Appendix B

LB Haringey

Planning Obligations Supplementary Planning Document

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1. Introduction

1.1 The purpose of this document is to set out the Council's approach, policies and procedures in respect of the use of planning obligations. It has been prepared as a 'Supplementary Planning Document' ("SPD") to support policies SP17 and DM 48 of Haringey's Local Plan, and to clarify the relationship between the use of planning obligations and the application of Haringey' Community Infrastructure Levy ("CIL") adopted in July 2014.

The Aim of this SPD

1.2 The aim of this SPD is to provide guidance on what, how, and when planning obligations will operate in Haringey. Specifically, it will:

- Provide transparency and certainty in regard to the functioning of the planning application process and procedures for securing planning obligations;
- Set out the types of planning obligations that may be sought with various development proposals;
- Detail the relationship between planning obligations and CIL;
- Assist in the delivery of sustainable development in accordance with policies in Haringey's Local Plan, which includes the London Plan, Strategic Policies DPD (2017 as amended with Alterations), the Development Management DPD (2017); the Site Allocations DPD (2017); and the Tottenham Area Action Plan (2017).

1.3 The obligations listed in this SPD are those that might be expected given the types of development provided for by the Local Plan. However, it should be noted that other types obligations, not covered within this SPD, may be required to mitigate a specific development's impacts.

Status

1.4 This SPD is a material consideration in the determination of planning applications. The SPD will be subject to monitoring and review (see Section 14) and updated as necessary to ensure it remains consistent with relevant legislation and national and regional policy and guidance.

Replacement of Existing Guidance

~~1.4~~1.5 This document when adopted will replace the existing Planning Obligations SPD (2014).

2. Background

Mitigating the impact of new development

2.1 In Haringey a minimum of 19,802 new homes are planned to be built and 12,000 new jobs created by 2026. This growth will result in increased pressure on local infrastructure, services and facilities, creating demands for new provision. The Council and developers have a responsibility, through the planning process to manage the impact of this growth and ensure that any harm caused by development is mitigated and that the necessary infrastructure is provided.

2.2 The infrastructure required to support Haringey's planned growth has been identified in the Council's Infrastructure Delivery Plan ("IDP"). The Council expects new development to contribute to site related and wider infrastructure needs through a combination of the following mechanisms:

- Planning conditions (site/development related);
- Planning obligations to secure developer contributions or works in kind e.g. s106 agreements (site/development related);
- CIL (strategic local and borough-wide infrastructure).

What are Planning Conditions?

2.3 Planning conditions are requirements made by the local planning authority ("LPA"), in the granting of planning permission, to ensure that certain actions or elements related to the development proposal are carried out. Planning conditions are likely to cover, amongst other things, the submission of reserve matters; controls over the materials to be used; controls over the occupation of new buildings or further stages of development until certain other actions are completed; the requirement to undertake further investigations as work proceeds (e.g. archaeological recording); construction in accordance with the submitted method statement; and the requirement to implement works in accordance with the submitted plans such as landscaping, tree planting, drainage works etc.; and requirements for the certification of works following completion.

2.4 Where there is a choice between imposing planning conditions and entering into a planning obligation to manage the impacts of a new development, the use of planning conditions is always preferable.

What are Planning Obligations?

2.5 Where a development proposal does not meet the standards required of local planning policy, it may be possible to make acceptable development proposals which might otherwise be unacceptable through the use of planning obligations.

2.6 Planning obligations are used to secure measures which are essential for the development to proceed and measures which are required to mitigate the impact of the development. Planning obligations do this through: Prescribing the nature of a development (e.g. by requiring a proportion of affordable housing); Securing a contribution from a developer to compensate or re-provide for loss or damage created by a development (e.g. through the transfer of land, the requiring of a cash

payment to be made, or new habitats to be created etc); and mitigating a development's impact on the locality (e.g. through the securing of environmental improvements and the provision of both on and off-site infrastructure and facilities to serve the development such as new roads or junction improvements which, without the proposed development taking place, would not necessarily be required).

2.7 The outcome of the use of planning obligations should be that the proposed development is brought into compliance with the Local Plan policies and that any development specific works are undertaken satisfactorily. Used properly, planning obligations can significantly increase the quality of development.

2.8 While planning obligations can secure benefits capable of mitigating the adverse impacts of a development, they cannot however, be used to make a bad application good where, for example, a scheme does not comply with the spatial strategy and land use principals of the Local Plan.

3. Legislative Context

National

3.1 Planning obligations can be made pursuant to several different legislative provisions, including section 106 of the Town & Country Planning Act 1990 (as amended) ("the Act"), section 16 of the Greater London Council (General Powers) Act 1974, and section 1 of the Localism Act 2011 (as amended), amongst others. The term 'S106 Agreement' refers to a planning obligation only made pursuant to the Act.

3.2 Planning obligations:

- May be either positive, i.e. requiring a person to carry out a specified action, or negative, i.e. restricting a person from developing or using the land in a specified way;
- May be entered into either by agreement with the LPA or by an undertaking by the developer to which the LPA is not a party (e.g. unilateral undertaking), although the latter will not normally be appropriate or accepted by the Council other than for simple one off financial obligations;
- Must be entered into by means of a deed;
- Must be registered as a local land charge (for the purposes of the Local Land Charges Act 1975);
- Run with the land and may be enforced against the person entering into it and against any successors in title; and
- Can be enforced by means of injunction.

3.3 Further detail on these aspects of planning obligations is provided in Section 5 of the SPD.

3.4 Further statutory provisions are set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) ("the CIL Regulations") for S106 Agreements.

3.5 The CIL Regulations place into law for the first time, the Government's policy tests on the use of S106 Agreements. As of 6 April 2010 it became unlawful for a S106 Agreement be taken into account when determining a planning application for a development, if the obligation does not meet any of the following tests:

a. necessary to make the development acceptable in planning terms;
b. directly related to the development; and
c. fairly and reasonably related in scale and kind to the development.

3.6 The CIL Regulations seek to clearly delineate the different roles that both CIL and S106 Agreements have, when used in tandem, to secure the delivery of social and physical improvements and infrastructure required of and to support new development.

4. Policy Context

National Planning Policy Framework (NPPF)

4.1 At the national level the National Planning Policy Framework (2012) (NPPF) sets out the Government's economic, environmental and social planning policies for England. Paragraphs 203 to 206 of the NPPF, deal with the use of planning conditions and S106 Agreements. These reiterate the tests for use of S106 Agreements set out in the CIL Regulations; uphold the long standing principal that planning conditions are preferable to planning obligations; and requires LPAs to ensure policies on planning obligations take account of changes in market conditions over time and, wherever appropriate, are sufficiently flexible to prevent planned development being stalled.

4.2 The NPPF also advises that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-making. Accordingly, sites and the scale of development identified in local plans should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, infrastructure contributions and other standards or requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing developer to enable the development to be deliverable.

4.3 The Government has also published more detailed Planning Practice Guidance ("PPG"). On S106 Agreements, this echoes the NPPF regarding their purpose and use. It states that where the CIL is in place for an area, the charging authority should work with developers to ensure they are clear about their infrastructure needs and what developers will be expected to pay for through which route – there should not be actual or perceived "double dipping". It emphasises the importance of ensuring that policy for seeking obligations should be grounded in an understanding of development viability and that on individual schemes applicants should submit evidence on scheme viability where obligations are under consideration.

4.4 The NPPG also provides guidance on the CIL, how it is set, collected and used. It also explains the relationship between CIL, S106 Agreements and highway agreements.

S106 Agreements and CIL

4.5 In terms of developer contributions, the CIL has not replaced S106 Agreements. The introduction of CIL resulted in introducing statutory tests for S106 Agreements. S106 Agreements, in terms of developer contributions, should be focused on addressing the specific mitigation required by a new development. CIL has been developed to address the broader impacts of development. There should be no circumstances where a developer is paying CIL and S106 Agreement for the same infrastructure in relation to the same development.

4.6 The balance between the use of S106 Agreements and CIL will be different depending on the nature of the area and the type of development being undertaken.

There is further guidance on the balance between s106 and CIL set out in the CIL section of the PPG ("CIL Guidance").

London Plan (2016 as amended with Alterations)

4.7 The London Plan outlines the Mayor's approach to dealing with issues of strategic importance across London. Policy 8.2 specifically deals with planning obligations, and sets out that the Mayor of London will provide guidance on the preparation of frameworks for negotiating obligations in DPDs and the wish that there is a voluntary system of pooling contributions for the provision of facilities related to proposed developments. The policy also sets out that development proposals should address strategic as well as local priorities in planning obligations and that the areas of highest importance are Affordable Housing, funding of Crossrail and other public transport improvements. Climate change, learning and skills, health facilities, childcare provisions and the provision of small shops are also raised as high-importance areas to be addressed in planning obligations.

Local Plan 2017

4.8 Haringey's Local Plan: Strategic Policies DPD was adopted in March 2013, with Alterations adopted in July 2017. This document sets out policies guiding development to fulfil the strategic vision for the borough. There are 17 overarching policies covering many areas, the ones for which planning obligations will be relevant and applicable include:

- SP1 Managing growth
- SP2 Housing
- SP7 Transport
- SP8 Employment
- SP9 Improving skills and training
- SP10 Town centres
- SP13 Open space and biodiversity
- SP14 Health and well-being
- SP15 Culture and leisure
- SP16 Community facilities

4.9 Policy SP17 sets out how the Council will deliver and monitor the Local Plan. This policy introduces the Haringey Infrastructure Delivery Plan (IDP), which is an iterative document that identifies the levels of infrastructure (including education, health, transport, leisure, community facilities and others) required to meet the needs of Haringey's expanding and changing population. It also identifies where the delivery could be met, including through the securing of planning obligations. This document will be updated as necessary to take into account evolving plan making developments, and trends in infrastructure provision.

4.10 The Site Allocations DPD (2017) provides an indication of site specific infrastructure that will need to be provided on and around a site through development proposals.

4.11 To support the implementation of the Local Plan, the Council's Development Management DPD establishes the Council's policy in relation to planning obligations at Policy DM48.

Tottenham Charter

4.12 Haringey Council encourages all developers in Tottenham to sign up to the Tottenham Charter. The aim of the Tottenham Charter is to bring together key delivery partners and secure beneficial pledges. These pledges are in addition to any obligations due, and will support our aim to provide local residents with skills and experiences that will enable them to make the most of their own opportunity and ambition. These will seek to:

- Inspire local young people through offering more world of work experiences, paid internships, apprenticeships and employment opportunities.
- Support local people and businesses by offering access to employment and training opportunities and creating opportunities for local business.
- Build the capacity of local community and voluntary sector groups by offering pro bono support, free use of events spaces and generating volunteering opportunities.

4.13 Tottenham Charter will help us ensure the regeneration and development of Tottenham is about so much more than bricks and mortar; that it is built around the best interests of our residents and our diverse communities.

4.14 The Council will also expect developers to sign up to a borough-wide charter should one develop in the future.

5~~. LBH's~~ The Council's Approach to Planning Obligations

5.1 This section of the SPD sets out the process for negotiating, preparing and completing planning obligations in association with the handling of planning applications in an efficient and timely manner.

5.2 It details the actions required to be undertaken by the applicant and the Council at the pre-application and application stages of the planning application process. The main objectives are to ensure that, as far as possible:

- All appropriate information is provided by the applicant and is available from the date of submission of the application (this information should enable the Council and consultees to respond properly to applications); and
- Where approval is recommended, the detailed proposed 'Heads of Terms' have been agreed, prior to the application being considered by the Planning Sub-Committee or the Assistant Director/Head of Development Management for delegated decisions; such that
- The time taken to complete and issue the agreement (assuming approval is granted) is kept to a minimum.

5.3 The main stages of the procedure are:

- Stage 1: Pre-application;
- Stage 2: Submission of the planning application (including accompanying proposed Heads of Terms or draft planning obligations); and
- Stage 3: Appraisal, validation and agreement of a related planning obligations.

Pre-application Stage

What types of Obligations might be sought?

5.4 In accordance with the Act, the Council will consider each application on its merits against relevant policy and other material considerations, and will negotiate and secure planning obligations on a site-by-site and application-by-application basis.

5.5 While the Council expects most impacts of development to be mitigated through good design and layout (in accordance with Policy DM1), some development specific impacts are likely to require physical works or other forms of improvement to mitigate them.

5.6 The possible obligations, set out in this document, are not exhaustive. The SPD focuses on the policy requirements of the Local Plan, and the types of obligations likely to arise as a result of applying these. However, the nature of site specific impacts means they may vary widely depending on the site, its local context, and the nature of the development proposed. It is therefore not possible to list every type of development that might be subject to a planning obligation or to ascribe a set of circumstances under which certain types of obligations will be sought as a norm.

5.7 The Council may therefore wish to negotiate other obligations, not included in this SPD, where they are relevant and necessary to a particular development.

5.8 Nevertheless, the purpose in setting out possible obligations is to assist applicants in preparing their planning applications, and to facilitate pre-application discussions around policy requirements, including affordable housing, development impacts, and appropriate mitigation. It is hoped that this ensures negotiations on obligations are conducted in a way that is seen to be fair, open and reasonable.

5.9 Where development sites are subdivided or developed in phases to ensure that the separate planning applications fall below any specified policy threshold for which obligations may be sought, the Council will, as far as possible, consider sites in their totality. Similarly, proposals which are judged not to make the best use of land, so as to result in underdevelopment, will be resisted and a revised scheme will be sought.

5.10 This SPD does not only cover financial contributions but also benefits in kind negotiated as part of planning applications. In many cases provision in kind is preferable and suitable, especially where this secures timely delivery.

Pre-Application Discussions

5.11 In preparing the planning application, the applicant should fully consider the impacts of the proposed development and any planning conditions or obligations that might be required to mitigate those impacts. To assist this process, applicants should have regard to the relevant policies of the development plan and any other material considerations, including supplementary guidance as appropriate.

5.12 Applicants, agents and developers are encouraged to seek pre-application advice prior to the formal submission of major development proposals [1] within the Borough. The pre-application process offers the opportunity for the applicant and Council officers to discuss, without prejudice, the acceptability of the proposed scheme.

5.13 While the Council considers that most impacts are capable of mitigation through the consideration of massing, design and layout, or through appropriate conditions, some impacts will require obligations to mitigate them. In this respect, the Pre-application process enables discussion as to the types of obligations to be entered into, and whether these can or should be provided 'in-kind' either on or off site, or whether a financial contribution towards provision is appropriate.

5.14 Applicants should use this SPD alongside an analysis of their proposed works to consider the impacts of the proposed scheme and any planning obligations likely to be required to mitigate the impacts of development. Following initial discussions to agree the land use principles applicable to the proposal site, ~~T~~these details should be submitted as a draft 'Heads of Terms' document as part of the pre-application

[1] Major development is defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as development of 10 residential units or more (or if not known how many dwellinghouses on a site with an area of 0.5ha or more) or consisting of floorspace of 1000sqm or more or on a site with an area of 1ha or greater

submission documentation, to allow officers sufficient time to consider whether the obligations indicated are appropriate.

5.15 During the course of pre-application discussions, where negotiations fail to result in agreement on the draft 'Heads of Terms', the applicant is invited to provide alternative proposals and related justification which will be taken into consideration during the assessment of any future application.

5.16 Where the planning application meets the criteria for referral to the Mayor of London or affects a TfL managed asset, the applicant should also engage with the Greater London Authority[2] and/or Transport for London[3] ("TfL") in pre-application discussions.

Application Stage

Submission of the Planning Application

5.17 Where it is identified that a planning obligation will be required, the Council's validation checklist requires the applicant to submit, with their planning application, a draft 'Heads of Terms' should be submitted.

5.18 In respect of each obligation, the draft proposed 'Head of Terms' should quantify the nature and scale of the obligation, taking account of the requirements of the local plan policy and this SPD, and specify how provision is to be made. In respect of major development, it may be appropriate to submit this information as a separate Planning Obligations Statement alongside the draft 'Heads of Terms'.

5.19 In accordance with national planning policy, there is a presumption that infrastructure to be provided through planning obligations should be provided 'in-kind' and 'on-site'. Where an obligation is to be provided other than 'in-kind' and on site, the draft proposed 'Heads of Terms' should explain the reason why this is, and should specify whether provision is to be made on an alternative site or by means of a payment in-lieu. Where an obligation is to be provided off-site or by means of a payment in-lieu, the applicant should identify the level of contribution applicable to their proposed development.

5.20 If the applicant considers that, in respect of a particular obligation, no provision should be made, the applicant will need to provide sufficient information with their planning application to support their position.

5.21 Major applications that are submitted without a draft 'Heads of Terms' / Planning Obligations Statement will not be validated until this information is provided.

Title Information

[2] https://www.london.gov.uk/priorities/planning/strategic-planning-applications/preplanning-application-meeting-service
[3] https://www.tfl.gov.uk/info-for/urban-planning-and-construction/planning-applications/pre-application-advice

5.22 Obligations are legally enforceable against the owner(s) (including their successors in title) of the land to which they relate. Only those persons having a legal interest in the land can enter into obligations even if a prospective purchaser/developer of the land has applied for the planning permission (although it is possible for prospective purchasers to also be party to the obligations where they have exchanged contracts to purchase).

5.23 Because planning obligations run with the land, all owners, lessees and mortgagees must be signatories. Therefore, in addition to the draft planning obligations agreement or 'Heads of Terms', applicants should submit with their planning application all necessary title and deed information as appropriate. Once the planning obligation has been completed, the owner/developer will have to register the obligations as a charge on the land at the Land Registry Local Land Charges Register.

5.24 Applicants' solicitors are expected to provide relevant title information to the Council and the Council should be notified and informed of any changes in land ownership throughout the application process. Prior to completion, confirmation that there have been no changes in title will be required.

~~5.23~~5.25 Applicants shall warrant within the planning obligation that apart from the parties thereto no other persons have any interest in the development site.

Matters to be Taken into Account in the Drafting Planning Obligations

Legal Costs

~~5.24~~5.26 The legal costs of drafting an agreement are an impact of a development, one which the Council would not have to bear if the development were not to take place.

~~5.25~~5.27 Therefore, the applicant will be asked to cover the Council's legal costs associated with the preparation of the planning obligation. The Developer's legal adviser will be expected to provide the Council's Legal Services with a solicitor's undertaking (in the Council's standard format) to pay the Council's reasonable legal fees before Legal Services commences any work related to the matter. In the limited circumstances where a Developer is not legally represented, and as such cannot provide a solicitor's undertaking, the Developer will be expected to make a payment on account of costs prior to any work being undertaken by Legal Services. If paying on account, in the event that the actual fees incurred amount to less than the sum paid on account, the difference will be repaid.

~~5.26~~5.28 The Council's Legal Service will be able to advise applicants on the legal fees (typically between £3,000 and £5,000 depending on the complexity of the obligation), but with more complex obligations the costs may be higher. Also, protracted negotiation by the developer's lawyer will also result in higher legal costs. The Council's legal fees are payable whether or not the matter proceeds to

completion e.g. in the event that the planning obligation is drafted but not completed for whatever reason.

Process for Drafting Planning Obligations

~~5.27~~5.29 The Council will ~~always~~ usually prepare the first draft of the planning obligation, based on the Council's standard template, and officers will approve this before being sent to the developer to agree. Any departure from this approach will need to be agreed with the Head of Development Management or the AD of Planning. Changes to the Council's standard template will only be allowed in exceptional circumstances, which the developer will have to justify. The Council's legal team will draft the planning obligation once the applicant (or their lawyer) has supplied all the title information and costs undertaking and officers have confirmed the proposed 'Heads of Terms'.

~~5.28~~5.30 Any party to the planning obligation based overseas will have to provide a legal opinion from independent lawyers in that jurisdiction that they will be bound by the planning obligation before the obligation is completed by the Council.

Financial Contributions

~~5.29~~5.31 Financial contributions will be payable at specific stages in the development process (see Trigger Points below).

~~5.30~~5.32 A payment form as standard will be appended to the agreement and any payments should be made using this form, following the instructions provided. The payment can be made through BACS/CHAPS, cheque or postal order. Once received, the payment will be logged onto the Council's systems.

Maintenance Payments

~~5.31~~5.33 Where obligations are secured towards the provision of facilities, it may be appropriate for the applicant to make provision for the physical upkeep of those facilities. A one off financial contribution may be required to cover ongoing maintenance requirements, although generally where an asset is intended for wider use, the maintenance costs and other recurrent expenditure associated with the developer's contributions should be borne by the authority in which the asset is invested.

~~5.32~~5.34 For all maintenance payments, the LPA and the developer will need to negotiate the type of payments to be made, including staged payments for phased development, if appropriate.

Index Linking

~~5.33~~5.35 All financial contributions, including maintenance sums, will be indexed to the retail price index so as to allow for the effects of increased costs to implement the necessary actions required by the agreement. Contributions will be indexed linked from the date of the ~~Committee resolution~~Decision Notice until the time of payment. Indexation provisions will require that the financial contribution due shall not fall below the figure set out in the planning obligation as a result of indexation.

Transfer of Land

~~5.34~~5.36 Occasionally obligations will require land to be transferred to the Council or another public body, usually in respect of public realm or open space obligations. In such cases the planning obligation will contain a requirement to pay the Council's or public body's legal costs in respect of the land transfer and provisions relating to the condition of the land to be transferred.

Trigger Points

~~5.35~~5.37 During the process of drafting planning obligations, trigger points for each obligation will be agreed upon between the applicant and the Council. There are established trigger points which are suitable for planning obligations and triggers selected in each case will be based on the nature of the obligation and the stage at which the mitigation is required. The established trigger points are:

- Upon the date the planning obligation is ~~agreed~~completed;
- Upon or prior to commencement of the development or phase therein;
- Upon or prior to practical completion of the development or phase therein (as confirmed by the Council); and
- Upon or prior to occupation of the development or phase therein.

~~5.36~~5.38 To ensure consistency, the Council will encourage the use of these four identified triggers in negotiations, with the commencement of the development being the preferred point for an obligation to be delivered upon. The Council does however note the cash flow implications and these will be considered. There may be cases where a different trigger point is required on an obligation to those listed above. Any ~~alternative~~ trigger date should be easily identifiable and enforceable e.g. occupation of the development, and any payment obligation will have a corresponding restriction on the development to prevent commencement (or whatever other trigger is agreed) until the payment has been received in full by the Council

~~5.37~~5.39 Particularly with regard the monitoring of obligations, there may also be a need to have annually linked trigger points to any of the four above, for example monitoring of travel plans, or biodiversity facilities.

Monitoring and Administration Costs

~~5.38~~5.40 The Council's costs incurred in monitoring and administering planning obligations are an impact of a development, one which the Council would not have to bear if the development were not to take place. Monitoring of obligations will be undertaken by the Council to ensure all obligations entered into are complied with on the part of both the developer and the Council.

~~5.39~~5.41 Developers entering into planning obligations will be required to pay a monitoring contribution in order to contribute towards the Council's costs incurred in the administration, monitoring, and reporting of the discharge of the obligation. Work involved includes maintaining the database, logging individual obligations, checking triggers, ensuring indexed amounts are correct, arranging receipt of

contributions, alerting service areas of receipts so that the required actions can be programmed, checking the completion of actions, making sure that records are kept of discharge of clauses, removing discharged obligations from the Local Land Charges Register, etc.

~~5.40~~5.42 The monitoring contribution will typically be based on five percent (5%) of the cost value of the planning obligations included in the agreement, up to a maximum of £50,000. The contribution will be a flat rate of £500 per each non-financial obligation. The monitoring contribution will normally be payable upon completion of the agreement or later in exceptional cases ~~at a clearly defined stage when monitoring will first be required~~.

Enforcement and Late Payments

~~5.41~~5.43 The landowner/developer is bound within each planning obligation to notify the Council upon commencement of the development (and such other triggers that are linked to performance of obligations e.g. occupation). Where the Council is not notified of these and obligations become overdue the Council will seek to enforce the obligation and, in the case of financial obligations, there will be a late payment clause. In the event of any delay in making any payment required under a planning obligation, interest shall be charged on the amount payable at the rate of four per cent (4%) per annum above Barclays Bank Plc base lending rate from time to time in force, from the date that the relevant payment falls due (as determined by the Council) to the date of actual payment.

~~5.42~~5.44 The Council will enforce obligations through the relevant legal channels once other reasonable approaches to address non-compliance with obligations have been taken. In such cases, the Council will seek to retrieve its legal costs in taking action from the party that is in breach of its obligations as well as any additional indexation or interest on the sum that is due.

Appraisal, Validation and Agreement of a Related Planning Obligation

Statutory Consultation

~~5.43~~5.45 Consultation will be undertaken by the Council as soon as possible after applications have been validated and registered. As necessary, other relevant departments of Council will also be consulted on both the detail of the planning application and the proposed planning obligations offered or to be sought in the draft 'Heads of Terms'.

~~5.44~~5.46 For applications of potential strategic importance, these will be referred to the Mayor as soon as practicable after receiving the planning application for Stage 1 comments.

Assessment

~~5.45~~5.47 In assessing the merits of the planning application and associated material, account will be had to requirements of the SPD as they relate to the proposed

development, any formal comments made in respect of the application, and to the detail provided in the draft 'Heads of Terms'.

~~5.46~~5.48 All of these matters will form part of the assessment of the application and the planning obligations to be sought. It is the responsibility of the Council's Head of Development Management and his/her officers to consider whether it is appropriate, in policy and legal terms, to seek or accept planning obligations in respect of an individual application. Where appropriate, the Case Officer will obtain, from Legal Services, legal advice as to the scope of permissible planning obligations and the content and form of the proposed agreement.

Viability Considerations

~~5.47~~5.49 Planning obligations, like CIL, are a necessary cost of development and it will be expected that the likely cost of obligations, including requirements for affordable housing provision, will be factored into the development cost from an early stage.

~~5.48~~5.50 Furthermore, the policies of the Local Plan and Haringey's CIL have been subject to assessments of viability to ensure that what is sought is viable in the local borough context. Therefore, if an applicant considered that the viability of a scheme is jeopardised due to exceptional site constraints or other factors, the onus will be on the applicant to provide robust information order to determine such applications, the applicant is required to submit an open book viability assessment to the Council for its consideration.

~~5.49~~5.51 The development appraisal should be completed in accordance with the guidelines set out in the Mayor of London's Affordable Housing and Viability SPG (2017) ("Mayors SPG") and should use a recognised appraisal model, such as the GLA's Affordable Housing Development Control Toolkit. The requirements for open book appraisals are provided below. It is important that the information provided for use in the development appraisal is accurate and assumptions will need to be clearly shown in any model used, so the Council can understand how the assumptions are made. For complex development proposals, the Council would recommend that applicants first agree the form and methodology of the appraisal with the Council's officers.

~~5.50~~5.52 As set out in the Mayor's SPG, if a development provides 35% affordable housing, without grant, and with a policy compliant split, then a full viability assessment will not be required. However, a short form viability statement will need to be provided in order to provide a benchmark for any subsequent changes to the scheme and in order for an assessment of deliverability to be made.

Requirements for Open Book Appraisals

- Identify and justify (with comparable evidence where appropriate) all development value and cost variables specify any 'exceptional' cost items with supporting evidence in writing from a reputable cost consultant;

- Adhere to the standard conventions in terms of appraisal calculations not least regarding developer's profit;
- Specify all assumptions made concerning the provision of affordable housing and planning obligations;
- Appraisals should generally be based on Existing Use Value plus. Appraisals based on Market Value will only be accepted in extremely limited circumstances;
- Provide Red Book, or other appropriate valuations (bank draft) to support Existing Use Values, where they are affected;
- Identify in cash flow terms the effect of deferred contributions;
- Demonstrate that the development proposal in financial terms is the only feasible option when compared to other possibilities including any role played by public sectors providers of 'gap' funding; and
- Satisfy where necessary any Independent Assessor's evaluation.

~~5.51~~5.53 In cases where a dispute relates to the viability of a proposal, and in any case, where the Council considers it appropriate, an independent financial assessor may be required. The assessor will be appointed by the Council and the reasonable costs of the assessment will be met by the applicant. The independent financial assessor's report will be provided to the Council and the applicant.

~~5.52 Issues regarding viability must be resolved, to the satisfaction of the Council, before any meaningful negotiations between the applicant and Council can commence.~~

~~5.53~~5.54 Where the Council is satisfied that the proposed development cannot, for financial viability reasons, fully provide the obligations due, it will be for the Council to determine the balance of obligations. In this respect, priority will be given to those obligations necessary to manage the most significant impacts of the proposed development and to the priorities provided in policy or as determined by the Council, taking account of the specifics of the site.

Transparency

~~5.54~~5.55 In line with the requirements of the Council's Validation Requirements list and the Mayor's SPG applicants are required to submit a redacted viability assessment with their application and the default position is that the full viability assessment, together with the independent assessment, will be published when affordable housing negotiations have concluded. Any requests to redact certain elements will be considered on a case-by-case basis and would need to be robustly justified.

Reviews

~~5.55~~5.56 On applications for major developments upon which a negotiation has taken place, the Council will require a review mechanism ~~to be attached to the grant of planning permission~~ to be included in the obligation, and this will be in line with the Mayor's SPG. This will be:

- For schemes with a 35% policy compliant mix affordable offer with no grant submitted without detailed viability submissions a review will be secured prior to substantial implementation (as defined in the planning obligation) should this not take place within 18 months;
- For schemes with less than 35% affordable housing a review will be secured prior to substantial implementation should this not take place within 18 months;
- For schemes with less than 35% affordable housing, the Council will require a~~A~~ review at 75% disposals which will allow the review to be based on values achieved and costs incurred;
- For phased schemes, the timing of any initial required review is to be agreed between the Council and the applicant but typically will~~mechanisms may~~ be required prior to ~~on~~ the submission of the first reserved matters application for each phase of an outline permission; ~~and~~ and/or prior to commencement of a further phase of the development (i.e. such that units or land could be set aside in the latter phase(s) to enable ~~discounted~~ obligations to be met on-site, such as the provision of additional affordable housing);

~~5.56~~5.57 The obligation will likely contain a covenant preventing substantial commencement and/or further disposals (as appropriate) until the review of the scheme's viability has been approved by the Council.

Terms of viability review mechanisms (in line with the Mayor's SPG):

~~5.57~~5.58 Whenever review mechanisms are used in an obligation, these should:

- Identify the point(s) at which the reappraisal review should be carried out;
- Establish a threshold level(s) of viability at which additional planning obligations will be required based on the target profit agreed by the LPA, at the application stage. The review mechanisms should determine whether a 'surplus' is generated over and above the returns necessary for a scheme to be deemed viable;
- Establish what the review will assess – the Council will assess changes to gross development values and build costs;
- Be based on the most robust and up-to-date information available - this will generally be the price paid or rental value for the completed unit. However, this will depend on the timing and the specifics of the review(s);
- Set a 'cap' on the additional provision that will be sought which should be a minimum 40 per cent affordable housing or 50% on publically owned land;
- Determine whether any surplus profit should be split between the developer and borough once the threshold level of viability has been reached to ensure that a developer remains incentivised to maximise value from a scheme. This will not typically be appropriate for Early Stage Reviews at which point the majority of sales and lettings will not have taken place. For Late Stage Reviews this should be split 60/40 between the Council and developer with 60 per cent of surplus profit used for additional affordable housing;
- Set out the expectation for additional homes on- or off-site, or for receiving a financial contribution. The Local Plan prioritises on-site affordable housing. For

Early Stage Reviews, additional affordable housing should be provided on-site where a sufficient surplus profit is identified through the review (with the Planning Obligations ~~Section 106 agreement~~ identifying the units which would change to affordable units in the event of an increase in viability). However, for Late Stage Reviews on residential build for sale schemes, account should be taken of the potential practical implications of delivering an increased amount of affordable housing on-site in which case an off-site or commuted sum contribution would be acceptable. Although additional affordable housing must be the priority, the review mechanism may also be used to improve the affordability of secured affordable homes or contribute to other policy requirements which may not have been viable according to the initial assessment~~;~~

- The above should be based on the formulas in the Mayor's SPD.

Negotiation and Reporting

~~5.58~~5.59 Initially, the Council will write to the applicant to advise whether the draft planning obligations or proposed 'Heads of Terms', provided at the time the planning application was submitted, are acceptable.

~~5.59~~5.60 If, at any stage, it becomes clear that the Council cannot recommend approval of a planning application, the discussions on the planning obligation will be suspended.

~~5.60~~ For minor planning applications, where the Council considers the draft planning obligations to be acceptable, the Council may request the applicant to sign and return the agreement prior to the planning application being determined by delegated decision~~.~~

5.61 For major planning applications, where the Council considers the draft planning obligations or proposed 'Heads of Terms' to be acceptable, the Council will agree with the applicant that this be reported, along with the planning application and any other material considerations, to the Planning Sub-Committee for determination.

~~In those circumstances where the Council is not satisfied with the proposed obligations or the form of the draft agreement or proposed 'Heads of Terms', it will advise the applicant of this, will set out what the Council considers would be acceptable obligations to be sought, and will provide an indicative timeframe for continued negotiations.~~

~~5.62 If, in the unlikely circumstance, the Council and applicant cannot reach an amicable agreement, an independent expert, may be consulted to assist in mediation.~~

~~5.63~~5.62 The Council, in the majority of cases, will not present applications for approval unless the applicant agrees in principle to the draft obligations or to the detailed proposed 'Heads of Terms' to be reflected in a planning obligation. Should the planning obligations or 'Heads of Terms' not be completed or agreed in principle within the timescale for reporting the planning application, the Council officers will

take the application to Committee with a recommendation that the application be refused.

~~5.64~~5.63 For applications of potential strategic importance (i.e. referable to the Mayor), unless the Mayor has notified the Council that he does not wish further involvement in the determination of the application, prior to the Council determining the application it will send all relevant material to the Mayor for his consideration, including any draft planning obligations. In such circumstances the Mayor will advise the Council whether he:

- Is content for the authority to determine the application; or
- Will direct the authority to refuse the application; or
- Will determine the application.

~~5.65~~5.64 The Council will advise the applicant of the outcome of the Mayor's decision. Where the Mayor decides to act as the local planning authority for determining the application, the applicant will need to deal directly with the Mayor in subsequent negotiations of the planning obligations to be sought.

Post Application Determination Process

~~5.66~~5.65 When the Council resolves to grant planning permission~~a planning application is approved~~, either by way of delegated powers or Committee decision, this ~~approval~~ resolution will be subject to the completion of the planning obligations. The planning obligations will usually need to be formally completed and sealed within an appropriate timescale (3 months as standard) prior to the decision notice being issued and the obligations being placed on the local land charges register.

~~5.67~~5.66 If the planning obligations are not formally completed ~~and sealed~~ by the end of the 3 months, and the Council and applicant have not agreed an extension to this period, the application will automatically default to a refusal (this trigger being included in the recommendations of the Planning Sub-Committee report or the planning officer report if made under delegated authority).

Appeals and Call-in

~~5.68~~5.67 Planning applications may be appealed, or the Mayor or Secretary of State may call-in an application for their determination. In such cases, the Council will be unable to finally determine the details of the planning obligation but can continue negotiations with the developer to establish and set out the nature of the planning obligations which would be sought, should the application be granted.

Complying with In-Kind Contributions and Non-Financial Obligations – the Developer

~~5.69~~5.68 Where an in-kind obligation is required (such as the provision of district energy network hub for example) through a planning obligation, including non-financial obligations, the developer should provide evidence of compliance with the

obligation to the Council, as outlined in the terms of the specific clauses. This evidence should be provided to the Council's Planning Obligations Officer. If approval is required from the Council on an element of the in-kind obligation, the Planning Obligations Officer should be the first point of contact - contact details are provided on the Council's website~~ at xxx~~.

Complying with Financial Contributions and Non-Financial Obligations – the Council

~~5.70~~5.69 The triggering of non-financial contributions will be monitored by the Planning Obligations Officer who will liaise with the appropriate service areas responsible for project delivery. For example, where there is an Affordable Housing element to a legal agreement, the Planning Obligations Officer will liaise with the Affordable Housing Team to ensure the affordable housing terms of the planning obligation are being complied with, including the tenure mix and unit sizes, transfer to a Registered Social Landlord, nominations, and the phasing of completions.

~~5.71~~5.70 Once a financial contribution is received by the Planning Obligations Officer, they will contact the service provider or organisation with the responsibility for delivery of the project to inform them. The responsible service provider will then be expected to include the specific project within their forthcoming works programme to enable timely delivery. They will also need to put a project BID into the Planning Obligations Officer for review and approval by the Assistant Director of Planning to confirm the project complies with the terms of the obligation.

~~5.72~~5.71 Upon completion of the project, the service area will provide evidence of the completed works and will request the releasing of the agreed funds. The Planning Obligations Officer will confirm the discharge of the obligation and will arrange for the monies to be transferred and the obligation to be removed from the Local Land Changes Register.

6 Affordable Housing

6.1 The cost of housing in and around the borough is increasing and there is a severe shortfall in the availability of affordable housing.

6.2 Haringey's Strategic Housing Market Assessment (SHMA) (2014) shows that demand for affordable housing far outstrips capacity and supply, and that this demand will continue to increase.

6.3 The SHMA suggests a significant shortfall of affordable housing of all sizes of accommodation, most notably one and two bedroom homes. However, the greatest need, relative to supply, is for family affordable housing, which also reflects the inability of market housing to cater for lower income larger households.

6.4 The demand for affordable housing is projected to continue increasing due to shortages in overall housing supply; the need for large deposits to access home ownership; increasing housing costs particularly in the private rented sector, and the impacts of government welfare reforms.

6.5 A reasonable supply of good quality affordable housing for rent, especially for families, is vital to meet the needs of local households in priority need who are priced out of the private sector housing market in Haringey. In addition, the Council wishes to enable first time buyers, particularly existing social housing tenants who will free up social housing stock, to purchase low cost home ownership properties in the Borough.

Policy Context

6.6 Local Plan Policy SP2 states that sites capable of delivering 10 units or more will be required to meet a Borough-wide affordable housing target of 40%, based on habitable rooms.

Amount of Affordable Housing and Tenure Split

6.7 Strategic Policy SP2 is supported by Policy DM13 of the Development Management DPD, which states that the Council will seek the maximum reasonable amount of affordable housing provision when negotiating on individual private residential and mixed-use schemes with site capacity to accommodate ~~more than~~ 10 or more dwellings, having regard to:

- a Policy SP2 and the achievement of the Borough-wide target of 40% affordable housing provision;
- b The need for 60% provision to be social/ affordable rent and 40% intermediate housing;
- c The preferred affordable housing size mix as set out in the Council's Housing Strategy;
- d The individual circumstances of the site;
- e The availability of public subsidy;
- f Development viability; and

g Other planning benefits that may be achieved.

6.8 Policy AAP3 of Tottenham AAP, establishes that, within the Tottenham area, the affordable housing tenure split will be 60% intermediate and 40% affordable/social rent. The Tottenham AAP also provides for a portfolio approach where, across a portfolio of sites, development will deliver a target level of affordable housing, with individual sites being required to show how, in providing higher or lower percentages and mixes, they contribute to the achievement of policy compliant affordable housing across the whole portfolio.

6.9 The Haringey Housing Strategy 2017-2022 provides more detail on definitions of the different forms or affordable housing, including the levels of rent or discount the Council considers necessary to ensure these products remain affordable to Haringey residents http://www.haringey.gov.uk/housing/housing-strategies-policies-and-plans/housing-strategy.

6.10 There may be instances when the Council considers that an alternative mix between social/affordable rented and intermediate housing is appropriate, for example, in areas that are deemed to have an existing predominance of a particular housing tenure or are unsuitable for family occupation. Applicants are therefore encouraged to discuss their proposal, and the affordable housing provision, with Council officers at the pre-application stage.

6.11 Should the Council consider that the amount of affordable housing, or the proposed mix between social/affordable rented and intermediate housing, is not acceptable, permission for the development may be refused.

Affordable Housing Units Size Mix

6.12 The Council seeks to ensure that the mix of dwellings, types, sizes and tenures in large housing development reflects the housing needs of the Borough (Policy DM11). The target mix for affordable rented/social and intermediate affordable housing in Haringey is given at Appendix C of the Haringey Housing Strategy 2017-2022 (http://www.haringey.gov.uk/housing/housing-strategies-policies-and-plans/housing-strategy) and has been formulated using evidence from the SHMA (2014) and current local housing register information.

6.13 The Council recognises that different sites will pose different design challenges in terms of providing family accommodation, especially on sites suited to developments of flats. However, even in blocks of flats, good quality family accommodation can be provided, for example, at ground floor level, with access to a private garden or private communal amenity space. It is crucial that well-designed family housing with access to private or communal gardens is ‘designed-in’ to achieve the expected dwelling mix on a site.

6.14 On sites that the Council considers to be particularly suitable for family housing, the Council may seek a proportion of affordable family housing above the requirement specified in in the Housing Strategy at Appendix C. Should this have implications on

viability (as demonstrated through a development appraisal), the Council will consider the tenure provision or the total provision of the affordable housing requirement.

6.15 The Council will not accept a reduced proportion of affordable family homes with 3 or more bedrooms on sites where this could clearly be achieved.

6.16 Again, it therefore recommended that applicants discuss the affordable dwelling size mix, alongside the amount and tenure mix, with Haringey Council officers at the pre-application stage.

Negotiation of Affordable Housing

6.17 The Council will seek the maximum reasonable proportion of affordable housing on qualifying sites and ideally ~~will expect~~ negotiations should ~~to~~ be concluded ~~with the Council's Housing Team~~ during the pre-application stage, in order to streamline the passage of the application through the planning process.

6.18 The Council recognises that a number of factors can impact on the ability of a development to provide the expected proportion, tenure split and mix of affordable housing and comply with the affordable housing policy. However, the Council will not accept an inflated land value as justification for a departure from the requirements of the Local Plan and will use the existing use value plus approach to viability ~~of the site in its current permitted use as the viability benchmark~~, noting also that Haringey's CIL has been deliberately set at a level that seeks to ensure that affordable housing will continue to be viably delivered.

6.19 Applicants should not automatically assume that affordable housing grant will be made available for private sector developments. Typically, applications for grant are only considered for schemes that can demonstrate additionality (i.e. that the grant will enable more affordable housing to be delivered than policy requirements alone would deliver). The applicant should consult with the Council's Housing Enabling Team at the pre-application stage, preferably in cooperation with a Registered Provider ("RP") partner, to establish whether grant or an alternative source of funding is likely to be secured.

6.20 The Council will support bids to the GLA where the amount and type of affordable housing is consistent with policy and demonstrates additionality, or where the bid is in support of other corporate Council initiatives such as the regeneration of a specific area.

6.21 The Council has established good relationships with a number of RPs that operate effectively in the Borough to provide affordable housing that meets local housing need. As such, the Council encourages developers to meet their affordable housing obligations by forming a partnership with one of the Council's preferred RPs following discussion with the Housing Enabling Team. ~~Where possible, RPs who are to be involved in the delivery of affordable housing will be expected to be party to the planning obligation.~~

Development Triggering an Obligation

6.22 Residential developments, including mixed-use developments, with site capacity to accommodate ~~more than~~ 10 or more dwellings.

6.23 The Council will look closely at proposals that fall short of providing 10 or more units to make sure the optimum use of land is achieved. This includes the situation where sites are artificially sub-divided or re-developed in phases, where development of the larger site(s) would be within the above policy threshold. Where the Council determines this to be the case, such proposals will be subject to affordable housing obligations.

Varying Existing Planning Permissions

6.24 In the event that planning permission is granted for a residential or mixed-use scheme, and a subsequent application seeks to vary a use from a non-residential element to residential use, or increase the number of residential units, this will trigger a reassessment of the requirement for affordable housing to be provided on the site.

Prior Approvals

6.25 Where ~~P~~prior ~~A~~approval for a change of use to residential has been granted, but the development has not been completed, further applications to increase the number of residential units beyond that permitted (e.g. by extension or further change of use requiring planning permission), will be considered cumulatively as a gross number of units, in terms of calculating the affordable housing requirement ~~will be calculated on the total (gross) residential units~~ to be provided on site.

Sheltered Housing and Extra Care Homes

6.26 Sheltered housing and extra care homes are classified as falling within Use Class C3. Policy SP2 and DM13 therefore apply to schemes for sheltered housing and extra care homes that fall within the thresholds. However, where an applicant is proposing a scheme for sheltered, extra care or other forms of self-contained supported accommodation the Council strongly recommends that the Council's Housing Enabling Team is contacted to confirm whether or not there is a need for affordable accommodation of the type proposed. If there is, the required amount of affordable sheltered or supported housing will be sought on site. If there is no identified need for such affordable housing, the developer will be required to provide an element of general needs housing on site, through re-design exercises if necessary.

Residential Care and Nursing Homes

6.27 Residential care homes and nursing homes, where the accommodation is non-self-contained, fall within Use Class C2 (Residential Institutions) and are not subject to the affordable housing policy.

Student Housing

6.28 Policy DM15 states that, where the student accommodation is not secured by agreement for occupation by members of specified educational institution(s), it will be subject to the requirement for affordable housing, where the Council will expect an element of affordable student accommodation to be secured.

Hostels

6.29 Hostels (classified as sui generis) are not required to provide additional affordable housing.

Warehouse Living

6.30 The residential element of Warehousing Living (classified as sui generis) are not required to provide affordable housing.

Live/Work Units

6.31 While the Local Plan expressly resists live/work units, should an application for live/work units be granted, such units are considered to be residential for the purposes of assessing whether policies SP2 and DM12 apply. However, live/work units are not deemed to be appropriate for the provision of affordable housing. Where a scheme for live/work units, including live/work as part of a mix of residential or commercial uses, triggers the affordable housing requirement, the affordable element should be provided in the form of wholly residential units.

Form in which Obligations Should Be Made

On-Site Provision

6.32 On-site provision is the Council's preference for how affordable housing will be provided by developers. The Council will work with developers on a site-by-site basis to ensure policy-compliant on-site affordable housing provision and to maximise the benefit for the community, while ensuring that these requirements do not make development unviable.

Off-Site Provision

6.33 Only where exceptional circumstances exist, and where the Council is satisfied that it would be appropriate, will off-site provision be accepted. In accordance with London Plan, exceptional circumstances include those where it can be robustly demonstrated that on-site provision is not feasible, and where it would be possible to achieve the following:

- Secure a higher level of provision on an alternative site;
- Better address priority needs, especially for affordable family housing; or
- Secure a more balanced community.

6.34 In instances where it is accepted that off-site provision is appropriate, the onus will be upon the developer to find and acquire a more suitable site which would not otherwise be expected to come forward for affordable housing, within the vicinity of the originating development.

6.35 Off-site provision should be financially-neutral, i.e. there should be no financial advantage to a developer in providing the housing this way.

6.36 In instances where the site providing the affordable housing off-site is large enough that, if it were developed independently it would be required to provide affordable housing, the amount of affordable housing will be negotiated as a proportion of both sites combined.

Calculation of Payment in Lieu

6.37 Although the Council's preference is to negotiate on-site affordable housing there may be circumstances where the Council agrees that a cash in lieu of provision contribution may be suitable. Cases where a case for financial payment could be made are:

- Where no RP is identified, or the ~~Local Authority~~Council not is willing to take the units on;
- The size of the site is too small; or
- Practicalities of design and management.

6.38 The financial contribution sought will reflect the fact that the facilitating site achieved 100% private market housing. Therefore, the financial contribution should be sufficient to develop the same amount of affordable housing, as units on the facilitating site, elsewhere in the borough. The contribution should allow the units to be developed without subsidy.

6.39 Commuted sums in lieu of on-site affordable housing provision received by the Council will be ring-fenced to secure efficient delivery of new affordable housing through (but not limited to) the following:

- The delivery of conventional new affordable housing
- The delivery of private rented housing that is affordable to people in housing need on the Council's housing register
- Estate regeneration
- Bringing long term vacant properties back into use
- The acquisition of existing properties

Viability Appraisal and Reviews

6.40 All schemes that propose off-site provision or a cash-in-lieu payment are required to provide a detailed viability appraisal to justify this approach (see Section 5 above).

Extension of Time

6.41 Any applications which are re-submitted by means of extension of time, renewal or variation of the planning permission will be subject to the requirements of policies SP2 and DM13, and this SPD.

6.42 The negotiation process will re-start on re-submission. Scheme proposals will be subject to ~~a~~ the 'baseline' level of affordable housing requirement~~s~~ already agreed through the original or last grant of permission. This will ensure that, in the event of

any re-submission of the proposal, the level of affordable housing cannot be negotiated below the 'baseline'.

6.43 Where it is concluded that the scheme can sustain a greater quantum of affordable housing and/or a more policy compliant affordable housing tenure mix can be provided, the Council will elect to seek the following or a combination of the following:

- A higher proportion of affordable housing on-site.
- Amend the tenure mix for the affordable housing element (where the scheme design permits).
- Amend the affordability requirements for shared ownership units, where proposed.
- A cash in lieu contribution.

Perpetuity

6.44 The Council requires all affordable housing to be provided in perpetuity (subject to below exceptions), through the planning obligation agreement. In order to ensure that affordable housing continues to be affordable to those in housing need, and managed to acceptable standards, the Council requires the legal interest and management of the affordable housing produced through the planning obligation to be transferred to an RP, the Council or equivalent. Social rented homes subsidised by grant funding are subject to the legal Right to Buy/Acquire provisions.

6.45 Intermediate housing products will remain affordable in perpetuity but may be subject to occupiers 'stair-casing' to full ownership by purchasing additional equity in the property. The grant that was initially invested in the additional equity purchased by the occupier is to be recycled by the RP or equivalent to fund new affordable housing provision elsewhere in the Borough.

6.46 For rented affordable properties, the Council will nominate 100% of initial lettings and 75% of relets, all of whom will be on the Council's register and will be allocated in accordance with the Council lettings system. For shared ownership properties the Council will retain the right to nominate 100% of sales and resales. The Council's nominations will be secured through a nominations agreement entered into by the RP or equivalent.

Further Restrictions

6.47 When applicable there will be a restriction on commencing the development, or phase therein, until the affordable housing details (e.g. location, type etc.) have been approved by the Council, and thereafter there will be an obligation to comply with the approved details. The Council will impose a restriction on the development or subsequent phase, preventing sale and/or occupation of the private market units on site until such time as the affordable housing units are either completed and/or transferred to an RP (or the Council).

6.48 Where the intermediate housing is being marketed to different income groups within the Borough, the Council will seek to restrict the occupation of such units until it has approved the marketing details and the marketing has been carried out in accordance with the approved details to the Council's satisfaction for a specified period of time (a minimum of 3 months).

7. Economic Development, Employment and Skills Training

7.1 The profile of Haringey-based jobs continues to change so that manufacturing, retail and public sector employment are less dominant, and there is a greater portion of jobs in more highly skill sectors, such as sustainable technologies, digital design and craft manufacturing. In addition to meeting housing need, the borough must ensure jobs growth is also catered for. In respect of the latter, Haringey's future economic prosperity relies on regeneration and growth transforming our existing stock of low grade, low job density, warehouses and industrial buildings into more intensive and productive employment generating uses. This gives rise to further policy challenges, which are:

- To ensure the transformation of lesser quality non-designated employment floorspace does not result in a significant reduction in the overall quantum of employment floorspace;
- To ensure the new employment floorspace is not unaffordable to existing or new local businesses, including Haringey's SME sector; and
- To ensure Haringey residence benefit from the growth and regeneration by being equipped to take advantage of the wider London employment and customer base.

Policy Context

7.2 The London Plan cites the need to improve London's skills base, improve employment opportunities and remove barriers to employment, and identifies learning and skills as two key priorities for planning obligations. For the purpose of this SPD, this includes a wide range of activities and covers:

- Employment and training, including construction training and the use of local labour;
- Local regeneration initiatives, such as the development of incubator space for small businesses;
- Tourism; and
- Town centre improvement and management.

7.3 Policy 4.12 of the London Plan ~~2011~~ 2016 states "Strategic development proposals should support local employment, skills development and training opportunities", and goes on to state in the supporting text (para 4.62) that planning should aid in "providing for training facilities in new developments creating high levels of jobs, to help the skills of local people match the needs of London's growing economy".

7.4 Policy DM38 of the Local Plan, seek that an element of affordable workspace may be sought as a part of the commercial offer on employment-led mixed use developments on local employment areas designated as Regeneration Areas.

7.5 Policy DM40 of the Local Plan seeks to resist the loss of non-designated employment floorspace in recognition of the significant cumulative role this floorspace plays in supporting local employment and Haringey's economy.

However, the policy acknowledges that there may be circumstances where sites are no longer suitable for continued employment or commercial use. In such circumstances, Policy DM40 states that, where proposals involve the total loss of non-designated employment floorspace, a financial contribution towards employment related activities may be sought.

Development Triggering an Obligation

Affordable Workspace

7.6 All major mixed-use development within a Local Employment Area – Regeneration Area will be required to make provision for affordable workspace.

Local Employment and Training

7.7 All development, including mixed-use development, that results in the total loss of the existing non-designated employment floorspace, will need to contribute to local employment and training.

7.8 All major developments will need to contribute to local employment and training.

Form in which Obligations Should Be Made

Affordable Workspace

7.9 The Council recognises that there is a cost associated with the provision of affordable workspace which will impact on the overall viability of the development. As all of these sites will be mixed use typology and the employment element of the scheme should be maximised, it is expected that a viability study will be required to accompany any application under Policy DM38.

7.10 The Council recognises that the securing of an element of affordable workspace, in preference to an element of conventional employment floorspace will make a deeper per/m^2 cut into the viability of a development. It is thus acknowledged that for the same amount of development of a higher value use, a smaller amount of affordable workspace will be secured than for a conventional employment product.

7.11 There may be circumstances when residential is used to cross subsidise an affordable workspace use, and the Council will require the viability study to identify what level of affordable workspace and affordable housing are possible on a site.

7.12 The following points should be addressed in the agreement of draft planning obligation Heads of Terms:

Landlord	Should be able to demonstrate ability and commitment to manage space as affordable workspace.
Tenant	• Landlords proposals should set out the basis for the selection of tenants as follows: • Priority should be given to tenants (or possibly owner occupiers) whose current premises are due for redevelopment;

	• Space over 500m^2 should be let to workspace providers with experience of managing affordable workspace who then let to start up/SME businesses; • Smaller spaces should be let directly to start up/SME businesses.
Term of lease	• Lease should be for a term of 20 years with tenant only breaks every 5 years. • This is linked to the viability appraisal and the affordable rent should be valued for the full 20-year term. • If it has been valued in perpetuity, then the commitment to provide the space at an affordable rent should match this. • Smaller spaces let to SMEs etc. could be on shorter terms but with a commitment to let to second SME tenant if first one out grows premises within term.
Initial rent	• Initial rents to be agreed by Council should be based on lower quartile rents being achieved for second hand stock within the Borough, as confirmed by a reputable local commercial letting agent, at the time the space is let to a new tenant. • A small (i.e. less than 10%) uplift may be permissible to recognise the improved quality of the employment floorspace, where it is demonstrated the suggested affordable rent level would harm development viability. • The landlord should not be entitled to ask for a premium for the lease.
Landlord's fit out	The landlord's fit out should be agreed and include as a minimum: • Power and basic lighting • Floor finishes • WC and kitchenette
Rent reviews	These will be based on Retail Price Index and subject to review periods, ideally 3-yearly.
Sub-letting	There will be a restriction on sub-letting space by tenants of spaces less than 500m^2 and subletting should be at no more than the rent payable on the head lease with no premium on the sub-lease. If the lease of the affordable workspace is taken by a Council recognised and approved workspace provider, then they will not be able to sublet at more than twice the head lease rent and the occupier's rent should include services and rates.
Service charge	The initial service charge should be based on actual demonstrable costs and increases should not exceed CPI/RPI, as agreed.
Security of Tenure	Leases will have the protection of the Landlord and Tenant Act 1954.

7.13 The obligation will include a restriction on the occupation of other elements of the scheme, until such time as the affordable workspace has been leased to a Council recognised and approved workspace provider, or marketing materials, showing the affordable rent levels for the affordable workspace, have been agreed by the Council and provided to a local reputable commercial lettings agent.

Local Employment & Training

7.14 Haringey has an above average unemployment level within Greater London, and a relatively low ratio of jobs to working age residents. Currently 48% of jobs within Haringey are taken up by Haringey residents. There is also a skills mismatch, with

new employment opportunities requiring skills which are not widely available within the borough's current residential population. There are a number of barriers to getting into work for the first time and returning to work after a period of absence. These include access to childcare as well as training and access to these opportunities. Employment opportunities should be provided through new development to local residents, with training made available to up-skill residents, including programmes to make residents work ready to compete for jobs within the borough.

7.15 For all new development in the borough the construction phase provides opportunities for local employment, apprenticeships, work experience placements and careers support. Commercial developments within the borough bring new employment, apprenticeship, work-experience and careers support opportunities for residents during the end-user phase. This adds increased pressure on the Council to provide access for residents to appropriate employment and skills training. Apprenticeships, work experience placements, removing barriers to employment and careers support will enable residents to develop an appropriate skill-set for existing and future employment opportunities within the borough, from an early age.

Construction Phase Skills and Training

7.16 The Council will seek to ensure that jobs are provided for local people, both in the construction phase of development and, where appropriate, by the end-users. To enable local people to benefit from development growth, the Council, with partners, has introduced a number of programmes to support job brokerage, employer-led training, construction skill training and apprenticeships and work experience placements.

7.17 The 2011/12 Annual Monitoring Report highlighted the difficulty in enforcing on-site local employment schemes in the construction phase, compared to the relative success of collecting agreed financial contributions. It is therefore logical that this practice is standardised.

7.18 All developments of 10 residential units or more, or 1,000m^2 or more of non-residential floorspace, will be required to comply with planning obligations relating to:

Notification of Vacancies: the developer will arrange for the notification of job vacancies to be made to the Haringey's Economic Development Team or other nominated agencies, to be advertised exclusively to local residents via the Economic Development Team's brokerage mechanism for a minimum period. The developer will also ensure that its contractors and sub-contractors within the supply chain comply with this obligation.
Local Labour: The period of exclusivity is designed to maximise the supply of job ready local labour into the vacancies arising. A minimum of 20% of the onsite workforce during construction shall comprise local Haringey residents, including local trainees. The proportion of local trainees should be agreed in advance.

Candidates for work based learning and training opportunities will be nominated by Haringey Council (or another agency as agreed by the Council).
Apprenticeships: The developer will be expected to agree a specified proportion of the total number of construction and ancillary jobs as ~~A~~apprenticeships. The expected level will be 1 Apprentice per £3 million development cost, up to a maximum of 10% of the construction workforce at its anticipated maximum provision on site. A support fee of £1,500 per apprentice placement will also be payable to cover the recruitment process. The developer or its supply chain will be expected to employ Apprentices at least at the London minimum wage and support training/college release arrangements until attainment of their qualification at a minimum of NVQ Level 2. Candidates for Apprenticeship places will be nominated by the Council's Economic Development Team (or other agency as agreed by the Council).

7.19 In order to achieve the maximisation of local labour as proposed via the above obligations the Developer and main contractor will provide construction phasing information and labour forecasting data to the Council to enable appropriate, job ready local candidates to be matched to job opportunities as they arise.

7.20 The Developer will enter into a Local Training and Employment Plan with the Council based on the obligations above which will establish greater detail for the supply of local labour within the development programme. This will include; the provision for training opportunities and local recruitment by the owner/developer and their contractors.

7.21 The Local Training and Employment Plan will need to be agreed by the Council prior to the commencement of construction works and should include details of how performance is to be monitored and reported on. Following agreement of the Training and Employment Plan the owner/developer, and their contractors, will work with Haringey's Employment and Skills team to implement and, where necessary, procure implementation and promote the objectives of the approved Plan. The Developer will also identify a named contact responsible for implementation of the provisions within the Local Training and Employment Plan.

7.22 The Haringey's Employment and Skills team or Council's nominated representative will support the owner/developer and their contractors to advertise and promote employment and training opportunities, identify recruits for employment and training, and to act as a liaison with local and sub-regional employment and training providers.

7.23 Contractors and sub-contractors will be requested to ensure that their labour agencies engage with Haringey Council to facilitate local unemployed residents access job opportunities.

7.24 Where appropriate the Council may consider whether a developer's in-house training programme can be utilised in lieu of using the Haringey Employment and Skills team, on the basis that the minimum requirement for local labour can be

secured through an in-kind obligation. The appropriateness of the in-house training will be assessed by the Council on a case by case basis.

7.25 On very large developments, defined as having a construction contract value in excess of £60 million, the Council is willing to work with the developer and the contractor to negotiate different ratios and rates.

7.26 In exceptional circumstances, where a developer is unable to provide such local employment opportunities as required, the Council may accept a commuted sum to enable adequate alternative employment opportunity to be provided. This would be calculated based on the cost of Construction Training Placement £2,800 multiplied by the gross internal area of development (sqm)/ 1,000 (sqm).

7.27 The support fee, and any in lieu financial contribution, are payable upon agreement of the Local Training and Employment Plan.

End-user Phase Skills and Training, Local Enterprise arrangements, and Apprenticeships

7.28 For the end-user phase of commercial developments, the Council will seek to ensure that local residents have the opportunity to access the new job opportunities created by the development.

7.29 Developments of between 1,000m^2 and 10,000m^2 of commercial floorspace will be required to make a financial contribution which will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

7.30 The required contribution can be calculated as follows:

- Stage 1: Calculate the number of local employees expected to be employed on the site: This equates to 48% of workers, using 16m^2/worker in the new development.
- Stage 2: Calculate the cost of providing support to access new roles to that proportion of residents expected to require such support. This equates to 29% of local residents, using £2,800 as the cost of providing training.
- The calculation: (new commercial floorspace m^2/16) * 48% * 29% * £2,800
- This equates to **£24/m^2** of new commercial (B1, B2, B8) floorspace.

7.31 The contribution will be payable on commencement of the development.

Bespoke Plan for Larger End-Use Sites

7.32 For commercial developments of 10,000m^2 or greater a bespoke plan will be required, of at least equivalent value to the formula set out in paragraph 7.30. Direct provision by the developer ~~A financial contribution~~ may be sought instead of ~~direct provision~~ a financial contribution.

7.33 The plan will include forecasting and notification of vacancies to the council and its employment and skills partners to allow for appropriate training and support to be put in place.

Loss of Non-Designated Employment Floorspace

7.34 Where proposals result in the total loss of the non-designated employment floorspace a financial contribution will be secured for use in promoting employment and adult education for Haringey residents. The financial contribution calculation is based on the amount of floorspace being lost and the displacement cost of supporting a Haringey resident, losing a job as a consequence of the development, into a new role.

7.35 The potential net loss of employment (B class) floorspace in terms of job numbers is one job for each 44m^2, based on the borough average identified in the 'From Around Here Study' (2013). On average 48% of roles in any Haringey workspace are filled by Haringey residents. The estimated cost of supporting and retraining a redundant worker to access a new role is £2,800. Costs payable per development are calculated as follows:

- Stage 1: Calculate the potential local jobs lost to Haringey Residents: this equates to 48% of the lost potential jobs on the site, using 44m^2/worker on the site at present.
- Stage 2: Apply the support and training contribution to the numbers of jobs lost: (answer to Stage 1) * £2,800
- The calculation: (lost employment floorspace m^2 / 44) *48% * £2,800
- This equates to **£30/m^2** of lost employment floorspace.

7.36 The above financial contribution will be payable upon commencement.

7.37 Developments where there is a reprovision of employment floorspace, in whole or part, will pay no compensation, where it is demonstrated to the Council's satisfaction that the resulting employment floorspace is functional and letable, and does not result in a net reduction in total jobs provision.

8~~.~~ Transport and Highways

8.1 The provision of a safe, accessible, efficient, sustainable and integrated transport network is important to ensuring everyone has access to services within and outside the borough. The Council is committed to promoting high quality public transport services and delivering an attractive, well designed street network that reduces the need for travel by private modes of transport.

8.2 New development in the borough will place additional stress on the borough's transport and highway networks.

8.3 Transport ~~A~~assessments and ~~T~~transport ~~S~~statements will be required to establish the impacts of the development on surrounding transport networks. These will be used to identify issues for which conditions and planning obligations will be required to mitigate.

Policy Context

8.4 Policies SP7, DM31, DM32 and AAP7, and the associated supporting text, provide the main policy background relating to achieving a safe and sustainable relationship between development and transport.

Development Triggering an Obligation

8.5 While ~~T~~transport ~~A~~assessments and ~~T~~travel ~~P~~plans are required for all major development, there is no overall minimum development threshold below which obligations will not be sought.

8.6 Obligations will be sought where there is a requirement to improve existing, or construct new, highway infrastructure in order to access development in a safe and appropriate manner or to mitigate the effects of the development on the highway network. Consequently, there is no trigger below which a highway infrastructure obligation may not be required and there are no types of development that would be exempt from highway infrastructure requirements.

Types of obligations

8.7 A range of traffic and highway measures may be required as the result of individual schemes. The Council's Transport team will normally advise on the requirements for individual applications, and/or such works will be identified as a result of submitted Transport Assessments. However, the mains types of obligations are:

Travel Plans

8.8 A Travel Plan is a package of practical measures to reduce car travel to and from a proposed site, and to encourage the promotion of more sustainable forms of transport by increasing the awareness of travel options, such as walking and

cycling, and through the provision of facilities to support such options, such as shower facilities and secure cycle parking.

8.9 Travel plans should be prepared in line with TfL guidance. The guidance sets thresholds for travel plan statements and full travel plans, and what is expected from each type of document. Where the Council deems it necessary, it may require a travel plan on sites below the threshold set in the TfL guidance. Travel Plans should include targets for the reduction in travel related impacts and include resources for supporting and maintaining the travel plan. Travel plans may include provision for financial penalties to fund the promotion or provision of sustainable transport until travel plan objectives are met.

8.10 Travel plans will usually be required for separate components of a development. E.g. for residential, commercial etc. Travel plans must be submitted and approved prior to occupation. The Council will also required payment of a monitoring contribution (currently £3,000 per travel plan) payable prior to occupation.

Works to Enable Site Access

~~8.9~~8.11 Highway amendments and improvements that may be necessary, specific to development, to enable site access at both construction and occupation stages. Such amendments and improvements may include, but are not limited to, the provision, removal or relocation of street furniture, dropped kerbs, crossovers, pedestrian crossings, bus stops and street trees.

Network Impacts

~~8.10~~8.12 There will be occasions where transport demand created by development may not be satisfactorily mitigated by the measures in a travel plan or site specific highways improvements. While the Council will endeavour to improve the wider transport network through CIL and other mainstream funding, there will be occasions where a particular site requires public transport services, or highway or traffic management mitigation to the wider network, that has not been identified for investment. This may include increased highway capacity within the network, junction improvements and/or traffic management measures, including the potential introduction or extension of parking controls, subject to consultation. Where individual developments will cause a site-specific impact which should be directly addressed through the development itself, the Council will use planning obligations to mitigate the impact of the development.

~~8.11~~8.13 Any necessary alterations to the transport/highway network within or in the vicinity of new development will be expected to be incorporated within proposals, and permission will be refused if the developer is unwilling or unable to provide the necessary solutions/improvements to mitigate the impact of the travel demand they generate.

8.14 The scope of any off site works required to mitigate the impact of a development within the vicinity of the site will be secured either by condition and/or ~~a~~ planning obligation. Any highway works identified as part of the planning obligation will either

be carried out by the Council or by the developer (if previously agreed with the Council) with the developer responsible for meeting all costs associated with the design and implementation of schemes. This may be secured through a section 278 agreement under the Highways Act 1980 (as amended) at the developer's expense. This or any other obligation relating to highways will include a full indemnity to the Council for any claim arising out of the highway works and the occupation of the development shall be restricted until the relevant works have been completed to the Council's satisfaction.

8.128.15 Where on-street car or cycle parking is required as part of a planning application, these should be paid for by the developer, and installed by the highways authority. Contributions will help to ensure that 20% all new car parking have active charging facilities, with passive provision for all remaining spaces are capable of accommodating electrical charging in accordance with Policy 6.13 of the London Plan.

Parking restrictions

8.138.16 The extension of on street parking controls, waiting restrictions, parking permit eligibility restrictions, and permit free housing will be promoted to mitigate the impacts of development on parking conditions and the local highway network. Planning obligations will be required to secure a financial contribution to the Council to implement parking controls and to ensure that owners or occupiers of car-free residential units are not entitled to apply for parking permits. The owner will be required to market/notify the occupiers of the car-free restriction.

Car Clubs

8.17 A Car Club provides an environmentally sound and financially attractive alternative to private car ownership by offering pay as you go short term vehicle hire. Car club related planning obligations can be sought in order to achieve reduced levels of on-site parking provision or, in some circumstances, in order to provide an on-street car club bay in the vicinity of the site. Car club related initiatives can also be included in Ttravel Pplans.

8.18 Typically, a developer will be required to use all reasonable endeavours to establish a car club within the vicinity of a development site and to include car parking bays for the club. The developer will also pay the membership costs of a car club and a credit (currently £50) for up to two occupiers of each residential unit for usually at least two years of that unit. Occupation will be restricted until the car club has been established and the Council is satisfied that these obligations have been complied with.

Public Rights of Way

8.148.19 The Council's Rights of Way Improvement Plan (November 2008) highlights the important resource Haringey's network of footpaths, bridleways and byways are for recreation, healthy living and sustainable transport. Contributions towards wider footpath and cycle network improvements will be through CIL. However, where required, on-site links and routes, to connect to the wider network, will still be

sought through a planning obligation. Such obligations may include requirements for maintenance of newly created or existing rights of way.

Managing the Impact of Construction

8.20 Largescale regeneration projects generate signification construction activity over a number of years that can impact upon the local environment, the local highway network, and access and movement for local businesses and residents. Whilst each developer and project will be required to produce and enforce an individual Construction Management Plan for their location, additional collaborative initiatives are also required to mitigate the cumulative impact of the construction, improve safety and ease congestion on the highway network, and promote efficiency and best practice.

8.21 Obligations will be required on major development within designated Growth Areas to ensure coordination of standards and procedures for managing the environmental impacts during the construction period, together with specific measures that will be implemented on an area wide basis. These will mitigate adverse effects on highway safety and movement, public health and the environment, access for local residents and businesses, the local economy and the general travelling public and visitors.

8.22 Applicants will be required to work with other developers within the Growth Area to provide, fund, and secure a construction coordinator or a financial obligation will be provided to secure a Construction Coordinator.

Form in which Obligations Should Be Made

~~8.15~~8.23 It is essential that travel plan, infrastructure and traffic management measures are provided in a timescale commensurate with the proposed phasing of the development and the Council will seek to approve trigger points through the appropriate planning obligations.

~~8.16~~8.24 The planning obligation can be secured either through a financial contribution, paid to the Council to carry out the identified works, or through developer provision of the identified works. Financial contributions will be determined on the basis of the cost of works required. In cases where the developer is providing infrastructure improvements a licence would be required for the developer to work on the public highway, which could require a s278 Agreement to be entered into. Further guidance on this is available by contacting the Council's Transport team.

9. Open Space and Public Realm

9.1 The borough as a whole is deficient in open space and publically accessible open space. New and improved space and improved access to existing open space is required to serve the growing population in Haringey. In accordance with the Local Plan: Strategic Policies, the Council will seek to deliver a network of open space through maximising opportunities for new publically accessible open space and connection to the Haringey Green Grid.

9.2 The quality of the public realm has an impact upon the way in which an area is perceived and experienced. A high quality public realm offers many benefits to people, communities, the environment and local economy and functions as an important place for community cohesion and leisure activities. It also has direct benefits for local people by improving safety, wellbeing, legibility of the built environment, and links between key services such as schools, health services, town centres and places of employment.

Policy Context

9.3 Strategic Policy SP13 seeks to improve the quality and accessibility to existing green spaces and, where appropriate, to secure opportunities for additional publically accessible open space, including extensions to existing boundaries. Policy DM20 seeks the provision of new open space as part of major new development proposals, and provides for the reconfiguration of existing open space, where this would address, amongst other things, deficiencies in accessibility.

9.4 Policy DM3 addresses the requirements around public realm. In respect of the management of privately-owned public realm, the policy clarifies that this should be managed by the landowner of the property and secured by planning obligation.

Development Triggering an Obligation

Open Space

9.5 Major residential and town centre development proposals, including mixed-use development is to make on-site provision for new open space, including civic space.

9.6 Development proposals on sites that include an area of existing private open space, where opportunity exists to secure public access to the open space.

Amenity Space

9.7 All new residential development, including mixed-use development, is to make provision for adequate amenity space.

Children's Play Space

9.8 All major residential developments, including mixed-use development, resulting in a child yield will be required to make provision for on-site children's play space.

Public Art

9.9 All major development that has a significant impact on its physical environment and setting will be required to make provision for ~~P~~public ~~A~~art.

Public Realm

9.10 All new development is to contribute to the delivery of a high quality public realm that is accessible, safe, attractive and well maintained, irrespective of whether the land is in public or private ownership.

Types of Obligations

Open Space

~~9.10~~9.11 Obligations may be sought to secure new open space provision on-site, including civic space, or to secure public access to, and use of, existing open space. The maximum area reasonable will be sought, having regard to site size, layout, topography, accessibility, relationship to the wider open space network, and the need for resultant open space to be contiguous and functional in accordance with its purpose.

~~9.11~~9.12 The Council will typically condition the submission of a management plan demonstrating how the open space is to be managed and public access maintained. However, where appropriate, a planning obligation, or a financial contribution, may ~~also~~ be sought for the provision and or management and/or maintenance of the newly created open space.

Amenity Space

~~9.12~~9.13 New residential development is expected to incorporate amenity space on-site within their design to meet the need generated. The standard of provision is set out in the Mayor's Housing Design Guide SPG as being a minimum of 5m^2 of private outdoor space to be provided for a 1-2 person dwelling, and an extra 1m^2 to be provided for each additional occupant. Balconies can be included in the calculation of amenity space. However, the minimum depth of all balconies and other amenity open space must be 1.5m.

~~9.13~~9.14 If in exceptional circumstances, and agreed by the Council, the amount of on-site amenity space proposed by the applicant does not meet the above requirement, then the quality of that proposed will be assessed to determine whether it is considered acceptable and usable for the enjoyment of residents. If the space is not considered appropriate by the Council, then a commuted sum may be acceptable to improve access to and use of local parks.

~~9.14~~9.15 The commuted sum will be payable on commencement, and based on the above standard of on-site amenity space to be provided by the scheme, minus any on-site provision towards meeting the required level of provision, multiplied by £70 per m^2, which represents the lower end cost of improvements to bring local open

space in the Borough up to the audit standard set out in Haringey's Open Space and Biodiversity Study (October 2014).

~~9.15~~9.16 The proximity and adequacy of existing public parks and playground space will not be a factor in determining the amount and form of amenity space provided for within a new development.

Children's Play Space

~~9.16~~9.17 New major residential development is expected to incorporate children's play facilities on-site within their design to meet the need generated. Provision is to be made in accordance with the standards set out in the Mayor's Housing SPG, and Shaping Neighbourhoods: Play and Informal Recreation SPG.

~~9.17~~9.18 Where development is phased, the London Plan requires the provision of play space to be made within the early phases of the development.

~~9.18~~9.19 While the requirement is usually for on-site provision, off-site provision, including the creation of new children's play space or improvements to existing provision may be considered acceptable where such provision can be made within 200m of the development site and where it can be demonstrated that it fully satisfies the needs of the development whilst continuing to meet the needs of existing residents. In such instances, the obligation can be secured either through a financial contribution, paid to the Council to carry out the identified works, or through developer provision of the identified works. Off-site provision will need to be secured prior to occupation of the development.

~~9.19~~9.20 Where a financial contribution is required for off-site provision, this will be based on the child yield from the development, multiplied by 10m^2 of play space provision per child, multiplied by £95, which is the average cost per sq m of provision.

~~9.20~~9.21 A planning obligation, or a financial contribution, may also be sought for the maintenance of newly created on-site or off-site children's play space.

Public Art

~~9.21~~9.22 Qualifying development schemes will normally be expected to provide public and artist designed elements up to a maximum of £50,000. A proportion of that art is expected to be free standing from the development or an independently commissioned art work, supporting the Mayor's Cultural Strategy and local artists. The final design proposal will need to be approved by the Council. The overall public art provision will be subject to consideration in light of other planning obligations sought, including the creation of new or improved public realm, and the design and architectural merits of the development proposed.

~~9.22~~9.23 As appropriate, the funding of art can be by means of a sum set aside to be spent by the developer or a financial contribution to the Council. A transparent

process of commissioning public art work, involving professional art organisations and/or stakeholder community engagement will be expected.

Public Realm

9.24 All new development is expected to secure improvements to the capacity or condition of the public realm, either within and/or in the vicinity of the development, linked with construction and/or occupation and/or use of the development. Details of the public realm standards that the Council will seek are set out in the Haringey Streetscape Guide, while relevant open space projects are outlined in the Haringey Green Grid.

9.25 The Council and developer will agree whether the improvements to the public realm will be undertaken as works in kind or through a financial contribution. The later will be calculated based on the relevant materials costs as set out in the Haringey Streetscape Guide, including any street furniture provision that may be applicable.

9.26 A planning obligation, or a financial contribution, may also be sought for maintenance.

9.27 A Public Realm plan may be required by the Council to secure the delivery of the public realm and ensure the public have unrestricted access at all times.

Further Consideration

~~9.23~~9.28 For all site-specific undertakings for open space and public realm, it will be expected that any items provided on-site will dovetail with strategic pieces of public realm enhancement. How this is achieved will be negotiated on a site-by-site basis.

10~~.~~ Heritage

10.1 The London Borough of Haringey has a wide range of heritage assets, and the Council has a duty to conserve and enhance the significance, character and setting of the borough's historic environment.

Policy Context

10.2 London Plan Policy 7.8 and Policies SP12, DM9 and AAP5 detail the Council's policy requirements in relation to managing the historic environment, including archaeological assessment requirements.

Development Triggering an Obligation

10.3 Development proposals that include, or may impact, an identified heritage asset or its setting.

Types of Obligations

10.4 Where appropriate, the range of matters that could be included as part of a ~~s106 agreement~~ planning obligation in relation to heritage assets include:

- ~~Repair~~Conservation, enhancement, restoration and/or maintenance of a heritage asset(s) and their setting;
- Increased public access and improved signage to and from heritage assets;
- Interpretation panels/ historical information and public open days;
- Production and implementation of a Conservation Management Plans;
- Measures for preservation or investigation and recovery of archaeological remains and sites;
- Display of archaeological sites;
- Dissemination of historic environment information for public/school education and research; and
- Sustainability improvements (such as loft insulation) for historic buildings.

Form in which Obligations Should Be Made

10.5 It is essential that heritage works are provided in a timescale commensurate with the proposed phasing of the development and the Council will seek to approve trigger points through the ~~s106 agreement~~planning obligation.

10.6 The obligation will be secured through developer provision of the identified works. Where appropriate, the obligation may include provision for the long-term maintenance of the heritage asset.

10.7 Where the proposal involves enabling development to secure the repair, restoration and maintenance of the heritage asset, the Council will require any identified funds raised through provision of the enabling development to be held in an escrow account, and appropriate arrangement put in place to manage the spending of such funds.

11~~.~~ Environmental Sustainability

11.1 The promotion of renewable, sustainable forms of energy and enhancements to wildlife biodiversity within Haringey is important to ensuring the borough is environmentally sustainable. Local Plan policy SP4 sets out how the ~~e~~Council will ensure all new development contributes to securing a low carbon future for the borough.

Policy Context – Carbon Management

11.2 Alongside the Mayor of London, ~~the leader of~~ Haringey has agreed to work towards ~~Haringey~~ becoming a Zero Carbon authority by 2050. This ambition will supersede the 2020 target~~–~~ for CO2 ~~R~~reduction. The London Plan Policy 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with an energy hierarchy that gives the highest priority to using less energy, over supplying energy efficiently and then using renewable energy. It sets targets for emission reductions which are seen in table 11.1 below.

Table 11.1. Carbon reduction targets for all major development in London		
	Year Improvement on 2010 Building Regulations	
	Domestic Development	Non-domestic Development
2010 – 2013	25 per cent	25 per cent
2013 – 2016	40 per cent	40 per cent
2016 – 2019	Zero Carbon	As per building regulations requirements
2019 – 2031	Zero Carbon	Zero carbon

11.3 Policy 5.3 of the London Plan states that the highest standards of sustainable design and construction should be achieved to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Major development proposals should meet the minimum standards outlined in the Mayor's supplementary planning guidance on sustainable design and construction, which include those for minimising carbon dioxide emissions across the site, including the building and services (such as heating and cooling systems).

11.4 London Plan Policy 5.4 deals with retrofitting existing buildings, and states that these should be brought up to the Mayor's standards on sustainable design and construction. In particular, those to reduce carbon emissions from the existing building stock by identifying potential synergies between new developments and existing buildings through the retrofitting of energy efficiency measures, decentralised energy and renewable energy opportunities.

11.5 The Mayor has published supplementary planning guidance on Energy Strategies: http://www.london.gov.uk/priorities/planning/strategic-planning-applications/preplanningapplication-meeting-service/energy-planning-gla-guidance-

on-preparing-energy-assessments which gives detailed guidance on the sustainable design standards that should be applied to new development in London.

11.6 In Haringey Councils Strategic Planning Policies, policy SP:4 states that development will reduce energy use and emissions that contribute to climate change during the life-cycle of the development. It highlights that this carbon reduction is one of the Councils core priorities and major challenges. Within this policy it reaffirms the London Plan policies and gives guidance on its implementation.

11.7 The Council's Policy DM28 on Allowable Solutions requires that where it is demonstrated that it is not possible to meet required CO2 reductions on-site, either due to technical feasibility or economic viability, the Council will require that the identified shortfall is offset.

Potential off-site financial Obligation: Carbon Management

11.8 The carbon dioxide reduction targets should be met on-site, as demonstrated through the submission of an energy strategy for the development proposal that includes details for monitoring and reporting on energy performance.

~~11.8~~11.9 Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through an ~~cash~~ in lieu contribution ~~to the relevant borough~~ to be ring fenced to secure delivery of carbon dioxide savings elsewhere.

~~11.9~~11.10 Payments in lieu should be calculated by reference to a "carbon price" – which in Haringey is the most recently published ~~the cost of reducing offsetting carbon emissions calculated for Haringey having regard to the cost and feasibility in the particular circumstances that exist here as suggested by paragraph 2.5.10 of the Mayor's~~ Mayor for London's non-trade price~~supplementary guidance on sustainable design and construction~~.

~~11.9 This cost has been agreed for Haringey based on the cost of steps to reduce emissions on the scale required here is set at £2,700 per tonne.~~

Policy standard and application

~~11.10~~11.11 And these will be required to apply the carbon reduction targets set out in table 11.12 below, based on the London Plan policies indicated:

Table 11.2 Summary of the energy targets required in Policy 5.2 and 5.4 of the London Plan		
	Onsite carbon reduction target (over Building Regulations part L 2013 Target Emissions Rate) (as of Oct 2016)	Policy Source
New build residential of 10 or more units	Zero Carbon	London Plan 5.2

Change of use to Residential or refurbishment >1000m²	Zero Carbon	London Plan 5.2/5.4
New Build non-residential >1000m²	35% improvement over building regulations	London Plan 5.2
Extensions >1000m² (excl. Listed building)	35% improvement over building regulations	London Plan 5.2/5.4
Change of use to non Residential / refurbishment >1000m²	35% improvement over building regulations	London Plan 5.2/5.4

~~11.11~~11.12 Where mixed used developments come forward the schemes energy footprint will be split and carbon proportioned between these two elements (domestic and non-domestic). How this is calculated and presented is seen below in Tables 11.3 through 11.6.

~~11.12~~11.13 Carbon reductions will be sought on-site, in most cases through design features inherent to the development. These design features will be secured by planning condition and be expected to be maintained in perpetuity. Where necessary, is may be appropriate to secure an obligation for agreed post occupation monitoring and reporting provisions, including the installation/maintenance of monitoring equipment and reporting arrangements.

Method of Demonstrating Carbon Reduction and Calculations for Offsetting

~~11.13~~11.14 Developers should follow the approach described in the GLA's guidance on preparing energy assessments in the calculation of offsetting payments in lieu. This involves providing some key input data as set out in table 11.3 below

Table 11.3 Required input data	
	Carbon Dioxide Carbon Tonnes (per annum) Emissions from regulated Energy
Baseline Building Regulations Compliant Scheme	A
After Energy Efficiency measures have been included (Lean)	B
After Community Heating and CHP have been included (Clean)	C
After renewable technologies have been included (Green)	D

~~11.14~~11.15 The values in each row should be the regulated CO_2 emissions (expressed in Tonnes CO_2 per annum) after each stage of the Energy Hierarchy (expressed in tonnes of CO_2 per annum, not $kgCO_2/m^2$ per annum). These will need to be calculated for the domestic part of the development and also the non-domestic part of the development.

~~11.15~~11.16 The inputs are applied into the calculation shown in tables 11.4 and 11.5 below to give the savings from each stage of the energy hierarchy, and the shortfall required (where the development fails to achieve the required target).

Table 11.4 Calculations required demonstrating regulated carbon dioxide savings from each stage of the Energy Hierarchy for domestic buildings		
Regulated domestic carbon dioxide savings		
	(Tonnes CO_2 per annum)	%
Savings from energy demand reduction	A - B	(A – B)/A * 100
Savings from Community heating / CHP	B - C	(B – C)/B * 100
Savings from renewable energy	C - D	(C – D)/C*100
Total Cumulative Savings	A - D = E	(A – D)/A*100
Carbon emissions required for off-set payment	–A - E = F	

Table 11.5. Calculations required demonstrating regulated carbon dioxide savings from each stage of the Energy Hierarchy for non-domestic buildings.		
Regulated non-domestic carbon dioxide savings		
	(Tonnes CO_2 per annum)	%
Savings from energy demand Reduction	A - B	(A – B)/A * 100
Savings from Community heating / CHP	B - C	(B – C)/B * 100
Savings from renewable energy	C - D	(C – D)/C*100
Total Cumulative Savings	A - D = E	(A – D)/A*100
Total Target Savings	A * 0.35 = F	
Shortfall carbon emissions required for off-set payment	F - E = G	

~~11.16~~11.17 These calculations will then be combined and presented in a summary table 11.6 below.

Table 11.6. Site wide regulated carbon dioxide emissions and savings			
	Total regulated emissions (Tonnes CO_2/year)	CO_2 savings (Tonnes CO_2/year)	Percentage staving (%)
Part L 2013 baseline	A domestic + A non-domestic		

Savings from energy demand reduction (Lean)	B domestic + B non-domestic	Total A – Total B	(Total A – Total B)/Total A * 100
Savings from Community heating / CHP (Clean)	C domestic + C non-domestic	Total B- Total C	(Total B – Total C)/Total A * 100
Savings from renewable energy (Green)	D domestic + D non-domestic	Total C – Total D	(Total C – Total D)/Total A*100
		CO2 savings off-set (Tonnes CO2)	
Amount of tonnes of CO_2 to be off-set		F domestic + G non-domestic	

~~11.17~~11.18 The amount of carbon dioxide to then be offset (as seen in table 6) is then multiplied by the ~~Council's~~ Mayor of London's most recently published cost of carbon. ~~This is:~~

~~Amount of tonnes of Carbon Dioxide to be off-set x £2,700 = Offset payment.~~

Offsetting payment and projects

~~11.18~~11.19 The offsetting payment will be collected under a ~~section 106 agreement~~planning obligation, and will be collected at the commencement on site. This fund will then be used to support and fund the delivery of carbon reduction projects within the borough. There's also likely to be a need for later energy plan at the developer's expense to assess the energy efficiency of the development and to determine if a further carbon offsetting contribution is required.

~~11.19~~11.20 Carbon offsetting guidelines by DCLG set out how the development would deliver their remaining emissions and support a low carbon economy and compensate for their environmental impact. The DCLG guidelines set out how this finance should be used. This includes renewable energy, retrofitting energy efficiency measures, low carbon transportation projects, and local greening projects which generate reductions in greenhouse gas emissions. In order to ensure this finance delivers genuine results, all projects which are supported must be 'additional', proving that they would not happen without the carbon offsetting.

~~11.20~~11.21 Projects that the Haringey Carbon Offset Fund will finance include:

- Living walls and living roof opportunities;
- Trees planting schemes;
- Renewable energy projects;
- Retrofitting projects for both dwellings and commercial development;
- Education and awareness raising projects;
- Kick starting innovative energy and carbon reduction projects;
- Energy Master planning and the management of these projects.

Decentralised Energy

~~11.21~~11.22 The London Plan sets the target of 25 per cent of the heat and power used in London to be generated through the use of localised decentralised energy systems by 2025. In order to achieve this target, the Mayor prioritises the development of decentralised heating and cooling networks at the development and area wide levels, including larger scale heat transmission networks. It also states that development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites. Major development proposals should select energy systems in accordance with the following hierarchy:

1 Connection to existing heating or cooling networks;
2 Site wide CHP network;
3 Communal heating and cooling;

~~11.22~~11.23 The Local Plan policy SP4: Working towards a Low Carbon Haringey requires all developments to assess, identify, and implement, where viable, site-wide and area-wide decentralised energy facilities including the potential to link into a wider network, and prioritise connection to existing or planned networks where feasible.

~~11.23~~11.24 Where a decentralised energy network exists proximate to a site, it will be expected that the site is connected to it.

~~11.24~~11.25 Where an identified future decentralised energy network exists proximate to a site it will be expected that the site is designed so that it can easily be connected to the future network when it is delivered. A future connection will only be required for sites proximate to networks identified in the Council's decentralised energy plan.

Non-financial Obligation: Connection to existing or future decentralised energy networks

~~11.25~~11.26 Where a site is located within a suitable distance (as identified in the Development Management DPD), it will be expected to connect to an existing or make provision for connection to a future proposed local decentralised energy network, at the developer's expense.

Non-financial Obligation: Creation of decentralised energy hubs

~~11.26~~11.27 Where identified in the Council's Decentralised Energy Plan and/or Site Allocations DPD, developments will be expected to incorporate decentralised energy hubs into new developments.

Biodiversity

~~11.27~~11.28 The quality of the physical environment is under increasing pressure in Haringey with a growing population and significant development demands. The Council recognises the importance of responding to the impacts of climate change

and an increasingly dense cityscape by maintaining and encouraging biodiversity within the Borough.

~~11.28~~11.29 Policy SP13 of the Local Plan manages how new development should protect and improve the biodiversity and habitats that exist on a site during a redevelopment. In particular, new ways of creating habitat within dense urban development including green roofs and walls and rain gardens will be supported, and obligations will be secured to ensure these are appropriately maintained. Policy DM28 requires major developments, and encourages minor developments, to investigate and secure environmental enhancements to main rivers or ordinary watercourses, including de-culverting, helping to achieve the aims of the Thames River Basin Management Plan.

Financial/Non-financial Obligation: Mitigation of impact on biodiversity

~~11.29~~11.30 The London Plan states that in addition to making a positive contribution to protecting, enhancing, creating and managing biodiversity, development should prioritise assisting in achieving targets in biodiversity action plans or improve access to nature in areas deficient in accessible wildlife sites. Where a development includes or adjoins a main river or ordinary watercourse, should demonstrate how opportunities to restore the river/watercourse or improve its condition could be secured.

~~11.30~~11.31 In very exceptional cases where a developer cannot protect an ecological habitat on or adjacent to the site and permission to develop is granted, a planning obligation will be required to provide compensatory measures of equal or greater value. This should be located as close to the site as possible, and could include enlarging or enhancing existing nature conservation assets.

~~11.31~~11.32 The works should be guided by a report from a qualified member of CIEEM and agreed by the Council. However, the developer needs to demonstrate how they will identify and secure funding to carry out the works to enhance the site and where necessary purchase a site.

Considerate Constructor Obligation

~~11.32~~11.33 Sustainable development includes the impacts that the construction process of the development proposals may have on neighbouring activities, the general public, and the environment. For most forms of development, the Council will usually include a condition requiring the applicant to submit a construction management plan (CMP) prior to any work commencing. The CMP typically details the hours of construction activity, confirms the access arrangement, the times when HGV movements should take place, safety procedures, and environmental mitigation, such as wheel washing facilities and watering to prevent dust.

~~11.33~~11.34 The construction industry has established its own Consideration Constructors Scheme to encourage best practice beyond statutory requirements. The Council's supports this Scheme and will typically require that, prior to the commencement of any works the site ~~will need~~should to be registered with the

Consideration Constructors Scheme. Proof of registration ~~will need to~~should be sent to the Council.

12 Telecommunications

12.1 The Council, as part of its plans for growth in the borough, has ambitions to provide full coverage of superfast broadband (above 25MB/s) to all residents and business within the Borough, and ultrafast connections (above 100MB/s) in Regeneration Areas.

Policy Context

12.2 Policies DM38 and DM54 of the Development Management DPD, require new developments (both housing and commercial) to be directly served by high quality fibre networks. Supporting high quality communications infrastructure, which provide a next generation network, is essential to ensuring Haringey is able to attract key growth business sectors, including SMEs, creative and tech industries, as well as supporting the increasing number of internet-capable devises in the home.

Development Triggering an Obligation

12.3 Within designated Regeneration Areas, as shown on the Policies Map, all new build residential, commercial, retail and community development must be designed to be capable of facilitating connection to ultrafast broadband (above 100MB/s). Across the remainder of the Borough, all new build residential, commercial, retail and community development must be designed to be capable of facilitating connection to superfast broadband (above 25MB/s).

Form in which Obligation Should Be Made

12.4 It is the Council's preference that broadband connectivity should be designed into the development at the masterplan stage and implemented through a planning condition.

12.5 If the development proposal does not adequately address the requirement for superfast or ultrafast broadband connectivity, the Council may request a financial contribution to improve linkages to an available backhaul, exchange and/or the upgrading of an exchange where this has been identified as necessary to ensure the required broadband speeds can be provided. An internet plan showing how the above will be achieved may also be required.

12.6 The Council will negotiate with the developer over the appropriate level of financial contribution required.

13 Social and Community Infrastructure

13.1 New development will give rise to the need for new or expanded community services and facilities. Subject to what is said below, the Council acknowledges that the Haringey CIL is the principle source of funding for the provision of new or enhanced social and community infrastructure.

Policy Context

13.2 Para 17 of the NPPF includes as one of the 12 core principles, that the planning system should '*take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'*. Further, para 70 addresses the delivery of social recreational and cultural facilities and services that communities need, stating that policies and decisions should plan positively for their provision, guard again their loss and ensure they are appropriately located to serve the community.

13.3 Policy 3.16 of the London Plan deals with the protection and enhancement of social infrastructure (such as community, cultural, and play facilities, places of worship, fire stations, policing etc) to meet the needs of its growing and diverse population. There are specific policies dealing with health and social care facilities (Policy 3.17), education facilities (Policy 3.18) and sports facilities (3.19), all of which support delivery through the planning process.

13.4 Policies DM49 of the Development Management DPD, states that existing social and community facilities will be protected unless a replacement facility is provided; proposals for new or extended facilities are to be supported; that that consolidation of facilities is supported where this results in equal or enhanced provision to meet needs; and that new major development may be required to accommodate new infrastructure.

Development Triggering an Obligation

13.5 Development proposals that involve the replacement of an existing facility, or a single proposal that generates the need for an entire new facility to serve the needs of the development – this is only likely to apply to significantly large major development proposals - or major development in the right location and with capacity to accommodate identified social or community facilities needed to serve the wider community.

Form in which Obligation Should Be Made

13.6 The Council's preference is that replacement or new, social and community infrastructure, the need for which is generated by a single development, should be delivered on-site and be integrated into the design of the development at the masterplan stage and implemented through a planning condition.

13.7 If the development proposal is providing land or works in kind necessary to accommodate a facility to serve the wider community (i.e. needs beyond the proposal site) the Council will negotiate with the developer over the appropriate level

of financial compensation that will need to be paid to the developer either by the Council or the service provider (e.g. NHS in respect of healthcare facilities; Education & Skills Funding Agency in respect of primary or secondary school provision; the Council in respect of indoor sports facilities). The Council will also agree with the developer the timing of funding payments, when the facility should be constructed; its transfer to the relevant service provider; and when occupation and operations can commence.

1314 Reporting, and Monitoring and Review

13.114.1 The performance of the SPD will be assessed and reported on as part of the Council's Authority's Monitoring Report. The Council has therefore established the following set of monitoring requirements in respect of this SPD:

- The types of obligations being secured and compliance with the requirements of this SPD;
- The affordable housing delivered using commuted sums received in lieu of on-site affordable housing provision;
- Monitoring time taken for decisions where a planning obligation has been required as part of the application; and
- Monitoring of delivery (i.e. the completion of obligations including those to be undertaken by delivery agents other than the developer).

13.214.2 Should monitoring identify an issue with the application of the SPD, this may necessitate a partial review. Likewise, changes to legislation, national policy or guidance, or London Plan policy or guidance may also trigger a further review of the SPD.