

Appendix A

LB Haringey

Revised Planning Obligations Supplementary Planning Document

For Regulatory Committee October 2017

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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's 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.
- 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.

Consultation and how to make comments

- 1.4 This document has been prepared as a draft SPD and has been published for consultation in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Comments on the draft are invited during the consultation period, which runs from **xxx to xxx 2017**.
- 1.5 Comments can be made either by email to ldf@haringey.gov.uk or by post to:
- Planning Policy Team
6th Floor, River Park House
225 High Road Wood Green
London N22 8HQ
- 1.6 Comments received will be considered and taken into account in finalising the SPD. Please note that all comments made on this draft SPD will be published, prior to the adoption of the SPD, as part of a consultation statement that the Council is required to prepare under the Regulations.
- 1.7 Please email or telephone the Planning Policy Team on ldf@haringey.gov.uk or 020 8736 xxxx if you have any queries about the draft SPD or the consultation process.

Replacement of Existing Guidance

- 1.8 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, or any part of a development, if the obligation does not meet all 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 above requirement seeks 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 (2011 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 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 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 Approach to Planning Obligations

- 5.1 This section of the SPD sets out the process for negotiating, preparing and completing S106 Agreements 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 draft S106 Agreement or detailed proposed 'Heads of Terms' have been agreed, prior to the application being considered by the Planning Committee or the 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 S106 Agreement); 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 document 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. These details should be submitted as a draft 'Heads of Terms' document as part of the pre-application 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

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

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 Authority² and/or Transport for London³ (“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 S106 Agreement based on the Council’s standard template which can be obtained from Legal Services. In the case of major development proposals, a detailed draft ‘Heads of Terms’ should be submitted.
- 5.18 In respect of each obligation, the draft agreement or 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 S106 Agreement or 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 Applications which are submitted without a draft S106 Agreement or 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 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. The planning obligations are registered on the Local Land Charges Register, which forms part of the publicly available statutory planning register. 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. Landowners/developers based overseas will have to provide a legal opinion from independent lawyers in that jurisdiction that they will be bound by the planning obligation.

Matters to be taken into account in the drafting Planning Obligations

Legal Costs

- 5.24 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 For legal costs associated with the preparation of an agreement, the applicant will be asked to cover the Council's legal costs. The Developer's legal adviser will be expected to provide the Council's Legal Services with a solicitor's undertaking 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.
- 5.26 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 Agreement). In the event that the actual fees incurred amount to less than the sum paid on account, the difference will be repaid. The Council's legal fees are payable whether or not the matter proceeds to completion i.e. in the event that the Agreement is drafted but not completed for whatever reason.

Who will Draft the S106 Agreement?

- 5.27 The Council will always prepare the first draft of an Agreement requiring Planning Committee approval, based on the Council's standard template, and officers will approve this before being sent to the developer to agree. Changes to the Council's standard template will only be allowed in exceptional circumstances, which the developer will have to justify.

Financial Contributions

- 5.28 Financial contributions will be payable at specific stages in the development process, usually on commencement or on first occupation of the development. However, there may also be cases, typically for large-scale development, where contributions can be phased, in order to match the proportional impact of each phase of the development.
- 5.29 Trigger dates for the payment of financial contributions will need to be included in the planning obligation, as will any time periods by which the contribution is to be spent. Typically, a 10-year repayment period will be specified. Where a sum includes a maintenance element (see below), the period for repayment will reflect this, e.g. 10 or 20 years. Where the financial contribution is solely for maintenance, no repayment should be required.
- 5.30 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.
- 5.31 Following receipt by the Council, financial contributions will be held in interest bearing accounts and will be individually identifiable due to each contribution being allocated a unique finance code. If, for any reason, the works or project towards which the financial obligation was sought, did not take place by the end of the time period specified in the planning obligation, the contribution will be returned to the payee in accordance with the terms of the agreement.

Maintenance Payments

- 5.32 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 financial contribution may be required in perpetuity, 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.
- 5.33 For all maintenance payments, the LPA and the developer will need to negotiate the type of payments to be made.

Index Linking

- 5.34 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 that the agreement was entered into 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

- 5.35 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

- 5.36 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 that the agreement is signed;
 - Upon or prior to commencement of the development;
 - Upon or prior to practical completion of the development; and
 - Upon or prior to occupation of the development
- 5.37 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. There may be cases where a different trigger point is required on an obligation to those listed above.
- 5.38 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

- 5.39 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.
- 5.40 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, returning unspent monies (where applicable), making sure that records are kept of discharge of clauses, removing discharged obligations from the Local Land Charges Register, etc.

- 5.41 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. In the absence of any monetary value arising from the obligation, the contribution will be a flat rate of £500. The monitoring contribution will be payable on triggering of the first obligation unless otherwise specified within the terms of the agreement. The monitoring contribution will not be subject to any repayment provisions.

Enforcement and Late Payments

- 5.42 The landowner/developer is bound within each planning obligation to notify the Council upon commencement of the development. Where the Council is not notified and obligations become overdue the Council will seek to enforce the obligation and will activate a late payment clause. In the event of any delay in making any payment required under a s106 agreement, 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 to the date of actual payment. In the rare event of scheduled payments being agreed the sum charged will include interest at the rate normally charged by the Council in addition to any indexing due.
- 5.43 The council will work with developers to find solutions in cases where they demonstrate real difficulty in making payments or delivering works at the trigger point set out in the planning obligation. This could be through agreeing payment of any financial contributions at a later stage of the development process, or through provision by the developer of works rather than finance. However, where it is imperative that the relevant measure is in place prior to a development being occupied, the obligations to deliver or fund it will always become due on commencement of the development and no variation will be possible.
- 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

- 5.45 Planning applications, Design and Access Statements, Environmental Statements, alongside other submitted documents, will be the subject of public and statutory consultation in accordance with the Council's Statement of Community Involvement (revised 2016).
- 5.46 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 s106 agreement or 'Heads of Terms'.

- 5.47 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

- 5.48 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 S106 Agreement or proposed 'Heads of Terms'.
- 5.49 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

- 5.50 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.
- 5.51 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 in order to determine such applications, the applicant is required to submit an open book viability assessment to the Council for its consideration.
- 5.52 The development appraisal should be completed in accordance with the guidelines set out in the GLA Housing and Viability 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.

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;
 - 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.
- 5.53 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.
- 5.54 Issues regarding viability must be resolved, to the satisfaction of the Council, before any meaningful negotiations between the applicant and Council can commence.
- 5.55 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.
- 5.56 Where appropriate, the Council may require a review mechanism to be included in the planning obligation. When the review is required to take place will depend on the nature of the development proposed (i.e. the scale of development and whether it is likely to be delivered or occupied in distinct phases). Usual review triggers include one or more of the following:
- On the submission of the first reserve matters application for each phase of an outline permission;
 - 18 months from the grant of full planning permission if the development has not commenced or reached an alternative trigger point as negotiated;
 - 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; and/or

- Upon completion of the development, where the Council may 'claw-back' discounted obligations through an overage based on sales value uplift agreed upon a square foot sales value set out in the development appraisal.

5.57 The obligation will likely contain a covenant preventing commencement until the viability has been approved by the Council.

Negotiation and Reporting

5.58 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 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 Committee for determination.

5.62 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.

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

5.64 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.

5.65 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.

5.66 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 Decision Process

5.67 Where the draft planning obligations have been agreed in principle, prior to the application being determined, if the application is approved either by way of delegated powers or Committee decision, this approval will be subject to the completion of the planning obligations. The obligations will then be formally completed and sealed within an appropriate timescale (3 months) prior to the decision notice being issued and the obligations being placed on the local land charges register.

5.68 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 Officers Report).

Appeals and call-in

5.69 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 negotiate a planning obligation, as the Planning Inspectorate/Mayor/Secretary of State will decide this. However, the developer can submit a unilateral undertaking and the Council will enter 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

5.70 Where an in-kind obligation is required 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

- 5.71 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.
- 5.72 When evidence has been submitted to the Planning Obligations Officer that the non-financial obligation has been discharged, the Planning Obligations Officer will arrange for the obligation to be removed from the Local Land Changes Register.
- 5.73 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.
- 5.74 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 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. The affordable housing tenure split is 60% affordable/social rented and 40% intermediate housing (under Tottenham AAP Policy AAP3, this split is reversed in Tottenham). The affordable housing dwelling mix, in terms of bedroom size, as well as the level of rents, will need to be negotiated with the Council's Affordable Housing Team, having regard to the mix and rents set out in the Haringey Housing Strategy (2016).

Viability Reviews

- 6.2 In line with the 2017 Mayor's Affordable Housing/Viability SPG, all viability reviews will be expected to be based upon Existing Use Value for the site. If the developer can demonstrate that the site is achieving 35% affordable housing on the site without grant funding, then the Council will not require the viability evidence to be independently reviewed. A viability summary will need to be submitted in order to provide a benchmark for any future negotiations.
- 6.3 Viability reviews will be funded by the developer, and the Council expects them to be made available publically once the level of affordable housing has been agreed by the Council.

Non-Financial contribution: Provision of on-site Affordable Housing

- 6.4 Wherever possible, Affordable Housing will be provided on site to achieve the strategic borough-wide Planning Policy requirement of 40% of habitable rooms to be affordable homes. The Council works 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.
- 6.5 Requirements for appropriate rent levels, based on the affordability principle the Council has established, requirements to mix unit sizes and tenures within developments, and the requirement to have regard to the commercial requirements of developers are included in the Council's Housing Strategy.
<http://www.haringey.gov.uk/housing/housing-strategies-policies-and-plans/housing-strategy> ADD some reference to restriction on development/private units until affordable housing units completed/transferred to registered provider. Also covenants that affordable housing will be affordable in perpetuity (save final staircasing), recycling of grant on any sale – built to design and quality standards, and what/how discount/affordable levels are calculated. Also as now seen marketing to different income groups within the borough is becoming more common, whilst restricting occupation until Council approves the marketing, should there be reference to that as well?

Financial Contribution: Provision of off-site affordable housing

- 6.6 Financial payments to the Council in lieu of affordable housing are not normally acceptable and are seen as the last resort because they provide fewer affordable units. Cases where a case for financial payment can be made are:
- Where no Registered Provider is identified, or the Local Authority not is willing to take the units on;
 - The size of the site is too small;
 - Practicalities of design;
- 6.7 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. A cash-in-lieu payment will only be accepted in exceptional circumstances and where it can be robustly demonstrated that on-site provision is not feasible and that such a payment will have demonstrable benefits in better delivering the affordable housing and other policies within the local Plan
- 6.8 The financial sum agreed will be paid into an affordable housing fund to be used to finance developments throughout the borough. 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.

Review mechanism

- 6.9 To maximise affordable housing output (and other public benefits) on schemes with long build out times, at times of economic uncertainty, and/or where there are significant changes in costs or values the Council will use 'contingent obligations' and review mechanisms, in line with the Mayors Housing SPD.
- 6.10 Contingent obligations and review mechanisms provide a reappraisal mechanism which specifies the scope of a review of viability for longer-term, non-phased schemes and for each phase of phased developments. These mechanisms allow increases in planning obligation contributions to reflect changes in the value of the development from application to a specific point in time/stage of development and help ensure that affordable housing provision is maximised, having regard to changing viability information.
- 6.11 The Haringey review mechanism will be required to be completed on all major schemes.
- 6.12 The review will be carried out on all phases of the development not commenced 18 months after the original grant of planning permission. The review will have regard to the level of affordable housing permitted within the scheme as a whole, and the sales values/ rental values achieved on previous phases. The planning obligation will take into account where the site is judged to be able to accommodate an increase in the affordable housing amount.

- 6.13 If improved viability is discovered during the review process, new affordable units will be required to be provided on site.

7. Economic Development, Employment and Skills Training

Economic Development

- 7.1 Policies DM38 and DM40 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.
- 7.2 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 using policies DM38 or DM40.
- 7.3 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/m² 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.
- 7.4 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.
- 7.5 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: <ul style="list-style-type: none"> • Priority should be given to tenants (or possibly owner occupiers) who current premises are due for redevelopment; • Space over 500m² 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	<ul style="list-style-type: none"> • 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 should be based on: <ul style="list-style-type: none"> • No more than the rent used in the viability appraisal. • In line with the rents currently paid for basic quality accommodation suitable for a similar use in the immediate area or in other similar areas within London i.e. a new studio would need to be let at a similar rent to the old one with a small (generally less than 10%) uplift for the

	improved quality <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • Power and basic lighting • Floor finishes • WC and kitchenette
Rent reviews	These will be based on CPI or RPI 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 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.

Employment & Skills Training

- 7.6 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. Employment opportunities should be provided through new development to local residents, with training made available to up-skill residents to compete for jobs within the borough.
- 7.7 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 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.

Financial/Non-financial Contribution: Construction Phase Skills and Training

- 7.8 Policy 4.12 of the London Plan 2011 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".
- 7.9 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.

- 7.10 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.
- 7.11 All developments of 10 residential units or more, or 1000m² or more non-residential floorspace or greater will be required to notify the council and its approved employment support providers of any vacancies arising in the construction phase.
- 7.12 For all major developments between 10-100 gross residential units or 1,000-10,000m² of non-residential floorspace, the Council will seek to secure a financial contribution to support local residents in accessing the new job opportunities in the construction phase. This contribution 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.
- 7.13 The contribution is linked to the development value of the scheme. Training for one local resident will be expected per £1m of development value. This equates to £2,800 per £1m of development value.
- 7.14 For developments over 100 gross residential units, or over 10,000m² of non-residential floorspace, a bespoke plan will be required, identifying value at least to the level using the methodology set out in paragraph 7.3. Specifically, the plan will be expected to include:
- Provide apprenticeship places for Haringey residents as part of the bespoke plan;
 - Provide a long range forecast of vacancies as part of their bespoke employment and skills plan.
 - Provide a model of working with the Council and its partners to deliver the agreed employment and training targets.
- 7.15 Where appropriate the Council may consider whether a developer's in-house training programme can be utilised in lieu of the construction phase skills and training contribution, on the basis that the local residents achieve a minimum requirement as 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. A financial contribution may however be sought instead.

Financial / non-financial contribution: End-user Phase Skills and Training, Local Enterprise arrangements, and Apprenticeships

- 7.16 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.

- 7.17 Developments of between 1,000m² and 10,000m² 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.
- 7.18 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 16m²/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 m²/16) * 48% * 29% * £2,800
 - This equates to **£24/m²** of new commercial (B1, B2, B8) floorspace.

Bespoke plan for larger end-use sites

- 7.19 For commercial developments of 10,000m² or greater a bespoke plan will be required, of at least equivalent value to the formula set out in paragraph 7.18. A financial contribution may be sought instead.
- 7.20 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.

Financial Contribution: Compensation for loss of employment floorspace/land on major sites

- 7.21 Policy SP9 and DM40 of the Local Plan set out the expectation that financial contributions will be captured on developments that create a loss of employment space in the borough. Contributions should be used to promote employment and adult education in the borough and are calculated based on the average costs of supporting any Haringey residents losing a job as a consequence of the development into a new role.
- 7.22 The potential net loss of employment (B class) floorspace in terms of job numbers is one job for each 44m², 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 44m²/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 m² / 44) * 48% * £2,800
 - This equates to **£30/m²** of lost employment floorspace.

- 7.23 Developments where there is no net loss (i.e. there is a net increase) in employment floorspace will pay no compensation.

Reference to considerate constructor obligation?

Also reference to construction coordinator (approved construction plan) or if unable to achieve this payment of construction contribution – as seen this in recent major agreements?

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 Assessments and Transport 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.

Financial/ Non-financial Obligation: Highway works to make development acceptable

- 8.4 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.
- 8.5 Developments in the borough should provide the necessary additional transport/highway improvements to mitigate the impact of the travel demand they generate. 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.
- 8.6 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 or a planning obligation. Any highway works identified as part of the planning obligation will be carried out by 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) where works involve a road in the TLRN.
- 8.7 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 parking facilities are capable of accommodating electrical charging.

Financial Contribution: Transportation measures mitigating the transport impacts of development through a Travel Plan

- 8.8 Local Plan Policy SP7 requires the submission of travel plans for large scale proposals 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.
- 8.9 Where measures are identified as part of a travel plan, the Council will seek to secure financial obligations to mitigate the impact of a development proposal
- 8.10 Car Clubs?
- 8.11 Car free/permit free restrictions?

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 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.

Non-Financial Obligation: Provision and Management of On-site Open Space & Public Realm

- 9.3 Policy DM3: Public Realm states that the management of privately-owned public realm should be managed by the landowner of the property. How this is achieved will be secured by planning obligation to the Council's satisfaction.
- 9.4 On-site public, communal, amenity and private open spaces will be required on new development sites in line with standards set out in the Mayor's Housing Design Guide SPG.
- 9.5 Children's play space [local playable space] will be expected to be delivered and maintained in perpetuity as part of major developments sites in line with standards set out in the Mayor's Housing SPG, and Shaping Neighbourhoods: Play and Informal Recreation SPG.

Financial/ Non-Financial Obligation: On-site Open Space, Public Realm, and Public Art

- 9.6 Public art will be expected to be delivered as a co-ordinated part of certain developments. This may be on or directly adjacent to the site. Sites which will be expected to include public art may be identified in the Local Plan. Where public art is required as part of a development the developer will be expected to either provide it on-site, or pay for it to be provided.
- 9.7 In respect to children's play space, while the expectation is that provision is to be on-site, off-site provision, including the creation of new children's play space or improvements to existing facilities, may be considered acceptable where such provision would be in close proximity (200m) from the development site and it can be demonstrated that this fully meets the needs of the development whilst continuing to meet the needs of existing residents.

- 9.8 The calculation for off-site provision will be based on the child yield from the development, multiplied by 4m² of play space per child, multiplied by £110, which is the average cost per sq m of provision.
- 9.9 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 as set out above. How this is achieved will be negotiated on a site-by-site basis.

Non-financial Obligation: Heritage

- 9.10 Where there are heritage assets on a site that are required to be maintained, repaired or enhanced as part of a development, this work will, where necessary, be secured through a condition and or planning obligation.
- 9.11 Reference to architect obligation/co-ordinating design?

10. Environmental Sustainability

- 10.1 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 council will ensure all new development contributes to securing a low carbon future for the borough.

Non-financial Obligation: Carbon Management

- 10.2 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. CO2 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 12.1 below.

Table 10.1. 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

- 10.3 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).
- 10.4 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.
- 10.5 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-as>

[sessments](#) which gives detailed guidance on the sustainable design standards that should be applied to new development in London.

- 10.6 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.
- 10.7 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

- 10.8 The carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.
- 10.9 Payments in lieu should be calculated by reference to a "carbon price" – 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 supplementary guidance on sustainable design and construction.
- 10.10 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

- 10.11 And these will be required to apply the carbon reduction targets set out in table 2 below, based on the London Plan policies indicated:

Table 10.2 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	35% improvement over building	London Plan 5.2/5.4

Residential / refurbishment >1000m²	regulations	
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10.12 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 3, 4, 5, and 6.

10.13 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.

Method of Demonstrating Carbon Reduction and Calculations for Offsetting

10.14 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 12.3 below

Table 10.3 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

10.15 The values in each row should be the regulated CO₂ emissions (expressed in Tonnes CO₂ per annum) after each stage of the Energy Hierarchy (expressed in tonnes of CO₂ per annum, not kgCO₂/m² per annum). These will need to be calculated for the domestic part of the development and also the non-domestic part of the development.

10.16 The inputs are applied into the calculation shown in tables 12.4 and 12.5 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 10.4 Calculations required demonstrating regulated carbon dioxide savings from each stage of the Energy Hierarchy for domestic buildings

Regulated domestic carbon dioxide savings		
	(Tonnes CO₂ per annum)	%
Savings from energy	A - B	(A – B)/A * 100

demand reduction		
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 10.5. 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	

10.17 These calculations will then be combined and presented in a summary table 12.6 below.

Table 12.6. Site wide regulated carbon dioxide emissions and savings

	Total regulated emissions (Tonnes CO ₂ /year)	CO ₂ savings (Tonnes CO ₂ /year)	Percentage saving (%)
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	$(Total C - Total D)/Total A * 100$
		CO ₂ savings off-set (Tonnes CO ₂)	
Amount of tonnes of CO ₂ to be off-set		F domestic + G non-domestic	

- 10.18 The amount of carbon dioxide to then be offset (as seen in table 6) is then multiplied by the Council's cost of carbon. This is:

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

Offsetting payment and projects

- 10.19 The offsetting payment will be collected under a section 106 agreement, 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.
- 10.20 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.
- 10.21 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

- 10.22 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;
- 10.23 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.

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

10.25 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

10.26 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.

Non-financial Obligation: Creation of decentralised energy hubs

10.27 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

10.28 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.

10.29 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.

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

10.30 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.

10.31 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.

10.32 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.

11 Telecommunications

- 11.1 The Council, as part of its plans for growth in the borough, require new high quality telecommunications infrastructure as part of developments in Regeneration Areas. This is supported by Policies DM38 and DM54 of the Development Management DPD, and wording at para 5.144 of the Tottenham Area Action Plan, requiring new development to ensure that “ultrafast” connections are provided in new developments. This is essential to ensure that the borough’s stock of employment floorspace is suitable to attract growth sectors, including SMEs.

Non-financial Obligation: Telecommunications

- 11.2 The Council requires new ultrafast internet connections in all developments within regeneration areas, and will seek these connections on all other mixed-use development in the borough. Ultrafast is defined in 2017 speeds as a minimum speed of 24Mb/second. This will be subject to review as technology advances.
- 11.3 It is expected that access to ultrafast internet will be secured on all sites within designated Regeneration Areas, and will be sought for all developments above 10 residential units, or 100m² of commercial floorspace across the borough.
- 11.4 Applicants should demonstrate how the proposal will be able to accommodate superfast broadband (24Mbps+) and be compatible with local broadband fibre networks where relevant. Where needed, multiple ducts will need to be provided to enable several providers access to the site.
- 11.5 The Council as part of its infrastructure planning will seek to identify appropriate technology capable of delivering superfast broadband, including establishing trunk networks to establish a network, in particular across growth areas.
- 11.6 The costs associated with additional works can be considered as part of any viability assessment, with the works being secured as planning conditions on the development. Broadband connectivity in new major developments will be monitored and reported on in the Annual Monitoring Report.

12. Reporting and Monitoring

12.1 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;
- 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).