

# Planning Obligations

## Supplementary Planning Document

### Consultation Statement for Public Consultation on First and Second Drafts

January 2021



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## Introduction

- 1.1 The Planning Obligations Supplementary Planning Document (SPD) provides guidance on how planning obligations are secured from new development. Planning obligations are legal obligations entered into by the developer with the local planning authority under Section 106 (S106) of the Town and Country Planning Act 1990 in order to mitigate the impacts of a development proposal.
- 1.2 Following the adoption of the Tower Hamlets Local Plan (2020), the Planning Obligations SPD is being reviewed to provide updated guidance on how Local Plan policies related to planning obligations will be implemented.

## Purpose of this Consultation Statement

- 1.3 This Consultation Statement has been prepared in accordance with Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.4 It sets out the following for the two public consultations on the draft SPD:
  - The persons the local planning authority consulted when preparing the supplementary planning document
  - A summary of the main issues raised by those persons
  - How those issues have been addressed in the supplementary planning document

## First Public Consultation

- 1.5 Public consultation on the first draft of the SPD ran for 10 weeks from Friday 13 March to Sunday 24 May 2020. The consultation was originally planned to run for 6 weeks but was extended to provide more time for consultees to respond due to the disruption of covid-19.
- 1.6 The consultation included the following:
  - The consultation documents, an online survey and FAQs were made available on the Council's dedicated consultation webpage 'Let's Talk Tower Hamlets' (<https://talk.towerhamlets.gov.uk/planning-obligations>).
  - The consultation documents were made available for inspection at Mulberry Place Town Hall and the Council's Idea Stores / libraries. However, it should be noted that once the Government announced lockdown plans in response to Covid-19, Idea Stores / libraries were closed for public safety and therefore these copies would no longer have been accessible. In response to this, the Let's Talk Tower Hamlets webpage was updated to encourage the public to contact Council officers directly if they had questions about the draft Planning Obligations SPD.
  - An email providing details of the consultation was sent to those on the Council's Local Plan consultation database. This includes statutory consultees as well as to those parties who had indicated an interest in being kept up to date on the development of the SPD.

## Consultation Statement - Planning Obligations SPD

- An advert was placed in the Docklands and East London Advertiser providing details of the consultation.

### Second Public Consultation

1.7 Public consultation on the second draft of the SPD ran for six weeks from Thursday 8 October to Thursday 19 November 2020.

1.8 The consultation included the following:

- The consultation documents, an online survey, the consultation summary from the first public consultation, FAQs and a statement regarding the impact of coronavirus were made available on the Council's dedicated consultation webpage 'Let's Talk Tower Hamlets'. A track changed version of the second draft SPD was also available on request.
- The consultation documents and consultation summary report for the first public consultation were made available for inspection at Mulberry Place Town Hall.
- An email providing details of the consultation was sent to those who had provided feedback during the first consultation and to those on the Council's Local Plan consultation database which includes statutory consultees as well as to those parties who had indicated their interest in being kept up to date on the development of the SPD.
- An advert was placed in the Docklands and East London Advertiser providing details of the consultation.

### Consultation Responses

1.9 The Council's consultation webpage was visited over 1,000 times across both public consultations. The first draft Planning Obligations SPD was viewed / downloaded 314 times and the second draft Planning Obligations SPD was viewed / downloaded 141 times.

1.10 The Council received 30 email responses to the first consultation and 18 email responses to the second consultation.

1.11 The comments received during the first and second consultation are set out in Appendices 1 and 2 respectively, along with the Council's response to the comments. Where comments received have resulted in changes to the draft Planning Obligations SPD this is also identified in the tables.

1.11.1 Appendix 1, Table 2 and Appendix 2, Table 4 cover comments received from multiple respondents who provided similar feedback on certain topics. These have been summarised and organised by topic.

1.11.2 Appendix 1, Table 3 and Appendix 2, Table 5 cover the remainder of comments received and are organised by respondent.

## Consultation Statement - Planning Obligations SPD

1.12 The online survey was completed by three contributors, two during the first consultation and one during the second consultation. Their responses to the survey questions are summarised in Table 1 and where additional comments were provided these are included in the relevant appendix.

Table 1: Responses to online survey from first and second consultation

Survey question	Response
To what extent do you agree the draft SPD provides sufficiently clear guidance on the typical planning obligations the council will seek to secure?	<ul style="list-style-type: none"><li>• Agree – 3 responses</li></ul>
To what extent do you agree the threshold and contribution requirements in the draft SPD are clear, appropriate and reasonable?	<ul style="list-style-type: none"><li>• Neither agree nor disagree – 1 response</li><li>• Disagree – 1 response</li><li>• No response – 1 response</li></ul>
To what extent do you agree that the formula for determining contributions in the draft SPD is clear, appropriate and reasonable?	<ul style="list-style-type: none"><li>• Neither agree nor disagree – 1 response</li><li>• No response – 2 responses</li></ul>

**Appendix 1 – Consultation Responses on First Draft Planning Obligations SPD**

**Table 2: Specific Topics**

Table 2 covers certain topics / sections of the first draft SPD which received similar representations from multiple respondents. These have been summarised and the Council’s response provided.

Respondents	Summarised Representations	Council’s Response	Amendments made to SPD?
<b>Ashbourne Beech Property Limited, Canary Wharf Group, Regal London</b>	<u>Negotiating Planning Obligations:</u> Feedback queried what the timeframe would be for the Council to prepare a first draft of a s106 agreement and requested that text be included in the draft SPD to enable Applicant’s solicitors to be able to prepare a first draft if required.	Timeframes for completion of the legal agreement are dependent on a variety of factors and as such timeframes will be agreed with the applicant at the time the legal agreement is drafted.  The Council will not typically accept the developer / applicant preparing a first draft as this doesn’t necessarily result in a faster process. Any alternative to this would have to be agreed with the Council first.	No
<b>Ashbourne Beech Property Limited, Canary Wharf Group</b>	<u>Planning Obligations Statement:</u> Comments received noted that the requirement for a Planning Obligations Statement does not align with the Council’s validation checklist and is onerous and that the text in paragraphs 4.5 – 4.7 was confusing.	The reference to providing a Planning Obligations Statement was carried over from the 2016 SPD. However, as noted in the feedback this is not a requirement of Council’s current validation checklist so has been removed. The draft SPD has been updated to clarify paragraphs 4.5 - 4.7	Yes
<b>Canary Wharf Group, Ballymore Group, Far East Consortium</b>	<u>Viability:</u> Feedback raised general concerns in relation to the impact of the draft SPD on viability of schemes and queried the assumptions outlined in paragraphs 1.9 and 1.10 of the SPD. Comments noted that no evidence was provided to demonstrate the financial implications of the obligations in the draft SPD would be consistent with the £1,220 per residential unit and £20 per sqm commercial figures assumed. Comments also recommended that the “allowance” is agreed at an early stage between the applicant and officers and that the financial contributions sought accurately reflect it to ensure that developments are viable.  Some representations requested a flexible approach to payment, including instalment policies for CIL and staggering the triggers for payment of financial contributions.  Some representations noted the added uncertainty associated with the covid-19 pandemic and suggested a comprehensive review was required.	The Council has undertaken several assessments in relation to the viability of the Local Plan policies, CIL and planning obligations. These are summarised in the CIL Viability Study (2019), the CIL Additional Evidence and Information Document (2018) (which is associated with the CIL Charging Schedule, 2020) and the Tower Hamlets Local Plan Viability Assessment (2018).  These documents demonstrate that in general, the Local Plan policies, CIL and planning obligations can viably be delivered on schemes in the Borough. All of these assessments state that as they are borough-wide evaluations they do not reflect all possible specific circumstances that may impact viability. As such, it is important to note that the s106 allowance referred to in the draft SPD is an indicator, not a target. Planning obligations will still be subject to the specific circumstances and viability of individual schemes.  Paragraphs 1.9 and 1.10 of the draft SPD have been updated to clarify the assumptions that informed the s106 contribution allowance (including that it is a policy compliant development).  As s106 obligations are subject to negotiations and the site-specific characteristics of a scheme, the Council considers that the documents referred to above provide sufficient evidence for the proposed obligations in the SPD.  Paragraph 7.3 states that trigger points will be agreed between the developer and the Council based on the nature of the obligation and the stage at which the mitigation is required. If trigger points require review, we recommend this is raised with the Council as soon as possible. The payment of CIL is set out in legislation and can’t be adjusted by the Planning Obligations SPD.  The Council recognises the economic uncertainty resulting from covid-19. However, we consider that this is best addressed on a case-by-case basis in order to be able to deal with planning obligations pragmatically.	Yes
<b>St William, Aberfeldy New Village LLP, Far East Consortium, Savills</b>	<u>Viability Review Mechanism:</u> Comments received requested: <ul style="list-style-type: none"> <li>An increase on the 24 months period where it can be justified</li> <li>Noted that viability review mechanisms should not be applied as a blanket approach as they can add unnecessary uncertainty.</li> </ul>	Paragraph 4.23 outlines the principles for viability review and notes that they will dependent on the circumstances of each case. As such, the wording already allows for discretion and consideration of site-specific circumstances. The Council also notes that the principle of 24 months is an increase from the 2016 SPD which stated 12 months.	No

	<ul style="list-style-type: none"> <li>Noted that the requirement for a mid-term review prior to the implementation of later phases could delay construction on multi-phase developments</li> <li>Requested that for that the word 'substantial' is removed.</li> </ul>	<p>As a general principle, mid-term reviews are necessary to capture the changes to markets/ business cycles that occur during a long-term scheme. If the scheme is particularly complex and may require a different timeframe or approach, we recommend that this is discussed with the Council early in the application process.</p> <p>Paragraph 4.23 of the draft SPD outlines the principles for viability review mechanisms and the Council considers that 'substantial implementation' is an appropriate trigger to use in most instances.</p> <p>If a scheme is particularly complex and may require a different timeframe or trigger, we recommend that this is discussed with the Council early in the application process.</p>	
<p><b>Hillstone, Regal London</b></p>	<p><u>Small Sites Affordable Housing – objection to general proposal to secure AH from minor applications:</u></p> <p>Representations did not support the proposal to secure Affordable Housing form small sites (less than 10 units) noting that it was inconsistent with the National Planning Policy Framework (NPPF) and the Secretary of State's response to the 'Intend to Publish' version of the new London Plan.</p>	<p>The Tower Hamlets Local Plan was prepared in accordance with the National Planning Policy Framework (NPPF) 2012 under the transitional arrangements specified in the NPPF 2019 and has subsequently been approved by the Planning Inspector and adopted by the Council.</p> <p>The Local Plan specifically requires the Planning Obligations SPD to provide further information on the contribution required by the small sites policy.</p> <p>We note that a final decision regarding the approach in the new London Plan is still yet to be released.</p>	<p>The small sites contribution hasn't been removed. However, the approach to calculating the contribution has been updated as addressed below.</p>
<p><b>Hillstone, Regal London</b></p>	<p><u>Small Sites Affordable Housing – objection to calculation methodology:</u></p> <p>Representations objected to the proposed calculation methodology noting that it differs from what is identified in the 'Affordable Housing Contributions for Small Sites Topic Paper', does not account for the value that Affordable Housing has to a developer and would generate a much higher affordable housing contribution than that suggested by the Topic Paper having significant implications for the viability of schemes.</p>	<p>These comments are noted. The Council agrees the formula included in the first draft didn't consider the complexities of affordable housing delivery and could have impacted the viability of minor schemes.</p> <p>The formula has been reviewed and a new approach which aligns with the Small Sites Policy Paper has been prepared and is included in the second draft for consultation. The new approach is set out in a separate spreadsheet showing the information and assumptions which feed into the calculation</p> <p>We note that the Small Sites Policy Paper assumed the policy would apply from 1-10 units, however, this is not the case in the Local Plan policy (as major development is defined as 10 or more units). As such, the sliding scale has been adjusted from what is stated in the paper to align with Local Plan policy.</p>	<p>Yes</p>
<p><b>Aberfeldy New Village LLP, Canary Wharf Group, Londonewcastle, Far East Consortium, Savills</b></p>	<p><u>Specialist Housing</u></p> <p>Feedback requested Specialist Housing be defined and for greater clarity on how it would be secured by s106, including whether it would count towards Affordable Housing provision.</p> <p>Some comments also requested recognition that the higher build costs and more extensive space requirements should be reflected in viability considerations.</p>	<p>Specialist Housing is defined in the Local Plan. This definition has now been included in the SPD for clarity.</p> <p>Planning obligations will be sought for developments delivering Specialist Housing in accordance with Local Plan Policy D.H4 (and the associated explanation). Obligations will be considered on a case-by-case basis subject to the specific circumstances of the scheme. For clarity, we note that this obligation is not requiring the delivery of specialist housing in all developments, the obligation will only be considered in instances where the scheme proposes to include specialist housing.</p> <p>Paragraph 5.19 of the SPD notes that developers are encouraged to deliver Specialist Housing as Affordable Housing, however, this isn't a policy requirement. This paragraph also specifies developments which include specialist housing should discuss how this will be balanced with Affordable Housing as early as possible. This will depend on the specifics of the development, including viability information.</p>	<p>Yes</p>

		The Council recognises that the delivery of specialist housing can include additional costs. This is why paragraph 5.19 of the SPD states the need to balance Specialist Housing against general needs Affordable Housing.	
<b>Ashbourne Beech Property Limited, Canary Wharf Group, Far East Consortium, Savills, Muse Developments</b>	<u>Intermediate Housing:</u> Representations did not support the requirements to restrict marketing of intermediate housing units to LBTH residents for three months, noting that it could result in delays and / or impact the uptake of the development.	The Intermediate Housing section in the draft SPD outlines LBTH preferred approach to how Intermediate Housing should be marketed. This is considered necessary to help address the housing need in the Borough.  As detailed in the Local Plan, Tower Hamlets faces an acute housing need, including delivery of housing for local people on average-to-medium incomes. The marketing of Intermediate Housing to local residents for the first three months is considered necessary to help address this need. This approach aligns with the guidance set out in the London Housing Strategy.	No
<b>Far East Consortium, Savills</b>	<u>Wheelchair accessible housing:</u> The Draft SPD states that at least 10% of all new housing units across all tenures must be wheelchair accessible. It is requested that this draft obligation is clarified to ensure consistency with relevant policy and Building Regulations.	The draft Planning Obligations SPD text has been updated to better align with wording in the Local Plan.	Yes
<b>St William, Ashbourne Beech Property Limited, Canary Wharf Group, Far East Consortium, Savills</b>	<u>End User Skills and Training contribution:</u> Comments received were generally opposed to the increase or sought an explanation as to why the increase was required.	In the first draft Planning Obligations SPD the End User Phase Skills Training cost was increased from the average of NVQ Level 2 to NVQ Level 3. This was in recognition of the Council's commitment to supporting more residents to receive NVQ Level 3 training which will enable them to upskill.  In response to the feedback received during the first public consultation we have reviewed this further. The updated formula in the Second Draft of the SPD is now based on the average of NVQ Level 2 and 3. We consider that this is an appropriate representation of the training the Council will support with these contributions.	Yes
<b>St William, Canary Wharf Group</b>	<u>Penalties approach to Employment, Skills Training and Enterprise obligations:</u> Comments received were opposed to the inclusion of a 'penalties' approach to these obligations, noting that it is onerous and does not meet the Regulation 122 tests.	The section relating to penalties for Employment, Skills, Training and Enterprise obligations has been removed in the second draft Planning Obligations SPD.	Yes
<b>St William, Ashbourne Beech Property Limited, Canary Wharf Group</b>	<u>Affordable Workspace Strategy:</u> Comments received stated that the requirement to submit the strategy 18 months prior to occupation was unrealistic and that the Council should be required to provide comments within a set period.  Feedback also noted that consideration should be given to phased developments and requested the strategy be tied to commencement of a phase rather than completion.	The draft SPD has been updated to note that the obligation will require the AWS to be submitted 12 months prior to occupation. This timeframe is required to enable the Council to review and provide feedback on the strategy as well as ensuring that enough time is available for marketing of the space.  The draft SPD has been updated to recommend a 2-month timeframe for the Council to respond to the AWS.  The draft SPD has been updated to acknowledge that the AWS should be tied to the relevant phase(s) of development. However, the Council is still requesting submission be tied to completion.	Yes
<b>Ballymore Group, Regal London, Canal and River Trust</b>	<u>Open Space – water spaces:</u> Comments received noted that the wording in the draft SPD did not align with Local Plan policy and by requiring a buffer on all developments adjacent to water spaces would not allow for consideration of site specifics / flexible design. Representations requested the obligation be amended and / or deleted.	The SPD guidance has been updated to better reflect Local Plan Policy D.ES4, including that the stated buffer distances will not be required where significant constraints are evidenced. This guidance has also been moved to the 'Flood Risk' section of the SPD.	Yes
<b>Far East Consortium, Savills</b>	<u>Carbon Emission Reduction:</u> Comments queried why the carbon off-set price had increased from the 2016 SPD and requested that financial contributions consider any on site measures and design features.	As detailed in Local Plan Policy D.ES7, the cash-in-lieu offset will be sought for emissions that aren't offset on-site.  The carbon off-set price in the Planning Obligations SPD (2016) was informed by the Greater London Authority Guidance on Preparing Energy Assessments (April 2014). The London Plan (Intend to Publish version) (December 2019) and Draft Energy Assessment Guidance (GLA,	No



		April 2020) include an updated nationally recognised non-traded price of £95/tonne. As such, the draft Planning Obligations SPD has been updated to align with this change.	
<b>New City College, St William, Ashbourne Beech Property Limited, Aberfeldy New Village LLP, Canary Wharf Group, Londonewcastle, Far East Consortium, Ballymore Group, Regal London, Muse Developments, Savills</b>	<u>Development Co-ordination and Integration:</u> Responses did not support the proposed contribution / approach, noting that it does not meet the Regulation 122 tests and is not justified by Local Plan policy. Some responses also noted that the management of developments are already managed through Construction Management Plans.	The Development Co-Ordination and Integration section of the SPD has been updated to provide more detail on why this contribution is being sought, the development impacts that it will help mitigate and how it differs from Construction Management Plan and the Considerate Constructors Scheme. The calculation for the financial contribution has also been reviewed and reduced based on the feedback received.	Yes
<b>Ashbourne Beech Property Limited, Aberfeldy New Village LLP, Canary Wharf Group, Londonewcastle, Far East Consortium, Ballymore Group, Savills, Muse Developments</b>	<u>Air Quality:</u> Comments received stated that the blanket approach of calculating obligation was too onerous and / or didn't meet the Regulation 122 tests and should be amended / deleted as a result.  Responses also sought clarification on how air quality would be monitored and how spending of contributions will differ from carbon offset charges.	The Air Quality section of the SPD has been updated to provide greater clarity on the instances in which a planning obligation may be sought.  As noted in the first Draft of the SPD, contributions secured through the air quality obligation will go towards delivering the objectives of the latest Tower Hamlets Air Quality Action Plan and carbon offset obligations will go towards delivering the Carbon Offset Solutions Study and LBTH Zero Carbon Roadmap.  We recognise that the implementation of solutions for reducing carbon emissions can have co-benefits for air quality. However, this isn't exclusively the case as many interventions to address carbon emissions cover a broader scope than air quality. With the proposed update to the Air Quality section, a financial contribution would only be sought where the development does not meet the 'air quality neutral standard' required by Local Plan policy.	Yes
<b>St William, Ashbourne Beech Property Limited, Aberfeldy New Village LLP, Londonewcastle, Far East Consortium, Ballymore Group, Savills, Muse Developments</b>	<u>Design certification:</u> Some responses were opposed to the obligation noting that it fails to meet the Reg 122 tests and that detailed design should be addressed by planning consent and conditions.  Other responses queried how this would apply in instances where multiple architects are involved (i.e. large multi-phase sites).	The design certification obligation guidance has been updated to provide more specificity on the instances in which this obligation will be sought. This will be where there is uncertainty about whether the application design intent will be realised and where this cannot be addressed via conditions.  The Council agrees that there may be other options such as conditions or design codes that will be more appropriate in some cases. As such, this obligation will be considered on a case-by-case basis and will be dependent on the specifics of the development.	Yes

**Table 3: Remaining Representations**

Table 3 addresses the remaining representations from the first draft Planning Obligations SPD, organised by respondent and with the Council's response provided.

Respondent	Summarised Representations	Council's Response	Amendments made to SPD?
<b>Resident</b>	How is it decided/agreed that affordable housing on- or off-site cannot be provided? Who makes the decision that affordable housing is not feasible for a residential site? Will commuted sums be guaranteed to be invested in affordable housing? How will the Council ensure this is done?	<p>The Council's priority is always for affordable housing to be provided on-site in the first instance (as set out in the Local Plan). The Council will only consider the delivery of off-site affordable housing or a commuted sum in exceptional circumstances with a commuted sum being the last resort. As such, commuted sums for Affordable Housing are not common.</p> <p>Exceptional circumstances can include site constraints which may make it impossible to deliver all the different tenures on one site, it can also include schemes that have already been built where tweaks to internal arrangements may produce additional private units.</p> <p>The decision would be considered on a case-by-case basis, taking into account the specifics of the scheme. It is a collective decision between the Housing, Development Viability and Development Management Teams.</p> <p>If a commuted sum is agreed for a scheme, the legal agreement will specify that the funds are to be used for the delivery of Affordable Housing. The Council would then use this money to support an appropriate project/s from the Housing Capital Programme.</p>	No
<b>Resident</b>	It is vital that this is encouraged to improve the local employment rates and encourage people to gain life-skills. Apprenticeships (p. 25-6) were also vital for developments in order to encourage upskilling and social cohesion.	Support noted	No
<b>Resident</b>	Affordable workspaces were an essential component of encouraging SMEs in developing. I agree this should be a requirement of developments - it would also encourage a diverse and culturally interesting mix of workers/residents in an area.	Noted	No
<b>Resident</b>	Education is, of course, a priority, from early learning through to FE/HE. Developments must factor in these elements of a healthy, robust social and cultural mix.	Noted	No
<b>Resident</b>	Open spaces must be a part of the dialogue surrounding new developments. This ties in with environmental sustainability and a zero-carbon borough - this must be a priority. This is continued from p. 46 and 50, where biodiversity and the social needs in a high-density environment. This should be emphasised, especially in such a socially and culturally diverse Borough.	Noted	No
<b>Resident</b>	Quality of design of new developments is vital to a socially diverse and culturally rich environment. It feeds into public well-being and health. How is design quality assessed? Can/are community groups (be) brought into comment/challenge (where needed) new developments? Local residents have to live with these new developments, and we have a right to state if we think something is not enriching in our neighbourhood.	<p>Design quality is assessed at every stage of the planning process. The requirement for new development to achieve a high standard of design is set out in national, regional and local planning policy and guidance. The council is required to ensure that any approval for new development meets these standards.</p> <p>In some cases, development proposals are referred to the council's Conservation and Design Advisory Panel [CADAP], which provides independent professional design and conservation advice.</p> <p>Local residents, either as individuals or in community groups, are able to comment on the design of proposed developments. For larger</p>	No

Respondent	Summarised Representations	Council's Response	Amendments made to SPD?
		<p>schemes, developers will often hold a public consultation to present their plans for the redevelopment of a site and give local residents and other interested parties the opportunity to comment. When a planning application is submitted, the council publishes details of the proposal and invites comments from the public. Residents have the opportunity to support or object to development proposals. The council is required to give careful consideration to any objections raised and address these in planning reports.</p> <p>Further detail about how the residents can get involved in the planning process is provided in the Council's Statement of Community Involvement.</p>	
<p><b>Aberfeldy New Village LLP</b></p>	<p><u>General:</u> The LLP are supportive of the draft SPD's objectives and are in agreement that providing greater direction on planning obligations can provide greater certainty to developers. The LLP are particularly supportive of discussions on the likely Heads of Terms to be begun early in the planning process and during pre-application discussions.</p> <p>Notwithstanding the above, the LLP are acutely aware that the timing of this SPD's consultation is problematical owing to the current climate due to the Covid-19 pandemic. The LLP question the appropriateness of consulting on this document at a time when it is particularly difficult to quantify the SPD's impacts and when the viability of schemes is being pulled into question due to the pandemic's impact on the development industry, with the closure of construction sites, delays in manufacturing and the resultant market uncertainty.</p> <p>The LLP note that providing comments on the draft SPD without knowing the full impacts the Covid-19 pandemic will have on the development industry is difficult and complex. We urge that this is taken into account and that the draft SPD is for the time being reflected upon until there is greater certainty. It is intrinsic that this draft SPD does not halt development's ability to come forward, particularly at a time when it would be inappropriate to add additional financial burden at a time when it is difficult to deliver development that is viable.</p>	<p>Support for early discussions on Heads of Term is noted.</p> <p>Concerns about consulting during the pandemic are noted. The consultation started prior to the lockdown and before the full implications of Covid-19 were known. Following consideration, the Council decided to continue the consultation so that feedback on the first draft could be submitted. This aligned with direction from the Government to try and continue business as usual as far as practicable. The consultation was extended to account for the disruption caused by covid-19. A second consultation is planned prior to adoption of the new SPD to provide the public with a second opportunity to provide feedback.</p> <p>The Planning Obligations SPD requires updating to align with the new Local Plan and any changes to Local Plan policy as a result of covid-19 will need to happen at a more strategic level than the SPD. However, it should be noted that the Council is committed to working with developers in the Borough to address the uncertainty resulting from Covid-19 as schemes come forward.</p>	<p>No</p>
<p><b>Aberfeldy New Village LLP</b></p>	<p><u>General:</u> The LLP would also like to make an overarching comment that the draft SPD's application to large-scale, multi-phased redevelopment, representing a complex arrangement of development and infrastructure issues has the potential to be problematic. Such developments do not lend themselves to a Boroughwide blanket set of planning obligation requirements or formula. There must be recognition that large scale and complex sites at the heart of opportunity areas must be the subject of site-specific arrangements where necessary to ensure their delivery.</p> <p>The LLP highlight that at the heart of the SPD, there must be enough flexibility to ensure planning obligations can be tailored appropriately to best suit site specific needs and requirements. There must be recognition within the SPD that some developments are complex to bring forward for redevelopment and would have tailored planning obligations. We do not currently feel that the draft SPD suitably achieves this.</p>	<p>The feedback relating to large scale and complex sites is noted. As noted in your response, the SPD provides Borough-wide guidance and therefore cannot account for all site-specific circumstances that may arise.</p> <p>Instead the draft SPD notes that the type and range of planning obligations will depend on the particular development and its impacts. In addition, obligations are required to meet the Regulation 122 tests. The SPD also encourages applicants to discuss planning obligations early in the planning application process so that the site-specifics can be discussed and considered.</p>	<p>No</p>
<p><b>Aberfeldy New Village LLP</b></p>	<p><u>Approach to development mitigation and infrastructure delivery:</u> The LLP welcome the recognition that non-financial obligations whereby the developer builds and directly provides the obligation is often preferable and "be credited to the scheme and will off-set financial contributions that may otherwise be sought."</p> <p>However, the LLP raise concerns that this statement is ambiguous. It states at Para 2.2:</p> <p>"Contributions may be financial or non-financial (including 'in kind' where the developer builds or provides directly the matters necessary to fulfil the obligation) and are negotiated as part of planning applications."</p>	<p>Section 2 of the draft SPD provides general guidance on the approach to securing contributions. Section 5 of the SPD provides further details on how different contributions may be secured.</p> <p>While we appreciate the need for certainty, in-kind delivery will typically need to be negotiated and agreed on a case-by-case basis as it will depend on the specifics of a scheme.</p>	<p>No</p>

Respondent	Summarised Representations	Council's Response	Amendments made to SPD?
	Further information is sought for what would constitute as an 'in kind' contribution, in order to give developers greater certainty. It would be counter to the draft SPD's aspirations to discourage developers from the direct delivery of public benefits without the assurances this will be taken into account and as part of a wider viability picture.		
<b>Aberfeldy New Village LLP</b>	<u>Wheelchair accessible housing:</u> The LLP acknowledge the need to provide homes which are suitable for a range of occupiers, including those with disabilities. However, the SPD should state that final provision of wheelchair and specialist housing will be agreed subject to viability. Once again, the addition of a potential commuted sum formula on page 20 is helpful, however, the formula should require payment in line with those associated with the provision of specialist housing on site.	The provision of wheelchair accessible housing is Local Plan policy (refer Policy D.H3 and paragraph 9.44 of the Local Plan). As such, we recommend that non-compliance with this policy is discussed as soon as possible with the Council (preferably during pre-application discussions).  Paragraphs 1.9 and 1.10 of the SPD outline the assumptions made in the CIL Charging Schedule Viability Study and note that planning obligations will take into account the viability of a development. This is a general statement which applies across all obligations outlined in the SPD and therefore hasn't be repeated in every section.	No changes made as a result of this feedback, however, please note that the wheelchair accessible housing section has been updated in response to other feedback.
<b>Aberfeldy New Village LLP</b>	<u>Employment, Skills, Training and Enterprise:</u> The SPD states that the Council will seek to secure a minimum 20% of the total value of contracts, which procure goods and services during the construction phase of the development, to be fulfilled using firms located within the borough.  The LLP acknowledge the need for local people to benefit from the opportunities which stem from development, particularly the opportunities which arise from the construction. Typically, the construction tendering/procurement is a competitive and complex process, and, for major development (especially tall buildings) specialist experienced contractors with a proven track record will usually be required to undertake the significant proportion of the works.  On this basis, the SPD should allow some flexibility in order to respond to the requirement for specialist contractors and recognising the possibility that in some instances securing a minimum of 20% of the goods and services from firms within the Borough may not be possible. The LLP are of the view that the percentage of goods and services procured locally should be decided on a site by site basis and by having regard to the nature of the development.	The draft SPD outlines the Council's expectation when it comes to Local Enterprise. If there are particular circumstances relating to a scheme that require consideration, we recommend these are made clear as early as possible in the application process (preferably during the pre-application stage).  Taking these considerations into account is something that the Council already does. In addition, these matters are typically discussed during inception meetings with the economic benefits team.	No
<b>Aberfeldy New Village LLP</b>	<u>Affordable workspace:</u> Whilst the principles of affordable workspace are supported, the LLP do have some concerns in relation to the currently proposed draft requirements. For example, the draft wording states that affordable workspace will be secured for commercial developments of 1,000 sqm (GIA) or more; or for mixed-use developments of 1,000 sqm (GIA) or more of commercial space. Policy E3 of the draft new London Plan states that Boroughs should consider detailed affordable workspace policies considering local evidence of need and viability. These may include policies on site-specific locations or defining areas of need for certain kinds of affordable workspace. On this basis, it is our view that the affordable workspace requirements should be assessed on an individual site basis taking account of viability and other benefits provided by the proposals.	Local Plan Policy D.EMP2 sets out the requirement for 10% of floorspace to be let at a minimum of 10% below the indicative market rate. The Local Plan also notes that these are minimum targets, and anything above will be subject to viability.  Therefore, this obligation responds to the adopted Local Plan policy.	No
<b>Aberfeldy New Village LLP</b>	<u>Transport, Highways and Public Realm:</u> The LLP are supportive of the aspirations behind the transport, highways and public realm improvements to mitigate development impacts. However, further information is sought, and this is subject to detailed wording, to ensure development is not hindered by unreasonable demands outside of their control.	We recommend that the Planning Obligations SPD is read in conjunction with the Local Plan which will provide more context to the topics mentioned.  Any contributions sought in relation to transport, highways and public realm will consider the specifics of the development and will be agreed with the applicant	No
<b>Aberfeldy New Village LLP</b>	<u>Children's Play Space:</u> The LLP support the principle of providing new high-quality play space as part of development proposals, consideration to site specific context, and existing open space / play space within the vicinity of the site should also be taken into account.	If the full amount of play space required by the Local Plan is provided on-site the Council would not seek a financial contribution for off-site provision. If only part of the required play space is provided on-site, we would require a financial contribution for the portion that isn't provided.	No

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	The LLP also consider that S106 contributions should only be used where play space is being secured off-site via a financial contribution. If play space is being provided on-site, there is no longer a requirement for a S106 contribution for off-site provision.	This is addressed in the text box titled 'Circumstances for Off-Site Provision or Financial Contributions' as on-site provision is expected in most instances.	
<b>Aberfeldy New Village LLP</b>	<u>Carbon Emission Reduction:</u> The SPD should acknowledge that there may be practical considerations which mitigate against the CO2 emission reduction standards being met. Off-set financial contributions should only be sought where the payment of such sums will not impact on development viability.	Developments are expected to meet the carbon dioxide emission reduction standards set out in Local Plan Policy D.ES7. Where these standards are not met a cash-in-lieu contribution to offset is required. This policy requirement was assessed as part of the Local Plan Viability Assessment.  If a development cannot meet this policy requirement, we recommend that this is discussed as early as possible in the application process.	No
<b>Ashbourne Beech Property Limited</b>	<u>General:</u> The Council should carefully consider the way the draft SPD seeks to impose significant additional financial and non-financial obligations. These will impact the ability to deliver on the core Council priorities of housing and employment. At present the draft SPD fails to reflect the adopted planning policy and if taken forward in its current format will fetter the delivery of sustainable development.	Concerns are noted. A number of updates have been made in the second draft of the SPD. In addition, paragraphs 1.9 and 1.10 of the draft SPD have been updated to provide further information about the viability information which supports the draft SPD. However, we note that planning obligations sought for specific developments will consider the individual viability of the scheme.	Yes
<b>Ashbourne Beech Property Limited</b>	<u>Introduction:</u> The wording says the guidance seeks to provide clarity on the likely combination of the borough CIL and S106 planning obligations to “support a development’s planning acceptability.” The use of the word “acceptability” should be further considered. Whilst S106 obligations are used to mitigate the perceived harmful impacts of a scheme, the inclusion or absence of certain obligations does not necessarily mean a scheme is acceptable in planning terms. It is too simplistic to attribute S106 planning obligations as equating to planning acceptability. It implies that development is only acceptable because of its S106 obligations which is not always the case.	The use of "acceptability" was intended as link to the Regulation 122 tests. Paragraph 1.1 has been updated to avoid confusion relating to the use of acceptability.	Yes
<b>Ashbourne Beech Property Limited</b>	<u>Negotiating Planning Obligations:</u> Details of the applicant’s solicitor are required to be submitted at application stage. Is this a further change to the validation checklist? Will the applicant have these details (and the title information) at application stage?	Providing details of the applicant’s solicitor is not a validation requirement. The draft SPD has been updated to clarify this. This information is requested to enable the Council to prepare a first draft on the legal agreement, however, if this information isn’t available at the time the application is submitted it can be provided at a later stage.	Yes
<b>Ashbourne Beech Property Limited</b>	<u>Negotiating Planning Obligations:</u> Where the full range of planning obligations cannot be met (almost all schemes) a draft viability assessment is recommended to be submitted at pre-application stage. Whilst the rationale for this is understood and, as a principle, supported will the recommendation become a requirement? If a draft viability assessment is submitted what is the commitment of the Council to review and feedback on the draft? Experience does not encourage this approach.	The Council may seek to assess any viability assessment submitted at an early stage (at the discretion of the Council) to assist with pre-application discussions, however, this is not a requirement. This can allow for early discussions and consideration of the viability of the scheme and can help resolve concerns prior to the formal application as well as enabling more prompt decisions.  Given that an applicant may wish to revise their scheme following pre-application discussions, it may not be appropriate to undertake a full viability review if there are other significant areas of planning that need to be considered. Where appropriate, the Council will seek to undertake a full review (subject to costs), however, such discussions and reviews often take place after a formal submission is made.	No
<b>Ashbourne Beech Property Limited</b>	<u>Negotiating Planning Obligations:</u> The text says that there is a minimum “required” level of affordable housing. The wording is unfortunate. The policy has a target level to be achieved subject to viability. The draft should be amended.	This paragraph refers to developments which are eligible for the fast track process not the amount of affordable housing that is required (which is addressed in Section 5 of the SPD).	No

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		The draft wording reflects the Intend to Publish version of the London Plan.	
<b>Ashbourne Beech Property Limited</b>	<u>Affordable, Self-build, Temporary, Specialist and Intermediate Housing:</u> The section is titled "Standard obligations and charges". Can it be clarified if the draft is saying that all developments should provide for all the types of obligations? It is assumed not. If so, the layout/structure of the section should be amended to avoid potential confusion.	General Affordable Housing is required by all residential developments (major and minor) in accordance with Local Plan policy. The guidance relating to different housing products is relevant in instances where a development proposes to include these products. The SPD does not (and cannot) require developments to provide for all products listed.  Some amendments to the layout of the Affordable Housing section of the draft SPD have been made for clarity. The various forms of affordable housing tenure have been separated as they have different requirements and the need for planning obligations won't be necessary in all circumstances.	Yes
<b>Ashbourne Beech Property Limited</b>	<u>Affordable Housing – Major Applications:</u> The wording at the second sentence which says residential schemes "must" deliver 35% - 50% affordable housing. This should be amended. The policy sets a target level of affordable housing to be achieved, subject to viability.  Threshold and contribution requirements box: Under the heading "on-site provision", the first sentence refers to affordable housing being delivered on-site. This should be amended. The policy sets out a hierarchy to the provision of affordable housing, starting on-site, then off-site. It is incorrect to say that provision is to be delivered on-site.	The draft SPD wording has been updated to better reflect the Local Plan. The Local Plan requires 35% Affordable Housing as a minimum, subject to viability. This is reflected in the updated wording.	Yes
<b>Ashbourne Beech Property Limited</b>	<u>Employment, Skills, Training and Enterprise:</u> This is the supporting text to the threshold and contribution requirements for local employment skills and training. The wording should be expressed as a target as opposed to an absolute. The text also refers to 20% local jobs for both construction and end use. It is especially important therefore that the 20% is expressed as a target.	The SPD text for this obligation states "The Council will seek to secure a minimum 20% of the total value of contracts". This is already expressed as a target. In addition, a minor change to the text in paragraph 5.45 in the second draft has been made to reflect this.	Yes
<b>Ashbourne Beech Property Limited</b>	<u>Employment, Skills, Training and Enterprise:</u> It is unclear why the Council consider that best endeavours should be achieved for meeting the employment obligations. The adopted SPD sets out an expectation of Reasonable endeavours. Also, how does and on what basis does the Council determine if Best endeavours are not achieved?	The draft SPD has been updated to remove reference to best endeavours. This will be agreed on a case-by-case basis when legal agreements are drafted instead.	Yes
<b>Ashbourne Beech Property Limited</b>	<u>Affordable Workspace:</u> The text refers to 'employment' and 'commercial' premises. The guidance is likely to confuse as to what uses this obligation will apply. The definition should relate back to the adopted policy.  Can the policy references be identified for the requirement that the affordable workspace (for those schemes under 300 sqm) is let out directly to start up and SME's in Tower Hamlets? Can the same be provided in respect of the requirement for priority to re-accommodating existing local SME businesses in the borough? This needs careful consideration. What, for example, of those sites near the borough boundary?  Threshold and contribution requirements box: The wording fails to accord with adopted policy. Policy D.EMP2 does not require 10% affordable workspace to be provided on site. It simply states that at least 10% of new employment workspace should be provided as affordable workspace. The supporting paragraphs to D.EMP2 specifically acknowledge the potential that such provision may not be on site. It is inappropriate therefore that the draft SPD seek to introduce new policy.	The Affordable Housing section wording has been updated to better reflect the Local Plan policy wording.  The two aspects of the SPD identified in the comment are not policy requirements, however, the Council encourages and supports developments including these. The draft SPD has been updated to reflect this.  The wording has been updated to better reflect the policy wording. However, it should be noted that the Council's expectation is that Affordable Workspace should be provided on site in the first instance. It is only in the exceptional circumstances set out in paragraph 10.26 of the Local Plan where alternatives will be considered.	Yes
<b>Ashbourne Beech Property Limited</b>	<u>Early Years Education and Care Facilities:</u> Can it be explained how the requirement for early years' education provision as a S106 obligation sits with the Council CIL regime? The Council's Explanatory note accompanying the revised CIL Charging Schedule 2020 includes at para 3 the clear statement that a Regulation 123 List has been prepared and that S106 obligations will not be sought for those items on the List. Public Education Facilities are included on the list of strategic infrastructure items to be funded by CIL.	The early years' education obligation in the draft SPD does not require the inclusion of these spaces in schemes. It is intended to provide guidance on the key matters of consideration to the Council in the event that a scheme comes forward that includes an early years' education facility.	No

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	It is unreasonable for the draft SPD to now seek S106 obligations for education facilities in addition to collecting the mandatory CIL payments.	While the Regulation 123 list is still a useful guide to what the Council will use CIL for, the 2019 CIL Regulations removed the requirement to have a Regulation 123 list. While the TH Regulation 123 list includes 'public education facilities', the Council would not usually use CIL money for early years' education facilities.	
<b>Ashbourne Beech Property Limited</b>	<u>Transport, Highways and Public Realm:</u> The Council need to tread carefully in how the matter of transport related contributions are sought. The CIL Regulation 123 List makes clear that CIL will address strategic infrastructure needs to serve more than those needs arising from individual developments. It is important therefore that in seeking to secure funding for improvements to ATZ, the Council (and TfL) act reasonably and proportionately. Any request for funding must be backed up by detailed analysis of the sum sought and a clear explanation of the matters to which the funding is to be put. It is not acceptable for the applicant to be presented with a lump sum figure with no or limited justification.	As outlined in paragraph 5.76, contributions to healthy streets / Active Travel Zones may be sought where developments do not integrate with these programmes. Any contribution of this nature would be considered on a case-by-case basis and would take into account the specifics of the development. The Council is not proposing a blanket approach to contributions of this nature.	No
<b>Ashbourne Beech Property Limited</b>	<u>Open Space and Access:</u> Public access – Threshold and contribution requirements box: The text in the supporting paragraphs should be reflected in the box wording. Specifically, the acknowledgement of the ability to offset CIL through over provision of publicly accessible open space. The Council should provide guidance as to how any offset might be calculated. Public access and use for community events must be carefully considered and addressed in any S106 wording. Making available of land for public access does not result in a change in ownership. Wording in any S106 will need to be carefully considered bearing in mind the constraints of ownership.	The supporting text in the Open Space and Access section outlines the different mechanisms that the Council may use to secure open space while the blue text box provides guidance on matters to be included in a s106 legal agreement. As such, it is not considered necessary to include the CIL-in-kind information in the text box. However, we note that this does not reduce the meaning or weight of the guidance.  The calculation of CIL-in-kind will be considered on a case-by-case basis with consideration of the specifics of the site.  The comments relating to public access are noted. The specific wording of any s106 legal agreement would be discussed and agreed with the applicant.	No
<b>Ashbourne Beech Property Limited</b>	<u>Zero-Carbon Borough:</u> The wording would appear to conflict with the stated objective at para 5.100. Para 5.104 says developments should be as close as possible to zero carbon yet para 5.100 says it is essential all developments are zero carbon. The guidance should accurately reflect policy.	Wording has been updated to better reflect the Local Plan Policy text.	Yes
<b>Ashbourne Beech Property Limited</b>	<u>Monitoring Fee:</u> The Council need to justify the scale of monitoring fees which go significantly beyond those set out in the current SPD. The current SPD seeks a flat rate of £500 per Head of Term. It is noted that the text in the adopted SPD says separate arrangements may be sought for complex S106 Agreements. Nevertheless, the scale of proposed change is huge and not justified. This level of fee is patently not justified.	As outlined in Section 6 of the of the draft SPD, there is extensive work undertaken by the Council to monitor delivery and compliance with obligations associated with a scheme.  The Council has not revised its approach to planning obligation monitoring fees since 2016. The approach to calculating monitoring fees in the First Draft of the SPD has been updated to better account for the variation in complexity of legal agreements than the current method. As such, this updated approach is considered to be fair and reasonable.	No
<b>Ashbourne Beech Property Limited</b>	<u>Trigger Points:</u> The Council should exercise discretion in the agreement of trigger points relating to the timing of obligations. In most instances, it will not be appropriate to seek obligations at the time the S106 agreement is executed.	As outlined in paragraph 7.3, triggers points will be agreed between the developer and the Council during the negotiation process. Obligations triggered upon the date the agreement is executed will only be included in appropriate circumstances and where agreed with the developer.	No
<b>Ashbourne Beech Property Limited</b>	<u>Monitoring and delivery of planning obligations:</u> The draft SPD must acknowledge that S106 obligations are to be applied to the purpose for which they have been sought. It is not sufficient to state they are to be used to fund projects in the borough that mitigate identified impact. The obligations should be directly related in scale and kind to the development they relate to. The Council should include text that acknowledges the obligations will be used for the stated purpose and, if not used within a reasonably specified period, the monies returned to the applicant/developer.	Regulation 122 sets out the statutory requirements for planning obligations, including that they should be directly related to the development as well as fairly and reasonably related in scale and kind. These requirements apply to all planning obligations and are outlined in paragraph 1.5 of the draft SPD.  The use of financial obligations within a certain timeframe will be addressed on a case-by-case basis taking into account the specific planning obligations in a given legal agreement and based on	No

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		discussions with the applicant. The Council does not consider it necessary to include this wording in the SPD.	
<b>Ballymore Group</b>	<p><u>Wheelchair Accessible Parking:</u> We welcome the support identified for off-site parking spaces or spaces on the public highway for disabled people (blue badge spaces) that are funded by the developer.</p> <p>Request the off-site parking approach be identified as a specific obligation within the SPD. Currently it is identified as supporting text only which breaks from the approach outlined for all other obligations within the document. This causes unnecessary confusion when interpreting the document.</p>	<p>Support noted.</p> <p>The SPD has been updated so that the wheelchair accessible housing obligation is in the same format as other obligations</p>	Yes
<b>Ballymore Group</b>	<p><u>Employment, Skills, Training and Enterprise:</u> The requirement for a sum to be contributed to the Council for construction training is supported however, the cost of £4 x sqm of the total new development floorspace (GIA) is essentially another levy on development proposals and has not been supported by viability evidence. As supported by paragraph 16 (b) of the NPPF we recommend the Council undertake to provide evidence to show the above cost identified is viable.</p>	<p>This cost has remained unchanged since the 2016 SPD and is based on an average construction training placement of £3,500 which takes into account the need for both soft skills training and accredited training; the average training cost is then divided by the minimum threshold of 1000sqm, (i.e. £3500/1000sqm) and rounded up to the nearest pound. This formula has been used since 2016 without issue to development viability.</p> <p>As outlined in paragraphs 1.9 and 1.10 of the draft SPD the viability study undertaken as part of the revised CIL Charging Schedule included an allowance for planning obligations. These paragraphs also recognise that individual site characteristics can impact viability and that planning obligations will take into account the viability of a development.</p>	No
<b>Ballymore Group</b>	<p><u>Employment, Skills, Training and Enterprise:</u> The requirement set out in this obligation is not justified through adopted policy within the Local Plan and therefore should be removed.</p> <p>The level of involvement required by this obligation is unnecessarily onerous and will inevitably be obstructive to development. We also have significant concerns that while Tower Hamlets has a diverse range of businesses, the obligation is not achievable as the Borough is not capable of supplying 20% of the value of construction sites as required.</p> <p>In addition, the level of involvement from the Council suggested in this obligation goes well beyond that necessary to meet the objectives of obligation. The production and management of tender event schedules and awarding of contracts are full time roles for multiple staff members on each site. Given the scale of development within the Borough, it is clear that the Council will simply not have the resourcing in place to review the information submitted. This risk delays to the approval of the necessary obligations, which will delay deliverability on site.</p> <p>While the concept of supporting local business is welcomed, neither the approach the 20% of construction value threshold or the mechanism to review information submitted is achievable in their current formats. NPPF Paragraph 55 is clear that conditions and obligations should be enforceable. Paragraph 56 of the NPPF states that the relevant clause must also be necessary to make development acceptable in planning terms. The proposed obligation meets neither of these tests and therefore should be removed.</p> <p>Notwithstanding the above, should an amended approach to the policy be pursued then we strongly suggest it follows that of an extant clause pursued successfully by the borough. The Council already require a local labour commitment scheme to be submitted during construction. A much more sensible approach would be to expand this to include local businesses and materials as well as labour. This would build on the recognised success of the local labour scheme using already identified means of communication.</p>	<p>The wording of the 'Local Enterprise' guidance in the First Draft of the SPD has not been substantially altered from the 2016 SPD and the approach outlined in this guidance has been successfully delivered since 2016. This includes majority of developments meeting the target for 20% of the total value of contracts during the construction phase as well as the Council reviewing submitted information in a timely and effective manner.</p> <p>The Council encourages early communication with the Economic Benefits Team and notes that this obligation will typically be discussed during any inception meeting with this team.</p> <p>It is noted that the first Draft proposed the inclusion of a section titled 'Failure to meet employment and enterprise obligation' which has been deleted in the second Draft. In addition, paragraph 5.51 in the second Draft has been updated to remove the bullet point stating that the local enterprise target is non-negotiable.</p>	No changes to the Local Enterprise guidance, however, some changes have been made to other sections.
<b>Ballymore Group</b>	<p><u>Monitoring Fee:</u> While a monitoring fee is reasonable, the need to recoup costs associated with the creation, and monitoring of S.106 Agreements is fully appreciated, the open-ended approach taken is unnecessary. The amount of resource invested in the monitoring of a S.106 Agreement is not directly proportionate to the overall cost of the obligations within it.</p>	As outlined in Section 6 of the of the draft SPD, there is extensive work undertaken by the Council to monitor delivery and compliance with obligations associated with a scheme. This applies to both financial and non-financial contributions.	No



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	<p>For instance, certain agreements can be relatively straightforward and simple to monitor but may contain a large financial contribution that would lead to a substantial monitoring fee under this obligation. Conversely, a detailed and resource intensive agreement albeit with low financial contributions would result in a lower monitoring fee.</p> <p>In order to be more proportionate to the resource and cost incurred by the Council we request that the clause be amended to reflect complexity of the S.106 Agreement and not simply the cost.</p>	<p>The Council has not revised its approach to planning obligations monitoring fees since 2016. The approach to calculating monitoring fees in the first Draft of the SPD has been updated to better account for the variation in complexity of legal agreements than the current method. As such, this updated approach is considered to be fair and reasonable.</p>	
<b>Ballymore Group</b>	<p><u>Reporting:</u> We request that the SPD outline a commitment to provide an annual update on where S.106 contributions are being spent within the Borough. This does not need to be a detailed financial account and a broad overview of the relevant investment programmes will be more than effective. This approach will ensure transparency and provide a clear understanding on the success of the aims of the obligations within SPD in seeking to improve the Borough</p>	<p>In accordance with the Community Infrastructure Levy (Amendment) Regulations 2019, Local Authorities are now required to prepare an Annual Infrastructure Statement from December 2020. This includes the information requested in the representation.</p>	No
<b>Ballymore Group</b>	<p><u>Consultation:</u> Given how this SPD could have a significant impact on future housing delivery for the reasons outlined in this representation, Ballymore request strongly that further detailed consultation is undertaken with key investors and developers in the borough.</p> <p>Such a forum should be convened before this draft document is progressed. Ballymore would be very happy to participate in such a discussion with fellow investors/developers so that the Council might benefit from the in-depth experience of those involved in the delivery of developments and how this SPD could be used positively to bring benefits to the Borough without jeopardising delivery.</p>	<p>The Council is undertaking two public consultations on the draft SPD so that anyone interested in the guidance document has the opportunity to provide feedback. We note that this goes beyond what is required by the Council's Statement of Community Involvement which only requires one consultation on the draft document.</p> <p>We also note that the Council hosts a Developers' Forum which Ballymore Group is invited to. Updates on the draft Planning Obligations SPD have been presented at two of these forums so far.</p>	No
<b>Bishopsgate Goods Yard Regeneration Ltd</b>	<p><u>Affordable Workspace:</u> There is no reference in adopted Local Plan policy of affordable workspace being provided "in perpetuity." The Draft SPD is therefore not in accordance with adopted Local Plan policy. The Local Plan refers to and makes clear that affordable workspace should be provided for a period of "at least 10 years."</p> <p>We therefore recommend that the reference to providing affordable workspace in perpetuity is deleted from the second bullet point on page 32 of the Draft SPD and all other relevant paragraphs.</p>	<p>The draft SPD wording has been updated to state that the discount level will be secured in the legal agreement for a period of at least ten years (in accordance with the Local Plan policy). The draft SPD also notes that the Council will support discount levels being secured for longer periods and where possible, in perpetuity, subject to viability.</p>	Yes
<b>Bishopsgate Goods Yard Regeneration Ltd</b>	<p><u>Affordable Workspace Strategy template:</u> Whilst this may be a useful tool for smaller schemes that trigger the threshold for affordable workspace provision and are schemes that are worked up in detail – the preparation of a strategy should not be blanket approach. Schemes where the provision of commercial floorspace is proposed in outline, such as that proposed at The Goods Yard, need to have sufficient flexibility in the approach to affordable workspace, as elements such as building layouts and indeed the overall quantum of commercial space have not been designed or finalised at application stage. Such details will be provided at reserved matters stage, when the specifics of the commercial space have been finalised. Therefore, any workspace strategy should be tailored accordingly to the site circumstances and individual application specifics.</p>	<p>The draft SPD has been updated to specify that in the case of Reserved Matters Application / phased development the submission of the Affordable Workspace Strategy will be tied to the phase which the affordable workspace is to be delivered in.</p>	Yes
<b>Canal and River Trust</b>	<p><u>Transport, Highways and Public Realm:</u> We have understood the Council's position to be that developer contributions for improvements to towpaths to support sustainable travel or recreation will need to be funded through CIL rather than s106, in the vast majority of cases. The draft SPD appears to indicate that there may again be greater scope for contributions to be secured through planning obligations, which we welcome.</p> <p>We welcome these paragraphs (5.73 and 5.75) and look forward to working with the Council to identify towpath improvements that can support new developments in these ways as they come forward. In particular, we suggest that there are opportunities to look at improvements on the Limehouse Cut, the Regent's Canal between the Hertford Union and Limehouse Basin, sections of the Hertford Union and parts of Docklands.</p>	<p>Support for these paragraphs is noted.</p> <p>Securing planning obligations towards towpaths will depend on the specific aspects of the development in question and the site-specific negotiations.</p>	No

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<b>Canal and River Trust</b>	<p><u>Open Space and Access:</u> The Council has identified most of the Trust's waterways in the borough as part of the Green Grid. We welcome para 5.88. However, we would suggest that, for clarity and consistency between the different sections of the document, para 5.88 should be amended to explicitly include financial contributions towards improving the strategic Green Grid itself, rather than just linkages to it and wayfinding.</p> <p>The 'water spaces' section on p40 seeks to secure new public access to water spaces. In principle, the Trust supports improved access to its waterways. However, it should be noted that developers do not have a right to connect developments to the Trust's towpaths without the Trust's consent. New access agreements must be negotiated with the Trust. The Trust must also reserve the right to close access to its towpaths in certain circumstances, such as to undertake maintenance.</p> <p>As the first part of the paragraph above relates to access to the water space, we are not clear whether the support for ongoing maintenance being secured through s106 only relates to new access points or to the towpaths / riverside paths themselves. We suggest that clarity on this should be provided.</p>	<p>Financial contributions to the Green Grid will be considered on a case-by-case basis. It will not always be appropriate or in accordance with the Regulation 122 tests to seek contributions towards improving the Green Grid.</p> <p>The Council agrees that the Trusts consent will be required for developments which want to connect to the Trusts towpaths. We consider that this is best addressed through the planning application process.</p> <p>Maintenance would only relate links to water spaces that have been safeguarded as public access in a particular development, not the CRT towpath.</p>	No
<b>Canal and River Trust</b>	<p><u>Biodiversity:</u> The Trust considers that there will be opportunities for new development to contribute to enhancements of the biodiversity of our waterways through the approach set out in this section. We welcome the specific mention of waterways in para 5.111</p>	Support is noted.	No
<b>Canal and River Trust</b>	<p><u>Development co-ordination and integration:</u> The Trust welcomes the proposal for the Council to 'manage construction sites and construction vehicles proactively'. Where possible, opportunities should be taken to reduce HGV movements associated with new development by making use of the ability to move construction materials and demolition/excavation waste as waterborne freight, as supported by the London Plan.</p> <p>In principle, the Trust welcomes our inclusion in the forum proposed in this section. However, we await more details of the scope and frequency of these meetings so that we can determine whether we are able to resource our participation in them.</p>	Support is noted.	No
<b>Canary Wharf Group</b>	<p><u>Apprenticeships:</u> CWG are concerned about the justification and scale of contributions for other policies including apprenticeships. No evidence has been provided to justify why an apprentice should be provided for each £5 million of build cost. Whilst CWG support the principle of supporting apprenticeships, this level of obligation is not appropriate without evidence to demonstrate that it meets the Regulation 122 tests.</p> <p>In addition, it is not considered to be practical or appropriate for apprenticeships to be required to be local. While efforts to encourage local employment will be made in order to meet the overall target of 20% local employment, due to the nature of apprenticeships, requiring these to be focused on Tower Hamlets residents alone could result in negative outcomes. Apprentices tend to move across projects to ensure they are able to get the required breadth of experience needed to complete their qualification. If apprenticeships are required to be local this could discourage their long-term employment which would be counterproductive to achieving the objectives being sought.</p> <p>The wording set out in relation to Apprenticeships currently states, "one apprenticeship should be secured for a minimum of one year" this should be revised to read "one apprenticeship should be secured for the equivalent of one year (52 weeks)".</p>	<p>The Construction Industry Training Board (CITB) framework recommends one apprentice per £3 million. The Council has increased this to £5 million provide greater flexibility and avoid putting strain on smaller developments.</p> <p>The Council considers that an important part of developments contributing to Policy S.EMP1 is through apprenticeships for local people. If certain apprenticeships cannot be filled by local people, this can be discussed with the Council's Employment and Enterprise Team on a case-by-case basis.</p> <p>The suggested wording to include '52 weeks' has been incorporated into the draft SPD.</p>	Yes
<b>Canary Wharf Group</b>	<p><u>Affordable Workspace:</u> Affordable Workspace policies (pages 28-30) which have the potential to undermine viability. CWG support the recognition in the policy (grey box on p31) that it should be subject to viability and site-specific considerations. However, consistent with paragraph 10.25 of the Local Plan, the policy should make clear its expectations about the level of discount and demonstrate how this has been verified as deliverable in viability terms alongside other obligations affecting viability including affordable housing and the proposed tariffs.</p>	<p>The Tower Hamlets Local Plan Viability Assessment (2018) provides an assessment of emerging Local Plan policies and was part of the Local Plan evidence base (available on the Council's website). The Local Plan Viability Assessment found that the Affordable Workspace requirements could viably be accommodated.</p> <p>The Assessment also states that it makes "overall judgements as to viability in the Council's area and does not account for individual site</p>	Yes

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	The policy should be reworded to be consistent with E.EMP2 of the Local Plan which requires 10% of new employment floorspace (not the affordable workspace itself) to be provided as affordable workspace. It should also make it clear that it relates to Gross Internal Area.	circumstances" and that this is appropriate given the purpose of the study. Based on this assessment the Council considers that this policy is viable, however, as outlined in paragraphs 1.9 and 1.10 the Council recognises that this will still be subject to the specifics of an individual development.  The draft SPD has been updated to reflect the Local Plan Policy as clearly as possible.	
<b>Canary Wharf Group</b>	<u>General:</u> For ease of use, the document should include a reference number for the policy text contained in the grey boxes, leaving the remainder as supporting text with paragraph numbers.	The second Draft SPD has been updated to include this.	Yes
<b>Canary Wharf Group</b>	<u>General:</u> Consistent with the NPPF (paragraph 54), planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The draft document includes a number of examples where conditions are more appropriate than obligations, including wheelchair housing and SUDs. The whole document should be audited to ensure that conditions are used in the first instance.	It is agreed that wheelchair accessible housing and SUDs will be addressed by conditions in most instances. The draft SPD has been updated to reflect this.	Yes
<b>Canary Wharf Group</b>	<u>Negotiating Planning Obligations:</u> Requirement for details of the applicant's solicitor to be provided: It should be made clear that these are to be provided separately to the formal application submission to comply with GDPR requirements.	The second draft of the SPD has been updated to clarify that the details of the applicant's solicitor can be provided separately.	Yes, in relation to solicitors' details.
<b>Canary Wharf Group</b>	<u>Negotiating Planning Obligations:</u> This refers to the Threshold Approach to affordable housing and, consistent with the London Plan, confirms that it will not be necessary to submit detailed viability information. Consistent with the requirement of Policy H5 of the Intend to Publish draft of the London Plan, it should be revised to make clear that only non-compliance with affordable housing matters, e.g. non-compliant tenure, would justify not following the fast track approach.  Providing such clarity will help to ensure that applications are dealt with in a consistent way with the focus on housing matters.  It is noted that paragraph 4.23 largely follows criteria F2 of Policy H5 of the Intend to Publish London Plan, but with slightly different wording and requirements. For consistency, and to avoid any ambiguity, the final SPD should be revised to cross refer to the London Plan and replicate exactly its text.	Amendments have been made to these paragraphs to more clearly explain the threshold approach and provide the relevant links back to the Local Plan and London Plan.	Yes
<b>Canary Wharf Group</b>	<u>Student Housing Development:</u> Update paragraph for clarity as follows: <u>'Where nil CIL liability is sought</u> , the higher education institution in question will be required to have at least one teaching facility in Tower Hamlets' CIL charging area.'	Suggested track changes have been included in the second Draft.	Yes
<b>Canary Wharf Group</b>	<u>Green Grid:</u> The Green Grid is extensive, and it is unclear whether contributions are likely to be required and any potential costs; which could be significant if new linkages are required rather than just signage. This should be clarified.	As noted in the SPD, contributions towards the Green Grid will be considered on a site-by-site basis. This is because contributions will need to consider the specific development aspects of a scheme. This may include financial or non-financial contributions but will be agreed with the applicant.	No
<b>Canary Wharf Group</b>	<u>Open Space and Access:</u> The part of the policy stating that '...No planning permissions will be granted in the buffer zones..' should be replaced with ' <u>Permission will only be granted for development in the buffer zones if it consistent with policies relating to flood risk.</u> ' Otherwise the SPD could preclude works, e.g. even by statutory undertakers, to improve flood mitigation.	This wording in the Open Space and Access section has been updated to better align with Local Plan policy. The changed wording is not exactly the same as the suggested track changes, however, we believe it achieves the intent of what was suggested in the feedback.	Yes
<b>Canary Wharf Group</b>	<u>Children's Play Space:</u> Constraints on many sites in the Borough are likely to limit the ability to provide on-site provision for older children. The policy needs to be more positively drafted to recognise that upgrading of existing provision will help to provide additional supply for children of 12 years and older. Suggested track changes were suggested to be made to the wording of the SPD.  Very detailed requirements about all manner of matters for the maintenance of play space are included. This is unnecessarily prescriptive and much of the detail can be deleted so that is only reads as follows:	Some of the requested track changes have been included in the second Draft. Reference to agreement with the Parks and Open Space Team has been retained as it is essential that any off-site / financial contribution is agreed with this Team as they know what opportunities exist to upgrade existing play space and will ultimately be responsible for delivery / maintenance.	Yes

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	<p><u>Maintenance</u>  <u>The requirement to maintain the play space will be the responsibility of the owner and will be secured through S106 agreement.</u></p>	<p>The Council considers that it is useful to developers to be clear on the level of maintenance expected for children's play space. As such, these track changes have not been included in the updated draft.</p>	
<p><b>Canary Wharf Group</b></p>	<p><u>Carbon Emission Reduction:</u> There is currently uncertainty about the timescales for the adoption of the London Plan and to ensure that SPD remains up to date and is not specifically tied to a certain contribution metric for offsetting, it should simply cross refer to the latest London Plan, with the following additional text added <u>'The Carbon off-set price should follow that set out in the most recently adopted London Plan.</u> At present the carbon off-set price is £60 per tonne of carbon dioxide which will be increased to £95 per tonne of carbon dioxide based on the adoption of the Intend to Publish London Plan carbon offset price, and any subsequent updates.'</p>	<p>Suggested track changes have been included in the second Draft.</p>	<p>Yes</p>
<p><b>Department for Education</b></p>	<p><u>Education Infrastructure:</u> The draft SPD notes that CIL will be collected for infrastructure projects including schools (p2), and that S106 will be used where an infrastructure requirement is not covered by CIL (p8). DfE considers that this may restrict LBTH's ability to robustly secure sufficient and justified developer contributions for schools. 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>As currently drafted, the SPD implies that primary and secondary school places may not be funded through S106. DfE's guidance sets out that 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 would therefore suggest that this is addressed, and the document amended, to make clear that it is not only CIL that is able to be used to fund new school places (as per the above paragraph).</p> <p>In relation to this, we would also propose the following wording updates to relevant paragraphs:</p> <p>Paragraph 1.2:  S106 agreements mitigate site-specific impacts to make the development acceptable in planning terms <u>and may include infrastructure provision as set out previously.</u></p> <p>Paragraph 3.8  S106 agreements will be used where planning conditions cannot address the identified pressure from a proposed development or an infrastructure requirement is <u>site-specific, and not covered-under-funded by CIL.</u></p> <p>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.</p>	<p>We recognise that the 2019 update to the CIL Regulations now allows for pooling of planning obligations. Regardless of this, the Council considers that given the strategic nature of schools, the most appropriate form of funding is CIL / CIL-in-kind.</p> <p>One of the ways Tower Hamlets plans for school infrastructure is through site allocations. This is detailed in Section 4 of the Local Plan, including the locations where primary and secondary schools are proposed.</p> <p>The suggested track change to paragraph 1.2 hasn't been included as this isn't considered a necessary change. The suggested change to paragraph 3.8 has been included in the updated draft.</p>	<p>Yes - Paragraph 3.8 only</p>
<p><b>Environment Agency</b></p>	<p><u>Water Demand Management:</u> We recommend that a planning obligation for water demand management is included as an additional topic within the SPD. A water demand management offset scheme should require a S106 contribution from developments that fail to meet the target for limiting potable water demand as specified by the Isle of Dogs &amp; South Poplar Integrated Water Management Strategy (IWMS, draft 2020). Contributions should be calculated on the basis of litres of potable water per head per day (l/h/d) above the target, encouraging developers to incorporate water efficiency measures, rainwater harvesting and greywater recycling.</p> <p>A planning obligation in the form of a commuted sum would be secured for off-site mitigation works, (subject to CIL regulations). The commuted sum would exclude fees set by the Council towards administering an</p>	<p>The Council will continue to work with the Environment Agency and GLA Infrastructure Team on water demand management and surface water management. It has been agreed since the time this representation was made that the Planning Obligations SPD will not address these matters and that different policy instruments will be explored instead.</p>	<p>No</p>

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	<p>application and inspection which will be required separately. Contributions would be pooled and used to reduce overall water demand for the area by:</p> <ul style="list-style-type: none"> <li>• funding domestic retrofit programmes with Thames Water</li> <li>• grants for commercial properties to install re-use systems</li> <li>• funding for water efficiency measures in council owned properties, social housing, and schools</li> </ul> <p>We note that while the IWMS is specific to the Isle of Dogs and South Poplar Opportunity Area and the East of the Borough Area Action Plan area within the London Borough of Tower Hamlets, we recommend the Council should consider extending a similar water demand management offsetting scheme to the rest of the borough.</p> <p>The Isle of Dogs &amp; South Poplar is designated as an Opportunity Area for growth in the London Plan, with expectations of delivering 29,000 new homes, and 110,000 new jobs in the period to 2041, and significant development is underway.</p> <p>The expected level of development has the potential to significantly increase water demand in the Opportunity Area, leading in turn to additional pressure on the sewerage system. The IWMS will specify a strategic approach to reducing these impacts and enabling sustainable growth in an area classified as 'seriously water-stressed'.</p> <p>Policy D.ES6 of the Tower Hamlets Local Plan reflects the London Plan borough-wide policy requirements in regard to water consumption, and minimising pressure on the combined sewer network. Major development is required to demonstrate that the local water supply and public sewerage networks have adequate capacity both on and off-site to serve the development, taking into consideration the cumulative impact of current and proposed development.</p> <p>The evidence in the IWMS indicates that the maximum potable water consumption target of 105 l/h/d (as specified in the Intention to Publish London Plan 2019 and the Tower Hamlets Local Plan 2031) is too high for the Isle of Dogs &amp; South Poplar Opportunity Area, given the expected level of development. It will specify a lower target figure that is consistent with sustainable growth. Any development that is unable to meet this figure on-site should be subject to a planning obligation that makes a contribution to reducing potable water demand elsewhere within the bounds of the Opportunity Area.</p>		
<b>Environment Agency</b>	<p><u>Flood Risk:</u> We are pleased to see the inclusion of flood defence measures, including maintaining a buffer zone, setting back and/or raising flood defence walls (page 40) within the Planning Obligations SPD. This aligns with policy S112 of the London Plan (draft, 2020) and ensures planning obligations may be used to reduce flood risk by improving flood defences and operational access to them for maintenance and repair.</p>	Support noted.	No
<b>Environment Agency</b>	<p><u>Biodiversity:</u> We welcome the inclusion of biodiversity improvements as part of the Planning Obligations SPD. This aligns with paragraph 170 of the National Planning Policy Framework and is essential in ensuring development minimised impact on biodiversity and provide enhancements which lead to biodiversity net gain. Developer contributions should also be sought via planning obligations wherever reasonable and/or practicable to deliver Water Framework Directive objectives as detailed within the Thames River Basin Management Plan.</p>	Support noted	No
<b>Far East Consortium</b>	<p><u>Affordable Housing – major applications:</u> We support the clarity of a formula for calculating a potential commuted sum, but we recommend that any figure calculated from this formula is used as a starting point for discussions between the Council and Applicant to agree a payment in lieu which is proportionate to the equivalent cost of on-site affordable housing provision, rather than a fixed figure. Other contributing factors should also be taken into account during these discussions, such as viability and other financial and non-financial planning obligations secured in relation to specific schemes to ensure that the development proposals are deliverable, and any payment in lieu is subject to viability.</p> <p>FEC understand the importance of affordable housing provision in relation to LBTH's wider strategic aims to deliver mixed and balanced communities but are of the view that the Draft SPD should make clear that the 35-50% affordable housing target for on-site provision is a target level, and that the contribution any specific</p>	The wording in the draft SPD text has been updated to better reflect the Local Plan policy. While the provision of Affordable Housing will be subject to viability information for the scheme in question, it is noted that the Council expects a minimum of 35% AH (with a target of 50%) and this provision should be maximised on-site.	Yes

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	scheme is able to make towards affordable housing should be agreed on a site-by-site basis and should be subject to viability.		
<b>Far East Consortium</b>	<u>Employment, Skills, Training and Enterprise:</u> FEC acknowledge LBTH's aspiration to secure local job opportunities from development to benefit local people, however we recommend that the Draft SPD notes that there should be flexibility in relation to the definition of 'local', as for example construction workers may travel from neighbouring boroughs to reach a particular site. Additionally, for major developments, applicants would usually undertake a competitive tendering process in order to appoint specialist contractors, and there may be circumstances where the specialist contractors required are not based locally to the site. Therefore, local procurement should be discussed and agreed between the Council and the Applicant on a site-by-site basis taking into consideration the specific circumstances of the site and construction process.	As noted in the feedback, the obligation seeks a minimum of 20% of jobs to be secured for local residents. Local refers people who live in Tower Hamlets, not neighbouring boroughs. In addition, the target is 20% which leaves 80% of jobs able to be filled by people who do not live in Tower Hamlets.  If there are particular circumstances relating to a scheme that require consideration, we recommend these are made clear as early as possible during the planning application process.	No
<b>Far East Consortium</b>	<u>Apprenticeships:</u> We suggest that while the defined numbers are useful in principle, this should be assessed on a case-by-case basis, and these numbers should be used as a starting point for discussions between the applicant and developer.	The SPD outlines the Council's expectation when it comes to providing apprenticeships to support local people. If there are particular circumstances relating to a scheme that require consideration, we recommend these are made clear as early as possible in the application process (preferably during the pre-application meeting)	No
<b>Far East Consortium</b>	<u>Affordable Workspace:</u> The Draft SPD includes a new section on Affordable Workspace, and we suggest that in line with the emerging London Plan which states that boroughs should consider detailed affordable workspace policies with reference to local evidence of need and viability, that affordable workspace requirements should be assessed on an individual site basis subject to viability and considering the holistic planning benefits provided by the scheme.	Local Plan Policy D.EMP2 sets out the requirement for 10% of floorspace to be let at a minimum of 10% below the indicative market rate. The Local Plan also noted that these are minimum targets, and anything above will be subject to viability.  Therefore, this obligation responds to the adopted Local Plan policy. The evidence base for the Local Plan and Affordable Workspace Policy can be found on the Council's website.	No
<b>Far East Consortium</b>	<u>Open Space and Access:</u> We suggest that any contributions sought in relation to public access to open space or child play space are discussed and agreed between the Council and the applicant. In terms of a Green Grid financial contribution, we support LBTH's approach that this will be determined on a case-by-case basis depending on the specifics of the site and the development and suggest that these discussions between the Council and applicant take place at an early stage.	Paragraphs 1.8 - 1.10 of the SPD state that planning obligations will take into account site-specifics and the viability of a development. As outlined in paragraphs 4.2 - 4.4 the Council is supportive of discussions relating to planning obligations taking place at an early stage.	No
<b>Far East Consortium</b>	<u>Transport, Highways and Public Realm:</u> The Draft SPD notes that transport link improvement contributions may be sought to contribute to bus, overground, underground and sustainable transport improvements. LBTH states these obligations will be asked for "where appropriate." It would be useful to ascertain some clarity with regards to this where such transport link improvements may become mandatory, as well as what they will constitute of and how they will be calculated. We also suggest that any contributions sought are discussed and agreed between the Council and the applicant in relation to the specific circumstances surrounding a development proposal.	Contributions towards transport links will depend on the specifics of a development. This includes how well it responds to Local Plan policies S.TR1 and D.TR2 and the findings of the associated transport assessment / statement (if required). Contributions would be calculated on a case-by-case basis depending on the specifics of the development.  Section 4 of the SPD outlines the process for negotiating and securing planning obligations, including that obligations will be discussed and agreed between the Council and applicant	No
<b>GLA Infrastructure Team</b>	The GLA is working in partnership with LB Tower Hamlets Infrastructure Planning Team to produce an Integrated Water Management Plan (IWMP) covering the Isle of Dogs and South Poplar Opportunity Area as well as the East of Borough Area in the Lower Lea Valley. As you will be aware, this part of Tower Hamlets is experiencing an unprecedented level of growth and faces severe water-related constraints. We recommend including offset schemes for a) water demand management and b) surface water management as planning obligations to encourage developers to include in their designs water re-use and sustainable drainage measures respectively, and failing this, to offset mitigating their impacts as per the schemes below.	The Council will continue to work with the GLA Infrastructure Team on water demand management and surface water management. It has been agreed since the time this representation was made that the Planning Obligations SPD will not address these matters and that different policy instruments will be explored instead.	No

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	<p><u>Water demand offset scheme</u></p> <p>The Tower Hamlets Local Plan (D.ES6) and Intend to Publish London Plan (SI 5) both set a requirement for residential developments to deliver a maximum mains water consumption of 105 litres per head per day (l/h/d). Emerging evidence from the IWMP is showing that it may be necessary to enforce a lower maximum target in the study area, and potentially across the borough, in order to minimise costly strategic infrastructure investments and sustainably manage supply and demand in the context of growing water stress and climate change. It would be critical that this lower target is established in local policy guidance.</p> <p>The IWMP sets out a range of water re-use options and opportunities at different scales. Under the proposed offset scheme, developers would be required to pay a fee for each litre per person above the proposed threshold that they cannot meet on-site via a Section 106 planning obligation. Offset fees would be used to fund the retrofitting of water re-use schemes in council-owned properties, in a partnership approach with Thames Water's domestic retrofit programme, and potentially through grants to commercial buildings.</p> <p><u>Sustainable drainage offset scheme</u></p> <p>The London Plan establishes a hierarchy of measures that developers should consider to reduce surface water discharge volumes into sewers and to minimise discharge to greenfield runoff rates. The IWMP provides evidence to demonstrate that a range of these measures should be viable for new developments in the Isle of Dogs study area, in particular to remove surface water discharge from the combined sewer system in many locations. However, in some cases, discharge to ground or a surface waterbody will not be possible, hence discharge to sewer at a controlled rate via attenuation provided will be the only option.</p> <p>The IWMP identifies that the expected increase in foul water generated from the levels of proposed development will require a significant reduction in both volume and rate of surface water discharge from developed areas, in order to avoid increases in combined sewer flood risk and to minimise sewer upgrade interventions and cost. It is therefore imperative that, where discharge of surface water to sewer is the only option, that discharge rates are minimised to greenfield runoff rates in line with London Plan Policy 5.13.</p> <p>Based on this evidence we recommend that an offset scheme is included in the Planning Obligations SPD to ensure that post-development runoff rates do not exceed the equivalent site greenfield runoff rate when discharging to combined sewers. Under this scheme, developers would be expected to aim to meet Greenfield runoff rates on site via provision of 100% of the attenuation storage required to achieve that rate in the event of a 1 in a 100-year storm (accounting for the effects of climate change), preferentially with SuDS. If developers can demonstrate it is not viable to provide 100% of the storage required, they would then be expected to provide a minimum percentage (to be determined) of the attenuation storage required to achieve greenfield runoff rates on site, with the remainder subject to an offset charge. For any additional attenuation storage volume not provided, developers would be required to pay a fee per cubic metre. Proceeds would be used to fund strategic sustainable drainage interventions in the area.</p>		
<b>Hillstone</b>	<p><u>Small Sites Affordable Housing:</u> If market values are to be relied upon, they will need to be adjusted to take account of the economic downturn which is likely to follow the UK's emergence from the current COVID-19 pandemic.</p> <p>We appreciate, of course, that the SPD will have been drafted before the pandemic took hold and officers were, therefore, in no position to take account of it and its implications. Nevertheless, it will need to be accounted for in a future draft of the SPD and before it is published in final form.</p> <p>We welcome the inclusion of BCIS indexation, though given the likely economic downturn which will follow the current COVID-19 pandemic, it will not be enough to reflect changes in the market. This issue will need to be addressed in a future draft of the SPD and before it is published in final form.</p>	<p>As noted in Table 2, the approach to calculating the small sites contribution has been updated in the Second Draft SPD.</p> <p>The new approach is set out in a separate spreadsheet showing the information and assumptions which feed into the calculation. The new approach also requires indexing using the Land Reg HPI Price for all property types in LBTH. This step has been included to ensure that market value assumptions which feed into the calculation are accurate at the time an application is determined.</p>	Yes
<b>Londonewcastle</b>	<p><u>Employment and skills training:</u> Within the draft SPD, paragraph 5.37 notes that planning obligations relating to employment and skills training will be sought for residential developments of 10 units or more, or with a combined gross floorspace of 1,000 sqm (gross internal area) or more. This remains unchanged from the currently adopted SPD and the client has no objections to this in principle.</p>	Noted.	No

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<b>Londonewcastle</b>	<p><u>Affordable Workspace:</u> Whilst the principles of affordable workspace is supported, the proposed draft requirements are not. For example, the draft wording states that affordable workspace will be secured for commercial developments of 1,000 sqm (GIA) or more; or for mixed-use developments of 1,000 sqm (GIA) or more of commercial space. Policy E3 of the draft new London Plan states that boroughs should consider detailed affordable workspace policies in light of local evidence of need and viability. These may include policies on site-specific locations or defining areas of need for certain kinds of affordable workspace'. On this basis, it is our view that the affordable workspace requirements should be assessed on an individual site basis and therefore a blanket requirement for all sites to provide affordable workspace is not considered appropriate.</p> <p>The draft wording adds that a provision of at least 10% affordable workspace would be required to be provided on site. In instances where affordable workspace cannot be provided on-site or off-site, it is understood a commuted sum will be required. This is not supported; the 10% requirement is too prescriptive and should only be sought on the net additional uplift of employment floorspace.</p>	<p>Local Plan Policy D.EMP2 sets out the requirement for 10% of floorspace to be let at a minimum of 10% below the indicative market rate. The Local Plan also noted that these are minimum targets, and anything above will be subject to viability.</p> <p>Therefore, this obligation responds to the adopted Local Plan policy. The evidence base for the Local Plan and Affordable Workspace Policy can be found on the Council's website.</p>	No
<b>Londonewcastle</b>	<p><u>Transport, Highways and Public Realm:</u> Our client supports the Council's aspirations of creating a safe, active, accessible, efficient and integrated transport network to meet the travel demands of those across the borough and also welcomes the Council's commitment to promoting sustainable patterns of development. The draft requirements note that the Council may seek to secure non-financial obligations to mitigate the impact of a development proposal, including car and permit-free agreements, car clubs, electric vehicle charging and travel plans. This is considered appropriate, subject to the detailed wording.</p>	Noted	No
<b>Londonewcastle</b>	<p><u>Children's Play Space:</u> This draft obligation notes that developments should incorporate play space for all children on-site within their design to meet the need generated. This should be proportional based on the number of children expected to occupy the development and should be provided in addition to other open and communal space requirements. The client welcomes this.</p> <p>The draft wording adds that planning obligations relating to Children's Play Space will be sought for any residential or mixed-use development. Only where exceptional circumstances exist, and the Council is satisfied that it would deliver a better outcome, will off-site provision and/or a financial contribution be accepted.</p> <p>We consider that S106 contributions should only be used where play space is being secured off-site via a financial contribution. If play space is being provided on-site, there is no longer a requirement for an S106 contribution.</p>	<p>If the full amount of play space required by the Local Plan is provided on-site the Council would not seek a financial contribution for off-site provision. If only part of the required play space is provided on-site, we would require a financial contribution for the portion that isn't provided.</p> <p>This is addressed in the text box titled 'Circumstances for Off-Site Provision or Financial Contributions' as on-site provision is expected in most instances.</p>	No
<b>Londonewcastle</b>	<p><u>Carbon Emission Reduction:</u> The draft wording states that planning obligations relating to energy will be sought for residential developments of 10 units or more, or with a combined gross floorspace of 1,000 sqm (gross internal area) or more. Additionally, where officers consider all opportunities to meet the relevant carbon reduction targets have been exhausted on-site, contributions to a carbon offsetting fund will be sought to meet the shortfall.</p> <p>The policy however should acknowledge that there may be practical considerations which militate against the CO2 emission reduction standards being met. Off-set financial contributions should only be sought where it is clear that the payment of such sums will not impact on development viability.</p>	<p>Developments are expected to meet the carbon dioxide emission reduction standards set out in Local Plan Policy D.ES7. Where these standards are not met a cash-in-lieu contribution to offset is required. This policy requirement was assessed as part of the Local Plan Viability Assessment.</p> <p>If a development cannot meet this policy requirement this should be discussed as early as possible in the application process. The SPD provides guidance for development across the borough and therefore isn't an appropriate document to address site-specific considerations.</p>	No
<b>Metropolitan Police Service</b>	<p>The growth in homes, offices and other uses will significantly increase the need for policing and the cost for associated infrastructure. This therefore represents a legitimate infrastructure requirement that should be accounted for.</p> <p>The Tower Hamlets Local Plan 2031 does not make specific reference to "policing" as a social infrastructure. It is therefore important that policing is referred to as social infrastructure and as such, we request that this is reflected in the Planning Obligations SPD. The MPS have to move towards securing</p>	<p>We recognise the point raised by MPS that policing infrastructure could be funded via planning contributions. However, we note that the Tower Hamlets Local Plan does not include any policies relating to this or the need for policing infrastructure generally. As such, we consider that it would be difficult for a planning obligation to meet the Regulation 122 tests.</p>	No



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	<p>S106/CIL from development due to the impacts on crime. The MPS would like to have the ability to receive financial contributions during the Tower Hamlets Local Plan period and are in the process of working up a formula linking to development impacts which should be available soon.</p> <p>It is widely accepted and documented that policing infrastructure represents a legitimate item for inclusion within the CIL Charging Schedule. A number of policing authorities have sought legal advice on this issue and received confirmation of this. The advice also confirms that S106 and CIL infrastructure is not limited to buildings and could include equipment such as surveillance infrastructure and CCTV.</p> <p>Representation requests contributions towards non-property infrastructure, neighbourhood police facilities that provide a base of operation and a car pound facility.</p> <p>The MPS request that the Tower Hamlets Infrastructure Delivery Plan (IDP) includes a section highlighting the importance of the MPS car pound requirement in the borough.</p>	<p>In addition, Tower Hamlets Council would typically consider policing infrastructure to be strategic infrastructure. As such, CIL would be a more appropriate funding source. This is reflected in the Council's Regulation 123 list, which although no longer required by the CIL regulations is still a useful list to refer to. The Regulation 123 list includes 'Infrastructure dedicated to public safety (for example, wider CCTV coverage)'.</p> <p>We note that the PO SPD does not contain an exhaustive list of planning obligations which may be sought from development. As such, there may be instances where impacts, identified through the development management process, necessitate an obligation not specified in the SPD.</p> <p>The requirement for a neighbourhood police facility and car pound facility has been passed on to the Council team who deal with infrastructure requirements for the Borough.</p>	
<b>Muse Developments</b>	<p><u>Carbon Emission Reduction</u>: Whilst the offsetting of carbon emissions is a key consideration in the borough, it is suggested that this obligation provides flexibility as there are potential practical and other considerations that prevent the ability of a development to meet the targets. This obligation could result in a significant charge for the development and impact upon the viability for the scheme. A key priority of estate regeneration is to maximise the delivery of homes, including affordable units, therefore the associated carbon offsetting charge should not prejudice the successful delivery of homes in the borough.</p> <p>The SPD should be clear that offsetting will be applied where this will not impact on the viability of the development.</p>	<p>Developments are expected to meet the carbon dioxide emission reduction standards set out in Local Plan Policy D.ES7. Where these standards are not met a cash-in-lieu contribution to offset is required. This policy requirement was assessed as part of the Local Plan Viability Assessment.</p> <p>If a development cannot meet this policy requirement this should be discussed as early as possible in the application process.</p>	No
<b>Muse Developments</b>	<p><u>Biodiversity</u>: Reflecting the intention for a site-specific response to this obligation, the viability of a development should also be an important factor.</p> <p>Further clarification of examples of when this obligation will be "deemed necessary" is required, and it is requested that the obligation make clear that this cannot prejudice the viability of a development. This further detail is required to ensure this obligation complies with the relevant tests in Regulation 122.</p>	<p>Paragraph 1.10 notes that viability will be taken into account when considering planning contributions above the level assumed in the CIL Charging Schedule.</p> <p>This obligation will be considered on a case-by-case basis taking into account the specifics of the development. This includes the ecology assessment that is required to be submitted with major applications (Local Plan policy D.ES3) and the extent of biodiversity enhancements proposed by the scheme</p>	No
<b>National Grid</b>	<p>National Grid is happy to provide advice and guidance to the Council concerning their networks. Please see the attached plan identifying the extent of National Grid assets within the Tower Hamlets administrative area. Please see attached information outlining further guidance on development close to National Grid Infrastructure.</p> <p>If we can be of any assistance to you in providing informal comments during your policy development, please do not hesitate to contact us.</p> <p>To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect their assets. Please remember to consult National Grid on any Development Plan Document (DPD) or site-specific proposals that could affect National Grid's infrastructure.</p>	<p>Thank you for your comments regarding the National Grid. These have been noted and the Council is committed to continuing to work closely with the National Grid.</p>	No
<b>Natural England</b>	<p>The SPD could consider making provision for the following:</p> <ul style="list-style-type: none"> <li>Green Infrastructure (GI) within development. This should be in line with any GI strategy covering your area.</li> </ul>	<p>The draft SPD includes obligations relating to open space, water space and the green grid which will support delivery of green infrastructure in the Borough</p>	No

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	<ul style="list-style-type: none"> <li>The protection of natural resources, including air quality, ground and surface water and soils within urban design plans.</li> <li>Features which are beneficial to wildlife within development, in line with paragraph 118 of the NPPF. You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision or other measures to enhance biodiversity in the urban environment</li> <li>Opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community</li> </ul> <p>Design principles from the NPPF, including impacts of lighting on landscape and biodiversity</p>	<p>Local Plan Policy D.ES3 and the Tower Hamlets Local Biodiversity Action Plan provide guidance on the protection and enhancement of biodiversity on-site, including how specific habitats and species will be incorporated into developments. Obligations relating to biodiversity will be considered on a case-by-case basis depending on the specifics of the site and scheme.</p>	
<b>New City College</b>	<p>We welcome the proposals for the indicative s106 requirements on education, training and skills included in the draft Planning Obligations Supplementary Planning Document (SPD). It is good to see the focus on supporting local residents to access employment opportunities in the Borough through financial contributions towards education and training. As the largest education provider in Tower Hamlets we are keen to explore ways to further support the Borough in delivering this training to local residents and would welcome an opportunity to discuss this with the relevant teams.</p>	<p>The Council is happy to work with local providers and organisations where possible.</p> <p>It is important to note that the target for developers is Tower Hamlets residents, so should an organisation work with residents from different boroughs, the onus is on them to provide only LBTH residents to meet the criteria.</p>	No
<b>New City College</b>	<p>We are supportive of the Borough's desire to secure apprenticeships for local residents within development projects in Tower Hamlets. In order to further support local residents access apprenticeships opportunities, we would like to propose a revision in the wording in this section to encourage developers to ensure that the off-the-job training element is also provided within Tower Hamlets, by established providers in the market.</p>	<p>Support for securing apprenticeships is noted.</p> <p>The Council is not able to require developers to provide the off-the-job training within the Borough. Developers can use whoever necessary to provide the job training. This ensures all trades and qualifications are provided for.</p>	No
<b>New City College</b>	<p>The introductory section clarifies that from December 2020 onwards the Council will be required to publish an Annual Infrastructure Funding Statement, including information on the infrastructure projects the Council plans to fund or deliver through CIL or S106. We would like to receive further information on how the Council plans to identify and consult on these projects.</p>	<p>The processes for identifying projects to be funded by planning contributions and CIL are outlined below.</p> <p><u>Planning obligations process:</u> Financial contributions from legal agreements must be used in accordance with what is stated in the specific legal agreement. Within these parameters and as outlined in paragraphs 7.18 - 7.19 of the second draft of the SPD, planning contributions are used to fund projects in the borough that mitigate the identified impacts. These projects are selected for delivery as part of the Council's Capital Programme. The Council's Capital Programme is informed by the Council's Strategic Plan, Local Plan and Infrastructure Delivery Plan. The Capital Programme is set during the Council's annual budget process.</p> <p><u>Community Infrastructure Levy process:</u> 25% of money secured as CIL is allocated to the Neighbourhood Portion (referred to as the Local Infrastructure Fund by the Council) which is to be spent on local infrastructure priorities agreed with the local communities. More information is available on the Council's website on the 'Local Infrastructure Fund' webpage.</p> <p>The remainder of money collected through CIL is used to deliver projects which form part of the Council's Capital Programme (described above).</p>	No
<b>NHS London Healthy Development</b>	<p>The draft SPD does not include a s106 requirement for healthcare. Whilst the draft SPD states that the s106 list is not exhaustive, paragraph 1.2 appears to rule out the use of s106 to contribute towards healthcare by stating that health centres will only be funded by CIL.</p>	<p>Healthcare facilities typically serve a wider community than a single development. While the Council recognises the changes to the CIL Regulations from the 2019 amendments, we still consider that in most</p>	No

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	<p>This restrictive approach does not reflect the 2019 amendments to the CIL Regulations, National Planning Practice Guidance on planning obligations and undermines the implementation of the Local Plan policies, particularly Policy S.CF1 'Supporting community facilities' and Policy D.CF2 'Existing community facilities'. Health is included in the definition of community facilities.</p> <p>Therefore, s106 health contributions, both financial and in-kind, could be secured to address a site-specific impact, subject to the tests in Regulation 122. In practice, the use of s106 obligations to mitigate site-specific impacts will usually only apply to larger developments which generate a critical mass of demand.</p> <p>We welcome paragraph 2.2 which states that contributions may be financial or non-financial including 'in kind' facilities, which may be preferable where provision is made within development. It notes that other contributions may be secured for fitting out community facilities and to reduce other costs such as rent and service charges.</p> <p>The successful delivery of new healthcare facilities in the borough has been achieved by a combination of s106 in-kind provision and the pooling of s106 financial contributions to fit out facilities.</p> <p>The availability of NHS capital is highly constrained and as such developer contributions continue to be critical to deliver healthcare infrastructure. The revenue implications of capital investment, particularly in new premises, also needs to be carefully considered.</p> <p>We strongly suggest that a new section is inserted in the draft SPD under section 5 to set out standard obligations and charges for healthcare. Draft wording for this section is included in the representation.</p>	<p>instances the Community Infrastructure Levy (or CIL-in-kind) will be the most appropriate funding source for healthcare facilities.</p> <p>The Planning Obligations SPD is not an exhaustive list of potential obligations that may be sought from developments. If there are instances where a planning obligation related to healthcare is required based on the specifics of a development, this can still be negotiated. However, this will be assessed on a case-by-case basis.</p>	
<p><b>NHS Property Service</b></p>	<p><u>NHS Development Schemes:</u> NHS development projects coming forward in London may incorporate a variety of uses, some of which may be identified as CIL chargeable development. Given that all funds released from NHS development projects are directly put back into delivering vital NHS health infrastructure, CIL can be an added cost which undermines the viability of NHS schemes. To ensure the continued deliverability of such projects, we would ask that the Council works collaboratively with the NHS to consider bespoke ways to deliver other obligations like S106 agreements. Greater flexibility or exemption for the NHS will allow for the continued delivery of NHS projects which will be mutually beneficial for the Council and the NHS.</p> <p>It is imperative that funding from the planning system can continue to support the delivery of NHS healthcare services and facilities. Where the NHS is seeking to deliver developments, which will further enhance health assets or NHS land, it's important that funding is made available to support these projects. Furthermore, a flexible approach to S106 payments should be established for all NHS related development projects. This will help incentivise the delivery of NHS schemes and unlock opportunities for greater partnership working across the public estate.</p>	<p>Healthcare facilities typically serve a wider community than a single development. While the Council recognises the changes to the CIL Regulations from the 2019 amendments, we still consider that in most instances the Community Infrastructure Levy (or CIL-in-kind) will be the most appropriate funding source for healthcare facilities.</p> <p>The SPD is a general guidance document and therefore isn't an appropriate place to consider specific developments, however, we are happy to discuss these with NHS development schemes on a case-by-case basis</p>	<p>No</p>
<p><b>Port of London Authority</b></p>	<p><u>Open Space – water spaces</u></p> <p>The PLA consider that there must be a specific reference to the need for riverside development to ensure that there is an appropriate level of Riparian Life Saving Equipment (such as grab chains, escape ladders and life buoys) provided to a standard recommended in the 1991 Hayes Report on the Inquiry into River Safety in order to ensure safe access. There is also opportunity to introduce suicide prevention measures in line with the Tidal Thames Water Safety Forum (which includes the PLA, RNLI and emergency services) Drowning Prevention Strategy (2019) which may include CCTV and signage in appropriate locations.</p>	<p>Paragraph 13.53 of the Local Plan includes recognition of the importance of surveillance and riparian lifesaving equipment. The Local Plan notes that this should be provided through development design and therefore we expect that this will generally be addressed through the planning approval process.</p> <p>The Planning Obligations SPD is not an exhaustive list of potential obligations that may be sought from developments. If there are instances where a planning obligation related to this is required based on the specifics of a development, this can still be negotiated. However, this will be assessed on a case-by-case basis.</p>	<p>No</p>
<p><b>Queen Mary University of London</b></p>	<p><u>Affordable Housing:</u> Request that reference to Policy D.H6 is removed from the Affordable Housing section as it is more appropriately addressed later within the Draft. The inclusion of this reference is misleading with regard to the application of this SPD.</p>	<p>This has been updated in the second Draft.</p>	<p>Yes</p>

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<b>Queen Mary University of London</b>	<p><u>Student Housing:</u> QMUL is welcoming of the separate section within the Draft SPD relating to Student Accommodation Schemes as these are a different type of development to conventional residential development and should therefore be treated differently in development terms.</p> <p>The guidance within the SPD notes that Nil CIL will be application only to student accommodation delivered as affordable. At Para 5.32 there is a further element in which Nil CIL is applicable to higher education-led student accommodation delivered at below market rents. For clarity, we would suggest that this is clarified further and where Nil CIL is referenced the same criteria is set out. This section should also make clear that the Housing Supplementary Planning Document referenced is the Greater London Authority (2016) document and not an LBTH document.</p>	<p>Support for a separate section is noted.</p> <p>The section has been updated in the second Draft to clarify the points raised.</p>	Yes
<b>Queen Mary University of London</b>	<p><u>Open Space and Access:</u> The guidance clarifies that this includes development proposals along major water spaces in the borough such as the River Thames and River Lea. However, QMUL would like clarification as to whether this guidance is applicable for smaller watercourses such as the Regents Canal which runs along the eastern boundary of their campus at Mile End. Should this be applicable to all watercourses we would request additional wording to that effect is including for clarification. If applicable, QMUL would request additional wording is include relating the access route to allow for an assessment on a site by site basis to ensure that the relevant safeguards are in place for students on their campus. Whilst public access to the campus is something that the University welcomes and embraces this does need some element of control to ensure students and staff are safeguarded.</p>	<p>The SPD guidance has been updated to better reflect Local Plan Policy D.ES4, including that the stated buffer distances will not be required where significant constraints are evidenced. This guidance has been moved to the 'Flood Risk' section of the SPD.</p>	Yes
<b>Queen Mary University of London</b>	<p><u>Carbon Emission Reduction:</u> Whilst the University welcomes this approach when delivering development there remains a range of challenges which could hinder the delivery of a fully zero carbon development. It is noted that payments from the Carbon Offset fund are being put towards a range of initiatives to held to achieve a Zero Carbon Borough by 2050 something which the University is supportive of.</p> <p>QMUL would welcome the opportunity to engage with LBTH on innovative solutions for their campuses in relation to delivering zero carbon and ensuring that as a major stakeholder and landowner within the borough they are both contributing to and assisting in the delivery of key aspirations such as this. We would suggest some additional flexibility is included in this document to allow for the offset fund to be implemented where all opportunities have been exhausted on-site or on other sites under the same ownership. This would allow comprehensive energy and de-carbonisation strategies to be developed through a campus wide approach.</p>	<p>Developments are expected to meet the carbon dioxide emission reduction standards set out in Local Plan Policy D.ES7. Where these standards are not met a cash-in-lieu contribution to offset is required.</p> <p>If a development cannot meet this policy requirement or is seeking a different approach than what is outlined in the Local Plan, this should be discussed as early as possible in the application process. The SPD provides guidance for development across the borough and therefore isn't an appropriate document to address site-specific considerations.</p>	No
<b>Regal London</b>	<p><u>Affordable Housing – Small Sites:</u> Should the Council still seek to introduce this obligation despite our concern, we would ask that a temporary provision is introduced that exempts current live planning applications that were submitted before the local plan was adopted and before the proposed draft formula was published for consultation from having to provide a Small Sites Contribution. Such an approach is consistent with other central Government legislation.</p>	<p>The Council has not been applying the Affordable Housing Small Sites policy while the draft calculation is being consulted on.</p>	No
<b>Regal London</b>	<p><u>Local Infrastructure Fund:</u> We welcome that 25% of received CIL funds are spent on infrastructure provision in the communities where development is taking place. We would welcome, however, clarification on how this is being applied and whether there are opportunities for developers to have say (along with local residents) on what types of infrastructure the CIL receipts might be best contributed to.</p>	<p>In order to direct spending of the neighbourhood portion of CIL (referred to by the Council as the Local Infrastructure Fund or LIF), the Council undertakes consultation with those who live and work in the Borough. A summary of the most recent consultation (September - November 2019) is available on the Council's website on the Local Infrastructure Fund webpage.</p> <p>Regal London is welcome to submit as part of future public consultations for LIF. The Council's website will be updated with more information on these consultations in due course.</p>	No
<b>Regal London</b>	<p><u>Intermediate Housing:</u> Whilst we understand the rationale for this, we would recommend consideration is given to whether the marketing requirement should apply to Discount Market Rent dwellings that are secured as part of Build to Rent developments, particularly as these dwellings do not need to linked to a</p>	<p>The Council will be consulting with our Common Housing Register (CHR) partners regarding the approach to Intermediate Housing. We will take this feedback into account when doing so.</p>	No

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	registered housing provider and, in accordance with national and regional policy, are able to be managed by the developer.		
Regal London	<p><u>Wheelchair Accessible Housing:</u> We support the requirement that 10% of all new housing units must be wheelchair accessible, however, we would welcome greater clarification whether such units should be "wheelchair accessible" or "wheelchair adaptable".</p> <p>We recommend that the wording is amended to acknowledge that 'wheelchair accessible' homes should only be provided where the local authority is responsible for allocating or nominating a person to live in that dwelling. In other scenarios, for example, under Build to Rent schemes, 'wheelchair adaptable' homes should be acceptable.</p>	The draft Planning Obligations SPD text has been updated to better align with wording in the Local Plan. This includes clarifying which units should be wheelchair accessible vs wheelchair adaptable.	Yes
Regal London	<p><u>Affordable Workspace:</u> Whilst supportive of the requirement in principle, we would recommend that flexibility is applied to the target of 10% as this can be influenced by the layout of a development and whether the proposal is to let all the workspace to a single occupier or to a range of occupiers.</p>	<p>Local Plan Policy D.EMP2 sets out the requirement for 10% of floorspace to be let at a minimum of 10% below the indicative market rate. The Local Plan also noted that these are minimum targets, and anything above will be subject to viability. Therefore, this obligation responds to the adopted Local Plan policy.</p> <p>If the specifics of a development mean that it can't deliver this policy requirement, we recommend that this is raised as soon as possible during the pre-application discussions.</p>	No
Regal London	<p><u>Green Grid:</u> We welcome this obligation.</p>	Support noted	No
Regal London	<p><u>Children's Play Space:</u> Whilst the requirement to deliver children's play space is supported, there are instances, particularly on high density schemes that have a relatively small site area, where it is not possible to provide the larger areas of open space to be meet the needs of older children. As such, we welcome the flexibility in the proposed obligation that allows off-site provision and/or financial contribution in exceptional circumstances.</p> <p>We would also welcome clarification on the methodology that the Council will apply to calculate the financial contribution.</p>	<p>Support noted.</p> <p>When calculating a contribution consideration will be given to what opportunities there are for improvement to nearby parks and play facilities. Financial contributions will be based on costs for upgrading comparable parks and play equipment elsewhere in the Borough.</p> <p>The draft SPD has been updated to clarify this approach</p>	Yes
Regal London	<p><u>Biodiversity:</u> We support this contribution but would welcome clarification on the methodology that the Council will apply to calculate the contribution.</p>	Any contribution for biodiversity will be calculated on a site-by-site basis taking into account the specifics of the development and potential mitigation.	No
Regal London	<p><u>Air Quality:</u> We support this contribution but would welcome clarification on the methodology that the Council will apply to calculate the contribution.</p>	<p>The Air Quality section of the draft SPD has been updated to provide greater clarity on the instances in which a planning obligation may be sought.</p> <p>The draft SPD outlines an approach to calculating a financial contribution where developments do not meet the 'air quality neutral' standard.</p>	Yes
Regal London	<p><u>Monitoring Fee:</u> We accept the principle of monitoring fees, but we would note that the costs should be reflected in viability assessments. On this basis, monitoring fees should be reasonable to ensure that they do not impact on the delivery of planning obligations to ensure site specific mitigation.</p>	The Council agrees that monitoring fees should not impact the delivery of planning obligations. As noted in paragraphs 1.9 and 1.10 of the draft SPD, viability assessments for the CIL Charging Schedule and Local Plan include an allowance for planning contributions. While still subject to the individual viability of a particular scheme, this allowance provides a useful guide for planning contributions and would include monitoring fees.	No
Savills	<p><u>Viability and Payment Triggers:</u></p>	The Council has undertaken a number of assessments in relation to the viability of the Local Plan policies, CIL and planning contributions,	No

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	<p>The imposition of obligations particularly through Section 106 and affordable housing delivery places a significant burden on development, and may impact the viability, and ultimately deliverability of development proposals. This should be recognised in all aspects of the planning process, both in plan making and decision making.</p> <p>We therefore suggest that in terms of flexibility of payment, the Draft SPD should clearly set out that, where required, the payment structure should be discussed and agreed between the Council and applicant so that appropriate instalment policies can be agreed for CIL, and the triggers for payment of financial contributions can be staggered as appropriate to ensure deliverability. This should be open to review during the life of the project, if required.</p>	<p>including the CIL Viability Study (2019) and CIL Additional Evidence and Information Document (2018) associated with the CIL Charging Schedule (2020) and the Tower Hamlets Local Plan Viability Assessment (2018).</p> <p>These documents demonstrate that the Local Plan policies, CIL and planning contributions can viably be delivered on schemes in the Borough. All of these assessments state that as they are borough-wide evaluations they do not reflect all possible specific circumstances that may impact viability. As such, it is important to note that the planning obligation allowance referred to in the draft SPD is an indicator, not a target. Planning contributions will still be subject to the specific circumstances and viability of individual schemes.</p> <p>Paragraph 7.3 of the SPD addressed triggers and notes that these will be agreed between the developer and the Council.</p>	
<b>Savills</b>	<p><u>Affordable Housing – Major sites:</u> We support the clarity of a formula for calculating a potential commuted sum, but we recommend that any figure calculated from this formula is used as a starting point for discussions between the Council and applicant to agree a payment in lieu which is proportionate to the equivalent cost of on-site affordable housing provision, rather than a fixed figure. Other contributing factors should also be taken into account during these discussions, such as viability and other financial and non-financial planning obligations secured in relation to specific schemes to ensure that the development proposals are deliverable, and any payment in lieu is subject to viability.</p>	<p>As noted in the draft SPD, acceptability of the commuted sum for affordable housing will be at the discretion of the Council. This decision will include assessment of viability information.</p>	No
<b>Savills</b>	<p><u>Employment, Skills, Training and Enterprise:</u> We acknowledge LBTH's aspiration to secure local job opportunities from development to benefit local people, however we recommend that the Draft SPD notes that there should be flexibility in relation to the definition of 'local', as for example construction workers may travel from neighbouring boroughs to reach a particular site. Additionally, for major developments, applicants would usually undertake a competitive tendering process in order to appoint specialist contractors, and there may be circumstances where the specialist contractors required are not based locally to the site. Therefore, local procurement should be discussed and agreed between the Council and the applicant on a site-by-site basis taking into consideration the specific circumstances of the site and the construction process.</p>	<p>The obligations only require a portion (20%) of total jobs of a development to be for Tower Hamlets residents. As such, there is already flexibility in the obligation. If certain roles require specialist contractors from outside of the Borough, then this would fall into the 80% of jobs that aren't local.</p> <p>If there are particular circumstances relating to a scheme that require consideration, we recommend these are made clear as early as possible in the application process (preferably during the pre-application meeting).</p>	No
<b>Savills</b>	<p><u>Apprenticeships:</u> In the adopted SPD, the Council seeks to ensure that a proportion of the jobs are secured for local residents in the form of apprenticeships where appropriate. However, there is no clear threshold to understand that which is required. We welcome the clarity brought by the Draft SPD, as it defines the thresholds of where planning obligations are required in relation to apprenticeships. Furthermore, it outlines the numbered requirements of apprentices at different stages of development, which provides clear guidance for developers. We suggest that while the defined numbers are useful in principle, this should be assessed on a case-by-case basis, and these numbers should be used as a starting point for discussions between the applicant and developer.</p>	<p>Support noted.</p> <p>The SPD outlines the Council's expectation when it comes to providing apprenticeships to support local people. If there are particular circumstances relating to a scheme that require consideration, we recommend these are made clear as early as possible in the application process (preferably during the pre-application meeting)</p>	No
<b>Savills</b>	<p><u>Open Space and Access:</u> We suggest that any contributions sought in relation to public access to open space or child play space are discussed and agreed between the Council and the applicant. In terms of a Green Grid financial contribution, we support LBTH's approach that this will be determined on a case-by-case basis depending on the specifics of the site and the development and suggest that these discussions between the Council and applicant take place at an early stage.</p>	<p>Paragraphs 1.8 - 1.10 of the SPD state that planning obligations will take into account site-specifics and the viability of a development.</p> <p>As outlined in paragraphs 4.2 - 4.4 the Council is supportive of discussions relating to planning obligations taking place at an early stage.</p>	No
<b>Savills</b>	<p><u>Transport, Highways and Public Realm:</u> The Draft SPD notes that transport link improvement contributions may be sought to contribute to bus, overground, underground and sustainable transport improvements.</p>	<p>Contributions towards transport links will depend on the specifics of a development. This includes how well it responds to Local Plan policies</p>	No

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	<p>LBTH states these obligations will be asked for "where appropriate." It would be useful to ascertain some clarity with regards to this where such transport link improvements may become mandatory, as well as what they will constitute of and how they will be calculated. We also suggest that any contributions sought are discussed and agreed between the Council and the Applicant in relation to the specific circumstances surrounding a development proposal.</p>	<p>S.TR1 and D.TR2 and the findings of the associated transport assessment / statement (if required). Contributions would be calculated on a case-by-case basis depending on the specifics of the development.</p> <p>Section 4 of the SPD outlines the process for negotiating and securing planning obligations, including that obligations will be discussed and agreed between the Council and applicant</p>	
<p><b>Savills</b></p>	<p><u>Air Quality</u>: We would like to obtain clarity on how this process of air quality will be monitored, and whether the planning obligation will be sought for all major developments, or just those which do not adhere to the 'Air Quality Neutral' standards. We recommend that where developments contribute to maintaining existing levels of air quality, or improving air quality, through relevant design features, additional financial contributions are not sought for these developments as this could place an unviable burden on development and impact the deliverability of a scheme.</p>	<p>The Air Quality section of the SPD has been updated to provide greater clarity on the instances in which a planning obligation may be sought.</p>	<p>Yes</p>
<p><b>Spitalfields Trust</b></p>	<p>The existing Mansard Roof Conservation Area Contribution suggests that the Council will be permitting mansard roofs and accepting contributions in an attempt to mitigate what they know will cause harm to the Driffield Road and Medway Conservation Areas. The Trust would like assurance that the Council does not intend to permit mansards in these conservation areas as it is their duty to refuse applications which do not preserve or enhance the character or appearance of conservation areas (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990).</p>	<p>The council has now published revised character appraisals and management guidelines for Driffield Road and Medway conservation areas. These documents contain details on how a mansard roof can be sympathetically designed to ensure that harm to the special character and appearance of the conservation areas is minimised. Planning applications for mansard roof extensions will be required to demonstrate how they comply with this design guidance.</p> <p>The council has also published façade enhancement guidance for the two conservation areas. This guidance describes works that can be undertaken by homeowners, alongside a mansard roof extension, that will improve the appearance of their properties. These façade enhancements can help to improve the character of the conservation areas and will help to mitigate the harm caused by mansard roof extensions. These documents were subject to public consultation and formally adopted by the council at a Cabinet meeting on 27 June 2017.</p>	<p>No</p>
<p><b>Spitalfields Trust</b></p>	<p>The Trust feels strongly that the SPD should include a standard obligation that covers heritage. The borough anticipates extensive development in the coming years, much of it will inevitably have an impact on its great wealth of heritage. A standard obligation for the historic environment will help preserve what is special about the borough. This could be useful particularly in improving the condition of the numerous 'buildings at risk' within the borough, where development may affect them or their setting.</p>	<p>Local Plan Policy S.DH3 outlines how heritage and the historic environment should inform development, how planning applications will be assessed and how the condition of the borough's historic environment can be improved. Furthermore, the Conservation Strategy (available on the Council's website) provides more information on the ways the Council seeks to protect and enhance heritage in Tower Hamlets.</p> <p>We do not consider that a standard obligation is the best way to preserve the historic environment in the borough. However, this does not mean that a heritage obligation cannot still be negotiated on a case-by-case basis if required. The draft SPD is not an exhaustive list of planning obligations therefore if the specifics of a particular development necessitate a planning obligation, this will be negotiated with the developer.</p> <p>The Tower Hamlets Conservation Strategy (available on the Council's website) provides more information on the ways the Council seeks to protect and enhance heritage in Tower Hamlets.</p>	<p>No</p>

Respondent	Summarised Representations	Council's Response	Amendments made to SPD?
<b>Sport England</b>	<p>Sport England has concerns with the draft document as there is almost no mention of sports facilities therefore it is unclear how the Council seeks to mitigate any harm to such facilities caused by development. The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within the area is unlikely to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies therefore developments must contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site in order to ensure healthy sustainable communities. The level and nature of any provision should be informed by a robust evidence base such as an up to date such as the Playing Field Assessment, Local Football Facility Plan or other relevant needs assessment.</p> <p>Although the document could, arguably, be interpreted to include playing fields and pitches under the 'Open Space' section the document is silent on ancillary facilities, such as changing rooms, pavilions etc., that could be needed so that sites can accommodate growth. This is important in a borough such as Tower Hamlets that have limited scope for providing new playing field sites so improving existing sites to accommodate growth, if they can be improved, is vital. The draft is also concerningly silent on built sport facilities, such as Artificial Grass Pitches, Sports Halls, Swimming Pools, Activity Studio's, Multi-Use Games Areas etc. Again, Sport England would expect that the Council plan for the impact on sport facilities on growth by ensuring new capacity is created, whether this be by new provision or enhancing existing facilities. It should be noted that Sport England Facilities Planning Model already indicates significant deficits of Sports Halls, Swimming Pools and Artificial Grass Pitches in the borough therefore increasing the population without addressing these deficiencies would comprise the ability of the community to engage in sport and physical activity.</p> <p>Sport England would object to any development that increases the demand for sports facilities which does not mitigate the impact of this demand. As a result, Sport England considers that the Council should overcome its objection by re-considering the implications on sport facilities and make it clear that developers should enter into planning obligations that mitigate the harm caused by the increases of demand on the boroughs' sports facilities.</p> <p>Sport England also notes that the document indicates that open spaces delivered through CIL-in-kind would be required to be made available for community events which are open to local residents. Sport England is concerned if these events would be on playing fields as the wear and tear from an event is likely to reduce the quality, and therefore the amount of usage, of the playing field thereby requiring it to have a higher level of maintenance to ensure that it can be brought back to the condition required for safe play after the event. This could have implications on maintenance budgets and any obligations negotiated in S.106 agreements</p>	<p>The Council considers that the nature of the facilities (including ancillary facilities) detailed in the representation by Sport England are best funded by CIL / CIL-in-kind, particularly given that they would likely support the wider community not just an individual development.</p> <p>This is recognised by the inclusion of 'Leisure facilities, such as sports facilities' in the Council's Regulation 123 list. While this list is no longer required under the CIL regulations, it still serves as a useful guide on the type of infrastructure that the Council will seek to fund via CIL.</p> <p>We agree that the use of open space for community events can have maintenance implications. This will be considered as part of planning obligation / CIL-in-kind agreements.</p>	No
<b>St William</b>	<p><u>Affordable, Temporary, Specialist and Intermediate Housing:</u> St William notes that paragraph 5.5 of the SPD states: "The Development Viability SPD sets out the detail around securing on-site Affordable Housing provision, in line with the Mayor of London's Affordable Housing and Viability SPG."</p> <p>There therefore continues to be ambiguity in how and whether the Council does accept the Mayor's approach which could be usefully clarified here or elsewhere.</p>	<p>The Development Viability SPD adopted in 2017 supports the approach taken by the Mayors SPG. The Council is not aware of any ambiguity in this regard however the Council will seek to update the Development Viability SPD in due course and have noted this suggestion.</p>	No
<b>St William</b>	<p><u>Early Years Education and Childcare:</u> St William notes the proposed approach to Childcare and Early Years and reference to 'statutory requirements. It should not be necessary for a Section 106 agreement for planning purposes to enforce requirements which are set by another regulatory regime. It is appreciated that the Council will wish to ensure that designs will in principle be able to meet statutory requirements, but this might better take the form of submission of some form of compliance statement rather than having them set out in the Section 106, particularly as such regulations are themselves subject to change.</p>	<p>Comments are noted and the draft SPD has been updated.</p>	Yes
<b>St William</b>	<p><u>Transport, Highways and Public Realm:</u> The wording of this section on threshold and contribution requirements is regarded as broadly reasonable. However, the statement that "Where appropriate, a transport link improvement contribution may be sought to contribute to bus, overground, underground and sustainable transport improvements." is ambiguous and could result in significant contributions. For strategic</p>	<p>The government regulations provide the parameters for planning obligations via the regulation 122 tests. In addition, the Tower Hamlets Local Plan provides clear guidance with regards to site allocations (policies S.SG1 and D.SG5). While the SPD provides guidance on Local</p>	No



Respondent	Summarised Representations	Council's Response	Amendments made to SPD?
	<p>sites such contributions should have been considered at the Local Plan stage and factored into viability testing. St. William would suggest the following wording being added:  <i>For strategic sites identified in the Local Plan significant contributions will not usually be required unless they were included within the allocation and tested for viability and deliverability through the Local Plan process.</i></p>	<p>Plan policy, we do not consider it necessary to include the requested text as this is already clearly addressed in the Local Plan.</p>	
<p><b>St William</b></p>	<p><u>Open Space and Access:</u> St William welcomes the Council's continuing commitment to allow open spaces on Strategic sites to be counted as payment in kind for CIL.                      St William notes the potential requirements for on site or off-site contributions to the Green Grid. Where off-site contributions are required and/or most appropriate it should be clarified that the improvements funded by this will qualify towards meeting the open space standards required by policy D.H3 and other policies.</p>	<p>The Green Grid and Open Space/amenity standards are separate requirements. In circumstances where Green Grid contributions are made off-site these will not qualify towards meeting the Open Space standards.</p>	<p>No</p>
<p><b>St William</b></p>	<p><u>Children's Play Space:</u> St. William strongly supports the requirement for Children's Play Space within developments. Based on its experience it would make two observations which are particularly relevant to large strategic sites.                      The threshold and contribution requirements box currently states that: "Play space should be provided in addition to other open and communal space requirements."                      The GLA's "Shaping Neighbourhoods: Play and Informal Recreation SPG" which this draft SPD says it is in accordance with says something slightly different: "Standards for play provision are in addition to other quantitative standards for open space provision applied in open space strategies, although opportunities for the multifunctional use of open space should be optimised." (paragraph 4.16)                      Some strategic sites, including the Gasworks sites are required to provide strategic open spaces which serve wider need, and these will inevitably include children's play space and playable space. This should be capable of being counted towards meeting the needs set out in the SPD as well as the strategic allocation requirement. This should be added to the explanatory text.                       The draft SPD states that "Existing parks in the borough cannot be relied on to satisfy the play requirements of children of 12 years and older due to capacity constraints."                      Whilst this is a reasonable position to take to ensure that developers do not seek to avoid reasonable provision there will be examples, particularly in regeneration areas, where off-site contributions can make a real difference to capacity within existing parks and where providing small unlinked open spaces for over 12s across numerous sites will be an ineffective strategy. For example, investment in improvements to games courts and floodlighting serving teenagers across a wider area will often be a better solution than providing small areas of floorspace within developments at 10sqm per child. This may not be as 'exceptional' for this age group as the wording implies and would often be a better solution. It is suggested that the wording of this section is re-drafted to reflect this position.                       The draft SPD states that "Only where exceptional circumstances exist and the Council is satisfied that it would deliver a better outcome, will off-site provision and/or a financial contribution will be accepted."                      However, there is no evidence or methodology provided as to how these contributions may be calculated. It is suggested that some indication on how this could be approached could be included.</p>	<p>Paragraph 9.50 of the Local Plan states: "play provision requirements must be provided in addition to other quantitative standards, such as open space provision and communal space provision". The draft Planning Obligations SPD aligns with the approach set out in the Local Plan as this will apply to most applications.                       The flexibility required for site allocations is detailed in Local Plan Policy D.SG5 and reflected in paragraph 2.3 of the draft SPD. In addition, paragraph 17.8 of the Local Plan states: "flexibility may be applied to the policies relating to the site allocation requirements based on an up-to-date assessment of need and the agreed viability position of the scheme". This approach applies to all site allocations and therefore we do not consider it necessary to repeat this in every section of the SPD.                       As detailed in the children's play space section, existing parks within the borough do not have the capacity to accommodate new play space. As such, it is generally expected that developments will provide sufficient play space on-site in accordance with Local Plan policies. We recognise that there may be circumstances when this can't be achieved or where a better outcome will be achieved via off-site provision or financial contribution. The requirements for this are outlined in the SPD.                      If a scheme cannot meet the on-site play space requirements in the Local Plan, we recommend raising this as early as possible during pre-application discussions.                       When calculating a contribution consideration will be given to what opportunities there are for improvement to nearby parks and play facilities. Financial contributions will be based on costs for upgrading comparable parks and play equipment elsewhere in the Borough. The SPD has been updated to clarify this approach.</p>	<p>Yes</p>
<p><b>St William</b></p>	<p><u>Monitoring Fee:</u> St William welcomes the graduated approach to monitoring contributions and the cap on contributions for major developments. Here, and in other obligations for large scale phased development, such contributions should be on a phased basis.</p>	<p>While the Council does frequently agree to a phased approach to contributions, this does not typically include monitoring fees. However, the Council is open to discussing this on a case-by-case with developers. If phasing were to happen this would be tied to existing planning contribution payment phases and would be index-linked.</p>	<p>No</p>

Respondent	Summarised Representations	Council's Response	Amendments made to SPD?
		As this would depend on the specifics of a development and discussions with the Council, we do not propose to update the draft SPD.	
<b>Thames Water</b>	<p>Thames Water support the need for developers to engage in pre-application discussions. To strengthen the document Thames Water requests the following text is included within the supporting paragraphs 4.2-4.4 which requires developers to liaise with Thames Water at an early stage of development through our pre-planning service.</p> <p><i>Developers need to consider the net increase in water and wastewater demand to serve their developments and also any impact the development may have off site further down the network, if no/ low water pressure and internal/external sewage flooding of property is to be avoided.</i></p> <p><i>Thames Water encourages developers to use their free pre-planning service <a href="https://www.thameswater.co.uk/preplanning">https://www.thameswater.co.uk/preplanning</a>. This service can tell developers at an early stage if there will be capacity in Thames water and/or wastewater networks to serve their development, or what they will do if there is not.</i></p> <p><i>The developer can then submit this communication as evidence to support a planning application and Thames can prepare to serve the new development at the point of need, helping avoid delays to housing delivery programmes.</i></p>	<p>Support noted</p> <p>We agree that it is important for developers to consider the net increase in water and wastewater demand resulting from their developments. However, we don't consider that the Planning Obligations SPD is necessarily the best document to include this information (given that the focus isn't on pre-application discussions).</p> <p>We have raised this with the Council's Development Management Team and note that the Council is also piloting a development co-ordination process which will incorporate the matters raised in this representation.</p>	No
<b>The Arch Company</b>	<p><u>Affordable Workspace</u>: Request clarification on whether the Affordable Workspace and employment and training obligations only apply to proposals for new employment/economic floorspace or from change of use from non-employment/economic uses to an employment/economic use. In particular, the Arch Company seek the SPD to clarify that 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).</p>	<p>The use of any obligation will always depend on the specifics of a development. In general, these obligations are unlikely to be sought when a change in use class within a use class category (i.e. B use class) is sought. However, this will ultimately depend on the specifics of the proposed scheme. As such, we recommend this is discussed with the Council early (preferably during the pre-application process) so that this can be confirmed.</p> <p>The second Draft has not been updated as the Council considers it is best to address this on an individual basis.</p>	No
<b>Transport for London</b>	<p><u>General</u>: We are supportive of the council's general approach to planning obligations, including advocating pre-application engagement, and the emphasis of in kind and/or on-site works. We further welcome the focus on walking and cycling, Healthy Streets and road safety, as these are all priorities we share. However, we are concerned that not enough attention is paid to public transport, and, in particular, step-free access schemes. Given the emphasis on wheelchair accessible housing and parking in the document, the omission of step free access public transport seems like an oversight.</p> <p>TfL would welcome reference to our involvement in delivering infrastructure in the borough as well as the potential us to co-sign s106 agreements where this would be beneficial.</p>	<p>Support noted.</p> <p>In general, public transport infrastructure requirements will be addressed through CIL. However, if there are instances where site-specific planning obligations are needed, such as step-free access, these can be agreed at the time the agreement is drafted.</p> <p>Reference to TfL potentially co-signing legal agreements has been included.</p>	Yes
<b>Transport for London</b>	<p>We would also urge the council to include specific reference to transport capacity and infrastructure where CIL is used to mitigate cumulative impacts and deliver strategic infrastructure (paragraph 5.74). It is also essential to make clear reference to the possibility of using site-specific s106 funds where necessary to fund transport, which it is noted is done towards the end of the transport section. However, it would be our preference to make this more central, and for it to include potential contributions for the Dockland Light Railway in addition to the other modes listed.</p>	<p>Reference to the DLR, transport capacity and infrastructure have all been included as requested.</p> <p>The paragraph relating to the possibility of securing site-specific planning contributions hasn't been moved as this relates to the Healthy Streets paragraph before it and therefore it makes the most sense to leave it where it is. The SPD should be read as a whole, so we don't consider that this lessens the value of the guidance.</p>	Yes

**Appendix 2 – Consultation Responses on Second Draft Planning Obligations SPD**

**Table 4: Specific Topics**

Table 4 covers certain topics / sections of the second draft SPD which received similar representations from multiple respondents. These have been summarised and the Council's response provided.

Respondents	Summarised Representations	Council's Response	Amendments made to SPD?
<b>Far East Consortium, Savills</b>	<p><u>Viability Review Mechanism</u> Comments received noted that the word 'substantial' is subjective and should be removed from the SPD. In addition, greater flexibility / an extension to the viability review mechanism trigger and further clarity in relation to phased schemes was requested.</p>	<p>The Council considers that 'substantial implementation' is an appropriate trigger to use in most instances. Legal agreements for a given development will include a definition of 'substantial implementation' in relation to that development. This avoids any confusion about what the term means for the development. As noted in the first consultation, the timeframe for the review mechanism has been changed from 12 months to 24 months and therefore already enables more flexibility than the current approach. If the specifics of a scheme require a different trigger this can be discussed with the Council, during the application process.</p>	No
<b>Ballymore, Canary Wharf Group, Far East Consortium, Savills, St Williams</b>	<p><u>Employment, Skills, Training and Enterprise</u> Two responses were received in support of the reduction of the cost of End User Phase Skills and Training from the first draft to the second draft. Three responses were received which did not support any increase to the training cost from what is set out in the current 2016 SPD.</p>	<p>In response to the feedback received, the Council has further reviewed the End User Phase Skills and Training. In the final version of the SPD the training costs have been kept the same as the 2016 SPD.</p>	Yes
<b>Aberfeldy New Village LLP, Far East Consortium, Savills</b>	<p><u>Affordable Workspace</u> Some representations received requested that the SPD note that affordable workspace requirements should be assessed on an individual site basis subject to viability and considering the holistic planning benefits provided by the scheme. Other representations requested that specific reference to use classes be reintroduced.</p>	<p>As noted in the consultation summary report from the first consultation, Local Plan Policy D.EMP2 sets out the requirement for 10% of floorspace to be let at a minimum of 10% below the indicative market rate. The Local Plan also noted that these are minimum targets, and anything above will be subject to viability. Therefore, this obligation responds to the adopted Local Plan policy. Specific reference to the use classes has been included in the final version of the SPD.</p>	Yes
<b>Aberfeldy New Village LLP, Canal and River Trust, Canary Wharf Group, Far East Consortium, Savills, St William</b>	<p><u>Development Co-ordination and Integration</u> A variety of feedback was received in relation to this section with representations ranging from support for the proactive management of construction sites and Heavy Goods Vehicles (HGVs) to questioning how the obligation will meet the Regulation 122 tests and requesting that it is either considered on a case-by-case basis or removed. Some representations supported the reduction in the financial contribution rate from the first draft, others noted this reduction while requesting further justification for the rates or noting that applicants who prepare detailed construction management plans should not have to pay the contribution. Feedback also requested clarification on certain points including what the term 'unusually complex' means and confirmation that Local Development Forums will not delay the delivery of individual sites.</p>	<p>The Planning Obligations SPD outlines the reasoning behind this obligation, including how the cumulative impacts which it addresses are not mitigated by individual site CMPs. The Council confirm that Local Development Forums will not delay the delivery of individual sites. As noted in the Planning Obligations SPD, these forums will focus on sharing issues, best practice and communicating and scheduling works to minimise possible disruptions to services and local residents The text in Text Box 25 relating to 'unusually complex' construction sites has been removed.</p>	Some minor changes have been made to this section.
<b>Aberfeldy New Village LLP, Ballymore, Far East Consortium, Savills</b>	<p><u>Design Certification</u> Comments received generally supported the amendments made from the first draft SPD while still being of the view that the obligation is not required. One responder requested that Text Box 27 be updated to reflect the changes and intent of paragraphs 5.141 and 5.142. The text in 5.141 outlines that the trigger for further certification relates to assessed design quality however, the Text Box suggests this further requirement is driven purely by whether the original architect is retained. This conflict should be resolved to clarify the obligation.</p>	<p>As outlined in the second draft SPD, this obligation will only be sought in instances where design quality cannot be addressed via conditions. As such, it will be considered on a case-by-case basis and only where the Regulation 122 tests are met. The Council considers it is important to continue to provide guidance on this topic in the SPD. Paragraphs 5.141 and 5.142 should be read in conjunction with Text Box 27 to understand how the Council will approach design certification. Paragraphs 5.141 and 5.142 provide an explanation on the circumstances in which an obligation may be sought while Text Box 27 provides guidance on what the legal agreement would require. In addition, we note the change to Text Box 27 in the second draft which notes that planning obligations 'may' (not 'will') be</p>	No

	In addition, further information was sought in relation to the guidance being produced, prior to the SPD being adopted so that the content could be reviewed.	sought in relation to design quality. This change was made to align with the approach outlined in paragraphs 5.141 and 5.142. The Council is in the process of preparing the guidance referred to. However, this may not be ready prior to adoption of the SPD. Regardless of this, we note that the application of this obligation will still be subject to the Regulation 122 tests.	
<b>Aberfeldy New Village LLP, St William</b>	<u>General</u> Comments received raised concerns that not enough flexibility had been incorporated into the draft SPD for strategic and/or large, complex sites which require tailored planning obligations to suit the site-specific needs and requirements.	The feedback relating to large scale and complex / strategic sites is noted. The SPD provides Borough-wide guidance and therefore, the Council notes that it is not realistic for the SPD to account for all the site-specific circumstances that may arise. Instead the draft SPD notes that the type and range of planning obligations will depend on the particular development and its impacts. In addition, obligations are required to meet the Regulation 122 tests. The SPD also encourages applicants to discuss planning obligations early in the planning application process so that the specifics of a scheme can be discussed and taken into account. It is appropriate that the SPD provides the broad principles for planning obligations and that individual legal agreements can then be used to provide flexibility in relation to a specific development, such as through discussions around phasing.	No

**Table 5: Remaining Representations**

Table 5 addresses the remaining representations from the second draft Planning Obligations SPD, organised by respondent and with the Council's response provided.

Respondent	Summarised Representations	Council's Response	Amendments made to SPD?
<b>Aberfeldy New Village LLP</b>	<u>General</u> The LLP are acutely aware that the timing of this SPD's consultation is problematical due to the Covid-19 pandemic. The LLP question the appropriateness of consulting on this document at a time when it is particularly difficult to quantify the SPD's impacts and when the viability of schemes are being pulled into question due to the pandemic's impact on the development industry and the resultant market uncertainty. The LLP note that providing comments on the draft SPD without knowing the full impacts the Covid-19 pandemic will have on the development industry is difficult and complex. We urge that this is taken into account and that the draft SPD is for the time being reflected upon until there is greater certainty. It is intrinsic that this draft SPD does not halt development's ability to come forward, particularly at a time when it would be inappropriate to add additional financial burden when it is particularly difficult to deliver viable development.	The Tower Hamlets Local Plan 2031 was adopted earlier this year and the review and update of the Planning Obligations SPD is required to ensure that it aligns with the new Local Plan. LBTH recognises that there remains uncertainty in regard to the long-term economic impacts of Covid-19. We consider that the full impacts of the pandemic will not be known for some time and to delay the progression of the Planning Obligations SPD for an indeterminate amount of time would not be appropriate. LBTH considers that it is important to continue with the process of updating the SPD to ensure it provides the necessary guidance to developers to support planning applications and decisions. Planning obligations are required to be directly related to a development and therefore are subject to the specific nature and impact of a proposal. As such, LBTH considers that the best way to address any uncertainty resulting from the Covid-19 pandemic is on a case-by-case basis in discussion with developers. In line with Government advice, this is most likely in relation to timings, should developments be subject to adapted build out schedules.	No
<b>Aberfeldy New Village LLP</b>	<u>Negotiating Planning Obligations</u> The LLP welcome the recognition that non-financial obligations whereby the developer builds and directly provides the obligation is often preferable and "be credited to the scheme and will off-set financial contributions that may otherwise be sought."	In the simplest terms, in-kind contributions refer to obligations which the developer is responsible for delivering on-site. Throughout the SPD guidance is given in the text boxes of what is required in regard to on-site delivery. While we appreciate the need for certainty, in-kind delivery often depends on the specifics of a scheme and negotiations between a developer and the council. As such, the Council considers the current	No

Respondent	Summarised Representations	Council's Response	Amendments made to SPD?
	<p>However, the LLP raise concerns that this statement is ambiguous. It states at Para 2.2: "Planning Obligations may be financial or non-financial (including 'in kind' where the developer builds or provides directly the matters necessary to fulfil the obligation) and are negotiated as part of planning applications."</p> <p>Further information is sought for what would constitute as an 'in kind' contribution, in order to give developers greater certainty. It would be counter to the draft SPD's aspirations to discourage developers from the direct delivery of public benefits without the assurances this will be taken into account and as part of a wider viability picture.</p>	<p>approach taken in the SPD to be the most appropriate to enable this flexibility.</p>	
<p><b>Aberfeldy New Village LLP</b></p>	<p><u>Viability Review Mechanism</u></p> <p>Review mechanisms should not be imposed as a blanket approach, as they add unnecessary uncertainty and risk, adversely impacting the delivery of development. For multi-phased developments, the requirement of a mid-term review prior to the implementation of later phases could delay construction. Given the nature of the LLP's interest at Aberfeldy Village (large-scale, multi-phased development), the LLP would welcome further discussion and consultation on this point.</p>	<p>As noted in the consultation summary report from the first consultation, paragraph 4.23 outlines the principles for viability review and notes that they will be dependent on the circumstances of each case, thereby enabling consideration of site-specific circumstances.</p> <p>As a general principle, mid-term reviews are necessary to capture the changes to markets/ business cycles that occur during a long-term scheme. If the scheme is particularly complex and may require a different timeframe or approach, we recommend that this is discussed with the Council early in the application process.</p>	<p>No</p>
<p><b>Aberfeldy New Village LLP</b></p>	<p><u>Specialist Housing</u></p> <p>Specialist Housing is referenced albeit it is not defined. The draft SPD notes that planning obligations will be secured for specialist housing. Whilst the LLP have no objection to this in principle, at present the wording appears unclear and it would be useful to ascertain further details of how this will be secured via the S106, whilst also clearly defining what would constitute Specialist Housing.</p> <p>The LLP acknowledge the need to provide homes which are suitable for a range of occupiers, including those with disabilities. However, the SPD should state that final provision of wheelchair and specialist housing will be agreed subject to viability. Once again, the addition of a potential commuted sum formula on page 20 is helpful, however, the formula should require payment in line with those associated with the provision of specialist housing on site.</p> <p>In addition, the LLP are of the view that further clarity needs to be provided on how specialist housing would be counted toward the overall provision of affordable housing. The SPD states that specialist units which are provided on-site should be delivered as affordable. The SPD should clearly state that this will be agreed on a site-specific basis subject to viability</p>	<p>The Local Plan definition for specialist housing was included in the Glossary of the second draft of the SPD. The SPD provides further guidance to Local Plan policies and as such, should be read in conjunction with the Local Plan. Policies S.H1 and D.H4 (and the associated explanations) provide further detail on the Council's expectations when it comes to Specialist Housing.</p> <p>Paragraphs 1.9 and 1.10 of the SPD addresses viability considerations. These paragraphs apply across the SPD and are not repeated in every section.</p> <p>We note that the commuted sum formula applies to wheelchair accessible housing. This is a Local Plan policy requirement (Policy D.H3) and is separate to the provision of specialist housing.</p>	<p>No</p>
<p><b>Aberfeldy New Village LLP</b></p>	<p><u>Employment, Skills, Training and Enterprise</u></p> <p>The LLP acknowledge the need for local people to benefit from the opportunities which stem from development, particularly the opportunities which arise from the construction. Typically, the construction tendering/procurement is a competitive and complex process, and, for major development (especially tall buildings) specialist experienced contractors with a proven track record will usually be required to undertake the significant proportion of the works.</p> <p>On this basis, the SPD should allow some flexibility in order to respond to the requirement for specialist contractors and recognising the possibility that in some instances securing a minimum of 20% of the goods and services from firms within the Borough may not be possible. The LLP are of the view that the percentage of goods and services procured locally should be decided on a site-by-site basis and by having regard to the nature of the development.</p>	<p>The SPD outlines the Councils expectation when it comes to Local Enterprise. If there are particular circumstances relating to a scheme that require consideration, we recommend these are made clear as early as possible in the application process (preferably during the pre-application meeting).</p> <p>Taking these considerations into account is something that the Council already does. In addition, these matters are typically discussed during inception meetings with the economic benefits team.</p>	<p>No</p>
<p><b>Aberfeldy New Village LLP</b></p>	<p><u>Transport, Highways and Public Realm</u></p>	<p>As noted in the consultation summary report from the first consultation, we recommend that the Planning Obligations SPD is read in conjunction</p>	<p>No</p>

Respondent	Summarised Representations	Council's Response	Amendments made to SPD?
	<p>The LLP are supportive of the aspirations behind the transport, highways and public realm improvements to mitigate development impacts. However, further information is sought, and this is subject to detailed wording, to ensure development is not hindered by unreasonable demands outside of their control.</p>	<p>with the Local Plan which will provide more context to the topics mentioned.</p> <p>Any contributions sought in relation to transport, highways and public realm will take into account the specifics of the development and will only be sought when they meet the Regulation 122 tests.</p>	
<p><b>Aberfeldy New Village LLP</b></p>	<p><u>Children's Play Space</u></p> <p>The LLP support the principle of providing new high-quality play space as part of development proposals, consideration to site specific context, and existing open space / play space within the vicinity of the site should also be taken into account.</p> <p>The LLP also consider that S106 contributions should only be used where play space is being secured off-site via a financial contribution. If play space is being provided on-site, there is no longer a requirement for an S106 contribution for off-site provision.</p>	<p>As noted in the consultation summary report from the first consultation, if the full amount of play space required by the Local Plan is provided on-site the Council would not seek a financial contribution for off-site provision. If only part of the required play space is provided on-site, we would require a financial contribution for the portion that isn't provided.</p> <p>This is addressed in the text box titled 'Circumstances for Off-Site Provision or Financial Contributions' as on-site provision is expected in most instances.</p>	<p>No</p>
<p><b>Aberfeldy New Village LLP</b></p>	<p><u>Carbon Emission Reduction</u></p> <p>The SPD should acknowledge that there may be practical considerations which mitigate against the CO2 emission reduction standards being met. Off-set financial contributions should only be sought where the payment of such sums will not impact on development viability.</p>	<p>As noted in the consultation summary report from the first consultation, developments are expected to meet the carbon dioxide emission reduction standards set out in Local Plan Policy D.ES7. Where these standards are not met a cash-in-lieu contribution to offset is required. This policy requirement was assessed as part of the Local Plan Viability Assessment.</p>	<p>No</p>
<p><b>Aberfeldy New Village LLP</b></p>	<p><u>Air Quality</u></p> <p>The LLP welcome the amendments that been made to this obligation following the first draft of the SPD.</p>	<p>Noted</p>	<p>No</p>
<p><b>Ballymore</b></p>	<p><u>Viability</u></p> <p>As discussed in May 2020 and noting the amendments made in the most recent iteration of the document, Ballymore remain concerned that the SPD is not accompanied by Viability Evidence so support the financial requirements.</p> <p>As discussed in May 2020, it is clear that the SPD will have financial implications on the delivery of schemes when considered as a whole. However, the content and requirements remain untested from a viability perspective. Given that a balance needs to be struck to avoid placing unrealistic pressures on cost and deliverability of development and the needs of the Borough it is clear that viability evidence will be required to support the SPD.</p> <p>We note the additional comments from the Council in 1.9 and 1.10 of the draft SPD stating that they consider that this is best addressed on a case-by-case basis in order to be able to deal with planning obligations pragmatically. However, this approach essentially delays any decision and provides greater uncertainty for development (something developers are acutely seeking to avoid in current times). The Council is placing the burden on application discussions to determine whether the obligations are viable. This will delay discussions and deliverability and ultimately slow down the rate of construction in the Borough. There is a real concern that to meet the planning obligations proposed, relevant CIL Rates and provide the other objectives of the Local Plan such as 35% affordable housing; development could be unviable.</p> <p>This approach will also have significant impacts on the GLA Fast Track Approach to Affordable Housing, which the Council needs to clarify. Queries such as whether the Council has an expectation schemes applied for under fast track must completely adhere to the Planning Obligations SPD need to be resolved in the document. If strict compliance is intended, then the approach detailed in paragraphs 1.9 and 1.10 which places the burden on future applications to determine what is viable is unfounded and unreasonable.</p> <p>The above item creates uncertainty, and this is an aspect which central government policy is activity discouraging. Paragraph 2.5 of the White Paper: Planning for the Future (2020) states that policy must be based on transparent, clear requirements for local authorities to identify appropriate levels of, and locations for, development that provide certainty and that applicants and communities can easily understand.</p>	<p>As previously noted, the Council has undertaken several assessments in relation to the viability of the Local Plan policies, CIL and planning obligations. These are summarised in the CIL Viability Study (2019), the CIL Additional Evidence and Information Document (2018) (which is associated with the CIL Charging Schedule, 2020) and the Tower Hamlets Local Plan Viability Assessment (2018).</p> <p>These documents demonstrate that in general, the Local Plan policies, CIL and planning obligations can viably be delivered on schemes in the Borough. All of these assessments state that as they are borough-wide evaluations they do not reflect all of the possible site-specific circumstances that may impact viability.</p> <p>As such, the Council considers it appropriate that in instances where the benchmarks for planning obligations determined by these assessments are exceeded, the specific circumstances and viability of the scheme are considered.</p> <p>With regard to comments on the Fast Track Approach, it is noted that the new London Plan Policy H5 details this approach and includes the requirement that the application "meets other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant".</p> <p>The Planning Obligations SPD provides further guidance on Local Plan policies and once adopted will be a material consideration in planning decisions. However, this does not remove the requirement for planning obligations to meet the Regulation 122 tests. As such, not all planning obligations outlined in the SPD will be applicable to all developments in the borough. Their application will depend on the specifics of the</p>	<p>No</p>

Respondent	Summarised Representations	Council's Response	Amendments made to SPD?
	<p>Central Government policy is also clear that plan policy (including SPD's) should be positively prepared to meet the area's objectively assessed needs and most importantly should be deliverable. The omission of viability evidence to support the plan means the Council cannot be certain the SPD does not affect the deliverability of development in meeting local needs and therefore the above tests are not met.</p> <p>We therefore request that the Council commission viability advice to review that undertaken so far and to take account of changing market conditions. This viability assessment should review all of the objectives of the Local Plan, strategic targets for the Borough and the Planning Obligations SPD and identify where greater flexibility can be introduced to ensure viable development is delivered. The burden should not be placed on applications that are submitted to the Council.</p>	<p>development, its impacts and the extent to which it meets the Local Plan policies.</p>	
<b>Ballymore</b>	<p><u>Wheelchair Accessible Housing and Parking</u> We welcome the changes to the Obligation following the comments in our previous representation.</p>	<p>Noted.</p>	<p>No</p>
<b>Ballymore</b>	<p><u>Employment, Skills, Training and Enterprise</u> Local Enterprise – We welcome the changes to the SPD in relation to Local Enterprise. The omission of the best endeavours evidence and confirmation that the targets are negotiable are strongly supported. We are also pleased to see that the Council has removed the financial penalty where the clause has not been met, instead taking a more pragmatic approach to site specific and construction specific methodologies.</p> <p>Local Employment – As stated in our May 2020 representation, while the concept of supporting local business is welcomed, we remain concerned that neither the approach the 20% of construction value threshold or the mechanism to review information submitted is achievable in their current formats.</p> <p>We acknowledge that the clause is broadly complied with adopted Planning Obligations SPD and we appreciate that the Council has removed the “Failure to meet employment and enterprise” obligation, both of which go a significant distance to address our concerns. When determining application's, we request that the Council clearly outlines with the SPD that the obligation will be applied pragmatically as part of the wider discussions with officers regarding local enterprise and jobs. As stated in our previous representations the Council has an excellent track record for promoting wider benefits during the construction phase (Local Employment Plans) and we would be pleased to see it continue.</p>	<p>Noted.</p> <p>As noted in the consultation summary for the first public consultation, the wording of the 'Local Enterprise' guidance in the First Draft of the SPD has not been substantially altered from the 2016 SPD and the approach outlined in this guidance has been successfully delivered since 2016. This includes majority of developments meeting the target for 20% of the total value of contracts during the construction phase as well as the Council reviewing submitted information in a timely and effective manner.</p> <p>As such, the Council does not consider that changes to the SPD text are required at this time.</p>	<p>No</p>
<b>Ballymore</b>	<p><u>Open Space – Water Spaces</u> While we continue to consider that the overall obligation is a duplication of existing policy and therefore not required, we support officers in the deletion of the buffer zones requirement. This approach allows for a designed based solution for the site and future negotiation without precluding innovative site-specific approaches.</p>	<p>Noted.</p>	<p>No</p>
<b>Ballymore</b>	<p><u>Air Quality</u> We welcome the changes proposed by the Council that now require financial contributions for Air Quality where a scheme is not policy complaint (i.e. does not achieve Air Quality Neutral).</p>	<p>Noted.</p>	<p>No</p>
<b>Ballymore</b>	<p><u>Monitoring Fee</u> We appreciate the comments from the Council in their consultation response document however continue to consider a more appropriate monitoring route to be based on number queries not total value. The Council identify there is extensive work undertaken to monitor delivery and compliance with obligations associated with a scheme and we agree with this. However, on the basis the work required directly relates to the number of queries, we would suggest the more appropriate route would be for the resource and cost incurred by the Council to reflect complexity of the S.106 Agreement and not simply the overall cost.</p> <p>We would note that as stated in the Amended Report (Paragraphs 1.9 and 1.10) the Council is keen to assess obligations on a site-by-site basis and the concept of the monitoring fee could be undertaken in this route to ensure best value for the developer and Council.</p>	<p>Regulation 122 requires that planning obligations (including financial obligations) are fairly and reasonably related in scale to the development. It is therefore typical that a development that has large financial contributions, is itself large and/or complex and will require extensive work to monitor over a long period of time.</p> <p>The Council considers that the approach to calculating monitoring fees set out in the draft Planning Obligations SPD accounts for the variation in complexity of s106 agreements. As such, this updated approach is considered to be fair and reasonable and reflects the actual costs of monitoring individual agreements.</p>	<p>No</p>

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<b>Canal and River Trust</b>	<p><u>Transport, Highways and Public Realm</u> We welcome these paragraphs and look forward to working with the Council to identify sustainable transport improvements and towpath improvements that can support new developments in these ways as they come forward.</p> <p><u>Open Space – Water Spaces</u> We welcome improved access to our waterways and the proposal to require ongoing maintenance to an appropriate standard. However, it should be noted that developers do not have a right to connect developments too the Trust's towpaths without the Trust's consent. New access agreements and appropriate maintenance standards must be negotiated with the Trust. The Trust must also reserve the right to close access to its towpaths in certain circumstances, such as to undertake maintenance.</p> <p>We welcome the clarity provided in respect of s106 agreements and both public access and ongoing maintenance being secured through s106 agreements subject to our agreement.</p> <p>We welcome the removal of the section with regard to buffer zones</p> <p><u>Biodiversity</u> The Trust considers that, subject to our agreement, there will be opportunities for new development to contribute to enhancements of the biodiversity of our waterways through the approach set out in this section. We welcome the specific mention of waterways in para 5.111</p>	Support is noted.	No
<b>Canal and River Trust</b>	<p><u>Green Grid</u> The Council has identified most of the Trust's waterways in the borough as part of the Green Grid. We welcome para 5.88 and the explicit provision made to include financial contributions towards improving the strategic Green grid itself.</p>	Support is noted. The Council notes that while many waterways have been identified as part of the Green Grid, this is not the case for all the canals in the borough. We recommend referring to the Local Plan Policy maps if you would like to confirm what waterways are and are not considered part of the green grid. In addition, any financial contributions sought from development are required to meet the Regulation 122 tests and therefore will be dependent on the specifics of a scheme.	No
<b>Canary Wharf Group</b>	<p><u>General</u> Our original overriding concern that in many instances the proposed obligations go far beyond what is required in the Local Plan and introduce many unnecessary additional obligations relative to the adopted 2016 adopted SPD remain. Many have not been justified relative to the Regulation 122 tests and are likely to discourage, rather than facilitate, development as required by the Development Plan.</p> <p>We still do not consider that sufficient evidence has been provided to demonstrate that the new and increased financial obligations would not unduly add to the burden of bringing forward viable and deliverable development. In this respect, it is likely that in its current form the draft SPD remains unlawful.</p>	<p>Responses to specific topics are provided below and in Table 4.</p> <p>As previously noted, the Council has undertaken several assessments in relation to the viability of the Local Plan policies, CIL and planning obligations. These are summarised in the CIL Viability Study (2019), the CIL Additional Evidence and Information Document (2018) (which is associated with the CIL Charging Schedule, 2020) and the Tower Hamlets Local Plan Viability Assessment (2018).</p> <p>These documents demonstrate that in general, the Local Plan policies, CIL and planning obligations can viably be delivered on schemes in the Borough. All of these assessments state that as they are borough-wide evaluations they do not reflect all possible specific circumstances that may impact viability.</p> <p>As such, the Council considers it appropriate that in instances where the benchmarks for planning obligations determined by these assessments are exceeded, the specific circumstances and viability of the scheme are considered.</p>	No
<b>Canary Wharf Group</b>	<p><u>Negotiating Planning Obligations</u> This states that the Council's legal services team will prepare a first draft of agreement.</p> <p>In response to our comment on the First Draft Consultation that the text should be revised to recognise that there can be instances where it is expedient for the Applicant's solicitors to prepare the first draft, the Council's Consultation Statement for Public Consultation on First Draft states on page 5:</p> <p>"The Council will not typically accept the developer / applicant preparing a first draft as this doesn't necessarily result in a faster process. Any alternative to this would have to be agreed with the Council first."</p>	The Council appreciates the additional text suggested by Canary Wharf Group, however, it is not considered necessary to include the suggested sentence in the SPD given it would be an irregular occurrence and the Council can give no guarantee that the suggested approach would be agreed to.	No



Respondent	Summarised Representations	Council's Response	Amendments made to SPD?
	<p>In our experience of schemes such as Wood Wharf, we have drafted the s106 Agreement and this has resulted in a significantly more efficient drafting process. In drafting, we are happy to work with a boilerplate produced by the Council. To us, it would seem appropriate for the Council's response text above to be inserted into the final Planning Obligations SPD text.</p>		
<p><b>Canary Wharf Group</b></p>	<p><u>Viability Review Mechanism</u>                      Still unclear why the paragraph has not been revised to cross refer exactly to criteria F2 of Policy H5 of the Intend to Publish London Plan.</p>	<p>The viability review mechanisms set out in paragraph 4.22 of the second draft SPD are based on the guidance in the Tower Hamlets Development Viability SPD (2017). As noted in paragraph 4.22, these are principles and if a particular scheme requires different review mechanisms these can be discussed with the Council when the scheme comes forward.</p>	<p>Yes - updated to include reference to the Tower Hamlets Viability SPD</p>
<p><b>Canary Wharf Group</b></p>	<p><u>Intermediate Housing</u>                      Text box 6: The Council's Consultation Statement for Public Consultation on First Draft states on page 7 that the Intermediate Housing section in the draft SPD outlines LBTH preferred approach to how Intermediate Housing should be marketed.                      If this is the Council's 'preferred approach' as opposed to a fixed requirement, then surely our amendment from "will" to "may" on the Text Box 6 wording would be the most appropriate wording to use, allowing the position to be considered on a case-by-case basis.</p>	<p>As this is the Council's preferred approach and what we would generally expect developers to follow we consider the wording as it currently is, is appropriate.</p>	<p>No</p>
<p><b>Canary Wharf Group</b></p>	<p><u>Employment, Skills, Training and Enterprise</u>                      As we stated in our previous representations, the wording should be revised to read "one apprenticeship should be secured for the equivalent of one year (52 weeks)". This change would recognise that apprentices will move on and off sites according to their trade. CWG monitors the weeks that an apprentice is working on the relevant site to monitor the total amount of work that has supported apprenticeships overall.</p>	<p>The SPD text has been updated to include that apprenticeships are for the equivalent of one year.</p>	<p>Yes</p>
<p><b>Canary Wharf Group</b></p>	<p><u>Affordable Workspace</u>                      Whilst the previously proposed 18 months prior to occupation time period has been reduced to 12 months, we still think this period is too long. The Affordable Workspace Strategy Template included at Appendix A of the Second Draft SPD requires details such as a construction specification, value of the fit out and prices.                      It is not realistic that this type of information will be available 12 months ahead of occupation and we would like to understand if the Council has any examples of their suggested approach working before?                      From our experience as the biggest deliverer of employment floorspace in the Borough, we see a six month period as a practical and workable timeframe. This would still allow the Council their suggested two month timeframe to respond to the Strategy document.                      A financial contribution may be applicable in exceptional circumstances where affordable workspace cannot be delivered on-site or off-site. The Second Draft SPD has amended the formula used by the Council to calculate this commuted sum. The basis for the formula is not clear. A worked example has been included in this draft however this does not explain the basis or reasoning behind the formula. The proposed formula which is assumed to calculate the present-day value of the annual rent of the required affordable workspace is incorrect and needs to be reviewed.</p>	<p>The Planning Obligations SPD sets out the Council's guidance on how planning obligations will be approached in the borough. The general expectation is for developers to provide the Affordable Workspace Strategy within the specified timeframe. If a different timeframe is required due to the specifics of a development but will still ensure that an adequate period of marketing to attract an Affordable Workspace provider is undertaken prior to occupation, then this can be discussed on a case-by-case basis when the scheme comes forward.                      The commuted sum formula calculates the cost for the Council to acquire and provide equivalent affordable workspace to the scheme in question, in instances where affordable workspace cannot be delivered on-site or off-site. As such, the calculation incorporates input values for the specific scheme while also accounting for the costs to the Council to acquire commercial property on the open market which will then be used to provide affordable workspace.</p>	<p>No</p>
<p><b>Canary Wharf Group</b></p>	<p><u>Green Grid</u>                      There is still no explanation or guidance as to how a Green Grid contribution might be calculated to understand the potential cost to schemes. It is difficult to understand how making payments towards Green Grid improvements potentially up to 200m away would meet the Regulation 122 tests.                      Would CIL monies not be used to fund Green Grid improvements?</p>	<p>As noted in the consultation summary for the first public consultation, contributions towards the Green Grid will be considered on a site-by-site basis. This is because contributions will need to take into account the specific development aspects of a scheme as well as the Green Grid in the vicinity of the development.                      This may include financial or non-financial contributions but will be agreed with the applicant and will be required to meet the Regulation 122 tests. Financial contributions will be based on the costs for the Council to deliver the Green Grid works.</p>	<p>No</p>

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<b>Canary Wharf Group</b>	<p><u>Children's Play Space</u></p> <p>The Council has stated on page 19 of Consultation Statement for Public Consultation on First Draft that it is useful to developers to be clear on the level of maintenance expected for children's play space.</p> <p>It is one thing to set out expectations but the inclusion within Text Box 21 implies that these maintenance requirements will form actual planning obligations.</p> <p>We have never seen anything like this level of requirement anywhere previously. Given that it is suggested as a pre-occupation requirement, have the Council investigated the ability of the Register of Play Inspectors International to help facilitate the obligation?</p>	<p>The expectations for play space inspections have been moved to paragraph 5.105 and a sentence included which notes that these will be required unless otherwise agreed with the Council.</p> <p>It is noted that only one of the inspection requirements relates to pre-occupation (the post-installation inspection) and this merely requires that a certificate of the inspection is provided to the Council. The others are required post-occupation as part of on-going maintenance / inspection or in the event of any issues being identified. These should already be part of any proper maintenance process for play space and are not arduous assessments.</p>	Yes
<b>Canary Wharf Group</b>	<p><u>Monitoring Fee</u></p> <p>As set out in Tables 1 and 2 above, the Monitoring Fee for the current North Quay scheme (based on automatically triggered obligations) would rise from £7,500 under the current 2016 Planning Obligations SPD to £100,000 under the Second Draft SPD. The bulk of this increase is due to the monitoring of financial contributions. This makes no sense to us. The financial contributions in Table 2 above (excluding Monitoring) amount to over £11 million. At this level of contribution, developers should not have to pay yet further for the Council to 'monitor' how the money they have been provided is then used. That is completely unreasonable.</p>	<p>The Community Infrastructure Levy (Amendment) Regulations 2019 that came into effect on 1<sup>st</sup> September 2019, specifically allow authorities to seek a monitoring fee through planning obligations.</p> <p>There is extensive work undertaken by the Council to monitor delivery and compliance with obligations associated with a scheme, particularly schemes as large and complex as North Quay, which are likely to be phased and require monitoring over many years.</p> <p>The Council considers that the approach to calculating monitoring fees set out in the draft Planning Obligations SPD takes into account the variation in complexity of s106 agreements. As such, this updated approach is considered to be fair and reasonable and reflects the actual costs of monitoring individual agreements.</p>	No
<b>Department for Education</b>	<p>We would again wish to emphasise the ability for LBTH to collect S106 for specific infrastructure projects including education, where justified robustly. This is to assist LBTH in meeting the funding requirements for education across the borough, where school places are required in relation to new development.</p> <p>The amendment made by LBTH at paragraph 3.7 is therefore supported and could be strengthened in order to assist LBTH in collecting sufficient developer contributions for education.</p> <p>DfE has published guidance on securing developer contributions for education, at <a href="https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth">https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth</a>. You may wish to refer to this guidance specifically in the SPD, or as a footnote.</p> <p>We would also maintain our suggestion that LBTH makes 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.</p>	<p>The Council thanks the Department for Education for its representation. As per the consultation summary for the first consultation, the Council considers that given the strategic nature of schools, the most appropriate form of funding is CIL / CIL-in-kind.</p> <p>Support for changes to paragraph 3.7 are noted.</p> <p>While the Council has not included specific reference to the guidance in the Planning Obligations SPD at this time, we are aware of it and refer others to it as required.</p> <p>Retrospectively securing contributions to forward fund infrastructure is not an approach that Tower Hamlets takes.</p>	No
<b>Environment Agency</b>	<p><u>Water Demand Management Offset Scheme</u></p> <p>With the Isle of Dogs &amp; South Poplar Integrated Water Management Strategy (IWMS) recently published (available here: <a href="https://data.london.gov.uk/dataset/isle-of-dogs-and-south-poplar-integrated-water-management-plan">https://data.london.gov.uk/dataset/isle-of-dogs-and-south-poplar-integrated-water-management-plan</a>) and the evidence within this showing stricter standards may be required in some areas, we do feel that Water Demand/Management could be referenced in the SPD in some way and acknowledged that the evidence shows higher requirements for water supply/treatment than the local plan requires will be needed to enable timely development at some growth locations. We would also welcome a reference to the policy instruments that could be used to apply water demand requirements you discussed such as future Masterplans, Area Action Plans or additional SPDs.</p> <p>Whilst we welcome the idea of including the water demand requirements within Area Action Plans/Masterplans and an additional Utilities SPD we have some concerns that the same issues may arise with any stricter demands when the current Local Plan policies are already set. We have been made aware</p>	<p>The Environment Agency's feedback is noted. The Council has decided not to include the IWMS in the SPD at this time, however, we will continue to work with the Environment Agency and GLA Infrastructure Team on the best way to implement the IWMS findings.</p>	No

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	of your new Infrastructure Co-ordinator and feel this role working with the developers from the outset will be ideal for introducing developers to the requirements of the IWMS when highlighting the infrastructure requirements of developments.		
<b>Environment Agency</b>	<p><u>Open Space – Water Spaces</u>                      We were disappointed to see that the Buffer Zone paragraph had been removed from the Water Spaces section as this included environmental enhancement requirements as well as requirements of the landowner realigning, setting back and or raising flood defence walls where necessary. However, we note Paragraph 5.115 references the 16 and 8 metre buffer requirements and that Text Box 24 refers to buffer zones required under Local Plan Policy D.ES4 to be retained and maintained for the lifetime of the development and we understand the need to not repeat requirements already set out in the Local Plan.</p>	The buffer zone paragraph was removed from the water spaces section to better reflect the Local Plan policy. We agree that it is not necessary to restate Local Plan policies in the SPD and therefore the SPD text is intended to provide additional guidance to Local Plan policies.	No
<b>Environment Agency</b>	<p><u>Flood Risk</u>                      We support the flood risk section and the inclusion of the requirements of the Thames Estuary 2100 Plan for developments adjoining the river Thames in paragraph 5.119.</p>	Support is noted.	No
<b>Environment Agency</b>	<p><u>Biodiversity</u>                      We maintain our previous position in our May 2020 response that Developer contributions should also be sought via planning obligations wherever reasonable and/or practicable to deliver Water Framework Directive objectives as detailed within the Thames River Basin Management Plan.</p>	Reference to the Thames River Basin Management Plan objectives has been included in the biodiversity section.	Yes
<b>Far East Consortium</b>	<p><u>General</u>                      We welcome the clarification made within the introduction that 'the type and range of planning obligations will depend on the development and its impact'. Given the current and future uncertainty created by the ongoing COVID-19 global pandemic, FEC is strongly of the view that a one size fits all approach is not appropriate in relation to planning obligations, and that any financial or non-financial contributions sought should be discussed and agreed on a site-by-site basis, subject to viability and the specific nature of the site and proposals. The second draft of the SPD recognises that each planning application is unique in its own context, therefore, each obligation should be specific to an application's circumstances and should be discussed, and agreed, with between the Council beforehand, which we support.                      We also support the inclusion within paragraph 7.2 that trigger points for each obligation will be discussed and agreed between the Council and the applicant on a case-by-case basis, including in relation to the phasing of a development.</p>	Support noted.	No
<b>Far East Consortium and Savills</b>	<p><u>Affordable Housing – Major</u>                      Within Text Box 1: Affordable Housing – Major Applications on p15 an additional sentence has been added setting out 'Development is expected to maximise the delivery of affordable housing on-site' replacing a requirement to deliver on site in the first draft. We support the clarification that on-site affordable provision is not a set requirement, but a target.                      In Text Box 1, the second draft SPD has added wording requiring developers to 'provide an annual update on the amount of Affordable Housing that has been transferred to housing providers'. We note that there is not further guidance on how this annual update would be undertaken and suggest that further clarity is included in the SPD.</p>	<p>Support for changes to text box 1 are noted.                       The requirement to provide the Council with an annual update on the transfer of Affordable Housing to housing providers will be set out in the legal agreement for individual schemes.</p>	No
<b>Far East Consortium and Savills</b>	<p><u>Specialist Housing</u>                      For clarity, we suggest that comments made in LBTH's Consultation Summary Report First Draft Planning Obligations SPD are include in the text in the SPD itself. For example, we suggest the inclusion of the wording 'obligations will be considered on a case-by case basis subject to the specific circumstances of the scheme. This obligation will only be considered where a scheme proposes specialist housing.'</p>	This additional text is not considered necessary. Text box 5 already recognises that planning obligations will only be sought from developments delivering Specialist Housing. The Local Plan policies provide further detail on what is expected.	No

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<p><b>Far East Consortium and Savills</b></p>	<p><u>Intermediate Housing</u>                      The second Draft SPD sets out a requirement to market intermediate housing to LBTH residents for the first three months of marketing, and that developers will be required to obtain permission from the Council before marketing these properties pan-London. It is our view that doing so could impact on the uptake of the development, and therefore we suggest that marketing should not be restricted to LBTH residents only in the first three months.                      This requirement should be altered before the SPD is adopted. This could include potential guidance in relation to actively marketing homes to LBTH residents during the first 3 months, and the removal of a requirement to only market to LBTH residents, and the need for developers to seek permission from the council prior to marketing more widely. This will ensure that the development can be absorbed into the market without delay.                      In line with the London Housing Strategy (2018) we suggest that the LBTH SPD makes clear that the reference to the first 3 months of marketing does not apply to re-sales.</p>	<p>As detailed in the Local Plan, Tower Hamlets faces an acute housing need, including delivery of housing for local people on average-to-medium incomes. The marketing of Intermediate Housing to local residents is considered necessary to help address this need.                      The approach of marketing to local residents in the first instance is regularly applied by London authorities.                      The Council notes that the initial three months of marketing to LBTH residents can be undertaken whenever a Registered Provider or developer chooses, as long as the Council is informed when the marketing starts.</p>	<p>Yes</p>
<p><b>Far East Consortium and Savills</b></p>	<p><u>Wheelchair Accessible Housing and Parking</u>                      We welcome the changes to Text Box 7 'Wheelchair Accessible Housing' as it is now consistent with the adopted policy and Building Regulations, and we note the Council's preference for accessible units in line with M4 (3) to be provided below the fifth floor.</p>	<p>Support is noted.</p>	<p>No</p>
<p><b>Far East Consortium and Savills</b></p>	<p><u>Employment, Skills, Training and Enterprise</u>                      The second draft of the SPD states that 'we will seek to secure a minimum of 20% of the total jobs created by the construction and end-user phases of new developments for local residents', and that LBTH require opportunities to be advertised to Tower Hamlets residents through the Council's job brokerage service or local based organisations.                      We suggest that the SPD makes clear that local residents do not have to exclusively be people who live in Tower Hamlets. We acknowledge LBTH's aspiration to secure local job opportunities from development in the borough, however we note the reality that workers in a variety of sectors can commute across borough boundaries to their place of work, whether to neighbouring boroughs or across London.                      Additionally, for major developments, applicants would usually undertake a competitive tendering process in order to appoint specialist contractors, and there may be circumstances where the specialist contractors required are not based locally to the site. Therefore, local procurement should be discussed and agreed between the Council and the Applicant on a site by site basis taking into consideration the specific circumstances of the site and construction process, and Text Box 10 should be altered to reflect this.</p>	<p>Where the Employment, Skills, Training and Enterprise section of the Planning Obligations SPD refers to local residents, this applies to people who live in Tower Hamlets. As noted in the consultation summary for the first public consultation, the obligations only require a portion (20%) of total jobs of a development to be for Tower Hamlets residents. As such, there is already flexibility in the obligation. If certain roles require specialist contractors from outside of the Borough, then this would fall into the 80% of jobs that aren't local.                      If there are particular circumstances relating to a scheme that require consideration, we recommend these are made clear as early as possible in the application process (preferably during the pre-application meeting).</p>	<p>No</p>
<p><b>Far East Consortium and Savills</b></p>	<p><u>Apprenticeships</u>                      As noted previously, we welcome the clarity in terms of thresholds, but suggest that the SPD should outline that this should be assessed on case-by-case basis, and the thresholds used as a starting point for discussions between LBTH and the applicant in relation to the range of planning obligations and planning benefits delivered by each specific scheme.</p>	<p>The Planning Obligations SPD provides guidance on the Council's approach to securing planning obligations and outlines the Council's expectation when it comes to providing apprenticeships to support local people. If there are particular circumstances relating to a scheme that require consideration, we recommend these are raised with the Council as early as possible in the application process (preferably during the pre-application meeting).</p>	<p>No</p>
<p><b>Far East Consortium and Savills</b></p>	<p><u>Children's Play Space</u>                      We note and welcome the clarification in Text Box 21 that planning obligations in relation to Children's Play Space will only be sought for schemes that do not meet the minimum play space requirements set out in the Local Plan. As noted in the Consultation Summary Report First Draft Planning Obligations SPD, we suggest that for clarity, wording is added to this section of the SPD stating that planning obligations will take into account site specific circumstances and be subject to viability. As noted previously, we welcome LBTH's support of early engagement between the borough and applicants.</p>	<p>The Children's Play Space section already includes recognition of site-specific circumstances (under the headings of 'on-site provision' and 'circumstances for off-site provision or financial contributions'. No further wording is considered necessary.                      Paragraphs 1.9 and 1.10 address viability. As such, this is not repeated throughout the SPD.</p>	<p>No</p>

Respondent	Summarised Representations	Council's Response	Amendments made to SPD?
<p><b>Far East Consortium and Savills</b></p>	<p><u>Transport, Highways and Public Realm</u> We encourage LBTH to clarify in what circumstances 'transport link improvement contributions' may be sought to provide clarity to the 'where appropriate' stated in the draft wording. This would be helpful so that at an early stage, applicants are aware of the full range of potential planning obligations and discussions can be held between LBTH and the applicant in relation to the site-specific circumstances. As noted in the 'Consultation Summary Report First Draft Planning Obligations SPD' we suggest that wording is added to the SPD stating that 'contributions towards transport links will depend on the specifics of a development, and that contributions would be calculated on a case-by-case basis depending on the specifics of the development.'</p>	<p>As noted in Text Box 17, transport, highways and public realm contributions will largely depend on Transport Assessments prepared for a given development and whether mitigation is required to address impacts of the development. As such, this will ultimately depend on the specific circumstances of the development. Text box 17 has been updated to further clarify this.</p> <p>We recommend that applicants discuss this with the Council during the pre-application process.</p>	<p>Yes</p>
<p><b>Far East Consortium and Savills</b></p>	<p><u>Carbon Emission Reduction</u> For clarity, we suggest that the SPD sets out that in line with the adopted Local Plan, a financial contribution in relation to Carbon Offsetting will only be sought for any emissions that are not already offset through on-site measures.</p>	<p>The wording in paragraph 5.104 and text box 22 under the title ' CO2 Reduction' already state that contributions will only be sought to meet the shortfall in carbon reduction targets. In addition, this is clearly outlined in the Local Plan policy.</p>	<p>No</p>
<p><b>Far East Consortium and Savills</b></p>	<p><u>Air Quality</u> We support the clarity within Text Box 26: Air Quality that planning obligations will not be sought for all major developments that adhere to the 'Air Quality Neutral' standards.</p>	<p>Support is noted</p>	<p>No</p>
<p><b>Hillstone</b></p>	<p><u>Affordable Housing – Minor Applications</u> In our representations on the first draft of the SPD we objected to the proposal to secure affordable housing from schemes of fewer than ten units on the basis that to do so is inconsistent with the NPPF and new London Plan. Whilst we recognise the role of SPDs in adding further detail to the policies in the development plan (as per the definition in Annex 2 of the NPPF glossary), there is no sensible basis for the pursuit of a policy which is at odds with the latest iteration of national planning policy, as set out in paragraph 63 of the NPPF and in paragraph 023 (reference ID 23b-023-20190901) of the Planning Practice Guidance, particularly as the Government's commitment to an exemption to small sites can be in no doubt. It noted in a recent consultation (Changes to the current planning system, August 2020) that: "National policy is clear that affordable housing contributions should not be sought for developments of fewer than 10 units (small sites)." We also pointed out that there will also be no basis for seeking contributions to affordable housing from schemes of fewer than ten units in the new London Plan, once published in final form, as the Secretary of State has instructed the Mayor of London to delete paragraphs 4.2.12 and 4.2.13 of the intend to publish version of the London Plan in their entirety, noting that the approach they set out 'undermines the national approach and will lead to confusion for applicants and decision makers'. In response, we note that LBTH's Consultation Statement says: "We note that a final decision regarding the approach in the new London Plan is still yet to be released." That, in our view, simply ignores the fact that the Secretary of State has directed that the changes be made. In other words, he has not simply requested that the changes be made; he is requiring them. Again, therefore, there can be no sensible basis for the pursuit of a policy which is not only at odds with the latest iteration of national planning policy, but which will have no basis in London-wide policy. It follows, therefore, that as a matter of principle LBTH should not pursue the part of the SPD dealing with contributions to affordable housing from small sites.</p>	<p>As noted in the previous consultation summary, the Tower Hamlets Local Plan was prepared in accordance with the National Planning Policy Framework (NPPF) 2012 under the transitional arrangements specified in the NPPF 2019 and has subsequently been approved by the Planning Inspector and adopted by the Council.</p> <p>The Local Plan specifically requires the Planning Obligations SPD to provide further information on the contribution required by the small sites policy.</p>	<p>No</p>
<p><b>Hillstone</b></p>	<p><u>Affordable Housing – Minor Applications</u> There is very little explanation of how the 'calculator' works. The calculator itself includes only occasional notes to explain the inputs and formulae. There is a suggestion in the second draft SPD says that 'the calculation method is set out in the Small Sites Affordable Housing Contributions Paper', but that is a topic paper which discusses different possible approaches rather than a detailed explanation of the calculation method.</p>	<p>Further explanation of how the Small Sites calculator works has been included in the SPD. The SPD has now been through two public consultations. Following review and update of the document based on feedback received during the second consultation, the SPD will start the adoption process. As such, no further public consultations are proposed.</p>	<p>Yes</p>

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	<p>In any case, this is a consultation on a draft SPD, not on a topic paper. Whatever is proposed should be set out within a formal consultation document. A cross-reference to a topic paper from 2017 is clearly inadequate. It is vital that officers provide a full explanation of the inputs and formulae for the calculator, and to then to re-consult formally. Only then will consultees be in a position to make representations on whether the proposed approach is robust.</p>		
<p><b>Hillstone</b></p>	<p><u>Affordable Housing – Minor Applications</u>                      Paragraph 5.11 of the second draft SPD says that the small sites contribution will be payable prior to the commencement of development. That is likely to have an adverse impact on developers' ability to fund schemes and, therefore, on viability. The contribution should instead be payable upon occupation of the first unit, in order to increase the likelihood that schemes will be deliverable.</p>	<p>The council notes the concerns raised regarding timing of the payment of the small sites contribution. Payment of financial contributions is typically sought at the commencement of development. However, the SPD has been updated to include an option to pay the contribution within six months of development commencing or first occupation, whichever is earlier, subject to agreement with the Council.</p>	<p>Yes</p>
<p><b>Metropolitan Police Service</b></p>	<p><u>Policing Infrastructure</u>                      The Metropolitan Police Service re-iterate their previous comments which evidently show that it is widely accepted and documented that policing infrastructure represents a legitimate infrastructure requirement that should be accounted for. It is therefore important that policing is referred to as social infrastructure and as such, we request that the London Borough of Tower Hamlets include a section in the Planning Obligations SPD confirming that policing infrastructure can be included within CIL/S106 and details the non-property related infrastructure sought.</p>	<p>The Council thanks Metropolitan Police Service for their representation regarding policing infrastructure. As noted in the consultation summary for the first public consultation, we recognise the point raised by MPS that policing infrastructure could be funded via planning obligations. However, we note that the Tower Hamlets Local Plan does not include any policies relating to this or the need for policing infrastructure generally. As such, we consider that it would be difficult for a planning obligation to meet the Regulation 122 tests.</p> <p>In addition, Tower Hamlets Council would typically consider policing infrastructure to be strategic infrastructure. As such, CIL would be a more appropriate funding source. This is reflected in the Council's Regulation 123 list, which although no longer required by the CIL regulations is still a useful list to refer to. The Reg 123 list includes 'Infrastructure dedicated to public safety (for example, wider CCTV coverage)'.                      We also note that the PO SPD does not contain an exhaustive list of planning obligations which may be sought from development. As such, there may be instances where impacts, identified through the development management process, necessitate an obligation not specified in the SPD.                      Tower Hamlets has been working with MPS to include policing infrastructure in our Infrastructure Delivery Plan which helps inform what infrastructure is required to support development in the borough. The inclusion of policing infrastructure in this document will help ensure it is appropriately planned for in the borough.</p>	<p>No</p>
<p><b>Natural England</b></p>	<p>While we welcome this opportunity to give our views, the topic this second draft Supplementary Planning Document covers is unlikely to have major impacts on the natural environment. We therefore do not wish to provide specific comments, but advise you to consider the following issues:</p> <ul style="list-style-type: none"> <li>This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraphs 8, 72, 102, 118, 170, 171, 174 and 175 of the National Planning Policy Framework. You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. An example of good practice includes the Exeter Residential Design Guide SPD, which advises (amongst other matters) a ratio of one nest/roost box per residential unit.</li> <li>The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated</li> </ul>	<p>The Council notes the feedback relating to landscape enhancements, impacts on protected species and the requirement to consult on Strategic Environmental Assessments.</p> <p>The draft SPD includes obligations relating to open space, water space and the green grid which will support delivery of green infrastructure in the Borough.</p> <p>Local Plan Policy D.ES3 and the Tower Hamlets Local Biodiversity Action Plan provide guidance on the protection and enhancement of biodiversity on-site, including how specific habitats and species will be incorporated into developments. Obligations relating to biodiversity will</p>	<p>No</p>

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	<p>sensitivity and capacity assessments provide tools for planners and developers to consider how new development might make a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts.</p> <ul style="list-style-type: none"> <li>Natural England has produced Standing Advice to help local planning authorities assess the impact of particular developments on protected or priority species.</li> <li>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</li> </ul>	<p>be considered on a case by case basis depending on the specifics of the site and scheme.</p>	
<b>NHS Property Service</b>	<p>The NHS is a significant landowner across London and Tower Hamlets. All NHS organisations are seeking to optimise their land and property through development and disposal programmes. Taking a pragmatic approach to developer contributions will help deliver NHS schemes and unlock opportunities for greater partnership working across the public estate.</p> <p>We therefore welcome the Council's willingness to discuss developer contributions arising from NHS development schemes on a case-by-case basis and look forward to working with the Council to bring forward these important projects.</p>	<p>Noted</p>	<p>No</p>
<b>Space Studios</b>	<p><u>Affordable workspace</u></p> <p>We support the inclusion of Affordable Workspace as an important type of end use and the 10% requirement of such space in developments over 1000sqm GIA. We would like to see a higher percentage but understand the need for viability and would prefer a more affordable 10% rather than a more expensive larger %.</p> <p>Para 5.52 also refers to 'flexible design' and we would like to see the Council developing design codes for different end users, such as artist studios, in consultation with organisations on the affordable workspace providers list. This would ensure that the workspace is usable and will not sit empty. It will also save the developer the worry over what to do with the space and potentially secure a pre-let.</p> <p>Para 5.53 states that the workspace will be let at a reduced rate for a minimum of 10 years. Firstly, there are a number of different workspace providers operating on different models, the more commercial of which will clearly be able to afford a higher rate and be more attractive to developers. It would be good to have these different categories listed, such as Charities or CICS who are affordable workspace providers (see LAASN. laasn.co.uk) and set what is expected in terms of rent and other lease terms. For the Charitable/CIC sector, a base rent could be set in 2020, say £8 psf and this index linked at five yearly rent review based on RPI, thus ensuring affordability over time. Part of this sustainability is an affordable known service charge; it would be ideal to set a maximum psf per year (say £1.50 psf with indexation). The Council could set targets for sq ft in each category and be more specific in replying to developer's enquiries over what type would suit their particular development.</p> <p>Secondly, ten years is quite short, and we suggest the minimum is 15 years with at least 25 being preferred. A right for the Charitable/CIC workspace provider to purchase a long leasehold interest based on the affordable rent should be included in the lease.</p> <p>We would like to see artist studios specifically mentioned e.g. ' offices, artist studios and industrial uses'</p>	<p>Support for affordable workspace is noted. The 10% requirement is set out in Local Plan policy and as such the SPD is required to align with this.</p> <p>The comments regarding design codes are noted and have been passed on to the Council's Growth and Economic Development Team for consideration. These are not something that we are able to include in the SPD.</p> <p>The comments regarding the different affordable workspace models are acknowledged. While it is not possible to include the requested information in the SPD, we have passed this on to the Council's Growth and Economic Development Team for consideration as to whether some additional guidance about this may be useful.</p> <p>The comments regarding the 10-year timeframe are noted. This is set out in the Local Plan (paragraph 10.25) as a minimum target with anything above this being subject to the viability of the development. As such, where possible the Council will seek to secure longer periods subject to the viability of the individual scheme.</p> <p>The SPD has been updated to include artist studios.</p> <p>The Council isn't able to require this of developers, however, where possible and appropriate the Growth and Economic Development Team will encourage developers to do so.</p>	<p>Yes – update to include artist studios</p>

Respondent	Summarised Representations	Council's Response	Amendments made to SPD?
	<p>We would like to see developers demonstrating that they have consulted with at least two Charitable/CIC affordable workspace providers on the Council's list. On such matters as design, lease length and other terms including service charge.</p>		
<p><b>Sport England</b></p>	<p><u>Sports Facilities</u>                      Sport England has reviewed the document and does not consider it materially addresses the concerns raised it raise in relation to the previous draft. As a result, Sport England's position is as set out in its email of 19th May 2020 which is attached for information.</p> <p>Sport England has reviewed the draft document in light of these planning objectives and national planning policy set out in the National Planning Policy Framework (NPPF) and has concerns with the draft document as there is almost no mention of sports facilities therefore it is unclear how the Council seeks to mitigate any harm to such facilities caused by development.</p> <p>Sport England, however, welcome that the Council are seeking to implement the Mayor's Healthy Street's approach. This approach aligns with some Active Design Principles. Active Design is a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in strategic planning. The document can be downloaded via the following link:  <a href="https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design">https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design</a></p>	<p>Noted. The Council has provided further information in response to the feedback from Sport England, however, the overall position remains unchanged.</p> <p>As noted in paragraphs 2.1 and 5.1 as well as the 'How should it be used?' section, the planning obligations outlined in the SPD are not an exhaustive list. If a development comes forward which harms a sports facility a planning obligation can still be secured to address this harm as long as it meets the Regulation 122 tests.</p> <p>Support for Healthy Streets approach is noted. The Active Design principles have been passed on to the Tower Hamlets Plan Making team.</p>	<p>No</p>
<p><b>Sport England</b></p>	<p><u>Sports Facilities</u>                      The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within the area is unlikely to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies therefore developments must contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site in order to ensure healthy sustainable communities. The level and nature of any provision should be informed by a robust evidence base such as an up to date such as the Playing Field Assessment, Local Football Facility Plan or other relevant needs assessment.</p> <p>Although the document could, arguably, be interpreted to include playing fields and pitches under the 'Open Space' section the document is silent on ancillary facilities, such as changing rooms, pavilions etc., that could be needed so that sites can accommodate growth. This is important in a borough such as Tower Hamlets that have limited scope for providing new playing field sites so improving existing sites to accommodate growth, if they can be improved, is vital. The draft is also concerningly silent on built sport facilities, such as Artificial Grass Pitches, Sports Halls, Swimming Pools, Activity Studio's, Multi-Use Games Areas etc. Again, Sport England would expect that the Council plan for the impact on sport facilities on growth by ensuring new capacity is created, whether this be by new provision or enhancing existing facilities. It should be noted that Sport England Facilities Planning Model already indicates significant deficits of Sports Halls, Swimming Pools and Artificial Grass Pitches in the borough therefore increasing the population without addressing these deficiencies would comprise the ability of the community to engage in sport and physical activity.</p> <p>Sport England would object to any development that increases the demand for sports facilities which does not mitigate the impact of this demand. As a result, Sport England considers that the Council should overcome its objection by re-considering the implications on sport facilities and make it clear that developers should enter into planning obligations that mitigate the harm caused by the increases of demand on the boroughs' sports facilities.</p>	<p>As noted in the consultation summary for the first public consultation, the Council considers that the nature of the facilities (including ancillary facilities) detailed in the representation by Sport England are best funded by CIL / CIL-in-kind and site allocations, particularly given they would likely support the wider community not just an individual development.</p> <p>This is recognised by the inclusion of 'Leisure facilities, such as sports facilities' in the Council's Reg 123 list. While this list is no longer required under the CIL regulations, it still serves as a useful guide on the type of infrastructure that the Council will seek to fund via CIL.</p> <p>This is reflected in paragraph 7.33 of the Local Plan which notes that CIL payments will be used to fund infrastructure such as community facilities. Section 12 of the Local Plan outlines the Council's approach to delivering community facilities, including sports facilities. This policy recognises the need for these facilities and notes that they will be delivered in accordance with the Infrastructure Delivery Plan and other relevant strategies such as the Indoor Sports Facilities Strategy. Furthermore, Policy D.OWS3 sets out the expectation that strategic developments will contribute to the delivery of new publicly accessible open space on-site which contributes to meeting the demand for sports facilities. By taking this approach the Council will be able to plan for and deliver sports facilities.</p>	<p>No</p>



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	<p>Sport England also notes that the document indicates that open spaces delivered through CIL-in-kind would be required to be made available for community events which are open to local residents. Sport England is concerned if these events would be on playing fields as the wear and tear from an event is likely to reduce the quality, and therefore the amount of usage, of the playing field thereby requiring it to have a higher level of maintenance to ensure that it can be brought back to the condition required for safe play after the event. This could have implications on maintenance budgets and any obligations negotiated in S.106 agreements.</p>	<p>We agree that the use of open space for community events can have maintenance implications. This will be considered this as part of s106 / CIL-in-kind agreements.</p>	
<p><b>St William</b></p>	<p><u>General</u>                      St William is pleased to read in the Consultation Statement that LBTH is “open to discussing”, on “a case-by-case basis”, St William’s suggestion that contributions towards monitoring should be made on a phased basis.                      St William maintains that taking a phased approach to monitoring contributions and other obligations would be sensible and reasonable. Therefore, St William suggests that the option of taking of a phased approach, on a case-by-case basis, is recognised in the text of the SPD.</p>	<p>The Planning Obligations SPD provides guidance on the Council's approach to securing planning obligations. While the Council is open to discussing this with applicants, it will not be a regular occurrence and therefore we do not consider it necessary to include in the SPD.</p>	<p>No</p>
<p><b>St William</b></p>	<p><u>Viability</u>                      The Consultation Statement explains LBTH’s position: that the Development Viability SPD “supports the approach” of the Mayor’s SPG and “is not aware of any ambiguity”. LBTH state that St William’s comment has been noted and that the Development Viability SPD will be updated in due course. St William is pleased to read that our comment on this matter will be taken into account on the update of the SPD.</p>	<p>Noted</p>	<p>No</p>
<p><b>St William</b></p>	<p><u>Employment, Skills, Training and Enterprise</u>                      St William recognises that paragraph 5.50 of the Second Draft SPD has been amended to remove bullets 3 and 5.                      St William is pleased to see that these bullets have been removed in order to reduce the burden on applicants to meet obligations which cannot be justified in planning terms. St William is also pleased to see the deletion of the section ‘Failure to meet employment and enterprise obligations’. However, the 20% target remains elsewhere in the document and as such St William suggests that these are clearly reworded to be stated as ‘aspirational targets’ or ‘benchmarks’ against which to judge performance.</p>	<p>Support for updates to paragraph 5.50 are noted.                      The guidance for the Job Brokerage and Local Enterprise obligations in the draft SPD is largely unchanged from the 2016 SPD. The Council is not proposing to change our approach to these obligations from what it is currently.</p>	<p>No</p>
<p><b>St William</b></p>	<p><u>Affordable Workspace</u>                      St William is pleased to read in paragraph 5.60 that the number of months’ notice required to submit a strategy for affordable workspace has been shortened, from 18 to 12 months. St William considers a shorter timeframe more reasonable, in order to ensure the submitted strategy is as up-to-date and accurate as possible.                      However, St William maintains that linking the submission of a strategy to ‘occupation’ is unhelpful, particularly in larger schemes and it will be difficult to enforce; rather, St William suggests that ‘commencement of a phase’ (in a phased development) would be a more appropriate milestone. St William suggests that this is amended accordingly.                      St William is pleased to see at paragraph 5.60 that phased developments, and the timeframes and milestones which they require, have been recognised in relation to the submission of an affordable workplace strategy.                      St William notes at paragraph 5.57 in the Second Draft SPD that developers will be encouraged to agree the affordability discount, the rent level, and the “associated service charge level” – this third point is new in the Second Draft. St William is of the view that it is inappropriate for service charges to be considered in an SPD and should not be subject to agreement with the Council's New Business Growth Team. The Local Plan states at paragraph 10.25 that: “In all cases, the applicant will be required to provide details of management arrangements as part of the planning application”.</p>	<p>Support for changes made in the second draft are noted.                      Comments regarding the timing for the Affordable Workspace Strategy are noted. However, the Council considers that this is appropriate in many instances. It is noted that the SPD provides guidance on how planning obligations will be applied across the borough. However, if the specifics of a scheme mean that submission would be more appropriate at a different time then this can be discussed with the council when that scheme comes forward.                      The Council considers that including information about service charge levels in the Affordable Workspace Strategy is necessary so that workspace providers and SME's can understand upfront the service level charges. This will make it easier to source a provider as they will know in advance the associated costs and margins for taking on a workspace. As such, this point has been kept in the final version of the SPD.                      The Council disagrees with the comments regarding perpetuity. Paragraph 10.25 of the Local Plan states: “the floorspace and discount thresholds above are treated as minimum targets and anything above will be subject to viability”. Given that the obligation mitigates planning harm from the development, it is entirely appropriate that this obligation be sought in perpetuity where viability allows.</p>	<p>Yes – some changes to the section have been made to further clarify the council’s position.</p>

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	<p>This wording does not prescribe that the applicant will need to agree matters such as the associated service charge level with the council. As such, St William suggests that "associated service charge level" is removed from the SPD text.</p> <p>St William sees the value in agreeing discount levels in perpetuity where appropriate; indeed, this has been agreed for the affordable workplace at Marian Place. However, St William notes that the reference to "in perpetuity" in the draft SPD text does not align to the text in paragraph 10.25 of the Local Plan.</p> <p>The Local Plan does not include reference to securing discount levels in perpetuity. St William suggests that the SPD wording is revised to align to the Local Plan text accordingly.</p>		
<b>St William</b>	<p><u>Early Years Education and Car Facilities</u></p> <p>St William is grateful that LBTH has taken on board its comments regarding statutory requirements for early years facilities. St William is pleased to read that LBTH has amended Text Box 16 in the Second Draft SPD.</p>	Support noted.	No
<b>St William</b>	<p><u>Transport, Highways and Public Realm</u></p> <p>St William explained in its response to the First Draft Consultation that the following statement is ambiguous and could result in significant contributions: "Where appropriate, a transport link improvement contribution may be sought to contribute to bus, overground, underground, DLR and sustainable transport improvements".</p> <p>St William suggested that the following wording be added: "For strategic sites identified in the Local Plan significant contributions will not usually be required unless they were included within the allocation and tested for viability and deliverability through the Local Plan process."</p> <p>In the Consultation Statement, LBTH has stated that it does not consider it necessary to include this additional text on the basis that this is already addressed in the local plan.</p> <p>While St William notes that site allocations are picked up within the local plan, it does not agree that this negates the need to include the above text in the SPD. The suggested text is helpful in clarifying the matter. St William strongly suggests that LBTH reconsiders the inclusion of this text in the adopted SPD.</p>	The Council notes St Williams comments, however, our position remains the same as stated in the consultation statement for the first public consultation.	No
<b>St William</b>	<p><u>Green Grid</u></p> <p>St William does not agree that the Green Grid and Open Space contributions should be treated separately. In instances where it is more appropriate for an applicant to make an off-site contribution towards the Green Grid, St William would expect this contribution to be channelled towards improvements to the Green Grid which directly benefit the occupants of the development and are therefore directly related to the development as required by Regulation 122 of the CIL Regulations (2010 as amended). As LBTH states in the Second Draft at paragraph 5.90, occupiers of adjacent developments to the Green Grid will "make use of it over the life of the development". It is therefore wholly appropriate for that contribution to be considered in the round with other on and off-site contributions made by the applicant towards open space provision, as the occupants of the development will directly benefit from the off-site investment in the Green Grid.</p>	<p>The Planning Obligations SPD provides guidance on the Council's approach to securing planning obligations. It is not an exhaustive list nor is it intended to account for every possible development situation. Planning obligations have to be considered against the specifics of a given development.</p> <p>This is particularly true in the case of off-site contributions for the Green Grid and Open Space where the wider context of a development site will need to be taken into account. As shown on the Local Plan Policies map, a considerable amount of the Green Grid follows streets and therefore would not be considered open space for the purpose of meeting the amenity standards in Policy D.H3. As such, the Council considers that it is best for this issue to be discussed early in the application process and preferably during the pre-application meeting.</p>	No
<b>St William</b>	<p><u>Site Allocations</u></p> <p>LBTH has recognised in the Consultation Statement that site allocations command flexibility, as detailed in Local Plan Policy D.SG5 and at paragraph 17.8 of the Local Plan; LBTH agrees that:</p> <p>"Flexibility may be applied to the policies relating to the site allocation requirements based on an up-to-date assessment of need and the agreed viability position of the scheme". As such, St William seeks for this flexibility to be recognised within the SPD with the suggested text set out above.</p>	As previously noted, the Local Plan already includes this information. As the SPD is guidance to the local plan it is not considered necessary to restate this.	No
<b>St William</b>	<p><u>Children's Play Space</u></p> <p>In its response to the First Draft Consultation, St William noted the draft SPD wording: "Existing parks in the borough cannot be relied on to satisfy the play requirements of children of 12 years and older due to capacity constraints."</p>	<p>Noted.</p> <p>This text has been included to provide an explanation for how the Council will determine financial contributions. There is a huge variety in costs for play equipment depending on the number and age of children</p>	No

Respondent	Summarised Representations	Council's Response	Amendments made to SPD?
	<p>St William argued that, particularly for strategic sites there may be circumstances where better outcomes can be achieved with off-site contributions. St William is grateful that the Council has accepted this position and amended the text in this regard.</p> <p>St William notes that an addition to the SPD text has been made in the Second Draft, within the text on Circumstances for Off-Site Provision or Financial Contributions. The additional text is:                      "The financial contribution will be based on costs for similar upgrades to parks and play facilities undertaken by the Council elsewhere in the Borough".</p> <p>This text is vague and does not provide reasonable clarity to applicants on the use of benchmarks in order to calculate financial contributions. St William suggests that this text is either justified with additional information on methodology and benchmarking or is removed.</p>	<p>as well as the space available. In order for the Council to be able to provide play space in instances where it cannot be provided on-site, financial contributions need to account for all of these factors. As such, the Council has determined that the approach outlined in the SPD is the most appropriate for determining financial contributions.</p>	
<p><b>The Arch Company</b></p>	<p><u>Affordable Workspace</u>                      Due to these unique viability constraints, for policy compliant changes of uses of railway arches from one employment use to another, it would be preferable to avoid having to enter into costly pre-application discussions solely to provide comfort to potential occupiers these obligations will not be sought.</p> <p>On this basis, The Arch Company request that confirmation is explicitly given within the draft SPD that the obligations will not be sought from a change in use class within a use class category for railway arches.</p>	<p>The Council again notes that this will be dependent on the circumstances of the development. For example, certain use class changes are covered as permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore do not require planning permission. This typically (although not exclusively) applies to spaces of up to 500sqm. Use class changes to spaces above this size do require planning permission and therefore are subject to the relevant Local Plan policies.</p> <p>It is noted that the Affordable Workspace policy only applies to major commercial and mixed-use schemes (i.e. those with over 1,000 sqm of commercial floorspace). Therefore, if a scheme comes forward that does not meet the permitted development criteria and includes over 1,000sqm of commercial floorspace then the Affordable Workspace policy will apply. The SPD has been updated to clarify this position.</p>	<p>Yes</p>
<p><b>The Trampery</b></p>	<p>Operators of affordable workspace will typically expect to agree a base rent for a space. In addition, a specification of fit out also needs to be agreed so that a large capital investment from operators isn't required and can be ready to rent out with minor adjustment.</p>	<p>The Council notes these comments. These matters will be addressed through the Affordable Workspace Strategy which developers prepare.</p>	<p>No</p>
<p><b>Transport for London</b></p>	<p>We are pleased to see amendments to the second draft SPD based on our previous comments, including the reference to TfL potentially co-signing legal agreements, and the references to 'transport capacity and infrastructure' and the DLR, as suggested.</p> <p><u>Transport contributions</u>                      It is unclear what 'transport link improvement contribution' means in Text Box 17. For clarity, we suggest this is replaced with 'transport contribution'.</p> <p>The text box also suggests that a Transport Assessment (TA) is required to identify site-specific impacts. It is important to note that a TA also identifies impacts on the wider highway and public transport network. Contributions can and should be secured for mitigation beyond the site, as long as they are in accordance with the three tests set out in Section 122(2) of The Community Infrastructure Levy Regulations 2010. We recommend that wider transport mitigation is referenced in this part of the SPD.</p> <p>We are pleased to see the addition of the DLR to the list of transport modes in Text Box 17. After '...and sustainable transport improvements' we also suggest adding: 'such as cycle infrastructure'.</p> <p><u>Pre-application advice</u>                      As previously stated, we are supportive of the recommendations to seek pre-application advice prior to the submission of major development proposals. These can resolve design issues with the developer or applicant at an early stage, including issues relating to transport such as public transport impacts, car/cycle parking, and site access. We recommend you refer to TfL's pre-application service in section 4.</p>	<p>Noted</p> <p>Text box 17 has been updated to state "transport contribution" and "such as cycle infrastructure".</p> <p>Paragraphs 5.71, 5.73 and 5.74 address the Council's approach to securing contributions to the wider network. It is not considered necessary to repeat this in Text Box 17.</p> <p>Reference to TfL's pre-application service has been included in section 4.</p>	<p>Yes</p>

Respondent	Summarised Representations	Council's Response	Amendments made to SPD?
<p><b>Transport for London</b></p>	<p><u>Step-free access</u>                      There should be greater emphasis placed on the need for contributions towards public transport step-free access (SFA) schemes. The borough has rightly demonstrated its commitment to housing and transport accessibility in the SPD, including in the section on wheelchair accessible housing and parking, as well as mentioning the importance of an accessible transport network in paragraph 5.69. Additionally, the car-free development policies strengthen the case for referring to SFA schemes, which are essential in making public transport more inclusive. As such, 'step-free access to public transport' should be included in the examples listed in paragraph 5.71 and Text Box 17.</p> <p><u>Mayoral CIL</u>                      We would welcome a reference to the role of Mayoral CIL in financing Crossrail in the introduction (third paragraph, p.2).                      Equally, paragraph 1.11 could include future changes to CIL exemptions, including the recently published regulations exempting properties intended for first-time buyers. These are expected to take effect on 16 November 2020.</p>	<p>The Council notes the feedback relating to step-free access. However, we consider that it will generally be best to fund this through other sources (such as CIL). There may be instances where planning obligations are appropriate, however, we consider that this should be assessed on a case-by-case basis.</p> <p>An explanation of MCIL is provided in paragraphs 1.17 - 1.18. We don't consider that it is necessary to repeat this in the introduction.                      TfL's feedback regarding CIL exemptions is noted, however, as this falls under social housing relief, which is already mentioned in paragraph 1.11, we consider this is addressed.</p>	<p>No</p>