

Planning Obligations

Supplementary Planning Document

April 2025



Contents

Contents.....	2
1. Summary	5
2. Introduction.....	7
Purpose of the document.....	7
Community Infrastructure Levy and planning obligations	7
Planning obligations, S106 agreements, and unilateral undertakings	8
Obligations required in Islington	9
Standard obligations and occupancy rates	10
3. Policy Framework	11
National Planning Policy	11
The London Plan	11
Islington Local Plan	12
4. Infrastructure Obligations	13
On-site provision.....	14
5. Economy and Employment Obligations.....	15
Employment and Training (Construction Phase) (Standard Obligation)	17
Employment and Training (Operation of Development) (Standard Obligation for Commercial/ Employment Developments).....	19
Local Procurement (Standard Obligation)	20
Small, Micro, and/or Affordable Workspace or Affordable Retail Space (Standard Obligation)	21
Other Economy and Employment Obligations	22
6. Community Obligations	23
Affordable housing.....	23

House in multiple occupation (HMOs)	24
Accessible parking and transport.....	26
Marketing wheelchair accessible homes (standard obligation for residential developments only).....	27
Community Use Agreements and Privately Owned Public Spaces (POPS).....	32
Community Safety	34
Public Art	34
7. Environmental Obligations.....	36
Construction practice	36
Highways and footways reinstatement	38
Carbon offsetting	40
Decentralised energy.....	42
Green performance plans.....	43
Removal of eligibility for residents' parking permits (standard obligation on additional residential units)	44
Travel plans	45
8. Other Obligations.....	46
Council costs	46
9. Negotiating Planning Obligations.....	47
Pre-application stage.....	47
Application stage	48
Development Viability	49
Payment of contributions	49
Enforcement and monitoring.....	50
Allocation and expenditure	51
Appendix A: Occupancy and employment densities	53

Appendix B: Development example	55
Appendix C: Standard Heads of Terms.....	59
Example Heads of Terms – All major development.....	59
Additional Heads of Terms for all major residential / mixed use applications which do not meet the strategic affordable housing target and for all major applications where policy requirements are not met in full at the time permission is granted.....	60
Additional Heads of Terms for residential developments:.....	60
Additional Heads of Terms for commercial developments:.....	61
Appendix D: Further Information	62
S106 agreements	62
Further information about planning and development in Islington	62
Contact details – Developer Contributions team.....	62

1. Summary

- 1.1 Islington has one of the highest population densities of any local authority area in England, with a population that grew by 10,500 (5%) between 2011 and 2021¹, to 216,600 residents. Recent Greater London Authority (GLA) estimates suggest that the borough will be home to 251,446 residents by 2026². Islington has the fourth highest employment density in the capital³, and this is also projected to increase significantly in the future. High population and employment densities place pressure on infrastructure and public facilities, and this pressure will increase with each new development.
- 1.2 As such, planning obligations are used as part of the planning application process to address specific planning issues and impacts arising from a development proposal. They are normally agreed between the Council, landowners, and developers in a legal agreement called a Section 106 (S106) agreement. Planning obligations are intended to make acceptable a development that would otherwise be unacceptable in planning terms.
- 1.3 Planning obligations can be used to regulate the nature of development, to address the impacts of development, and to contribute towards meeting the needs associated with a proposal. They help to ensure that new development is sustainable and assists in meeting the objectives of the Council's policies and strategies, including Islington's Local Plan (2023) and the Islington Together Corporate Plan (2023-2030).
- 1.4 This Supplementary Planning Document (SPD) is an update to the 2016 version of the SPD, particularly in response to the adoption of the new Islington Local Plan in 2023. The SPD provides further detail and explanation of the Council's policies on planning obligations and of the procedure for agreeing planning obligations, and how these work in parallel with the Islington's Community Infrastructure Levy (CIL). This document does not establish new policy but provides guidance relating to policies in Islington's Statutory Development Plan (the London Plan, Islington's Strategic and Development Management Policies, Bunhill and Clerkenwell Area Action Plan and Site Allocations). This SPD does not form part of Islington's Statutory Development Plan or Local Plan, but it is a material consideration dependent on the circumstances of individual applications.
- 1.5 Islington's Community Infrastructure Levy (CIL) charging schedule was formally adopted on 1 September 2014. CIL is a non-negotiable charge for funding infrastructure to support the development of an area through a tariff system applied to new developments, based on infrastructure needs and development viability. Since its

¹ 2011 and 2021 Census, Office for National Statistics (ONS)

² Greater London Authority, London Population Projections Explorer. Available online at: <https://apps.london.gov.uk/population-projections/>

³ 2021 Census, Job Density, Office for National Statistics (ONS)

adoption, the Islington CIL has been applied in tandem with the borough's s106 planning obligations requirements which have been scaled back in accordance with relevant legislation and guidance. In addition to the Islington CIL, the Mayor of London also charges a London-wide Mayoral CIL for the funding of strategic transport projects, which is collected by Islington Council on their behalf.

- 1.6 The planning obligations necessary for each development will vary depending on the requirements associated with the individual scheme. A set of "standard" S106 planning obligations is generally used as a starting point to provide certainty and to speed up the planning process. Different obligations are "standard" for different sizes and types of development with obligations added to or taken away from the list, as necessitated by the nature or location of the development.
- 1.7 Most obligations described as "standard" apply to the majority of major developments (1,000sqm of commercial or mixed-use space or a residential-led development of which the site is capable of delivering an uplift of 10 residential units or more). The contribution amount or in-kind provision required for each obligation is calculated using the formulas shown in this SPD. The formulas are applied to the proposed residential unit or employee uplift. If the uplift in employees is not known, the proposed floorspace for each use class is used, in combination with average employment densities (see Appendix A). Standard Heads of Terms can be found in Appendix C.

2. Introduction

Purpose of the document

- 2.1 This Supplementary Planning Document (SPD) updates existing guidance on the use of planning obligations, providing further information on the application of relevant policies within Islington's statutory Development Plan, consisting of the London Plan, the Strategic and Development Management Policies, Site Allocations, and Bunhill and Clerkenwell Area Action Plan.
- 2.2 While obligations will be negotiated individually on a site-by-site basis, the SPD aims to give developers, members of the public, and other stakeholders a clear indication of what obligations are likely to be required to make development acceptable in planning terms. This will assist applicants in estimating Section 106 (S106) obligation contributions and help to reduce the time required to negotiate and agree obligations. This is intended to speed up the development management process and providing more certainty for all parties.
- 2.3 The SPD provides guidance on the implementation of adopted planning policies and will be a material consideration when determining planning applications.

Community Infrastructure Levy and planning obligations

- 2.4 The Community Infrastructure Levy (CIL) is a non-negotiable charge used to fund local infrastructure that will support future development. CIL was introduced by the Planning Act 2008 and came into effect through CIL Regulations 2010 (as amended). The Levy is charged on most new developments involving the creation of one or more new dwellings, or 100sqm or more of new gross internal floorspace. The levy is charged in pounds per square metre on the gross internal area (GIA) proposed by the development. Two types of CIL are collected in Islington – borough level Islington CIL and Mayoral CIL.
- 2.5 Details of the operation and collection of the Islington and Mayoral CIL are set out on the Council's website at [Community Infrastructure Levy in Islington | Islington Council](#).
- 2.6 The Islington CIL Charging Schedule was adopted in September 2014 and finances both strategic and local infrastructure projects in the borough. The Islington CIL is used to fund the provision, improvement or replacement of community infrastructure that supports the development of the borough, such as sports and community facilities, schools, parks, play space, health facilities and the transport network, as well as the costs of operating and maintaining infrastructure. The Islington CIL Charging Schedule sets out the variable CIL rates for different types and locations of development in the borough.

- 2.7 In most cases, the Islington CIL has replaced the use of planning obligations in S106 agreements to secure contributions towards infrastructure from development. S106 agreements are primarily used to secure affordable housing, to mitigate site-specific issues, including transport and public realm impacts, and to address other policy requirements that cannot be dealt with through CIL.

Planning obligations, S106 agreements, and unilateral undertakings

- 2.8 Planning obligations are specific requirements to be fulfilled by developers to ensure that impacts arising from a new development are addressed. For example, where transport infrastructure such as roads or public transport requires upgrading to address capacity, safety or management to encourage active travel or a community facility is lost as a result of a new development, S106 planning obligations can be used to offset these impacts through requiring provision of or funds towards repairs or re-provision of facilities. Planning obligations are also used to ensure that a development accords with adopted planning policies and is socially, economically, and environmentally sustainable, for example by ensuring that residents are provided with training and employment opportunities.
- 2.9 Planning obligations may be contained in a S106 agreement (where the Council is also party to the document) or in a unilateral undertaking (where the Council is not). Planning obligations of either type are individual, scheme-specific legal documents used to address issues arising from development proposals to ensure that they are acceptable in planning terms. An agreement or undertaking can contain a number of planning covenants or obligations.

Obligations required in Islington

- 2.10 Planning obligations are always drawn up and negotiated based on the characteristics of the individual site and development proposed. Obligations can include either direct provision of a service or facility, contributions towards a provision made by the Council, or both. Obligations reflect the priorities and objectives set out in the London Plan, the Local Plan, and Supplementary Planning Documents, although other matters may be considered if they are relevant to the proposal.
- 2.11 Applicants for development proposals will usually be expected to enter into a S106 agreement with the Council on all schemes including one or more of the following:
- Net additional residential dwellings;
 - Hotels, hostels & student housing of 1,000 sqm gross external floorspace or more;
 - Commercial/ employment developments of 1,000sqm gross external floorspace or more;
 - Mixed use developments of 1,000sqm gross external floorspace or more (this can include residential developments of less than 10 units, combined with an office, retail or other mixed use element); and
 - Proposals for large-scale HMOs.
- 2.12 This comprises all types of development meeting these thresholds, so long as it requires planning permission, including new development; increases in usable floorspace on an existing permitted development; intensification of use; the bringing back into use of a long term vacant or significantly underused building; and changes of use with and without a change in floorspace.
- 2.13 Planning obligations may be required from other developments where necessary to ensure they are acceptable in planning terms.

Standard obligations and occupancy rates

- 2.14 The contribution amount due for each obligation is calculated using the formulas shown in this SPD. These formulas are based on:
- An assessment of the scale and nature of the impacts of a new development; and
 - Needs and planning requirements applicable to development throughout the borough or in a particular part of the borough.
- 2.15 The formulas are applied to the proposed uplift in the number of residential units or employees. There are two ways of ascertaining the current occupancy of a commercial building:
- If current occupancy levels are specified by the applicant on the planning application form or planning statement, we will use the self-declared occupancy as a starting point and calculate uplifts based on this, also taking into account average employment densities as detailed in Appendix A (unless the applicant provides proof that current occupancy is only temporarily different to the usual occupancy levels of the site, for example when a site has been decanted due to an intention to end leases in preparation for demolition or refurbishment, and that the site could return to full use shortly without the granting of planning permission); or
 - If current occupation levels are not specified/not certain in exact terms at the time of calculating Heads of Terms, an estimate of current occupancy levels is calculated by applying average employment densities, as detailed in Appendix A, and applied to the floorspace figures for each use class currently permitted on site.
- 2.16 Occupancy levels are applied to the floorspace figures for each use class proposed for the development. Uplift is established by subtracting existing from proposed occupation figures.
- 2.17 A worked development example is included in Appendix B to show how increases in residential unit numbers and commercial occupancy interact with the obligation formulas to calculate planning obligations required.
- 2.18 Standard Heads of Terms are provided in Appendix C to give an indication of the terms that will usually form the basis of a typical S106 agreement. Each development proposal will be subject to assessment by officers and only planning obligations will be sought which meet the relevant tests as set out in the CIL Regulations 2010 (as amended).
- 2.19 The level of planning obligations required may also increase or decrease based on the nature, location, and impacts of the development and the characteristics and facilities of the local area. Charges may be updated to reflect inflation in costs.

3. Policy Framework

- 3.1 This SPD provides guidance on the use of planning obligations in Islington based on the principles established in a range of planning policy and guidance on a national, London-wide, and local level. As an SPD, this document does not set out new policies and is not part of the local development plan for Islington, but it is capable of being a material consideration.

National Planning Policy

- 3.2 The updated National Planning Policy Framework (NPPF) (2024) maintains that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 3.3 Furthermore, as per CIL Regulation 122 planning obligations must only be sought where they meet all of the following tests:
- 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.

The London Plan

- 3.4 The updated London Plan (2021)⁴ sets clear priorities for securing planning obligations. Local authorities should firstly apply priority to affordable housing and necessary public transport improvements, and following this:
- emphasises the role large sites can play in delivering necessary health and education infrastructure; and
 - recognise the importance of affordable workspace, and culture and leisure facilities in delivering good growth.

⁴ Available online at: <https://www.london.gov.uk/programmes-strategies/planning/london-plan/new-london-plan/london-plan-2021>

Islington Local Plan

- 3.5 In the current Islington Local Plan (2023)⁵, Policy ST1 states that planning obligations will be used to secure affordable housing; to mitigate site-specific issues; and/or to address other policy requirements that cannot be dealt with through CIL.

⁵ Available on the Islington Council website at: <https://www.islington.gov.uk/planning/planning-policy/islington-local-plan>.

4. Infrastructure Obligations

- 4.1 Local Plan Policy ST1 states that the Council will require contributions from development to ensure that the infrastructure needs associated with development will be provided for, and to mitigate the impact of development. This is crucial owing to Islington's high population and employment density.
- 4.2 Financial contributions towards these types of provision will normally be dealt with through Islington's Community Infrastructure Levy (CIL).
- 4.3 However, in some cases, a development may create specific infrastructure needs directly related to the site which will not be addressed through CIL. In these cases, planning obligations may still be used to require a contribution, if it can be justified with reference to underpinning evidence in the Development Plan and infrastructure planning and complies with CIL Regulation 122.
- 4.4 Such infrastructure may include:
- Re-providing facilities lost or compromised (e.g. existing community centre being demolished as part of a development);
 - Re-instatement or repair of damage caused by a development;
 - Undertaking works required by policy, such as measures to encourage active travel including pedestrian improvements, cycling lanes and street cycle parking, measures to encourage public transport use, on-site provision of open space/amenity space/play space or provision of accessible parking and transport;
 - Undertaking other works directly relevant to a specific site (e.g. access to a public footpath, canal towpath etc.).
- 4.5 In addition to planning obligations and CIL contributions required by the Council towards infrastructure, Transport for London (TfL) and other transport bodies may also require planning obligations towards mitigating the transport impacts of the development. These could relate to transport infrastructure and/or services. Examples of site-specific transport mitigation that may be required to make a development acceptable in planning terms include but are not limited to:
- New or improved bus stops, interchanges, stations and stands and any necessary associated infrastructure, driver or passenger facilities;
 - New, extended or revised bus routes or additional bus capacity;
 - Improvements, repairs (when damage is the result of the development) or reinstatements related to the Transport for London Road Network, including any commuted maintenance payments;

- Station enhancements such as ticketing areas and equipment, entrances, stairs, platforms, lifts, gatelines, passenger and/or staff facilities, security measures etc.;
- Design and implementation of step free access at underground stations;
- New or enlarged cycle hire docking stations or additional emptying or filling of docking stations;
- New or enlarged taxi ranks and/or drop off or pick up bays including any necessary driver and/or passenger facilities;
- Public realm enhancements including the delivery of liveable neighbourhoods; or
- Improvements to walking and/or cycling infrastructure generally including new routes and facilities, cycle parking, way finding (such as pedestrian signage signage).

4.6 Where TfL (rather than the Council) is the relevant highway authority, the developer will be required to enter into an agreement with TfL providing for reinstatement of highways and footways. Any further works to the public highway or related works necessary to enable a development to take place will need to be agreed by the Council (or TfL or by neighbouring authorities where appropriate) and the costs of such works will also be payable by the applicant.

On-site provision

- 4.7 As part of suitable larger developments (usually in excess of 200 residential units or 10,000 square metres of gross external floorspace), the Council may require certain infrastructure items, such as community facilities or public open space, to be provided by developers on site. This is usually addressed through the main application proposals.
- 4.8 Planning obligations may, however, be required to outline arrangements for the specific access to a site or facility, or for its use, management, or delivery. For example, an obligation could state that “the facility and associated open space shall be opened to the public prior to occupation of the 100th unit”.

5. Economy and Employment Obligations

- 5.1 As per paragraph 8 of the NPPF, the planning system can play an important role in building a strong, responsive, and competitive economy for all.
- 5.2 Development can help to maximize the opportunity for community diversity, inclusion, and cohesion, contributing to the creation of an inclusive economy in inner London and redress its persistent concentrations of deprivation. One of the ways in which this can happen is through increasing opportunities for local employment and local businesses, to make communities sustainable and to decrease social polarisation.
- 5.3 For this purpose, it is essential to promote the availability of a sufficient number and variety of jobs and workspaces, as well as ensuring that residents have the skills and experience necessary to take advantage of the job and business opportunities open to them.
- 5.4 Obligations aimed at improving the local economy and securing access to employment for residents can include:
- Employment and Training - Construction Phase (standard obligation);
 - Employment and Training - Operation of development (standard obligation for commercial / employment developments);
 - Local Procurement - (standard obligation);
 - Micro, small or affordable workspace or retail space (standard obligation for all major non-residential developments where majority of floorspace is not in public education, community or social infrastructure uses); and
 - Other economy and employment obligations (e.g. initiatives to improve local employment, skills, training etc.).
- 5.5 As per Chapter 4 of the Local Plan the Council is aiming to create an economy where the benefits of success are shared by all local residents. From a planning perspective achieving an inclusive economy can be secured through ensuring sufficient supply of business land and floorspace; ensuring that business space meets the needs of businesses; and securing jobs and training opportunities from new development.
- 5.6 Using the planning system, the Council is seeking to secure investment in the “soft infrastructure” around growth sectors such as digital/tech and life sciences – supporting residents and local businesses to benefit from the developments in the locality, over its lifetime. Where appropriate, we will seek funding for the purposes of a skills development and enterprise support programmes for Islington residents, supporting them into employment and supply chain opportunities allied to the knowledge economy tenant businesses within and associated with developments. This will have a strong

focus on groups who are currently under-represented in the broader knowledge economy e.g. people from Black and Global Majority backgrounds; females; and people with disabilities.

5.7 The broad objectives are:

- Engagement: To engage local communities in the knowledge economy, to inspire them to seek employment and enterprise opportunities through facilitating World of Work programmes, innovation hackathons and other community initiatives to introduce residents to the opportunities of the knowledge sector.
- Employment: To create employment opportunities for residents through employability and skills programmes, paid internships and employment initiatives e.g. guaranteed interview schemes, accelerated skills bootcamps, apprenticeships, pastoral support.
- Enterprise: To support local entrepreneurs, innovation and thriving locally-owned enterprises through supply chain opportunities, mentoring, bootcamps, incubation and subsidised workspaces.

5.8 Where applicable this seeks to align the Social Value plans and economic, social and sustainable development goals on which developers are expected to report to support local need and the ambition for an inclusive economy in Islington. Early engagement with the council's Inclusive Economy Team should take place on relevant developments.

Employment and Training (Construction Phase) (Standard Obligation)

- 5.9 Objective 2 of Islington's Strategic and Development Management Policies is to deliver an inclusive economy, supporting people into work and helping them with the cost of living. Using local labour also reduces the need to travel which will help to ensure that development is more environmentally sustainable, in line with Local Plan Policy S1.
- 5.10 Major development proposals should support local employment, skills development, and training opportunities, by providing jobs and training opportunities/support as follows:
- On-site construction job and training opportunities, including apprenticeships, for local residents are required from developments of:
 - 10 residential units or above;
 - hotels, student accommodation or hostels with 20 or more rooms; and
 - non-residential developments with an uplift in floorspace of 1,000sqm Gross External Area (GEA) or greater of employment floorspace (Strategic and Development Management Policies (SDMP) Policy B5).
- 5.11 The number of placements sought is as follows:
- 1 construction training placement per:
 - 10 residential units;
 - 20 student/ hotel/ hostel bedrooms;
 - 1000 sqm (GEA) commercial and employment floorspace (additional and/or replacement).
- 5.12 The number of placements that are sought is based on the estimated number of construction jobs likely to be created by a development, based on information provided for completed developments in the borough and the extent of local training and support needs based on unemployment figures.
- 5.13 The number of placements provided should be rounded up to the target number of placements in the case of residential developments. For example, 35 units would require three apprenticeships, whereas 36 units or above would require four apprenticeships
- 5.14 The duration of the placements should be dictated by the length of available work packages and similar on-site opportunity particulars. The Council's designated employment service works with employers, responding both to their requirements and to the needs of unemployed residents in accessing construction sector jobs. The team

does this by identifying appropriate positions within the various works packages that support entry level, improver, journeyman, apprenticeships, and trainee type roles and by providing access to appropriately capable employees to assist developers and contractors in meeting local employment obligations.

- 5.15 Work placements must be delivered via the 'Trainee Bursary' route, in which developers and their Principal Contractors will be required to pay an upfront financial contribution for the apprentices' wages for a 12-month period paid at the London Living Wage with on-costs (£28,000). This funding resource will be referred to as the "trainee bursary".
- 5.16 Developers/Principal Contractors must employ the apprentice directly and 'loan' them out to the supply chain subcontractor to fulfil the technical certificate and/or site experience requirement/s. The contractors and/or their subcontractors will invoice the council's designated employment service quarterly in arrears to pay the trainee wages. All apprentices will be issued with an "Apprenticeship Passport" - a physical document outlining roles and responsibilities of both apprentice and employer - signed by all parties and used in the monitoring and reporting cycles.
- 5.17 Developers/Contractors should utilise their own apprenticeship levy⁶ to pay for the training costs of the apprenticeship. Sub-contractors can access 95% of training costs via the apprenticeship levy. The additional 5% may be met by match funding from the council (from the trainee bursary and non-compliance income).
- 5.18 Developers/Contractors must map work packages across multiple sites to ensure that full periods for the apprenticeship pathway can be achieved.
- 5.19 Should it not be possible for the main contractor to provide these placements, the Council will seek an equivalent contribution for construction training, support, and local procurement to enhance the prospects of the use of local employment in the development. For clarity this will be in addition to the initial trainee bursary paid by developers upfront in order to ensure the actual apprenticeship placements are provided. This is based on the following formula:

Formula: Contribution in lieu of construction training, support, and local procurement

Shortfall against target number of construction placements x cost of providing construction training and support per placement (£10,000) = contribution due

- 5.20 This is based on the average costs of providing construction training and support per person in Islington.

⁶ The apprenticeship levy is a levy (of 0.5%) on UK employers (with a wages bill of over £3 million) to fund new apprenticeships.

Employment and Training (Operation of Development) (Standard Obligation for Commercial/Employment Developments)

- 5.21 An employment and training contribution will be sought to improve the prospects of local people accessing new jobs created in the proposed development. This is based on the proportion of Islington residents who require training and support (in 2022, according to the Office for National Statistics, 4.4% of Islington residents were unemployed) as reflected in the following formula:

Formula: Employment and training contribution

Uplift in occupancy of the development (number of employees) x proportion of Islington residents requiring training and support (4.4%⁷) x cost of training/support per person (£10,000) = contribution due

- 5.22 Projected occupancy is based on the average employment densities (see Appendix A). The cost is based on the average cost of providing training and support relating to the end use of a development per person in Islington. Islington has a relatively highly skilled and qualified workforce, with most residents working in the professional and technical (22.1%) and information communication (14.7%) sectors⁸. The council has a firm aspiration that the apprenticeships and jobs coming forward should include high skill roles. To facilitate this, higher levels of training and courses must be provided, for example in project management and computer programming, which come at a higher cost.

⁷ In 2022, 4.4% of Islington residents were unemployed - see Office for National Statistics (March 2022) Regional labour market statistics: M01 Model based estimates of unemployment for local and unitary authorities and parliamentary constituencies in Great Britain.

⁸ Office for National Statistics (2018). Business Register and Employment Survey.

Local Procurement (Standard Obligation)

- 5.23 Local procurement is important in addressing deprivation in the borough and increasing local employment by creating opportunities for local businesses, in line with Local Plan Objective 2 and Strategic and Development Management (SDM) Policy B5. Local procurement also reduces the level of travel involved during the construction process, increasing the overall sustainability of the development, in line with SDM policies S1 and S2.
- 5.24 In order to support the Local Plan objectives on local procurement a planning obligation will be required from major developments which will require developers to:
- Provide a Statement of Commitment to Local Suppliers prior to implementation;
 - Work with the council's Inclusive Economy team to achieve the objectives set out in the Local Procurement Code;
 - Provide opportunities for local businesses to participate in 'market-warming' activities and, subsequently to bid/tender for the provision of goods and services;
 - Provide opportunities for local businesses to bid/tender for the provision of facilities management services and other post construction supply of goods and services;
 - If local procurement has not been achieved, provide a Local Procurement Statement to explain why local suppliers were not used; and
 - Pay a financial contribution towards monitoring and supporting the strengthened Local Procurement obligation.
- 5.25 The updated Local Procurement obligation requires officer support to ensure monitoring and compliance. The contribution will be used to engage local small and medium size enterprises, provide business support with accreditation and due diligence, identify and screen appropriate local enterprises, help with tendering, engagement with developers and their contractors to understand their requirements, periodic Meet the Buyer and Supplier events, business briefing events, maintain a directory of local suppliers and performance monitoring or any other items covered by the Local Procurement Code.
- 5.26 The table below shows the scale of fees for different development sizes.

Development size (GIA)	4,000 – 10,000sqm	10,000sqm – 40,000sqm	>40,000sqm
Contribution amount	£10,000	£12,500	£15,000

- 5.27 In the case of large-scale projects with multiple construction phases, a fee will be charged for each phase with the above fee scale.

Small, Micro, and/or Affordable Workspace or Affordable Retail Space (Standard Obligation)

- 5.28 As per SDM Policy B4, all major developments within the CAZ, Bunhill and Clerkenwell AAP area, CAZ fringe Spatial Strategy areas delivering 1,000sqm or more net additional office and/or research and development and/or Sui Generis use akin to office/research and development floorspace must incorporate 10% affordable workspace into their proposal.
- 5.29 Within the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS) and other LSISs, the threshold for providing affordable workspace is 3,000sqm, and in the remaining Town Centres and Priority Employment Locations the relevant threshold is 2,500sqm of floorspace.
- 5.30 Affordable workspace must be provided on-site where possible and be leased to the Council at a peppercorn rent for a period of at least 20 years and managed by a Council-approved operator, and development proposals involving 10,000sqm or more net additional floorspace must provide 10% affordable workspace in perpetuity.
- 5.31 SDM policy B4 (part H) outlines the exceptional circumstances in which financial contributions for affordable workspace may be accepted in lieu of direct on-site provision. The following exceptional circumstances may be considered:
- Where the affordable workspace to be provided on site does not meet the qualitative criteria, and where it can be demonstrated that the on-site provision of such workspace is inappropriate; or
 - Where a proposal meets one or more of the exceptional circumstances outlined in Part G, a site-specific financial viability assessment can also be used to determine the maximum viable off-site affordable workspace financial contribution.
- 5.32 The formula for calculating off-site affordable workspace contributions is as follows:

Formula: Off-site affordable workspace contributions

Rent per annum x multiplier = level of Affordable Workspace Contribution required

Steps:

- 1) Calculate projected office rental values from subject property or comparable (on a per square metre per annum basis)
- 2) Identify 10% of floorspace in square metres (NIA)
- 3) 10% of floorspace (from step 2) x rental value per square metre (from step 1) = rent per annum
- 4) Identify office yields from subject property or comparable (All Risks Yield)
- 5) Calculate “the multiplier” using the formula below

$$\frac{((1+i)^n - 1)}{i(1+i)^n}$$

Where:

i = All Risks Yield (expressed as a decimal – e.g. if the yield is 5%, 5/100 = 0.05)

n = number of years at peppercorn rent (20 years)

Other Economy and Employment Obligations

5.33 Apart from the above-mentioned obligations, other obligations relating to the economy and employment may be required if the circumstances of a specific development make them necessary. This could, for example, include contributions towards initiatives which aim to:

- Improve local employment opportunities through community engagement e.g. corporate volunteering initiatives;
- Provide skills development and training opportunities; or
- Remove barriers to employment and progression.

6. Community Obligations

- 6.1 According to the Indices of Deprivation (IMD 2019), Islington is the 53rd most deprived Local Authority in England and 6th most deprived in London. It has the 10th highest level of income deprivation affecting children, and 4th highest in England for income deprivation affecting older people.
- 6.2 The Local Plan is underpinned by a clear vision, to make Islington fairer and to create a place where everyone, whatever their background, has the same opportunity to reach their potential and enjoy a good quality of life.
- 6.3 Planning obligations are used to secure several of the core objectives laid out in the Local Plan, including but not limited to, delivering decent and genuinely affordable homes for all, creating a safe and cohesive borough for all, and ensuring that residents can lead healthy and independent lives.
- 6.4 Community obligations can therefore include requirements relating to:
- Affordable housing (standard obligation on residential developments only);
 - Accessible Parking and Transport (standard obligation)
 - Marketing wheelchair accessible homes (standard obligation on residential developments only); and
 - Social and Community Infrastructure and Privately Owned Public Spaces (POPS).

Affordable housing

- 6.5 Affordable housing will be provided through planning obligations in accordance with policy H3 by requiring that 50% of total net additional conventional housing to be built in the borough over the plan period should be genuinely affordable.
- 6.6 Where affordable housing is provided on-site, the Council will require an affordable housing tenure split of 70% social rented housing and 30% intermediate housing. The majority of intermediate units should be London Living Rent.
- 6.7 Sites capable of delivering fewer than 10 units are required to provide a financial contribution on net additional units, of:
- £50,000 per unit in the north and middle parts of the borough, and
 - £60,000 for sites south of Pentonville Road/City Road.
- 6.8 Applicants can submit a viability appraisal in line with the Islington Development Viability SPD if they believe the payment would render the development unviable. Exemptions

include self-build for occupation, for which planning conditions and a legal agreement will be used to defer payment if the property is sold within 7 years after occupation.

- 6.9 On site affordable housing will be secured via a S106 Agreement and small sites contributions will be secured via a unilateral undertaking. Template unilateral undertakings are available.

House in multiple occupation (HMOs)

- 6.10 This section sets out for HMOs where a contribution to affordable housing is required, either on-site or as a payment in lieu, depending on the scale of development involved.
- 6.11 There are two scales of HMOs defined in SDM Policy H10. A small-scale HMO (Use Class C4) is where between 3 and 6 unrelated people share basic amenities such as a kitchen or bathroom. All other HMOs are considered large-scale HMOs and are classed as a sui generis use. Large scale HMOs are sometimes called co-living or shared living. This guidance relates to large-scale HMOs only. Small-scale HMOs (Use Class C4) are not required to provide affordable housing.
- 6.12 Proposals for large-scale HMOs are not considered the best approach to meeting housing needs in the borough. Policy H10: Houses in Multiple Occupation in part iv) sets out that where large-scale HMOs are considered acceptable, they will be expected to provide 35% affordable housing on-site. Alternatively, a cash in lieu payment is acceptable where it is not possible to deliver affordable housing on-site. This applies to both new build large-scale HMOs as well as extensions to existing HMOs.
- 6.13 The approach in Policy H10 references that the delivery of affordable housing is in accordance with London Plan policy H16: Large-scale purpose-built shared living. Policy H16 expects a contribution equivalent to 35% or 50% where the development is on public sector land or industrial land appropriate for residential uses. The policy sets out that the contribution should be provided at a discount of 50% of the market rent. Further to this, in paragraph 4.16.8, the London Plan states that the borough can decide whether it would prefer the financial contribution as a single upfront payment for affordable housing or as an ongoing in perpetuity payment linked to actual rental income.
- 6.14 Where affordable housing is provided on-site this will be secured through a S106 in the same way as other on-site affordable housing is secured. Where it is not possible to deliver affordable housing on-site, this guidance outlines the approach taken to calculate a Payment in Lieu (PiL) equal to the present value of 17.5% of the value of the rental income in perpetuity, which is in line with the policy requirement of 50% discounted value on 35% of the floorspace. This should be calculated against total rental value (operating or other costs should not be deducted). Viability information will only be

accepted in exceptional circumstances with robust justification set out in a Viability Assessment. Further information is set out in the council's Information requirements.

- 6.15 The approach seeks to calculate the PiL as a perpetuity of the discounted rental stream. The following steps are to be followed:

Formula: Payment in Lieu of affordable housing provision

$$\underline{0.175 \times \text{Total added rent per annum in HMO use} \div \text{Yield} = \text{amount of PiL}}$$

Steps:

- 1) Identify the Yield
- 2) Identify the number of new HMO rooms
- 3) Identify the rent per week or month per room
- 4) identify the rent per annum of all new rooms
- 5) Multiply the rent per annum of all new rooms by 0.175
 - This gives you 17.5% of the yearly rental values of these rooms - or 50% (half discount) of the value of 35% of the new space.
- 6) Divide this figure by the Yield: this gives you the present value equivalent to a perpetuity of this discounted rental stream.

Accessible parking and transport

- 6.16 In line with SDM Policy T3, accessible parking spaces must be provided based on 10% of the total residential units proposed (for residential purposes) or one accessible parking space per 33 employees (for employment purposes), in addition to accessible drop-off facilities. For other uses, the number of accessible spaces must be proportionate to the number of building users.
- 6.17 Where it is not possible to deliver the required number of accessible parking spaces on site or on street, for example due to insufficient space, a financial contribution is required towards investment in other inclusive transport measures.
- 6.18 The formula for calculating the number of accessible bays and contributions due is as follows:
- a) Residential development:

Formula: Number of accessible and contributions due bays in residential development

Net number of disabled parking bays required (10% of the total residential units proposed) x cost of disabled parking bay provision (£5,000 per bay) = contribution due

- b) Commercial development:

Formula: Number of accessible bays and contributions due in commercial development

Net number of disabled parking bays required (uplift in number of employees / 33) x cost of disabled parking bay provision (£5,000 per bay) = contribution due

- 6.19 For other uses the Council will seek accessible parking and/or a contribution towards the provision of alternative accessible transport improvements to provide an inclusive environment to all, in addition to the required provision for employees.
- 6.20 Where it is not possible or acceptable that designated spaces are provided within the development site or on street (e.g., as a result of opposition to amending the traffic management order), the Council will use the contribution toward the delivery of other accessible transport initiatives to increase the accessibility of the area for people with protected characteristics, including people with reduced mobility.

- 6.21 Developments may also be required, through planning conditions or obligations, to provide adequate provision for mobility scooter storage and charging, safe drop off, and on occasion concessionary membership of local car clubs. It is crucial that all developments, through their Design and Access Statements and Transport Assessments consider the full range of personal and public transport alternatives and their accessibility.

Marketing wheelchair accessible homes (standard obligation for residential developments only)

- 6.22 Islington Council's Local Plan Policy H4 specifies that, whenever 10 or more residential units are proposed, 90% of new housing will be built to Category 2 ('Building Regulation requirement M4(2) 'accessible and adaptable dwellings') and 10% to Category 3 (M4(3) 'wheelchair user dwellings') of Approved Document M: Access and Use of Buildings, Volume 1: Dwellings, of Building Regulations.
- 6.23 With M4(3) wheelchair user dwellings provided across tenures, these units are required to be provided to 'Wheelchair Adaptable Category M4(3)(2)(a)' standard or, where Islington Council are responsible for allocating or nominating a person to live in that dwelling, Wheelchair Accessible Category M4(3)(2)(b).
- 6.24 This obligation recognises the inclusive design benefits of M4(3) housing to all people with reduced mobility, including but not limited to full-time and part-time wheelchair users as well as people using other mobility aids. For simplicity and to reflect the Approved Document M, the obligation wording consistently refers to accessible units as 'wheelchair user units', however, it is noted that the inclusive design of these units will remove access barriers to housing for many people who are not wheelchair users too.
- 6.25 To improve awareness of the units being created, wheelchair user units are required to be marketed as such before the first and at all consecutive sales and lettings, with their specific inclusive design features to be included in advertising materials published via all mobilised channels.
- 6.26 To introduce monitoring around this obligation, for all wheelchair user units a Wheelchair User Unit Marketing Plan must be submitted and approved by the Council before commencement of the development. For all units other than Social Rent Extra Care, a Wheelchair User Units Marketing Compliance Report, setting out compliance with the Marketing Plan, must also be submitted and approved by the Council prior to first occupation.
- 6.27 This does not apply to Social Rent Extra Care units which are subject to individual nomination agreements.

All tenures: Wheelchair User Units Marketing Plan

6.28 The Marketing Plan must be submitted and approved prior to the commencement of superstructure works of the development and include details of all wheelchair user dwellings across tenures. The following information is required to be included within the Marketing Plan:

- Evidence that the wheelchair user unit offer is included in the general marketing materials describing the development. The total number wheelchair user flats is to be directly referenced in any marketing materials when the overall number of units is being mentioned in marketing materials for the first 6 months of campaigns relating to each phase, for example: 'Development offering X apartments, including Y wheelchair user units'.
- Details of a proposed template for a wheelchair user unit advertisement to be used for all advertised dwellings, including details around:
 - total capacity of the flat and of the wheelchair accessible bedrooms,
 - flat location regarding the floor number and orientation,
 - a simplified floorplan with turning circles and furniture marked to scale,
 - transport:
 - ◇ details of any blue badge spaces available,
 - ◇ accessible cycle parking and mobility scooter parking and charging within the development,
 - approach and circulation:
 - ◇ step-free approach and internal access, including lift access and evacuation lift provision,
 - ◇ corridor and door widths,
 - ◇ wheelchair transfer and storage space within the unit,
 - ◇ turning space within all habitable rooms and bathrooms,
 - internal fittings:
 - ◇ bathroom and bedroom wall strengthening,
 - ◇ level access shower,

- ◇ provision of accessible switches, controls and window opening mechanisms,
 - ◇ adjustable kitchen units,
 - ◇ accessibility of any bathroom or kitchen fitout provided or planned for in the flat layouts.
- accessibility of any shared facilities within the development, such as receptions, gyms, laundry rooms, waste facilities, and any other shared facilities.
 - direct reference to compliance with Building Regulations M4(3)(2)(a) or M4(3)(2)(b) for wheelchair user dwellings.
 - details of relevant management processes, including staffed reception, support provided at move-in, for example, home user guides. Support, including any guides, around wheelchair user units should be provided to the same or more ambitious standard as around the M4(2) adaptable units.
 - each listing is also to contain a clause ‘This unit as well as all wheelchair user units within this development will be marketed as such for a minimum of 6 months prior to first sale or letting or until a unit has been sold or let to a wheelchair user (whichever being the shorter)’.
- Evidence that all wheelchair user units will be marketed in line with the requirements above for a minimum of 6 months prior to first sale or letting and all subsequent social rent lettings or until a unit has been sold or let to a person with reduced mobility (whichever period being the shorter), as well as details of all channels through which the units are to be advertised.
 - For social rent units where the council nominates tenants, this requirement will be met if a household which figures on the LBI accessible housing waiting list is nominated for the tenancy.
 - For all other units, the marketing evidence should include at least one commercial property agent listing. The council may advise on the use of specific channels advertising wheelchair user properties.

All tenures: Wheelchair Accessible Units Marketing Compliance Report

- 6.29 A Wheelchair User Unit Marketing Compliance Report, setting out compliance with the Wheelchair User Units Marketing Plan for the relevant wheelchair user units, must be submitted and approved prior to first occupation of these wheelchair user units. Submissions can cover part of the development, for example one phase, however, reports need to be approved prior to occupation of each relevant unit.

6.30 The following information is required to be included within the Marketing Compliance Reports:

- How the Marketing Plan has been implemented:
 - details of the published listings compliant with the marketing requirements set out in para 6.27 above.
 - evidence of the dates when the adverts were first published and taken down. Screenshots clearly showing such information in relation to each dwelling will be accepted as sufficient evidence.
 - How many units were successfully sold or let to wheelchair users, other residents with reduced mobility, and non-disabled residents. This should include the number and details of enquiries received and the number of viewings.
 - ◇ For social rent units the report should also indicate whether any nominations made included households beyond the LBI accessible housing waiting list and if so, provide a justification based on the household members' needs
 - ◇ For tenures other than social rent, the Compliance Report should also account for the number, type, and value of offers received; reasons for refusal of any offer received, and/or reasons why any offers fell through; the asking price and/or rent that the site or property has been offered at, including a professional valuation from at least one agent to confirm that this is reasonable.

Social Rent units only: Compliance at all subsequent lettings

6.31 Beyond the above obligations, for subsequent lettings, in case, despite following the Wheelchair User Units Marketing Plan for the development, the relevant unit was not successfully let to a wheelchair user tenant within the required marketing period, subsequent Letting Marketing Compliance Reports including the same level of detail as the original Marketing Compliance Reports is required to be submitted by external Registered Providers or Council housing nominations teams and approved by the Council prior to occupation by the new tenant. A letting to a non-wheelchair user tenant will then be supported, however, compliance with the Marketing Plan, including the 6 month marketing period required, will again apply prior to all subsequent lettings.

Wheelchair user units - in lieu contributions

6.32 The Council may, in limited circumstances, accept a S106 contribution in lieu of Category M4(3) units on site, where there is definitive local evidence (produced by the Council) of a supply/demand imbalance for wheelchair user units. This contribution will be used to finance the development of new and adapted wheelchair user units

elsewhere in the borough where demand is more acute. Any units where the Council accepts a contribution in lieu must be designed to Category M4(2) standard, instead of M4(3). The process for securing this contribution, and the amount required, will be set out in a revised Inclusive Design SPD.

Community Use Agreements and Privately Owned Public Spaces (POPS)

- 6.33 SDM Policy SC1 requires that a Community Use Agreement will be entered into to allow wider public access to new social and community infrastructure that is not generally accessible to the public, such as school sports facilities. SDM Policy T4 requires that management plans will be required to set out how privately owned public spaces (POPS) will be used and managed and that they must operate indistinguishable from public space.
- 6.34 Adherence to Community Use Agreements and Management Plans will be secured in legal agreements.
- 6.35 The purpose of a management or operational plan is to set out arrangements for:
- How, after a development is built and occupied, a provision made as part of a development will be managed, accessed or used; and
 - How arrangements agreed as part of a planning permission will be upheld and continued.
- 6.36 This is to ensure that the original purpose of a provision or arrangement made during the planning process of a development is preserved. Management plans covering different provisions and arrangements can either be prepared and provided separately, or in one overarching management plan for ease of reference.
- 6.37 Management and operation plans are most commonly required through planning obligations either in relation to:
- Community access and/or management of open space, community facilities, play space or other publicly accessible provisions made as part of a development;
 - Privately Owned Public Spaces (POPS); or
 - Construction, delivery and/or servicing of a development.
- 6.38 Community access and management plans are required where a publicly accessible facility is included as part of a development. This will have to be:
- Formulated in consultation with local residents; and
 - Submitted to and approved in writing by the Council, prior to the occupation of the development.
- 6.39 Where development resulting in the provision of new social and community infrastructure that is not generally accessible to the public, such as school sports

facilities, there will be a requirement to enter into Community Use Agreements to allow and promote access to the facility by local communities.

6.40 Community Use Agreements and Management Plans should include the following information:

- Arrangements for ongoing consultation with residents and other local stakeholders (should normally include at least one public meeting per annum following the occupation of the new development);
- Date by which the facility has to / is allowed to be completed, opened or made available to the public (usually upon occupation of the development);
- Proposed arrangements for liaison between the facility, the development, residents and/or the Council;
- Times at which the facility will be open to the public if there is a gate or door which can prevent public access;
- Arrangements for times when the facility is closed;
- Other community access arrangements (e.g. location of entrances etc);
- Pricing policy (e.g. rents at which a community meeting room which can be hired is made available);
- How and by whom a facility will be managed (including making arrangements for cleaning, hiring etc);
- Where (on what websites, publications etc. e.g. Council and Voluntary Action Islington website) and how a facility will be advertised (e.g. length of advertisement period);
- How it is anticipated that a facility will be occupied (e.g. target local community groups) and what types of activities will be likely to take place (including implications for noise, transport etc);
- How a facility will complement existing services or activity in the locality
- How a facility will be staffed (on-site / off-site, by whom, at what times etc.);
- Arrangements for how any changes in the above arrangements will be managed; and
- Arrangements for the regular review of the plan at certain intervals (usually 6 months and then every 2 years after inception).

- 6.41 There should be some flexibility provided within the plan to allow for changes to be made to it in response to possible plan reviews and consultation arrangements in order to ensure that it continue to be delivered against agreed provisions

Community Safety

- 6.42 The rate of crime in Islington is affected by several factors including high population density, a large transient population and high number of visitors, a thriving nighttime economy, high levels of deprivation and social polarisation, and concentration of transport hubs. As the population and densities in the borough increase with new developments, there is potential for the number of crimes to increase with, for example, more competition over the use of space and new residents and visitors coming into the borough without knowledge of the local area being more at risk of becoming victims of crime.
- 6.43 Planning obligations relating to community safety can be sought to implement measures which can help to minimise potential crime and the fear of crime. This could be achieved with the help of direct, physical measures, such as improved street lighting or streetscape works which design out crime. Alternatively, community safety could be improved with the help of more indirect measures to improve community cohesion and integration, such as planning decisions around landscape and streetscape. Improved community cohesion helps to reduce some crimes such as hate crimes, graffiti, and criminal damage.

Public Art

- 6.44 Islington Council may seek the provision of public art as a part of new development where this can be appropriately provided and does not constrain other higher priority Local Plan policies and objectives. The provision will be secured as part of an S106 Agreement to ensure it is freely and publicly accessible.
- 6.45 Islington Council's vision for public art in the borough's public spaces is to enhance the visual appeal of these public spaces, promote social and economic inclusion and contribute to local identity. Public art in Islington should reflect the diversity of the borough's communities, celebrate its rich cultural heritage and be welcoming for residents and visitors alike. Art can help in the process of regeneration, fostering social inclusion and community involvement, and contribute to Islington's streetscape.
- 6.46 Art provided as part of a development should:
- Be accessible to the public;
 - Be integrated within public open space where this is being provided (using features such as decorative lighting, water features or paving);

- Be discussed with the Council's nominated cultural officer at an early stage, before subsequent submission to the Council for approval;
- Involve artists, residents and other groups at an early stage in the design process, enabling meaningful engagement from a diverse range of respondents, ensuring representation of the local area and borough's population demographics; and,
- Whenever feasible, incorporate a skills-building component and legacy, such as mentoring for emerging local artists, partnerships with local organisations or paid internships for residents;
- Ensure that provision is made to maintain and repair any permanent public works of art.

6.47 The Council has created new guidance on public art that expands on Policy DH8 in the Local Plan and explains how public art contributes to safer, more connected communities, enhance local environments and heritage and make our neighbourhoods even more attractive places to live. Any proposals for public art should conform with this guidance.

6.48 The development of public art in Islington should be informed by community engagement to ensure that it enhances the visual appeal of public spaces and reflects what residents want to see in their local area.

7. Environmental Obligations

7.1 Islington Council declared a climate emergency in 2019. The Council pledged to achieve net zero carbon by 2030. Whilst the Local Plan has a range of policies which seek to tackle climate change and its impacts, environmental obligations will be sought from developers where appropriate to help achieve this. These obligations include:

- Construction practice (standard obligation);
- Carbon offsetting (standard obligation on all major schemes and on minor residential);
- Decentralised energy (standard obligation);
- Green Performance Plans (standard obligation);
- Removal of eligibility for residents' parking permits (standard obligation on additional residential units);
- Highways and footways reinstatement (standard obligation);
- Travel Plans;
- Other environment obligations (e.g., conservation of buildings or places of historic or architectural interest); and
- Biodiversity Net Gain (BNG).

Construction practice

7.2 The Local Plan requires every development to take all possible measures to minimise negative impacts of construction on the environment (Policy T5). To this end, all developments are required to comply with Islington's Code of Practice for Construction Sites and submit a Construction Logistics Plan (CLP) alongside development proposals. Development must also adhere to relevant best practice standards and safety requirements such as the Fleet Operator Recognition Scheme and the Construction Logistics and Community Safety programme.

7.3 In some instances, the Council incurs cost in the monitoring of construction practice and in liaising with developers and the community. As such, these costs will be met by the developer, with the monitoring fee dependent on a range of factors including:

- The size of development;
- The length of the project;

- Whether demolition is involved;
- The form of construction practices used and associated levels of noise generated;
- Times of operation; and
- Proximity to other properties.

7.4 Indicative costs are set out below, based on experience of monitoring construction impacts:

- £350 per residential unit and per 100 sqm commercial floorspace (additional and/or replacement) and £175 per HMO bedroom, student housing, hotel, and hostel bedroom.

7.5 In the case of non-compliance with the code, where for example unreasonable levels of dirt are brought onto the public highway by construction vehicles, the developer will be subject to non-compliance measures (including a charge) to address the issues that have arisen.

7.6 Additional obligations may also be sought where there are likely to be significant construction impacts or where a specific need is identified, for instance in relation to the following (costs to be met by the applicant):

- The costs of any necessary modification, removal or replacement traffic calming, to avoid damage/ reduce noise and vibration;
- Building condition surveys and structural surveys of properties to be carried out where these may be affected by construction activity or vibrations from construction traffic;
- Work practices including haulage routes to be amended as necessary and the costs of any damage; and
- Mitigation measures for the loss of or interference to radio/ television signals.

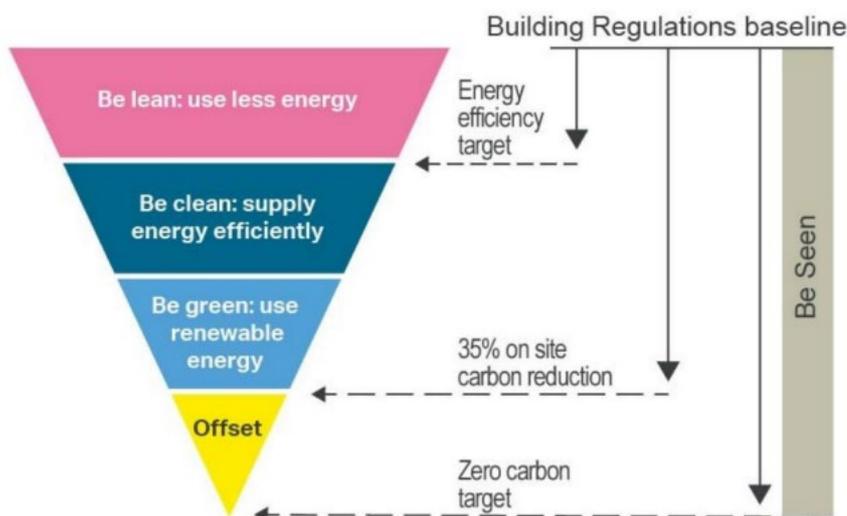
Highways and footways reinstatement

- 7.7 The condition of highways and footways around a development make a significant contribution to the appearance and feel of the development. These are, however, often damaged as a result of the construction process. By funding the replacement of agreed areas of the highways and/or footways around the development, reinstatement works can be completed in conjunction with the development to ensure that the required standards and appearance of the site are maintained.
- 7.8 The Council will secure an agreement with the developer to ensure that all highways and footways shall be reinstated to the satisfaction of the Council after the completion of the development. This will be secured via the submission and approval of Schedule of Conditions and a financial obligation for the full cost of the Council's reinstatement works. This amount will be calculated by a Highways Officer following the submission of the Schedule of Conditions and will be paid to the Council ahead of commencement.
- 7.9 A second Schedule of Conditions will be submitted to the Council by the developer following the completion of the development. This will be used to assess the damage that has occurred as a result of the development and will allow Highway Officers to determine the extent and costs of reinstatement works required. If the costs of the works exceed the financial obligation paid to the Council ahead of the works, the developer will be required to pay the amount of the shortfall to the Council. Conversely, if the financial obligation exceeds the costs of the works as finally determined, the balance will be refunded to the developer.
- 7.10 The financial obligation to be paid by the developer will cover the cost of:
- Reinstatement works;
 - Drainage work;
 - Related utility works;
 - Any damage to or relocation of street furniture; and
 - The removal of redundant crossovers.
- 7.11 Where Transport for London (rather than the Council) is the relevant highway authority then the developer will be required, prior to commencement of development, to enter into an agreement with TfL providing for reinstatement of highways and footways.
- 7.12 Any further works to the public highway or related works necessary to enable a development to take place (e.g., alterations of access to a site) that are not already covered through the Transport and Public Realm contribution will need to be agreed by the Council (or Transport for London/ neighbouring authorities where appropriate) and the costs of such works will also be payable by the applicant.

- 7.13 Works to the Public Highway with regard to a development will be undertaken by the relevant Highway Authority (the Council, Transport for London or the neighbouring authority where appropriate) as set out in Section 278 of the Highways Act (1980). However, under exceptional circumstances and where agreed by the Highway Authority, an applicant may enter into an agreement with the Highway Authority to undertake works on the Public Highway.
- 7.14 Where a new road is being built by the developer it may be necessary to enter into an agreement with the Highway Authority as detailed in Section 38 of the Highways Act 1980, including providing a commuted sum, to enable this to become adopted Highway.

Carbon offsetting

- 7.15 One of the NPPFs core planning principles is to support the transition to a low carbon future in a changing climate, to encourage the reuse of existing resources, including the conversion of existing buildings, and to encourage the use of renewable resources (for example by the development of renewable energy) (NPPF paragraph 157).
- 7.16 In line with national policy, Policy S1 of the Local Plan states that the Council will seek to ensure that the borough develops in a way that maximises positive effects on the environment and improves quality of life, whilst minimising or avoiding negative impacts
- 7.17 The London Plan in turn requires all major developments should be net zero-carbon (Policy SI 2), whilst Islington Local Plan Policy S4 sets out the on-site reductions in carbon emissions required in accordance with the energy hierarchy.



- 7.18 As such, where necessary the Council will seek legal agreements with developers for monitoring fees or carbon offsetting in line with Policy S4 of the Local Plan.
- 7.19 Major developments and minor residential developments creating one or more residential units are expected to achieve net zero carbon targets on-site, rather than relying on offset fund payments to make up any shortfall in emissions. Where the net zero carbon target cannot be fully achieved on-site, all projected residual carbon emissions will be offset through a financial contribution as follows:

Formula: Carbon offsetting contributions

For minor residential developments creating one or more residential units:
based on a flat fee of £1,000 per new flat and £1,500 per new house

For all major developments: all remaining regulated emissions will be offset based on the nationally recognised non-traded price of £95/tonne for a period of 30 years

- 7.20 The price for major developments has been tested as part of the viability assessment for the London Plan and may be updated through a future SPD update should the evidence base change.
- 7.21 Developers are expected to model a development that complies with Building Regulations Part L (baseline). Next, developers must demonstrate improvements achieved by energy efficiency measures alone, e.g., improved insulation, lighting specifications etc. (Be Lean). Next, any savings achieved via connection to a district heating network are added (Be Clean) before finally, the development should be modelled with all the savings above, plus anything achieved by renewable energy technologies such as air source heat pumps or solar PV (Be Green).
- 7.22 The remaining carbon emissions to be offset must be clearly stated in the Sustainable Design Construction Statement. The Council will assess each development individually to verify any projected residual carbon dioxide emissions and calculate the financial contribution to offset these emissions. The contributions towards offsetting projected residual carbon emissions will be secured by a legal agreement and are not addressed by the Council's CIL charge. For example, if there are 20 tonnes of regulated emissions to be offset the contribution amount would be £57,000 i.e. 20 tonnes x £2,850 (£95 x 30 years) = £57,000.
- 7.23 The contribution towards offsetting projected residual carbon emissions is spent on measures that reduce carbon emissions from the existing building stock, such as energy efficiency improvements to social and private housing in the borough. The fund also supports local initiatives such as the Energising Small Businesses Fund, which provides grants for small businesses in Islington for measures such as LED lighting or heat pump installation. The spending of carbon offset payments and the monitoring of carbon savings delivered will be managed by the Council.

Decentralised energy

- 7.24 One way carbon emissions can be reduced is to identify and release opportunities for development to draw their energy supply from decentralised, renewable, or low carbon energy supply systems and for co-locating potential heat customers and suppliers (NPPF 160). Policy S5 of the Local Plan outlines the Council's approach to Energy Infrastructure, which notes that all major developments are required to have a communal low-temperature heating system. The source for the heating system must subsequently be selected in accordance with the heating hierarchy outlined in Policy S5. The London Heat Map⁹ provides information on the locations of existing and planned heat networks.
- 7.25 The Local Plan notes that where connection of a development to an existing or future planned heat network is required in accordance with parts F and G of Policy S5, and is deemed to be feasible, developers are required to commit to connection prior to occupation via a Section 106 agreement for major developments, and a Unilateral Undertaking for larger minor developments. The legal agreement will include provision for a reasonable financial contribution to the Council to enable connection and the submission of an updated energy statement prior to implementation. Further details can be found in the Local Plan, paragraph 6.82 and additional information will be outlined in the forthcoming Climate Action SPD.

⁹ Available online at: <https://apps.london.gov.uk/heatmap/>

Green performance plans

- 7.26 Surveys of completed buildings reveal a substantial gap between design expectations and delivered performance, especially regarding energy performance. To support and promote sustainability through buildings' ongoing operation Islington Council requires all major developments to provide a Green Performance Plan (GPP) detailing the actual measurable outputs for the occupied building in relation to energy consumption and carbon emissions, based on the commitments in the Sustainable Design and Construction Statement (Policy S2; Policy S4).
- 7.27 As per the Local Plan, monitoring is expected to be carried out by the developer or building operator, primarily in relation to the GPP, however, in cases where an acceptable GPP cannot be agreed, Policy S2 Part D makes provision for the payment of a fee to enable the Council to undertake additional monitoring responsibilities. The level of the fee will depend on the type and amount of monitoring required and will therefore need to be agreed on a case-by-case basis. Where it is established that a fee is required payment will be secured through a legal agreement. More information will be provided in the forthcoming Climate Action SPD.

Removal of eligibility for residents' parking permits (standard obligation on additional residential units)

- 7.28 Islington seeks to encourage sustainable transport choices through new development, to minimise Islington's contribution to climate change and ensure that the borough develops in a way that respects environmental limits and improves quality of life. Therefore, all additional homes are required to be car free in line with Policy T3 of the Local Plan.
- 7.29 Residents of car free developments will only be eligible to apply for a resident's parking permit if either:
- The resident is or becomes entitled to be a holder of a disabled persons badge pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970; or
 - planning permission for the development was granted on or after 27 June 2013 and the resident is an existing holder of a resident's parking permit issued by the council and has held the permit for a continuous period of at least 12 months immediately before moving to their current residence.
- 7.30 Owners must notify prospective purchasers and tenants of the car-free status of a property prior to entering into a contract to sell or rent the property. The car-free status of new residential units will be formalised as part of a legal agreement or via planning conditions.

Travel plans

- 7.31 To ensure that opportunities for the use of sustainable transport modes are protected and exploited, the NPPF states that all developments that will generate significant amounts of movement should be required to provide a Travel Plan. London Plan Policy T4 (Assessing and Mitigating Transport Impacts): part B relating to Travel Plans now applies.
- 7.32 Where Travel Plan measures are not considered adequate, the Council may require additional contributions where necessary to help to offset the impacts of the development. Details of the thresholds for Transport Assessments and Travel Plans are outlined in Appendix 3 of the Local Plan.
- 7.33 A Draft Framework Travel Plan for the whole development should be submitted at application stage if:
- The end-occupier of the development is unknown at the time of submission; or if
 - A development is phased.
- 7.34 A Draft Full Travel Plan must then be submitted to the Council for approval:
- Prior to occupation of the site.
- 7.35 A Full Travel Plan must then be submitted to the Council for approval:
- Within six months after first occupation of the site, including a full travel survey; or
 - Within six months of occupation of each phase of the development (for phased developments).
- 7.36 In all cases, a Travel Plan update should be submitted to the Council (including a travel survey) three years after occupation of the development (or relevant phase) for the Council's approval.

8. Other Obligations

- 8.1 Other than the more commonly applied environmental obligations shown above, depending on the nature of the individual scheme and site, contributions or provisions may also be required in relation to the conservation of buildings or places of historic or architectural interest.
- 8.2 An inherent part of Islington's distinct character is its wealth of many important heritage assets which date from various periods. Islington's heritage assets make a substantial positive contribution to the borough's local character and distinctiveness and are an irreplaceable resource which justifies their conservation and enhancement in a manner appropriate to their significance.
- 8.3 These heritage assets include listed buildings, conservation areas, registered parks and gardens, scheduled monuments, and archaeological priority areas. The layout and patterns of streets, vistas, streetscapes, and open spaces are also of importance. It is vital that the borough retains its distinct character and the assets which form part of it, regardless of whether they are designated or not.
- 8.4 Planning obligations may be used to ensure that new developments:
- Make appropriate provisions for the protection, conservation, repair, restoration, maintenance or relocation of heritage assets and if necessary, their setting; or
 - Where the archaeological asset or memorial cannot be preserved or managed on-site, make provision for the investigation, understanding, recording, dissemination and archiving of that asset.
- 8.5 Measures relating to climate change adaptation and biodiversity are dealt with mostly through the main planning application, through planning conditions or, if an obligation is necessary, through public realm or open space works.
- 8.6 The approach in the borough will be to deliver Biodiversity Net Gain (BNG) onsite in line with the Biodiversity Gain Hierarchy. However, where this is not possible, options for offsite gains will be explored. Where offsite gains are required, they will be secured through a planning obligation. Further information will be set out in the forthcoming Climate Action SPD.

Council costs

- 8.7 Negotiating, agreeing, implementing, monitoring, enforcing, and allocating planning obligations are additional costs to the Council. The officer and legal costs of negotiating, monitoring, and implementing obligations will be recouped through planning obligations.

9. Negotiating Planning Obligations

- 9.1 The negotiation of S106 agreements is primarily the responsibility of the Development Management case officer, supported by relevant officers across the Council. There may also be need for potential involvement from other bodies in the process, such as Transport for London, who may be signatories to the S106 agreement and/or be responsible for infrastructure or services included in such an agreement.

Pre-application stage

- 9.2 It is essential that the need for a S106 agreement is considered at pre-application stage.
- 9.3 At this stage, full consideration should be given to the impacts of the proposed development and its acceptability in accordance with relevant planning policy and standards. This includes assessing the need to enter into a S106 agreement with the Council, and considering which planning obligations may be necessary to make a development acceptable, to bring it into line with the objectives of sustainable development and to ensure compliance with relevant Council policies and strategies.
- 9.4 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.
- 9.5 The Council aims to agree draft Heads of Terms (which will form the basis of the agreement) at pre-application stage. This should ensure that there is sufficient time for drafting and completing the agreement prior to determination of the application where applicable.
- 9.6 During S106 negotiations, if an agreement cannot be reached, the applicant may be invited to provide alternative proposals and a related justification.

Application stage

- 9.7 A statement of the proposed Heads of Terms which will form the basis of a Section 106 agreement to be entered into should be submitted as part of any planning application for a major development which is likely to require planning obligations. For minor developments involving at least one residential unit, unilateral undertakings are required in relation to carbon offsetting, removal of eligibility to car parking permits and small sites affordable housing contributions.
- 9.8 To enable the Council to determine the application, the statement should:
- indicate what planning obligations will apply to the development;
 - clarify any advice provided at pre-application stage; and
 - provide details of the applicant's solicitors and land title.
- 9.9 All parties with an interest in the land should enter into the agreement. It is vital that these parties are identified and informed early in the application process to avoid delays in the completion of the agreement.
- 9.10 Advice given by the Council before an application is submitted or in the initial stages of the application may be subject to alteration during the application process, as a result of further issues that arise during the application and consultation process. Officers will instruct the Council's legal department to commence drafting the agreement at the earliest possible stage, so that this is ready for completion within statutory deadlines as soon as Heads of Terms are agreed.
- 9.11 If necessary, if planning obligations are not agreed to, officers will prepare a recommendation to refuse permission. If agreement is reached and the development is acceptable in all other matters, officers will prepare a recommendation to grant planning permission subject to the completion of a satisfactory S106 agreement.
- 9.12 Heads of Terms will be included in a planning report and will form part of the basis from which a decision is made. The delegation of authority from the Executive relating to planning applications requires that all recommendations to grant planning permission for major developments have to be determined by the Planning Committee. Any planning applications for minor developments with a S106 agreement should be determined by the Planning Sub Committee, unless:
- The Heads of Terms relate only to securing affordable housing and/or affordable workspace and/or carbon offsetting in line with planning policy and/or securing highway works in relation to the application site; or
 - The terms of the agreement are not materially different from any previous agreement approved by the sub-committee in relation to the same site.

- 9.13 Following a committee decision, should the applicant not be willing to complete the agreement under the terms presented and within a reasonable timescale, the application will be refused.

Development Viability

- 9.14 Applicants are required to submit a viability appraisal for major residential applications or for any other application where viability is relied upon as a factor in determining the application.
- 9.15 Viability assessments should be undertaken in line with guidance published in the Council's Development Viability SPD. Key requirements of the Council centre around verification of information, deliverability, and transparency; methodology and procedure; evidence, inputs, and assumptions; viability review mechanisms; and Council monitoring and reviews.
- 9.16 In cases where applicants submit that financial viability issues do not allow for the full range of planning obligations to be met, they are required to provide a financial appraisal and pay for a review of the appraisal by a suitably qualified expert appointed by the Council. Only where financial viability is a demonstrable issue and where developments have overriding planning benefits should consideration be given to a grant of planning permission. Further information is set out in the Development Viability SPD¹⁰.

Payment of contributions

- 9.17 Payment of financial contributions should normally be on or before implementation of the development. This will enable mitigation and improvement works to commence during construction of the development and, where feasible, be co-ordinated with the completion of development.
- 9.18 For phased developments, the staging of payments may be acceptable. The developer must inform the Council when the relevant stage triggers have been reached. The Council will normally only receive contributions if construction of the development has commenced. Larger projects funded through S106 contributions may take longer to deliver given the time that may be required to put sufficient additional funding in place, to work up details of projects, undertake consultation, obtain relevant consents and address any other issues that arise.
- 9.19 All financial contributions should be index-linked from the date of committee to the date of actual payment, to ensure that the value of the obligation does not reduce over time due to inflation.

¹⁰ Available via the Islington Council website at: <https://www.islington.gov.uk/planning/planning-policy/supplementary-planning-documents/development-viability-discussion-paper-and-questionnaire>

9.20 Should a payment not be made on the date due, interest will be charged in order to act as a disincentive to late payment.

Enforcement and monitoring

9.21 Planning obligations are enforceable by the Council as local planning authority under the Town and Country Planning Act 1990:

- In the courts by application for an injunction or recovering contributions payable; and
- By carrying out any operations required by the Planning Obligation and recovering the cost from the person(s) against whom the obligation is enforceable.

9.22 It is the responsibility of the S106 monitoring officer to:

- Monitor the implementation of developments;
- Monitor developer's compliance with planning obligations;
- Report on the status of S106 agreements; and
- Commission S106-funded schemes.

9.23 A solicitor's undertaking will be required to pay the Council's reasonable legal fees based on the time taken in preparing the S106 agreement. The costs of monitoring and implementing the agreement will be included within the contributions sought.

Allocation and expenditure

- 9.24 The management of S106 funded projects will largely be the responsibility of other Council departments or, in certain circumstances, external organisations. Planning officers will work with project managers to ensure that schemes are delivered in strict compliance with the terms of the S106 agreement.
- 9.25 Most obligations will need to be met on or before ‘implementation’ of the development. Implementation is the date on which any material operation¹¹ forming part of the development begins. Developers should notify the Council of their intention to implement the planning consent and at any other times specified in the agreement. Contributions will normally be paid at this time. This is to ensure that capacity improvement works are carried out during the construction of the development, to minimise upheaval to residents and create sufficient capacity on local infrastructure in advance of occupation.
- 9.26 Contributions will be used for projects which address the issues referred to in this document and other needs which may arise by mitigating the impacts of the development. The works undertaken will be informed by a range of existing and forthcoming documents which include details of borough requirements which will be affected by new development. The use of contributions will be informed by consultation undertaken on the planning application, associated planning obligations, and relevant planning documents.
- 9.27 Where appropriate, on receipt of contributions the Council undertakes a process of evaluation of different project proposals based on a range of criteria, including government guidance, the terms of the S106 agreement, relevant strategies, and priorities. This is undertaken in consultation with Ward Councillors where appropriate and allocations are approved by the Service Director for Community Wealth Building or the Council’s Executive.
- 9.28 “Community Plans” are used to help prioritise projects for funding. Projects can be viewed, and new projects submitted through the Ward Partnership¹².
- 9.29 The annual Infrastructure Funding Statement (IFS), as required by the Community Infrastructure Levy (Amendment) (England) Regulations 2019 provides details of funding secured, received, allocated, and spent in Islington for each financial year since 2019/2020¹³. The purpose of IFS is to provide easily accessible and up-to-date information about developer contributions in Islington. The document provides details of

¹¹ As defined by Section 56(4) of the Town and Country Planning Act 1990

¹² The Community Plan for each ward can be found on the relevant Community Plan page on the Islington Council website at: <https://www.islington.gov.uk/about-the-council/have-your-say/community-plans>

¹³ The latest Infrastructure Funding Statement is available on the Islington Council website at: <https://www.islington.gov.uk/planning/policy/planning-obligations-and-community-infrastructure/spending-developer-contributions>

the projects and infrastructure that have been improved from these funding sources throughout the previous year.

Appendix A: Occupancy and employment densities

Planning obligations are generally worked out on the basis of the specification of the development proposal i.e. the number of residential units of a specific size, the number of hotel/ student housing/ hostel bedrooms and/ or the floorspace of commercial/ employment uses.

The occupancy of employment spaces can be calculated by dividing the amount of employment floorspace (in square metres) by the employment densities (square metres per employee) as detailed in the 2015 Homes and Community Agency (HCA) Employment Density Guide. Applicants should provide the Council with net internal area (NIA) measurements to facilitate this calculation, as well as GIA and GEA measurements. If these measurements are not provided the Council will use the measurements listed in the planning application form and convert them, based on the guidelines set out for this in the HCA Employment Density Guide 2015:

- GEA to GIA: Reduction of 5%
- GIA to NIA: Reduction of 15-20%

With the move to more flexible working practices such as smart working, there has been an increasing reduction in the area of employment floorspace per employee in recent years. Uplift of employees, to determine an increase or decrease in the intensity of a site's use, can be demonstrated by the applicant through evidence of existing and proposed numbers of employees on site. This trend has been exacerbated by new working arrangements adopted during the COVID-19 pandemic, with many workplaces expecting staff to work remotely one or more days per week.

For schemes where either current or proposed occupancy levels are not specified or not certain in exact terms at the time of calculating Heads of Terms, the Council may use HCA employment density guides (from 2001, 2010 or 2015 depending on the nature, age and use of the building) to estimate current or recent occupancy of a development. The guidance has been formally withdrawn and in its absence the Council may use figures from the London Employment Sites Database (2021 or any future updates) or any future adequate guidance on employment densities to project estimated levels of future occupancy for a proposed new development. The figures quoted below from the LESD 2021 refer to Inner London Boroughs. These figures are provided as a guide and may be reviewed in relation to specific sites and when further information becomes available. Employment densities for any use classes not present in the table below will be determined according to available evidence at the time of assessment.

The quoted guidance lists development types by their use class prior to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Efforts have been made to reflect each category's current equivalent following the 2020 update.

Table A1: Default employment density assumptions by use class¹⁴

2020 Use Class	Pre 2020 Use Class	Use Class description	sq. m GIA per worker
E(a)	A1	Display/Sale of goods other than hot food	17.5
E(c)	A2	Financial and professional services	16
E(b)	A3	Sale of food and drink for consumption mostly on the premises	17.5
Other/Sui Generis	A4	Drinking establishments	17.5
Other/Sui Generis	A5	Hot food takeaways	17.5
E(g)(i)	B1a	Offices	11.3
E(g)(ii)	B1b	Research and development	36
E(g)(iii)	B1c	Industrial processes	36
B2	B2	General industrial	36
B8	B8	Storage or distribution	50
C1	C1 (beds)	Hotels	4
C2	C2	Residential institutions	45
F1	D1	Non-residential institutions	45
Other/Sui Generis	D2	Assembly and leisure	60
Other/Sui Generis	SG		60

¹⁴ Adapted from London Employment Sites Database 2021

Appendix B: Development example

The tables below provide a worked example of the main S106 planning obligations sought for a hypothetical development proposal which can be defined in numerical terms (e.g. contributions £, number of placements or parking bays required etc). The tables identify the predicted occupancy of the development and the standard obligations and contributions likely to be due for each relevant type of obligation mentioned in this document.

For some obligations such as employment and training and accessible parking, the Council may seek that provision is made on site. In this instance, both the provision and the financial contribution is shown.

The example scheme illustrated below is for a mix of uses including residential units (50% market and 50% affordable housing, with the affordable housing being split into 70% social and 30% intermediate housing) and E(a) commercial space outside of the Central Activities Zone (CAZ):

- 20 x 1 bedroom flats (10 market units, 7 social units, 3 intermediate units)
- 40 x 2 bedroom flats (20 market units, 14 social units, 6 intermediate units)
- 20 x 3 bedroom flats (10 market units, 7 social units, 3 intermediate units)
- 350 square metres of E(a) floorspace

Employment occupancy details are worked out as follows:

Employment occupancy	Floorspace area (sqm)		Density (sqm per employee)		Number of employees
E(a) - Shops	350	/	17.5	=	20

Standard obligations and contributions and contributions are subsequently worked out, based on the above occupancy calculations.

Employment and training placements (construction)					
	Units / area sqm		No of units / floorspace per placement		Number of placements required
Residential Units	80	/	10	=	8
Employment Floorspace	350	/	1,000	=	0.35
			Total	=	8.35 ≈ 8
OR					
Employment and training contribution (construction)					
	Number of placements		Cost of providing construction training and support per placement		Contribution to be paid (£)
	8	x	10,000	=	80,000

Employment and training (standard contribution)							
	Occupancy of the development		Islington residents requiring training and support (4.4%)		Cost of training/ support per person (£)		Contribution to be paid (£)
Employees	20	x	0.044	x	10,000	=	8,800

Code of Construction Practice monitoring fee							
	Units / area sqm		No of units / floorspace per £350 contribution		Cost of monitoring		Contribution to be paid (£)
Residential Units	80	/	1	x	350	=	28,000
Employment Floorspace	350	/	100	x	350	=	1,225
			Total			=	29,225

Accessible parking provision					
	units / area sq. m.		No of residential units / employees per parking bay		Number of disabled parking bays required
Residential Units	80	/	10	=	8
Employees	23.3	/	33	=	0.71
			Total	=	8.71 ≈ 9
OR					
Accessible parking contribution					
Net number of disabled parking bays required			Contribution per parking bay (£)		Contribution to be paid (£)
9		x	5,000	=	45,000
			Total	=	45,000

Carbon offsetting					
			Carbon offsetting contribution (£)		Contribution to be paid (£)
	Tons of residual carbon to be offset (specified in the submitted Energy Statement)	x	established price per tonne of CO2 for Islington (currently £95 x 30 years)	=	TBC by the Council's Energy Conservation Officer
			Total	=	TBC

The results of these calculations provide a starting point for negotiations, together with other standard obligations which are not worked out on a numerical basis (e.g. a requirement for the development to be car free etc). Final obligations can be refined based on the specific characteristics and impacts of the development, having regard to relevant evidence and legislation and in consultation with key officers in relevant departments (e.g. learning, skills and employment, highways etc).

Appendix C: Standard Heads of Terms

The following standard Heads of Terms are provided to give an indication of the terms that will usually form the basis of S106 agreements for typical new major or minor developments, based on a 10-unit threshold for residential and a 1,000sqm threshold for commercial or mixed-use sites.

Example Heads of Terms – All major development

The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.

Compliance with the Code of Employment and Training.

Facilitation of x work placement(s) during the construction phase of the development. Each placement must last a minimum of 26 weeks. Work placements must be delivered via the 'Trainee Bursary' route, in which Developers and their Principal Contractors will be required to pay an upfront financial contribution for the apprentices' wages for a 12-month period paid at the London Living Wage with on-costs (£25,000). LBI will request a fee of £10,000 per placement not provided.

Compliance with the Code of Local Procurement including the submission of a Statement of Commitment to Local Suppliers prior to implementation.

Compliance with the Code of Construction Practice, including a monitoring fee of £x and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.

The provision of x accessible parking bays or a contribution of £x towards bays or other accessible transport initiatives.

Developments providing wheelchair accessible private or shared ownership units will be required to market them as such for a minimum period of 6 months. Developers should include prominent information on the design standards met by all units and the specific qualities and capacity of the wheelchair accessible units in their marketing brochures and show rooms, on their websites and any billboards used to advertise the development.

A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the nationally recognised non-traded price of £95/tonne for a period of 30 years for all remaining regulated emissions.

Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.

Submission of a Green Performance Plan.

Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase.

Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

Additional Heads of Terms for all major residential / mixed use applications which do not meet the strategic affordable housing target and for all major applications where policy requirements are not met in full at the time permission is granted.

Viability review in line with the Islington Development Viability SPD (2016). Submission of residential sales values and build cost information at an advanced stage of the development process on sale of 75% of private residential units or 3 months prior to practical completion. Reasonable fees of assessing the information to be paid for by the applicant. In the event of an improvement in viability, a financial contribution towards the provision of affordable housing to be paid to the Council, to be determined in accordance with the SPD and capped at the equivalent of the Council's affordable housing target and/ or a contribution for other planning obligations that were deemed to be unviable at application stage, capped at the policy requirement.

For phased developments a further viability review will be required prior to implementation and for large, phased developments a third review will be required at a mid-term stage in line with the Development Viability SPD.

Additional Heads of Terms for residential developments:

Removal of eligibility for residents' parking permits (additional units only)

Major residential developments only:

On-site provision of affordable housing

Developments providing wheelchair accessible private or shared ownership units will be required to market them as such for a minimum period of 6 months. Developers should include prominent information on the design standards met by all units and the specific qualities and capacity of the wheelchair accessible units in their marketing brochures and show rooms, on their websites and any billboards used to advertise the development.

Minor residential developments only:

A financial contribution of £x towards affordable housing provision elsewhere in the borough.

A contribution towards offsetting any projected residual carbon emissions of the development, to be charged at £1,500 per house or £1,000 per flat.

Compliance with the Code of Construction Practice, including a monitoring fee of £350 per dwelling.

Additional Heads of Terms for commercial developments:

Payment of £x towards employment and training for local residents.

Affordable workspace in line with requirements of Local Plan Policy B4.

Payment of £x towards monitoring and compliance of local procurement.

Appendix D: Further Information

Further information on S106 agreements, contributions and associated projects can be requested from the Council through the contact details below or found on the Council's website.

S106 agreements

Copies of completed Section 106 agreements can be found through the Council's 'Planning Online' Service¹⁵. The S106 agreement can be found under 'Document and Plans'. Alternatively, they can be requested in writing.

Further information about planning and development in Islington

Up to date information on Islington planning including policy and guidance and details of the planning application process can be found in the "Planning" section of the Islington Council website¹⁶.

Contact details – Developer Contributions team

If you have any queries relating to this document, please contact the Developer Contributions Team at:

Developer Contributions Team
Community Wealth Building
Islington Council
2nd Floor, Town Hall,
Upper Street, London, N1 2UD

Website: www.islington.gov.uk/S106

Email: S106@islington.gov.uk

If you would like this document in large print or Braille, audiotape or in another language, please contact 020 7527 4039.

¹⁵ Accessible via the Islington Council website at: <https://www.islington.gov.uk/planning/applications/comment>

¹⁶ Available at: <https://www.islington.gov.uk/planning>