

Consultation Statement for Barnet's Planning Obligations Supplementary Planning Document

Consultation on the draft Planning Obligations Supplementary Planning Document (SPD) took place over six weeks from 20th August and 1st October 2024. This was consistent with the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended (the regulations) and the Council's Statement of Community Involvement. It was advertised on the Council's website and notifications sent to statutory consultees and those on the Local Plan consultation database. Details of the consultation and the drafting Planning Obligations document were available to view on the engage Barnet page on the Council's website. A Public Notice was published, and letters/emails sent to stakeholders. In addition, the Council published a Questions and Answers document on the Council's website to provide further information on the SPD to assist stakeholders and Barnet residents, Community groups, residents, registered affordable housing providers, developers, landowners, and statutory consultees on the Council's Policy Planning database were notified and invited to make representation on the document.

A total of 12 responses were received, 8 of these were from statutory consultees, including Environment Agency, Greater London Authority (GLA); London Healthy Urban Development North Central London ICB; NHS Property Services; Historic England; Sports England; Places for London; and Transport for London. The remaining 4 responses were from a local resident; a property developer (Related Argent), and two Housing Associations (St Georges and Springboard 2 Housing Association).

In accordance with Part 5 (the Regulation 18(4)(b) of The Town and Country Planning (Local Planning) (England) Regulations 2012, a Consultation Statement has been prepared. A number of points raised in the consultation submissions merit changes to the SPD in order to provide greater clarity on some of the planning obligations. The representations received have been summarised, responded and recommended changes are identified and tabled in this document. The main issues, (which are not exhaustive) arising from the consultation are broadly summarised as follows:

- A respondent recommended that the SPD should provide details of the evidence base, and methodology applied to justify employment and training obligations.
- A number of respondents expressed concern that providing and securing all the financial obligations within the SPD (particularly the full set of employment and training obligations) may compromise the viability and deliverability of development.
- Clarification is sought within the SPD as to whether fast-track schemes which deliver 35% affordable housing are also subject to an early-stage viability review. The SPD should acknowledge the Portfolio approach towards affordable housing provision on public land for Purpose Build Student Accommodation and Build to Rent Schemes.
- Further details should be provided within the SPD on the Council's transport infrastructure projects envisaged to come forward via S106 planning obligations.
- Health contributions are covered under the CIL Regulations and to secure further financial obligations towards healthcare provision under S106 Agreements may result in "double counting" with the CIL provision.
- Clarification sought that financial contributions towards open space apply to major and large-scale developments only.
- Financial contribution towards maintenance for offsite playspace may be unnecessary to make the development acceptable in planning terms.
- The SPD seeks to secure three separate financial obligations towards Biodiversity Net Gain (BNG); Urban Green Factor (UGF); on the grounds that it unduly onerous on developers to provide, and may compromise viability and deliverability of schemes
- A respondent recommends that additional obligations on water quality and management should be added to the final SPD.
- The SPD should consider whether it's the Planning Obligations SPD could be used as a mechanism to implement Local Plan policy and proposals relating to the conservation of the historic environment.

A more detailed summary of the responses received are set out in Table 1 below.

Table 1: Representations received, including: summary, officer responses and recommended changes. Text formatted as strikethrough is to be removed from the document, whilst text underlined is to be added.

Issue Raised	Councils Response and Actions Arising
Environment Agency	
Contributions towards water quality and water management should be added to the final Planning Obligations SPD.	Amendments to paragraph's 1.11 (bullet point 11) and 8.5 (Table 9- Carbon offset and other environmental mitigation measures requirements), are made in the final Planning Obligations SPD to clarify that obligations may be sought towards Infrastructure towards addressing flooding issues, <u>including water management</u> . Further, additional information has been added to the final SPD to reiterate the relevant requirements of Table 17 of the Local Plan, and to clarify that Planning obligations may be required in Growth Areas for development proposals to deliver or contribute to the provision of strategic flood risk infrastructure. A new planning Obligation specifically for Waterside Development Management has also been added to Table 9 in the final SPD.
Environment Agency support the mandatory Biodiversity Net Gain (BNG) within the SPD.	Support welcomed. No action required
Further clarification on the financial contributions is required given that BNG is a legally binding process to ensure that where developers, use the statutory biodiversity credits scheme. Applicants/developers should purchase the appropriate number of statutory credits to offset their requirement for biodiversity units as calculated by the Metric.	Agreed. Further clarification has been added to the final SPD. Please refer to paragraph 7.4 and 7.5 of the final Planning Obligations SPD.
Clarification is sought on how offsite contributions for Infrastructure towards addressing flooding issues are allocated and spend.	The final Planning Obligations SPD in table 9 (under sub heading Infrastructure towards addressing flooding issues, <u>including water management</u> " provides clarification that offsite contributions would be used for flood risk mitigation and prevention.
<i>Water Framework Directive</i> - The Environment Agency has included a table for reference, outlining the status of the waterbodies located in the borough of Barnet. Further information on objectives is available via the links to individual waterbodies below.	This information is useful for the Council's Environmental Health Team and the Councils Planning Team, but it does not need to be included within the Planning Obligations SPD. Chapter 10 (paragraph 10.15) of the Local Plan provides information on Watercourses. It details that the Environment Agency has identified action measures for each WFD designated watercourse relating to the catchments. There are three Catchment Management Plans that relate to Barnet. The Thames River Basin Management Plan (2015)

	sets out the objectives to improve waterbodies, developments near rivers and other waterbodies should demonstrate how it will assist in the achievement of these objectives.
<i>Sustainable drainage systems (SuDS)</i> -The use of infiltration SuDs is not appropriate on all sites and in all locations. Infiltration SuDs should not be constructed in contaminated ground and should not be used where infiltration can re-mobilise contaminants already within soils to pollute groundwater.	The Planning Obligations SPD does not include any financial or non-financial contributions towards Sustainable Urban Drainage Systems, and it is not an appropriate mechanism to secure these details and requirements. These are matters which developers/applicants address at planning application stage, in consultation with the Councils Local Lead Flooding Authority. In some cases, further details are required. The applicant would be required to carry out development in accordance with the SuDs as approved by the Local Planning Authority. This would be secured by way of a planning condition.
Reference should be made to the London Local Nature Recovery Strategy (LNRS), and the All-London Green Grid which the GLA is due to update and publish in 2025.	<p>Agreed. The Local Plans provides details on the contributions towards levels of green infrastructure expected from development. The Council will also continue to work jointly with partners to deliver the objectives of, and projects identified as opportunities within the All London Green Grid (ALGG) SPG relating to the Borough, as discussed in policies ECC05 and ECC07 of the Local Plan.</p> <p>The final Planning Obligations has been updated to include the following sentence to Table 7 (Trees and Urban Greening Factor planning contribution requirements) to include the following sentence:</p> <p><u>“Developers should refer to the Greater London Authority’s most up to date London Nature Recovery Strategy (LNRS), and London Green Infrastructure Framework (LGIF)”.</u></p>
As per policy D13 (Agent for Change) of the London Plan, the SPD should also refer other nuisances in addition to noise. These nuisances include light, vibration dust and odour.	<p>As stated in the London Plan, the Agent of Change principle predominantly concerns the impacts of noise generating uses and activities, but other nuisances should be considered. Other nuisances include dust, odour, light and vibrations (see Policy SI 1 Improving air quality and Policy T7 Deliveries, servicing and construction). The Planning Obligation covers air quality mitigation measures separately. In addition, these matters are mostly covered by way of planning conditions.</p> <p>Notwithstanding, the following sentence has been updated in table 9 (sub heading- “Noise Sensitive Development”) in the final Planning Obligations SPD to include reference to other nuisances in line with Agents of Change:</p> <p><u>“Noise and other nuisance</u> mitigation measures should be explored at an early stage in the design process, with necessary and appropriate provisions secured through planning obligations”.</p>

Guidance on the Environment Agency's Approach to Groundwater Protection, and Sustainable Drainage Systems should be added.	<p>It is not considered necessary or appropriate to include these specific details within the Planning Obligations SPD. Developers/applicants are required to adhere to the Councils validation checklist prior to the submission of a full planning application to the Local Planning Authority.</p> <p>The onus is on the applicant to ensure that their submission is in accordance with the necessary planning policy and government guidance. The Councils Environment Health and Local Lead Flooding Authority would be consulted when considered appropriate following the submission of a full planning application to the Local Planning Authority.</p>
Greater London Authority (GLA)	
Reference to London Plan policy H5(E) should be made, which stipulates that fast-tracked schemes which deliver 35% affordable housing would still be subject to an early review.	<p>Agreed. Paragraph 2.7 (part a) of Planning Obligations SPD has been amended to include the additional text underlined below:</p> <p>“Viability tested schemes will be subject to the following an Early-Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the Council; <u>This includes fast-tracked schemes which deliver 35% affordable housing</u>”.</p>
<p>The following addition (underlined below) should be added to the following sentence in paragraph 2.3:</p> <p>“London Plan Policy H6 sets out the Mayor’s requirements for affordable products. This requires that <u>a minimum</u> of 30 per cent of new affordable housing should be low-cost rental, which is Social Rent/ London Affordable Rent”.</p> <p>Re affordable housing - paragraph 2.3, a minimum of 30 per cent of affordable housing should be low cost rental and not for London Living Rent , and London Shared Ownership as stated in the draft Planning Obligations SPD.</p>	Agreed. Paragraph 2.3 of the final Planning Obligations SPD has been updated accordingly.
It is recommended that the following changes are made to paragraph 2.4 to provide clarity regarding the London	Agreed Paragraph 2.4 of the final Planning Obligations SPD has been amended to read as follows:

<p>Plan and the supplementary guidance on affordable housing:</p> <p><i>“Where a viability assessment is required to ascertain the maximum level of affordable housing deliverable on a scheme, the assessment should be undertaken in line with the NPPF, PPG, <u>the London Plan</u> and have regard to the <u>relevant Mayor’s Affordable Housing and Viability SPG–London Plan Guidance</u>. This will include securing appropriate review mechanisms <u>within the Section 106 agreement reassessment</u> in line with the London Plan and the relevant London Plan Guidance.”</i></p>	<p><i>“Where a viability assessment is required to ascertain the maximum level of affordable housing deliverable on a scheme, the assessment should be undertaken in line with the NPPF, PPG, <u>the London Plan</u> and have regard to the relevant London Plan Guidance. This will include securing appropriate review mechanisms <u>within the Section 106 agreement</u> in line with the London Plan and the relevant London Plan Guidance.”</i></p>
<p>Remove acronym - “PBA” for “Built Shared Accommodation” to avoid confusion as this acronym relates to Purpose-Built Student Accommodation.</p>	<p>Agreed. The use of the abbreviation PRSA has been removed when referring to Build Shared Accommodation.</p>
<p>London Healthy Urban Development Unit- North Central London ICB</p>	
<p>It is welcomed that the document lists education provision and health facilities as standard contributions for the Heads of Terms for s106 agreements.</p>	<p>Support Welcomed</p>
<p>Additional text should be added regarding Health Impact Assessments (HIA) as they are required for major scale of development and should be undertaken at the earliest possible stage to inform the detailed design and submitted alongside the planning application including proposed mitigation, greatest health challenges and inequalities. The HIA should make clear actions taken to maximise opportunities to support good physical and mental health and recommendations.</p>	<p>The requirement for a HIA for major applications is detailed within the Local Planning Authority’s planning applications validation check list. The Council is producing a guidance note on HIA, which will be published with the new Local Plan. As part of a formal submission of a full planning application for a large-scale development, applicants should address within their HIA, the cumulative impact of smaller housing growth and the need for mitigation in the local area.</p> <p>The final Planning Obligations SPD includes additional information in table 4 under heading “Health Contributions” on Health Impact Assessments to assist applicants prior to the submission of a full planning application for major and large-scale developments.</p>
<p>The Planning Obligations SPD should clarify what is deemed as “large scale” residential development. Schemes of 50 or more dwellings are likely to have an impact and that consultation with the NHS should occur at the preliminary design stages of a scheme.</p>	<p>The final Planning Obligations SPD includes a Glossary which defines Large scale development: as residential development over 150 units or non-residential development over 15,000 m², in accordance with Part 1 of the Town and Country Planning (Major of London) Order 2028.</p>

	<p>HUDU will be consulted on any relevant or appropriate applications including Major and/or Large Scale Developments.</p>
<p>NHS Property Services</p>	
<p>Given the strategic importance of health infrastructure, it should be considered at the forefront of priorities for infrastructure delivery. In areas of significant housing growth, appropriate funding should be consistently leveraged through developer contributions for health and care services to mitigate the direct impact of growing demand from new housing. The additional significant cumulative impact of smaller housing growth and the need for mitigation must also be considered.</p>	<p>Paragraph 1.9 of the SPD sets out the Council's planning obligation priorities. In most cases, developer contributions towards maintaining and providing key infrastructure (including healthcare facilities) will be covered through CIL, although some developments may create specific infrastructure needs which the council will seek to address through planning obligations on a case-by-case basis.</p> <p>Applicants are required to submit a Health Impact Assessment for relevant planning applications, in accordance with the Council validation requirements for the submission of relevant planning applications.</p>
<p>To place health on a level footing with other necessary infrastructure, the Council should liaise with the Integrated Care Board (ICB) in addition to HUDU to ensure the assessment of existing healthcare infrastructure is robust, and that mitigation options secured align with NHS requirements.</p>	<p>As detailed within Chapter 8 of the Local Plan, the Council works with NHS North Central London Integrated Care Board and NHS England to determine what investment is required by monitoring housing and population growth, keeping infrastructure plans up to date and working together to identify and develop projects towards which planning obligations and CIL contributions could be used. Notwithstanding, the following additional text has been added to Table 5.</p> <p><u>"At pre application stage for large scale developments, applicants should engage with the ICB, the NHS and its partners to understand the capacity of existing healthcare infrastructure and the likely impact of the proposals on healthcare infrastructure capacity in the locality. The ICB and HUDU will be consulted during the planning application stage on large scale development with local health impacts which give rise to a need for additional health facilities".</u></p>
<p>The following additional sentence should be added to the Planning Obligations SPD:</p> <p><u>"The Council will use any replacement or alternative model or calculation method as requested by the ICB."</u></p>	<p>Agreed. The final Planning Obligations SPD includes additional text in Table 5, under "Health Contributions" section, as suggested by NHS Property Services.</p> <p><u>"The Council will use any replacement or alternative model or calculation method as requested by the Integrated Care Board (ICB)".</u></p>

<p>The final Planning Obligations SPD should refer to the details required within a Health Impact Assessment (HIA).</p>	<p>In response to the comments received, the final Planning Obligations SPD includes additional text in Table 4, which advises applicants that HIA's should assess the level and type of demand generated by the proposal; identify the appropriate form of developer contributions; and identify appropriate options to increase capacity to accommodate the additional service requirements and the associated capital costs of delivery.</p>
<p>Historic England</p>	
<p>The draft SPD omits to mention the historic Environment. This should be rectified. It is recommended that the historic environment is included as a topic where planning obligations are sought.</p> <p>Historic England encourages authorities to consider identifying the ways in which S106 Agreements can be used to implement Local Plan policy and proposals relating to the conservation of the historic environment. For example, by:</p> <ul style="list-style-type: none"> • Repair, restoration or maintenance of a heritage assets (s) including any contribution made by setting. • Increased public access and improved signage to and from heritage assets • Interpretation panels/historical information and public open days • Production and implementation of up-to-date Conservation Area Management plans and appraisals. • Measures for investigation, preservation and display of archaeological remains and sites • Provision of local capacity for the storage of, and public access to, archives resulting from archaeological and/or historic investigation. • Discrimination of historic environment information for public/school education and research, including museum displays for popularisation of archaeological discoveries. 	<p>The existing Planning Obligations SPD does not include a Planning Obligation on the historic environment and it is not considered appropriate to introduce such an obligation in the new Planning Obligations SPD.</p> <p>Barnet Planning Department consulted the Conservation and Heritage team on this draft SPD, and they advised that matters relating to Heritage and the Historic Environment should not be secured in a S106 Agreement, and must be secured by way of planning conditions, which are enforceable.</p> <p>The suggested requirements highlighted in bullet points from Historic England are matters that can be successfully addressed within Conservation, Heritage, and Archaeological Assessments which are required to be submitted with a full planning application. As such, Planning Obligations in relation to site specific heritage issues would not be sought.</p> <p>Historic England are consulted on relevant planning applications and therefore have an opportunity to provide representations to the Council on applications which have an impact on the historic environment.</p> <p>Where further measures to preserve or enhance, investigate and/or record, and secure the long-term stewardship of heritage assets are required, these matters would be secured by way of planning conditions. The applicant would be required to implement the planning permission in accordance with the approved details.</p> <p>Barnet Council is currently preparing a separate Planning Obligations SPD on Design and Density. This document will also address the requirement to preserve and protect the historic Environment.</p>

<ul style="list-style-type: none"> • Sustainability improvements (such as loft insulation) for historic buildings. <p>It is recommended that the above is highlighted within the SPD, as this will help to satisfy national planning policy (NPPF paragraph 20 and 196).</p>	
Sports England	
<p>Table 4 - Community Infrastructure Planning Contribution Requirements should be amended to include the additional text underlined below.</p> <p>“Development (including change of use) that involves the loss or replacement of existing community facilities / services will only be permitted if the replacement facility of existing community facilities should be <u>at least equivalent to or of better quality than the existing community facility, located in a suitable area, and</u> continues to serve the needs of the neighbourhood and wider community currently met by the existing facility”.</p>	<p>The wording included within the final Planning Obligations SPD reflects the requirements of CHW01 of the Local Plan. Development (including change of use) that involves the loss of existing community facilities / services will only be permitted if:</p> <ul style="list-style-type: none"> • A replacement facility of equivalent to or better quality is provided which continues to serve the needs of the neighbourhood and wider community, or • the loss is part of a wider public service transformation plan which requires investment in modern, fit for purpose infrastructure and facilities to meet future population needs or to sustain and improve services; or • it has been demonstrated that the facility is no longer required in its current use and that it is not fit for purpose or viable for any other forms of community infrastructure for which there is a defined current or future need identified in the Infrastructure Delivery Plan. <p>The full or partial use of redundant community infrastructure for other forms of community infrastructure will be considered before alternative developments are considered, unless the loss is part of a wider public service transformation plan.</p>
<p>With reference to community facilities, the NPPF indicates that any losses (that are not to be replaced or are due to another sporting facility whose benefits outweigh the loss) should be surplus to requirements, i.e. current and future sporting need, which is different to the wording in the Planning Obligations SPD, which focuses on lack of use, not fit for purpose or not viable. Sport England suggests that the wording of Row 2 (Development, including change of use that involves the</p>	<p>The SPD does not seek to produce new policy, but to simply make clear the implementation of existing policy. The proposed obligation is in accordance with policy CHW01 “Community Infrastructure” of the Local Plan.</p> <p>With reference to outdoor sports facilities including playing fields and pitches, policy CDH01 of the Local Plan is in general conformity with the NPPF and with London Plan Policy S5.</p> <p>Chapter 8 (paragraph 8.5 -Leisure Centres and Swimming Pools) of the Local Plan explains that “analysis of current provision is set out in Barnet’s Indoor Sport and Recreation</p>

loss of existing community facilities) is amended to align with the NPPF.	Facilities Study 2018. The Study assessed current and future unmet need and access to public sector facilities and highlighted optimal locations to address projected unmet need in accordance with the Fit and Active Barnet Framework 2016- 2021. The Council will therefore seek increased community access to new provision through planning obligations; this is highlighted as a priority in the Study”.
The SPD should be clear that the replacement or alternative provision should already have planning permission secured which can be directly linked through the S.106. Furthermore, providing a financial contribution without a specified deliverable facility is unlikely to meet Planning tests and may not result in a facility being developed.	Agreed. The final Planning Obligations SPD includes the following sentence added to Table 5 (Community Infrastructure planning contribution requirements): <u>“The replacement or alternative provision should be identified and preferably planning permission secured which can be directly linked in a Section 106”.</u>
Re, Table 5 (Open Space Planning Contribution Requirements), the draft SPD sets out a standards approach for playing pitches. Sport England do not support this approach as it does not reflect the nuances of playing pitch/field provision. It does not explain what playing pitch provision should be provided, and this could result in playing pitches/fields delivered being small to meet the needed playing pitch. The Council’s Playing Pitch Strategy Review should be used to set out what extent playing pitches (and other sport facility provision) are required and where to meet need.	Policy ECC05 of the Local Plan includes the standards for sports pitches identified in the Councils Barnet Open Space, Sports and Recreational Facilities Assessment; and refers to London Plan Policy S4 in respect of the approach to play provision; clarifies what is meant by ‘natural green spaces’; and refers to playing fields as a form of open space. Notwithstanding, additional text will be added to guide applicants towards the Council’s Playing Pitch Strategy. In the final Planning Obligations SPD, the following additional sentence to Row 1 has been added to Open Space Planning Contributions table: <u>“In addition to the requirements of policy ECC05 of the Local Plan, developers/applicant should refer to the Council’s Playing Pitch Strategy used which sets out the need and location of playing pitches (and other sport facility provision is required and where to meet need”.</u>
TfL Places for London	
<i>Affordable Housing-</i> TfL do not expect the Council to have 100% nomination rights <i>“to all affordable housing”</i> . While it may be appropriate for Social and London Affordable Rent, it would not be appropriate for intermediate tenures for which there will be wider needs and a wider market that will not only include households	The Council would require 100% nomination rights for London Affordable Rent, Discounted Market Rent, and Social Rent. The Council considers this appropriate, based on likely rent levels associated with this tenure type to provide , local and London needs. The Council accept that intermediate tenures would cover wider needs and a wider market and would therefore not expect 100% nomination rights on those tenures.

on the Council's 'waiting list', but also many other lower and middle-income households who may find it difficult to access owner-occupation and market rents, living inside and outside the borough. In appropriate circumstances, and where a specific need can be demonstrated, consideration could be given to a mechanism for such homes to be offered initially (for a specified period) to households living in the borough and then widened to the rest of London and elsewhere.	As set out in paragraph 2.1 of the Planning Obligations SPD, <i>"Developers should engage with the Council's Affordable Housing Team at an early stage and seek approval for the affordable housing offer. The Councils has nominated rights and Barnets Affordable Housing team can determine which individuals are prioritised on a housing waiting list. This approach is applied across many Councils across London"</i> .
<p>The final sentence in paragraph 2.3 of the Planning Obligations SPD should be amended to the following:</p> <p>"Affordable homes will be allocated in accordance with need based on the Council's Housing Allocations Scheme, which should relate to Social Rent and London Affordable Rent tenures only.</p>	The Councils Housing Allocation Scheme will set out affordable housing requirements in accordance with Barnets current housing need at the time.
<p><u>Built Shared Accommodation</u></p> <p>Table 1: 4. The use of the abbreviation PBSA is confusing in this context because the London Plan defines PBSA as 'Purpose Built Student Accommodation'.</p>	Agreed. The use of the abbreviation PRSA will be removed to avoid confusion.
London Plan policy H5 portfolio approach to affordable housing provision on public land should be acknowledged and included in the final SPD.	Agreed. The final Planning Obligation now includes the portfolio approach to affordable housing on public land.
<i>Build to Rent Schemes</i> - Portfolio approach to affordable housing provision on public land should be acknowledged and included in the final SPD.	Agreed. The final Planning Obligation now includes the portfolio approach to affordable housing on public land for Build to Rent schemes.

Purpose Built Student Housing -Portfolio approach to affordable housing provision on public land should be acknowledged and included in the final SPD	Agreed. The final Planning Obligation now includes the portfolio approach to affordable housing on public land for Purpose Built Student Housing.
<u>Trees and Biodiversity</u> Table 6: Tree planning contribution requirements: Item 1 says <i>"Where trees are removed and lost, the equivalent tree canopy cover will be expected to be replaced on-site"</i> . This goes beyond what is set out in the draft Local Plan. The SPD should be modified to reflect policy CDH07 of the Local Plan requirement that <i>"Where trees are removed, they should be replaced with trees of equal value and of suitable sizes and species"</i> .	Agreed. The wording of this obligation has been changed to accurately reflect the requirements of policy CDH07 of the Local Plan to read as follows: "Where trees are removed and lost, the equivalent tree canopy cover will be expected to be replaced on-site. This will be measured as total canopy area of new trees at the time of planting being equal to canopy area of existing trees proposed for removal they should be replaced with trees of equal value and of suitable sizes and species. In circumstances where it is demonstrated that it would not be possible to provide replacement trees on site to the value removed, a contribution to the Council for any residual value may be made to provide trees within nearby streets and open spaces. This may be secured using a planning obligation" .
<u>Tree planning contribution requirements</u> Item 3- Table 6: Should a development not achieve an acceptable Urban Greening Factor (UGF) not been met; it is also likely not possible to provide additional trees on site. TfL would expect developers to have done all they can to meet the UGF. It should be clarified whether other avenues could be explored to increase the UGF such as the potential for street trees.	It is the responsibility of applicant/developers to explore all options to provide green roofs; soft landscaping; retained semi natural vegetation; provide permeable payments rather than hard standing. It's typically expected that landscapers, development and ecologists will liaise with the Council Arboricultural Officer and Ecology Officer on this matters to ensure appropriate mitigation measures are achieved through the planning process. The potential for street trees to offset the deficiency of UGF may be considered in some cases in suitable location but would not be appropriate in all circumstances.
Transport Mitigation section of the SPD should be promoted so that it follows section 2.0 (Affordable Housing), to reflects the GLA's priorities as set out in the Local Plan	The layout of the Obligations within the report in not order of priority. Notwithstanding, the SPD is clear in paragraph 1.9 that <i>"negotiation of Section 106 agreements will involve the prioritisation of obligations with affordable housing and public transport improvements normally given the highest priority in accordance with London Plan Policy DFI (D)"</i> . As such, it is not necessary to change the order of the Obligations as this appear within the document.
The paragraphs on Travel Plans (paras 9.9 – 9.13) should be linked to the Local Plan policy requirements for 'car free' or 'car lite' development, and restrictions on issuing parking permits within CPZs	Section "New and Enhanced Public Transport Infrastructure" covers car free development and CPZ matters, in table 12 Sustainable Transport and Transport Mitigation requirements covers car free development and CPZ matters. Notwithstanding, the following additional sentence is added to paragraph 9.2 in the final Planning Obligations SPD.

	<p><u>“Sustainable modes of travel include walking, cycling, carpooling, and requirements for “car free” and car lite developments”.</u></p> <p>An additional Obligation has been added to Table 12 (<i>Sustainable Transport and Transport Mitigation requirements</i>) to clarify that planning obligations may be required for management of car parking spaces in Major Thoroughfares within the Borough in accordance with policy GSS11 of the Local Plan.</p>
Transport for London – Spatial Planning	
To support sustainable transportations, it is recommended that the improvements to bus infrastructure should be added to paragraph para 9.2	<p>Agreed, paragraph 9.2 of the final Planning Obligations SPD has been amended to include improvements to bus infrastructure as a measure to support sustainable development.</p> <ul style="list-style-type: none"> Improving public transport connectivity and interchange, including improvements to Underground stations; <u>improvements to bus infrastructure which may include</u> additional bus routes or enhancements to existing routes, new bus stations.
A further bullet should be added to paragraph 9.2 which mentions that in-kind contributions are often negotiated with the developer which may require the safeguarding of land for future transport provision.	<p>Agreed. Paragraph 9.2 The final Planning Obligations SPD clarifies that an in-kind contributions are often negotiated with the developer which may require the safeguarding of land for future transport provision.</p> <ul style="list-style-type: none"> <u>In kind contributions are often negotiated with the developer which may require the safeguarding of land for future transport provision.</u>
Reference to TfL should be removed from paragraph 9.4 as Highway works on the Transport for London Road Network (TLRN) (pertaining to a section 278 agreement) are no longer undertaken by TfL but by the developer.	<p>Agreed. Paragraph 9.4 of the final Planning Obligations SPD has removed reference to Transport for London.</p> <p>“The scope of any offsite works required to mitigate the impact of development will be secured through a legal agreement under S278 of the Highways Act, and the necessary works will be carried out by the LHA Council, or TfL (where they affect the Transport for London Road Network (TLRN)). The developer will be responsible for meeting all costs associated with the design and implementation of schemes. The cost is based on the cost of delivery and in most cases will be outlined in the Transport Assessment / Transport Statement and/or Travel Plan”</p>

<p>It is suggested that paragraph 9.14 (fifth bullet point) is updated to read as follows (remove text with strikethrough and add underlined text):</p> <p>“New bus stopping and standing arrangements, <u>and the safeguarding of land for bus operations around</u> in North Finchley <u>bus station and gyratory as part of any to allow for redevelopment</u> of the bus station for commercial uses”.</p>	<p>Para 9.14, fifth bullet is also updated as follows:</p> <ul style="list-style-type: none"> • <u>New bus stopping and standing arrangements, and the safeguarding of land for bus operations around North Finchley bus station and gyratory as part of any to allow for redevelopment</u>
<p>The indicative s106 requirements in Table 11 (now Table 12) should refer to specific public transport infrastructure projects the Councils envisages coming forward over the lifespan of the new Local Plan.</p>	<p>Table 12 in the final Planning Obligations SPD now lists the key transport infrastructure projects in accordance with TRC02 of the Local Plan. Specific transport improvement works for the proposed growth areas are set out in policies GSS02; GSS03; GSS05, GSS06 of the Local Plan.</p>
<p>Related Argument</p>	
<p>The draft SPD replicates or reinstates policy which is unnecessary and potentially confusing.</p>	<p>It is important to identify the relevant policy from the new Local Plan to provide context on the policy requirements for respective planning obligations. The purpose of the SPD is to provide relevant details on the new Local Plan policies which are linked to planning obligations.</p> <p>.</p> <p>The role of the SPD is to explain, reiterate and/or elaborate on the policies in the Local Plan in relation to planning obligations. Further, the SPD contains guidance that will assist in the implementation of the new Local Plan, helping guide developers and residents as well as planners.</p> <p>This SPD provides guidance that supports the Local Plan by providing further detail on how the Council will implement our planning policies where viability is an issue. It is therefore a material consideration dependent on the circumstances of individual planning applications.</p>
<p>A significant portion of the affordable housing section is merely restating policy, rather than providing more detailed advice or guidance on that policy. It is confusing because in some cases it is not restating the policy accurately. For example, rather than providing guidance on Policy HOU01, the draft SPD merely states that a minimum of 35% affordable (by habitable rooms) is to be</p>	<p>Officers do not agree that that the SPD is conflicting nor confusing. A clear and consistent message is provided on contributions to affordable housing as well as other planning obligations.</p> <p>As stated in para 1.3 “The purpose of this SPD is to provide clarity for developers on S106 requirements, ensuring a consistent approach to requirements by the Council’s planning</p>

<p>delivered on-site. Policy HOU01 itself is more detailed. It states that the basis of calculations for the affordable housing requirements will relate to habitable rooms or the habitable floorspace. The draft SPD document would be significantly clearer (and avoid conflicting or confusing narrative) if it were stripped back to contain only what is necessary.</p>	<p>service in respect of individual planning applications. The Council has aligned adoption of the Planning Obligations SPD with the adoption of the Local Plan”.</p> <p>Officers consider that the document is clear and provides a good basis for securing planning obligations, including delivery of affordable housing.</p>
<p>There are various requirements that are formula based with the draft Planning Obligations SPD. The justification or evidence base for using the stated metrics is unclear. The metrics used are not explained nor cross referenced to evidence.</p>	<p>The Council’s Employment and Skills team have benchmarked formulas against other Planning Obligations SPDs, including Hackney and the six other boroughs within the West London Alliance (WLA) (LBs Brent, Ealing, Hammersmith, Fulham, Harrow, Hillingdon, and Hounslow). The Council’s team delivers initiatives in the sub region, working across borough boundaries and focusing on the priority areas of economy and skills, employment support, mobility and transport, housing, health and care; and digital.</p> <p>In addition, the Council’s Employment and Skills team have advised that many of the costs are what is required to assist a job ready resident to find employment using brokerage support at BOOST* or equivalent.</p> <p><i>*(BOOST is an employment and skills service helping Barnet residents get the support they need to overcome barriers and gain sustainable employment).</i></p>
<p>Local Labour</p> <p>The introductory paragraphs suggest that development proposals should ensure the greatest possible level of take up by Londoners, however the subsequent schedule references only Barnet residents. The schedule notes that the Council “expects 20 per cent local labour” yet subsequently states that developers should secure a minimum of 20 per cent of the work force during construction’. The purpose of an SPD is to provide further details and guidance , the draft SPD falls in that regard.</p>	<p>The final SPD clarifies that the obligation is for 20 per cent (not minimum of 20 per cent) local labour during the construction phase of development.</p> <p>Para 3.2 makes reference to employment, skills, apprenticeships, and other education and training opportunities in both the construction and end-use phases, including through S106 contributions where appropriate for Londoners. This is a correct statement to make, referring to London simply provides context and should not confuse applicants/developers , particularly as it is clear that the obligations on Table 3 (<i>Training and employment opportunities planning contribution requirements</i>) are specifically linked to policies in the Local Plan. This approach (with cited policies in the Local Plan for each obligation) is reflected through every table within the Planning Obligations SPD.</p>
<p>The principle for a local labour target on major developments is supported, however, to require a</p>	<p>The definition of “local labour” has been provided by the Councils Employment and Skills Team and is considered acceptable and in accordance with Local Plan policy ECY03. For</p>

<p>minimum of 20% could unnecessarily constrain or delay development, particularly with such a seemingly narrow definition of “local”, i.e. Borough specific. The London Plan notes at paragraph 6.11.3 that local labour requirements can mean that contractors struggle to meet the demand for skills because they must source labour from a geographically – defined labour pool. Where the required skills may not be necessarily be available. This may therefore in turn subsequently have an effect contrary to the desired effect. The London Plan encourages cross-borough working and co-ordination on employment and training opportunities. It also notes that the setting of targets of new apprenticeships or training starts ignores the meaningful completion of these. Query whether these issues have been considered, as well as initiatives such as the London Labour Initiative.</p>	<p>every job for a local resident less than 20 per cent of total labour, a financial contribution would be required. This is calculated as £1,500 per job to support the resident into a job elsewhere. The Council’s Employment and Skills Team have advised that this is what it costs to assist a job ready resident to find employment using brokerage support at BOOST or equivalent.</p> <p>The Council does not work in isolation, it has significant experience of working positively with WLA partners on employment and training opportunities.</p> <p>It is essential to set targets in order to ensure that apprenticeships and training are provided. The Council considers that there are merits in setting targets for the starts of new apprenticeships or training. Meaningful completion is not ignored.</p> <p>The Council has not joined the London Local Labour Initiative.</p>
<p>The SPD should specify and acknowledge that it is likely that many long term/unemployed require new skills and/or upskilling.</p>	<p>Agreed. Table 3 has been updated as follows:</p> <p>“Developers should prepare and submit for approval a plan covering employment and skills prior to commencement of construction for opportunities during construction phase and again at no less than three months prior to occupation for end use opportunities. <u>The Employment and Skills Plan should highlight opportunities for the long- term unemployed.</u></p>
<p>The evidence basis for using the metric of “every £2 million of build costs has not been provided (nor appears to be set at a corporate level to other London Borough’s).</p>	<p>Developers should secure a minimum of 20 per cent of the workforce during construction phase. Of this 20 per cent, for every £2 million of build cost, and every subsequent £2 million of build cost, 1 long-term unemployed resident in the Borough (unemployed >6months) should be employed for a minimum of 6 months, plus 1 unemployed resident for any duration must be employed for at least 6 months. This requirement is not applicable to developments where build costs are under £2 million. In producing these figures, the Council’s Employment and Skills team benchmarked against other London Boroughs, including employment programme’s within LB Hackney and WLA partners. This is a widely accepted and used approach across London.</p>

<p>How has the viability implications for development been considered?</p> <p>How does the document relate to S106 assumptions made in the draft London Plan viability evidence base?</p>	<p>Officers assume Related Argent are referring to the draft Local Plan (not London Plan as stated in their letter).</p> <p>The Council has fully considered the cumulative impact of its policy requirements on development viability as part of the Examination of its Local Plan and Community Infrastructure Levy (CIL) Charging Schedule. These were found to be sound by independent examiners following a process of Public Examination which followed extensive public consultation.</p> <p>The new Local Plan, which this SPD supplements, has been subject to a Viability Assessment. The viability implications of the policies in the Local Plan have already been assessed.</p> <p>In drafting the SPD, viability has been considered in accordance with the NPPF.</p> <p>This SPD will ensure that viability assessment of planning applications is efficient, consistent and transparent.</p>
<p>How does new and enhanced public infrastructure relate to the CIL Infrastructure Development Plan?</p>	<p>Para 1.4 (S106 and Community Infrastructure Levy (CIL) is clear that <i>“S106 is used alongside Barnet’s CIL and the Mayor of London’s CIL to mitigate the impacts of a development. In Barnet, CIL is the primary mechanism for securing developer funding for strategic infrastructure to deal with the cumulative impacts of development across the Borough”</i>. Further, para 1.14 states that: <i>“Financial contributions will be used to fund projects through the pooling of other S106 planning contributions, CIL funds and other funding sources as appropriate. The projects will be approximated within the agreement, providing the conditions under which they can be spent, and will be guided by the Council’s Infrastructure Delivery Plan and Capital Investment Pipeline”</i>.</p> <p>The Councils Planning Infrastructure Team will ensure there is no double counting between CIL and S106 contributions. As detailed within para 11.6 (Section 106 Project Management) : <i>“The Infrastructure Planning team enters the S106 agreements (including obligations for new and enhanced public infrastructure) on the Council’s Monitoring System and monitors the implementation, compliance, delivery, discharge, and enforcement of the financial and non-financial obligations. For non-financial obligations, confirmation/evidence would be sought from the developer and the relevant service teams to ensure that the obligations have been complied with. The Infrastructure Planning team</i></p>

	<i>provides confirmation once the obligations has been discharged/complied with. Monitoring of obligations continues after the development has been completed”.</i>
<p>Apprenticeships and Work Experience Placements</p> <p>It is unclear why a financial contribution (£4,850/apprenticeships) is required in addition to providing an apprenticeship or work experience opportunity. The draft Planning Obligations SPD states that it is required to support local residents to access the available apprenticeships/work experience. Does this mean it is financing an existing Council job/apprenticeships brokerage? Developers could advertise the apprenticeships/work experience themselves or through other existing platforms. As noted above, the evidential basis for using the metric of “every £2 million of build cost” is not provided (nor appears to be set at a comparative level to other London boroughs).</p>	<p>Developers should employ at least one Barnet resident into an apprenticeship from £2 million of build costs. A financial contribution of £4,850 per apprenticeship created is also required to support local residents access apprenticeships made available.</p> <p>The costs of training and support £4,850 is the cost of training, preparing and placing a long- term unemployed person into sustainable employment paid by the Department of Work and Pensions (DWP) to its suppliers. This figure was benchmarked against LB Hackney’s Planning Obligations SPD.</p> <p>The Council’s Employment and Skills Team have advised that through the West London Alliance contract *Shaw Trust and *Ingeus are paid £4,850 per job starts which demonstrates the cost to support a long-term unemployed resident (not job ready) into work.</p> <p><i>(*Shaw Trust is a national charity that helps people facing disadvantage into work, gain skills and take control of their futures. Shaw Trust is the largest third sector contractor for Department for Work and Pensions.</i></p> <p><i>*Ingeus deliver services across employment, health, justice and youth. Helping people find jobs, improve skills and support their health and wellbeing).</i></p>
<p>The London Plan encourages cross-boundary working and co-ordination on employment and training opportunities. It also notes that the setting of targets of new apprenticeships or training starts ignores the meaningful completion of these. Query whether these issues have been considered , as well as initiatives such as the London Local Labour initiative.</p>	<p>The Council does not work in isolation, it has significant experience of working positively with WLA partners on employment and training opportunities.</p> <p>It is essential to set targets in order to ensure that apprenticeships and training are provided. The Council considers that there are merits in setting targets for the starts of new apprenticeships or training. Meaningful completion is not ignored.</p> <p>The Council has not joined the London Local Labour Initiative.</p>
<p>Local Suppliers</p> <p>In general, the principle of encouraging developers to use local businesses as far as possible is supported.</p>	<p>In the new Local Plan, the supporting text for policy ECY03 states that <i>“The majority of major developments can provide opportunities for local suppliers in the construction</i></p>

<p>However, the suggestion of using local Barnet supply chains in the construction phase to the value of at least 10% of the build cost is unworkable. This could render project unviable and/or discourage development. What is “local” should be more broadly drawn and any metric should be targeted based, rather than a specified minimum.</p>	<p><i>phases. Through the Planning Obligations SPD the Council sets out a range of benefits, associated with employment generating development, include Local suppliers”.</i></p> <p>The SPD states that “denvelopers should include businesses based in Barnet in the supply chain of the construction phase to the value of at least 10 per cent of the build cost”. The Council expects the developer to demonstrate best endeavors to provide this 10 per cent.</p>
<p>HGH consultants on behalf of Springboard Two Housing Association Limited</p>	
<p>The SPD introduces an increased number of planning obligations that would result in the requirement for developers to make additional financial contributions, covering areas such as tree replacement, employment creation, Travel Plans (increased amounts). In addition to the requirement for developers to already pay CIL, a BNG contribution and provide affordable housing, these additional financial contributions may have an impact on the viability of a scheme.</p> <p>Where schemes are already subject to viability challenges, the requirement for additional financial contributions may put further strain on projects and will need to be considered at an early stage. This could compromise the deliverability of replacement affordable housing for existing residents and new housing that contribute towards the Council’s housing targets.</p>	<p>Para 1.9 of the Planning Obligations SPD is clear that: <i>“the negotiation of Section 106 agreements will involve the prioritisation of obligations with affordable housing and public transport improvements normally given the highest priority in accordance with London Plan Policy DFI (D). The National Planning Policy Framework (NPPF) highlights that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage”.</i></p> <p>All of the obligations have been fully justified in accordance with Local Plan policy requirements. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.</p> <p>Planning obligations are used for requirements not funded by CIL. The Council fully recognises the need to be aware of the cumulative impact of different S.106 obligations, and of the combined impact of S.106 obligations and CIL.</p> <p>S.106 obligations were considered in the production of the CIL charging schedule. The Council is keen for new development to proceed when it meets the objectives of its Local Plan. However, it is also aware of the pressing need for additional and upgraded social and physical infrastructure in the borough. Paragraph 11.11 of the SPD is clear that <i>“Financial contributions will be used to fund projects through the pooling of other S106 planning contributions, CIL funds and other funding sources as appropriate. The projects will be approximated within the agreement, providing the conditions under which they can be spent, and will be guided by the Council’s Infrastructure Delivery Plan and Capital Investment Pipeline”.</i> The Council has a S.106 monitoring system in place to continue to</p>

	ensure that contributions and expenditure are both recorded and monitored in a transparent way.
The draft SPD outlines a number of potential s106 requirements relating to employment and skills, including a local labour target, the requirement to provide apprenticeships and work experience. . Delivery all of these requirements would be onerous on a developer. It is not considered that these stringent targets are necessary to make the development acceptable in planning terms.	The Council has an Employment SPD since 2014 which already identifies all these requirements, which the Council successfully secures in Major developments. As Barnet grows there is a need to improve the supply of appropriate local jobs in parallel with labour market and other training initiatives to raise the skills of residents so that they can access jobs. This is especially critical for disadvantaged or marginalised residents so they can gain access into the labour market. As such, these obligations are not considered onerous and is in accordance with policy ECY03 of the Local Plan. Further, these standard obligations are also included within many other London Borough's Planning Obligations SPD.
<i>Education Infrastructure</i> - The money raised from the Community Infrastructure Levy (CIL) is used to fund new schools or expand existing schools. Development should not be required to fund school places that already receive direct funding. The addition of this S106 requirement would result in double counting contrary to the CIL Regulations.	<p>CIL will only replace S.106 as an infrastructure funding mechanism for strategic infrastructure – this is the infrastructure that is required regardless of the development of any particular site. There will not be double counting of contributions. All Section 106 and CIL monies are recorded to ensure transparently as set out within the Council's annual Infrastructure Delivery Plan.</p> <p>Policy CHW01 of the Local Plan allows for land/contributions to be sought for education (including specialist needs education facilities) if required to make particular large-scale developments acceptable in planning terms under the CIL Regulations tests. Infrastructure required under S.106 will be scheme specific only (i.e. the need for it will be generated by the development), and so in most cases will be provided within or ancillary to the development funding it.</p>
<i>Health Contributions</i> - It is noted that a financial contributions in lieu of on-site provision of health facilities is already collected through the payment of CIL. The suggested contribution in the SPD is double counting with the CIL provision. Health contributions should be omitted in the final SPD.	<p>This obligation would only apply to Large Scale Development with local health impacts which give rise to a need for additional health facilities, as detailed in policy CHW02 of the Local Plan. Developer contributions are used to fund the capital costs of new or expanded primary and community care facilities in order to meet the increasing demand for services which arises from population growth in new developments. The Council uses the London Healthy Urban Development Unit Planning Contributions Model (HUDU Model) to calculate the capital cost of the additional health facilities required to meet the increased demand.</p> <p>A S106 Agreement will secure a financial obligation in-lieu of the on-site provision where the facility is not required or able to be delivered. The financial obligation may be used to</p>

	<p>contribute towards alternative provision in the area to mitigate the site-specific impact of the development.</p> <p>In respect of CIL contributions, works funded by CIL will be undertaken as and dictated by wider infrastructure priorities. CIL payments will be pooled, and CIL-funded works are not required to be timed or located to coincide with the development/s helping fund them.</p>
<p><i>Open space</i>- Clarify whether contributions are required to be provided on developments that fall below the thresholds outlined in the document (i.e. below 1,00 residents).</p> <p>Any provision or financial contribution should be based upon the net uplift of new homes/residential units and not the total number of homes proposed. This should be made clear in the final version of the SPD.</p>	<p>It is accepted that the increase in population generated by new housing development could increase the demand for sports facilities. The Council plans for this increased population in accordance with the growth projected by the Local Plan. The open space standards are in accordance with the Local Plan.</p> <p>Provision for new accessible open space is detailed within relevant Site allocations set out within the draft Local Plan. It is not considered necessary to include “net uplift of new homes “ as the policy guidance is clear this relates to new homes.</p>
<p><i>Play space</i>- Where play space cannot be provided on-site due to site constraints and has to be provided off-site, it is considered unreasonable for a development to have to make a financial contribution towards maintenance and is not necessary to make the development acceptable in planning terms.</p>	<p>The SPD does not seek to produce new policy, but to simply make clear the implementation of existing policy. These contributions have been justified in accordance with policy. All obligations are subject to viability, and the Council would prioritise securing certain obligations should it be unviable to secure all. Applicants must demonstrate that an obligation would result in a scheme becoming unviable and undeliverable.</p>
<p>Trees replacement, Urban Greening Factor, and Biodiversity Net Gain</p> <p>It is unreasonable to require three separate contributions (compensation required for substitute planting should be based on a recognised tree valuation method such as CAVAT; 10% BNG through on-site measures or off-site contributions; and Urban Greening Factor (UGF)) from developers to compensate for the loss of trees or not meeting the UFG on site in addition to the mandatory BNG.</p>	<p>The SPD does not seek to produce new policy, but to simply make clear the implementation of existing policy. These contributions have been justified in accordance with adopted policy.</p> <p>There would be no double or triple counting. All obligations are subject to viability, and the Council would prioritise securing certain obligations should it be unviable to secure all. Applicants would need to demonstrate that an obligation would result in a scheme becoming unviable and undeliverable.</p>

<p>The Planning Obligations would thereby triple count contributions and could result in schemes being unviable and undeliverable, or the reduction in the provision of affordable housing. As the provision of 10% BNG is mandatory, this should be the only contribution that the development should make in respect of the provision of replacement trees.</p>	
<p><i>Air Quality</i> - The requirement to demonstrate equivalent air quality benefits may necessitate applicants to make a payment of a proportional Marginal Abatement Cost (MAC). This requirement creates a degree of uncertainty around each development in terms of potential financial contributions and costs to the development and could only be assessed once an Air Quality Assessment has been undertaken.</p>	<p>It is not considered that this obligation creates uncertainty in terms of financial contribution. This obligation makes clear the implementation of policy ECC02 of the Local Plan.</p> <p>Air quality mitigation and management are required when developments cannot demonstrate that Air Quality Neutral can be achieved. Where emissions need to be reduced to meet the requirements of Air Quality Neutral, or to make the impact of development on local air quality acceptable, this should be achieved on-site. Where it can be demonstrated that emissions cannot be further reduced on-site, off-site measures to improve local air quality may be acceptable provided that equivalent air quality benefits can be demonstrated within the area affected by the development. In these circumstances a proportional Marginal Abatement Cost (MAC) will be necessary.</p>
<p><i>Sustainable transport</i>- Travel Plan incentives- Across a development an incentive of £200 per household would add a significant financial burden or have a negative impact on viability.</p>	<p>A Travel Plan is a long-term management strategy for an occupier or site that seeks to deliver sustainable transport objectives, secured through a Section 106 agreement. Travel Plans encourage more efficient and sustainable use of the transport system for people, servicing, and goods. In line with the Local Plan, Travel Plans will be required for all developments which generate significant amounts of transport movement (these are Category 1 Travel Plans). They may also be required in some cases likely to have a more limited effect (these are Category 2 Travel Plans).</p> <p>Developments with a residential element of a size that means a Travel Plan is needed will be required through a planning contribution to fund Travel Plan Incentives for the first households occupying of each unit for at least one of the travel incentives.</p> <p>This contribution is considered to be appropriate and justified by the Councils Highway Authority and is broadly similar to contributions towards Travel Plan Incentives in other</p>

	London Boroughs. The applicant would be required to demonstrate that securing this contribution would have a negative impact on the viability of the scheme.
<p><i>Controlled Parking Zone</i> - The draft SPD states that where a new or amended CPZ is considered necessary, a developer may be required to make a financial contribution towards the implementation or alteration and monitoring of the CPZ. This is likely to be £250 per proposed residential unit.</p> <p>This appears to be an unnecessary burden on developers who are seeking to reduce travel by private car. Any cost in respect of a CPZ should be negotiated with the Council's Highways Team on an individual basis considering other planning obligations.</p>	The SPD provides a detailed justification for this CPZ contribution, which has been provided by the Councils Local Highways Authority, in accordance with TRC03 of the Local Plan. The Local Highway Authority are consulted on planning applications which require may result in an amendment to a CPZ.
<p><i>Travel Plans</i>- Developments which meet the threshold for a travel plan will need to meet the cost of publicising, implementing, and monitoring the travel plan outcomes, including any financial penalties.</p> <p>Noting the £20,000 maximum monitoring fee, further evidence is required to justify this proposed cost. There is no explanation provided to illustrate what is envisaged by financial penalties (which might be outside of the control of the developer) and seems to be unreasonable. The suggested increased maximum cost of £20,000 is not considered to be fairly and reasonably related in scale and kind to the development.</p>	<p>The figure of £20,000 is the maximum monitoring fee has been provided by the Councils Highways Authority. This figure relates to School/Nursery Travel Plans only and has been benchmarked from other London Boroughs as evidence to justify the contributions, which is a used and accepted approach across London.</p> <p>The Council Local Highways Authority (LHA) provided evidence to justify these figures to meet the statutory tests. The Obligation has been justified in accordance with National; regional (London Plan) and local (Barnet's Local Plan) policy. Moreover, the LHA advice that the monitoring trees as broadly similar to contributions towards Travel Plan Incentives in other London Boroughs. The applicant would be required to demonstrate that securing this contribution would have a negative impact on the viability of the scheme.</p> <p>As clearly detailed in the Planning Obligations SPD, the required monitoring fee would be decided on a case-by-case basis using the following indicative sums (per Travel Plan required. A fee to monitor the Travel Plan will be required to meet the cost of monitoring the implementation of the agreement or undertaking and the associated resources that support this system – comprising staff and software costs .Financial penalties for late payment is addressed in paragraph 11.5 of the Planning Obligations SPD.</p>
<i>CCTV Coverage</i> - Further details on CCTV obligation should be provided to confirm the amount a	There may be a contribution request towards CCTV which will include the capital cost towards the supply, installation and/or monitoring of CCTV. This will be decided on case-

development would need to provide and how this might connect to any wider network.	<p>by-case basis in detail in conjunction with the Design Out Crime Officer within the Metropolitan Police Service.</p> <p>The following additional sentence has been added to Table 13 in the final Planning Obligations SPD:</p> <p><u>“Financial contributions towards CCTV may be for the capital cost towards the supply, installation and/or monitoring of CCTV. This will be decided on case-by-case basis in detail in conjunction with the Design Out Crime Officer within the Metropolitan Police Service”.</u></p>
Securing all the obligations identified within the Planning Obligations SPD would increase viability pressure on development which could compromise its deliverability. Committing to the obligations in full would be overly onerous on a developer and could make schemes unviable and/or could prejudice the ability to meet affordable housing policy requirements.	<p>All obligations (both financial and non-financial) have been robustly justified and in accordance with the existing local plan. The SPD does not seek to produce new policy, but to simply make clear the implementation of existing policy.</p> <p>All obligations are subject to viability, and the Council would prioritise securing certain obligations should it be unviable to secure all. The applicants would need to demonstrate that an obligation would result in a scheme becoming unviable and undeliverable.</p>
Avison Young on behalf of St George’s landholdings	
The figures provided (for Travel Plan Monitoring; CPZ contributions; off-site child playspace; employment and skills ; affordable workspace) in the Planning Obligations SPD document do not appear to be evidenced. Evidence should be provided to support these contributions in the final version of the SPD and any adjustments to the indicative costings made accordingly.	The Planning Department consultant specialist Senior Officers and management in various departments within the Council, including LB Employment and Skills team; LB Environment Health; LB Highways; LB Greenspaces; and LB Housing team have provided evidence base, in some instances benchmarking financial obligation from other London Boroughs recently adopted Planning Obligations SPD have been applied to ensure figures are broadly consistent across other outer London Boroughs. The SPD does not seek to produce new policy, but to simply make clear the implementation of existing policy. All obligations (both financial and non-financial) have been justified and in accordance with relevant policies within the Local Plan.
S106 healthcare contributions can only be required to fund primary healthcare services, if a localised impact can be demonstrated as a result of the proposed development and cannot be utilised to fund secondary or tertiary services. S106 contributions can be required	Agreed. The suggested amendments sought are reflected in Table 5 within the final Planning Obligations SPD.

<p>to fund the capital costs of healthcare only and cannot be used to fund operational NHS services.</p> <p>The text in Section 5 should be amended to remove text with strickthrough and include text underlined to the sentences below :</p> <p><i>“Developer contributions are used to fund the capital costs of new or expanded primary and community care facilities in order to meet the increasing demand for services which arises from population growth in new developments. The Council uses the London Healthy Urban Development Unit Planning Contributions Model (HUDU Model) to calculate the capital costs <u>only</u> of the additional health facilities required to meet the increased demand”</i></p>	<p>Changes to this subject paragraph is as follows: “Developer contributions are used to fund the capital costs of new or expanded primary and community care facilities in order to meet the increasing demand for services which arises from population growth in new developments. The Council <u>currently</u> uses the London Healthy Urban Development Unit Planning Contributions Model (HUDU Model) to calculate the capital cost <u>only</u> of the additional health facilities required to meet the increased demand. The Model is also used for calculating any financial contributions. <u>The Council will use any replacement or alternative model or calculation method as requested by the Integrated Care Board (ICB)”</u>.</p>
<p>Securing all the contributions identified within the draft Planning Obligations SPD would increase viability pressure on development which could compromise its deliverability. Committing to the obligations in full would make development unviable and/or prejudice the ability to meet affordable housing policy requirements. In some instances, the requirements of the SPD should be applied flexibly.</p>	<p>It would not be prudent to state that the requirements of this SPD could be applied flexibility in any scenario. All obligations are subject to viability, and the Council would prioritise securing certain obligations should it be unviable to secure all. The onus is on applicants to demonstrate that an obligation would result in a scheme becoming unviable and undeliverable</p> <p>Paragraph 1.9 of the Planning Obligations SPD provides clarification on negotiation of Section 106 agreements stating that affordable housing and public transport improvements and given the highest priority.</p>
<p>Professor Geoffrey Alderman, Barnet Resident</p>	
<p>The SPD should Include Almshouse as affordable housing providers, whether or not they are 'Registered Providers'. Stating them specifically as a category of 'Affordable Housing Providers'</p>	<p>Almshouses are the oldest form of social housing in this country and the Council welcomes recognition within the NPPF of them having a role to play as providers of genuinely affordable housing. However, the current policy on affordable housing is limited to Registered Providers (RP), and given that Almshouse is not a RP, it would be misleading and not in accordance with planning policy to include Almshouse as an affordable housing provider within the SPD.</p>