



**London Borough of Richmond upon Thames
Local Plan**

PLANNING OBLIGATIONS

**SUPPLEMENTARY PLANNING
DOCUMENT (SPD)**

**To operate alongside the Borough's
Community Infrastructure Levy
effective from 1 November 2014**

July 2014

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1. Introduction and background

- 1.1 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as S106 agreements, are a mechanism which make a development proposal acceptable in planning terms, which would otherwise not be acceptable. The common uses of planning obligations are to secure affordable housing and financial contributions to provide infrastructure or affordable housing. However these are not the only uses for a S106 obligation. It can also
- restrict the development or use of the land in any specified way;
 - require specified operations or activities to be carried out in, on, under or over the land;
 - require the land to be used in any specified way; or
 - require a sum or sums to be paid to the authority on a specified date or dates or periodically.
- 1.2 A planning obligation can be subject to conditions, it can specify restrictions definitely or indefinitely, and in terms of payments the timing of these can be specified in the obligation.
- 1.3 This Planning Obligations SPD sets out the Council's Section 106 planning obligations approach, which will be implemented in conjunction with the adoption of the Borough's CIL Charging Schedule on 1st of November 2014. This SPD in conjunction with the Borough's CIL ensures that the development industry and others have a clear view on the likely combined level of the Borough CIL and Section 106 planning obligations, which they will have to meet to ensure that any proposed development is acceptable and also makes a reasonable contribution to the infrastructure needs of the borough.
- 1.4 The legislative basis for Section 106 planning obligations is contained within the Town and Country Planning Act 1990. The Community Infrastructure Levy Regulations 2010 (as amended) set out three statutory tests for the use of planning obligations, indicating that (Regulation 122¹): "A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development."
- The tests are also set out in the National Planning Policy Framework and Guidance.
- 1.5 Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) further requires that, from 6th April 2015, or the adoption of a Community Infrastructure Levy (whichever is sooner), the pooling of contributions towards a specific type or piece of infrastructure will be limited to not more than five planning obligations. From this date, the Community Infrastructure Levy will be the principal means of generating developer contributions towards new infrastructure provision, and Section 106 obligations will be restricted to site-specific matters, described in more detail below. This limit on pooled S106 contributions does not apply to contributions for affordable housing.
- 1.6 A broad definition of infrastructure, for the purposes of CIL funding is set out in the Planning Act 2008 (section 216(2)). It is drafted to encompass a very wide range of potential infrastructure and specifically includes:

¹ Part 11, Section 122 (2) of the Community Infrastructure Levy Regulations 2010:
<http://www.legislation.gov.uk/ukxi/2010/948/made>

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities,
- (f) open spaces.

1.7 CIL Regulation 63 specifically excludes the use of CIL to fund affordable housing, which will continue to be funded through Section 106 planning obligations – see the Council’s Supplementary Planning Document on Affordable Housing².

2. Policy framework

- 2.1 The Council’s Planning Obligations Strategy SPG³ was first adopted in 2005. Since then, two changes have been made to the adopted Strategy; in 2007, the education chapter was revised, and in 2009, an amendment was made in relation to reducing planning contributions for small 100% affordable housing schemes.
- 2.2 The London Plan (2011), saved parts of the London Borough of Richmond upon Thames Unitary Development Plan as well as the adopted London Borough of Richmond upon Thames Core Strategy (2009), Development Management Plan (2011) Twickenham Area Action Plan (2013) and the emerging Site Allocations Plan provide the development plan for the borough. Other regional and local guidance, as set out in Supplementary Planning Documents and Guidance, contains additional guidance to provide further clarity on adopted policies.
- 2.3 Developers should be able to ascertain the expectations of the Council through adopted policies, such as Policy CP16 of the adopted Core Strategy and London Plan policy 8.2.
- 2.4 The main purpose of this document is to provide further guidance on planning obligations, which will be sought on a site-by-site basis to mitigate the impact of development and/or provide additional facilities made necessary by the proposal, subject to the three tests set out in the CIL Regulations 2010 (as amended).

3. Scope of the Planning Obligations SPD

- 3.1 In line with the legislative and regulatory requirements underpinning CIL and Section 106 planning obligations, the CIL Regulations make clear that CIL may be used for the “provision, improvement, replacement, operation or maintenance” of infrastructure”. This allows the spending of CIL where it is considered necessary to “support the development of the area”.
- 3.2 CIL is however not able to address developer contributions towards affordable housing, which will continue to be funded through Section 106 planning obligations. In addition, this Council will also continue to use Section 106 obligations for site-specific mitigation measures that are necessary to make a development acceptable in planning terms.

² LBRuT, Affordable Housing SPD, 2014: http://www.richmond.gov.uk/affordable_housing_spd

³ LBRuT, Planning Obligations Strategy SPG, 2005:
http://www.richmond.gov.uk/section_106_planning_obligations

- 3.3 Statutory CIL guidance⁴, issued by the Department for Communities and Local Government, states (paragraph 87): “When a charging authority introduces the Community Infrastructure Levy, section 106 requirements should be scaled back to those matters that are directly related to a specific site, and are not set out in a regulation 123 list.”
- 3.4 The Draft Planning Obligations SPD was publicly consulted on from 8 July to 19 August 2013, together with the Council’s CIL Draft Charging Schedule. The consultation responses have been analysed and changes have been made to the final version of the SPD where appropriate. The Planning Obligations SPD will come into effect at the same time as the Borough’s CIL (on 1st of November 2014), when it will become a material planning consideration in the determination of planning applications. It will form the basis of discussions on individual planning applications with the aim of creating planning obligations, under Section 106 of the Town and Country Planning Act 1990 and the additional provisions in the Community Infrastructure Levy Regulations 2010 (as amended). At the date of adoption, this Planning Obligations SPD will supersede the existing Planning Obligations Strategy (adopted in 2005, amended in 2007 and 2009).

4. Link with Borough Community Infrastructure Levy

- 4.1 The Council has prepared its Community Infrastructure Levy (CIL)⁵ to replace much of the infrastructure funding mechanism provided through Section 106 planning obligations. The Examination into the Borough’s CIL is now completed and the independent Examiner’s report was received in March 2014.
- 4.2 The CIL Charging Schedule will be adopted on 1st of November 2014. In line with statutory CIL Guidance, the draft CIL Charging Schedule was, amongst other documents, supported and accompanied by a draft Regulation 123 list, which identifies the types of infrastructure that the Council will seek to fund through CIL. CIL Regulations require the Council to publish on its website a list of infrastructure (i.e. referred to as the “Regulation 123 list”) that it intends will be, or may be, wholly or partly funded by CIL, and consequently the Council would be prohibited from seeking a Planning Obligation contribution towards the same item of infrastructure. As such, pooled contributions may be sought from up to five separate Planning Obligations for an item of infrastructure that is not on the Regulation 123 list.
- 4.3 Therefore, this Planning Obligations SPD should be read in conjunction with the Council’s Regulation 123 list as they provide transparency on what the Council intends to fund in whole or part through CIL and those known matters where Section 106 contributions will continue to be sought (i.e. site-specific matters).
- 4.4 CIL can only be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure. It cannot be used to rectify existing infrastructure deficits unless those deficiencies are made worse by new development. This Council will continue to use Section 106 planning obligations for site-specific mitigation to make a development acceptable in planning terms.

⁴ Community Infrastructure Levy Guidance, DCLG, April 2013:
<https://www.gov.uk/government/publications/community-infrastructure-levy-guidance> incorporated into National Planning Practice Guidance on 12 June 2014
<http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>

⁵ For further information on the Borough’s CIL, see the Council’s website at:
http://www.richmond.gov.uk/www.richmond.gov.uk/borough_cil.htm

5. Scope of contributions

5.1 To address the limitations imposed by the CIL Regulations, Section 106 planning obligations in the borough will be scaled back and used to seek financial and non-financial obligations as set out below. The priority areas for Section 106 agreements as set out in this document are not exhaustive and the Council may wish to negotiate other forms of planning obligations depending on the individual circumstances of a site and proposal, where obligations are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development in question. Contributions from developers will be sought as follows:

- By working with developers, the Council will seek to ensure that most design / mitigation requirements are delivered as part of the initial development proposal. In cases where an initial proposal does not meet the Council's policy and/or objectives, planning conditions will be used to ensure that the final proposal meets the Council's requirements.
- Details related to proposals or conditions will be set out in Section 106 and/or Section 278 agreements, where necessary.
- In such circumstances where a proposal directly necessitates the provision of infrastructure to mitigate/enable development that is not planned for delivery through CIL (see the Regulation 123 list), the Council may seek a contribution through Section 106.
- Section 106 agreements will not be used to secure infrastructure that has already been identified for delivery and investment from CIL funds through the Regulation 123 list.

5.2 Contributions may be financial or 'in kind' (where the developer builds or provides directly the matters necessary to fulfil the obligation) negotiated as part of planning applications. There may be cases where provision in kind is preferable and suitable, such as where finding land for a facility is an issue. Where provision in kind is made, contributions will be secured for reasonable fitting out costs and to ensure that providers of community services necessitated by the development have facilities suitable for their needs and provided at nominal rents.

6. Expected levels of contributions

6.1 In addition to the Borough and Mayoral CIL contributions, the Council will seek in line with this SPD that the developer will mitigate any adverse impact on the environment or local services that arise directly as a result of the development. There may also be requirements for agreements under Section 278 of the Highways Act for public highways works.

6.2 The suggested areas of contributions are non-exhaustive and are only the starting point for negotiation. It should however be noted that Section 106 financial contributions will be subject to the pooling restrictions as set out in the CIL regulations.

6.3 Affordable Housing contributions will continue to be provided through Section 106, as set out in the Council's Affordable Housing SPD⁶.

⁶ LBRuT, Affordable Housing SPD, 2014: http://www.richmond.gov.uk/affordable_housing_spd

Site-specific transport requirements

- 6.4 It is necessary to consider the impact of any new development on the existing transport network for all modes as well as linkages and impacts on the existing network, highway safety, parking and servicing, and with larger developments what provision for movement and parking for cars, bicycles and coaches (if appropriate) is made within the development itself. Smaller developments can also trigger the need for site-specific transport works. Early engagement is therefore recommended with the Council to identify any site-specific requirements.
- 6.5 In very exceptional circumstances, major infrastructure works may be required to enable the development of a specific site, such as the construction of a new road, but generally, developments will require site-specific works only or those which link the new development to the immediate transport network.
- 6.6 Policy DM TP 2 – Transport and New Development of the Development Management Plan requires a Transport Assessment for all planning applications for major developments, and a Transport Statement for smaller developments. The Transport Assessment or Transport Statement will be used as the basis for determining the appropriate measures to be secured through a planning obligation. The following sets out a possible list of site-specific transport obligations:
- 6.7 **Highway improvements:** New development proposals may create a need for off-site access or other improvements, as well as on-site requirements to provide roads, paths, cycleways, lighting and links to the existing road network, for example to ensure the safe flow of traffic and pedestrian safety. Planning obligations will be used to secure the provision of, or financial contributions towards (subject to the pooling restrictions as set out in the CIL regulations), specific off-site works required in connection with a particular development, where they are required to make a scheme acceptable. For example, new development may require the relocation of safety measures adjacent to or near to the site such as road crossings or new signalled junctions.
- 6.8 The Council may also seek to enter into a Section 278 agreement of the Highways Act 1980. This could include works required to reinstate the highway and ensure proper integration between a completed development and its surrounding highways. Section 278 monies/agreements remain separate from CIL and Section 106 contributions; the limitations on pooling Section 106 planning contributions do not apply to S278 agreements. The Council can therefore combine both S278 and CIL monies to fund strategic transport projects.
- 6.9 **Footway improvements:** The Council will, where necessary, seek to secure works to ensure acceptable pedestrian access to a site of any size or type, utilising existing routes or providing new ones. Pedestrian access should not be subservient to vehicular routes and must be legible, safe, direct and convenient. In some instances, where sites lie adjacent to, or impact on, public footpaths, towpaths or strategic walking routes, contributions may be sought to assist and encourage access and usage through signage, promotion and/or enhancement in the immediate vicinity. Also see policy DM TP 6 – Walking and the pedestrian environment.
- 6.10 **Cycleway improvements:** All development proposals are required to make appropriate provision for cyclists (see policy DM TP 7 – Cycling). Whilst this should generally be agreed as part of the planning application, the Council may, where necessary, seek to enter into a planning obligation with developers to secure the provision of, or contributions towards the provision or improvement of an on-/off-site

cycle way and cycle parking facilities, including any linkages and appropriate signage from the development site to existing cycle and highway networks.

- 6.11 **Access to Public Transport:** Planning obligations may be used to secure, where necessary, on-site provision of, or improvements to, public transport infrastructure or services; also see policy DM TP 2 – Transport and New Development, DM TP 3 – Enhancing Transport Links and DM TP 4 – Integration of different types of Transport and Interchange Facilities. Site-specific requirements may include the provision of new facilities such as bus shelters and stops, improvements to a bus service and other improvements to transport interchanges for the benefit of the development site. There may be development proposals, where it is desirable that bus services should be able to pass into or through a development site. If there is a realistic prospect of services being provided, then the layout should allow for the access, circulation, stopping and turning requirements of buses as well as including, if appropriate, suitably designed and located passenger shelters provided as part of the development. Footway widths may need to be adjusted to ensure that passing pedestrians have space to negotiate their way past shelters and waiting passengers.
- 6.12 **Travel Plans:** Depending on the size of the development, these may be required, for example for schools, non-residential developments and events, demonstrating how transport use can be optimised and managed; also see policy DM TP 2 – Transport and New Development. Travel Plans may also be required for residential developments. Further details, including when a Transport Statement, Transport Assessment and/or Travel Plan are required will be set out in the Transport SPD. If required, these will be secured by planning obligations. Developers may also be required to pay, via a planning obligation, for officer time in carrying forward travel plans and making them effective.
- 6.13 **Parking controls:** Throughout the borough, traffic and parking problems are such that the Council will carefully consider the appropriate number of car parking spaces with any development (see policy DM TP 8 Off Street Parking – Retention and New Provision and DM TP 9 Forecourt Parking). Where a scheme is likely to generate unacceptable on-street parking, either within the development or in the vicinity, a planning obligation may be used to bring forward the introduction or extension of parking or waiting controls to mitigate the impact of the new development. If such controls are not practical, then the development may be unacceptable or it may need to be reduced in scale; or a residential or business development may only be approved as a ‘car capped’ scheme. In ‘car capped’ schemes, planning obligations would be used to prevent new occupants/tenants from being granted residential or business parking permits (including visitor permits) or limit the overall number of permits issued to new occupants to reduce the impact of the new development on the on-street parking regime. Where a development scheme is approved in an area where on street parking is known to be an issue but no community parking zone (CPZ) is in force, a planning obligation will be used to ensure that the development occupiers will not have access to a resident and/or business permit parking scheme if a CPZ is brought into force within 5 years of first occupation of the development.
- 6.14 **Car clubs:** Where developments are within a CPZ and access to on-street parking permits has been restricted through a planning obligation, car club membership will be required as per CP 5 Sustainable Travel (5.F Car parking and travel), DM TP 8 Off street parking – Retention and new provision and the Car Club Strategy SPD. This will include commercial as well as residential units. In non CPZ areas where on-site parking is not provided, car club membership will be encouraged as a way to minimise car ownership and therefore maximise sustainable travel and minimise additional on street parking.

- 6.15 It should be noted that Transport for London may also request funding towards monitoring and towards surveys as well as contributions towards other measures such as car club membership, cycle vouchers and other travel demand management measures in a timely manner which reflect occupation of the development.

River Thames and River Crane

- 6.16 **River Thames and River Crane:** In line with Core Strategy policies CP 5, CP 11 and CP 12 as well as policy DM TP 3 – Enhancing Transport of the DMP, the Council may enter into a Section 106 agreement with a developer in order to require a public path or access to be provided wherever a development adjoins the River Thames or the River Crane. There is a specific requirement under policy DM TP 3 for developments adjoining the River Thames to provide a public riverside walk.

Public realm, open space and play facilities

- 6.17 **Public realm and environmental improvements:** The need for on-site or adjacent public realm and environmental improvements may arise in residential, commercial and mixed use schemes. These include both site specific highways restoration works to make the development acceptable (see above), environmental improvements, including to the borough's rivers, and wider public realm benefits, in order to create attractive environments. Revitalising and upgrading places and streets as well as connecting areas and providing missing links, together with enhancing the distinctiveness of the borough's towns and villages, is a priority for this Council. As such, obligations (on-site or in the immediate vicinity) could relate to tree planting, preservation and enhancement of conservation areas and historic spaces and buildings, public access and environmental improvements to the River Thames and other rivers in the borough, improvements to civic spaces and buildings, increased opportunities for public access to open spaces and associated facilities as well as enhancements to biodiversity and nature conservation.
- 6.18 **Open space:** In line with policy DM OS 6, new public open space with convenient access for all will be provided where possible, or existing areas made more accessible. In general, larger new developments (i.e. 10 or more units) will be expected to include open space provision within the scheme, with the aim to strike a balance between private, semi-private and public open space provision. For developments of 10 units or more, if on-site provision cannot be met due to site constraints, an equivalent financial contribution may be required for off-site provision of, or improvements to an existing, adjacent or nearby, public open space; this could also include improvements to access arrangements from the site to the open space. This contribution would be on a scale related to the size and type of development, whereby the amount is likely to depend upon whether the site is in a designated 'Area poorly provided with Public Open Space', an assessment of how much outdoor open space is required and how much is provided (if any), distance to and accessibility to existing local public open spaces, existing quality of adjacent and nearby public realm and any other factors including the proposed mix of uses on a site.
- 6.19 **Children's play:** In line with policy DM OS 7, the improvement and enhancement of existing facilities and their accessibility will be encouraged. New developments must assess the needs arising from the new development by following the benchmark standards outlined in the Mayor's Shaping neighbourhoods: Play and informal recreation Supplementary Planning Guidance (2012). The policy and the Mayor's SPG require all developments with an estimated child occupancy of 10 children or more to ensure there is appropriate play provision (well designed play and recreation space) to

meet the needs arising from the development. See Appendix 1 for the calculations for assessing the child occupancy in this borough.

- 6.1 In line with the Mayor's SPG, developers need to identify existing play facilities within the identified distance bands as set out in Appendix 1. This will determine whether there will be potential for enhancing existing provision to accommodate the additional needs arising from the proposed development as an alternative to new provision. As set out in Appendix 1, all development proposals should provide communal play facilities for under fives on-site, particularly where suitable provision does not already exist within actual walking distance of 100 metres. If a development includes residential units with private outdoor amenity space (i.e. gardens), the requirement for play provision for under fives can be discounted. Where communal outdoor amenity space is provided, it may be counted towards a play space requirement but only if the communal area is genuinely "playable"⁷. There should also be provision for older children, i.e. for 5-11 year olds; this needs to be within 400 metres actual walking distance although on larger development sites, it is expected that provision will be made on-site. For young people (12+ years), accessible facilities should be within 800 metres actual walking distance. It may be more appropriate to meet the need for older children and young people off-site, where a suitably sized facility could be provided either as a new provision or through a pooled contribution subject to the S106 limitations (e.g. for improvements or expansions of an existing facility, including creation of or improvements to accessing the play facility). Section 4 of the Mayor's SPG sets a range of sizes of play space including further detail on design.
- 6.2 The Council will expect provision to be made on-site. In exceptional circumstances it may not be possible to provide the required identified play space on site. If on-site provision cannot be met due to site constraints or for developments yielding less than 10 children, the Council may seek an equivalent financial contribution to fund off-site provision of, or improvements to an existing, adjacent or nearby, playground; this could also include improvements to access arrangements from the site to the playground. Residential schemes that are less likely to contribute towards demands for children's play, e.g. some forms of special needs or sheltered housing, older person and student accommodation will be exempt from this requirement. In addition, if there is the opportunity from the new development to access existing play provision within an acceptable distance and if the existing provision has excess capacity or is capable of enhancement from the new development, the GLA's benchmark standard (10 square metres per child) may not need to be applied.
- 6.3 Where an off-site contribution is required via a planning condition, it should cover the costs associated with developing the same facility on-site. A planning contribution could also identify the delivery of specific pieces of equipment or features in a specific location. The document Design for Play: A guide to creating successful play spaces (2008)⁸ sets out a range of case studies with associated capital costs which can be used as a reference point for negotiations for off site contributions.
- 6.4 **Transfer and maintenance of public realm, open space and play facilities:** The Council may be prepared to adopt and maintain properly laid out open space or new

⁷ Mayor's SPG, paragraph 3.23: " A playable space is one where children's active play is a legitimate use of the space. Playable space typically includes some design elements that have 'play value': they act as a sign or signal to children and young people that the space is intended for their play. The creation of play value through fixed equipment, informal recreation activities or engaging landscaping features should be a key requirement."

⁸ <http://www.playengland.org.uk/resources/design-for-play.aspx>

play space for both on- and off-site, subject to payment of a commuted sum to cover costs. Transfer of open space or play space will normally take place once it has been laid out, fully equipped and maintained for a minimum period of 12 months to the satisfaction of the Council and the payment will be payable on the transfer of the land. The figure will be calculated using the current contract prices for maintaining open space of comparable characteristics and features over at least a 10 year period (to ensure that the open space can become established) and will be index linked from the date the agreement is signed. Commuted payments will not be used for general purposes to cover existing maintenance or running costs of unimproved facilities. If as a result of development new playground equipment or other equipment is provided, a similar commuted maintenance payment based on current costings will be sought. This is to cover the typical costs of repair and replacement of items that would not otherwise have been required were it not for the direct impact of a scheme on local facilities and the increased burden on local authority budgets. If developers do not intend to seek adoption, the Council will still need to be satisfied through the submission of a management plan that adequate alternative arrangements are put in place for long term management and maintenance by, for example, the establishment of a sufficiently resourced management company or trust

Other planning obligations

- 6.5 The need for Section 106 planning obligations may vary and will depend on site-specific needs and assessments. Where appropriate, a range of matters could be included as part of a Section 106 agreement, such as for example in relation to heritage assets, employment and skills training, sustainable design and construction, biodiversity, air quality and community safety.
- 6.6 **Heritage assets:** In relation to on-site or adjacent heritage assets, a Section 106 could be included for example for the repair, restoration or maintenance of a heritage asset as well as increased public access and improved signage to and from a heritage asset.
- 6.7 **Employment and skills training:** Large-scale developments may be required to ensure that employment and training/skills development opportunities are provided to local people, such as during the construction phase as well as for the end use of a development (non-residential). In addition, where appropriate, legal agreements may be used to manage the rents of small and affordable shop units in large-scale development to appropriate levels and to control their size, location and nature of the occupant.
- 6.8 **Sustainable design and construction:** Government is developing proposals for an approach on “allowable solutions”⁹, which will allow developers to support off-site carbon dioxide reduction measures where it is technically not feasible or commercially not viable to abate all carbon dioxide emission reductions through on-site measures.
- 6.9 **Biodiversity:** Planning obligations may be used to require developers to carry out works to secure or reinstate or enhance or preserve existing habitat features, create new features or undertake habitat creation schemes.

⁹ The Government in the 2013 Budget has set out a strategy for requiring newly built homes to be 'zero carbon' from 2016, and new non-residential buildings by 2019. The Government's 'allowable solutions' concept will enable developers to pay into a fund to help deliver carbon-saving projects on other sites in order to qualify for a less stringent emissions target for their on-site work. A detailed plan on setting out the future energy efficiency requirements in Building Regulations, including an approach on “allowable solutions” is expected to be published later in 2014.

- 6.10 **Air quality:** Site-specific monitoring and control of air quality emissions may be required on certain development sites. Section 106 agreements may be used to ensure the construction and operational phases of a development do not negatively impact on the air quality of the local area.
- 6.11 **Community safety:** Section 106 agreements may be required for certain types of developments, such as night clubs, pubs and bars, sporting and social events and concerts to mitigate factors that are known to increase the risk of crime and disorder in the local surrounding area. Contributions to CCTV and other crime preventing measures required for the activity will be sought when necessary. The need for a legal agreement may also need to be discussed in consultation with the Community Safety Partnership¹⁰ for the area

7. Additional relevant information

Timing of payments

- 7.1 The standard point of payment will be immediately on commencement of development, or sooner if infrastructure needs to be in place beforehand (an exception to this is the affordable housing contribution). This is to ensure that works, such as car clubs, public realm, new open spaces and riverside walks, are available as the first residents move in, so that they are not effectively living on a building site and to ensure that infrastructure and facilities are available when they are needed. For larger or phased developments, the Council will take into account the need for Mayoral and Borough CIL payments, and consider this when negotiating Section 106 payment terms. An instalments policy is set out by the Council in relation to the CIL payments.
- 7.2 Monitoring fees for agreements regarding parking permits and car club measures will be payable at the same time as legal fees, i.e. in full and on completion of the legal document.
- 7.3 For affordable housing payments, it may be appropriate to consider an alternative trigger such as related to occupation.

Index Linking

- 7.4 In order to maintain the value of contributions from the date of resolution to grant permission until the date that development is commenced or the appropriate trigger, they will be index linked.
- 7.5 The Retail Price Index (RPI) is commonly used as a general measure of increase in costs of goods and services. The Retail Price Index will be used for non-capital contributions.
- 7.6 Building and construction costs do not follow the Retail Price Index (RPI) as they are determined more by the volume of work being carried out or in the pipeline at the time. The two price indices most commonly used to assess these costs are: the Building Cost Information Service (BCIS) published by the Royal Institution of Chartered Surveyors (RICS), and the Building Price & Cost Indices published by the Department of Trade & Industry (DTI). The BCIS gives a cost analysis of various types of buildings as well as forecasts of tender and building costs, and the DTI publication gives a series

¹⁰ http://www.richmond.gov.uk/community_safety_partnership

of indices of historic costs as well as future projections. The DTI Bulletin of Indices covers landscape maintenance costs. The Council will use the most appropriate of these two sets of indices to provide a guide to the construction and other costs of new infrastructure and facilities that are required. Note that the Mayor of London / Transport for London may use its own indexation for transport projects.

Project Management, Monitoring and other Costs

- 7.7 Developers will be expected to meet all legal costs associated with drawing up planning obligations. For developments that involve negotiations with the Mayor of London or Transport for London, and where they will require their own legal advice, the developer also needs to reimburse these costs for site specific S106 agreements.
- 7.8 Where a planning obligation is considered appropriate, the Council will specify the use of contributions to ensure that they are applied towards provision or improvement of specific services, facilities and/or infrastructures. Where the obligation requires compliance checks, monitoring, project management and implementation through the Council and its service areas, then an appropriate project management cost not exceeding 5% (2% compliance and monitoring; 3% project management and implementation work) will be applied in addition to any standard fees incurred in implementation e.g. legal, design and supervision costs. Where planning obligations require significant public consultation, at application or implementation stage, the costs of this should be borne by the developer.
- 7.9 New capital works, e.g. new children's playgrounds, may include a contribution towards the ongoing maintenance of the facility which reflects the time lag between the provision of the new facility and its inclusion in public sector funding stream (in most cases for a ten year period).

Appendix 1 – Assessing child occupancy

In considering play space requirements for a development site, the Mayor's SPG on Shaping neighbourhoods: Play and Information Recreation (2012) sets out the following requirements:

Provision of play space to meet the needs of new development:

	Actual walking distance	Under 5s	5-11 year olds	12+ year olds
Existing provision	within 100 m	On-site or off-site contribution	Off-site contribution	Off-site contribution
	within 100-400 m	On-site	On-site or off-site contribution	On-site or off-site contribution
	within 400-800 m	On-site	On-site	On-site or off-site contribution
No existing provision	within 100 m	On-site	Off-site provision	Off-site provision
	within 100-400 m	On-site	On-site	On-site or off-site provision
	within 400-800 m	On-site	On-site	On-site

Source: Mayor's SPG, p 63, Table 4.5

Accessibility to Play Space:

Child Age	Actual Walking distance from residential unit (taking into account barriers)
Age 0-4	100 metre
Age 5-11	400 metre
Age 12+	800 m

Whilst the Mayor's SPG on Play and Information Recreation provides an online calculator for assessing child occupancy and play space requirements, the Council has previously developed and agreed its own child yield figures as part of an amendment to the Planning Obligations Strategy in 2009; these figures should be used for the assessment of play space needs in this borough.

For private housing:

(a) number of children per house type (child yield)

Number of children per house type				
Bedrooms	1	2	3	4+
Market Housing	0.00	0.49	1.11	1.91

multiplied by

b) the number of units of each house type.

The age breakdown is as follows:

Age 0-4	35%
Age 5-10	38%
Age 11-15	27%

By using the age breakdown, the number of children generated for each play space category can be determined.

For Social Housing:

(a) number of children per house type (child yield)

Child Occupancy – broken down by age-band for relevant property size				
	Number of Bedrooms			
	1	2	3	4
Age 0-4	0	0.74	0.66	0.77
Age 5-10	0	0.30	1.00	1.23
Age 11-15	0	0.08	0.72	1.23
Total	0	1.12	2.39	3.23

multiplied by

b) the number of units of each house type.

Applying the GLA's benchmark standard:

Once the above calculations for assessing child occupancy have been carried out and the child occupancy assessed, the GLA's benchmark standard of a minimum of 10 square metre of dedicated play space per child has to be applied.