

London Borough of Barnet
Planning and Environmental Protection Service
Consultation Statement March 2006

**Planning Obligations Framework
(Section 106)**

**(Consultation and Adoption Statement – Regulation 17, 18 and 19 of the
Town and Country Planning (Local Development) (England)
Regulations 2004)**

This statement has been prepared in relation to the above regulation. The statement sets out the consultation strategy implemented by the Council to ensure compliance with the regulation.

The “**Supplementary Planning Document**” and its associated “**Sustainable Appraisal Report**” have been subject to internal and external consultation, as advised in DCLG Circulars and guidance. Consultation on the draft SPD was undertaken between 24 November 2005 and 16th January 2006. The publicity was carried out through the press, website, local libraries, the Town Hall receptions and the direct contact with 110 organisations, including statutory consultees, housing associations, and local amenity groups and residents associations.

A total of 15 responses were received. A number of organisations welcomed the SPD and its clarity of approach; some objections were received regarding specific topic areas that will be covered by future SPDs, i.e. education or cultural contributions. A number of developers objected in principle to the scale and scope of fees proposed for the project management of the S.106 funds.

A summary of comments and objections from the consultation exercise and the Council’s reply have been highlighted here. For the detailed nature of comments, objections and the manner in which the Council has addressed these issues please view the “Council’s response to SPDs consultation Document, available on the council’s web site.

The SPD will now be subject to the monitoring process that is required under the Planning and Compulsory Purchase Act 2004. The Sustainable Appraisal report has documented the monitoring measures (ref; part 10, TASK B6 and

table 8). It is confirmed that these measures will be carried out to monitor the impact of the SPD. It is also confirmed that the SPD will be reviewed by the Council within 24 months.

Summary of the consultation comments and the Council’s response:

Greater London Association

- The document is comprehensive and should prove very helpful for prospective developers within the borough as well as the borough’s residents, businesses and other stakeholders.
- Further clarification that the London Plan is an integral part of the development plan system would be useful.
- Also ensure that the nature and level of contributions from the GLA Group, including Transport for London should also be ascertained by prospective developers (for referred applications) to help them in reaching decisions on the economic viability of schemes.
- Subject to above modifications the London Mayor’s officers consider that the document is in general conformity with the London Plan.

Transport for London

- TfL supports the policy on planning obligations that seek improvements to public transport infrastructure, systems and services. TfL wish to continue working in partnership with Barnet in securing adequate contributions for these transport areas.
- TfL also supports Barnet’s intention to produce a Supplementary Planning Document on Contributions to transport and infrastructure. The Land Use Planning Team at TfL would like to be consulted on this document when it is produced.
- The TfL would also like to be referred as an organisation with active role in the Management, Administration and Enforcement section of the SPD.

London Development Agency

- Considers the SPD, is light and may not provide sufficient information for developers. Recommends matter regarding the improvement to social and communal facilities to meet the need of the development should also be emphasized.

Highways Agency

- Recommends matters in relation to contributions for trunk road should be spelled out more clearly.

English Heritage

- The SPD should make greater emphasis to the conservation heritage. Recommends the Council's programmed topical SPD for, "recreation, culture and green spaces" would be the best place to include Conservation Heritage issues.

Environment Agency

- Recommends including a topical SPD to address the overarching objectives for Sustainable Development.

The Countryside Agency - Landscape Access Recreation

- Generally supports the SPD and requires further attention to be paid to environmental matters.

The Theatre Trust

- Support the SPD's recognition in regards to the importance of communal facilities and would like to be consulted on the programmed topical SPD on Culture and Entertainment.

Cgms on behalf of Metropolitan Police Service;

- It is anticipated that the significant levels of new development in Barnet as envisaged in London Plan, will increase demands on police resources and it is reasonable for planning contributions to be sought for policing need through sec. 106 where these are consistent with the policy tests in Circular 05/05.

Hampstead Garden Suburbs Resident Association

- The SPD should make greater emphasis on the Conservation Areas in general and Hampstead Garden Suburbs Conservation Area in particular. Recommends that the SPD make reference to the Hampstead Garden Suburbs Design Guidance which has jointly been produced by the Trust and the Council in 1994.

Lyonsdown Residents' Group

- Financial Contributions should not justify over-development of the sites.
- The SPD fails to address parking issues.
- Requires clarification in regards to the management of the contributions and the timeframe when contributions from several developments deliver the additional social community required by the developments.

Barnet & District Local History Society

- The Society considers, "it is essential that such contributions to be earmarked for truly local improvement (and not borough wide), such as for instance endowing the local school, and publicly accounted for. If such a contribution is merely thrown into the bottomless pit of local government finance then the purpose of Section 106 is frustrated and the payment becomes nothing more than yet another tax."
- The society also comments on the government proposed PGS and states, "it should be noted that legislation to collect planning gain (the Development Charge) was enacted in the 1947 Town and Country Planning Act and did in fact come into operation. Despite a Global Fund being set aside to compensate owners of Dead Ripe (for development) land the scheme did not last."

The Whetstone Society

- Support measures which require the developers to meet the full cost of infrastructure required from their development rather than the tax payer paying the price.

Bellway Homes

- Highly critical in regards to sec.10 "cost recovery". The levels of contributions appear quite excessive, especially for smaller development and for affordable housing.
- In the light of the Government initiative to introduce the PGS, the developer is concerned that the timing for the production of the SPD may not be appropriate.

Barton Willmore Planning Consultancy on behalf of St. George Central London

- Is highly critical and have a number of objections to the SPD:
- Their major concern is that the new guidance has been misinterpreted in the SPD. The SPD should make it clear that the Council would not

seek contributions to all topic areas (education, green spaces.....) unless a contribution can be justified having regard to the need to mitigate any particular impacts of the development.

- The other major concern is in regard to “the Council’s cost recovery section of the SPD”. It is stated that there is no policy basis upon which the Council may require an applicant to pay such charges. In any event the level of charge is set too high and that there is no indication as how these have been calculated. Hence, it is recommended to delete the section on cost recovery.
- There are also objections to the treatment of the standard legal agreements and formulae. There is a concern that contribution would be required irrespective of their impact and that these should not be used or required to be used universally.
- This major developer also objects to the content of the standard legal agreements.

A summary of Council’s response

1. The Council welcomes the support by GLA, TfL and LDA. Their comments have been noted and incorporated in the SPD will be further addressed in the planned topic SPDs.
2. The concerns raised, by the Highways Agency, English Heritage, Environment Agency, The Countryside Agency, The Theatre Trust, the Metropolitan Police Service, Hampstead Garden Suburbs Resident Association, have been noted. The issues which they have raised will be further explored and addressed in the planned forthcoming topic based SPDs.
3. The concerns raised by Lyonsdown Residents’ Group, Barnet & District Local History Society and The Whetstone Society have been noted and shall be taken into account.
4. The objections made by the developers have been note and a number of comments raised have been incorporated in the SPD. However, in the interest of fairness and to increase certainty, the SPD will follow the government advice to provide standard legal agreements and formulae. However, exceptional circumstances pertinent to individual cases will be taken into account when and where were justified
5. As outlined in the SPD, the delivery of the planning contribution, from the negotiations stage to implementation can take considerable time and resources. In many occasions a number of services will be involved and inevitably considerable cost will be incurred. The Council is therefore justified to ensure the cost is not passed to the tax payer. However, the further the costing level will be reconsidered in the SPD, to ensure undue sums are not charged.

Consultation List

Government Office for London
The Mayor of London
London Development Agency
Transport for London
Tourist board
ODPM
Barnet's Adjoining London Boroughs
House Builders Federation
(The Local) Chambers of Commerce
Barnet Resident Associations (groups, federations)
A number of developers who work locally
All major housing associations
All those who have shown interest in Sec.106, during public consultation on LDF.

For the required Sustainability Appraisal

The Environment Agency
The Countryside Agency
English Nature
English Heritage

For further information please contact

Forward Planning, 7th Floor, 1255 High Road, Whetstone, London, N20 0EJ
or

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