

Statement of Consultation

June 2015

I Introduction

- 1.1 This statement provides an overview of the consultation undertaken during the production of the Planning Obligations (s106) Guidance SPD, which will be adopted by Royal Borough of Greenwich as a Supplementary Planning Document.
- 1.2 Consultation was carried out for a four week period, in line with the measures set out in the Royal Greenwich Statement of Community Involvement. The comments received played an important role in informing the final content of the SPD.
- 1.3 Eighteen formal responses were received in total to the consultation. These were received from a range of individuals, local amenity groups, organisations and businesses.

2 Details of the consultation

Summary

- 2.1 The formal consultation on the draft Planning Obligations Guidance SPD took place between Tuesday 3rd March and Tuesday 31st March 2015, with the following procedures:
 - 1,797 individuals, local groups, businesses, landowners and organisations were notified by either email or letter, including specific and general consultation bodies. 1,182 letters and 615 emails were sent.
 - Consultation Draft Planning Obligations Guidance SPD documents were prepared for reference. These were sent out to all libraries in Royal Greenwich, together with a copy of the Draft Model S106 Agreement and the Statutory Notice.
 - Both the Royal Greenwich website and the Objective consultation portal were updated to advise people of the consultation and the documents were made available to view here.
 - An advertisement was placed in Greenwich Time on Tuesday 3rd March, indicating the start and end date of the consultation and when and where the documents could be inspected.

Responses and key changes proposed

2.2 Seventeen organisations and one individual responded to the consultation. The table in Appendix A shows how each of these comments have been taken into account to strengthen the SPD in a number of areas.

2.3 Key changes to the document following consultation are:

- In the main SPD, paragraph 2.5 has been deleted as a locally specific list is provided at paragraph 2.17. Paragraphs 2.19 ('in kind' contributions) and 4.12 (viability) have had clarifying text added.
- In the Transport Annex the tariff for the Controlled Parking Zone is deleted. Where new developments are proposed within a new or extended Controlled Parking Zone a contribution for additional enforcement activity in the vicinity of the development will be required. The level of the charge will vary depending on the size and location of the development.
- In the Transport Annex the tariff for road safety education and smarter travel initiatives is deleted. Smarter travel initiatives should be contained within the developer's Travel Plan.
- In the Transport Annex the tariff for walking, cycling and way finding signage is deleted. It is replaced by the seeking of provision or financial contributions towards the cost of providing or enhancing the pedestrian and cycling environment to and from the site (including tactile paving, improved signage and facilitating better local permeability to the strategic walking and cycling networks).
- In the Transport Annex the charging formula for the contribution for cycle training is explained fully.
- In the Employment and Training Annex the proposed rate of £1,000 per dwelling is justified, although the proposed rate for commercial developments has been reduced to £10/m².
- In the Monitoring and Review Annex the 3% uplift towards monitoring and compliance costs is deleted. Examples of circumstances where the council will request a contribution towards monitoring because it would involve excessive time, effort and resources are set out.

2.4 Table 3.1 (Section 3 on the following pages) sets out the summarised comments received during consultation, and the Royal Borough's subsequent responses and modifications made to the SPD.

3 Summary comments and responses

3.1 The following pages provide a list of formal comments received on the draft Planning Obligations Guidance SPD during the consultation. The Royal Borough's subsequent responses are also listed.

Table 3.1 Summary of consultation comments, Royal Borough responses, and proposed modifications to the draft Planning Obligations Guidance SPD

Full Name	Company / Organisation	Section or Annex	Paragraph	Summary comments	Changes requested	Royal Borough response	Proposed modification to document
Colin Buttery	Royal Parks	-	-	The Royal Parks expresses that S106 has been of great value in the past and hopes CIL money will be targeted towards work in Royal Parks in future.	-	Noted.	-
Brenda Taggart	CCRA	2. Policy basis for planning obligations	2.19	It could be clearer what "in kind" contributions are acceptable.	Give examples.	Agreed.	The paragraph will be amended to include to following: <i>"In kind" contributions are those contributions where the developer builds or provides directly the matters necessary to fulfil the obligation such as a crèche or healthcare facility, which serves the people living in a residential development.</i>
Simon Hall	NHS Greenwich CCG	2. Policy basis for planning obligations	2.19	What types of on-site facilities can be provided by S106? Where a community facility, such as healthcare space, is provided by the developer it is unclear what relationship there is between S106 and CIL. Could shell and core be provided by S106 and fit out or operational costs provided by CIL?	Give examples.	The provision of on-site facilities is determined on a case to case basis based upon the impact and need created by the development. Where contributions are secured through planning obligations for the provision of facilities, then such provision will be paid for entirely as a planning obligation. CIL receipts cannot be used to provide for those same facilities.	-
Richard Baglin	Greenwich Society	2. Policy basis for planning obligations	2.5 and 2.17	The SPD is not clear on the relationship with CIL. There is a discrepancy between paragraphs 2.5 and 2.17 on what items would be an acceptable use of S106.	Clarify what S106 can be used for	Noted.	Paragraph 2.5 will be deleted for clarity, as paragraph 2.17 sets out a locally specific list.
Katherine Simpson	Transport for London	2. Policy basis for planning obligations	2.14	The Mayor's Community Infrastructure Levy (CIL) is charged on all land uses, except education and health and some minor residential schemes.	-	Noted.	-
Katherine Simpson	Transport for London	3. Specific requirements for provision or contributions	3.15	Paragraph 3.15 refers to the use of the RPI (all tender index). The Mayor's approach is to apply the Consumer Price Index or BCIS depending upon the type of obligation	-	Noted.	-
Waite		3. Specific requirements for provision or contributions	3.7	Provision of facilities on alternative sites may not always be to the benefit of residents.	-	Noted. Whilst on-site provision of facilities is the preferred method for planning obligations, this is not always practicable and therefore a monetary contribution can be made. Any proposed alternative site is required to be appropriate, and being beneficial to the residents of the proposed development for which the planning obligation pertains would be a criterion when assessing the alternative site.	

Full Name	Company / Organisation	Section or Annex	Paragraph	Summary comments	Changes requested	Royal Borough response	Proposed modification to document
Lucy Eady	MDA for Greenwich Shopping Park Unit Trust	3. Specific requirements for provision or contributions	Table 3.1	This states that ALL applications for town centre uses will be required to make contributions to transport etc. This is contrary to CIL Regulation 122. SPD cannot state that ALL apps should make a contribution as there may be circumstances where they are not required. Contributions must directly relate to the proposed development.	-	Noted.	Table 3.1 will have the word 'all' removed from the beginning of each type of qualifying development, and Table 3.1 re-titled 'developments that trigger contributions.'
Katherine Simpson	Transport for London	3. Specific requirements for provision or contributions	Table 3.1	Table 3.1 the final B1, B2/B8 D2 and sui-generis use classes appear to split contributions and monitoring.	Contributions and monitoring should be sought from all these uses.	Noted	Table 3.1 will be amended accordingly.
Waite		4. Procedure for completing a planning obligation	4.22	Conflict with the Draft Deed of Planning Obligation para 12. Late penalty interest payment above 4% of Lloyds Base Rate, or at 4% of Lloyds Base rate?	Rectify the discrepancy	Agreed	Inserted "above" in 4.22
Katherine Simpson	Transport for London	4. Procedure for completing a planning obligation	4.4	Paragraph 4.4 refers to pre-application advice. It would be helpful to include reference to the Greater London Authority (GLA) pre application service for applications referable to the Mayor and to the TfL service for those applications for development which could raise strategic transport issues. The following links may also be helpful: https://www.london.gov.uk/priorities/planning/strategic-planning-applications/preplanning-application-meeting-service and http://www.tfl.gov.uk/info-for/urban-planning-and-construction/planning-applications/pre-application-advice	Refer to GLA pre application advice	Agreed	Amendment made to add "The GLA also provides a pre-application service."
Brenda Taggart	CCRA	4. Procedure for completing a planning obligation	4.12	Concerned that viability will be used to get out of providing affordable housing	Rearrange the paragraph. Last sentence becomes sentence 2.	Noted.	Paragraph 4.12 will include the following sentence at the end of the paragraph: <i>The Royal Borough has consulted on a Local Information Requirements List, which, if adopted, is expected to require that all viability appraisals must be submitted at application stage alongside other planning documents, and that this appraisal will be published in unredacted form for public consultation.</i>
Brenda Taggart	CCRA	4. Procedure for completing a planning obligation	4.20	What is the precise date of the annual report?	Specify date of annual report	The annual report of contributions received and pending, and the projects that have received funding will be published in an authority monitoring report. This document normally published at the end of December, covers the previous financial year.	-
Heather Vickers	Planning Potential for Linden Homes	4. Procedure for completing a planning obligation	4.20	Support the inclusion of information on the spending of S106 moneys. This information should appear annually in the AMR or in annual reports to be published on the website.	Publish annual record of how S106 money is spent	The annual report of contributions received and pending, and the projects that have received funding, will be published in an authority monitoring report. This document, normally published at the end of December, covers the previous financial year.	-

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Brenda Taggart	CCRA	4. Procedure for completing a planning obligation	4.22	Conflict with the Draft Deed of Planning Obligation paragraph 12 in the draft model s106 agreement. Late penalty interest payment above 4% of Lloyds Base Rate, or at 4% of Lloyds Base rate?	Rectify discrepancy	Agreed	Paragraph 4.22 will have the word 'above' inserted into the last sentence.
Richard Baglin	Greenwich Society	4. Procedure for completing a planning obligation	4.8	Public statutory consultation for planning obligations and statements of proposed obligations is the bare minimum. The council should provide factual material for community representatives to comment. For example an up to date infrastructure delivery plan would help to determine if the proposed provision for schools which the developer for the Peninsula proposes is appropriate.	-	Noted	-
Brenda Taggart	CCRA	Annex A Affordable Housing		Concern that not enough affordable housing is being delivered. Developers being allowed to provide off-site affordable housing will not contribute to mixed and balanced communities.	-	Noted. Over the last five years of published data, Royal Greenwich has had 42% of gross housing completions delivered as affordable, exceeding the policy requirement for 35%. This figure is from Table 4.2.2 of the 2012/13 Royal Greenwich Authority Monitoring Report.	-
Waite		Annex A Affordable Housing		Concern that not enough affordable housing is being delivered. Developers being allowed to provide off-site affordable housing will not contribute to mixed and balanced communities.	-	Noted. Over the last five years of published data, Royal Greenwich has had 42% of gross housing completions delivered as affordable, exceeding the policy requirement for 35%. This figure is from Table 4.2.2 of the 2012/13 Royal Greenwich Authority Monitoring Report.	-
Malcolm Hockaday	NLP for Cathedral	Annex A Affordable Housing		Policy 3.12 of the London Plan states that negotiations on sites should take account of development viability.	The Annex should be amended to state that the 35% affordable housing should be subject to viability	Paragraph 1.10 of Annex A states: <i>The requirement of 35% of homes in new development to be delivered as affordable housing is a minimum. The Affordable Housing Viability Assessment (July 2011, updated December 2012) for the Core Strategy demonstrated that this amount is viable, and that 'there are some circumstances where a higher provision of affordable housing (50%) and other planning obligations could be delivered, not least as the housing market recovers.'</i> Paragraph 4.12 in the SPD recognises that financial viability concerns may arise and will be taken into account.	-

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	NLP for Spenhill	Annex A Affordable Housing		Inflexible approach contrary to planning policy and guidance could undermine the delivery of affordable housing. Strongly recommend that Annex A makes explicit reference to viability testing and site specific circumstances alongside affordable housing targets.	Refer to viability	Paragraph 1.10 of Annex A states: <i>The requirement of 35% of homes in new development to be delivered as affordable housing is a minimum. The Affordable Housing Viability Assessment (July 2011, updated December 2012) for the Core Strategy demonstrated that this amount is viable, and that 'there are some circumstances where a higher provision of affordable housing (50%) and other planning obligations could be delivered, not least as the housing market recovers.'</i> Paragraph 4.12 in the SPD recognises that financial viability concerns may arise and will be taken into account.	-
Neil Smith	Knight Dragon	Annex A Affordable Housing	-	The Annex should state in line with the NPPF para 173 that viability should not be threatened. Policy 3.11 and 3.12 of the London Plan should be referenced.	Refer to London Plan and NPPF on affordable housing.	Paragraph 4.12 in the SPD recognises that financial viability concerns may arise and will be taken into account. Para 1.4 of Annex A already states: <i>"The approach to the delivery of affordable housing via planning agreements is determined by Development Plan policies set out in the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (July 2014) (the 'Core Strategy') and in the Mayor's London Plan (March 2015)."</i> It is considered that no further reference to policies or guidance is necessary here.	-
Heather Vickers	Planning Potential for Linden Homes	Annex A Affordable Housing	1.10 1.11	35% affordable housing as a minimum is contrary to PPG Guidance and inflexible. PPG guidance states "where LAs are requiring affordable housing obligations or tariff style contributions to infrastructure, they should be flexible in their requirements." (Para 006) The 70/30 split between social and affordable rented and 30% intermediate is not sufficiently flexible.	Financial viability should be included in "Requirements for Affordable Housing"	Para 4.12 in the SPD recognises that financial viability concerns may arise and will be taken into account. The recommended 70:30 split is set out in supporting text for Policy H3 of the Core Strategy. As guidance, the SPD should be in general compliance with the Core Strategy.	-
Richard Baglin	Greenwich Society	Annex A Affordable Housing	1.15	The figure of £100,000 in lieu of affordable housing does not take account of the size, quality or value of residential units. It is inflexible and fails to meet Regulation 122 – Obligations should be "fairly and reasonably related in scale and kind to the development."	-	The figure of £100,000 is based on the average cost per square metre for local authority new build units.	-
	Transport for London	Annex B Transport		It would be helpful to provide links to the TfL advice on Transport Assessments and Travel Planning that is available on the TfL website.	Refer to TfL advice on travel planning and transport assessments	Agreed.	Amended to add: TfL advice on transport assessments and travel planning is available from the following websites: http://www.tfl.gov.uk/infofor/urban-planningandconstruction/transport-assessment-guidance and http://www.tfl.gov.uk/infofor/urban-planning-and-construction/travel-plans

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Lucy Eady	MDA for Greenwich Shopping Park Unit Trust	Annex B Transport	2.11	SPD cannot charge for items which are generic on the CIL 123 List such as transport	Do not include improved transport facilities in the vicinity unless required to make the development acceptable in planning terms.	Noted.	Para 2.11 deleted. Para 210 amended to state: "All developments will be required to provide necessary on site transport infrastructure and facilities. The levels of contributions expected will be calculated on a case by case basis to reflect the impact of the development and the need for improved transport facilities in the vicinity."
Catherine Whyte	Port of London Authority	Annex B Transport	2.14	The PLA would like to see reference made to use of the river bus services in line with the Great London Authority's River Action Plan (February 2013), which seeks to increase the number of passenger journeys on the Thames to 12 million people per year by 2020.	Amend para 2.14 to read: "A Travel Plan should aim to reduce reliance on the private car, minimise the need to travel to and from the site, promote car clubs and promote the use of sustainable forms of transport, including river bus services. "	Agreed.	Amended para 2.14 to read: "A Travel Plan should aim to reduce reliance on the private car, minimise the need to travel to and from the site, promote car clubs and promote the use of sustainable forms of transport, including river bus services. "
Neil Smith	Knight Dragon	Annex B Transport	2.17 2.22	Most of the transport facilities on the Peninsula will be delivered on site. The Peninsula development should not contribute £30 per residential dwelling towards parking enforcement as "the Peninsula has its own parking enforcement duties." No contributions should be made for pedestrian and cycling routes as these are provided on site.	-	The charge within CPZ is for additional enforcement activity.	Paragraph 2.17 is amended for clarity to read: "Where new developments are proposed within a new or extended Controlled Parking Zone a contribution for additional enforcement activity in the vicinity of the development will be required. The level of the charge will vary depending on the size and location of the development." Paragraph 2.22 is amended to read: "As part of their proposals, developers should incorporate safe and attractive routes for pedestrians and cyclists on site. Where existing links to and from the development are not satisfactory, contributions will be sought for local neighbourhood-level improvements. The Royal Borough will seek provision or financial contributions towards the cost of providing or enhancing the pedestrian and cycling environment to and from the site +(including tactile paving, improved signage and facilitating better local permeability to the strategic walking and cycling networks) The total financial contribution sought will depend on the scale, impact and nature of the development."
Malcolm Hockaday	NLP for Cathedral	Annex B Transport	2.17 2.18	£30 tariff for car parking per residential unit in a controlled parking zone. Charge for five years membership of car club. Under NPPG three tests, the obligations must be justified and evidenced, not by reference to a standard formula. CIL Reg 122 makes it clear that any financial contributions should be restricted to the sum necessary to offset the impact of the proposal. Standard formula tariffs dismissed in appeal decisions: Thurrock Shopping Park (APP/M1595/A/14/2222646) 22 Oct 2014 Lowesden Works Business Park (APPW0340/A/12/2177100) 7 Jan 2013	Remove tariffs	Comments on CPZ charge are noted. The charge is for additional enforcement activity. RBG's current Car Club provider for on-street bays is City Car Club whose annual membership charge is £60 per annum. ZipCar, who also operate from private developments in the Borough, is £59.50 per annum. It is considered that the five years membership obligation at £60 per annum is reasonable.	Paragraph 2.17 is amended for clarity to read: "Where new developments are proposed within a new or extended Controlled Parking Zone a contribution for additional enforcement activity in the vicinity of the development will be required. The level of the charge will vary depending on the size and location of the development."

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Heather Vickers	Planning Potential for Linden Homes	Annex B Transport	2.17	Understand the rationale behind the contribution for CPZ enforcement but not where CPZ already exists, only for new CPZ. Where one exists there is already an enforcement regime in place. Not needed to make the development acceptable in planning terms. See high court judgement: Oxfordshire CC v SOS CLG (2015) EWHC 186 (Admin)	Remove requirement for £30 per residential unit where CPZ already exists	The charge is for additional enforcement activity.	Paragraph 2.17 is amended for clarity to read: "Where new developments are proposed within a new or extended Controlled Parking Zone a contribution for additional enforcement activity in the vicinity of the development will be required. The level of the charge will vary depending on the size and location of the development."
Heather Vickers	Planning Potential for Linden Homes	Annex B Transport	2.18	Car clubs vary in relation to how they are funded, eg membership of Hertz 24/7 car club is free for all households.	Requirements of the financial contribution for car clubs should be applied more flexibly	Car club contribution is calculated by the formula costs of annual car club membership x 5 (no of years) x number of new units. If the cost of membership is zero, then the contribution will be zero. However RBG's current Car Club provider for on-street bays is City Car Club whose annual membership charge is £60 per annum. ZipCar, who also operate from private developments in the Borough, is £59.50 per annum. It is considered that the five years membership obligation at £60 per annum is reasonable.	-
Katherine Simpson	Transport for London	Annex B Transport	2.2	It may be helpful to add "to ensure the appropriate transport mitigation measures are secured through the s.106 agreement."	Add clarification	Agreed.	Paragraph 2.2 is amended to add "...to ensure the appropriate transport mitigation measures are secured through the s.106 agreement."
Malcolm Hockaday	NLP for Cathedral	Annex B Transport	2.2	Annex B of the SPD defines the types of transport infrastructure for which contributions will be sought- "Non-strategic transport matters (including but not limited to) site specific matters needed to make development s acceptable in planning terms" But the draft Reg 123 List is not explicitly limited to strategic transport, rather it suggests all transport "excepting site specific matters needed to make the development acceptable in planning terms".	Clarify the intention to avoid double charging	Agree that Paragraph 2.2 should be clarified. The wording of the Regulation 123 List explicitly states that site specific matters will not be funded through the CIL when it says "excepting site specific matters"	Paragraph 2.2 is amended to read: "For the purposes of this annex, the types of transport infrastructure for which contributions will be sought are confined to non-strategic site specific transport matters needed to make developments acceptable in planning terms such as access ways which serve the development, or the provision, improvement or enhancement of transport infrastructure required to accommodate the increased usage due to the pull of the development. Transport contributions will be relevant to all qualifying applications that result in a net increase in passenger trips to ensure the appropriate transport mitigation measures are secured through the s.106 agreement."
	NLP for Spennyhill	Annex B Transport	2.2	Paragraph 2.2 says contributions will not be confined to site specific measures. The tariff based approach comes up against the limitation of "pooling" contributions, and there is potential to disconnect individual sites from development.	The wording of the SPD should make it clear there is no double dipping. Reconsider the tariff based approach	Noted.	The wording of 2.2 is revised for clarity to reflect that s106 contributions will be confined to site specific measures which also addresses any perceived disconnect between the payment and the development. RBG understands the pooling restrictions.
Katherine Simpson	Transport for London	Annex B Transport	2.21	If the development requires changes to the highway on the Transport for London Road Network (TLRN) it will be necessary to enter into a S.278 agreement with Transport for London.	-	Noted.	-

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Malcolm Hockaday	NLP for Cathedral	Annex B Transport	2.22	Provisions for pedestrians and cyclists. "the total financial contribution sought will depend on the scale and nature of the development but would ALWAYS INCLUDE..." The items mentioned for inclusion are strategic transport matters included in the Regulation 123 List for CIL	Remove transport items listed in 2.22	Planning obligations sought relating to transport matters will only be those items which directly link to the development	Paragraph 2.22 will be amended.
Lucy Eady	MDA for Greenwich Shopping Park Unit Trust	Annex B Transport	2.22	Contributions sought cannot be based on a tariff system, e.g. £5 per square metre for cycle training or walking/cycling signage. The only contributions should be to make the development acceptable in planning terms. Also, walking and cycling signage located outside the development site would be "strategic infrastructure" as it would not be directly related to the site or the development.	Remove tariff for off-site signage and training	A tariff based system is not unlawful but such contributions must only be sought to make the development acceptable in planning terms. Signage located outside the development site can be site specific infrastructure where such signage is required to serve the development site for example sign posting the development site for users of the developments	Paragraph 2.22 will be amended and changes have been made to cycle training contributions and walking/cycling signage in paragraphs 2.22 to 2.24.
Lucy Eady	MDA for Greenwich Shopping Park Unit Trust	Annex B Transport	2.3 (actually 2.2)	SPD cannot say that contributions will be including but not limited to site specific matters needed to make developments acceptable in planning terms.	Must be site specific needed to make the development acceptable in planning terms	Noted.	The wording of 2.2 is revised for clarity to reflect that s106 contributions will be confined to site specific measures.
Lucy Eady	MDA for Greenwich Shopping Park Unit Trust	Annex B Transport	2.8	This states that ALL qualifying developments will be required to make contributions to public transport. This is contrary to CIL Regulation 122. SPD cannot state that ALL applications should make a contribution as there may be circumstances where they are not required. Contributions must directly relate to the proposed development.	None suggested	Noted.	For clarity Paragraph 2.7 is reworded to state that "transport contributions may be triggered". In Paragraph 2.8 the word "all" is deleted.
Neil Smith	Knight Dragon	Annex C Employment and Training		The standard methodology for calculating employment and training contributions is recognised but should not apply to the Peninsula. Peninsula can provide its own training, employment and recruitment via contractors, and a GLLAB office can be put on site, and therefore the rates should be recognised as maximum rates.	-	Where developments provide training and employment which is approved by the Council, then the impact and planning harm would be negated and is akin to an "in-kind provision"	-
Heather Vickers	Planning Potential for Linden Homes	Annex C Employment and Training	3.2	Para 3.2 states "where sufficient provision is delivered as part of the development itself or directly by the developer, further contributions will not be sought" Does this mean "NO contributions will be sought"?	Revise to clarify that NO contributions will be sought in these circumstances	No contribution will be sought if the planning harm has been negated by the developers making sufficient provision.	-

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Lucy Eady	MDA for Greenwich Shopping Park Unit Trust	Annex C Employment and Training	3.5 3.7 3.8	Contributions for employment and training must be considered on a case by case basis, not a tariff system. Basing the contribution on floor area has no link to the number of people that may be employed on the site and does not take account of any training schemes already operated by the user. Also GLLaB is a Greenwich wide scheme, is not site specific and would not directly relate to the proposed development.	Remove GLLaB tariff	Where training schemes are already provided by the user and such schemes are acceptable to the Royal Borough, then these schemes will be taken into account in calculating the amount, if any, of any GLLaB contribution. In addition, the assumptions supporting the proposed rate have been reassessed and the amount reduced to £10/m ² . This figure can be justified; however the proposed rate represents an average cost to the Royal Borough to provide local employment and training, and therefore the rate will be adjusted depending on the exact nature of the development proposal.	
Malcolm Hockaday	NLP for Cathedral	Annex C Employment and Training	3.8 3.12	The rate of £1,000 per dwelling represents an increase of 33% since 2008. This is extreme if applied systematically and in contrast to Regulation 122. Para 3.2 states that the figures represent the cost of current training and operation costs, but no further evidence is provided. The figures should be fully justified.	A standard tariff per unit is contrary to CIL Reg 122. Each proposal should be handled on a case by case basis	Noted. The assumptions supporting the proposed rate have been reassessed and the figure can be justified. The amount proposed will be adjusted depending on the exact nature of the development proposal. The rate of £1,000 per dwelling is an average cost to the Royal Borough to provide local employment and training.	
	NLP for Spenhill	Annex C Employment and Training	3.8	Reconsider the tariff based approach for the above reasons	Reconsider the tariff based approach	Noted. The assumptions supporting the proposed rate have been reassessed and the figure can be justified. The amount proposed will be adjusted depending on the exact nature of the development proposal. The rate of £1,000 per dwelling is an average cost to the Royal Borough to provide local employment and training.	
Neil Smith	Knight Dragon	Annex D Monitoring, Review, Legal and Professional Fees		The uplift of 3% should be a maximum figure. It is more appropriate for officers to maintain a record of time spent and fees will be charged accordingly as per the Legal and Technical fees	-	Noted. However, there are circumstances where the Royal Borough can require a planning contribution towards the monitoring of a s106 agreement. Therefore, alternative wording will be inserted for clarity.	Paragraph 4.10 is amended to read: “The council will monitor to ensure that the terms of the planning obligation agreements are being adhered to as part of its public function as the local planning authority. However, there are circumstances where the council will request a contribution towards the monitoring because the monitoring would involve excessive time, effort and resources. Examples of when a monitoring contribution would be requested are where the development would require monitoring and input across several council departments, developments which would require monitoring over several years such as phased schemes.”

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Lucy Eady	MDA for Greenwich Shopping Park Unit Trust	Annex D Monitoring, Review, Legal and Professional Fees	4.10	Where monitoring of a development is not required to make the development acceptable in planning terms this should not be included in the S106 agreement. A flat rate fee of 3% does not allow for individual circumstances and goes against the provisions of Regulation 122. See High Court judgement January 2015 Oxfordshire County Council v Sec of State for CLG [2015] EWHC 186 (Admin)	Remove flat rate for monitoring and compliance costs	Noted. However, there are circumstances where the Royal Borough can require a planning contribution towards the monitoring of a s106 agreement. Therefore, alternative wording will be inserted for clarity.	Paragraph 4.10 is amended as above.
Malcolm Hockaday	NLP for Cathedral	Annex D Monitoring, Review, Legal and Professional Fees	4.10	Strongly object to 3% payment for monitoring, compliance, legal, professional fees is unreasonable- a tariff which does not reflect the amount of work done on each case. High court judgement: Oxfordshire CC v SSCLG and ORS CO/4757/2014.	Re-word to remove the uplift tariff	Alternative wording in place for clarity	Paragraph 4.10 is amended as above.
	NLP for Spenhill	Annex D Monitoring, Review, Legal and Professional Fees	4.10	3% payment for monitoring, compliance, legal, professional fees is unreasonable, does not meet statutory tests of CIL Regulation 122, not necessary to make a development acceptable in planning terms- a tariff which does not reflect the amount of work done on each case. High court judgement: Oxfordshire CC v SSCLG and ORS CO/4757/2014.	Remove standardised monitoring and compliance fee	Alternative wording in place for clarity	Paragraph 4.10 is amended as above.
Heather Vickers	Planning Potential for Linden Homes	Annex D Monitoring, Review, Legal and Professional Fees	4.10	3% payment for monitoring, compliance, legal, professional fees is unreasonable, does not meet statutory tests of CIL Regulation 122, not necessary to make a development acceptable in planning terms. Fees could be sought in exceptional circumstances only however this will need to be reasonable, fully justified and evidenced in compliance with Regulation 122 and NPPF para 204.	Remove the flat rate 3% contribution	Alternative wording in place for clarity	Paragraph 4.10 is amended as above.
Brenda Taggart	CCRA	Model S106 Agreement	7.8	Meaning of "deed" is not clear to the lay person	Clarify "deed"	Noted.	"Deed" shall be defined within the final s106 Model agreement for clarity.
	Collins and Coward for Derreb Ltd	Model S106 Agreement	Section D	Low Emission Transport Scheme. It is impractical and unenforceable to require residents to buy a certain type of vehicle.	Delete or redraft Section D	Noted.	The Low Emission Transport Scheme in the S106 Model Agreement will be reviewed.
	Collins and Coward for Derreb Ltd	Planning Obligations Calculator		It is not legally compliant to fail to consult on the Calculator. It will be unsound for the SPD to be used as a material consideration.	Consult on the Calculator	There is no statutory obligation on the Royal Borough to consult on the calculator. The SPD was consulted upon and the contents therein contain the figures to be used in the calculator.	-
Angela Gemmill	Marine Management Organisation	S106 SPD		No specific comments. Explains Marine Plans.	-	Noted.	-
Piotr Behnke	Natural England	S106 SPD		The appropriate use of Green Infrastructure would be an ideal outcome to secure for new development, or where development is occurring this would help to provide much needed green space. Provided the higher level SEA was carried out thoroughly and appropriate actions were put in place avoid negative impacts there is not an issue with this the screening assessment recommending no SEA for this document.	-	Noted.	-
Sally Miles	Dalton Warner Davis	S106 SPD	-	Flat rate contributions for large format stores can be prohibitive.	Identify a cap or add text highlighting that the proposed text is indicative.	It is not considered that large format stores should be exempt from the charging regime.	-

Full Name	Company / Organisation	Section or Annex	Paragraph	Summary comments	Changes requested	Royal Borough response	Proposed modification to document
Charles Muriithi	Environment Agency	S106 SPD	-	Would support a reference to sustainable drainage and on site drainage solutions such as green roofs and other surface water storage.	-	The <u>Greener Greenwich SPD</u> gives guidance to developers on installing on site drainage and green roofs.	-
Tony Ferris	Highways Agency	S106 SPD	-	No comment	-	Noted.	-