

**TABLE OF MODIFICATIONS**

The modifications to the SPD are shown with deleted text struck through in blue and new text underlined in red. Grammatical and very minor changes are not included.

TOC	Page	Paragraph/ figure	Errata (E) Change (Ch)	Proposed change	Reason for change
	4	1.1	Ch	This supplementary planning document (SPD) provides detailed guidance on the use of section 106 planning obligations alongside the community infrastructure levy. <del>When adopted, it will</del> <u>It replaces</u> Southwark's adopted Section 106 Planning Obligations SPD (2007).	For clarification
	4	1.2	Ch	...Almost all development has some impact on the need for infrastructure, services and amenities - or benefits from it - so it is only fair that such development pays a share of the cost. <del>Southwark's current guidance on section 106 planning obligations is set out in the 2007 Section 106 planning obligations SPD.</del>	For clarification
	4	1.3	Ch	The <del>adopted</del> <u>Section 106 Planning Obligations SPD (2007)</u> sets out a number of standard charges which <u>historically we have used</u> to calculate section 106 planning obligations. These charges covered a range of types of infrastructure, including school places, open space, strategic transport improvements, sports development and play facilities.	For clarification
	4	1.3	Ch	However, the introduction of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 ( <u>as amended</u> ) has changed the way that developments contribute towards the funding of strategic infrastructure.	For clarification
	4	1.4	Ch	...Once a CIL has been adopted or by April 2015 (whichever is the sooner) local authorities will not be able to pool more than five separate planning obligations to pay for one item <u>or type</u> of infrastructure....	To align with the CIL regulations 2010 (as amended)

					and to address representation 167
	6	2.8	Ch	The link below provides more information on Southwark's CIL: <a href="http://www.southwark.gov.uk/info/856/planning_policy/2696/community_infrastructure_levy">http://www.southwark.gov.uk/info/856/planning_policy/2696/community_infrastructure_levy</a> <a href="http://www.southwark.gov.uk/southwarkcil">www.southwark.gov.uk/southwarkcil</a>	Updated website link
	6	2.10	Ch	The Mayor's levy is £35 per square metre ( <u>plus indexation</u> ) of new development in Southwark. There is a nil charge for education and health uses.	For clarification
	6	2.13	Ch	There is also more information about the Mayoral CIL on our website at: <a href="http://www.london.gov.uk/priorities/planning/mayoral-community-infrastructure-levy">http://www.london.gov.uk/priorities/planning/mayoral-community-infrastructure-levy</a> <a href="http://www.southwark.gov.uk/info/200441/cil_information/2614/mayoral_cil">http://www.southwark.gov.uk/info/200441/cil_information/2614/mayoral_cil</a>	Updated website link
	7	3.2	Ch	Section 106 planning obligations must meet the tests set out in the Community Infrastructure Levy Regulations 2010 ( <u>as amended</u> ) (Regulation 122) which state that a planning obligation may only be a reason for granting planning permission for the development if the obligation is:	For clarification
	7	3.4	Ch	This list of obligations in Appendix 1 includes a <u>set range</u> of sizes for development, above which we will seek the obligation. We may also seek to secure contributions where a development proposal below the minimum size creates an exceptionally large impact. Appendix 1 also does not cover all of the planning obligations that may be sought. Very large development schemes may have wide ranging impacts, which will require more significant measures to be put in place to address them in addition to the standard charges. In addition to the above list of standard charges, planning obligations may also be sought, on a case by case basis where there are identified direct impacts from development to address the following areas:  <ul style="list-style-type: none"> <li>• <a href="#">Bus stops and any dedicated bus service improvements</a></li> <li>• CCTV</li> </ul>	For clarification and also to address representation from TfL.

				<ul style="list-style-type: none"> <li>Community safety initiatives</li> </ul>	
	8	3.5	Ch	Where section 106 planning obligations are considered necessary these may include some or all of the above or others as required. This list is provided to set out the most commonly sought <del>obligations-contributions</del> but should not be considered exhaustive.	For clarification
	8	3.6	Ch	The Mayor requires a planning obligation from new <u>commercial office</u> developments in the Central Activities Zone (CAZ) and northern Isle of Dogs area which are above a 500 square metre (GIA) threshold.	The Mayoral CIL liability includes office, hotel and retail developments, therefore it is more accurate to refer to 'commercial' developments
	9	4.1	Ch	....We will not be able to pool the funding generated by more than five section 106 planning obligations to pay for one infrastructure project <u>or type</u> .	To align with the CIL regulations 2010 (as amended) and to address representation 167
	9	4.2	Ch	<del>With When</del> Southwark's CIL <del>has been</del> adopted, <del>the key principle of our approach will be that</del> section 106 planning obligations will be used to address site specific impacts of developments, such as a local access road or public realm improvements near the site.	For clarification
	9	4.3	CH	CIL payments and section 106 planning obligations will be used to fund different infrastructure items and developments will not be charged for the same items of infrastructure through both section 106 planning obligations and the CIL. To help clarify this, we have published a list of those infrastructure projects <u>or types</u> for which we will not seek to negotiate section 106 planning obligations, after Southwark's CIL has been adopted. This is called a Regulation 123 list (from CIL Regulation 123). The Regulation 123 list contains projects <u>or types of infrastructure</u> which may be funded partly or wholly by CIL. The list is based	For clarification and to address representation 167

				upon the infrastructure projects <u>or types</u> set out in the borough's Infrastructure Plan which are required to support growth over the Core Strategy period (2011-2026). It will be kept up to date to take into account any changes in circumstances and / or infrastructure needs identified in the future. <a href="https://www.southwark.gov.uk/downloads/download/3323/draft_cil_charging_schedule">https://www.southwark.gov.uk/downloads/download/3323/draft_cil_charging_schedule</a>	
	9	5.2	Ch	Developments that do not require planning permission but meet the CIL threshold i.e. some "permitted" development, may need to pay CIL if the development started <u>by after</u> the 6 April 2012.	For clarification and to address representation 167
	10	5.4	Ch	CIL needs to be paid when development starts. The <u>Community Infrastructure Levy CIL</u> Regulations require payment within 60 days, unless we have adopted <u>an</u> payment installments policy. <u>Southwark's installments policy will be published on the internet as per Regulation 69b (1) of the CIL Regulations at <a href="http://www.southwark.gov.uk/info/200441/cil_information/2698/southwark_cil">http://www.southwark.gov.uk/info/200441/cil_information/2698/southwark_cil</a> We have the freedom to decide the number of payments, the amount and the time due. We can also revise or withdraw the policy as appropriate.</u>	To provide further guidance and to address representation 167
	10	5.5	Ch	The CIL collection arrangements are covered in Part 8 of the Community Infrastructure Levy Regulations and the government has issued <u>further guidance</u> <del>an information document</del> on CIL collection and enforcement <u>in the National Planning Practice Guidance:</u> <a href="http://www.communities.gov.uk/publications/planningandbuilding/cilcollectionenforcement">http://www.communities.gov.uk/publications/planningandbuilding/cilcollectionenforcement</a> <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/collecting-the-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/collecting-the-levy/</a>	To update the website link and guidance
	10	5.7	Ch	The <del>draft</del> SPD is used on a borough-wide scale. It provides guidance that expands on the policies and guidance for seeking planning obligations as set out in a number of planning documents, including the following:  <ul style="list-style-type: none"> <li>London Plan (2011) (<u>consolidated with revised early minor</u></li> </ul>	To address representation 167. To include reference to the Elephant and Castle SPD and

				<p><u>alterations 2013 (referred to as “The London Plan” in the remainder of the document)</u> policy 8.2</p> <ul style="list-style-type: none"> <li>• Core Strategy (2011) policy 14</li> <li>• Canada Water Area Action Plan (2012) policy 33</li> <li>• <del>Draft</del> Peckham and Nunhead Area Action Plan (2015) policy 48</li> <li>• Aylesbury Area Action Plan (2009) policy D2</li> <li>• <u>Elephant and Castle SPD and OAPF (2012) SPD 20</u></li> <li>• Affordable Housing SPD (2008) and draft Affordable Housing SPD (2011)</li> </ul>	update the references to the London Plan and the Peckham and Nunhead AAP
	10	New para 5.8	Ch	<u>CIL will replace the section 106 tariffs set out in the Aylesbury Area Action Plan and the strategic transport section 106 tariff in the Elephant and Castle SPD/OAPF.</u>	To address representation 167 To provide further clarification on the status of existing SPD guidance once CIL is adopted.
	10	5.9	Ch	When carrying out negotiations for section 106 planning obligations, we must meet the tests set out in the Community Infrastructure Levy Regulations ( <u>Regulation 122</u> ).	For clarification
	11	5.11	Ch	We will require applicants to prepare a planning obligations statement <u>for major development proposals</u> that addresses the issues outlined in this SPD where they are relevant to the particular proposal. The planning obligations statement should be submitted as part of the planning application.	To address representation 167
	11	5.13	Ch	On the completion and signing of a Section 106 <u>planning obligation legal agreement</u> , planning permission is formally issued.	For clarification
	11	6.1	Ch	Under the Community Infrastructure Levy Regulations there is a wider range of what funds can be spent on. Where possible we will seek to better align income collected from CIL for infrastructure with the preparation of the <u>council's <del>our</del></u>	For further clarification

				capital programme in order to increase the overall improvements that can be delivered.	
	11	6.2	E and Ch	Information on how we spend CIL will be prepared and published on <del>the</del> our website <u>and reported to Community Councils and designated Neighbourhood Forums</u> . We will <del>also</del> report every year on what CIL money has been secured where and on what it has been spent, in line with the requirements of the regulations. The CIL revenue received will be able to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the growth identified in the borough.	To address representation 140 and to provide further clarification
	12	6.3	Ch	The Community Infrastructure Levy Regulations also allow up to 5% of CIL money collected to be used to monitor and administer the charge. <u>This includes the CIL set-up costs, such as consultation on the charging schedule, preparing evidence on viability or the costs of the CIL examination. It also includes the on-going administration functions such as billing and payment systems, enforcing the levy, monitoring and reporting in CIL activity.</u> We will <del>monitor funding collected and</del> publish regular monitoring reports on the website.	For further clarification
	12	Heading		<del>Community Infrastructure project list</del> <u>Local CIL spending</u>	
	12	6.5	Ch	<del>In early 2013 the government announced that</del> <u>The CIL Regulations (amendment) 2014</u> <u>require an</u> amount of CIL to be spent locally <del>(a 'meaningful amount')</del> <u>and this</u> <del>would</del> <u>will</u> be 15% with a cap at £100 per council tax dwelling. For areas with an adopted neighborhood plan this <del>will</del> <u>would</u> be 25% with no cap.	To align with the CIL Regulations
	12	6.6	Ch	We will <del>spend</del> <u>retain</u> local CIL funds <u>and spend them</u> on projects listed in the Community Infrastructure Project Lists (CIPL) or where relevant on projects listed in an adopted neighbourhood plan. The CIPLs <u>have been developed as the mechanism by which local communities will inform priorities for spending local CIL funds.</u> The CIPLs are project ideas created by the local community and	To address representations 140, 178, 1309, 1310, 1311, 1177 and to provide

				approved by the relevant community council, <u>as the established local decision making forum. Inclusion of potential projects on the CIPL will need to be publically accessible physical infrastructure improvements in the local area which support growth. The Council, as the accountable body, is responsible for managing the process of CIPL operation.</u> We will consult on the CIPLs <u>regularly annually</u> to make sure they are up-to-date.	further clarification.
	12	6.7	Ch	The CIPLs <del>will</del> replace the existing <u>Section 106</u> project banks which include projects to improve the local environment that could be implemented through Section 106 planning obligations or other funding sources...	For clarification
	12	6.8	Ch	Southwark will spend at least 25% of CIL on projects in the local area, whether there is an adopted neighborhood plan or not, using the following sequence of areas: <ul style="list-style-type: none"> <li>• Areas with an adopted neighbourhood plan</li> <li>• Opportunity areas/<u>action areas</u></li> <li>• <del>Action areas</del></li> <li>• SPD areas (other than individual sites/buildings)</li> <li>• Community council areas (for those areas which are not covered by any of the above).</li> </ul>	For clarification
	13	6.9	Ch	We will use the areas in the order they are listed to select projects. For example, if a development site is located in an opportunity area and an area which has an adopted neighbourhood plan, the local CIL funds from a development will be spent on projects <u>located within the boundary of</u> <del>in</del> the neighbourhood plan area and formally approved by the local community council. <u>This process ensures that CIL funds generated in a neighbourhood plan area are spent in the neighbourhood plan area.</u> The areas are shown on figure 1 below. This will be updated on our website as planning policy documents and neighbourhood plans are adopted.	To address representation 140 and 1177 to provide further clarification.
	14	6.10	Ch	Southwark will consult <u>designated Neighbourhood Forums and the wider</u> local community <del>ies</del> <u>and groups using established community consultation and engagement processes</u> on priorities for these areas and will create the CIPL for	To address representation 140, 178, 1309, 1310,

				<p>each of the areas listed above. These lists will be revised <u>regularly annually</u> as projects are delivered, and priorities change. CIPL will help direct funding to infrastructure local people believe is required in their local areas in order to support the amount of new development planned. The <u>process of engagement with the community and the</u> current CIPLs <u>are is</u> available on our website <u>page: <a href="http://www.southwark.gov.uk/info/200152/section_106/796/cipl_ideas_for_local_infrastructure">http://www.southwark.gov.uk/info/200152/section_106/796/cipl_ideas_for_local_infrastructure</a></u></p> <p><u><a href="http://www.southwark.gov.uk/info/200152/section_106/796/current_project_bank_ideas">http://www.southwark.gov.uk/info/200152/section_106/796/current_project_bank_ideas</a></u></p>	1311, 1177 and to provide further clarification and an update.
	17	Appendix 1: Carbon Offset - Green Fund	Ch	<p>We will seek to secure mitigation where schemes do not meet the development plan target for reducing carbon dioxide emissions. Details of the green fund <u>and projects</u> will be set out on <u>the</u> our website.</p>	To address representations 190, 907, 974,1303 and 1308 to provide further clarification.
	17-18	Appendix 1: Carbon Offset – Green Fund	Ch	<p><b>Threshold</b></p> <p>Mitigation will be sought where schemes do not meet the overall carbon dioxide reduction requirements identified in Southwark’s development plan. The current <u>minimum</u> target is a 40% improvement on the 2010 Building Regulations for both domestic and non domestic buildings, as set out in London Plan (2011) policy 5.2. <u>(NB The relevant target is the overall carbon reduction requirement, rather any target associated with the requirement to reduce carbon dioxide through the use of renewable technologies.)</u></p>	To address representations 190, 907, 974,1303 and 1308 to provide further clarification.
	17-18	Appendix 1: Carbon Offset Fund	Ch	<p><b>Calculation</b></p> <p>The carbon reduction targets are set out as minimum improvements over the Target Emission Rates (TER) in the Building Regulations (Part L).</p> <p>The shortfall in CO2 reduction will be charged at £1,<u>800380</u> per tonne of carbon</p>	To align with the adopted Mayor’s Supplementary Planning Guidance Sustainable Design and Construction



				<p>dioxide.</p> <p>£1,800<del>380</del> represents £60<del>46</del> per tonne calculated over 30 years. £60<del>46</del> per tonne of carbon dioxide calculated over 30 years is the price identified <del>by the Zero Carbon Hub</del> in their publication <u><i>Next steps to zero carbon homes: allowable solutions 2013 (Consultation DCLG) Allowable Solutions for Tomorrow's New Homes 2011</i></u> and is one of the nationally recognised prices suggested in the Mayor's <del>draft</del> Sustainable Design and Construction SPG (201<del>4</del><u>3</u>).</p> <p><u>This charge will be monitored and if appropriate updated in line with changes in government guidance.</u></p>	(2014) and to address representations 167 and 1292
	18	Appendix 1: Children's Play Space	Ch	<p><b>Threshold</b></p> <p><del>The All</del> <u>developments with an estimated child occupancy of ten or more children provides 10 or more child bed spaces.</u></p> <p><b>Calculation</b></p> <p>A minimum of 10 sqm of play space per child <u>bedspace</u> is required.</p>	To address representation 167
	20	Appendix 1: Employment and Enterprise (jobs during construction period)	Ch	<p>We will seek to secure a section 106 planning obligation to help place unemployed jobseekers from the local area into jobs within the construction stage of a development. This will be through the agreement of targets and an obligation for developers to provide their own programme and/or work with council programmes to achieve them.</p> <p><u>In exceptional circumstances where the targets cannot be provided, we will seek an equivalent contribution for construction employment and training support to enhance the prospects of the use of local employment in the development and its supply chain.</u></p>	To ensure construction employment and training support is delivered
	21	Appendix 1:	Ch	<b>Calculation</b>	To ensure

		<p>Employment and Enterprise (jobs during construction period)</p>	<p>Targets</p> <p>1 job lasting a minimum 26 weeks for an unemployed Southwark resident per 500sqm GEA</p> <p>1 Southwark resident trained in pre or post employment short courses per 500sqm GEA</p> <p>1 new apprenticeship start or in-work NVQ per 2000sqm</p> <p><b><u>Employment and training contribution (jobs during construction)</u></b></p> <p><u>Where the target number of sustained jobs, short courses or apprenticeships cannot be provided a contribution will be sought to be used by the Council to provide equivalent opportunities in the local area to residents based on the following formula:</u></p> <p><u>Shortfall against target number of jobs lasting minimum 26 weeks for an unemployed Southwark resident x £4,300 (the average cost of supporting an unemployed Southwark resident into sustained employment)</u></p> <p><u>Shortfall against target number of Southwark residents trained in short courses x £150 (the approximate cost of a typical construction sector short course)</u></p> <p><u>Shortfall against target number of apprenticeship starts x £1,500 (the approximate cost of a typical construction sector Level 2 qualification)</u></p> <p><b>Management and coordination fee</b></p> <p><del>To support the costs of managing, monitoring and coordinating developments to deliver these outcomes, a management and coordination fee will be charged, set at £0.6 per sqm GEA.</del></p>	<p>construction employment and training support is delivered</p>
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	22	Appendix 1: Employment and Enterprise: General and end-user phase: skills, training and employment	Ch	<p>We will seek to secure a section 106 planning obligation from developers to provide a skills and employment plan for the end-user employment opportunities in the final development, including targets for employment of unemployed people who live in Southwark.</p> <p><u>In addition, we will seek to secure a section 106 contribution to be used by the council to facilitate the delivery of the skills and employment plan by providing training and employment support to borough residents.</u></p>	To ensure that the skills and employment plan is delivered
	22	Appendix 1: Employment and Enterprise: General and end-user phase: skills, training and employment	Ch	<p><b><u>Skills and Employment Plan Targets</u></b></p> <p>For business use (B class) floorspace a target for the number of jobs lasting a minimum of 26 weeks for unemployed Southwark residents will be calculated at 10% of the estimated Full Time Employee (FTE) employment on site according to Homes and Community Agency (HCA) employment densities (see page 21) or an alternative measure agreed by the council.</p> <p>For retail use (A class) floorspace and hotels a target for the number of jobs lasting a minimum of 26 weeks for unemployed Southwark residents will be calculated at 20% of the estimated FTE employment on site according to HCA employment densities or another measure agreed by the council.</p> <p><b><u>Employment and training contribution</u></b></p> <p><u>An employment and training contribution will be sought, to be set at the target number of jobs lasting a minimum of 26 weeks for unemployed Southwark residents, as set out above, multiplied by £4,300 (the average cost of supporting an unemployed Southwark resident into sustained employment). This will be used by the council to support borough residents to access local jobs and facilitate the delivery of the skills and employment plan.</u></p>	To ensure that the skills and employment plan is delivered

				<p><b>Management and coordination fee</b></p> <p><del>To support our costs of managing, monitoring and coordinating developments to deliver these results, a management and coordination fee will be charged, set at £1.8 per sqm GEA for B class floorspace and £1.2 per sqm GEA for A class floorspace and hotels.</del></p>	
	23	Appendix 1: Employment and Enterprise: loss of employment floorspace	Ch	<p><b>Calculation</b></p> <p>£40300 (average cost for a Southwark unemployed resident to gain support and training to get access to a skilled job)</p> <p><u>multiplied by the following:</u></p> <p>10% number of FTE jobs that may have been provided in equivalent amount of (net) lost floorspace in the existing employment use class, according to HCA employment densities or agreed alternative measure.</p>	To be consistent with the average cost of support and training for an unemployed residents
	28	Appendix 1: Student Housing: University Schemes	Ch	<p>A planning obligation will be secured on schemes that propose student accommodation let at restricted rent levels below <u>an average of</u> £168 per week (<u>single or double unit including service charge and</u> CPI indexed yearly from October 2013) to be set for a period of at least 7 years (7 years being equivalent to the relevant period for securing CIL charitable relief as set out in the CIL Regulations 2010).</p>	To align with the CIL Charging Schedule
	29	Appendix 1: Transport measures: site specific	Ch	<p><b>Transport measures: site specific</b></p> <p>We will seek to secure contributions for transport measures through site specific measures to help improve the access to a new development, by delivering, for example new pedestrian crossings, <u>bus stops and any dedicated bus service improvements</u>, cycleways, and car clubs. Travel plans will be required for all applications to demonstrate how impacts will be overcome.</p>	To address representation from TfL

	30	Appendix 1: Transport measures: site specific	Ch	<b>Calculation</b> - <del>Public</del> Electric Vehicle Charging <u>bays</u> – provision of electric charging points <u>in</u> <u>line with current adopted policy.</u>	To align with London Plan policy 6.13