

# Wandsworth Local Plan

Supplementary Planning Document

## Planning Obligations



October 2020



# Planning Obligations SPD 2020

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# 1 Introduction

## Background

### **What is the Section 106 (s106) Planning Obligations Supplementary Planning Document (SPD)?**

**1.1** This Supplementary Planning Document (SPD) provides detailed guidance on the use of Section 106 Planning Obligations alongside the Community Infrastructure Levy (CIL). This SPD forms part of the Local Plan framework which guides the Council's decision making on planning applications. A summary explanation of the Local Plan documents is found in paragraphs 2.13 to 2.15.

**1.2** This SPD replaces Wandsworth Council's adopted Section 106 Planning Obligations SPD (2015).

**1.3** There is a wide range of technical terms used in this SPD and they are set out in the Glossary. The terms that are used most frequently are:

- "CIL" means the Community Infrastructure Levy as established by Part 11 of the Planning Act 2008;
- "CIL Regulations" means the Community Infrastructure Levy Regulations 2010 (as amended);
- "Mayor's SPG" means the guidance document called Homes for Londoners - Affordable Housing and Viability Supplementary Planning Guidance 2017 published by the Greater London Authority;
- "s106" means section 106 of the Town and Country Planning Act 1990;
- "s106 Agreement" means an agreement under s106 to secure s106 Obligations (and for the purposes of this SPD includes unilateral undertakings);
- "s106 Obligations" means the planning obligations sought by the Council pursuant to s106;
- "SPD" means this Section 106 Planning Obligations Supplementary Planning Document, unless otherwise stated.

**1.4** The relevant policies of the London Plan and the Mayor's planning guidance will continue to apply to development in the borough.

**1.5** The purpose of this document is to:

- Set out the circumstances and provide applicants with greater certainty on where s106 Obligations, including those which require financial or other contributions, will be sought to mitigate the impacts of development on the borough;
- Explain the approach to using s106 Obligations and their relationship to CIL; and
- Take into account the cumulative impact of development in the borough and explain how this will be dealt with through the use of s106 Obligations and CIL.

**1.6** This SPD is a material consideration in the determination of planning applications. It has been prepared to meet the requirements of Part 5 of the Town and Country Planning (Local Planning) Regulations 2012 and associated regulations, and national guidance on SPDs as available at the time of publication.

### **Consultation**

**1.7** This SPD has been published for two periods of public consultation: for eight weeks between 12 December 2018 and 7 February 2019; and for a further four weeks, following amendments, between 31 January and 28 February 2020.

### **Background**

**1.8** The Core Strategy Local Plan Document (Policy PL5) makes provision for at least 25,860 net additional new homes from conventional supply and 1,320 from non-self contained accommodation by 2031. This growth will result in increased pressure on local infrastructure, services and facilities, creating demands for new provision. The Council and developers have a responsibility through the planning process to manage the impact of this growth and ensure that any harm caused by development is mitigated and that the necessary infrastructure is provided.

**1.9** The Council's Local Plan currently comprises the Core Strategy, the Development Management Policies Document, the Local Plan Employment and Industry Document, and the Site Specific Allocations Development Plan Documents. The Plan is supplemented by a number of SPDs which are used to aid the implementation of the Local Plan policies. The Core Strategy sets out strategic planning policies and spatial strategies for the shaping of borough development to 2031 and beyond. Those strategic policies are then articulated through the Development Management Policies Document, the Local Plan Employment and Industry Document, the Site Specific Allocations Development Plan Documents and the SPDs. The Council is required to determine applications in accordance with the Local Plan policies unless material considerations indicate otherwise.

### **Requirements to mitigate the impact of development**

**1.10** The Council's requirements are and will be informed by strategies for specific service areas (e.g. education, highways and transport, and arts and culture), which have been produced to take account of planned growth and will be updated when required to support infrastructure delivery schedules that inform the Local Plan. The requirement for contributions will also be based on local circumstances and will take account of capacity of existing infrastructure (e.g. if there is adequate capacity within a primary school to accommodate a development taking account of planned growth for that area, then no primary education contribution would be sought).

**1.11** The Council expects new development to contribute to site related and wider infrastructure needs through a combination of the following planning mechanisms:

**Table 1 Examples of and types of mechanisms**

<b>Mechanism</b>	<b>Description</b>	<b>Examples of use</b>
Section 106 (s106) Obligations	Can secure specific on-site infrastructure and contributions towards off-site infrastructure required to make development acceptable in planning terms.	Affordable Housing.  To address the direct impacts of development. See paragraph 1.18.
Community Infrastructure Levy  (strategic local and borough wide infrastructure)	To fund infrastructure for the area from new developments.	Borough-wide infrastructure.
Planning conditions  (site/development related)	To mitigate the adverse effects of the development and enable development proposals to proceed where it would otherwise be necessary to refuse planning permission.	Planning applications – permit development to go ahead only if certain conditions are satisfied.
Section 278 agreements (s278)	Section 278 agreements (s278) is a section of the Highways Act 1980 that allows developers to enter into a legal agreement with the council to make alterations or improvements to a public highway as part of a planning application.	Roundabouts, priority junctions, right turn lanes.  Transport for London (TfL) may also require such an obligation for the 'TfL Route Network'.

## What are Planning Obligations?

**1.12** S106 Obligations enter the developer in to a legal commitment to undertake specific works, provide land/facilities, or provide a financial contribution towards the provision of a service or piece of infrastructure. The legislative framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (as amended). Further legislation is set out in the Community Infrastructure Levy Regulations 2010 (as amended). Government policy on planning obligations is set out in Paragraphs 54 to 57 of the National Planning Policy Framework (NPPF).



**1.13** S106 Obligations are wide ranging and can be used to require a developer to provide affordable housing, make a financial contribution, require the transfer of land, to undertake certain actions on land or refrain from taking certain actions.

**1.14** S106 Obligations can be secured in a bilateral agreement between those persons with an interest in the land and the Council and other interested parties such as Transport for London and the Greater London Authority. They can also be given in a unilateral undertaking.

**1.15** The Council's ability to impose s106 Obligations must be found in Local Plan policy or the NPPF, and the CIL Regulations impose three legal tests which s106 Obligations must meet in order to be taken into account for decision making.

**1.16** Obligations must be:

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

**1.17** S106 agreements are designed to address the impacts that new developments may have on local infrastructure. The agreement will vary depending on the nature of a development. They will typically address, but are not limited to, issues such as:

- Affordable housing
- Transport
- Social infrastructure, including education and healthcare
- Public open space
- Sustainability

**1.18** Policy 8.2 of the London Plan stipulates that affordable housing, supporting the funding of Crossrail (where appropriate), and other public transport improvements should be given the highest priority. Importance should also be given to tackling climate change and air quality and the provision of social infrastructure.

**1.19** The Council will seek to negotiate the Heads of Terms for s106 Obligations with the applicant during the consideration of the application. Where applications are considered by the Council's Planning Applications Committee, additional obligations may be required by the Committee.

**1.20** S106 Agreements are usually drafted by the Council's lawyers and negotiated with the applicant's lawyers. Where s106 Obligations are required, planning permission will not be fully issued until the s106 Agreement has been completed.

## What is CIL?

### The Community Infrastructure Levy (CIL)

**1.21** As part of the changes introduced under the Planning Act 2008, the Community Infrastructure Levy was introduced to provide greater consistency in how developer financial contributions are charged. The main concept behind CIL is to provide a standard charge (or set of charges) that can be levied to most new development to provide infrastructure needs. The levy is charged on the basis of '£ per square metre' for new floorspace. The idea behind the CIL is that it is more certain than the system of s106 planning obligations, which are negotiated on a case-by-case basis.

**1.22** CIL is intended to fund infrastructure necessary to deliver the Local Plan. CIL must be spent on infrastructure needed to support development and is intended to focus on the provision of new infrastructure rather than remedying existing deficiencies. This is unless those deficiencies will be made more severe by new development, when CIL can be used to increase the capacity of or repair failing existing infrastructure (if that is necessary to support development).

**1.23** CIL applicable infrastructure includes: roads and other transport facilities; flood defences; schools and other educational facilities; medical facilities; sporting and recreational facilities; and open spaces. It therefore covers a multitude of areas and projects. It does not include the provision of affordable housing.

There are two CIL charges payable on qualifying development in the borough:

- **Borough-level CIL**
- **Mayoral CIL**

### Borough-level CIL

**1.24** The Council's CIL became effective on 1st November 2012 and further information about the Council's CIL and charges can be found on the Council's website: <http://www.wandsworth.gov.uk/cil>.

### Mayoral CIL

**1.25** A separate CIL is also charged by the Mayor of London <sup>(1)</sup> which came into force on 1st April 2012. In February 2019 the Mayor adopted a new charging schedule (MCIL2). MCIL2 came into effect on 1 April 2019 and supersedes MCIL1 and the associated Crossrail Funding SPG. Wandsworth is listed as a 'Zone 1 borough', assigning a £80 charge per square metre of development.

1 [www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy](http://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy).

## Interaction between CIL and Planning Obligations

**1.26** On 1st September 2019, changes came into effect in relation to the preparation of the Community Infrastructure Levy (CIL) Charging Schedule as well as relating to the processes of securing developer contributions as part of the planning application process. Please see [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019](#).

**1.27** Changes to the CIL Regulations are detailed in section 2.

**1.28** Prior to the CIL Regulation changes coming in on the 1st September 2019, s106 Obligations requiring payments were limited to site specific development impacts and not related to projects or types of infrastructure that will be funded via the CIL. The CIL regulations required Councils to avoid 'double dipping' and produce clear guidance of infrastructure needs and projects funded through s106 Obligations and the CIL Regulation 123 list. The Council's CIL Regulation 123 list has now been replaced by the Infrastructure Funding Statement. From December 2020, local authorities must publish an Infrastructure Funding Statement which should identify infrastructure needs, the total cost of this infrastructure, anticipated funding from developer contributions, and the choices the authority has made about how these contributions will be used. The Council will be preparing an Infrastructure Funding Statement in line with the Regulations.

**1.29** The Wandsworth Local Fund (WLF), the neighbourhood contribution of the Community Infrastructure Levy (CIL), is a charge the Council issues (mainly on new homes and developments) to pay for community and social infrastructure needed to support development, such as new or safer roads, park improvements or a new health centre. WLF is the 'neighbourhood element' of the CIL and is known nationally as Neighbourhood CIL (NCIL).

**1.30** Most of the funds will be spent on borough-wide strategic CIL projects, but the meaningful proportion known as Neighbourhood CIL (NCIL) is set at 15 per cent of the relevant CIL receipts with a maximum cap of £100 per dwelling. This percentage may increase to 25 per cent where there is an adopted neighbourhood plan. This must be spent on projects that take into account the views of the neighbourhood where the new development has been built.

### What are Planning Conditions?

**1.31** Planning conditions are imposed by the Council when granting planning permission to ensure that certain actions or elements related to the development proposal are carried out. The NPPF sets out the policy requirement in paragraph 55 and states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning conditions are likely to cover, amongst other things: the submission of reserve matters; controls over the materials to be used; controls over the occupation of new buildings or further stages of development until certain other actions are completed; the requirement to undertake further investigations as work proceeds (e.g. archaeological

recording); construction in accordance with the submitted method statement; and the requirement to implement works in accordance with the submitted plans such as landscaping, tree planting, drainage works, etc.

**1.32** Planning conditions cannot require the payment of financial contributions and are used alongside s106 Agreements to ensure that development is satisfactory.

### **S278 Highway Act 1980 Agreement**

**1.33** These are agreements, made under the Highways Act 1980 (as amended), to authorise works on the public adopted highway network that have been identified and determined as necessary for planning permission to be granted. Requirements for s278 agreements will be negotiated separately, although often an obligation will be imposed as part of the s106 agreement to enter into a s278 agreement.

**1.34** In summary, most proposals will be required to contribute through:

- s106 for affordable housing (where meeting the threshold);
- s106 obligations related to the development and necessary to make development acceptable in planning terms and CIL for wider infrastructure provision;
- Planning conditions; and
- s278.

## 2 Legislative and Policy Context

### Legislative changes

#### National Planning Policy Framework (NPPF)

**2.1** At the national level the NPPF sets out the planning policies for England. Paragraphs 54 to 57 of the NPPF deal with the use of planning conditions and s106 Agreements. These reiterate the tests for use of s106 Agreements set out in the CIL Regulations.

**2.2** The NPPF also advises that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-making. Accordingly, sites and the scale of development identified in local plans should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, infrastructure contributions and other standards should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing developer to enable the development to be deliverable.

**2.3** The Government has also published the National Planning Practice Guidance (NPPG) on Planning Obligations in May 2016, updating this last in September 2019. In relation to s106 Agreements, the NPPG echoes the NPPF regarding their purpose and use. It states that where the CIL is in place for an area, the charging authority should work with developers to ensure they are clear about their infrastructure needs and what developers will be expected to pay for through which route. Where s106 Obligations are sought they should be grounded in an understanding of development viability and that on individual schemes applicants should submit evidence on scheme viability where obligations are under consideration.

**2.4** The NPPG also provides guidance on the CIL, how it is set, collected and used. It also explains the relationship between CIL, s106 Agreements and Highways Agreements.

#### The London Plan

**2.5** The London Plan is the statutory Spatial Development Strategy for Greater London prepared by the Mayor of London ("the Mayor") in accordance with the [Greater London Authority Act 1999 \(as amended\)](#) ("the GLA Act") and associated regulations. The Mayor consulted on the draft New London Plan between 1st December 2017 and 2nd March 2018. Following public examination in Spring 2019 an 'Intend to Publish' consolidated Draft London Plan version has been published in December 2019. Appropriate weight will be given to this emerging plan in accordance with paragraph 48 of the NPPF. When the Draft London Plan is adopted the Council will take into consideration the policies where applicable.

## CIL Regulations

**2.6** The Government published draft regulations and technical consultation on 20 December 2018 on the Community Infrastructure Levy Regulations. The consultation stemmed from the February 2017 CIL review and the 2017 Autumn Budget and ended on 31 January 2019.

**2.7** The Regulations amend the 2010 version and came into force on 1 September 2019. These are also referred to as the CIL (Amendment) (England) (No.2) Regulations 2019.

**2.8** The main amendments include:

- **Section 106 pooling requirement:** lifting of the pooling restrictions set out in regulation 123, which restricted the number of section 106 agreements (i.e. agreements under section 106 of the Town and Country Planning Act 1990) to allow charging authorities to use both CIL and/or section 106 planning obligations to fund the same item of infrastructure, thereby providing greater flexibility for infrastructure funding. Planning permissions prior to the 1st September 2019 were subject to pooling restrictions but this no longer applies as a result of the Regulation changes.
- **Regulation 123 list:** replaced with an annual Infrastructure Funding Statement, which will have to be published by 31 December each year (this requirement will first apply for 31 December 2020 for the previous financial year, i.e. 2019/2020). The annual Infrastructure Funding Statement has to set out how much CIL is secured through Demand Notices, how much is collected, how much is spent, and what it is spent on. It must also state what CIL has been allocated and remains unspent, and what infrastructure it has been allocated for. It makes similar provision in relation to planning obligations. The Statement must also detail the non-financial planning obligations that have been secured within the reporting year. In addition, charging authorities will also have to publish an annual CIL rate summary showing the rates of CIL in its area adjusted for inflation.
- **Monitoring fees:** the amended Regulations ensure that local authorities can seek a fee from applicants (where this is fairly and reasonably related in scale and kind to the development) for monitoring planning obligations.

**2.9** The Regulations are expected to be considered alongside this SPD.

**2.10** This SPD does not set out any additional policy requirements; rather it adds further definition to the adopted Local Plan.

**2.11** The Council's Local Plan consists of:

- Core Strategy (2016)
- Development Management Policies Document (2016)
- Site Specific Allocation Document (2016)

- Adopted London Plan (2016)
- Local Plan Employment and Industry Document (2018)

**2.12** These documents contain the detailed local policy guidance on which planning decisions will be based, however the guidance provided in these documents will also be a material consideration in the assessment of the planning applications.

**2.13** Relevant policies include:

**Core Strategy:**

- SD 1 – Presumption in favour of sustainable development
- PL 2 – Floodrisk
- PL 3 – Transport
- PL 4 – Open space and the natural environment
- IS 1 – Sustainable development
- IS 2 – Sustainable design, low carbon development and renewable energy
- IS 5 – Achieving a mix of housing including affordable housing
- IS 6 – Community services and the provision of infrastructure
- IS 7 – Planning Obligations

**Development Management Policies Document (DMPD):**

- DMS 1 – General development principles - Sustainable urban design and the quality of the environment
- DMS 2 – Managing the historic environment
- DMS 3 – Sustainable design and low carbon energy
- DMS 4 – Tall buildings
- DMS 5 – Flood risk management
- DMS 6 – Sustainable Drainage Systems
- DMS 7 – Consultation with the Environment Agency
- DMH 3 – Unit mix in new housing
- DMH 7 – Residential gardens and amenity space standards
- DMH 8 – Implementation of affordable housing
- DMTS 12 – Arts, culture and entertainment
- DMO 1 – Protection and enhancement of open spaces
- DMO 2 – Playing fields and pitches, sport, play and informal recreation
- DMO 3 – Open spaces in new development
- DMO 4 – Nature Conservation
- DMO 8 – Focal points of activity
- DMC 1 – Protection of existing community facilities
- DMC 2 – Provision of new and improved community facilities
- DMC 3 – Provision of health and emergency service facilities



- DMT 1 – Transport impacts of development
- DMT 2 – Parking and servicing
- DMT 3 – Riverside walking and cycling routes

### **Local Plan Employment and Industry Document**

- EI 1 – Encouraging sustainable economic growth
- EI 2 – Locations for new employment floorspace
- EI 3 – Protected employment land and premises
- EI 4 – Affordable, flexible and managed workplaces
- EI 5 – Requirements for new employment development
- EI 6 – Managing land for industry and distribution
- EI 7 – Redundancy of employment premises
- EI 8 – Waste
- EI 9 – Protected wharves

Relevant guidance:

- [Housing SPD \(adopted November 2016\)](#)
- [Lombard Road/York Road Riverside Focal Point SPD \(adopted December 2015\)](#)
- [Planning Obligations SPD \(adopted March 2015\)](#)
- [Town Centre Uses SPD \(adopted March 2015\)](#)
- [Refuse and Recyclables SPD \(adopted February 2014\)](#)
- [Cultural Planning Guidance - Lombard Road/York Road Riverside Focal Point Area](#)

**2.14** Core Strategy Policy IS6 sets out how the Council will deliver the provision of adequate and appropriate infrastructure for the Local Plan. This policy introduces the Wandsworth Infrastructure Delivery Schedule (IDS), which identifies the levels of infrastructure (including education, health, transport, leisure, community facilities and others) required to meet the needs of the Local Plan. This document will be updated as necessary to take into account evolving plan making developments and trends in infrastructure provision.

**2.15** In addition to the above, there are a number of evidence based documents that support the Local Plan which may also be relevant. These are available on the Council's website at: <http://www.wandsworth.gov.uk/planningpolicy>

**2.16** Major developments, where referred to in this SPD, are as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015. Generally, this refers to:



- Residential development where 10 or more dwellings are to be provided, or the site area is 0.5 ha or more; or
- Development of other uses, where the floorspace is 1,000 m<sup>2</sup> or more, or the site area is 1 ha or more.

## 3 Types of Planning Obligations

### Types of Planning Obligations

**3.1** Some s106 Obligations are 'standard obligations' that are generally required and can be used as a starting point for drawing up a s106 Agreement for those developments that meet the relevant thresholds, as shown below. However, all s106 Obligations will be assessed on a case by case basis.

**3.2** Guidance on how the Council will negotiate the most common s106 Obligations is set out in this SPD.

**3.3** This includes the following areas:

- Affordable housing provision
- Employment, skills and enterprise
- Affordable workspace
- Arts and culture
- Open space
- Historic environment
- Transport and highways
- Social infrastructure, including education and healthcare
- Sustainability
- CCTV

**3.4** This SPD includes a range of sizes for development above which the Council will seek to impose a s106 Obligation. The Council may also seek to secure contributions where a development proposal is below minimum size but creates an exceptionally large impact. This SPD does not cover all of the s106 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 in addition to the standard charges.

**3.5** In addition to the above list, s106 Obligations may also be sought on a case by case basis where there are identified direct impacts from development and where there is evidence to support the requirement for the obligation or commuted sum to address the following areas:

- emergency services (e.g. Police, Ambulance and Fire);
- restrictions on the use of the land, public access and public rights of way;
- servicing, construction management, delivery management agreements/plans; and
- waste management (which may include private collections).

**3.6** The contribution amount due for each s106 Obligation is calculated using the formulas shown in this SPD. These formulas, shown in boxes, are based on:

- an assessment of the scale and nature of the impacts of new development;

- the needs and planning requirements applicable to development throughout the borough or in a particular part of the borough; and
- CIL Regulation 122 – the three tests for applying s106.

**3.7** Where guidance is updated and subject to the agreement of the Council, this will be used as evidence for requesting s106 Obligations in addition to those stipulated in paragraph 3.5 above.

## 4 Negotiating and monitoring s106 Planning Obligations

### Thresholds

**4.1** Appropriate thresholds have been set for each of the types of s106 Obligation in order to provide clarity as to when particular s106 Obligations will be sought. In setting thresholds, the Council's intention has been to balance the objective of ensuring that new development makes a proportionate contribution to the requirements it will generate, with the objective of not overburdening smaller developments which do not typically generate the economies of scale that larger schemes can realise.

**4.2** The Council has sought to develop an approach that is not overly complex, and therefore whilst different thresholds are applied in relation to the various types of s106 Obligation, these have been kept to a minimum where practicable.

**4.3** Table 2 sets out examples for the delivery mechanism for securing mitigation. This table is a guide only and mitigation for each individual application will be subject to specific details.

**Table 2 Delivery Mechanism**

Infrastructure		Delivery Mechanism	
Infrastructure Theme	Specific Requirement	Planning Obligation	CIL
<b>Affordable Housing</b>	See policy for details	✓	✗
<b>Non-Strategic Transport</b>	Transport assessments and Travel Plan	✓	✗
	Transport infrastructure required to make the development acceptable in planning terms and directly related to a new development scheme	✓	✗
<b>Strategic Transport Improvements</b>	Strategic transport infrastructure projects	✗	✓
<b>Arts and Culture</b>	Public art	✓	✗
	Cultural facilities – including affordable creative workspace.	✓	
<b>Open Space</b>	Green Infrastructure required to mitigate impact and make the development acceptable in planning terms and directly related to a new development scheme	✓	✗
	Improvements to sports facilities	✗	✓

<b>Infrastructure</b>		<b>Delivery Mechanism</b>	
	Borough-wide green infrastructure projects	X	✓
<b>Historic Environment</b>	Repair, restoration or maintenance of a heritage asset and its setting.	✓	X
<b>Public Facilities – Education</b>	Primary and secondary schools – on-site provision (e.g. extensions for classrooms)	✓	✓
	State education facility – borough-wide	✓	✓
<b>Employment, skills, enterprise and affordable business space.</b>	Contributions towards training, skills and employment initiatives as a direct result of new development.	✓	X
<b>Sustainability</b>	Works required to mitigate impact on biodiversity and make the development acceptable in planning terms and directly related to a new development scheme	✓	X
	Borough-wide biodiversity projects (if infrastructure)	X	✓
<b>CCTV digital</b>	To upgrade the Borough's CCTV transmission and recording system	X	✓

Infrastructure		Delivery Mechanism	
	The development has a negative impact on public safety or transport such that CCTV is required to mitigate the impact and make the development acceptable.	✓	✗
Healthcare	On-site provision or off-site contributions to increase capacity of existing primary healthcare facilities as a direct result of new development.	✓	✗
	Area-wide healthcare infrastructure, such as larger primary and community healthcare facilities.	✗	✓

**4.4** In addition to the table above, the Wandsworth Local Fund (WLF) has a wider spend remit than strategic CIL and can be used to fund (a) the provision, improvement, replacement, operation or maintenance of infrastructure; or (b) anything else that is concerned with addressing the demands that development places on an area.

### Drafting of planning obligations

**4.5** Applicants, agents and developers are encouraged to seek pre-application advice prior to the formal submission of major development proposals within the borough.

**4.6** The pre-application process offers a valuable service for proposed schemes and allows dialogue to resolve any initial concerns which officers envisage may arise during the formal application stage. Pre-application meetings can deter applications with little or no prospect of success. Details of the development proposed should be submitted to relevant officers at pre-application stage. Officers will make an assessment of the impacts of the development and will provide guidance regarding the planning obligations that are likely to be required.

**4.7** Applicants should use this SPD alongside an analysis of their proposed works to consider the impacts of the proposed scheme and any s106 Obligations likely to be required to mitigate the impacts of development. Applicants are encouraged to submit these details as a draft Heads of Terms document alongside the pre-application submission documentation to allow officers sufficient time to consider the details contained within the draft Heads of Terms.

**4.8** Throughout the document there are examples where the SPD requests the applicant to provide and pay for an independent third party review of specialist reports to determine an application. These example requirements are not exhaustive, and there may be circumstances on a case by case basis where the Council will request the applicant to provide further information or specialist reports in order to scrutinise future policy requirements. In addition, where there are appraisals or updates required to reports, the review of these by a third party will also need to be paid for by the applicant.

**4.9** In addition to the Council's pre-application advice, TFL also provide a pre-application service which can be accessed at:

<https://tfl.gov.uk/info-for/urban-planning-and-construction/planning-applications/pre-application-services>

## **S106 and CIL administration and monitoring costs**

**4.10** Developers will be expected to meet all legal costs associated with drawing up planning obligations, together with reasonable costs incurred by the Council in drawing up s278 agreements. For developments that involve negotiations with the Mayor of London or Transport for London, and where they will require their own legal advice, the developer also needs to reimburse these costs for site specific s106 agreements.

**4.11** Under the CIL Regulations the Council is allowed to retain 5% of the CIL revenues for the purpose of monitoring and administering CIL in accordance with the CIL regulations. Developers entering into planning obligations will be required to pay a s106 monitoring fee, in order to mitigate additional costs incurred by the Council in the administration and monitoring of s106 Obligations.

**4.12** The Community Infrastructure Levy Regulations 2010 (as amended) provides for application of a monitoring fee. The monitoring fee is not sought as a planning obligation and the Council will use a tailored approach to setting the fee. Calculation of the s106 monitoring fee takes into account the type and scale of development and associated monitoring timescales, factoring in the number of obligations to be monitored and the number of payments expected for each category of financial obligation (e.g. phased payments on larger schemes). A set formula will be used to calculate monitoring fees due as detailed below.

**4.13** S106 monitoring fees will routinely be sought on completion of the s106 Agreement. For larger developments, instalments may be negotiated as detailed below, subject to indexation (by way of an increase only) on date of payment. All monitoring fee instalments are to be paid before practical completion of development.



**Highways inspection fee**

**4.14** In addition to the monitoring fee, the Council will also seek a highways inspection fee of 5% of the cost of proposed highway works which will be secured in the highways agreement.

**Monitoring fee calculation**

**S106 Monitoring fee due = Officer Time (hours) x £122\***

**Officer Time (hours) = (A + (B x 1.5) + (C x 3) + (D x 4)) x (E/F)**

Where:

A = Development type multiplier (see below).

B = Number of non-financial obligations.

C = Number of financial obligations.

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

E = BCIS Index figure on the date when the s106 monitoring fee is paid.

F = BCIS Index figure on the date when the s106 Agreement is completed.

**Table 3**

Development Size and Type	Delivery Timescale Years (G)	Hours per scheme and per year (H)	Development Type Multiplier (A = G x H)**	Maximum number of instalments
<10 proposed dwellings	1	2.5	2.5	1
10-49 proposed dwellings	1.5	10.0	15.0	1
50-99 proposed dwellings	2	12.5	25.0	2
100-149 proposed dwellings	3	15.0	45.0	3

150-199 proposed dwellings	4	20.0	80.0	4
200+ proposed dwellings	5	30.0	150.0	5
<1,000 m <sup>2</sup> non-residential proposed floorspace	1	5.0	5.0	1
1,000 m <sup>2</sup> - 9,999 m <sup>2</sup> non-residential proposed floorspace	2	10.0	20.0	2
10,000 m <sup>2</sup> + non-residential proposed floorspace	3	15.0	45.0	3

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

\*\* For mixed use developments, the predominant use determines Development Type Multiplier.

**Number of financial obligations** means all financial obligations where a contribution is secured by the S106 Agreement.

**Number of non-financial obligations** means all non-financial obligations stated in the clauses of the S106 Agreement that requires the Section 106 Officer’s administration and/or monitoring in order to ensure compliance.

**Deeds of Variation** will require recalculation of monitoring fee to reflect the uplift in the number and type of obligations from the original S106 Agreement.

**Indexation (E/F)** applies by way of an increase only.

## Collection of financial contributions

**4.15** The Council will seek all monetary s106 contributions to be paid on completion of the s106 Agreement unless the developer can demonstrate this is not possible due to viability/cash flow.

**4.16** In circumstances where evidence has been provided, the Council may consider payment up to 60 days before commencement of the development and the applicant will need to notify the Council of the date of intended commencement. On large payments of £250,000 or more, the Council may negotiate phased payments. Regard will be had to the impact of phasing of CIL payments and viability when a request to pay contributions is made. A securitisation method in the form of a bond, charge on property or parent company guarantee will be required for large developments with contributions of £5 million or more.

## Reporting

**4.17** The Council makes publicly available information as to what planning obligation contributions are received and how these contributions are used, reported annually in the [Authority Monitoring Report](#).

## 5 Affordable Housing

**5.1** This section sets out how the Council will seek to negotiate the provision of the maximum reasonable level of affordable housing and where the Council is in alignment with the Mayor's Affordable Housing and Viability SPG ("Mayor's AH SPG"). The Council is broadly supportive of the Mayor's AH SPG and takes account of it in the SPD. The following is the Council's position in applying the Mayor's AH SPG, which is reflected in the Draft London Plan.

### Broad principles

#### Local Policy Position

**5.2** Affordable housing is to be provided in accordance with the Council's Core Strategy Policy IS5; the Development Management Policies Document (DMPD) Policies DMH3 and DMH8; and the relevant sections of the Site Specific Allocations Document. Core Strategy Policy IS5e identifies that the Council will seek the maximum reasonable amount of affordable housing on individual private residential sites and mixed use schemes of ten units or more (gross), having regard to the Council's affordable housing targets, the need to encourage and enable rather than restrain residential development, and the individual circumstances of the site, and also having regard to:

- Policy IS5 and the achievement of a minimum affordable housing provision of 15% in Nine Elms and in the rest of the borough a target of 33%;
- the need for 60% social/affordable rented and 40% intermediate housing within the affordable housing provision;
- the preferred affordable housing size mix as set out in the DMPD Policy DMH3 Table 3.1;
- the availability of public subsidy; and
- development viability on sites where less than 50% affordable housing is proposed or where the proposed tenure mix is not policy compliant.

**5.3** The Council's preferred method of delivery is through on-site provision. In the exceptional circumstance that the Council agrees that on-site provision is not viable or suitable the Council will consider the affordable housing to be delivered off-site.

**5.4** Only when it is demonstrated to the Council's satisfaction that an alternative site cannot be identified will the payment of a commuted sum to support the delivery and supply of affordable housing be considered as set out in paragraph 62 of the NPPF and paragraph 2.56 to 2.59 of the Mayor's AH SPG.

**5.5** The Council applies weighting to the NPPF and paragraph 23 of the revised [NPPG](#) regarding the threshold on affordable housing contributions and will take it into account as a material consideration. The Council will therefore be seeking affordable housing contributions of 10 units or more.

**5.6** The current London Plan, paragraph 3.74, details the exceptional circumstances situations that the Council will consider. These exceptional circumstances include those where it would be possible to:

- secure a higher level of provision;
- better address priority needs, especially for affordable family housing; and
- secure a more balanced community.

**5.7** This section sets out how the Council will seek to negotiate the provision of the maximum reasonable level of affordable housing. This includes details of the following:

- undertaking viability appraisals;
- determining the value of affordable housing units for modelling purposes;
- calculating commuted sums; and
- undertaking reviews of viability appraisals following implementation of a planning permission.

## **Alignment with the Draft London Plan and Mayor's SPG**

### **The Mayor's Policy Position**

#### **Mayor's Affordable Housing and Viability Supplementary Planning Guidance (Mayor's AH SPG)**

**5.8** The Mayor's AH SPG was adopted in August 2017. It provides further guidance on London Plan policies and the Mayor's Housing SPG 2016. It sets out the Mayor's preferred approach to affordable housing and viability, which is a threshold approach. The Council is broadly supportive of the Mayor's AH SPG and takes account of it in this SPD.

#### **London Plan position**

**5.9** The Draft London Plan seeks to reiterate the Mayor's AH SPG approach and includes Policy H6 which sets a threshold approach.

#### **The threshold approach**

**5.10** The Mayor's AH SPG sets out two routes:

1. 'Fast Track' Threshold Approach: If an applicant can prove it can meet or exceed the 35% habitable rooms affordable housing provision threshold, it will be able to choose a fast track viability route. To take this route there are conditions the applicant has to meet: proving that they are providing 35% affordable housing without public subsidy; being consistent with the relevant tenure split as set by the Mayor; meeting other obligations and requirements to the satisfaction of the LPA and the Mayor where relevant; and having sought to increase the level of affordable housing beyond 35% by accessing grant.

If an applicant meets the above conditions they are not required to provide viability information. To ensure an applicant fully intends to build the permission, an Early-stage viability review will be triggered if an agreed level of progress on implementation is not made within two years of the permission being granted, or as agreed with the LPA. At this stage, there may be a requirement to share viability information to see changes in values and build costs.

Land in public ownership or public use that is used for housing development and residential proposals on industrial land that will result in a net loss of industrial land will both be expected to deliver at least 50% affordable housing without grant to benefit from the Fast Track Route.

2. When a scheme does not meet the 35% threshold or 50% on public or industrial land, both to be met without grant (under 'the Fast Track Route'), viability evidence has to be submitted, and review mechanisms apply to that evidence, to ensure that the 'maximum public benefit is secured over the period of a development and can encourage the build out of schemes'. These review mechanisms consist of:

- **Early-stage review** - an updated early-stage review for stalled schemes, where an agreed level of implementation progress is not made within two years of the permission being granted (or within 'a timeframe agreed by the LPA and set out within the s106 agreement');
- **Mid-stage review** - a mid-term review for larger developments which are to be built out over several phases spanning a long development programme; and
- **Late-stage review** - a review near the end of development, once 75% of units have been disposed of (or at a point agreed with the LPA). It is possible that this could result in a financial contribution for additional affordable housing provision if the viability has improved since application stage. The Mayor's AH SPG states that for larger phased schemes, it may be appropriate to have a mid-term review prior to the implementation of the later phases, and/or an updated early-stage review in the event that the scheme stalls for a period of 12 or more months following an early-stage review.

### **Alignment with the Draft London Plan and Mayor's SPG**

The Council must be satisfied that it is achieving the maximum reasonable level of affordable housing as sought in Core Strategy Policy IS5. The targets set for the delivery of affordable housing are ones that the Council is committed to delivering and any appraisal will work on the basis that the inputs, as far as possible, have taken account of these requirements. Until it is superseded as a result of a full review of the Wandsworth Local Plan, Core Strategy Policy IS5 will continue to apply. If a scheme meets the Fast track method and threshold of 35% then a viability assessment will still be required to demonstrate that the maximum reasonable level of affordable housing has been achieved. In this circumstance, in accordance with the Mayor's SPG, an end of development review will not be required.

### **Transparency**

The Mayor's AH SPG and the Draft London Plan encourage boroughs to implement procedures which promote greater transparency where such measures are not already in place. In line with the requirements of the Council's Validation Requirements List, the Council's approach is to require a redacted viability assessment alongside a full one. The executive summary and redacted version will be made publicly available. This is subject to the public interest test. Further details are provided below.

### **Viability considerations**

S106 obligations, like CIL, are a necessary cost of development and it will be expected that the likely cost of obligations, including requirements for affordable housing provision, will be factored into the development cost from an early stage.

The development appraisal should be completed in accordance with the guidelines set out in the Mayor's AH SPG.

To ensure consistency with the London-wide approach proposed by the Mayor and to avoid unnecessary duplication, applicants should follow the requirements for viability appraisals set out in the Mayor's AH SPG. In particular, the Council will require the use of the Existing Use Value (EUV) plus premium approach to determine benchmark land values.

### **Habitable rooms vs units**

The Mayor's AH SPG sets out that the percentage of affordable housing in a scheme should be measured by habitable rooms to ensure that a range of sizes and affordable homes can be delivered, including family sized homes, having taken account of relevant policies on the appropriate local mix and having regard to site specific circumstances.

The Council considers that it is more appropriate to continue to measure affordable housing by units. The Council bases the Core Strategy housing policies on units and until the policies are reviewed and altered, it will continue to do so. Applicants should present affordable housing figures as a percentage of total residential provision by habitable rooms, by units, and by floorspace to enable comparison.

### **Tenure**

The London Plan sets out the definition and target for affordable housing. It states that '60% of the affordable housing should be for social and affordable rent and 40% for intermediate rent or sale'. However, the policy provides a degree of flexibility, where appropriate, and local planning authorities (LPAs) are asked to set separate targets for social/affordable rent and intermediate housing in their local plans, taking account of all factors set out in Policy 3.11C. The Mayor's AH SPG maintains this flexible approach and the preferred tenure split is for schemes to deliver:

- 30% low cost rent (social or affordable rent);
- 30% intermediate (homes for sale or rent at a cost above social rent but below market levels); and
- 40% to be determined by the LPA taking account of the relevant Local Plan Policy, which in Wandsworth is based on Policy IS5 at 10% intermediate and remaining 30% will be made up of affordable rent.

The Council Core Strategy Policy IS 5 is in line with the London Plan policy stated in 5.18 and seeks a mix of 60% for social or affordable rent and 40% for intermediate tenures. This is the Council's policy position for the purposes of negotiations, however based on local evidence the Council is willing to consider if the Mayor's AH SPG three-way split approach is more suitable.

The Council supports the intent of the [London Borough Development Viability Protocol](#) and will seek to apply the guidance set out therein on the basis of maximising the delivery of affordable housing, providing a consistent approach to commissioning and undertaking financial appraisals, and a continuing focus on enabling and facilitating the timely delivery of development schemes.

## **Pre-application stage**

### **Pre-application Stage**

Applicants seeking pre-application advice are strongly encouraged to submit a draft financial viability appraisal where a proposal is likely to trigger a requirement to provide affordable housing or where viability is likely to be a relevant consideration in respect of achieving planning policy compliance.



For the Council to consider the scheme it would be useful for the draft viability appraisal to show the residual value of a scheme incorporating a policy compliant on-site mix of affordable housing provision. The Council has detailed the three scenarios it would wish to have tested in all appraisals in Committee Paper No. 14-318 Item 4 Affordable Housing Update paragraph 64. The paper is available on [the Council's website](#). These scenarios will be reviewed by the Council in its Authority Monitoring Report. Additional scenarios may be requested where the agreed outputs, for instance, show a negative residual value and/or a more “non-compliant” mix given the individual development, site, and neighbourhood characteristics and circumstances, which would require to be independently reviewed and paid for by the applicant.

## Viability Appraisals

### Viability Appraisals

A full financial viability appraisal, a redacted viability appraisal and an executive summary must be provided for a planning application to be validated where the development proposes 10 units or more.

These requirements are also set out in the Council's Local Planning Validation Checklist.

All financial viability appraisals must be accompanied by a fully working and editable electronic software model that can be tested as set out in the Mayor's AH SPG. It is recognised that for larger and more complex schemes, bespoke financial models are often produced using alternative software but ultimately the Council will identify the approach to be taken and the inputs required to thoroughly interrogate the financial appraisal submitted. Applicants are encouraged to have early discussions with Council officers in terms of key inputs that might be required or need to be considered in undertaking the appraisals. Viability appraisals will also be required to use scheme-specific values and adjustments to profit levels/internal rates of return and a range of growth assumptions will be tested in viability scenarios. These will then be used to consider whether an offer from an applicant is providing the maximum reasonable level of affordable housing over the life of the development in accordance with policy.

Financial viability appraisals should be accompanied by an executive summary which outlines the key conclusions being drawn from the appraisal and should be submitted to the Council prior to committee.

Applicants are required to meet their own and the Council's costs, which will include the cost of the Council instructing external consultants (which should also include meeting the external consultant's costs of any future viability reviews, for example, if early/late stage reviews are triggered).

The Council may appoint a cost consultant to review build costs (the costs of which are also to be borne by the applicant). The Council reserves the right to request further information from the developer to support a thorough and robust independent financial assessment of their viability appraisals.

## Transparency

### Transparency

Financial viability appraisal executive summaries and redacted viability appraisal will be published upon the validation of planning applications. Any revised financial viability appraisal executive summaries will be published prior to determination of the planning application.

The Council will publish its assessment of financial viability appraisals prior to the consideration of the planning application.

If the applicant considers that anything needs to be redacted, the applicant will be responsible for redaction and will provide justification for this. The Council will check and agree the redactions and the costs are to be paid by the applicant.

## Application Stage

### Application Stage

An independent review of the viability will take place as part of the application process and discussions will take place between the applicant and officers in order to ensure that the maximum reasonable level of affordable housing has been achieved in accordance with Policy IS 5. The level of affordable housing including the tenure mix and any review mechanisms would be secured by a s106 Agreement and following the formal determination of the application, the applicant/landowner must enter into and complete the s106 Agreement prior to the Council issuing the decision notice.

## **Extra care, assisted living and retirement living with personal care (C3)**

**5.11** Where an application is proposing built housing for older people which provides self-contained accommodation and their own lockable front door this should be classed as C3. The required amount of affordable accommodation will be sought on-site. If there is no identified need for such affordable housing the Council may request a commuted sum. Further details on commuted sums are set out below.

### **Determining the value of affordable housing units for modelling purposes**

**5.12** The applicant will be required to discuss with the Council the levels of registered provider payment to be assumed for financial modelling purposes (including Affordable Rent levels, grant levels, any Council contribution available, assumptions in relation to Affordable Rent re-let income and Recycled Capital Grant Fund (RCGF)).

**5.13** As part of identifying realistic affordable housing values applicants may be required to seek indicative offers from the Council's preferred Registered Providers. The approach taken will be to obtain up to three indicative offers from the Council's list of preferred Registered Providers using agreed affordable housing scenarios. Any indicative offers made will be reviewed by the Council. If registered providers are not able to provide indicative offers then the Council will agree appropriate inputs.

**5.14** To provide as much certainty as possible for applicants, affordable housing financial assumptions including Affordable Rent levels, income thresholds and grant assumptions will be reviewed at least annually as part of the Annual Affordable Housing update report. The aim of the review will be to ensure that the provision of the maximum reasonable level of affordable housing remains viable and that there is sufficient scope in housing policies to maximise the level of affordable and sub-market housing available to assist local residents with a housing need.

### **Delay in starting on-site - applications**

**5.15** Where there is a delay in starting on-site and a new application is submitted, the Council will require an updated viability appraisal to be undertaken where the original application did not provide a policy compliant scheme in terms of the level and tenure mix of affordable housing. As further detailed in the Mayor's AH SPG, to ensure an applicant fully intends to build the permission, an early stage viability review will be triggered if an agreed level of progress on implementation is not made within two years of the permission being granted or as agreed with the Council. This will result in additional on-site affordable housing in the event that viability has improved since the grant of the planning permission.

**5.16** Where the viability assessment concludes that the original offer of affordable housing remains the maximum reasonable level and type of affordable housing that can be achieved, the quantum of affordable housing (and affordable housing tenure mix) to be delivered will remain as determined by the original permission, unless the Council agrees otherwise.

**5.17** Where the viability assessment concludes that the scheme can sustain a different quantum of affordable housing and/or more policy compliant affordable housing, depending on the details of the application and the nature of the scheme, the Council will expect to negotiate one or more of the following options:

- The proportion of affordable housing to be provided on-site.
- The tenure mix for the affordable housing element (where the scheme design permits).
- The affordability requirements for intermediate housing units, where proposed.
- The provision of units off-site or if it is demonstrated to the Council's satisfaction that a site cannot be secured the payment of a commuted sum.
- The level of the commuted sum in lieu of any additional on-site provision with any commuted sum being ring-fenced for affordable housing purposes.
- If the off-site contribution is to be provided through purchase by the applicant of a donor site, which is preferable to a commuted sum, then the approach set out below will be applied. If an off-site contribution is taken as a commuted sum, this will be calculated using the approach set out in the calculations of the Mayor's AH SPG.

### **Off-site provision - donor sites**

**5.18** The Council's first preference will be to seek on-site provision of affordable housing. However, if the Council considers that this is not achievable/viable or it can be demonstrated to the Council's satisfaction that off-site provision would secure a higher level or type of affordable housing, the Council will require a developer to identify and secure a site (a donor site) to provide the affordable housing not being delivered on site. Any site identified as an alternative site will need to be agreed with the Council taking account of its proximity to the main site, its locality and/or opportunities arising in terms of additionality that can be achieved (e.g. more affordable housing units delivered than required, better size and tenure mix).

**5.19** Any off-site provision should result in financial neutrality (i.e. the delivery of the affordable housing on the donor site should be no more or less financially advantageous to a developer than providing affordable housing on-site). The Council would generally expect that such an approach would lead to a level of additionality in relation to the provision of affordable housing. This could be either in terms of the number or type of affordable housing provided (e.g. larger affordable rent units).

**5.20** In this regard, when assessing the suitability of a donor site in lieu of on-site affordable housing provision, the Council will consider the amount of affordable housing that could have been delivered on-site, the uplift in value of the site if there was to be less or no affordable housing on-site, and how this additional value can be utilised to provide the maximum reasonable level of affordable housing having regard to overall financial viability.

**5.21** This off-site approach to the delivery of affordable housing will be prioritised over the commuted sum approach. The applicant will be required to demonstrate to the Council's satisfaction that alternative sites are not available to deliver the affordable housing required. Where the Council is not satisfied that the applicant has demonstrated that there is no alternative site available, the Council reserves the right to undertake its own search for sites and to bring forward sites for consideration by the applicant. The cost of such searches will be paid for by the applicant.

### **Calculating commuted sums as part of the planning application process**

**5.22** DMPD Policy DMH 8b identifies that in exceptional circumstances, a financial contribution may be required for affordable housing purposes where such sums will assist the Council in meeting the need for affordable housing arising in the borough. Where such off-site arrangements are agreed there can be no financial advantage to the developer in not delivering the affordable housing on-site.

**5.23** Commuted sums in lieu of on-site affordable housing provision received by the Council will be used for affordable housing purposes with use being informed by and consistent with the Council's housing plans and policies.

#### **Application/Calculation**

As set out in paragraph 2.56 of the Mayor's AH SPG, 'all schemes which propose off-site affordable housing or cash in lieu payments are required to provide a detailed viability assessment as part of the justification, in line with London Plan and relevant local policies.'

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 IS 5 and DMPD Policy DMH 3 if these cannot be met on-site.

In accordance with paragraph 62 of the NPPF it may be the Council's preference, due to exceptional circumstances (including management reasons, scheme design, site limitations, Registered Provider interest in purchasing, and the considerations of London Plan paragraph 3.74), to agree off-site provision or if this is not possible a commuted sum in lieu of affordable housing on-site. This will be considered on a site by site basis.

The calculation must take into account the Existing Use Value (EUV) of the land plus any premium agreed, or in exceptional circumstances where it is robustly justified by the applicant an agreed Alternative Use Value (AUV). As set out in Section 3 of the Mayor's AH SPD a premium will be agreed taking account of site and area specific factors, market values and conditions. No allowance will be made where a developer has paid

in excess of the existing use value of the land plus any premium agreed. Where AUV is being considered and there is more than one live permission the latest permission should be used for calculations.

In circumstances where the delivery of affordable housing is not possible on-site and it is agreed a commuted sum is to be paid in lieu, the commuted sum will be subject to the criteria set out in the Mayor's AH SPG paragraphs 2.62 - 2.64 and guidance on calculations.

## Section 73

**5.24** Where an applicant requests, via a Section 73 application, a variation to a condition which seeks to amend the affordable housing element of, or which provides additional units to the amount agreed in the previously approved application, the Council will request the submission of a viability assessment, the review of which is to be paid by the applicant.

### Phased Developments

**5.25** The Council will take into consideration the Mayor's AH SPG for phased developments and as set out in paragraph 3.63 the Council will consider mid-term reviews which are triggered prior to the implementation of phases. On larger developments that will be built out over a number of phases the Council will also consider mid-term reviews which are triggered prior to the implementation of phases. These will take a similar approach to the early-stage review, taking account of any additional affordable housing provided through earlier reviews.

### Development reviews

**5.26** The Mayor's AH SPG details guidance on review mechanisms in order to maximise affordable housing delivery and includes formulas. The Council supports the London Plan approach to the use of review mechanisms and will utilise the approach and formulas within the SPG. The same early review mechanism under 'Route B - The Viability Test' applies where an "agreed level of progress" in implementing the permission is not made within two years of the permission being granted. This approach will be applied in accordance with Core Strategy policy IS 5 in seeking the maximum reasonable level of affordable housing.

**5.27** These review mechanisms consist of:

- an early-stage review, where an agreed level of implementation progress is not made within two years of the permission being granted (or within 'a time frame agreed by the Council and set out within the s106 Agreement');
- an updated early-stage review for stalled schemes;

- a mid-stage review for larger developments; and
- a late-stage review near the end of development, once 75% of the residential units have been disposed of (or at a point agreed with the Council).

**5.28** If a surplus profit is identified in the late-stage review, this would be split 60:40 between the Council and the developer, with 60% of surplus profit used for additional affordable housing.

**5.29** When such applications are made the Council would expect a viability assessment to be provided and this would be independently appraised. If it is found that the affordable housing contribution cannot be delivered the approach set out below would be taken with the aim to firstly sustain the overall level of affordable housing agreed or provide housing (e.g. in the form of private rent housing) which assists in meeting local housing needs:

- review of affordable rent and/or intermediate housing income threshold limits;
- review of tenure split between affordable rent housing and intermediate housing to determine whether a rebalancing of tenures would improve viability; and/or
- with the agreement of the Council, any other option which would maintain the overall quantum of affordable housing either by floor area or number of habitable rooms. This could include an evaluation of whether the terms of the cascade mechanism included in the s106 Agreement had been met.

**5.30** The Council will detail in s106 Agreements how the cascade arrangement described in the bullet points above will be met.

**5.31** The Council will take account of exceptional circumstances, other planning requirements relating to the site and infrastructure requirements that may be accounted for, with any imposition of a review.

**5.32** If this review concludes that additional affordable housing could have been sustained on the scheme compared to the results of the previous viability assessments, the Council will then require an additional contribution to affordable housing in the form of a commuted sum in lieu of the additional affordable housing that could have been delivered on-site to be paid.

**5.33** The Council will not seek an end of development review where schemes have achieved the Mayor's AH SPD policy of threshold of 35% affordable housing.

**5.34** As stated above the Council will use the review formulas of the Mayor's AH SPG which are set out in Annex A of the Mayor's AH SPG. This details the formulas to be used for early- and late-stage reviews. The Council recognises that the formulas do not address the circumstances relating to viability for every development. The formulas will be used where applicable, and where they are not the Council will negotiate formulas with the applicant, through the s106 Agreement, to calculate how the product of any surplus should



be applied to the provision of additional affordable housing on-site or via a financial contribution, and how the surplus should be split between the Council and the applicant and the appropriate cap.

## **Vacant Building Credit**

**5.35** The Council supports the approach of the Mayor's AH SPG, and the applicability of vacant building credit will be assessed on the basis of local evidence.

## **Build to Rent**

**5.36** The Council supports the principle of the Mayor's approach to Build to Rent (BtR) as set out in the Mayor's AH SPG, which recognises the importance of BtR to meet specific housing need. It provides clarity on the Mayor's definition of BtR schemes as comprising at least 50 units, covenanted for at least 15 years with certainty of tenancy and unified ownership, and on-site management. The Mayor's AH SPG is clear that BtR schemes should be subject to viability, that the maximum reasonable level of affordable housing will be sought, and discounted market rent or London Living Rent is the preferred affordable product.

**5.37** However, the Council is aware that other affordable housing products can meet the affordability criteria. For example, discounted market rate is affordable to households with incomes currently up to £60,000; but in Wandsworth there are lower affordable intermediate products. Therefore, these other products will be considered against BtR products.

## **Marketing and Servicing**

**5.38** The Council will require any intermediate homes developed in the borough to be subject to a marketing plan submitted by the applicant/housing provider and approved by the Council at least 9 months prior to practical completion of the intermediate homes. The marketing plan will include giving the Council exclusive nominations to such units to households living and/or working in the borough for a period of three months, with marketing commencing no earlier than 6 months prior to practical completion. The applicant will also need to demonstrate in the marketing plan submission how the homes will be marketed to meet any affordability criteria stated in the s106 legal agreement.

**5.39** In line with the Draft London Plan the Council is seeking to ensure that intermediate provision is still considered affordable when taking into account service charges. When setting service charges, they should only relate to services that are required to enable a household to occupy the dwelling they rent or own. Provision should be made for facilities such as gyms, swimming pools, etc, to be able to be accessed by affordable housing leaseholders and tenants on the basis they can opt in to pay for those facilities (i.e. they are not a mandatory service charge for the affordable housing occupants but affordable housing occupants are not excluded from accessing those facilities if they wish to do so).



## Parking

**5.40** The Council's DMPD policy on parking requires developments to provide parking according to maximum standards, and that of the parking provided, it must be allocated equitably between market and affordable whilst ensuring there is adequate parking in social rented housing.

**5.41** The Council will expect any parking on-site to be allocated in proportion to the tenure percentages in the development. For any affordable rent wheelchair parking space, the Council will seek that such spaces are offered to the tenant at nil value. For other parking spaces allocated to affordable housing, the tenant or the leaseholder should have the ability to purchase/rent a parking space. This should not be mandatory (i.e. the parking space should not be obligatory in renting or buying an affordable unit, but an option for the leaseholder/tenant to opt in to buy or rent it if they wish to do so).

## 6 Employment, skills, enterprise and affordable business space

### Introduction

**6.1** This section of the SPD sets out the Council's requirements in relation to employment and economic benefits, including:

- employment and training opportunities for Wandsworth residents;
- the use of local businesses for goods, services, and suppliers by the development and sub-contractors; and
- the provision of flexible and affordable commercial floorspaces to support local enterprise.

### Broad principles

#### Background

**6.2** The Council recognises and supports the economic benefits that developments bring to the borough. Planning policy encourages the development of a sustainable local economy that supports and promotes the well-being of existing businesses and residents. The purpose of this section of the SPD is to set out the obligations which will be sought from developers in respect of employment, training and economic enterprise benefits to ensure that Wandsworth residents and businesses can better access job, training and business opportunities arising from new developments.

**6.3** Development increases opportunities for local employment and career progression, particularly for those facing barriers to employment in the labour market, helping to create and maintain sustainable communities in Wandsworth. Maximising local labour also reduces the need to travel, which can help make developments more environmentally sustainable.

**6.4** The Council therefore requires that opportunities for the employment, training and support of local labour are provided throughout the construction phase of a development and for the end use of non-residential development. Opportunities will include training, careers support, work experience, apprenticeships and direct employment of Wandsworth residents.

**6.5** The Council will work with developers and with employers in the post-construction phases of developments to ensure that employment, training and business enterprise opportunities are tailored to the developments proposed.

**6.6** In order to maintain a diverse and sustainable local economy, it is important for a range of commercial property to be available to support the small and medium-sized enterprises (SME) sector, of which a healthy business start-up rate is an important element, and accordingly the Council will work with developers to encourage the provision of flexible and affordable office floorspace in office developments. S106 Agreements will be used to capture these obligations to ensure that the management of the floorspace, including any discounted rent obligations, will support policy objectives.

**Policy context**

**6.7** The London Plan cites the need to improve London’s skill base, improve employment opportunities and remove barriers to employment, and identifies learning and skills as two key priorities for planning obligations. The Plan also requires boroughs to “work with developers, businesses and, where appropriate, higher education institutions and other relevant research and innovation agencies to ensure availability of a range of workspaces, including start-up space, co-working space and ‘grow-on’ space”.

**6.8** The Local Plan Employment and Industry Document 2018 (LPEID) sets out policies to encourage sustainable economic growth in Wandsworth and supports measures to promote additional employment through regeneration initiatives and employment floorspace specifically targeted at the needs of the local and London economy.

**6.9** Paragraph 81 of the National Planning Policy Framework states that ‘planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration.’

**6.10** Maximising employment and employability amongst Wandsworth’s population is another key priority for the planning obligations alongside promoting key training and skills opportunities and expanding and coordinating job brokerage.

**6.11** The Core Strategy sets out in paragraph 4.149 that the Council will promote the use of local facilities and services. This helps support the maintenance of a sustainable local economy which is an objective at the heart of the NPPF to deliver sustainable development.

**6.12** The Council supports new and existing businesses to develop and grow. A lack of affordable premises which have grow-on space is cited as a barrier to enterprise development and economic growth and so it is important to use planning obligations to maintain and enhance the supply of appropriate employment space. The LPEID Policy EI 4 seeks to ensure that businesses are able to operate from the borough and that the premises they use provide flexibility that businesses need in order to flourish.

**Employment and training opportunities for large sites**

**Threshold**

The obligations set out in this section of the SPD apply to:

- All residential developments providing 100 units or more; and
- All commercial developments consisting of 1000 m<sup>2</sup> or more

**What is required?**

Developers are required to:

- enter into a Local Employment and Enterprise Agreement with the Council whose provisions will be delivered through an Employment and Skills Plan with the Council; and
- pay a financial contribution to support the provision of job, training and apprenticeship placements and support for local businesses and entrepreneurs for both the construction phase and reflecting the proposed post-construction occupation of the employment space.

### **How are the above requirements calculated?**

The number of job, training and apprenticeship places that a development will be expected to provide for Wandsworth residents in the construction phase is based upon the size and use of the development and construction industry benchmarks for new entrants/apprenticeships. The number of job, training and apprenticeship places that a development will be expected to provide for Wandsworth residents in the end-use phase is based upon the amount of gross floor space created, the average employee density for the type of use proposed, multiplied by the average percentage of jobs filled by Wandsworth residents. Whilst developments will vary in scale and nature, Table 4 below provides an indicative assessment of the provision of employment opportunities for Wandsworth residents for a given level of development. This (or alternative suitable methodologies) will form the basis for calculating the Local Employment Contribution as set out in Table 5.

**Table 4 Provision of Employment Opportunities for Wandsworth Residents**

Type of use	(A) Jobs, training and apprenticeship places in construction phase	(B) Jobs, training and apprenticeship places in end-use phase
<b>Housing</b>	5 jobs per 1,000 m <sup>2</sup>	Not applicable <sup>1</sup>
<b>Employment-generating uses</b>		Employee yield of development <sup>2</sup> x % of all jobs in Wandsworth taken by Wandsworth residents <sup>3</sup>
<b>Total number of jobs</b>	<b>(A) Jobs, training and apprenticeship places in construction phase + (B) Jobs, training and apprenticeship places in the end-use phase</b>	

<sup>1</sup> Except in circumstances where residential models generate end-use employment through on-site management and facilities teams. Examples include co-living schemes and Built to Rent models.

<sup>2</sup> Employee yield should be calculated by dividing the gross internal floor area created by average employee density values, based on the HCA employment density guidelines; employee yields for schemes that are calculated separately within planning applications may also be used as long as the calculation is based upon a recognised methodology.

$$\text{Employee yield of a development} = \text{gross internal floor area} \div \text{employee density}$$

<sup>3</sup> The percentage of jobs in Wandsworth taken by Wandsworth residents is estimated to be 27%, based on the 2011 census. On the publication of the new census, the updated information should be used.

The developer should contact the Council's Economic Development Office to agree the figures for both construction and end-use phases.

## Employment and skills Plan

The developer will be required to enter into a Local Employment and Enterprise Agreement with the Council's Economic Development Officer ("EDO") as part of the s106 legal agreement. This will include a requirement to agree an Employment and Skills Plan ("ESP") with the Council's EDO at least three months before the commencement of development. The purpose of the ESP is to set out the detailed delivery of the Local Employment and Enterprise Agreement through agreed targets once construction programmes and end-users are more clearly identified. Developers are encouraged to contact the EDO as early as possible in the application process to discuss the development of the ESP, especially where there are site specific requirements. The Agreement sets

out the purpose and provisions for local employment and enterprise benefit. The ESP is the mechanism for delivering these provisions through a planned approach, based on agreed development timescales and with named responsible contacts. The ESP delivery is monitored to check compliance and to inform s106 reporting by the Council.

The Council will seek to ensure that a proportion of jobs, training placements and apprenticeships are provided for Wandsworth residents. The Council, with partners, has introduced a number of programmes to support job brokerage, employer-led training, skills training, apprenticeships and work experience placements. The Council also runs a programme of enterprise and business support activities that will be relevant for developers of business workspaces. The ESP should set out how these services will assist in the delivery of the Plan targets.

The ESP will be based on the template ESP which will be made available on the Council's website.

The ESP will, as a minimum, address how the developer intends to deliver the following requirements:

- Measures to ensure that a minimum total number of jobs created by the development in the construction and end-use phases (as calculated in Table 4) will be filled by Wandsworth residents;
- Provision of apprenticeships and traineeships for Wandsworth residents should be calculated with reference to the benchmarks in the CITB Client Led Model. The developer, its contractors or sub-contractors will be expected to pay its apprentices at a minimum of the London Living Wage and support training/college release arrangements until attainment of their qualification at a minimum of NVQ level 2. The developer will be expected to work with the EDO to identify candidates for apprenticeship places;
- Promotion of contract opportunities through the supply chain to local businesses (which the Council's EDO is able to facilitate);
- Provision of job opportunities in the end-use phase with appropriate support for long-term unemployed Wandsworth residents or those facing other labour market barriers;
- Where a scheme is promoting employment floorspace, to focus and ensure local end-use benefit supports local enterprise start-up and development as well as employment opportunity;
- Engagement with schools and education providers to promote to young people aged 11 to 19 the achievement of skills and qualifications needed for employment in the construction and end-use phases of developments. The ESP will include the details of the initiatives to be delivered and the Council supports: speakers / role models to speak to young people to encourage and inspire, work experience placements, mentoring, advice on curriculum design, and workplace visits;
- Acknowledgement and agreement by the developer that the Council shall act as the primary principal agency for the support for the developer meeting its requirements

in relation to the provision of business, employment and training opportunities arising out of the development;

- Job, training and apprenticeship vacancies to be notified to the Council - these should normally be advertised exclusively to Wandsworth residents via the EDO (or any other Council appointed agency) for a minimum 10 working days unless otherwise agreed by the Council. The developer will be required to ensure that its contractors and sub-contractors comply with this obligation;
- Provision of a named contact representing the developer/landowner responsible for implementation of the provisions within the ESP;
- Provision by the developer to the Council of quarterly monitoring reports on the implementation of their ESP; and
- Provision of details relating to the planned construction phasing information and labour forecasting data to the Council (as updated from time to time in the monitoring reports) to enable the Council to place or nominate appropriate candidates for jobs, training places and apprenticeships as the opportunities within the development arise.

### **Local Employment and Enterprise Financial Contributions**

For all qualifying developments, the developer will be required to pay to the Council a financial contribution which will be used by the Council to support the delivery of the ESP.

The financial contribution is calculated by multiplying the average cost to the Council of supporting and/or placing Wandsworth residents in jobs, training places and apprenticeships by the gross floor space created by the development. The figure for the average cost is taken from the Education and Skills Funding Agency unit costs, which may be amended from time to time. Please see the calculation below in Table 5.

Where the Council considers that a developer has used all reasonable endeavours to comply with the provisions of the ESP, the Council will repay to the developer one third of the financial contribution. The ESP will contain provisions relating to regular monitoring and review of performance against the targets set out and will also contain provisions which govern any repayment of a third of the financial contribution.

Partial repayment is designed to act as a further incentive to developers to work actively with the EDO to meet their obligations in the ESP to maximise employment and training opportunities arising from their developments for Wandsworth residents and businesses.

For the avoidance of doubt, the financial contribution will be accepted by the Council as a permitted cost of the development when calculating viability for affordable housing purposes.

### **Table 5 Employment and Enterprise Contribution Calculation**

A = Provision of employment opportunities for Wandsworth residents for both construction phase and end-use phase, where appropriate (See Table 4)

B = Average cost of placing Wandsworth residents in jobs, training places and apprenticeships (currently £3,025\*)

C = % of employees in Wandsworth requiring training and support (currently 25%)

D = financial contribution

$$\mathbf{D = A \times B \times C}$$

\*This is an indexed value, and so will change over time. The value of £3,025 is used in the Planning Obligations Calculator. The Developer should contact the Council's EDO to agree the final financial contribution.

## **Smaller site requirements**

**6.13** An ESP contribution will be required for schemes of between 10 and 99 units to go towards supporting residents to develop skills. The contribution will be used towards providing advice to start-up businesses to grow well established uses in accordance with the Council's EDO and Workmatch.

### **Threshold**

Schemes of between 10 and 99 dwellings.

### **Calculation**

Using the estimated construction value and basing it upon the Construction Industry Training Board (CITB) amount of jobs the scheme entails. This is then multiplied by the approximate cost of a training placement figure (£3,025 per placement).

For example: a £10m development is the equivalent to 10 Jobs (based on CITB standards) x £3,025 (approx. cost of a training placement) = £30,250 would be the contribution.



## **The use of local goods, services, suppliers and sub-contractors by the developer**

### **Context**

**6.14** The use of local suppliers of goods and services to development supports the maintenance of a sustainable local economy by providing further employment opportunities for local labour. In turn, this encourages greater spend in the local economy supporting a wider range of business activity in the borough.

**6.15** Large-scale development provides commercial opportunities for existing Wandsworth based businesses in a local supply chain. This includes opportunities to supply goods and services during the construction phase which developers must show they have considered as an option. Developers may benefit from ease of access and ease of purchasing by using local suppliers. Developers should show they have sought opportunities to utilise the borough's Safeguarded Wharves through the transportation of construction materials and/or waste as part of local developments, thereby providing commercial opportunities for existing Wandsworth based business in a local supply chain.

### **Application/calculation/requirement**

The Council will seek opportunities to ensure that local businesses benefit from the construction and end-use of developments. Developers will be expected to work with the Council to promote and advertise tender opportunities and to achieve the procurement of construction contracts and goods and services from companies and organisations based in the borough.

Where the estimated construction value of a scheme exceeds £50 million, a Local Procurement Plan will be included within the Local Employment Agreement. The Local Procurement Plan will be based on a target of 20% of the value of qualifying supplies and services to be provided from companies and organisations based in the borough.

In exceptional circumstances, where a developer is not able to provide such opportunities as part of the development proposal, the Council may accept a commuted sum payment to enable adequate alternative services or opportunities to be provided in the locality. In this circumstance, the Council would seek a sum to reflect what percentage of local supply may be viable and achievable in the local economy. The sum will be based against benchmarks for similar scale projects and the standard costs for the delivery of such opportunities elsewhere in the borough. In determining the figure regard will be had to the 20% value target.

### **Local Procurement Plan**

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

The Local Procurement Plan will also establish the requirements for monitoring information to be provided with reference to contracting activity and the outcomes with regard to local businesses.

The developer will be expected to collaborate with the Council to ensure that the local supply chain benefits from the end-use of the development wherever possible. Qualifying services are defined as those goods and services that might practicably be available and procured from companies and organisations in the borough. Qualifying suppliers and services will be identified and agreed between the developer and the Council as part of the Local Procurement Plan.

Further information is available from the Council's EDO.

## Affordable, flexible and managed workspace

**6.16** It is important that the Council supports new and existing businesses to develop and grow. With a lack of affordable premises which have start-up and grow on space cited as a barrier to growth, it will also be important to use planning obligations to maintain and enhance the supply of appropriate employment space, supporting new inward investment opportunities and growth in the existing business base. In order to maintain a diverse and sustainable local economy, it is important for a range of commercial properties to be available to support the small and medium sized enterprise (SME) sector. Accordingly the Council will work with developers to encourage the provision of flexible and affordable office floorspace in office development, small and affordable shop units in major retail developments, and affordable workshop and small-scale industrial workspace units. Legal agreements may be used to manage the rents of these units to appropriate levels and to control their size, location and the nature of the occupant and ensuring that the units are relevant to current and emerging needs and with preferred types of workspace configuration.

**6.17** The Employment Land and Premises study commissioned by the Council in 2016 identified the upward pressure on commercial rents due to the restricted supply of space together with forecast increased demand. This has led to increasing difficulties for businesses to find affordable space and this is especially acute for start-up and early stage businesses. The inability to access space for the business start-up and development phase will minimise the productive economic potential of the borough and its residents. Policy EI 4 from the Local Plan Employment and Industry Document (LPEID) seeks to ensure that businesses are able to afford to operate from the borough and that the premises they use provide the flexibility that businesses need in order to flourish. Therefore, all development that provides economic floorspace will be expected to contribute to the provision of affordable, flexible and/or managed workspace suitable to the needs of businesses at all stages in their development.

**6.18** The term affordable either relates to the provision of flexible managed workspace and identifying how this will be affordable to businesses through the submission of relevant evidence as set out below and in a managed workspace plan or through a discount in the market rent referred to as 'affordable rent'.

**6.19** Policies EI 4 and EI 5 of the LPEID set out the requirement for economic floorspace to be provided at an affordable rent and under flexible leasing arrangements. Details on how the policy requirements will be achieved are set out below.

**6.20** The application should include evidence that the proposed development:

- provides new space that will be accessible for businesses at all stages in their development, including new and early-stage businesses, through appropriate rents/fees and configuration of space;
- takes into account the local context with regards to place-making, cluster development, sectoral specialisation, prevailing rents, disruption to existing business economy, etc;

- reflects the specific economic roles and pricing structures in different parts of the borough – which may call for varied approaches to affordability;
- reflects the different ability to pay for different sectors where a particular sector or business type is targeted; and
- does not undermine the policy to provide affordable workspace by making the fit-out cost of the units prohibitively expensive for prospective occupiers.

## **Workspace Management Plan**

### **Requirements**

The Workspace Management Plan should set out how the development will support Policy EI 4. It may be the case that neither approach of providing affordable, flexible managed workspace or affordable rent in perpetuity is deemed to be feasible or optimal in which case an off-site contribution could be an alternative, linked to the provision of affordable space in another location.

Where an applicant is complying with Policy EI 4 by providing affordable, flexible managed workspace, a Workspace Management Plan is required. Prior to first occupation of the development, a Workspace Management Plan setting out how the development will operate for Small and Medium Enterprises (SMEs) and will meet the provisions of Policies EI 4 and EI 5 shall be submitted to and approved by the EDO. The LPEID defines SMEs as including all micro- (1 to 9 employees), small- (10 to 49 employees) and medium-sized (50 to 249 employees) businesses.

The Council's EDO will be notified of the plan and this will be secured via s106.

The Workspace Management Plan shall include specific details showing how the economic floorspace will be provided and then managed for micro-, small- or medium-sized businesses at all stages of their development and shall include, but is not be limited to, the following:

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

The economic floorspace of the development shall be provided and operate in accordance with the Workspace Management Plan.

## Affordable rent in perpetuity

### Requirement/Application

Policy EI 4 sets out the requirements for economic floorspace to be provided at an affordable rent where a Workspace Management Plan is not able to directly support this. The purpose of the affordable business space policy is to ensure that the space provided allows for new business start-up, either through the way the space is managed or reserving some of that space at discounted rent. Major schemes should provide 10% of gross economic floorspace capped at a rate of 20% less than the prevailing market rate for comparable premises in the borough in perpetuity. Due to the significantly higher office rental rates within sites at Nine Elms, the capped rate may need to be more than 20% below the prevailing market rate in order to make the premises genuinely affordable.

The purpose of the affordable rent provision is to ensure space is available for a specific social, cultural or economic development purposes. These circumstances include workspace that is:

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

The Workspace Management Plan will set out how the affordable space will meet these needs and which businesses or entrepreneurs will be eligible to benefit from them. The EDO will work with the developer to agree appropriate arrangements to ensure these provisions are met. Examples include:

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

The EDO will monitor the ongoing compliance with the affordability provisions through the Workspace Management Plan.

Where it is not possible for a development to meet these requirements on a specific site, the Council will consider alternative interventions that will achieve equivalent value and impact through an off-site contribution. This is likely to take the form of a financial contribution towards new provision of investment in similar workspace in nearby facilities or pooling of investment towards key areas designated for employment space development or intensification, or for example through a co-ordinated or master-planned approach for the area agreed by the Council. Alternatively, investment in existing affordable workspace facilities may be accepted. In all cases, the off-site contribution should be of the equivalent value to the rental discount that would have otherwise been offered according to the provisions in Policy EI 4.

Heads of Terms will be required detailing how this will be achieved.

### **Viability**

If affordable rent applies the Council will consider if it is feasible via the full application viability assessment. Applicants are encouraged to have early discussions with EDO officers in terms of key inputs that might be required or need to be considered in undertaking the appraisals. Viability appraisals will also be required to use scheme-specific values and adjustments to profit levels/internal rates of return and a range of growth assumptions will be tested in viability scenarios. These will then be used to consider whether an offer from an applicant is providing the maximum reasonable level of affordable economic floorspace over the life of the development.

Where an affordable rent tenancy is to be re-let, the rent will be recalculated using a Royal Institute of Chartered Surveyors (RICS) recognised method to assess the Market Rent valuation.

## **Specialist sectors - cultural, creative workspace**

**6.21** LPEID Policy EI 4 identifies that developments that provide affordable workspace for specialist sectors will be supported. In particular, workspace that meets the specific needs of the creative, digital, and food and drink industries will be encouraged, including artists, makers and other creative and cultural production or rehearsal space. Cultural, creative workspace will be required on sites within Nine Elms, the Wandle delta area, the Lombard Road York Road Focal Point, and in the Industrial Business Park areas of the Queenstown Road, Battersea SIL. Cultural, creative workspace will be encouraged elsewhere on town centre, local centre and focal point sites as appropriate. Opportunities for clustering of specialist sectors will be encouraged.

**6.22** Where developers are proposing floorspace that meets specialist sector needs, they should set this out in the Workspace Management Plan with due regard to how business clusters will be developed or retained. In these instances, the Council will work with the developer to identify bespoke approaches to meeting the normal planning obligations where these can demonstrate wider economic, social and place-making benefits.



## 7 Arts and Culture

### Broad principles

**7.1** The Council encourages the broad support and provision of arts, culture, creative industries, and cultural practitioners across the borough to promote the borough as home to a thriving artistic and cultural community.

**7.2** Culture and arts are fundamental to building sustainable communities in which people want to live and work. Participation in cultural activities enhances people's personal enjoyment, development, and fulfillment and improves their physical and mental health and wellbeing. High-quality cultural facilities help to make places more attractive, help to boost economic activity and prosperity, and aid the development of shared identities and increased understanding between different communities.

**7.3** Wandsworth defines 'Arts and Culture' as being the broad range of activity and facilities which enable a vibrant sustainable creative life. This includes creative projects and interventions, with artistic rigour and integrity, often through collaboration with local communities, which add to the vibrancy and character of an area; and the spaces through which the creative and cultural industries and local community can develop creative skills, train, create and present (studios, rehearsal, production, and venue) to suit different budgets and needs.

**7.4** Wandsworth defines 'Public Arts' as being arts and culture-led creative projects and activity which: involve and/or benefit local communities; share creative skills; enhance the public realm or built environment; facilitate the creation of arts and culture; and add to the creation of distinctive vibrant places.

### Planning Policy

**7.5** The Local Plan recognises the contribution culture and creative activity make towards sustainable development.

**7.6** The Core Strategy highlights the significance of community provision as a component of regeneration: 'Community facilities provide for the health and well-being, social, educational, spiritual, recreational, leisure and cultural needs of the community'.

**7.7** The Core Strategy also recognises creative industries to be one of the fastest growing industries in the local economy and it identifies a need for employment space which reflects the requirement of the creative sector, which includes cultural, artist and maker space. It also draws attention to the risks posed by the loss of employment space due to residential development and the desirability of securing a suitable supply of appropriate space.

**7.8** The Wandsworth Local Plan Employment and Industry Document draws attention to the pressure impacting on the affordability of workspaces catering for small businesses and the creative sector, including artist studios and maker space. Policy EI 4 of the plan also

seeks to encourage provision of managed and affordable workspace and applicants are encouraged to work with the Council to meet priorities of the LPEID and strategies of the Council.

**7.9** Where appropriate, the Council may produce area specific vision and/or guidance documents for arts, culture and creative industries, as in the Nine Elms Opportunity area and the Lombard Road York Road Focal Point area, as well as in the forthcoming Wandle Delta Masterplan, to outline the vision for the use of arts and culture to enhance the quality of development.

**7.10** Public arts projects should respond to the local need. They should provide the opportunity to engage with and involve local residents and other groups in creating schemes which are bespoke, often responding to local character and heritage. Initiatives are encouraged to: integrate arts projects within the public realm; promote participation in the arts to foster community cohesion and engender a greater sense of community safety; and/or support creative learning and open pathways into creative careers. All proposed works should be discussed with the Council's Arts & Culture Services and the Council's Planning team at an early stage and submitted for the Council's approval.

**7.11** Creative arts commissions on construction hoardings are also strongly encouraged. These provide visual interest, soften the impact of a development site on the local area, deters fly-posting and presents a further opportunity to engage with the community, including young people, in quality arts experiences.

### **Threshold**

This applies to developments involving the provision of one or both of the following:

- 100 or more dwellings; or
- 10,000 m<sup>2</sup> or more of non-residential floorspace.

### **Pre-application**

The developer is encouraged to discuss the requirements of the obligation in relation to arts and culture with the planning case officer and the Council's Arts and Cultural Services at an early stage.

### **Application**

The Council will seek planning obligations to secure new or replacement provision of arts and culture of equal or improved capacity, design and layout in appropriate development proposals and where the three planning obligation tests are satisfied (CIL Regulation 122). If an alternative site for re-provided arts and culture would result in a better outcome for the facility and its users, the new site should be secured and the replacement facility delivered before development of the existing facility can be begun. Where an existing facility is to be re-provided on-site in order to maintain ongoing provision of arts and culture during construction alternative interim premises should be secured.

As part of the planning application, the applicant will be required to produce and realise a robust Arts and Culture Action Plan to enhance the range of arts and cultural opportunities in the area. The applicant will then provide an assessment as part of the Arts and Culture Action Plan on how they propose to meet and deliver the objectives set out in the Plan. This will need to be approved by the Council's Arts & Culture Service and the Planning team.

The Council has a Social Value Agreement template targeted for the use of cultural community space which can be accessed via the Council's website. This may be required in certain schemes to provide further detail on how the Arts and Culture Action plan will be undertaken.

### **Commuted sums**

In circumstances agreed by the Council where an applicant is unable to provide an Arts and Culture Action Plan, or it is not appropriate (e.g. for smaller schemes), then a commuted sum will be sought to enable the Council to meet the requirements in the local area.

Cultural Planning Guidance has also been produced for the Lombard Road, York Road Focal Point to support the SPD which provides evidence as to how commuted sums are intended to be spent within the focal point. This guidance compliments and supports existing policy and sets out further guidance on how to implement the Council's requirements for obligations for arts and culture in the Lombard Road, York Road Focal Point Area.

Any future documents that may be produced by the Council which set out future cultural needs for the Borough, such as a 'Cultural Strategy' and specific cultural guidelines, would be used as the basis for negotiations. Where appropriate, a planning obligation in the form of a commuted sum will be secured to meet the requirements in the local area in accordance with the planning obligation tests. If funds are pooled for one objective in one part of the borough, this will not prevent the Council from pooling for an objective in a different part of the borough. This amount, and any cultural obligations, will be excluded from the affordable housing viability assessments.

### **Calculation**

All applications that meet the threshold are obligated to contribute to the provision of public arts (either through delivering their own Arts and Culture Action Plan or through commuted sums as set out in (1) Public Arts, below).

Where further information on cultural needs is available, such as through specific visions and/or guidance documents, then the additional figures for (2) Arts and Cultural Infrastructure will be used as the basis for the planning obligation calculation in accordance with the planning obligation tests. This contribution will be in addition to (1) Public Arts.

The commuted sum contributions are based on MLA / ACE guidance for Arts, Museums and New Development - A Standard Approach, IXIA guidance, former Percent for Art programmes and legal advice pertaining to cultural obligations within planning policy. These are as follows:

#### **(1) Public Arts:**

£400 per dwelling

£20,000 per 10,000 m<sup>2</sup> of non-residential floor space\*

These contributions will fund projects which relate to the provision of Public Arts (see paragraph 7.4).

#### **(2) Arts and Cultural Infrastructure:**

£600 per dwelling

£20,000 per 10,000 m<sup>2</sup> of non-residential floorspace\*

These contributions will be used to address issues relating to the provision of cultural infrastructure, such as affordable cultural and creative space, workspace and associated support (e.g. through subsidised capital lease, subsidised rent and/or fit out).

\*This only applies for schemes exceeding 10,000 m<sup>2</sup>, with the price applied proportionally to any additional floorspace over this value (e.g. a scheme of 15,000 m<sup>2</sup> would result in a contribution of £30,000).

Where further information on cultural needs is available which indicates and supports that a higher cost is required to meet needs, then these additional figures will be used as the basis for the planning obligation calculation in accordance with the planning obligation tests.

## 8 Social infrastructure

### Broad principles

**8.1** Funding to support the development of the borough in relation to public facilities will generally be provided through the Council as part of the standard CIL charge. However, where a development generates a site-specific impact this can be mitigated through the use of developer contributions, subject to the Regulation 122 tests.

### Education

**8.2** New development must meet the increasing demands for social infrastructure by contributing towards supporting the upgrading or enhancing of existing facilities or providing new facilities. For education purposes, this includes early years, primary, secondary and further education.

**8.3** The Department for Education will provide only formula funding where there is a net increase in actual pupil numbers (taking into account existing provision and the underlying forecast demand), but this will not cover the full cost of assembling land and building a school. CIL and/or s106 funding may be used to provide new places either by enlarging existing schools or making a contribution to new schools as appropriate. Developer contributions may be secured retrospectively when it has been necessary to forward fund infrastructure projects in advance of anticipated housing growth. The Department of Education has published guidance on securing developer contributions for education, which can be found at:

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

### Healthcare

**8.4** In January 2019, NHS England published Clinical Commissioning Group (CCG) allocations covering a five year period 2019/20 to 2023/24. These CCG allocations cover the costs of commissioning core services including general and acute hospital care, maternity, mental healthcare and prescribing. 'Place-based' CCG allocations also include General Practice (GP) and specialised services. Allocations for other primary care (e.g. dental services and services directly commissioned by NHS England) are operated differently.

**8.5** Population figures for CCG allocations are based on GP registered list sizes. Increases for future years are based on the Office of National Statistics (ONS) projections for resident populations. In London, ONS projections do not fully capture rapid population growth generated by large scale housing development. For example, significant development within the VNEB Opportunity Area will have an immediate impact on the demand for services, which is not immediately captured in the CCG allocations.

**8.6** There is also a clear link with mental well-being and physical health and the provision of health and social care services. Where a proposed development, such as a supported housing scheme, is likely to have an impact on such services the applicant will be required to provide a statement as to how such impact will be addressed to minimise impact on existing services both on completion and in the future.

**8.7** The availability of new NHS capital funding for estate development is constrained and funding is subject to bidding and business case processes, including improvement grants to GP premises, a specific fund for primary care estate – the Estates and Technology Transformation Fund – and bids for funding through Sustainability Transformation Plans (STPs).

**8.8** There are revenue consequences of capital investment in new or improved premises, in terms of rent and service charges. This can make an on-site health facility offered by a developer at a market rent unaffordable, and options should be pursued to reduce or capitalise the rent.

**8.9** Provision on-site for public facilities will be secured where a proposal directly increases the need for local access to such facilities or services, and where no spare capacity exists in the near vicinity and is not reasonably expected to be provided in the near future. On-site provision, as it is site specific in nature, will not forgo the need for developments to pay CIL.

**8.10** The provision and improvement of health facilities enables services to be delivered in accordance with the Council's 'Joint Health and Wellbeing Strategy 2015-2020', meeting healthcare needs as identified in the [Joint Strategic Needs Assessment](#). Health and care organisations in Wandsworth are working together more closely to make services better connected and more joined up. The NHS, Council, voluntary sector and Healthwatch are developing a Local Health and Care Plan for how this might be achieved.

**8.11** The South West London Sustainability and Transformation Plan (STP) places a strong emphasis on making best use of the current health estate. Therefore, the first priority will be to invest in increasing the capacity of existing premises, rather than investing in new buildings. This could involve extending or reconfiguring buildings, which will incur capital investment. Where new facilities are required, it is expected that they are capable of delivering services at scale, including primary and community services which serve a wider area. NHS England's General Practice Forward View (2016) supports the provision of primary care at greater scale, with larger practices and more joined up networks of GPs offering a wider range of services to patients, including extended opening hours. Recent NHS plans include proposals for primary care networks serving communities of around 30,000 to 50,000 patients.

**8.12** Local public facilities could be needed to cater for developments or collections of neighbouring developments to address an uplift in residents and particular needs or requirements that might be identified given the nature of development. This is to ensure that mitigation can be addressed locally where development will have a significant stand alone impact on facilities.

## Police provision

**8.13** The impact of large-scale development on the Metropolitan Police has funding implications, and it is widely accepted that policing infrastructure can be included within CIL and s106 obligations. S106 infrastructure is not limited to buildings and could include equipment such as surveillance infrastructure, CCTV, staff set up costs, vehicles, mobile IT and Police National Database. The Metropolitan Police is currently preparing a calculation formula to enable collection of financial contributions and this will be used when available by the Council.

**8.14** In addition, for schemes referable to the Mayor the Metropolitan Police will liaise with developers to arrange on-site delivery of a Dedicated Ward Office (DWO). A Dedicated Ward office is a 24/7 base of operation for officers of the Metropolitan Police Service (MPS). It is not a public facing office, but rather a location typically used by officers at the beginning and the end of their shifts. The MPS have identified the following locations in need of DWO coverage:

- Nightingale Ward
- Bedford Ward
- Graveney Ward
- Furzedown Ward
- Roehampton and Putney Heath

## Indicative Thresholds

### Indicative Thresholds for on site provision

The Council's population yield calculator (available on the Council's website) should be used to estimate the number of residents expected to result from proposed residential development.

For non-self contained accommodation (e.g. halls of residence), an assumption of one person per bedroom should be used.

Subject to an assessment of the existing capacity of public facilities, a requirement for on-site provision may be triggered on the following basis below:

#### Education

210 primary school age children = provision of 1 additional permanent form of entry (FE) in primary school (30 children per year)

150 secondary school age children = provision of 1 additional permanent FE in a local secondary school. Higher numbers may trigger a new school subject to existing capacity for expansion.



### **Community Use**

Provision will be assessed on a case-by-case basis, should be proportional to the scale of the development, and should have regard to the existing local provision.

### **Health provision**

The requirement for on-site health service provision should be assessed on a case-by-case basis, having regard to the current provision and capacity of services and premises, the cumulative demand for services in the wider area, and CCG service and estate strategies. Sites for new on-site provision should be assessed through the Local Plan process. Opportunities for the co-location of health services with other public services and community uses should also be explored.

1,000 residents = provision of emergency services facilities in discussion with providers.

### **Police Provision**

Developments of 150 residential units or more and/or developments of 30 metres in height or more = Provision of District Ward Offices where applicable/required in discussion with the Metropolitan Police.

## **Extra care housing**

### **Extra Care Requirements**

Where Extra Care Housing and/or supported housing is proposed, including those to provide a private sector scheme and those seeking approval where part of a broader development scheme is proposed as a C2 use (as defined by the GLA topic paper on specialist older persons housing and set out below)\*, these will be subject to a planning obligation.

Through a planning obligation, schemes will be required to demonstrate appropriate evidence to the Council that the development has:

- marketed locally to maximise take up to meet local needs;
- shown how the proposed care and support needs will be managed on-site, including where more specialist services are required;
- demonstrated what impact this will have on local needs and services and how these will be minimised; and

- demonstrated to the satisfaction of the Council the differentiation between certain elements of an Extra Care Housing/supported housing scheme so the Council is clear about the target client group and their needs with respect to access to health, care and support services. This is required in order to understand impacts which may need to be accounted for either as a factor in use of CIL payments or through obligations set out in a s106 agreement.

\*All purpose built housing for older people which provides self-contained accommodation and their own lockable front door (whether within a block of flats or a group of houses) should be classed as C3 units. A C2 classification would only be considered where there is a clear and demonstrable exemplification as to why a C2 use should be considered (e.g. a portion of the scheme has specifically been designed to cater for individuals with particular and significant care and support needs arising from some form of progressive condition). Where a use is classified as C3, planning obligations may also apply. See the Affordable Housing section, above, for further details.

### **Standards for off-site health contributions**

Where a development generates a site-specific impact (as stated above) this can be mitigated through the use of developer contributions, subject to the Regulation 122 tests. This may be secured as an in-kind facility provided on-site as part of the development proposal, or as a financial contribution to increase the capacity of premises and services within the local area. In each case, the Council and Wandsworth CCG will determine whether on-site provision or an off-site financial contribution is required, depending on the specific circumstances of the application. The on-site facility should normally be secured as 'shell and core' space within a building, which may be fitted out for healthcare purposes.

Where appropriate, the Council will seek s106 financial contributions to increase capacity in nearby existing premises in accordance with the objectives to make best use of the health estate and deliver future primary care services at scale. For example, there may be opportunities to seek a financial contribution to mitigate a site-specific impact to increase capacity at a nearby GP practice or health centre where the impact and need can be demonstrated in accordance with the Regulation 122 tests. Given the long timescales involved in large-scale development, the requirement for a new on-site facility may change. In this case, if a new facility is not required or able to be delivered, then a commuted financial contribution could be secured through the s106 legal agreement to contribute to alternative provision.

### **Calculation**

Where applicable, the relevant Council department will be consulted to detail the requirements sought for a community facility obligations. These requirements will be based on the needs of the borough, and upon local evidence as to the required facilities

which are sought. Where obligations on-site or off-site are not possible or desirable, where agreed with the Council, a commuted sum will be sought (subject to the three s106 tests). In the case of health, the HUDU Planning Obligations Model should be used to size and cost a new on-site facility or calculate a financial contribution (see paragraph 11.1.37 of the draft London Plan).

## 9 Open Space

**9.1** Funding for open spaces required as a result of incremental growth, such as public gardens, will be provided through the Council as part of the standard CIL charge.

**9.2** There is a variety of open spaces within Wandsworth. These come in different scales and types, from allotments to borough parks and commons. The provision of open space throughout the Borough is a significant feature for sporting, recreational, nature conservation and cultural purposes. It is important that open space is of a high usable quality in order to provide adequate space for relaxation, promote active and healthy lifestyles and to strengthen the sense of community and pride of place.

**9.3** General principles:

- If a residential scheme is over a certain size it is expected to make a contribution towards the provision of public open space in the borough.
- The Council's priority is for the provision of public open space on-site, therefore it is important this is taken into account at the design stage of a scheme.
- Other forms of public open space contributions could include provision off-site or as a payment in lieu in appropriate circumstances.

**9.4** Open space contributions may be used to fund improvements to green infrastructure and the public realm where this can assist in meeting the needs arising from the development.

**9.5** Open space in this section refers to the provision of green infrastructure, public open space, outdoor/indoor sports, playing fields, recreational land, land for biodiversity purposes and play space. It is distinct from privately accessible open space such as communal gardens or balconies that do not ordinarily provide access for everyone. Wandsworth's Housing SPD (2016) sets out further information on amenity space standards.

### Policy Context

**9.6** Local Plan Policies PL 4 and DMO 1 seek to ensure that public and private open space is protected, enhanced and accessible to all, where practical and appropriate. DMO 3 seeks that new public space within new developments should be accessible, particularly in areas of open space deficiency. Areas of public open space deficiency and areas of deficiency in access to nature can be found in the Council's Open Space Study. In some cases, reconfiguration of open space to achieve greater quality and access may be necessary to achieve optimal use.

**9.7** The Council will typically place a condition on the submission of a management plan demonstrating how the open space is to be managed and public access maintained. However, where appropriate, a planning obligation, or financial contribution, may also be sought for maintenance of newly created open space.

**9.8** Where the development would cause a localised requirement for additional open space (e.g. by an increase in population) it is expected that such new/additional land is provided as part of the site design or in the vicinity of the site, particularly in areas already deficient in open space.

**9.9** The priority will be to deliver open space on-site. Development which directly causes a reduction in open space will only be permitted in exceptional circumstances to be agreed by the Council. Where demonstrable, 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.

**9.10** All new family housing will also require new playspace, as set out in Policy DMH 7. Play space will be required in accordance with the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG.

### **Threshold for open space provision**

All development resulting in the reduction of protected open space as defined in the Council's Local Plan must be replaced. The proximity and adequacy of existing public parks or playgrounds will not be a material factor in determining the amount, form and accessibility of open space provided for within a new development scheme.

Residential development of 100 units or more is required to provide new public open space on-site within areas of open space deficiency or in areas of deficiency in access to nature. Where development is not located in one of these areas, the preference is for open space provision to be made on-site where the scale of development allows this, and where not it is expected that a contribution will be made through public realm improvements.

If capacity does exist, or is planned for a delivery through another funding programme, such as the provision of the Linear Park in Nine Elms, this will be taken into consideration when applying Policy DMO 3.

All other developments of 10,000 m<sup>2</sup> or more floorspace are required to provide a contribution to be made through public realm improvements subject to the nature of the development.

#### **Calculation/application**

Open space provision will be required based upon the estimated amount of residents calculated using the Wandsworth population yield calculator. The Council's Parks team should be engaged at the earliest opportunity to discuss the requirements of open space from the development.

If in exceptional circumstances agreed by the Council, the amount of open space proposed by the applicant does not meet the requirement, then the quality of that proposed will be assessed to determine whether it is considered acceptable and usable for the enjoyment of residents. If the space is not considered appropriate then alternative off-site provision will be sought or a commuted sum may be acceptable.

Finally, a commuted sum may be considered acceptable where exceptional circumstances can be demonstrated. In circumstances agreed by the Council where an applicant is unable to provide off-site provision of open space, or it is not appropriate (i.e. for smaller schemes), then a commuted sum will be sought to enable the Council to meet open space requirements in the local area. The commuted sum will be based on local evidence and agreed with the Council's Parks team.

Further to this, any commuted sums will be payable on commencement of the development. The commuted sum will be negotiated depending on the level and standard of open space provision proposed on-site.

## 10 Sustainability

**10.1** The Council will seek to promote of renewable and sustainable forms of energy and enhancements to wildlife within the borough. This is important to ensure that the borough and its environs are environmentally sustainable, and that new development comes forward in an environmentally sustainable manner. This is critical to the long-term growth of the London, the UK and global economies.

**10.2** The UK government has set out an ambitious plan for all new homes to be zero carbon by 2050 and new development should come forward to continue this goal. The Draft London Plan Policy SI 2 and Core Strategy Policy IS 2 both seek to ensure that new development proposals make the fullest contribution to minimising emissions in accordance with targets for minimum standards which are designed to lead to zero carbon residential buildings.

**10.3** The Wandsworth Environmental and Sustainability Strategy (WESS) 2019-2030 sets out the Council's ambitions for the next ten years in relation to urban greening, carbon reduction, air quality and waste and recycling. The Strategy will be supported by an annual action plan that will be driven forward by a senior leadership Climate Change Group.

**10.4** The Planning Obligations SPD will support the Council's ambition to be the greenest council in inner London by 2030, carbon neutral by 2030 and zero carbon by 2050. The SPD will ensure that the Council's planning and development approach is robust on planning obligations around climate change and environmental issues so that development in the borough is low carbon, sustainable and does not negatively impact on the environment. The SPD supports the adopted Local Plan which forms a key component of the WESS and is the main framework for sustainable development in the borough.

**10.5** As such, all development should be supported by a Sustainability Assessment and built to the highest standards of sustainable design, construction and operation. Normally, requirements for sustainable design will be dealt with using conditions, but in some circumstances, a s106 agreement may be required to secure the highest environmental standards of development.

### Application/Threshold

All new dwellings (including conversions or extensions) should achieve a 19% reduction in carbon emissions of Part L of the Building Regulations 2013 as set out further in the Sustainability checklist, until a time that national or London Plan standards exceed this level. This 19% reduction relates to the energy and water sections of the old code for sustainable homes code level 4.

All Applications are required to demonstrate how sustainable design and construction principles are incorporated into new development and how specific targets on environmental performance, through nationally recognised sustainable building standards,

will be met. S106 planning obligations will be used, as appropriate, to secure the proper installation, maintenance and responsibility for sustainable measures, as well as renewable and low carbon energy solutions.

The Council may also use s106 planning obligations to secure compliance with applicable BREEAM standards (or any future replacement standards).

Developers will be expected to provide infrastructure for decentralised energy and district heating or cooling networks. Where appropriate, s106 agreements will be used to secure connection to existing or planned decentralised energy networks or the installation of Combined Heat and Power (CHP) / Combined Cooling and Heating Power (CCHP) on a site-wide basis. Where this is not currently practical, developments will be expected to be 'future proofed' to facilitate connection to a future decentralised energy network and/or financial contribution may be sought towards the development of that network. The Draft London Plan sets out further information on appropriate infrastructure.

For major developments the Council will require developers to pay for independent assessment of their sustainability information and reports, and any future reviews, to ensure compliance with the Council's policies.



## Carbon Offsetting

**10.6** The London Plan and Wandsworth Local Plan both seek to ensure that new development proposals make the fullest contribution to standards which are designed to lead to zero carbon residential buildings. As set out in the Draft London Plan policy on 'zero carbon' homes, these are defined as 'homes that form part of major development applications where the residential elements of the application achieves at least a 35 per cent reduction in regulated carbon emissions (beyond building regulations part L 2013) on site'. The remaining regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution to the relevant borough to be ring-fenced to secure delivery of carbon dioxide savings elsewhere (or otherwise determined by the Council in accordance with the London Plan or its own assessment).

### Threshold

All major residential development.

### Application/calculation

It is recognised that the emission of carbon dioxide can be lowered by reducing the amount of heat and energy we use in our buildings, through energy efficient design, materials and construction.

Where an energy assessment demonstrates that the carbon savings required cannot be delivered on-site, the remaining regulated emissions will incur a charge in the form of a cash in lieu payment to the Council's carbon off set fund which will be secured through a s106 legal agreement.

Core Strategy policy IS 2 sets out the Council's approach to carbon reduction, including that the Council will promote zero-carbon development and should follow the principles of the Mayor's energy hierarchy and Mayor's Housing SPG. The price of carbon is £95/tonne over 30 years or otherwise determined by the Council in accordance with the London Plan or its own assessment. Further detail can be found in the Committee Paper (20-203):

<https://democracy.wandsworth.gov.uk>

As stated in the Local Planning Validation Checklist an energy assessment<sup>(2)</sup> must be submitted with any planning application. The energy assessment must set out how the application achieves the 35% reduction and set out the remaining off-set cash in lieu contribution. For guidance on how to calculate this follow the GLA Energy Planning<sup>(3)</sup>

<sup>2</sup> [http://www.wandsworth.gov.uk/downloads/download/1112/sustainability\\_checklist\\_and\\_energy\\_assesment\\_guidance\\_sept\\_2013](http://www.wandsworth.gov.uk/downloads/download/1112/sustainability_checklist_and_energy_assesment_guidance_sept_2013)  
<sup>3</sup> [https://www.london.gov.uk/sites/default/files/gla\\_energy\\_planning\\_guidance\\_-\\_march\\_2016\\_for\\_web.pdf](https://www.london.gov.uk/sites/default/files/gla_energy_planning_guidance_-_march_2016_for_web.pdf)

(2016) guidance. The offset payments are calculated at the planning application stage and will be required to be recalculated at the detailed design stage, or following amendments and conditions. This is to ensure that undertaking assessments following completion to review the development emissions is possible and appropriate. Accessing the payment in line with evolving design and construction of the development ensures accuracy.

### **Offsetting payment and projects**

Contributions to the Council's carbon offset fund will be spent on measures that will reduce carbon emissions in the borough, such as the retrofitting of Council buildings, funding of renewable energy generation on existing public buildings, or enhancing the Council's vehicle fleet to improve carbon emission standards. These projects will be outlined on the Council's website. These contributions can be reduced where a developer can implement mitigation measures off-site, where the shortfall of the proposed development can be saved. Developers can also mitigate against carbon dioxide by directly funding or installing community energy projects or retrofitting initiatives, or habitat restoration projects. Any future review would be paid for by the applicant.

## **Decentralised energy networks**

**10.7** The Draft London Plan states that existing networks will need to establish decarbonisation plans. These should include the identification of low and zero carbon heat sources that may be utilised in the future in order to be zero carbon by 2050.

### **Threshold**

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. Development near to a planned or potential future network should make provision for a connection to the network should one be established. Developers should refer to Core Strategy Policy IS 2, DMPD Policy DMS 3, the Council's Sustainability Checklist, the Draft London Plan and the London Heat Map, to determine whether connection to a decentralised energy network, a combined heat and power plant or a contribution towards a decentralised energy network will be expected.

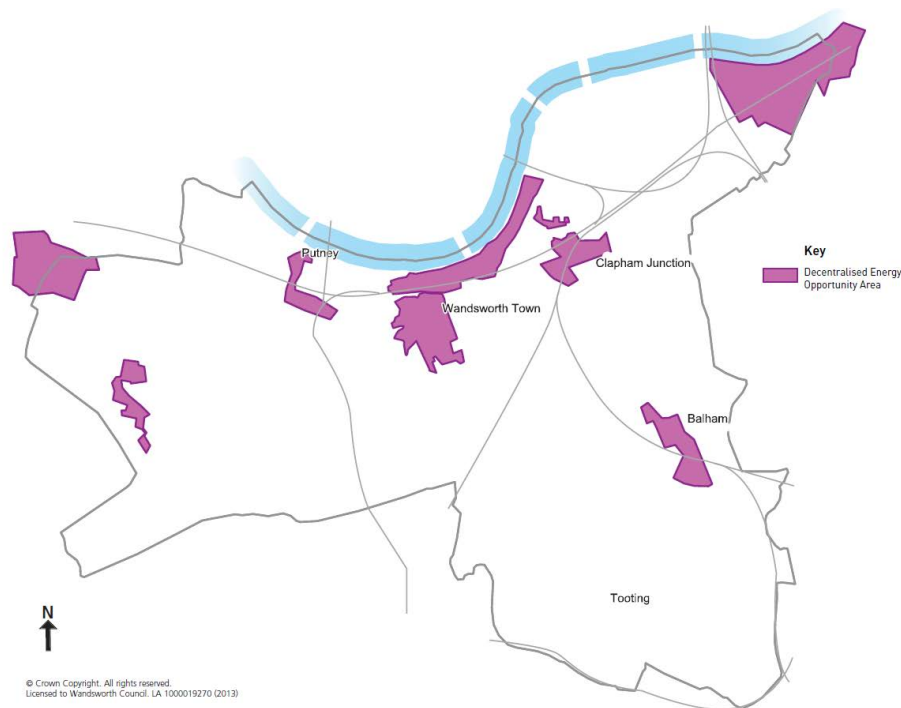
### **Application**

Where appropriate s106 agreements will be used to secure:

- the installation of CHP/CCHP and the generation and use of energy;

- details that ensure the plant and its operation is energy efficient with regards to operating hours, compatibility with the need (amount and timing) for heat, and requirements for a heat store;
- details that ensure the design of the heating system is compatible with any nearby existing or planned decentralised energy networks (e.g. in accordance with the London Development Agency Document 'Consumer Connection to a Large CHP District heating System' or GLA guidance such as the 'District Heating Manual for London');
- the export of heat, cooling and/or electricity;
- the development's use of heat, cooling and/or electricity from a decentralised energy network, provision of sufficient space for future plant, heat exchanges, connection points to either generate, export and take heat, cooling and/or electricity;
- details of how the development (or each phase of a development) will connect to a planned decentralised energy network and how energy demands will be met prior to any connection with a decentralised energy network;
- a financial contribution towards a future local decentralised energy network, any reviews would be paid for by the applicant.

**Map 1 Decentralised Energy Opportunity Area**



## **Biodiversity/habitats**

**10.8** CIL will be collected for strategic habitat creation, enhancement and restoration.

**10.9** The quality of the physical environment is under increasing pressure in Wandsworth with a growing population and significant development demands. The Council recognises the increasing importance of mitigating the impacts of climate change, as well as increasing, maintaining and encouraging biodiversity within Wandsworth.

**10.10** In very exceptional cases where a developer cannot protect an ecological habitat on or adjacent to the site and permission to develop is granted, a planning obligation will be required to provide compensatory measures of equal or greater value. This should be located as close to the site as possible, and could include measures on land off-site on which the Council or another responsible agency can carry out works and recover the reasonable costs from the developer, or assistance in enlarging or enhancing existing nature conservation assets and habitats in the locality and making provision for maintenance of the site. The Council will also seek to ensure new ways of creating habitats in increasingly urbanised and dense areas. These can include living roofs and walls, as well as any other green infrastructure, which will have a positive impact on biodiversity in the borough. Planning Obligations will be secured to ensure these are appropriately maintained.

### **Threshold**

Each new development site will need to demonstrate that it can meet the required biodiversity provision on-site to a standard to be agreed with the council. The works should be guided by a report from a qualified member of Chartered Institute of Ecology and Environmental Management (CIEEM) and agreed by the Council.

### **Calculation / Formula / Application**

Planning obligations may be used to require developers to carry out works to secure or reinstate existing habitat features, enhance existing features, create new features or to undertake habitat creation schemes. In certain circumstances legal agreements may be appropriate to restrict types and hours of activities and development rights. They may also be used to control access so as not to damage or harm existing features and to make provision for the long-term maintenance of directly affected sites.

### **Commuted Sums**

Where it is considered unfeasible for a development to provide adequate on-site biodiversity enhancements, or where projects in nearby open spaces, amenity walks, or enhancements to nearby rivers or water bodies, offer better opportunities to enhance biodiversity and/or access to nature, the Council will seek an equivalent financial contribution to off-site projects which will be secured for enhancements which help to

deliver the Biodiversity Action Plan produced by the London Biodiversity Partnership, and other relevant documents, such as the Wandle Catchment Plan produced by the Wandle Trust.

A commuted sum may be requested where additional monitoring or survey work is considered necessary to confirm that relevant environmental measures have been implemented successfully as part of a scheme. Some developments may result in increased activity and affect the value of areas of nature conservation adjacent to or within the site, or regionally recognised biodiversity net gain and/or offsetting proposals.

## Flood risk

**10.11** Strategic flood protection projects will be funded through CIL. Section 14 of the NPPF deals with the challenges of climate change and flooding. It states that planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk and water supply and demand considerations. Local Plan Policies PL 2, DMS 5, DMS 6 and DMS 7 requires developers to demonstrate that existing, planned infrastructure is sufficient to accommodate new development proposals. This includes demonstrating there is adequate water supply, surface water drainage both on- and off-site to service the development.

**10.12** The Council also requires developers to improve water efficiency and reduce surface water run-off through the use of a range of Sustainable Drainage Systems (SUDS) appropriate to the various parts of the Borough. In accordance with the Drainage Hierarchy outlined in Policy 5.13 of the London Plan (March 2016), schemes should seek to retain stormwater on-site, and reduce site runoff to the maximum possible rate. The construction and ongoing maintenance costs of SUDS will be fully funded by the development.

**10.13** Flooding measures that are not covered by the Council's Infrastructure Funding Statement and are which deemed necessary to the particular development to mitigate specific impacts of that development will be dealt with by planning condition or if this is not possible, by financial and/or non-financial planning obligation.

**10.14** The Environment Agency has identified flood alleviation schemes in need of funding and contributions through CIL or planning obligations in the form of commuted sums, including a project to reduce flood risk on the River Wandle. Off-site enhancements may be required along the Thames Path corridor and the Wandle River. Further guidance is included in the Wandle Catchment Plan.

### **Threshold**

It must be demonstrated that any new development will reduce the risk of fluvial, tidal and surface water flooding and manage residual risks through appropriate flood risk measures. Measures to mitigate flooding from ground water and sewers should also 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 a s106 agreement.

A planning obligation in the form of a commuted sum will be secured for off-site flood risk mitigation work where a flood alleviation project directly mitigates flood risk on-site (subject to CIL regulations). The commuted sum would exclude fees set by the Council towards administering an application and inspection which will be required separately.

Off-site enhancements may be required along the Thames Path corridor.

## **Wastewater/Sewerage and Water Supply Infrastructure**

**10.15** The Council will seek to ensure that there is adequate water and wastewater infrastructure to serve all new developments. Developers are encouraged to contact the water/wastewater company as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements. Where there is a capacity constraint the Council will, where appropriate, apply phasing conditions to any approval to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of the relevant phase of development.

**10.16** Thames Water currently offer a free pre-planning service which confirms if capacity exists to serve the development or if upgrades are required for potable water, waste water and surface water requirements. Details on Thames Water's free pre planning service are available at:

<https://www.thameswater.co.uk/preplanning>

## **Air quality**

**10.17** Poor air quality can have damaging impacts on people's quality of life and health. The entire borough of Wandsworth was declared an Air Quality Management Area in 2001 due to concentrations of pollutants exceeding national air quality standards. Core Strategy Policy IS 4 supports measures to improve air quality and ensure that major developments are air quality neutral in line with the London Plan, and as a result, the Council has produced an Air Quality Action Plan to achieve air quality improvements in the borough by reducing pollution emissions through measures such as reducing the need to travel by car, setting

out criteria for sustainable design and construction and promoting sustainable construction in the demolition and construction process. This approach is in accordance with the Mayor’s Air Quality Strategy and the published Supplementary Planning Guidance on Sustainable Design and Construction and the ‘Air Quality Neutral Planning Support Update, GLA 80371, April 2014’. This includes a requirement that new developments in London are air quality neutral. The calculations cover the emissions of Nitrogen Oxides NO<sub>x</sub> and Particle Matter (per micro metre) PM<sub>10</sub>. Water conservation and water efficiency measures in new development are encouraged.

**Table 6 Borough's Air Quality Fund for NO<sub>x</sub> and PM<sub>10</sub>**

Site Emissions	Borough's Air Quality
NO <sub>x</sub> building emission	£29,000 per tonne of NO <sub>x</sub> (exceeding benchmark figures)
PM <sub>10</sub> transport emission for inner London	£192,456 per tonne of PM <sub>10</sub> (low central range of the GLA 80371; exceeding benchmark figures)

- Based on the ‘Air quality Neutral Planning Support Update, GLA 80371, April 2014’;
- Applicable to all major new developments, taken to be 10 or more dwellings or 1,000m<sup>2</sup> or more floor space.

**Threshold**

Air Quality Fund (AQF)

This applies to major developments of 10 or more dwellings or 1,000 m<sup>2</sup> or more floor space.

**Application**

As requested in Policy IS 4, at validation developers shall submit an Air Quality Neutral (AQN) assessment which determines the relevant Building Emission Benchmarks (BEBs) for the development, based on its land use-class and location (Sustainable Design and Construction SPG and the GLA’s Air Quality Neutral Planning Support Update). The sites emissions are then calculated as part of the AQN and compared to the benchmarks, any exceedances will then be calculated and costs shall be set out for the Council to assess. The same process should be followed for transport emissions.

Developers shall mitigate the residual impacts and provide local mitigation measures to deal with any adverse air quality impacts associated with development proposals, including if the development fails to meet one or more of the AQN (Air Quality Neutral) benchmarks.



When the Building Emission Benchmarks (BEBs) and Transport Emission Benchmarks (TEBs) are exceeded, the Council will request that developers:

- fully mitigate the air quality impacts of the new development by providing mitigation measures (on the new development or on the surrounding area) for building emissions and/or transport emission; or
- offset the additional emissions by making a financial contribution to the Borough's Air Quality Fund based on Table 6 above.

### Worked example

Medium-sized mixed use development: 5,580 m<sup>2</sup>, 1 gas-fired CHP

- Total NO<sub>x</sub> emission = 581 kg/annum
- Total NO<sub>x</sub> excess = 385 kg/annum

£29,000 : 1,000 kg = x : 385 kg

x = Air Quality Fund = (29,000 / 1,000) \* 385 = £11,165

Contribution to Air Quality Fund for NO<sub>x</sub> = 385/1000 × £29,000 = £11,165

### Examples of spending

**10.18** Air Quality Fund (AQF) would be spent on:

- the purchase, service and maintenance of specialist monitoring equipment which would be used to ensure the construction and operational phases of the development do not negatively impact on the local area; and
- the implementation measures contained in the Council's Air Quality Action Plan to improve air quality on-site.

**10.19** During demolition and construction there is a risk of negative environmental impacts (including dust, noise and emissions) and there will be a need to monitor and mitigate impacts during construction, and, in the case of some forms of development or use of the site, as part of the use of the site.

**10.20** An example of mitigation would be funding to pay for a construction control officer who would ensure that air issues caused by the site development were adequately addressed, as well as business and community engagement to identify pollution issues in the area and attempt to provide solutions which improve local air quality benefiting the development's residents. Another example would be the installation of on-street Electric Vehicle Charging Points (EVCPs) on Council maintained roads at the development site.



## **Street Cleansing - construction phase**

**10.21** Where there is a major residential site that has an impact on the wider area which includes the adjacent highway, or sites within a close proximity which have a cumulative impact (e.g. the Vauxhall, Nine Elms, Battersea Opportunity Areas) and it is not achievable for the proposal to mitigate and contain wholly on-site, then the Council will require a commuted sum (subject to s106 three tests). This commuted sum will be required to cover the costs associated with higher frequencies and levels of street cleansing that result from the increased usage generated by development works. Where identified in the construction management plan the site should mitigate from any dust, dirt and debris impacts generated by the scheme and any additional cleansing that might be required as a result of the development (e.g. muddy lorry wheels from construction sites dirtying the highway).

## 11 Transport

### Broad principles

**11.1** Strategic transport investment as a result of incremental growth will be funded through CIL. In some cases improvements, amendments or additions to public transport services which are directly related to the site may also be required to make a development acceptable in planning terms, particularly where new transport demand is generated or if there are significant transport impacts. Planning obligations may therefore be sought for site specific traffic and highway works, and contributions towards public and sustainable transport modes where they meet the 3 legal tests set out in the CIL Regulations 2010 (as amended).

**11.2** Alterations or improvements to the local highway network, necessary to promote a safe, efficient or sustainable relationship between development and the public highway, may be secured through planning and/or highway legal agreements. Such works should be done in accordance with the current policy framework, including promoting and prioritising walking, cycling and public transport over other uses.

**11.3** Where development is expected to result in severe adverse traffic impacts on the wider highway network, measures will be secured to reduce, minimise or eliminate the impacts.

**11.4** The Council's Transport team will normally advise on the requirement for individual applications and/or such works will be identified as a result of submitted Transport Assessments. TfL also operates a pre-application service to ensure that planning applications align with the London Plan and Mayor's Transport Strategy. Further information can be accessed here:

<https://tfl.gov.uk/info-for/urban-planning-and-construction/planning-applications/pre-application-services>

### Transport Assessments and Travel Plans

**11.5** Transport Assessments will identify the potential adverse transport impacts of development. Travel Plans will set out, as far as is practicable, how development proposes to mitigate its adverse transport impacts and promote sustainable travel, and may include measures relating to encouraging sustainable transport behaviour and infrastructure provision. Travel Plans will include resources for supporting and maintaining the Travel Plan. Travel Plans may include provision for financial penalties to fund the promotion or provision of sustainable transport until the Travel Plan objectives are met.

**11.6** TfL has guidance on Transport Assessments and Travel Plans which can be accessed here:

<https://tfl.gov.uk/info-for/urban-planning-and-construction/guidance-for-applicants>

<https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/transport-assessments>

<https://tfl.gov.uk/info-for/urban-planning-and-construction/travel-plans>

### **Threshold**

The tables set out in Appendix 1 of the DMPD set out the threshold levels for different development types which determine whether a Transport Assessment and a Travel Plan are required. Notwithstanding the thresholds, full travel plans are required for larger-scale developments that are referable to the Mayor.

### **Calculation/application**

The measures set out in the Travel Plan will be secured by way of a condition on the permission or a s106 Obligation. A Travel Plan is a package of practical measures to reduce car travel to and from a proposed site, and to encourage the promotion of more sustainable forms of transport by increasing the awareness of travel options, such as walking and cycling and through provision of facilities to support such options, such as shower facilities and secure cycle parking. In addition, the Council will require developer funding by planning obligation for the monitoring and review of Travel Plans. Examples of works that may be required include traffic calming measures, new road alignments, junction improvements and footway improvements. Such contributions may take the form of a financial payment towards the delivery of mitigation works, the safeguarding of land to provide the works in the future, or an obligation to deliver the mitigation as part of the on-site works.

The Council may also seek to secure non-financial obligations to mitigate the impact of development proposal. Non-financial obligations will include:

- Car and Permit Free Agreements - which restrict residents from applying for on-street car parking permits. These will be sought for residential development in accordance with policy DMT 2 of the DMPD (i.e. where the Public Transport Accessibility Level (PTAL) is 4 or above and/or there is existing parking stress).
- Car Clubs - provide on-site car parks 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.
- Electric Vehicle Charging - provision of electric charging points (both active and passive).
- Travel Plan - preparation, submission and subsequent monitoring to ensure compliance.

Where the site specific impacts of a development are more appropriately mitigated by a s278 agreement this will be used to secure the measures required.

Where a s278 / s106 agreement relates to the Transport for London Road Network (TLRN) further information can be found at:

<https://tf.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/planning-obligations>

Where applications require a Transport Assessment (TA), a construction management plan will also be required to be submitted, in line with the TA threshold. The Council will require developer funding by planning obligation to pay for the monitoring and review of construction management plans.

### **Infrastructure required to enable site delivery**

#### **Application**

Highway amendments and improvements that may be necessary, specific to development, include (but are not limited to) the provision, removal or relocation of street furniture, dropped kerbs, crossovers, pedestrian crossings, bus stops and trees.

## Network impacts

**11.7** There will be occasions where transport demand created by development may not be satisfactorily mitigated by the measures in a Travel Plan or site specific highways improvements. While the Council will endeavour to improve the wider transport network through CIL and other mainstream funding, there will be occasions where a particular site requires public transport services or highway or traffic management mitigation to the wider network that has not been identified for investment.

**11.8** It should also be noted that for referable schemes, the Greater London Authority and TfL may require planning obligations such as highways works on the strategic road network. TfL may need to be included as a party in the legal agreement for works funded on the strategic transport network, and where TfL legal input is required in drafting and preparing a s106 agreement, TfL legal fees will also need to be met by developers.

### Threshold

The Council expects major site specific transport service or infrastructure improvements to be rare outside of the Vauxhall Nine Elms Battersea Opportunity Area and that, for most development, on-site works, improvements to immediate highway, Travel Plans and CIL funding will be sufficient to mitigate adverse transport impacts. However larger developments or those that generate over the 'Standard Travel Plan' thresholds above may be required to directly contribute to wider transport improvements, where necessary, to enable the delivery of the site.

### Calculation/application

This may include increased highway capacity within the network and/or traffic management measures, including the potential introduction or extension of parking controls, subject to consultation. It may also include cycle and pedestrian route improvements, increased public transport capacity, station improvements and bus services and infrastructure.

It is essential that travel plan, infrastructure and traffic management measures are provided in a timescale commensurate with the proposed phasing of the development and the Council will seek to approve trigger points through the appropriate legal agreements.

## **Standards for contributions towards mitigating measures**

**11.9** The expectation is for infrastructure to be phased and delivered as part of the development proposal. Contributions towards mitigating measures required in relation to the developments will be determined on the basis of the cost of works required. In exceptional circumstances, as necessary on the basis of economic viability of a development proposal, the Council will consider a reduction in s106 contributions towards such measures on the basis of the level of funding contributed through CIL or funding that can be secured through other means.

### **Parking restrictions**

**11.10** The extension of on-street parking controls, waiting restrictions, parking permit eligibility restrictions, and parking permit free housing will be promoted to mitigate the impacts of development on parking conditions and the local highway network. Legal agreements will be required to secure a financial contribution to the Council to implement parking controls and to ensure that owners or occupiers of car-free residential units are not entitled to apply for parking permits.

### **Car clubs**

**11.11** A car club provides an environmentally sound and financially attractive alternative to private car ownership by offering pay as you go short term vehicle hire. Car club related planning obligations can be sought in order to achieve reduced levels of on-site parking provision or, in some circumstances, in order to provide an on-street car club bay in the vicinity of the site. Car club related initiatives can also be included in Travel Plans.

## 12 Historic Environment

### Broad principles

**12.1** As detailed in Policy DMS 2, it is recognised that the historic environment contributes to the enjoyment of life in the borough and provides a unique sense of identity. Protecting and enhancing the historic environment is an important component of the NPPF's drive to achieve sustainable development. Guidance on conserving and enhancing the historic environment has been produced by MHCLG <sup>(4)</sup>.

**12.2** Contributions towards the conservation, restoration and enhancement of the historic environment and archaeological sites and monuments will be sought where impact is directly linked as a consequence of a development site and requires mitigation.

### Requirements

**12.3** Where a proposal is identified as having an impact on archaeological remains it will need to be recorded, and its findings published appropriately and placed on the Greater London Historic Environment Record (GLHER). In some instances, where the Council deems archaeological assets to be of sufficient value, those assets will need to be preserved in situ. In other instances, archaeological assets may need to be excavated. Developers are expected to meet any cost associated with these activities or other relevant recommendations from the Greater London Archaeological Advisory Service (GLAAS) <sup>(5)</sup> required by the Council. It is essential that heritage works are provided in a timescale commensurate with the proposed phasing of the development and the Council will seek to approve trigger points in the s106 agreement. The obligation will be secured through developer provision of identified works. Where appropriate, the obligation may include provision for the long term maintenance of the heritage asset or historic environment. Where the proposal involves enabling development to secure the repair, restoration and maintenance of the heritage asset, the Council will require any identified funds raised through provision of the enabling development to be held in an escrow account, and appropriate arrangement put in place to manage spending of such funds.

### Related factors for consideration

**12.4** Where appropriate, the range of matters that could be included as part of a s106 agreement in relation to heritage assets include:

- the repair, restoration or maintenance of a heritage asset(s) and their setting;
- increased public access and improved signage to and from heritage assets;
- interpretation panels/historical information and public open days;
- the production and implementation of a Conservation Management Plans;

4 <https://www.gov.uk/guidance/conservingandenhancingthehistoricenvironment>

5 [http://www.wandsworth.gov.uk/info/200059/land\\_and\\_premises/1626/land\\_charge\\_searches/4](http://www.wandsworth.gov.uk/info/200059/land_and_premises/1626/land_charge_searches/4)

- measures for preservation or investigation and recovery of archaeological remains and sites;
- the display of archaeological sites;
- the dissemination of historic environment information for public/school education and research; and
- sustainability improvements (such as loft insulation) for historic buildings.



## 13 CCTV

**13.1** CCTV is used by the Council to detect crimes and deter offenders, manage traffic flows, support responses to emergencies, enable proper management of public events and assist police to respond to live events.

**13.2** The purpose of the Council's CCTV strategy is to maximise the effectiveness of the Council's CCTV.

**13.3** The Council may require the provision of CCTV cameras by way of a planning condition or under a s106 Agreement when granting planning permission for new development. This may be in circumstances where:

- existing Council owned CCTV is removed as a result of the development work and needs to be replaced;
- the development is in an area where there are identified gaps in coverage which the Council is seeking to address, as set out in the CCTV strategy;
- the development has a negative impact on public safety or transport such that CCTV is required to mitigate this and make the development acceptable; or
- where riverside development is planned and where appropriate the provision of suicide measures must be considered by developers, which could include CCTV coverage of riverside areas to help deter/prevent suicide attempts into the River Thames.

**13.4** Under the CCTV strategy, the Council may need to pool contributions from different developments. Private CCTV may be part of the development application but there may be instances where a commuted sum may be charged. As set out in the CCTV strategy, on-site provision for facilities may be required and/or physical connection to the Council's CCTV network. An example of costs would be: £15,000 to cover installation and transmission of a new camera system, and approximately £10,000 for additional cameras thereafter. Connecting to the Councils' network would cost approximately £10,000 - £15,000.

## 14 Glossary

### **Affordable Housing**

As defined in The London Plan (2016) in Chapter 3 at Policy 3.10 and paragraph 3.61.

### **Community Infrastructure Levy (CIL) – Wandsworth**

A Levy charged on new development in the Borough by the Council in order to fund infrastructure that is needed to support growth in the area.

### **Community Infrastructure Levy Regulations**

Regulations approved by the House of Commons in accordance with section 222(2)(b) of the Planning Act 2008.

### **Habitable Room**

A room within a dwelling, the main purpose of which is for sleeping, living or dining and meeting minimum room sizes set out in London Housing Design Standards. It is any room with a window that could be used to sleep in, regardless of how it is used. It excludes toilets, landings, halls, lobby areas and kitchen diners with an overall floor area of less than 13 m<sup>2</sup>.

### **Heads of Terms**

The different topic areas under which planning obligations might be identified in a Section 106 Agreement, for example; 'Affordable Housing' or 'Employment and Enterprise'.

### **Infrastructure Funding Statement (IFS)**

This replaces 123 lists. IFS documents should include details of how much money has been raised through developer contributions, both from CIL and section 106 planning gain agreements, and how it has been spent. Statements must be published on council websites at least once a year and councils will be required to publish their first statements by 31 December 2020.

### **Local Implementation Plan (LIP)**

Statutory transport plans produced by London Boroughs bringing together transport proposals to implement the Mayor of London's Transport Strategy at the local level.

### **Major developments**

Major developments, where referred to in this SPD, are as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015. Generally, this refers to:

- Residential development where 10 or more dwellings are to be provided, or the site area is 0.5 ha or more; or
- Development of other uses, where the floorspace is 1,000 m<sup>2</sup> or more, or the site area is 1 ha or more.

## **Mayoral Community Infrastructure Levy 2 (MCIL 2)**

In February 2019 the Mayor adopted a new charging schedule (MCIL2) which will supersede the MCIL1A London Levy charged by the Mayor on new development in London. This Levy came into effect on 1 April 2019 and is in addition to the borough's CIL.

## **Planning contributions**

Planning (developer/Section 106) contribution payments, which are necessary to be paid to the local planning authorities to mitigate the impacts of development and to make the development acceptable in planning terms.

## **Planning obligations**

Legal agreements between a planning authority and a developer (or undertakings offered unilaterally by a developer) that ensure that planning contributions and/or works related to a development are undertaken. For example, the provision of highways. Sometimes called 'Section 106' or 's106' agreements.

## **Section 278 Agreement**

A legal agreement completed between the developer and the Local Planning Authority, under section 278 of the Highways Act 1980, where a development requires works to be carried out on the existing adopted highway. These agreements provide a financial mechanism for ensuring delivery of mitigation works identified and determined as necessary for planning permission to be granted.

## **Transport Assessment (TA)**

A document which accompanies a planning application, and is used by planning authorities and highways authorities to determine whether the impact of a new development on the transport network is acceptable. It should identify what measures may be required to deal with the predicted transport impacts and to improve accessibility and safety, especially for pedestrians, cyclists and public transport users.

## **Viability Assessment**

An assessment of the financial viability of a development, taking into account a range of different factors such as location, type of site, size of scheme, and scale of contributions to infrastructure and facilities.

## Appendix A - Local Plan Policies

**Relevant Local Plan Policies include but are not limited to:**

### **Core Strategy**

SD 1 – Presumption in favour of sustainable development

PL 1 – Attractive and distinctive neighbourhoods and regeneration initiatives

PL 2 – Flood risk

PL 3 – Transport

PL 4 – Open space and the natural environment

PL 5 – Provision of new homes

PL 8 – Town and local centres

PL 9 – River Thames and riverside

PL 10 – The Wandle Valley

PL 11 – Nine Elms and the adjoining area in north-east Battersea

PL 12 – Central Wandsworth and the Wandle Delta

PL 13 – Clapham Junction and the adjoining area

PL 14 – East Putney and Upper Richmond Road

PL 15 – Roehampton

IS 1 – Sustainable development

IS 2 – Sustainable design, low carbon development and renewable energy

IS 3 – Good quality design and townscape

IS 4 – Protecting and enhancing environmental quality

IS 5 – Achieving a mix of housing including affordable housing

IS 6 – Community services and the provision of infrastructure

IS 7 – Planning obligations

**Development Management Policies Document (DMPD)**

DMS 1 – General development principles - Sustainable urban design and the quality of the environment

DMS 2 – Managing the historic environment

DMS 3 – Sustainable design and low carbon energy

DMS 4 – Tall buildings

DMS 5 – Flood risk management

DMS 6 – Sustainable Drainage Systems

DMS 7 – Consultation with the Environment Agency

DMS 8 – Advertisements

DMS 9 – Telecommunications

DMH 1 – Protection of residential land and buildings

DMH 2 – Conversions

DMH 3 – Unit mix in new housing

DMH 4 – Residential development including conversions

DMH 5 – Alterations and extensions

DMH 6 – Residential space standards

DMH 7 – Residential gardens and amenity space standards

DMH 8 – Implementation of affordable housing

DMH 9 – Hostels, staff and shared accommodation (including student housing), specialist and supported housing

DMTS 1 – Town centre development uses

DMTS 2 – Out-of-centre development

DMTS 3 – Core shopping frontages

DMTS 4 – Secondary shopping frontages

DMTS 5 – Other frontages

DMTS 6 – Important Local Parades

DMTS 7 – Loss of shops outside protected shopping frontages and parades

DMTS 8 – Protection of public houses and bars

DMTS 9 – Shopfronts and signs

DMTS 10 – Northcote Road area of special shopping character

DMTS 11 – Markets

DMTS 12 – Arts, culture and entertainment uses/facilities

DMTS 13 – Hotel development

DMO 1 – Protection and enhancement of open spaces

DMO 2 – Playing fields and pitches, sport, play and informal recreation

DMO 3 – Open spaces in new development

DMO 4 – Nature conservation

DMO 5 – Trees

DMO 6 – Riverside development

DMO 7 – Development in the river and on the foreshore

DMO 8 – Focal points of activity

DMC 1 – Protection of existing community facilities

DMC 2 – Provision of new and improved community facilities

DMC 3 – Provision of health and emergency service facilities

DMT 1 – Transport impacts of development

DMT 2 – Parking and servicing

DMT 3 – Riverside walking and cycling routes

DMT 4 – Land for transport functions

DMT 5 – Taxi and private hire

**Local Plan Employment and Industry Document (LPEID)**

EI 1 – Encouraging sustainable economic growth

EI 2 – Locations for new employment floorspace

EI 3 – Protected employment land and premises

EI 4 – Affordable, flexible and managed workplaces

EI 5 – Requirements for new employment development

EI 6 – Managing land for industry and distribution

EI 7 – Redundancy of employment premises

EI 8 – Waste

EI 9 – Protected wharves

## Appendix B - Applicable Planning Documents

	<b>National Policy</b>	<b>Local Plan Policies (Core Strategy &amp; Development Management)</b>	<b>Other</b>
<b>Open Spaces</b>	<p>London Landscape Framework</p> <p>Accessible National Green Space Standards</p> <p>Mayors SPG: Shaping Neighbourhoods: Play and Informal Recreation SPG.</p>	<p>DMO 3, DMO 4</p> <p>IS 3</p>	<p>Open Space Study</p>
<b>Affordable Housing</b>	<p>London Plan 3.74 – exceptional circumstances include those where it would be possible to achieve the following:</p> <p>Secure a higher level of provision (or an improved size or tenure mix) on an alternative site,</p> <p>Sites where there are existing concentration of particular types of housing (usually social rented) and there are demonstrable benefits to be gained by providing new units in a different location, such as</p>	<p>IS 5 and IS 5d which identifies that the council will seek the maximum reasonable amount of affordable housing on individual private residential sales and mixed use schemes of ten or more (gross), having regard to affordable housing targets, the need to encourage and enable rather than restrain residential development and the individual circumstances of the site.</p> <p>DMH 3 and DMH 8 and relevant sections of SSAD</p>	<p>NPPF Paragraphs 60-68, 76</p> <p>Homes for Londoners Affordable Housing and Viability Supplementary Planning Guidance – Mayor of London</p>



	<p>tenure diversification and to create more mixed balanced communities,</p> <p>Better address priority needs, especially for affordable family homes</p>		
<b>Employment</b>	<p>Chapter 4 London Plan</p> <p>GLA Economic Development Strategy</p>	LPEID EI 4, EI 5	
<b>Social Infrastructure</b>	<p>London Plan Policy 3.16</p> <p>Protection and enhancement of social infrastructure</p>	<p>IS 6</p> <p>DMC 2</p> <p>SSAD</p>	<p>Meet the objectives of the 'Wandsworth commissioning strategy plan'</p>
<b>Community Services</b>	<p>London Plan Policy 3.16</p> <p>Protection and enhancement of social infrastructure;</p> <p>London Plan Policy 3.17 Health and social care facilities</p>	<p>IS 6</p> <p>DMC 2</p>	<p>Wandsworth Commissioning Strategy Plan</p> <p>Council population yield calculator.</p>
<b>Arts, Culture and Public Realm</b>	<p>London Plan Policy 4.6</p> <p>Support for and enhancement of arts, culture, sport and entertainment;</p>	<p>IS 2</p> <p>DMTS 11</p>	<p>Lombard Road York Road Focal Point SPD</p>

	London Plan Policy 7.5 Public Realm		
<b>Transport</b>	London Plan – Chapter 6 sets out policies to support integration of transport and development and connecting London and ensuring better streets.	IS 1, IS 6 DMS 1, DMT 1, DMT 2, SSAD	Appendix 1 DMPD TfL Wandsworth Local Implementation Plan.
<b>Sustainability</b>	BREEAM London Heat Map	IS 2 DMS 2, DMS 6	Sustainability Checklist CO <sub>2</sub> off-set fund
<b>Air Quality</b>	London Environment Strategy 2018 London Plan Policy 7.14 Improving air quality	IS 4	Air Quality Action Plan Sustainability Checklist
<b>Flood Risk</b>	NPPF section 14 - climate change, flooding and coastal change.	DMS 5	
<b>Historic Environment</b>	London Plan Policy 7.8 Heritage assets and archaeology	DMS 2	

**Erratum / Updates:**

*This document was re-published on 29.10.2020 to correct a typographic error in the 'Monitoring Fee Calculation' table on page 23. The Section 106 Monitoring Free Hourly Rate was also updated from £113 to £122, to reflect the pricing for 2020/21.*

For more information write to:

Planning Policy and Design  
Environment and Community Services  
Town Hall  
Wandsworth High Street  
London SW18 2PU

Telephone: (020) 8871 7620

Email: [planningpolicy@wandsworth.gov.uk](mailto:planningpolicy@wandsworth.gov.uk)

[www.wandsworth.gov.uk/planning](http://www.wandsworth.gov.uk/planning)

If you need this document in an alternative format  
please call (020) 8871 7620