

Annex 2 - Statement of Consultation

Financial Viability in Planning Supplementary Planning Document

November 2016

Introduction

This Consultation Statement sets out the approach and results of consultation undertaken by the Royal Borough of Kingston for the Financial Viability in Planning Supplementary Planning Document (SPD): Consultative Draft.

The Financial Viability in Planning SPD is a response to the increasing importance of robust financial viability assessments for plan and policy making and the determination of planning applications, as emphasised by the National Planning Policy Framework (NPPF). It intends to provide clarity to developers and stakeholders by setting out the overarching principles the Council will require of financial viability assessments and outlines its intention to make assessments more transparent and accessible.

This report summarises the consultation process and sets out the feedback received. These comments helped to shape the amendments made to the final draft of the SPD.

Consultation Process

The Financial Viability in Planning SPD: Consultative Draft was published for consultation from **Friday 12th August 2016 to Friday 7th October 2016** for a period of eight weeks. During this time the document was available to download from the Council's website. All those on the Strategic Planning database, which includes more than 2,000 consultees, were informed of the consultation by letter or email with details of how to provide feedback and upcoming events (the consultation letter can be found in Appendix 5).

The following categories of consultee were consulted (a complete list of consultees can be found in Appendix 1 of this report):

- Statutory consultees
- Business community
- Community support groups
- Disability groups
- Education organisations
- Environment groups
- Ethnic groups
- Health organisations
- Heritage protection groups
- Local residents and interested parties
- Infrastructure providers
- Leisure groups
- Older people groups
- Planning Interest groups, e.g. planning consultants
- Political groups

- Religious groups
- Residents Associations
- Transport organisations
- Utilities organisations
- Voluntary groups
- Young people

The Council also undertook several other methods of communication in order to ensure that notification of the consultation reached as many people in the borough as possible. Details of these methods are set out below:

- Printed copies were made available for public viewing in all seven public libraries, as well as the Council’s Information and Advice Centre and at all the drop-in consultation events.
- A Press Notice was published in the Surrey Comet on Friday 12th August 2016. This can be viewed in Appendix 4.
- Leaflets and posters were distributed across the borough detailing the consultation timings and how to respond.
- A press release was worked up with colleagues in the Comms team and published on the Council’s website and social media pages.
- The Council undertook a comprehensive online communications strategy via several social media outlets (16 tweets and 3 Facebook posts) over the consultation period which directed people to the Council’s consultation portal. These can be viewed in Appendix 6.
- Working closely with the ‘Visual Impaired Parliament’ Group, the Council prepared an audio summary of the document and uploaded this to the Council’s online consultation portal in order to maximise consultation accessibility for the visually impaired.

These methods of communication are summarised in the table below:

Method of Consultation	Financial Viability in Planning SPD: Consultative Draft
Consultation Letters	1260 (12 August 2016)
Consultation Emails	Approx. 900 (12 August 2016)
Press Release	Yes (12 August 2016)
Copies sent to Libraries	7 (12 August 2016)
Audio Summary	Yes
Leaflets/Posters	Yes

Formal public consultation events

The Council undertook a programme of engagement events throughout Summer 2016 - all of which were advertised through distribution of consultation posters across the borough. Public consultation for this SPD was able to utilise the following events:

Date	Event	Council Attendees	Estimated number of attendees
Saturday 13 August	South of Borough - Hook Centre (9am-1pm)	2 officers	3
Saturday 20 August	Surbiton Farmers' Market Maple Road, (9am-1pm)	3 officers	50-80
Tuesday 23 August	South of Borough - Hook Centre (2pm-6pm)	2 officers	10-20
Thursday 25 August	Kingston Night Market (4pm-8pm)	3 officers	20-30

Online Survey

Through the above methods of communication, all stakeholders were invited to respond to the Financial Viability in Planning SPD: Consultative Draft via an online survey. The full list of survey questions are set out in Appendix 2 of this report.

In total, the Council received 14 consultation responses in total (6 online and 8 by post/email)

Summary of the Main Issues

All of the online and written responses have been read and analysed. Below is a summary of the key themes and concerns that have been raised by those who responded to the consultation. Full comments and Council responses are set out in Annex 3 - Responses to the Financial Viability in Planning SPD: Consultative Draft.

Openness and transparency

Concern was raised about the proposed requirement to make submitted viability assessments publically available, on the basis that these assessments contain commercially sensitive information and their publication could compromise negotiations and risk delivery and viability of schemes. Responses stated that this would act to detract investment from the borough and provide reason for developers to locate elsewhere. Greater flexibility for the redaction of commercially sensitive information and the discouragement of blanket disclosure were key messages.

There was also concern that the inclusion of viability assessments as part of the validation requirements was not appropriate, as scheme viability is subject to change and multiple viability assessments would cause confusion and delay in the planning process.

Benchmark Land Value

There was contention over the proposed use of Existing Use Value (EUV) Plus Premium in the calculation of the benchmark land value against which development viability would be assessed. It was felt that this method could result in the under valuation of land and artificially inflate the level of planning obligations, reducing the likelihood of land delivery.

Respondents highlighted that Alternative Use Value is appropriate and that proposals to only accept this where there is a valid consent for the alternative use or if the alternative use would fully comply with the development plan would prolong the planning process.

Respondents also indicated that the Council's requirement for openness and transparency and choice of benchmark land value goes against National Planning Practice Guidance (NPPG) and Royal Institute for Chartered Surveyors (RICS) Guidance Note 2012 on financial viability in planning which recognise the sensitivity of commercial financial viability assessments and that plans should take account of market signals such as land prices.

Legally binding declaration

A number of respondents indicated that the requirement for a legally binding declaration to confirm that a policy-compliant development is viable is untenable and excessive.

Review mechanism

Some responses noted the Council's proposed potential use of review mechanisms on both phased and unphased developments, commenting that it would be more appropriate and in line with national and RICS guidance to restrict the use of viability review mechanisms to where there has been a delay to implementation or on very long term developments built over a number of phases.

Conclusion

The Financial Viability in Planning SPD has been updated and amended to address the outcomes of the consultation. Once adopted, the SPD will build upon and provide more detailed advice or guidance on policies that are adopted in Local Plans. Upon adoption, it will be a material consideration in the determination of planning applications.

Fundamentally, the structure and overall content of the document has remained largely the same. Nevertheless, consultation responses received have led to amendments being required. Details of agreed changes are provided within Appendix 3 of this report.

In summary, amendments include:

Text updates

- The requirement for policy compliant schemes to enter into a legally binding declaration to confirm that the development is viable has been removed from the document.
- Net operating income where appropriate has been included within the 'Gross Development Value' section on pages 14 and 16 to allow for the identification of the benchmark land value for public rental sector (PRS) 'build to rent' schemes.
- Reference to the requirement that viability assessments identify profit levels from comparable developments has been removed from the document.
- Planning costs have been added into the 'Costs' section of the residential led scheme requirements.
- 'Sensitivity Analysis' requirements have been amended.
- Other wording amendments have been made to make parts of the SPD clearer, such as the 'Planning Contributions' section on page 13 and the addition of a new bullet point on page 8 to clarify the Council's position on using an independent valuer to test assumptions and advise the Council.
- References/footnotes concerning the London Plan have been amended to reflect the publication of the 2016 version.

Graphic updates

- A graphic has been added to the document to illustrate more clearly the purpose and significance of viability testing in order to make the document and its contents more accessible for a non-specialist audience.

Appendix 1 - Consultees

Statutory Consultees	
<ul style="list-style-type: none"> • British Gas • Coal Authority • Elmbridge Borough Council • Environment Agency • Epsom and Ewell Borough Council • Historic England • Highways England • Homes and Communities Agency • Kingston Clinical Commissioning Group • London Borough of Merton • London Borough of Richmond • London Borough of Sutton • London Borough of Wandsworth 	<ul style="list-style-type: none"> • Mayor of London / Greater London Authority • Mobile Operators Association • Mole Valley District Council • National Grid • Natural England • Network Rail • Powergen • Scotia Gas Networks • Surrey County Council • Thames Water • The Planning Inspectorate • Transco • Transport for London
Businesses	
<ul style="list-style-type: none"> • Adams and Adams Ltd • Adrienne Hill Ltd • AK II Property Investments Limited • Alderwick James and Co • Allen Pyke Associates • Aquilon Global Invest Ltd • Arrow Plastics Ltd • Aviva • Barton Willmore • Barwell Court Farm Management Co. Ltd • Bell Cornwell Partnership • Bentall Centre Management • Bentalls • BMR • Boots • British Home Stores • British Land • Canadian Portland • Carluccios • Carter & Carter • Carter Bells LLP • CBI (London Region) • Chelsea Building Society • Cherwell (3-5 Penrhyn Road) Ltd • Chris Thomas Ltd. • Diocesan Board of Finance • DTA Computer Systems • Ease & Co • Edward Jones Ltd • Egmont UK • Enstar Capital • Federation of Small Businesses • Four Communications Group PLC • Fusion Arts • Gerald Cullfiord Ltd • Goldcrest Land • Hammersons • Hermes Hotel • Howdens Joinery Co. 	<ul style="list-style-type: none"> • Kingston Innovation Centre • Kingston Jobcentre • Kingston Market Traders Association • Kingston Plaza LLP • Kingston Tour Guides • Kingstonfirst • Lakeside Estates Ltd • LIDL UK • Lloyds TSB • London and Provincial Accommodation Limited • Longford Securities and Equities Limited • Malden Golf Club • Marks & Spencer • McDonalds • Music Services • Nova Distribution • O'Neils (Mitchell and Butlers) • Oceana • Old London Road Traders Association • Osiers Court Properties Ltd • Palmers Solicitors • Parrs Boat Hire • Pearson Maddin Solicitors • Prim Vintage Fashion • Radio Jackie • Riverside Vegetaria Ltd • Roofwise Ltd • Royal Mail • Sainsbury's Supermarkets • Simone Kay Stained Glass • SNP Associates • Spires Sports Ltd • Spiritbond Kingston Road Ltd • Spiritbond Student Housing Ltd • Spuds • SRIL Penrhyn Road Limited • The Hippodrome Nightclub • The Rose Theatre • Tony Miller Systems Ltd

<ul style="list-style-type: none"> ● Insight Services ● Jackson-Scott Associates LTD ● John Lewis ● John Sharkey and Co. ● Jones Lang LaSalle ● Kidd Adam Ltd ● Kingston Informer 	<ul style="list-style-type: none"> ● TP Bennett Architects ● Turk Launches Ltd ● University Superannuation Scheme (USS) ● Watkins Jones and Son Ltd ● West & Partners ● Wilkinson Stores
Community Support Groups	
<ul style="list-style-type: none"> ● Kingston Citizens Advice ● London Forum of Amenity and Civic Societies ● Royal British Legion Institute ● Kingston Advocacy Group 	<ul style="list-style-type: none"> ● Kaleidoscope ● Kingston Citizens Advice Bureau ● Freepost Equality Advisory Support Service ● Kingston Carers Network
Disability Groups	
<ul style="list-style-type: none"> ● Anchor Trust ● Crescent Resource Centre ● Disability Equality Group ● HFT ● Home Farm Trust ● Kingston Association for the Blind ● Parkinson's UK 	<ul style="list-style-type: none"> ● People with Learning Disabilities Partnership Board ● Positive Action for Multiple Sclerosis ● R.O.Y.A.D ● Scope (N E Surrey) Geneva Road ● Talking Newspaper ● Team for Disabled Children ● The Fircroft Trust
Education	
<ul style="list-style-type: none"> ● Alexandra Infant School ● Bedelsford School ● Buckland Infant and Nursery ● Burlington Junior School ● Chessington Community College ● Christ Church Infants' School ● Christ Church Junior School ● Christ Church New Malden C of E Primary ● Christ Church Primary School ● Coombe Boys School ● Coombe Girls School ● Coombe Hill Infant and Junior School ● Corpus Christi Primary School ● Dysart School ● Ellingham Primary School ● Euphrates Education Foundation (Arabic School) ● Fern Hill Primary School ● Green Lane School ● Hindi Bal Bhawan ● Holy Cross Preparatory School ● King Athelstan Primary School ● Kingston College ● Kingston Grammar School ● Kingston Gurjarati School ● Kingston Tamil School ● Kingston University ● Knollmead Primary School ● Latchmere Junior School ● Learn English at home ● Lovelace Primary School ● Malden Manor Primary 	<ul style="list-style-type: none"> ● Malden Parochial Primary School ● Maple Infants School ● Nathaniel Lichfield & Partners ● Our Lady Immaculate Primary School ● Princes Trust- Merton College ● Richard Challoner School ● Robin Hood Primary School ● Roehampton University ● Shrewsbury House School ● Southborough School ● St Agatha's Catholic Primary School ● St Andrews and St Marks C of E Junior School ● St Joseph's RC Primary School ● St Luke's Primary School ● St Philip's School ● St. Andrews & St. Marks C of E Junior School ● St. Johns C of E Primary School ● St. Mary's Primary School ● St. Matthew's Primary School ● St. Paul's C of E Junior School ● St. Paul's C of E Primary School ● The Hollyfield School and Centre for Continuing Education ● The Holy Cross School ● The Mount Primary School ● Tiffin Boys School ● Tiffin Girls School ● Tiffin School ● Tolworth Girls School ● Tolworth Infants and Nursery School ● Tolworth School
Environment	

<ul style="list-style-type: none"> ● BRE Group ● British Geological Survey ● CPRE ● CPRE (London) ● CPRE (Surrey) ● Department for Environment, Food and Rural Affairs ● Environment Agency ● Greater London Playing Fields Association ● Hurley Palmer Flatt ● LA21 Forum ● London Parks and Gardens Trust ● Protect Our Green Spaces 	<ul style="list-style-type: none"> ● RenewableUK ● River Thames Society ● RSPB ● Rural Pride Limited ● Save the World Club ● Surbiton & District Bird Watching Society ● Surbiton and District Bird Watching Society ● Surrey Wildlife trust ● Thames Landscape Strategy ● The Royal Parks ● The Woodland Trust ● Viridor Waste Management Ltd
Ethnic Groups	
<ul style="list-style-type: none"> ● Irish Traveller Movement in Britain ● Kingston Asian Arts Forum ● Kingston Chinese Association ● Kingston Muslim Women's Association ● Kingston Racial Equality Council ● Kingston Ulster Society 	<ul style="list-style-type: none"> ● Kingston, Richmond and Surrey African Positive Outlook ● London Gypsy and Traveller Unit ● Milaap Centre ● Refugee action Kingston ● Sarvoday Hindu Association ● The Gypsy Council
Health	
<ul style="list-style-type: none"> ● ACSA (Addiction Support and Care) ● Canbury Medical Centre ● Health and Safety Executive ● HUDU ● Kingston & District Welcare Association ● Kingston Hospital Trust 	<ul style="list-style-type: none"> ● Magic Roundabout ● Mental Health Partnership Board ● NHS Kingston ● NHS London Healthy Urban Development Unit ● Public Health Directorate
Heritage	
<ul style="list-style-type: none"> ● Conservation Area Advisory Committee ● Coombe Wood Conservation Area ● Friends of Kingston Museum & Heritage Service ● Garden History Society ● Historic England ● Historic Royal Palaces ● Kingston Society 	<ul style="list-style-type: none"> ● Kingston Town Neighbourhood CAAC ● Kingston upon Thames Archaeological Society ● Malden & Coombe CAAC ● MLA London ● Museum of London Archaeology Department ● Surbiton CAAC ● Surbiton Conservation Area Advisory Committee
Housing	
<ul style="list-style-type: none"> ● A2 Housing Group ● Ability Housing Association ● Affinity Sutton ● Appleby Properties Limited ● Bridger Bell ● Broomleigh Housing Association ● Fairview New Homes Ltd ● Family Housing Association ● Gleeson ● Hanover Housing Assoc. ● Hestia Housing (Kingston Womens Centre) ● Home Group ● Horizon Housing Group ● Inquilab Housing Association ● Clerical Medical ● Kingston Churches Housing Association 	<ul style="list-style-type: none"> ● Moat Housing Society ● Molior London ● New Era Housing Association ● North British Housing Association ● Paragon Community Housing Group ● PML Building Services Limited ● Raglan Housing Assoc ● Rosemary Simmonds Memorial Housing Assoc. ● Shepherds Bush Housing Association ● SPH Housing ● St George West London ● Teachers Housing Association ● Terry Hill Design and build ● Thames Valley Housing Association ● Threshold Housing and Support ● Town and Country Housing Group

<ul style="list-style-type: none"> ● Kingston upon Thames United Charities ● Millat Asian Housing Association 	<ul style="list-style-type: none"> ● Wandle Housing Association ● YMCA
Individuals	
<ul style="list-style-type: none"> ● Approximately 1,350 local residents on the Consultation Database 	
Infrastructure Providers	
<ul style="list-style-type: none"> ● EE ● EMF Enquires ● Environment Agency ● London Fire and Emergency Planning Authority ● London Fire Brigade 	<ul style="list-style-type: none"> ● Metropolitan Police ● Metropolitan Police Authority ● Thames Water ● Three ● UK Power Networks
Leisure	
<ul style="list-style-type: none"> ● AFC Wimbledon ● Campaign for Real Ale ● CAMRA - Kingston & Leatherhead Branch ● Chessington Young Mums Group ● Kingston Arts Council ● Kingston Centre for Independent Living ● Kingston Debating Society ● Kingston Museum ● Kingston Theatre ● Kingston Tour Guides ● Leatherhead Golf Club Ltd ● Lexum Leisure (McCluskeys) ● Malden Camera Club ● Malden Wanderers Cricket Club 	<ul style="list-style-type: none"> ● Minima Yacht Club ● Natural History Museum ● New Malden Tennis, Squash and Badminton Club ● Places for People ● PRO-ACTIVE South London ● River Thames Boat Project ● Rotunda ● Saheli (Asian Womens Group) ● Scout Association ● Surbiton Croquet Club ● Thames Sailing Club ● The Lawn Tennis Association ● The Theatres Trust
Older People	
<ul style="list-style-type: none"> ● Age UK Richmond upon Thames ● Kingston Pensioners Forum 	<ul style="list-style-type: none"> ● Older Peoples Partnership Board ● Staywell
Planning Interest	
<ul style="list-style-type: none"> ● Arnold Gilpin Associates ltd ● Assent Environmental Planning ● Austin Mackie Associates Ltd ● Barton Willmore ● Bell Fischer Landscape Architects ● Bonsor Penningtons ● Boyer Planning ● Boyer Planning London ● Broadway Malyan ● Canadian and Portland Estates Ltd. ● Capitalise Assets LLP ● Cattaneo Commercial ● CBRE ● CgMs Consulting ● Chase & Partners ● Chessington Nurseries ● Cluttons LLP ● Coal Pension Properties ● Colliers CRE ● Crest Nicholson ● Cunnane Town Planning LLP 	<ul style="list-style-type: none"> ● Indigo Planning Ltd ● Jones Lang LaSalle ● Kennet Properties Ltd. ● King Sturge LLP ● Kingston University Students Union ● Knight Frank LLP ● Lancashire Digital Technology Centre ● Level Ltd ● Lidl - Tolworth ● Linden Homes South East ● London Assembly ● Longmoore Regeneration Limited ● Malcolm Scott Consultants Ltd ● Marcus Beale Architects ● Metropolis Planning and Design ● Mineral Products Association ● Montagu Evans LLP ● Morley Fund Management ● Nathaniel Lichfield & Partners ● NHP Leisure Development Ltd ● Paul Dickinson and Associates

<ul style="list-style-type: none"> ● Cushman and Wakefield ● Dalton Warner Davis LLP ● David Lock Associates Ltd ● Davis Planning ● DE Headquarters ● Defence Estates Property Team ● Deloitte Real Estate ● Deloittes ● Denton Wilde Sapte ● Design Council ● Designature ● Development Planning Partnership ● DevPlan ● dp9 ● DPDS Consulting Group ● Drivas Jonas Deloitte ● DTZ ● Eden Walk Shopping Centre General Partner Limited ● Elborough ● Entec, Environmental and Engineering Consultancy ● ESA Planning Ltd. ● Evans Roden Myzen ● Farrer & Co ● Firstplan ● Fusion Online ● Fusion Online Ltd ● GL Hearn ● Hammerson plc ● Harper Planning ● Heaton Planning Ltd ● Hemingford Properties ● Her Majesty's Court Service ● HTA Design LLP ● Icen Projects Ltd 	<ul style="list-style-type: none"> ● PB ● Peacock and Smith Ltd ● PlanInfo ● Planning Mineral Products Association Ltd. ● Planning Potential ● Planware Ltd ● PPML Consulting Ltd ● Premier Inn Tolworth ● Quadrant Town Planning Ltd ● Quod Planning ● Rupleys LLP ● Reside Developments Ltd ● Robin Bretherick Associates ● RPS Planning ● Savills Commercial Ltd ● SLR ● Smith Jenkins ● Spiritbond ● SSA Planning Limited ● St George West London Ltd ● St James Group Ltd ● Tetlow King Planning ● TfL Planning ● The Crown Estate ● The JTS Partnership Ltd ● The Planning Bureau Limited ● The Theatres Trust ● Thomas Eggar LLP ● TPAC Ltd. ● Turley Associates ● Universities Superannuation Scheme Ltd. ● Waind Gohil Architects ● Walker Morris ● Warner Estates ● White and Sons Planning Consultants
Political	
<ul style="list-style-type: none"> ● Kingston and Surbiton Conservatives ● Kingston and Surbiton Constituency Labour Party 	<ul style="list-style-type: none"> ● Kingston Borough Liberal Democrats ● All Councillors at RBK
Religious Groups	
<ul style="list-style-type: none"> ● African Families Support Services ● Ahmadiya Muslim Association Surbiton ● All Saints Church ● Anglican Diocese of Southwark ● Church Commissioners ● Churches Together in Malden ● Everyday Church Kingston ● First Church of Scientist ● Institute of Tamil Culture ● Islamic Resource Centre ● Kingston and Surbiton District Synagogue 	<ul style="list-style-type: none"> ● Kingston Baha'is ● Kingston Chinese Association ● Kingston Liberal Synagogue ● Kingston Muslim Association ● Kingston Quakers ● Kingston, Surbiton and District Synagogue ● New Malden Methodist Church ● St Catherine of Siena RC Church ● Surbiton Community Church ● The Korean Church ● United Reformed Church
Residents Associations	
<ul style="list-style-type: none"> ● 1-14 Marlborough Gardens Residents Association ● Agar House Residents Association 	<ul style="list-style-type: none"> ● Kingsnympton Park Estate Residents Association ● Kingston Society ● Kingston Vale Residents Association

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| <ul style="list-style-type: none"> ● Alexandra Neighbours Association ● Alpha Road Estate Residents Association ● Alpha Road Residents' Association ● Ancaster Crescent Residents' Association ● Ash Tree Close Residents Association ● Avenue Road Residents Association ● Avenue Road Residents Association (ARRA) ● Barnsbury Crescent Residents Association ● Beauclere House Surbiton Management Ltd ● Blenheim Gardens Residents Association ● Blenheim Gardens Residents Association (BGRA) ● BRaG Residents Association ● Brockley Court (Surbiton) Residents Association Ltd ● Brook Road Residents Association ● Cambridge Gardens Residents Association (TA) ● Cambridge Road Community Association ● Cambridge Road Estate Residents Association ● Cambridge Road Estates Community Group ● Canbury Court Residents Association ● CARA ● Chantry Area RA ● Charter Quay Residents Association ● Chessington Court Residents Association ● Chessington District Residents Association ● Chessington Hall Residents Association. ● Chessington R.A ● Claremont House ● Clarence Street/ London House Ltd Residents Association ● Coombe House Estates Residents Association ● Coombe Park Residents Association ● Coombe Ridings Residents Association ● Coombe Roads Association ● Coombe Wood Conservation Area ● Crofts Residents Association ● Cumberland House Residents Association ● Dengrove Residents Association ● Dysart Avenue Residents Association ● Eaton Drive Householders Association ● Elgar Avenue Residents Association ● Ellerton and Bond Road Residents' Association ● Fairfield South (Kingston) Management Company Limited ● Fassett Road Residents Association ● Federation of Kingston Residents ● Federation of RBK Residents Associations ● Gateways Residents Association ● Glenbuck Studios Residents Association ● Gloucester Court Residents Association ● Groves Association ● Hatfield House Residents Association Ltd ● Hawks Road Residents Association ● Herne Road Residents Association ● Hightrees Residents Association ● Hillside Court Residents Association ● Hogsmill Valley Residents Association ● Homington Court Residents Association ● Hook Rise South Residents Association ● Horsley Square Residents Co Ltd | <ul style="list-style-type: none"> ● Knights Park Residents Association ● Korean Residents' Society ● Lancaster Close Residents Association ● Lower Kings Road Residents ● Maeldune Residents Association ● Malden & Coombe Residents Association ● Malden Manor Residents Association ● Malden Rushett Residents Association ● Maple Road Residents Association ● Marlowe House Residents Association ● McDonald House Residents Association ● Melbourne Court (Surbiton) Residents Association ● Melford Close Residents Association ● Mill Street Residents Association ● Motspur Park Residents Association ● New Malden (Beverley Ward) Resident's Association ● Newborough Green Residents' Association ● Norbiton Village Residents' Association ● North Kingston Forum ● OADRA ● Old Kingston Road Residents Association ● One Norbiton ● Palmerston Court (Surbiton) No 2 Residents Association Limited ● Penners Gardens Residents Association ● Pennington Lodge Residents Association ● Queens Road Residents Association ● Ravensview Court Residents Association ● River Court Residents Association ● Rivermead (Surbiton) Residents Association Ltd ● Riverside Residents Association ● Royal Quarter Residents Association ● SCARA ● Scarriff Court Residents Association ● School Lane Residents Association ● Shane Court Resident Association ● South Hogsmill Valley Residents Association ● Southborough Residents Association ● Southwood Drive Residents' Association ● Spring Grove Residents Association ● St Mathews Residents Association ● Sunray and Egmont Residents Association (SERA) ● Surbiton Central Area Residents Association ● Surbiton Court Residents Association Limited (Flats 1-69) ● Surbiton Road Residents Association ● The Alexandra Neighbours Association ● The Grange Residents Association ● Tithe Barn Close Residents Association ● Tolworth South Residents Association ● Tudor Residents (Kingston) Ltd ● Victoria Avenue Residents Association ● Victoria, Albert & Church Road Residents Association ● Wessex Close Home Owners Association ● Westergate House Residents Association ● Windsor Court Residents Association ● Wolverton Ave Residents Association |
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Transport Providers	
<ul style="list-style-type: none"> • Civil Aviation Authority • Department of Transport Rail Group • Freight Transport Association- London and South East Region • Greater London Motorcycle Action Group • H R Richmond Ltd • Kingston Area Travellers Association • Kingston Cycling Campaign • Living Streets • London Buses 	<ul style="list-style-type: none"> • London Cyclists • London General Transport Services Ltd • London United Busway Ltd • Richmond and Kingston Accessible Transport • Road Haulage Association • South London Partnership • South West Trains • Sustrans • Transport for London - London Buses
Utilities Groups	
<ul style="list-style-type: none"> • Health and Safety Executive • London Ambulance Service 	<ul style="list-style-type: none"> • London Fire Brigade • Police and Community Working Group
Voluntary Groups	
<ul style="list-style-type: none"> • Kingston Voluntary Action 	<ul style="list-style-type: none"> • The London Community Foundation
Young People	
<ul style="list-style-type: none"> • Parents Forum 	<ul style="list-style-type: none"> • Youth Advisory Council

Submitted representations

The list below represents the consultees who submitted representations in response to the formal consultation for the Financial Viability in Planning SPD: Consultative Draft.

Statutory Consultees

- Transport for London
- Highways England
- Environmental Agency

Businesses and Landowners

- St George West London Ltd (Berkeley Group)
- Deloitte (on behalf of Eden Walk Shopping Centre)

Planning Interest

- Savills Commercial Ltd (on behalf of Solum Regeneration)

Health

- Health and Safety Directive

Infrastructure Provider

- Dron & Wright (on behalf of The London Fire and Emergency Authority)

A further 6 consultees responded to the online survey.

Appendix 2 – Online Survey

Question 1a - Do you have any comments on Section 1: Introduction?

Question 2a - To what extent do you agree with the Council's intention to provide further guidance and greater clarity on the Council's requirements/expectations for financial viability assessments in order to allow greater scrutiny of viability assessments and address current issues within the process?

Question 2b - How else could the Council have approached the resolution of the current problems in viability assessments?

Question 2c - Do you have any other comments?

Question 3 - Do you have any comments concerning the policy context set out in Chapter 3?

Question 4a - To what extent do you agree with the Council's proposed approach relating to evidence, inputs and assumptions to be used in viability appraisals?

Question 4b - To what extent do you agree with the Council's principles of openness and transparency in viability assessment?

Question 4c (i) - Are there any aspects of viability assessments that you consider should generally not be disclosed to the public?

Question 4c (ii) - If so, please set out the reasons why disclosure would cause harm to commercial interests and why the public interest would be better served through not disclosing this information.

Question 4d - Do you have any other comments?

Question 5a - The Council will expect viability appraisals to be backed up by robust evidence and be tested rigorously in the early stages of the application process. To what extent do you agree with the principles laid out in this section?

Question 5b - Do you have any other comments?

Question 6a - To what extent do you agree that the requirements set out in Appendix 1 and 2 are fair, justified and realistic?

Question 6b - To what extent do you think the requirements set out pose any significant barriers to the delivery of development proposals?

Question 6c - Do you have any comments on the Council requiring viability review mechanisms to maximise policy compliance?

Question 6d - Do you have any other comments?

Question 7 - Do you have any other comments in relation to development viability and the planning process, or any other matters that you deem important for this SPD consultation?

Question 8a - Do you think that the information held in this draft SPD should be integrated into the Council's Planning Obligations SPD?

Question 8b - Please comment

Question 9a - Are there any parts of the SPD that are unclear?

Question 9b - If so, please specify

Appendix 3 – Amendments to Financial Viability in Planning SPD in response to consultation

The table below sets out all amendments to the Financial Viability in Planning SPD in response to comments from officers and consultation.

Page	Item / map / paragraph	Detail	Action
Text updates			
3	Acronyms	Replace acronyms: 'LPA: Local Planning Authority'; 'TfL: Transport for London'; 'SUD: Sustainable Urban Drainage'; 'DE: Decentralised Energy' with: 'EUUV: Existing Use Value'; 'RLV: Residual Land Value'; 'GIA: Gross Internal Area'; and 'NIA: Net Internal Area'.	Replace acronyms.
5	Para 2.2	Replace: 'They build upon and provide more detailed advice or guidance on policies that are adopted in Local Plans. This SPD will form part of the Council's Development Plan' with: <i>The build upon and provide more detailed advice or guidance on policies that are adopted in Local Plans, and once adopted will form part of the Council's Local Development Framework'.</i>	Change text.
4 4 6 7	Para 1.3 Footnote Para 3.5 Footnote	Replace: '2015' with '2016' in reference to the latest version of the London Plan.	Change date.
4 7	Footnote Footnote	Delete text: 'FALP' in London Plan footnote.	Delete text.
6	Para 3.3	Delete text: 'The PPG sets out that' Delete text: 'The Council places significant importance on this key principle which is expanded on in Section 4'.	Delete text.
6	Para 3.6	Replace 'The Core Strategy' with 'The Council's Core Strategy'.	Insert text.
8	Para 4.2	Add text: 'Below, graph 1 provides an illustration of an exemplar viable, policy compliant scheme calculated using the Existing Use Value plus methodology.'	Add text.
8-9	Para 4.3	Add new 6th bullet point: 'The Council may appoint an independent valuer or seek other qualified advice to test assumptions and provide the Council with advice on the levels of affordable housing that can be achieved. The costs of financial appraisals and independent assessments will be met by the	Add new bullet point to para 4.3.

		<i>developer.'</i>	
9	Para 4.5	Replace ' <i>Development Plan</i> ' with ' <i>Local Development Framework</i> '.	Change text.
9	Para 4.8	Delete paragraph: ' <i>Where proposed schemes are to be submitted and don't require a development viability appraisal because they fully meet the Council's Development Plan policies, the Council will require the applicant/developer to enter into a legally binding declaration to confirm that the development is viable.'</i>	Delete para 4.8
10	Para 5.1	Replace: ' <i>If your proposal relies on a viability appraisal to demonstrate why a policy compliant scheme cannot be provided, you must submit:</i> ' with: ' <i>If a proposal relies on a viability appraisal to demonstrate why a policy compliant scheme cannot be provided, the applicant must submit:</i> '	Replace text.
10	Para 5.1 (i)	Replace ' <i>the viability appraisal which includes the information outlined above</i> ' with ' <i>the viability appraisal which includes the information set out in this SPD</i> '	Amend text.
10	Para 5.1 (ii)	Replace ' <i>a written assurance confirming that you will cover reasonable costs associated with the assessment of such an appraisal</i> ' with ' <i>a written assurance confirming that the applicant will cover reasonable costs associated with the assessment of such an appraisal</i> '	Amend text.
12	'Development Values' section	Replace ' <i>...at an early stage and that affordable housing values reflect discussions with and offers made by RPs</i> ' with ' <i>...at an early stage and ensure that affordable housing values reflect discussions with and offers made by RPs</i> '.	Insert text.
12	Second paragraph in 'Developer Profit'	<ol style="list-style-type: none"> 1. Replace '<i>This</i>' with '<i>The</i>'. 2. Delete text: '<i>, and profits achieved on comparable schemes</i>'. 	<ol style="list-style-type: none"> 1. Replace text. 2. Delete text.
13	'Benchmark Land Value' section	Replace: ' <i>Development Plan</i> ' with ' <i>Local Development Framework</i> '.	Amend text.
13	'Planning Contributions' section	Replace: ' <i>Estimated S106 planning obligation costs should be included as a development cost and be determined in accordance with Kingston's and the Mayor's Charging Schedule and the CIL Regulations. Both the Kingston and Mayoral CIL installment policies, and phased payments under the CIL Regulations, which aid developer cash flow, should also be reflected in the assumed timing of payments.</i> '	Replace text.

		<p>With: <i>'Estimated S106 planning obligation and S278 costs should be included as a development cost. Both the Kingston and Mayoral Community Infrastructure Levies should also be included as a development cost, These costs should be programmed in accordance with the relevant CIL instalment policy, and if applicable phased payments as permitted by the CIL Regulations, which aid developer cash flow should also be reflected in the assumed timing of payments.'</i></p>	
13	'Viability Review mechanisms' section	<p>Replace:</p> <p><i>'In line with the Council's adopted Planning Obligations SPD, legal agreements associated with planning permissions may require viability review mechanisms which have to be completed at the applicant's expense and at times agreed with the Council (e.g. when construction contracts have been agreed) to ascertain the extent of Planning Obligations at a later date. In line with the SPD, the identification of review mechanisms will be determined by the Council on a case by case basis (depending on the nature and scale of the development and the timeframes in which it may be completed) to maximise policy compliance through the appropriately identified review mechanisms'</i></p> <p>With:</p> <p><i>'In line with the Council's adopted Planning Obligations SPD, legal agreements associated with planning permissions may require viability review mechanisms. These are designed to test the outcomes arising during the carrying out of development, against those predicted in the viability appraisal submitted with the relevant planning applications with a view to determining whether any additional provision of planning obligations is necessary and justified (e.g. the provision of additional affordable housing or a contribution in lieu) to ensure that the completed development is policy compliant, which have to be completed at the applicant's expense and at times agreed with the Council. In line with the SPD, the identification of review mechanisms will be determined by the Council on a case by case basis (depending on the nature and scale of the development and the timeframes in which it may be completed) to maximise policy compliance through the appropriately identified review mechanisms.'</i></p>	Amend text.
14	'Proposed	Insert text: <i>'...Residential unit numbers and habitable</i>	Insert text.

	Scheme Details' section	<i>rooms including the split between private and affordable tenures and the types of affordable tenure.</i>	
14 & 16	'Gross Development Value' section	Add new bullet point: <i>'Net operating income (where appropriate).'</i>	Add new bullet point and text.
14	'Costs' section	Add new bullet point: <i>'Planning costs (including infrastructure and other contributions).'</i>	Add new bullet point and text.
16	'Costs' section	Add text after 'Planning costs': <i>'(including infrastructure and other contributions).'</i>	Add text.
15 & 17	'Sensitivity Analysis' section	Replace: <ul style="list-style-type: none"> ● <i>Two way sensitivity analysis</i> ● <i>Simulation analysis (where appropriate)</i> With: <i>'Sensitivity Analysis should be used to justify assumptions including sales values.'</i>	Replace text.
17	Benchmark Viability Proxies - Rationale	Delete text: <i>'and any comparable schemes of which you are aware.'</i>	Delete text.
Graphic updates			
8	After para 4.2	Insert a graphic that clearly depicts the purpose and importance of viability testing in the planning process.	Add graphic

Appendix 4 – Surrey Comet Press Notice

AUGUST 12, 2016

Announcements - Public Notices

NOTICE OF CONSULTATION ON PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT AND FINANCIAL VIABILITY IN PLANNING SUPPLEMENTARY PLANNING DOCUMENT: CONSULTATION DRAFT



The Royal Borough of Kingston upon Thames issues this notice to invite representations on two of the Council's Draft Supplementary Planning Documents (SPD):

1. Planning Obligations SPD
2. Financial Viability in Planning SPD

This is in line with Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Subject Matter of the Supplementary Planning Documents:

Planning Obligations SPD

Given the introduction of the Community Infrastructure Levy (CIL) which enables local authorities to generate revenue from developers to fund community infrastructure needs, the role and scope of planning obligations has been scaled back to focus primarily on delivering affordable housing, addressing site specific infrastructure needs, and to contribute to local infrastructure when this is not captured by the CIL. This SPD outlines the approach the Council will take in securing planning obligations in the future.

Financial Viability in Planning SPD

The Financial Viability in Planning SPD has been created in response to the National Planning Policy Framework (2012) which puts financial viability assessments at the centre of planning decisions - on both planning applications, and in the development of planning policy. The SPD intends to provide clarity to developers and stakeholders by setting out the overarching principles the Council will adopt for financial viability assessments and outlines its intention to make assessments more transparent and accessible.

Public Consultation Period

The Draft SPDs will be the subject of a eight-week period of formal consultation from **9.00am Friday 12th August to 23.59pm Friday 7th October 2016.**

Comments and representations in respect of the draft SPDs can be made in the following ways:

Online: visit www.kingston.gov.uk/consultations to complete a simple survey

Email: localplan@kingston.gov.uk

Post: Strategic Planning, Royal Borough of Kingston upon Thames,
Guildhall 2, High Street, Kingston upon Thames, Surrey, KT1 1EU

Views on the draft SPDs should be submitted to the Council by 23.59pm on Friday 7th October 2016. All representations received will be taken into account and reported alongside the SPDs to Growth Committee when considering adoption.

Printed copies of the draft SPDs are available for inspection at all libraries within the borough during their normal opening hours, and at the Council Offices at the Information and Advice Centre on the ground floor of Guildhall 2 from 9am-5pm Monday to Friday.

Appendix 5 – Letter sent to consultation database

Directorate of Place
Head of Planning and Regeneration – Viv Evans



RESPONDENT DETAILS
REDACTED FOR
CONFIDENTIALITY

Strategic Planning Team
The Royal Borough of Kingston upon Thames
Guildhall 2
High Street
Kingston upon Thames
KT1 1EU

Tel: 020 8547 5002
Email: localplan@kingston.gov.uk
Website: www.kingston.gov.uk

12 August 2016

Dear Mr.

CONSULTATION ON TWO DRAFT SUPPLEMENTARY PLANNING DOCUMENTS (SPD): THE PLANNING OBLIGATIONS SPD AND THE KINGSTON FINANCIAL VIABILITY IN PLANNING SPD FOR THE ROYAL BOROUGH OF KINGSTON UPON THAMES.

In 2012 the National Planning Policy Framework (NPPF) set out the government's vision for sustainable development. The NPPF made financial viability assessments an important consideration in both plan/policy making, and in the consideration of planning applications. Similarly, in 2010 the government introduced the Community Infrastructure Levy (CIL) Regulations allowing local authorities to generate revenue from developers to support the infrastructure needs made necessary by the proposed development, such as transport and energy facilities. In November 2015 Kingston Council adopted their borough-wide CIL.

In response to the above, consultation is beginning on two Supplementary Planning Documents (SPD) which when adopted will become part of the Kingston Local Plan. This is in line with Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012. We are inviting you to give your feedback - below is an outline of the content of these documents and ways in which you can have your views heard.

Draft Planning Obligation SPD

The CIL largely replaces the use of Planning Obligations, which previously were the main tool available for local authorities in securing developer contributions to local infrastructure. Planning obligations will however remain in use but will be scaled back to focus predominantly on the delivery of affordable housing, addressing site-specific measures to make development acceptable in planning terms when this cannot be achieved through the application of conditions alone, and to contribute to local infrastructure when this is not captured by the CIL.

The Planning Obligations SPD outlines the approach Kingston will take in securing Planning obligations. Specifically, the document outlines the policy context, management and monitoring procedures, as well as the nature planning obligations are likely to take and an outline of the circumstances in which they will be sought across the following areas:

- Affordable housing;
- Community Safety and Visitor Management;
- Employment Development, Training and Business Support;
- Site Specific Transport Requirements;
- Public Open Space, Play, Biodiversity and Public Realm;
- Leisure, Culture, Heritage and Community Facilities; and
- Sustainable Construction/Climate Change and Flood Risk

Kingston Financial Viability in Planning SPD

The NPPF, the London Plan and subsequently the Kingston Core Strategy, require that development proposals are subject to rigorous viability appraisals. Robust viability assessments allow local authorities to ensure development proposals are deliverable in a way that balances planning objectives and are important in ensuring the implementation of adopted planning policies which form the basis of the delivery of sustainable development.

A range of different guidance has resulted in a diverse approach to viability assessments. The Draft Kingston Financial Viability in Planning (SPD) intends to provide clarity to developers and stakeholders by setting out overarching principles for how the council will approach viability assessments. Specifically, the SPD provides detail regarding the Council's expectations and requirements for different components of financial viability appraisals and outlines the Council's intention to make financial viability assessments more transparent and accessible by making them available to the public.

The feedback received from these consultations will be used to finalise the SPDs before they are adopted. Upon adoption the SPDs will become a material consideration in the determination of planning applications and in decisions regarding plan and policy making. We want to hear your views on these important documents. You can let us know what you think in the following ways:

Consultation Period

The consultation period runs from **09:00 on 12 August 2016 to 23:59 on 7 October 2016.**

Our preferred method of responding is using the online survey however there are many ways in which you can share your views:

Online: visit www.kingston.gov.uk/consultations to complete a simple survey

Email: localplan@kingston.gov.uk

Post: Strategic Planning, Royal Borough of Kingston upon Thames, Guildhall 2, High Street, Kingston upon Thames, Surrey, KT1 1EU

Drop in events:

- Saturday 13th August - Hook Centre (09.00-13.00)
- Saturday 20th August - Surbiton Farmers' Market (09:00-13:00)
- Tuesday 23rd August - Hook Centre (14:00-18:00)
- Thursday 25th August - Kingston Night Market (16:00-20:00)

For more information on events, please regularly check: <https://www.kingston.gov.uk/events>

You can download a PDF version of the documents by visiting the Council's consultation portal – www.kingston.gov.uk/consultations. Alternatively, printed copies of the document are available for inspection at all Borough libraries during their normal opening hours, and at the Council Offices at the Information and Advice Centre on the ground floor of Guildhall 2 from 9am – 5pm Monday to Friday. If you have any questions about this letter, please contact the Strategic Planning Team at localplan@kingston.gov.uk or on 020 8547 5002.

Consultation Database Update

We are updating our planning policy consultation database and if you would like to receive future consultation notifications by email, please contact us at localplan@kingston.gov.uk to update your contact preference. Alternatively, please let us know if you no longer wish to receive planning policy consultations from us so we can remove you from our consultation database.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'EO', with a long horizontal stroke extending to the right.

Eric Owens

Interim Group Manager – Strategic Planning & Regeneration and Internationalism
The Royal Borough of Kingston upon Thames

Appendix 6 – Social media posts

Kingston Council
Published by Shantel Burns [?] - 19 August - 🌐

We will be at Surbiton farmer's Market tomorrow from 9am-1pm to hear your views on our live planning consultations. Come and have your say! https://www.kingston.gov.uk/.../come_and_have_your_say_at_a_p...



Come and have your say at a planning drop-in event | The Royal Borough of Kingston upon Thames

Come and have your say on the Council's live planning issues that affect the built environment in Kingston. Date: 20th August 2016 Location: Maple Road Time:...

KINGSTON.GOV.UK | BY THE ROYAL BOROUGH OF KINGSTON UPON THAMES

99 people reached Boost

Like Comment Share

Write a comment...

Kingston Council
@RBKingston

There are a number of public consultations taking place at the moment. Have your say here - kingston.gov.uk/consultations

Consultations closing in August

- Future of Housing Services - closing on Friday 26 August
- Direction of Travel - closing on Monday 29 August
- Draft Cocks Crescent SPD - closing on Monday 29 August
- Statement of Community Involvement - closing on Monday 29 August
- Gambling Act 2005 - closing Wednesday 31 August

Consultations closing in September

- Draft North Kingston Development Brief - closing Monday 5 September
- Duty to Cooperate Scoping Statement - closing Monday 5 September
- Contributions Policy Consultation - closing Thursday 8 September
- RBK Decant Policy - closing Friday 9 September

Consultations closing in October

- Draft Planning Obligations Supplementary Planning Document (SPD) - closing Friday 7 October
- Financial Viability in Planning Supplementary Planning Document (SPD) - closing Friday 7 October

To find out more and have your say, visit www.kingston.gov.uk/consultations.



RETWEETS 13 LIKES 2

2:43 PM - 17 Aug 2016

👍 13 ❤️ 2 📊 ...