Planning Obligations Supplementary Planning Document

Regulation 12(a) Consultation Statement

May 2022

1 Introduction

1.1 This Consultation Statement has been prepared in accordance with Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement accompanies the proposed Planning Obligations Supplementary Planning Document (SPD) and sets out details of the consultation which has informed the SPD. It details who was consulted on the draft SPD, who responded, a summary of the main issues raised and how these issues have been addressed in the proposed SPD.

1.2 From 9 March 2022 to 22 April 2022, the Council launched a consultation on the draft Planning Obligations SPD on the Council's website[1], which included a Strategic Environmental Assessment Screening statement[2]. Letters and emails notifying residents and infrastructure providers of the consultation were sent to all consultees that were registered on the Council's database. A page was also set up on Survey Monkey to take receipt of comment.

1.3 The consultation sought views from a broad range of individuals and organisations on how the Council should secure Planning Obligations.

1.4 Nine individual responses were received, raising 42 specific representations. Four responses were received via the 'Survey Monkey' webpage, however two of the respondents appeared to be making comments on the Orpington Town Centre SPD, which was undertaken during the same consultation period. Of the nine respondents:

- four represented infrastructure providers / regulatory bodies (44%)
- one represented a landowner / developer (11%)
- one represented a local heritage organisation, (11%)
- three were from individual respondents (33%)

Table 1: Response rate to consultation by SPD Section,

Principle Representations of SPD Sections	Representations	%
S1 to S4 - (Introduction, Policy Framework, Basis for Planning Obligations, General Principles)	9	21%
S5 - Affordable Housing	3	7%
S6 - On site Amenity and Green Infrastructure	3	7%
S7 - Community Health and Educational Facilities	1	2%
S8 - Control of Development and Management Plans	5	12%
S9 - Highways and Transport	6	14%
S10 - Local Employment and Services	3	7%
S11 - Open Spaces and Outdoor Sport	3	7%
S12 - Sustainable Development	4	10%
S13- Urban Centres and Public Realm	5	12%
Appendices 1 to 3	0	0%
Total	**42**	**100%**

[1] https://www.bromley.gov.uk/info/1004/planning_policy/1440/supplementary_planning_guidance
[2] https://www.bromley.gov.uk/download/downloads/id/6954/strategic_environmental_assessment_screening_statement_december_2021.pdf

2 Consultation responses

2.1 This section sets out the key headlines of the responses received as part of the consultation during 9 March 2022 to 22 April 2022. More detailed summaries of the representations are provided at Appendix 1.

General comments

2.2 Responses were generally supportive of the SPD, with some seeking further clarity on specific points. No responses sought to object to proposals in the SPD nor request any changes of significance.

Sections 1 to 4

2.3 Sections 1 to 4 set out the general approach the Council will take to planning obligations, and the policy basis for securing contributions. One respondent representing the development industry reiterated that planning obligations should not threaten the viability of development, and that some flexibility should be applied depending on the site / development in question. It was also raised that potential obligations should be agreed very early in the planning process (at pre-application stage). The respondent also advised that the SPD should consider establishing a prioritisation hierarchy of planning obligations. Representations from Historic England sought to expand the policy basis for heritage aspects in paragraph 3.5 (list of relevant policies).

Section 5 – Affordable Housing

2.4 A representation from a resident made a general point (seemingly to the Orpington Town Centre SPD by way of a recent planning application) that Affordable Housing provision is not truly affordable for the local community. A response from the development industry conversely suggested that the rental caps stated in the SPD should allow variation, potentially to support greater affordable housing delivery.

Section 6 - On site Amenity and Green Infrastructure

2.5 Representations from the Environment Agency highlighted that the Environment Act 2021 has since been enacted (9 November 2021) and that section 6 should now refer to a legal requirement for development to achieve a ‘10% net gain’ in biodiversity benefits. A resident reported that the requirement in paragraph 6.3 of the SPD for ‘10sqm of playspace per child’ should report how the number of children assumed in a development is determined. A representation on behalf of the development industry agreed with the principles of this section but sought the SPD to recognise other public benefits to open space / public realm that may be supplied within the design of a development proposal.

Section 7 - Community Health and Educational Facilities

2.6 A representation from the development industry welcomed recognition in the SPD that the introduction of the Bromley Community Infrastructure Levy in June 2021 reduces the circumstances on to which S106 contributions may be sought from new development for health and education facilities.

Section 8 - Control of Development and Management Plans

2.7 Historic England sought additional criteria with respect to protection of historic assets, while a local heritage society sought clarity over the references to 'Archaeological Priority Areas' and 'Areas of Archaeological Significance'. More generally, a resident expressed that while management plans are useful, it is important that residents have clear details on who is responsible for their operation; greater clarity was also requested between Council departments when approving such plans. A representation from the development industry supported such plans but reported that fees should not be applied if the developer has invested significant effort in a detailed management plan.

Section 9 - Highways and Transport

2.8 Transport for London (TfL) requested reference in this section to the Mayor's transport priorities (table 10.1 of London Plan) and also that the Travel Plan section would benefit from including references to site size. TfL also provided additional context to the operation of car clubs in an outer London borough. A resident called for closer liaison between planning and highways with respect to possible conflicts in the planning of developments and transport improvements. A representation from the development industry reported that requests for such contributions should be discussed early so viability of development is not affected.

Section 10 - Local Employment and Services

2.9 A representation from the development industry noted that the SPD reference to the 'B' use class was no longer relevant as the revised Use Classes Order has now assumed this under a wider 'Class E'. A general point was also made regarding the cost implications of Affordable Workspace, and that the type of floorspace proposed may not always be suitable to host affordable elements. The use of the planning system to create local jobs was supported, with a representation from the development industry asking for flexibility in the approach, for example recognising in-house opportunities already adopted by the developer.

Section 11 - Open Spaces and Outdoor Sport

2.10 Further to their comments on section 6 of the SPD, a representation from the development industry repeated calls for open space or outdoor sport requirements to be reflective of any other public realm improvements that the development is already proposing to make. A resident supported more open space improvements, while another reported that any loss of open space should be reprovided at least double the rate that is lost.

Section 12 - Sustainable Development

2.11 A representation from the development industry made a general point that sustainability measures have a cost implication on development viability. The Environment Agency requested that the SPD makes reference to flood defence infrastructure, and that the section should cover the protection of groundwater quality from the impacts of construction. A resident also reported that sustainable measures should be given paramount importance.

Section 13 - Urban Centres and Public Realm

2.12 The Metropolitan Police reported changes in their requests for contributions and supplied a list of example contributions. More holistically they believe the need for contributions should be set out in the Local Plan rather than the SPD. A representation from the development industry sought further clarity on the relationship of public realm contributions via S106 in addition to CIL payments. A resident specifically welcomed improvements to public realm, in particular public and sustainable transport infrastructure.

3 How have the issues raised in the consultation informed the SPD?

3.1 This section of the statement provides a summary of how the issues raised in the consultation have informed the proposed changes to the SPD. Summary details are provided with reference to the structure and section headings of the SPD.

3.2 In addition to changes made as a result of representations received, there are proposed changes as a result of further internal discussions. These are also reported below where relevant. Other minor changes to amend minor spelling and grammatical errors are not reported.

Sections 1 to 4

3.3 While some representations sought additional policy references to be included in paragraph 3.5 of the SPD, it is considered that the policies selected in this section are those with direct content that leads to the potential basis for securing obligations contained in the SPD. While the additional policies sought are relevant to determining planning applications, it is not thought they are specifically relevant to planning obligations. Therefore, no changes have been made to this section following consultation.

3.4 The suggestion to establish a hierarchy of priorities may have some benefit, however at present the text in paragraph 3.11 of the SPD is considered sufficient given currently stated priorities by the Council.

3.5 It is considered that the existing text in paragraphs 3.9, 4.3 and 4.15 is explicit that any planning obligations will be negotiated and will take account of the viability of development. As such no changes are proposed in response to representations relating to the potential impact of planning obligations on development viability.

Section 5 – Affordable Housing

3.6 No changes are considered necessary for this section, it is a statement of fact on the existing Affordable Housing policies in the adopted Local Plan and the current London Plan (and guidance). Certain aspects of the policy framework and guidance may change over time and will require periodic updates (such as updated income thresholds); however, it is considered that this could be covered by future revisions to the SPD as necessary.

Section 6 - On site Amenity and Green Infrastructure

3.7 The Green Infrastructure section (paragraphs 6.6 to 6.11) has been updated to reflect the Environment Act 2021 and the requirement for ‘10% net gain’. However, it is considered that an explanation of how ‘child yields’ are calculated is already explicit in the Mayor’s Play and Informal Recreation SPG, although it is agreed that a weblink to this guidance in the footnote would be beneficial. Refences to taking account of other public benefits supplied by development when determining such contributions has also been added.

Section 7 - Community Health and Educational Facilities

3.8 The text in this section was supported without any comment, and as such no changes are proposed.

Section 8 - Control of Development and Management Plans

3.9 The additional text supplied by Historic England in respect to heritage protection – and reference to the 'Heritage at Risk register' – is considered a worthwhile addition to the SPD. Paragraphs 8.12 to 8.14 have been updated to reflect this. There is no need for more commentary on 'Archaeological Priority Areas' and 'Areas of Archaeological Significance' – as this is covered in the existing weblink at the footnote of page 27.

3.10 A request to remove the potential requirement for fees to be attached to management plans is not supported. There may be circumstances where a fee is required to cover the costs borne on the Council or other third parties. Also, it is clear in existing paragraph 8.1 and Schedule 3 of the SPD that such requirements would normally be required by planning condition and subsequently not attach any payment.

3.11 Following internal discussion, it is considered that paragraph 8.9 (Control of Occupancy and Operation) should include further reference to elements of control sought by policy in respect of Houses of Multiple Occupation.

3.12 It is agreed that certain management plans should be clear on points of contact (for example with regards to reporting of incidents in Construction Management Plans). However, this should be covered in any subsequent guidance produced by relevant services in the Council (or the Mayor of London) for such submissions, and it is not necessary to include this within the SPD.

Section 9 - Highways and Transport

3.13 TfL's request to refer to the Mayor's transport priorities is supported; a reference has been added and a link to the London Plan provided in the footnote. Also, the additional text offered in respect of Car Clubs is supported and has been added. With respect to further guidance as to when a travel plan may be required, it is considered that this is best determined through TfL guidance, to which a link has now been added.

3.14 The requirement for planning obligations to be agreed as part of early discussions is already made in existing paragraphs 3.9, 4.3 and 4.15 of the SPD, and as such it is not considered necessary to repeat in this section.

Section 10 - Local Employment and Services

3.15 While certain elements of content within this section could benefit from further guidance (e.g. expectations for local employment) it is considered that this is a matter to be developed by relevant services in the Council (and partner organisations) in future. For now, it is considered that such matters are best discussed and agreed on a case-by-case basis, and as such no further amendments to the text of the SPD are required.

3.16 With respect to Affordable Workspace, the use of the definition 'B use class 'in paragraphs 10.3 and 10.4 of the SPD is taken direct form the current policy in the adopted London Plan Policy E2. Footnote 17 makes clear that this encompasses Use Class E(g) under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The Council considers that mirroring the wording of the London Plan is the correct approach. Consideration of whether the development proposed contains floorspace to which Affordable

Workspace should apply would be discussed on a case-by-case basis. The need for agreement, and the impact on viability is covered in existing paragraphs 3.9, 4.3 and 4.15 of the SPD, and as such it is not considered necessary to repeat in this section.

Section 11 - Open Spaces and Outdoor Sport

3.17 As with Section 6, it is considered that this section would benefit from reporting that public realm / open space improvements supplied in the design of development will be reflected in any discussion regarding financial contributions, and text has been added to this effect. A requirement to resupply double any open space that is lost through development would constitute new policy which cannot be set out in an SPD. Any new policy would have to be justified as part of a review of the Local Plan, informed by evidence.

Section 12 - Sustainable Development

3.18 The request by the Environment Agency to include content regarding the management of flood risk is supported; a new section has been added to report this. The additional suggestion to report protecting groundwater quality from the impacts of construction is supported, however it is considered that this is best addressed through an amendment to Section 8 Operational Management – 'General Amenity and Local Environmental Factors' -which has been added. The addition of text relating to the potential impact of sustainability measures on viability is considered unnecessary, as this is already covered in paragraphs 3.9, 4.3 and 4.15 of the SPD.

Section 13 - Urban Centres and Public Realm

3.19 Changes mentioned by the Metropolitan Police to 'neighbourhood policing' are noted and reference to 'Neighbourhood' in paragraph 13.13 has been removed - this will retain a generic need for improvements to police facilities. However, it is not agreed that such contributions need to be explicit in the Local Plan rather than the SPD. The Planning Obligations SPD is a document that supports the interpretation of the existing Local Plan and cannot amend the existing Local Plan; any changes would need to be put forward for consideration as part of the Local Plan review.

3.20 References to taking account of other public realm benefits supplied in the design of a development when considering contributions has also been included. However, it is considered unnecessary for this section to further stipulate circumstances where public realm contributions may be sought in addition to CIL. Details of any project that will be the beneficiary of CIL will be reported on the Council's website, for example through the annual Infrastructure Funding Statement. The requirement to provide S106 contributions, as highlighted in paragraph 13.7 of the SPD, will only be made on directly related aspects to the development proposed, to which in the first instance direct provision of infrastructure will be sought. In respect to possible off-site contributions, this would have to be determined at the time of the application and made on a case-by-case basis.

Appendices

3.21 After internal discussion, it is now considered that Appendix 2 (Section 106 precedent and notification form) should be removed from the SPD and hosted as 'living draft' document on the same webpage that will host the Planning Obligations SPD. This will allow more regular updates to the templates without having to amend the SPD. Any templates would continue to be informed by the guidance set out in the SPD. Similarly, Appendix 1 has been amended to refer to this change.

Appendices

Appendix 1: Summary of individual responses

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
1	Metropolitan Police (via Knight Frank)	1	13	"...paragraph 13.[1]3 / page 42 that: 'For larger strategic sites the relevant emergency services may also request that provision of space be included in new development to facilitate emergency service provision - such as Neighbourhood Police facilities..... ''. The requirements that existed for neighbourhood policing facilities in 2020 are no longer outstanding.	The paragraph as drafted provides an overview of possible matters that need to be considered. However, if the approach of the Metropolitan Police has changed, removal of the specific term 'neighbourhood' would address this while still retaining the overall guidance presented.
		2	13	"... We believe that it is appropriate that this should be set out clearly within the Local Plan, as opposed to any other documents. This is because this document establishes the need for and strategy to deliver new dwellings and other growth that gives rise to the requirement."	The PO SPD is a non-statutory document that supports the interpretation of the Local Development Plan (LDP). SPDs cannot amend the existing LDP, any changes to the Local Plan will need to be put forward as a possible consideration as part of any future review of the LDP.
		3	13	"...The MPS are not yet seeking financial contributions as the methodology is still being worked up… This list has been taken from other Police and Crime Commissioners who are already receiving financial contributions; Staff set up costs o Uniforms. o Radios. o Workstation/Office equipment. o Training. Vehicles o Patrol vehicles. o Police community support officers (PCSO) vehicles. o Bicycles. Mobile IT: CCTV technologies: Automatic Number Plate Recognition cameras to detect crime related vehicle movements. Police National Database: Telephony, licenses, IT, monitoring and the expansion of capacity to cater for additional calls. The provision of police office accommodation."	Noted. The text in section 13 of the draft SPD is generic to cover the range of future requests, which will need to be raised and justified on a case-by-case basis. It is not considered that further definitions are necessary in this section.

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
2	John Lewis Partnership (via Savills)	4	1 to 4	"... the imposition of such obligations, particularly through Section 106 and affordable housing delivery, places a significant burden on development, and may impact the viability, and ultimately, the deliverability of development proposals. This, in turn, has the potential to result in a significant impact on the overall housing delivery within London, with boroughs unable to hit their annual targets. This should be recognised in all aspects of the planning process, both in plan making and decision making. "	Noted. The issue of viability and the ability to secure obligations is covered in paragraph 4.15.
		5	1 to 4	"..a one-size-fits-all approach is not appropriate concerning planning obligations and that any financial or non-financial contributions sought should be discussed and agreed upon on a site by site basis, subject to viability and the specific nature of the site and proposals...the Draft SPD should set out that any obligation sought should be discussed and agreed upon between the Council and Applicant. "	Noted. The SPD covers in paragraphs 3.9 and 4.3 that planning obligations should be agreed between the Council and the applicant at the earliest opportunity.
		6	1 to 4	"We would like the draft SPD to acknowledge that identifying such obligation at an early stage in the development process can lead to schemes mitigating the need to offset any harm caused by a planning application"	Noted. The SPD covers in paragraphs 3.9 and 4.3 that planning obligations should be agreed between the Council and the applicant at the earliest opportunity.
		7	1 to 4	"We also support the statement made in paragraph 3.11, which states that not all of these policy obligations may be required for every scheme ..... This 'prioritisation' of obligations introduces an element of flexibility and pragmatism to financial and non-financial obligations. We recommend that the ethos of paragraph 3.11 is carried on throughout the SPD".	Noted. The SPD as proposed sets out the overall framework - it is not considered necessary to highlight specific priorities other than that currently set out in paragraph 3.11. Should the Council in future develop a further hierarchy of priorities, this will be reflected in an addendum to the SPD.
		8	1 to 4	"We are broadly supportive of the general principles outlined in paragraph 4.3, ... We suggest that the wording of this statement should be reflected throughout the proceeding titled obligations. Grampian conditions should only be used where they relate to specific parts of the site, ensuring that they do not block the start and progress of wider development."	Noted. The SPD covers in paragraphs 3.9 and 4.3 that planning obligations should be agreed between the Council and the applicant at the earliest opportunity.
		9	1 to 4	"We support the inclusion of paragraph 4.15 within the draft SPD..... Introducing such obligations can expose the Applicant to unforeseen significant costs. This, in turn, has the potential to result in a significant impact on the overall housing delivery within Bromley."	Noted. Paragraph 4.15 reports the need to consider the scope of obligations in light of viability.
		10	5	"We suggest that an element of flexibility should be introduced to these intermediate rental caps, allowing for blended rates to be capped across different unit sizes. An application's affordable housing offer may have more planning benefits by raising the threshold of intermediate 1-bed rents and lowering the thresholds of 4 beds within schemes, to allow for greater affordability for larger unit sizes, which are some of the most sought within the borough."	Noted. The caps highlighted in 5.6 and 5.7 will be subject to review and updates as highlighted in footnote 10. Variation of these thresholds for a particular development will be considered on a case-by-case basis where justified (see paragraphs 3.9 and 4.3).

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
		11	6	"We broadly agree with the principles of this guidance, but we would suggest that any contributions sought regarding on-site amenity space and child play space are discussed and agreed upon between the Council and the Applicant within the pre-application or determination stage. A prescriptive requirement for either the full provision of play space or a payment in lieu has the potential to restrict a development proposal from delivering other specific public realm benefits, such as through routes or public realm enhancements." "Other contributing factors should also be taken into account during these discussions, such as viability and other financial and non-financial planning obligations secured in relation to specific schemes to ensure that the development proposals are deliverable, and any payment in lieu is subject to viability"	Noted. The SPD covers in paragraphs 3.9 and 4.3 that planning obligations should be agreed between the Council and the applicant at the earliest opportunity. Paragraph 4.15 reports the need to consider the scope of obligations in light of viability.
		12	7	"....this change sees the removal of the adopted formula for educational financial contributions in the current Planning Obligations SPD (2010). We welcome the clarity brought by the Draft SPD, which provides clear guidance for developers. In this respect, it would be inappropriate for LBB to seek obligations for Community, Health and Educational Facilities through both Community Infrastructure Levy and Section 106."	Noted. The SPD covers in paragraphs 3.9 and 4.3 that planning obligations should be agreed between the Council and the applicant at the earliest opportunity. Paragraph 4.5 makes clear that "The Council will not request a S106 Planning Obligation towards any project which is proposed to use CIL funding.
		13	8	"The SPD should go further in identifying specific circumstances where Operational Management Plans will be required. These management plans could be provided within any application scope to show that the development proposal is able to operate without undue harm to the locality." "...developers who invest in detailed management strategies to avoid disruption should not be made liable for an additional financial contribution by producing an Operational Management Plan, should they have already taken steps to mitigate the impact. The imposition of these additional burdens may limit the availability of capital for other planning obligations.... These should only be used in exceptional circumstances and only where a condition is demonstrably unsuitable, after having outlined why such a condition is unsuitable."	Noted. The Council consider that they should reserve the right to apply financial contributions to management strategies where they place an additional burden on Council services - or in the form of a bond to mitigate any action required by a third-party. As highlighted in Appendix 3 (row 8), the standard assumption is for such plans to be secured via planning condition without a fee.
		14	9	"We note that the Draft SPD remains mostly similar to the adopted SPD with regard to Transport and Highways contributions. However, the Draft SPD notes that planning obligations may be required for public transport and highways infrastructure “in all cases where works are deemed necessary”. Any obligations sought must be discussed and agreed upon between the Council and the Applicant in relation to the specific circumstances surrounding a development proposal. The inclusion of a Highways and Transport obligation	Noted. The SPD covers in paragraphs 3.9 and 4.3 that planning obligations should be agreed between the Council and the applicant at the earliest opportunity. Paragraph 4.5 makes clear that "The Council will not request a S106 Planning Obligation towards any project which is proposed to use CIL funding".

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
				should be carefully considered to not duplicate anything covered within CIL payments."	
		15	10	"The Draft SPD includes a new subsection on Affordable Workspace, which requires all major development proposals for new 'B' Use Class business floorspace greater than 2,500 sqm GEA to provide affordable workspace within paragraph 10.3. Paragraph 10.3 should be updated and refer to the currently adopted use class order, which has removed 'B' use classes." "... this mandatory approach to affordable workspace has the potential to impact on other planning benefits delivered by a scheme, such as affordable housing or other financial obligations. In certain circumstances, on-site affordable workspace provision is not possible, due to specific constraints where affordable workspace would not be feasible..... Therefore, the SPD should concur with the London Plan (2021), which states that Boroughs should consider detailed affordable workspace policies with reference to local evidence of need and viability, that affordable workspace requirements should be assessed on an individual site basis subject to viability and considering the holistic planning benefits provided by the scheme.	The use of the definition 'B use class 'in paragraph 10.3 and 10.4 is taken direct form the current policy in the adopted London Plan Policy. Footnote 17 makes clear that this encompasses Use Class E(g) under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The Council considers that mirroring the wording of the London Plan is the correct approach. The reference in the London Plan to "local evidence of need and viability" (Policy E3 [C] is in regard to the production of detailed policies within emerging Development Plans, rather than the requirement to provide of Affordable workspace itself. The Council consider that it has iterated globally in paragraph 3.9 & 4.3 (negotiating PO with developers) and paragraph 4.15 (viability) that the requirement for Affordable Workspace will be reflected on a case-by-case basis.
		16	10	"…we recommend that the Draft SPD notes that there should be flexibility in relation to the definition of 'local', as for example construction workers may travel from neighbouring boroughs to reach a particular site. The applicant should use reasonable endeavours to offer employment opportunities to local people but should not be fettered in their ability to recruit suitable candidates for any particular roles. Additionally, for major developments, applicants would usually undertake a competitive tendering process in order to appoint specialist contractors, and there may be circumstances where the specialist contractors required are not based locally to the site. Therefore local procurement should be discussed and agreed between the Council and the Applicant on a site by site basis taking into consideration the specific circumstances of the site and construction process.	Noted. Paragraphs 10.7 to 10.9 do not set out a precise mechanism or approach to Local Employment and Skills, and it is always the Council's intention to take a pragmatic approach depending on the nature of development and site circumstances - in particular where the developer already has robust local employment and training regimes. Paragraph 10.10 highlights that the Council will be produce further guidance outlining expectations, which would cover the points raised by the respondent.

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
		17	11	“For proposals affecting existing Open Space or where the creation of new Open Space is sought, the Council will now secure financial contributions through the newly adopted Local CIL, with the exception of where an on-site open space requirement is triggered. Where planning obligations are sought, further clarity on how these obligations will be decided and calculated is requested, as an application may make substantial improvements to the existing public realm within and around it’s red line boundary. We suggest that any potential contributions are discussed and agreed upon between the Council and the Applicant in relation to the specific circumstances surrounding the development proposal.”	Noted. With respect of Open Space, the Council's intention is for the developer to supply alternative provision to a similar value of that lost through development, with a financial contribution considered where this is not possible. The value of such a contribution will therefore be made on a case-by-case basis. The value of any Open Space / Public Realm improvements designed into the development will also be taken account of in any negotiations - in this regard the Council proposes to add additional text to this section to report this.
		18	12	“We understand the Council’s position seeking to lower carbon emissions within the Borough, and encourage developments to have greater energy efficiency but seek clarity on whether this fee will be subject to a scheme’s viability. Should it not be, then the obligation to pay such substantial fees could curtail the ability for developments to come forward by restricting the viability and thus deliverability of the scheme. Putting such an obligation may therefore block other substantial benefits such as affordable housing and financial obligations.”	Noted Paragraph 4.15 reports the need to consider the scope of obligations in light of viability, and we do not consider a specific reiteration of this is needed in any further sections.
		19	13	“In the draft SPD, the Council sets out that it will use the newly adopted Local CIL charging schedule on identified schemes for the provision of public realm improvements. Despite this, some developments may have to directly contribute through separate obligations. More clarity is sought around how such schemes will be selected, and information should be provided on the criteria required by the Council for a scheme to become liable to a separate obligation or whether this will be decided on through a case by case analysis. It is of JLP’s view that the SPD should take into account any public realm and design features within the development proposals so that any financial contribution is appropriate and relevant to the site-specific circumstances.”	Paragraph 4.5 makes clear that "The Council will not request a S106 Planning Obligation towards any project which is proposed to use CIL funding". Details of any project that will be the beneficiary of CIL will be reported on the Council's website. The requirement to provide S106 contributions will only be made on directly related aspects to the development proposed, to which in the first instance provision of infrastructure will be sought. In respect to possible off-site contributions, this would have to be determined at the time of the application and made on a case-by-case basis.
3	Historic England	20	1 to 4	“We note that the purpose of the SPD is to set out the Council’s approach, policies and procedures in respect of the use of planning obligations. While we note that the list of policies set out at section 3.5 is not exhaustive, given that all designated heritage assets are potential beneficiaries of a planning obligation we consider that the list at 3.5 should go further and refer to the entire range of local plan policies dealing with their management – in particular policy 38 (listed buildings) and policy 41 (conservation areas).”	Policies highlighted in Paragraph 3.5 were selected on the basis that their direct content leads to the potential basis for some of the obligations contained in the SPD. While policies 38 and 39 are important to heritage assets, there content is more directly related to matters of planning decisions rather than the basis for a planning obligation.

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
		21	8	“A Section 106 agreement relating to heritage assets either on site or within reasonable proximity could include for example for their repair, restoration or maintenance, increased public access and improved signage to and from the asset, the protection of archaeological assets and any landscape treatment ancillary to the works. The agreement may secure the identified works and ensure, through the use of agreed trigger points that works are provided in a timescale appropriate with the overall timetable for the development”	Paragraph 8.13 stipulates that in respect of heritage assets that "'sufficient management arrangements for any works to be agreed with the Council". This is intended to be inclusive of the matters raised by the respondent. However, on reflection this section could benefit from a further breakdown of the types of management arrangements that could be required. The SPD will be amended accordingly.
		22	8	“There may be particular justification for a planning obligation where sites include assets currently at risk from neglect, decay, under-use or redundancy. Each year Historic England publishes a Heritage at Risk Register, which comprises information on all listed buildings, scheduled monuments, conservation areas and registered parks & gardens that are vulnerable through neglect or other threats, including those with LB Bromley. The current Register is available on Historic England’s website: https://historicengland.org.uk/advice/heritage-at-risk/.”	The respondents suggestion is noted, and we consider adding a reference to the Heritage at Risk Register would be beneficial.
4	Transport for London	23	9	“TfL appreciates the reference to the Mayor’s mode shift target of 80 per cent of all journeys to be undertaken using sustainable travel, and the supporting text in paragraph 9.2, that sets out in more detail the opportunities to include the Healthy Streets Approach and improved active and sustainable travel infrastructure to support mode shift. We suggest that it would be useful to refer to London Plan Table 10.1, which includes a list of transport projects that are needed to support growth and mode shift, and which related development should support.”	Noted - we agree that reference to Table 10.1 of the London Plan would be beneficial.
		24	9	“We support travel plans being required by planning condition or obligation as appropriate; however, it would be useful to state the size and nature of developments that would require a travel plan.”	Noted - The requirement for a travel plan will be assessed as part of the transport assessment - we will amend the text to report this.
		25	9	“Both reference to Policy T6 of the London Plan and the provision of infrastructure for electric or other Ultra-Low Emission vehicles is supported. In respect of off street parking and the ‘potential provision for a car club, if above the minimum TfL threshold’, it should be noted that car clubs have the potential to increase the dominance of cars on streets as well as car use if not pared with parking restrictions that reduce the amount of overall parking spaces. However, for outer London areas that are less well connected by public transport and distances to local services and facilities are greater, car clubs can support lower parking provision by enabling some car-owning households to have occasional access to an additional car. If this is demonstrated, then the car club vehicle should be electric.”	Noted – text will be amended to report these observations.

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
		26	9	"We request additional references to London Plan Table 10.1 projects in this section, including directly referring to bus priority and enhancement, and accessibility upgrades, which includes step-free access to National rail stations and wheelchair accessible bus stops".	Noted - we agree and will insert footnote and additional text.
		27	13	"We welcome references to improvements to the public realm, including the provision or ongoing management of bus shelters, cycle parking, cycling infrastructure, and the removal of parking bays."	Noted.
5	Environment Agency	28	6	"We are pleased to see that reference is made to contributions "towards the conservation and restoration of biodiversity, securing biodiversity net gain". We recommend that a requirement for 10% net gain is specifically mentioned."	Noted - The text in this section was produced prior to the 2021 Environment Act received royal ascent on 09 November 2021. Section will be amended to report this
		29	12	"We are pleased to see that reference is made to managing flood risk, in accordance with Policy 115 and 116 of the Bromley Local Plan (2019). We would further request that reference is made to contributions for flood defence infrastructure as part of efforts to tackle climate change."	Noted - new paragraph to be added between 12.16 and 12.17
		30	12	"We recommend that the protection of groundwater quality is mentioned under the thematic area of Sustainable Development. Construction works can mobilize contaminants, and therefore pose a risk of polluting water resources. Bromley has 4 SPZ and Chalk formation is exposed from the northeast to the south part of the Borough – approximately 50% of the total LB Bromley area. The following policies make reference to safeguarding water resources from pollution: • Policy 118 of the Bromley Local Plan • Paragraph 174 of the National Planning Policy Framework."	Noted - the Council consider that this matter is best addressed under Section 8 'Operational Management - General Amenity and Local Environmental Factors'. The section will be amended accordingly.
6 (via Survey Monkey)	Resident	n/a	None	(All responses relate to the Orpington SPD / Walnuts development)	The matters raised were not directly related to the PO SPD, and instead were in reference to the Orpington Town Centre SPD
7 (via Survey Monkey)	Resident	31	5	"Sounds good in reality doesn't stick to what is really needed which is more social housing and more real affordable homes in the area."	The PO SPD seeks to increase the amount of Affordable Housing secured in the borough, through assisting the implementation of Local Plan policy.
		32	5	"Not affordable you say affordable but in reality the properties proposed are not affordable for local residents."	The PO SPD reports standard definitions of affordable Housing as per the Local Plan, London Plan and the NPPF. Local affordability factors are considered when securing AH.
		33	11	"Needs more"	Noted.
8 (via Survey Monkey)	Orpington and District	34	1 to 4	"Support the proposals to recognise the importance of culture in delivering growth."	Noted.

Respondent ID	Respondent	Rep No.	SPD Section	Comment	Response
	Archaeological Society	35	1 to 4	**“**Support the proposals to take account of Scheduled Monuments and Archaeology and heritage conservation in the planning process.”	Noted.
		36	8	**“**Support the proposals set out in the Heritage Management Section. However the Orpington and District Archaeological Society notices that this refers to Archaeological Priority Areas in footnote 13. This society was not aware that the change in policy from Areas of Archaeological Significance to Archaeological Priority Areas and the maps that accompany this have been distributed to the public for comment. Consequently we feel that this consultation should be amended to refer to the DRAFT Archaeological Priority Areas.”	Paragraph 8.13 refers to policy 46 of the Local Plan, which refers to the existing Areas of Archaeological Significance. The Archaeological Priority Areas referred to in the footnote were developed by Historic England, following a review in July 2020. While the new tiers cover different and more extensive areas than those identified on the adopted policies map, the operation of Policy 46 remains the same. The footnote links to a webpage that reports the nature of the Archaeological Priority Areas review and as such the Council do not consider the text in section 6 needs to be amended
9 (via Survey Monkey)	Resident	37	6	**“**Play Space is to be provided on the basis of 10 sqm per child but there does not seem to be any reference to how the number of children is to be ascertained.”	The metric of 10sqm is based on the adopted London Plan Policy S4, which is a minimum figure. The calculation of expected amount of children per development is ascertained through the use of average ‘yields'. This is set out in paragraph 6.4 of the SPD - "Further details on calculating amenity space requirements can be found in the Mayor’s Play and Informal Recreation SPG, which includes a spreadsheet for calculating child yields".
		38	8	**“**It is imperative that the planning approval if and when given you insist on a timescale for the control of development and management plans are instigated so that local residents and neighbours are able to contact the relevant people quickly when breaches occur. There must be closer liaison between the planning departments and the highways department at all times.”	Noted. The Council agree that where relevant management plans should be required to clearly articulate points of contacts for residents to report concerns or potential breaches. The use of such plans is relatively low in Bromley and has been agreed ad hoc were used in the past; however individual departments in the Council may wish to develop standardised templates in future.
		39	9	“It is imperative that there is much closer liaison between the planning and highways departments to ensure that there is no conflict between the development and other works that could take place close by. In addition, proper care should be taken when cycle routes are envisaged in that their use will be closely monitored at all times.”	Noted. This however is a wider issue than the PO SPD.
		40	10	**“**The definition of "periodically" needs to be specified!”	The approach to employment and skills requirements will be developed by relevant services in the Council. At present we are unable to suggest an appropriate timescale for regular reviews.

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		41	11	**“**Any open space lost through the development must be replaced close by at, at least, double the lost space!”	It is not considered that a requiring double the amount of space lost to be reprovided can, as a rule, be justified. However, the current policy position is for any loss of space to "be re-provided to an **equivalent or higher standard** in terms of quantity and quality". the Council consider this to be appropriate and provides the opportunity to go beyond simple 'like for like' replacement.
		42	12	**“**Close scrutiny of sustainable areas must be of paramount importance.”	Noted.