

CIL Compliance Statement for 2018 Scheme
Appeal by GPE (St Thomas Street) Limited
Site Address: New City Court, 4-26 St Thomas Street, London, SE1 9RS
Local Planning Authority Reference: 18/AP/4039 & 18/AP/4040
PINS Reference: APP/A5840/W/22/3290473 & APP/A5840/Y/22/3290477

1. Introduction

This statement addresses the planning obligations sought by the Council in connection with the above appeal. This statement is provided without prejudice to the Council's case to have the appeal dismissed.

2. Relevant legislation and policies

- 2.1 Paragraph 57 of the NPPF (July 2021) and Regulation 122 of the Community Infrastructure Levy Regulations 2010 ('the Regulations') sets out the various test in order for a planning obligation to be valid. The obligations must be:-
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.

3. Proposed planning obligations

- 3.1 The planning obligations cover administration and monitoring charge, affordable retail, affordable workspace, archaeological monitoring and advice contribution, community use strategy, construction phase jobs and training, cycle docking station contribution, cycle hire scheme contribution, employment and training in the end use of the development, energy: be seen monitoring, energy: carbon green fund contribution and compliance with an approved energy strategy, energy: connection to a future district CHP, healthy streets contribution, Legible London contribution, listed building management, local procurement, delivery, management and public access to the ground floor reception space, roof garden and public

realm, section 278 highways works (borough roads), section 278 highways works (TfL), servicing and deliveries, station works and underground protection, travel plan and wind mitigation post construction. We have assessed the validity of each of these obligations in the table below and consider them all to be legitimate.

Obligation	Necessary	Directly related	Fairly and reasonably related
Affordable retail	<p>Southwark Plan policy P32 (Small shops) supports the retention of small shops so as to ensure a diversity of trade and independent businesses to serve the local population. The Appellant sees the creation of retail units as helping to fill the “missing link” of retail between Borough Market and London Bridge Station.</p> <p>The London Bridge Area Vision (AV. 11) sets out that the Council supports the development of a vibrant new high street on St Thomas Street.</p>	The obligation is directly related to the proposal, as the development proposes 765sqm of Class A1 retail floorspace, 1,139sqm of Class A3 retail floorspace, and the rearrangement of the listed terrace at 4-16 St Thomas Street to include retail units on the ground and lower ground levels.	The obligation to provide 2 affordable retail units (181 sqm GIA) in the Georgian Terrace is fairly and reasonably related to the development because the obligation sought is relative to the scale of the development.
Affordable Workspace	<p>Affordable workspace offers support for start-ups and small or independent businesses which is vital to secure the future of Southwark’s thriving economy. London Plan 2021 policy E3 (Affordable workspace) states that planning obligations may be used to secure affordable workspace at rents maintained below the market rate for that space for specific social, cultural or economic development purposes.</p> <p>Southwark Plan 2022 policy P31 (Affordable workspace) states that major developments proposing 500sqm GIA or more of employment floorspace must deliver at least 10% of the proposed gross new employment floorspace as affordable workspace on site at discounted market rents. The policy further says that affordable workspace</p>	As this development proposes the delivery of more than 500 sqm GIA of employment floorspace, 10% of such floorspace is being delivered as affordable workspace. .	The obligation is securing 10% of the proposed gross internal area (GIA) of employment floorspace as affordable workspace. The s106 agreement secures the workspace as affordable for no less than 30 years with rent calculated at 75% of the market rate. This obligation is fairly and reasonably related to the development because the contribution sought is relative to the scale of the development.

	<p>must be secured for at least 30 years and will be secured, and where necessary retained as employment uses through the use of planning obligations/ conditions in accordance with the tests set out in national policy. However, if it is not feasible to provide affordable workspace on site, an in lieu payment will be required for off-site affordable workspace. This will be calculated using the Affordable Workspace Calculator.</p> <p>The requirement to deliver at least 10% of all new employment floorspace as affordable workspace for start-ups and existing and new small and independent businesses in Southwark is also supported by Southwark Plan policy SP4 (A green and inclusive economy).</p>		
Archaeology Contribution	<p>The industry standards for London (A Charter for the Greater London Archaeological Advisory Service ('GLAAS')) recommend that GLAAS should be consulted over all major planning applications on sites over 0.5 hectares, whether in an archaeological priority area or not. Southwark Council is the only council in London to have an in-house archaeologist due to the high archaeological interest in the borough.</p> <p>Policy P23 (Archaeology) of the Southwark Plan says that development must conserve the archaeological resources commensurate to its significance, preserve archaeological remains of national importance in situ and preserve archaeological remains of local importance in situ unless the public benefits of the development outweigh the loss of archaeological remains.</p>	<p>The obligation is directly related to the proposal, as the site is situated within an Archaeological Priority Area known as "APA1 - North Southwark and Roman Roads". This area is in tier 1 category as it is an area known, or strongly suspected, to contain heritage assets of national importance.</p>	<p>The obligation is fairly and reasonably related to the development because the contribution sought is relative to the scale of the development and based on the current cost of providing technical archaeological support. The level of contribution requested is published in the Council's S106 Planning Obligations and Community Infrastructure Levy (CIL) SPD and is £11,171 for 10,000sqm and more of Development.</p>

Community Use Strategy	<p>Southwark Plan policy P47 (community uses) describes how leisure, arts, culture and community uses of spaces are important components of social infrastructure; and that social infrastructure covers a range of services and facilities that meet local needs and contribute towards a good quality of life. This obligation is necessary to contribute towards the social infrastructure of the area in which the proposed development is located.</p>	<p>This obligation is directly related to the proposed development, which includes a 719 sqm hub space. Making the business hub in the development available to neighbourhood forums, schools, charities, voluntary organisations and community groups at certain days and times across the year for free or at a low cost will contribute to the social infrastructure of the area.</p>	<p>The obligation is fairly and reasonably related to the scale and kind of the proposed development as the s106 agreement secures a community use strategy which sets out the arrangements for letting the space to the community.</p>
Construction phase jobs and training	<p>Southwark Plan 2022 Policy p28 (Access to employment and training) states that development incorporating 5,000 sqm or more of gross new floorspace must provide training and jobs for local people in the construction stage; or, in exceptional circumstances where jobs cannot be provided on site, a financial contribution will be required for construction employment and training.</p> <p>Southwark Council's Section 106 Planning Obligations and Community Infrastructure Levy (CIL) Supplementary Planning Document (SPD) (November 2020 Update) states that the Council will seek to secure a section 106 planning obligation to help place unemployed jobseekers from the local area into jobs within the construction stage of a development in development schemes that provide 5,000 sqm or more of new residential or non-residential space (GEA). The targets in the SPD are:</p> <ul style="list-style-type: none"> • One job lasting a minimum 26 weeks for an unemployed Southwark resident per 500 sqm GEA • One Southwark resident trained in pre or post employment short courses per 500 sqm GEA 	<p>The obligation is directly related to the proposal, as the development provides over 5,000 sqm of new floorspace.</p>	<p>The obligation is fairly and reasonably related to the development as the stated targets are proportionate to the floorspace to be provided, as set out in the Council's s106 Planning Obligations and CIL SPD. The development provides 50,437 sqm of floorspace, and so in accordance with the SPD there should be:</p> <ul style="list-style-type: none"> • 104 jobs lasting a minimum of 26 weeks for unemployed Southwark residents or a financial contribution of £442,900 • 104 Southwark residents trained in pre or post-employment short courses or a financial contribution of £15,450 • 26 New apprenticeship starters or in work NVQ placements or a financial contribution of £37,500

	<ul style="list-style-type: none"> One new apprenticeship start or in-work NVQ per 2000sqm <p>Where these targets cannot be provided the SPD states a financial contribution will be sought by Southwark Council to be used to provide equivalent opportunities in the local area to residents based on the following formula:</p> <ul style="list-style-type: none"> Shortfall against target number of jobs x £4,300 (the average cost of supporting an unemployed Southwark resident into sustained employment) Shortfall against target number of residents trained in short courses x £150 (the approximate cost of a typical construction sector short course) Shortfall against target number of apprenticeship starts x £1,500 (the approximate cost of a typical construction sector Level 2 qualification) 		
Cycle Hire Docking Station Contribution and Cycle Hire Scheme Contribution	<p>The Southwark Plan 2022, Strategic Policy 4 (A green and inclusive economy) sets out the vision for Southwark to have a green and inclusive economy, achieved by a variety of measures including workplaces that are easily accessible by walking and cycling. Policy P50 (Highways impacts) states development must minimise the demand for private car journeys with the aim of reducing carbon emissions. Policy P53 (Cycling) states that development must contribute towards the provision of cycle hire schemes and docking stations; and that financial</p>	<p>The obligation is directly related to the proposal, as the proposed development can be defined as major in accordance with Part 1 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>The cycle hire docking station contribution will be applied by TfL to create a new cycle hire docking station in or within the vicinity of the development.</p>	<p>Transport for London, as the cycle docking hire provider, provided the financial contribution amounts for the provision or expansion of a cycle hire docking station to serve the future staff and visitors to the development and for the provision of free cycle hire for employees of the development for the first three years that the development is occupied.</p>

	<p>contributions will be required from major developments that are commensurate to the size and scale of the proposal.</p> <p>London Plan 2021 policy T5 (Cycling) says that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Where it is not possible to provide suitable short stay cycle parking in town centres then a commuted sum should be paid to the authority to secure the provision. London Plan 2021 policy T9 (Funding transport infrastructure through planning) states planning obligations will be sought to mitigate impacts from developments.</p>	<p>The cycle hire scheme contribution will be applied by TfL to provide free cycle hire to employees of the development for the first three years that the development is occupied.</p>	
Employment and Training in the End Use of the Development	<p>London Plan 2021 policy E11 (Skills and Opportunities for all) encourages boroughs to investigate with developers the possibility of providing local businesses and residents the opportunity to apply for employment during the construction of developments and in the resultant end use.</p> <p>Policy P28 (Access to employment and training) of the Southwark Plan 2022 states that development incorporating 2,500 sqm or more of gross new non-residential floorspace must provide training and jobs for local people in the final development.</p> <p>The calculation for these obligations is provided in the Council's Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD. This</p>	<p>The obligation is directly related to the proposal, as the development provides over 2,500 sqm of new or improved non-residential space.</p>	<p>The obligation is fairly and reasonably related to the development because the stated targets are proportionate to the floorspace to be provided, as set out in the Council's s106 Planning Obligations and CIL SPD, and the obligations are based on development plan policies.</p>

	<p>document says that for the end user phase of the development the calculation is as follows;</p> <p><u><i>“Skills and Employment Plan targets:</i></u></p> <p><i>For business use (B class) floorspace a target for the number of jobs lasting a minimum of 26 weeks for unemployed Southwark residents will be calculated at 10% of the estimated Full Time Employee (FTE) employment on site according to Homes and Community Agency (HCA) employment densities or an alternative measure agreed by the Council.</i></p> <p><i>For retail use (A class) floorspace and hotels a target for the number of jobs lasting a minimum of 26 weeks for unemployed Southwark residents will be calculated at 20% of the estimated FTE employment on site according to HCA employment densities or another measure agreed by the council.</i></p> <p><u><i>Employment and training contribution;</i></u></p> <p><i>Where these targets are not achieved, an employment and training contribution will be sought, to be set at the target number of jobs lasting a minimum of 26 weeks for unemployed Southwark residents, as set out above, multiplied by £4,300 (the average cost of supporting an unemployed Southwark resident into sustained employment). This will be used by the Council to support borough residents to access local jobs and facilitate the delivery of the skills and employment plan.”</i></p>		
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Energy: Be Seen Monitoring	<p>Policy SI 2 (Minimising greenhouse gas emissions) of the London Plan 2021 requires all major development to be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:</p> <p>1) be lean: use less energy and manage demand during operation</p> <p>2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly</p> <p>3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site</p> <p>4) be seen: monitor, verify and report on energy performance.</p> <p>Major development proposals are required to produce a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.</p> <p>The GLA produced the Be Seen Energy Monitoring LPG which provides guidance on the implementation of Policy SI 2. This guidance advises that local authorities secure the as-built and in-use stage data through a legal agreement with the applicant. The s106 agreement uses the drafting recommended by the GLA.</p>	<p>Major development is defined in Part 1 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 as the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or development carried out on a site having an area of 1 hectare or more.</p> <p>The obligation is directly related to the proposal, as this development provides 50,437 sqm of floorspace.</p>	<p>The obligation is fairly and reasonably related to the development because the on-going monitoring obligation sought is relative to the scale of major development which has to comply with Development Plan policies that require reductions in carbon emissions.</p>
Energy: Carbon Green Fund Contribution and	<p>The Council will seek to secure mitigation where schemes do not meet the development plan target for reducing carbon dioxide emissions. Contributions will be</p>	<p>The obligation is directly related to the proposal, as the Development provides a net increase of 1,000sqm or more of non-residential floorspace (GIA). The</p>	<p>The obligation is fairly and reasonably related to the development because the required revised Energy Strategy and associated financial contribution sought</p>

<p>compliance with Energy Strategy</p>	<p>placed in a green fund and used to reduce carbon dioxide emissions in projects elsewhere in the borough. Measures could include directly funding or installing community energy and retrofitting projects.</p> <p>Carbon dioxide emissions which are secured through a project funded through the Green Fund will be expected to provide either the carbon dioxide saving or the financial equivalence to the carbon dioxide saving that would otherwise be required on the development site.</p> <ul style="list-style-type: none"> Southwark's Energy and Carbon Reduction Strategy emphasises the borough's commitment to reducing borough-wide carbon dioxide emissions by 80% by 2050 (on 2003 levels). It identifies a short term target of a 22.4% reduction by 2020. In Southwark, by far the largest share of carbon dioxide emissions (84%) is generated by workplaces and homes. Policy SI 2 (Minimising greenhouse gas emissions) of the London Plan 2021 states that all new major developments should be net zero carbon and have minimum on-site reduction of at least 35 per cent beyond Building Regulations. Any shortfall can be offset through a cash in lieu contribution. Policy P70 (Energy) of the Southwark Plan 2022 states that all Major Developments should be net zero-carbon and sets a target for non-residential developments to reduce carbon emissions on-site by a minimum of 40% from Buildings Regulations Part L. Any shortfall against the zero carbon target must be secured off site or as a financial contribution. 	<p>submitted scheme does not achieve a minimum 40% on-site carbon reduction and so a revised Energy Strategy needs to be submitted for approval to achieve policy compliance, and the revised carbon reduction would require the related carbon offset contribution to achieve the net zero carbon requirement.</p>	<p>are relative to the scale of major development, which has to comply with Development Plan policies that require reductions in carbon emissions.</p> <p>The carbon reduction targets are set out as minimum improvements over the Target Emission Rates (TER) in the Building Regulations (Part L).</p> <p>The shortfall in CO2 reduction will be charged at £2,850 per tonne of carbon dioxide.</p> <p>£2,850 represents £95 per tonne of carbon dioxide emissions calculated over 30 years. This is the price referred to in the London Plan and will be updated in the GLA's Carbon Offset Funds Guidance.</p>
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Energy: connection to a future district CHP	London Plan 2021 policy SI 3 (Energy infrastructure) requires development to make the fullest contribution to minimising carbon dioxide emissions in line with the energy hierarchy of “be lean, be clean, be green”. Developments are encouraged to connect to existing heat networks wherever feasible and where connection isn’t possible developments should be designed to facilitate cost-effective future connection.	The proposal does not include connection to an existing heat network, but should one come forward in the area, the development must be “future proofed” to allow for ready connection in order to further reduce the on-going carbon emissions from the occupied site.	The obligation is fairly and reasonably related to the development because it is major development which has to comply with emissions and energy planning policies.
Healthy Streets Contribution	Policy T2 (Healthy Streets) of the London Plan 2021 states that development proposals and development plans should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. TfL’s Healthy Streets for London document (February 2017) details TfL’s policies and strategies to help Londoners use cars less and walk, cycle and use public transport more. One of these policies is to create streets that feel pleasant, safe and attractive.	The financial contribution sought will be used for the St Thomas Street healthy streets scheme which is a system of policies and strategies designed by TfL to help Londoners use cars less and walk, cycle and use public transport more.	Transport for London, as the Healthy Streets provider, provided the financial contribution amount to be used towards the St Thomas Street Healthy Streets scheme.
Legible London contribution	TfL’s Legible London scheme provides distinctive and easily-recognisable street signs for the public on pedestrian walkways to help residents and visitors walk to their destination quickly and easily. The signs are also integrated with other transport modes so people can quickly identify their walking route when leaving Underground stations, for example.	The financial contribution will enable an expansion and refresh of the Legible London signage around the development site which shall provide better information throughout the area for pedestrians.	Transport for London, as the Legible London provider, provided the financial contribution amount to be used towards the Legible London Project.
Listed Building Consent Application Management Plan	The development includes proposed extensive restoration and refurbishment of the terrace of Georgian houses at 4-16 St Thomas Street. Southwark Plan policy P19 states that development relating to listed buildings	The obligation is directly related to the development as there are works proposed to the grade II listed buildings.	The obligation is fairly and reasonably related to the scale of the development as the management plan is limited to only those buildings which are affected as a result of the development.

	will only be permitted if it conserves or enhances their special significance. An obligation is sought to secure a management plan to confirm the ongoing maintenance and repairs, and to agree works the scope of works that would require further listed building consent for the listed buildings on the Site.		
Local Procurement	<p>Southwark Plan 2022 policy P28 (Access to employment and training) requires that developments delivering 1,000sqm or more of gross new floorspace must allow local businesses to tender for the procurement of goods and services generated by the development both during and after construction.</p> <p>The obligation is necessary to promote economic growth in the borough and increase employment among Southwark residents.</p>	The obligation is directly related to the proposal, as the proposal seeks to deliver over 1,000sqm of gross new floorspace. The local procurement of contracts will service the construction of the development directly and subsequent operations of the businesses and organisations occupying the development.	<p>The obligation is fairly reasonable and proportionate to the scale and nature of the development as a result of the opportunities which arise from this development.</p> <p>Interventions to ensure small and medium sized local enterprises have access to tender opportunities for the procurement of goods and services, created by the development, both during and after construction will be secured through a planning obligation, in line with Southwark's Economic Wellbeing Strategy.</p>
Public access to the ground floor reception and roof garden	<p>London Plan 2021 policy D9 (Tall buildings) states that free to enter publicly accessible areas should be incorporated into tall buildings; particularly more prominent tall buildings, these areas should normally be located at the top of the building to afford wider views across London.</p> <p>Southwark Plan 2022 policy P17 (Tall buildings) states that Tall Buildings must provide a functional public space that is appropriate to the height and size of the proposed building, and provide a new publicly accessible space at or near to the top of the building and communal facilities for users and residents where appropriate.</p>	This obligation is directly related to the proposed development, as public access to an 825 sqm elevated roof garden at 5 th and 6 th floor level and public access to part of the ground floor reception are being secured in the 37 storey building which forms part of the development.	The obligation is fairly and reasonably related in scale and kind to the development as the s106 agreement secures a roof gardens visitor management plan and reception management plan which would establish the arrangements for members of the public accessing the space.

Public realm	<p>London Plan 2021 policy D8 (Public realm) recommends that development plans and proposals should encourage and explore opportunities to create new public realm where appropriate.</p> <p>Southwark Plan 2022 policy P13 (Design of places) requires that development must ensure a high quality public realm that encourages walking and cycling and is safe, legible and attractive. Good public realm design is essential to help people move around the borough, improves the streetscape, and creates a sense of place with pleasant environments that people can take pride in and enjoy. Southwark Plan 2022 policy P17 (Tall buildings) requires tall buildings to provide a functional public space that is appropriate to the height and size of the proposed building.</p>	The obligation is directly related to the proposed development, which includes public realm in the ground floor reception area of the 37 storey building and in the form of four outdoor spaces, known as Kings Head Square, New Yard, St Thomas Street Square and East Yard.	The obligation is fairly and reasonably related in kind and scale to the development as the s106 agreement secures details of public access to the public realm and the situations when the public realm can be closed to the public.
Section 278 Highways Works (Borough Roads)	<p>Policy P50 (Highways impacts) of the Southwark Plan 2022 requires that development must demonstrate that the road network has sufficient capacity to support any increase in the number of journeys by users of the development, taking into account the cumulative impact of adjoining or nearby development; and ensure safe and efficient operation of the local road network, the bus network and the Transport for London Road Network. Policy P51 (Walking) states that development must enhance the borough's walking networks by providing footways, routes and public realm that enable access through development sites and adjoining areas.</p>	The highway works sought are directly adjacent to the development and will enable improvements to the quality of pedestrian routes and roadways to and around the development site, including the facilitation of safer servicing of the site.	The obligation to carry out highway works is reasonable and proportionate to the scale and nature of the development and the number of potential occupants and users of this development.

	<p>It is important to ensure that the increase of traffic and residents associated with the development can be accommodated safely and adequately on the existing highway network.</p> <p>The council's S106 Planning Obligations and Community Infrastructure Levy SPD provides that planning obligations will be sought to address the impact on the public highway in the local area through commitment by the developer to carry out an agreed schedule of works under a Section 278 agreement or a contribution towards works carried out by contractors employed by the Council.</p>		
Section 278 Highways Works (TfL)	Policy T4 (Assessing and mitigating transport impacts) of the London Plan 2021 states that where appropriate, mitigation should be secured, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.	The highway works sought are within the application site and directly adjacent to the development and will enable improvements to the quality of pedestrian routes and roadways to and around the development site, including the facilitation of safer servicing of the site.	Transport for London, as the highway authority, provided the scope of works required to mitigate any impact on the transport network associated with the development.
Servicing and Deliveries	London Plan 2021 policy T7 (Deliveries, servicing and construction) states that development proposals should facilitate safe, clean, and efficient deliveries and servicing. The policy further recommends that delivery and servicing plans are required and should be developed in accordance with Transport for London guidance and in a way which reflects the scale and complexities of developments. Developments should also be designed and managed so that deliveries can be	The obligation is directly related to the development as there will be servicing and deliveries taking place at a site which is situated in a busy area with limited off-street delivery areas and on-street loading bays. The Delivery, Servicing and Waste Management Plan (and the Independent review of delivery consolidation) predicts a certain number and type of vehicle trips to/from the development, which the scheme has been designed to accommodate, in part, with off-site mitigation secured through public highway works. The	The obligation is fairly and reasonably related in kind and scale to the development as the delivery and servicing plan being secured in the s106 agreement will seek to manage and restrict the number of trips which can be made in 24 hours and during peak hours.

	<p>received outside of peak hours and in the evening or night time.</p> <p>Southwark Plan 2022 policy P14 (Design quality) states that development must provide adequate servicing within the footprint of the building and site for each land use. Policy P50 (Highways impacts) requires development to ensure safe and efficient delivery and servicing that minimises the number of motor vehicle journeys.</p>	<p>servicing vehicle numbers are predicated on the use of off-site consolidation, but in the absence of a commercial agreement to secure this and given the precise occupiers of the commercial units are not known, actual vehicle trips may be much higher than predicted and raise highway safety issues beyond those to be identified. A bond and monitoring fee would enable the Council to monitor actual delivery and servicing rates of the site and implement additional mitigation measures if they are found to be necessary.</p>	
Station Works	<p>The development proposes providing a new route into the Borough High Street entrance to London Bridge Underground station. The obligation requiring the developer to enter into a development agreement with Transport for London and London Underground Limited is necessary to secure and enable the underground station works. London Plan 2021 policy T9 (Funding transport infrastructure through planning) states planning obligations will be sought to mitigate impacts from developments. The improvement to the pedestrian environment by providing a new route would accord with London Plan policy T2 (Healthy Streets).</p> <p>Transport for London Guidance Document G0023 (Infrastructure Protection - Special Conditions for Outside Parties Working On or Near the Railway) sets out Conditions for parties working on or near the railway to ensure the protection of their infrastructure. The guidance advises that where an Outside Party wishes to undertake work on property owned by London Underground Limited then that work shall be done to the</p>	<p>The obligation is directly related to the development, which includes provision for a new access to the Borough High Street entrance to the London Bridge Underground Station.</p>	<p>The obligation is fairly and reasonably related in kind and scale to the development as the development agreement is essential to securing the new entrance to London Bridge Underground Station. The site sits above London Underground infrastructure.</p>

	<p>same standards and methods of work undertaken by London Underground Limited and by staff qualified to the same degree of competency. In addition the Outside Party shall have to give an indemnity to London Underground Limited and shall require a licence or other agreement with London Underground Limited to undertake the work.</p>		
Travel plan	<p>Southwark Plan 2022 policy SP6 (Climate Emergency) seeks to address the negative impacts of climate change by encouraging walking, cycling and public transport as the first choice of travel in the borough.</p> <p>London Plan 2021 policy D3 (Optimising site capacity through the design-led approach) states that development proposals should encourage and facilitate active travel. London Plan 2021 policy T4 (Assessing and mitigating transport impacts) states that travel plans will be required having regard to Transport for London guidance. The obligation is necessary to conform with these policies.</p>	<p>This obligation is directly related to the development, as the travel plan seeks to discourage the use of vehicles through the provision of high quality shower/changing facilities accessible to all occupants of the Development, cycle hire access and cycle parking including disabled/cargo bicycle spaces.</p>	<p>The obligation is fairly and reasonably related in kind and scale to the development as the travel plan is a future document which will be produced by the developer for the Council's approval.</p>
Wind Mitigation Post Construction	<p>Southwark Plan 2022 policy P14 (Design quality) requires that development must have high standards of design, which amongst other things, avoid the creation of adverse local climactic conditions.</p> <p>Policy P17 (Tall buildings) states that the design of tall buildings is required to avoid harmful and uncomfortable environmental impacts including wind shear.</p>	<p>This obligation is necessary to review whether the installed wind mitigation measures are effective in mitigating the impacts identified in the Environmental Statement or whether further measures are necessary in order to mitigate these impacts and to comply with Southwark Plan policies.</p>	<p>This obligation is fairly and reasonably related in kind and scale to the proposed development as it goes no further than is necessary to achieve its objectives. The future assessment will determine if further wind mitigation measures are required.</p>

	Policy P56 (Protection of amenity) outlines that development should not be permitted when it causes an unacceptable loss of amenity, and that impacts from wind is a key amenity consideration.		
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Administration Fee and Monitoring Contribution	<p>Although Oxfordshire County Council v Secretary of State for Communities and Local Government and Other [2015] EWHC reduced the ability of a local planning authority to charge an administration fee, the case did specifically acknowledge an authority may charge a fee where there will be a genuine cost to the council in administering the agreement in the future. The Council has in this case requested an administration fee which shall be 2% of the value of the contributions being secured in the s106 agreement. The amount is to be finalised once the affordable workspace contribution has been agreed. The Council believe these fees are legitimate because the agreement does not just secure the payment of fixed sums which can be monitored and checked relatively easily. The agreement requires documents to be submitted and approved which is time consuming. This includes an updated delivery and servicing management plan, energy strategy, travel plan, community use strategy, public realm details and management plan, wind assessment, listed building management plan, employment and skills plan, affordable workspace strategy and carbon monitoring. The sum is based on 2% of the value of the contributions but in practice this is deemed to be less than actual costs likely to be incurred.</p>	<p>Now permitted pursuant to the amended Regulation 122 provided that the sum to be paid fairly and reasonably relates in scale and kind to the development; and does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.</p> <p>It is the Council's case that the monitoring costs are compliant with the amended regulation as the sum is based on 2% of the value of the contributions but in practice this is deemed to be less than actual costs likely to be incurred.</p>
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