

Section 106 Planning Obligations and Community Infrastructure Levy (CIL) Supplementary Planning Document (SPD)





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1 What is the Section 106 Planning Obligations and Community Infrastructure Levy SPD?

1.1 This supplementary planning document (SPD) provides detailed guidance on the use of section 106 planning obligations alongside the community infrastructure levy. It replaces Southwark Council's adopted Section 106 Planning Obligations SPD (2007).

1.2 Section 106 planning obligations are used to address negative impacts of a development. They are legally binding and comprise either an agreement between a council and a developer or a unilateral undertaking made by a developer. They can be used to specify the nature of developments (for example, requiring a portion of housing to be affordable), compensate for loss or damage created by a development (for example, loss of open space), or address a development's impact (for example, through a contribution towards public realm improvements in the local area). They can involve a financial or non-financial obligation. Almost all development has some impact on the need for infrastructure, services and amenities - or benefits from it - so it is only fair that such development pays a share of the cost.

1.3 The Section 106 Planning Obligations SPD (2007) set out a number of standard charges which historically we have used to calculate section 106 planning obligations. These charges covered a range of types of infrastructure, including school places, open space, strategic transport improvements, sports development and play facilities. Funding which is generated is often pooled as individual obligations are often not sufficient to pay for large infrastructure items. However, the introduction of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended) has changed the way that developments contribute towards the funding strategic infrastructure. They introduce an alternative mechanism for funding of strategic infrastructure, which is the Community Infrastructure Levy (CIL).

1.4 The Community Infrastructure Levy will largely replace section 106 planning obligations as the way in which developments contribute towards



providing the new infrastructure to support new development. Once a CIL has been adopted, or by April 2015 (whichever is sooner), local authorities will not be able to pool more than five separate planning obligations to pay for one item or type of infrastructure. The intention of the CIL Regulations is that section 106 planning obligations should mainly be used to secure site specific infrastructure needed to directly address the impact of development.

1.5

The Section 106 Planning Obligations and Community Infrastructure Levy SPD provides detailed guidance on how section 106 planning obligations are negotiated and how section 106 planning obligations and CIL work together. This SPD contains the following information:



- **Section 2** explains what the Community Infrastructure Levy is and describes both Southwark Council's CIL and the Mayor of London's CIL.
- **Section 3** explains section 106 planning obligations in more detail. It describes the different types of obligations, including the Mayor of London's Crossrail section 106 planning obligations.
- **Section 4** sets out how CIL and section 106 planning obligations work alongside one another.
- **Section 5** provides guidance on the process for securing CIL and section 106 planning obligations.
- **Section 6** describes how CIL and section 106 planning obligations are implemented and how funds are spent. A proportion of CIL funding must be spent in local areas and this section describes how that will work in Southwark.
- **Appendix 1** provides guidance on how section 106 planning obligations are calculated.

- 2.1** The Community Infrastructure Levy (CIL) came into force in April 2010. It allows local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money can be used to fund a wide range of local and strategic infrastructure that is needed to support growth and development in the borough. This includes transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities and open spaces.
- 2.2** CIL is intended to provide developers more certainty 'up front' about how much money they will be expected to contribute towards local infrastructure needs.
- 2.3** CIL takes the form of a charge per square metre of floorspace and is applied to most new developments that involve an increase of 100 square metres or more of gross internal floor space or a development that involves creating a dwelling, even where this measures in at less than 100 square metres. The CIL charges are based on the size and type of the new development. Some developments are exempt from paying the levy. These are developments of affordable housing and developments by charities of buildings used for charitable purposes.
- 2.4** The CIL charges need to be set out in a formal document called a Charging Schedule. Charges are index linked and inflate over time.

Southwark CIL

- 2.5** Southwark is a CIL 'charging authority' and Southwark Council's CIL is set out in a CIL charging schedule. The CIL charges will be applied to new development in the borough. In line with the CIL Regulations, these charges need to be supported by:
- an up-to-date development plan;
 - the area's infrastructure needs; and
 - an overall assessment of the economic viability of new development.
- 2.6** To adopt the CIL charging schedule, Southwark Council needs to show that CIL is necessary to help bridge any infrastructure funding gap to support growth across the borough over the development plan period (i.e. Core Strategy 2011-2026). Southwark Council has prepared an infrastructure plan which is part of the evidence base needed to help justify levying a CIL. The infrastructure set out in the infrastructure plan is not an exhaustive list. It is intended to be a living document which will be updated regularly.

- 2.7** The Southwark CIL will provide funding to help deliver a range of borough-wide and local infrastructure projects that support residential and economic growth and benefit local communities. It allows Southwark to work with infrastructure providers and communities to set priorities for what the funds collected under the levy should be spent on, and provides a funding stream so that the delivery of infrastructure projects can be planned more effectively.
- 2.8** The CIL charging schedule must also be supported with evidence about the effect of the CIL on the economic viability in the area. This means that a viability study needs to be prepared to show that the level of CIL does not generally prevent development from coming forward in the borough.

The link below provides more information on Southwark's CIL:

www.southwark.gov.uk/southwarkcil

Mayoral CIL

- 2.9** In addition to Southwark, the Greater London Authority is also a charging authority and the Mayor can charge a CIL to help ensure the delivery of local and sub-regional large-scale infrastructure. Since 1 April 2012, the Mayor has charged CIL to fund strategic transport, which is currently the Crossrail project.
- 2.10** The Mayor's levy is £35 per square metre (plus indexation) of new development in Southwark. There is a nil charge for education and health uses.
- 2.11** Southwark is required to collect CIL on behalf of the Mayor, and give it priority in calculating the viability of its own CIL and other planning obligations. The Mayor will be responsible for spending the Mayoral CIL.
- 2.12** Further information on the Mayoral CIL is set out within the Supplementary Planning Guidance 'Use of Planning Obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy' (April 2013).
- 2.13** There is more information about the Mayoral CIL on our website at:
www.southwark.gov.uk/southwarkcil

3 What are section 106 planning obligations?

3.1 Section 106 planning obligations (made under Section 106 of the Town and Country Planning Act 1990) are usually secured by a legal agreement made between a local planning authority, a landowner, a developer and potentially other affected people or a unilateral undertaking made by a developer. They can be both financial and non-financial obligations. They are used when there is a requirement to address the impact of a development and the impact itself cannot be dealt with through a planning condition on the permission.

3.2 Section 106 planning obligations must meet the tests set out in the Community Infrastructure Levy Regulations 2010 (as amended) (Regulation 122) which state that a planning obligation may only be a reason for granting planning permission for the development if the obligation is:

- 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.



Types of section 106 planning obligations

3.3 Guidance on how Southwark will negotiate the most common section 106 planning obligations is set out in Appendix 1. This includes the following areas:

- Affordable housing provision
- Archaeology: Works and payments towards the Southwark's archaeology service
- Carbon offset: Green fund
- Children's play space
- Employment and enterprise: Jobs during construction and final development

- Employment and enterprise: General and end-user phase: skills, training and employment
- Employment and enterprise: Loss of employment floorspace
- Employment and enterprise: Other obligations
- Outdoor amenity space
- Public Realm measures
- Student Housing: University nomination schemes
- Transport measures: Site specific
- Wheelchair accessible housing: Offset fund

3.4 This list of obligations in Appendix 1 includes a range of sizes for development, above which we will seek the obligation. We may also seek to secure contributions where a development proposal below the minimum size creates an exceptionally large impact. Appendix 1 also does not cover all of the planning obligations that may be sought. Very large development schemes may have wide ranging impacts, which will require more significant measures to be put in place to address them in addition to the standard charges. In addition to the above list of standard charges, planning obligations may also be sought, on a case by case basis where there are identified direct impacts from development to address the following areas:

- Bus stops and any dedicated bus service improvements
- CCTV
- Community safety initiatives
- Conservation of buildings or places of historic or architectural interest
- Conservation, creation and enhancement of areas of plant and wildlife habitat
- Contributions for loss of community use (D1) floorspace
- Flood risk management and infrastructure (utilities) provision
- Land for health provision
- Management and maintenance payments
- Measures to improve and address negative impacts on air quality and noise
- Phasing of development
- Police and fire service
- Project management costs
- Provision of small business space

- Restrictions on the use of the land, public access and public rights of way
- Servicing, construction management and management agreements
- Sustainable building practices and fit out, such as Code for Sustainable Homes, BREAM, Sustainable Urban Drainage Systems (SUDS), connection to District heating systems, non potable water networks, and private wire networks providing power generated by low and no carbon generation
- Tourism and visitor facilities including public conveniences
- Visitor management plan
- Waste Management

3.5 Where section 106 planning obligations are considered necessary these may include some or all of the above, or others as required. This list is provided to set out the most commonly sought obligations but should not be considered exhaustive. The planning obligation for affordable housing is explained in the Affordable Housing SPG (2008) and also the draft Affordable Housing SPD (2011).

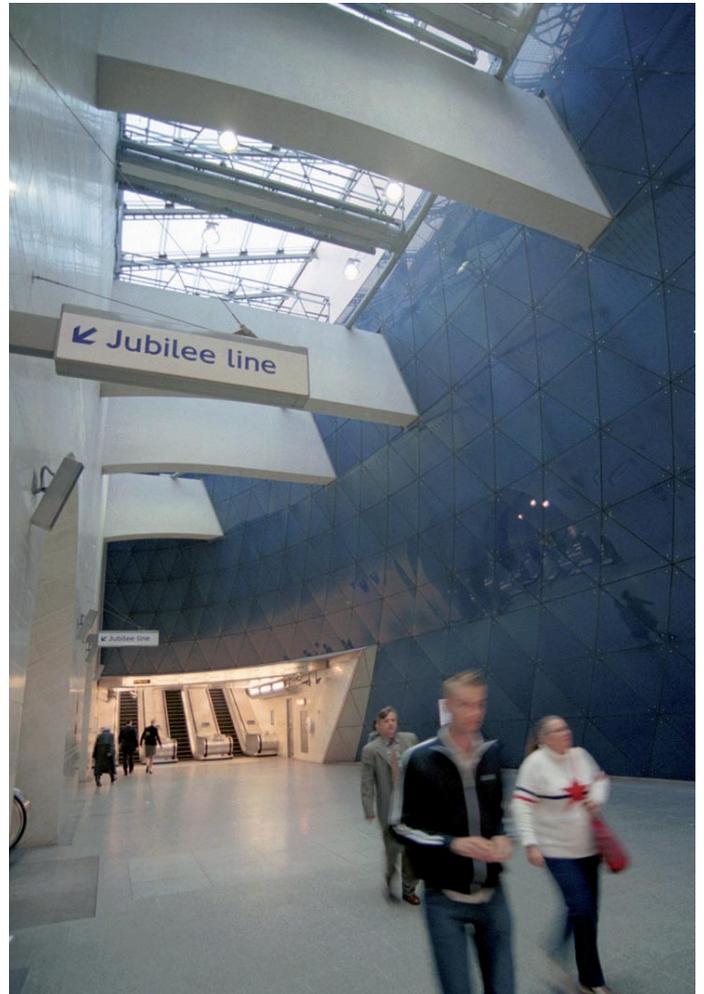
Mayoral section 106 planning obligation for Crossrail

- 3.6** The Mayor requires a planning obligation from new commercial developments in the Central Activities Zone (CAZ) and northern Isle of Dogs area which are above a 500 sqm (GIA) threshold. The Crossrail project is excluded from the restrictions set out in the Community Infrastructure Levy Regulations 2010.
- 3.7** CIL payments will be treated as a credit towards any payment sought for Crossrail should the former be less than the latter. If the CIL contribution exceeds the Crossrail obligation, the Crossrail planning obligation will not be sought.
- 3.8** In Southwark, a Crossrail planning obligation charge is calculated per square metre of new office (£140), retail (£90) and hotel (£61) development in the Bankside, Borough and London Bridge Opportunity Area that is shown both in the Core Strategy and London Plan.
- 3.9** Further information is set out within the Mayor's Supplementary Planning Guidance 'Use of Planning Obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013).

4 How will CIL and section 106 planning obligations work together?

4.1 From April 2015 section 106 planning obligations will have a much more restricted role than they currently do. We will not be able to pool the funding generated by more than five section 106 planning obligations to pay for one infrastructure project or type.

4.2 With Southwark Council's CIL in place, section 106 planning obligations will be used to address site specific impacts of developments, such as a local access road or public realm improvements near the site. They may also be used in situations where a developer does not meet planning policy requirements to provide infrastructure on the development site. Section 106 planning obligations will be negotiated where items sought are clearly linked to the development site and are needed to make that particular development acceptable. CIL on the other hand will be used to fund local and strategic infrastructure required to support growth across the borough.



4.3 CIL payments and section 106 planning obligations will be used to fund different infrastructure items and developments will not be charged for the same items of infrastructure through both section 106 planning obligations and the CIL. To help clarify this, Southwark Council has published a list of those infrastructure projects or types for which we will not seek to negotiate section 106 planning obligations. This is called a Regulation 123 list (from CIL Regulation 123). The Regulation 123 list contains projects or types of infrastructure which may be funded partly or wholly by CIL. The list is based upon the infrastructure projects or types set out in the borough's Infrastructure Plan which are required to support growth over the Core Strategy period (2011-2026). It will be kept up to date to take into account any changes in circumstances and/or infrastructure needs identified in the future.

4.4 Affordable housing falls outside of CIL and will continue to be required through a section 106 planning obligation.

5 What is the procedure for securing CIL and section 106 planning obligations?

CIL

- 5.1** The amount of CIL to be paid depends on the size and type of the development.
- 5.2** Developments that do not require planning permission but meet the CIL threshold i.e. some 'permitted' development, may need to pay CIL if the development started after 6 April 2012. For these developments developers must submit a 'Notice of Chargeable Development' to the council before commencing development.
- 5.3** Applicants will know how much CIL to pay for a development from a 'CIL Liability Notice' which we will issue once planning permission has been granted, or once the developer has submitted the 'Notice of chargeable development' where planning permission is not required. Applicants should then confirm the payment of CIL before the start of development by sending a completed 'assumption of liability' form to the council.
- 5.4** CIL needs to be paid when development starts. The CIL Regulations require payment within 60 days, unless we have adopted a payment instalments policy. Southwark Council's instalments policy will be published on the internet as per Regulation 69b (1) of the CIL Regulations at www.southwark.gov.uk/southwarkcil
We have the freedom to decide the number of payments, the amount and the time due. We can also revise or withdraw the policy as appropriate.
- 5.5** The CIL collection arrangements are covered in Part 8 of the Community Infrastructure Levy Regulations and the government has issued further guidance on CIL collection and enforcement in the National Planning Practice Guidance: <http://planningguidance.planningportal.gov.uk>
- 5.6** Further information is also available on the Planning Portal website: www.planningportal.gov.uk

Section 106 planning obligations

- 5.7** The SPD is used on a borough-wide scale. It provides guidance that expands on the policies and guidance for seeking planning obligations as set out in a number of planning documents, including the following:
- London Plan (2015) (consolidated with alterations since 2011 (referred to as 'The London Plan' in the remainder of the document)) policy 8.2
 - Core Strategy (2011) policy 14
 - Canada Water Area Action Plan (2012) policy 33
 - Peckham and Nunhead Area Action Plan (2014) policy 48
 - Aylesbury Area Action Plan (2009) policy D2
 - Elephant and Castle SPD and OAPF (2012) SPD 20
 - Affordable Housing SPD (2008) and draft Affordable Housing SPD (2011)

- 5.8** CIL will replace the section 106 tariffs set out in the Aylesbury Area Action Plan and the strategic transport section 106 tariff in the Elephant and Castle SPD/OAPF.
- 5.9** When carrying out negotiations for section 106 planning obligations, we must meet the tests set out in the Community Infrastructure Levy Regulations (Regulation 122).
- 5.10** Applicants should use this SPD to consider the impacts of the proposed scheme and any planning obligations likely to be required to address the impacts of development. Applicants should get in contact with Southwark Council early to identify any issues and their possible solution before a planning application is made.
- 5.11** We will require applicants to prepare a planning obligations statement for major development proposals that addresses the issues outlined in this SPD where they are relevant to the particular proposal. The planning obligations statement should be submitted as part of the planning application.
- 5.12** Should the applicant consider that a planning obligation cannot be supported by the proposed development due to financial reasons, the applicant should submit a full 'open book' financial viability assessment to Southwark Council. All information given to us will be treated on a confidential basis. The applicant will be required to meet the cost of reviewing the assessment which will include the appointment of qualified independent assessors. Clawback legal clauses may be used to secure the full contribution should land values increase.
- 5.13** Following the decision to grant planning permission, the planning obligation(s) will be set out in the form of a binding legal agreement. The agreement will set out the detail of the planning obligations, including whether there are specific points in the development phasing for payment of commitments to be made by the developer, as well as obligations upon Southwark Council. On the completion and signing of a section 106 planning obligation, planning permission is formally issued. Generally, we will always seek to receive payment of contributions upon the carrying out of the development in order to ensure that projects which address the impact of a development can be delivered by the time the development is occupied. If funds are payable on specified triggers, these funds will only be received if the planning permission is implemented. When a point has been reached, such as the start of the development construction, the developer must contact us to state that this event has occurred.
- 5.14** The cost of any section 106 charges will be reviewed annually using the Building Cost Information Service of The Royal Institution of Chartered Surveyors to adjust for inflation. The monitoring and administration of section 106 agreements is an impact of a development, and therefore we have developed a consistent and efficient approach to the monitoring and delivery of planning obligations. An administration charge of 2% will be applied, which excludes all legal costs associated with the preparation of an actual section 106 agreement. Legal clauses to secure indexation on the amounts agreed will also be included in each agreement to ensure the value of the obligation does not decrease over time.

How will CIL money be spent?

- 6.1** Under the Community Infrastructure Levy regulations there is a wider range of opinions regarding what funds can be spent on. Where possible we will seek to better align income collected from CIL for infrastructure with the preparation of the council's capital programme in order to increase the overall improvements we can deliver.
- 6.2** Information on how we spend CIL will be prepared and published on our website and reported to Community Councils and designated Neighbourhood Forums. We will report every year on what CIL money has been secured where and on what it has been spent, in line with the requirements of the regulations. The CIL revenue received will help to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the growth identified in the borough.
- 6.3** The Community Infrastructure Levy Regulations also allow up to 5% of CIL money collected to be used to monitor and administer the charge. This includes the CIL set-up costs, such as consultation on the charging schedule, preparing evidence on viability or the costs of the CIL examination. It also includes the on-going administration functions such as billing and payment systems, enforcing the levy, monitoring and reporting in CIL activity. We will publish regular monitoring reports on Southwark Council's website.
- 6.4** In calculating individual CIL charges, we will be required to apply an index of inflation to keep the levy in line with market conditions. The base date for the charges set out in the CIL charging schedule will be the date of adoption of the schedule. A review will be carried out every year on the date the charging schedule was adopted to make a financial adjustment for capital construction costs, particularly for the cost of building schools, health and community facilities. The index will be the national All-In Tender Price Index of construction costs published by the Building Cost Information Service.

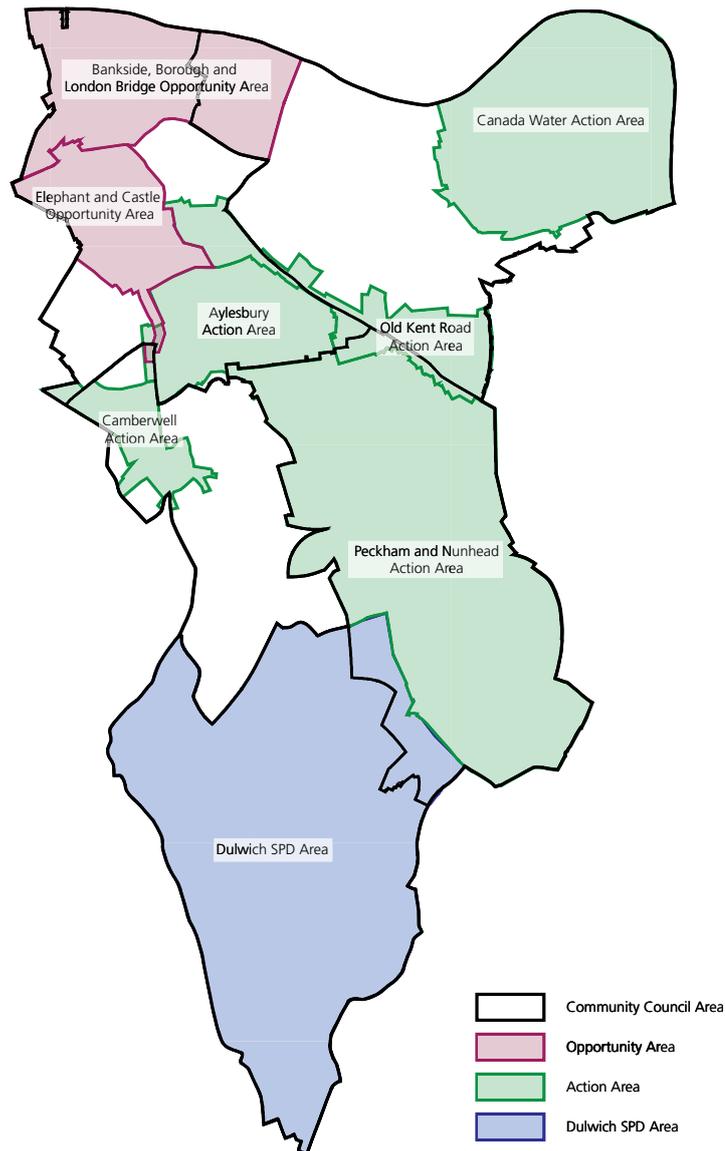
Local CIL spending

- 6.5** The CIL regulations (amendment) 2014 require an amount of CIL to be spent locally: 15% with a cap at £100 per council tax dwelling. For areas with an adopted neighborhood plan the amount is 25% with no cap.
- 6.6** We will retain local CIL funds and spend them on projects listed in the Community Infrastructure Project Lists (CIPL) or where relevant on projects listed in an adopted neighbourhood plan. The CIPLs have been developed as the mechanism by which local communities will inform priorities for spending local CIL funds. The CIPLs are project ideas created by the local community and approved by the relevant community council, as the established local decision making forum. Inclusion of potential projects on the CIPL will need to be publically accessible physical infrastructure improvements in the local area which support growth. Southwark Council, as the accountable body, is responsible for managing the process of CIPL operation. We will consult on the CIPLs annually to make sure they are up-to-date.

- 6.7** The CIPLs replace the existing section 106 project banks which include projects to improve the local environment that could be implemented through section 106 planning obligations or other funding sources. However, since Southwark Council's CIL charging schedule was adopted, new section 106 planning obligations only focus on addressing the impacts of a single development and remove this as a source of project bank funding.
- 6.8** Southwark Council will spend at least 25% of CIL on projects in the local area, whether there is an adopted neighborhood plan or not, using the following sequence of areas to identify relevant projects:
- Areas with an adopted neighbourhood plan
 - Opportunity areas/action areas
 - SPD areas (other than individual sites/buildings)
 - Community council areas (for those areas which are not covered by any of the above).
- 6.9** We will use the areas in the order they are listed to select projects. For example, if a development site is located in an opportunity area and an area which has an adopted neighbourhood plan, the local CIL funds from a development will be spent on projects located within the boundary of the neighbourhood plan area and formally approved by the local community council. This process ensures that CIL funds generated in a neighbourhood plan area are spent in the neighbourhood plan area. The areas are shown on figure 1 below. This will be updated on Southwark Council's website as planning policy documents and neighbourhood plans are adopted.



Figure 1: Local CIL funding areas



6.10 Southwark Council will consult designated Neighbourhood Forums, the wider local community and groups using established community consultation and engagement processes on priorities for these areas and will create the CIPL for each of the areas listed above. These lists will be revised annually as projects are delivered, and priorities change. CIPL will help direct funding to infrastructure local people believe is required in their local areas in order to support the amount of new development planned. The process of engagement with the community and the current CIPLs is available on our website page at: www.southwark.gov.uk/southwarkcil

Affordable housing

We will require provision of affordable housing in new developments to help address the current shortage of affordable homes in the borough. This SPD should be read in tandem along with the Affordable Housing SPD (2008) and the draft Affordable Housing SPD (2011) which provide detailed guidance on affordable housing in major residential developments.

Threshold	Policy and guidance	Justification	Calculation
<ul style="list-style-type: none"> The site is 0.5 hectares or more in size The site is appropriate in size and location to provide 10 or more housing units The development is a student housing scheme of 30 or more bedspaces and living spaces, or the development is over 0.5 hectares (whichever is smaller) The development includes live-work units and the number of live-work units is 10 or more. The number of residential units and live-work units combined is 10 or more 	<p>Core Strategy (2011) Strategic Targets Policy 2 – Improving Places</p> <p>Policy 6 – Homes for people on different incomes</p> <p>Policy 8 – Student homes</p> <p>Policy 14 – Implementation and delivery</p> <p>Saved Southwark Plan (2007) Policy 4.2 – Quality of residential accommodation</p> <p>Policy 4.3 – Mix of dwellings</p> <p>Policy 4.4 – Affordable housing</p> <p>Policy 4.5 – Wheelchair affordable housing</p> <p>Affordable housing SPD (2008) and draft Affordable Housing SPD (2011)</p> <p>London Plan (2015) Policy 3.12 – Negotiating affordable housing on individual private residential and mixed use schemes</p> <p>Policy 3.8 – Housing Choice</p> <p>Policy 3.9 – Mixed and balanced communities</p> <p>Policy 8.2 – Planning Obligations</p>	<p>There is a shortage of affordable homes in Southwark, across London and in the whole of the UK. A key objective of Southwark, the Greater London Authority and national government is to provide more affordable housing.</p> <p>Our housing studies and statistical evidence both set out the great need for more affordable housing and support our priority of providing more affordable housing to meet local need. This will be achieved through securing the highest amount of affordable housing from the maximum number of developments whilst ensuring the continued viability of housing development across Southwark.</p> <p>We require affordable housing on all student housing sites above the threshold to make sure that we work towards meeting the considerable housing need in Southwark.</p>	<p>For development schemes of 10 or more units or 30 or more student bedspaces, the developer should provide a minimum of 35% of all habitable rooms as affordable housing on site.</p> <p>In circumstances where the calculation of affordable housing results in a fraction of a habitable room (e.g. 0.7) we will round the number up or down to the nearest whole habitable room (with 0.5 being rounded up). Any room that is over 27.5sqm will be considered as two habitable rooms.</p> <p>One less affordable habitable room will be required for every affordable housing unit which complies with the wheelchair design standards (as set out in the Residential Design Standards SPD (2011))</p> <p>Where these targets cannot be met on site, we will require a financial viability appraisal of the development scheme. In exceptional circumstances, offsite provision, or an in lieu payment may be made to provide affordable housing off-site.</p>

Archaeology

We will seek section 106 planning obligations to support Southwark Council's effective monitoring of archaeological matters. This will make sure that this archaeology is properly managed and preserved. A contribution will be calculated for developments on the basis of the officer time which is needed to carry out the following tasks:

- a) Desk-based assessment (DBA) b) Archaeological evaluation c) Archaeological excavation

Threshold	Policy and guidance	Justification	Calculation
All developments within the archaeological priority zones (shown on the adopted policies map) requiring archaeological assessment and evaluation and/or excavations will be required to make a financial contribution towards our monitoring and supervisory role.	<p>Core Strategy (2011) Policy 12 – Design and Conservation Policy 14 – Implementation and delivery Adopted Policies Map (2012)</p> <p>Saved Southwark Plan (2007) Policy 3.15 – Conservation of the historic environment Policy 3.19 – Archaeology</p> <p>London Plan (2015) Policy 7.8 – Heritage Assets and Archaeology Policy 7.9 – Heritage-led regeneration Policy 8.2 – Planning Obligations</p>	<p>Given its historical setting, Southwark has a very important archaeological resource.</p> <p>Developments in the archaeology priority zones require specialist officer advice to evaluate and assess the likelihood of archaeology on the site and advise developers on their investigation for the protection of on- site archaeology.</p> <p>Within the Borough, Bermondsey and Rivers Archaeological Priority Zone the nature of the archaeology reflects the long-standing urban landscape dating from the Roman, early medieval, medieval and post-medieval periods that provides deep, complex, stratified archaeology. In other archaeological priority zones the depth and nature of the archaeological deposits relate to the different character and development of the zones and the likely archaeology to be found in them.</p>	<p>For planning applications that are within Archaeological Priority Zones, we will seek a contribution towards the cost of providing technical archaeological support. The support will include: examining the desk-based assessment, agreeing written schemes of investigation for differing types of fieldwork and monitoring different fieldwork types. The different fieldwork types could include archaeological evaluations, excavations, watching brief and building recording.</p> <p>The contributions sought will be relative to the scale of the development and based on the current cost of this service.</p> <p>£1,695 for under 100sqm of development £3,389 for 101- 4,999sqm of development £6,778 for 5,000 - 9,999sqm of development £11,171 for 10,000 and more sqm of development</p> <p>Consultation with Southwark's archaeology officer may result in a change to these costs in certain circumstances.</p>



Carbon offset – Green fund

We will seek to secure mitigation where schemes do not meet the development plan target for reducing carbon dioxide emissions. Contributions will be placed in a green fund and used to reduce carbon dioxide emissions in projects elsewhere in the borough. Details of the green fund and projects will be set out on our website. Contributions may be reduced where a developer can directly off-set any shortfall in carbon dioxide reductions from a scheme by implementing a carbon dioxide saving project off-site, where the saving exceeds what might otherwise be provided and where (in Southwark Council's opinion) this can be achieved within a reasonable timeframe. Measures could include directly funding or installing community energy and retrofitting projects.

Carbon dioxide emissions which are secured either through an off-site project proposed by a developer or 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.

Section 106 planning obligations will not be secured to provide funding towards the strategic projects specified on our Regulation 123 list, which currently includes Canada Water district heating/Combined Heat and Power.

Threshold	Policy and guidance	Justification	Calculation
<p>10 or more residential units or residential schemes providing 1000sqm or more of floorspace (GIA) (whichever is the smaller) and including live work units.</p> <p>Development providing a net increase of 1,000sqm or more of non-residential floorspace (GIA). Where development schemes propose mixed use floorspace the combined total of this floorspace will be counted.</p> <p>Mitigation will be sought where schemes do not meet the overall carbon dioxide reduction requirements identified in Southwark Council's development plan. The current minimum target is a 40% improvement on the 2010 Building Regulations for both domestic and non domestic buildings, as set out in London Plan policy 5.2. (NB The relevant target is the overall carbon reduction requirement, rather any target associated with the requirement to reduce carbon dioxide through the use of renewable technologies.)</p>	<p>Core Strategy (2011) Policy 13 – High Environmental Standards Policy 14 – Implementation and delivery Sustainable Design and Construction SPD (2008) – Section 11.2</p> <p>London Plan (2015) Policy 5.2 – Minimising Carbon Dioxide Emissions Policy 8.2 – Planning Obligations Sustainable Design and Construction - Mayor of London Supplementary Planning Guidance (2014) Carbon dioxide off-setting</p>	<p>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.</p> <p>In Southwark, by far the largest share of carbon dioxide emissions (84%) is generated by workplaces and homes.</p> <p>London Plan policy 5.2 identifies targets for carbon dioxide reduction and states that any shortfall may be provided off site or through a financial contribution which will be used to fund the delivery of carbon dioxide savings elsewhere.</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>£1,800 represents £95 per tonne calculated over 30 years. £95 per tonne of carbon dioxide calculated over 30 years is the price referred to in the emerging New London Plan and will be updated in the GLA's Carbon Offset Funds Guidance.</p> <p>This charge will be monitored and if appropriate updated in line with changes in government guidance.</p>

Children's play space

New developments are expected to provide play space for children on the site. In exceptional circumstances where this cannot be provided on site, we will seek to secure a section 106 planning obligation to contribute to improving play space elsewhere in the surrounding area of the development site.

Threshold	Policy and guidance	Justification	Calculation
<p>All developments with an estimated child occupancy of ten or more children</p> <p>Mitigation will be sought where schemes do not meet the on-site children's play space provision standards which are included in the Mayor's Supplementary Planning Guidance on Shaping Neighbourhoods Play and Informal Recreation (2012).</p>	<p>Core Strategy (2011) Policy 11 – Open spaces and wildlife</p> <p>Policy 14 – Implementation and delivery</p> <p>Saved Southwark Plan (2007) Policy 4.2 – Quality of residential accommodation</p> <p>Residential Design Standards SPD (2011)</p> <p>London Plan (2015) Policy 3.5 – Quality and design of housing developments</p> <p>Policy 3.6 – Children and Young People's Play and Informal Recreation Facilities</p> <p>Policy 8.2 – Planning Obligations</p> <p>'Shaping Neighbourhoods Play and Informal Recreation Mayor of London Supplementary Planning Guidance (September 2012)</p>	<p>The Core Strategy and London Plan require new development to meet the needs of a growing population by providing space for children's play on site.</p> <p>Play space will be required in accordance with Southwark Council's Residential Design Standards SPD and the Mayor's Supplementary Planning Guidance on Shaping neighbourhoods Play and Informal Recreation.</p>	<p>A minimum of 10sqm of play space per child is required.</p>

Children's play space continued

Calculation

Child yield is calculated as follows:

For private and intermediate housing

Number of Bedrooms		0	1	2	3	4	5+
Market and intermediate flats	Age						
	0-4	0.00	0.00	0.07	0.17	0.00	0.00
	5-10	0.00	0.00	0.02	0.11	0.00	0.00
	11-15	0.00	0.00	0.01	0.03	0.00	0.00
	16-18	0.01	0.01	0.01	0.02	0.00	0.00
Total		0.01	0.01	0.10	0.33	0.00	0.00
Market and intermediate houses	Age						
	0-4	0.17	0.17	0.08	0.29	0.63	0.36
	5-10	0.00	0.00	0.03	0.10	0.31	0.58
	11-15	0.00	0.00	0.01	0.05	0.13	0.25
	16-18	0.00	0.00	0.01	0.01	0.04	0.17
Total		0.17	0.17	0.12	0.45	1.10	1.36
Social rented / affordable rented flats	Age						
	0-4	0.00	0.20	0.64	0.62	0.41	0.57
	5-10	0.00	0.00	0.23	0.74	1.22	1.66
	11-15	0.00	0.00	0.08	0.47	1.29	1.76
	16-18	0.00	0.00	0.05	0.17	0.37	0.51
Total		0.00	0.20	1.00	2.00	3.29	4.50
Social rented / affordable rented houses	Age						
	0-4	0.00	0.20	0.64	0.62	0.41	0.57
	5-10	0.00	0.00	0.23	0.74	1.22	1.66
	11-15	0.00	0.00	0.08	0.47	1.29	1.76
	16-18	0.00	0.00	0.05	0.17	0.37	0.51
Total		0.00	0.20	1.00	2.00	3.29	4.50

<http://www.london.gov.uk/sites/default/files/SPG%20Play%20space%20requirements.xls>

Any shortfall in the required amount of child play space will be charged at £151 per square metre. £151 per square metre is an average cost in Southwark for improving play space, which includes all costs including fees and construction costs.



Employment and enterprise (Jobs during construction period)

We 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. This will be through the agreement of targets and an obligation for developers to provide their own programme and/or work with council programmes to achieve them.

In exceptional circumstances where the targets cannot be provided, we will seek an equivalent contribution for construction employment and training support to enhance the prospects of the use of local employment in the development and its supply chain.

Threshold	Policy and guidance	Justification	Calculation
Development schemes providing 5,000sqm or more of new or improved residential or non-residential space (GEA).	<p>Core Strategy (2011) Policy 10 – Jobs and Business Policy 14 – Implementation and delivery</p> <p>Saved Southwark Plan (2007) Policy 1.1 – Access to employment opportunities Policy 1.2 – Strategic and local preferred industrial locations Policy 1.4 – Employment sites outside the POL and PILS Policy 1.5 – Small business units Policy 1.7 – Development in town centres</p> <p>Southwark Economic Well-being Strategy (2010-2020)</p> <p>London Plan (2015) Policy 4.1 – Developing London’s economy Policy 4.12 – Improving Opportunities for all Policy 8.2 – Planning Obligations</p>	<p>The Core Strategy aims to help local people and businesses benefit from opportunities which are created from development.</p> <p>One of the Economic Well-being Strategy objectives is for regeneration and development to provide lasting jobs for residents in both construction and jobs in completed developments. This can be supported through the funding of skills and training programmes for unemployed residents.</p> <p>Reducing the level of deprivation is an essential part of developing socially sustainable communities, especially in growing communities. Finding local labour, and reducing the need to travel is a key part of creating of sustainable communities.</p>	<p>Targets One job lasting a minimum 26 weeks for an unemployed Southwark resident per 500sqm GEA. One Southwark resident trained in pre or post employment short courses per 500sqm GEA. One new apprenticeship start or in-work NVQ per 2000sqm.</p> <p>Employment and training contribution (jobs during construction) Where the target number of sustained jobs, short courses or apprenticeships cannot be provided a contribution will be sought to be used by Southwark Council to provide equivalent opportunities in the local area to residents based on the following formula: Shortfall against target number of jobs lasting minimum 26 weeks for an unemployed Southwark resident x £4,300 (the average cost of supporting an unemployed Southwark resident into sustained employment) Shortfall against target number of Southwark 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)</p>

Employment and enterprise: General and end-user phase (skills, training and employment)

We will seek to secure a section 106 planning obligation from developers to provide a skills and employment plan for the end-user employment opportunities in the final development, including targets for employment of unemployed people who live in Southwark.

In addition, we will seek to secure a section 106 contribution to be used by the council to facilitate the delivery of the skills and employment plan by providing training and employment support to borough residents.

Threshold	Policy and guidance	Justification	Calculation
Development schemes providing 2,500sqm new or improved non-residential space (GEA).	<p>Core Strategy (2011) Policy 10 – Jobs and Business Policy 14 – Implementation and delivery</p> <p>Saved Southwark Plan (2007) Policy 1.1 – Access to employment opportunities Policy 1.2 – Strategic and local preferred industrial locations Policy 1.4 – Employment sites outside the POL and PILS Policy 1.5 – Small business units Policy 1.7 – Development in town centres</p> <p>Southwark Economic Well-being Strategy (2010-2020)</p> <p>London Plan (2015) Policy 4.1 – Developing London’s economy Policy 4.12 – Improving Opportunities for all Policy 8.2 – Planning Obligations</p>	<p>One of Southwark Council’s Economic Well-being Strategy objectives is for regeneration and development to provide lasting jobs for residents in both construction and related industries and jobs in completed developments. This can be supported through the funding of skills and training programmes for unemployed residents.</p> <p>Reducing the level of deprivation is an important part of developing socially sustainable communities, especially in growing communities. Providing for training facilities in new developments which create high levels of jobs will help to improve the skills of local people to match the needs of London’s growing economy.</p>	<p>Skills and Employment Plan Targets</p> <p>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 (see page 21) or an alternative measure agreed by the council.</p> <p>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.</p> <p>Employment and training contribution</p> <p>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.</p>



Employment and enterprise: Loss of employment floorspace

We will seek to secure a section 106 planning obligation from developers who cannot meet the criteria set out in the saved Southwark Plan Policy 1.4 that are used to assess development schemes which include a net loss of floorspace in business use. The planning obligation will contribute towards skills and employment programmes where employment floorspace in protected employment locations is lost.

Threshold	Policy and guidance	Justification	Calculation																																							
Development schemes which reduce the existing employment floorspace on sites located in the protected employment locations (Core Strategy Policy 10).	<p>Core Strategy (2011) Policy 10 – Jobs and Business Policy 14 – Implementation and delivery</p> <p>Saved Southwark Plan (2007) Policy 1.1 – Access to employment opportunities Policy 1.2 – Strategic and local preferred industrial locations Policy 1.4 – Employment sites outside the POL and PILS Policy 1.5 – Small business units Policy 1.7 – Development in town centres</p> <p>Southwark Economic Well-being Strategy (2010-2020)</p> <p>London Plan (2015) Policy 4.1 – Developing London’s economy Policy 4.12 – Improving Opportunities for all Policy 8.2 – Planning Obligations</p>	<p>Land for employment is in short supply in Southwark, and often under pressure for proposals for different or additional types of land uses. Southwark Council’s Core Strategy and Economic Well-being Strategy set out the need to protect land for business and keep a balance of business uses within our town centres. The Economic Well-being Strategy also aims for regeneration and development to provide lasting jobs for residents in both construction and related industries and jobs in completed developments. This can be supported through the funding of skills and training programmes for unemployed residents.</p> <p>Reducing the level of deprivation is a key part of developing socially sustainable communities, especially in growing communities. Providing for training facilities in new developments which create high levels of jobs, will help improve the skills of local people to match the needs of London’s growing economy</p>	<p>£4300 (average cost for a Southwark unemployed resident to gain support and training to get access to a skilled job) multiplied by the following:</p> <p>10% number of FTE jobs that may have been provided in equivalent amount of (net) lost floorspace in the existing employment use class, according to HCA employment densities or agreed alternative measure.</p> <table border="1"> <thead> <tr> <th>Use Class</th> <th>Use Type</th> <th>Area per FTE (m2)</th> </tr> </thead> <tbody> <tr> <td colspan="3">Industrial</td> </tr> <tr> <td>B2</td> <td>General</td> <td>36</td> </tr> <tr> <td>B1 (c)</td> <td>Light Industry</td> <td>47</td> </tr> <tr> <td colspan="3">Warehouse & Distribution</td> </tr> <tr> <td>B8</td> <td>General</td> <td>70</td> </tr> <tr> <td>B8</td> <td>Large scale and high bay warehousing</td> <td>80</td> </tr> <tr> <td colspan="3">Office</td> </tr> <tr> <td>B1 (a)</td> <td>General office</td> <td>12</td> </tr> <tr> <td>B1 (a)</td> <td>Call centres</td> <td>8</td> </tr> <tr> <td>B1 (a)</td> <td>IT/Data centres</td> <td>47</td> </tr> <tr> <td>B1 (a)</td> <td>Business park</td> <td>10</td> </tr> <tr> <td>B1 (a)</td> <td>Service office</td> <td>10</td> </tr> </tbody> </table> <p>See the employment densities guide for further clarification</p> <p>http://www.homesandcommunities.co.uk/employment-densities-guide-2nd-ed</p>	Use Class	Use Type	Area per FTE (m2)	Industrial			B2	General	36	B1 (c)	Light Industry	47	Warehouse & Distribution			B8	General	70	B8	Large scale and high bay warehousing	80	Office			B1 (a)	General office	12	B1 (a)	Call centres	8	B1 (a)	IT/Data centres	47	B1 (a)	Business park	10	B1 (a)	Service office	10
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Employment and enterprise: Other obligations

We may also seek to secure additional planning obligations, depending on the nature of the site and development scheme, which include:

- provision of affordable business or retail units when required within area based planning policy documents.
- local procurement and supply chain measures
- relocation assistance for existing businesses

Threshold	Policy and guidance	Justification	Calculation
<p>Development schemes providing a net increase of 1,000sqm or more of non-residential floorspace (GIA).</p> <p>Where schemes propose a mix of uses the combined total of this floorspace will be counted.</p> <p>10 or more residential units or residential schemes providing 1000sqm or more of floorspace (GIA) (whichever is the smaller) and including live-work units.</p>	<p>Core Strategy (2011) Policy 10 – Jobs and Business Policy 14 – Implementation and delivery</p> <p>Saved Southwark Plan (2007) Policy 1.1 – Access to employment opportunities Policy 1.2 – Strategic and local preferred industrial locations Policy 1.4 – Employment sites outside the POL and PILS Policy 1.5 – Small business units Policy 1.7 – Development in town centres</p> <p>Southwark Economic Well-being Strategy (2012-2020)</p> <p>London Plan (2015) Policy 4.1 – Developing London’s economy Policy 4.9 – small shops Policy 4.12 – Improving Opportunities for all Policy 8.2 – Planning Obligations</p>	<p>Southwark is a highly visible and desirable location for business. The borough has a high number of large office developments in the north and also a large number of small and medium enterprises (SME). Our Employment Land Review (2010) confirms there is continuing demand for high quality small floorplate business space.</p> <p>Southwark Council’s Economic Well-being Strategy aims that better quality, more flexible, better managed and affordable business space is available in Southwark, for start-ups and businesses that are ready to grow. The provision of affordable business space and retail units will help create a more varied business environment and will support local small businesses to remain and grow in the borough during a process of regeneration.</p> <p>Where small businesses are displaced by development they should be assisted to relocate within the borough if possible, to retain a strong local economy, strengthen town centres and maintain the supply of local jobs.</p>	<p>The provision of affordable small business or retail units may be secured through a planning obligation only where it is specifically required in a development plan or relevant area-based supplementary planning document.</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 Well-being Strategy.</p> <p>Schemes to support displaced small businesses to relocate may be secured through a planning obligation.</p>

Outdoor amenity space

All new housing and flat developments must provide some form of outdoor amenity space, as set out in our Residential Design Standards SPD (2011). In exceptional circumstances where adequate amenity space cannot be provided on site and where this is demonstrated through a Design and Access Statement which has considered reasonable options for the provision of on-site amenity space, we will seek a section 106 planning obligation to help improve open space elsewhere near to the development site.

Threshold	Policy and guidance	Justification	Calculation
<p>All new residential development.</p> <p>Mitigation will be sought where schemes do not meet the on-site amenity space standards identified in Southwark Council's Residential Design Standards SPD.</p>	<p>Core Strategy (2011) Policy 13 – Open Spaces and Wildlife Policy 14 – Implementation and delivery</p> <p>Saved Southwark Plan (2007) Policy 4.2 – Quality of residential accommodation Southwark's Open Spaces Strategy (2013) and evidence base report</p> <p>Residential Design Standards SPD (2011)</p> <p>London Plan (2015) Policy 3.5 – Quality and design of housing developments Policy 8.2 – Planning Obligations</p>	<p>All new residential development must provide an adequate amount of useable outdoor amenity space. The Residential Design Standards SPD sets out the minimum standards which must be met in new developments.</p> <p>The provision of good quality outdoor amenity space within development sites is important in achieving the Core Strategy objective of promoting a healthy and active population in Southwark.</p> <p>In exceptional circumstances where it is not possible to provide an adequate amount of outdoor amenity space the applicant must justify why this cannot be achieved through the Design and Access Statement and in accordance with our Residential Design Standards SPD. The Design and Access Statement must show that the developer has assessed reasonable options for providing amenity space on site.</p> <p>In general, funding for the provision, enhancement and maintenance of open spaces required as a result of population growth will be provided as part of CIL contributions and other funding sources.</p>	<p>Houses: A minimum of 50sqm of outdoor private amenity space is required.</p> <p>The garden should be at least 10m in length and should extend across the entire width of the dwelling.</p> <p>Flats: A minimum of 50sqm of communal amenity space per development.</p> <p>For units containing three or more bedrooms 10sqm of private amenity space must be provided.</p> <p>For units containing two or less bedrooms, 10sqm of private amenity space should be provided.</p> <p>Balconies, terraces and roof gardens must be a minimum of 3sqm to count towards private amenity space.</p> <p>Any shortfall in the required provision of amenity space will be charged at £205 per square metre. £205 per square metre represents an average cost in Southwark for improving open space, taking into account all costs including fees and construction costs.</p>



Public realm measures

We will expect developments to address site specific development impacts on the public realm. Where necessary, we may use CIL to fund or part fund strategic projects to improve the streetscene and built environment, such as the improvements to the public realm around the northern roundabout at Elephant and Castle or the Camberwell Green town centre improvements, as set out in our Regulation 123 list. Section 106 planning obligations will be sought to address the impact on the public realm in the local area surrounding the development, through either:

1) Commitment by the applicant to carry out a schedule of works under a section 278 agreement of the Highway Act 1980. An agreed list of works should be detailed in the section 106 agreement, with an outline of the range of works attached.

2) A contribution towards works to be carried out by contractors employed by Southwark Council. Where appropriate, works to a development's surrounding area include: footpaths and carriageways, street lighting, tree planting, green chains, urban parks, surrounding footways and streetscape, maintenance payments, community safety initiatives, public art, landscaping, wildlife habitats and others as required.

Threshold	Policy and guidance	Justification	Calculation
<p>10 or more residential units or residential schemes providing 1000sqm or more of floorspace (GIA) (whichever is the smaller) and including live work units.</p> <p>Development schemes providing a net increase of 1000sqm or more of non-residential floorspace (GIA)</p> <p>Where schemes propose a mix of uses the combined total of this floorspace will be counted.</p> <p>Where floorspace is to be re-provided (partially demolished and rebuilt), additional sums will be sought to address the impact of damage to the public realm from major construction works.</p>	<p>Core Strategy (2011) Policy 12 – Design and Conservation Policy 14 – Implementation and delivery</p> <p>Saved Southwark Plan (2007) Policy 3.11 – Efficient use of land Policy 3.12 – Quality in design Policy 3.13 – Urban Design Policy 3.14 – Designing out crime</p> <p>London Plan (2015) Policy 6.10 – Walking Policy 7.3 – Designing out Crime Policy 7.4 – Local character Policy 7.5 – Public realm Policy 7.6 – Architecture Policy 7.19 – Biodiversity and access to nature Policy 7.21 – Trees and woodland Policy 8.2 – Planning obligations</p> <p>There is a range of guidance such as Better Streets¹, Manual for Streets², Manual for Streets 2³, Principles of Inclusive Design⁴, and Streets for All⁵ which can help guide the design of the public realm.</p>	<p>The public realm is an important part of any development, and helps the building or set of buildings to fit into the existing built environment and street scene. The use of high quality and tough materials has an important role in creating an identity and sense of place for an area.</p> <p>We are concerned that the impact of re-providing floorspace (partial demolition and rebuild) may result in extensive damage to public realm in the development's environs. It is reasonable that section 106 planning obligations may be sought to address this site-specific impact on a case-by-case basis.</p>	<p>We will calculate planning obligations based on a list of items, for which costs are regularly updated to reflect changes in build costs.</p> <p>Public realm improvements that may be necessary to make development acceptable include, but are not limited to, the provision of:</p> <ul style="list-style-type: none"> • Site specific contributions for carriageway surfacing • New or improved footways and/or hard or soft landscaping improvements • Replacing paving or landscape material on existing public realm including carriageway and footways • Street furniture, bins, bollards • Street lighting • Cycle stands • Tree and landscape planting and biodiversity mitigation and improvement measures • Signage • Public art • CCTV or other community safety measures

¹ Mayor of London, Better Streets, Transport for London, November 2009 ² Department for Transport (DfT), Manual for Streets, Thomas Telford Publishing, March 2007 ³ Department for Transport (DfT), Manual for Streets 2, Chartered Institution of Highways and Transportation (CIHT), September 2010 ⁴ Commission for Architecture and the Built Environment (CABE), The principles of inclusive design (They include you), 2006 op cit ⁵ English Heritage, Streets for All: A Guide to the Management of London's Street, English Heritage, March 2000

Student housing: University schemes

We will seek a section 106 planning obligation to secure controlled rent levels for university nomination student housing developments.

Universities providing student accommodation will have three options when considering their CIL payment:

1. Provide student accommodation as the majority land owner. This will allow them to apply for Charitable Relief and not be liable to pay CIL. For more information read the DCLG Community Infrastructure Levy Relief Information document at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Provide student accommodation with another party but restrict the rents. This will not be subject to CIL but will need a section 106 Planning Obligation to make sure the low rent is maintained.
3. Provide direct-let student accommodation with another party. This would be CIL liable for £100 per square metre (as set out in the CIL charging schedule).

Threshold	Policy and guidance	Justification	Calculation
All new university student housing developments.	<p>Core Strategy (2011) Policy 8 – Student homes Policy 14 – Implementation and delivery</p> <p>London Plan (2015) Policy 3.8 – Housing Choice Policy 3.9 – Mixed and balanced communities Policy 8.1 – Implementation Policy 8.2 – Planning Obligations CIL charging schedule</p>	<p>BNP Paribas Real Estate’s study ‘Student Housing Study: Implementation’ (March 2011) identifies two separate types of student accommodation. This has been confirmed in the representations to the consultation on the Southwark Council CIL by the major student accommodation providers in the borough. One type of accommodation is market student housing which charges unrestricted rents. The other, usually tied to a university, is restricted rents at lower than market levels.</p> <p>Given there is a viability consequence of offering restricted rents, Southwark Council’s CIL is not applied to student accommodation with restricted rents. A planning obligation will be sought where proposals include restricted rent student accommodation, to make sure that the low rent is provided.</p>	A planning obligation will be secured on schemes that propose student accommodation let at restricted rent levels below an average of £168 per week (single or double unit including service charge and CPI indexed yearly from October 2013) to be set for a period of at least seven years (seven years being equivalent to the relevant period for securing CIL charitable relief as set out in the CIL Regulations 2010).

Transport measures: site specific

We will seek to secure contributions for transport measures through site specific measures to help improve the access to a new development, by delivering, for example new pedestrian crossings, bus stops and any dedicated bus service improvements, cycleways, and car clubs. Travel plans will be required for all applications to demonstrate how impacts will be overcome. For large major developments, additional contributions to major infrastructure improvements not identified below may be sought to support the public transport network, such as a bus station or taxi rank. We will not use section 106 planning obligations to help fund the strategic transport projects set out in the Regulation 123 list.

Threshold	Policy and guidance	Justification	Calculation
<p>10 or more residential units or residential schemes providing 1000sqm or more of floorspace (GIA) (whichever is the smaller) and including live work units.</p> <p>Development schemes providing a net increase of 1,000sqm of non-residential floorspace (GIA)</p> <p>Where schemes propose a mix of uses the combined total of this floorspace will be counted</p> <p>Where floorspace is to be re-provided (partially demolished and rebuilt), additional sums will be sought to address impact of damage to site-specific transport infrastructure as a result.</p>	<p>Core Strategy (2011) Policy 2 – Sustainable Transport</p> <p>Saved Southwark Plan (2007) Policy 3.11 – Efficient use of Land Policy 5.2 – Transport Impacts Policy 5.3 – Walking and Cycling Sustainable Transport SPD (2010)</p> <p>London Plan (2015) Policy 6.3 – Assessing effects of development on transport capacity Policy 6.5 – Funding Crossrail and other strategically important transport infrastructure Policy 6.7 – Better streets and surface transport Policy 6.9 – Cycling Policy 6.10 – Walking Policy 6.11 – Smoothing Traffic flow and Tackling Congestion Policy 6.12 – Road Network Capacity Policy 6.13 – Parking Policy 8.2 – Planning Obligations</p>	<p>Allowing new development that would place pressure on either the public transport network and/or the road network would not help promote sustainable development.</p> <p>CIL funds and other mainstream funding programmes will be used to address the increasing impacts of development on the transport network. However, individual developments may cause a site-specific impact which should be directly addressed through the development itself, or where that cannot be achieved we will use Section 278 agreements or section 106 planning obligations.</p> <p>The impact of re-providing floorspace (partial demolition and rebuild) may result in extensive damage to site-specific transport infrastructure (such as crossings, cycleways, and bollards). It is reasonable that contributions may be asked for to address this site-specific impact on a case-by-case basis.</p>	<p>A number of highway improvements may be necessary to make a development acceptable. We will calculate the Section 106 planning obligation based on a list of site specific items for which the costs are regularly updated to reflect changes in build costs. We will also seek to secure non-financial planning obligations to address the impact of a development proposal. Non-financial planning obligations may include:</p> <p>Car club initiatives and local travel plan groups: providing on-site parking for car club use, providing marketing about the availability of the car club and free membership for a period of years for residents of the development.</p> <p>Electric vehicle charging bays: provision of electric charging points in line with current adopted policy.</p> <p>Travel plan: preparation, submission and subsequent monitoring to ensure compliance</p> <p>Construction logistics plans and delivery and servicing plans should be secured in line with the London Freight Plan and should be co-ordinated with travel plans.</p> <p>For most development, on-site works, improvements to the surrounding road(s), travel plans and CIL funding will be enough to address any harmful transport impacts. However larger developments may need to directly contribute to wider transport improvements where required to make the delivery of the site possible. In addition planning contributions to fund Crossrail will be calculated in line with the Mayor's requirements as set out in the 'Use of Planning Obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy' Supplementary Planning Guidance (April 2013).</p>

Wheelchair accessible housing: Offset fund

In line with the London Plan (2015) and saved Southwark Plan policy, a minimum of 10% of all new housing must be wheelchair accessible. In exceptional circumstances, and where it can be shown that this is not achievable, we will seek a section 106 planning obligation from the developer to contribute towards the adaptation of other homes in the borough to meet the needs of people with a range of disabilities.

Threshold	Policy and guidance	Justification	Calculation
<p>10 or more residential units or an area of 0.5 hectare or more.</p> <p>Mitigation will be sought where schemes cannot meet the minimum 10% wheelchair accessible housing requirement identified in the Residential Design Standards SPD (2011)</p>	<p>Saved Southwark Plan (2007) Policy 4.3 – Mix of dwellings Policy 5.7 – Parking standards for disabled people and the mobility impaired</p> <p>London Plan (2015) Policy 3.8 – Housing Choice Policy 8.2 – Planning Obligations Residential Design Standards SPD (2011)</p>	<p>The saved Southwark Plan Policy 4.3 requires all new major residential developments to provide at least 10% of the number of habitable rooms to be wheelchair accessible. Saved policy 5.7 also requires at least one disabled car parking space per development and also one space for each wheelchair accessible flat or house.</p> <p>In exceptional circumstances where development schemes can show that it is not viable or feasible to meet the wheelchair housing policy requirement and necessary on-site disabled car parking spaces, a section 106 planning obligation can be secured to address the impact of the development.</p> <p>We will work with Southwark residents who have a disability and their current home is in need of adaption, to provide off-site provision. This will help more disabled people to stay in their homes and provide accessible units to those who can not move to brand new units.</p>	<p>Any shortfall in the required provision of on-site wheelchair housing will be charged at £10,000 per habitable room unit (based on £30,000 for a two bed three habitable room unit).</p> <p>The level of payment is based on the average cost of adapting properties in Southwark over the last four years to make wheelchair equivalent alterations. These changes include installing accessible kitchens, bathrooms, doors, levelled access and ramps. If the on-site units are not fully accessible, we need to be able to provide for this off site.</p> <p>The payments would be spent in partnership with Southwark Council's Adult Social Care team to fund projects for existing housing adaptations for people being housed in the community.</p>

Contact us

Planning Policy team

Tel 020 7525 5471

Email: planningpolicy@southwark.gov.uk