

Sustainable Development Select Committee Agenda

Thursday, 17 July 2014
7.00 pm, Committee Room 4
Civic Suite
Lewisham Town Hall
London SE6 4RU

For more information contact: Andrew Hagger (Tel: 0208 31 49446)

Part 1

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Sustainable Development Select Committee Members

Members of the committee, listed below, are summoned to attend the meeting to be held on Thursday, 17 July 2014.

Barry Quirk, Chief Executive
Tuesday, 8 July 2014

Councillor Liam Curran (Chair)	
Councillor James-J Walsh (Vice-Chair)	
Councillor Obajimi Adefiranye	
Councillor Bill Brown	
Councillor Suzannah Clarke	
Councillor Amanda De Ryk	
Councillor Mark Ingleby	
Councillor Stella Jeffrey	
Councillor Helen Klier	
Councillor Paul Upex	

Agenda Item 1

Committee	Sustainable Development Select Committee	Item No.	1
Report Title	Confirmation of Chair & Vice Chair of the Sustainable Development Select Committee		
Ward			
Contributors	Chief Executive (Head of Business & Committee)		
Class	Part 1	Date:	17 July 2014

1. Summary

Further to the Annual General Meeting of Council on 11 June 2014, this report informs the Select Committee of the appointment of a Chair and Vice Chair of the Sustainable Development Select Committee.

2. Purpose of the Report

To issue directions to the Select Committee regarding the election of their Chair and Vice Chair.

3. Recommendations

The Select Committee is recommended to:

- (i) Confirm the election of Councillor Liam Curran as Chair of the Sustainable Development Select Committee
- (ii) Confirm the election of Councillor James-J Walsh as Vice Chair of the Sustainable Development Select Committee

4. Background

4.1 On 11 June 2014, the Annual General Meeting of the Council considered a report setting out an allocation of seats on committees to political groups on the Council in compliance with the requirements of the Local Government and Housing Act 1989.

4.2 The constitutional allocation for both chairs and vice chairs of select committees is:

Labour: 6

5. Financial Implications

There are no financial implications arising from this report.

6. Legal Implications

Select Committees are obliged to act in accordance with the Council's Constitution.

BACKGROUND PAPERS

Council AGM Agenda papers 11 June 2014 – available on the Council website <http://www.lewisham.gov.uk/> or on request from Kevin Flaherty, Business and Committee manager (0208 3147369)

If you have any queries on this report, please contact Salena Mulhere, Overview and Scrutiny Manager (020 8314 3380)

MINUTES OF THE SUSTAINABLE DEVELOPMENT SELECT COMMITTEE

Wednesday, 12 March 2014 at 7.00 pm

PRESENT: Councillors Liam Curran (Chair), Suzannah Clarke (Vice-Chair), Obajimi Adefiranye, Julia Fletcher, Mark Ingleby and Marion Nisbet

APOLOGIES: Councillors John Bowen and Eva Stamirowski

ALSO PRESENT: Councillor Carl Handley (Chair Housing Select Committee), Timothy Andrew (Scrutiny Manager), Lesley Brooks (Service Group Manager, Parking), Trish Costello, John Miller (Head of Planning), Martin O'Brien (Sustainable Resources Group Manager) and Ian Ransom (Transport Service Group Manager)

1. Minutes of the meeting held on 4 February 2014

Resolved: to agree the minutes of the meeting held on 4 February as an accurate record.

2. Minutes of the joint meeting of SDSC and HSC held on 2 December 2013

Resolved: to amend the minutes of the meeting held on 2 December to include the Committees' comments on the unsuitability of the 'three dragon's tool kit' and to include the chart provided to Members at the meeting as an appendix.

3. Declarations of interests

There were none

4. Response from Mayor and Cabinet on the joint referral from SDSC and HSC on housing and regeneration in New Cross and Deptford

John Miller (Head of Planning) introduced the response from Mayor and Cabinet; the following key points were noted:

- The Committee's views had been incorporated into the Council's representation to the Mayor of London about Convoys Wharf.
- The representation had highlighted the contrast between the sales values being achieved by developments at Deptford/Greenwich Thameside and the projected sales values being used by Hutchison Whampoa in their viability assessments.
- The Greater London Authority (GLA) had set a date for the Convoys Wharf hearing (31 March 2014).
- A meeting of the Council's Strategic Planning Committee had been called for 26 March to consider the GLA's report on Convoys Wharf and prepare the Council's response. There would be a small amount of time between the publication of the GLA report and the hearing, which meant the Council would have to consider its response quickly.
- The Mayor of London had visited the Convoys Wharf site and officers had been able to point out the key historic locations.

- It seemed that the GLA would recommend some changes to the scheme, but it was not likely that these would be to the extent the Council believed to be necessary.
- It was not clear as of yet what the Council's on-going involvement in the scheme would be. If the discharge of planning conditions fell to the Council, there would be very limited scope for the Council to change matters that had already been agreed by the Mayor of London.

Resolved: to note the response.

5. Sustainable Resources

Martin O'Brien (Sustainable Resources Group Manager) introduced the report; the following key points were noted:

- There was no government funding for domestic energy efficiency measures.
- The two main mechanisms for funding domestic energy efficiency improvements were the Green Deal and the Energy Company Obligation (ECO).
- The Green Deal provided upfront loans for householders to pay for efficiency measures, which would be paid back through savings generated on energy bills.
- The Energy Company Obligation was designed to ensure that, in properties that were difficult to improve, energy efficiency measures would be funded by the six largest energy companies.

Green Deal

- There had been a low take up of the Green Deal; this might be because of the upfront assessment costs.
- In theory, the Green Deal should be attractive to landlords in the private rented sector. This was because they could receive improvements to their property that would be paid for through their tenant's energy bills.
- From 2018 – new rules would come into force which would prohibit homes with low energy performance certificates from being rented, which provided an additional incentive for landlords to improve the energy efficiency of their properties.

The Energy Company Obligation

- Since its launch, ECO had been subject to revisions and changes.
- The consultation into changes to the scheme was on-going; it was anticipated that the rules would change in June. The possible implications of these changes were unknown.
- Despite the announced changes to ECO, and the subsequent scaling back of the programme by some providers, Lewisham had been able to retain its existing ECO funded projects.
- The Council had appointed a contractor to provide access to ECO funding and deliver energy efficiency works

- Work had started to insulate 1000 homes across 60 Lewisham Homes' blocks to improve their energy efficiency (N.B the number of homes being insulated has subsequently been revised to 750).
- The Council would seek to extend this work more widely in the borough for properties of all tenures. This was expected to be rolled out from June 2014 onwards.

In response to questions from the Committee, the following points were noted:

- Householders might find it difficult to appreciate the immediate benefit of the Green Deal, relative to the upfront costs and potential disruption involved.
- The Green Deal also had a potential impact on how attractive a home was to buyers.
- There was published national data for the uptake of the Green Deal. Officers would investigate whether it was possible to find local data.
- Any work being done to support the uptake of the Green Deal would require external funding; the Council's focus was the delivery of ECO.
- It was unclear at present how the new energy performance regulations for landlords would be enforced. The rules would come into place in 2018 but there had not yet been any resources allocated for enforcement.
- The requirement for apprenticeships and use of local businesses was built into the ECO framework agreement. However, because of the speed of delivery required to secure the delivery of the first round of ECO funding there hadn't been any engagement with local businesses or uptake of apprenticeships for the current programme of work.

Resolved: to note the response; and to recommend that further information about the delivery of the Energy Company Obligation be provided at the meeting of the Committee.

6. Parking policy monitoring and update

Lesley Brooks (Service Group Manager, Parking) introduced the report; the following key points were noted:

- Officers had been making progress on the parking policy review programme. A number of the recommendations adopted by the Council had been completed and outstanding actions were in the process of being delivered.
- The Controlled Parking Zone (CPZ) review programme had started; consultations were planned for the autumn- to avoid the summer holiday period.
- Officers were working to analyse parking data in order to inform the work required for the first of the CPZs being reviewed.
- The review of disabled parking bays was reliant on a review of the policy for disabled parking provision, which was currently in progress.

Health and Carer permits

- The Council was revising its approach to health and carer permits in response to the welfare reform agenda.

- Different people with long term illnesses had varied needs, as did their carers.
- Current parking policy was restrictive, and only allowed residents to apply for a carer permit if there was no other permit held in the home.
- The proposal was to change this rule, allowing residents to apply for permits based on their needs, and those of their carers.
- The policy for allocating health permits, for people receiving care visits was also restrictive.
- It was proposed to change the policy to enable people in receipt of direct payments for their care to be allocated a health permit for their address.

In response to questions from the Committee, the following key points were noted:

- CPZs had to be self-financing. Charges for implementing and running a CPZ could not be less than it cost to set up and run the zone.
- Work was currently under way to ensure that the information held by the Council about parking measures correlated with the situation on the street.
- A three year programme had been agreed for the parking policy review – however information from residents and businesses would be collated and reviewed annually.
- There was a ‘grace period’ (five minutes) in which people were able to park in some areas. There was no extended ‘grace period’ for trade people to park.
- People could park for free outside of controlled hours. Any proposal for changing the ‘grace period’ would not be revisited until the next parking policy review (2016).
- The use of peak hours enforcement for controlled parking might help to manage demand in some areas, but this was dependent on the factors that made people want to park in those areas.
- Variable enforcement hours would work to deter commuters from parking in some areas but in areas of constant demand – such as the streets in the vicinity of the hospital – it was likely that peak hours enforcement would have little effect.
- The option to vary hours of controlled parking would be consulted on through the CPZ review programme.
- There were no special parking provisions in place for Lewisham staff with caring/visiting responsibilities. Permits for Lewisham workers were administered in the usual ways, through the services they worked for.

Resolved: to note the report.

7. Implementation of the regeneration strategy

John Miller (Head of Planning) introduced the report; the following key points were noted:

- The Regeneration Strategy (2008-2020) brought together monitoring and performance information from a range of sources.
- The strategy was reaching the half-way point and officers were reviewing the delivery of the plan.
- The approach to reporting on the strategy was being refreshed because the Council was in a period of development and change.

In response to questions from the Committee, the following key points were noted.

- Most of the actions in the strategy were measureable, and could be reported on in comparison with previous years.
- Some of the data was missing. Some services had reduced in scope – and the Council was continuing its programme of changing and repurposing services.

The Committee also discussed and made the following key points:

- That having a regeneration strategy was important and worthwhile.
- That some of the measures in the update appeared vague or incomplete.
- That the monitoring of measures to tackle domestic violence should be included in future updates on the strategy.

Resolved: to note the report.

8. Street lighting contract: update

Ian Ransom (Service Group Manager, Transport) introduced the report; the following key points were noted:

- In August 2011 the Council, together with LB Croydon, entered into a joint agreement with Skanska to replace and maintain the boroughs' street lighting.
- The programme in Lewisham had been due for completion within four years, however, as had previously been reported, the programme was behind schedule.
- Skanska had set out an action plan to help it make up lost time.
- Much of the delay in the programme was caused by difficulties connecting to the power network in Croydon, where the unique set up of the power system for the street lighting required the electricity to be switched off to homes in an area before the old street lights could be disconnected.
- There were many more columns to be replaced in LB Croydon than in Lewisham.
- Based on the recovery programme, it was estimated that the programme would be three months late in Lewisham and 17 months late in Croydon.
- In each year of the programme, the contractor was required to replace a number of columns in specified locations. The installation of the first year's planned allocation of lamps had not yet been achieved, but it was anticipated that it would soon be finished.
- The work planned for year two of the programme was also nearing completion.
- The Council had commissioned an independent heritage lighting report to determine where best to install replacement heritage columns. The decision about heritage lamps had been made when the contract was signed, and it would not be revisited.
- The contract with Skanska also involved a 25 year maintenance contract, following the initial 'core investment' period, when the lights were being installed.

- It was acknowledged that there had been problems with the call centre, but Skanska recognised that outsourcing this service had not been working as well as expected, and had implemented plans to bring the service back 'in-house'.

In response to questions from the Committee, the following key points were noted:

- Where problems had been identified, on the whole, these were being rectified.
- The lighting layout on every street was being redesigned to meet the Council's objectives for safety and security.
- The new lights were different from the old lights; there was a contrast between the colour and the locations of the old and new lights, as well as an increase in the lighting on footpaths, and in some cases, the proximity to people's homes.
- Skanska had been contracted to provide all parts of the street lighting service and in almost all cases they should be the first point of contact for reporting problems with street lighting.
- However, in instances where the Council had to make a decision outside of the bounds of the contract officers would be required to make a decision.
- Purchasing heritage lights for the whole of the borough would have been prohibitively expensive.
- All of the streetlights being removed belonged to Skanska and would be disposed of by the contractor. At one location where residents had requested its view, English Heritage had indicated it was not necessary to preserve the old lamps.
- It was the role of the joint client monitoring team (based in Croydon) to investigate substandard work.
- The Council's aim was to ensure that work was carried out properly from the outset to avoid having to rely on enforcement.
- Skanska were responsible for the delivery and installation of the new street lights. This included responsibility for any risks associated with installing the new lights.

The Committee also discussed and noted the following key points:

- The lack of consultation with Councillors over the decisions about heritage lighting.
- The perception, from casework, that Skanska were blaming the Council for delays – and the Council was blaming Skanska, which was unhelpful and frustrating for residents and Councillors.

Resolved: to note the report; and to circulate contact details for Skanska to Members.

9. Select Committee work programme

The Committee noted the report and put forward the following suggestions for consideration as part of the 2014//5 work programme:

- Enforcement for littering and fly-tipping offences
- Pubs and community asset transfers

- Neighbourhood forums and neighbourhood planning
- Enforcement of planning regulations
- Roads, pavements and highways maintenance
- Road safety (to include the proposals for 20mph speed limits)

The Chair thanked Members and officers for their work and wished the Committee well for the future.

Resolved: to note the report; and to put forward the Committee's suggestions for consideration as part of the work programme in 2014/15.

10. Items to be referred to Mayor and Cabinet

None

The meeting ended at 9.20 pm

Chair:

Date:

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Agenda Item 3

Sustainable Development Select Committee			
Title	Declaration of interests		
Contributor	Chief Executive	Item No.	3
Class	Part 1 (open)	Date	17 July 2014

Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

(1) Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct:-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

(2) Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member's knowledge has a place of business or land in the borough; and

- (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on members' participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the

interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

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Sustainable Development Select Committee		
Title	Select Committee work programme 2014/15	
Contributor	Scrutiny Manager	Item 4
Class	Part 1 (open)	17 July 2014

1. Purpose

To ask Members to agree an annual work programme for the Select Committee.

2. Summary

This report:

1. Informs Members of the meeting dates for this municipal year
2. Provides the context for setting the Committee's work programme.
3. Provides a provisional work programme for 2014/15 based on items that the Committee is required to consider by virtue of its terms of reference as well as: suggestions from the committee in the previous administration; the need to follow up previous recommendations and reviews; and suggestions from officers.
4. Invites Members to decide on a programme of work for the 2014-15 administration, based on discussion and suggestions put forward at the meeting.
5. Informs Members of the process for Business Panel approval of the annual work programme.
6. Outlines how the work programme will be monitored and developed.

3. Recommendations

The Select Committee is asked to:

- Note the meeting dates and terms of reference for the Sustainable Development Select Committee.
- Consider the items suggested for the work programme, as listed at appendix B.
- Consider adding additional items to the work programme, taking into consideration the criteria for selecting topics; the background; and suggestions already put forward.
- Note all forthcoming executive decisions, attached at appendix E, and consider any key decisions for further scrutiny.
- Agree a work programme for the municipal year 2014/15.
- Note how the work programme will be developed and monitored over the coming year.

4. Meeting dates

4.1 The following Committee meeting dates for the next municipal year were agreed at the Council AGM on 11 June 2014:

- 10 July 2014
- 9 September 2014
- 30 October 2014
- 9 December 2014
- 20 January 2015
- 3 March 2015

5. Context

5.1 The Committee's terms of reference are set out in appendix A. The Sustainable Development Select Committee's role is to examine issues relating to the protection of the environment including 'green' issues such as the conservation of natural resources, energy efficiency and conservation and/or the reduction of pollution.

5.2 The Committee has the responsibility for scrutinising sustainable development, economic development, business support, employment and training, highways, parking, traffic and transport, and urban regeneration. The Committee also looks at public health and the environment including waste disposal, environmental health, street and market trading, as well as public protection, refuse collection and disposal, street cleaning, consumer protection, cemeteries and crematoria.

5.3 The Committee also scrutinises the formulation of the Council's planning policies, (including the preparation of the Council's Local Development Framework and other local plans for the use and development of land). In addition the Committee scrutinises the work of flood risk management and coastal erosion risk management affecting the area.

5.2 To ensure the effective scrutiny of issues, the Committee can invite expert witnesses (such as those involved in the voluntary sector) to provide evidence to the Committee on specific topics. While many witnesses welcome the chance to speak to the Committee, they are not necessarily obliged to attend.

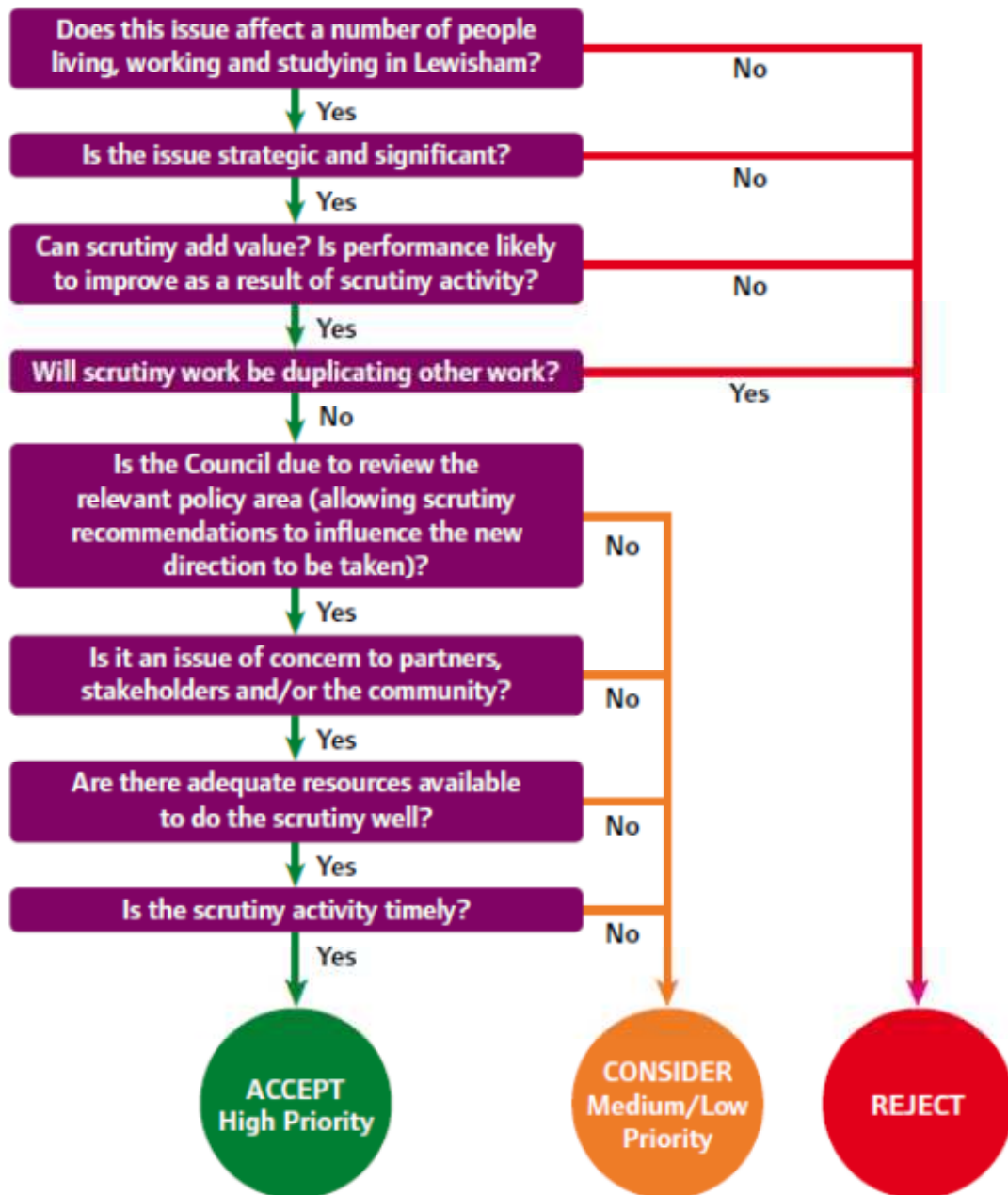
6. Deciding on items to add to the work programme

6.1 When deciding on items to include in the work programme, the Committee should have regard to:

- items the Committee is required to consider by virtue of its terms of reference;
- the criteria for selecting topics;
- the capacity for adding additional items;
- the context for setting the work programme - the key services, programmes and projects which fall within the committee's remit;
- suggestions already put forward.

6.2 The following flow chart, based on the Centre for Public Scrutiny (CfPS) advice for prioritising topics for scrutiny should help members decide which items should be added to the work programme:

Scrutiny work programme – prioritisation process



7. Different types of scrutiny

7.1 It is important to agree how each work programme item will be scrutinised. Some items may only require an information report to be presented to the committee and others will require performance monitoring data or analysis to be presented. Typically, the majority of items take the form of single meeting items, where members:

- (a) agree what information and analysis they wish to receive in order to achieve their desired outcomes;
- (b) receive a report presenting that information and analysis;
- (c) ask questions of the presenting officer or guest;
- (d) agree, following discussion of the report, whether the Committee will make recommendations or receive further information or analysis before summarising its views.

7.2 For each item the committee should consider what type of scrutiny is required and whether the item is high or medium/low priority (using the prioritisation process). Allocating priority to work programme items will enable the committee to decide which low and medium priority items it should remove from its work programme, when it decides to add high priority issues in the course of the year.

In-depth review

7.3 Some items might be suitable for an in-depth review, where the item is scrutinised over a series of meetings. Normally this takes five meetings to complete:

- Meeting 1: Scoping paper (planning the review)
- Meetings 2 & 3: Evidence sessions
- Meeting 4: Agreeing a draft report and recommendations
- Meeting 5: Signing off the final report.

7.4 If the committee would like to designate one of its work programme items as an in-depth review, this should be done at the first meeting of the municipal year to allow sufficient time to carry out the review. A scoping paper for the review will then be prepared for the next meeting.

Rapid review

7.5 A rapid review is similar to an in-depth review; however, the evidence gathering is carried out at just one meeting, with the majority, or potentially the whole, of the meeting dedicated to the review. This should allow for a quicker completion of the review. A rapid review might be useful in a number of situations:

- A committee wants to carry out more than one review as part of its work programme;
- There is limited space within the work programme for a full in-depth review;

- The topic is one that has emerged as important during the course of the year and requires more attention than a standard item would bring, but does not warrant a full in-depth review;
- There is a need for a quicker turnaround than an in-depth review would allow;
- There is a very narrow focus for the review.

7.6 A rapid review will normally be carried out over the course of a three meeting cycle:

- Meeting 1: Discussion of scoping paper during work programme discussion
- Meetings 2 Evidence session
- Meeting 3: Agreeing a draft report and recommendations

7.7 As with the in-depth review process, a scoping paper describing the review and its aims will be produced ahead of the meeting. Depending on the timing of committee meetings and the urgency of the review, the scoping paper should usually be considered by the committee during the work programme discussion. The committee might also ask the Chair to work with the scrutiny manager following the meeting in order to finalise requirements for the evidence session. The terms of reference in the scoping paper for a single meeting review will, by necessity, focus on a much narrower area than for an in-depth review.

7.8 Sources of evidence for a rapid review will include the same types as for an in-depth review. As with an in-depth review, a report will be produced for consideration at the next available committee meeting. Draft recommendations, based firmly on evidence gathered for the review, could then be discussed at the same meeting and the final report, with recommendations could be agreed by the committee. The Mayor would then be asked to respond, in the same way as for an in-depth review.

8. The Committee's areas of focus in the 2010-14 administration

8.1 The Sustainable Development Select Committee has had an important role to play in the oversight and development of a number of areas of strategic importance over the last 4 years. The Committee has carried out four in depth reviews and made a number of recommendations for improvement, via referrals to Mayor and Cabinet/Council or partner organisations. The work of the Committee, and the evidence-based recommendations it has made, have had a direct impact on the development of both policy and service delivery in a number of areas. Below are some examples of the Committee's work:

8.2 Financial inclusion

In the wake of the financial crisis and resulting recession, the Committee resolved to consider the impact of financial exclusion in Lewisham. Members sought to deepen understanding of the nature of financial exclusion in the borough and to put forward possible responses to the issues they encountered.

It was recognised that there was good work being carried out in the borough but the Committee found that the different responses to exclusion would benefit from an improved level of coordination.

The Committee lobbied for the creation of a multi-agency financial inclusion partnership, which it felt should be involved in outreach, campaigning, coordination and capacity building. As a result of the Committee's work, a multi-agency financial inclusion forum has been set up, which has a remit to explore issues of inclusion in the borough and develop coordinated responses to issues facing marginalised citizens.

8.3 Preserving local pubs

The Committee was deeply concerned about the noticeable decline in the number of local pubs. Building on detailed analysis of Lewisham's pub trade by the Council's planning service the Committee explored some of the issues facing pubs in Lewisham. The Committee found that as well as having the potential to be a popular local business, pubs might also provide community facilities and a meeting places for social groups; it was also evident that some local pubs occupied buildings of architectural interest or were of value to their communities as local landmarks.

The Committee heard that pubs were exposed to unsympathetic developments, from which they could only be partially protected by the planning system so it recommended that the Council create an exemplar development management policy for the protection of pubs. The result of this work was the implementation of a new planning policy, which provides detailed guidance on determining planning applications and establishes an enhanced requirement for pub viability assessments in order to preserve valued local pubs.

8.4 The Bakerloo line

The Committee commissioned a study of options for the extension of the Bakerloo line into the borough in order to support the continued development of Lewisham's transport network and respond to the identified need for improved transport connections. The study set out a range of opportunities and drawbacks for the extension of the line. This work, and the Committee's solid backing of the proposals, led to a full feasibility study being commissioned by Transport for London.

The Committee has actively influenced thinking in the borough about the future of transport infrastructure and potential options for the extension of the Bakerloo line. Moreover, the Committee has proposed that the work programme for 2014/15 includes additional scrutiny of the proposals for the Bakerloo Line – alongside further investigation in to plans for the DLR and London Overground.

8.5 Parking

The Committee has been heavily involved in Lewisham's parking policy review. Recognising that parking is an issue of importance for communities across the borough, the Committee invited community groups and stakeholders to help it influence the shape and direction of parking policy in Lewisham.

8.6 Economic Development

The Committee carried out a review of the role of Council services in facilitating the conditions for new businesses, helping small businesses grow and supporting established businesses to build on their successes.

The Committee's work influenced the development of the Council's Business Growth Strategy and brought about a review of Council communications with businesses in the borough. The Committee also identified the requirement for suitable spaces for businesses to grow in the borough – and for work to support the development of 'clusters' of new business. As a result, the Business Growth Strategy incorporates an objective in its action plan to work with partners in order to ensure the development of new clusters of activity in the borough.

8.7 Joint working with the Housing Select Committee

Four of the five strategic sites identified as central to the delivery of the Council's Core Strategy are located in the north of the borough. Given the importance of the delivery of these sites, the Housing and Sustainable Development Select Committees met jointly to assess whether the Council's strategic aims were being met in terms of housing and regeneration in this part of the borough. As a result of the meeting, a series of recommendations were made relating to the Council's submission to the GLA on the Convoys Wharf development; together with recommendations relating to the presentation of London wide affordable housing statistics; and funding models for developments on publically owned land.

9. **Provisional 2014/15 work programme**

9.1 The Scrutiny manager has drafted a provisional work programme for the Committee to consider, which is attached at appendix B. This includes:

- those items that the select committee is required to consider by virtue of its terms of reference
- monitoring of the recommendations of recent in-depth reviews
- items suggested by the Committee in the course of the previous year- and at the last meeting of the previous municipal year.
- items suggested by senior Council officers
- the Lewisham Future programme

Suggestions from the committee

9.2 At its last meeting of the 2013/14 municipal year, the committee put forward the following suggestions for scrutiny topics for this year:

- Enforcement services

There is an overarching review of enforcement services as part of the reshaping of the way that services are provided by Lewisham. This would encompass the enforcement of planning regulations, licensing regulations, fly tipping and littering.

- Pubs and community asset transfers

Following up on the 'Preserving Local Pubs' review, the item will focus on the progress that has been made in protecting local pubs and allowing them to be community asset transfers. There will a focus on the work around the Baring Hall Hotel in Grove Park.

- Progress of neighbourhood forums and neighbourhood planning

The item will provide a background and update on the work carried out in developing and supporting neighbourhood forums and neighbourhood planning. The item stems from previous discussions at Committee about Grove Park and a need to further support the development of neighbourhood forums.

- Modern roads

A potential in-depth or rapid review topic, which brings together three strands related to highways and roads that have either been suggested by the Committee or put forward by the Chair. The three related strands include introducing a 20 mph speed limit on roads in Lewisham, improving the borough for cyclists and improving air quality.

- Heritage and tourism

Following on from the recent scrutiny around Build the Lenox and Sayes Court Garden, this item could explore what marketing and developing is carried out in the borough to promote heritage and tourism. Although there may not be the potential for capacity to develop a Lewisham-wide tourism strategy, there is scope to find out what organisations in the voluntary and community sector are doing to promote heritage and tourism.

- Bakerloo line

A longstanding topic of interest to the Committee, this item could present an update on any developments that have taken place in relation to the potential for an extension to the Bakerloo line into Lewisham.

9.3 In addition, there were a number of suggestions from other sources

- The Lewisham Implementation Plan

Business Panel suggested on 24 September 2013 that this should be placed on the Committee's work programme early in the year to provide an overview of projects in the borough for new members.

- Complaints regarding planning matters

Business Panel recommended on 17 December 2013 that the Committee should look at complaints regarding matters.

- Catford Regeneration

Business Panel suggested on 18 February 2014 that an update on the plans for the regeneration of Catford, including the theatre, should come to the committee.

- Waste and Recycling Strategy

The Chair of Overview and Scrutiny has suggested that the Committee might want to scrutinise the Waste and Recycling Strategy in light of concerns raised about flytipping in the borough.

Suggestions from officers

9.3 A number of scrutiny topics have been suggested by officers in view of the activity that will be taking place in relevant service areas over the course of the next municipal year. A number of issues are considered to be of significant importance and these have already been provisionally added into the work programme attached at appendix B.

The following are additional suggestions from officers:

- The results of the consultation on the borough's flood risk management strategy
- Planning service annual monitoring report
- Waste and recycling monitoring
- Annual parking report
- Carbon reduction and fuel poverty

9.4 It is up to the Committee to agree this provisional work programme and decide which additional items should be added.

The Lewisham Future programme

9.5 Through the Lewisham Future Programme the Council must save a further £95m from its £285m budget in the four years from 2014-15 to 2017-18. In

order to achieve the savings, the Council has embarked on a series of thematic and cross-cutting reviews to fundamentally review the way it delivers services. This will mean that savings will be delivered over longer time periods and will need to be agreed and taken as and when they are identified. Officers have committed to regular interactions with Members in order to facilitate scrutiny of the specific savings proposals arising from the major change programmes. The Select Committee will need to retain capacity in its work programme to consider these as is necessary.

10. Approving and monitoring the work programme

- 10.1 In accordance with the Overview and Scrutiny Procedure rules outlined in the Council's constitution, each select committee is required to submit their annual work programme to the Overview and Scrutiny Business Panel. The Business Panel will meet on 29 July 2014 to consider provisional work programmes and agree a co-ordinated Overview and Scrutiny work programme, which avoids duplication of effort and which facilitates the effective conduct of business.
- 10.2 The work programme is a "living document" and as such will be reviewed at each meeting of the committee. This allows urgent items to be added and items which are no longer a priority to be removed. Each additional item added should first be considered against the criteria outlined above. If the committee agrees to add additional item(s) because they are high priority, it must then consider which medium/low priority item(s) should be removed in order to create sufficient capacity for the new item(s). The Committee has six scheduled meetings tis municipal year and its work programme needs to be achievable in terms of the amount of meeting time available.
- 10.3 At each meeting of the Committee there will be an item on the work programme presented by the scrutiny manager. When discussing this item, the committee will be asked to give particular consideration to the items programmed for the next meeting. Members will be asked to outline what information and analysis they would like in the report for each item, based on the outcomes they would like to achieve, so that officers are clear on what they need to provide.

11. Financial Implications

- 11.1 There may be financial implications arising from some of the items that will be included in the work programme (especially reviews) and these will need to be considered when preparing those items/scoping those reviews.

12. Legal Implications

- 12.1 In accordance with the Council's Constitution, all scrutiny select committees must devise and submit a work programme to the Business Panel at the start of each municipal year.

13. Equalities Implications

13.1 The Equality Act 2010 brought together all previous equality legislation in England, Scotland and Wales. The Act included a new public sector equality duty, replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

13.2 The Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

13.3 There may be equalities implications arising from items on the work programme and all activities undertaken by the Committee will need to give due consideration to this.

Background Documents

Lewisham Council's Constitution

CfPS: The Good Scrutiny Guide – a pocket guide for public scrutineers

Appendices

Appendix A – Committee's terms of reference

Appendix B – Provisional work programme

Appendix C – Areas of the Council significant to the select committee

Appendix D – CfPS criteria for selecting scrutiny topics

Appendix E – How to carry out reviews

Appendix F – Notice of forthcoming executive decisions

Appendix A

The following roles are common to all select committees:

(a) General functions

To review and scrutinise decisions made and actions taken in relation to executive and non-executive functions

To make reports and recommendations to the Council or the executive, arising out of such review and scrutiny in relation to any executive or non-executive function

To make reports or recommendations to the Council and/or Executive in relation to matters affecting the area or its residents

The right to require the attendance of members and officers to answer questions includes a right to require a member to attend to answer questions on up and coming decisions

(b) Policy development

To assist the executive in matters of policy development by in depth analysis of strategic policy issues facing the Council for report and/or recommendation to the Executive or Council or committee as appropriate

To conduct research, community and/or other consultation in the analysis of policy options available to the Council

To liaise with other public organisations operating in the borough – both national, regional and local, to ensure that the interests of local people are enhanced by collaborative working in policy development wherever possible

(c) Scrutiny

To scrutinise the decisions made by and the performance of the Executive and other committees and Council officers both in relation to individual decisions made and over time

To scrutinise previous performance of the Council in relation to its policy objectives/performance targets and/or particular service areas

To question members of the Executive or appropriate committees and executive directors personally about decisions

To question members of the Executive or appropriate committees and executive directors in relation to previous performance whether generally in comparison with service plans and targets over time or in relation to particular initiatives which have been implemented

To scrutinise the performance of other public bodies in the borough and to invite them to make reports to and/or address the select committee/Business Panel and local people about their activities and performance

To question and gather evidence from any person outside the Council (with their consent)

To make recommendations to the Executive or appropriate committee and/or Council arising from the outcome of the scrutiny process

(d) Community representation

To promote and put into effect closer links between overview and scrutiny members and the local community

To encourage and stimulate an enhanced community representative role for overview and scrutiny members including enhanced methods of consultation with local people

To liaise with the Council's ward assemblies so that the local community might participate in the democratic process and where it considers it appropriate to seek the views of the ward assemblies on matters that affect or are likely to affect the local areas, including accepting items for the agenda of the appropriate select committee from ward assemblies.

To keep the Council's local ward assemblies under review and to make recommendations to the Executive and/or Council as to how participation in the democratic process by local people can be enhanced

To receive petitions, deputations and representations from local people and other stakeholders about areas of concern within their overview and scrutiny remit, to refer them to the Executive, appropriate committee or officer for action, with a recommendation or report if the committee considers that necessary

To consider any referral within their remit referred to it by a member under the Councillor Call for Action, and if they consider it appropriate to scrutinise decisions and/or actions taken in relation to that matter, and/or make recommendations/report to the Executive (for executive matters) or the Council (non-executive matters)

(e) Finance

To exercise overall responsibility for finances made available to it for use in the performance of its overview and scrutiny function.

(f) Work programme

As far as possible to draw up a draft annual work programme in each municipal year for consideration by the overview and scrutiny Business Panel. Once approved by the Business Panel, the relevant select committee will implement the programme during that municipal year. Nothing in this arrangement inhibits the right of every

member of a select committee (or the Business Panel) to place an item on the agenda of that select committee (or Business Panel respectively) for discussion.

The Council and the Executive will also be able to request that the overview and scrutiny select committee research and/or report on matters of concern and the select committee will consider whether the work can be carried out as requested. If it can be accommodated, the select committee will perform it. If the committee has reservations about performing the requested work, it will refer the matter to the Business Panel for decision.

The Sustainable Development Select Committee has specific responsibilities for the following:

(a) To exercise all the functions and roles of the overview and scrutiny committee in relation to the following matters:

- to examine issues relating to the protection of the environment including 'green' issues such as the conservation of natural resources, energy efficiency and conservation and/or the reduction of all types of pollution and make recommendations to the Mayor and Cabinet as appropriate;
- to comment and consult on and make recommendations to the Mayor and Cabinet in relation to the following:
 - i. sustainable development, economic development, business support, employment and training;
 - ii. the formulation of the Council's planning policies, (including the preparation of the Council's Local Development Framework and other local plans for the use and development of land, but excluding planning control and building control functions;
 - iii. highways, parking, traffic and transport, urban regeneration and housing;
 - iv. public health and the environment including waste disposal, environmental health, street and market trading (but not the granting of licences and related matters);
 - v. public protection, refuse collection and disposal, street cleaning, consumer protection, cemeteries and crematoria;
 - vi generally to examine the performance of the Mayor and Cabinet in relation to these matters.

(b) to make proposals to the Executive to promote equality of opportunity within the borough, including issues of discrimination based on race, ethnic origin, gender, disability, sexuality, age and/or class;

(c) to recommend to the Executive, the Council or an appropriate committee proposals for policy development in relation to equalities issues;

(d) to analyse policy options as necessary to inform the proposals to be made to the Executive or other appropriate committee;

(e) to advise the Executive or other committee on all matters relating to equality of opportunity both in terms of policy, service provision, employment and/or access to public services;

(f) to enhance and develop existing and innovative consultative and/or advisory work for equality of opportunity and to consider issues of inequality and discrimination across the borough;

(g) to consider and recommend to the Executive, ways in which participation by disadvantaged and under-represented sections of the community might be more effectively involved in the democratic processes of local government;

(h) to pilot methods of consultation and involvement and to report back to the Executive or appropriate committee on their effectiveness with recommendation if appropriate;

(i) to establish links with and liaise with external organisations in the borough which are concerned with the promotion of equality of opportunity.

(j) the review and scrutiny of the exercise by risk management authorities of flood risk management and coastal erosion risk management affecting the area

Appendix B - Provisional Sustainable Development Select Committee Work Programme 2013-14

Work Item	Type of review	Priority	Strategic Priority	Delivery deadline	10-Jul	09-Sep	30-Oct	09-Dec	20-Jan	03-Mar
Lewisham Future Programme	TBC	TBC	TBC	TBC						
Election of the Chair and Vice-Chair	TBC	TBC	TBC	TBC						
Select Committee work programme	TBC	TBC	TBC	TBC						
Planning obligations SPD	TBC	TBC	TBC	TBC						
In-depth review	TBC	TBC	TBC	TBC		Scope	Evidence	Evidence	Recs	Report
Or - Rapid review (x2)	TBC	TBC	TBC	TBC		Scpoe	Evidence	Report& scope 2	Evidence	Report
Complaints regarding planning matters	TBC	TBC	TBC	TBC						
Enforcement services	TBC	TBC	TBC	TBC						
Planning service annual monitoring report	TBC	TBC	TBC	TBC						
Pubs and community asset transfers	TBC	TBC	TBC	TBC						
Annual Parking Report	TBC	TBC	TBC	TBC						
Modern roads (20 mph/cycling/air quality)	TBC	TBC	TBC	TBC						
Waste and recycling	TBC	TBC	TBC	TBC						
Neighbourhood forums and neighbourhood planning	TBC	TBC	TBC	TBC						
Carbon reduction/fuel poverty	TBC	TBC	TBC	TBC						
Heritage and tourism	TBC	TBC	TBC	TBC						
Bakerloo line	TBC	TBC	TBC	TBC						
Lewisham Central Opportunity Site	TBC	TBC	TBC	TBC						
Flood risk management strategy consultation	Information item	TBC	TBC	TBC						
Local authority land information publication (Local Government Transparency Code)	Information item	TBC	TBC	TBC						
Air quality	Information item	TBC	TBC	TBC						
Gatford regeneration	Information item	TBC	TBC	TBC						

Appendix C – Further information about directorates scrutinised by Sustainable Development Select Committee

Resources and Regeneration Directorate

The Resources and Regeneration Directorate has two principal functions. Its regulatory function helps the Council meet its statutory requirements and corporate priorities through a range of professional and administrative support services, as well as support to the democratic and political process. It acts as an enabler, facilitating service delivery through a framework and structure of support, advice and guidance. In addition the Directorate is committed to regenerating the borough, renewing the physical fabric of the borough, enhancing the overall economic well-being of Lewisham and working in partnership with others to create sustainable communities.

Resources and Regeneration Directorate has six divisions providing a range of professional and administrative services. The following are areas that fall under the Sustainable Development Select Committee's terms of reference:

Regeneration & Asset Management – is committed to the optimisation of assets, working in partnership with others to regenerate the borough and create sustainable communities by:

- enabling and supporting the regeneration of Lewisham and helping to strengthen the local economy
- actively supporting the creation of safe, attractive, sustainable places and communities for the benefit of local people
- connecting people to economic, leisure and learning opportunities
- providing high quality, best practice stewardship of the Council's property asset
- delivering effective, value for money 'back office' functions which support the delivery of council and directorate priorities

Regeneration and Asset Management contains two groups that are in the Committee's terms of reference:

Transport Group – this has a number of strands covering aspects of transport, including:

- The Engineering Team is concerned both with the physical delivery of the Council's transport policy and objectives and maintaining the Highway Asset including design, construction, asset protection and management, winter maintenance, safety inspections and both planned and reactive maintenance works.
- The Transport Policy Team leads the Council's work on Transport Policy including working with TfL on the Local Implementation Plan, strategic rail improvements and road safety initiatives.
- The Network Management Team manages contractor management systems, asset management systems and co-ordinates highways work.
- The group also leads on road safety education within the borough, including the management of the borough's school crossing patrols, and promotes sustainable travel through school and workplace travel plans and the promotion of car clubs.

Sustainable Resources Group – this team manages the Council’s energy contracts covering corporate sites, schools, housing and external clients and delivers an energy management service enabling corporate sites and schools to cut energy consumption and the Council to comply with national requirements on energy and carbon. They also have strategic and operational responsibility for fuel poverty and climate change programmes. This includes the delivery of a range of projects helping vulnerable households heat their homes; bringing in external funding on energy efficiency for all residents; and helping the Council and the Borough meet its commitments on cutting carbon emissions.

Planning - The planning system guides the future development and use of land in the long term public interest. This is achieved through a positive and proactive approach to shaping, considering, determining and delivering development proposals. It is led by the Planning Service, working closely with those proposing developments and other stakeholders.

While individual decisions on planning are carried out by the planning committees, the Sustainable Development Select Committee has responsibility for the scrutiny of planning policy. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan in the borough is the London Plan, the Lewisham Core Strategy (adopted 29 June 2011) and the saved policies in the Lewisham Unitary Development Plan (UDP) 2004. Material considerations include national planning policy statements and planning policy guidance.

Economic Development – works to provide strategic expertise on matters relating to the economy as well as providing guidance, commissioning and delivery of employment and business support. It also provides a Council-wide EU funding and advisory role.

Customer Services Directorate

In 2005 the Customer Services directorate was created to meet the Chief Executive’s ‘Fast Forward’ agenda. The directorate was created with the vision of ‘delivering high quality, user focused services and driving improved customer service across the Council.’ The creation of an Executive Director for Customer Services ensures representation of customer needs and views at a corporate level. The directorate is formed of the following services:

- Environment
- Public Services
- Strategic Housing
- Strategy & Performance and Information Management & Technology

The following are areas that fall under the Sustainable Development Select Committee’s terms of reference:

Environment

The Division operates services from Wearside Service Centre and Hither Green Crematorium. It is split into 7 service groups as follows:

- Waste Management/ Waste collection services, including bin collection, recycling and large item collection. Strategic Waste Management is responsible for the delivery and development of the Council's Waste Strategy and the engagement of residents in environmental activities. It provides services runs campaigns, programmes and initiatives
- Street Cleansing, which covers street cleaning throughout the borough including the street and estate sweeping, the removal of flytipping and lumber, paid garden waste collection services, graffiti removal, client management of public conveniences and cleaning of street markets and car parks
- Green Scene, which is responsible for the physical and ecological regeneration of the boroughs parks and open spaces for the benefit of all residents. This includes monitoring the performance of the councils Green Space contract 2010 – 2020 with Glendale and the establishment and liaison with park user and friends groups. The service provides a comprehensive pest control service to residents, businesses, schools and partner organisations
- Fleet Services, which maintains the vehicles that the Council uses.
- Bereavement Services, including the management of cemeteries and crematoriums in the borough.
- Trading Standards and Markets, which inspects trade and business premises to make sure they comply with laws concerning quality, quantity, fair trading, safety and price. They also offer advice to local traders and businesses and can take action where a trader or business has breached consumer protection legislation. They also oversee the markets in the borough.
- Environmental Health, which includes Health & Safety at work, Food Safety, Environment Protection, Noise Nuisance, Abandoned Vehicles and Environmental Enforcement.

Public Services

The Public Services division is based in Laurence House with the Register office in Lewisham High Street. Public Services provide access to a wide range of fundamental customer services across the Council and are the front door to many services that our residents, citizens and customers may require. It is split into five service groups as follows:

- Customer Service Centre, which is responsible for the Corporate One Stop Shop, the Corporate Call Centre as well as the Registration Service (births, deaths, marriages, civil partnerships and citizenship).
- Revenues which is responsible for the annual collection of £100m Council Tax, £50m Business Rates, sundry debt and the payments centre.
- Benefits, which is is responsible for the payment of £220m Housing Benefit, £28m Council Tax Benefit and concessionary awards such as freedom passes, taxi cards and blue badges.
- Emergency Planning which makes sure the Council is ready to look after residents following an emergency and assist the emergency services in restoring normality to the community following a major incident. The Emergency Planning Service is

also responsible for ensuring the Council has effective business continuity management plans in place.

- Travel Demand Management (Parking) is responsible for the management and control of parking in the borough. The Council can levy charges for parking in areas of the borough, including car parks and areas designated as Controlled Parking Zones (CPZs). The Council's local transport and parking policy objectives are set out in the Local Implementation Plan (LIP). The goals, objectives, and outcomes for the LIP have been developed within the framework provided by the Mayor of London's Transport Strategy, but they also reflect local policies and priorities and as such are aligned with the Council's Corporate Priorities and the Sustainable Community Strategy.

Appendix D – Criteria for selecting topics

The Centre for Public Scrutiny (CfPS) has developed a useful set of questions to help committees prioritise items for scrutiny work programmes:

General questions to be asked at the outset:

- is there a clear objective for scrutinising this topic – what do we hope to achieve?
- does the topic have a potential impact for one or more section(s) of the population?
- is the issue strategic and significant?
- is there evidence to support the need for scrutiny?
- what are the likely benefits to the council and its customers?
- are you likely to achieve a desired outcome?
- what are the potential risks?
- are there adequate resources available to carry out the scrutiny well?
- is the scrutiny activity timely?

Sources of topics

The CfPS also suggest that ideas for topics might derive from three main sources: the public interest; council priorities; and external factors. These are described below.

Public interest

- issues identified by members through surgeries, casework and other contact with constituents
- user dissatisfaction with service (e.g. complaints)
- market surveys/citizens panels
- issues covered in media

Internal council priority

- Council corporate priority area
- high level of budgetary commitment to the service/policy area (as percentage of total expenditure)
- pattern of budgetary overspend
- poorly performing service (evidence from performance indicators/ benchmarking).

External Factors

- Priority area for central government
- new government guidance or legislation
- issues raised by External Audit Management Letters/External Audit Reports
- key reports or new evidence provided by external organisations on key issue

Criteria to reject items

Finally, the CfPS suggest some criteria for rejecting items:

- issues being examined elsewhere - e.g. by the Cabinet, working group, officer group, external body
- issues dealt with less than two years ago
- new legislation or guidance expected within the next year
- no scope for scrutiny to add value/ make a difference
- the objective cannot be achieved in the specified timescale

How to carry out an in-depth review



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**MAYOR & CABINET AND SCRUTINY
PROGRAMME OF BUSINESS**

Programme of Business for July 2014 - October 2014

Meeting date	Committee	Item	Directorate	Lead Officer
July				
Tuesday, 1 Jul 2014	Children and Young People Select Committee	Select Committee Work Programme		
Tuesday, 8 Jul 2014	Overview and Scrutiny Education Business Panel	Award of Contacts for Bulge Classes September 2014		Frankie Sulke
Tuesday, 8 Jul 2014	Overview and Scrutiny Education Business Panel	Award of Contract Haseltine Primary School		Frankie Sulke
Tuesday, 8 Jul 2014	Overview and Scrutiny Education Business Panel	Award of Contract John Ball Primary School		Frankie Sulke
Tuesday, 8 Jul 2014	Overview and Scrutiny Education Business Panel	Award of Contract Willow Way for Nursery Key Stage 1 decant accommodation Adamsrill Primary School		Frankie Sulke
Tuesday, 8 Jul 2014	Overview and Scrutiny Business Panel	Empty homes contract Round 2		Kevin Sheehan
Tuesday, 8 Jul 2014	Overview and Scrutiny Education Business Panel	Kitchen Equipment Procurement		Frankie Sulke
Tuesday, 8 Jul 2014	Overview and Scrutiny Business Panel	Laurence House Roof Replacement Works - Contract Award		Janet Senior
Tuesday, 8 Jul 2014	Overview and Scrutiny Education Business Panel	School Kitchen Upgrade Works		Frankie Sulke
Wednesday, 9 Jul 2014	Public Accounts Select Committee	Financial Forecasts 2014/15	Resources and Regeneration Directorate	Selwyn Thompson
Wednesday, 9 Jul 2014	Public Accounts Select Committee	Financial Outturn 2013/14	Resources and Regeneration Directorate	Selwyn Thompson
Wednesday, 9 Jul 2014	Public Accounts Select Committee	Management Report	Resources and Regeneration Directorate	
Thursday, 10 Jul	Sustainable	Planning Obligation SPD	Resources and	John Miller

Meeting date	Committee	Item	Directorate	Lead Officer
2014	Development Select Committee		Regeneration Directorate	
Tuesday, 15 Jul 2014	Safer Stronger Communities Select Committee	Council employment profile (2013-14)	Resources and Regeneration Directorate	Andreas Ghosh
Tuesday, 15 Jul 2014	Safer Stronger Communities Select Committee	Main grants programme consultation	Community Services Directorate	Liz Dart
Tuesday, 15 Jul 2014	Safer Stronger Communities Select Committee	Safer Lewisham Plan (2014-15)	Community Services Directorate	Geeta Subramaniam-Mooney
Wednesday, 16 Jul 2014	Mayor and Cabinet (Contracts)	Adult Social Care - Domiciliary Care Framework		Aileen Buckton
Wednesday, 16 Jul 2014	Mayor and Cabinet (Contracts)	Award of contract for the enlargement of Adamsrill Primary school		Frankie Sulke
Wednesday, 16 Jul 2014	Mayor and Cabinet (Contracts)	BME Older Adult Day Services		Aileen Buckton
Wednesday, 16 Jul 2014	Mayor and Cabinet (Contracts)	Calabash Concierge Service		Aileen Buckton
Wednesday, 16 Jul 2014	Mayor and Cabinet (Contracts)	Functional Family Therapy at YOS - agree proposals and plan		Aileen Buckton
Wednesday, 16 Jul 2014	Mayor and Cabinet (Contracts)	Violence against Women and Girls Commissioning - permission to tender		Aileen Buckton
Wednesday, 16 Jul 2014	Mayor and Cabinet	Application to Establish Neighbourhood Forum Crofton Park and Honor Oak Park		Janet Senior
Wednesday, 16 Jul 2014	Mayor and Cabinet	Energy Policy		Janet Senior
Wednesday, 16 Jul 2014	Mayor and Cabinet	Financial forecasts 2014/15		Janet Senior
Wednesday, 16 Jul 2014	Mayor and Cabinet	Fostering Service Statement of Purpose and Children's Guides		Frankie Sulke
Wednesday, 16 Jul 2014	Mayor and Cabinet	House on the Hill - High Needs Student Provision		Frankie Sulke

Meeting date	Committee	Item	Directorate	Lead Officer
Wednesday, 16 Jul 2014	Mayor and Cabinet	Instrument of Government Trinity Church of England School, Lewisham		Frankie Sulke
Wednesday, 16 Jul 2014	Mayor and Cabinet	Instrument of Government - Dowderry School		Frankie Sulke
Wednesday, 16 Jul 2014	Mayor and Cabinet	Introduction of a new Street Naming & Numbering charging service		Janet Senior
Wednesday, 16 Jul 2014	Mayor and Cabinet	Lewisham Home's Business & Delivery Plan		Kevin Sheehan
Wednesday, 16 Jul 2014	Mayor and Cabinet	London LGPS Collective Investment Vehicle		Janet Senior
Wednesday, 16 Jul 2014	Mayor and Cabinet	Medium Term Financial Strategy (Financial Survey) 2015-18		Janet Senior
Wednesday, 16 Jul 2014	Mayor and Cabinet	Non-Housing Asset Register		Janet Senior
Wednesday, 16 Jul 2014	Mayor and Cabinet	Planning Obligations SPD - Consultation Version		Janet Senior
Wednesday, 16 Jul 2014	Mayor and Cabinet	School Governor Appointments		Frankie Sulke
Wednesday, 16 Jul 2014	Mayor and Cabinet	Surrey Canal Triangle - Compulsory Purchase Order Resolution		Janet Senior
Wednesday, 16 Jul 2014	Healthier Communities Select Committee	Better Care Fund	Community Services Directorate	Aileen Buckton
Wednesday, 16 Jul 2014	Healthier Communities Select Committee	Lambeth, Southwark, Lewisham Sexual Health Strategy (2014-17)		
Wednesday, 16 Jul 2014	Healthier Communities Select Committee	Lewisham Healthwatch annual report		
Tuesday, 22 Jul 2014	Housing Select Committee	Homelessness acceptances and performance	Customer Services Directorate	Mark Dow
Tuesday, 22 Jul 2014	Housing Select Committee	Lewisham Homes business plan and annual report	Customer Services Directorate	Clare Ryan
Tuesday, 22 Jul 2014	Housing Select Committee	New Homes Better Places Phase 2	Customer Services Directorate	Jeff Endean

Meeting date	Committee	Item	Directorate	Lead Officer
Tuesday, 29 Jul 2014	Overview and Scrutiny Education Business Panel	Award of contract Brindishe Lee Primary School additional Reception class		Frankie Sulke
Tuesday, 29 Jul 2014	Overview and Scrutiny Education Business Panel	Award of Contract Coopers Lane Primary School		Frankie Sulke
Tuesday, 29 Jul 2014	Overview and Scrutiny Education Business Panel	Award of contract for works to enable St Winifred's Infants to admit 15 additional pupils		Frankie Sulke
Tuesday, 29 Jul 2014	Overview and Scrutiny Education Business Panel	Award of contract for works to enable Lucas Vale to admit 30 additional pupils		Frankie Sulke
Tuesday, 29 Jul 2014	Overview and Scrutiny Education Business Panel	Construction of the primary phase at Prendergast Ladywell Fields College		Frankie Sulke
September				
Wednesday, 3 Sep 2014	Mayor and Cabinet	Adoption of the Lewisham Development Management Local Plan		Janet Senior
Wednesday, 3 Sep 2014	Mayor and Cabinet	Application to become an accredited Timewise council		Janet Senior
Wednesday, 3 Sep 2014	Mayor and Cabinet	Community Infrastructure Levy - Adoption Version		Janet Senior
Wednesday, 3 Sep 2014	Mayor and Cabinet	Council Tax Reduction Scheme		Kevin Sheehan
Wednesday, 3 Sep 2014	Mayor and Cabinet	Freehold Acquisition of Brookdale Club Property by CRPL		Janet Senior
Wednesday, 3 Sep 2014	Mayor and Cabinet	Matters raised by Overview & Scrutiny Business Panel - Recycling		Kevin Sheehan
Wednesday, 3 Sep 2014	Mayor and Cabinet	New Homes Better Places Phase 2 Programme		Kevin Sheehan
Wednesday, 3 Sep 2014	Mayor and Cabinet	Options for the provision of permanent school places		Frankie Sulke
Wednesday, 3 Sep 2014	Mayor and Cabinet	Adult Social Care - Domiciliary Care Framework		Aileen Buckton

Meeting date	Committee	Item	Directorate	Lead Officer
2014	(Contracts)			
Wednesday, 3 Sep 2014	Mayor and Cabinet (Contracts)	Resurfacing Works Contract Award		Janet Senior
Wednesday, 3 Sep 2014	Healthier Communities Select Committee	Select Committee Work Programme		
Tuesday, 9 Sep 2014	Sustainable Development Select Committee	Select Committee Work Programme		
Wednesday, 10 Sep 2014	Safer Stronger Communities Select Committee	Select Committee Work Programme		
Monday, 22 Sep 2014	Public Accounts Select Committee	Select Committee Work Programme		
Tuesday, 23 Sep 2014	Children and Young People Select Committee	Select Committee Work Programme		
October				
Wednesday, 1 Oct 2014	Mayor and Cabinet	Approval for public consultation of the Lewisham River Corridors Improvement Plan Supplementary Planning Document		Janet Senior
Wednesday, 1 Oct 2014	Mayor and Cabinet	Asset Rationalisation Programme 2013/14 and Strategic Asset Management Plan 2014/15		Janet Senior
Wednesday, 1 Oct 2014	Mayor and Cabinet	Campshill Road extra care scheme		Kevin Sheehan
Wednesday, 1 Oct 2014	Mayor and Cabinet	Heathside and Lethbridge phase five		Kevin Sheehan
Wednesday, 1 Oct 2014	Mayor and Cabinet	Management Report		Janet Senior
Wednesday, 1 Oct 2014	Housing Select Committee	Select Committee Work Programme		
Tuesday, 21 Oct 2014	Healthier Communities Select Committee	Select Committee Work Programme		

Meeting date	Committee	Item	Directorate	Lead Officer
Thursday, 23 Oct 2014	Mayor and Cabinet	Annual Parking Review		Kevin Sheehan
Thursday, 23 Oct 2014	Mayor and Cabinet	Planning Obligations SPD - Adoption Version		Janet Senior
Thursday, 23 Oct 2014	Mayor and Cabinet (Contracts)	Education Contract Awards ICT Specialist Service Provider Framework		Frankie Sulke
Wednesday, 29 Oct 2014	Safer Stronger Communities Select Committee	Select Committee Work Programme		
Thursday, 30 Oct 2014	Sustainable Development Select Committee	Select Committee Work Programme		
November				
Wednesday, 5 Nov 2014	Public Accounts Select Committee	Select Committee Work Programme		
Tuesday, 11 Nov 2014	Housing Select Committee	Select Committee Work Programme		
Wednesday, 12 Nov 2014	Mayor and Cabinet	Kenton Court and Somerville Extra Care Schemes: Update		Kevin Sheehan
Wednesday, 12 Nov 2014	Children and Young People Select Committee	Select Committee Work Programme		
December				
Tuesday, 2 Dec 2014	Healthier Communities Select Committee	Select Committee Work Programme		
Wednesday, 3 Dec 2014	Mayor and Cabinet	Housing Strategy 2015 - 2020		Kevin Sheehan
Wednesday, 3 Dec 2014	Mayor and Cabinet	Management Report		Janet Senior
Wednesday, 3 Dec 2014	Safer Stronger Communities Select Committee	Select Committee Work Programme		

Meeting date	Committee	Item	Directorate	Lead Officer
Tuesday, 9 Dec 2014	Sustainable Development Select Committee	Select Committee Work Programme		
Wednesday, 10 Dec 2014	Public Accounts Select Committee	Select Committee Work Programme		
Monday, 15 Dec 2014	Children and Young People Select Committee	Select Committee Work Programme		
Wednesday, 17 Dec 2014	Housing Select Committee	Select Committee Work Programme		
January				
Wednesday, 14 Jan 2015	Healthier Communities Select Committee	Select Committee Work Programme		
Tuesday, 20 Jan 2015	Sustainable Development Select Committee	Select Committee Work Programme		
Wednesday, 21 Jan 2015	Mayor and Cabinet	Review of Blackheath Events Policy 2011		Kevin Sheehan
Thursday, 22 Jan 2015	Safer Stronger Communities Select Committee	Select Committee Work Programme		
Wednesday, 28 Jan 2015	Housing Select Committee	Select Committee Work Programme		
February				
Wednesday, 4 Feb 2015	Children and Young People Select Committee	Select Committee Work Programme		
Thursday, 5 Feb 2015	Public Accounts Select Committee	Select Committee Work Programme		
Tuesday, 24 Feb 2015	Healthier Communities Select Committee	Select Committee Work Programme		
March				

Meeting date	Committee	Item	Directorate	Lead Officer
Tuesday, 3 Mar 2015	Sustainable Development Select Committee	Select Committee Work Programme		
Wednesday, 4 Mar 2015	Mayor and Cabinet	Management Report		Janet Senior
Wednesday, 4 Mar 2015	Safer Stronger Communities Select Committee	Select Committee Work Programme		
Tuesday, 10 Mar 2015	Public Accounts Select Committee	Select Committee Work Programme		
Wednesday, 11 Mar 2015	Housing Select Committee	Select Committee Work Programme		
Wednesday, 18 Mar 2015	Children and Young People Select Committee	Select Committee Work Programme		

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Mayor & Cabinet & Sustainable Development Select Committee		
Report Title	Planning Obligations Supplementary Planning Document 2014 (the SPD) - draft for public consultation	
Key Decision	YES	Item No. 5
Ward	All	
Contributors	Head of Planning & Head of Law	
Class	Part 1	Date: 16 & 17 July 2014

1. Summary

- 1.1. The report seeks approval to consult on the draft Planning Obligations Supplementary Planning Document 2014 (the SPD), which is proposed to replace the existing Planning Obligations SPD 2011. When adopted the 2014 SPD will replace the 2011 SPD and form part of the Local Development Framework, providing guidance on how planning obligations are used to promote sustainable development and deliver the infrastructure necessary to support the growth of residential, business and visitor populations. This report explains why there is a need for a replacement SPD and summary detail of the guidance provided.

2. Purpose

- 2.1 To provide Mayor and Cabinet and subsequently the full Council with the information needed to approve the draft Planning Obligations SPD for public consultation.

3. Recommendations

(1)

- 3.1. The Mayor is recommended to agree the draft Planning Obligations SPD for public consultation in accordance with the Statement of Community Involvement, and recommend that the full Council do the same.

(2)

3.2. The Mayor is also recommended to delegate power to the Director of Resources and Regeneration to make any minor changes to the text and format of the documents prior to the document going to public consultation.

4. Policy Context

4.1. The SPD will form part of the Council's Local Development Framework (LDF).

4.2. The role of the SPD is to explain and elaborate on the policies in the Lewisham Core Strategy (part of the LDF) in relation to planning obligations. The LDF forms part of the Council's policy framework.

4.3. In addition to implementing planning policy the SPD will assist and aid the implementation of other documents in the Council's policy framework.

4.4. In particular the SPD, will contribute to the implementation of Council's priorities:

- community leadership and empowerment – developing opportunities for the active participation and engagement of people in the life of the community
- young people's achievement and involvement – raising educational attainment and improving facilities for young people through partnership working
- clean, green and liveable – improving environmental management, the cleanliness and care for roads and pavements and promoting a sustainable environment
- safety, security and a visible presence – partnership working with the police and others and using the Council's powers to combat anti-social behaviour
- strengthening the local economy – gaining resources to regenerate key localities, strengthen employment skills and promote public transport
- decent homes for all – investment in social and affordable housing to achieve the Decent Homes Standard, tackle homelessness and supply key worker housing
- active, healthy citizens – leisure, sporting, learning and creative activities for everyone
- inspiring efficiency, effectiveness and equity – ensuring efficiency, effectiveness and equity in the delivery of excellent services to meet the needs of the community.

4.5. The SPD will also play an important role in the implementation of the Sustainable Community Strategy vision 'Together we will make Lewisham the

best place to live, work and learn' and all of the six strategic priorities, which are:

- 4.6. Ambitious and achieving – where people are inspired and supported to fulfil their potential
- Safer – where people feel safe and live free from crime, antisocial behaviour and abuse
 - Empowered and responsible – where people are actively involved in their local area and contribute to supportive communities
 - Clean, green and liveable – where people live in high quality housing and can care for their environment
 - Healthy, active and enjoyable – where people can actively participate in maintaining and improving their health and well-being
 - Dynamic and prosperous – where people are part of vibrant

5. Background

- 5.1. Planning obligations are used to mitigate specified negative impacts of development. They should not be seen as a way for the Council to share in the profits from a development or as an inducement offered by a developer as a way to gain planning permission. Unrelated or unnecessary planning obligations are not a means to secure planning permission for unacceptable development. Planning obligations should always be relevant to the development and contribute to achieving the planning aims of the Council.
- 5.2. The SPD is used to explain and elaborate on the implementation of policy in a development plan document. It does not set out any new policy. It must be consistent with the policies in the Development Plan including the Core Strategy and the London Plan. The relevant local, regional and national policies are listed in the SPD under the individual topic areas.
- 5.3. The existing Planning Obligations SPD was adopted in 2011. Since then, the policy context has changed especially with the introduction of the National Planning Policy Framework, and changes to the London Plan 2011 and the development of the Council's own Local Development Framework - the Core Strategy that sets the Council's policy on planning obligations.
- 5.4. The Community Infrastructure Levy (CIL) was introduced by the Government in April 2010 and has since been amended by further regulations in 2011, 2012 and 2014. The CIL is a levy that local authorities can choose to charge on new developments in their area. The money generated is to be spent upon infrastructure that is required in the local authority which may include roads and other transport needs, parks, schools, sports centres, emergency services and community facilities.

- 5.5. The Council has developed a CIL charging schedule that has been placed before Mayor and Cabinet and Full Council at each stage of it's development over the past 3 years. In January 2014 the charging schedule was approved without changes at an independent Examination in Public. The charging schedule will be put before Mayor and Cabinet and Full Council in September 2014 seeking approval to adopt CIL as of 1st October 2014.
- 5.6. The adoption of a CIL charging schedule has an impact on Planning Obligations. The Council are not allowed to charge developers for the same infrastructure through both CIL and Planning Obligations, therefore the adoption of a CIL charging schedule will result in a reduction in the scope and application of Planning Obligations.
- 5.7. Given the changing policy context and the introduction of CIL, amendments are required to the SPD. The intention is to adopt an amended SPD to work in conjunction with the Council's CIL before the end of 2014.
- 5.8. The SPD has been developed with the input and assistance of key internal and external stakeholders representing each of the topic areas covered in the SPD (and those amended or removed to reflect the proposed adoption of CIL). Stakeholder meetings were held at key stages of the process culminating in a number of detailed review sessions for each topic area.
- 5.9. The SPD has also been developed in accordance with the Statement of Community Involvement.

6. Planning Obligations SPD summary

- 6.1. The SPD sets out how planning obligations will be used to promote sustainable development and deliver the infrastructure necessary to support the growth of the residential, business and visitor populations in accordance with infrastructure supported through CIL. The SPD takes into account the overall, cumulative impact of development on the borough, and explains how this will be dealt with through the use of planning obligations to mitigate the direct and cumulative impacts of developments.
- 6.2. In particular, the SPD seeks to:
 - Identify the range, scale and form of planning obligations likely to be sought;
 - Identify the types of development likely to require planning obligations;
 - Identify the protocols for negotiating contributions;
 - Identify how planning obligations are secured and monitored;
 - Minimise the need for detailed negotiations for each planning application;

- Streamline the process by which planning obligations are secured and implemented; and
 - Ensure an efficient, consistent, accountable and transparent process
- 6.3. The first section of the SPD provides an introduction to the SPD itself an outline of the policy context for seeking planning obligations and an overview of the Council's approach to securing planning obligations.
- 6.4. The following sections of the SPD set out in detail the justification and policy basis for requiring each type of planning obligation for each of the following topic areas and the form in which they should be provided:
- Affordable housing
 - Non-strategic transport
 - Public realm
 - Environmental protection
 - Local labour and business
 - Employment floorspace
 - Carbon offsetting
 - Flood alleviation
 - Professional, legal and monitoring fees
- 6.5. For clarity, please note that the following topics are not included in the SPD as they are subject to the CIL charge:
- State education facilities
 - Public health care facilities
 - Strategic transport enhancements (excluding site-specific, highways and public transport matters needed to make developments acceptable in planning terms, which may include matters on site, regarding access to the site or off site where the need for such works is identified in a transport assessment or travel plan)
 - Publicly accessible open space, allotments and biodiversity
 - Strategic flood management infrastructure
 - Publicly owned leisure facilities

- Local community facilities (including (but not limited to) community centres and halls and libraries, but excluding places of worship).
- 6.6. The final section of the SPD sets out the general principles for securing planning obligations and frequently asked questions about planning obligations.
- 6.7. The SPD, whilst setting out formula based approaches for some of the topic areas covered, has been developed in a way that provides some flexibility in decision making. This will allow planning officers to consider the site specific impacts of proposed developments and the on-site or in-kind provision of facilities, before considering the need to secure off-site provision or financial obligations. The SPD clearly states that obligations will only be secured for those items that cannot be addressed as part of the development itself or through planning conditions.
- 6.8. A copy of the SPD is included as Appendix 1.

7. Sustainability Appraisal and Strategic Environmental Assessment

- 7.1. It is not necessary to undertake a Sustainability Appraisal to accompany the production of a SPD. It is however necessary to assess the need to undertake a Strategic Environmental Assessment (SEA).
- 7.2. In order to assess the need to undertake an SEA of an SPD, it is necessary to produce a SEA Screening Opinion. Pro Vision Projects were appointed as independent consultants to produce the screening opinion and they concluded that there was no requirement for a full SEA to be undertaken. The SEA Screening Opinion for the SPD is included as Appendix 2.

8. Consultation process for the draft SPD

- 8.1. The consultation process for Local Development Framework documents such as this SPD is set out in the Statement of Community Involvement. It is a legal requirement to undertake the consultation stated in the SCI. It runs for six weeks and will involve:
- Advertising the draft SPD in a local newspaper
 - Notifying by letter all those who have been involved in the consultation process
 - Make paper or CD copies available to all who want them
 - Publishing the SPD and any associated documents on the Council website, and making them available in the Planning Information Office and at the local library

8.2. After the 6 week consultation period, all representations received will be taken into consideration and a final SPD will be reported for adoption to Mayor and Cabinet and Full Council.

9. Legal implications

9.1. The Council has adopted its Statement of Community Involvement (SCI) which sets out the minimum consultation that will take place. It is a requirement of a 'sound' plan that the standards in the SCI are met.

9.2. The power of a Local Planning Authority to enter into a planning obligation with the those parties who have a legal interest in the land within its area is contained within Section 106 of the Town and Country Planning Act 1990 (The Act). Planning obligations made under Section 106 are secured as either planning agreements or unilateral undertakings.

9.3. In accordance with the Act, planning obligations may:

- Restrict the development or use of land;
- Require specified operations or activities to be carried out;
- Require land to be used in any specified way;
- Require cash payments to be made;
- May be either positive, i.e. requiring a person to carry out a specified action, or negative, i.e. restricting the person from developing or using the land in a specified way;
- May be entered into either by agreement with the Local Planning Authority or by an undertaking by the developer to which the Local Planning Authority is not a party (e.g. unilateral undertakings in appeal cases);
- Must be entered into by means of a Deed (which can be varied later if necessary by 'Deed of Variation');
- 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.

9.5 Regulation 122 of the Community Infrastructure Levy Regulations 2010 places additional limitations on the use of planning obligations. A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (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.

9.6 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good

practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

10. Financial Implications

- 10.1. The SPD aims to ensure the Council does not suffer financial burden from any major development, by imposing in-kind provisions, or financial obligations to provide or contribute to the necessary infrastructure.
- 10.2. There are no capital costs to the Council arising from the SPD. The costs associated with the printing, publishing and consulting on the report will be met from existing revenue budgets.

11. Equalities Implications

- 11.1. The Equality Act 2010 became law in October 2010. The Act aims to streamline all previous anti-discrimination laws within a Single Act. The new public sector Equality Duty, which is part of the Equality Act 2010, came into effect on the 5 April 2011.
- 11.2. The Equality Duty has three aims. It requires public bodies (including local authorities) when making decisions to have due regard to the need to
 - eliminate unlawful discrimination, harassment, victimisation and any conduct prohibited by the Equality Act 2010
 - advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - foster good relations between people who share a protected characteristic and people who do not share it.
- 11.3 The Council's Comprehensive Equality Scheme for 2012-16 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.
- 11.4 New development within the borough will be subject to the provisions set out in the SPD will improve the general accessibility of the public realm, facilitate the provision of new residential and commercial units which are fully accessible to people with disabilities, while the regeneration opportunities generally will provide scope to implement equal opportunities policies.
- 11.5 It is not necessary to undertake an Equalities Analysis Assessment (EAA) of the SPD. The Core Strategy has been subject to EAA and the SPD is guidance that will assist in the implementation of the already assessed Core Strategy. It does not create new policy.

Environmental implications

- 12.1 Environmental issues are at the heart of the SPD. The SEA Screening Opinion found no environmental matters of concern in reviewing the SPD, to the contrary it found a number of positive impacts that are likely to be delivered.

13. Conclusion

13.1. The Council is required to review and refresh it's approach towards Planning Obligations in the light of changes to the wider planning policy context and the introduction of CIL.

13.2. Alongside the CIL, which has been approved at Examination in Public, officers consider that the revised approach to Planning Obligations detailed in the SPD will enable the Council to continue to secure appropriate support for the delivery of local and strategic infrastructure in the borough. It is therefore recommended that the draft SPD is approved to go out to public consultation.

Background documents

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
Town and Country Planning Act (as amended)	1990	Laurence House	Planning	Matthew Pullen	No
Planning & Compulsory Purchase Act 2004	2004	Laurence House	Planning	Matthew Pullen	No
Localism Act	2011	Laurence House	Planning	Matthew Pullen	No

If you have any queries on this report, please contact Matthew Pullen, S106 & CIL Officer, 3rd floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 6235.

Annex 1: draft Planning Obligations SPD 2014

Annex 2: SEA Screening Opinion

Lewisham Planning Obligations Supplementary Planning Document

Draft Planning Obligation Supplementary Planning Document – Consultation Version

July 2014

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1 Introduction

Background to this Document

- 1.1 The London Borough of Lewisham will be subject to a significant amount of development up to 2026, with around 14,000 new residential units planned for the borough, as well as new employment, retail and leisure provision. This level of development is expected to continue beyond 2026 to support London's growth.
- 1.2 New development plays an important role in the vitality of any locality. Whether it is the provision of new homes, employment or recreational facilities, development is essential to provide for our current and future needs. The planned level of growth within the borough, however, will result in increased pressure on local infrastructure, services and facilities and will also create a need for additional provision within the borough.
- 1.3 The purpose of the Planning Obligations Supplementary Planning Document (SPD) is to provide detailed guidance on the likely type and scale of planning obligations for development proposals in the London Borough of Lewisham to ensure that the impact of development on infrastructure and services can be adequately mitigated. It also seeks to establish a transparent, fair and consistent process for negotiating, securing and monitoring planning obligations.
- 1.4 In order to fund the infrastructure necessary to support development across the borough the Council is planning to adopt a Community Infrastructure Levy (CIL) in accordance with the CIL Regulations (2010) (as amended). The CIL regulations limit the use of planning obligations.
- 1.5 It should be noted from the outset that the SPD does not attempt to specify all of the planning obligations that may be necessary to mitigate the impacts of every development. Other planning obligations may be required that are not set out in this SPD due to site specific or local circumstances. The exact type and range of planning obligations, which may be sought for an individual site, will depend upon the particular circumstances and development proposed and its impacts upon the local environment, local services and facilities and in accordance with the NPPF and the Community Infrastructure Levy Regulations (2010), (as amended).
- 1.6 When adopted this SPD will replace the Council's adopted Planning Obligations SPD (2011). The SPD will be a material planning consideration for use in guiding and determining planning obligations.

What are Planning Obligations?

- 1.7 Planning obligations (made under Section 106 of the Town and Country Planning Act 1990, as amended), are Legal Agreements between local planning authorities and developers, or unilateral undertakings made by developers, in the context of the grant of planning permission. They can be both financial and non-financial and they 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.

- 1.8 Planning obligations can be used to prescribe the nature of development (e.g. by requiring that a given portion of housing is affordable); or to secure a contribution from a developer to compensate for loss or damage (e.g. enhancements to open space); or to mitigate a development's impact (e.g. through increased or improved public transport provision). The use of planning obligations is an effective tool through which the Council will seek to ensure that growth and development, whether individually or cumulatively, meets the objectives of sustainable development as promoted in local, regional and national policies.
- 1.9 The Community Infrastructure Levy Regulations (Regulation 122) set out that from 6th April 2010 it will be unlawful for a planning obligation to be taken into account when determining a planning application for a development or any part of a development that is capable of being charged CIL if the obligation does not meet 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.
- 1.10 Planning obligations are local land charges and run with the land. This means that they are intended to be enforceable against the original parties who entered into the agreement or undertaking and in most cases, anyone acquiring an interest in the land after it has been sold or transferred.
- 1.11 Used properly, planning obligations can significantly increase the quality of development. They can secure benefits capable of mitigating the adverse impacts of a development. However, they cannot be used to make a bad application good where, for example, a scheme does not comply with the development plan.

What is the Community Infrastructure Levy?

Introduction

- 1.12 The Community Infrastructure Levy (CIL) came into force in April 2010. It allows local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money can be used to fund a wide range of local and strategic infrastructure that is needed to support growth and development in the borough. This includes transport facilities, flood defences, schools and other education facilities, medical facilities, sporting and recreational facilities and open spaces.
- 1.13 CIL is intended to provide developers more certainty up front about how much money they will be expected to contribute towards borough infrastructure needs. CIL takes the form of a charge per square metre of floorspace applied to most new developments that involve an increase of 100 square metres or more of gross internal floorspace or that involve the creation of a dwelling even where this is below 100 square meters. The CIL charges are based on the size and type of the new development. Some developments are exempt from paying the levy such as affordable housing, self build and developments of buildings by charities that are used for charitable purposes.
- 1.14 The CIL charges are set out in a formal document called a 'charging schedule' and charges are index linked and inflated over time.

Lewisham Community Infrastructure Levy

- 1.15 The Council's CIL is expected to become effective on the 1st October 2014. The Lewisham CIL will provide funding to help deliver a wide range of infrastructure projects to support new housing and economic growth and benefit local communities. It allows Lewisham to work with infrastructure providers and communities to set priorities for what the funds collected under the levy should be spent on and provides a funding stream so that the delivery of infrastructure projects can be planned more effectively.
- 1.16 The list of projects to be funded by CIL is set out in the Council's Regulation 123 list and the Council will allocate funds to projects to be supported through CIL as part of its capital programme.
- 1.17 Further information on the Lewisham CIL can be found on the Council's website¹.

Mayor of London Community Infrastructure Levy

- 1.18 In addition to the Lewisham CIL, the Greater London Authority is also a charging authority and the Mayor can charge a CIL to help ensure the delivery of local and sub-regional large scale infrastructure. As of 1 April 2012, the Mayor charges CIL to fund strategic transport which is currently the Crossrail project.
- 1.19 The Mayor's levy is £35 per square metre of new development in Lewisham. There is a nil charge for education and health uses.
- 1.20 The Council is required to collect CIL on behalf of the Mayor and give it priority in calculating the viability of its own CIL and other planning obligations. The Mayor is responsible for spending the Mayoral CIL.
- 1.21 Further information on the Mayoral CIL can be found on the Greater London Authority website.

How will the Community Infrastructure Levy and Planning Obligations work together?

- 1.22 The CIL will largely replace planning obligations as the way in which developments contribute towards providing the 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 more than five separate planning obligations to pay for one item of infrastructure.
- 1.23 When the Lewisham CIL has been adopted the key principle of our approach will be that planning obligations will be used to address site specific impacts of developments such as local access road or public realm improvements near the site. They may also be used in situations where a developer does not meet planning policy requirements to provide infrastructure on the development site. Planning obligations will be negotiated where items sought are clearly linked to the development site and are needed to make that particular development acceptable. CIL on the other hand will be used to fund local and strategic infrastructure required to support growth across the borough.

¹ <http://www.lewisham.gov.uk/myservices/planning/applications/community-infrastructure-levy/Pages/default.aspx>

- 1.24 CIL payments and planning obligations will be used to fund different infrastructure items and developments will not be charged for the same items of infrastructure through both planning obligations and CIL. To help clarify this we will publish a list of those infrastructure types for which we will not seek to negotiate planning obligations after Lewisham's CIL has been adopted. This is called a Regulation 123 list and it will contain projects which may be funded partly or wholly by CIL. The list will be based upon the infrastructure projects set out in the boroughs infrastructure plan which are required to support growth over the Core Strategy period (2011-2016). It will be kept up to date to take into account any changes in circumstances and/or infrastructure needs identified in future.
- 1.25 Affordable housing falls outside of CIL and will continue to be required through planning obligations.
- 1.26 The CIL regulations allow authorities to offer CIL exceptional circumstances relief subject to specific circumstances. To qualify for the CIL relief the financial cost of complying with the planning obligations must be greater than the CIL charge cost and meeting the cost of CIL and the planning obligations would have to be proven to make the development economically unviable. 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.

2 Legislative and Policy Context

Statutory Framework

- 2.1 The legislative basis for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (as amended), which provides local authorities with the opportunity to enter into Section 106 agreements to secure planning obligations in connection with the development and use of land and for applicants / land owners to give unilateral undertakings when making a planning application.
- 2.2 Further statutory provisions are set out in Regulations 122 and 123 of the Community Infrastructure Regulations 2010 (as amended) (“CIL Regulations”).
- 2.3 The CIL Regulations place into Law for the first time, the Government’s Policy tests on the use of planning obligations. As of 6 April 2010 it became unlawful for a planning obligation to 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:
- Necessary to make the development acceptable in planning terms
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development
- 2.4 The above requirement seeks to clearly delineate the different roles that both CIL and planning obligations have when used together, to secure the delivery of social and physical improvements and infrastructure required of and to support new development.

The National Planning Policy Framework (NPPF)

- 2.5 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 planning obligations. The NPPF reiterates the three tests governing the use of planning obligations as set out in the CIL Regulations and upholds the long standing principal that planning conditions are preferable to planning obligations. The NPPF also requires local planning authorities to ensure that 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.

The London Plan (July 2011)

- 2.6 The London Plan (July 2011) provides the strategic context for planning obligations in London and together with the Council’s Adopted Core Strategy (June 2011), is the primary consideration in determining planning applications.
- 2.7 London Plan Policy 8.1 outlines that in enabling development, the Mayor of London will work with boroughs and other key stakeholders across sectors to ensure the effective development and implementation of the Community Infrastructure Levy.

- 2.8 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 aspiration 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 through planning obligations and that affordable housing and the funding of Crossrail and other public transport improvements should be given the highest priority. Climate change, learning and skills, health facilities and services, childcare provision and the provision of small shops should also be given priority.
- 2.9 Policy 8.3 (Community Infrastructure Levy) sets out that the Mayor of London will work with Government and other stakeholders to ensure effective development and implementation of CIL and will prepare guidance for boroughs setting out a clear framework for its application. The focus of this is to ensure that the necessary infrastructure to deliver the policies of the plan, such as Crossrail, can be delivered.

The Consultation Draft Further Alterations to the London Plan

- 2.10 The Mayor of London published a consultation draft further alterations to the London Plan in January 2014. The proposed amendments to Policy 8.2 (Planning Obligations) include the inclusion of air quality and social infrastructure as matters which should be given priority in the consideration of planning obligations.

Mayor of London's Powers

- 2.11 It should also be noted that the Mayor has the discretion to determine planning applications of strategic significance. This includes consideration of any planning obligations relating to those strategic applications the Mayor decides as Planning Authority. On strategic applications that the Mayor decides, boroughs are statutory consultees and conversely, for those strategic applications that boroughs decide, the Mayor is a statutory consultee.

Lewisham Sustainable Community Strategy

- 2.12 The Sustainable Community Strategy (2008 – 2020) focuses on key challenges to reduce inequality and social exclusion within Lewisham's communities and between Lewisham and the rest of the country. It sets out objectives under the following themes:
- Ambitious and achieving – where people are inspired and supported to fulfil their potential
 - Safer – where people feel safe and live free from crime, antisocial behaviour and abuse
 - Empowered and responsible – where people are actively involved in their local area and contribute to supportive communities
 - Clean, green and liveable – where people live in high quality housing and can care for and enjoy their environment

- Healthy, active and enjoyable – where people can actively participate in maintaining and improving their health and well-being
 - Dynamic and prosperous – where people are part of vibrant communities and town centres, well connected to London and beyond
- 2.13 All of the Council’s activities and policies are guided by, and should be consistent with, the objectives and priorities set out in the Lewisham Community Strategy.

Local Development Framework

- 2.14 Lewisham Council’s Local Plan currently comprises the Core Strategy (adopted June 2011), Site Allocations (adopted June 2013) and the Lewisham Town Centre Local Plan (adopted February 2014). The Council are also developing two further documents to complete the Local Plan. The Development Management Local Plan (DMLP) is due to be adopted in late 2014, while the Catford Town Centre Local Plan is awaiting submission to the inspectorate.
- 2.15 The Core Strategy sets out the spatial planning framework for the long term development of the borough over the next 15 years. It is a strategic document that provides the broad strategy for the scale and distribution of development and the provision of supporting infrastructure.
- 2.16 The Development Management Policies, Site Allocations and Lewisham and Catford Town Centre Local Plans, are aimed at achieving development that delivers the vision and objectives set out in the Core Strategy to bring forward sustainable development.
- 2.17 Core Strategy Policy 21 sets out the following in relation to planning obligations:
- “The need to provide infrastructure, services and/or facilities to address the impact of new development will be considered by the local planning authority from the outset of the planning application process.
 - The Council will seek planning obligations in accordance with Circular 05/05 to ensure effective implementation of the Core Strategy.
 - The Council will prepare a Planning Obligations Supplementary Planning Document to provide further guidance on the likely type, scale and priority of planning obligations and the methodology for calculating formula based obligations, where it is appropriate to do so.”
- 2.18 A number of DMLP policies refer to the use and application of planning obligations in relation to issues such as town centres, wheelchair housing, air quality management and community facilities. The town centre local plans contain details of planning obligation priorities for the key development sites and each town centre.

Infrastructure Planning

- 2.19 The Council has produced an Infrastructure Delivery Plan (IDP) to assess the requirements for a range of physical, social and green infrastructure that may be needed over the plan period of 15 years to 2025/26. The IDP looks at the current and planned supply and the likely demand for such infrastructure if the forecast for population growth is achieved. The use of planning obligations will assist in the delivery of that infrastructure.

3 Topic Areas

3.1 Affordable Housing

Introduction

- 3.1.1 The provision of housing is a key priority and pressure for the borough. The Council is seeking to create socially mixed communities with a greater choice of housing, in order to meet the needs of Lewisham's diverse community. The provision of affordable housing to meet the existing and future housing needs of residents who cannot afford market housing is particularly important in Lewisham, given the high levels of deprivation, the lower than average household incomes and the high market housing prices experienced in the borough.
- 3.1.2 This appendix provides guidance on securing affordable housing as an integral part of development in Lewisham.

Definition

- 3.1.3 The main types of affordable housing promoted by the Council can be found within the method section. For the purposes of this document, the definition of 'affordable housing' as contained in Annex 2 of the National Planning Policy Framework (NPPF) will apply:

"Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

- *Social rented housing is owned by local authorities and Private Registered Providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.*
- *Affordable rented housing is let by local authorities or Private Registered Providers of social housing to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require no more than 80% of the local market rent (including service charges, where applicable).*
- *Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can be shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.*

Homes that do not meet the above definitions such as low cost market housing may not be considered as affordable housing for planning purposes".

- 3.1.4 Definitions, consistent with the NPPF, are also provided in regional and local policy.
- ⇒ Policy 3.10 and paragraph 3.61 of the London Plan
 - ⇒ Appendix 6 of the Core Strategy
 - ⇒ Appendix 5 of the Development Management Local Plan (DMLP).

Policy Pointers

- 3.1.5 For a summary of the national, regional and local planning policy context, please see Appendix 1.

Justification

- 3.1.6 When dealing with affordable housing it is important to recognise from the outset the unique nature of the borough in terms of its population, deprivation, housing stock, incomes, house prices and housing affordability. An overview of each of these characteristics is provided below, using data taken from:
- ⇒ 2011 Census
 - ⇒ 2012 ONS Mid Year Population Estimate
 - ⇒ ONS 2011 Neighbourhood Statistics
 - ⇒ 2012 Ethnic Group Projections
 - ⇒ 2010 Index of Multiple Deprivation
 - ⇒ 2012 GLA Population Projections
 - ⇒ 2012 GLA Ward Profiles
 - ⇒ 2012 Land Registry Data
 - ⇒ 2012 NOMIS Official Labour Market Statistics
 - ⇒ 2013 London Labour Market Indicators
 - ⇒ 2014 Lewisham Affordable Rent Study

- 3.1.7 **Population** In 2011 Lewisham had 275,900 residents, representing an 11% increase since 2001. This level of growth reflects London's growth as a whole and is greater than previously anticipated. The borough's population is projected to grow by 23% to 339,776 residents by 2041. Lewisham has a younger population than London as a whole with approximately 20% of residents aged 0-14, 70% aged 15-64 and 10% aged 65 and over in 2012. Lewisham also has a highly diverse and vibrant community both ethnically and culturally. In 2012 48.5% of residents were of black and ethnic origin and this will rise to 57.7% by 2041.

- 3.1.8 **Deprivation** Some of the borough's most successful communities are also some of its most deprived. In 2010 Lewisham was ranked as the 31st most deprived local authority in England. 38% of Lewisham's Lower Super Output Areas (LSOAs) were in the 20% most deprived. There are a range of indicators that point towards Lewisham having high levels of deprivation. In 2011 life expectancy at birth for males (78 years) and females (83 years) were slightly lower in Lewisham than England (79.2 and 83). Conversely, in 2012 childhood obesity levels (11.2% of 4-5 year olds and 24.4% of 10-11 year olds) in Lewisham were higher than England (9.4% and 19%). Deprivation relating to crime is widespread, with 60% of the LSOAs within the 20% most deprived in 2010. In 2013 Lewisham's unemployment rate was 9.9% and the rate of claimants for Job Seekers Allowance exceeds the London average. In particular there is a disproportionate impact of unemployment on young people (16 – 24 years), with some wards experiencing 22.6% compared to London's 6.9% in 2012.
- 3.1.9 **Housing stock** Lewisham's existing housing stock consisted of 116,091 households in 2011, of which 26% were single people living on their own. Purpose built flats are most common (35.7%) followed by terraced properties (28.2%). 43.6% are owner occupied or in shared ownership, 31.1% are social rented and 24.4% are private rented compared to London (56.5%, 26.2% and 15.5%). Private renting has almost doubled from 13.1% in 2001 to 24.3% in 2011. There is also significantly more housing in the lower Council Tax bands A-C and significantly less in the higher bands.
- 3.1.10 **Incomes** In 2012 the average gross earnings by residence in Lewisham was £594 per week. Lewisham's gross average annual pay, at £26,000, was lower than London's average of £30,000. Importantly, a quarter of Lewisham's residents earn £15,349 or lower.
- 3.1.11 **House prices** Despite being lower than London as a whole, house prices in Lewisham have recovered well since the recession and have once again reached the peak seen in 2008. By August 2013, average house prices rose to £296,559 and the house price index increased to 400. Average house prices also vary across the borough, ranging from £194,236 in the south to £415,757 in the north.
- 3.1.12 **Housing affordability** The average house price to income ratio is 7.91, making it difficult for local residents to buy a home in the borough. Barriers to housing are apparent. In 2010 89.2% of the LSOAs (encompassing areas within every ward) fell within the 20% most deprived and 19.9% of the LSOAs fell within the 10% most deprived. With average house private rents of £415 per week, renting takes up a significant proportion of residents' incomes. The monthly average rental value in 2014 varies from £927 for a 1 bed flat to £1,995 for a 4 bed house and values differ between postcodes. If 33% of residents' gross incomes were used to pay for rents, the percentage of residents who would be able to afford 80% market rent varies from 48% for a 1 bed flat to 12% for a 4 bed house. Conversely, for families consisting of 4 children in a 4 bed house that are reliant upon benefits, rents at 80% of market rent level would comprise 73% of their gross income.
- 3.1.13 To summarise, population growth coupled with lower than average earnings and an under-supply in both market and affordable housing has led to high housing costs beyond the reach of many residents. Furthermore, the benefits of inward investment do not always reach existing residents and often private housing developments are not accessible to local residents in housing need. The Lewisham Affordable Rent Study emphasised that affordability will be an increasing concern for larger households including those in work and those who are affected by the benefit cap. Consequently there is a need to ensure that Lewisham contributes to the overall London Plan affordable housing targets, but by doing so in a manner that responds

to the significant and high level of need for affordable housing in the borough, especially social rented units and affordable family homes. This section provides local level guidance on the provision of affordable housing that is tailored towards addressing this local level need.

- 3.1.14 The guidance in this section also takes into account the established and robust evidence base that already exists. At the regional level the London Strategic Housing Market Assessment (SHMA) (2013) identified a net requirement for around 49,000 new homes per year in London, of which 48% is needed as market housing, 20% as intermediate housing and 32% as social/affordable rented housing. In terms of unit sizes, 34% is needed as 1 bed units, 18% as 2 bed units, 26% as 3 bed units and 22% as 4 bed units. The Homes for London: London Housing Strategy 2014 and the Mayor's Housing Covenant 2015-18 Programme seek a mix of 60 rented homes and 40% intermediate. For the affordable rented units that are supported by the Mayor of London, half of the units should be lower capped rents of no more than 50% of local market rents inclusive of service charges and targeted at those most in need. Half should be discounted rents of no more than 80% of the market rent, prioritised for working households.
- 3.1.15 At the sub-regional level the South East London SHMA (2010), prepared on behalf of the London Boroughs of Southwark, Lewisham, Greenwich, Bexley and Bromley, identified a net requirement for 23,100 additional dwellings over the next five years, with a high requirement for 4+ bedrooms and the need for 71% to be provided as social rented housing. The initial findings for the 2014 South East London SHMA show that housing prices and population growth in Lewisham have increased the most compared to the other South East London Boroughs. To meet newly arising and backlog need, approximately 1,144 affordable housing units will be needed in Lewisham each year, half of which should be provided as intermediate housing. Whilst a full mix of unit sizes will be needed, the largest demand will be for 2 bed intermediate units and family sized 3 bed social/affordable rented units. However, to address the current levels of under-occupation and over-crowding, largest demand will be for 2 bed intermediate units and 1 bed social/affordable rented units.
- 3.1.16 At the local level the Lewisham Housing Market Assessment (2009) identified a net requirement of 6,775 dwellings over a five year period, with approximately 80% required as affordable housing. The Lewisham Affordable Housing Viability Study (2009) concluded that an affordable housing target of 50% is justified, based on medium term projections of a recovery in the local housing market.
- 3.1.17 The Lewisham Annual Monitoring Report 2012-2013 identified that 564 net new affordable units were completed in 2012-13 and that they were mostly concentrated in the north of the borough. They provide a mix of unit sizes and types with 27% 1 bed units, 48% 2 bed units, 25% 3 or more bed units, 96% new build units and 89% flats. However, the affordable housing completions form only 31% of the total completed housing and fall short of the 50% target. The social/affordable rent to intermediate ratio of 57:43 also falls short of the target ratio of 70:30.
- 3.1.18 The Lewisham Affordable Rent Study (2014) found that rent values vary across different postcodes and that target rent levels currently equate to 50% or less of the market rent. Only 25% of the postcodes fall within the desired affordability threshold (i.e. no more than 33% of gross income spent on housing) for 2 bed units at 80% market rent, whilst for 3 bed units 65% market rent is needed to meet affordability threshold and 50% for 4 bed units. Affordability will be an increasing concern for larger households including those in work and those affected by the benefit cap. In particular, there will be a significant reduction in residual income for unemployed families with three or more children, if they move from target rent to affordable rent at 80% of market rent.

- 3.1.19 The evidence identified above, when considered alongside the unique context of the borough, strongly emphasizes the need for affordable housing in the borough. The Council will be looking at development schemes to ensure that the affordable housing proposals do not exacerbate the inability of local residents in housing need to be able to access new homes.
- 3.1.20 Affordable housing also sits within a regional and local policy framework, namely the National Planning Policy Framework, London Plan policies 3.9-3.13, London Housing Strategy, Funding Prospectus: Mayors Housing Covenant, Core Strategy Policy 1, DM Policy 7 in the Development Management Local Plan and the Lewisham Housing Strategy. A number of overarching principles arise from this policy framework, including:
1. Helping to significantly boost the supply of high quality affordable housing and contribute to an average of 13,200 net new affordable homes per year in London. The FALP is proposing to increase this to 17,000.
 2. Providing affordable housing to meet the objectively assessed current and future needs for the area, as identified in the SHMA, having regard to local incomes, land and house prices, population trends and the strategic and local needs of different groups within the local community.
 3. Providing affordable housing where the site is capable of providing 10 or more homes, with a preference for providing affordable units on site.
 4. Seeking the maximum provision of affordable housing on a case by case basis, taking into account individual site circumstances. The starting point should be 50% affordable homes that will in turn contribute to an overall strategic target of 50% across the borough.
 5. Providing the right mix of housing to underpin successful and vibrant neighbourhoods, with a mixed and balanced tenure and a wide choice of housing options. In areas with high existing concentrations of social rented housing, introduce a more balanced social mix by providing a higher percentage of intermediate housing.
 6. Providing a mixed tenure with 70% social/affordable rented units and 30% intermediate units, thereby helping people on low or middle incomes to move into home ownership.
 7. Giving priority to affordable family housing, with a target of 42% of the units provided as family dwellings (3 or more bedrooms). Delivering family sized affordable homes, as well as increasing the supply of small affordable homes will help to tackle overcrowding and enable people to downsize.
 8. Providing affordable units that take account of viability and are subject to a financial viability assessment. A balance needs to be demonstrated between providing affordable housing that is genuinely affordable to local residents in housing need whilst ensuring schemes are viable and can be delivered.
 9. Ensuring affordable housing is effectively managed in a cost efficient way and that units remain at an affordable price for future eligible households.
- 3.1.21 The guidance in this section builds upon these overarching principles. The Council will expect development schemes to incorporate affordable housing in a manner that is compatible with the overarching principles listed above.

Development types from which obligations will be sought

General

- 3.1.22 In accordance with the London Plan, the Council will implement the affordable housing requirements set out in this SPD on sites of 10 units or more.
- 3.1.23 In order to prevent the underdevelopment of sites, the affordable housing requirement will be sought on sites that are capable of yielding the 10 unit threshold, whether or not the 10 unit threshold has been triggered. Where the Council considers that a site has been artificially subdivided in order to avoid the application of the affordable housing policy, the Council will investigate the ownership of each site to determine whether the ultimate holding company or owners are the same. Where possible, the Council will apply the affordable housing policy across the entire site.
- 3.1.24 Where there is an increase in the number of residential units on a site at a later date, then the affordable housing policy will be applicable if the increase in the number of units takes the total to 10 or more units and the guidance within this document will be applicable to all affordable dwellings.
- 3.1.25 In the event that planning permission is granted for a mixed-use scheme, and a subsequent application seeks to vary a use from a non-residential element to residential use, this will trigger a reassessment of the requirement for affordable housing to be provided on the site.

Specialist housing

- 3.1.26 The London Plan requires that specialist housing for people with specific housing needs, including sheltered housing for the elderly, should be provided for, in line with local needs. The Council's Local Plan also supports proposals for special needs housing to meet the needs of specific groups across all tenures and income groups.

Specialist housing for older people

- 3.1.27 Proposals for sheltered housing and extra care homes are subject to other residential policies. This means that the affordable housing policies will be applied to schemes that fall over the threshold. Where the Council receives a planning application for a market sheltered housing scheme or extra care scheme the Council will confirm whether or not there is a need for affordable accommodation of this type. If there is, the required amount of affordable housing will be sought as sheltered or extra care accommodation on-site. If there is no identified need for affordable housing of this type, the applicant will be required to provide general needs or other forms of affordable supported housing on site, through re-design exercises if necessary.

Student housing

- 3.1.28 Genuine student housing will not be required to provide a proportion as affordable housing. In accordance with the London Plan (paragraph 3.53) the Council will secure student housing through the planning agreement or a condition to be robustly secured for students in perpetuity, otherwise it will be subject to the requirements of the affordable housing policy. Proposed future changes to student housing provision will be subject to the same requirements.

Hotels

- 3.1.29 The Lewisham Development Management Local Plan states that “*Proposals for hotels will need to demonstrate that a hotel operator will be identified and secured prior to the commencement of the development.*” The Council consider that genuine hotel development is not required to provide additional affordable housing, whilst speculative development that is not considered as deliverable as a hotel by the Council may be subject to affordable housing.

Method for delivering affordable obligations

Affordable housing targets

- 3.1.30 The London Plan (2011), the Mayor’s Housing Supplementary Planning Guidance (2012) and the Lewisham Core Strategy (2011) state a strategic affordable housing target of 50%. That target is supported by the Council’s Local Housing Market Assessment and Affordable Housing Viability Assessment. In order to achieve the 50% strategic target the Council will use this as a starting point for negotiations subject to any site specific issues including financial viability.
- 3.1.31 The proportion of affordable housing will be calculated on the total number of units provided and rounded to the nearest whole number (with 0.5 being rounded up). However if the scheme proposes to provide a high proportion of affordable family units on site (defined as units with three or more bedrooms), the affordable housing requirement can be measured using habitable rooms, in accordance with the Mayor’s Housing SPG (2012).
- 3.1.32 Ultimately the proportion of affordable housing will be determined by the Council:
- On a site by site basis;
 - On identified evidence of local need; and,
 - Taking into consideration the financial viability of the development.
- 3.1.33 Where the quantum or type of affordable housing for delivery requires negotiation due to the influence of the three factors identified above, the Council will expect such negotiations to be undertaken early in the pre-application planning process, in particular in relation to the potential receipt of grant funding (from the Government, the Mayor of London, or other sources). Where discussions would be assisted by the inclusion of a Registered Provider, applicants should speak to the Council, who have a good relationship with many local Registered Providers and may therefore be able to assist in identifying a suitable partner. Further advice on Registered Providers can be found later in this section.
- 3.1.34 The Council understands that financial viability can affect the ability of a development to deliver affordable housing to meet policy targets. Guidance regarding Financial Viability Appraisal is available in Section 4.

Securing affordable housing

- 3.1.35 Planning obligations and affordable housing will be secured through a Legal Agreement under Section 106 of the Town and Country Planning Act 1990. Applicants are advised to agree heads of terms for a Section 106 Agreement with the Council. The following details will usually be referred to within the Legal Agreement:

- Number, location, size and tenure of the affordable units;
 - Standards which the affordable housing will meet;
 - Availability of units in perpetuity; and
 - Completion timing and availability of affordable units in relation to market units
- 3.1.36 Whenever possible any Registered Provider associated with the delivery of the affordable units will be expected to be party to the Section 106 Agreement.
- 3.1.37 Applicants are required to submit a 'Planning Obligations Statement' with their planning application. The Planning Obligations Statement should include the timing of the expected delivery of the affordable housing units, the mix of affordable housing tenures, how the affordable housing will be delivered and managed and the levels of affordable rent.

Dwelling size and mix

- 3.1.38 Providing housing of appropriate sizes to meet the needs of the borough is important in creating better and healthier places. The borough's needs will not be served through the provision of a large number of units designed to cater for single people or couples, as this will result in an under supply of much needed family housing. Conversely, the provision of predominantly family housing would make it more difficult for young and single people to stay in the borough and for those impacted by Welfare Reform to down size.
- 3.1.39 The dwelling size and mix should link directly to the London Housing Strategy, the Lewisham Core Strategy, the Strategic Housing Market Assessment and the Lewisham Housing Strategy.
- 3.1.40 Studio units are not suitable for affordable housing as they do not meet the borough's needs for this type of housing. Because of this, developments that provide solely studio units will not be accepted as affordable housing provision. However, studio units do generate a requirement for affordable housing, just like any other size of unit if they are part of a development of 10 or more residential units.
- 3.1.41 The Council recognises that different sites may pose different design challenges in terms of providing larger family accommodation. However, even in blocks of flats the Council considers that good quality family housing can be provided particularly at ground floor and 1st floor level with access to private gardens, balconies, terraces or other communal amenity space. In accordance with Core Strategy, the Council will ensure that 42% of the affordable housing provided within developments have three bedrooms or more. The need for family accommodation in Lewisham is greatest within the social rented sector and therefore the Council will ensure that 16% of any intermediate housing provided has three or more bedrooms and the remainder (to meet the 42% overall) should be provided within the social rented accommodation.
- 3.1.42 Some proposed developments may have too few affordable housing units to allow for a mix of unit sizes. In these circumstances, the size of the affordable housing units required should have one more unit than the majority of the units in the development. For example, if the majority of units have two bedrooms then the affordable housing units should have three bedrooms.

Tenure mix

- 3.1.43 A key characteristic of a mixed and balanced community is the variety of housing particularly in terms of tenure and price, and a mix of different households such as families with children, single person households and older people.
- 3.1.44 As a starting point for negotiations, social/affordable rented units will be the main tenure required and will account for up to 70% of the affordable housing provision with the remaining 30% provided through intermediate tenures. These targets are considered appropriate as they:
- Conform to the needs identified in the Strategic Housing Market Assessment;
 - Respond to the greatest amount of need (rented housing) whilst still enabling balanced and sustainable developments; and
 - Reflect the historic and current policy position in the Council's Local Plan which has been shown to be viable and deliverable since it was adopted.
- 3.1.45 In areas where there is a high concentration of social/affordable rented housing, for instance in the south of the borough, the Council may, at its absolute discretion, accept a slightly higher percentage of intermediate housing than the borough wide target of 30%. The Council will advise applicants if such a departure from policy is appropriate and it will be at the Council's absolute discretion.
- 3.1.46 Ultimately, the Council will determine tenure mix:
- On a site by site basis.
 - By the area of the borough in which the site is located; and
 - By evidence of need in the housing market assessment.
- 3.1.47 On some schemes, it may be impractical to split the affordable housing into social/affordable and intermediate tenures and it may be more practical to provide the affordable housing as a single tenure. On such sites, the Council will require that all of the affordable housing is provided as social/affordable rented housing to address the significant need for this type of housing in the borough.

Affordable rent

- 3.1.48 DM Policy 7 provides guidance on affordable rented housing in the Development Management Local Plan. Evidence has shown that affordable rent levels that are set at 80% of market rent will be unaffordable for many local residents in need of, and eligible for, affordable housing. In reality individual schemes usually contain homes at a range of affordable rent levels, including some at or around the Council's target rent level. Hence, DM Policy 7 and its justification text does not prescribe rigid rent levels but instead seeks that they be set on a case by case basis, taking into account:
- maximising affordable housing output whilst complying with other Core Strategy policies
 - meeting the full objectively assessed affordable housing needs
 - ensuring provision remains affordable for future eligible households
 - the location within the borough, the area's tenure mix and site characteristics.
- 3.1.49 Development schemes that provide affordable rent will be supported by the Council where they:

- comply with Core Strategy Policy 1 and DM Policy 7 of the Development Management Local Plan
 - create a balance between maximising affordable housing delivery whilst meeting the full range of housing needs. This includes giving first priority to people on the Common Housing Register and providing homes that they can genuinely afford (with no more than 33% of household income spent on housing costs)
 - can demonstrate that ownership of affordable rented homes will be transferred on completion to an approved Registered Provider or other Council approved body.
- 3.1.50 The Lewisham Affordable Rent Study (2014)² looked at local market rents across the borough, average incomes and benefit levels of different sized families and the ability of local residents in housing need to meet affordable rents up to 80% of the market value. It found that there are issues regarding the affordability of larger properties in the borough, especially for those people who are affected by the benefits cap as only people in employment are able to claim Housing Benefit to support higher affordable rent levels. It also found a disproportionate impact on larger unemployed families, given the benefit cap of £500 per week regardless of family size. It recommends that affordable rent levels be tailored to meet the needs of local residents in housing need including ensuring that larger unemployed families have some affordable housing options. Specifically, the study identified the appropriate levels of affordable rent in Lewisham that can be considered as affordable to local eligible people and recommended the following range of affordable rent levels:
- 1 bed units should be provided at 80% of the market rent or local housing allowance (LHA)
 - 2 bed units should be provided at 70-80% of the market rent or LHA
 - 3 bed units should be provided at 65% of the market rent or LHA to cater for larger working families. Furthermore, a proportion of the 3 bed units should be provided at 50% of the market rent (capped rent) in order to cater for families in most housing need
 - 4 bed units should be provided at 50% of the market rent (capped rent).
- 3.1.51 The Council's website will be regularly updated to show current estimates of market rent, target rent levels and the LHA.
- 3.1.52 The Council agrees that without constraining the ability of development schemes to provide affordable housing, rent levels should reflect the range of rent levels listed above. Furthermore, these rent levels should be applied across the borough, without differentiating between different postcodes, as market value will vary on a site by site basis with pockets of high value in most areas.
- 3.1.53 The Council will use this range of rent levels as the starting point in individual scheme negotiations and development schemes should strive to comply with the rent levels identified above. The exact mix of rent levels should be determined as part of an independent financial viability assessment (with the costs borne by the applicant). If site circumstances dictate that a development scheme should deviate away from these rent levels, reasons as to why such a mix of rents is not possible and/or viable should be provided as part of the planning application.

² <http://www.lewisham.gov.uk/my services/planning/policy/LDF/evidence-base/Pages/housing.aspx>

- 3.1.54 The rent levels assessed as appropriate in the financial viability assessment will be secured in the Legal Agreements signed as part of the planning permission and the Council will seek to ensure that the rent levels determined at the time of planning approval are retained at those levels on occupation.
- 3.1.55 In some circumstances rents will need to be at levels that enable movement for decant households or downsizers, therefore rent levels should always be agreed with a Registered Provider and the Council at the earliest opportunity (preferably at pre-application stage) and in accordance with any other housing strategy or policies.

Affordability thresholds for intermediate housing

- 3.1.56 The London Plan sets income limits for intermediate housing. These are based on average household incomes and average house prices across the whole of London. The Council has undertaken a SHMA and HMA and considers that it is appropriate to provide income thresholds that reflect local circumstances. The SHMA has been updated in 2014 and these figures incorporate its findings.
- 3.1.57 The maximum income levels that would allow households to qualify for intermediate housing are detailed in row 2 in Table A.1 below. These are upper thresholds.
- 3.1.58 Intermediate accommodation should be affordable for rent or purchase by households where the average total gross household annual income does not exceed £36,795 in respect of all 1 bed dwellings, £42,663 in respect of all 2 bed dwellings, £59,810 in respect of all 3 bed or larger dwellings (i.e. row 4 in Table 3.1.1).

Table 3.1.1 – Household Income Thresholds

	1 bed	2 bed	3 bed or larger
1. Cost of private housing in lowest quartile ³	180,480	237,047	357,074
2. Annual household income required to purchase private housing ⁴	51,565	67,727	102,021
3. Annual household income range for affordable rental housing ⁵	Up to 22,026	Up to 22,026	Up to 22,026
4. Annual household income range mid-point for intermediate housing (mid point of 2 and 3).	36,795	42,663	59,810

- 3.1.59 These figures will be increased (or decreased) annually in accordance with changes in income levels and house prices in the borough.
- 3.1.60 Affordability for shared ownership units should be established according to current HCA guidance. Total housing costs (including mortgage, rent and service charges) should not exceed 40% of net household income. Net household income is assumed to be 74% of gross household income.

³ SELHP Housing Market Bulletin Table 5d – Lower Quartile prices in South East London (and Lambeth) by ward, housing type and size, October 2013

⁴ Assumes 3.5 x gross income multiplier (in line with HCA calculator).

⁵ SHMA 2014

Key worker

- 3.1.61 A key worker is someone with a job in an essential public service. Key workers are usually considered to be national health staff, teachers, police, social workers, occupational therapists, educational psychologists, planners and military personnel. These workers are needed to provide key services to the public whether in the public or the private sector.
- 3.1.62 Key worker housing is usually provided as intermediate housing, however the definition of intermediate housing relates primarily to affordability and not to the employment status of the individual members of a household. Key workers may be eligible for either social housing or intermediate housing depending on their household income and circumstances. An appropriate amount of affordable housing should be made accessible to key workers to ensure that they are able to live and work within the borough.
- 3.1.63 In some cases the Council may seek to secure a specific percentage of key worker housing within the overall tenure mix of the affordable housing units. The Council will use the Government definition of 'key worker' unless there are specific shortages of key workers within the borough which the Council would make publicly known via its website.

Wheelchair housing

- 3.1.64 The Council will expect a minimum of 10% of all housing including the affordable housing to be capable of easy adaptation to the South East London Housing Partnership Wheelchair Homes Design Guidelines (October 2011) or any successor version of this document.
- 3.1.65 For further details regarding the provision of wheelchair housing see Section 3.2.

Completion and Availability of Affordable Units

- 3.1.66 The Council expects to see the affordable housing delivered as quickly as possible. On development sites the Council will therefore seek to secure the completion and transfer of the affordable housing units prior to the first sale or occupation of dwellings to be sold on the open market or rented privately. The market dwellings to be occupied in advance of completed affordable housing being transferred to an RP will be a maximum of 50% of the units. For phased development this will be 50% of the units per phase.

Service and management charges

- 3.1.67 Affordability of service charges is important on all affordable tenures and some may be ineligible for housing benefit. The Mayor of London's Supplementary Planning Guidance sets out that 'housing is affordable in that rents are no greater than target rents as set by Government for local authority and housing association and co-operative tenants. Service Charges should not be so great as to make a tenancy unaffordable for a household with an income of less than £16,900 on the basis of rents and service charges not exceeding 30% of net household income.' The new Affordable Rent tenure, as introduced in the 2011-15 GLA Investment period includes service charges in the total rent figure as a percentage of the market rent.

- 3.1.68 This may not be achievable on all schemes, however, where it is not achievable, charges should be kept to a minimum and discussed in detail with the Council.
- 3.1.69 The imposition of high maintenance costs and high services charges could affect the overall affordability of affordable units. Therefore the developer should aim to ensure that the services and management charges of the affordable units are affordable and to keep costs down where possible, without compromising high quality design.
- 3.1.70 The RP partner will be able to provide advice on acceptable levels of service charge and whether there is scope to reduce charges through design. Consideration can also be given to the services the charge will cover and whether it is appropriate for some of the services to be made available to occupiers of the market housing only.
- 3.1.71 If service charges exceed the affordable amount for tenants in social rented housing, the developer should reduce them to affordable levels through the provision of an endowment to subsidise charges on an on-going basis. The Council may consider other methods of reducing service charges, at its own discretion.

Public subsidy

- 3.1.72 Only affordable housing providers that are accredited by the Homes and Communities Agency (HCA) and GLA are able to apply for public subsidy. The Council's role is to inform the GLA whether it supports an application for public subsidy based on it meeting strategic priorities.
- 3.1.73 The Council will support the use of Social Housing Grant to maximise the provision of affordable housing in the borough. The Council will use the GLA Development Control Toolkit (or another suitable appraisal model) to determine whether a scheme requires grant and to demonstrate 'additionality'. If grant funding is required although not secured from the GLA, the Council may consider the inclusion of a Cascade Mechanism on either the level or the tenure mix of affordable housing required, to ensure the overall viability of the scheme. Cascade Mechanisms will only be used in exceptional circumstances and only where the need for grant is supported by a financial viability appraisal.
- 3.1.74 On occasion the Council might not support grant funding to schemes. The Council will only support schemes that meet the current and future GLA and Council's standards for residential development standards.
- 3.1.75 As the Council cannot guarantee that RPs will be able to secure grant funding on schemes coming forward for development, this should be taken into consideration in viability appraisals at the early stages of the planning application process. Thus the onus is on the developer to ensure that a scheme is economically viable without the need for securing grant funding. Grant funding, if available, will be used to provide additional affordable housing, that cannot be provided through development value alone.

Selecting and working with Registered Providers

- 3.1.76 The Council has established good relationships and working arrangements with a number of Registered Providers (known as 'Preferred RPs') that operate effectively in partnership with the Council to provide affordable housing that meets local housing need. The Council encourage developers to meet their affordable housing obligations by forming partnerships with the Council's Preferred RPs following discussions with the Council. Early dialogue between applicants, the Council and any potential RP can help to ensure that the RP is acceptable to all parties.

- 3.1.77 Early involvement of an RP can also help to provide clarity on the prospects for grant funding as programmes vary from partner to partner according to their agreement with the GLA. The Council will not support grant funding for schemes if applicants choose an RP that is not one of the Council's preferred partners and has not been discussed with the Council.
- 3.1.78 If Registered Providers (RPs) come forward as the 'lead' applicants for the development of schemes, RPs will be treated in the same way as other applicants in relation to the quality of the scheme required, meeting the relevant policies and any necessary planning obligations.

Perpetuity of provision and affordability

- 3.1.79 The Council requires affordable housing delivered through planning obligations to be kept available for initial and subsequent occupiers. In practice, this means that the affordable housing will be required to be retained as affordable in perpetuity.
- 3.1.80 In order to ensure that the affordable housing is retained as affordable in perpetuity, applicants will be required to grant a freehold or long lease of the units to an RP. A long lease is defined for this purpose as having a minimum of 125 years.
- 3.1.81 The only exception to this requirement is shared ownership units where the owner has 'staircased' to 100% of the property value. In these cases, the Council will ensure the provision of new affordable housing by requiring the RP to ring-fence the proceeds of any staircasing for use within the borough or the South East London sub region (i.e. The London Boroughs of Bexley, Bromley, Greenwich, Lewisham and Southwark).

Nominations for Affordable Housing

- 3.1.82 The Council will require nomination rights to all housing secured through Planning Obligations. A standard form of nomination agreement is available from the Council on request and the applicant will be responsible for ensuring that any Registered Provider acquiring the completed affordable housing units enter into an agreement with the Council. The standard form shall be amended as necessary to comply with any requirements of the South East London Regional Housing Strategy (for further details go to www.selondonhousing.org).
- 3.1.83 The applicant will be required in the Section 106 agreement to ensure that an RP enters into a nomination agreement with the Council, in the form prescribed above. The Council will require that any agreement it enters into will conform with the requirements of its choice-based lettings scheme.

Other Priorities

- 3.1.84 In very special circumstances, the Council may review levels of affordable housing and/or the tenure mix of the affordable housing. These special circumstances include occasions when achieving other Council priorities are considered to outweigh the full quantum of affordable housing or the 70/30 tenure split of social rent to intermediate. There may be circumstances where a scheme delivers exceptional community benefits over and above the standard planning obligations required. In these exceptional circumstances, the Council may (at its own discretion) review the levels of affordable housing required on the site if it is satisfactorily demonstrated

that there is a need for such facilities. A financial appraisal will also be required to demonstrate the required levels of affordable housing can not be provided.

- 3.1.85 Applicants are strongly encouraged to discuss such proposals with the Council at an early stage. To inform these discussions the Council will require evidence that demonstrates the need for such facilities and that their provision does not have a significant adverse impact on the financial viability of the development.

Financial Review Mechanisms

- 3.1.86 Major sites that are delivered through a series of phases over a period of several years may be able to make a greater contributions to the borough's affordable housing requirements as market values increase over time. The borough will therefore seek to secure delivery of these sites by negotiating flexible Section 106 agreements that will require the applicant to review the economic viability of their developments periodically. On outline schemes to be delivered over a number of phases, it is likely that the Council will require the applicant to update their financial appraisal upon the submission of each successive reserved matters application. If sales values have increased to an extent that the quantum of affordable housing can increase above the agreed minimum contribution, additional units will be provided in that phase.

Overage and 'Clawback' Mechanisms

- 3.1.87 The Council may also secure an 'overage clause' within the associated Section 106 agreement in circumstances where the full provision of affordable housing in line with the relevant policy is not possible due to financial viability.
- 3.1.88 The overage clause will require the applicant to make additional payments to the Council to represent any uplift in value between the date of the financial appraisal and the date of the completion of the development or the disposal of the completed development.
- 3.1.89 The maximum sum sought by the Council will be the cash equivalent to the percentage of affordable housing not provided as part of the development raised in line with inflation. Any payment due under an overage clause will be made to the Council in order to provide additional affordable housing within the borough.

Development of Affordable Housing by developers and non-Registered Providers

- 3.1.90 The Council's preference is for affordable housing to be owned and managed by Registered Providers. However, it recognises that some applicants are investment partners of the GLA, and the Council may consider the provision of affordable housing by such bodies. The Council would expect any housing not developed by an RP to be managed by an RP on the Council's preferred list, or another RP agreed in consultation with the Council.
- 3.1.91 The Council generally discourages the provision of shared equity housing by applicants who are not investment partners or the inclusion as affordable housing of any shared equity schemes not funded by the GLA.

Off-site Provision

- 3.1.92 The Council's preference is for affordable housing to be provided on-site. Off-site provision misses the opportunity for creating mixed and balanced communities and will only be considered in exceptional circumstances where the Council is satisfied that the preferred unit mix and tenure of affordable housing could not be provided on-site.
- 3.1.93 If off-site provision of affordable housing is acceptable to the Council, the applicant would be required to identify suitable sites within the borough area. 'Suitable sites' are those sites that are:
- located in areas where there is not a pre-existing high level of social rented housing;
 - within the same geographical area as the principal site; and
 - either owned by the developer or under some form of option to purchase, so that the Council can be assured that the site is available for development.
- 3.1.94 The Council would require the applicant to demonstrate either that the other site has planning permission; or they could submit an application for the off-site affordable at the same time as the main site. The provision of affordable housing off-site should not result in being economically advantageous for the developer. In line with the London Plan, applicants should demonstrate that they could provide a greater contribution towards affordable housing off-site and/or benefit the community more than what could have been provided on-site. For example, the provision of family sized units off-site that could not otherwise have being provided on site.
- 3.1.95 The Council will ultimately determine whether provision of affordable housing units off-site is the most appropriate solution, on a site-by-site basis.
- 3.1.96 Off-site provision may be acceptable if it would enable affordable housing provision that is more appropriate to identified needs to be met, and where the project is deliverable prior to the on-site market development being completed. In cases where it is appropriate for a developer to provide units on an alternative site, the Council will expect to see the required level of affordable housing across all sites concerned. This will usually result in a higher percentage of affordable housing provision on the alternative site. The Council will expect the affordable housing to be delivered prior to the occupation of the private housing. This will be secured through an appropriate clause in the Legal Agreement.

Hierarchy of affordable delivery

- 3.1.97 For all types of affordable housing it is preferable to the Council for developers to, wherever possible, make direct provision without the need for financial contributions to the Council. In the first instance this provision should be on-site and integrated in to the development. Where the Council deem that it is not possible to appropriately deliver affordable housing requirements on-site, the developer will be required to provide the necessary provision off-site. In exceptional circumstances and entirely at the discretion of the Council, a financial contribution may be considered appropriate as a payment in lieu. This matter is detailed further in the following paragraphs.

Payments in lieu

- 3.1.98 Payments in lieu of on-site affordable housing provision may be considered in exceptional circumstances and at the Council's absolute discretion. Payments may be considered if there is a concentration of a particular size and type of units on the proposed site, for instance:
- if there is a high concentration of 1 and 2 bed units on-site and there is a need to provide more family sized units; or,
 - to mix tenures to ensure that the Council are creating balanced and mixed communities.
- 3.1.99 In order for the Council to accept a commuted sum payment, they need to be certain that the developer subsidy towards affordable housing could fund the required proportion, type and tenure of affordable housing units required elsewhere in Lewisham. It will also need to include the cost to the Council of acquiring a suitable site on which to build the affordable housing and making the land capable of hosting development. This may mean that the cost per unit of a commuted sum is higher than the on-site cost per unit would be for the developer.
- 3.1.100 The Council will normally use the GLA Development Control Toolkit as a basis in calculating the commuted sum payments and to assess the economic feasibility of sites to provide affordable housing. The principle concern with using this method for the calculation of commuted sum payments is that in some circumstances, it does not produce enough money to deliver the same target and mix of affordable units off-site. Therefore, the Council may make adjustments to the calculation to account for local and site specific circumstances.
- 3.1.101 When the Council deem it necessary it may seek independent financial viability advice to inform its decision regarding the suitability of payments in lieu. The Council requires applicants to agree to meet the cost of an independent valuer to critically analyse the proposal to ensure it accurately represents the ability of the scheme to provide affordable housing off-site. If the applicant is unwilling to meet the Council's costs in procuring such advice, the Council may be unable to determine whether the affordable housing provision is appropriate and may refuse the application.
- 3.1.102 The calculation of a payment in lieu must include the following essential components:
- The cost of acquiring a suitable site in the same area as the application site;
 - PLUS the cost of building suitability sized affordable housing units;
 - LESS the price an RSL may pay for the completed units.
- 3.1.103 The Council will require payments in lieu to be made on commencement or prior to first occupation.

3.2 Wheelchair Housing

Background and justification

- 3.2.1 Many Londoners require accessible housing to lead independent and dignified lives. Lifetime Homes are suitable for most occupiers but are not a substitute for purpose-designed wheelchair standard housing. Many wheelchair users will require purpose-designed wheelchair housing and will find a lifetime standard home inadequate for their space requirements.
- 3.2.2 Wheelchair housing is designed to specifically meet the diverse and changing needs of wheelchair users and the multiplicity of impairments that some wheelchair users experience. Greater spatial demands and increased flexibility and specification in a property designed to wheelchair housing standards aims to ensure that not only does a wheelchair user have access to every facility inside and outside of the dwelling, but also has choice on how best to approach (and sometimes adjust) that facility to suit their particular needs.
- 3.2.3 The Council will expect a minimum of 10% of all housing, including the affordable housing, to be adapted or easily adaptable to the South East London Housing Partnership Wheelchair Homes Design Guidelines (October 2011) or any successor version of this document. A copy of the South East London Housing Partnership Wheelchair Homes Design Guidelines (SELHP Guidelines) can be found on the Council's website (www.lewisham.gov.uk).
- 3.2.4 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.

Policy pointers

- 3.3.1 For a summary of the national, regional and local planning policy context, please see Appendix 1.

Types of obligation and when they are required

- 3.2.5 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 planning obligations. This will include the fit out requirements for affordable units and details of the developer's marketing responsibilities for both affordable and private units.

Required form of obligations

- 3.2.6 Provision of wheelchair housing units within the development
- 3.2.7 The Council will expect a minimum of 10% of all housing, including the affordable housing, to be adapted or easily adaptable to the South East London Housing Partnership Wheelchair Homes Design Guidelines (October 2011) or any successor version of this document.
- 3.2.8 The 10% requirement will be calculated based on the total number of units within the development rounded to the nearest whole number (with 0.5 being rounded up) and must be provided in equal proportions across each tenure type within the development, unless otherwise agreed with the Council.
- 3.2.9 The wheelchair units provided as part of any development must be designed to meet all of the requirements set out in the SELHP Guidelines (including communal access doors and corridors and on-site parking) for them to be considered acceptable as wheelchair units. Any communal areas of the development including but not limited to any open space, leisure facilities and refuse storage must also be fully accessible for wheelchair users.
- 3.2.10 The Council requires a mix of sizes of wheelchair units across tenures and where possible wheelchair units should be located on the ground floor or where this is not possible below 3rd floor level. It is important to consider the distribution, location, number and size of wheelchair units at the beginning of the design process in consultation with the Council who can advise further on current wheelchair housing needs in terms of unit sizes.
- 3.2.11 The Council requires that all of the social rented or affordable rented wheelchair units provided as part of a development are fully fitted out for wheelchair occupiers, unless otherwise agreed by the Council. In relation to the intermediate and private wheelchair units, where the first occupants are likely to be unknown, the home should be designed to be easily adaptable for future occupation by a wheelchair user
- 3.2.12 'Easily adaptable' for the purposes of this SPD means that the home is designed from the outset with suitable accessibility, storage capacity, refuse storage, approach space to facilities and furniture, and circulation as defined by the SELHP Wheelchair Homes Design Guidelines, that enables later minor alterations to be easily undertaken to suit individual needs. Easily adaptable units should not require structural alterations (such as removing walls or widening doorways) or alterations to services to make it suitable for wheelchair users, but it might require minor alterations such as installing grab rails, replacing a bath with a shower or changing the kitchen bench and cabinets.
- 3.2.13 The Council requires that all wheelchair units are provided with on site car parking unless otherwise agreed by the Council. No additional cost should be charged by the developer for the affordable wheelchair housing parking provision.
- 3.2.14 The provision of both the affordable and private wheelchair housing units (including the number, mix, location, fit-out and associated parking spaces) will be secured through planning obligations.

Marketing of units

- 3.2.15 Developments that include shared ownership and/or private wheelchair units will be required to market wheelchair units for a minimum period of 6 months before any of the homes, if still unsold, are released onto the open market.
- 3.2.16 Shared ownership wheelchair units should be marketed in accordance with the 'SELHP Guidelines for developing & marketing wheelchair accessible shared ownership properties' document (available from the SELHP website). Private wheelchair units should be advertised on specialist websites/publications catering for people with disabilities.
- 3.2.17 In the case of larger developments the Council may secure the submission of a 'Wheelchair Housing Marketing Plan' through planning obligations to ensure that every effort is made to target people with disabilities. The Council may also require the submission of monitoring information such as the number of wheelchair units sold to wheelchair users.

Payment for provision of off-site wheelchair units

- 3.2.18 In exceptional circumstances, where site constraints such as topography prevent the SELHP Guidelines from being met, the Council will require detailed justification setting out why the guidelines cannot be met. Where wheelchair units cannot be provided on-site the Council will seek a financial contribution towards the provision of or fit-out of wheelchair housing elsewhere in the borough.
- 3.2.19 Any shortfall in the required provision of on-site wheelchair housing will be charged at £25,000 per unit. The level of payment is based on the average cost of adapting properties in Lewisham over the past 5 years. These changes include installing accessible kitchens, bathrooms, doors and providing level access and ramps.
- 3.2.20 The Council will work with Lewisham residents who have a disability and their current home is in need of adaption to provide the off-site provision. This will help more disabled people to stay in their homes and provide accessible units to those who can not move into new units.

3.3 Local Labour and Business

Background and justification

- 3.3.2 As London's economy grows the number of jobs and careers available to Lewisham's citizens will increase. The London Plan, developed by the Greater London Authority, predicts a minimum of 249,000 more jobs between now and 2016 for east and south-east London.
- 3.3.3 Many of these jobs will require specific skills. Lewisham's citizens should feel equipped to compete for the best jobs and fulfil their aspirations. Everyone, regardless of their background or experience, will be able to develop their skills through lifelong learning and access these opportunities. New skills can be learnt in a variety of situations, whether it be caring for a relative, starting an adult education course or training to advance or change a career.
- 3.3.4 The GLA Local Enterprise Panel identified, in the Jobs & Growth Plan for London, April 2013, that one of its four priorities is 'skills and employment' - to ensure Londoners have the skills to compete for and sustain London's jobs.
- 3.3.5 Some 30,000 adults in Lewisham require help with basic literacy and numeracy. With access to the right training, development opportunities and support, all our citizens can benefit from London's dynamism and transform their prospects.
- 3.3.6 High levels of unemployment, low incomes and deprivation persist in the borough because of certain barriers to employment that people experience, most notably the lack of skills that are required in the jobs market. Reducing deprivation is an essential part of developing socially sustainable communities, especially in growing and intensifying communities.
- 3.3.7 Improving the skills of the local population is important in promoting a vibrant labour market and local economy that provides jobs for local people and a full range of goods and services for residents and visitors.
- 3.3.8 The Council has the Local Labour and Business Scheme, which has objectives around securing and raising awareness of opportunities in employment, training and business within the borough. This is a coordinated scheme working with developers, contractors, suppliers and service providers which makes available bespoke support and guidance. This is designed to ensure that local people and businesses are best positioned to take advantage of new employment, training and business opportunities through the development and regeneration taking place in the borough and in the wider Thames Gateway and London areas.
- 3.3.9 The Lewisham Local Labour and Business Scheme also provides the opportunity for local small and medium sized enterprises (SMEs) to obtain support in the form of workshops, Lewisham business procurement directory, 1:1 business growth advice, prequalification questionnaire completion and tender submissions assistance. The Local Labour and Business Co-ordinator promotes Lewisham businesses by brokering opportunities and intelligence regarding Lewisham businesses to developers.
- 3.3.10 The use of local labour and businesses can also limit the environmental impact of new development as it will reduce the need for commuting to work and training locations and will require materials being transported shorter distances.

- 3.3.11 As previously described, Lewisham contains some of the most deprived locations in the country, where there is high unemployment. The addition of further population from new development has the potential to exacerbate the rate of unemployment as competition for a limited number of local jobs rises.
- 3.3.12 For the reasons above, financial support for the Local Labour and Business Scheme is vital in mitigating the impact of new development. Most development will have an impact and therefore obligations will be required.

Policy pointers

- 3.3.13 For a summary of the national, regional and local planning policy context, please see Appendix 1.

Key Document - Lewisham Business Growth Strategy

The Business Growth Strategy sets out how the Council and partners will work together to maximise business growth in the borough in the next ten years (2013 to 2023). The vision of the strategy is that in ten year's time Lewisham will be one of the fastest growing parts of the London economy.

Three aims have been developed to underpin this vision. These aims have been developed through an examination of the Lewisham economy and by considering how its unique mix of characteristics can be exploited to harness the potential that already exists in the borough to boost economic growth.

Aim 1: To boost Lewisham's contribution to the London economy by enhancing the ability of new and existing business to thrive and grow.

Aim 2: To accelerate the expansion of the Lewisham economy by capitalising on major physical regeneration in the borough to create the right environment for business growth

Aim 3: To diversify and expand the Lewisham economy by inspiring, nurturing and promoting the creativity and entrepreneurship of Lewisham residents.

Types of obligation and when they are required

- 3.3.14 The Council will use planning obligations to secure financial contributions towards the training, support and recruitment of local people.
- 3.3.15 The Council will also use planning obligations to secure the commitment of developers, contractors and end users to use local labour by providing apprenticeships, graduate placements/jobs, work experience, work placements, advertising jobs locally and seeking to recruit Lewisham residents into job vacancies.
- 3.3.16 The Council will use planning obligations to secure the commitment of developers, contractors and end users to upskill their local workforce with specific focus on Lewisham residents.
- 3.3.17 The Council will use the planning obligations to secure the commitment of developers to engaging with local businesses to ensure that they are best positioned to access contract opportunities through development, regeneration and other end users routes.

Required form of obligations

Financial contribution

- 3.3.18 Financial contributions will support both capital and revenue costs of a range of services provided by the Local Labour and Business Scheme for residents and small and medium sized businesses in the borough.
- 3.3.19 The contribution sought reflects the current training and operation costs of running the programme to the end of the Local Plan period (2025). Based on the Council's experience and forecasting, it is estimated that the combined cost of operating the programme is approximately £1,000,000 per year.
- 3.3.20 The approach to the contribution sought seeks to split the contribution between residential and commercial development. This is because both the local residential population and the local economy stand to gain from the Local Labour and Business Scheme. Residential development will therefore be expected to contribute to half of the annual £1,000,000 required to operate the Local Labour and Business Scheme, with commercial development contributing to the remaining half.
- 3.3.21 The approach seeks an equal amount for each job and dwelling proposed. The contribution for each dwelling and job generated by commercial development is therefore derived by dividing the amount required to operate the scheme by the total number of jobs and dwellings that will be created within the borough to 2025. Based upon the estimated number of new dwellings (1,385) to be created annually as required by the London Plan (draft FALP 2014) and the number of new jobs required annually (500) as estimated by the Lewisham Business Growth Strategy, each new job and dwelling will require a contribution of £530 towards employment training.

Table 3.3.1 – Total Contribution Required per Dwelling/Job

	No. planned annually to 2025	Total cost of running employment training schemes annually	Total cost per dwelling/job
Dwellings	1,385	£735,000	£530
Jobs	500	£265,000	£530
Total	1,835	£1,000,000	£530

- 3.3.22 In order to estimate the number of jobs that will be generated from employment floorspace, the Council will use the employment densities identified in the HCA Employment Densities Guide (2nd ed.) or subsequent guidance.

e.g. High Street Retail = 1 job per 19sqm.
190sqm of new High Street Retail development = 10 jobs
Cost per job = £530
Cost for 10 jobs = £5,300

Non financial obligations

3.3.23 The Council will secure both financial and non-financial obligations as required. Non-financial obligations could include:

- A Local Labour and Business Strategy
- Monitoring on a monthly basis

3.3.24 A Local Labour and Business Strategy will be required to:

- Support local people into work by providing employment opportunity linked training. It is envisaged that the employment opportunities will not only be construction related eg trades, construction professionals, administration, security, catering etc but will also be secured through the wide range of end users eg leisure, facilities management, warehouse operative etc. A commitment from developers, contractors and end users to use reasonable endeavours to obtain 50% of the on site workforce from residents within the borough;
- Advertise job opportunities locally 7 days prior to general advertisement
- Raise awareness of the vast, varied and rewarding career opportunities available in the construction industry and other sectors to local young people in full time education and leading from apprenticeships;
- Detail participation in community events eg job fairs, youth engagement, careers fairs, engagement with groups supporting residents furthest away from the job market
- Provide support for local businesses to access developer, contractor and supply chain subcontract and supplier contract opportunities through workshops and events;
- Commit to including suitable local businesses in all project related procurement processes;
- Commit the developer/contractor to use reasonable endeavours to place 50% (in terms of value) of the available supply and service contracts with businesses from the borough;
- Detail job opportunity linked training places and associated costs (e.g. licenses, PPE, certification etc).
- Provide construction phasing information and labour forecasting data to the Council, to maximise the job matching process.
- Provide a named contact who is responsible for the delivery of the Local Labour and Business Strategy.
- Make a commitment to include anticipated achievements, on the project, in the following areas (all targets are related to local residents and businesses, where 'local' refers to the location of permanent operation of business or location of resident's home being within the London Borough of Lewisham):
 - a) New apprenticeship places
 - b) Continued apprenticeship places (safeguarded)
 - c) Finished apprenticeships
 - d) Graduates
 - e) Community Involvement Activities

- f) 16+ Work Experience
 - g) 14-16 Work Experience
 - h) Jobs Advertised through the Local Labour and Business Scheme
 - i) Job Starts
 - j) Accredited training places
 - k) Businesses completing prequalification process
 - l) Businesses receiving project related invitations to tender
 - m) Value of contracts secured by local business
- 3.3.25 Monitoring will expected to be undertaken in accordance with the requirements as detailed on the Council's website and using the monitoring form, available at the website link below:
- <http://www.lewisham.gov.uk/mayorandcouncil/counciljobs/employmentadvice/default/Pages/Local-Labour-and-Business-Scheme.aspx>

3.4 Employment floorspace

Background and justification

- 3.4.1 The borough of Lewisham has seen a reduction in the amount of employment land in recent times. The table below shows how the amount of commercial space in the borough has shrunk over the past decade at a faster rate than for both London and London East.

Percentage Change in Commercial Space 2002-2012			
	Lewisham	London	London East
All	-16.33	-2.98	1.65
Industrial	-30.2	-17.31	-19.68
Retail	-5.79	3.72	7.42
Office	7.35	4.2	21.03
Source : Local Futures 2013			

- 3.4.2 Once employment land is redeveloped for alternative uses it is unlikely it will ever revert back to an employment generating use.
- 3.4.3 The Council has a range of planning policies to protect existing employment floorspace, require positive redevelopment of employment floorspace where possible and encourage new floorspace to be brought forward. Additionally, the Business Growth Strategy⁶ sets out how the Council and partners will work together to maximise business growth in the borough in the next ten years, 2013 to 2023.
- 3.4.4 The vision of the strategy is that in ten year's time Lewisham will be one of the fastest growing parts of the London economy, backed up by three aims, as follows:
- Aim 1: To boost Lewisham's contribution to the London economy by enhancing the ability of new and existing business to thrive and grow.
 - Aim 2: To accelerate the expansion of the Lewisham economy by capitalising on major physical regeneration in the borough to create the right environment for business growth.
 - Aim 3: To diversify and expand the Lewisham economy by inspiring, nurturing and promoting the creativity and entrepreneurship of Lewisham residents
- 3.4.5 Most development will have the opportunity to bring forward employment floorspace, while many schemes will have a policy requirement to deliver it. In these circumstances the Council will seek to ensure that the provision is of a sufficient quality, accessibility and affordability that makes certain it has the highest possible chance of being deliverable and becoming sustainable and resilient employment floorspace. Obligations may be sought from all developments.

⁶<http://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/strategies/Documents/LewishamBusinessGrowthStrategy2013-2023.pdf>

- 3.4.6 This section sets out examples of those matters that will, when appropriate, need to be mitigated through a planning obligation in order to ensure high quality deliverable employment floorspace is provided. This may include both permanent matters as well as temporary measures, such as incentives to encourage initial momentum in occupation.
- 3.4.7 In order to maintain a diverse and sustainable local economy it is important for a range of commercial property to be available to support the small and medium-sized enterprises (SME) sector and accordingly the Council will work with developers to encourage the provision of flexible and affordable office floorspace in office development and small and affordable shop units in major retail developments.
- 3.4.8 In some cases, local regeneration and improvement projects may include enhancement of employment floorspace in conjunction with many other improvements, such as town centre improvements, transport improvements and/or public realm enhancements. This is particularly likely in the Council's Regeneration and Growth Area, or where a development is located in one of the town centres identified in the Core Strategy as a Major, District, or Local Town Centre. A financial contribution towards such over-arching projects may mitigate against multiple impacts. In such circumstances reference should be made to other relevant sections of this SPD regarding these matters, including the specific guidance in section 4 regarding improvement projects in areas of high growth.

Policy pointers

- 3.4.9 For a summary of the national, regional and local planning policy context, please see Appendix 1.

Types of obligations and when they are required

Delivering sustainable new floorspace

- 3.4.10 In order for the Council to ensure that deliverable, sustainable and resilient floorspace is provided in the right locations, applicants proposing new employment floorspace will, when appropriate, be required to provide details for approval regarding a number of matters, including:
- The level of fit out of commercial units. Micro business should not have to meet the costs of fitting out small units. Small units should be fitted out or if left as shell and core the costs of fitting out should be met by the developer.
 - Market research that provides evidence of demand for the type of premises being delivered.
 - Evidence that consideration has been given to workspace models such as co-working space, incubators and accelerators, which can support growth in new and micro businesses.
 - Affordable rent (in perpetuity or as a temporary incentive)
 - Commercial rates
 - Service / additional charges
 - Provision of business incubator space and/or co-working space
 - Size of floorspace

- Flexibility of floorspace
- Length and terms of lease. Terms that provide flexibility for small businesses are preferable. Include details of break clauses and notice periods
- Provision of high speed broadband

The Council may use a Legal Agreement to manage the proposed use of employment floorspace, including appropriate rent levels and to control the size, location and nature of the occupant.

Loss of existing floorspace

- 3.4.11 The Council will resist the loss of employment floorspace in accordance with the policy framework in place. However, in exceptional circumstances and entirely at the Council's discretion, it may find certain occasions where the loss of employment floorspace is acceptable.
- 3.4.12 Where this is the case, the Council will seek a financial contribution as detailed in the following section.

Required form of obligations

- 3.4.13 New employment floorspace (as required by policy), taking account of the matters outlined above, should be delivered on-site whenever possible and only off-site when the Council deem it necessary. The proposed approach, detail and delivery of such provision (whether on-site or off-site) will need to be approved by the Council.
- 3.4.14 Where the Council deem that direct provision by the developer is not achievable a financial contribution may be necessary. A financial contribution may also be necessary if there has been a loss of employment floorspace under the circumstances described in paragraph I.1.10.
- 3.4.15 In order to estimate the number of jobs that have been lost or failed to be generated from missed opportunities for employment floorspace, the Council will use the employment densities identified in the HCA Employment Densities Guide (2nd ed.) or subsequent guidance.
- 3.4.16 The cost of a job has been calculated as the equivalent of the cost of supporting a trainee for one year, in order to provide an opportunity to secure long term employment, which is £10,000.
- e.g. High Street Retail = 1 job per 19sqm.
 190sqm of new High Street Retail development = 10 jobs
 Annual cost for a trainee = £10,000
 Cost for 10 jobs = £100,000
- 3.4.17 The Council will use this funding to bring forward flexible and affordable business space.

3.5 Transport

Background and justification

- 3.5.1 Securing an accessible, effective and appropriately sized public transport system is integral to the creation of sustainable and cohesive communities and plays an important role in enhancing quality of life for all residents and combating social exclusion for disadvantaged individuals and groups.
- 3.5.2 Most forms of development will result in increased pressure on existing transport infrastructure across the Borough and will therefore be required to minimise, eliminate or mitigate against the impacts of the development. This includes improvements in the quality, capacity and safety of the road network as a result of residential and commercial vehicle movements; improvements to cater for increased walking and cycling trips, and enhancements to public transport, such as bus and rail services and supporting infrastructure.
- 3.5.3 Obligations will be sought from all impact generating development to provide for appropriate infrastructure to cater for proposed increases in the residential population and demand generated through increased employment opportunities.
- 3.5.4 Funding for strategic transport enhancements that are required as a result of incremental growth will normally be provided by the Council using CIL funding.
- 3.5.5 Where developments are required to deliver infrastructure matters needed to make developments acceptable in planning terms, these matters may be secured through planning obligations. Other transport matters may be dealt with through planning conditions and S278 transport agreements.
- 3.5.6 This section sets out examples of those matters that may be required to be mitigated through planning obligations, including transport assessments and travel plans, site delivery infrastructure, local network impacts, parking and car sharing.
- 3.5.7 In some cases, regeneration projects may include enhancement of the local transport network in conjunction with other improvements, including to the economic development and/or public realm in the locality. This is particularly likely in the Council's Regeneration and Growth Area, or where a development is located in one of the town centres identified in the Core Strategy as a Major, District, or Local Town Centre. A financial contribution towards such over-arching projects may mitigate against multiple impacts. In such circumstances reference should be made to other relevant sections of this SPD regarding economic and public realm matters and the specific guidance in section 4 regarding regeneration.

Policy pointers

- 3.5.8 For a summary of the national, regional and local planning policy context, please see Appendix 1.

Types of obligation and when they are required

- 3.5.9 The following are types of obligation that may be required to mitigate against the impact of a development. This is not an exhaustive list, but a guide for developers to the types of transport matters that should be considered.

Plans

- 3.5.10 On the most part, travel plans, servicing and delivery plans, temporary traffic management plans and other transport related plans should be submitted up front in the application process in line with the Council's Local Information Requirements⁷ In exceptional circumstances and in particular for very large schemes, it may be necessary to secure on-going matters, including monitoring and review mechanisms as a planning obligation.

Site delivery infrastructure and specific network impacts

- 3.5.11 A proposed development may require specific works in order to make the scheme acceptable in planning terms. Necessary infrastructure may be secured on site, regarding access to the site or off site in the locality of the development.
- 3.5.12 On-site matters and those regarding access to the site could include the movement of bus stops, trees and street furniture, kerbing matters, road crossings and minor junction works. The delivery of these works should be secured through the most appropriate course, be it a S106 obligation or through a S278 agreement.
- 3.5.13 Improvements to the strategic transport network required as a result of development will normally be provided by the Council using CIL and other funding. However, there may be occasions where a development may be required to fund other transport infrastructure where:
- 3.5.14 the development will have an impact on the local transport network that requires mitigation.
- 3.5.15 In these circumstances, there may be the need for local changes and improvements, such as (but not exclusively) enhancements to local highway and freight capacity and quality, the public transport infrastructure, cycling and walking routes and vehicle management matters (inc. parking controls and management and car and cycling clubs).
- 3.5.16 a specific transport improvement is necessary to make a proposed development acceptable.
- 3.5.17 The Council consider that this is most likely for large developments that require enhancement of the transport network in order to ensure the acceptability and effective delivery of the proposals for the site. For example, the provision of transport infrastructure that will improve the development's PTAL to a point which will make the proposed quantum of residential development acceptable. For the majority of developments the Council consider that on-site and local improvements will normally be sufficient to mitigate impacts.

⁷ <http://www.lewisham.gov.uk/myservices/planning/applications/Pages/Validation-requirements.aspx>

Required form of obligations

- 3.5.18 The level of contributions for this topic cannot be determined through use of a standard formula as the level of any contribution needs to reflect the particular characteristics of the proposed development and the local context.
- 3.5.19 It is preferable to the Council for developers to directly provide necessary improvements and mitigation without the need for financial contributions to the Council. This should be delivered on-site whenever possible and only off-site when necessary. The proposed approach, detail and delivery of such mitigation (whether on-site or off-site) will need to be approved by the Council. 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 to undertake the necessary works or to charge a third party with delivering the works. The level of cost should be evidenced by the developer and then submitted for agreement with the Council in advance.
- 3.5.20 Applicants should note that Transport for London may require contributions over and above those sought by the Council in order to address the impacts of the development. TfL operates a pre-application process and for further details please see www.tfl.gov.uk.

3.6 Public Realm

Background and justification

- 3.6.1 Public realm is considered to be those sections of an urban area (whether publicly or privately owned) located between, surrounding and within buildings that are publicly accessible, including streets, squares, forecourts and open spaces. The public realm is an important aspect of any development and ensures that the development is integrated into and enhances the existing character and use of the area.
- 3.6.2 All residential and commercial development is required by policy to contribute towards good design (in particular through Core Strategy Policy 15), which extends to the consideration of the public realm. Most forms of development will place the surrounding public realm under increased strain and will therefore be required to minimise, eliminate or mitigate against the negative impacts of the development. Such mitigation may be required to cover aspects such as quality and durability, access and connectivity, community safety and other matters integral to its use. Contributions to public realm may also add towards refurbishment or new provision of civic space and other projects aimed at improving the quality for users of these areas. Applicants will be encouraged to engage artists and urban designers at an early stage.
- 3.6.3 Planning obligations for public realm improvements may be sought from any development that is required to mitigate its impact and will be sought from qualifying residential and commercial development proposals within major and district town centres and employment locations (as shown on the Local Plan Policies Map), those developments impacting on key public transport locations and those developments that generate high visitor numbers.
- 3.6.4 Any public realm contributions will be separate and additional to CIL. They will be required to address the localised impacts of a development and not for those strategic infrastructure matters listed in the Council's Regulation 123 list. Most green open space infrastructure will be dealt with by CIL.
- 3.6.5 In some cases, regeneration projects may include enhancement of the public realm in conjunction with other improvements, including to the economic development and/or transport sustainability of the locality. This is particularly likely in the Council's Regeneration and Growth Area, or where a development is located in one of the town centres identified in the Core Strategy as a Major, District, or Local Town Centre. A financial contribution towards such over-arching projects may mitigate against multiple impacts. In such circumstances reference should be made to other relevant sections of this SPD regarding economic and transport matters and the specific guidance in section 4 regarding regeneration.

Policy pointers

- 3.6.6 For a summary of the national, regional and local planning policy context, please see Appendix 1.

Types of obligation and when they are required

Providing high quality public realm

- 3.6.7 Provision of new or improved public realm may be required on site, in accessing the site or in the locality of the development and will be expected to be delivered to the highest quality level.
- 3.6.8 Public realm environments should be delivered to a high standard of design and using high quality materials. The Council has a number of documents that offer guidance on delivering high quality public realm, including the Streetscape Guide⁸, the North Lewisham Links⁹ strategy and the River Corridor Improvement Plan SPD¹⁰. The Council will also seek independent design advice when it is deemed necessary to ensure the delivery of high quality public realm. It may be necessary for the applicant to fund the independent advice required to enable the Council to assess the acceptability of proposals. Applicants should seek advice from the Council at an early stage as to the appropriate design guidelines to be followed, dependent on the public realm works proposed.

Public art

- 3.6.9 The provision of public art and artistic features should form an integral part of any Major Development in prominent locations and/or making a significant impact on it's physical environment.
- 3.6.10 The provision of public art should be in accordance with the Council's latest cultural strategy and should be discussed with the Council (including the Council's Officer responsible for public art) at an early stage, i.e. at concept stage rather than approval stage. The Council will insist that any public art is developed through a transparent process that should involve community engagement and consultation at an early stage in the process, where appropriate.
- 3.6.11 The use of local artists will be encouraged, where it is appropriate to do so and the integration of successful existing or newly planned public hard and green open spaces will be supported.
- 3.6.12 Where necessary, the Council will use planning obligations to secure the delivery of a public art proposal. Applicants may be required to submit a public art plan for approval detailing matters including engagement and consultation, form and design, funding, delivery, on-going management and maintenance.

Access and connectivity

- 3.6.13 New developments should be connected with the surrounding environment and provide easy access to the most sustainable forms of movement, including cycling and walking. Developments may need to link in to and maintain existing publicly accessible routes on to and off of the site, through the site and in the surrounding

⁸ <http://www.lewisham.gov.uk/myservices/transport/roads-and-pavements/Pages/Lewisham-Streetscape-Guide.aspx>

⁹ <http://www.lewisham.gov.uk/inmyarea/regeneration/deptford/north-lewisham-links/Pages/default.aspx>

¹⁰ <http://www.lewisham.gov.uk/myservices/planning/policy/LDF/SPDs/Pages/River-corridor-improvement-plan.aspx>

locality and ensure that new links and/or routes are provided as necessary. Reference should again be made when appropriate to the North Lewisham Links strategy and the River Corridor Improvement Plan SPD for further guidance on this matter.

- 3.6.14 The Council will use planning to ensure that hard open spaces and routes are publicly accessible and will remain so in perpetuity (whether publicly or privately owned) and will resist the inclusion of gates that can be closed and locked.
- 3.6.15 Applicants may be required to submit public realm and public access management plans to support their proposed approach. Such plans will be required to detail matters including public access route funding, delivery, management and maintenance and providing a clear purpose of the function of each route.
- 3.6.16 Further obligations may be necessary to secure rights of way and to ensure they are provided or upgraded to a suitable quality and maintained as such over time.

Community safety

- 3.6.17 Developments must provide a safe environment for the local community and visitors. The primary means of addressing community safety will be good design. In some circumstances there may be specific safety concerns arising from a scheme requiring further mitigatory measures to be taken to tackle safety risks either on-site or in the locality of the development. In particular, development that generates high visitor numbers may generate public safety concerns that require additional mitigation.
- 3.6.18 Measures to improve community and visitor safety in the vicinity of developments that may be required could include: improved lighting; CCTV camera installation, enhancements to the Council's CCTV system capacity, linkages and monitoring arrangements; and design measures including actions to improve lines of sight and over looking.

Impact on surrounding public realm

- 3.6.19 The introduction of most forms of new development will place an extra strain on public realm in the locality of the development. In particular large scale development in town centre or employment centre locations or developments that generate a high number of visitors can have a significant impact on the local public realm. In these circumstances there may be the need for mitigation in the form of an off-site project or financial contribution to the Council to provide local improvements, ensuring that the public realm can accommodate the increased strain. Such mitigation may include enhancement of the public realm in the shape of public conveniences and benches, space accessibility, management, function and maintenance improvements and waste management schemes.

Required form of obligations

- 3.6.20 The level of contributions for this topic cannot be determined through use of a standard formula as the level of any contribution needs to reflect the particular characteristics of the proposed development and the local context.
- 3.6.21 For all the types of obligation detailed in this section, it is preferable to the Council for developers to, wherever possible, directly provide necessary improvements and mitigation without the need for financial contributions to the Council. The Council

acknowledge that this may not be possible when it comes to offsite locations, particularly civic spaces. Should the developer intend to undertake direct provision, the proposed approach, detail and delivery of works will need to be approved by the Council and may be secured through a S106 agreement. Where a financial contribution is necessary, this should be based on the cost to the Council to undertake the necessary works or to charge a third party with delivering the works. The level of cost should be evidenced by the developer and then submitted for agreement with the Council.

- 3.6.22 Where a financial contribution may be appropriate to support wider regeneration projects, the quantum of contribution will be agreed between the developer and the Council based on the cost of works required and the amount of development expected to support the project. Where possible the Council will justify the amount of contribution required with reference to a local plan or strategy.
- 3.6.23 Applicants should note that Transport for London may require contributions over and above those sought by the Council in order to address the impacts of the development. TfL operates a pre-application process and for further details please see www.tfl.gov.uk.

3.7 Childrens Play Space

Background and justification

- 3.7.1 The provision of facilities for children and young people is important in facilitating opportunities for play and physical activity and the development of movement and social skills.
- 3.7.2 London Plan Policy 3.6 and Core Strategy Policy 12 require that residential and mixed use development make provision for children's play and informal recreation space. The London Plan states that the amount of provision should be proportionally based on the number of children expected to occupy the development and an assessment of future needs. Summarily, the Mayor concludes that new development that creates a child yield is expected to provide 10m² of play and recreation space for every child.
- 3.7.3 The Lewisham Leisure and Open Space Study (2010) details the existing ratio of children's play space to the child population in the borough. Currently there is 1.51m² of play space per child in Lewisham, equating to 8.49m² less than the figure recommended by the Mayor of London. Planning obligations will not be used to fix existing deficiencies in provision, rather this information is provided to emphasise the importance of delivering an acceptable level of play space alongside new development. The Council will expect all new Major Development to provide children's play space provision in line with London Plan Policy 3.6.

Policy pointers

- 3.7.4 For a summary of the national, regional and local planning policy context, please see Appendix 1.

Required form of obligations

- 3.7.5 It is preferable to the Council for developers to, wherever possible, directly provide well designed children's play space on-site in accordance with the policy requirements. Where the Council deem that there are exceptional circumstances and it is not possible for a development to meet children's play space requirements on-site, a financial contribution will be necessary.
- 3.7.6 The financial contribution will be based on the policy requirement (10m² per child) minus any space delivered on-site. The undelivered play space will then be multiplied by £300 per sqm, which represents the estimated cost for the Council to deliver off-site children's play space on behalf of the developer. This rate is based on evidence of the costs to provide actual recent play space schemes in Lewisham and is a pro-rata cost of 1000sqm split into one third play, one third grass and one third safety measures, plus 20% for additional design, surveys, project management, fees and delivery.
- 3.7.7 For both on-site and off-site provision of children's play space, the Council will require commitment from the developer to meeting the maintenance costs in perpetuity to an agreed standard. This will be required whether the play space is to be transferred to the Council or retained by the developer.

3.7.8 Any children's play space contributions will be separate and additional to CIL. Whilst children's play space is often located in open spaces, it will not be considered to be covered by any CIL payment.

3.8 Carbon offsetting

Background and justification

- 3.8.1 Tackling climate change is a key policy at all levels of government. Local Planning Authorities are expected to help deliver considerable reductions in CO2 emissions from new buildings. As a result and in line with the London Plan, Lewisham Council require all major applications to deliver a 35% reduction in carbon dioxide emissions compared to the 2013 Building Regulations. This requirement is set out in Policy 5.2 of the London Plan 2011.
- 3.8.2 Major applications are those for 10 dwellings or more, or applications for over 1,000 sqm of floorspace.
- 3.8.3 The policy will also be applied to any minor material amendment applications (made under s73 of the Town and Country Planning Act 1990) which may impact on the CO2 emissions of previously granted major permissions.
- 3.8.4 Where the policy can be met on-site, there is no need for a S106 agreement in relation to carbon reduction. However, if the circumstances as described further in this section occur and require a financial contribution to be made in lieu of on-site delivery, a 'carbon offset' payment will be secured using a S106 agreement.
- 3.8.5 Any money collected through the Carbon Offset fund will contribute towards the cost of reducing carbon emissions across Lewisham. The emphasis will be on using this funding to link in with existing schemes so as to minimise any administration costs and to reduce the overall cost of carbon. The cost of carbon has been tested alongside other Lewisham Council policy requirements and has been found to sit within the required financial viability cost parameters.
- 3.8.6 The domestic sector forms the single biggest element of the carbon footprint of Lewisham, so linking in with existing schemes to deliver more measures is one possibility. Works to reduce the carbon emissions within the public sector – eg schools – are also another mechanism.
- 3.8.7 Further guidance on the Carbon Offset fund is available in the Council's guide at the following web address:

<http://www.lewisham.gov.uk/myservices/planning/applications/Documents/CostofCarbonAdviceforApplicantsUpdatedFeb2014.pdf>

Policy pointers

- 3.8.8 For a summary of the national, regional and local planning policy context, please see Appendix 1.

Required form of obligations

- 3.8.9 The 40% reduction in CO2 emissions should be met on-site whenever possible. In very limited circumstances off-site mitigation measures may be accepted, however this will only be permissible if it is clearly demonstrated by an applicant that it is not possible to meet the reduction target on site. Applications are liable to be refused if the 40% reduction is not met on site, and if evidence is not provided as to why the reduction cannot be met on site.
- 3.8.10 In these circumstances applicants should provide off-site provision within Lewisham themselves whenever possible, or as a last resort agree to pay into Lewisham's Carbon Offset fund. Where applicants are proposing to provide the off-site provision themselves they will have to provide evidence that they have identified a project or projects which will deliver the required level of residual carbon emissions reductions and have all the necessary agreements in place to deliver the project.
- 3.8.11 Lewisham will charge £104 per year for every tonne of carbon required to be offset to meet the target figure.
- 3.8.12 The amount is calculated on the basis of the annual difference in tonnes between the predicted carbon emissions of the development and the target carbon emissions. The figure should be multiplied by £104 to come to the amount to be paid per year, and then multiplied by the assumed 30 year lifespan of the offset measures.
- 3.8.13 The calculation is therefore as follows:
(Target carbon emissions to meet a 40% reduction onsite – Projected onsite contribution to carbon reductions) x 104 x 30 = £offset contribution
- 3.8.14 A worked example to illustrate the above calculation:
Development A has annual CO2 emissions of 100 tonnes. To meet the policy requirement the developer needs to reduce this by 40 tonnes, however the developer is only able to reduce carbon emissions by 30 tonnes onsite, which means 10 tonnes is required to be offset:
$$((40 - 30) \times 104) \times 30 = \text{£}31,200$$
- 3.8.15 The local list validation requirements for energy assessments require applicants to set out the carbon emissions for a baseline building and what they are proposing to deliver on site. If applicants cannot meet this target on site they should be setting this out, with information on what element of the costs they are proposing to meet through a payment into the offset fund. We expect applicants to address any areas where they aren't policy compliant and explain their rationale for the non-compliance.

3.9 Environmental Protection

Background and justification

- 3.9.1 Improving air quality is of importance in maintaining the health and well-being of the residents, workers and visitors to the borough. The Council monitors the air quality in the borough as part of the London Air Quality Network and uses its Air Quality Action Plan to implement measures to improve the local air quality.
- 3.9.2 In accordance with London Plan Policy 7.14 and Core Strategy Policy 9, all developments are required to ensure that they are 'air quality neutral' as a minimum. The London Plan also states that measures to attain this standard should be provided on-site whenever possible and only when this is not the case consider off-site provision or the use of planning obligations. The Council will therefore seek planning obligations from any development that is required to mitigate its impact.
- 3.9.3 Applicants will be required to provide an Air Quality Impact Assessment alongside their application in accordance with the Council's Local Information Requirements.

Policy pointers

- 3.9.4 For a summary of the national, regional and local planning policy context, please see Appendix 1.

Required form of obligations

- 3.9.5 The level of contributions for this topic cannot be determined through use of a standard formula as the level of any contribution needs to reflect the particular characteristics of the proposed development and the local context.
- 3.9.6 Developments will be required to mitigate their impact upon local air quality on-site wherever possible. Where the Council deem that this is not possible, the Council may consider it acceptable for the applicant to deliver equivalent mitigation measures off-site. In appropriate circumstances, the Council may consider a financial contribution where it can be demonstrated that mitigation is best provided through a Council funded scheme. The applicant should therefore liaise with the Council's Environmental Protection Team at an early stage to establish whether such a funded scheme is proposed and to provide justification for this approach.
- 3.9.7 The Council are a member of the London Air Quality Network and undertake air quality monitoring using the associated monitoring network, which also provides the necessary independent validation of the data. Large developments will normally be required to undertake air quality monitoring and are therefore advised to liaise with the Council to establish the best approach. This may be through developer direct provision or through a financial contribution to support monitoring through the Council's monitoring network.

3.9.8 During the demolition and construction of a scheme, there is a risk of a range of negative environmental impacts within the locality of the development (including dust, noise, emissions, land contamination). In such circumstances, there will be a need to monitor and mitigate against impacts and the applicant should look to undertake the monitoring and mitigation themselves. In addition to this the Council may need to implement monitoring using it's own resources and in these circumstances a financial contribution may be required. At all times, applicants should comply with the recommendations in the Council's 'Good Practice Guide, Control of pollution and noise from demolition and construction sites' as the primary means of minimising impacts from demolition and construction.

3.10 Flood and Water Management

Background and justification

- 3.10.1 For the purposes of this document the definition of ‘flood risk reduction’ and ‘water management’ infrastructure include measures that:
- minimise the risk of flooding, both fluvial and surface water flooding, including flood warning systems and flood adaptation measures;
 - facilitate sustainable drainage;
 - minimise water use and secure water supply;
 - maintain or enhance water quality.
- 3.10.2 The Council seeks to reduce flood risk through the appropriate location, design and construction of development and the sustainable management of surface water run-off. Where it is decided that development should be permitted for social or economic reasons, then appropriate flood protection and mitigation measures, including measures to restore the floodplains or provide adequate compensatory storage, will be required to mitigate the impact of development. At sites suspected of being at unacceptable risk from flooding but for which adequate flood risk information is unavailable, developers may be required to carry out at their own expense detailed technical investigations to evaluate the extent of the risk.
- 3.10.3 Funding for strategic flood management infrastructure that is required as a result of incremental growth will normally be provided by the Council using CIL funding.
- 3.10.4 Where developments are required to deliver infrastructure matters needed to make developments acceptable in planning terms, these matters may be secured through a S106 Legal Agreement. Other water management and flooding matters may be dealt with through planning conditions.

Policy pointers

- 3.10.5 For a summary of the national, regional and local planning policy context, please see Appendix 1.

Types of obligation and when they are required

- 3.10.6 The following are types of obligation that may be required to mitigate against the impact of a development. This is not an exhaustive list, but a guide for developers to the types of flood risk and water management matters that should be considered.

Plans

- 3.10.7 Plans relating to flood risk assessment and water management (e.g. landscaping scheme, living roof detail, etc.) will be required to be submitted up front in the application process in line with the Council's Local Information Requirements¹¹ In exceptional circumstances and in particular for very large schemes, it may be necessary to secure on-going matters, including monitoring and review mechanisms as a planning obligation.

Site specific and localised water management and flood risk reduction

- 3.10.8 The provision of strategic flood management infrastructure required as a result of development will normally be provided by the Council using CIL funding. However, developers cannot call on public resources to provide local and site-specific flood defences for their proposed development where they are not already programmed for the protection of the existing built environment.
- 3.10.9 There may be occasions where an applicant may be required to deliver specific flood risk reduction measures, including long term maintenance, where the development will have an impact on the local flood risk that requires mitigation, either on-site or in the environs of the development.

Required form of obligations

- 3.10.10 The level of contributions for this topic cannot be determined through use of a standard formula as the level of any contribution needs to reflect the particular characteristics of the proposed development and the local context.
- 3.10.11 It is preferable to the Council for developers to directly provide necessary improvements and mitigation without the need for financial contributions to the Council. This should be delivered on-site whenever possible and only off-site when necessary. The proposed approach, detail and delivery of such mitigation (whether on-site or off-site) will need to be approved by the Council. 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 to undertake the necessary works or to charge a third party with delivering the works. The level of cost should be evidenced by the developer and then submitted for agreement with the Council in advance.

¹¹ <http://www.lewisham.gov.uk/myservices/planning/applications/Pages/Validation-requirements.aspx>

3.11 Biodiversity

Background and justification

- 3.11.1 For the purposes of this document, the definition of 'biodiversity' infrastructure includes all private natural greenspace, links between public open spaces, living roofs and spaces within public open space that have a specific ecology or biodiversity role, sites of importance for nature conservation (SINCs).
- 3.11.2 In a densely populated urban area such as Lewisham, promoting and encouraging habitats for biodiversity is very important, both for wildlife itself and in promoting quality of life for those who live and work in the borough. Most forms of new development will result in additional pressure on Lewisham's limited supply of biodiversity resources and will therefore be required to minimise, eliminate or mitigate against the impacts of the development. This includes enhancing urban wildlife through planting principles such as 'right tree, right place', habitat creation and wildlife areas and the integration of features such as living roofs and walls.
- 3.11.3 Obligations will be sought from all impact generating development to provide for appropriate biodiversity infrastructure to cater for proposed increases in the residential and/or employment population.
- 3.11.4 Funding for strategic biodiversity works that are required as a result of incremental growth will normally be provided by the Council using CIL funding.
- 3.11.5 Where developments are required to deliver biodiversity matters needed to make the development acceptable in planning terms, these matters may be secured through planning obligations. Other biodiversity matters may be dealt with through planning conditions.
- 3.11.6 This section sets out examples of those matters that may be required to be mitigated through planning obligations, including the provision of biodiversity plans and the protection, and enhancement and creation of new networks of natural habitats, maximising opportunities to incorporate biodiversity within development and safeguard protected species from the adverse impact of development.

Policy pointers

- 3.11.7 For a summary of the national, regional and local planning policy context, please see Appendix 1.

Types of obligation and when they are required

- 3.11.8 The following are types of obligation that may be required to mitigate against the impact of a development. This is not an exhaustive list, but a guide for developers to the types of transport matters that should be considered.

Plans

- 3.11.9 On the most part, travel plans, servicing and delivery plans, temporary traffic management plans and other transport related plans should be submitted up front in the application process in line with the Council's Local Information Requirements. In exceptional circumstances and in particular for very large schemes, it may be necessary to secure on-going matters, including monitoring and review mechanisms as a planning obligation.

Site specific and localised biodiversity

- 3.11.10 A proposed development may require specific works in order to make the scheme acceptable in planning terms. Planning obligations may be used to secure:
- reinstatement of existing habitat features,
 - protection and enhancement of existing features,
 - creation of new features,
 - new habitat creation schemes,
 - monitoring or survey work to confirm that relevant environmental measures have been implemented successfully as part of a scheme.

Required form of obligations

- 3.11.11 The level of contributions for this topic cannot be determined through use of a standard formula as the level of any contribution needs to reflect the particular characteristics of the proposed development and the local context.
- 3.11.12 It is preferable to the Council for developers to directly provide necessary improvements and mitigation without the need for financial contributions to the Council. This should be delivered on-site whenever possible and only off-site when necessary. The proposed approach, detail and delivery of such mitigation (whether on-site or off-site) will need to be approved by the Council. 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 to undertake the necessary works or to charge a third party with delivering the works. The level of cost should be evidenced by the developer and then submitted for agreement with the Council in advance.

4 General Principles for Securing Planning Obligations

Overview of Lewisham's Approach to Planning Obligations

- 4.1 Lewisham's approach to securing planning obligations is set within the framework of national legislation and guidance; regional and local strategy and guidance; and any other material considerations relevant in each particular case. When a planning application is considered, planning obligations will only be sought where they are material to a planning decision, mitigate against a particular impact and comply with the CIL Regulations (2010) (as amended).
- 4.2 The Council will not seek planning obligations unrelated to a proposal or grant of planning permission for unacceptable development. Similarly, unrelated or unnecessary planning obligations offered by an applicant are not a means to secure planning permission for unacceptable development. Planning obligations are unlikely to overcome fundamental objections and will only be sought to address issues that prevent permission being granted for generally acceptable proposals. Planning permission will not be granted for unacceptable development.
- 4.3 Where there is a choice between imposing conditions and entering into a planning obligation, the imposition of a condition is preferable. The Council will therefore consider if an issue can be satisfactorily addressed through a condition before negotiating planning obligations. Planning obligations will be the preferred method of ensuring the provision of complex arrangements, such as affordable housing, local labour and financial obligations.

Drafting of Legal Agreements

- 4.4 In most cases, Section 106 agreements will be drafted by the Council's Legal Services Team, or by solicitors acting on the Council's behalf. The applicant will be required to pay the Council's reasonable legal and professional costs incurred in the preparation and completion of the agreement and/or, where appropriate, in the negotiation of any related third party agreements.
- 4.5 The Council has prepared a model Section 106 agreement which is available on the Council's website. Additionally the Council is seeking to provide template sections of Unilateral Undertakings. These are intended to assist applicants in understanding how the arrangements will work in detail (particularly for complex issues such as affordable housing) and will help with the timely consideration of planning applications.

Timing of Payments

- 4.6 It is important that planning obligations take effect in time to meet the additional demands from developments as they arise. There are two main ways in which the Council receives financial obligations: either upon completion of the Legal Agreement, or via specified 'triggers'. Each case will need to be reasonably considered on its merits and in relation to the administrative costs to monitor and administer the agreement.
- 4.7 Generally the Council will always seek to receive the payment of contributions upon either signing of the Legal Agreement or commencement of development in order that projects to mitigate the impact of a development can be delivered in tandem with the construction of the development.
- 4.8 In exceptional cases, particularly very large phased developments, the Council may, where appropriate, agree specific triggers for when the payments are to be made such as commencement of the above ground works or prior to completion of a specified phase of the development.

Unilateral Undertakings

- 4.9 Unilateral undertakings are Legal Agreements which bind only one party, usually the applicant, to undertake planning obligations. A unilateral undertaking can sometimes be used as an alternative to a negotiated Section 106 agreement as part of the process of determining a planning application. Instead of negotiating planning obligations between the Council and the applicant, the applicant may submit their proposals for planning obligations without consultation. The undertaking is usually submitted alongside the planning application, or with planning appeal submissions.
- 4.10 The Council would like to encourage the use of unilateral undertakings, particularly in the following circumstances:
- Small developments; and
 - Developments that only require financial obligations.
- 4.11 Draft unilateral undertaking template sections will be made available on the Council's website to assist applicants.

Indexation of Financial Obligations

- 4.12 Financial obligations will be index linked (on an upwards basis only) in order to maintain the value of the obligation, from the date of the committee resolution to grant planning permission until the date that the full payment is received.
- 4.13 In most cases the Retail Price Index (RPI) will be used for non-capital financial contributions (e.g. employment and training contributions) and the Building Cost Information Service (BCIS) index will be used for financial contributions towards a specific building or facility as it relates more closely to the cost of delivering a scheme (e.g. monies secured to build or extend a school).
- 4.14 All financial obligation indexation will be rounded up to the nearest pound.

Interest on Late Payments

- 4.15 It is the developers responsibility to ensure that any financial contributions or in-kind obligations are paid or addressed by the required trigger point. Failure to make any payment due will incur a penalty rate of interest at 4% above the Bank of England Base Rate from the date any payment was due until the day it is received. Such a penalty rate will be above and beyond any indexation that is applied to the sum.
- 4.16 All interest charges will be rounded up to the nearest pound.

On-Site vs Off-Site Provision

- 4.17 The issue of whether the required measures or facilities are to be provided on or off-site will be considered by the Council on a case by case basis, although the Council's policies and good planning practice require that provision should normally be made on site for measures required to support a particular development.
- 4.18 In cases where it is neither practicable nor appropriate to provide the measures on-site, the Council will require a financial contribution towards providing the measures off-site. Where a financial contribution is considered acceptable in lieu of on-site provision, the financial contribution will include the cost of designing and implementing the measures and the Council's project management costs.

Outline Applications

- 4.19 Planning obligations are determined for all outline planning applications, and where details are not available at the time of submission (such as the exact number of units) agreement to the formula for Standard Charges will be set out within the Section 106 agreement. Outline applications are generally only suitable in certain circumstances, and the Council would seek to ensure that applicants submit a full rather than an outline application.

Use of Financial Viability Appraisals

- 4.20 The Council recognises that there may be circumstances where a developer may consider that it is not feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable. This is not intended to include developers who acquire sites without planning permission at unrealistically high prices and then seek reductions in affordable housing or other requirements. Viability concerns may arise genuinely, for example where site remediation costs are exceptionally high.
- 4.21 The Council will usually require detailed financial appraisal utilising a recognised cash flow model such as Argus Developer, although in some cases the GLA Toolkit may be accepted by the Council. The appraisal will need to be submitted to the Council as part of the application (or at pre-application stage) and both a hard copy and an electronic copy should be provided.
- 4.22 Analysis should be based on land values as set by the application of planning policy in determining the permissible scope of development rather than the price actually paid for the land. For this reason valuations should usually be undertaken on a residual basis where the value of land is an output of the process. Arguably no allowance should be made for the original cost of purchasing the land or for payments that are contracted to be made to the landowner or third party under an

existing option, conditional land sale agreement, profit share (overage) or clawback arrangement. If it is suggested that the viability of the development is compromised as a result of an allowance for these items then it will be at the discretion of the Council as to what extent, if any, obligations are amended in recognition of them.

- 4.23 The general requirements for open book appraisals are:
- 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 reputable cost consultants;
 - 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 to support Existing Use Values where they arise; and
 - Identify in cash flow terms the effect of deferred contributions.
- 4.24 The Council expects all financial viability appraisals to be provided with both 'no grant' and 'with grant' scenario's in relation to affordable housing provision and different tenure mixes, where the Council considers that it may be appropriate.
- 4.25 In cases where a dispute relates to the viability of a proposal, and in any case, where the Council considers it appropriate, a 'verification' of the applicant's financial viability appraisal will be carried out by an independent assessor. The applicant will be required to provide any financial information to support the viability appraisal to the Council and/or independent assessor on a strictly confidential basis. In such cases the assessor will be commissioned by the Council and the costs are to be met by the applicant. The independent financial assessor's report shall be provided to the Council.
- 4.26 In order to address any issues of economic uncertainty which may arise over the lifetime of the proposal the Council will give consideration to put in place provisions for re-appraising the viability of schemes prior to implementation and/or prior to 100% occupation. These are also known as 'contingent obligations' and may also be known as 'overage'. These will obligate the applicant to resubmit a financial appraisal and if the margins of viability/profitability have increased since determination, further obligations may be payable. If the situation has not improved, the approved obligations will stand. This allows for development to be carried out when it may otherwise not be viable to do so or to do so would be at increased levels of risk. It may also serve to encourage development sooner rather than later.
- 4.27 Proven impact on viability will be a material consideration in the assessment of a planning application and failure to comply with this SPD will be considered on a case-by-case basis in accordance with the relevant government guidance. However, it should be noted that where development proposals are unable to satisfactorily mitigate their impacts the Council will refuse planning permission.

Dispute Resolution

- 4.28 Where appropriate, Section 106 agreements contain dispute resolution clauses which set out how disagreements between the parties to the agreement will be resolved. In the event of any dispute arising between the parties in respect of the agreement it will be referred to an independent expert. The expert will have at least ten years relevant experience. The role of the independent expert is to facilitate or contribute to the negotiation process. It is the responsibility however, of the parties involved to agree on the outcome of the planning obligation negotiations. The final determination of the planning application remains with the Council.

Monitoring of Planning Obligations

- 4.29 The Council has a defined officer responsible for monitoring and managing planning obligations and the details of agreed planning obligations are held on an electronic database in order to track compliance as the development proceeds. The Council will liaise with developers (and applicants) and use other means of monitoring including site inspections, to ensure that planning obligations are completed by the agreed date or trigger. Large developments are also required to submit an annual update report until the development is complete outlining progress on the development to date.
- 4.30 The Council will report the results of monitoring and compliance with Section 106 agreements annually, including the total value of financial contributions received and spent.

Wider Regeneration/Improvement Projects

- 4.31 In some cases, wider regeneration or improvement projects across the borough may include enhancement of a number of factors, such as the public realm, economic health and transport accessibility of the locality. This is particularly likely in the Council's Regeneration and Growth Area or where a development is located in one of the town centres identified in the Core Strategy as a Major, District, or local Town Centre. In such cases, a financial contribution towards such overarching projects may be secured by the Council to mitigate against multiple impacts. Any financial contributions secured will be based on negotiations across the individual topic areas in this SPD and any other site specific issues.

100% or Mostly Affordable Housing Schemes

- 4.32 The Council acknowledges that schemes that incorporate affordable housing provide an important social benefit and that its provision can in some instances impact upon the financial viability of a development. Despite this, affordable housing like other forms of residential development, does have an impact on social infrastructure and surrounding services. Mitigating the impacts of all types of development is critical to establishing sustainable and balanced communities.

- 4.33 Census studies are able to demonstrate that occupation levels per unit of floorspace in affordable housing are often greater than other forms of accommodation. For that reason the basis for negotiations with applicants on these schemes will be similar to all other schemes, however the Council does understand that the comparative profitability of affordable housing schemes is lower and to some extent affordable housing schemes are already providing a community benefit.
- 4.34 Striking a balance between facilitating the provision of affordable housing whilst providing an appropriate level of social infrastructure and supporting services is required to achieve truly sustainable communities and meet the Council's strategic aims.

5 Procedure for Securing Planning Obligations

- 5.1 The Council's objective is to make the handling of planning obligations more efficient, speed up decision-making and provide clear guidance to applicants seeking planning permission. The Council, working closely with applicants and other stakeholders, will seek to ensure a high standard of service and that applications subject to planning obligations are determined within the Department of Communities and Local Government (DCLG) target periods for decisions where possible.
- 5.2 The Council expects the extent of planning obligations to be determined at pre-application stage (based on the information in this SPD and discussions with Council Officers and other relevant agencies) and explicit reference to the proposed planning obligation types and quantum's to be submitted as supporting information with any planning application, recognising that the scope of proposed obligations may occasionally change in response to comments made by organisations and individuals during consultation on the planning application.
- 5.3 In cases where issues of financial viability arise, negotiations will be undertaken by the Planning Officer and assisted where appropriate by officers representing the various Council service areas.
- 5.4 Where the Planning Officer is minded to recommend an application for approval, the agreed 'Heads of Terms' outlining the planning obligations required will be reported to Councillors along with all other material considerations as part of the planning committee report. The Planning Officers recommendation for approval will usually set out the grant of planning permission subject to any appropriate conditions and the signing of a Section 106 agreement.
- 5.5 All finalised Section 106 agreements (or unilateral undertakings) will be placed on the Statutory Planning Register and Local Land Charges Register.
- 5.6 Table 5.1 below summarises the process by which planning obligations are negotiated and secured in the borough.

Table 5.1 Process for negotiating and securing planning obligations

PRE-APPLICATION STAGE	
Prior to initiating pre-application discussions with the Council	Applicant needs to consider the relevant policies, legislation and all material considerations in relation to their development proposal including the information in this SPD.
Pre-application discussions	Applicant provides initial proposals for discussion with the Case Officer. Applicants should provide their own initial assessment of the impact of the development and suggest any likely required planning obligations (both in-kind and financial)
	<p>Case Officer will provide advice, without prejudice, on:</p> <p>Their initial assessment of the impacts of the proposal and whether it is acceptable</p> <p>Indicative planning obligation heads of terms likely to be required to mitigate likely impacts, and the nature and scale of the obligations</p> <p>The information that will be required to be submitted in order to make the application valid, including whether or not a financial viability assessment is required</p>
Prior to submitting a planning application	<p>Case Officer and Applicant discuss and agree the Heads of Terms for the development.</p> <p>Applicants should prepare their planning application for submission, in accordance with the Council's Local List including a CIL Form and Planning Obligations Statement summarising the Heads of Terms.</p>
PLANNING APPLICATION STAGE	
Planning application submission	<p>Once an application is submitted it will be checked by the Case Officer to ensure that it contains all of the necessary information, and if so, it will be validated. The Case Officer may contact the applicant (or their agent) to discuss the likely timescales to prepare the draft agreement if this has not been discussed at pre-application stage.</p> <p>Council's solicitor will begin drafting the agreement if this has not already started at pre application stage.</p>
Consultation and Assessment of the application	<p>Consultation on the planning application will be carried out in line with the Council's Statement of Community Involvement. The public can comment on any aspect of a scheme including planning obligations and the case officer will consider any representations made on the application in the context of the submitted 'Planning Obligations Statement' (Heads of Terms).</p> <p>Case Officer assesses the application and the possible planning obligations resulting from the heads of terms, application documents, internal and external consultation, giving consideration to material considerations including this SPD and a financial viability assessment (where applicable).</p>

Officers Recommendation	<p>If the impacts cannot be mitigated by obligations (and/or conditions) at an appropriate level, the application is recommended for refusal.</p> <p>If the Case Officer considers the proposal to be acceptable and agreement has been reached with the Applicant on the necessary planning obligations, the Officer will draft a report including a recommendation to grant planning permission subject to completion of a Section 106 agreement by the statutory end date or within 1 month of the committee meeting, whichever is sooner.</p>
Decision	<p>The Council's planning committee considers the application including the planning obligations heads of terms. The decision to grant planning permission would normally be a decision in principle subject to the completion of a Section 106 agreement within a specified period of time within the statutory timeframe. The Council aims to have the Section 106 agreement draft ready prior to the planning committee.</p>
POST DECISION RESOLUTION	
Following the decision to grant planning permission	<p>Legal Services and the Case Officer, in liaison with the applicant's solicitors or other representatives, will issue a final draft for approval (Engrossments) and signature by all parties.</p>
Completion of Legal Agreement	<p>On completion and signing of the Section 106 agreement, planning permission will be formally issued.</p> <p>The completed agreement will be registered as a Local Land Charge against the land and a copy placed on the Local Land Charges Register and Planning Register.</p> <p>A copy of the agreement will be scanned and available to view on the Council's website.</p>
If the applicant is aggrieved by the decision of the Council	<p>Applicant's may appeal to the Secretary of State, unless the Secretary of State agrees to an extension of time the applicant should give notice of appeal within 6 months of the decision.</p>
Modification of obligations	<p>The terms of a planning obligation may not be modified or discharged except by Legal Agreement between the Council and the applicant, or, after 5 years there is a right of appeal to the Secretary of State.</p>
MONITORING	
	<p>Details of agreed planning obligations are held on an electronic database in order to track compliance. and ensure that the obligations are met.</p> <p>Section 106 Officers monitor agreements to ensure that payments and obligations are received and completed in accordance with the agreement and that payments received by the Council are spent on appropriate projects within the required timeframes.</p> <p>Copies of the Councils Section 106 agreements are available on line via the Council's website.</p> <p>Applicants are required to submit annual update reports summarising the number of units completed and other key milestones.</p>

6 Review and Monitoring

- 6.1 The Council will assess the performance of Planning Obligations, as part of its LDF Annual Monitoring Report, however, it is also appropriate to ensure the effectiveness of this SPD is monitored and reported on. The Council has therefore established the following set of monitoring requirements in respect of this SPD:
- The level of contributions being achieved and compliance with the requirements of this SPD;
 - Monitoring time taken for decisions where a planning obligation has been agreed 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).
- 6.2 To take into account significant changes in circumstances that would affect the appropriateness of the requirements in this SPD, the document will be reviewed periodically. The review will take account of:
- The changing needs for facilities and services;
 - The adoption of emerging LDF documents;
 - Further alterations or reviews of the London Plan (2011);
 - Changes to Central Government Guidance;
 - Indexation of contributions; and
 - Changes to CIL that impact on how planning obligations can be used and secured.

7 Professional, Legal and Monitoring Fees

- 7.1 The Council incurs substantial costs in assessing the requirement for planning obligations in relation to individual planning applications. This includes reviewing financial viability assessments and the negotiation and the drafting of individual Section 106 agreements. These are over and above the normal costs of dealing with planning applications, for which applicants already pay a fee. Following completion of a Section 106 agreement, the applicant or the Council may find it necessary to modify an agreement. The Council incurs further costs in negotiating and drafting variations to the agreement.
- 7.2 The Council maintains a database of all current agreements and monitors compliance against set targets and triggers. This includes maintaining contact with developers before and during construction, site inspections, legal advice and in the collection and accounting for financial contributions. In certain instances, agreements allow for the subsequent submission of detailed proposals for the provision or payment for infrastructure. These necessitate further technical and legal advice, negotiations and approvals.
- 7.3 For the purposes of this SPD the Council will secure professional, legal and monitoring fees. Applicants are expected to fully reimburse the Council's legal, professional and monitoring costs associated with drafting, checking and monitoring Section 106 agreements and checking and monitoring unilateral undertakings.

Professional Fees

- 7.4 For all applications where the Council expects that significant professional time or the use of external consultants will be necessary, fees will be charged. Applicants will normally be given an estimate of the expected cost of professional fees, particularly in cases where external consultants are used.
- 7.5 In the event that external consultants are required, such as in the case of providing independent expert advice on financial viability assessments submitted as part of an application to the Council, quotes will be provided to the applicant and payment will be required on signing of the agreement.
- 7.6 The Council's full professional fees will also have to be paid in the event of the agreement or undertaking not being completed where planning permission is refused or where the developer does not proceed with the development or proposal.

Legal Fees

- 7.7 Applicant's will be expected to meet all legal costs associated with the drafting, negotiating, checking and agreeing a Section 106 agreement or checking and agreeing a unilateral undertaking.
- 7.8 The Council will require an undertaking from the solicitor acting on behalf of the applicant to pay the Council's reasonable legal and professional costs associated with the preparation of the Section 106 agreement or approving a unilateral undertaking at the beginning of the process. Where a solicitor or other professional advisor is not acting on behalf of the applicant, the Council may ask for the deposit of a reasonable sum having regard to the likely complexity of the matter.

- 7.9 The Council's solicitor will charge applicants for work undertaken at an hourly rate. The Council will, where requested, provide applicants with an estimate of the costs at the outset of a new case.
- 7.10 The legal fees (or balance of legal fees where a payment on account of costs has been made) will be payable at the time of completing the Section 106 agreement or unilateral undertaking. The Council's full legal fees will also have to be paid in the event of the agreement or undertaking not being completed where planning permission is refused or where the developer does not proceed with the development or proposal.

Monitoring Fees

- 7.11 The cost of administration and the monitoring of planning obligations once entered into will be financed through monitoring fees applied to individual Section 106 agreements and unilateral undertakings. The total monitoring charge will vary depending on the number and complexity of the clauses in the Section 106 agreement or undertaking and will be based on the Council's reasonable assessment of the likely time required to monitor the Section 106 agreement or undertaking.
- 7.12 The total value of any planning obligation will exclude the monitoring fees set out in this section. The monitoring fees are additional and will be added to the final cost. The basis for the monitoring fees charged are set out below and will be reviewed and updated annually to reflect inflation and increases in the costs incurred by the Council.

Table 7.1 – Monitoring Charges*

7.13 Number of affordable housing units	7.14 1-10 Units	7.15 £250 per unit
	7.16 11-30 Units	7.17 £3,000
	7.18 31-60 Units	7.19 £6,000
	7.20 61-150 Units	7.21 £10,000
	7.22 151-300 Units	7.23 £15,000
	7.24 301+ Units	7.25 £25,000
7.26 Type I clause	7.27 Non-financial clauses that involve the approval of a standard document and financial clauses for small payments with a single trigger and spend project.	7.28 £500
7.29 Type II clause	7.30 Financial clauses involving large payments, multiple trigger points, and/or multiple spend projects, approval of a non-standard document or complex non-financial clause.	7.31 £750
7.32 Type III clause	7.33 Non standard complex clauses.	7.34 Case by case

* Subject to a total minimum fee of £500 per Section 106 agreement or unilateral undertaking.

- 7.35 If an agreement is exceptionally complicated and difficult to monitor (e.g. possibly in the case of large strategic applications or phased developments over long periods of time) the Council may seek a monitoring fee over and above the standard 'Type 1' and 'Type II' clauses. Similarly, the Council will also apply a discount to the standard monitoring fee where 'economies of scale' would streamline monitoring requirements and reduce the monitoring time required.
- 7.36 Planning obligations will be monitored to ensure that they are undertaken or paid at the agreed trigger points. The spending of received contributions will also be closely monitored to ensure that they are spent by the Council or other agencies on what was agreed and within the required time period set out in the agreement. Where contributions have not been spent by the Council within the required time period, they will be returned.
- 7.37 The details of agreed planning obligations will be held on an electronic database in order to track compliance as the development proceeds. The Council will liaise with applicants and use other means of monitoring including site inspections, to ensure that applicants discharge their obligations at the agreed date or trigger. Where financial obligations are due to the Council these become payable on the date or at the trigger point specified in the agreement. In the event that payments are not received by the due date, a late penalty payment will be applied at 4% above the base rate and the Council may take formal action to secure compliance with obligations through civil recovery procedures.
- 7.38 The Council will report the results of monitoring and compliance with Section 106 agreements and unilateral undertakings annually. The report will provide details of the Section 106 agreements entered into, unilateral undertakings made to the Council, payments received, and the completion of schemes funded or part funded by Section 106 contributions.
- 7.39 The monitoring payment, like legal and professional costs, will be required on signing of the agreement, however, in the event that the agreement or undertaking is not completed where planning permission is refused or where the developer does not proceed with the development or proposal, monitoring fees will not be required.

Variations of Planning Obligations

- 7.40 Where a Section 106 agreement contains the requirement to review or submit later detailed proposals for facilities or services, or where the applicant is seeking to modify the Section 106 agreement, the same arrangements will apply for professional and legal fees as applied to the original Section 106 agreement and further monitoring costs may also be incurred.

8 Glossary

Affordable Housing

Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Affordable Rent

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require no more than 80% of the local market rent (including service charges, where applicable).

Cascade Mechanism

A cascade is a mechanism that enables the form and/or quantum of affordable housing to be varied if a certain event happens. Cascades respond to rises or decreases in the site development costs and incomes that may render certain levels of provision financially either viable or unviable.

Common Housing Register

The common housing register is a list of people who have applied for housing in Lewisham.

Community Infrastructure Levy (CIL)

A levy that local authorities can choose to charge on new developments in their area. Part 11 of the Planning Act 2008 sets out the legislative framework and regulations introduced it in April 2010. It has since been amended by further regulations in 2011, 2012 and 2014. The money secured by the local authority is to be spent upon local and strategic infrastructure which may include roads and other transport needs, parks, schools, sports centres, emergency services and community facilities.

Conditions / Planning Conditions

Planning permission is usually subject to certain conditions. These conditions need to be met in order for development to be allowed to proceed. They will generally deal with less complex issues than those dealt with by way of Planning Obligations (e.g. time limits for implementation, the submission and approval of further details, restrictions on the use). What can and cannot be the subject of planning conditions is the subject of extensive legal and government policy tests.

Development Plan Document (DPD)

A Local Plan that has been drawn up by the local planning authority in consultation with the community, has been subject to independent testing and has the weight of development plan status. The terminology 'Development Plan Document' has been replaced with 'Local Plan' for new documents, but remains for pre-existing documents (i.e. Lewisham Core Strategy DPD, 2011).

Habitable Room

A room within a dwelling, the main purpose of which is for sleeping, living or dining. It is any room with a window that could be used to sleep in, regardless of what it is actually used for. This excludes toilets, bathrooms, landings, halls and lobbies, and also excludes kitchens with an overall floor area of less than 13m². This excludes rooms which cannot function for the purposes for which they are intended by reason of an inadequate size, height, shape or daylight.

Heads of Terms

A document setting out the particular items of a Section 106 agreement (including in-kind works, financial contributions and any restrictions on the land that may be relevant) as agreed in principle between the Council and applicant.

Homes and Communities Agency

A statutory public body whose role is to fund and regulate Registered Providers in England.

Housing Association

Independent societies, bodies of trustees or companies established for the purpose of providing low-cost social housing for people in housing need on a non-profit-making basis. Any trading surplus is used to maintain existing homes and to help finance new ones. They are now the United Kingdom's major providers of new homes for rent, while many also run shared ownership schemes to help people who cannot afford to buy their own homes outright.

Intermediate Housing

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can be shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Key Worker Housing

Housing that is reserved or allocated for people who are given priority by virtue of their employment to ensure that employees are retained in essential public services. This includes those who work in health, education, police and emergency services.

Lifetime Homes

Lifetime Homes are ordinary homes incorporating [16 Design Criteria](#) that can be universally applied to new homes to add to the comfort and convenience of the home and support the changing needs of individuals and families at different stages of life.

Local Development Framework (LDF)

The Local Development Framework is a portfolio, or a 'folder', of Local Development Documents which will provide the local planning authority's policies for meeting the community's economic, environmental and social aims for the future of their area where this affects the development and use of land.

Local Plan

A Local Development Document that has been drawn up by the local planning authority in consultation with the community, has been subject to independent testing and has the weight of development plan status.

Major Development

Any residential or mixed use development creating 10 or more dwellings, if that is not known, where the site area is 0.5 hectares or more. For other types of development, a major site is one where the floorspace to be built is 1, 000 square metres or more, or the site area is 1 hectare or more.

Material Consideration

A legal term describing a matter or subject which is relevant (material) for a local authority to consider when using its powers under planning law.

Planning Obligation

Planning obligations secured through Section 106 agreements or unilateral undertakings are Legal Agreements in the context of the grant of planning permission. Planning obligations are intended to make development acceptable which would otherwise be unacceptable in planning terms.

Public Transport Accessibility Level (PTAL)

Provides a methodology for assessing the relative ease of access of a location to the public transport network. PTAL 1 is 'very poor' with PTAL 6 being 'excellent'.

Registered Provider

Registered Provider (RP) is the technical name for social landlords that are registered with the Tenant Services Authority. Most are housing associations, but there are also trusts, co-operatives and companies.

Social Rented (Social Housing)

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Standard charges

Standard charges are a set of general formulae that are used to estimate the amount of contributions that are likely to be sought for a particular type of development, based on a local planning authority's policies and evidence of the common impacts of development. These will then be enforced through a planning obligation.

Supplementary Planning Document (SPD)

Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Transport for London (TfL)

A statutory body appointed by the Mayor of London for the purpose of providing public transport within London and for delivering an integrated and sustainable transport strategy for London.

Unilateral Undertakings

Instead of agreeing obligations through the standard process of negotiation and Agreement between the council and developer, developers may prepare the terms of a planning obligation on their own, without prior discussion with the council. These will then be submitted to the council. If the terms are acceptable the fact that the document has not been negotiated should not in itself be seen as a bar to the grant of permission. Where a Unilateral Undertaking does not meet the Council's objective's, planning permission should be refused.

Vicinity

In this document means nearby and within the surrounding area so as to ensure a geographical relationship between the planning obligation and the development.

Wheelchair Accessible Housing

This refers to homes built to meet the standards set out in the South East London Housing Partnership Wheelchair Housing Design Guidelines (August 2011).

Note: References made to any existing organisation, body or guidance will apply to successor arrangements as changes may occur over time.

Abbreviations

CIL – Community Infrastructure Levy

DCLG - Department for Communities and Local Government

DMLP – Development Management Plan

DPD - Development Plan Document

LDF - Local Development Framework

S106 - Section 106

SCI - Statement of Community Involvement

SPD - Supplementary Planning Document

TfL – Transport for London

Appendix 1

Appendix 1 – Policy pointers

Topics	Core Strategy (June 2011)	Development Management Local Plan	London Plan (July 2011)	National and Other Regional	Other Relevant Guidance
Affordable Housing	<p>Core Strategy Policy 1: Housing provision, mix and affordability</p>	<p>DM Policy 7: Affordable rented housing</p>	<p>Policy 3.2 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes. Policy 3.8 Housing Choice Policy 3.9 Mixed and Balanced Communities Policy 3.10 Definition of affordable housing Policy 3.11 Affordable housing targets Policy 3.12 Negotiating affordable housing on individual private residential and mixed-use schemes Policy 3.13 Affordable housing thresholds Policy 8.2 Planning Obligations</p>	<p>NPPF – Paragraphs 47-55 Funding Prospectus: Mayor’s Housing Covenant 2015-18 Programme (2013) London Housing Strategy (2010) Draft London Housing Strategy (2013) Draft Further Alterations to the London Plan (FALP) (2014) Revised Early Minor Alterations (REMA) to the London Plan (2013) Mayor of London’s Housing Supplementary Planning Guidance (2012)</p>	<p>Lewisham Housing Strategy (2009-2014) Affordable Housing Viability Study (2009) Lewisham Housing Conversions Study (2012) Lewisham Housing Market Assessment 2007-2008 (2009) Lewisham Housing Strategy South East London Strategic Housing Market Assessment 2009</p>

Topics	Core Strategy (June 2011)	Development Management Local Plan	London Plan (July 2011)	National and Other Regional	Other Relevant Guidance
Wheelchair Housing	Core Strategy Policy 1: Housing provision, mix and affordability	DM Policy 7: Affordable rented housing	Policy 3.8 Housing Choice Policy 8.2 Planning Obligations	NPPF – Paragraphs 50 Mayor of London’s Housing Supplementary Planning Guidance (2012) Homes for London The London Housing Strategy: Draft for London Assembly (2014) Funding Prospectus: Mayor’s Housing Covenant 2015-18 Programme (2013)	Lewisham Housing Strategy: Homes for the future: raising aspirations, creating choice and meeting need (2009-2014) South East London Housing Partnership Wheelchair Homes Design Guidelines (2012)
Local Labour and Business	Policy 3 Strategic Industrial Locations and Local Employment Locations Policy 4 Mixed Use Employment Locations Policy 5 Other employment locations	Policy 4 Conversions of office space Policy 9 Mixed use employment locations Policy 10 Local employment locations Policy 11 Other Employment Locations Policy 13 Location of Main Town Centre Uses	Policy 4.1 Developing London’s Economy Policy 4.2 Offices Policy 4.3 Mixed Use Development and Offices Policy 4.4 Managing Industrial Land and Premises Policy 4.7 Retail and Town Centre Development Policy 4.8 Supporting a Successful and Diverse Retail Sector Policy 4.10 New and Emerging Economic Sectors Policy 4.11 Encouraging a Connected Economy Policy 4.12 Improving Opportunity for All	NPPF – Paragraphs 18-21	Lewisham Employment Land Study (2009) Shaping our future: Lewisham’s Sustainable Community Strategy 2008-2020 Lewisham Employment Study 2008 Lewisham Local Cultural Strategy Lewisham Economic Development Business Plan 2004 Retail Capacity Study (2009)

Topics	Core Strategy (June 2011)	Development Management Local Plan	London Plan (July 2011)	National and Other Regional	Other Relevant Guidance
			<p>Policy 8.2 Planning Obligations</p>		<p>Pubs in Lewisham evidence base study (2013)</p> <p>Hot Food Take-away shops: and evidence base study (2013)</p>
<p>Employment Floorspace</p>	<p>Policy 3 Strategic Industrial Locations and Local Employment Locations</p> <p>Policy 4 Mixed Use Employment Locations</p> <p>Policy 5 Other employment locations</p> <p>Policy 6 Retail hierarchy and location of retail development</p>	<p>Policy 4 Conversions of office space</p> <p>Policy 9 Mixed use employment locations</p> <p>Policy 10 Local employment locations</p> <p>Policy 11 Other Employment Locations</p> <p>Policy 13 Location of Main Town Centre Uses</p> <p>Policy 14 District Centres Shopping Frontages</p> <p>Policy 15 Neighbourhood Local Centres</p> <p>Policy 16 Local Shopping Parades and Corner Shops</p>	<p>Policy 4.1 Developing London's Economy</p> <p>Policy 4.2 Offices</p> <p>Policy 4.3 Mixed Use Development and Offices</p> <p>Policy 4.4 Managing Industrial Land and Premises</p> <p>Policy 4.7 Retail and Town Centre Development</p> <p>Policy 4.8 Supporting a Successful and Diverse Retail Sector</p> <p>Policy 4.10 New and Emerging Economic Sectors</p> <p>Policy 4.11 Encouraging a Connected Economy</p> <p>Policy 4.12 Improving Opportunity for All</p> <p>Policy 8.2 Planning Obligations</p>	<p>NPPF – Paragraphs 18-21</p>	<p>Lewisham Employment Land Study (2009)</p> <p>Shaping our future: Lewisham's Sustainable Community Strategy 2008-2020</p> <p>Lewisham Employment Study 2008</p> <p>Lewisham Local Cultural Strategy</p> <p>Lewisham Economic Development Business Plan 2004</p> <p>Retail Capacity Study (2009)</p> <p>Pubs in Lewisham evidence base study (2013)</p> <p>Hot Food Take-away shops: and evidence base study (2013)</p>

Topics	Core Strategy (June 2011)	Development Management Local Plan	London Plan (July 2011)	National and Other Regional	Other Relevant Guidance
Transport	<p>Policy 14 – Sustainable Movement and Transport</p>	<p>Policy 21 Mini cabs and taxi offices Policy 29 Car Parking</p>	<p>Policy 6.1 Strategic approach Policy 6.3 Assessing effects of development on transport capacity Policy 6.5 Funding Crossrail and other strategically important infrastructure (CIL prob not relevant) Policy 6.7 Better streets and surface transport Policy 6.9 Cycling Policy 6.10 Walking Policy 6.11 Smoothing Traffic Flow and Tackling Congestion Policy 6.12 Road Network Capacity Policy 6.13 Parking Policy 8.2 Planning Obligations</p>	<p>NPPF – Paragraphs 29-41</p>	<p>The Infrastructure Delivery Plan (2011) Deptford and New Cross Transport Infrastructure Study (2007) North Lewisham Links Strategy (2007) Deptford and New Cross Masterplan (2007) Lewisham Town Centre Transport Study (2010) Lewisham Town Centre Transport Study Report Addendum (2012) Lewisham Borough Wide Transport Study (2010) Lewisham Local Implementation Plan (2011)</p>
Public Realm	<p>Policy 12 Open Space and Environmental Assets Policy 15 High Quality Design for Lewisham</p>	<p>Policy 19 Shopfronts, Signs and Hoardings Policy 25 Landscaping and Trees Policy 27 Lighting Policy 30 Urban Design and Local</p>	<p>Policy 6.9 – Cycling Policy 6.10 – Walking Policy 7.3 – Designing out Crime Policy 7.4 – Local Character Policy 7.5 – Public Realm Policy 7.6 – Architecture</p>	<p>NPPF – Paragraphs 35, 57 and 58</p>	<p>Lewisham’s Control of pollution and noise from demolition sites Code of practice (2008) Lewisham Noise Mapping Study (2012)</p>

Topics	Core Strategy (June 2011)	Development Management Local Plan	London Plan (July 2011)	National and Other Regional	Other Relevant Guidance
		Character Policy 35 Public Realm and Street Furniture	Policy 7.18 – Protecting Local Open Space and Addressing Local Deficiency Policy 7.19 – Biodiversity and Access to Nature Policy 7.21 – Trees and Woodland Policy 8.2 Planning Obligations		Lewisham Air Quality Action Plan (2008) London Borough of Lewisham Streetscape Guide Lewisham Borough Wide Character Study (2010) North Lewisham Links Strategy (2007) Deptford and New Cross Masterplan (2007)
Childrens Play Space	Policy 12 Open Space and Environmental Assets Policy 15 High Quality Design for Lewisham	Policy 19 Shopfronts, Signs and Hoardings Policy 25 Landscaping and Trees Policy 27 Lighting Policy 30 Urban Design and Local Character Policy 35 Public Realm and Street Furniture	Policy 3.6 Children and young people's play and informal recreation facilities Policy 8.2 Planning Obligations	Recreation Mayor of London Supplementary Planning Guidance (2012)	Children & Young People's Plan 2012-2015
Carbon Offsetting	Policy 7 Climate Change and Adapting to the Effects Policy 8 Sustainable Design and Construction	DM Policy 22 Sustainable Design and Construction	Policy 5.2 Minimising Carbon Dioxide Emissions Policy 5.3 Sustainable Design and Construction Policy 5.4 Retrofitting Policy 8.2 Planning Obligations	NPPF – Paragraphs 94 - 98	Lewisham Renewables Evidence Base Study (2010) Lewisham Town Centre Local Plan Low Carbon and Decentralised Energy Strategy Recommendations

Topics	Core Strategy (June 2011)	Development Management Local Plan	London Plan (July 2011)	National and Other Regional	Other Relevant Guidance
Environmental Protection	Policy 9 Air Quality	Policy 23 Air Quality Policy 26 Noise and Vibration Policy 28 Contaminated Land	Policy 7.14 Improving Air Quality Policy 7.15 Reducing noise and enhancing soundscapes Policy 8.2 Planning Obligations	NPPF – Paragraphs 109, 123 and 124	Lewisham's Control of pollution and noise from demolition sites Code of practice (2008) Lewisham Noise Mapping Study (2012) Lewisham Air Quality Action Plan (2008) London Borough of Lewisham Streetscape Guide
Flood Risk and Water Management	Policy 10 Managing and Reducing the Risk of Flooding Policy 11 River and Waterways network		Policy 5.3 Sustainable Design and Construction Policy 5.12 Flood Risk Management Policy 5.13 Sustainable Drainage Policy 5.14 Water Quality and Wastewater Infrastructure Policy 5.15 Water Use and Supplies	NPPF Paragraphs 94, 95, 99, 100, 101, 102, 103 and 104 Flood and Water Management Act 2010 London Climate Change Adaptation Strategy (2008) The London Rivers Action Plan Mayor's Supplementary Guidance: Sustainable Design and Construction Thames Catchment Flood Management Plan and TE2100 Plan	Local Biodiversity Action Plan – A Natural Renaissance for Lewisham Lewisham Strategic Flood Risk Assessment (2008) Lewisham Flood Risk and Development Sequential Test (2009) Ravensbourne River Corridor Improvement Plan (2010)

Topics	Core Strategy (June 2011)	Development Management Local Plan	London Plan (July 2011)	National and Other Regional	Other Relevant Guidance
Biodiversity	Policy 12 Open space and environmental assets	DM Policy 24 Biodiversity, living roofs and artificial playing pitches DM Policy 25 Landscaping and Trees	Policy 5.10 Urban Greening Policy 5.11 Green Roofs and Development Site Environs Policy 7.19 Biodiversity and Access to Nature Policy 7.12 Trees and Woodland Policy 8.2 Planning Obligations	Thames River Basin Management Plan NPPF Paragraphs 7, 99, 109, 113, 114, 118, 119 and 125 East London Green Grid Framework SPG Mayor of London's Biodiversity Strategy (2002)	Local Biodiversity Action Plan – A Natural Renaissance for Lewisham

PLANNING OBLIGATIONS SPD

DRAFT STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING OPINION



PREPARED BY PRO VISION PLANNING & DESIGN ON BEHALF OF THE LONDON BOROUGH
OF LEWISHAM

JUNE 2014

Planning Obligations SPD
Draft Strategic Environmental Assessment Screening Report
Planning 1575
Issue 01

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Date: June 2014

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1.0 INTRODUCTION

- 1.1 This report has been prepared on behalf of the London Borough of Lewisham to determine the need for a Strategic Environmental Assessment (SEA) for the updated Planning Obligations Supplementary Planning Document (SPD).
- 1.2 It has become necessary to revise the 2011 Planning Obligations SPD to reflect changes in the legislative and planning policy framework including the amended Community Infrastructure Levy (CIL) Regulations, the National Planning Policy Framework (2012), expected changes in the forthcoming London Plan and the Lewisham Core Strategy (2011).
- 1.2 For SPDs it is necessary to undertake an SEA in instances where there is potential for significant environmental impacts that have not already been assessed during the preparation of the Development Plan.
- 1.3 This Screening Report has been prepared in accordance with Section 9 (3) of the Assessment of Plans and Programmes Regulations 2004 and is based on the Council's understanding of the current scope of the draft SPD.

2.0 SEA SCREENING PROCEDURE

2.1 The SEA screening procedure comprises 6 stages, detailed below:

1. **Preliminary Assessment:** initial tests applied to determine whether screening is necessary;
2. **Assessment of likely Environmental Impacts:** if screening is required the an assessment of the likely environmental impacts will be undertaken in accordance with the 2004 Regulations;
3. **Draft Screening Report:** a draft screening report will be prepared summarising the results of Stage 2 and including a draft determination that provides sufficient information to demonstrate whether the SPD is likely to have significant environmental effects;
4. **Consultation with statutory bodies:** before a final screening report can be published it will be necessary to undertake consultation with the Environment Agency, English Heritage and Natural England. If these statutory bodies consider that the SPD is likely to have significant environmental effects, then a full SEA will be required;
5. **Final Screening Report:** consideration to be given to the responses from the three statutory bodies and then a final version of the screening report prepared confirming:
 - a. The result of the screening;
 - b. Responses from the consultation bodies;
 - c. The final determination, and
 - d. The statement of reasons if no SEA is required
6. **Final Screening Report made publically available:** the Council will issue the Final Screening Report to each of the three statutory consultees and make it public available for inspection on the Council's website and within public libraries.

3.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

3.1 It is necessary to undertake screening of the likely significant environmental effects of the SPD because the SPD meets the following SEA Directive criteria¹:

1. the SPD is subject to preparation and adoption by a Local Authority;
2. the SPD is required by legislative, regulatory or administrative provisions
3. the SPD is prepared for town planning and land use purposes

3.2 The criteria for determining the significance of effects are taken from schedule 1 of the Regulations. The SPD has been judged against each of these criteria and the results are detailed in Table 3.1 below.

Table 3.1

Criterion		Justification
1		
(a)	the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	The draft SPD sits at the lowest tier of the development plan hierarchy. The function of the document is to provide amplification to the policies and strategies set out within the Development Plan (specifically Core Strategy Policy 21). The SPD makes no provision for the allocation of resources but it will ensure that resources are available to fund projects to mitigate the impact of new development and to ensure that there is adequate infrastructure to cater for the needs of the Borough.
(b)	the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The draft SPD is a function of the adopted Development Plan, its purpose being to expand upon and clarify the requirements of the Plan. The SPD is required to be in conformity with the Plan and other higher tier policy documents (which have been subject to full Sustainability Appraisals). The SPD does not influence other plans and programmes.
(c)	the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The draft SPD provides advice on how planning obligations will be assessed and sets out procedural guidance on how these will be negotiated and secured in accordance with Core Strategy Policy 21 and other higher tier policies and objectives. This process will assist in mitigating the effects arising from development and thus will help in the further integration of environmental considerations and promotion of sustainable development. However, the SPD does not set out the initial policy requirements for planning obligations and so is of less relevance than the higher tier documents from which these requirements derive.
(d)	environmental problems relevant to the plan or programme;	No environmental problems will be introduced or intensified as a result of the draft SPD. Conversely, the draft SPD will introduce higher standards for CO2 emissions in line with the requirements of the London Plan. These provisions have the potential to generate environmental improvements.

¹ A Practical Guide to the Strategic Environmental Assessment Directive (2005)

(e)	the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	The draft SPD is not relevant to the implementation of Community legislation on the environment but will facilitate the process of securing environmental mitigation and enhancement where necessary.
2		
(a)	the probability, duration, frequency and reversibility of the effects,	Taken as a whole, the impact of the SPD will be positive, with the document having the potential to have general positive impacts in the short, medium and longer term. This may include having a positive effect on climate change through efforts to minimise and off-set CO2 emissions.
(b)	the cumulative nature of the effects	Individual planning obligations will have beneficial effects. When individual obligations are combined and applied to larger mitigation and / or enhancement schemes there is potential for significant positive cumulative effects.
(c)	the trans-boundary nature of the effects of the SPD	The positive effects of the draft SPD will be mostly be felt in areas close to new development as there is a need for planning obligations to be 'directly related to the development'. Notwithstanding this, some mitigation measures can have positive effects that impact upon a much wider area such reductions in CO2 emissions.
(d)	the risks to human health or the environment (for example, due to accidents)	The draft SPD expands upon adopted planning policies that have been subject to a full Sustainability Appraisal and will pose no risk to human health. Planning obligations in some circumstances present the opportunity to mitigate against risks to human health and other negative impacts arising from development.
(e)	the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	The draft SPD supplements existing adopted planning policy and therefore will not itself have a significant effect. The implementation of Core Strategy Policy 21 may have a significant effect, although the magnitude and extent will largely depend on the nature and scale of different development proposals and their associated planning obligations.
(f)	the value and vulnerability of the area likely to be affected due to: i) special natural characteristics or cultural heritage ii) exceeded environmental quality standards or limit	The borough is characterised by a range of different and sometimes vulnerable natural and manmade environments. These include SINCS, Local Nature Reserves, 27 Conservation Areas and 540 Listed Buildings. It is the role of development plan policies to protect, conserve and in many instances enhance these areas which set out specific standards for environmental quality and land use. The draft SPD supplements planning policy and will not have any impact on these areas.
(g)	the effects on areas or landscapes which have a recognised national, Community or international protection status	Within the Borough there are a range of areas which have a recognised protection status. These are protected, conserved and enhanced by adopted plan policies and through separate legislation in some instances. The draft SPD will not impact on these areas.

4.0 DRAFT DETERMINATION

- 4.1 The assessment detailed in table 3.1 indicates that that the SPD is unlikely to generate significant environmental effects by itself. Any effects resulting from higher tier planning documents including the 'parent policies' relevant to this SPD have already been assessed by a separate full SEA.
- 4.2 The SPD does not propose any new policies, or the amendment of existing policies, and will not allocate resources or direct other plans and programmes

Next Stage

- 4.3 The draft determination is that a SEA will not be required for the SPD. However, before a final determination is made it will be necessary to:
1. Consult on this draft determination with the three statutory consultees, and
 2. Prepare a final screening report, which is to be made publicly available.