

Planning Obligations

Supplementary Planning Document (SPD)

Environment

2 June 2020

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Contents

1. Introduction and background	2
2. Policy framework	4
3. Scope of the Planning Obligations SPD.....	4
4. Link with the Borough Community Infrastructure Levy	5
5. Scope of contributions.....	6
6. Expected level of contributions	7
Site-specific transport requirements.....	7
River Thames and River Crane.....	11
Public realm, public open space, play space and sport and recreation facilities.....	11
Trees	15
Heritage assets	16
Employment and skills training	16
Sustainable design and construction.....	21
Carbon offsetting.....	22
Biodiversity and natural features	23
Air quality.....	23
Flood risk.....	24
Water infrastructure.....	24
Community safety.....	25
Social infrastructure	25
7. Additional relevant information	28
Collection of financial contributions	28
Index linking.....	28
Section 106 administration and monitoring costs	29
Appendix 1 – Assessing child occupancy	30
Appendix 2 – Employment and Skills Plan.....	31
Appendix 3 – Monitoring fee calculation	36

1. Introduction and background

1.1 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as Section 106 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 Section 106 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 sum 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 Borough's CIL Charging Schedule¹. 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 CIL regulations 2010 (as amended) set out three statutory tests for the use of planning obligations, indicating that (Regulation 122²): "A planning obligation may only constitute

¹ LBRuT, Charging Schedule including rates and charging zone boundaries, https://www.richmond.gov.uk/media/11605/cil_charging_schedule.pdf

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

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.

1.5 CIL Regulation 63 specifically excludes the use of CIL to fund affordable housing, which is funded through Section 106 planning obligations – see the Council’s Supplementary Planning Document on Affordable Housing³.

1.6 The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 came into force on 1st September 2019. These changes affected the process of securing CIL and Section 106 contributions as part of the planning application process. The main changes to CIL and planning obligations that are relevant to this SPD include:

- Section 106 pooling requirement: lifting of the pooling restrictions set out in regulation 123, which restricted the number of planning obligations to allow charging authorities to use both CIL and Section 106 planning obligations to fund the same item of infrastructure, thereby providing greater flexibility for infrastructure funding.
- Regulation 123 list: replaced with an annual Infrastructure Funding Statement, which will have to be published by 31st December each year (this requirement will first apply for 31st December 2020 for the previous financial year, i.e. 2019/2020). The annual Infrastructure Funding Statement has to set out how much CIL is secured through Demand Notices, how much CIL is collected, how much CIL is spent and what it is spent on. It must also state what CIL has been allocated and remains unspent, and what infrastructure it has been allocated for and makes similar provision in relation to planning obligations. The Statement must also detail the non-financial planning obligations that have been secured within the reporting year. In addition, charging authorities will also have to publish an annual CIL rate summary showing the rates of CIL in its area adjusted for inflation.
- Monitoring fees: the amended Regulations ensure local authorities can seek a (fairly and reasonably related in scale and kind to the

³ LBRuT, Affordable Housing SPD,
https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/affordable_housing_spd

development) fee from applicants for monitoring planning obligations.

2. Policy framework

- 2.1 The Council's revised Planning Obligations SPD⁴ was adopted in 2014 alongside the Borough's Community Infrastructure Levy. This followed a number of revisions to the Council's Planning Obligations Strategy SPG since it was first adopted in 2005.
- 2.2 The London Plan (2016), the adopted London Borough of Richmond upon Thames Local Plan (2018) and the Twickenham Area Action Plan (2013) along with the West London Waste Plan (2015) and the Ham & Petersham Neighbourhood Plan (2019) provide the development plan for the borough. Other regional and local guidance, as set out in Supplementary Planning Documents and Guidance, contain additional guidance to provide further clarity on adopted policies.
- 2.3 Developers should be able to ascertain the expectations of the Council through the adopted Local Plan policies and section 13 (Implementation) and London Plan policy 8.2.
- 2.4 The draft London Plan underwent examination in public between January and May 2019 and the Panel's report was published in October 2019. Once the new London Plan has been adopted, expected to be in summer 2020, the Council will take into account the policies where applicable.

3. Scope of the Planning Obligations SPD

- 3.1 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 to provide additional facilities made necessary by the proposal, subject to the three tests set out in the CIL Regulations 2010 (as amended) (see above).
- 3.2 Planning Obligations will continue to work alongside developer contributions towards infrastructure by way of the Community Infrastructure Levy (see Section 4 below).
- 3.3 This Planning Obligations SPD provides guidance on how the Council will negotiate the most common S106 obligations set out in the SPD. This includes the following areas:

⁴ LBRuT, Planning Obligations Supplementary Planning Document (SPD), https://www.richmond.gov.uk/media/11608/planning_obligations_spd_july_2014.pdf

- Site-specific transport requirements;
- River Thames and River Crane;
- Public realm, public open space, play space and sport and recreation facilities;
- Trees;
- Heritage assets;
- Employment and skills training;
- Sustainable design and construction;
- Carbon offsetting;
- Biodiversity and natural features;
- Flood risk;
- Water infrastructure;
- Air quality;
- Community safety;
- Social infrastructure (including education and health).

3.4 The SPD builds on and adds further detail to the policies in the adopted Local Plan.

3.5 The draft Planning Obligations SPD was publicly consulted on from Friday 13th December 2019 until Monday 27th January 2020. The consultation responses have been analysed and changes made to the final version of the SPD where appropriate. Once adopted the Planning Obligations SPD 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 SPD (adopted in 2014).

4. Link with the Borough Community Infrastructure Levy

4.1 The Community Infrastructure Levy (CIL) is a charge levied on new development that is intended to fund infrastructure necessary to support development and deliver the Local Plan. The levy applies in areas where local authorities have adopted a charging schedule that sets out its levy rates. Most new development is potentially liable for CIL if it creates new floor

space of 100sqm or more, or comprises a dwelling. Richmond upon Thames adopted its Community Infrastructure Levy Charging Schedule in 2014⁵.

4.2 In Richmond, 15% of the Community Infrastructure Levy is to be spent locally in areas without a Neighbourhood Plan. According to the CIL regulations, in areas where a Neighbourhood Plan has been adopted this is increased to 25%. The Community Fund is allocated to spend on local priorities which address the demand that development places on an area.

4.3 A broad definition of infrastructure, for the purposes of CIL funding is set out in the Planning Act 2008 (section 216(2))⁶. It is drafted to encompass a very wide range of potential infrastructure and specifically includes:

- 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.

5. Scope of contributions

5.1 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.

⁵ LBRuT, Charging Schedule including rates and charging zone boundaries, https://www.richmond.gov.uk/media/11605/cil_charging_schedule.pdf

⁶ Part 11, Section 216 (2) of the Planning Act 2008, <http://www.legislation.gov.uk/ukpga/2008/29/section/216>

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 level 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 impacts 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. A Planning Obligations Calculator has been developed and is also available alongside this SPD, following the approach set out in the SPD, as a starting point for discussions. Details of the Council's pre-application advice is also available at <https://www.richmond.gov.uk/services/planning/pre-applications>

6.3 Affordable housing contributions will continue to be provided through Section 106, as set out in the Council's 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 For development schemes that are referable to the Mayor of London, the Greater London Authority (GLA) and TfL may require planning obligations such as highways works on the strategic road network. TfL may need to be included as a party in the legal agreement for works funded on the strategic transport network, and where TfL legal input is required in drafting and preparing a Section 106 agreement, the legal fees will need to be met by developers. Where relevant, applicants are encouraged to make use of Transport for London's pre-application services <https://tfl.gov.uk/info-for/urban-planning-and-construction/planning-applications/pre-application-services>.
- 6.7 Policy LP 44 – Sustainable Travel Choices 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:
- 6.8 **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, 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.
- 6.9 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 and the Council can combine both S278 and CIL monies to fund strategic transport projects.

- 6.10 **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.
- 6.11 **Cycleway improvements:** All development proposals are required to make appropriate provision for cyclists. 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. Plans for an initial strategic cycle network in the borough have been adopted in the Richmond Active Travel Strategy. The Transport SPD states that for developments within 800m of the strategic cycle network a contribution may be required towards the development of this network in proportion to the trip generation of the site (total trips by all modes). Where developments are more than 800m from the strategic cycle network a contribution to the local cycle network in proportion to the trip generation of the site may be required (total trips by all modes).
- 6.12 **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 including capacity improvements and step-free access. 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.

- 6.13 **Travel Plans:** Depending on the size of the development, these may be required, for example for schools, residential and non-residential developments and events, demonstrating how transport use can be optimised and managed. Travel Plans are required as set out in the Local Validation Checklist. 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.
- 6.14 **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 LP 45 – Parking Standards and Servicing). 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.
- 6.15 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. This restriction would be secured by excluding the address from the schedule of streets in the relevant road traffic order that created or creates the Controlled Parking Zone in which the property is situated, by restricting under section 106 of the Town and Country Planning Act 1990 the disposal of an interest in relevant properties unless a person disposing advises the person acquiring of the non-availability of residents or business on-street parking permits and/or through Section 16

of the Greater London Council (General Powers) Act 1974 (or any statute revoking or re-enacting that Act).

- 6.16 **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. Further details are in the Transport 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.
- 6.17 It should be noted that funding may also be requested 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

- 6.18 **River Thames and River Crane:** In line with Local Plan policies LP18 as well as policy LP 44 – Sustainable Travel Choices, 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.
- 6.19 Acknowledging that there are parts of the borough where public access to the rivers is limited, such as from Kingston Bridge to Twickenham, there is a specific requirement under policy LP18 for developments adjoining the River Thames to contribute to the public riverside walk for pedestrians, cyclists and boats where appropriate, to be secured through planning obligations. This will contribute to the overarching aim of providing a continuous publicly accessible riverside walk in the borough.

Public realm, public open space, play space and sport and recreation facilities

- 6.20 **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 should seek to create attractive environments, which are inclusive and accessible to all, including the older population and disabled people. Policy LP 1 – Local Character and Design Quality includes a presumption against gated development.

Revitalising and upgrading places and streets as well as connecting areas and providing missing links, together with enhancing the distinctiveness of the borough's townscape, is a priority for this Council.

6.21 Obligations, whether on-site or in the immediate vicinity, could relate to: site-specific highways and restoration works to make the development acceptable; environmental improvements, such as tree planting or enabling public access and securing environmental improvements to the River Thames and other rivers in the borough; enhancements to biodiversity and nature conservation; improvements to civic spaces and associated facilities; as well as the preservation and enhancement of conservation areas and historic spaces and buildings.

6.22 **Public open space:** In line with policy LP 31, new public open space with convenient access for all will be provided where possible, or existing areas made more accessible. New public open space should be linked to the wider Green Infrastructure network. 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. 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, including improvements to access arrangements from the site to the open space. This contribution would be proportional to the size and type of the development, and would also be contingent on 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), which should be provided by the applicant in line with the Council's accessibility standards for travel to open space; the distance to and accessibility of existing local public open spaces; the existing quality of adjacent and nearby public realm; and the proposed mix of uses on a site.

6.23 **Play space:** In line with Policy LP 31, major new developments must assess the play space needs arising out the scheme by following the benchmark standards outlined in the Mayor's 'Shaping Neighbourhoods: Play and Informal Recreation' Supplementary Planning Guidance (2012). To do so, developers for major applications are required to submit a child occupancy assessment to determine the estimated child yield arising from residential development. This calculation should be made based on the

formula provided in the Mayor's SPG, which can be found on the London Datastore: <https://data.london.gov.uk/dataset/population-yield-calculator>. Where the assessment demonstrates an estimated child occupancy of ten children or more, the development proposal should make appropriate and adequate provision of dedicated on-site play space by following the benchmark standard of 10 sqm per child set out within the Mayor's SPG. New play facilities should be linked to the wider Green Infrastructure network.

6.24 The policy also requires that developers provide an assessment of existing provision of play space within the identified distance bands set out in Appendix 1, which are derived from the Mayor's SPG. 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, this may serve as an alternative to new provision, and the GLA's benchmark standard (of 10 sqm per child) may not need to be applied. Section 4 of the Mayor's SPG sets a range of sizes of play space, as well as including further details on good design, which should be considered when making the above assessment. All children and young people should have access to places for play within reasonable and safe walking distance of new residential developments. As set out in Appendix 1, the following benchmark standards are applied:

- For children aged under 5, development proposals should provide communal play space facilities on-site, particularly where provision does not already exist within actual walking distance of 100 metres. If this is in the form of communal outdoor amenity space, it may be counted towards the play space provision requirement only if it is genuinely 'playable'. 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.
- For older children (5-11 year olds), there should be access to acceptable play space provision within 400 metres actual walking distance, however on larger development sites it is expected that provision will be made on-site.
- For young people (aged 12+ years), accessible facilities should be within 800m 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 (e.g. for

- improvements or expansions of an existing facility, including the creation of or improvements to accessing the facility).
- 6.25 Although the expectation is that the identified requirement of play space is to be provided on-site, there may be exceptional circumstances in which it is not possible to do so. If on-site provision cannot be met due to specific constraints of the site, 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. These could include improvements to access arrangements from the site to the playground. Residential schemes that are less likely to contribute towards demands for children's accommodation, such as certain forms of special needs or sheltered housing, older person and student accommodation, can be exempt from this requirement.
- 6.26 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. Site specific proposals will be assessed based on a costed price for the proposal or using average values from recent comparable associated capital costs which can be used as a reference point for negotiations for off-site contributions.
- 6.27 **Transfer and maintenance of public realm, open space and play facilities:** The Council may be prepared to adopt and maintain new open space or play space in exceptional circumstances, for both on- and off-site, but if agreed it would be 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.
- 6.28 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, however will be sought for maintenance of new facilities or space based on current maintenance contracts per sqm. 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. This would also be the case where major applications may be assessed, due to their particular use and scale, as having significant impacts on the use of nearby spaces.

6.29 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.

6.30 **Playing fields and sport facilities:** Proposals for indoor sports provision are assessed under Policy LP28. In line with Policy LP 31, enhancements to existing playing fields and sport facilities, including to the availability of community use, are encouraged. Where proposals could result in the loss of, or impact on the size or quality of a playing field, these should be assessed against the borough-wide Playing Pitch Strategy, the criteria as set out in paragraph 97 of the NPPF, as well as Sport England’s policy and guidance on planning applications affecting playing fields, which is available online (<http://www.sportengland.org/facilities-and-planning/planning-for-sport/playing-fields-policy/>). Applicants will be required to submit a full assessment demonstrating how the relevant guidance, policies and criteria outlined above have been addressed. Overall, there is an expectation that the development will deliver an increase and enhancement of sports facilities, which, where possible, should be publicly accessible (including through community use agreements on privately-owned sites).

Trees

6.31 Development proposals are required to retain and protect existing trees, minimise any impacts on shrubs and other significant vegetation and provide sufficient space for the crowns and root systems of existing trees and their future growth.

6.32 Policy LP16: Trees, Woodlands and Landscape goes on to state that when assessing development proposals where practicable an appropriate tree replacement must be found for any tree that is felled. Where this is not possible, a financial contribution to the provision for an off-site street tree in line with the monetary value of the existing tree to be felled will be required

in line with the Capital Asset Value for Amenity Trees (CAVAT). It is worth noting that increased tree planting is a commitment of the Council's Climate Emergency Strategy.

- 6.33 The CAVAT methodology (full method) is used by the Council to calculate a unit value for each square centimetre of tree stem, by extrapolation from the average cost of a range of newly planted trees. This basic value is adjusted to reflect the degree of benefit that the tree provides to the local population. The adjustment is designed to allow the final value to reflect realistically the contribution of the tree to public welfare through tangible and intangible benefits. For further information see the London Tree Officers Association website at www.ltoa.org.uk/resources/cavat
- 6.34 The Council's Arboricultural officer will assess site specific proposals, using the CAVAT methodology for calculating the monetary value and/or compensation where a tree is felled or damaged. Where necessary a tree bond will be entered into as part of a Section 106 agreement.

Heritage assets

- 6.35 The importance of heritage assets in the borough is covered in Policies LP 3 Designated Heritage Asset, LP 4 Non-Designated Heritage Assets, LP 6 Royal Botanic Gardens, Kew World Heritage Site and LP 7 Archaeology. In relation to on-site or adjacent heritage assets, a Section 106 agreement could include for example the repair, restoration or maintenance of a heritage asset (including those on the national Heritage at Risk Register) as well as increased public access and improved signage to and from a heritage asset, the protection of archaeological assets and any landscape treatment ancillary to the works. The agreement may secure the identified works and ensure, through the use of trigger points, that works are provided in a timescale commensurate with the proposed phasing of the development.

Employment and skills training

- 6.36 Large-scale developments over certain thresholds will be required to ensure that employment and training/skills development opportunities are provided to local people during the construction phase as well as for the end use of a commercial development.
- 6.37 **Local Employment Agreements:** It is a key priority of the Council to support residents in gaining the skills needed that will support them into sustainable employment. In line with policy LP 29, the Council will seek to secure local employment opportunities and training programmes through a

Local Employment Agreement (LEA), particularly where there are opportunities arising from developments. As noted in the policy, the construction phase of new development provides opportunities for local employment, apprenticeships and work experience placements, while commercial developments within the borough also bring new employment, apprenticeship and work experience opportunities for local residents during the end-use phase.

6.38 LP 29 requires that on all development proposals generating 20 FTE (full time equivalent) jobs a Local Employment Agreement (LEA) is secured through a Section 106 agreement. This includes employment opportunities generated by construction, as well as the end use of the development, including those created within one year of the completion of the development.

6.39 The number of jobs generated by a development will vary depending on its scale, as well as the end use being proposed. The obligation set out in this section of the SPD for an LEA between the developer and the Council will apply to the following developments:

- All residential developments providing 50 units or more; and
- All commercial developments consisting of 400 sqm or more of employment space.

6.40 The selection of these thresholds is to ensure that the requirement for an LEA is applied to those major developments where there is likely to be scope to provide a significant contribution on site to employment and training opportunities in the borough. Developers are however also encouraged to enter into an LEA on all development sites expected to be above 20 FTE, even if they fall below the above size thresholds. It will be down to developers on individual sites that exceed the above thresholds to demonstrate through the submission of evidence if the number of jobs that will be generated will be less than the 20 FTE and policy LP 29 may therefore not apply.

6.41 The number of job, training and apprenticeship places that a development will be expected to provide in the construction phase is based upon the size of the development (no. of sqm or construction value). The number of job, training and apprenticeship places that a development will be expected to provide in the end-use phase is based upon the amount of gross floor space created, the average employee density for the type of use proposed, multiplied by the average percentage of jobs filled by Richmond residents. See Table 1 below.

Table 1: Targets for jobs, training and apprenticeship places (construction and end-use phases)

Type of use	Jobs, training and apprenticeship places in construction phase	Jobs, training and apprenticeship places in end-use phase
All commercial	6 local jobs and 3 apprentice starts per 15,000 sqm of commercial space	Gross floor area created/employee yield* x 33% (proportion of all jobs in Richmond taken by Richmond residents)**
Residential/mixed use development	10 local jobs and 6 apprentice starts per 100 dwellings	1 local employee/training start per 60 sqm

*Employee yield will be calculated based on HCA Employment Density Guide (3rd edition) or successor reference document if this is replaced.

**The percentage of jobs in Richmond taken by Richmond residents is estimated to be 33% based on the 2011 Census.

- 6.42 The details of the LEA will be subject to agreement with the Council, tailored to site specific circumstances and proportionate to the scale of development proposed. The delivery of the LEA will be fulfilled through the agreement of an Employment and Skills Plan (ESP) between the developer and the Council's Economic Development Office (EDO) at least three months before the commencement of the development. The ESP should follow the template format set out in appendix 2, set out how the developer intends to deliver the plan and provide a named accountable contact
- 6.43 The developer will be responsible for the delivery of the ESP and reporting progress on a quarterly basis. The ESP will need to set out how this will be resourced by the developer. The Council's EDO is able to provide a job brokerage and ESP reporting service at a nominal charge which can be agreed as part of the ESP should the developer wish to take up this option.
- 6.44 **Local Procurement:** The Council will also seek opportunities to ensure that local businesses benefit from the construction and end use of developments. Developers will be expected to work with the Council to promote and advertise tender opportunities and to achieve the procurement of construction contracts and goods and services from companies and organisations based in the borough.

6.45 As part of the local supply chain obligations, the Council will expect developers to brief sub-contractors on the requirements for local procurement and ensure that cooperation is agreed as a prerequisite to accepting sub-contract tenders and include a written statement in contracts with sub-contractors encouraging them to work with local businesses.

6.46 **Affordable office space:** The Council will work with developers to encourage the provision of flexible and affordable office floorspace in office development. The threshold in policy LP 41 for the provision of affordable office space is all major developments with over 1000sqm of office space.

6.47 The purpose of the affordable office space provision is to ensure that lower-cost workspace is available as part of a larger office development for a specific social, cultural or economic development purpose. These circumstances may include workspace that is:

- Dedicated to specific sectors that have social value such as charities or social enterprises;
- Dedicated for specific sectors that have cultural value such as artists' studios and designer-maker spaces;
- Dedicated for disadvantaged groups starting up in any sector;
- Providing educational or research-driven outcomes through connections to schools, colleges or higher education; and
- Supporting start-up businesses or regeneration.

6.48 The policy requires that affordable floorspace should constitute at least 10% of the proposed office floorspace and the workspace must remain affordable for a minimum of 10 years. Affordable workspace is considered to have a rent and service charge of less than 80% of comparable local market rates.

6.49 A Workspace Management Plan will be required to set out how the affordable space will meet these needs and which businesses or entrepreneurs will be eligible to benefit from them. The Workspace Management Plan will be required to be secured through the Section 106 agreement. Early engagement with the Council's Economic Development Office, preferably at pre-application stage, is therefore encouraged. The Economic Development Office (EDO) will work with the developer to agree appropriate arrangements to ensure these provisions are met. Examples include:

- Nominations via the EDO;

- Nominations of eligible businesses via partner networks agreed with the EDO;
- Management of the space by agreed operators who have the expertise and access to qualifying tenants; and
- Nominations via the developer or manager of the workspace, subject to agreement with the EDO.

6.50 The Economic Development Office will monitor the ongoing compliance with the affordability provisions through the Workspace Management Plan.

6.51 It is acknowledged in policy LP 41 that market rates will vary according to a range of factors such as location within the borough, the quality and type of office stock. Due to the significantly higher office rental rates within certain parts of the borough (e.g. Richmond town centre) there may be a requirement for the Workspace Management Plan to take this into account in setting out how the measures in LP41 will be realised.

6.52 Council policies seek to ensure that the affordable workspace is provided on site as part of the development, where feasible. This is to ensure that the workspace is provided in a range of locations across the borough, including those higher value areas where certain occupiers may struggle to find suitable, affordable office premises. In certain limited circumstances, where the developer is able to demonstrate that this is not possible, the Council will consider whether there are alternative interventions that achieve equivalent or higher value and impact through an off-site contribution. This may be through a financial contribution towards existing and/or new similar facilities nearby that is considered to directly mitigate the impact of the development and therefore meet the tests for a Section 106 contribution.

6.53 **Managed Workspace:** On sites that exceed the 1000sqm threshold for providing affordable workspace, if a developer is seeking to deliver the 10% requirement through the provision of managed workspace this may be acceptable if it can be demonstrated that the workspace will be viable and contribute to wider policy objectives. Managed workspace includes a wide range of features that minimise overhead and upfront investment costs and provide business support for micro and small businesses. In such cases the Council will expect that a managed workspace provider is identified at the application stage in order to ensure that the managed workspace is deliverable and can meet the policy objectives for affordable workspace.

6.54 The provision of managed workspace will be set out according to the Workspace Management Plan, to be secured through a section 106

agreement. The Workspace Management Plan should give specific details showing how the affordable workspace will be provided and then managed for micro, small or medium sized businesses at all stages of their development. This should include, but not be limited to:

- The floor plans showing the subdivision and size of individual units;
- Details of the leasing or charging arrangements (including security of tenure under the Landlord and Tenant Act 1954 and the Code for Leasing and Business Premises in England and Wales 2007), that will ensure space is accessible to types of tenants or start-up and early stage businesses to occupy the units;
- How priority shall be given to tenants (or possibly owner occupiers) whose current premises are due for redevelopment;
- Details for building management; and
- Details of the landlord's fit-out including as a minimum power and basic lighting, floor finishes and WC and kitchenette facilities.

Sustainable design and construction

6.55 The UK government has set out an ambitious plan for all new homes to be zero carbon by 2050 and new development should come forward to continue this goal. The Draft London Plan Policy SI2 and Local Plan Policy LP 22 Sustainable Design and Construction both seek to ensure that new development proposals make the fullest contribution to minimising greenhouse gas emissions in accordance with targets for minimum standards which are designed to lead to zero carbon developments.

6.56 The Council's Climate Emergency Strategy sets out the Council's ambitions for the next five years in relation to becoming the greenest local authority in London by putting the environment at the heart of local decision making. The Strategy focuses on

- reducing emissions from Council buildings and operations (supported by the development of a Decarbonisation Strategy to help the Council reach carbon neutral by 2030);
- reducing energy consumption and emissions by promoting energy efficiency measures, sustainable construction, renewable energy sources, and behaviour change;
- reducing emissions from transport by promoting sustainable transport, reducing car travel and traffic congestion and encouraging behaviour change;
- reducing consumption of resources;

- increasing recycling and reducing waste; and
- supporting Council services, residents and businesses to adapt to the impacts of climate change.

6.57 As such, developments will be required to achieve the highest standards of sustainable design and construction to mitigate the likely effects of climate change. Policy LP 22 of the Local Plan sets out which developments will be required to complete the Sustainable Construction Checklist SPD, and thereby the Council ensures that developments are built to the highest standards of sustainable design, construction and operation.

6.58 Normally, requirements for sustainable design will be dealt with using conditions, but in some circumstances, a Section 106 agreement may be required to secure the highest environmental standards of development.

Carbon offsetting

6.59 The London Plan and Richmond Local Plan both seek to ensure that new development proposals make the fullest contribution to minimising standards which are designed to lead to zero carbon residential buildings. As set out in the Richmond Local Plan:

- all new major residential developments (10 units or more) should achieve zero carbon standards in line with London Plan policy;
- all other new residential buildings should achieve a 35% reduction;
- all major non-residential buildings should achieve zero carbon standards in line with London Plan policy; and
- all non-residential buildings over 100sqm should achieve a 35% reduction.

6.60 A 'zero carbon' home is one where at least 35% of regulated carbon dioxide emissions reductions are achieved on-site, with the remaining regulated emissions (to 100%) to be offset through a contribution into the Council's Carbon Offset Fund, agreed through a Section 106 legal agreement. The Council has adopted the London Plan price of carbon, which is increasing from currently £60 per tonne x 30 years equalling £1,800 per tonne of carbon, to £95 per tonne x 30 years equalling £2,850 per tonne of carbon. The evidence base for the draft London Plan supports the new price of £95 per tonne of carbon, and this was also tested as part of the overall viability assessment of the draft London Plan. Therefore, upon adoption of this SPD and as set out in the Sustainable Construction Checklist SPD, the price of £95 per tonne of carbon will be used.

6.61 In addition, the Council recognises that there may be instances where it is not technically feasible for a development to achieve a 35% reduction in carbon dioxide emissions over Building Regulations (2013). In such cases an applicant will have to demonstrate and set out clearly in the Energy Statement why the carbon dioxide emissions reduction target cannot be met on-site. Any shortfall in on-site reductions can exceptionally be met through a cash-in-lieu contribution to the Council's Carbon Offset Fund (at a price of £95 per tonne of carbon over 30 years), agreed through a Section 106 legal agreement.

Biodiversity and natural features

- 6.62 Nature is a critical component of well-designed places, contributing to the quality of a place, to people's quality of life and to the quality of habitats to support a diverse ecosystem that can flourish to ensure a healthy natural environment that supports and enhances biodiversity. Therefore, existing natural features should be protected, and new natural features should be incorporated into a multifunctional network that supports biodiversity, the quality of place and addresses climate change mitigation and resilience as well as water management as part of development schemes.
- 6.63 Biodiversity is to be protected and enhanced and new habitats or features should be created in line with Policy LP15. Major developments are required to deliver a net gain for biodiversity, through incorporation of ecological enhancements wherever possible.
- 6.64 Planning obligations will be used to require developers to carry out works to restore, recreate or expand or improve links between existing habitat features, create new features or undertake habitat creation schemes. Management for long term enhancements will be secured.

Air quality

- 6.65 In line with Policy LP 10 Local Environmental Impacts, Pollution and Land Contamination developers should secure at least 'Emissions Neutral' development. The Council's Air Quality SPD encourages particularly larger developments to go further and improve local air quality through effective design, such as the provision of low or zero emission heating, which is considered to be 'Air Quality Positive' development.
- 6.66 A proposed development can be 'Emissions Neutral' / 'Air Quality Neutral', but also have an adverse impact on local air quality. Planning obligations may be required to seek to improve air quality, securing

appropriate mitigation measures to avoid adverse impacts. This may include measures during the construction and operational phases of a development.

- 6.67 Where it is not possible to fully mitigate the air quality impacts of a new development on-site, developers will be required to contribute to off-site measures by making a financial contribution to the Borough's Air Quality Action Fund (AQAF) through a Section 106 agreement. Further details are set out in the Council's Air Quality SPD, including the rates for calculating contributions and how funds will be spent.

Flood risk

- 6.68 All developments should address the requirements of Policy LP21 regarding Flood Risk and Sustainable Drainage. Provision of flood risk management measures such as Sustainable Drainage Systems (SuDS) are expected to be provided on-site and secured through conditions or a s106 agreement.

Water infrastructure

- 6.69 Policy LP23 requires applicants for major developments to provide evidence as part of their planning application that capacity exists in the public sewerage and water supply network to serve their development; see also the Council's Local Validation Checklist. Any new water supply, sewerage or waste water treatment infrastructure must be in place prior to occupation of the development. Financial contributions may be required for new developments towards the provision of, or improvements to, such infrastructure.
- 6.70 Where appropriate, planning permission for those developments which result in the need for off-site upgrades, will be subject to conditions to ensure the occupation is aligned with the delivery of necessary infrastructure upgrades. Developers are encouraged to contact the water/waste water company as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements. Where there is a capacity constraint, the Council will, where appropriate, apply phasing conditions to any approval to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of the relevant phase of development.

Community safety

- 6.71 Measures to design out crime should be integral to development proposals to reduce opportunities for anti-social behaviour, criminal activities, and terrorism, to ensure good natural surveillance, clear sight lines, appropriate lighting, and logical and well-used routes, in line with Policy LP 1 Local Character and Design Quality. Well-designed places and buildings should have building safety requirements under other legislation in mind from the outset to provide a safe and secure environment for occupants and users.
- 6.72 However, there may be instances where the nature of development will create the requirement for additional management measures to be put in place to tackle risks of access and security in the area of development, and obligations may be required to support provision of necessary infrastructure to maintain a safe and secure environment and reduce the fear of crime. 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 Partnership for the area.
- 6.73 The impact of large-scale developments may require contributions towards additional policing infrastructure. The Metropolitan Police may identify additional infrastructure requirements linked to the development to be secured through Section 106 obligations.

Social infrastructure

- 6.74 Development proposals for major developments are likely to put an additional burden on existing facilities, particularly on education and health infrastructure. In line with Policy LP28 Social and Community Infrastructure, development proposals for 10 or more residential units should assess the potential impacts on existing social and community infrastructure in order to demonstrate that there is sufficient capacity within the existing infrastructure to accommodate the needs arising from the new development. Where necessary, measures will need to be put in place to mitigate the impacts of development on existing services, which may be secured through planning obligations.
- 6.75 Co-location and multi-use of facilities are encouraged where practicable, to optimise use of land and provide community benefits. The Council will

seek to secure multi-/ community use / public access through appropriate measures, where practicable, such as Community Use Agreements. This is in line with Policies LP 28 and LP 29.

- 6.76 **Education:** The Council has a statutory duty to ensure the provision of sufficient state-funded school places for all those residents who want them for their children. As detailed in the Local Plan, any new non-voluntary-aided school must now be a free school, although the Council does not know until quite late in the process whether the Department for Education will accept a free school proposal, and if they will then be able to find a suitable site for the school. The School Place Planning Strategy for the borough, which is reviewed regularly, sets out the anticipated likely demand for school places and how this will be met over the next ten years, within this context. The Council will work with the Education and Skills Funding Agency, Department for Education, landowners and other partners to identify and, where appropriate, allocate sites for the future provision of sufficient state-funded primary and secondary schools to meet the needs of local communities and enable the Council to meet its duty under the Education Act. Ongoing work is taking place to identify other potential sites for educational uses in the borough.
- 6.77 Where a new development generates a need for new school places, developer contributions towards additional capacity may be required, including providing both funding for construction and land where applicable, in accordance with Government guidance and Policy LP 29 Education and Training. Government funding is reduced to take account of developer contributions, to avoid double funding of new school places. The Department for Education has published guidance for local authorities on securing developer contributions for education⁷.
- 6.78 **Health:** a Health Impact Assessment should assess the health impacts of a development, including using the [London Healthy Urban Development Unit \(HUDU\) guidance](#) and [Planning Obligations Model](#) to calculate the capital cost of the additional health facilities required to meet the increased demand which arises from new developments, in line with LP 30 Health and Wellbeing. Contributions towards additional capacity may be required,

⁷ <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

having regard to the current provision and capacity of services and premises, the cumulative demand for services in the wider area and Clinical Commissioning Group (CCG) and NHS England service and estate strategies.

6.79 The following steps should be followed to assess healthcare capacity:

1. Identify the impact area and the healthcare facilities located within it – for primary care (GPs) a radius of 1km from a site is considered to be within reasonable walking distance, but the distribution of GP practices, size of practices and catchments within the area will influence this. For community and hospital facilities, service catchments will be larger. The CCG has access to the Strategic Health Asset Planning and Evaluation (SHAPE) Tool which can assist with this.
2. Establish the GP workforce capacity. To calculate GP workforce capacity, data from NHS Digital should be used, which is publicly available. Data is available for registered patient list size and the GP workforce by practice. Full time equivalents (FTE) figures should be used instead of headcount as they give a better estimate of workforce capacity. A ratio of patients per FTE GP should be compared against a NHS England benchmark of 1 FTE GP per 1800 patients, or a locally use benchmark if available. A local benchmark may take into account local health needs, extent of deprivation etc. Consideration should be given to existing patient flows to establish whether the impact is likely to concentrated at the nearest practice or within the wider area as defined. It is recognised that the benchmark figure is a crude indication of GP practice capacity as it doesn't fully take into account healthcare needs, a shift towards a more multi-disciplinary workforce, involving other healthcare professionals and a change in how services are delivered across a network of GP practices. Nevertheless, a ratio higher than the benchmark figure does indicate that there is little or no capacity to accommodate the demand generated by the proposed development and justifies the need for a section 106 healthcare contribution to mitigate the development impact.
3. Where estate data is available, it should be used to identify the capacity and condition of premises to accommodate an increased demand for services. For GP premises, this could be compared against a NHS England space calculator derived from DH Health Building Note 11-01.
4. Engage with the CCG to confirm the approach and assumptions. On large applications, the CCG may want to coordinate a response from healthcare providers (GPs and NHS trusts).

- 6.80 It is important that developers engage with the CCG via planning at the earliest opportunity to find out about current capacity levels and any contributions which might be required.

7. Additional relevant information

Collection of financial contributions

- 7.1 The Council will seek all monetary Section 106 contributions to be paid on completion of the Section 106 Agreement unless the developer can demonstrate this is not possible due to viability/cash flow or at agreed triggers linked to implementation such as commencement.
- 7.2 In circumstances where evidence has been provided, the Council may consider payment up to 60 days before commencement of the development and the applicant will need to notify the Council of the date of intended commencement. On large payments of £250k or more, the Council may negotiate phased payments. A securitisation method in the form of a bond, charge on property or parent company guarantee will be required for large developments with contributions of £5 million or more.

Index linking

- 7.3 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. The particular index that is used may vary, particularly according to the type of contribution, and depending on any successor to current relevant inflationary indices as these may be changed by the Office for National Statistics (ONS).
- 7.4 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.
- 7.5 Building and construction costs do not follow the Retail Price Index (RPI) as they are determined more by volume 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 and Cost Indices published by the Department of Trade and 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 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.

Section 106 administration and monitoring costs

- 7.6 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.
- 7.7 Developers entering into planning obligations will be required to pay a Section 106 monitoring fee, in order to mitigate additional costs incurred by the Council in the administration and monitoring of Section 106 obligations.
- 7.8 S.111 of the Local Government Act 1972 provides for application of a monitoring fee. The monitoring fee is not sought as a planning obligation and the Council will use a tailored approach to setting the fee. Calculation of the Section 106 monitoring fee takes into account the type and scale of development and associated monitoring timescales, factoring in the number of obligations to be monitored and the number of payments expected for each category of financial obligation (e.g. phased payments on larger schemes). A set formula will be used to calculate the components and complexity of monitoring fees due as detailed in appendix 3.
- 7.9 Section 106 monitoring fees will routinely be sought on completion of the Section 106 agreement. For larger developments, instalments may be negotiated as detailed below, subject to indexation (by way of an increase only) on date of payment. All monitoring fee instalments are to be paid before practical completion of the development.
- 7.10 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

Assessing Child Occupancy:

The Mayor’s SPG on Play and Information Recreation provides an online calculator for assessing child occupancy and play space requirements. A child occupancy assessment should be made based on the formula provided in the Mayor’s SPG, which can be found on the London Datastore: <https://data.london.gov.uk/dataset/population-yield-calculator>

Appendix 2 – Employment and Skills Plan

Introduction

In accordance with the Local Employment Agreement between the Landowner and Richmond Borough Council, (Business) will give a high priority to helping local people find work and improve their skills, developing a healthy local economy and community cohesion and is committed to ensuring that the Development contributes to maximising the employment and training opportunities for Local People and Local Businesses. They also recognise the wider value of supporting good practice in skills development and recruitment in furthering economic growth, competitiveness and social inclusion in line with national, regional and local policy.

The purpose of this Employment and Skills Plan is to set out the means by which (Business) and the Council will work together to ensure this commitment to the people in the local area is realised for Phase 1 of the (Name of Scheme) Scheme. The overall object of the provisions of this Employment and Skills Plan is to maximise the business, employment and training opportunities for Local People and Local Businesses generated by the Development at (Name of Scheme). The area of local benefit is currently defined as the borough of Richmond.

Description of the Scheme

The (Name of Scheme) scheme is located around the site of the (name of area) and covers approximately (insert) square metres. The total scheme will provide up to (insert) new homes as well as potential for over (insert) square metres of commercial floorspace. The socio-economic assessment suggests that around (insert) end use jobs will be created as a result of the development.

Employment and Skills outcomes during the construction phase

The Local Employment Agreement sets out benchmark targets for the construction period using industry endorsed CITB-Construction Skills' methodology. Using the most current construction values and phasing, schedules of targets by half year and by work package, as agreed in (insert date), are attached in the Annex to this ESP. This may be refined and modified with the agreement of Richmond Council's Economic Development Office (EDO) to reflect any changes to the build programme.

(Business) will provide the Council's EDO with a schedule/programme of work and levels of workforce throughout the construction of the Development in a timely manner that allows for effective preparation by the Council's EDO to meet the provisions of this ESP.

Education Links

The ESP contains a range of 'education link' targets relating to student site visits, school workshops, research projects and work experience for school students. Richmond Council will work with (Business) to devise a programme of activities that will meet these targets.

Method Statement

As set out in the Local Employment Agreement, this ESP will be attached to the tender documentation for the agreed packages and contractors will state how they will contribute towards the overall targets. Contractors pricing for the work will incorporate the provisions of this ESP in their tender responses (including the provision of information required by (Business) to meet these provisions) and set out how they will commit to ensuring that Local People and Local Businesses are able to benefit directly from all employment and training activity arising from the construction of the Development;

The Landowner will inform the Council of the agreed targets per package and delivery against these targets will be monitored by (Business) on a quarterly basis and reported to Richmond Council via the EDO (see below).

As set out in the Local Employment Agreement, (Business) will engage with the Council's EDO as the principal agency for implementation of this ESP. The contact point within (Business) will be (name of business contact) and the contact for Richmond Council will be Chantelle Daniel (contact details below). Each party shall inform the other if the named contact points change.

Activities in (YEAR)

Targets for (insert year) calendar year focus on a range of work packages (Describe). Education Link activities will commence with graduate placements on site and within (Business)'s architects. Work with schools/colleges will commence in (insert year).

Employment and Skills Outcomes for end uses

The Local Employment Agreement requires that the Landowner uses reasonable endeavours to encourage future tenants of (Name of Scheme) to recruit local people to new job opportunities. As part of this, (Business) will introduce Richmond Council to future tenants at least six months before occupation in order to understand their recruitment needs and procedures.

Local businesses opportunities

The ESP requires that (Business) uses reasonable endeavours to ensure that local businesses are provided with information about opportunities to tender for all appropriate contracts that arise as a consequence of the development, both during the construction phase and with the new tenants who will occupy the commercial space.

Monitoring

(Business) will provide the EDO with progress against targets on a quarterly basis; this will be reported to Council Committees. Delivery of targets will need to be verified through relevant documentation collected by apprenticeship/training providers, Job Centre Plus, Richmond Borough Council or (Business). (Business) should ensure that it holds copies of relevant evidence of delivery linked to the ESP in a centralised file to assist with verification.

Area of Benefit

The Area of Benefit for the ESP covers the borough of Richmond unless otherwise agreed with the EDO. (Business) will work with Richmond Borough Council, to ensure that the opportunities provided by this ESP accrue as much as possible to residents of the Area of Benefit. As part of this, and in accordance with the Council's objectives, (Business) will provide, on a quarterly basis, information on the proportion of the site workforce residing in the Area of Benefit (whether or not this has been achieved through this ESP). This will be done through information gathered from the site access control system cross referenced with post code lists provided by Richmond Council. The information will be provided in consolidated form in order to avoid any data protection issues.

Delivery partners

The ESP sets out the agreed framework by which (Business) will meet its obligations under the Local Employment Agreement. (Business) will need to provide appropriate resources to realise these obligations and report on delivery of the ESP as set out above.

OR

(Business) has agreed to contract with the EDO to provide the resources to support delivery of the ESP. Whilst (Business) retains all responsibilities regarding the discharge of obligations under the Local Employment Agreement, Richmond EDO undertakes to support (Business) and its contractors to access suitable local candidates, identify suitable local businesses and to work with relevant national, regional and local partners and agencies to support its delivery. This includes maximising opportunities to access sources of public support. The EDO will also work with (Business) to deliver quarterly monitoring reports

The main contact points are:

(Business contact details)

Signature.....

Date.....

Richmond Borough Council

- Chantelle Daniel-Head of Employment and Skills, links to local employment and skills partners and supporting business to formulate Employment Plan
Chantelle.daniel@richmondandwandsworth.gov.uk 020 8871 5195 / 07920547655

Signature.....

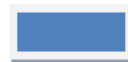
Date.....

Those bidding for contracts linked with the development may contact these individuals to get more information regarding specific elements of this Employment Plan. Please note that the advice given is impartial and without prejudice to (Business)'s procurement processes.

PROPOSED DELIVERY TARGETS

	Total	Target For Half Year				
			201 H1	201 H2	201 H1	201 H2
Education and Community Links						
Work placement (14 + persons)						
Curriculum support activities - Number of students engaged studying in primary school, secondary school, Further Education colleges and Higher Education Universities/Colleges						
Graduates – person						
Apprentices / Local Labour						
Apprentice starts – person Job where the employee is working towards a formal qualification						
Existing apprentices – persons would require names						
Jobs Starts on development						

Key



Must be Richmond Resident

Appendix 3 – Monitoring fee calculation

Section 106 monitoring fee due = officer time (hours) x £84ph*

Officer time (hours) = (A + (B x 1.5) + (C x 1.5) + (D x 4)) x (E/F)

Where:

A = Development type multiplier (see below)

B = Number of non-financial obligations

C = Number of financial obligations

D = Number of Demand Notices required for all financial obligation categories

E = BCIS All in Tender Price Index figure (or Retail Price Index if the BCIS All in Tender Price index is no longer published) on the date when the Section 106 monitoring fee is paid

F = BCIS All in Tender Price Index figure (or Retail Price Index if the BCIS All in Tender Price index is no longer published) on the date when the Section 106 Agreement is completed

Development size and type	Delivery timescale years (G)	Hours per scheme and per year (H)	Development type multiplier (A = GxH)**	Maximum number of instalments
< 10 proposed dwellings	1	2.5	2.5	1
10-49 proposed dwellings	1.5	10.0	15.0	1
50-99 proposed dwellings	2	12.5	25	2
100-149 proposed dwellings	3	15.0	45.0	3
150-199 proposed dwellings	4	20.0	80.0	4
200+ proposed dwellings	5	30.0	150.0	5
<1,000sqm non-residential proposed floorspace	1	5.0	5.0	1
1,000sqm-9,999sqm non-residential proposed floorspace	2	10.0	20.0	2
10,000sqm + non-residential proposed floorspace	3	15.0	45.0	3

*Hourly rate to be updated annually through Council fee setting.

** For mixed use developments, the predominant use determines development type multiplier.

Number of financial obligations means all financial obligations where a contribution is secured by the Section 106 Agreement.

Number of non-financial obligations means all non-financial obligations stated in the clauses of the Section 106 Agreement that requires the Section 106 Officer's administration and/or monitoring in order to ensure compliance.

Deeds of Variation will require recalculation of the monitoring fee to reflect the uplift in the number and type of obligations from the original Section 106 Agreement.

Indexation (E/F) applies by way of an increase only, and applicable where payment is made in instalments.