to suggest that this is far more 'normal' than 'exceptional'. We would like to see clearer justification within applications for affordable provision off site or through a commuted sum.</p>	<p>The inclusion of exceptional circumstances is required in accordance with paragraph 62, and is consistent with the expectations of the planning policy team.</p> <p>It is the role of the Development Management team to ensure that such exceptional circumstances are suitably justified. As such, the concerns raised herein by the Battersea Society lie beyond the scope of the Planning Obligations SPD, however these will be passed</p>	No changes proposed to the SPD.

			on to colleagues in Development Management.	
2.7	Battersea Society	<p>Amendments and phased developments (5.24 - 5.34) We have found it difficult to keep up with changes in balance of tenure and size of developments in Nine Elms and on other large developments, usually after an initial outline approval. We have picked up some and occasionally, as with Battersea Power Station, the developer has been open in stating how changes in phasing and balance of units affects the overall plan. We would urge that the Council requires developers to explain more openly changes proposed. Without this, trying to assess what the changes and/or modifications mean for the number of affordable habitable rooms is extremely tortuous. An example of this has been development of the various sites making up the former South London mail site.</p>	<p>Requirements for applications for reserved matters following outline approval are set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015, Part 3, Article 6. This requires applicants to make clear reference to drawings that formed part of the original decision and identify plans submitted as part of the new application, although with an explanation or additional supplementary information highlighting changes and variations where necessary.</p> <p>Requirements for applications for the removal or variation of a condition following grant of planning permission are set out in The Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990. These require the condition to be removed or varied to be specified and the manner in which it is being amended.</p> <p>Guidance for both applications types is included on Wandsworth's planning applications webpage, and would be expected of any such application.</p> <p>It is the role of the Development Management team to ensure, at validation stage, that such requirements have been met. As such, the concerns raised herein by the Battersea Society lie beyond the</p>	No changes proposed to the SPD.

			<p>scope of the Planning Obligations SPD, however these will be passed on to colleagues in Development Management.</p> <p>It is noted that the Planning Obligations SPD does also include the possibility for the Council to hold mid-term reviews, in line with the Mayor of London's Affordable Housing and Viability SPG, for larger phased developments. These would be triggered prior to the implementation of phases, and are designed to ensure that the delivery of affordable housing is maximised in the longer term without the viability of a scheme being undermined due to changes in values in the housing market.</p>	
2.8	Battersea Society	<p>Access to community facilities within residential development (5.39) Greater consideration needs to be given to access to community facilities in larger residential developments. Generally developers should be encouraged to allow more open access (with a fee if necessary) for use of gyms, swimming baths etc within developments and, wherever suitable, also provide community rooms for hire to local groups.</p>	<p>The intention of the requirements outlined within paragraph 5.39 is to ensure that intermediate housing provision remains affordable when taking into account service charges relating to the access of on-site facilities.</p> <p>That notwithstanding, the Council is supportive of encouraging public access to facilities where these are included in residential development, including the provision of community rooms for hire to local groups. This should be established within the Local Plan policies themselves, however, rather than in the Planning Obligations SPD, and the Policy Team will take this feedback on board in the drafting of the new Local Plan. There will be further opportunities for the public to</p>	No changes proposed to the SPD.

			engage with the development of the Local Plan, and your views on the emerging policy options would be welcome at that time.	
2.9	Battersea Society	<p>Employment (6) Table 4 implies that there are no employment implications once housing is constructed and in use. This is clearly a lost opportunity, given the changing nature of tenure in parts of the borough. The increasing proportion of short let rentals and buy to rent developments has significant implications for associated employment in terms of servicing those buildings, including cleaners, portage/concierge services, car valeting etc . The council needs to adopt a stronger policy for contributions as laid out in Table 5 for training etc to enable local residents to access jobs in these services. Again the Power Station has set a strong example and similar arrangements should be explored for developments such as The Collective Developments and Greystar in Nine Elms.</p>	<p>It is agreed that there are certain circumstances in which residential development could create end-use employment opportunities. In line with the Council's approach, set out within this document, it is expected that in such circumstances, obligations should be placed on the development to contribute to the provision of employment opportunities for Wandsworth residents. As such, a footnote should be added identifying the circumstances in which this might apply.</p> <p>It is noted that in all circumstances, it is expected that the developer should contact the Council's Economic Development Office to agree the figures for both construction and end-use phases.</p>	<p>A footnote should be added to the 'Not applicable' wording in Table 4 (p.41) under 'Jobs, training and apprenticeship places in end-use phase' for 'Housing' which states:</p> <p><u>"Except in circumstances where residential models generate end-use employment through on-site management and facilities teams. Examples include co-living schemes and Build to Rent models."</u></p> <p>This change, along with other changes to Table 4 in response to # 19.1 are set out in context in Appendix A.</p>
2.10	Battersea Society	<p>Affordable workspace (6.16 - 6.20) We support these policies but are not convinced that they are always being applied stringently, with some new large office developments having very limited approaches to providing affordable units. We would like to see these policies more tightly applied at approval. Likewise, applications are not explicit in relation to maintaining affordable rents in perpetuity. We think it likely that the suggested discount on market rent of more than 20% in Nine Elms may well be needed all along the riverfront areas. Again, the level of monitoring and reporting provision of affordable space post completion is vital to retain opportunities for new start-ups and small businesses.</p>	<p>The requirements outlined on 'Affordable, flexible and managed workspace' build on Policy EI 4 of the Local Plan Employment and Industry Document, and are a new addition to the revised Planning Obligations SPD. It is hoped that this detailed guidance, and the requirement to produce a Workspace Management Plan, will help to improve the efficacy of the policy. The Workspace Management Plan will be monitored by the Council's Economic Development Office to ensure</p>	<p>No changes proposed to the SPD.</p>

			ongoing compliance with the affordability provisions.	
2.11	Battersea Society	<p>Social infrastructure (8) We consider the brief reference to 'Community Use' in the threshold box to be totally inadequate.</p> <p>Developer contributions to the provision of a network of community buildings for local community use should be given more emphasis and treated in a similar way to outdoor sports provision when assessing applications for large residential developments.</p>	<p>The SPD outlines in paragraph 8.1 that, broadly speaking, support for the development of public facilities in the borough will be provided through the Council as part of the standard CIL charge. As identified in the text box, provision for facilities for community use will be assessed on a case-by-case basis, which is considered appropriate. It should be noted that such site-specific obligations are in addition to the standard CIL charge, which paragraph 8.1 sets out will generally be used to support the development of public facilities in the borough.</p> <p>The above notwithstanding, the Council intends to update the Local Plan policies on community facilities as part of the review of the Local Plan, and there will be further opportunities to submit representations as part of that process.</p>	No additional content is considered necessary, however sub-headings should be added to this chapter with respect to 'Education', 'Healthcare' and 'Police provision'.
2.12	Battersea Society	<p>Sustainability (10) We welcome this expanded section.</p>	Thank you for your comments in support of the SPD.	No changes proposed to the SPD.
2.13	Battersea Society	<p>Transport: Network Impact (11.7) We were surprised to read that the Council felt that contributions to transport network improvements were unlikely to be necessary as a result of developments other than in Nine Elms. The weak statement that contribution 'may' be required from larger developments is not reassuring.</p> <p>Development along the corridor from Wandsworth Town Centre through to Nine Elms is such that in total it is placing enormous pressure on both bus and rail transport. Such</p>	The threshold established in the text box on page 80 concerns major transport service or infrastructure improvements that are site specific and are directly related to a new development scheme. The Council considers that the thresholds established for the submission of a Travel Plan, as outlined in Appendix 1 of the Development Management Plan Document, would cover most	No substantive changes are considered necessary to the threshold, however for clarity and consistency with the current regulations the following amendment should be made in the text box on page 80: "However larger developments or those that generate over the 'Standard Travel Plan' thresholds

		<p>pressures should be reflected in contributions required. The object must be to a move to a long term strategy for transport infrastructure across this part of the borough, with contributions from developers.</p>	<p>development, particularly as large-scale transport infrastructure projects are generally financed through CIL contributions (as established in Table 2).</p> <p>The threshold for network impacts nonetheless includes reference to “larger developments or those that generate over the ‘Standard Travel Plan’ thresholds”. While these are expected to be within Nine Elms, they are not limited to this area. Such developments “may be required to directly contribute to wider transport improvements, where required, to enable the delivery of the site”. This is considered appropriate to provide suitable flexibility to the Council in the implementation of its wider transportation improvements.</p> <p>To note, that sentence also includes the caveat, in parentheses, “but only where not overlapping with matters covered by CIL”. Under the revised CIL regulations (2019), this caveat no longer applies and should be deleted.</p> <p>For reference, the transport plan for the borough is set out within the Local Implementation Plan (LIP). This can be found online at:</p> <p>http://www.wandsworth.gov.uk/lip</p>	<p>above may be required to directly contribute to wider transport improvements, where necessary required, to enable the delivery of the site (but only where not overlapping with matter covered by CIL..”</p>
2.14	Battersea Society	<p>Parking - requirement to provide electrical charging points We welcome the reference to provision of electrical charging points in the transport threshold box on page 78. We consider however that it should now be an absolute requirement that wherever parking places are included in a development there</p>	<p>Thank you for your comment in support of the inclusion of reference to electric charging points. This is considered suitable to ensure that such provision is appropriate</p>	<p>No changes proposed to the SPD.</p>

		is also a reasonable proportion of charging points relative to the number of spaces provided.	assessed on a site-by-site basis by colleagues in Transportation. That notwithstanding, the Council will take your comments into consideration in the review of the Local Plan policies on parking requirements.	
3.0	Paul Dolan on behalf of Deodar/Merivale/Fiorian Residents' Association	Thank you for allowing me to comment on the upcoming draft SPD (Planning Obligations Supplementary Planning Document). I have consulted with a number of the residents and the following comments whilst not all encompassing reflect their views; These views have been already expressed in the previous planning forums that I have attended.	Thank you for your submission. Responses to the queries raised are provided for each topic, below.	No changes proposed to the SPD.
3.1	Paul Dolan on behalf of Deodar/Merivale/Fiorian Residents' Association	A resident quotes "I'm very interested that the new Local Plan will include consideration of the environment and climate change as I feel that this is something that has been lacking since we bought our house in Deodar Road in 2004. Although we live in a conservation area this relates solely to the architectural aesthetics of the road and does not consider the natural environment. Also, from the recent approval of the 10 storey building it is apparent that the council are not engaged with current academic research into pollution control. For example, they seem happy with trees being planted along the roadside of the High Street and Putney Bridge Road to offset the increased pollution the building will cause both by size and increased traffic, yet research shows that trees actually trap the pollution at street level by forming a canopy, and small leaved hedges at exhaust height would be significantly better. I notice that Nigel Dunnett, Professor of Planting Design and Urban Horticulture, pioneer of new ecological approach to planting public spaces, and pioneer of "Sheffield grey to green" is working with the City of London Corporation on projects like St. Paul's Cathedral and the Barbican. Wouldn't it be great if the Local Plan for Putney could draw on the expertise learnt from him elsewhere in London?"	The Council notes the comments in relation to the consideration of the environment and climate change, as well as to the emergent research, and will endeavour to take these into consideration in the drafting of the new Local Plan. There will be further opportunities for the public to engage with the development of the Local Plan, and your views on the emerging policy options would be welcome at that time. Notification of these consultation will be posted online, and will be circulated to all contacts on our planning database.	No changes proposed to the SPD.

<p>3.2</p>	<p>Paul Dolan on behalf of Deodar/Merivale/Florian Residents' Association</p>	<p>TPO Trees The council's approach to its' trees is also concerning to me and might be considered in the Local Plan, along with a tree planting goal? The TPO list for Deodar Road was last updated more than 50 years ago and no longer corresponds with the actual environment. There are some trees that really should be protected and of course, the majority no longer exist. The council policy has been that if you remove a TPO tree it is sufficient to replace it with an olive tree in a pot! From observing a number of neighbours on Deodar Road there is no follow up even on this. Olive trees are not native to UK and will not provide an appropriate habitat for British wildlife so perhaps a better strategy could be discussed?</p>	<p>The Council's approach to the replacement of trees is set out within Policy DMO 5 of the DMPD, which stipulates that permission for development which would result in damage to or loss of trees of amenity value, or consent for works to protected trees (TPOs and trees in Conservation Area) will not be permitted unless adequate replacement planting is proposed.</p> <p>That notwithstanding, the comments made by the Deodar/Merivale/Florian Residents' Association with respect to the protection and replacement of trees are noted, and we will endeavour to take these into consideration in the drafting of the new Local Plan. As identified in response to #3.1, we encourage you to submit further representations on the emerging policy options at that time.</p>	<p>No changes proposed to the SPD.</p>
<p>3.3</p>	<p>Paul Dolan on behalf of Deodar/Merivale/Florian Residents' Association</p>	<p>Conservation Areas The back gardens of the Deodar Road conservation area are an important habitat for wildlife in Wandsworth Park and the surroundings yet there are no planning restrictions as there are in some other boroughs. Further, the green spaces of individual private gardens are important in reducing pollution levels and flooding. In some London boroughs all paving has to be porous for example, in order to protect against flood water.</p> <p>Currently, gardens do not require planning permission for works and pretty much anything can be built by permitted development. For example, one of our neighbours recently significantly enlarged their swimming pool and laid non-porous paving over more than 70% of their back garden including abutting the historic riverside tulip poplar tree in their garden. The process involved cutting the tree roots that had invaded</p>	<p>Adherence to the Council's Conservation Area Appraisals and Management Strategies is required by Policy DMS 2, and it is established in paragraph 3.30 that this should also consider amenity space.</p> <p>The comments made by the Deodar/Merivale/Florian Residents' Association with respect to works in residential gardens in Conservation Areas are noted, and we will endeavour to take these into consideration in the drafting of the new Local Plan; however it is acknowledged that there are certain</p>	<p>No changes proposed to the SPD.</p>

		the swimming pool lining. The remaining 30% of the garden had been astro-turfed! I'm pleased to say this section has now been restored to lawn and a tree planted, but it highlights the fact that it is acceptable in a garden in a conservation area to remove all plants and trees, cover 100% of the ground in non-porous plastic and stone and dig a swimming pool."	works that cannot be controlled by planning policy and therefore lie beyond the scope of the Local Plan and this SPD.	
3.4	Paul Dolan on behalf of Deodar/Merivale/Florian Residents' Association	<p>High Rise We have already established that the existing streetscape should be maintained. This is paramount around existing well maintained neighbourhoods such as our where density rooms/hectare are already inline with medium high rise of six or more storeys. High Rise is never welcome. High buildings will blight the surrounding area and will literally overshadow existing neighbourhoods. The right to light is established but as part of energy conservation we also require direct sunlight for passive heating and the ability of each household to generate micro power via solar energy if we are to reach our carbon targets. The greening of the old existing housing stock is more important than a few infill developments.</p>	<p>The Council's approach to tall buildings is set out within Policy IS 3 (d), which notes that these can be an efficient use of land and act as a catalyst for regeneration, where appropriate located. Policy DMS 4 outlines the detailed criteria for the assessment of tall buildings, which includes the requirements, set out in part b(iii), to describe how the proposal addresses the climatic effects on its surroundings including overshadowing, the diversion of wind speeds at ground level, heat islands and glare reduction.</p> <p>That notwithstanding, the comments made by the Deodar/Merivale/Florian Residents' Association with respect to the tall buildings are noted, and we will endeavour to take these into consideration in the drafting of the new Local Plan. As identified in response to #3.1, we encourage you to submit further representations on the emerging policy options at that time.</p>	No changes proposed to the SPD.
3.5	Paul Dolan on behalf of Deodar/Merivale/Florian Residents' Association	<p>Tree Planting Not only attractive but deciduous trees shade in the summer, soak up small particulates and CO2 and then shed their leaves in the winter to allow low direct sunlight to penetrate homes. I would encourage replanting of all the lost trees on streets with the addition of greened areas and further replanting.</p>	Thank you for your comment. Please see the Officer's response to comment # 3.2, which concerns the Council's current policy on trees, and scope for further involvement as part of the revision of the Local Plan.	No changes proposed to the SPD.

		Each mature tree removed can never be replaced by young saplings. Therefore the removal of trees and the enforcement of TPO's both in street frontages and rear gardens should be further reinforced.		
3.6	Paul Dolan on behalf of Deodar/Merivale/Fiorian Residents' Association	Speed Bumps/traffic calming Speed bumps to be removed. CCTV being introduced for not only speed check but also added security.	The draft SPD sets out in chapter 13 that CCTV is used by the Council to, among other things, manage traffic flows (see paragraph 13.1). Table 2 of the SPD outlines the delivery mechanisms by which CCTV might be implemented, which include both planning obligations and CIL. The Council's transportation strategy is set out within the Local Implementation Plan (LIP). The Council's third LIP was published in 2019, and can be found online: http://www.wandsworth.gov.uk/lip	No changes proposed to the SPD.
3.7	Paul Dolan on behalf of Deodar/Merivale/Fiorian Residents' Association	Build Design The council should have more power to check that the insulative and ventilation properties of buildings are improved. Building Regulations and planning should be closer aligned with each planning officer able to regulate both.	Thank you for your comments. This lies beyond the scope of the Planning Obligations SPD.	No changes proposed to the SPD.
3.8	Paul Dolan on behalf of Deodar/Merivale/Fiorian Residents' Association	Planning Clearer and stronger planning regulation is required. A clear and enforceable code of what to build, how high and design guidelines would lead to a comprehensive control of all new build and refurbishment. The secret to a healthier and more sustainable housing stock is vested in the control of the existing stock not in the creation of small infill. Wandsworth has already fulfilled their quota for new housing in the London Plan. The abuse of Affordable housing should be prevented by build to rent and not subsidise to buy. Affordable housing to buy is not equitable if you require at least £60,000 salary pa to access it.	Thank you for your comments, which address a number of themes that fall within the purview of planning policy. The Council has existing policies that address many of these. As stated in the comments above, however, the Council is in the early stages of reviewing the Local Plan, as part of which many of the current policies will be reviewed and revised, and your input on their development would be welcomed.	No changes proposed to the SPD.

		<p>I note that the current assessment to increase Industrial land and office space by Wandsworth Borough Council is at odds with its own policy where it has granted change of office space to residential by permitted development rights and in our neighbourhood, the old Shell refinery site and industrial area, Enterprise Way, which was protected as an employment site gained residential planning easily and is now occupied by many lock up foreign investors.</p> <p>I understand that S106 and CIL (Community Infrastructure Levy's) are great money makers for Wandsworth BC but it's existing council tax paying occupants have not only equal rights but far out way the income creation in the years ahead.</p> <p>Infill developments should always be sympathetically developed with good design (beauty) and efficient to run however the refurbishment (done at no cost to the council) will cut down the CO2 and other particulate emissions and conserve the homes and neighbourhoods which makes Wandsworth the brighter choice for living in.</p>	<p>With respect to permitted development rights for the change of use from offices (B1a) to residential dwellinghouses (C3), it should be noted that the Council now has Article 4 directions in place which prevent this from happening in many areas. For more detail, please see the Council's webpage:</p> <p>https://www.wandsworth.gov.uk/planning-and-building-control/permitted-development-and-article-4-directions/article-4-directions/change-of-use-from-b1a-offices-to-c3-dwellinghouses/</p>	
4.0	Department for Education	<ol style="list-style-type: none"> 1. The Department for Education (DfE) welcomes the opportunity to contribute to the development of planning policy at the local level. 2. Under the provisions of the Education Act 2011 and the Academies Act 2010, all new state schools are now academies/free schools and DfE is the delivery body for many of these, rather than local education authorities. However, local education authorities still retain the statutory responsibility to ensure sufficient school places, including those at sixth form, and have a key role in securing contributions from development to new education infrastructure. In this context, we aim to work closely with local authority education departments and planning authorities to meet the demand for new school places and new schools. We have published guidance on securing developer contributions for education, at https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth. You will also be aware of the corresponding additions to Planning Practice Guidance on planning obligations and viability 	<p>Thank you for your submission. Responses to the queries raised are provided for each topic, below.</p>	<p>No changes proposed to the SPD.</p>

		<p>(https://www.gov.uk/government/collections/planning-practice-guidance).</p> <p>3. We would like to offer the following comments in response to the above consultation document.</p>		
4.1	Department for Education	<p>Requirements for the development of schools</p> <p>4. Paragraph 1.18 establishes the position regarding developer contributions for education. DfE has published guidance on securing developer contributions for education, at https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth. You may wish to refer to this guidance specifically in the SPD.</p>	Thank you for providing this link, which will be added to paragraph 8.2.	<p>Add a sentence at the end of paragraph 8.2 on page 58 to read:</p> <p>“The Department for Education has published guidance on securing developer contributions for education, which can be found at: https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth.”</p>
4.2	Department for Education	<p>5. Local authorities have sometimes experienced challenges in funding schools via Section 106 planning obligations due to limitations on the pooling of developer contributions for the same item or type of infrastructure. However, the revised CIL Regulations remove this constraint, allowing unlimited pooling of developer contributions from planning obligations and the use of both Section 106 funding and CIL for the same item of infrastructure. The advantage of using Section 106 relative to CIL for funding schools is that it is clear and transparent to all stakeholders what value of contribution is being allocated by which development to which schools, thereby increasing certainty that developer contributions will be used to fund the new school places that are needed. DfE supports the use of planning obligations to secure developer contributions for education wherever there is a need to mitigate the direct impacts of development, consistent with Regulation 122 of the CIL Regulations.</p> <p>6. Table 2, as currently drafted, indicates that borough-wide education may not be funded through S106. It is not entirely clear what this category is intended to represent, as S106 obligations are permitted to be sought where development generates the need for new school places, whether to be delivered on that development site or off-site (i.e. to fund a local expansion or new school). We</p>	Table 2 should be amended to correct this error.	In the row ‘Public Facilities – Education; State education facility – borough-wide’, replace the ‘cross’ with a ‘tick’ in the ‘Delivery Mechanism: Planning Obligations’ column of Table 2 (p.19).

		would therefore suggest that this category be rephrased and borough-wide education included as an option to be funded by S106, making it clear that it is not only CIL that is able to be used to fund new school places (as per the above paragraph).		
4.3	Department for Education	<p>7. In relation to this, we would also propose the following wording update to paragraph 8.3:</p> <p><i>CIL and/or S106 funding may be used to provide new places either by enlarging existing schools or making a contribution to new schools as appropriate.</i></p> <p>8. We would also suggest a reference within the SPD to explain that developer contributions may be secured retrospectively, when it has been necessary to forward fund infrastructure projects in advance of anticipated housing growth. An example of this would be the local authority's expansion of a secondary school to ensure that places are available in time to support development coming forward. This helps to demonstrate that the plan is positively prepared and deliverable over its period.</p> <p>Conclusion</p> <p>9. Finally, I hope the above comments are helpful in shaping the Planning Obligations SPD, with specific regard to the development of schools and securing developer contributions accordingly. Please advise DfE of any proposed changes to the emerging policies and/or evidence base arising from these comments.</p>	Paragraph 8.3 should be amended to correct the omission of s106. A sentence should be added to this paragraph to clarify the possibility of securing developer funds retrospectively.	Amend the final sentence of paragraph 8.2 on page 58 to read: "CIL <u>and/or s106</u> funding may be used to provide new places either by enlarging existing schools or making a contribution to new schools as appropriate. <u>Developer contributions may be secured retrospectively, when it has been necessary to forward fund infrastructure projects in advance of anticipated housing growth.</u> "
5.0	Environment Agency	Thank you for consulting the Environment Agency on the above. We support the draft SPD which provides applicants with greater certainty on where section 106 Obligations, including those which require financial or other contributions, will be sought to mitigate the impacts of development on the borough. It is even more important now that charging authorities are allowed to use both CIL and/or section 106 planning obligations to fund the same item of infrastructure, thereby providing greater flexibility for infrastructure funding.	Thank you for your submission. Responses to the queries raised are provided for each topic, below.	No changes proposed to the SPD.

		<p>National Planning Policy Framework paragraph 34 sets out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure such as that needed for education, health, transport, flood and water management, green and digital infrastructure.</p> <p>We consider that new development within Wandsworth borough should be required to contribute towards the infrastructure required to alleviate flood risk. The planning obligation contributions could be used for both Environment Agency schemes or for resolving issues identified in your Surface Water Management Plan. The contributions would help to improve the viability of any flood alleviation schemes making it more likely that they will happen.</p> <p>We have updated our advice for developers and it is now a joint agency document with advice from Environment Agency, Natural England and Forestry Commission, it's available to view at:</p> <p>https://www.gov.uk/government/publications/planning-a-guide-for-developers</p> <p>We have attached more information below for your consideration.</p>		
5.1	Environment Agency	<p>Flood risk</p> <p>We are pleased to note that Strategic flood protection projects will be funded through CIL. The area of land within flood zones 2 and 3 is predominantly around the north-east of the borough, around Battersea, where the risk is tidal flooding from the Thames. Other areas include the land around the River Wandle and the Beverley Brook. Approximately 40,000 properties are in areas at risk of flooding from fluvial and tidal sources in Wandsworth; around 26% of all properties in the borough. The Wandsworth part of the Opportunity Area is located in Flood Zone 3a although it is well defended by the Thames Barrier and River Walls. Even so, there is a residual risk of flooding from overtopping or breaches in the river wall.</p>	<p>Thank you for your comments in support of the SPD. Reference is made in paragraph 10.14 to the ongoing work of the Environment Agency with respect to flood risk in the borough of Wandsworth. This should be amended to provide the additional detail included within the representation.</p>	<p>Amend paragraph 10.14 on page 72 to read:</p> <p>“The Environment Agency has identified flood alleviation schemes in need of funding and contributions through CIL or planning obligations in the form of commuted sums, <u>including a project to reduce flood risk on the River Wandle.</u> Off-site enhancements may be required along the Thames Path corridor.”</p> <p>See also amendments proposed in response to # 11.5.</p>

		<p>It is commendable that the threshold explicitly outlines that 'it must be demonstrated that any new development will reduce the risk of fluvial, tidal and surface water flooding and manage residual risks through appropriate flood risk measures'.</p> <p>We are at the early stages of a project to reduce flood risk on the River Wandle. The overall objective is to reduce flood risk to communities on the River Wandle by working with Local Authorities and other Risk Management Authorities. Measures that will be investigated include: small-scale river infrastructure modifications, the management of existing flood risk assets, Natural Flood Management, SUDS, improved flood warning, and targeted river maintenance.</p> <p>More funding for flood risk infrastructure will be expected to be provided locally as the traditional form of Grant in Aid is being reduced. Instead of meeting the full costs of just a limited number of projects, the new approach could make Government money available towards any worthwhile scheme over time. Funding levels for each scheme will relate directly to the number of households protected, the damages being prevented, plus the other benefits a scheme would deliver. For the first time, grants for surface water management and property-level protection will be available alongside funding for other risks and approaches.</p> <p>The Environment Agency has identified flood alleviation projects including the Wandsworth Town Flood Alleviation Scheme in need of funding in terms of flood defence and surface water management. There are various tidal, fluvial and surface water flood risk issues in the borough and a number of flood risk alleviation measures could be delivered to reduce these impacts as well as providing ecological enhancement and amenity benefits through river restoration and improvement of public open space.</p> <p>Examples of mitigation measures could include river restoration to manage local flooding. Rivers form an important wildlife corridor, linking features in urban areas. Where a river has been culverted and engineered, opportunity should be taken to reverse this state, turning it into a valuable amenity, heritage and wildlife asset.</p>		
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		<p>One of the key messages of the TE2100 Plan is the requirement for flood risk management in your area including raising of defences, together with the routine activities of inspection, maintenance, repair and replacement of defences as required. You have a responsibility to maintain any defences you own and raise them as needed, as well as influencing raising of privately owned defences through development. There is an opportunity to improve the riverside both when defences are raised and repaired/replaced, with the potential to improve public spaces, access, and to create new habitats. This is referred to in the Plan as the riverside strategy approach, which encourages partners to work together to provide improvements to the riverside in an integrated way.</p> <p>Thames Estuary Asset Management 2100 (TEAM2100) is a programme of works to maintain and improve existing flood defences, one of the first steps to deliver the Plan. A proportion of the programme will be funded by central government. However, we are required to secure contributions from those who benefit from protection in the estuary. We can share further information on specific projects and funding gaps, and seek support in finding contributions as the programme develops.</p> <p>The flood defences in Wandsworth are generally 'hard defences' consisting of masonry, concrete or steel sheet pile walls. Most of the hard defences could be raised within the existing defence footprint (or with only a small increase in width) but the structures would be tall, unattractive and would restrict public access and views of the estuary. However, if planned for, there is the potential to achieve significant improvements when undertaking flood defence works, at modest cost. This includes improved public spaces, access, and potential creation of new habitats.</p>		
5.2	Environment Agency	<p>Open space</p> <p>We are pleased to see the Draft SPD recognises the need for open space. Improving and linking green spaces to local residents and wider population and visitors is very important and we welcome proposals for the improvement and enhancement of open space and public realm. In particular we</p>	<p>Thank you for your comments on open space and biodiversity.</p> <p>With respect to the greater inclusion of reference to biodiversity enhancements within Chapter 9 on Open Space, it is noted that in</p>	No changes proposed to the SPD.

		<p>see development as an opportunity for the green spaces to become a major educational and community resource.</p> <p>Providing new and attractive development, improving entrance ways and knowledge of parks, enhancing and possible extension of the existing green spaces, would be welcome to the Environment Agency. We would recommend the Open Space section be expanded to include enhancements to biodiversity. It is essential that developer contributions cover biodiversity enhancements, where appropriate, as well as the amenity value of open space.</p> <p>We would recommend you seek contributions to increased environmental recreation in and around river corridors for example increased access to fishing and environmental education. A more informal / softer landscape that connects to the water edge would add a quality of life value for visitor enjoyment and could be an environmental and economic benefit to new development in the area.</p> <p>Biodiversity/habitats</p> <p>We support the council willingness to seek developer's contribution for strategic habitat creation, enhancement and restoration. NPPF requires Local authorities to take an integrated approach to planning for biodiversity when preparing local development documents. There is a requirement that new development protects and enhances biodiversity.</p> <p>Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, the council should maximise such opportunities in and around developments, using planning obligations where appropriate.</p> <p>There is need to avoid impacts on irreplaceable biodiversity - these impacts cannot be offset to achieve No Net Loss or Net Gain. There is need to achieve the best outcomes for biodiversity by using robust, credible evidence and local knowledge to make clearly-justified choices when:</p>	<p>paragraph 9.5, open space is defined as referring to, among other things, "land for biodiversity purposes".</p> <p>The Council's requirements on biodiversity are then further addressed in Chapter 10 on Sustainability, including, as you note, seeking developer contributions for "strategic habitat creation, enhancement and restoration".</p> <p>These build on the Council's established policy on biodiversity and nature conservation, DMO 4, which establishes that all development proposals should aim to provide gains for biodiversity.</p> <p>Policies DMO 6 and DMO 7 also require that development protects and enhances the habitat value of rivers and shoreline and does not cause harmful effects on the river regime, environment, biodiversity.</p> <p>That notwithstanding, the Council is in the early stages of producing a revised Local Plan, and we will seek to incorporate your comments and advice in the drafting of the new policies on biodiversity, which will also take account of any new requirements resulting from the Environmental Bill 2019-21, as appropriate. There will be further opportunities for the public to engage with the development of the Local Plan, and your views on the emerging policy options would be welcome at that time. Notification of</p>	
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<p>5.3</p>	<p>Environment Agency</p>	<p>Water efficiency</p> <p>Water efficiency initiatives are vital to reduce people's daily water use and maintain a supply-demand balance. We would recommend the inclusion of water conservation technologies to encourage the use of rainwater harvesting and water use-limitation devices.</p> <p>Water is one of our most precious natural resources, and the Environment Agency is keen to ensure that it is used wisely. We would recommend consideration of the following advice:</p> <ul style="list-style-type: none"> • Water use for WC flushing can represent 35% of all household use. Consideration should be given to installing low (6 litres or less) or dual flush toilets; • 10% of household water use comes through wash hand basin taps. The installation of water-efficient taps such as spray taps can reduce consumption from this source by up to a half; & <p>A shower uses less than half the water used for a bath. Power showers on the other hand can use as much water as a bath in just 5 minutes. Therefore, shower units using a maximum of 9 litres of water per minute should preferably be fitted.</p>	<p>In line with Development Management Plan Document Policy DMS 3, water conservation and water efficiency measures are encouraged in developments. It is appropriate for this to be referenced within the Planning Obligations SPD in accordance with the recommendation in this representation.</p>	<p>A sentence should be added to the end of paragraph 10.16 on page 73 which reads:</p> <p>“Water conservation and water efficiency measures in new development are encouraged.”</p>
<p>6.1</p>	<p>Highways England</p>	<p>Thank you for consulting us on the draft Planning Obligations Supplementary Planning Document (SPD).</p> <p>Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and, as such, Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs, as well as in providing effective stewardship of its long-term operation and integrity. We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN.</p> <p>Having examined the consultation document, we are satisfied that the policies within the document will not materially affect the safety, reliability and / or operation of the SRN (the tests</p>	<p>Thank you for your comments in support of the SPD.</p>	<p>No changes proposed to the SPD.</p>

		set out in DfT C2/13 para's 9 & 10 and MHCLG NPPF para 109). Accordingly, Highways England does not offer any comments on the above consultations at this time.		
7.1	Historic England	Thank you for consulting us on the above Planning Obligations SPD 2020 (SPD). The SPD represents heritage well throughout and we have no further comments to make.	Thank you for your comments in support of the SPD.	No changes proposed to the SPD.
8.1	London Parks and Gardens Trust	<p>The London Parks and Gardens Trust (LPGT) is a member organisation of The Gardens Trust (GT) and works in partnership with it in respect of the protection and conservation of registered sites, and is authorised by the GT to respond on GT's behalf in respect of planning consultations.</p> <p>We support the principles of the draft Planning Obligations SPD. We agree that provision should be made for heritage assets and parks and open spaces.</p> <p>In particular we welcome paras 9.3, 9.4, and 12.2. It is important that provision is made for the open space demand arising from development and that contributions towards the conservation, restoration and enhancement of the historic environment are sought.</p>	Thank you for your comments in support of the SPD.	No changes proposed to the SPD.
9.1	Peter Deakins FRIBA CIdUcl	<p>I am in receipt of your recent letters (for which I thank you) regarding a) The Wandle Delta together with Central Wandsworth and b) Draft Obligations Supplementary Planning Document both of which I would like to comment upon.</p> <p>In respect of the second case I have made a preliminary reading but have to confess that I find it difficult – even as a professional designer of towns and their constituent parts – to see how I might best be of help?</p> <p>In both cases however I would very much welcome your views about how I may, both as an Architect and as a local resident, add my own ideas about how Wandsworth in general and perhaps Battersea in particular could be improved. I expect others would welcome the same or similar possibilities for a true potential involvement?</p> <p>As an architect of many years' experience (quite a lot of which has been I believe at a quite high level - please see my</p>	Thank you for your submission. There will be a number of opportunities for further engagement, both on the Central Wandsworth and Wandle Delta Masterplan and on planning in the borough more generally. The Council is in the early stages of updating the borough's Local Plan, and your views on this developing document would be welcomed. As for the Central Wandsworth and Wandle Delta Masterplan, consultation events will be publicised online and to all those listed in our database. Further information about the Local Plan update, the relevant timescales, and the Council's approach to	No changes proposed to the SPD.

		Practice Web-Site at http://www.deakins.co.uk/), I am inclined to think that my views may perhaps be of some reasonable value at least? I am sure that other people too could have a very valuable potential input even though I can see that administration could, perhaps, be quite difficult; I would like to think though that individual Councillors could welcome such an approach perhaps?	consultation can also be found on our website: https://www.wandsworth.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan-full-review/	
10.1	Port of London Authority	Thank you for consulting the Port of London Authority (PLA) on the London Borough of Wandsworth Planning Obligations Supplementary Planning Document. Apologies for the delay in replying. I have now had the opportunity to review the draft SPD and can confirm that the PLA has no additional comments to make, noting that the PLA's two points raised in its previous response dated 06 February 2019 with regard to Safeguarded Wharves and Suicide prevention measures have both been taken into account.	Thank you for your submission. It is noted that the Port of London Authority do not have any further comments at this time.	No changes proposed to the SPD.
11.1	South East Rivers Trust	Please find below our comments on the draft planning obligations supplementary planning document. Water resources: The South East of England is considered 'water stressed' and as the population increases this demand will continue to rise. Climate change will further impact our water resources, and the need for this to be taken into account with regard to new developments is covered in the London Plan (Policy 5.15, B and C). The following considerations should be incorporated into the Wandsworth draft planning obligations: <ul style="list-style-type: none"> • Incorporating water saving measures and equipment • Designing residential development so that mains water consumption would meet a target of 105 litres or less per head per day 	In line with Development Management Plan Document Policy DMS 3, water conservation and water efficiency measures are encouraged in developments. It is appropriate for this to be referenced within the Planning Obligations SPD in accordance with the recommendation in this representation.	Paragraph 10.16 on page 7.3 should be amended as identified in response to # 5.3.
11.2	South East Rivers Trust	Carbon Offsetting: 'Developers can also mitigate against carbon dioxide by directly funding or installing community energy projects or retrofitting initiatives'	The benefit of habitat restoration projects to the mitigation of climate change is set out in more detail in paragraph 10.9. To ensure consistency, it is considered helpful	Amend the penultimate sentence of the box following paragraph 10.6 on page 69 to read: "Developers can also mitigate against carbon dioxide by directly

		This section of the document overlooks the benefits of habitat restoration e.g. wetland restoration/installation as a viable means of carbon offsetting with the potential to deliver multiple benefits e.g. flood risk, biodiversity, access to nature.	to add the reference as suggested within the carbon offsetting section.	funding or installing community energy projects, or retrofitting initiatives, or habitat restoration projects. "
11.3	South East Rivers Trust	<p>Water Quality:</p> <p>The negative environmental impacts of demolition and construction on air quality have been covered but there is no reference to the impact upon water quality by riverside developments, which can be significant. There should be a requirement for an assessment of how developments within a defined distance to a water course will assess and minimise any impact on water quality both during and after demolition and construction.</p>	<p>Paragraph 10.5, and the following box, outline that all applications are required to demonstrate how sustainable design and construction principles are incorporated into new development and how specific targets on environmental performance, through nationally recognised sustainable building standards, will be met.</p> <p>In line with the Council's policies, and particularly DMO 6, the Council would expect this to apply equally in the instance of the impact upon water quality by riverside development. To note, part iv requires that new development protects and enhances the habitat value of the river and shoreline and does not cause harmful effects on the river regime, environment, biodiversity or archaeology of the river (including banks, walls and foreshore).</p> <p>The reference made to air quality, and the use of sustainable construction in the demolition and construction process, is to account for and steer developers towards the Council's Air Quality Action Plan.</p>	No changes proposed to the SPD.
11.4	South East Rivers Trust	Biodiversity/ Habitats:	Thank you for your comments. Inclusion of reference to Wandle	Amend the paragraph under 'Commuted Sums' in the text box

		<p>This section refers to improvements to rivers and water bodies where it is not feasible to deliver on site improvements but only mentions the Biodiversity Action Plan as a delivery guide. There is an opportunity here to include a reference to the Wandle Catchment Partnership and the Wandle Catchment Plan which identifies key issues and areas for improvement along the river. A requirement to consult with the Partnership for riverside development would be welcomed.</p>	<p>Catchment Plan is considered to be appropriate in this section.</p>	<p>on page 71, in relation to biodiversity/habitats, to read:</p> <p>“Where it is considered unfeasible for a development to provide adequate on-site biodiversity enhancements, or where projects in nearby open spaces, amenity walks, or enhancements to nearby rivers or water bodies, offer better opportunities to enhance biodiversity and/or access to nature, the Council will seek an equivalent financial contribution to off-site projects which will be secured for enhancements which help to deliver the Biodiversity Action Plan produced by the London Biodiversity Partnership, <u>and other relevant documents, such as the Wandle Catchment Plan produced by the Wandle Trust.</u>”</p>
11.5	<p>South East Rivers Trust</p>	<p>Flooding:</p> <p>As above, the document mentions EA flood alleviation schemes that are in need of funding but could go further by mentioning the Wandle Catchment Plan and restoration projects identified by the Catchment Partnership which would to help to mitigate against climate change, reduce flood risk and enhance biodiversity.</p>	<p>Thank you for your comments. Inclusion of reference to Wandle Catchment Plan is considered to be appropriate in this section.</p>	<p>Amend paragraph 10.14 on page 72 to read:</p> <p>“The Environment Agency has identified flood alleviation schemes in need of funding and contributions through CIL or planning obligations in the form of commuted sums. Off-site enhancements may be required along the Thames Path corridor <u>and the Wandle River. Further guidance is included in the Wandle Catchment Plan.</u>”</p> <p>See also amendments proposed in response to # 5.1.</p>

<p>11.6</p>	<p>South East Rivers Trust</p>	<p>Sewage:</p> <p>The sewer system in London is already over-capacity. All new developments should have a separate sewer system where surface water run off does not overload treatment works resulting in the spilling of raw sewage into rivers.</p>	<p>Policy DMS 6 sets out the Council's approach to sustainable draining systems and to the management of surface water, and Policy DMS 1 outlines requirements for developments to be adequately serviced with utility infrastructure, including sewerage. It is important to recognise that as a supplementary planning document, the Planning Obligations SPD should only seek to provide further guidance on the adopted policy (within the Local Plan), rather than to introduce new requirements independent of it. The Council is in the early stages of reviewing the Local Plan, and your input on their development would be welcomed. Notification of consultation on the emerging policies will be posted online, and will be circulated to all contacts on our planning database.</p> <p>On a related point, the Council has been working with Tideway to deliver the Thames Tideway Tunnel, London's new 'super sewer'. There are a number of sites within the borough. Further information can be found here: https://www.tideway.london/</p>	<p>No changes proposed to the SPD.</p>
<p>12.1</p>	<p>Spencer Cricket Club</p>	<p><u>Comments on section 9 by Spencer CC</u></p> <p><u>General</u></p> <p>Since green infrastructure, biodiversity, sport, play and other matters covered in the Council's definition of Open Space help underpin major cross-cutting themes of health and wellbeing and sustainability, this topic should have much greater weight in respect of S106 and CIL and in the Council's application of planning policies. Wandsworth's recent adoption of an</p>	<p>Paragraph 10.3 recognises the adoption of the Wandsworth Environment and Sustainability Strategy (WESS), and it is identified in paragraph 10.4 that the Planning Obligations SPD will ensure that a robust approach is taken on development to securing obligations around climate change and environmental issues, including</p>	<p>No changes proposed to the SPD.</p>

		<p>Environmental and Sustainability Strategy Action Plan should be reflected in updated planning guidance.</p>	<p>biodiversity and green infrastructure, in order to promote sustainable development.</p> <p>It is recognised in paragraph 10.5, however, that requirements for sustainable design, construction and operation are normally dealt with using conditions, rather than s106. It is considered that the document incorporates sufficient flexibility to pursue obligations on environmental matters when these would secure higher standards.</p> <p>The above notwithstanding, the Council is in the early stages of producing a revised Local Plan, in which the environment will run as a 'golden thread', connecting and informing policies across a range of topics. Policy officers are working closely with those responsible for producing and implementing the WESS, and will ensure that the two documents are both integrated and mutually reinforcing. Once the new Local Plan has been adopted, the Planning Obligations SPD will be completely revised in line with this, including to fully address the WESS. There will be opportunities for the public to engage with the development of the Local Plan, and your views on the emerging policy options would be welcome at that time. Notification of these consultation will be posted online, and will be circulated to all contacts on our planning database.</p>	
12.2	Spencer Cricket Club	<p>Spencer CC wishes to make the following detailed observations:</p>	<p>The definition for open space is drawn from that outlined within the</p>	<p>No changes proposed to the SPD.</p>

		Matters covered in the definition of open space - green infrastructure, public open space, outdoor/indoor sports, playing fields, recreational land, land for biodiversity purposes and play space – are too significant to be grouped together and potentially to compete for limited funding. Further, they often require different types of investment in their delivery.	Local Plan (see paragraph 4.34 of the Core Strategy). Calculations for open space requirements created by a development are to be based on local evidence, including in the Open Space and Playing Pitch Strategies, and are subject to agreement with the Parks team. It is considered that sufficient flexibility exists in order for funding to be appropriately secured to deliver the necessary open space provision.	
12.3	Spencer Cricket Club	On detail, indoor sport usually has quite different locational requirements from outdoor sport and other forms of recreation and can be accommodated in mixed used developments where residential use isn't appropriate for environmental reasons and in other locations including shopping centres.	Comments noted. The Development Management Plan Document recognises indoor sports facilities as appropriate town centre uses, and Policy DMO 2 requires that new sports facilities, including indoor recreation facilities, to be assessed in accordance with the London Plan sequential test and the NPPF. Policy DMH 7 requires that, in residential developments where there is no potential to meet standards through dedicated amenity space, indoor gyms and sport facilities should be encouraged.	No changes proposed to the SPD.
12.4	Spencer Cricket Club	The higher profile given by the Council to sustainability means that green infrastructure and biodiversity should be an integral aspect of all new major residential development.	See comments on # 11.1.	No changes proposed to the SPD.
12.5	Spencer Cricket Club	Thresholds for contributions to new public open space should be much lower and apply to all major residential development in areas of open space deficiency. Clearer requirements should set out for other matters, notably children's playspace.	It is a requirement, set out in regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) and the NPPF that obligations are fairly and	Amend the second paragraph in the text box on page 64 (under the section 'Threshold for open space provision') to read:

			<p>reasonably related in scale and kind to the development.</p> <p>Paragraph 9.8 states that: “Where the development would cause a localised requirement for additional open space (e.g. by an increase in population) it is expected that such new/additional land is provided as part of the site design or in the vicinity of the site, particularly in areas already deficient in open space”.</p> <p>Paragraph 9.9 states that: “The priority will be to deliver open space on-site.”</p> <p>Paragraph 9.10 states that: “All new family housing will also require new playspace, as set out in Policy DMH 7. Play space will be required in accordance with the Mayor’s Shaping Neighbourhood: Play and Informal Recreation SPG”.</p> <p>The thresholds for the provision of new open space, including play space, as a result of new residential development are considered to be appropriate. It is considered that the preference for open space to be delivered on-site could be clarified in the wording of the policy box.</p> <p>The above notwithstanding, the Council intends to update the Local Plan policies on open space as part of the review of the Local Plan, and we will take your comments into consideration. There will be further opportunities to submit representations as part of that</p>	<p>“Residential development of 100 units or more is required to provide new public open space <u>on-site</u> within areas of open space deficiency or in areas of deficiency in access to nature. Where development is not located in one of these areas, <u>the preference is for open space provision to be made on-site where the scale of development allows this, and where not</u> it is expected that a contribution will be made through public realm improvements.”</p>
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			process, and we would welcome your input at that stage.	
12.6	Spencer Cricket Club	Greater efforts should be made to secure sports facilities and play space in new developments, especially where the use can be quite intense, eg artificial playing surfaces.	<p>Policy DMO 3 requires the provision of new open space, including sports and recreational facilities and play space, as a result of new development that meets appropriate thresholds set out within the Planning Obligations SPD.</p> <p>The Council is in the process of commissioning a Playing Pitch Strategy, which will help inform the revised Local Plan, including with recommendations on the use and role of artificial playing surfaces.</p>	No changes proposed to the SPD.
12.7	Spencer Cricket Club	S106 contributions should be considered as a means of upgrading facilities on existing sites (eg schools) where shared use can be negotiated.	<p>As outlined within Chapter 8, new development must meet the increasing demands for social infrastructure by contributing towards supporting the upgrading or enhancing of existing facilities or providing new facilities, including for educational purposes.</p> <p>Paragraph 6.9 of the Development Management Plan Document recognises that there may also be opportunities to encourage the dual-use of open spaces and sports facilities such as the use of school and higher education facilities for the benefit of the local community.</p>	No changes proposed to the SPD.
12.8	Spencer Cricket Club	Existing CIL contributions are often used to replace facilities eg play equipment in parks rather than new ones, thus not adding to the existing offer. Contributions from CIL and S106 should cater for a larger population through new provision or a more intensive use.	See comments on # 11.5 and # 11.6, as well as Policy DMO 2 and DMO 3 of the Development Management Plan Document.	No changes proposed to the SPD.

12.9	Spencer Cricket Club	S106 contributions should be secured to provide better walking and cycling connections to existing public open space, including new access points and reducing safe travel times, therefore having a wider benefit. Contributions should also fund studies for strategies to guide such work and cover the cost of proper project management of new infrastructure.	Local Plan Policies PL 4 and DMO 1 seek to ensure that public and private space is accessible to all, particularly in areas of open space deficiency. It is recognised that in some cases, reconfiguration of open space may achieve better access. Similarly, DMO 3 requires that new public space should be accessible. Commuted sums realised by the planning obligations can, where appropriate, be put towards improved access, as based on local evidence set out within the Open Space Strategy. To note, the Council's transportation strategy is set out within the Local Implementation Plan (LIP). The Council's third LIP was published in 2019, and can be found online: http://www.wandsworth.gov.uk/lip	No changes proposed to the SPD.
12.10	Spencer Cricket Club	A change of emphasis is required from the Planning Service to ensure that infrastructure projects are fully analysed and project managed by, or on behalf of, the Service from initial costing and funding through to the timely delivery of a high quality project and future management and maintenance. (See references to deferring to the Parks team in draft document)	Comments noted; however, at present it remains the case that such practices sit within the remit of the Parks team in Wandsworth.	No changes proposed to the SPD.
12.11	Spencer Cricket Club	S106 contributions should include an element of endowment to cover future management, including staffing costs. A draft management plan should be approved as part of a planning application and principles discussed at an early stage (ideally as part of the pre-application process) and then confirmed by condition (see para 9.7)	Paragraph 9.7 states that: "The Council will typically place a condition on the submission of a management plan demonstrating how the open space is to be managed and public access maintained. However, where appropriate, a planning obligation, or financial contribution, may also be sought for maintenance of newly created open space".	No changes proposed to the SPD.

			This is considered to provide sufficient flexibility for the Council to ensure that appropriate management practices are put in place to ensure the sustainability of new open spaces that are created through development.	
12.12	Spencer Cricket Club	The SPD Guidance should exclude wording such as "appropriate" and "may be" and "exceptional circumstances"	It is set out in regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended by the 2011 and 2019) and in the NPPF that planning obligations must meet three tests, including that the obligations are necessary to make the development acceptable in planning terms, and that they are fairly and reasonably related in scale and kind to the development. The inclusion of such vocabulary is generally intended to ensure that the Council's obligations are consistent with these tests.	No changes proposed to the SPD.
13.1	Sport England	<p>Sport England is aware that Wandsworth has a CIL and sport facilities are on the Regulation 123 list. Since no specific projects or sites are identified on the Regulation 123 list most improvements to open space for sporting purposes would fall within CIL. Sport England does not encourage using such general terms in Regulation 123 lists and consider it more effective if key sites or projects are identified. This would also remove any ambiguity when seeking contributions through s.106 agreements and any perceived 'double dipping'.</p> <p>Sport England also questions whether money collected via CIL is actually spent on sporting facilities and not directed to other Council priorities. In many circumstances s.106 contributions are a more effective mechanism for money into sport or creating or enhancing sports facilities or playing pitches as it would have to be specifically spent on what is stated in the agreement and does not go into larger 'pot' that is shared with other forms of infrastructure.</p>	Thank you for your comments. The Council's CIL Regulation 123 list has now been replaced by the Infrastructure Funding Statement. The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 introduced regulation 121A through Regulation 9(6) of that instrument, which requires the Council to publish an Infrastructure Funding Statement on its website in December of each year which reports on the previous financial year.	No changes proposed to the SPD.

		For further information please see our guidance note on the matter.		
14.1	Savills on behalf of Thames Water Planning Policy	<p>Thank you for allowing Thames Water Utilities Ltd (Thames Water) to comment on the above.</p> <p>As you will be aware, Thames Water Utilities Ltd (Thames Water) are the statutory water and sewerage undertaker for the Borough and are hence a “specific consultation body” in accordance with the Town & Country Planning (Local Planning) Regulations 2012. We have the following comments on the consultation document:</p> <p><u>10.16 Wastewater/Sewerage and Water Supply Infrastructure</u></p> <p>We support this section as it is in line with our previous representations on the earlier draft SPD.</p> <p>It is important to consider the net increase in water and wastewater demand to serve the development and also any impact that developments may have off site, further down the network. We therefore support the fact that the SPD includes section 10.16 which seeks to ensure that there is adequate water and wastewater infrastructure to serve all new developments.</p> <p>We also wholly support paragraph 10.15 which relates to our free Pre-Planning service, but this paragraph should be correctly located after paragraph 10.16 and not in the flood risk section.</p>	Thank you for your comments in support of the SPD, as well as identifying the correct location for paragraph 10.16.	Paragraph 10.15 to be moved after 10.16.
15.1	Turley on behalf of The Arch Company	<p>We write on behalf of The Arch Company Properties LP (“The Arch Company”) with respect to the consultation on the draft Wandsworth Planning Obligations SPD 2020 and specifically with regard to Chapter 6 and the requirements for the provision of affordable workspace and employment and training opportunities, to be secured through planning obligations for major planning applications.</p> <p>In regard to the potential implications of the draft Wandsworth Planning Obligations SPD 2020 and affordable workspace and</p>	Policies EI 4 and EI 5 of the LPEID set out the requirements for affordable, flexible and managed workspaces and for new employment floorspace, respectively. The former identifies and seeks to provide a mechanism to ensure that businesses are able to afford and operate from the borough, and that the premises they	No changes proposed to the SPD.

		<p>employment and training requirements it is of importance to identify that The Arch Company has substantial land holdings within the LB of Wandsworth including over circa 240 railway arches, estimated to be over 566,000 sq. ft. of floorspace (figure is indicative and inclusive of land), circa. 75 small units and freestanding buildings, as well stand-alone land sites/land parcels. These arches/sites are occupied and let over a vast range of planning use classes including A1-A4, B1, B2, B8, D1, D2 and a number of Sui Generis use classes which reflects the wide-ranging scale, location and form of the arches.</p> <p>Following the recent acquisition a priority for the Arch Company is to address vacancy levels within the portfolio and bring vacant and dilapidated arches back into an active use. To achieve this large scale investment is required for a number of these properties to bring them back into a lettable condition. Furthermore, in order to bring the arches back into employment generating use it is anticipated a large number of arches will require change of uses from one employment use to another, or to a mix of flexible uses.</p> <p>The Arch Company support the general requirement for new employment developments to provide affordable workspace in order to allow new and existing businesses to develop and grow, as set out within Policies EI 4 and EI 5 of the adopted Local Plan: Employment and Industry Document. Furthermore, as a major land owner within the borough the Arch Company support the requirement for all residential developments providing 100 units or more; and all commercial developments consisting of 1000 m² or more, to provide Employment and training opportunities as set out within the draft SPD.</p> <p>However, the Arch Company seek the Wandsworth Planning Obligations SPD 2020 to clarify these requirements, and the obligations to secure them, only apply to proposals for new employment/economic floorspace or from change of use from non-employment/economic uses to an employment/economic use. <u>In particular, the Arch Company seek the SPD to clarify these requirements and obligations do not apply to apply to major applications for a change of use from one employment/economic use to another (e.g. between B1, B2 and B8 uses).</u></p>	<p>use provide the flexibility that businesses need to flourish. This is considered necessary to meet an identified need within the borough for affordable workspace. It is noted further that part 4 of Policy EI 5 seeks that "redevelopment of existing economic uses should where viable seek to retain existing businesses on site following development, taking into consideration existing space requirements, lease terms and rent levels, and any other reasonable business requirements, if those businesses wish to remain".</p> <p>Where economic land is subject to a change of use that is not otherwise acceptable through permitted development, then it is considered likely that the jobs provided on the site would effectively be removed and replaced with other jobs. As such, it is considered appropriate that affordable or managed workspace is provided as part of this new employment offer; especially given the change of use is, as stated, intended to bring more attractive employment opportunities to the borough. Where viability is considered to be an issue as a result of the requirements, noting paragraph 57 of the NPPF, then this would be considered as part of an individual application on a case-by-case basis.</p>	
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		<p>back into a lettable condition, and limit their flexibility and ability to find a potential occupier, and thus will limit the potential economic benefits of such changes of use. Consequently, the Arch Company kindly request that Chapter 6 of the draft Wandsworth Planning Obligations SPD 2020 is updated to explicitly exclude major applications for changes of use from one employment/economic use to another from these obligations.</p>		
16.1	Theatres Trust	<p>The Trust is welcomes and is supportive of the Council's positive approach to supporting arts and culture as set out within section 7, and of the contributions put forward towards these sorts of facilities and provision.</p> <p>We suggest the following addition within the first paragraph of that section under 'Application' in order to improve the robustness of maintaining and delivering cultural provision:</p> <p><i><u>"The Council will seek planning obligations to secure new or replacement provision of at least the same size and standard if already existing of arts and culture in appropriate development proposals and where the three planning obligation tests are satisfied (CIL Regulation 122). If an alternative site for re-provided arts and culture would result in a better outcome for the facility and its users the new site must be secured and the replacement facility delivered before development of the existing site can be developed. Where an existing facility is to be re-provided on-site in order to maintain ongoing provision of arts and culture during construction alternative interim premises must be secured."</u></i></p>	<p>Thank you for your comments in support of the SPD.</p> <p>Policy DMC 1, in the DMPD, outlines the policy requirements relating to existing community facilities, including those relating to arts and culture. Part b of the policy states that "adequate replacement floorspace must be of equal or improved capacity, design and layout as that being lost through development". It is appropriate to include this within the SPD.</p> <p>Where appropriate alternative sites have been identified, or where re-provision is intended to be delivered on site, it is appropriate that this should be delivered as suggested by the Theatres Trust to prevent the temporary loss of facilities.</p> <p>It is noted that the Council is in the early stages of drafting a new Local Plan, including looking to review the policy requirements on protecting existing community facilities, and will seek to embed these requirements within policy. There will be further opportunities for the public to engage with the development of the Local Plan, and your views on the emerging policy</p>	<p>Amend the paragraph under 'Application' within the text box on page 55, relating to arts and culture, as follows:</p> <p>"The Council will seek planning obligations to secure new or replacement provision of arts and culture <u>of equal or improved capacity, design and layout</u> in appropriate development proposals and where the three planning obligation tests are satisfied (CIL Regulation 122). <u>If an alternative site for re-provided arts and culture would result in a better outcome for the facility and its users, the new site should be secured and the replacement facility delivered before development of the existing site can be begun. Where an existing facility is to be re-provided on-site in order to maintain ongoing provision of arts and culture during construction alternative interim premises should be secured.</u>"</p>

			options would be welcome at that time	
17.0	Transport for London	<p><i>Please note that these comments represent the views of Transport for London (TfL) officers and are made entirely on a "without prejudice" basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to this matter. The comments are made from TfL's role as a transport operator and highway authority in the area. These comments also do not necessarily represent the views of the Greater London Authority (GLA).</i></p> <p>Thank you for giving Transport for London (TfL) the opportunity to comment on Wandsworth's draft Planning Obligations Supplementary Planning Document (SPD), which aims to add further detail to the policies in the borough's Local Plan.</p> <p>Public and active transport infrastructure is vital to support 'good growth' across London, and planning obligations will continue to play an important role in funding infrastructure to mitigate the impacts of new development.</p> <p>TfL strongly supports the development of a Planning Obligations SPD to provide clarity on the types of obligations that may be secured through s.106 and the relationship between CIL and s.106. We have noted the reference to the requirement to pay Mayoral CIL and welcome the inclusion of 'transport' as a potential site-specific issue which may need to be addressed through planning obligations.</p> <p>TfL broadly supports and welcomes the approach set out and only have the following minor observations to make:</p>	Thank you for your comments in support of the SPD. Responses to the specific comments are provided individually below.	
17.1	Transport for London	<p><u>Paragraph 1.13:</u> Refers to regulation 123 of the Community Infrastructure Levy Regulations which was removed from the regulations on 1 September 2019. You may wish to update this paragraph.</p>	<p>The SPD should be updated to clarify the changes brought into effect by The Community Infrastructure Levy (Amendments) (England) (no.2) Regulations 2019.</p> <p>Related to the above change, reference to regulation 123 should also be removed from paragraph 10.13 on flooding measures.</p>	<p>Amend paragraph 1.13 on page 6 to read:</p> <p>"S106 Obligations enter the developer into a legal commitment to undertake specific works, provide land/facilities, or provide a financial contribution towards the provision of a service or piece of infrastructure. The legislative</p>

				<p>framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (as amended). Further legislation is set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). Government policy on planning obligations is set out in Paragraphs 54 to 57 of the National Planning Policy Framework (NPPF).”</p> <p>Amend paragraph 10.13 on page 72 to read:</p> <p>“Flooding measures that are not covered by the Council's CIL Regulation 123 List or the Council's Infrastructure Funding Statement and which are deemed necessary to the particular development to mitigate specific impacts of that development will be dealt with by planning condition or if this is not possible, by financial and/or non-financial planning obligation”.</p>
17.2	Transport for London	<u>Paragraph 1.25</u> : States that the MCIL2 charge for Wandsworth is £50 per square metre instead of £60 per square metre.	<p>Thank you for picking up this typographical error. Wandsworth is a Zone 1 Borough, and as such, the charge is £80 per square metre.</p> <p>This is set out here:</p> <p>https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy</p>	Amend paragraph 1.25 on page 8 to refer to £80 per square metre.
17.3	Transport for London	<u>Paragraphs 1.29-1.30</u> : The wording of this paragraph would benefit from rewording to improve clarity. You may also wish to	It is agreed that paragraph 1.30 could be clarified, including with	Amend paragraph 1.30 on page 9 to read:

		add that the 15 per cent neighbourhood portion is subject to a £100/per dwelling cap and that the 15 per cent may increase to 25 per cent where there is an adopted Neighbourhood Plan.	respect to the reference to 'meaningful proportion to be passed on to the Council', and should be revised to refer to Neighbourhood CIL (NCIL). Reference should be made to the increased figure of 25 per cent in areas where there is an adopted neighbourhood plan.	"Most of the funds will be spent on borough-wide strategic CIL projects, but the meaningful proportion <u>known as Neighbourhood CIL (NCIL)</u> to be passed to the Council is set at 15 per cent of the relevant CIL receipts with a maximum cap of £100 per dwelling. <u>This percentage may increase to 25 per cent where there is an adopted neighbourhood plan.</u> This must be spent on projects that take into account the views of the neighbourhood where the new development has been built."
17.4	Transport for London	Paragraph 1.31: The NPPF sets out six tests for planning conditions; the three tests that are listed relate instead to planning obligations.	Thank you for picking up this error. The paragraph should be amended to remove the reference to tests, which are outlined in reference to planning obligations in paragraph 56. Reference should be retained, to the circumstances in which planning conditions are considered to be appropriate, as recorded in paragraph 55.	Amend the second sentence of paragraph 1.31 on page 9 to read: "The NPPF sets out the policy requirement in paragraph 55 and states that P planning conditions should <u>be kept to a minimum and only be imposed where they comply with the 3 tests (are necessary, to make the development acceptable in planning terms; directly related relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects; and fairly and reasonably related in scale and kind to the development).</u>
17.5	Transport for London	Paragraph 2.3: The NPPG on planning obligations was most recently updated on 1 September 2019 and you may wish to update this paragraph to reflect that.	Reference should be made to the most recent update of the NPPG.	Amend the first sentence of paragraph 2.3 on page 11 to read: "The Government has also published the National Planning

				Policy Guidance (NPPG) on Planning Obligations in May 2016, <u>updating this last in September 2019.</u>
17.6	Transport for London	<u>Paragraph 2.5 and 2.11:</u> These paragraphs (and the SPD generally) should be updated to include the draft London Plan and the increasing weight that should be given to it as it moves closer to adoption; the Intend to Publish version is currently online.	Reference should be made in paragraph 2.5 to the appropriate level of weight given to the emerging London Plan in accordance with paragraph 48 of the NPPF.	Amend the final sentence of paragraph 2.5 on page 11 to read: "Following public examination in Spring 2019 an 'Intend to Publish' consolidated Draft London Plan version has been published in December 2019. <u>Appropriate weight will be given to this emerging plan in accordance with paragraph 48 of the NPPF.</u> When the Draft London Plan is adopted the Council will take into consideration the policies where applicable."
17.7	Transport for London	<u>Paragraph 2.7:</u> You may wish to clarify that the CIL regulations were amended on 1 September 2019.	The paragraph should be amended to refer to the specific date on which they came into force, and the title should be corrected.	Amend paragraph 2.7 on page 12 to read: "The Regulations amend the existing 2010 version and came into force in Autumn <u>on 1 September</u> 2019. These <u>These</u> which are also referred to as the CIL <u>(Amendment) (England) (No.2)</u> Regulations 2019 (No.2). "
17.8	Transport for London	<u>Paragraph 4.3 (Table 2 Delivery Mechanism):</u> Whilst we welcome the inclusion of 'transport infrastructure' in Table 2, the reference to CIL being applied to 'large scale transport infrastructure projects' appears at face value to be overly restrictive. Borough CIL could legitimately be spent on 'small scale projects that have wider benefits such as Legible London signs, Santander cycle docking stations or public realm improvements to encourage and enable more sustainable mode of transport which may not be able to be funded through planning obligations.	The potentially restrictive use of the term 'large scale' is noted. This should be clarified as referring to strategic developments.	In Table 2 Delivery Mechanism, amend "Large scale transport infrastructure projects" to read "Strategic transport infrastructure projects".

17.9	Transport for London	<u>Paragraph 4.11:</u> You may wish to update this paragraph to refer to the Community Infrastructure Levy Regulations (2010), as amended, which now provide a legal basis for securing contributions towards monitoring planning obligations.	The paragraph should be updated to refer to the relevant regulation.	Amend the first sentence of paragraph 4.11 on page 21 to read: “ S.111 of the Local Government Act 1972 <u>The Community Infrastructure Levy Regulations 2010 (as amended)</u> provides for application of a monitoring fee.”
17.10	Transport for London	<u>Paragraph 11.1:</u> For greater clarity, this paragraph could be amended to state <i>‘planning obligations may therefore be sought for site specific traffic and highway works and contributions towards public and sustainable transport modes where they meet the 3 legal tests set out in the CIL regulations (2010), as amended’</i> .	The paragraph should be amended as suggested to improve its clarity.	Amend the final sentence of paragraph 11.1 on page 77 to read: “Planning obligations may therefore be sought for site specific traffic and highway works, and contributions towards <u>towards</u> to public <u>and sustainable</u> transport <u>modes where they meet the 3 legal tests set out in the CIL Regulations 2010 (as amended)</u> to the extent that they are not capable of being collected through CIL. ”
17.11	Transport for London	<u>Paragraph 11.4:</u> You may wish to amend this paragraph to include reference to TfL and our pre-application service to ensure that planning applications align with the London Plan and Mayor’s Transport Strategy. Further information can be found on our website (see link below). https://tfl.gov.uk/info-for/urban-planning-and-construction/planning-applications/pre-application-services	Thank you for referring the Council to this website. It is agreed that it would be helpful to make reference this resource.	Amend paragraph 11.4 on page 77 to read: “The Council’s Transport team will normally advise on the requirement for individual applications and/or such works will be identified as a result of submitted Transport Assessments. <u>TfL also operates a pre-application service to ensure that planning applications align with the London Plan and Mayor’s Transport Strategy. Further information can be accessed here:</u> ”

				https://tfl.gov.uk/info-for/urban-planning-and-construction/planning-applications/pre-application-services
17.12	Transport for London	<p>Paragraphs 11.5-11.6: We have recently updated the guidance on transport assessments on our website and suggest that you update this section of the SPD to align with the new guidance (see link below).</p> <p>https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/transport-assessments</p>	The guidance should be updated in line with the most recent TfL publication.	<p>Add an updated URL between to two existing links on page 77 as follows:</p> <p>https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/transport-assessments</p>
17.13	Transport for London	<p>Paragraph 11.6 (Threshold): The reference to 'strategic level travel plan' should be amended to 'full travel plan' for consistency with the Local Plan.</p>	This should be corrected.	<p>Amend the second sentence under 'Threshold' in the text box on page 78 to state:</p> <p>"Notwithstanding the thresholds, strategic level full travel plans are required for larger-scale developments that are referable to the Mayor."</p> <p>To avoid repetition from paragraph 11.6, the last sentence of this paragraph and the two URLs should be removed.</p>
17.14	Transport for London	<p>Paragraph 11.6 (Calculation/application): Refers to the 's106 pooling restrictions' which have been removed from the CIL Regulations.</p>	<p>The text should be updated to remove the outdated reference to pooling restrictions.</p> <p>It is further noted that in paragraph 8.12, reference is also made to the pooling restrictions in relation to the provision of local public facilities. This reference should also be removed.</p> <p>Similarly, reference to the pooling restrictions should be removed from</p>	<p>Remove the final sentence on page 78, which currently reads:</p> <p>"The s106 pooling restrictions do not apply to s278 highways agreements."</p> <p>Amend the first sentence of paragraph 8.12 to read:</p> <p>"Local public facilities could be needed to cater for developments or collections of neighbouring</p>

			paragraph 5.11, in relation to requesting a commuted sum to provide affordable housing in relation to extra care, assisted living and retirement living with personal care.	<p>developments (where delivery is secured from no more than five separate s106 agreements) to address an uplift in residents and particular needs or requirements that might be identified given the nature of developments.”</p> <p>Amend the penultimate sentence of paragraph 5.11 on page 32 to read:</p> <p>“If there is no identified need for such affordable housing the Council, subject to pooling restrictions, may request a commuted sum”.</p>
17.15	Transport for London	Section 14 (Glossary): The definition of MCIL2 needs to be updated to reflect that the Mayor's new charging schedule took effect on 1 September 2019.	<p>The definition should be amended to include reference to the date on which the charging schedule took effect. This date is 1 April 2019, as referenced here:</p> <p>https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy</p>	<p>Amend the definition of 'Mayoral Community Infrastructure Levy 2 (MCIL 2)' to read:</p> <p>“In February 2019 the Mayor adopted a new charging schedule (MCIL2) which will supersede the MCIL1A London Levy charged by the Mayor on new development in London. This Levy came into effect on 1 April 2019 and is in addition to the borough's CIL.”</p>
17.16	Transport for London	As a general comment, although public and sustainable transport is mentioned in Section 11 (Transport), the section focuses heavily on highways and highways related improvements. The draft London Plan and Mayor's Transport Strategy 2018 set out a bold new approach and ambitious new targets to create a more liveable city. The context therefore has changed significantly since 2016 when the Wandsworth Core Strategy and Development Management Policies Document were adopted. You should use this as an opportunity to review the SPD and update it to reflect the increased focus on sustainable transport modes in line with the Healthy Streets Approach. Alternatively, you could specify that	<p>The draft SPD is intended to provide supplementary information on the use of Section 106 (s106) Planning Obligations and Community Infrastructure Levy (CIL) as these relate to policies in the currently adopted Local Plan.</p> <p>The Council is in the process of revising the Local Plan, which will seek to incorporate the sustainable transportation principles outlined</p>	<p>Amend paragraph 11.2 on page 77 to read:</p> <p>“Alterations or improvements to the local highway network, necessary to promote a safe, efficient or sustainable relationship between development and the public highway, may be secured through planning and/or highway legal agreements. Such works should be done in accordance with the</p>

		highways works will be done in accordance with the current policy framework, namely promoting and prioritising walking, cycling and public transport over other road users. This will ensure that streets are designed for people rather than vehicles.	within the draft London Plan and Mayor's Transport Strategy 2018. Once the revised Local Plan is adopted, it is intended that the Planning Obligations SPD will be revised again in order to be consistent with the new document. That notwithstanding, it is considered appropriate to clarify that highway works should be done in accordance with the current policy framework.	<u>current policy framework, including promoting and prioritising walking, cycling and public transport over other users.</u> "
17.17	Transport for London	In addition, the SPD lists a number of different types of obligations that may be secured. London Plan Policy 8.2 (and draft London Plan Policy DF1) sets out that affordable housing and transport infrastructure should be given joint highest priority when securing planning obligations. We strongly suggest that the Council sets out clear priorities for planning obligations in line with the London Plan. I hope this provides you with an understanding of TfL's current position on the SPD and we would welcome acknowledgement from you that these comments have been received and are being considered. I would also be grateful if you could note our request to be notified when the SPD is adopted. TfL looks forward to working closely with you in ensuring that necessary transport infrastructure is prioritised and delivered in the borough to aide both the delivery of the Mayor's Transport Strategy and enable new homes and jobs to support London's growth.	Reference should be made within the SPD to London Plan Policy 8.2.	Add a new paragraph after 1.18 on page 7, to read: "Policy 8.2 of the London Plan stipulates that affordable housing, supporting the funding of Crossrail (where appropriate), and other public transport improvements should be given the highest priority. Importance should also be given to tackling climate change and air quality and the provision of social infrastructure."
18.1	Tonsley Residents' Association	Thank you for your letter concerning the Council's consultation on its Supplementary Planning Document. Our Association has noted the proposals and we look forward to receiving in due course the Council's Infrastructure Funding Statement which is to be published from December 2020.	Thank you for your submission. As per the regulation 121A of The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, the Council will publish an Infrastructure Funding Statement on its website in December of each year which	No changes proposed to the SPD.

			reports on the previous financial year.	
19.0	Avison Young on behalf of Workspace Group PLC	<p>We write on behalf of our client, Workspace Group PLC, in response to the Consultation on the Planning Obligations SPD 2020.</p> <p>The structure of the representation follows the structure of the draft SPD. Comments have only been provided where it is considered that further calcification or amendments to the wording of the draft SPD may be required to meet the three legal tests set out in the Community Infrastructure Levy Regulations (2010 as amended).</p> <p>We note that the draft SPD advises that the Council will be preparing an Infrastructure Funding Statement in due course. This document is closely linked with the draft SPD and we suggest that further consultation should be undertaken once the Statement is published.</p>	<p>Thank you for your submission. Responses to the queries raised are provided for each specific issue raised, below.</p> <p>As per the regulation 121A of The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, the Council will publish an Infrastructure Funding Statement on its website in December of each year which reports on the previous financial year.</p> <p>It is anticipated that the Planning Obligations SPD will be adopted by the time this document is required to be published, and as stated in the information accompanying this consultation exercise, it is not the Council's intention to undertake further consultation on the SPD.</p>	No changes proposed to the SPD.
19.1	Avison Young on behalf of Workspace Group PLC	<p>Employment, Skills, Enterprise and affordable business space</p> <p><u>Employment and training opportunities for large sites</u></p> <p>As set out on Page 42 of the draft SPD, developers will be expected to agree an Employment and Skills Plan ("ESP") with the Council's Economic Development Officer ("EDO") at least three months before the commencement of development.</p> <p>One of the aims of the ESP is to ensure that a proportion of jobs, training placements and apprenticeships are provided for Wandsworth residents. The draft SPD sets out a number of requirements for ESPs, which are reviewed below.</p>	<p>The Local Plan sets out policies to encourage sustainable economic growth in Wandsworth, including through maximising employment and employability amongst Wandsworth's population by promoting key training and skills opportunities and expanding and coordinating job brokerage. The use of local contractors and the employment of local workers also assists with the Council's sustainable transportation ambitions.</p>	<p>Under the section, 'How are the above requirements calculated?' on page 41, the penultimate sentence should be amended to read: "Whilst developments will vary in scale and nature, Table 4 below provides an indicative assessment of the provision of employment opportunities for Wandsworth residents yield for a given level of development."</p> <p>Table 4 should be amended to show the calculation for the 'Provision of Employment</p>

		<p>It is suggested that further evidence is provided in relation to the percentage of LB Wandsworth residents said to be working in the borough (27%) which is used to calculate the Employment and Enterprise Contribution (page 42). It is noted that this data comes from the 2011 Census; however, it should be made clear whether this represents construction workers or all employment categories.</p> <p>Past experience both in LB Wandsworth and other London boroughs suggests that meeting the requirements for local residents can be challenging as many contractors commute from outside of London. Therefore, it is important that the threshold set is reasonable and evidenced to ensure that developers can meet these requirements.</p>	<p>The representation identifies that it is not clear whether the percentage of LB Wandsworth residents said to be working in the borough (27%) relates to jobs, training and apprenticeships in the 'construction phase' or to the 'end-use phase'.</p> <p>It is agreed that the requirements relating to the provision of jobs, training and apprenticeships places that a development will be expected to provide for Wandsworth residents, as set out in Table 4 (p. 41) and the related financial contribution in Table 5 (p. 44), could be clarified.</p> <p>Table 4 currently refers to the 'employee yield' of a given development in the construction and end-use phase. This should instead refer to the 'employment provision for Wandsworth residents relating from a development'.</p> <p>This would remove the need for part B of the equation in Table 5, while also clarifying that the calculation identified in Table 4 relates to the number of jobs during the construction phase that would be expected to be provided for Wandsworth residents.</p> <p>The calculation for the 'jobs, training and apprenticeship places in end-use phase' for 'employment uses' should be accordingly updated. It is noted also that there is an error in the calculation, in that the multiplication mark should read as a division mark, which should be</p>	<p>Opportunities for Wandsworth Residents', as follows:</p> <p>(i) The title should be amended to read "Table 4 <u>Provision of Employment Opportunities for Wandsworth Residents</u> Employee Yield Calculation"</p> <p>(ii) Under 'Type of use', "Employment uses" should be amended read 'Employment-<u>generating</u> uses"</p> <p>(iii) A footnote should be added to text 'Not applicable' in the 'Jobs, training and apprenticeship places in end-use phase' for 'Housing' to read: "<u>Except in circumstances where residential models generate end-use employment through on-site management and facilities teams. Examples include co-living schemes and Build to Rent models</u>".</p> <p>(iv) Under 'Jobs, training and apprenticeships places in the end-use phase', the entry in the 'Employment-<u>generating</u> uses' column should be amended to read "<u>Employee yield of development x % of all jobs in Wandsworth taken by Wandsworth residents</u>". A footnote should be added, and the clarification text should read:</p> <p><u>"Employee yield should be calculated by dividing the gross internal floor area created by average employee density values, is calculated based on HCA employment density guidelines;</u></p>
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			<p>corrected. To simply this, the calculation should refer to 'employee yield', with guidance on how to calculate this provided as a footnote.</p> <p>The Council recognises that there are different approaches to calculating employee yield and the provision of employment opportunities for Wandsworth residents, which should be retained as part of this footnote. This information is clearly stated on page 41 in relation to Table 4, which expresses that: "This (or alternative suitable methodologies) will form the basis for calculating the Local Employment Contribution as set out in Table 5" and that "employee yields for schemes that are calculated separately within planning applications may also be used as long as the calculation is based upon a recognised methodology". It is also noted in reference to Table 4 that "The developer should contact the Council's Economic Development Office to agree the figures for both construction and end-use phases".</p> <p>An additional row should be added to clarify that the total number of jobs created as part of the provision of employment opportunities for Wandsworth residents is comprised of the jobs, training and apprenticeship places in the constructions phase and the end-use phase added together.</p>	<p>employee yields for schemes that are calculated separately within planning applications may also be used as long as the calculation is based upon a recognised methodology.</p> <p><u>Employee yield of a development = gross internal floorspace ÷ employee density.</u></p> <p>This should replace the erroneous description "Gross Floor area created x employee density", which is to be deleted.</p> <p>(v) A row should be added to Table 4 which states that the '<u>Total number of jobs</u>' for a given application is derived by '<u>(A) Jobs, training and apprenticeship places in construction phase + (B) Jobs, training and apprenticeship places in end-use phase</u>', with these columns identified accordingly.</p> <p>(iv) A paragraph should be inserted before the one that reads "The developer should contact the Council's Economic Development Office to agree the figures for both construction and end-use phases". This should state: "<u>The percentage of jobs in Wandsworth taken by Wandsworth residents is estimated to be 27%, based on the 2011 census. On the publication of the new census, the updated information should be used.</u>"</p>
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19.2	<p>Avison Young on behalf of Workspace Group PLC</p>	<p>On Page 44 it is noted that where the Council considers that a developer has used all reasonable endeavours to comply with the provisions of the ESP, the Council will repay to the developer one third of the financial contribution.</p> <p>It is suggested that further clarity is provided as to what comprises 'reasonable endeavours'. This will avoid potential conflict between the Council and developers when seeking to agree whether a refund of one third of the ESP contribution should be provided.</p> <p>Additionally, there is limited evidence provided to justify the partial repayment of the ESP contribution. It is suggested that if the re-payment can be provided by the Council, then the proposed contribution is higher than required and thus does not meet the CIL tests.</p>	<p>As part of the s106 legal agreement, the developer will be required to enter into Local Employment and Enterprise Agreement with the Council's Economic Development team. This includes the requires to agree an Employment and Skills Plan (ESP) with the Council, which sets out how the obligation will be delivered, including provisions which govern any repayment of a third of the financial contribution. This document therefore provides the mechanism through which the Council and the developer will agree what comprises 'reasonable endeavours'.</p> <p>The SPD notes that partial repayment is designed to act as an incentive to developers to work actively with the EDO to meet their obligations in the ESP to maximise</p>	<p>No changes proposed to the SPD.</p>

			<p>employment and training opportunities for Wandsworth residents and businesses arising from their developments. If this is not delivered by the developer, as agreed within the ESP, this realises additional financial burdens on the EDO to deliver these benefits.</p>	
19.3	<p>Avison Young on behalf of Workspace Group PLC</p>	<p><u>Local Procurement Plan</u></p> <p>Page 46 sets out that where the estimated construction value of a scheme exceeds £50 million, a Local Procurement Plan will be required, with a target of 20% of the value of qualifying supplies and services to be provided from companies and organisations based in the borough.</p> <p>It is noted that in exceptional circumstances, where a developer is not able to provide such opportunities as part of the development proposal, the Council may accept a commuted sum payment to enable adequate alternative services or opportunities to be provided in the locality.</p> <p>The use of local suppliers is fully supported, however, on review there is limited evidence to justify the proposed 20% target and that there is a risk of developers having to accept less competitive tenders from local suppliers simply to meet the target. This is not reasonable or fair and thus fails to meet the relevant CIL tests.</p> <p>It is suggested that the 20% target should be fully evidenced and that there should be no financial penalties associated with failing to meet the target provided that it can be demonstrated 'reasonable endeavours' have been taken to meet the target.</p>	<p>The 20% targets reflects current policy requirements, as set out within paragraph 11.23 of the Planning Obligations 2015. The Council considers that the inclusion of a target figure is helpful as this provides clarity as to the Economic Development Office's expectations. It is noted that, as part of the review of the Planning Obligations SPD, the Council has felt it appropriate to increase the threshold from £5 million to £50 million, thereby reducing the burden on most development.</p> <p>The above notwithstanding, the percentage figure of the value of qualifying supplies and services to be provided from companies and organisation based in the borough should be agreed by the Council and the applicant as part of the Local Procurement Plan and the Local Employment Agreement. If the applicant can demonstrate, to the satisfaction of the Council, that all reasonable endeavours have been taken to meet this ambition in support of the goal, then an alternative figure could be acceptable as part of this agreement.</p>	<p>No changes proposed to the SPD.</p>

<p>19.4</p>	<p>Avison Young on behalf of Workspace Group PLC</p>	<p><u>Affordable, flexible and managed workspace</u></p> <p>The principle of a Workspace Management Plan being agreed, which provides flexibility on the provision of 'affordable workspace' is supported (Page 49).</p> <p>In the experience of Workspace, the provision of affordable workspace has been most efficient where the applicant is given the opportunity to manage the space directly and flexibility is provided to decide on the location of the affordable workspace post-determination.</p>	<p>Thank you for your comments in support of the SPD. Paragraph 2.15 of the Local Plan Employment and Industry Document recognises the possibility of applicants managing affordable workspace directly.</p>	<p>No changes proposed to the SPD.</p>
<p>19.5</p>	<p>Avison Young on behalf of Workspace Group PLC</p>	<p>Sustainability</p> <p>Page 67 states that "for major developments the Council will require developers to pay for independent assessment of their sustainability information and reports, and any future reviews, to ensure compliance with the Council's policies".</p> <p>Application fees are set nationally by the government and are detailed in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as amended.</p> <p>The Planning Practice Guidance (PPG) confirms that planning-related fees were introduced so that users of the planning system, rather than taxpayers in general, meet the costs incurred by local planning authorities in deciding planning applications (paragraph 001 Reference ID: 22-001-20180615).</p> <p>It is not reasonable require an applicant to pay additional fees over the statutory application fee if they are able to demonstrate that the proposed development complies with the Council's policies on sustainability. It is therefore suggested that the proposed text is updated to confirm that this is required only where the applicant has not met the specific environmental targets set out in the Council's Development Plan.</p> <p>Summary</p>	<p>This is standard practice for all applications which fall within the 'major' category and which require independent expert analysis, including but not limited to sustainability matters. Officers do not necessarily have the requisite technical expertise to be able to fully assess the reports themselves, and therefore in order to ensure full and proper consideration of the development proposal it is necessary to have submitted reports independently assessed to ensure they are robust. As this is required in order to ensure that the development is compliant with relevant local planning policy and regional and national guidance, in line with the PPG guidance, it is considered appropriate that the applicants demonstrate this is the case and therefore the cost of this independent assessment falls to them.</p>	<p>No changes proposed to the SPD.</p>

		We look forward to reviewing further iterations of SPD as it progresses and thank you for the opportunity to provide comment.		
20.0	Rolfe Judd on behalf of Workspace Management Ltd	We write on behalf of Workspace Management Limited, to make representations on the Draft Planning Obligations SPD which is currently published for consultation. Workspace Management Limited has land interests within the borough and the Draft Planning Obligations SPD will directly influence and impact the future development of these sites.	Thank you for your submission. Responses to the queries raised are provided for each specific issue raised, below.	No changes proposed to the SPD.
20.1	Rolfe Judd on behalf of Workspace Management Ltd	<p><u>Section 6: Employment, Skills, Enterprise and Affordable Business Space</u></p> <p><i>Employment and Training Opportunities for Large Sites</i></p> <p>The Employee Yield Calculation (Table 4) the 'jobs, training and apprenticeship places in construction phase' for housing is calculated by jobs per floor area. The Adopted SPD calculates this calculation by jobs per dwelling. The Draft SPD provides no explanation as to the rationale to the change in how the construction phase employee yield for housing is calculated.</p>	<p>This change has been introduced to simplify the calculation by aligning the 'jobs, training and apprenticeship places in construction phase' for 'housing' and 'employment uses', and to align with the standard benchmarks for this calculation.</p> <p>It is noted that revisions to Table 4 are proposed in response to #19.1.</p>	No changes proposed to the SPD.
20.2	Rolfe Judd on behalf of Workspace Management Ltd	The Employee Yield Calculation (Table 4) the 'jobs, training and apprenticeship places in end-use phase' for employment uses is calculated by Gross Floor Area created x employee density. For the jobs, training and apprenticeship places in end-use phase, the employee yield should be calculated on the uplift in employees only, in order to take into account the existing floor area on site.	<p>As the SPD identifies, the purpose of this obligation is to deliver employment, training and economic enterprise benefits to ensure that Wandsworth residents and businesses can better access job, training and business opportunities arising from new developments within the borough. New development is considered to remove existing employment and to replace this with new jobs. It is therefore considered appropriate that the Council should seek these obligations with respect to the development as a whole where the appropriate thresholds are met.</p> <p>The above notwithstanding, the Council recognises that there are</p>	No changes proposed to the SPD.

			different approaches to calculating employee yield and the provision of employment opportunities for Wandsworth residents. This is clearly stated on page 41 in relation to Table 4, which expresses that: "This (or alternative suitable methodologies) will form the basis for calculating the Local Employment Contribution as set out in Table 5" and that "employee yields for schemes that are calculated separately within planning applications may also be used as long as the calculation is based upon a recognised methodology".	
20.3	Rolfe Judd on behalf of Workspace Management Ltd	<p><i>Employment and Skills Plan</i></p> <p>Within the Adopted Planning Obligations SPD (2015) paragraphs 11.15 and 11.20 state that the total amount of the commuted sum for off-site contributions (construction and end use) would be reduced to a third if the developer is able to provide the required local employment opportunities as outlined within the SPD.</p> <p>The Draft Planning Obligations SPD states that where the Council considers that a developer has used all reasonable endeavours to comply with the provisions for the Employment Skills Plan, the Council will repay to the developer one third of the contribution. The Draft SPD therefore increases the amount payable by developers by one third, should the employment opportunities be met. The Draft SPD does not provide a rationale or evidence to clarify why the contribution has changed.</p>	See comments on # 19.2.	No changes proposed to the SPD.
20.4	Rolfe Judd on behalf of Workspace Management Ltd	<p><u>Section 7: Arts and Culture</u></p> <p>The Draft Planning Obligations SPD states that where an applicant is unable to provide an Arts and Culture Action Plan then a commuted sum will be sought to enable the Council to meet the requirements in the local area. Cultural planning</p>	Wandsworth Council has set its cultural obligations guidance, tariffs and charges in line with national policy and guidance. It has undertaken national and local research and policy advice to	Amend the third paragraph under 'Calculation', within the text box on page 56 (relating to thresholds for arts and culture contributions) as follows:

		<p>guidance for Lombard Road, York Road Focal point has been produced to evidence how commuted sums are intended to be spent within the focal point.</p> <p>As stated within the Draft SPD, the commuted sums are based on the Arts Council England benchmarking guidance. This guidance 'Arts, museums and new development: a standard charge approach' states that the benchmark calculations should be translated into local benchmarks by local authorities supported by local evidence of need. The Draft SPD does not include details of how the commuted sum calculations have been calculated. Furthermore, the Arts Council England within 'Arts, museums and new development: a standard charge approach' base their example calculations per person whereas the Draft SPD bases it on the number of proposed dwellings and amount of non-residential floor area proposed. The Draft SPD should provide evidence and a rationale as to how the commuted sum has been calculated and how the thresholds within the calculations are justified.</p>	<p>understand standard charge approaches within the sector and precedents with respect to this. This informs our guidance as reflected in the Draft SPD. There are a number of local authorities nationally whose cultural obligations are triggered by the number of dwellings proposed or by m² floorspace that act as precedents for this approach. Our tariffs and charges are further supported by local case studies and existing S106 cultural planning obligations from the last 5 years; along-side an assessment of needs and opportunities taking into account estimated population increases/changes in the distribution of population to demonstrate the need for cultural provision/infrastructure.</p> <p>Our current tariffs are taken from 2010 MLA / ACE guidance and have not been adjusted or increased and therefore deemed proportionate, if not on the lower end of the scale. These were also the figures adopted by the Council in 2014. Documents and policy in addition to national and local research that inform our approach include: MLA / ACE guidance for Arts, Museums and New Development – A Standard Approach (incl. progress report adopted June 2010 – which evidences charges by dwelling and m² floorspace), IXIA guidance, former Percent for Art programmes and legal advice pertaining to cultural obligations within planning policy. The SPD should be</p>	<p>"The commuted sum contributions are based <u>on MLA / ACE guidance for Arts, Museums and New Development – A Standard Approach, IXIA guidance, former Percent for Art programmes and legal advice pertaining to cultural obligations within planning policy. These are the Arts Council England benchmarking guidance</u>⁽²⁾ as follows:"</p>
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			accordingly updated to reflect these sources.	
20.5	Rolfe Judd on behalf of Workspace Management Ltd	A number of the planning obligations, for example the arts contribution, within the Draft SPD should be calculated on the uplift of proposed floor area in order to take account the existing floor area on site. It is not clear from the Draft Planning Obligations SPD whether all planning obligations/financial contributions are required to be paid on gross floor area.	It is considered to be sufficiently clear within the SPD that planning obligations are to be calculated on the basis of gross floor area; rather than the uplift in floorspace. It is considered appropriate to account for the impact of the development as a whole, rather on the difference between the existing and proposed development. Where the applicant considers that there is good reason to do so, this should be considered on a site-by-site basis in relation to specific circumstances.	No changes proposed to the SPD.
LBW. 1	London Borough of Wandsworth	It should be clearly established within the Planning Obligations SPD who is to bear the responsibility for any legal costs associated with the drawing up of planning obligations and s278 agreements.	Clarify as appropriate.	Add a new paragraph under the section 'S106 and CIL administration and monitoring costs', before the current paragraph 4.10 on page 21, to read: "Developers will be expected to meet all legal costs associated with drawing up planning obligations, together with reasonable costs incurred by the Council in drawing up s278 agreements. For developments that involve negotiations with the Mayor of London or Transport for London, and where they will require their own legal advice, the developer also needs to reimburse these costs for site specific s106 agreements".
LBW. 2	London Borough of Wandsworth	The introduction of the Infrastructure Funding Statement places additional burden on monitoring requirements with the introduction of the need to report on expenditure per obligation,	Make amendment as appropriate.	Amendment the Monitoring fee calculation in the text box under

		including reviewing invoices. The time multiplier required to review the number of financial obligations should therefore be amended from 1.5 hours to 3 hours to reflect this increased burden.		paragraph 4.13 on page 22, as follows: Officer Time (hours) = (A + (B x 1.5) + (C x 1.5) + (D x 4)) x (E/F)
LBW. 3	London Borough of Wandsworth	Following the publication of the Inspector's Report to the Mayor of London on the Examination in Public of the London Plan 2019, the section on Vacant Building Credit should be amended to reflect the findings of that report that boroughs who wish to disapply the vacant building credit should do so based on local evidence.	Clarify as appropriate.	Amend paragraph 5.35 on page 37 as follows: "The Council supports the approach of the Mayor's AH SPG ₁ and that vacant building credit (VBC) is unlikely to bring forward more development. Current Local Plan policy seeks affordable housing provision and the VBC could undermine this adopted policy position. Until the Local Plan is reviewed the Council will continue with the adopted policies and will not apply VBC <u>the applicability of vacant building credit will be assessed on the basis of local evidence.</u> "
LBW. 4	London Borough of Wandsworth	Reference is made to a Heads of Terms template, relating to the provision of affordable workspace, being made available on the Council's website (p.51). It has been clarified that such a template will no longer be produced; however, as is already stated in the SPD, the Economic Development Office (EDO) will work with the developer to agree appropriate arrangements.	Remove reference to the template.	Amend the second paragraph on page 51, in the text box under 'Affordable rent in perpetuity' as follows: "Heads of Terms will be required detailing how this will be achieved, a template will be made available on the Council's website. "
LBW. 5	London Borough of Wandsworth	On page 68, reference is made to the price of carbon for the purposes of the carbon offset fund as being £60 per tonne. The Council, at the 2 July 2020 meeting of the Finance and Corporate Resources Overview and Scrutiny Committee, has resolved to increase the carbon offset fund from £60 to £95 per tonne.	Correct the outdated reference to the carbon offset fund price.	Amend the price of the Carbon Offset Fund from £60 / tonne to 95 / tonne in the third paragraph under 'Application/Calculation' on page 68, and update the corresponding link to the relevant Committee Paper '(20-203)'.

		<p>Details of that meeting are available here: https://democracy.wandsworth.gov.uk/ieListDocuments.aspx?CId=500&MId=6537&Ver=4</p>		
LBW. 6	London Borough of Wandsworth	<p>Construction management plans monitoring involve engagement with the highway authority, and is not considered to be a general duty solely of the planning authority. It should be clearly established within the Planning Obligations SPD that, in instances where construction management plans are required in order to realise planning obligations for a development, a fee should be provided by the applicant.</p>	Clarify as appropriate.	<p>Amend the sentence under the website link on page 80 as follows:</p> <p>“Where applications require a Transport Assessment (TA), a construction management plan will also be required to be submitted, in line with the TA threshold. <u>The Council will require developer funding by planning obligation to pay for the monitoring and review of construction management plans.</u>”</p>

APPENDIX A – Proposed changes to Tables 4 and 5, pursuant to # 19.1 and # 2.9, shown 'in context'

Table 4 **Provision of Employment Opportunities for Wandsworth Residents** Employee Yield Calculation

Type of use	(A) Jobs, training and apprenticeship places in construction phase	(B) Jobs, training and apprenticeship places in end-use phase
Housing	5 jobs per 1,000 m ²	Not applicable ¹
Employment-generating uses		Employee yield of development² x % of all jobs in Wandsworth taken by Wandsworth residents³ Gross floor area created x employee density
Total number of jobs	Jobs, training and apprenticeship places in constructions phase (A) + Jobs, training and apprenticeship places in end-use phase (B)	

¹ **Except in circumstances where residential models generate end-use employment through on-site management and facilities teams. Examples include co-living schemes and Build to Rent models.**

² **Employee yield should be calculated by dividing the gross internal floor area created by average employee density values, is calculated based on HCA employment density guidelines; employee yields for schemes that are calculated separately within planning applications may also be used as long as the calculation is based upon a recognised methodology.**

Employee yield of a development = gross internal floor area ÷ employee density

³ **The percentage of jobs in Wandsworth taken by Wandsworth residents is estimated to be 27%, based on the 2011 census. On the publication of the new census, the updated information should be used.**

The developer should contact the Council's Economic Development Office to agree the figures for both construction and end-use phases.

Table 5 Employment and Enterprise Contribution Calculation

A = **Provision of employment opportunities for Wandsworth residents** ~~Employee yield of the development~~ for both construction phase and end-use phase, where appropriate (see Table 4)

~~B = % of Wandsworth residents working in Wandsworth (currently 27%, based on the 2011 Census)~~

~~€ B = Average cost of placing Wandsworth residents in jobs, training places and apprenticeships (currently £3,025*)~~

~~D C = % of employees in Wandsworth requiring training and support (currently 25%)~~

~~€ D = Financial contribution~~

~~E = A x B x C x D~~

D = A x B x C

*This is an indexed value, and so will change over time. The value of £3,025 is used in the Planning Obligations Calculator. The Developer should contact the Council's EDO to agree the final contribution.