



**Royal Borough of Kingston upon Thames
Community Infrastructure Levy
Section 106 & Affordable Housing Performance 2009/10-2014/15
June 2015**

1. Introduction

This document addresses Paragraph 18 of the Community and Local Government (CLG) Community Infrastructure Levy (CIL) Guidance (June 2014). *“as background evidence, the charging authority should also provide information about the amount of funding collected in recent years through section 106 agreements. This should include information on the extent to which their affordable housing and other targets have been met.”*

2. Section 106 Planning Obligations

Planning obligations secured under the Town and Country Planning Act 1990 (Section 106 agreements) as amended by Circular 05/05 will continue to exist in a scaled back form where they are:

- necessary to make the development acceptable in planning terms;
- directly related to the development, and;
- fairly and reasonably related in scale and kind to development.
- Meet the requirements as set by Regulation 122.

This paper provides a brief summary of the scale of monies raised by the Council through S106 contributions. Recent Contributions are summarised in Table 1.

The Royal Borough of Kingston upon Thames, alongside the CIL documents, is submitting a draft 'Planning Obligations' Supplementary Planning Document (SPD) which provides further guidance on the relationship between section 106 agreements and the Royal Borough of Kingston upon Thames Community Infrastructure Levy. The SPD defines the types of financial

contributions required for developments in order to mitigate the impact of the development on local infrastructure and facilities.

Table 1. Section 106 contributions received from 2009/10 to 2014/15

Reporting Year	Financial Contributions Agreed	Financial Contributions Received
2014/2015	£7,351,900	£977,462.79
2013/2014	£909,400	£1,517,975
2012/2013	£1,798,675	£1,500,928
2011/2012	£1,725,454	£807,286
2010/2011	£1,237,667	£433,482
2009/2010	£453,704	£343,176

The financial contributions agreed and received fluctuate in relation to the number and types of development approved and completed. We monitor the scale of S106 developer contributions system as part of the bi-annual s106 reporting through the Council's committee system.

3. Affordable Housing

The viability analysis has tested levels of CIL in combination with other planning requirements, including affordable housing, as set by the Royal Borough of Kingston upon Thames. The resulting rates have been set accordingly. The policy as set by the Core Strategy (2012) and the Affordable Housing SPD (2013) requires developments of 10 or more units to provide 50% of the units as affordable housing; with a preferred tenure mix of 70% rented and 30% shared ownership¹.

In some instances lower levels of affordable housing are accepted having regard to individual site circumstances, including the viability of development. This allows the Royal Borough of Kingston upon Thames to respond to the economic realities experienced by developers in bringing forward their schemes. However, as shown by the sensitivity analyses included in the 'CIL Viability Report' (which tests affordable housing at 30%, 20% and 10%) a reduction in affordable housing does not *always* remedy viability issues. In these situations, it is not the presence or absence of planning obligations that is the primary viability driver – it is simply that the value generated by residential development is lower than some existing use values. In these situations, sites would remain in their existing use.

The Royal Borough of Kingston upon Thames monitors housing provision and delivery in its annual Authority Monitoring Report (AMR). Table 2 below demonstrates the number of affordable units secured by planning permissions compared with the number of units completed between 2009/10 and 2013/14.

¹ The Core Strategy and Affordable Housing SPD for the purposes of affordable housing also provide a tariff for small sites below 10 units, this is contrary to new guidance (paragraph 12 of the Planning Obligations NPPG) which states contributions should not be sought from developments of 10-units or less.

This demonstrates that affordable housing provision has not achieved the 50% policy target set by the Borough. The varying levels of affordable housing reflect site specific circumstances.

Table 2. Affordable housing completions as a percentage of total housing completions, from 2009/10 to 2013/14.

Financial Year	Net Conventional Housing Completions	Affordable new build units	% Affordable
2009/2010	149	30	20
2010/2011	135	65	48
2011/2012	228	81	36
2012/2013	203	39	19
2013/2014	198	28	14