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1. Introduction

1.1 This draft revised planning obligations guidance will supersede the Planning Obligations Strategy SPD adopted by this Council in September 2011. It has been produced to coincide with the introduction of the Borough’s Community Infrastructure Levy (CIL) Draft Charging Schedule which will replace much of the infrastructure funding mechanism currently provided through Section 106 (S106) planning obligations. It sets out the Council’s new approach to developer contributions in the Borough and therefore needs to be read in conjunction with the CIL Draft Charging Schedule, supported and accompanied by a draft Regulation 123 list identifying the types of infrastructure that the Council will seek to fund through CIL. The rates within the Draft Charging Schedule were informed by an economic viability assessment and consultation with both the general public and the development industry.

1.2 The principle behind this guidance is that each and every development will have some impact on community infrastructure and should therefore make an appropriate contribution. However, the introduction of the CIL Regulations has placed limitations on the use of S106 planning obligations, requiring their use to be scaled back and this document sets out the circumstances in which they will be used, guided by the principle that they must be (i) necessary; (ii) directly related to the development and; (iii) fairly and reasonable related in scale and kind to the development in question.

1.3 The main purpose of the draft Regulation 123 list and this revised draft Planning Obligations Strategy SPD is to provide transparency on what the Council intends to fund in whole or part through CIL and those known matters where S106 contributions will continue to be sought. It describes the Council’s approach to securing planning obligations and the differences between CIL and S106 agreements, together with the procedures that the Council will employ to collect contributions under both regimes. S106 obligations mainly deal with affordable housing and contributions arising from on-site and directly-related mitigation issues associated with development.

1.4 The guidance set out in this document supplements the policy guidance set out in the London Plan and the Council’s LDF Core Strategy.

1.5 This revised guidance is also set in the context of the Council’s ‘Destination Kingston’ programme, which is a key element of its objective to transform the Borough for the better. Destination Kingston provides the basis for a targeted approach, aimed at improving areas of the Borough. At the core of the programme is Kingston Futures, a Borough wide investment programme that seeks to drive growth opportunities. At a time when the Council’s budgets are under significant pressure, the Council needs to look at a financial model which will see it having to make upfront investments for returns which will not be realised in the short term but the rewards to the community will be greater in the longer term. CIL and planning obligations will have an important role to play in this step change in the transformation of the Borough’s infrastructure and economic prospects.

What are Planning Obligations?

1.6 Local planning authorities (LPA) can grant planning permission subject to conditions and, where appropriate, a planning obligation which is a legal document made pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). They can take the form of an agreement between the LPA and the developer/applicant or a unilateral undertaking by the developer to the LPA.
Planning obligations are a means of securing measures to make a development proposal acceptable in planning terms which might otherwise be an unacceptable development through the use of planning conditions alone and accord with local, regional or national planning policies. They can be used to mitigate the impact of new development and accommodate it through off site measures that cannot be secured by planning conditions alone. They can:

- Restrict the development or use of the land in a specified way
- Require specified works or activities to be carried out on the land or close to it e.g. highway works or access improvements
- Prescribe the nature of the development e.g. provide a specific proportion of affordable housing
- Require the land to be used in a specified way
- Require the dedication or transfer of land for e.g. for highway or access improvements
- Require a specific commitment from the developer e.g. to travel plans, management or conservation
- Secure financial contributions to mitigate the impact of the development on community infrastructure e.g. towards transport improvements or to compensate for loss or damage e.g. loss of open space

Planning obligations can be carried out in two main ways: either the developer provides the physical measures or makes a financial contribution towards any site mitigation works to be carried out by the local authority or its partners.

Planning obligations run with the land and are enforceable against the original covenanter and successors in title, i.e. anyone subsequently acquiring an interest in the land.

Agreements must be governed by the fundamental principle that planning permissions may not be bought or sold, and they cannot be used to secure a share in the profit from development.

The purpose of this document is to assist prospective developers by identifying the planning obligations that will be sought by the Council, through the grant of planning permissions for development, where such development generates a need for specific new infrastructure. Acknowledgement and preparation for the required planning obligations should be integral to negotiation of land transactions, and the formulation of development proposals.

The Council will expect developers to enter into discussions on planning obligation requirements with Council officers as soon as possible, preferably at the pre-application stage. The Council’s aim is to agree in principle the Heads of Terms of any planning agreement before applications are submitted.
2. Policy Context

2.1 The development plan for the borough currently comprises the Mayor of London’s Plan (March 2015), the RBK Local Development Framework Core Strategy (April 2012) and the K+20 Area Action Plan 2008.

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<th>Policy Basis</th>
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<td>Section 106 of the Town and Country Planning Act 1990</td>
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<td>The Planning and Compensation Act 2004</td>
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<td>Circular 05/2005 Planning Obligations</td>
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<td>National Planning Policy Framework (April 2012)</td>
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<td>• IMP3 Securing Infrastructure</td>
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<td>Sustainable Transport SPD (May 2013)</td>
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<td>Local Implementation Plan (2011)</td>
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2.2 In addition there are a number of evidence base documents that support the local policy documents listed above. The current and historic evidence base documents are available from our webpage at http://www.kingston.gov.uk/info/200207/local_development_framework/287/evidence_base_reports
2. Policy Context

National

2.3 The NPPF describes a planning obligation as "[assisting] in mitigating the impact of unacceptable development to make it acceptable in planning terms". "a legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 (as amended) to mitigate the impacts of a development proposal". Planning obligations may only constitute a reason for granting planning permission if they meet the tests that 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.

2.4 The CIL Regulations (2010 as amended) introduced 3 legal tests under Regulation 122 to be considered when negotiating, securing and implementing planning obligations. These are: to determine whether a planning obligation can constitute grounds for granting planning permission. The legal tests often referred to as the 'Regulation 122 test' require that in order to consider planning obligations in the granting of planning permission they must be:

- necessary to make a development acceptable in planning terms;
- directly related to the development;
- fairly and reasonably related in scale and kind to a development.

2.5 The Regulations make it clear that any benefits that planning obligations provide cannot be used as a reason for granting planning permission.

2.6 As well as the legal tests referred to in the CIL Regulations, restrictions will be introduced on the pooling of S106 contributions in either April 2014 or 2015, so that no more than five developments may contribute to the same infrastructure project. If the Council wants to pool contributions from more than five developments to pay for an infrastructure item, it will have to use CIL.

2.7 As well as the three legal tests (Regulation 122), The CIL Regulations (2010 as amended) restricts the use of planning obligations by prohibiting pooling from five or more sources (Regulation 123). Regulation 123 states that a section 106 planning obligation cannot constitute a reason for granting planning permission if:

- the obligation relates to the 'funding or provision of an infrastructure project or type of infrastructure'; and
- five or more separate planning obligations already exist in the LPA's area for that project or infrastructure

2.8 The Regulations make it clear that any benefits that planning obligations provide cannot be used as a reason for granting planning permission.

2.9 CIL will become the principal means of funding infrastructure from the date of adoption (if the latest amendments to the regulations which include delaying the date by one year are accepted by the Government). Its main purpose is to deal with deficiencies in infrastructure provision such as schools and healthcare facilities required to support the Council’s LDF Core Strategy growth objectives, and/or that arise or are made worse by new developments. Most new developments have an impact on the need for infrastructure, services and facilities and therefore developers are required to help fund the infrastructure that is needed to make their development acceptable and sustainable.
2.10 Furthermore, for the purposes of affordable housing and tariff style contributions including any tariff-based contributions to general infrastructure pots, section 106 planning obligations are not applicable to:

- developments of 10-units or less;
- developments consisting only of the construction of a residential annex or extension to an existing home;
- developments of Starter Homes.

2.11 Section 106 planning obligations may still be sought for site specific infrastructure (such as road access and the provision of adequate street lighting) to make a development acceptable in planning terms.

Regional

2.12 The London Plan (March 2015) provides the strategic context for planning obligations in London, and together with the Council’s Adopted Core Strategy (April 2012) are the primary considerations in determining planning applications.

2.13 London Plan Policy 8.2 indicates that:

- strategic priorities are affordable housing and supporting the funding of Crossrail and other public transport improvements (with Crossrail generally given higher priority than other public transport improvements)
- Other important priority uses for S106 funding are measures to tackle climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops
- Boroughs should use Development Plan Documents to set out a clear framework for negotiations on planning obligations
- The existence and content of planning obligations will be relevant in the consideration of planning applications of strategic importance
- Development proposals should reflect strategic as well as local priorities and meet the full cost of all such provision that is fairly and reasonably related in scale and kind to the proposed development and its impact on the wider area:
  - The Mayor wishes to develop with boroughs voluntary systems of pooling contributions for the provision of facilities related to proposed developments that cannot be addressed through the Community Infrastructure Levy.
  - The policy also sets out that development proposals should address strategic as well as local priorities through planning obligations, and that affordable housing and the funding of Crossrail and other public transport improvements should be given the highest priority. Where it is appropriate to seek a Crossrail contribution, this should generally be given higher priority than other public transport improvements.
  - Importance should also be given to tackling climate change and air quality, social infrastructure and the provision of small shops should also be given priority.
  - Negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and kind to the proposed development and its impact on a wider area.
  - It will be a material consideration whether a development makes an appropriate contribution or other provision (or some combination thereof) towards meeting the requirement made necessary by and related to, the proposed development.
2.14 It should also be noted that the Mayor of London has the discretion to determine planning applications of strategic significance. This includes consideration of any planning obligations relating to those strategic applications the Mayor decides as Planning Authority. On strategic applications that the Mayor decides, boroughs are statutory consultees and conversely, for those strategic applications that boroughs decide, the Mayor is a statutory consultee.

Local

2.15 The LDF Local Development Framework Core Strategy is supported by an Infrastructure Delivery Plan, which assesses the capacity of existing social, physical and green infrastructure and future requirements to cater for forecast population and economic growth in the Borough over its 20 year lifetime and is supported by other Council strategies, including the Local Implementation Plan 2 (LIP2).

2.16 Policies refer to the expectation that new development, where appropriate will contribute towards the costs of delivering public infrastructure, including improvements to facilities and the environment and provide affordable housing through planning obligations in accordance with relevant legislation and policies.

2.17 Major development, where referred to in this SPD, is as defined in the General Development Order and comprises schemes of 10 or more dwellings, schemes on sites of one hectare or more or schemes providing 1,000sqm or more net additional gross internal floor area. The SPD makes several references to ‘significant major development’. In this respect, the Council will have regard to the scale and nature of a major development scheme, its likely impact and the thresholds for applications referred to the Council’s Development Control Committee for determination or to the Mayor of London under the Mayor of London Order 2008.

2.18 Local implementation plans
3. Use of Planning Obligations for Community Infrastructure

3.1 The introduction of the CIL Regulations will place limitations on the use of S106 planning obligations in April 2015. However, they will continue to have an important role with regard to affordable housing (CIL cannot be used to fund affordable housing), for impact mitigation (i.e. any impact on the environment or local services that arise directly as a result of the development) and items that are not infrastructure (contributions towards revenue costs, for example).

3.2 Contributions may be financial or in kind. There may be cases where provision in kind is preferable and suitable such as where provision of land for a facility is being sought. Where provision in kind is made, contributions may be sought for reasonable fitting out costs and/or towards revenue costs so that the providers of, for example, a community facility necessitated by the development have facilities suitable for their needs at an affordable cost. Negotiations will seek a contribution towards the full cost of meeting requirements made necessary by, and related to, the proposed development, that is fairly and reasonably related in scale and kind to the proposed development and its impact on the wider area.

3.3 There may be cases where the proposed development results in a specific need for local infrastructure (or access to a service) that is not currently available, and has not been identified for investment through the CIL Regulation 123 list or wider investment programmes. Some of these requirements may be physically off site, but will be secured under S106 where they are clearly linked to the development site and needed to make that particular development acceptable in planning terms. In very exceptional circumstances, major infrastructure works, such as transport requirements, may be required to enable the development of a specific site, such as the construction of a new road or the improvement of a major junction to ‘unlock’ a site, but generally, developments will require site-specific works only, or those which link the new development to the immediate transport network. In such circumstances, the Council would normally expect these aspects to be addressed as part of the proposal at the time planning permission was sought, in which case their delivery will often be secured by a S106 planning obligation or other mechanisms such as S278 of the Highways Act 1980.

3.4 There will be cases where developments will be liable to both pay CIL and enter into a S106 agreement. The CIL payment and Section 106 obligations will cover different infrastructure projects and types, and developments will not be charged twice for the same items of infrastructure through both obligations and the levy.

3.5 The priority areas for S106 planning obligations as set out in this document are not intended to be exhaustive and the Council may wish to negotiate other forms of planning obligations depending on the individual circumstances of a site and proposal, where they meet the three legal tests set out in para 2.2 of this document.
Affordable Housing

### Policy Basis

- National Planning Policy Framework (NPPF), April 2012
- London Plan 2011 Policies 3.11-3.14 Affordable Housing
- Kingston Plan Objective 6 Increase the supply of housing and its affordability:
- RBK Affordable Housing SPD 2013
- RBK Kingston town centre AAP 2008 Policy K7 Housing
- LDF Core Strategy Policy DM15 Affordable Housing

### Evidence Base

- RBK Strategic Housing Market Assessment 2009
- RBK Affordable Housing Viability Study 2011
- RBK Tenancy Strategy 2013
- Emerging RBK Affordable Housing Brief: Developer’s guide to delivering Affordable Housing in Kingston (2014)

3.6 Affordable housing contributions will continue to be provided through S106 as set out in the Council’s adopted Affordable Housing SPD (May 2013). Affordable housing includes social rent, affordable rent and intermediate housing (shared ownership) provided to specified eligible households whose incomes are insufficient for their needs to be met by the market. This SPD should be read in conjunction with the above documents and policies. The NPPF identifies a need to provide a wide choice of high quality homes to meet the needs of different groups in the community and supports securing the provision of affordable housing through the use of planning obligations – it favours meeting the need on site unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified. Affordable housing is a London Plan and a local priority due to high house prices and an increasing shortfall of affordable housing provision coupled with increasing demand, which has created a pressing need to increase the amount of affordable housing in the Borough.

### Application

3.7 All development’s capable of providing 5 or more residential units will be expected to deliver a forordable housing.

3.8 On sites of 5-10 units require the following:

- 5 units (1 Affordable-unit)
- 6 units (1 Affordable-unit)
- 7 units (2 Affordable-units)
- 8 units (3 Affordable-units)
- 9 units (4 Affordable-units)
- 10 units (5 Affordable-units)
3.9 On sites of 10 or more units require 50% of the units to be provided as affordable housing in accordance with the affordable housing SPD. On sites of 11 or more units the Council will require 50% of the units to be provided as affordable housing (with an acceptable mix in terms of size, type and tenure and be in compliance with required standards) in accordance with the Council’s Affordable Housing SPD.

3.10 **Student Housing**: subject to viability considerations the Council will expect student housing proposals on sites capable of delivering 5 or more conventional units to provide affordable housing. Based on evidence provided in Para 6.8 of the Affordable Housing SPD (2013) and Policy guidance 46 in our Residential Design Guide (2013)

- 4 bed Clusters flats with a kitchen/living area (5 habitable rooms in total) equates to 1 conventional housing unit
- 3 Studio flats equates to 1 conventional housing unit.

3.11 The Council will seek section 106 contributions on development providing Student Housing of:

- Cluster flats providing 25 habitable rooms (i.e bedrooms and kitchen/living area) will equate to 5 conventional housing units.
- Studio flats providing 15 studio rooms will equate to 5 conventional units.

3.12 **Student Housing**: Developments are likely to be exempt from providing affordable housing if the accommodation is secured by a planning agreement which requires all occupant to be enrolled as students at specified academic institution(s). Where there is not an undertaking with a specified academic institution(s), providers should, subject to viability, deliver an element of student accommodation that is affordable for students in the context of average student incomes and rents for broadly comparable accommodation provided by London Universities. This approach is in line with the London Plan (2015), para 3.53B.

3.13 If the accommodation is not robustly secured for students, subject to viability considerations, the Council will expect student housing proposals on sites capable of delivering 11 or more conventional units to provide affordable housing. Based on evidence provided in Para 6.8 of the Affordable Housing SPD (2013) and Policy guidance 46 in the Residential Design SPD (2013)

- 4 bed Clusters flats with a kitchen/living area (5 habitable rooms in total) equate to 1 conventional housing unit
- 3 Studio flats equate to 1 conventional housing unit.

3.14 The Council will seek section 106 contributions from development providing Student Housing of:

- Cluster flats providing 55 habitable rooms (i.e bedrooms and kitchen/living area) will equate to 11 conventional housing units.
- Studio flats providing 33 studio rooms will equate to 11 conventional units. - **CONSIDER TABLE**

3.15 **Tenure and Mix**: In terms of tenure, the Core Strategy Policy DM15 states that 70% of the affordable dwellings should be social/affordable rented, with the remainder 30% being intermediate provision. However, the GLA has a London-wide target that 60% of affordable housing is social/affordable rented and 40% is intermediate. Within these tenures, the expected mix in terms of type (houses or flats) and size (number of bedrooms) is:
Social/Affordable rented provision:

- 1 bed (2 persons): 29%
- 2 bed (4 persons): 38%
- 3 bed (5/6 persons): 26%
- 4 bed (7/8 persons): 6%
- 5 bed (9/10 persons): 1%

Intermediate provision:

- 1 bed (2 persons): 75%
- 2 bed (4 persons): 18%
- 3 bed (5/6 persons): 7%

3.16 The mix will form the basis for pre-application discussions with developers. It is recognised that the type and size of affordable housing will be informed by the characteristics of the site and the development as a whole. Applicants should actively consult Kingston Housing at an early stage on the range, mix and tenure type, unit size, service charges, preferred Kingston Housing partner (Registered Providers) and assumptions regarding public funding availability and affordable housing finance modelling.

3.17 Viability Assessments: Where the applicant considers that their scheme cannot meet the relevant affordable housing targets, they will be required to submit appropriate financial information on the proposed scheme’s viability. This financial viability information will be subject to scrutiny by the Council Housing Officer and/or a Council appointed independent valuer, to test assumptions and provide the Council with advice on the levels of affordable housing that can be achieved. This may follow the standard GLA financial appraisal “Affordable Housing Development Control Toolkit” or other alternative models where appropriate. The costs of financial appraisals and independent assessments will be met by the developer.

3.18 Off-site provision: Applicants seeking to provide off-site provision will need to identify their own alternative sites for the delivery of affordable housing and demonstrate why the original site is unacceptable for the provision of affordable housing. The Council must be satisfied that there is a suitable and available alternative site to accommodate the affordable housing and overall, applicants would need to demonstrate how off-site provision provides significantly better value in terms of the number and type of affordable housing provided. Applicants will also be required to demonstrate how they can meet the policy requirement for affordable housing across both sites, taking account of the fact that where off-site housing is allowed, the donor site will be capable of providing more market housing units and therefore the affordable requirement will rise accordingly.

3.19 Payment in lieu: In exceptional circumstances (including management reasons, scheme design, site limitations, Registered Provider interest in purchasing and the considerations of London Plan paragraph 3.74) the council's preference may be to agree a commuted sum in lieu of affordable housing on-site. This will be considered on a site by site basis.

3.20 Where ‘in lieu’ financial contributions are to be considered the level of contribution required will be based upon achieving the maximum reasonable level of affordable housing having regard to the Council’s affordable housing targets and requirements and overall development viability. The starting point for negotiations will be how, in taking an off-site payment, the Council will be assisted in meeting its affordable housing targets and requirements set out in Core Strategy Policy CS10 and DM15 if these cannot be met on-site. Such negotiations will be informed by a financial viability appraisal to determine the difference between the
residual land value generated by the additional market housing and how any additional value will assist the Council in the provision of affordable housing. This methodology is considered to achieve financial neutrality.

3.21 Commuted sums to be paid will be subject to indexation and will be adjusted by a proportion equivalent to the proportionate rise between the Index prevailing prior to the month of April prior to the Payment Date and Index prevailing at the Payment Date. 'Index' means the All In Tender Price Index produced quarterly by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors (RICS).

3.22 Review Mechanisms: Where a scheme does not comply with the Council’s policy requirements in full, a review mechanism (or reappraisal of scheme viability) will be incorporated in the Section 106 agreement to ensure that any uplift in development value that occurs between the granting of planning permission and the completion of the development is shared with the Council.

3.23 The circumstances where such a review may apply include:

- Where there is a delay commencing work on site
- Where a large site is to be built out in phases
- On submission of reserved matters applications
- Upon completion of development, after consideration of and accounting for developers risk it is appropriate for the Council to take a commuted sum to support the delivery of affordable housing, or where agreement on viability is not reached at the application stage

3.24 In requiring a review mechanism the Council will act in accordance with London Plan Housing Supplementary Planning Guidance (November 2012). The Council is mindful of the need to:

- Identify the points at which a re-appraisal review should be carried out
- Establish on a case by case basis, which planning contributions will be considered
- Set out the exception for additional homes on – or off site or for receiving a financial contribution.

3.25 In all circumstances, the review mechanism will ensure that the developer achieves a reasonable profit level, reflective of market risk.
3.26 The vision of the Safer Kingston Partnership is that everyone who lives in or comes to our Borough should be safe and feel safe. The Borough is categorised as the ‘saferest London borough’, although this masks higher crime figures in Grove Ward which covers Kingston town centre with its vibrant night time economy and one of the largest night clubs in London.

3.27 Section 106 community safety contributions for CCTV and other initiatives to manage Kingston town centre have assisted in delivering crime reduction objectives and maintaining the Purple Flag standard accreditation, which is a measure of success in the night time management of town centres.

**Application**

3.28 Community safety and visitor management mitigation measures may be sought from the types of development set out below, depending upon their nature, scale, location, existing provision and individual circumstances:

- all types of major development
- A3 restaurants, A4 pubs and bars and A5 take-aways over 100sqm
- nightclubs
- other visitor attractions and entertainment venues

3.29 This includes new development, changes of use, extensions, applications for use of forecourts and extensions to opening hours.
Contributions will be negotiated having regard to the location and type of development proposed, the likely number of visitors/residents, the level of sensitivity in the local area and risk of crime or disorder, existing provision and deficiencies. Contributions may be linked to local initiatives and crime reduction strategies. Examples of the type of on-site and directly related mitigation measures are as follows:

- **CCTV** - supplementing or improving existing provision, including maintenance (indicative costs are £25,000 for a CCTV camera including links to the control room, management and maintenance)
- **CCTV** - supplementing or improving existing provision, including links to the control room, management and maintenance
- Lighting and public realm improvements in the immediate area that assist in 'designing out crime'
- Measures that contribute to the improvement of late night transport travel and information
- Visitor facilities including toilets
- Provision of facilities for litter, rubbish or waste
- Town centre management
- Anti graffiti treatment
- Later opening and manning of public car parks at night
- Clearer signing of routes for visitors
- More conveniently located, secure cycle parking
- Public facing community policing facilities and non-public facing policing facilities which provide support for policing in the Borough
- Initiatives that promote community safety e.g. Best Bar None and Pubwatch
- Fire brigade fire fighting facilities/property improvements
- Operating and management plans may be sought in conjunction with certain development proposals, for example to control the use of outside eating/drinking areas and minimise noise and disturbance from visitors arriving/leaving premises late at night.
Employment Development, Training and Business Support

### Policy Basis

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<tr>
<td>Government document ‘Sustainable Communities in London’</td>
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<td>London Plan 2011 Policy 4.12 Improving opportunities for all</td>
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<td>RBK Kingston town centre AAP Policy K4 Employment Development</td>
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<tr>
<td>LDF Core Strategy Policies CS11: Economy and Employment and DM17 &amp; 18 re: protecting existing and supporting new employment uses</td>
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<tr>
<td>Kingston Plan 2009 Objectives 4: Sustain and share economic prosperity and 5: Raise education standards and close gaps in attainment</td>
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### Evidence Base

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<tr>
<td>South London Partnership Economic Study</td>
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#### 3.31
The Council has a range of policies and strategies which aim to raise education and skills levels and increase local employment through initiatives that remove barriers to employment and progression and tackle low participation in the labour market. Strategic development proposals can assist in supporting local employment, skills development and training opportunities.

#### 3.32
Whilst Kingston has high levels of employment, it nevertheless has pockets of deprivation in Norbiton ward focused on the Cambridge Estate, parts of Beverley ward in New Malden and Grove Ward in Kingston and Grove wards. It also has a significant imbalance between the types of jobs available and the skills base of residents, despite having roughly equal numbers of jobs and residents. This results in highly skilled residents commuting out of the Borough to work and in-commuting for service jobs.

#### 3.33
Small and medium sized enterprises (SMEs) provide a significant proportion of jobs in the Borough and are an important source of employment growth, especially in the knowledge based and creative industry sectors. As new development can create demand for skilled employees and SMEs can be a source of employment for new residents, it may be appropriate to seek planning obligations relating to employment development, training and business support. This can benefit residents, employees and the local economy, help improve the skills base, health and well being, reduce in-commuting and social exclusion.

### Application

#### 3.34
All new residential developments, providing 10 or more residential units or All major commercial developments, defined as the provision of a building or buildings, where the floor space to be created by the development is 1,000sqm or more or development carried out on a site with an area of 1 hectare or more.

#### 3.35
All types of major development.
3.36 Employment and training/skills: The Council will seek to secure a section 106 planning obligations to ensure that employment and training/skills development opportunities are provided to local people, such as during the construction phase as well as for the end use of a development (non-residential).

3.37 Small and medium sized enterprises (SMEs): Where appropriate, a section 106 planning obligation may be used to manage the rents of small and affordable shop units in large-scale development to appropriate levels and to control their size, location and nature of the occupant.
### Site Specific Transport Requirements

**Policy Basis**

- London Plan 2011 Policies: 6.5, 6.6, 6.9, 6.10, 6.14
- The Mayor’s Transport Strategy and Better Streets document
- RBK Kingston town centre AAP Policies K15-K20 Transport and Access
- RBK LDF Core Strategy Policies CS5-7 and DM8-9 Sustainable Travel
- RBK Local Implementation Plan (LIP2) 2011
- Kingston Plan 2009 Objective 2: Ensure sustainable development of our borough and the promotion of sustainable transport
- RBK Sustainable Transport SPD (2013)

**Evidence Base**

- DfT good practice guidance Delivering Travel Plans through the Planning Process 2009 and DfT Manual for Streets
- TfL Travel planning guidance and TfL’s Transport assessment best practice guide
- RBK LIP 2 Neighbourhood Delivery Plan Action Plans and Schedules
- RBK Rights of Way Improvement Plan 2010

### 3.38 Most new development will create trips and have some impact on local transport networks including highways, footpaths, public transport, pedestrian and cycle routes. It may create a need for off-site highway or access improvements to maintain highway safety and help reduce car use and congestion, such as links to the existing road network; improvements to junctions, footways, cycle routes, cycle parking, public transport and accessibility/DDA; provision of car clubs/car club bays or car park management schemes. The Council will expect the transport elements and impacts of development to be set out in Transport Assessments/Statements in line with TfL best practice guidance and the NPPF, which requires that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up to reduce the need for major transport infrastructure, limit any significant adverse impacts of the development and achieve safe and suitable access to the site for all people, giving priority to pedestrian and cycle movements and creating safe and secure layouts which minimise conflicts with traffic. The NPPF also refers to the need to incorporate facilities for charging plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport. It draws attention to the importance of a Travel Plan for all developments which generate significant amounts of movement.

### Application

**3.39** This will depend on the nature of the proposals and the extent of the need for highway, sustainable transport and or traffic management works required. This should be identified in the applicant’s Transport Assessment. The Council’s Traffic section and or Transport for London (TfL) will advise on the requirements for individual applications.
3.40 Where development results in an adverse impact on the highway network, measures may be required to alter or improve the highway network, which may not be met by the CIL charge.

3.41 Contributions from developers for a range of transports and highway network, measure may be required as a result of individual schemes. Where a number of schemes have a cumulative effect on the highway network and or particular junctions, financial contribution may be pooled (for up to five contributions).

3.42 All development will be assessed against the standards set out in the Council’s Sustainable Transport SPD (2013) and Transport for London’s Travel Plan guidance. Generally travel plans, including delivery and servicing plans and monitoring (1), will be required for large traffic generators, including commercial developments, new and expanded schools, other community facilities and major residential developments. See below table adapted from RBK Sustainable Transport SPD (2013)

<table>
<thead>
<tr>
<th>Development</th>
<th>Threshold</th>
<th>Requirement</th>
<th>Monitoring Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>C3 Residential</td>
<td>10-39 dwellings</td>
<td>Travel Plan Statement</td>
<td>£500</td>
</tr>
<tr>
<td>C3 Residential</td>
<td>40 or more dwellings</td>
<td>Full Travel Plan</td>
<td>£1,000</td>
</tr>
<tr>
<td>All Planning Uses (except C3 and Education uses)</td>
<td>20-49 staff/visitors</td>
<td>Travel Plan Statement</td>
<td>£1,000</td>
</tr>
<tr>
<td>All Planning Uses (except C3 and Education uses)</td>
<td>50+ staff/visitors</td>
<td>Full Travel Plan</td>
<td>£3,500</td>
</tr>
<tr>
<td>Education uses, All Schools, Colleges, Universities, Student Accommodation</td>
<td>20+ staff/pupils</td>
<td>Full Travel Plan</td>
<td>£3,500</td>
</tr>
</tbody>
</table>

3.43 The following sets out a possible list of site-specific transport obligations:

- highway works arising from development (Section 278 of the Highways Act) e.g. to include works required to make alterations to mitigate the impact of development on the highway network.
- the dedication of land required for highway/transport works such as to secure highway improvements to a site
- highway improvements (including improved lighting and signage) on or adjacent to development sites which will enhance the walking and pedestrian environment in the immediate vicinity and thereby encourage their usage

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1 **Travel Plans**: All development that reaches Travel Plan thresholds will require a Travel Plan. TfL Travel Planning guidance sets out what Travel Plans and Travel Plan Statements should cover. The monitoring period will normally be 5 years and a monitoring fee will be required based on staff time/costs to carry forward travel plans and make them effective. Where outline Travel Plans are submitted with development proposals, a commitment to developing, submitting and monitoring Full Travel Plans will be required. Where sites have active existing Travel Plans, this will be taken into account and the requirement may be for an updated Travel Plan.

Draft Planning Obligations Supplementary Planning Document (Track Changes June 2014)
3. Use of Planning Obligations for Community Infrastructure

- Improvement for cyclists such as the provision of, or contributions towards (subject to CIL pooling restrictions) an on-/off-site cycle way and cycle parking facilities, including any linkages and appropriate signage from the development site to existing cycle and highway networks

- The provision of on-site car club bays or off-site provision

- On-site facilities for charging plug-in and other ultra-low emission vehicles in accordance with Chapter 6 (London’s Transport) of the London Plan

- Accessibility/DDA provision/community transport/shop mobility

- Securing of and/or improvements to Rights of Way where they are impacted by the proposed development

- Appropriate car park management arrangements

- Restrictions on eligibility for parking permits in Controlled Parking Zones

- The provision of financial contributions towards (subject to pooling restrictions set out in the CIL regulations), specific off-site works required in connection with a particular development, where they are required to make a scheme acceptable e.g. the relocation of road crossings adjacent to or near to a site

- On-site provision of, or improvements to, public transport infrastructure or services, such as bus stops and shelters. Improvements to a bus service and other improvements to transport interchanges for the benefit of the development site. In some circumstances it may be appropriate to make provision for access, circulation, stopping and turning requirements of buses and for suitably designed and located passenger shelters and/or waiting facilities etc as part of the development.

3.44 The Mayor of London and Transport for London may also seek planning obligations for referable planning applications.

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2 Car clubs and provision of car club bays: For major developments with 40 or more dwellings, (the level at which a car club becomes viable), on-site car club provision will be sought, including funding of £200 per unit to provide each unit with free car club membership for two years from first occupation (currently £55 per year = £110), 10 hours car use for the first year (currently £5 per hour = £60) and a Council fee of £40 for administering the free memberships. These costs will be taken into account and deducted from the charge that would be due based on Table 6. There may be cases where it is appropriate to pool up to five contributions towards the provision of these facilities.
Public Open Space, Play, Biodiversity and Public Realm

Policy Basis

<table>
<thead>
<tr>
<th>Policy Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPPF</td>
</tr>
<tr>
<td>GLA Providing for Children and Young People’s Play and Informal Recreation SPD 2008</td>
</tr>
<tr>
<td>London Plan 2011 Policies 2.18, 7.5, 7.18, 7.19, 7.24 - 7.29 Blue Ribbon Network</td>
</tr>
<tr>
<td>RBK LDF Kingston town centre AAP Policies:</td>
</tr>
<tr>
<td>- K10 Public Realm</td>
</tr>
<tr>
<td>- K13 Riverside Strategy</td>
</tr>
<tr>
<td>K14 The Hogsmill River</td>
</tr>
<tr>
<td>LDF Core Strategy Policies CS3, CS4, DM5, DM6, DM7</td>
</tr>
<tr>
<td>Kingston Plan 2009 Objective 3: Protect and improve the quality of our local environment</td>
</tr>
<tr>
<td>RBK Green Spaces Strategy 2008 and Annual Implementation Plans</td>
</tr>
<tr>
<td>Evidence Base</td>
</tr>
<tr>
<td>Kingston Open Space Assessment, Atkins 2006</td>
</tr>
<tr>
<td>RBK Open Spaces Developer Contributions Working Paper, Atkins 2006</td>
</tr>
<tr>
<td>Kingston Environmental Factsheet; The London Rivers Action plan; Building a better environment;</td>
</tr>
</tbody>
</table>

3.45 Whilst the Borough has large areas of open space, the largest components are private golf courses and playing fields. The amount of public open space within local parks and playing fields is limited relative to neighbouring boroughs and there is an uneven distribution across the Borough. The 2006 Open Space Assessment of the Borough identified significant quantitative and qualitative deficiencies in open space provision and children’s play space/facilities. These factors informed the development and adoption of the RBK Green Spaces Strategy in 2008 and its associated Annual Implementation Plans and Park Improvement Plans. They identify areas where improvements are needed to existing facilities to meet the needs of existing and new residents.

3.46 Seeking a good standard of amenity, enhancing and improving the places where people live their lives, conserving and enhancing the natural environment, supporting local strategies to improve health and well being are all core planning principles set out in the NPPF and London Plan and local policies support the improvement in the extent and quality of, and access to, green infrastructure, including but not limited to biodiversity, natural landscapes such as rivers, building a sense of place, children’s play, sport and recreation.
Applications

3.47 Funding for open spaces required as a result of incremental growth, such as public parks, will be provided through the Council as part of the standard CIL charge. Where the development would cause a localised requirement for additional open space, e.g. by an increase in population, it is expected that such land is provided as part of the site design or in the vicinity of the site, particularly in areas already deficient in open space.

3.48 Therefore residential schemes of 50 or more dwellings in areas of open space deficiency, open space provision will be required based on the standards in Table 2 adapted from the RBK Core Strategy.

<table>
<thead>
<tr>
<th>Type of space</th>
<th>Standard of provision (hectares per 1000 people)</th>
<th>Standard of provision (square metres per person)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public parks</td>
<td>1.11</td>
<td>11.10</td>
</tr>
<tr>
<td></td>
<td>2.11 ha per 1000 people for public parks and natural/semi-natural green spaces, of which 0.8ha per 1000 population should be play space</td>
<td>21.1sqm per person for public parks and natural/semi-natural green spaces, of which 8sqm per person should be play space</td>
</tr>
<tr>
<td>Natural/semi-natural green spaces</td>
<td>1.00</td>
<td>10.0</td>
</tr>
<tr>
<td>Allotments</td>
<td>0.35</td>
<td>3.5</td>
</tr>
<tr>
<td>Total</td>
<td>2.46</td>
<td>24.6</td>
</tr>
</tbody>
</table>

3.49 Development which directly causes a reduction in open space will only be permitted in exceptional circumstances to be agreed by the Council. Where in exceptional circumstances proposal does result in a reduction of open space, applicants will be required to provide replacement provision of equivalent or improved quantity and quality that suits current and future needs in an appropriate location or where necessary a commuted sum for open space provision or enhancement of the nearest open space.

3.50 Where appropriate, the Council will also seek the following planning obligations:

- **Site specific highway restoration works** to make the development acceptable
- **Environmental improvements and wider public realm enhancement works**, including: route ways, landscaping, tree planting, lighting, surfacing, street furniture and public art.
- **Revitalising and upgrading places and streets** plus connecting areas and providing missing links
- **Enhancing the distinctiveness** of particular areas of the Borough (ref to e.g. the Borough Character Study)
- **The Thames riverside and the Hogsmill (and its tributaries)** taking account of the Thames Landscape Strategy, London Plan Blue Ribbon policy aims and the London Rivers Action Plan
- **On-site private amenity space** as part of development proposals
- **Children’s play provision** in accordance with the benchmark standards set out in the Mayor’s Shaping Neighbourhoods: Play and informal Recreation SPD (2012) on sites where child occupancy is expected to exceed 10 children. If on-site provision cannot be provided, an equivalent financial contribution will be sought to fund off-site provision of, or improvements to an existing, adjacent or nearby playground. This could include improvements to access arrangements between the site and the playground.

- **Transfer of new open space** for adoption and management/maintenance purposes provided that it has been properly laid out, fully equipped and maintained for a minimum of 12 months to the satisfaction of the Council and subject to a commuted sum to cover costs. The commuted sum will be negotiated based on the scale and nature of the new facility to cover a 10 year period, i.e. until it has become properly established and to cover the cost of repair and/or replacement of any equipment provided that would not otherwise have been required had it not been for the direct impact of the scheme on local facilities and the increased burden on local authority budgets, and this commuted sum will be index-linked from the date the agreement is signed. In cases where developers do not intend to seek adoption, the Council will require a management plan to demonstrate that alternative arrangements are in place for the long term management and maintenance of the open space and its equipment.

3.51 **Biodiversity enhancements** including local nature reserves and sites of nature conservation importance (SINCs) taking account of habitat and species action plans. Planning obligations may require developers to carry out works to secure or reinstate or enhance or preserve existing habitat features, create new one or undertake habitat creation schemes and produce management plans for their long-term management and maintenance.
3. Use of Planning Obligations for Community Infrastructure

Leisure, Culture, Heritage and Community Facilities

<table>
<thead>
<tr>
<th>Policy Basis</th>
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</thead>
<tbody>
<tr>
<td>National Planning Policy Framework (NPPF), April 2012</td>
</tr>
<tr>
<td>London Plan 2011 Policies</td>
</tr>
<tr>
<td>• 3.16 Social Infrastructure and</td>
</tr>
<tr>
<td>• 4.6 Support for and enhancement of Arts, Culture, Sport and Entertainment Provision</td>
</tr>
<tr>
<td>RBK Kingston town centre AAP 2008</td>
</tr>
<tr>
<td>LDF Core Strategy Policies</td>
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<tr>
<td>• G016: Community Facilities and</td>
</tr>
<tr>
<td>• DM24: Protection and Provision of Community Facilities</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Evidence Base</th>
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</thead>
<tbody>
<tr>
<td>The Best Place to Live - A Cultural Strategy for Kingston upon Thames 2008-2012</td>
</tr>
<tr>
<td>RBK Infrastructure Delivery Plan 2011 and</td>
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<tr>
<td>RBK Infrastructure Funding Gap Assessment, Background Paper—March 2013</td>
</tr>
</tbody>
</table>

3.52 Good design and availability of cultural opportunity can define a sense of place as well as provide the social glue that can bring people together, enhance the quality of their life and health, provide education and training, and bring economic benefits such as tourism to an area. Without integrated planning for cultural development, the financial and physical capacity to deliver cultural infrastructure is limited.

3.53 Cultural well-being features first as an ingredient in the “social role” of the planning system set out in paragraph 7 of the NPPF and then more specifically within paragraph 17 as part of the 12 core planning principles which underpin both plan-making and decision-taking, i.e. “...that planning should: Take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.” That core planning principle then finds its way into other areas of the NPPF - for example, in paragraph 23, as part of the planning system’s role in ensuring the viability and vitality of town centres as the heart of their communities, and in paragraph 70 of the NPPF, which relates to the promotion of healthy communities and, in particular, requires local authorities to plan positively for a community’s needs, including those related to “cultural buildings” that enhance the sustainability of communities and residential environments. The London Plan supports the provision of social infrastructure to meet the needs of a growing population.

Application

3.54 Planning Obligations will be sought where an assessment of current and future community facilities capacity shows that a major residential development scheme or cluster of neighbouring development (no more than five separate developments) establishes a site
specific need for additional or enhanced community facilities. Further there is an expectation
that development schemes that necessitate the removal or demolition of existing community
facilities should provide appropriate replacements for these facilities.

3.55 The Council will also seek to secure Planning obligations on the following:

- The provision of new public art, artistic features and wider cultural activity, including
  potential meanwhile uses of sites, will be sought to enhance an integrate new
development, both physically and culturally into the surrounding area. The enhancement
and restoration of existing public art is also encouraged.
- Major schemes will normally be expected to include public and artist designed elements
  and/or appropriate cultural activity linked to the development reflective of the scheme’s
  stature.
- Appropriate cultural activity may go beyond public art and incorporate the use of space
  for a programme of cultural or performance activity
- Repair, restoration or maintenance of a heritage asset as well as increased public access
  and improved signage to and from a heritage asset.
- Recording of archaeological remains and its findings published appropriately and placed
  on the Greater London Historic Environment Record (GLHER)
3. Use of Planning Obligations for Community Infrastructure

Sustainable Construction/Climate Change and Flood Risk

<table>
<thead>
<tr>
<th>Policy</th>
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</thead>
<tbody>
<tr>
<td>The Climate Change Act 2008</td>
</tr>
<tr>
<td>NPPF 2010</td>
</tr>
<tr>
<td>Building Regulations 2010</td>
</tr>
<tr>
<td>Code for Sustainable Homes and BREEAM standards and reports</td>
</tr>
<tr>
<td>London Plan 2011 Policies: 5.1-5.7</td>
</tr>
<tr>
<td>Mayor of London Sustainable Design and Construction SPD, May 2006</td>
</tr>
<tr>
<td>LDF Core Strategy Policies CS1, CS2, DM1, DM2 and DM3</td>
</tr>
<tr>
<td>Kingston Plan 2009 Objective 1: Tackle climate change, reduce our ecological footprint and ‘reduce, reuse and recycle’</td>
</tr>
<tr>
<td>RBK Energy Strategy 2009 and Annual Implementation Plans</td>
</tr>
<tr>
<td>Allowable Solutions for Tomorrow’s New Homes</td>
</tr>
<tr>
<td>Evidence Base</td>
</tr>
<tr>
<td>RBK Planning Obligations for Sustainability 2011 Bio-regional Consulting</td>
</tr>
<tr>
<td>Thames Catchment Flood Management Plan; The River Thames Scheme (Datchet to Teddington); Thames River basin management plan; Water Framework Directive Information Pack</td>
</tr>
</tbody>
</table>

3.56 The Climate Change Act 2008 sets out the government’s long term commitment to mitigating the impact of the UK on the changing climate, which requires an 80% reduction in CO2 emissions from the 1990 level by 2050. This ambitious target requires all sectors to contribute to reducing CO2 emissions, including the built environment. To ensure that new development has a reduced impact on climate change requires increasing levels of carbon reduction and sustainability.

3.57 The NPPF requires local authorities to recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. It comments that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions and that planning applications should be approved if its impacts are (or can be made) acceptable to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure. Impacts that may need to be managed include e.g. increased flood risks elsewhere as a direct result of the development, which may require safeguarding land from development that is required for current and future flood management.

3.58 The Government is developing proposals for an “Allowable Solutions” framework for cost-effective delivery of mainstream carbon zero new homes from 2016 and new non-residential buildings by 2019, which will allow developers to support carbon dioxide reduction measures where it is not technically feasible or commercially viable to abate all CO2 emission reductions through on-site measures. Developers who opt to use Allowable
Solutions will make a payment into a fund that invests in approved carbon-saving projects on other sites in order to qualify for a less stringent emissions target for their on-site work. Mechanisms are being explored to help prioritise locally-relevant carbon saving projects.

3.59 London Plan policies reiterate the commitment for London to reduce its total CO2 emissions, going beyond the national requirements committing to a 60% reduction in CO2 emissions by 2025. Policy 5.2 requires carbon dioxide reduction targets for major developments to be met on-site (40% from 2013-2016 and zero carbon from 2016 onwards), or if this cannot be fully achieved on-site, any shortfall may be provided off-site through a cash in lieu contribution (subject to CIL pooling restrictions) and ring fenced to secure delivery of carbon dioxide savings elsewhere. Policy 5.4 supports reducing CO2 emissions from existing buildings wherever opportunities present themselves between new developments and existing buildings through the retrofitting of energy efficiency measures, decentralised energy and renewable energy opportunities. 25% of heat and power used in London is expected to be generated through the use of decentralised energy (DE) systems by 2025. The Mayor expects local authorities to work towards achieving this objective and requires developers to prioritise connections to existing or planned DE networks where feasible.

3.60 To deliver these targets the LDF Core Strategy includes policies (DM1-DM4) to achieve increasing levels of carbon reduction and sustainability standards, including incorporation of green and blue infrastructure, flooding attenuation and increased biodiversity. Measures to adapt to the effects of climate change should be incorporated within the design of all developments. LDF Core Strategy Policy DM1 Sustainable Design and Construction Standards sets out increasing standards of the Code for Sustainable Homes (CSH) for residential developments and BREEAM for non-residential developments.

Application

3.61 Sustainable design and construction: The preference is for developments to meet targets set out in the adopted Local Plan or London Plan on-site. Where required targets cannot be met, developers may be required to contribute to a CO2 offset fund which will go towards the funding of off-site CO2 reduction measures in the locality. In future this contribution will be used to fund "allowable solutions" which will allow developers to support off-site carbon dioxide reduction measures where it is technically not feasible or commercially not viable to abate all carbon dioxide emission reductions through on-site measures.

3.62 Decentralised Energy Network: Developments are expected to connect to a decentralised energy network where one is available nearby and use the heat, unless developers can demonstrate it is not technically feasible or financially viable. Developments near to a planned or potential future network should make provision for a connection to the network should one be established.

3.63 Flood Risk: It must be demonstrated that any new development will reduce fluvial, tidal and surface water flood risk and manage residual risks through appropriate flood risk measures. Measures to mitigate flooding from ground water and sewers should be included. Provision of flood risk mitigation measures such as Sustainable Drainage Systems (SUDs) are expected to be provided on-site and secured through conditions or S106 agreement. The Construction and ongoing maintenance costs of SUDs should be fully funded by the developer.

3.64 Air Quality: Some development sites may require site specific monitoring and control of air quality emissions and S106 agreements may be used to ensure the construction and operational phases of development do not adversely impact on the air quality of the local area.
4. Management and Monitoring Procedures

4.1 This SPD will be used to inform discussions/negotiations on likely planning obligation requirements and associated documentation, which will be required in association with development proposals/planning applications. Applicants are encouraged to use the Council’s pre-application advice service to help clarify what MCIL/CIL contributions and planning obligations are required at an early stage. The objective is to ensure that:

- applications can be determined within the target periods for decisions set by government including completed planning obligation agreements/unilaterals
- applicants provide information at the date of submission of the application, to enable the Council and consultees to respond properly to applications
- the nature of proposed planning obligations is scoped before applications are submitted for determination.

4.2 The nature and content of a planning obligation in terms of measures to accommodate and mitigate the impact of new development will be a material consideration in the determination of planning applications. Any recommendation to grant a planning permission where a planning obligation is necessary will be subject to the satisfactory completion of that obligation and this together with the heads of terms including the scale of any contributions will be set out in the report and recommendation. Where the application is submitted with a unilateral undertaking then any recommendation to approve can be processed immediately and this procedure is preferred for simpler and smaller development proposals.

4.3 Draft Heads of Terms for any relevant planning obligations should be submitted with the relevant planning application at submission stage to meet local validation requirements. The Council has standard forms of Unilateral Undertaking and Planning Agreements which are available on request. A model agreement relating specifically to provision of affordable housing is provided as an Annex to the Supplementary Planning Document-Affordable Housing.

Timing of Planning Contribution Payments

4.4 The standard point of payment will be immediately on commencement of development, or sooner if infrastructure needs to be in place beforehand (an exception to this is the affordable housing contribution). This is to ensure that works, such as car clubs, public realm and new open spaces, are available as the first residents move in, so that they are not effectively living on a building site and to ensure that infrastructure and facilities are available when they are needed. For larger or phased developments, the Council will take into account the need for Mayoral and Borough CIL payments, and consider this when negotiating Section 106 payment terms.

4.5 The Council will seek the delivery of Affordable Housing in tandem with open market housing, with the affordable elements being completed first. This will be reflected in the Section 106 Agreement.

4.6 Monitoring fees for agreements regarding parking permits and car club measures will be payable at the same time as legal fees, i.e. in full and on completion of the legal document.
Index Linking

4.7 Agreements will set out arrangements for the index linking of planning contributions, normally from the date of the resolution to grant planning permission to the month preceding the date when payment is due (using an appropriate index — currently the Retail Price Index).

Late Interest Payments

4.8 Interest will be charged on late payment of planning obligations at the rate of 1% above UK Bank Base Rate until the contribution(s) have been paid in full.

Management and Monitoring Fees and Legal Fees

4.9 Where a planning obligation is considered appropriate, the Council will specify the use of contributions to ensure that they are applied towards provision or improvement of specific services, facilities and/or infrastructures. Where the obligation requires compliance checks, monitoring, project management and implementation through the Council and its service areas, then an appropriate project management cost not exceeding 5% (2% compliance and monitoring; 3% project management and implementation work) will be applied in addition to any standard fees incurred in implementation e.g. legal, design and supervision costs.

Monitoring Reports

4.10 Planning obligations are the subject of twice yearly reports to the Council’s Strategic Committee (which are publicly available). These include an annual report on income and spend during the previous financial year.

Use of Planning Contributions

4.11 Planning contributions will be used for the purposes indicated in this SPD.

Local Land Charges

4.12 Planning obligations are registered as local land charges. Applicants will therefore need to produce title to the site and third parties, such as mortgagees, may have to be party to agreements. Reference to the charge on the CIL Register is removed once the obligation has been paid/discharged.
If you are unable to read this document because of disability or language, we can assist you. Please call the Kingston Council Helpline on 020 8547 5757 or ask someone on your behalf.

If you would like to discuss any aspect of this document or the Local Development Framework generally, please ring the LDF Team on 0208 547 5312 or email us at ldf@rbk.kingston.gov.uk