

ALPHA HOUSE, REGIS ROAD, NW5 3EW ("THE SITE")

CIL NOTE IN RELATION TO THE SECTION 106 AGREEMENT

Introduction

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the "CIL Regulations") creates statutory tests to determine whether a planning obligation is capable of being a reason for granting planning permission.

Obligations must be:

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

This note considers and explains, in respect of each of the proposed planning obligations to be entered into, how each of the measures proposed can be demonstrated to be compliant with these tests relating to the Appeal Proposal and how each one is considered to be in accordance with the London Borough of Camden's ("the Council") local plan policies and associated guidance and the impacts of the development.

In accordance with the signed Statement of Common Ground (para 3.2), the following obligations are to be secured in the Section 106 Agreement to address the reasons for refusal 4-10.

Section 106 Agreement

The following obligations are included in the Section 106 Agreement, numbered by the associated Reason for Refusal (RfR):

- 4 Energy Efficiency and Renewable Energy Plan and Sustainability Plan
- 5 Car Free Development
- 6 Construction Management Plan, Construction Management Plan Implementation Support Contribution and Construction Management Plan Bond
- 7 Carbon Offset Contribution
- 8 Local Level Travel Plan and Travel Plan Monitoring and Measures Contribution
- 9 Employment Skills and Supply Plan and Construction Apprenticeship Support Contribution

Each of the obligations in the S106 Agreement and its compliance with the CIL Regulations is considered below.

OBLIGATIONS SOUGHT BY THE COUNCIL

Reason for Refusal 4: Energy and sustainability plans

- **Energy Efficiency and Renewable Energy Plan (Clause 4.7)**

Need for mitigation

The proposals would achieve an overall 96.3% reduction in carbon emissions which exceeds the 35% minimum on site requirement but falls short of the zero-carbon requirement and therefore a carbon offset payment would be required (refer to RfR 7).

An energy efficiency and renewable energy plan seeks to ensure that the development continues to operate sustainably for its lifetime. A planning obligation is considered appropriate as additional monitoring work is necessary to ensure that relevant environmental measures have been implemented successfully and maintained during the life of the development.

Developments in Camden are required to make contributions to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage.

The energy efficiency and renewable energy plan is secured as a working document that continues to apply during the on-going development operations which may be revised and amended during the lifetime of the development in order to ensure that it remains acceptable / is fully mitigated and binds the freeholder and their successors in title and any subsequent leaseholders. Securing these details via s106 would also allow for amendments to be made to the initially approved plan as and when matters arise that require attention.

Policy context

This obligation supports key principle 14 of the National Planning Policy Framework: Meeting the challenge of climate change, flooding and coastal change. London Plan London Plan policies 5.2, 5.3, 5.6, 5.7, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15 and 5.17 Camden Local Plan policies CC1, CC2, CC3 and CC4 are relevant to this obligation.

The energy efficiency and renewable energy plan is secured as a working document that continues to apply during the on-going development operations which may be revised and amended during the lifetime of the development in order ensure that the development remains acceptable / fully mitigated. Securing these details via s106 would also allow for amendments to be made to the initially approved plan as and when matters arise that require attention.

CIL Compliance

It is considered that the Energy Efficiency and Renewable Energy Plan complies with the CIL Regulations as the necessary measures required by Local Plan policy to be adopted help to ensure that the development is acceptable in planning terms, as required by development plan policy and is directly related to the effects of the development and is fairly and reasonably related in scale and kind to the development.

- **Sustainability Plan (Clause 4.10)**

Need for mitigation

All developments in Camden are required to make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage.

The Sustainability plan is secured as a working document that continues to apply during the on-going development operations which may be revised and amended during the lifetime of the development in order to ensure that the development remains acceptable / fully mitigated and binds the freeholder and their successors in title and any subsequent leaseholders. Securing these details via s106 would also allow for amendments to be made to the initially approved plan as and when matters arise that require attention.

Policy context

Camden Local Plan policies CC1 and CC2 are relevant to this obligation and CPG Energy efficiency and adaptation.

Local Plan Policy CC1 identifies measures to minimise the effects of climate change, including by reducing carbon emissions from the redevelopment, and requires that the effects of construction and occupation of buildings are minimised by ensuring developments use less energy and generate renewable energy on-site.

Local Plan Policy CC2 seeks to promote zero carbon development and requires all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy and expects the application of a BREEAM assessment of residential developments of 500 sqm or more to achieve “excellent” in BREEAM assessments.

CIL Compliance

A Sustainability Plan is necessary for the development to accord with the development plan. The plans secure that the sustainability targets specific to the development are met.

The Council also secures through its S106 Agreements (as set out in CPG Energy efficiency and adaptation):

- (a) a design stage review by an appropriately qualified and recognised independent verification body certifying that the measures incorporated in the plans are achievable in the development and satisfy the aims and objectives of the Council's strategic policies on sustainability and renewable energy and the reduction of carbon emissions contained within its development plan;

- (b) a post construction review of the development by an appropriately qualified and recognised independent verification body in respect of the Property certifying that the measures incorporated in the plans have been achieved in the development
- (c) details of how the measures will be maintainable in the development's future management and occupation. The S106 Agreement also allows for such measures to be reviewed and amended over time.

These measures are considered to be proportionate and reasonable given the scale and use of the site.

Reason for Refusal 5: Car Free development

Need for mitigation

It is intended that the development would be secured as car-free if planning permission is granted, restricting future employees and office users from obtaining on-street parking permits. Whilst it is acknowledged that Regis Road is a private road, it is located within one of the Council's Controlled Parking Zones (CPZ CA-L) which operates Monday to Friday between 08:30 and 18:30 hours. The car free development obligation therefore remains important as otherwise, employees or businesses could obtain permits to park on roads maintained by the Council within the CPZ.

It is noted that 11 short-stay parking spaces are included on site which are considered to be justified as operational parking and commensurate with a use of this nature which is reliant on customers transporting heavy goods to and from the site.

The Site has a Public Transport Accessibility Level (PTAL) of 4 indicating good accessibility and is within a 5 minutes' walk from Kentish Town station which is served by London Underground and National Rail services.

The Council's car free policy is not merely aimed at reducing parking stress and traffic congestion. It plays a fundamental part in our efforts to address air quality problems in the borough by encouraging a reduced reliance on motor vehicles. It also plays an important part in our efforts to encourage active and healthy lifestyles by encouraging and promoting trips by sustainable modes of transport. This includes walking and cycling, in addition to public transport. Walking and cycling help to improve the health and wellbeing of people who live and/or work in and/or visit the borough.

Policy context

The following Local Plan 2017 policies apply to the Council's car free development obligations:

- T1 (Prioritising walking, cycling and public transport)
- T2 (Parking and Car Parking)
- A1 (Managing the impact of development)

Policy T2 (Parking and car-free development) of the Local Plan states that the Council expects all new development to be car free. This means no car parking spaces should be provided within the site (other than essential spaces) and that occupiers are not issued with on-street parking permits.

CIL Compliance

A planning obligation is considered the most appropriate mechanism for restricting access to parking permits as it relates to matters outside of the development site and the level of control is considered to go beyond the remit of a planning condition. Further, use of a Section 106 obligation, which is registered as a land charge, is a much clearer mechanism than the use of a condition to signal to potential future purchasers of the property that it is designated as car free and that they will not be able to obtain a parking permit. This part of the legal obligation stays on the local search in perpetuity so that any future purchaser of the property is informed that residents are not eligible for parking permits.

Furthermore, the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as “Car Free”. The Council’s control over parking does not allow it to unilaterally withhold on-street parking permits from residents simply because they occupy a particular property. The Council’s control is derived from Traffic Management Orders (“TMO”), which have been made pursuant to the Road Traffic Regulation Act 1984. There is a formal legal process of advertisement and consultation involved in amending a TMO. The Council could not practically pursue an amendment to the TMO in connection with every application where the additional dwelling (or dwellings) ought properly to be designated as car-free. Even if it could, such a mechanism would lead to a series of disputes between the Council and incoming residents who had agreed to occupy the property with no knowledge of its car-free status. Instead, the TMO is worded so that the power to refuse to issue parking permits is linked to whether a property has entered into a “Car Free” Section 106 Obligation.

The Council has carefully reviewed the decisions of *Westminster City Council v SSCLG and Acons* [2013] and *R (Khodari) v Kensington and Chelsea Royal London Borough Council* [2017]. In those cases, the planning obligation was found not to comply with the strict terms of s106(1) of the Town and Country Planning Act 1990. This can be distinguished from Camden’s wording, which relates the car free obligation to a restriction on the use of the development in a specified way (i.e., not to occupy the development when holding a parking permit). The Council’s view is therefore that the wording of its car free obligation falls within S106(1). Further, the Council’s wording is fair and reasonable as anyone in breach would simply need to relinquish their permit to comply with the terms of the planning obligation. In any case, the obligation is also to be made pursuant to Section 16 of the Greater London Council (General Powers) Act 1974 and so the car free restriction will also be secured under that section, as referred to in the *Khodari* decision.

The Site is adequately accessible by public transport to ensure that future residents could sustain a car-free lifestyle, reliant on sustainable mode of transport without undue disruption.

The Council therefore considers that the car free provisions are necessary, directly related, and fairly and reasonably related in scale and kind to the development and can only be dealt by way of planning obligation.

Reason for Refusal 6 - Construction Management Plan and Construction Management Plan Implementation Support Contribution, and Construction Management Plan Bond)

- **Construction Management Plan and Construction Management Plan Implementation Support Contribution (Clause 4.4)**

Need for mitigation

Due to the scale of the proposed demolition and build the proposal is likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality, and parking). The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. Complaints from residents surrounding construction and construction management plans in the Borough are the most frequent complaints the Council deals with and the Council takes these very seriously to ensure the amenity and safety of residents and visitors in the Borough. A Construction Management Plan ("CMP") would therefore be required including a support contribution to cover the costs of Council staff time in reviewing, inspecting, monitoring and (if necessary) discussions to agree any amendments. This can take a large amount of time and this is a cost which should be covered by the developer who benefits from the planning permission rather than the tax payer.

The level of detail contained within a CMP should be proportionate to the scale and/or complexity of the development. To assist developers in providing the right information, the Council has created a Construction Management Plan Pro-forma which is tailored towards the specific needs of the borough. The criteria in the Pro-forma are drawn from relevant aspects of Transport for London's (TfL) Construction Logistics Plans and follows TfL's construction safety best practice guidelines. Construction Logistics and Cyclist Safety scheme (CLOCS) standards and Camden's Minimum Requirements for Building Construction also form the basis for the Pro-forma criteria. The Pro-forma is available on the Council's website.

An Implementation Support Contribution is needed to support the review, approval and ongoing monitoring of CMPs. For a medium impact site such as this, the charge is £10,116 and its calculation is explained in Annex 1 to this note.. It is directly related to this development and is fair and reasonable.

- **Construction Management Plan Bond (Clause 4.5)**

A Construction Management Plan Bond ("CMP Bond") is required due to the scale of the proposed development as well as the demolition works. This is to ensure that if the need for any enforcement were to arise both the residents and the Council have the financial resources to be able to enforce the CMP to ensure the ongoing protection of amenity and the efficient operation of the highways network in the area. The CMP Bond is returned to the Owner after the construction period minus any funds if required

to be drawn down by the Council. For a medium impact site such as this, the bond amount is £16,000 and its calculation is explained in Annex 1 to this note.

Policy context

Policies A1 and T4 state that CMPs should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). The policies also relate to how a development is connected to the highway network.

In relation to CMP Implementation Support Contribution, CPG Developer Contributions sets out in para 6.15 that separate fees may be negotiated where they are:

“considered necessary in planning terms and directly related to development where further costs of technical verification, inspection and ongoing supervision are likely to be incurred as a direct result of a particular development. Examples of obligations which may necessitate a contribution for implementation include construction management plans and basement construction plans.”

In relation to CMP Bonds CPG Developer Contributions is relevant and states at 6.5:

“In respect of developments raising particularly complex construction or management issues where the Council will have to allocate resources to monitor and support delivery of obligations the Council may require payment of an upfront financial bond which the Council can draw upon if needs be.”

CIL Compliance

Given the scale of development in central London location, a planning obligation is considered to be the most appropriate mechanism for securing a CMP. This is in accordance with supporting text paragraph 6.16 of Policy A1, which states that a CMP will usually be secured via planning obligation.

Potential impacts for the proposed demolition/construction works which should be controlled by the CMP include traffic generation from removal and delivery of materials to the Site. This could result in traffic disruption and dangerous situations for pedestrians and road users.

As the range of matters typically covered by a CMP, particularly in relation to highways, lie outside of the site boundary, it is considered more appropriate for the CMP to be secured via S106 obligation rather than planning condition in the interests of legal certainty, and to ensure the CMP is enforceable.

The securing of a CMP Bond fosters confidence with residents that there is a clear incentive for contractors to abide by the CMP. The bond will be fully refundable on completion of works, with a charge only being taken where contractors fail to take reasonable actions to remediate issues upon notice by the Council. The bond on the current development has been calculated in line with the advice note produced by the Council. As this is securing a monetary contribution this must be done via a section S106 legal obligation.

The Council therefore considers the CMP, CMP Implementation Support Contribution and the CMP Bond to 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. Annex 1 is a note that explains the Councils CMP Bonds.

Reason for Refusal 7 - Carbon Offset Contribution (Clause 4.3)

Need for mitigation

The proposals would achieve an overall 96.3% reduction in carbon emission which exceeds the 35% minimum on site requirement but falls short of the zero-carbon requirement and therefore a carbon offset payment in a sum of £1,425 is required. The carbon offset payment is based on the predicted residual emissions of 0.5 tonnes. This is then multiplied by £95 (offset cost per tonne) over 30 years resulting in an offset payment of £1,425.

Policy context

This obligation supports London Plan policies 5.2, 5.3, 5.6, 5.7, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15 and 5.17 Camden Local Plan policies CC1, CC2, CC3 and CC4 are relevant to this obligation.

CIL Compliance

It is considered that the carbon offset contribution complies with the CIL Regulations as it is required to ensure that the development is acceptable in planning terms as identified in the development plan and is directly related to the effects of the development. As monetary contribution is required, this obligation should be secured as a planning obligation and not as a condition.

Reason for Refusal 8: Travel Plan (Clause 4.11)

Need for mitigation

Taking into consideration the number of staff and the scale of development, a Local Level Travel Plan is considered to be required.

The travel plan would encourage employees and customers to make walking, cycling and travel by public transport the natural choice for day-to-day trips. The aim of a travel plan is to promote the use of sustainable modes of transport through a range of soft measures, as well as highlighting the benefits of travelling by modes other than the private car. Camden's Local Plan Policy A1 Managing the impact of development and Camden Planning Guidance require planning permission that will have an impact on the public highway to instigate mitigation measures such as travel Plans. The travel plan would need to be secured by a Section 106 planning obligation if planning permission is granted as it would seek to manage elements that are outside of the redline boundary of the site. A financial contribution of £5,674 secured as a Planning

Obligation via a Section 106 Agreement would need to be secured to cover the costs of monitoring, reviewing and providing feedback on the travel plan. The amount of the financial contribution for the local level travel plan has been calculated in accordance with the Annex 2.

The ability to monitor and review the travel plans is an essential element of the obligation sought. A travel plan will require ongoing development and baseline monitoring following the submission of the initial review (baseline) on the first, third and fifth year anniversary of the first submission. It is envisaged that through the use of travel plans over the monitoring period, the nature of promoting sustainable and active travel will become embedded within the culture of the development. Travel Plans should be treated as live documents to ensure the targets and measures within the plan can be developed and refined over time. Targets should be provided for each surveying and monitoring period.

Policy context

Policy A1 Managing the Impact of Development and CPG Transport both say that all developments which generate significant amounts of movement should produce a travel plan.

In line with Local Plan Policy A1 and CPG Transport the Council will expect a travel plan to be prepared for any planning application that will significantly increase travel demand or would have a significant impact on travel or the transport system.

CIL Compliance

The range of measures to be secured by the proposed planning obligation is considered necessary if the appeal is successful and proportionate and reasonable given the scale and use of the site.

In requesting the Monitoring and Measures contribution the Council has had regard to the decision in *Oxfordshire CC v Secretary of State for Communities and Local Government and others* [2015] EWHC 186 (Admin), however, that case was in relation to seeking monitoring expenses incurred in respect of one-off payments made prior to commencement and which required no ongoing monitoring. The fee requested in this instance relates to specific ongoing monitoring/management costs and so is in accordance with that case.

Reason for Refusal 9: Local Employment and Training Package

- **Employment Supply and Training Plan (Clause 4.6)**

Need for mitigation

The Council seeks to secure a successful and inclusive economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses (Policy E1). Local procurement and local employment will ensure local people are able to benefit from development in Camden.

In line with CPG Employment sites and business premises, the Council has secured a package of employment and training measures in accordance with section 73 of the Employment Sites and Business Premises CPG. The contribution would support initiatives which create and promote employment and training opportunities within the borough and support local procurement initiatives operating within the borough.

The proposed scheme involves a major development construction contract. In accordance with Policy E1 and CPG Employment Sites and Business premises the developer is required to provide 1 construction apprentice per £3m build cost. As such, the developer is required to provide 4 construction apprentices and 2 work placements to be employed during the construction of the development. A support contribution of £1,700 per apprentice is payable to cover the costs of apprentice pre-employment, recruitment process, training provider brokerage and post-employment mentoring and support (in accordance with the para 66 of the CPG Employment sites and business premises). A default payment of £804 per work placement and £20,000 per apprentice would be payable if the developer was not able to offer the construction apprentices during the construction phase with any such contribution supporting the development of new apprenticeships at other new developments and established Camden businesses. Other measures that are being sought to be provided by the development are as follows:

- Use reasonable endeavours to engage with local schools and other local educational organisations to promote awareness and interest in all elements of construction industry with a commitment to involve students in construction activities etc if practicable.
- Advertise all construction vacancies and work placement opportunities exclusively with the Kings Cross Skills Centre for a period of 14 days before marketing more widely.
- Advertise a job vacancy for a sales assistant role employed by the Owner or any group company prior to Occupation of the Development through the Council's job brokerage service for 14 days before advertising the vacancy more widely.

CIL Compliance

This obligation complies with the CIL Regulations as it ensures that the development is acceptable in planning terms to facilitate the inclusion of local training opportunities during the construction of the development. The creation of local employment and business opportunities will reinforce neighbourhood renewal objectives and improve the sustainability of the local economy. This supports key principle 6 of the National Planning Policy Framework: Building a strong competitive economy. It is considered the obligation relates to the development and is fairly and reasonably related in scale and kind to the development.

• Local Employment (Clause 4.8)

There is an identified skills gap between Camden residents and the jobs on offer in the Borough. Local employment and training initiatives can open up job opportunities for people from many sectors of the community, who may otherwise find it difficult to access employment offered by existing and new businesses, helping to bridge the

identified skills gap. Such benefits can also help to alleviate the recognised impacts that major development and construction works can bring. The obligation seeks 10% target for construction jobs to be filled by local residents and commitment to regular and ongoing engagement with Inclusive Economy team to ensure that wherever possible local people are employed. The obligation also seeks to offer opportunities for local employment during the construction phase. The remaining clauses set out how the developer can meet that target working in partnership with the King's Cross Construction Training Centre.

Policy Context

Policy E1 Economic Development of the Local Plan ensures that Council will harness the benefits of economic growth for local residents and business. CPG Employment Sites and Business Premises sets out how the Council will comply with Policy E1 and when the Council may require developers to assist with training and employment initiatives via the S106 Agreement. Included in the list is when the development is a major infrastructure or development projects involving significant construction contracts (e.g. over £3 million), which would apply to this development.

CIL Compliance

The Local Employment obligation complies with the CIL Regulations as it ensures that the development is acceptable in planning terms to support development and economic growth through contributing to reductions in skills gaps by seeking to employing local residents during the construction of the development as identified under the Development Plan for developments of the nature proposed. It will ensure that the development opens up job opportunities for people from many sectors of the community, who might otherwise find it difficult to access employment offered by existing and new businesses, helping to bridge the identified skills gap.

- **Local Procurement (Clause 4.9)**

The S106 Agreement requires the developer to agree a programme of procurement for local businesses during the construction phase and sign up with the Council's Local Procurement Code.

Policy Context

The CPG Employment Sites and Business Premises sets out at paragraph 71 that developers will be required through a legal agreement to sign up to the Camden Local Procurement Code where the value of the scheme exceeds £1million. This secures the aims set out in Policy E1 Economic Development.

CIL Compliance

The Local Procurement obligation complies with the CIL Regulations as it ensures that the development is acceptable in planning terms to facilitate the inclusion of local businesses in the procurement of goods and services during the construction of the development to support economic growth and as identified under the Development Plan for developments of the nature proposed. This supports key principle 6 of the National Planning Policy Framework: building a strong, competitive economy.

Reason for Refusal 10: Affordable Workspace (Clause 4.10)

Need for Mitigation

Camden has one of the most successful economies in the country (Local Plan 5.1) and the Council wants to ensure residents benefit from the employment opportunities created by the successful economy. Part of the way to do this is to secure affordable workspace for small and medium-sized enterprises.

In this instance, 20% of the office space has been negotiated as affordable to be let to micro, small or start up enterprises or local Businesses for a period of 10 years. This equates to 58 sqm.

Policy Context

Policy E1 Economic Development of the Local Plan sets out that the Council will secure a successful and inclusive economy and ensuring this benefits local residents and businesses by supporting businesses of all sizes and particularly small and medium-sized enterprises. Paragraph 37 of the Employment Sites and Business Premises CPG sets out that the terms of affordability are negotiated on a case by case basis but as an example, 20% of workspace at 50% of comparable market rates is a typical definition.

CIL Compliance

Securing affordable workspace within the development is necessary to ensure the workspace is let out at an affordable rate as stated in the application and appeal documents. It is directly related to this development and is fair and reasonable.

ANNEX 1

CONSTRUCTION MANAGEMENT PLANS

Construction and Demolition Management Plans: Implementation Support Contribution levels

In April 2016 a charge was introduced to support the review and approval of Construction Management Plans (CMPs) and the ongoing monitoring of approved CMPs and this has been applied to many developments in the last 5 years. This Implementation Support Contribution is secured as part of Section 106 agreements and applies to all development schemes that are required to provide a CMP which is set out in section 5.5 of the Camden Planning Guidance (CPG) on Amenity.

Also the CPG on Developer Contributions sets out at in para 6.15 that separate fees may be negotiated through section 106 agreements where they are:

considered necessary in planning terms and directly related to development where further costs of technical verification, inspection and ongoing supervision are likely to be incurred as a direct result of a particular development. Examples of obligations which may necessitate a contribution for implementation include construction management plans and basement construction plans.

Standard charges for different types of development are set out in the table below which will normally be sought from most developments. However where additional work is required to mitigate impacts due to the specific circumstances of a development or the constraints of a site this will be charged at **£130 per hour of the officer time (including VAT).**

Implementation Support Contribution: indicative charging rates from April 2023

Scale/type of construction	Indicative charge
<i>Low impact sites / small developments</i> <ul style="list-style-type: none"> Under 10 homes or 2,000 sqm other uses Up to 16 weeks of construction 	£4,194.00
<i>Medium impact sites/ medium size developments</i> <ul style="list-style-type: none"> Basements/ 10-50 homes, 2000-4999sqm other use From 16 - 50 weeks of construction 	£10,116.00
<i>High impact sites / large developments</i> <ul style="list-style-type: none"> 50-499 homes/ 5,000-9,999sqm other uses 50 weeks plus of construction 	£30,513.00

In determining whether a bespoke fee will be needed (as opposed to the indicative charging rates above), the following factors will be considered:

- Potential cumulative impacts
- Particularly large sites involving greater levels of construction
- Schemes that include basements and other significant excavation
- Proximity to sensitive receptors (e.g. residents, schools)
- Highly constrained sites (e.g. access)

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- Whether a development involved significant amounts of demolition
- Likely complaints follow up requirements based on opposition to the scheme during the planning process
- Likelihood of complaints due to building method e.g. piling.

Application of Implementation Support Contribution

Where a proposed scheme includes demolition, Construction Management Plans are required to address the proposed approach to demolition as well as construction works. Where a two-stage process is specified in the S106 (a Demolition Management Plan to be followed by a Construction Management Plan), a single support contribution will be sought, covering the overall costs involved in supporting the implementation of these obligations.

The CMP Implementation Support Contribution will be used to fund the specific technical inputs and sign off that are required to ensure that the obligation is complied with and ensure that the planning objectives we are seeking to secure are actually achieved.

Considerate Constructors - Construction Logistics and Community Safety

While Camden uses the CMP process to ensure that the impacts of construction are addressed in terms of transport and environmental health, the wider road safety impacts of construction also need to be considered. Construction Logistics and Community Safety (CLOCS) is an initiative that brings the construction logistics industry together to revolutionise the management of work related road risk and ensure a road safety culture is embedded across the industry.

As a CLOCS champion, Camden will expect developers to sign up for enhanced CCS registration to include CLOCS monitoring in addition to Camden's CMP Implementation Support Contribution.

More information on CLOCS and enhanced CCS registration is available via [this link](#).

Construction Management Plans – Construction Impact Bonds

Introduction

Construction activity can cause disruption to daily activities, however a well-run site that responds to the concerns of residents can greatly improve the situation. While most sites deal quickly and robustly with complaints from residents, and reinforce the requirements of the Construction Management Plan with site operatives, there can be situations where this does not occur and officers in the Council are required to take action.

Camden Planning Guidance (Developer Contributions) states that *“In respect of developments raising particularly complex construction or management issues where the Council will have to allocate resources to monitor and support delivery of obligations the Council may require payment of an upfront financial bond which the Council can draw upon if needs be.”*

The securing of a bond has received significant support, it fosters a confidence with residents that there is a clear incentive for contractors to abide by the CMP. The bond will be fully refundable on completion of works, with a charge only being taken where contractors fail take reasonable actions to remediate issues upon notice by the Council. A measure of success will be the Council not requiring to draw down from the bond; the funding of the CMP process more generally will continue to be funded via the CMP Implementation Fee.

Amounts

Development Typology	Indicative bond level
Low impact /small developments – contentious sites – for example below 10 residential units / 2,000m2/ work programme <16 weeks.	£8,000
Medium impact/medium developments - Sites identified likely to cause conflicts with neighbouring properties and complex access arrangements - for example sites with Basements/10-50 residential units / 2000-4999m2 /work programme 16 - 50 weeks	£16,000
High impact sites/large developments – Controversial sites with clearly identified issues - for example sites of >50 residential units / >5,000m2 / work programme >50 weeks	£32,000

If a site is considered uncontentious then a bond may not be sought.

How it will work?

As part of the drafting of any S106 legal agreement requiring a Construction Management Plan, a Construction Impact Bond will be calculated using the levels highlighted, depending on the site this may be on a pro-rata basis (i.e. site of 100 units = 2 x the high impact level = £60,000). The bond is payable on commencement of the site and will be held by the Council.

The Council will take a standard minimum ‘charge’ of £267 per action from the bond, under the following circumstances:

- A breach of the CMP which has occurred without reasoned justification;
- Failure to take appropriate action following a breach of the CMP;
- Failure to submit a CMP before any works start on site

The total sum taken by the Council for any breach will cover its reasonable and proper costs in connection with and/or arising from the carrying out of actions required under the Construction Management Plan.

Refunding of the Construction Impact Bond

Once the Council is notified that the site has been completed (through a Certificate of Practical Completion) and that the completed development has been occupied, the Council will repay the site owner the balance of any unspent amount from the bond (typically within 28 days).

Questions – if you have any questions on Construction Impact Bonds please contact planningobligations@camden.gov.uk.

ANNEX 2
TRAVEL PLANS

Travel Plans

Advice Note on Monitoring and Measures Financial Contribution Secured via Section 106 Agreements

In July 2012 Camden's Cabinet agreed to the introduction of a £60/hour formal charge to support the review and approval of submitted draft Travel Plans (TPs) and ongoing monitoring and verification of the operation of approved TPs, to be secured as part of Section 106 agreements. This charge has therefore been applicable since July 2012 and applies to development schemes that are required to provide a TP.

The charging approach is consistent with the approach currently being taken for the implementation of Construction and Demolition Management Plans as part of Section 106 agreements and has been introduced in order to help meet the significant costs involved in assessing draft TPs as well as monitoring and verification of approved TPs.

Standard charging rate: £60 charge for officer time per hour (including VAT)

The £60 hourly rate will allow the Council to set charges that address the specific impacts and issues of each development scheme. However, indicative standard charges per development type are set out below to provide an indication of the levels of charges that can be expected. Applicants will be advised where the fee will be different to the rates indicated below, as determined by site-specific circumstances.

Monitoring and Measures Financial Contribution from April 2023	
indicative charging rates, to be reviewed annually	
Local Level Travel Plans *	£5,674
Strategic Level Travel Plans *	£11,348
* see table below for thresholds	

The TP Monitoring and Measures Financial Contribution will be used to fund the specific technical inputs and sign off that are required to ensure that the obligation is complied with and to ensure that the planning objectives we are seeking to secure are actually achieved.

The Travel Plan financial contribution is secured for the 'monitoring and measures' of each Travel Plan. Therefore, one third of the fee collected for each Travel Plan will be put towards the implementation of sustainable travel measures such as Cycle Skills Training, The Cycle Loan Scheme and the Community Cycling Programme which are all delivered by the Council.

Both local and strategic level TPs are monitored and reviewed 4 times over a 5-year period. Therefore, each type of TP will initially be reviewed once the planning application has been approved and then reviewed and monitored again following occupation of a completed development at the end of Years 1, 3 and 5, resulting in 4 chargeable reviews. The other two thirds of the fee for each TP is therefore used for monitoring the Travel Plan itself and accordingly split as follows: Year 0 - 30%, Year 1 - 30%, Year 3 - 20%, and Year 5 - 20%.

The following thresholds are used for each use class to determine the requirement for a travel plan and associated implementation support contribution for each development:

Travel Plan Thresholds by Use Class

Current	Legacy before 2020	Use Class	Local Level Travel Plan	Strategic Level Travel Plan
E(a)	A1	Shopping Centre	More than 20 staff but less than 2,500m ²	Equal or more than 2,500m ²
E(a)	A1	food/ non- food retail	More than 20 staff but less than 1,000m ²	Equal or more than 1,000m ²
E(a)	A1	Garden centres	More than 20 staff but less than 2,500m ²	Equal or more than 2,500m ²
E(b)	A3	food and drink: Restaurants and cafés.	More than 20 staff but less than 750m ²	Equal or more than 750m ²
sui generis	A4 / A5	food and drink: Public houses, wine bars or other drinking establishments; Hot Food Takeaways.	More than 20 staff but less than 750m ²	Equal or more than 750m ²
E(g)(i)	B1	Business including offices	More than 20 staff but less than 2,500m ²	Equal or more than 2,500m ²
B2	B2	industrial	More than 20 staff but less than 2,500m ²	Equal or more than 2,500m ²
B8	B8	Warehouse and distribution	More than 20 staff but less than 2,500m ²	Equal or more than 2,500m ²
C1	C1	hotels	More than 20 staff but less than 50 beds	Equal or more than 50 beds
C3	C3	residential	Between 50 and 80 units	Equal or more than 80 units
sui generis	sui generis	Student Housing (more than 6 residents)	Considered as 'C3 residential' dwellings where one student bed is the equivalent of 1 unit.	
E(e)	D1	hospitals/ medical centres	Between 20 and 50 staff	Equal or more than 50 staff
F1(a)	D1	schools	All developments to have a school travel plan	All developments to have a school travel plan
F1(a)	D1	higher and further education	More than 20 staff but less than 2,500m ²	Equal or more than 2,500m ²
F1(c)	D1	Museum	More than 20 staff but less than 100,000 visitors annually	Equal or more than 100,000 visitors annually
F1(f)	D1	places of public worship	More than 20 staff/ volunteers but less than 200 members/ regular attendees	Equal or more than 200 members/ regular attendees
E(d) F2(b)	D2	assembly and leisure (other than stadia)	More than 20 staff but less than 1,000m ²	Equal or more than 1,000m ²
Sui generis	D2	stadia	More than 20 staff but less than 1,500 seats	Equal or more than 1,500 seats
Sui generis	Sui generis	theatres, HMO of more than 6 people sharing, hostels, nightclubs, amusement centres, casinos	Will be considered as the nearest equivalent use	Will be considered as the nearest equivalent use