

**Appendix 2 – Consultation Report - Summary of issues raised, responses and changes to SPD arising from consultation –  
Planning Obligations Supplementary Planning Document Consultation October-November 2014**

Issue Raised	Response	Actions Arising
<b>1. Transport For London</b>		
1.1 TfL welcomes the approach, of explaining how obligations will be sought for site-specific transport infrastructure, and makes it clear the borough (and Mayoral) community infrastructure levy (CIL) will separately fund strategic transport across the borough, (and London). as it clearly shows developers what is expected after the borough CIL is introduced	Support noted	No action required
1.2 Support paragraph 3.5.16, as it makes clear that TfL may have requirements for mitigation measures over and above the Council's.	Support noted	No action required
1.3 It would be useful to include specific reference to bus service capacity enhancements, which is not strictly 'infrastructure', so we suggest the following addition in paragraph 3.5.13 (a) :  In these circumstances, there may be the need for local changes and improvements, such as (but not limited to) enhancements to local highway and freight capacity and quality, public transport infrastructure, BUS SERVICE CAPACITY ENHANCEMENTS, cycling and walking routes and vehicle management matters (including car parking controls and management and car and cycling clubs).	Improved infrastructure can be by way of new or upgraded physical provision, but can also be by way of the way in which infrastructure items are used or managed. In view of this, either means of enhancing bus service capacity is regarded as infrastructure and therefore could be potentially be funded through CIL, so the suggested words can be added as suggested to the SPD.	Amend paragraph 3.5.13(a) as suggested.
1.4 It would be useful, for clarity, to state that a s278 agreement may be with TfL where a development lies on the Transport for London Road network (TLRN). Therefore the following amendment to paragraph 3.5.16 is suggested:  '3.5.16 Applicants should note that Transport for London may require contributions over and above those sought by the Council	Advice noted. The suggested paragraph can be added to the SPD.	Amend paragraph 3.5.16 as suggested.

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<p>in order to address the impacts of the development. A DEVELOPMENT THAT LIES ON THE TRANSPORT FOR LONDON ROAD NETWORK (TLRN) MAY ALSO REQUIRE A S278 AGREEMENT TO BE ENTERED INTO WITH TFL, AS THE HIGHWAY AUTHORITY FOR THESE ROADS. TfL operates a pre-application process. For further details please see <a href="http://www.tfl.gov.uk">www.tfl.gov.uk</a>.</p>		
<p><b>2. Environment Agency</b></p>		
<p>2.1 Would like to suggest minor changes to strengthen the guidance with respect to <b>flood risk management</b>: Council may wish to include the NPPF Planning Practice Guidance as national guidance for the Flood Risk and Water Management topic in the Appendix – Policy Pointers section.</p>	<p>Agreed.</p>	<p>At Flood Risk and Water Management row of Appendix 9 – Policy Pointers, add NPPF Planning Practice Guidance: Flood Risk and Coastal Change to Column 5 (National &amp; Other Regional Policies and Guidance) of the table</p>
<p>2.2 Would like to suggest minor changes to strengthen the guidance with respect to <b>groundwater protection and contaminated land</b>: Cases where groundwater contamination from ex-industrial development sites extends onto neighbouring development sites. Bearing this in mind may we recommend adding a comment under Section 3.9 along the following lines: <i>In situations where contamination of soils or controlled waters extends off-site, or originates off-site but affects the development site itself there may be a need for a Section 106 agreement to secure the necessary remediation and/or monitoring, particularly when works are required to be implemented off-site or for the longer term. Under such circumstances relevant parties should agree with the London Borough of Lewisham (in consultation with the</i></p>	<p>Agreed. Currently the SPD contains no reference to groundwater protection or contaminated land. This could be added to section 9 Environmental Protection, with the wording amended to reflect this.</p>	<p>Section 9 of SPD to be amended to include text dealing with soil remediation and groundwater protection, including text along the lines suggested by the Environment Agency.</p>

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<i>Environment Agency as necessary) at the preplanning application stage to enter into a Section 106 agreement.</i>		
2.3 Under the topic, Environmental Protection, in the Appendix – Policy Pointers section, you may wish to additionally refer to Lewisham’s Development Management Policy 28 and NPPF paragraph 109 to support this.	These documents and sections are already included in Appendix 1	No action required.
2.4 Would like to suggest minor changes to strengthen the guidance with respect to <b>biodiversity</b> : May wish to consider using biodiversity policies, including Lewisham’s Core Strategy Policy 11 and referring to the Ravensbourne River Corridor Improvement Plan, in addition to flood risk policies to further justify financial contributions from development of sites next to the river.	Core strategy policies should only be referred to, not repeated, in Council policy documents.	At Biodiversity row of Appendix 9 – Policy Pointers, add Core Strategy Policy 11 (River and Waterways Network) to column 2 and Ravensbourne River Corridor Improvement Plan to column 6 of the table.
<b>3. Network Rail</b>		
3.1 Enquiry (ie invitation to comment) passed to local Community Relations team who are investigating the issue as quickly as possible.	No indication that there may be issues to be addressed – taken as having no comment to make.	No action required
<b>4. Department of Health</b>		
4.1 Copies of letter passed to NHS Lewisham Clinical Commissioning Group (CCG) and NHS England’s London Area Team as they are best placed to respond.	No indication that there may be issues to be addressed – taken as having no comment to make	No action required
<b>5. Natural England</b>		
5.1 Pleased to see reference to biodiversity referenced under Section 3.11, and broadly support paragraphs 3.11.1 to 3.11.11. The reference to and inclusion of green infrastructure and biodiversity is	Support noted.	No action required

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to be welcomed and encouraged.		
5.2 Reference to the London Plan is welcomed and to be encouraged also, the Council are advised to ensure that the latest iteration of the Plan is referenced (Further Alterations to the London Plan – which is currently under review), to ensure that Lewisham have the most relevant and up to date policies.	Support for reference to the London Plan noted. Acknowledged the need to ensure that the SPD remains abreast of alterations to the London Plan.	Ensure that content of the SPD remains consistent with the Further Alterations to the London Plan until adoption of the SPD.
5.3 Subject to the above Natural England does not wish to offer any substantive comments on the document as submitted.	Noted.	No action required
<b>6. Renewal Group</b> ( <i>developers of Surrey Canal Triangle strategic site, through Signet Planning</i> )		
6.1 <u>Acknowledging Previous S.106 Contributions</u> Infrastructure currently paid for under S.106, but if the development were to alter under future planning applications, it is not clear whether the Surrey Canal development would become liable for CIL and therefore how infrastructure such as the station would be funded by the Surrey Canal development.	If a replacement permission is granted after CIL is introduced, it will be liable for CIL, regardless of the amount of S.106 obligations paid. Any S.106 contributions already paid pursuant to a previous permission would be taken into account in calculating new S.106 charges, but will not affect CIL – this will be payable regardless and calculated in line with the CIL Regulations.	Section titled 'Consideration of Previous Contributions' added to the SPD stating that previous contributions will be taken into account.
6.2 <u>Development Standards</u> The SPD includes detail on the requirements for dwelling size and mix, tenure mix and wheelchair housing, all of which could be secured on a site by site basis via the use of appropriate planning conditions. In most cases dwelling sizes, tenure mix and wheelchair housing will form an integral part of a scheme and the detail would be self-evident within any consented planning drawings. It is not therefore clear why such detail needs to be reiterated within the SPD as the requirements are already set out in adopted planning policy, such as the London Plan and Core Strategy documents. In addition, Paragraph 1.7 of the SPD acknowledges that “they	The requirements regarding bedroom numbers, dwelling mix, tenure mix and wheelchair accessibility requirements all relate to affordable housing obligation calculations as the costs of meeting these requirements can be quantified. For this reason, it is appropriate that they be in the same document as the affordable housing obligations. As they underlie the obligations imposed and secured by way of signed S.106 agreements, it is appropriate that they be contained in the agreement, rather than the planning conditions.	No action required.

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<p>[Planning obligations] are used when there is a requirement to address the impact of a development and the impact itself cannot be dealt with through a planning condition on the permission". Furthermore, paragraph 4.9 states that "where there is a choice between imposing conditions and entering into a planning obligation, the imposition of a condition is preferable".</p> <p>It is therefore considered that such matters do not need to be addressed in the SPD.</p>		
<p><b>6.3 Wheelchair Housing</b></p> <p>Paragraph 3.2.4 of the SPD states that "The Council will secure the timely provision, and retention in perpetuity, of wheelchair units (both affordable and private) provided as part of a development through a planning obligation (or condition where appropriate). This will include fit out requirements for affordable units and details of the developer's marketing responsibilities for both affordable and private units. Where wheelchair units are not provided (or cannot be provided to the required standard) the Council will seek a financial contribution towards provision of wheelchair housing elsewhere in the borough".</p> <p>It is not clear how such a requirement is compliant with planning policy. London Plan Policy 3.8 states that "ten per cent of new housing is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users".</p> <p>Planning policy does not, therefore, require 10% of all units to be fitted out as wheelchair units, or that either the affordable or private tenure dwellings need to remain as such in perpetuity. It is not therefore clear how this position meets the tests of Regulation 122 which require a planning obligation to be "(a) necessary to make the development acceptable in planning terms".</p> <p>Again, it is not clear why the marketing details for both private and affordable wheelchair units cannot be provided by way of a suitably</p>	<p>The London Plan sets a minimum development standard, but the SPD sets out the mechanism by which developments will achieve this standard.</p> <p>The wording of the SPD requires at paragraph 3.2.7 that a minimum of 10% of all housing is to be adapted, OR EASILY ADAPTABLE to meet the . . . Design Guidelines. It therefore does not require 10% of dwellings to be fitted out so as to be able to be occupied by people in wheelchairs.</p> <p>The 10% requirement refers to dwellings being located and laid out so as to be capable of wheelchair access (ie level ground floor access or served by lift, and designed in a way so that wheelchairs can be manoeuvred to all parts of the dwelling, and so that it is able to be fitted out for wheelchair users if necessary.</p> <p>Whilst assessment of the design will ensure that the London Plan minimum of 10% of dwellings are either fitted out or able to be fitted out for wheelchair use, it is necessary that these requirements are included in the S.106 document, as this is a legally-binding agreement, to ensure that this requirement can be</p>	<p>No action required.</p>

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worded planning condition.	enforced in perpetuity.	
<p><b>6.4 Pooling Planning Obligations</b></p> <p>The CIL will largely replace planning obligations as the way in which developments contribute towards funding new infrastructure necessary to support new development. Once a local CIL has been adopted or by April 2015 (whichever is the sooner) the Council will not be able to pool planning obligations from more than five developments to pay for any one item of infrastructure.</p> <p>However, we note that there are several categories within the draft SPD that could result in the “pooling” of contributions from five or more developments. These include payments towards:</p> <ul style="list-style-type: none"> <li>– Training, support and recruitment of local people;</li> <li>– Mitigation in relation to loss of commercial floorspace and/ or contribution in lieu of on-site new employment floorspace;</li> <li>– Public realm improvements &amp; public art;</li> <li>– Children’s playspace;</li> <li>– Carbon offsetting; and</li> <li>– Environmental protection.</li> </ul>	<p>CIL will only replace S.106 as an infrastructure funding mechanism for strategic infrastructure – this is the infrastructure that is required regardless of the development of any particular site.</p> <p>Infrastructure required under S.106 will be scheme-specific only (ie the need for it will be generated by the development), and so in most cases will be provided within or ancillary to the development funding it.</p> <p>The Council is aware of the restriction on pooling the contributions under S.106 from more than five developments. By definition, if contributions are made through CIL, the pooling limit does not apply.</p> <p>It should also be noted in any event that training and recruitment, mitigation of loss of commercial floorspace, carbon offsetting and environmental protection are not infrastructure and thus the pooling limit does not in any event apply to them.</p>	No action required.
<p><b>6.5 Transparency:</b></p> <p>Council will need to ensure transparency when contributions are secured as to how contributions are spent to avoid pooling money under the generic headings set out above.</p>	Noted. The Council is improving its CIL and S.106 monitoring systems to continue to ensure that contributions and expenditure are both recorded and monitored in a transparent way.	No action required.
<p><b>6.6 Flood Management &amp; Biodiversity:</b></p> <p>Paragraphs 3.10.11 &amp; 3.11.11: “Where direct provision by the developer is not achievable a financial contribution may be necessary. This should be based on the cost to the Council of undertaking the necessary works or of engaging a third party to undertake the works. The level of cost should be evidenced by the</p>	<p>Agreed: the SPD should state that where the Council or a third party undertakes works required under S.106, these works will be done within a reasonable period.</p> <p>It is noted that biodiversity and strategic flood management infrastructure are both contained in the</p>	Add text to SPD stating that where the Council or a third party undertakes works required under S.106, these works will be done within a reasonable period.

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<p>developer and then submitted for agreement with the Council in advance”.</p> <p>Notwithstanding that the Council’s draft CIL Regulation 123 list includes biodiversity as a CIL item, a commitment in the SPD should be made to confirm that should these planning obligations be applicable the S106 Agreement will also define that the Council, or third party, will undertake the specific works within a satisfactory timeline.</p>	<p>Regulation 123 list. The distinction between these items appearing in the Regulation 123 list and in the S.106 SPD is that CIL contributions will be used for strategic, pro-active flood mitigation and protection regardless of any particular development occurring, and the SPD is the means to address scheme-specific requirements (ie a need generated by the development of itself),</p>	
<p><u>6.7 New Planning Applications</u></p> <p>Concern at how matters to be managed in the following circumstances:</p> <p>1. Where fresh applications for revised schemes (in part) or ‘drop in’ applications trigger CIL contributions, as these could result in ‘double counting’ payments where an existing S.106 agreement has already secured relevant strategic infrastructure, or could result in combined obligations which render a scheme unviable; and</p> <p>2. Where new applications for major schemes can provide Strategic Infrastructure on site (which serves wider needs than the requirements in Regulation 122 to mitigate the impacts of the development) but where the level of requirements anticipated in the Council’s draft revised SPD on planning obligations, including transport &amp; affordable housing, would render a development unviable.</p>	<p>Proposals will be assessed for CIL contributions and S.106 obligations as per the policy in place at the time of fresh or ‘drop in’ applications being lodged. The need for additional S.106 obligations and/or CIL contributions will be based on the totality of the revised application and calculated in accordance with the policy in place at the time of the new application and the CIL Regulations 2010 (as amended), and credit will be given for any CIL already paid or S.106 obligations met.</p> <p>Regardless of any CIL obligations, S.106 obligations may still need to be imposed in order to address any otherwise adverse impacts of development proposals. Their combined impact will be taken into account in assessing applications. This will still be the case if CIL-funded infrastructure is provided on site.</p>	<p><i>See action arising from point 6.1 above.</i></p> <p>Text added to paragraph 1.24 to help clarify the difference between CIL-funded strategic infrastructure and scheme-required infrastructure, which will be funded through section 106, and include explanation that infrastructure required to mitigate the impact of a specific</p>

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<p>3. Where new applications within existing outline permissions do not propose alternative land use, types or amounts than previously permitted in outline for which S106 contributions have been secured, the existing S106 agreements should be reviewed to ensure that the obligations within the S106 are appropriate.</p>	<p>Agreed. If a subsequent application is for a proposal or change to a proposal which changes the sum total of S.106 obligations, it will be appropriate to revisit any S.106 obligations to ensure that they are still relevant.</p>	<p>scheme or to make it viable or acceptable may in some cases have a strategic function as well.</p>
<p>6.8 <u>Cumulative Impact of Obligations</u>  In the case of new applications, LBL should work with applicants to consider how both the mitigation requirements of the development, and, where appropriate, the delivery of Strategic Infrastructure on-site can be achieved. In these circumstances LBL should consider the combined impacts of any on-site provision of Strategic Infrastructure, including affordable housing and transport infrastructure. This would potentially include determining eligibility for exemption from CIL.</p>	<p>The Council fully recognises the need to be aware of the cumulative impact of different S.106 obligations, and of the combined impact of S.106 obligations and CIL . S.106 obligations were considered in the production of the CIL charging schedule. It is keen for new development proceed when it meets the objectives of its core strategy. However it is also aware of the pressing need for additional and upgraded social and physical infrastructure in the borough.</p> <p>The Council's proposed policy on CIL relief is that there will be no CIL exemptions considered in any case.</p>	<p>No action required.</p>
<p>6.9 <u>Delivery of CIL- and S.106-Funded Works</u>  It is likely that following the introduction of CIL, legal agreements will be required between applicants and LBL setting out how infrastructure will be delivered, including that funded through CIL. LBL should use best endeavours to ensure delivery of infrastructure in line with such agreements, which will be determined as part of the development management process.</p>	<p>Agreements will still be required in respect of S.106 obligations. There will be no S.106 financial contributions except in cases where the Council agrees to accept the cash equivalent of the value of works or off off-site affordable housing that are covered by S.106.</p> <p>CIL obligations will be administered by means of issuing of liability notices for CIL to be paid before development commences, with a legal power to issue</p>	<p>No action required.</p>



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	<p>stop-work orders where payments is not paid when due.</p> <p>Where a S.106 agreement requires the Council to undertake works at the developer's expense rather than the developer themselves doing or paying a third party to do these works, the S.106 agreement will contain provisions to ensure that such works are undertaken at the time necessitated by the development (unless there are extenuating circumstances for it to be deferred). .</p> <p>In respect of CIL contributions, works funded by CIL will be undertaken as and where dictated by wider infrastructure priorities. CIL payments will be pooled, and CIL-funded works are not required to be timed or located to coincide with the development/s helping fund them.</p> <p>The only time that CIL infrastructure would be subject to an agreement would be where it is being provided in kind and/or on-site by the developer, but such a policy is not being considered for adoption at this time.</p>	
<p>6.10 <u>Discretionary Relief</u></p> <p>The CIL regulations allow for local authorities to provide discretionary relief from CIL where a specific scheme is not viable if it pays the full Community Infrastructure Levy charge, and where a signed Section 106 is in excess of the CIL levy.</p> <p>We note paragraph 1.26 of the draft SPD which specifically states that "the Council has decided not to introduce a CIL Exceptional Relief Policy at the current time, but the impact of the introduction of the CIL and the potential benefits of introducing such a policy will be kept under review".</p> <p>It is disappointing and of concern that no reassurance is provided for</p>	<p>The Council has decided not to allow discretionary relief. It is of the view that, as the CIL rates have been found to be at a level which will not prevent development from being viable, there is no justification for offering CIL relief. As is the case in the current absence of CIL, the onus is on developers to ensure that the amount they pay for land reflects all development costs, therefore ensuring that development is viable.</p>	<p>No action required.</p>

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<p>developers of the Strategic Sites that may be required to make substantial in kind or additional contributions through Section 106.</p> <p>For a local authority to introduce an Exception Relief Policy, it must publish a statement setting out its intention to do so. Although we acknowledge that this is not required as part of the process of developing a CIL charging schedule, the Council could provide clarity on this point, and re-assurance for developers of the Strategic Sites Where they may be required to make substantial in kind or additional contributions through Section 106.</p>		
<p><b>7. Theatres Trust</b></p>		
<p>7.1 We are concerned that the document does not include community and cultural facilities that may be provided through Section 106 planning agreements.</p> <p>Many important community facilities, such as new theatres, are delivered via s.106 planning agreements that would not otherwise be funded by Council's Community Infrastructure Levy, given they are not owned or provided by the local authority. There are a number of examples where a developer has redevelopment a theatre site and relied on s.106 agreements to ensure a new and adequately fitted out theatre space is provided as part of the larger, usually mixed use development. These include Riverside Studios, Hammersmith; Collins's Theatre, Islington; Theatre Peckham, Southwark; and St James Theatre, Westminster; and of course there are a range of other community and cultural facilities that can be replaced in a similar manner. This better reflects advice in Para 70 of the National Planning Policy Framework that states local authorities should plan for and guard against the loss of cultural facilities and services.</p> <p>We therefore suggest that the draft SPD be amended to allow and encourage planning obligations to deliver important community and cultural infrastructure in the Borough.</p>	<p>The S.106 SPD sets out obligations in respect of what may be expected from the majority of developments, but it is not a definitive list, and under the Council's general powers to secure acceptable development through its power to impose conditions on a permission, matters not addressed in the SPD can still be addressed in determining whether schemes will be given planning permission.</p> <p>There will be very few cases where theatre provision, or contributions to theatre provision, will arise. This can be addressed in individual cases.</p> <p>The Regulation 123 list, which sets out the types of infrastructure which CIL will help fund, includes local community facilities (including but not limited to community centres and halls and libraries).</p> <p>This gives the Council the ability to secure funding for theatres either as standalone developments or as part of multi-use development schemes.</p>	<p>No action required.</p>

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<b>8. Mr Andrew Wood</b>		
<p>8.1 <u>Section 3.11 Biodiversity:</u> As a whole the section is vague and weak and its drafting suggests or a lack of commitment to the underlying issue.</p>	Comment noted	No action required.
<p>8.2 <u>Private Gardens (section 3.1.11)</u> Section 3.11.1 does not make it clear that one of the most significant repositories of biodiversity within the Borough are its private gardens and that these gardens are under increasing threat from garden grabbing. When it comes to protecting biodiversity across the whole of the Borough it is not a sustainable policy to give massive protection to sites of importance for nature conservation and very little protection to garden land. There is only one reference to gardens in the whole document and this is not in the context of biodiversity. It is difficult to reconcile the need for providing extra housing and at the same time protecting garden land but to pretend the issue does not exist is not constructive.</p>	The Government adopted a policy in 2009 to prevent use of 'backlands' (back gardens) as development sites. This is binding on the Council and therefore does not need to be included in a development contributions policy. It needs to be noted that beyond its power to control (and thus prevent) development, and to protect trees from damage or removal, there is little that councils have power to regulate in back gardens.	No action required.
<p>8.3 <u>Background and Justification (section 3.11.2)</u> I agree with the need to minimise and eliminate the impacts of development on biodiversity. I am wary of the Council's reference to mitigation. Biodiversity is usually found in areas that suit and support it. All too often mitigation is a phrase used to describe the process where one environment is destroyed and a different, less biodiverse environment is supplied as an alternative. Too often mitigation has become the tick box approach of choice for the Planning Department.  The phrase "right tree, right place" is trite and unhelpful. For example, often the right tree is a dead or dying tree which the</p>	Dead or dying trees are not regarded as the 'right tree', and, subject to personal and property safety as trees grow, the species required as part of new development will in most cases be those encouraging increased biodiversity and healthy, sustainable animal and plant populations.	No action required.

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<p>Council cuts down for health and safety reasons. Mature trees are increasingly felled to reduce the risk of subsidence claims.</p> <p>Too much emphasis is placed on living roofs and living walls. The former provide a habitat for a very limited number of species. The latter are high maintenance and invariably created with non-native plants.</p> <p><u>Further submission on biodiversity:</u></p> <p>When I read the words “right tree, right place” I began to wonder if the person who had drafted this section actually understands the meaning of biodiversity. What a ridiculous phrase. It has no meaning in relation to biodiversity. Fine for setting out the planting layout of a new development but little else. It is the essence of biodiversity that the flora and fauna we want to preserve is found in the place where it occurs naturally and to protect that biodiversity you need to safeguard the environment in which it occurs.</p> <p>The reference to living walls also suggest that the draftsman has a fundamental lack of understanding in relation to biodiversity. I would challenge you to go out at lunchtime today, find a living wall and assess the biodiversity it brings. You could ask Nick Pond to come along to help you. Green walls are little more than a building design fad which will be out of favour within 10 years. If Lewisham’s planners think that biodiversity is going to be preserved by a few living walls then we might as well give up now and cover the whole borough in concrete.</p> <p>I would like to think that the section on biodiversity will be improved before it is finalised but sadly, in my experience of Lewisham “consultations”, I am sure my comments will be completely ignored. I am not quite sure why the Planning Department is so defensive about the quality of its policy documents but it is a disservice to local residents to hold consultations and then totally ignore the responses.</p>		

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<p>8.4 <u>Appropriate biodiversity infrastructure (section 3.11.3)</u> This text is so vague as to be almost meaningless.</p>	<p>Agreed, and this will be reworded to clarify its intention.</p>	<p>Reword paragraph 3.11.3 as follows: Development having an impact on the biodiversity of the site will be required to incorporate features to minimise the loss of, and where possible, improve, the biodiversity of the site.</p>
<p>8.5 <u>Funding biodiversity works (section 3.11.4)</u> What funds will be made available? What has been budgeted for 2015?</p>	<p>CIL will be implemented in April 2015 subject to full Council approval. There is likely to be a time lag between the implementation of CIL and receipt of funding as it is not payable unless a permission is implemented and the payment date is within a minimum of 60 days of commencement. There will be no CIL funds in April 2015. ....[use text from Brian CIL report on governance arrangements then...] biodiversity funding must be balanced against CIL infrastructure needs.</p>	<p>No action required</p>
<p>8.6 <u>Planning obligations to secure biodiversity measures (section 3.11.5)</u> Weak words which will give Planning Officers too much discretion to rubber stamp token mitigation.</p>	<p>This wording means that in some cases the necessary obligations will be secured through conditions of consent, and in other cases by a S.106 agreements. Both are legally enforceable.</p>	<p>No action required.</p>
<p>8.7 <u>Details of intended planning obligations covering biodiversity protection (section 3.11.10:)</u> It is surprising that the Council is willing to provide such specific guidance in relation to a matter such as social housing but absolutely no guidance in relation to biodiversity. It suggests that the Council does not take the issue of biodiversity seriously. The wording of this section is pitiful.</p>	<p>Housing need is not site-specific, and is well documented and it is therefore possible to be precise in setting out developer requirements to help meet this need. Biodiversity protection and enhancement on the other hand needs to be considered on a site-by-site basis, and is largely dependent on the scale and nature of the site and of the proposed development.</p>	<p>No action required.</p>
<p>8.8 <u>Capacity to ensure developers fully meet obligations regarding</u></p>	<p>This blanket assertion is not accepted. However,</p>	<p>Replace the word 'should' with</p>

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<p><u>biodiversity (section 3.11.11)</u></p> <p>It is a fact of life that developers will do the bare minimum to obtain planning permission. The wording of this section does nothing to dissuade them from taking such an approach in relation to biodiversity.</p>	<p>policies need to be written to ensure compliance with requirements by all developers.</p>	<p>'is to' or 'are to' as necessary in paragraph 3.11.11.</p>