

Summary of Responses to SPD on Planning Contributions Consultation- 17th Feb- 31st March 2010

Number	Originator	Comment	Reply	Outcome
1. 19 th Feb 2010	House Builders Federation (James Stevens)	<p>1. the SPD should be revised to reflect the importance of waiving s106 obligations – to encourage development- the level of contribution sought should not threaten viability.</p> <p>2. Review whether any obligations accord with the five principles (B5), hence questions areas of Community facilities, employment and training, public realm and historic buildings. Request that employment and training, and public art should be deleted from the Council's schedule and stated that health and Education are funded by society through statutory functions.</p> <p>3. That the doc should set out the requirements for the Bromley Town Centre and any redevelopments in major and district town centres.</p>	<p>Acknowledged points raised</p> <p>1. Para 1.24 has been amended to introduce flexibility in respect of viability.</p> <p>2. Community facilities, Employment and training, and Public Art will remain in the schedule they provide a <u>guide</u> to what may fall under s106 when directly related to a proposal.</p> <p>3. The Bromley Town Centre Area Action Plan (BTCAAP) was the place for specific obligations for the BTC, the SPD is a general guide for the rest of the borough.</p>	<p>Text edited</p> <p>Added BTCAAP web link.</p>
2. 22 nd Feb 2010	National Grid (Les Morris)	No comment to make on the document.	Acknowledged receipt of email.	No action.
3. 18 th Feb 2010	Babbacombe Rd Residents AscN (Michael Payne)	Asked for confirmation of his understanding of the process; if before this it had been conducted in an ad-hoc way and if discussions between parties were known to the public in general.	The intention was for the system to be readily understood by developers and agents and that the whole process was open and available on the public register to view.	No change.
4. 12 th January 2010	Report of the Section 106 working group- presented to DCC 12 th January 2010.	<p>1. That the draft SPD should be updated – taking into account latest on CIL.</p> <p>2. Guidance on how s106 monies distributed.</p>	<p>1. Government decision on CIL/Planning Obligations – to be addressed in the final SPD.</p> <p>2. Continued further development of s106 monitoring system will</p>	1 Addressed

		<p>3. More advice sought from Valuation or specialist consultants when considering potential scale of s106 contributions.</p> <p>4. Broader definition of health needs investigated allowing for local priorities for example older people.</p> <p>5. Providing housing benefit rather than affordable housing as a means to overcome homelessness.</p> <p>6. Officers should ensure that parking and public transport are maximised in negotiations.</p> <p>7. More emphasis placed on cycle routes and cycling facilities.</p>	<p>allow this.</p> <p>3. The draft SPD allows for 3rd party negotiations if necessary, paid for by the developer.</p> <p>4. The HUDU model specifically refers to primary and acute care not for any other use. The statutory basis of the three tests precludes any deviation.</p> <p>5. Not appropriate under Circ 05/05.</p> <p>6. This is included in site specific negotiations.</p> <p>7. UDP policy T7 'Cyclists' and paras 5.33 and 5.34, and Draft SPD para 3.4 place emphasis on cycle routes and cycling facilities.</p>	
5. 18 th Feb 2010	Pratts Bottom Residents Asc - Keith Bickers	Website access difficult to comprehend- suggested publishing a single easy to understand document that lists all main issues.	Replied explaining purpose and intention of SPD and for whom it was primarily intended.	Create one page summary guide for the web on SPD publication.
6. 22 nd Feb 2010	Crime Prevention Design Advisor - (Mick Lane)	Will seek to ensure that all housing not just affordable housing is designed in accordance with Secure by Design scheme - wants scheme applied to all built environment.	Acknowledged receipt, topic to be dealt with in the forthcoming DPD on Development Standards.	Future action.
7.- 5 th March 2010	CABE (Andrew Davies)	No comment	Acknowledged receipt.	No action.
8.- 4 th March 2010	Internal Officer comment - Gill Slater	Lacking a nursery provision capital cost place figure which is needed to establish nursery contributions.	Figure for nursery provision cost per place established and confirmed by Officer as £8,129.	Included nursery figure.
9 19 th March 2010	English Heritage	1.That we should include that the list on para 3.44 includes reference to maintenance and management to the Borough' Scheduled Monuments and Registered Parks and Gardens.	Acknowledged receipt. 1.References will be included in para 3.44. 2.There are already elements of	Included text.

		2.Public Realm should include enhancement of historic squares and spaces, registered parks and gardens, historic pavement materials, street furniture. Removal of street clutter and installation of sympathetic lighting. Additionally contributions to the historic environment can also be signposted in other topic areas – such as environment’, ‘outdoor recreation’ and ‘community and cultural facilities’.	these enhancements included in the text and para 3.44 already clearly states that the list is not exhaustive, any contributions would be strictly requested under terms of Circular 05/2005.	
10 19 th March 2010	Bats.Org.Uk (Stephen Ballard)	Response draws attention to ‘bat’ issues – importantly that where large scale works are proposed that an ecological survey is carried out – particularly if the site is close to woodland or water. An example would be where works will affect trees, buildings or underground works that may contain roosts that bat surveys should be carried out.	Acknowledged receipt. Wildlife habitats are covered in para 3.32 where there are references to measures to mitigate, protect, create, enhance and manage; surveys are requested at the earlier initial validation stage.	No action.
11 19 th March 2010	WS Planning (Maggie Williams - admin@wsplanning .co.uk)	1.Para 1.18- 1-25 - Objectives of this guidance. Welcome para 1.23. 2.Para 3.1 – Broadly Support- more of a comment- it would be helpful to signpost the reader to Appendix 1 and the Affordable Housing SPD – it is not clear how the payment – in-lieu is to be calculated. In addition there are concerns regarding the financial viability of some sites at the lower end of the threshold i.e. 10-15 units where it has been agreed that contributions in-lieu of affordable housing may be made. Sites may require substantial remedial works to bring them back into use, - this may render them unviable.	Acknowledged receipt 2.Para 4.21 of Policy H3 in the Adopted UDP states that in negotiating the level of affordable housing the Council will seek the provision of 35% of habitable rooms on a site unless material considerations indicate otherwise. In these negotiations one of the principal considerations will be whether there will be particular costs associated with the development of the site: this will usually be reflected in the residual land value and should not affect a site’s suitability. <u>The onus will be on applicants to submit a viability appraisal to demonstrate that abnormal development costs, in addition to the affordable housing contribution, would impact unduly</u>	Inform when SPD adopted. Added Web Link to Housing SPD Para 3.46 -47 added text

			<p><u>on scheme viability.</u> Para 6.24 of the Adopted Affordable Housing SPD states that particular development costs will usually be reflected in land values. The site suitability tests are outlined in the table following Para 6.24 of the SPD. Where applicants consider there are unforeseen additional costs involved in a site's development, then it is the Council's requirement that the GLA Development Control Toolkit is used to demonstrate how these costs would impact on the ability to contribute to affordable housing requirements and to provide units that comply with the price set out within this SPD. The Council may also accept an 'open book' approach of full financial disclosure whereby all required financial inputs and outputs are made available and assessed/ validated. Other financial methodologies may be applicable to undertake the economic viability of a specific scheme, especially in the case of complex mixed used schemes. However, the use of any alternative financial methodology in place of the GLA Development Control Toolkit must be agreed with the Council in advance of undertaking the appraisal.</p> <p>The Council does not perceive that the costs usually associated with redevelopment of previously developed but otherwise</p>	
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<p>12 19th March 2010</p>	<p>Gian Bendinelli Planning Bureau on behalf of McCarthy & Stone</p>	<p>1.Para 3.31- OBJECT –seeking contributions for employment and training does not meet the requirement of Circular 05/05, as the creation of new development does not in itself create a requirement for it to be mitigated by training persons who may be unemployed or lack the skills to gain employment and therefore should be omitted</p> <p>2.Para 3.45 – OBJECT – Public Art may be a social benefit but Circ 05/05 only permits a requirement for contributions in order to mitigate the impact of a development – there would not be a circumstance where the impact of development needed to be mitigated by public art - the full tests of the circular need to be applied.</p>	<p>Acknowledged receipt 1.Para 3.31- each case is looked at individually and this is not a requirement. Suggest re-wording to read – Conditions or Planning obligations may be sought in any major development proposal especially in areas where unemployment levels are above the Borough average... 2.Para 3.45- Para 3.45 Public art of some form may be included in the original design but may as with the Bromley Town Centre require s106 for future maintenance etc. As planners we are charged to ensure high quality development through good and inclusive design (PPS1).</p>	<p>Inform when SPD adopted.</p> <p>Paras 3.31 & 3.45 text added</p>
<p>13. 18th March 2010</p>	<p>Shire Consulting on behalf of Barclays Bank</p>	<p>Objections. 1. The SPD should set out clearly what is sought, and justify this with evidence. 2.The document is too long. 3.The bank believes the Council is going beyond what is allowed in policy. 4. Repeated reference to 'requirements' – these references should be edited out.</p>	<p>Acknowledged receipt 1. A range of possible obligations that may be sought is given as a guide for each topic because each case is dealt with on its merits. 2, 3 and 4: the final document will be reviewed in the light of the revision of Circ 05/05, and 'requirement' will be edited.</p>	<p>Inform when SPD adopted.</p> <p>4. Edited text.</p>

		<p>5. Para 2.10 Implications of use of ‘pooled contribution- query use of contributions raised in one town on improvements for another – this would not meet tests of the circular.</p> <p>6. Para 2.11 Principle of unspent contributions being returned to developer should apply to all unspent on specific provision not just unspent balance.</p> <p>7. The Bank does not believe all matters listed in SPD are in conformity with Circular due to a lack of direct relationship with the development such as Employment and training.</p> <p>8. ‘Health’ is unreasonable unless there is a direct impact upon these caused by the development and there is a geographical link with any justified provision.</p> <p>9. It should be made clearer in Section 3 and Appendix 1 that contributions to public art will be voluntary.</p> <p>10. Appendix 1 not clear about what matters listed will apply in what part of the borough – direct comparison with BTC31 and that the SPD should make it clear that only these matters will apply to planning obligations sought in BTC.</p> <p>11. Comment -Suggest that the SPD should be postponed until it is clear whether CIL will be the way forward.</p>	<p>5. Para 2.10 Pooling arrangements will be reviewed in the light of CIL regulations and revised Circ tests.</p> <p>6. Para 2.11 – ‘balance’ deleted, and ‘monies’ added.</p> <p>7. If a direct relationship to a proposal is proved using the revised tests then that an obligation will be sought.</p> <p>8. Contributions will be sought in accordance with the circular tests. Para 3.28 has been expanded to clarify when health contributions will be sought.</p> <p>9. Any contribution may be voluntary but where there are future maintenance issues as a result of a public art included in a scheme, it would be appropriate to use s106 not condition this.</p> <p>10. The application of any type of obligation will vary considerably in any part of the borough hence they will be sought on a strictly case by case basis. Matters for the town Bromley Town Centre are those in the policy BTC31 of the BTC Area Action Plan.</p> <p>11. Delay inevitable -awaiting further information re the Governments intention for CIL</p>	<p>5. Text added to para 2.10.</p> <p>6.Text edited para 2.11.</p> <p>8. Text edited</p> <p>9. Deleted last line of para 3.45.</p>
<p>14. 24th March 2010</p>	<p>Thames Water (Carmelle Bell)</p>	<p>Supports Para 2.4 and relies heavily on the planning system to ensure infrastructure is ahead of development either through phasing or the use of Grampian style conditions.</p>	<p>Acknowledged receipt</p>	
<p>15. 26th March 2010</p>	<p>Natural England</p>	<p>1. Suggests strengthening the document by inclusion of the principle that ‘Green spaces should be designed to deliver multiple functions in addition to amenity (including</p>	<p>Acknowledged receipt 1.Edit text to include principle – para 3.35.</p>	<p>Inform when SPD adopted. 1&2. Text edited</p>

		<p>provision of habitat'), helping the borough to adapt to climate and improving air quality.</p> <p>2.Para 3.43 Welcomes improvements to public spaces, open spaces, gardens and parks, together with improving links between them through new trees and landscaping – this can be used in respect of the term public spaces, which can refer to 'soft' as well as 'hard' landscaping. Suggests the inclusion of web resources to be of use to potential developers.</p> <p>Design for Biodiversity http://www.d4b.org.uk/</p> <p>Biodiversity by Design http://naturalengland.communities.com/naturalenglandshop/docs/TCP1.pdf</p> <p>Right Trees for a Changing Climate http://www.right-trees.org.uk/</p> <p>Adapting to Climate Change: A Checklist for Development http://www.london.gov.uk/lccp/publications/development.js p</p>	<p>2.Add to Para 3.43 – that public spaces can also have soft landscaping improvements not only hard landscaping to control movement. Include web resources as listed.</p>	<p>and web refs included.</p>
<p>16. 24th March 2010</p>	<p>Robinson Escott (Fiona Dalitis) Crest Nicholson Eastern Limited</p>	<p>Various objections</p> <p>1.Para 1.2 –implies the current document isn't a formal consultation – but continues that the objections are formal objections.</p> <p>2.Para 1.23 the SPD seems to misinterpret the respective roles of the LPA and the applicant; states obligations appear 'negotiable'. Quotes para B35 and B8 of Circular.</p> <p>3.Para 2.8 – re education and health- formulae should only be applied following assessment of the actual impact of a proposal.</p>	<p>Acknowledged receipt</p> <p>1. The consultation has been made in accordance with guidance and the objections have been accepted as formal objections.</p> <p>2.Para 1.23 and 1.24 edited to clarify guidance. Para B35 Circ 05/05 refers to standard charges which are not a practice of this Council.</p> <p>3.The impact on the existing infrastructure is assessed by Education and PCT as appropriate and consequently a formula is applied. Para 3.28 has</p>	<p>Inform when SPD adopted.</p> <p>2. Text edited</p> <p>3. Text edited</p>

		<p>4.Para 2.10 - pooled contributions – the use of town centre improvement fund to bankroll town centre improvements would appear to be contrary to Circ 05/05- Council must demonstrate a direct relationship between a proposed development and the infrastructure provided. Objections to topic areas.</p> <p>5. Affordable Housing – requires further explanation concerning those factors, such as viability, that will bear upon the percentage of affordable housing that the Council will seek to negotiate in the circumstances of each case.</p> <p>6.Health – Para 3.28 -contribution should only be required following an assessment whether there is a need –to ‘enhance health services’ is not in accordance with Circ 05/05.</p> <p>7. Community facilities- inappropriate to ask for planning obligations if need is not consequent of a proposed development.</p>	<p>been expanded to clarify the position in respect of health contributions. 4.Text in para 2.10 strengthened to reflect this view.</p> <p>5. Para 3.1 already outlines affordable housing policy and states the Council will seek to negotiate 35% of habitable rooms for affordable housing <u>unless material considerations indicate otherwise or unless it can be demonstrated that lower level should be sought or that 70-30 split would not create mixed and balanced communities.</u></p> <p>6.as for comment 3 above. Para 3.28 –text strengthened.</p> <p>7. Obligations sought in accordance with Circular 05/2005 tests. Para B15 makes clear that where a development gives rise to the need for additional or expanded community infrastructure, which is necessary in planning terms; “it might be acceptable for contributions to be sought”. This approach has been upheld through various court judgements nationally and locally, (contributions towards social/community/educational facilities) Accepted by the Inspector and the Secretary of State. PINS case ref 2043219 to be found at:</p>	<p>4.Text edited</p> <p>6. Text edited</p> <p>10.Text edited</p>
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		<p>8. Employment & Training – does not meet tests of Circular.</p> <p>9. Bromley Town Centre – should not be used to resolve deficiencies – appears to suggest this.</p> <p>10. Major and District Town Centres – appears contrary to Circular.</p> <p>11. Public Realm & Historic Buildings Improvements - appears contrary to Circular and Paras 3.43 and .44 do not seem to recognise tests.</p> <p>12. Public Art – Not relevant to planning – sense of place etc and stimulating economic benefits can and should be achieved through high quality design.</p> <p>Appendix 1.</p> <p>13. Affordable Housing – stated as requirement not target – inconsistent with Policy H2. Appendix should state ‘if a viability analysis demonstrates that either the quantum of affordable housing or the tenure split would render a development unviable then a reduced quantum or an alternative tenure split will be accepted by the Council.</p>	<p>http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp .</p> <p>Additionally Policy C1 seeks the re-provision of facilities lost through redevelopment</p> <p>8. Entirely dependant on site specific circumstance.</p> <p>9. Para 3.41 – The specific Town Centre Objectives are contained in the AAP to which para 3.41 merely points developers towards s106 cannot be used for deficiencies.</p> <p>10. Para 3.42 clarified that use is strictly in line with 05/2005 and CIL regulation 122.</p> <p>11. Paras 3.43-44 strengthened.</p> <p>12. Applied on a case by case basis to facilitate high quality in accordance with PPS1, Circular 05/2005 and CIL regulation 122.</p> <p>13. Heading to be edited. Wording of the policy cannot be changed. Policy H2 already allows for a degree of flexibility ‘the Council will seek 35% provision, with 70% social rented and 30% intermediate provision, unless it can be demonstrated that a lower level should be sought or that the 70-30 split would not create mixed and balanced communities.’ Clarification at para 1.24 and para 3.2. However the wording of ‘requirement’ will be revised for consistency.</p>	<p>11. Text edited</p> <p>13. Appendix 1 Heading column ‘Requirement’ deleted edited to ‘Types of Obligation Sought’ etc.</p>
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17. 22nd March 2010	GLA	<p>Comment</p> <p>1. The SPD is not clear on it's priorities – unlike the Mayors plan i.e. Affordable Housing and Transport.</p> <p>2. Concern over method of calculating child yield, with a higher yield attributed to social housing.</p> <p>3. Given the priority identified for affordable housing in policy 6A.4 (London Plan) the Council should be flexible in</p>	<p>Acknowledged receipt- (GS phoned Gemma @GLA).</p> <p>1. Para 1.24 states priorities of Affordable Housing, Education, Health and Highways.</p> <p>2. The higher child yield for social housing reflect the evidence from the DMAG update 2006/11 "Child occupancy of new social housing". This child yield is applied to the social housing element of affordable housing.</p> <p>3. Amendments have been made to the introductory paragraphs of</p>	<p>Send hard copy and inform on adoption.</p> <p>2</p> <p>3. Text added Para 1.24</p>

		<p>its approach to education contributions from social housing providers.</p> <p>4. Para 3.6, transport assessment of any application referred to Mayor will be expected to adhere to the current Transport assessment best practice guide issued by TfL.</p> <p>5. Para 3.7 and 3.8 – where a development impacts on the TfL Road network, the applicants will be required to carry out any works directly or meet Transport for London's costs in doing so. This may be in addition to any highways schemes identified through the Local Implementation Plan.</p> <p>6.For any major development the impact of development may go further than the highway network and should include a reference to 'mitigating the impact on the public transport network either individually or through pooled obligations'.</p> <p>7.Construction management and Service and delivery Plans may be secured through obligations.</p> <p>8.Travel planning should not be exclusively for non-residential developments.</p> <p>9.Provision for electric charging, a Mayoral priority, should also be supported.</p>	<p>the SPD relating to the impact of contributions to scheme viability.</p> <p>4. Include text in para 3.6..</p> <p>5. Include text para 3.8.</p> <p>6. Include text para 3.7.</p> <p>7. Include text 3.9.</p> <p>8. Include text 3.4.</p> <p>9. Include text para 3.4.</p>	<p>4. Text edited.</p> <p>5. Text edited.</p> <p>6.Text edited.</p> <p>7. Text edited.</p> <p>8. Text edited.</p> <p>9. Para 3.4 edited.</p>
18. 29 th March 2010	South East England Partnership (Angela Parkes/ Sue Janota)	No substantive comment to make.	Acknowledged receipt	No action
19 29 th March 2010.	Homes & Communities Agency (London) (Mick Breheny)	<p>Comments-</p> <p>1. Registered Social Landlord – changed to Registered Provider on 1st April 2010.</p> <p>2. Appendix 9 – (i) Social rented housing – Target rents are the province of the Tenant Services Authority, not the Homes & Communities Agency.</p> <p>3. Appendix 9 – Registration is with the Tenant Services Authority not the Homes & Communities Agency.</p> <p>4. Affordable Housing Schedule – there is a requirement that affordable housing should meet the Homes & Communities Agency's 2007 standards,</p>	<p>Acknowledged receipt.</p> <p>1. Amend any reference to Registered Social Landlord to Registered Provider.</p> <p>2. Tenant Services Authority now part of HCA (October 2010).</p> <p>3. Amend to Tenant Services Authority.</p> <p>4. Amend schedule to Level 4.</p>	<p>1.Text edited and Schedule revised and updated.</p> <p>3. Edited</p> <p>4 Schedule edited</p>

		including level 3 of the code for sustainable homes (emailed MP 26/8/10). There is a current consultation (including level 4 of the code for sustainable homes) changes are due to take effect for schemes starting on site on or after 1/4/11.		
20. 29 th March 2010	HUDU (Nikki Honan)	<p>Comment</p> <p>1. Appendix 1 – Whilst it is useful that contributions consist of ‘either on-site provision or contribution towards providing or enhancing local health facilities’ HUDU would suggest the document could confirm that any on-site contributions must be progressed following detailed consultation and agreement from the PCT, and be in line with the polysystem approach to facilities management being progressed by the NHS, and current PCT documentation setting out the estates strategy (which may include CLAMS work).</p> <p>2. Any agreed on-site contributions should be offered to the PCT at zero or reduced rent. Any premises offered to the PCT at a commercial rent should not be considered contributions.</p> <p>3. HUDU suggest that the SPD could benefit from confirming that both capital and revenue contributions are likely to be required to support healthcare facilities , as set out below;</p> <p>a) Revenue to purchase additional activity from Primary and Community care, Acute and Mental Health services until NHS funding allocations include the additional net population generated as a result of the developments; and</p> <p>b) Capital to provide/enhance the physical space in Primary Care, Acute and Mental Health facilities to accommodate the additional activity.</p>	<p>Acknowledged receipt.</p> <p>1. Edit text to ‘any on-site contributions must be progressed following detailed consultation and agreement from the PCT, and be in line with the approach to facilities management being progressed by the NHS, and most up to date PCT documentation setting out the estates strategy.’</p> <p>2. Include this text.</p> <p>3. Officers not comfortable with the Revenue approach however, agree with Capital funding element. Clarify text; Capital to provide/enhance the physical space in Primary Care, Acute and Mental Health facilities to accommodate the additional activity.</p>	<p>1. Appendix edited.</p> <p>2. Para 3.28 edited</p> <p>3. Para 3.28 clarified.</p>
21. 30 th March 2010	Capital Shopping Centres (Nathaniel Lichfield and Partners- Alison McCrone).	<p>1. Support Appendix 1 -the approach of contributions in relation to residential proposals.</p> <p>2. Support Para 2.4-2.5 —use of conditions and Grampian conditions.</p> <p>3. Object Para 2.13 – to suggestion that financial contribution for off-site works and longer term projects will be required prior to commencement of development.</p>	<p>Acknowledged receipt</p> <p>3. Clarify text to include a reference to a greater flexibility if necessary or confirm that phasing</p>	<p>Inform when SPD adopted.</p> <p>3. Para 2.13 text edited.</p>

		<p>Approach will not be appropriate in all circumstances and in a difficult economic climate, imposing an upfront financial burden on developers and undermine deliverability- greater flexibility should be reflected to allow developers to negotiate on phasing of contributions.</p> <p>4. Support- 3.4-3.11 and Appendix 1, 2.4.</p> <p>5. Comments it supports in principle the Town Centre Improvement Fund but stresses that financial contribution must meet tests of 05/05.</p> <p>6. Table 1 at Appendix 1 – majority of works would be done by developer plus cost of Council Inspection – accept point in principle but in town centre works there may be many stakeholders, proportionate pooled contributions towards works may be more appropriate.</p> <p>7. Object Para 3.31 and Appendix 1 (pages 28-29) to childcare contribution for both training and employment- this is not for developers but training providers, employers and the individuals.</p> <p>8. Object Para 3.26-3.28 and page 29 of Appendix- HUDU application to any commercial scheme inappropriate – amend threshold information to say to apply to ‘residential and mixed-use schemes only’.</p> <p>9. Para 3.41 and Appendix 1 page 31. Comment – make it clear that developments within the BTC boundary will only be required to provide obligations identified in policy BTC31 in the AAP.</p> <p>10.Object Para 3.42 and Appendix 1 page 31 –To avoid double counting the text associated with Major and District Centres should be amended to exclude contributions already sought by virtue of the Bromley Town Centre AAP.</p> <p>11. Para 3.43 -3.44 comment – financial contributions sought for public realm improvements in Bromley Town Centre are consistent with priorities identified in policy BTC18 of the AAP and that in all cases the obligations</p>	<p>is negotiable at an early stage.</p> <p>5 Financial contributions only sought when Circ 05/05 tests met fully.</p> <p>6. Pooled contributions are subject to the CIL regulation and application therefore time limited after April 2014; current practice will remain until such time as a local levy exists.</p> <p>7. Clarify text to explain where a commercial enterprise provides its own training schemes and thereby provides opportunities ‘in-house’ then there would be no obligation to make further provision, similarly for the childcare provision aspect.</p> <p>8. Edit text to read ‘residential and mixed-use schemes only.’</p> <p>9. Clarify para 3.41 that developments within the BTC boundary will only be required to provide obligations identified in policy BTC31 in the AAP.</p> <p>10. Edit text referring to ‘Major and District Centres’ to read ‘excludes contributions already sought by virtue of the Bromley Town Centre AAP’.</p> <p>11. Edit para 3.43-44 that financial contributions sought for public realm improvements in Bromley Town Centre are consistent with priorities identified</p>	<p>7. Para 3.31 and Appendix 1 text clarified.</p> <p>8. Para 3.28 and Appendix 1 edited.</p> <p>9. Clarified text.</p> <p>10.Text added.</p> <p>11. Text added to para 3.43.</p>
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		<p>sought are directly related to the proposed development.</p> <p>12. Para 3.45 and Appendix 1 page 32- Support approach to public art.</p> <p>13. Comments Para3.46 and Appendix 1 page 33- Mitigation of environmental impacts on air, soil and water. Proposals should be negotiated on a site by site basis. Para 3.46 specifically makes reference to new homes and if the intention of the financial contribution is to cover all developments then this paragraph should be amended to avoid confusion. Where cumulative impacts arise, it is appropriate for financial contributions to be pooled – commensurate with impact of each proposal.</p> <p>14. Para 2.15, Appendix 1 page 34 and Appendix 7. Make explicit within text that copy of the legal s106 form is that of an example and that it does not represent a template that parties are expected to adopt.</p> <p>15. The interest rate on the sample s106 has a suggested 4% above the base rate; this is onerous and should be negotiated between relevant parties at the appropriate time.</p>	<p>in policy BTC18 of the AAP.</p> <p>12. Support welcomed</p> <p>13. Amend and clarify para 3.46 and Appendix 1, to reflect on ‘new developments’, and para 3.47 add ‘commensurate with impact of each proposal’.</p> <p>14. Para 2.15 – The template referred to is a Council template document that we use. <u>This does not preclude other parties from using their own document when preparing their s106 with the Council.</u></p> <p>15. The interest rate level at 4% has been reviewed by the Councils legal team (confirmed June 2010) and will remain, however it is important to note the phrase “from time to time” which indicates re-negotiation of that rate if necessary.</p>	<p>13. Text edited.</p> <p>14. Para 2.15 text edited.</p>
<p>22. 30th March 2010</p>	<p>Her Majesty’s Court Service (Development Planning Partnership LLP – Amy Jones)</p>	<p>1. Comment : HMCS plays a key role in the delivery of safe and secure neighbourhoods and communities, alongside other delivery partners, such as, the Metropolitan Police. Request that document should be amended to include HMCS explicitly in reference to the delivery of required social infrastructure to meet community needs and to support development and growth in the Borough.</p> <p>2.Comment: Population and growth places additional pressure on a range of court services, directly requiring existing services to be enhanced or extended. It is appropriate therefore that the cost of such additional</p>	<p>Acknowledged receipt.</p> <p>1 and 3. There is no finite list for social infrastructure therefore unable to accommodate this specific request. This is deliberate so that it is not exclusive but HMCS could fall within categories already required.</p> <p>2. Any predicted shortfalls should be flagged up through the Bromley Infrastructure Delivery</p>	<p>Inform when SPD adopted.</p>

		<p>requirements is met by development in the Borough, in exactly the same way as other community services are supported. The requirement for contributions to be made through the Borough's prevailing s106/CIL payments regimes accordingly should be recognised in the SPD and emerging LDF Policies.</p> <p>3.Request rewording Para 3.29 to – “UDP Community Services Objectives seek partnership with providers to secure the provision of essential facilities (including health, educational, Criminal justice facilities, faith , social service facilities) and enhance the availability of the wide range of community facilities which contribute to the quality of life of the Borough's population. UDP Policy C1 seeks re-provision of facilities lost through redevelopment proposals.”</p>	<p>Plan (IDP) process, which will involve gathering evidence from stakeholders. This process will be undertaken as part of the Core Strategy development and this will provide the HMCS an opportunity to put forward its' strategy.</p> <p>3. Policy C1 seeks re-provision of facilities lost through re-development, use of s106 must be strictly within terms of Circular 05/2005.</p>	
<p>23. 30th March 2010</p>	<p>Sainsbury's Supermarkets (Turley Associates)</p>	<p>1.Support 1.6-7- that obligations are required on impact of each case, and that on occasion's imposition of conditions is adequate.</p> <p>2.Object Para 2.2 + Appendix 1 – to threshold of 'major developments which includes floorspace which is 1,000 sq m or more – if a development falls within the definition of a 'major development ' this should not be a automatic qualification for the Council to apply the identified planning obligations.</p> <p>3. Object Para 3.1-3.2 – Notes affordable housing contribution on residential units and recommends that the Council should build some flexibility into the document in relation to affordable housing contributions – in light of the fact the Mayor is reviewing this issue.</p> <p>4. Object – Section 2. – document should acknowledge that in specific instances, planning obligations may be a significant factor that affects viability and that where a developer provides robust information regarding viability of schemes, the Council may review the range and nature of obligations.</p>	<p>Acknowledged receipt</p> <p>2. Types of obligation are sought only where they are directly related to the proposed development.</p> <p>3. Para's 3.1/2 outlines current policy set out in UDP; this will be reviewed as part of Core Strategy. Current policy does allow developers to demonstrate if a lower level of affordable housing should be sought.</p> <p>4. Para 2.16 include text 'where a developer provides robust information regarding viability of schemes, the Council may review the range and nature of obligations'.</p>	<p>Inform when SPD adopted.</p> <p>2. Appendix 1 heading edited.</p> <p>4. Para 2.16 edited.</p>

		<p>5. Object Section 3 + plus Appendix 1- that in a number of instances the obligation 'requirement' applies to 'all major developments- whereas contributions must only be sought if they are directly related to the proposed development.</p>	<p>5. Clarify heading in Section3 and edit heading of 'requirement' to '<u>Types of obligation sought where they are directly related to the proposed development</u>' in Appendix 1.</p>	<p>5. Text edited</p>
<p>24. 30th March 2010</p>	<p>Environment Agency (Susan Sheahan)</p>	<p>1. Comment page 22- support the statement 'Council is committed to securing developer contributions towards the improvement of the town centre particularly to the public realm' but would include 'infrastructure, buildings, planting, landscaping, repairs and enhancement' in the list of improvements to the public realm.</p> <p>2. Suggest amending Table at Appendix 1, section headed Requirement is re-titled as Types of Obligations Sought.</p> <p>3. Page 29-30: Natural Open Space, section 'requirement' – recommend that obligations include 'Information and education, Management and impact surveys.</p> <p>4. Page 31: Bromley Town Centre. Section 'requirement' – recommend obligations include: SUDS, Warnings systems and signage, Recreational facilities, including access, signage and landscaping, recycling.</p> <p>5. Page 33: under Mitigation - recommend obligations include 'Protection of groundwater quality.</p> <p>6. Include text 'protection of groundwater quality 'Bromley has 4 groundwater Source Protection Zones and chalk formation is exposed from the northeast to the south of the Borough- approximately 50% of the total area.'</p>	<p>Acknowledged receipt.</p> <p>1. Page 22 – the complete list of improvements to the public realm in the town centre is specifically documented in the Bromley Town Centre Area Action Plan to which this para 3.41 refers the developer.</p> <p>2. Section retitled as '<u>Types of obligation sought where they are directly related to the proposed development</u>'</p> <p>3. Information and education are included under 'requirement' column but, 'Management and impact surveys' now also included.</p> <p>4. Include 'SUDS, Warnings systems and signage, Recreational facilities, including access, signage and landscaping. Recycling would not be considered under terms of Circular 05/2005.</p> <p>5. Include 'Protection of groundwater quality' in table.</p> <p>6. Add justification text to Page 26.</p>	<p>2. Edited.</p> <p>3. Edited.</p> <p>4. Edited page 35</p> <p>5. Edited table p.37</p> <p>6. Text added p.26</p>
<p>25. 30th March 2010</p>	<p>The Theatre Trust (Rose Freeman)</p>	<p>1. Community Infrastructure – object- there is no mention of 'cultural facilities' in this section.</p>	<p>Acknowledged receipt</p> <p>1. Para 3.30 edited to delete 'services' & broaden the term</p>	<p>Inform when SPD adopted.</p> <p>1 Text edited</p>

		<p>2. Concern that theatre buildings do not benefit under s106, and that it is necessary to unlock new sources of funding.</p> <p>3. Suggest that the Glossary at Appendix 10 includes a definition of community facilities and recommend 'community facilities provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community.</p>	<p>social to include 'cultural' facilities. This is an area addressed in the Bromley Town Centre Area Action Plan (BTC AAP).</p> <p>2. Despite the fact that currently the theatre hasn't directly received s106 monies, the Council acknowledges that Culture and the arts perform an important town centre role. For the future however, the Bromley Town Centre Area Action Plan has acknowledged that the town lacks a strong focus for community activity and the arts and will address this by applying a new policy BTC7 Theatres and entertainment venues - "The Council will encourage proposals to enhance Bromley Little Theatre as a performance venue and community arts facility....."</p> <p>3. There is no finite list for social infrastructure. The list is not exhaustive as the nature of social infrastructure evolves.</p>	
<p>26. 29th March 2010</p>	<p>Aperfield Green Belt Action Group (Peter Sibley)</p>	<p>Para 1.7 Object: Concern that this section will allow inappropriate development on Green Belt land by developers.</p>	<p>Acknowledged receipt Para 1.7 merely confirms the application of Circular 05/2005 and would not over-ride National, regional and local policy considerations on Green Belt protection.</p>	<p>Inform when SPD adopted</p>
<p>27. 31st March</p>	<p>London & Quadrant (Roger Tym & Partners)</p>	<p>Para 3.25 Object : Evidence base for 16-17 year olds is not robust and the policy is not sufficiently flexible.</p>	<p>Acknowledged receipt The figures have been extrapolated from published datasets to provide a Child Yield</p>	<p>Inform when SPD adopted</p>

			which reflects the proportion of Bromley's population aged 16-17yrs. Flexibility is addressed in para 1.24.	
28. 31 st March	Linden Homes and Network Rail (Boyer Planning)	<p>Support para 1.5 CIL – reviewing SPD</p> <p>1. Object para 2.13 Timing of Obligations –that financial contributions for off-site works and projects are required by the Council prior to commencement of development. Request that flexibility should be allowed so that payments can be phased in line with provision- particularly in large schemes – because viability could be affected.</p> <p>2. Object Para 2.16 Administration and Monitoring – Payments for any third party advice being met by developer. Consider it is important that payments are related to reasonable costs and specific to individual schemes.</p> <p>3. Affordable Housing –Paras 3.1-3.2 and Appendix 9. To be consistent with London Plan reference should be made to fact that scheme viability will partly determine affordable housing provision within individual schemes.</p>	<p>Acknowledged receipt.</p> <p>1.Because of current economic climate and scheme viability para 2.13 has been clarified to state that <u>unless phasing has been negotiated at an early stage,</u> financial contributions for off-site works and longer term projects will be required to be received by the Council prior to commencement of the development. Therefore payments can be 'phased in line with provision' if negotiated in advance.</p> <p>2. Para 2.16 explains that where a <u>'developer provides robust information regarding the viability, the Council may review the range and nature of obligations, and if it is found that independent third party advice is required for that scheme,</u> the costs for this are to be met by the developer', it is accepted that in the circumstances these would be reasonable costs.</p> <p>3. Paras 3.1 and 2 outlines current policy set out in UDP para 4.21; this will be reviewed as part of Core Strategy. Current policy is flexible and does allow developers to demonstrate if a lower level of affordable housing should be sought. To clarify text add wording from para 4.21 UDP</p>	<p>Inform when SPD adopted</p> <p>1.Text edited.</p> <p>2. Para 2.16 clarified.</p>

		<p>4. Appendix 9 -Clarity is sought re the definition of affordable housing- it is considered that shared ownership should be excluded as it is offered onto the market after the owner has 'staircased' to other forms of market housing.</p> <p>5. Object – Appendix 9 -the definition of Intermediate Housing being households of incomes to £35,000 is unduly restrictive and does not accord with London Plan.</p> <p>6. Object to Appendix 9 – free disposal purchased by RSL without direct subsidy suggest amending to incorporate a cascade arrangement whereby the percentage is a function of viability and, indirectly, the availability of grant subsidy.</p>	<p>to para 3.1 that 'material considerations which may indicate otherwise, and para 3.2 that the 'onus would be on applicants to submit a financial viability appraisal to demonstrate that abnormal development costs' in addition to the housing contribution in the context of sales revenue would impact unduly on scheme viability'.</p> <p>4. Appendix 9 sets out standard clauses rather than a policy position therefore this is the standard definition of affordable housing and includes shared ownership – set out in PPS3 Annex B.</p> <p>5. Draft London Plan proposes income cap of £74k for intermediate products, in LB Bromley, households earning approaching that level could afford to purchase direct from the market. In exceptional cases, regarding the particular mix of units, we would consider higher incomes, but at all times in line with the parameters of the HCA's HomeBuy criteria and other relevant national and regional policy.</p> <p>6. This standard clause does not state 'no' public subsidy necessarily, but does go on to the justification needed for any financial appraisal. The emphasis should be on there being no assumption of public subsidy, which is pertinent in a period of tight squeeze on public finances. Adopted Affordable Housing SPD</p>	
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		<p>represent insufficient justification for contributions are sought- LH&NR feel that without robust evidence, sought contributions would fail to meet tests of Circular 05/05.</p> <p>11. Object Paras 3.14-25 & Appendix 1- no guidance given in Appendix 1 on costs per nursery place –DCSF do not provide costs –therefore clarification is sought and taken into account and must be proportion of children attending private nurseries and the part-time nature of nursery provision.</p> <p>12. Object Para 3.21 – further clarification need on criterion (d), statement is considered ‘too vague’.</p> <p>13. Object – re calculating child yield – draft SPD fails to take into account ‘other factors’. Examples given are where schools overlap boundaries, social housing residents moving to new development who may be already living in the borough, LB Richmond identified percentage of new social rent education, and finally there is no proof evidence given in para 3.20 for the reported</p>	<p>accordance with Circular 05/2005 tests. Para B15 makes clear that where a development gives rise to the need for additional or expanded community infrastructure, which is necessary in planning terms; “it might be acceptable for contributions to be sought”. This approach has been upheld through various court judgements nationally and locally, (contributions towards social/community/educational facilities) Accepted by the Inspector and the Secretary of State. PINS case ref 2043219 to be found at: http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp . Additionally Policy C1 seeks the re-provision of facilities lost through redevelopment proposals.</p> <p>11. Costs per place for nursery education have been provided by out Children & Young People’s department. The part-time nature of early years provision (i.e. a.m and p.m sessions) has been factored into this figure. The use of private nurseries is also factored in, as set out in new para.3.26.</p> <p>12.Para 3.21 addressed by deletion of para (d) and further clarification in criterion (a).</p> <p>13. Statistics relating to cross borough pupils are routinely collated by the Council. The calculation has been refined to account for the likelihood of residents being educated out of</p>	<p>11. New para 3.16.</p> <p>12. Text amended</p> <p>13 Text and formula amended</p>
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		<p>fact that the Council is a net importer of pupils.</p> <p>14. Object -Bromley Town Centre paras 3.41-42- stronger links to this document - identifying contributions and obligations sought then state how these meet the test of the circular.</p> <p>15. Clarification paras 3.43-44 – Public Realm and Historic Buildings Improvements. Reference should be made to the fact that where necessary improvements can be delivered on site, no off-site contribution would be sought from the Council.</p>	<p>Borough or in private education. Whilst children moving into social housing may have relocated from other social housing units the result is a net increase in social housing units and increased pressure on education facilities in the area.</p> <p>14. This has been addressed by adding a link and further clarification given to BTCAAP.</p> <p>15. Include text - where necessary improvements can be delivered on site no off-site contribution would be sought by the Council.</p>	<p>14. Link added</p> <p>15.Text included.</p>
<p>29. 31st March</p>	<p>Metropolitan Police (CGMS) Alun Evans and Julieanne Saxty</p>	<p>1. Object Paras 3.29-3.30 –There is no formal definition of ‘Community Strategy’. Furthermore guidance in PPS1 seeks to ensure provision of safe and secure environments, and the London Plan Policy 3A.18 stresses that policing is an integral aspect of social and community infrastructure. Require an additional paragraph inserted between paras 3.30 & 3.31:-In order to ensure continued safety and security across the borough, where appropriate, Major Development may be expected to contribute to policing needs and facilities in order to mitigate against the impact of new development upon policing. Development resulting in the net increase in the number of residents, businesses, commercial, social and leisure activity in an area many increase the need for emergency services and police services. In parts of Bromley police services will already be at capacity. New populations will require additional police services.</p> <p>2. Request for the insertion of a new topic area ‘Policing Facilities’ in the Appendix 1- this would be below Community facilities, this would require a contribution towards policing as development has an impact on policing needs of an area.</p>	<p>Acknowledged receipt.</p> <p>1. The boroughs “Sustainable Community Strategy” and its relevance to the SPD is adequately set out in paras 1.14 & 1.15. Policing would not be considered under circular 05/05. There may be circumstances under the forthcoming Community Infrastructure Levy where such a police contribution may be sought.</p> <p>2. ‘Policing Facilities’ is not explicitly set out in Policy IMP1 (although this list is not exhaustive) however this heading or similar as a topic area may come forward in the Core</p>	<p>Inform when SPD adopted</p>

			Strategy development. Note Policy C1 seeks the re-provision of facilities lost through redevelopment proposals. Any contributions must be justifiable in the context of the circular.	
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