

<b>DECISION MAKER</b> Cabinet Member for Regeneration	<b>DATE</b> 4 May 2023
<b>TITLE</b> Approval of Draft CIL Charging Schedule for consultation	<b>WARD (S)</b> All
<b>CHIEF OFFICER</b> Director of Regeneration, Enterprise & Skills	<b>CABINET MEMBER</b> Regeneration
<b>DECISION CLASSIFICATION</b> Key decision - 28 day notice issued 04/10/22 Subject to call-in Non-exempt	<b>IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING?</b> Yes

## I. **Decision required**

This report makes the following recommendations to the decision-maker:

- I.1. To agree to launch consultation of the Revised Draft CIL (Community Infrastructure Levy) Charging Schedule (CS) which includes the following four documents:
  - Revised Draft Charging Schedule (RDCCS)
  - Statement of Representations Procedure
  - Viability Assessment
  - Infrastructure Funding Gap Report (IFGR)
- I.2. These studies were undertaken by BNP Paribas Real Estate ('BNPPRE') and Inner Circle Consulting ('ICC'). They form part of the evidence base for the CIL review and will form the basis of a Revised Charging Schedule.
- I.3. The RDCCS is a partial review of the current CIL charging schedule, based on the viability evidence.

Signed.....  
Councillor Aidan Smith – Cabinet Member for Regeneration

## **2. Links to Our Greenwich missions**

2.1. This report relates to the Council's agreed missions as follows:

- People's health supports them in living their best life
- Children and young people can reach their full potential
- It is easier, safer and greener to move around the borough and the rest of London
- Development delivers positive change to an area for existing and new communities
- Neighbourhoods are vibrant, safe and attractive with community services that meet the needs of local residents
- Greenwich plays an active role in tackling the climate crisis and improving environmental sustainability, in line with our commitment of being carbon neutral by 2030
- Town centres, high streets and shopping parades are vibrant, prosperous, well-maintained places that meet the needs of local people
- Our economy attracts new high value businesses whilst strengthening its foundations
- The voluntary, community and socially motivated sectors in Greenwich are strengthened and able to provide more support to the most in need
- We develop networks with communities, key partners and businesses to meet need and address challenges together

2.2 Monies collected through the revised CIL rates when adopted will be used to fund a wide variety of community infrastructure. The Council has set out its spending priorities in its published Infrastructure Funding Statement (IFS), which are:

- Transport (except site specific matters needed to make the development acceptable in planning terms)
- Waste
- Energy
- Digital connectivity
- Water and drainage (including Non site-specific flood defences)
- Education
- Health and social services
- Emergency services and public safety
- Local and social community facilities including libraries, sports and leisure facilities
- Green Infrastructure (including open space and public realm)

2.3 Projects delivered under these priorities will collectively contribute to achieving all of the Council's agreed missions as listed above.

### **3. Purpose of Report and Executive Summary**

3.1 This report seeks agreement to launch a consultation on the RDCS and associated documents, which form part of the review of the Council's CIL rates. In accordance for guidance issued by central government, the draft replacement CIL rates are based on striking a balance between two key factors: (1) an assessment of the impact they would have on the viability of new development (see Appendix B), and (2) the need to address the gap between the cost of infrastructure and the funding available, which CIL can contribute towards closing.

3.2 The consultation period will be for a period of 6 weeks and will be open to all stakeholders, businesses, community groups and residents. Following the consultation period, the Council will need to consider relevant representations and any necessary amendments to the proposed rates, prior to submitting the RDCS and supporting evidence to an independent examiner for examination and subsequent adoption. The Examiner will report to the Council on whether the RDCS meets the drafting requirements referred to in legislation, including its conformity with the CIL regulations and the impact on viability.

3.3 The proposed Draft CIL Charging Schedule Rates can be seen in section 4.24 of this report.

### **4. Introduction and Background**

4.1 CIL is a charge on new development that helps to fund the range of infrastructure required to support development, including (inter alia) transport, utilities, schools, health & community facilities, and public open spaces. A development is liable for CIL if the development comprises one or more dwellings or non-residential development of 100m<sup>2</sup> or more of new-built floorspace. CIL becomes due only on commencement of development and in accordance with the Council's instalments policy.

4.2 The current CIL CS was first introduced in April 2015, supported by an evidence base compiled between 2012 and 2014.

- 4.3 RBG’s current adopted charging rates are set out in Table I below, with the charging zones set out in the Council’s adopted CIL Charging Schedule.

*Table 1. Current CIL charges – Royal Borough of Greenwich*

Use Class / Development type	Charging Schedule Rate (2015)	Rate incl. indexation for year 2020	Rate incl. indexation for year 2021	Rate incl. indexation for year 2022	Rate incl. indexation for year 2023
Supermarkets / Superstores and retail warehousing (280sqm+)	£100	£128.96	£128.57	£128.19	£137.07
Hotel	£100	£128.96	£128.57	£128.19	£137.07
Student Housing	£65	£83.82	£83.57	£83.32	£89.09
Residential (excluding extra care housing) – <b>Zone 1</b>	£70	£90.27	£90.00	£89.73	£95.95
Residential (excluding extra care housing) – <b>Zone 2</b>	£40	£51.58	£51.43	£51.27	£54.83

- 4.4 Table 2 summarises the adopted CIL charges for the surrounding boroughs, which provide the wider east London context. The surrounding borough CIL charges are for reference only, as the proposed rates are informed by the evidence on economic viability across each charging authority’s area. These rates do not include indexation and should therefore be compared to the second column from the left in Table I, headed “Charging Schedule Rate (2015)”.

*Table 2. Surrounding borough CIL charges - Bexley, Lewisham, Barking and Dagenham, Newham, Bromley*

Development type	CIL rate (£ per sq. m.)				
	Bexley (adopted in April 2015)	Lewisham (adopted in April 2015)	Barking and Dagenham (adopted in April 2015)	Newham (adopted in January 2015)	Bromley (adopted in June 2021)
<b>Residential</b>	2 zones: £40-£60	2 zones: £70-£100	3 zones: £10-£70	2 zones: £40-£80	£100
<b>Student Accommodation</b>	2 zones: £40-60	AOU	AONRU	£130	£150
<b>Industrial</b>	AOU	£0	£5	£0	£0
<b>Supermarkets / Superstores and retail warehousing (280sqm+)</b>	£100	AOU	£175	£30 (Use Classes A1-A5)	£100

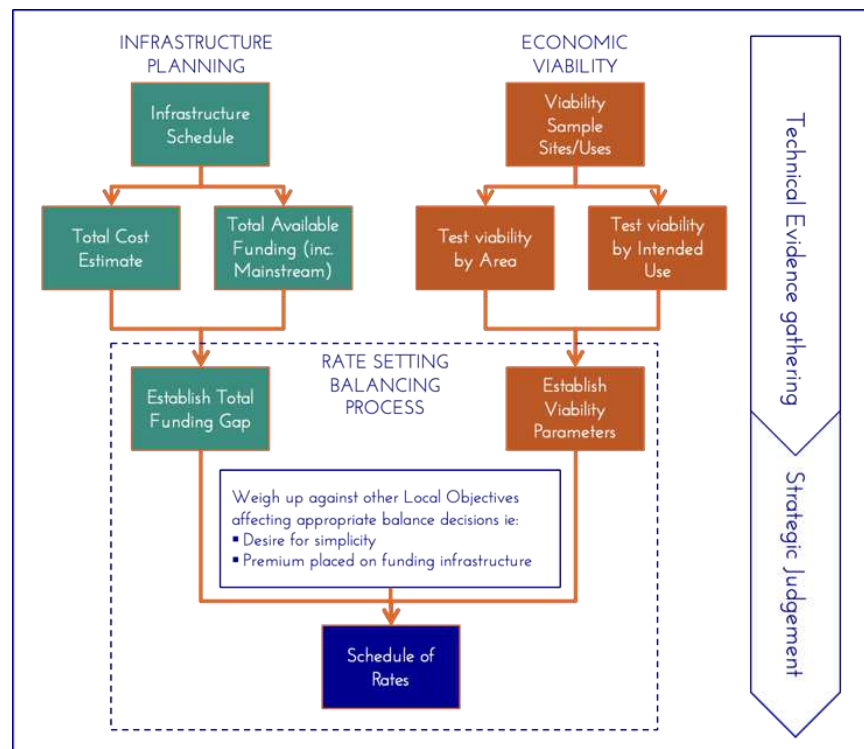
<b>Hotel</b>	2 zones: £40-£60	AOU	AONRU	£120	£0
<b>Use Class B</b>	AOU	£0	£0	£0	£0
<b>All other Uses* (AOU)</b>	£10	£80	Any Other Non- Residential Use (AONRU): £10	£0	£0

\* Excluding healthcare, education and emergency services facilities

- 4.5 The regulatory framework of the 2008 Planning Act (as amended) ('the Planning Act') and CIL Regulations 2010 (as amended) allow for the review of adopted CIL Charging Schedules, in whole or in part, to ensure that the levy charges remain appropriate over time i.e. taking account of changes in market conditions and remaining relevant to the funding gap for the infrastructure needed to support the development of the area. The key underlying principle (as identified in CIL Regulation 14) is that charging authorities should use evidence to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact upon the economic viability of development across their area as a whole. Therefore, CIL rates should not impact adversely on the viability of most development in a charging area.
- 4.6 The Council has undertaken a review of the adopted CS using up to date evidence to ensure that it is maximising contributions from developers whilst avoiding adversely impacting the economic viability of development. The Council commissioned ICC and BNPPRE in March 2022 to undertake this review. The review of viability considered the scope to increase the current charges, assessing charges for additional/new uses not previously charged and considering geographical variances in rates, along with updating evidence regarding infrastructure planning.
- 4.7 Infrastructure planning and economic viability are the two key elements required to evidence and support rate setting. Accordingly, ICC and BNPPRE's scope included the preparation of an Infrastructure Funding Gap Report and Viability Assessment. By first establishing that there is a funding gap, a recommended revised schedule of rates has been established through considering viability parameters.

4.8 According to the Planning Practice Guidance (‘PPG’), it is important to be cognisant of the five specific issues to be tested by the independent examiner when setting rates:

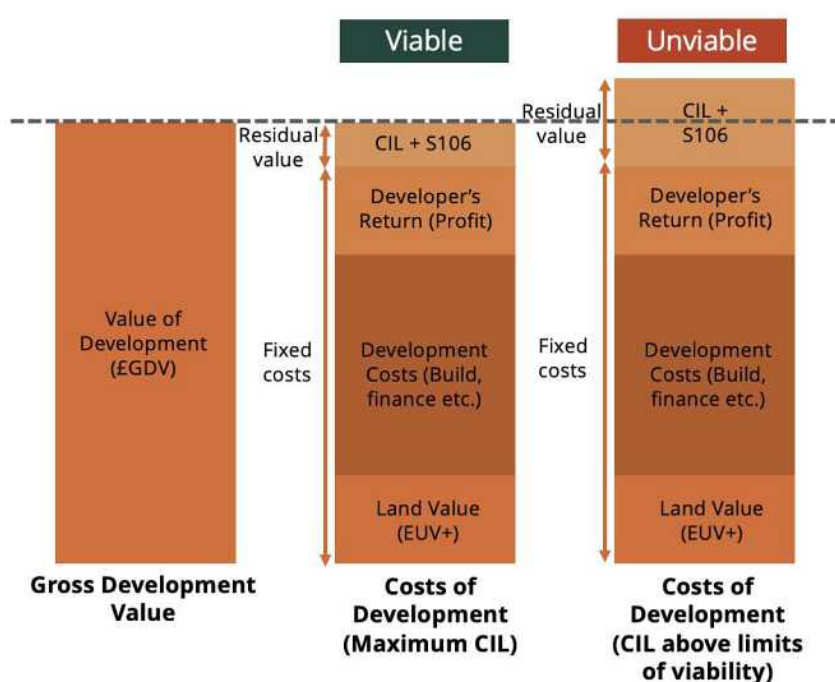
- the charging authority has complied with the required procedures set out in the Planning Act and the CIL Regulations;
- the charging authority’s RDCS is supported by background documents containing appropriate available evidence;
- the charging authority has undertaken an appropriate level of consultation;
- the proposed rate or rates are informed by and consistent with, the evidence on economic viability across the charging authority's area; and
- evidence has been provided that shows the proposed rate would not put at risk overall development of the area.



4.9 The Viability Assessment and Infrastructure Funding Gap Report therefore provides the required evidence base to demonstrate that the requirements set out within the Planning Act, CIL Regulations 2010 (as amended), National Planning Policy Framework and PPG are satisfied. These reports are outlined below.

## Viability Assessment

- 4.10 As stated above, Royal Greenwich commissioned BNPPRE to prepare a viability assessment to contribute towards a review of its adopted CIL CS. The purpose of this viability study is to assist the Council in understanding changes to the capacity of developments to absorb alternative CIL rates and to inform potential changes to the adopted rates.
- 4.11 The study utilises the residual land value method of calculating the value of each development. This method is used by developers when determining how much to bid for land (i.e. the 'residual land value') and is based upon the value of the completed scheme less the development costs (construction, fees, finance, profit, sustainability requirements and CIL).
- 4.12 The viability study methodology tests the residual land values of a range of development typologies reflecting the types of developments expected to come forward in the Royal Borough. The appraisals compare the residual land values generated by those developments (with varying levels of affordable housing, CIL and other policy requirements) to a range of benchmark land values to reflect the existing value of land prior to redevelopment. If a development incorporating the Council's policy requirements and a given level of CIL generates a higher residual land value than the benchmark land value, then it can be judged that the site is viable and deliverable.



- 4.13 Accordingly, BNPPRE has undertaken research on current costs and values achievable on development in the Royal Borough, to undertake the viability testing which underpins their recommendations for the RDCS. The approach they adopted is in line with national planning practice guidance on CIL, which identifies that a charging authority must use ‘appropriate available evidence’ to inform the preparation of their DCS. Rates cannot be based on the ‘hope value’ expected to be achieved by future development unless clear evidence of deliverability is provided.
- 4.14 This research covered the entire Royal Borough and particularly considered values achievable in areas identified for regeneration in Royal Greenwich e.g. Charlton Riverside, Woolwich and Thamesmead. The value boundaries and consequent charging zone boundaries recommended by BNPPRE are based on the available sales evidence of developments in these locations. BNPPRE have carefully considered the location of these boundaries and have advised that these reflect a reasonable reflection of current evidenced viability.
- 4.15 Although it is known that development will ultimately come forward in the regeneration areas, there is currently insufficient evidence to support higher rates than those currently proposed and consequently extending the higher value boundaries is not recommended as it is not supported by evidence at this stage. There is the possibility of a further partial review of the CS at an appropriate time in the future following the adoption of the RDCS should new evidence come forward. This could be through the Council’s Local Plan review process, for example.
- 4.16 BNPPRE’s review of the viability position in the Royal Borough has established that a partial review of the adopted Charging Schedule is appropriate. This approach would effectively limit changes to those uses and/or zones where the evidence base indicates that higher rates could be charged, whilst retaining the adopted rates where the evidence indicates that there is no capacity for an increase. The review also secures increased charges where there have been changes in the Royal Borough due to the effects of regeneration and placemaking that have taken place since the last charging schedule was developed, through CIL Zone boundary changes. In addition, the RDCS secures contributions for new uses such as Co-living schemes, which have emerged since the last charging schedule was published. The RDCS also seeks to secure a low/nominal charge akin to the Mayoral CIL charge for “all other development”, thereby ensuring that all development in the Royal



Borough, with a few stated exceptions, contribute towards the delivery of supporting infrastructure.

## **Infrastructure Funding Gap Report**

- 4.17 An Infrastructure Funding Gap Report has been prepared to provide evidence of an aggregate funding gap in order to demonstrate the need to keep in place CIL. This evidence draws upon the Council's Infrastructure Delivery Plan (IDP) Priority Project Schedule (October 2021), which has been updated through engagement with Council officers and partner organisations, and the Infrastructure Funding Statement (IFS) (October 2022). These documents provide information on the infrastructure needs of the Royal Borough, the known and expected costs of infrastructure, and known sources of funding. Whilst the IDP was produced in order to support the Local Plan, it has not been tested at examination and so the infrastructure evidence will be tested at the DCS examination, in order to test that it is sufficient to confirm the infrastructure funding gap.
- 4.18 The updated IDP Project Schedule estimates that the total cost of infrastructure required to support the growth identified in the Local Plan is £514.39m. Full details of the projects and known funding sources can be found in the Infrastructure Funding Gap Report and the published IDP.
- 4.19 In order to establish the funding gap the charging authority is required to calculate known income from CIL and other funding sources. The total available over the plan period identified in the IDP is circa £87.50m.
- 4.20 The Council's latest Infrastructure Funding Statement (2021/22) covers the income and expenditure for the 2021/22 financial year, relating to CIL and S106. The funding available in the Infrastructure Funding Statement includes:
- Projected S106 income (S106 Secured - S106 Monies Received): £116.50m-£51.30m = £65.2m
  - Available S106 balance in 2021/22 (S106 Monies Received – S106 Expenditure) = £51.30m-£48.87m = £2.43m
- 4.21 The available Strategic CIL balance as at 31 March 2023 is £7.1m. However, these funds are being held to cover the outstanding

commitment to contribute £15m towards the fit-out of the Woolwich Crossrail Station. Hence, it is not included in the available funding.

- 4.22 The funding gap for the period 2021/22 to 2025/30 is the total cost of infrastructure (see section 3 – infrastructure requirement) minus the funding sources identified in Greenwich’s Infrastructure Delivery Plan and Infrastructure Funding Statement (see section 4.20 above – funding position):

*Table 3 - Estimated CIL aggregate funding gap*

<b>Total cost of infrastructure</b>	<b>£514.39m</b>
<b>Funding sources identified in Greenwich’s IDP</b>	<b>(£87.50m)</b>
<b>Projected S106 income</b>	<b>(£65.2m)</b>
<b>Available S106 balance</b>	<b>(£2.43m)</b>
<b>Aggregate funding gap</b>	<b>£359.26m</b>

- 4.23 Therefore, the aggregate funding gap can be said to be circa £359.26m.

### **Draft Charging Schedule Proposed Rates**

- 4.24 BNPRE tested levels of CIL in combination with the cumulative impact of the requirements of RBG’s Local Plan policy requirements. This approach is in line with the requirements of the relevant national policy and guidance. The results of the viability evidence identified the following CIL charges in the RDCS. Based on further consideration of the evidence and the process set out above, ICC and BNPPRE recommend that the Council considers pursuing a partial review of its adopted CIL Charging Schedule and rates as set out below and in Appendix A.

*Table 3. Recommended CIL rates*

<b>Use / Development type</b>	<b>Recommended CIL Rates-</b>
Residential (less than 10 units, excluding Extra Care)	£150
Residential (10+ units, excluding Extra Care)	Zone 1: £150 Zone 2: £96
Co-Living	£90
Student Accommodation	£89.09**
Supermarkets / Superstores and retail warehousing (280sqm+)	£137.07**
Hotel	£137.07**

All other uses*	£25
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\* Excluding healthcare, education and emergency services facilities

\*\* Retain current (indexed) CIL rates

4.25 ICC have calculated projected income from the proposed rates for a period of 5 years (2023/24 - 2027/28) based on data from Housing Trajectory and Retail and Leisure Study between 2023/24 and 2027/28. These calculations estimate that:

- If CIL rates were to remain unchanged, they could generate circa £28.4m over the 5-year period.
- The proposed rates could generate £33.4m of CIL income over the 5-year period.

4.26 The Mayor of London is a charging authority for Greater London. The rates set out in this charging schedule will apply in addition to the rates set out in the Mayor of London's community infrastructure levy charging schedule, which for Royal Greenwich is currently set at £25psm (Rates from 1 April 2019), subject to indexation, for chargeable development.

## 5. **Available Options**

5.1 The following options are available in response to preparing the proposal to review the current CS:

5.2 Option 1: Approve the publication of the Revised Draft Charging Schedule, Viability Assessment, Infrastructure Funding Gap Report, and Statement of Representations Procedure for public consultation. This is the recommended option.

5.3 Option 2: Do not approve the publication of the Draft Charging Schedule Viability Assessment, Infrastructure Funding Gap Report, and continue to use the current adopted charging schedule. This option is not recommended as continuing to use the adopted CS (which has lower rates than in the RDCS) would result in a loss of funding for much needed infrastructure.

## 6. **Preferred Option**

6.1 Option 1 is the preferred option. This allows the council to progress a partial review of the CIL Charging Schedule without further delay and

ensure the maximum viable income is collected to support the necessary infrastructure and ensure development is sustainable.

## **7. Reasons for Recommendations**

- 7.1 The recommendation is being made for the following reasons:
- A partial review of the current adopted CS would mean that an appropriate CIL rate is charged on developments in the Royal Borough based on up-to-date evidence, which is in compliance with all relevant policy and guidance.
  - The proposed CIL rates are estimated to generate more income from CIL to fund the infrastructure required to support growth over the plan period than the current rates.
  - Approving the RDCS and associated evidence would allow residents, businesses and other stakeholders to make representations on the RDCS and relevant evidence, which is required under the relevant regulations prior to submitting the RDCS for examination.

## **8. Consultation Results**

- 8.1 In accordance with the CIL Regulations 2010 (as amended) a consultation period of no less than 4 weeks is required. It is proposed that this is extended to 6 weeks. The documents to be consulted on include the RDCS and relevant evidence (specifically the Viability Assessment, Infrastructure Funding Gap Report). A 'Statement of Representations Procedure' will also be published which outlines how comments on the published material can be submitted (Appendix D).
- 8.2 The RDCS and relevant evidence will be published on the Council's website, and printed versions will be available for inspection in the borough's main libraries (The Woolwich Centre, Eltham Centre Library, Greenwich Centre Library, Thamesmere Library).
- 8.3 The Council will invite stakeholders (including residents, developers, landowners, businesses, voluntary organisations and neighbouring boroughs) to make comments on the proposed CIL rates. Representations can be made in writing or electronically.
- 8.4 Any representations received will be considered as part of the preparation of the Charging Schedule and relevant evidence and

amendments made as required ahead of submitting the documents for examination, prior to adoption.

**9. Next Steps: Communication and Implementation of the Decision**

9.1 If approved, a public consultation will take place for 6 weeks in June -July 2023. Following this, comments will be analysed and any necessary changes made before submitting to an Examiner in Autumn/winter 2023. It is expected that the examination of the CIL RCDS will be held in late-2023. It is anticipated that the Examiners Report would be received early in 2024 and the Revised CIL Charging Schedule adopted in spring 2024.

**10. Cross-Cutting Issues and Implications**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<p><b>Legal</b> including Human Rights Act</p>	<p>The Council is entitled under the Planning Act 2008 and CIL Regulations 2010 to have a CIL charging schedule that levies CIL charges on planning permissions that become payable on the commencement of development or in line with the Council’s instalments policy.</p> <p>Once collected, CIL must for the most part be spent on “infrastructure” as broadly defined in the Planning Act 2008, which is defined as including (but not limited to) the following:</p> <ul style="list-style-type: none"> <li>(a) roads and other transport facilities,</li> <li>(b) flood defences,</li> <li>(c) schools and other educational facilities,</li> <li>(d) medical facilities,</li> </ul>	<p>Eleanor Penn, Assistant Head of Legal Services (Planning &amp; Procurement), 19<sup>th</sup> April 2023</p> <p>Ref: 90893</p>

	<p>(e) sporting and recreational facilities, and (f) open spaces.</p> <p>The Council’s CIL charge applies in addition to the separate CIL levied in the Mayor of London’s CIL charging schedule and the Council in setting its CIL rates must take into account the Mayor of London's CIL in having regard to the potential effects of the imposition of CIL on the economic viability of development in its area.</p> <p>The Planning Practice Guidance advises that “<i>The law does not prescribe when reviews should take place</i>”, but advises as follows on the subject: <i>When should the charging schedule be reviewed and revised? Charging authorities must keep their charging schedules under review and should ensure that levy charges remain appropriate over time. For example, charging schedules should take account of changes in market conditions, and remain relevant to the funding gap for the infrastructure needed to support the development of the area...</i></p> <p>Under Reg 13 of the CIL Regulations, the Council can set differential rates on the following basis:</p>	
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	<p><i>13.— Differential rates</i></p> <p><i>(1) A charging authority may set differential rates—</i></p> <p><i>(a) for different zones in which development would be situated;</i></p> <p><i>(b) by reference to different intended uses of development,</i></p> <p><i>(c) by reference to the intended gross internal area of development;</i></p> <p><i>(d) by reference to the intended number of dwellings or units to be constructed or provided under a planning permission.</i></p> <p><i>(2) In setting differential rates, a charging authority may set supplementary charges, nil rates, increased rates or reductions.</i></p> <p>The charges proposed for consultation apply a mix of the above differential bases and, therefore, fall within Reg 13.</p> <p>The Council must then set the rates under Reg 14 as follows:</p> <p><i>14.— Setting rates</i></p> <p><i>(1) In setting rates (including differential rates) in a charging schedule, a charging authority must strike an appropriate balance between—</i></p> <p><i>(a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other</i></p>	
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	<p><i>actual and expected sources of funding; and</i></p> <p><i>(b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.</i></p> <p>...</p> <p><i>(3) In having regard to the potential effects of the imposition of CIL on the economic viability of development (in accordance with paragraph (1)(b)), a London borough council or MDC must take into account the rates set by the Mayor [of London in this instance].</i></p> <p>Reference to the relevant national Planning Practice Guidance as to the application of this statutory test and the relevant factors to consider is set out in the Planning Officer's Report above.</p> <p>The Leader of the Council or the Cabinet Member is authorised under the Constitution to initiate consultation on draft new service policies and strategies and amendments to existing ones. As such, the decision in this report can be taken by either of those Councillors.</p>	
<p><b>Finance</b> and other resources</p>	<p>The Cabinet Member for Regeneration is requested to agree the commencement of consultation on a revised</p>	<p>Michael Horbatchewskyj Accountancy Business</p>



	<p>Community Infrastructure Levy Charging Schedule.</p> <p>Recommended changes to the Councils CIL charges are supported by the detailed analysis set out in the appendices to this report, which including a range of scenario testing around the proposed rates and zoning. The changes will impact future income levels that can be deployed against key infrastructure requirements within the Borough. Future capital receipts do not form part of the resource base for the approved Capital Programme.</p> <p>An infrastructure funding gap analysis (Appendix C) has been developed to outline the resource deficit against the forecast infrastructure requirement. This report does not constitute a commitment to the itemised schemes but demonstrates that the cost of infrastructure delivery exceeds forecast income. The CIL charging schedule and impact should therefore be kept under internal review.</p> <p>Costs arising from the development of the revised charging schedule and consultation process are funded from existing approved revenue budgets.</p>	<p>Change Manager (P&amp;I) 12/04/2023</p>
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<b>Equalities</b>	<p>The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.</p> <p>Whilst the decisions recommended through this report do not have a direct impact, they will help ensure the Council meets Objective 5 of its Equality Objectives 2020-2024 and the principles of its Equality and Equity Charter by seeking feedback from different stakeholders to inform the CIL Charging Schedule.</p>	<p>Lauren Brown Principal Planning Policy Officer</p> <p>18/04/23</p>
<b>Climate change</b>	<p>The report makes no contribution to the Greenwich Carbon Neutral Plan agreed by Cabinet on 18 November 2020.</p>	<p>Lauren Brown Principal Planning Policy Officer</p> <p>11/04/23</p>

## 11. **Report Appendices**

11.1. The following documents are to be published with and form part of the report:

- *Appendix A: Revised Draft Charging Schedule (RDCCS)*
- *Appendix B: Viability Assessment*
- *Appendix C: Infrastructure Funding Gap Report (IFGR)*
- *Appendix D: Statement of Representation*

## 12. **Background Papers**

- [Current RBG Charging Schedule](#)
- [RBG Infrastructure Delivery Plan](#)

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