

Consultation Statement

Planning Obligations Supplementary Planning Document

July 2014

1. Introduction

1.1 The Council's Planning Obligations SPD was adopted by a resolution of full Council on 10th July 2014. This statement sets out the organisations and individuals consulted as part of the production of the document and how the issues raised have been addressed. Specifically, it provides a summary of:

- the consultation process undertaken;
- the responses to the draft document;
- how representations were assessed by the Council; and
- the amendments to the draft document in the light of consultation responses.

2. The Consultation Process

2.1 The Draft Planning Obligations SPD was issued for a consultation with the Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule on 30th May 2012 for a 6 week period. The consultation period closed on 11th July 2012.

2.2 During this period the consultation documents were made available for public inspection at the Civic Centre, all libraries across the borough and on a dedicated page on the Council's website. A specific email address (CIL@hillington.gov.uk) was set up for consultees to submit responses.

2.3 Two drop-in sessions were held at Botwell Library in Hayes on 7th June 2012 and at the Civic Centre, Uxbridge on 14th June 2012 to provide members of the public with an opportunity to ask questions about the introduction of CIL.

2.4 In addition, the following organisations and individuals were specifically informed by letter that the consultation was taking place:

- The Mayor of London;
- Local Planning Authorities in adjoining London Boroughs and Districts;
- Local Planning Authorities in adjoining County Councils;
- Local MPs;

- A range of statutory consultees including: utility providers, emergency services, transport and infrastructure providers, healthcare organisations and government departments including the Planning Inspectorate;
- Residents Associations in the borough;
- Local Chambers of Commerce;
- Planning Consultants who had previously commented on Hillingdon's Local Plan Part 1; and
- 20% of all businesses registered on Hillingdon's Business Guide (approximately 270 organisations).

3. Consultation Responses

3.1 A presentation on the introduction of the CIL was given at the Council's Resident's Planning Forum on 12 June 2012. This forum provided an opportunity for residents to ask questions on the introduction of the CIL and the revised Planning Obligations SPD and for officers to explain how it would benefit the borough as a whole.

4. Key issues raised in response to the consultation process

4.1 In total 9 individuals/organisations responded to this consultation. The key issues raised in the process are outlined in Table A below.

Table A: Issues raised during the consultation process

Issue Raised	Officer Response
The SPD should include references to specific areas in the borough (such as Colne Valley Regional Park or the Grand Union Canal).	The SPD is not a site specific document and does not generally include site specific references or provisions.
References to Planning Policy Guidance should be replaced with corresponding references to the National Planning Policy Framework (NPPF).	The SPD will be updated to reflect current National Planning Guidance.
Affordable rented accommodation should be recognised in the SPD as a form of affordable housing.	Reference to affordable rented tenure is already made.
A number of issues were raised around the assessment of viability. The viability of site specific affordable housing	The GLA toolkit is the approved model for assessing the provision of affordable housing. The use of alternative models

provision is currently assessed using a financial model known as the GLA Toolkit. Some argued there should be scope to use alternative models.	should be discussed with the Council as appropriate
There is potential for 'double charging' of CIL and Planning Obligations, particularly in relation to transport contributions.	The purpose of S106 will be to provide for site specific transport mitigation, rather than borough-wide transport needs. The bullet points associated with paragraph 5.7 in the draft SPD will be updated to reflect this.
Some of the provisions in the Planning Obligations SPD, such as the late payment and administration fees are excessively high	The provisions for late payment and administration fees have been carried forward from the current Planning Obligations SPD. These provisions have worked well and there are no specific reasons to change them.

5. Revisions to SPD as a result of the Consultation Process

5.1 A schedule of representations and changes made to the SPD is attached as Appendix A to this statement. Cabinet approved these changes on 27th September 2012 and agreed to hold the document in abeyance, so that it could be adopted at the same time as the CIL Charging Schedule.

6. Conclusion

6.1 This statement has set out the responses received to the Planning Obligations SPD which was issued for consultation between 30 May 2012 and 11 July 2012. Overall, responses to the consultation did not result in the need for any significant changes to the document and the Council has agreed to adopt the document alongside its Community Infrastructure Levy Charging Schedule.

APPENDIX A: SCHEDULE OF RESPONSES TO THE DRAFT PLANNING OBLIGATIONS SPD
Representations received during the period 30 May 2012 - 11 July 2012

ID	Rep No.	Organisation / Individual	Date submitted	Relevant document	Relevant paragraph	Summary of Representation	Council's Response
01	POSPD	London Borough of Hillingdon	30 May 2012	POSPD	n/a	Suggested amendments to the Draft POSPD	Proposed change: Accept text updates to the POSPD.
04	POSPD1	Natural England	27 June 2012	POSPD	n/a	<p>- Approach is reasonable and in line with relevant legislation.</p> <p>- Welcome references to open space in Planning Obligations SPD.</p> <p>- Paragraphs 8.4-8.12 are welcomed, but Natural England does not support development schemes that adversely affect designated sites.</p>	Comments noted. The Local Plan (Part 1) contains policies on the protection of designated sites. No proposed change.
07	POSPD1	Heathrow Airport Ltd	09 July 2012	POSPD	5.6 and 5.7	<p>Objection to the requirements of para 5.6 and 5.7 which amount to potential double charging of CIL and s106.</p> <p>Paragraph 5.6 states that where infrastructure is not planned for delivery from CIL or any other funding programmes the Council will request that this is provided by the developer. Para 5.7 lists where s106 contributions will be sought.</p> <p>This could result in developers being charged twice as they will also be liable to pay the CIL.</p> <p>Whilst it is accepted that site specific measures are appropriate for S106/S278, the guidance should make clear that this mechanism does not extend to funding improvements to address transport deficiencies across the area as a whole.</p>	Section 278 agreements remain unchanged by the CIL. It is agreed that following the introduction of CIL the use of S106 contributions will be limited to site specific mitigation. Proposed change: Amend paragraph 5.7 to state that 'The Council will seek s106 contributions to address site specific mitigation and s278 contributions as follows:'

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09	POSPD1	Canal and River Trust	10 July 2012	POSPD		<ul style="list-style-type: none"> - It is important that waterways are not overlooked in the CIL/S106 process. - Public realm improvements identified in the POSPD/PDCS should incorporate the Grand Union Canal. - Utilities team has been working with energy providers who want to make use of the GUC as part of process. Contact details provided. - C&RT has not been consulted regarding green infrastructure in the SIP. GUC not illustrated on Map J, Open Spaces in the Borough. - Maintain and enhance open space to meet growth needs. - Substitute references to British Waterways with The Canal and River Trust. - C&RT has no plans to extend the national cycle network. Towpaths do not generally meet NCR design standards and should be considered as link routes to the NCR, rather than NCRs themselves. 	<p>The Council will accept any proposed amendments to the SIP and publish a Regulation 123 list of projects that CIL will be used to support. This may or may not include specific reference to the GUC, which is specifically mentioned in the SIP as part of the Blue Ribbon Network. Proposed change: All references to British Waterways will be substituted with C&RT. References to Grand Union Canal towpath national cycle network will be removed from the infrastructure schedule.</p>
012	POSPD1	Groundwork Trust for Colne Valley Regional Park	11 July 2012	POSPD	8.3	<p>Colne Valley Park should be added to the bullet point list of 5 areas associated with this paragraph. A new sub-section should be added to the draft SPD, seeking a planning obligation where new development is located within or adjacent to the Park, or where such development would lead to its increased use, or have an adverse impact on the ability to deliver any of the Park's six objectives.</p>	<p>The revised planning obligations SPD is not site specific. No proposed change.</p>

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014	POSPD1	Environment Agency	11 July 2012	POSPD	3.1	Wish to be consulted on projects included in the Regulation 123 list.	The Council will consult the Environment Agency at all stages in the production of the CIL documents. No proposed change.
014	POSPD2	Environment Agency	11 July 2012	POSPD	3.3	Support references to pre-application advice. Would like to see references to pre-application advice from statutory/non statutory consultees.	The Council will co-ordinate pre-application advice from other consultees as appropriate. No proposed change.
014	POSPD3	Environment Agency	11 July 2012	POSPD	8.1-8.21	Pleased to see the inclusion of the North London River Restoration Plan, Bio-diversity Action Plan and SFRA. Should be made clear that flooding from all sources will be assessed in site specific FRAs.	Proposed change: Incorporate EA comments in para. 8.21. Flooding from all sources will be considered in site specific FRAs.
015	POSPD1	RPS for Arla Foods and Citygrove Securities plc	11 July 2012	POSPD		<ul style="list-style-type: none"> - Late payment fee is excessive. - Objection to payment prior to commencement of development. Payment should be made on commencement. - Application of standard 5% administration fee not appropriate. Each case should be considered on its merits. - Policy context in SPD needs to be updated to reflect the NPPF. - Potential for double charging of CIL and S106 on highway works. Planning applications often result in the need for off-site highway works. In such circumstances there should be relief from CIL. 	<p>Fees are carried over from the current version of the Planning Obligations SPD and have worked well. No evidence put forward to justify change.</p> <p>Both documents will be updated to reflect the NPPF.</p> <p>Section 278 agreements remain unchanged by the CIL. It is agreed that following the introduction of CIL the use of S106 contributions will be limited to site specific mitigation.</p> <p>Proposed change: Update both documents to reflect the NPPF.</p> <p>Amend paragraph 5.7 to state that 'The Council will seek s106 contributions to address site specific mitigation and s278 contributions as follows:'</p>

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017	POSPD1	DP9 for CES properties	11 July 2012	POSPD	6.8	With regard to employment contributions, consideration should be given to the length of time a particular site has been vacant. Certain sites will have little or no prospect of delivering employment use and requiring contributions from such sites is unjustified.	The viability of delivering planning obligations will be discussed during the negotiation of site specific S106 agreements. No proposed change.

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018	POSPD1	DP9 for Royal Brompton and Harefield NHS Foundation Trust	11 July 2012	POSPD		<ul style="list-style-type: none"> - Paragraphs 2.15-2.16 refer to PPS12. Reference should be removed and replaced with paras 203-206 in the NPPF. - Welcome flexibility in para 3.10 but suggest later/staged payments should be accepted in certain circumstances. - Object to para 3.15. Viability assessments should be undertaken on the basis of price paid for a site rather than land value. No guidance in the SPD on how land values will be determined. - Paras 4.8 and 4.11 refer to PPS3. Reference should be made to the definition of affordable housing in the Glossary of the NPPF. - Para 4.11: SPD should recognise affordable rent as a form of affordable housing. - Para 4.17: should recognise that in addition to the GLA toolkit, other financial models may be used to assess viability. - Para 4.21: Reference to PPS1 should be replaced with the aims and objectives of the NPPF. - Page 23: Questions the presumption to double off-site affordable housing provision. - Welcomes case by case assessment of payments in lieu. Reference to <i>'the Council will not accept contributions that would not allow schemes to be fully funded'</i> is unclear. Text should be deleted. - SPD should recognise that payments in lieu are subject to the nature and potential impact of proposals, as well as viability. Flexibility needed in the application and level of payments. 	<p>All references to PPG/PPS will be updated.</p> <p>Assessment of residual land value/existing use value is the established approach to viability assessment and will be retained.</p> <p>If viability models other than the GLA toolkit are to be used these will need to be discussed and agreed as part of site specific S106 negotiations.</p> <p>Para 4.11 recognises affordable rent as a form of affordable housing.</p> <p>The assumptions regarding off site provision of affordable housing have been carried forward from the previous version of the SPD. No evidence has been presented to justify a change to this approach.</p> <p>Payments in lieu already incorporate a degree of flexibility in that they are negotiated on a site by site basis. Comments regarding some of the wording associated with this part of the SPD are accepted.</p> <p>Proposed change: All reference to PPGs/PPSs will be replaced with appropriate references in the NPPF. The Council will assess the clarity of text relating to payments in lieu.</p>

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021	POSPD1	CGMS for the Metropolitan Police Authority	11 July 2012	POSPD		<ul style="list-style-type: none"> - Policing facilities are not included in Table 1 of the SPD, this conflicts with Core Strategy policy C11. - Planning Obligations are likely to be the most appropriate means of funding some public facing police facilities, where such facilities are necessary to mitigate the impacts of particular development. Such proposals would meet the tests for the use of planning obligations. - Recommended that CS policy C11 is added to Table 1 in the SPD. Development that would be liable to make a contribution and the level of contribution should be considered on a site by site basis. 	<p>Only very large scale mixed use schemes are likely to generate a need for a dedicated police facility. Borough-wide needs will be dependant on a number of factors, including MPA's wider estates' strategy. Furthermore, there are difficulties associated with identifying particular triggers of need for such facilities.</p> <p>Overall, it would be difficult to justify the inclusion of police facilities as a Planning Obligation.</p> <p>Proposed change: Policy C11 should be added to Table 1 in the draft SPD.</p>